

**WHITMAN COUNTY
PLANNING COMMISSION MEETING
November 2, 2022
Auditorium Public Service Building
Available by Zoom
7:00 p.m.**

MEMBERS:

Chad Whetzel, Chairman
Mark Tolman
Rusty Jamison

Brian Davies, Vice-Chairman
Weston Kane
David Tysz

Staff: Alan Thomson, WC Planning Director; Grace Di Biase, WC Assistant Planner; Mark Storey, WC Director; Brandon Johnson, WC Public Works; Elinor Huber, Clerk.

Others: Shelly Chambers Fox; Susan Daniels.

7:16 p.m. - Chad Whetzel called the meeting to order. Introductions were held.

MOTION by Dave Gibney and seconded by Rusty Jamison to approve the minutes from October 19, 2022. Motion passed.

Reports:

Alan Thomson:

- a. Board of Adjustment forthcoming hearings – We talked about this last time. The side setback variance for Sam Young, Stoneway Electric and a conditional use permit for a GRYM K9 behavioral training center. Those two hearings are set for November 10, 2022.
- b. Forthcoming administrative use permits – None.
- c. Update on previous conditional use permits and variances - None.
- d. Update on previous administrative use permits – None.
- e. Board of County Commissioners’ action – We are dealing with zoning code updates, so the formal transmittal for the zoning code amendments will be held on November 7, 2022, at 10:30 a.m. The BOCC will make a decision to place a date for the hearing for November 21, 2022. They will have the hearing and make a decision at that time, or change some things.
- f. Update on previous Board of County Commissioners’ action – None.
- g. Forthcoming Shoreline of the State Substantial Development Permits – None.

h. Update on previous Shoreline of the State Substantial Development permits – None.

i. Planning Commission forthcoming hearings – None.

Chad Whetzel – We will move on to unfinished business with our Shoreline Master Program draft presentation by consultant SCJ Alliance.

7:18 p.m. - Meeting adjourned.

**WHITMAN COUNTY
PLANNING COMMISSION WORKSHOP
November 2, 2022
Auditorium Public Service Building
Available by Zoom
7:00 p.m.**

MEMBERS:

Chad Whetzel, Chairman
Mark Tolman
Rusty Jamison

Brian Davies, Vice-Chairman
Weston Kane
David Tysz

Staff: Alan Thomson, WC Planning Director; Grace Di Biase, WC Assistant Planner; Mark Storey, WC Director; Brandon Johnson, WC Public Works; Elinor Huber, Clerk.

Others: Shelly Chambers Fox; Susan Daniels.

7:20 p.m. – Rachel Granrath – Okay, so it has been a little while since we have connected on this project but we are going to walk you through what we have been doing for the Shoreline Master Program periodic update.

We also have a Periodic Review Checklist which Alan can email to the members who are on the virtual call. This is 160 pages of your draft update. We will walk through this and you will have another bite at this big document. We will have to get Ecology's input so we will see both the red lines of the required from the State as well as when Ecology does a deeper dive and gives us more input as well. We estimate that you will have that with Ecology's input for a draft hearing in January.

So, I will walk you through this presentation. That first page is me and my contact information and you can reach out. My cell is there if you want to chat about something and then you can also email me if you have any questions or thoughts as we talk about shoreline in Whitman County.

Shoreline Management Act (SMA) – RCW 90.58

I will do a quick overview because I know we have kind of an in and out of this project. So, the Shoreline Management Act is required at the State level. Really what this RCW does, is it is meant to coordinate development along shorelines as designated by the State. You have a few of those in WC but the purpose there is to talk about the environmental protection, as well as allowing public access to these state resources.

Then categorizing things like water-dependent and preferred uses in WC with things like agriculture and making sure we have port access and those types of things. We will walk through this and please feel free to ask questions as we go.

What is a periodic update review?

A lot of this is mandated by the State, but what we are doing right now is a periodic update. That is required every eight years at the State level and there is that checklist that we showed you. We review those and look where we are compliant and where we need to make changes. Those are anything from

definitions to thresholds to processes. Again, that intent is for public enjoyment, protecting and also making sure we have uses that are consistent with the shoreline.

Use Ecology Checklist & Guidance to address to RCW and WAC.

This slide shows you a little snippet of what that Ecology Checklist looks like. We have it spelled out in front of you on what we expect to see. There is not a ton of changes. The intent here what this update really is, is to make sure we are compliant with the State, so that you are eligible for grant funding and in compliance with all these different codes, whether it is your local development regulations over the things like your Critical Areas Ordinances, all of the state WAC's and RCW's.

Whitman County SMP is reviewed to check for changes to

You have just updated your Comprehensive Plan so making sure if any policies have changed there that were consistent with that, and then any local circumstances and new circumstances, which is why we are coming to the County to talk about this, as well as the local jurisdictions that are affected by shorelines in Whitman County.

Vision and Goals - Vision

All the plans have visions and goals that I also highlighted in the beginning. Really the intent behind the update here is to make sure that you are consistent with the Act. We are looking to make sure that it is balancing your economic development in private property rights with preserving the shorelines as well as being consistent with the State and Federal regulations. So, this really is a compliance-type audit. We are not substantially changing anything in this plan.

Goal

I already talked about this, balancing the agriculture and water-related uses. I'm just highlighting this again as a goal.

We need your feedback:

These are some of the chapters that you have in this lengthy document. It talks about your use and your economic development, public access, recreation, conservation of the shorelines. How we access it and circulation and making sure it is consistent with things like state and archaeological, historical, and cultural resources. And then with any shoreline there is always flood hazards so they work in tandem there. Those are highlighting some of the chapters here. Again, we are not substantially changing the content.

Periodic Review Checklist: What's changed?

We do have twelve changes. These checklists are fairly large and the State has these all encompassing for coastal communities, as well as communities like WC that are not located on the oceanic front. So, not all of this is going to be applicable. There are twelve changes that we have highlighted that are listed here and again, in that checklist but I will kind of briefly go over what those are and just fill you in. Not all of them are huge.

19.53.105 – Applicability

The first change really is talking about an exemption. And so, this exemption talks about federal jurisdiction. So, it is essentially saying that the feds are exempt from the shoreline act. So that if we have a project at the federal level, they don't have to go through the same permit hoops that others do. So that is an exemption that the State came up with to streamline the permit procedures for the federal government.

Dave Gibney – (inaudible)

Rachel Granrath – If it is owned by a federal entity, then they would have a streamlined permit. Not that they don't have to struggle with it, the permit procedures. They are trying to streamline it from their perspective. So, that they don't have to struggle with the permit procedures. Yes.

Dave Gibney – (inaudible)

Alan Thomson – Non-exempt from the permitting process at the federal level?

Rachel Granrath – The shoreline, the process. The language here, "*Clarifying consistent permit procedure processes.*" So, basically, when you have a substantial development permit process, it goes through a lot of layers whether it is a state entity, county and state, it is streamlining that for federal entities.

Alan Thomson – (Inaudible)

Rachel Granrath – Your jurisdiction.

Alan Thomson – Would still have to go through a substantial development permit?

Rachel Granrath – Yes, and I believe the process is shorter for them. I can find that language in here really quick.

Alan Thomson – Is this new language they are throwing in?

Rachel Granrath – Yes, it is in the exemption. This is based on Ecology's recommended language. Things like improvements for medial action, environmental improvements, energy specific projects, forest practice, energy facilities, site evaluation processes. They have to submit proof of that.

Brian Davies – I am guessing this would be specifically for someone to streamline a process for somebody like Bonneville Power or someone that is the Department of Bureau of Reclamation, or someone who owns a dam or facilities around the dam. The Corps of Engineers might, I'm guessing might have to go through something like that if they were going to be putting in a campground or a boat launch or various applicability of who it would apply to. But federal it would have to be someone connected to the federal government. Correct?

Rachel Granrath – Correct. Okay.

Definitions

We added a bunch of language here. This is boiler plate language from Ecology. We updated our definition on development. This was what Ecology recommended. They also talked about non-

conforming uses to clarify those changes with different provisions there and clarifying what those structures in development were.

Another one for non-conforming structure and development separating those two definitions from non-conforming use to non-conforming structure. Then Substantial Development. This is a cost special update. Obviously as prices increase with things, so does the State's recommended threshold of determination. This means if you put in something that is below this cost then you are exempt from substantial development permits. So, this would be for example, like a dock, and that amount is \$8500 now, which has been updated from \$6400.

19.63.303 – Administration

Okay, this is another change where they added some local provisions for the Department of Transportation to have a 90-day target review to streamline any WSDOT projects along the shoreline. That is again identified as that process per Ecology's language. As you have some time to review, just let me know if you have any input from your administration. As we go through this, we followed the recommended language from Ecology, just to be consistent. I don't think it is anything out of the norm.

19.63.306 – Shoreline Permits and Exemptions

This is another one talking about Shoreline permits and exemption. There are specific exemption changes that have been added and this changes over time from litigation. For example, like the first one is for permit exemptions for fish passage projects. This was a tribal and so now the State has been mandated in order to include salmon salmonoid passage to the ocean. So, that is pretty much everywhere in the State. There are a lot of covert projects going on to remedy that. That is one that is exempt from our shoreline management permit process.

Cost threshold for freshwater docks. Again, that number that you saw exemptions for local review, I don't have that list off the top of my head but, we could take a look at what those specific exemptions are. Those are usually for things like acquired or necessary or utility based emergency type, that type of thing for streamlining so that you can get through the process quicker.

There is some clarification for forestry. We take a look at that federal jurisdiction, so they are exempt from the SMA and then there are some new languages that talk about exemption for ADA compliance. So, if you are putting in a ramp and the house is next to the shoreline, there are some exemptions to allow for that use for existing structures.

7.7 Non-Conforming Uses, Structures, Lots

We talked about this in the Definitions sections. There is also another section in the plan that talks about these non-conforming uses and development. So, that has been updated for compliance for Ecology's language in that chapter as well. Again, separating what those uses are and the non-conforming uses is something that we talk about with zoning and land uses and then structures are regulated separately.

Public Participation - Process

Okay, just moving into what we have done so far. We did an Agency & Stakeholder outreach back in June. That was virtual and we have been going to all of our local jurisdictions here. Actually, Tekoa

didn't tell me they canceled their meeting last night so we drove out there and they didn't have it. So, we will go back out on Monday, but their website was not consistent. Anyway, that's fine. So, we have gone to most of the communities.

But it has been a really good outreach. We heard things like updating some maps and so we are in the process with doing that with our GIS analysis. Really, that is not changing your designations but it is getting that aerial data personal data into (inaudible) to actually started this process.

We are also working on a processing procedure chart. It is very complicated where this goes to and when the State uses this to get involved. So, we have a landowner working on (inaudible) to understand that flow and what to do, and then it helps Alan and his staff. That has been going well.

We are working on getting our draft to Ecology. We will likely do a formal review this November and get some input from the folks there and then we're talking to you tonight to get your input. Then ideally, the way this works from the State process is we file a joint notice and intent to adopt and hold public hearings. That is joint with the DOE who notices on their end and then we hold it on our side and then notices in the background and then you guys have a public hearing. That is what that looks like.

Our deadline for the grant is getting this all adopted no later than June. So, we are going to get this done in March and April and then Ecology has 60 days to go back and forth and finalize it on their side. Then they give you guys a great letter and then you don't have to worry about it for another eight years. That is where we are at in the public participation side.

Additional thoughts and considerations

Some of the other thoughts and considerations that we had, I know this is mandated but we always want to do planning work that adds value to you besides just checking a box. We are hoping that the map revisions might help to streamline permit process and flow chart with clear ideas of where that goes. Then really, we are here to get some thoughts from you guys if there is anything specific that you can see relating to the shoreline that would help WC.

Public Participation Goals – How to get involved

Then how to get involved. You have this all posted on your website so we will continue to post that. You have my content information, so feel free to contact me or reach out to Alan. You will have a couple opportunities to review and comment on proposed changes. Send an email or letter or give feedback tonight. That's all I have. I'm here to answer any questions.

Mark Storey – In the middle there is a slide that says, *"We need your feedback."* On *"Shoreline use, economic development, public access, recreation, conservation, transportation, circulation, restoration, archaeological, historical and cultural resources, and flood hazard mitigation."* Have you gotten any feedback on any of these to change what was in the original document? Are you seeking more from us now? I don't know that we have any. I'm just asking if you have gotten any feedback on any of these?

Rachel Granrath – No, we have not. I think we have gotten some specific questions. I think folks were worried that we were substantially changing the shorelines and deviating it all from the plan, and that is not the case. Really, this was just already confirming what was existing. Has anything changed? I don't think so.

Mark Storey – I don't think it has, either.

Rachel Granrath – No, we were trying to summarize what the main points were here. There is a lot to get through and not everyone is going to be able to say, "On page 150, this subclause is bothering me." So, we are thinking big concepts so that when we are looking at this, is this something that look at?

Mark Storey – Another part here it says the first draft to Ecology in November 2022. We are in November. If we have more comments here locally, are they still easy to incorporate even after Ecology has received their informal draft?

Rachel Granrath -Yes.

Mark Storey – So, the door is not closed.

Rachel Granrath – No. I like to do an informal review with Ecology because they can sometimes say that there is a red flag or there is something big that we need to pay attention to before we get too far down the line.

Mark Storey – So, the public can still comment into January?

Rachel Granrath – Yes, for sure.

Alan Thomson – Have you reviewed the new Comprehensive Plan online?

Rachel Granrath – It's online?

Alan Thomson – Yes. You need to double check that.

Rachel Granrath – I do. How about your regulations? Are those drafts on line, too?

Alan Thomson – No, they are in the approval process with the BOCC. I can send you a copy. The BOCC has to either accept them or change them. They are not approved yet.

Rachel Granrath – Maybe you could send me the rough contents so I can figure out if your critical areas are overlapping that way.

Alan Thomson – Okay.

Dave Gibney – Has it really been eight years since we did this?

Alan Thomson – I think it has probably been after 2017 when we adopted the Shoreline Master Program.

Dave Gibney – I think actually we were a little late getting it done.

Alan Thomson – It was after 2017. That was an update as well. It was a more comprehensive update because the original Shoreline Master Program was not very good. It was supposed to be an update.

Mark Storey – If I understand, the State is having us do this to get back on schedule.

Rachel Granrath – Correct.

Chad Whetzel – Who is the permit process for the County for repairs on roads along the river?

Alan Thomson - If it is a state road, a state route, they are exempt.

Chad Whetzel – I was talking about a flood or something on a county road. What is our process?

Mark Storey – I can tell you what my process is. Regardless of what any permit says or permit process whether it is county or state, then we have to come back after the fact and possibly mitigate for new permit conditions after the fact. Under a state of emergency, we can go re-establish infrastructure. I'm not sure how the shorelines work. I'm sure it is something like that.

Alan Thomson - It's like that along the Palouse-Albion Road when it washed out. That was an exemption under the emergency exemptions. You have to get it fixed right there and then. So, you go in there and you fix it and then you come back later and do the permit.

Dave Gibney – If I remember right, WC outside the Snake River shoreline, it doesn't actually have a lot of Shorelines of the State.

Mark Storey – Actually there are quite a few.

Rachel Granrath – The Palouse River.

Alan Thomson – There are a few of them, Hangman Creek, Pine Creek is one of them. Rebel Flat. Union Flat is one.

Mark Storey – If we are doing a reconstruction, we need to get a shorelines permit, if applicable. It is only under emergency conditions and then we are not exempt from permit conditions. We are just exempt from the permit process.

Alan Thomson – For those of you on Zoom, everything that Rachel has, I will send you electronically and it is your homework for the next time. Check it all out and when we meet again, we can discuss that if you have any questions that come up. Or you can just ask me.

Rusty Jamison – I have a question for Rachel. Do you hand deliver all this stuff to Olympia or do they come and get it?

Rachel Granrath – No, I don't hand deliver to Olympia. We have a local representative in Spokane who is representing your shoreline update. Her name is Lauren Bromley and I have worked with her a couple times and she is really savvy and understands the needs on the eastern side. I think this will be a smoother experience than some of the previous updates.

Mark Storey – She is the person that came with you the first time.

Rachel Granrath – Yes.

Rusty Jamison – Does she get along with Ecology okay?

Rachel Granrath – Lauren is Ecology.

Rusty Jamison – Okay, that is what I was getting at. So, she is Ecology and she understands our needs on this Eastern side of this State. Does she, do you think there will be any problem with our stuff going through? Or is the West going to dominate the East again and they are going to make the changes they want regardless of what we report?

Rachel Granrath – They can always propose changes above and we can say, “No,” and that is why you have us here. I don’t think that will be the case. I do think she understands the area that we are in and the needs here. I don’t think we will see that.

Rusty Jamison – How many counties does she represent?

Rachel Granrath – That’s a good question. I know she does Spokane, I think some of the northern areas, I think it is just this area north and south of Spokane. All the counties in this region, both north and south which are on a similar cycle. I don’t know for Ecology’s side. I can find that out. I don’t know specifically for shorelines, but they have offices in Ecology everywhere. The two main offices I have dealt with for shorelines have been in Olympia and Spokane but they might have someone in the central zone.

Mark Storey – The last one was more major compared to the last re-write so if there is an issue it probably isn’t a major issue. It is probably a very minor issue for paraphrasing,

Rachel Granrath – Yes, and that is why I would want her to take a look at the consistency between codes.

Alan Thomson – The changes that you went over are they initiated by Ecology?

Rachel Granrath – Those are required for compliance, yes.

Alan Thomson – So, it is in front of (inaudible)?

Rachel Granrath – Those are like our non-negotiable.

Alan Thomson – (Inaudible)

Rachel Granrath – Whether they did or not, yes, so that is why I like to check and get answers in the meantime.

Mark Storey – Does that answer your question, Rusty?

Rusty Jamison – Yes, and I’m sorry I wasn’t able to be there in person. I would probably have a few more questions, but everything I’ve heard so far sounds really good. I think and I hope they will consider us when they are making decisions in Olympia in far Eastern Washington. That would sure be nice if they understood that our road department in these counties are (inaudible).

They need the flexibility to be able to manage our waterways a little bit better with just using the local judgement, rather than having to go through some of these reviews and not being able to make decisions right on the spot, with regards to cleaning out our waterways and some of the tributaries and these streams under the shoreline act. It makes it really difficult. Because instead of responding at a time when things can get done efficiently, and you can ask Mark, he has to respond to the emergency when roads are flooding and all washed out.

A lot of that is done because he just has his hands tied with regards to getting things done using local judgment when cleaning out some of these waterways and stuff along the roads. I realize that might not be totally what you are here to explain but I understand all this kind of comes together. If you could report this to Ecology and some way or another, tell them that we need the flexibility here in WC for our local people to make decisions about all of the red tape sometimes that is involved.

Mark Storey – One small comment, Rusty. The maintenance of roads is not subject to a shoreline or any other permit process. It is only when you do something to expand its use or changes its character in a way that might impact the environment. With that end, we reserve the right, I guess if you will, the privilege of maintaining what we already have. It is only when you expand or if you start, and it is the same with private as well as public property, when you expand or change the use of that you are subject to higher permit levels.

Alan Thomson – That is already written into the plan right now Rusty, regardless of what change has happened. Whenever a road, regardless of who maintains that road, if you are working within the footprint of the existing road, there is an exemption to the Shoreline Master Program. That already exists. It is only when you expand a footprint that perhaps you will have to go through a permitting process.

Rusty Jamison – I understand what you are saying, Alan and Mark, but I also know as a farmer the permitting process that I have to go through in order to legally dig a ditch along a road or out in my field, the process is a little bit more complicated than what you are saying.

I have a situation going on right now, working with the Conservation District, who is also working with Ecology and they just can't get answers from Ecology to get the permitting process going. That is why I am asking Rachel whether her boss, you know, I kind of want to find out where she sits with Ecology as an employee, whether working on the East side of the State where she has a little bit of clout or not, to kind of make things easier for us, so that things that are written in our plan aren't easy for us in WC to follow.

We can have this plan, but given Ecology the way they are, they can make it difficult for us to follow our plan or they can make it easy for us to follow our plan. I know that from working through the Department of Agriculture and the Conservation District. It is different than what we are doing here, but yet Ecology has a very tight grip on what we do with water in the State. I know that and anybody who tries to say that that's not true, I always disagree. So, when you are talking about water here and stuff, I realize that we have a plan but you know we heard at the beginning with all the exemptions that the federal government has, well, their laws are different than ours and they can make it difficult for us to follow.

Alan Thomson – Rusty, be careful that you are not mixing things up here. You are talking about ditching on your property, a drainage on your property. That is not a shoreline of the state. That is something entirely different. Ditching is taking care of with the planning office and then in coordination with Ecology, Fish and Wildlife, etc., so it sounded like you are mixing things up there.

Rusty Jamison – No, I am not, because Ecology has a very tight grip on that and they have to come out and through the Conservation District they have to inspect that, and after they can make an approval on that.

Alan Thomson – Again, Rusty, that is not a shoreline. We're talking apples and oranges.

Rusty Jamison – No, it's not.

Alan Thomson – Ecology is involved in both but you are mixing things up.

Rusty Jamison – I understand it is not a shoreline. I understand that but it might be like a green-orange and orange- orange. I know I got one. I got a project going and it has been two years and I don't have any answers from Ecology yet. They won't talk to me. I want the Conservation District to get answers from Ecology. I'm following the law and I understand that the law.

Anyway, I'm done. I just wanted to find out when this goes to Olympia, I hope that your boss will give us a good word for the things that we want on our Shoreline Management Plan here in WC. That's all I'm saying.

Rachel Granrath – I'll put it up the chain.

Rusty Jamison – Okay.

Mark Storey – Okay, can we move on? Any other thoughts or questions?

Dave Gibney – Do we have (inaudible)

Rachel Granrath - It is in a giant document that Ecology has. We will get comments from Ecology and I'm sure Alan will weigh in on some of it too. You'll see some other input, the first review.

Alan Thomson – Our next meeting will be December 7, 2022. There will be a decision by the BOCC maybe before that time. Maybe not. I really don't have anything that I can think of right now for that meeting. I will check that and see if we have anything to decide. I don't think Rachel will have anything to report by then.

Chad Whetzel – (inaudible)

Alan Thomson – Right now, the ball is in Rachel's court. Keep in mind, too, that she is working with six other jurisdictions to do the same thing. We will be waiting for feedback from Ecology and then next time Rachel comes we will probably be close to having a finished document. It should be in January, right?

Rachel Granrath – I hope so, we are targeting for that.

Alan Thomson – We might be able to do it just by zoom, then, if we can get the technology figured out here.

MOTION by Brian Davies and seconded by Rusty Jamison to adjourn the meeting. Motion passed.

Adjourned - 8:02 p.m.