

MASON COUNTY PLANNING ADVISORY COMMISSION

February 24, 2014

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1. CALL TO ORDER

Vice Chair Ken VanBuskirk called the meeting to order at 6:04 pm.

2. ROLL CALL

Members present: Rob Drexler, Vicki Wilson, Kristy Buck, Tim Duffy and Ken VanBuskirk. Jim Sims and Bill Dewey excused.

Staff present: Barbara Adkins, Rebecca Hersha, Allan Borden and Grace Miller

Department of Ecology: Rick Mraz and Tim Gates

3. REGULAR BUSINESS

a) **Adoption of Agenda** – Agenda adopted. (No formal motion made)

b) **Approval of Minutes** – The minutes for February 10, 2014 were reviewed. Rob Drexler made the motion to approve as amended, Vicki Wilson seconded, and the motion passed unanimously.

The PAC discussed that they would like to review minutes for the November 18, 2013, December 16, 2013 and January 13, 2014 PAC meetings when they meet next.

4. PUBLIC MEETING

The PAC began with continuing their discussion about the Key Decisions to Make and the Staff Recommendations. Rebecca Hersha commented that even though a decision on length and depth were made, there was still a want for some people to have a deeper depth so docks can go out further and boats won't ground out. Vicki Wilson suggested hearing from people in attendance that submitted comments to the PAC. Ken VanBuskirk asked for public comment.

Robert St.Clair (Mason Lake)

He offered his concern about depth. For example, if the depth is 7 feet, and a person is on a place where 10 feet out is 7 feet deep, then what is he going to do with a 10-foot dock? He stated that lake usage is much different than saltwater usage. Rebecca explained that docks are not supposed to be used as decks, but to access the water for water-dependent use such as recreational boating.

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Vicki Wilson offered comment to Mr. St. Clair that the current depth and length standards for lakes are being increased to allow for flexibility.

Tim Zech

He commented that currently the 5 foot water depth in lakes has not been enforced and he agrees with Mr. St. Clair that on the west side of Mason Lake, you can go out 10 feet on certain shorelines, and you've got 7 feet of water. So he agrees that if the PAC recommends docks being 4 feet wide and 7 feet deep, one could end up with a 4-foot by 10-foot dock.

Mr. Zech suggests that since the 5-foot water depth is not being enforced, and the 7-foot water depth won't likely be enforced (or it may be at times, depending on the planner) that there be no water depth restriction on the lake. He stated that most people would like to get out to 10 feet of water, and there are a number of lakes that people only put 30 foot docks on because they get to 10 feet of water.

Additionally, Mr. Zech commented on the saltwater requirements and recommended them to be lengthened by PAC to 120 foot for single use and 135 foot for joint use. He believes that this still won't be long enough in most cases for the float to always be floating. He feels that 120 feet is hardly worth adding on saltwater for a single-family dock if you are trying to make the float not ground out. He suggests perhaps using a tide-elevation, except for having a max like 150 feet, which would take care of more of the property owners who want their float to always be floating.

He also commented that in regards to freshwater, the 4-foot width for piers is really not useable especially for two people walking by each other because piers do not have handrails on lakes. He referenced his letter received 2/18/14, for the PAC to look at.

Jim Reece (Mason Lake)

He commented on the length requirement. He used a friend's property as an example, stating that their depth at 18 feet out is about 15 feet deep. So, if there was a 7-foot requirement, they could not park their boat. He believes that having no water depth requirement would be better.

Additionally, he commented that if you are out at 7 feet, and you put a diving board facing out into boat traffic, he believes it is a health, safety and welfare issue. He would prefer to have docks out far enough so that the diving board can be facing toward shore and have people be able to dive into 10 or 12 feet of water. Or, have the ability to go out far enough so that the diving board can be off to the side of the dock and not out in the traffic.

He also feels the 4-foot width for piers is too small.

Tom Nevers (Mason Lake)

He asked if there are ADA Standards to meet with regard to the width requirements. Rebecca explained that not for private, residential docks. This concerns him, because his wife is handicapped, and he feels that a 4-foot wide dock would not meet her needs. He wondered if there would be exceptions allowed for this. Rebecca commented that she does recommend that 6-foot wide piers be allowed because WDFW and the RGP6 do allow for 6-foot wide piers, with incentives to keep it at 4 feet.

Additionally, Mr. Nevers commented that for public docks, the ADA does recommend a minimum of 5 feet and they prefer them wider than that, so why differentiate between public docks and private

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docks? Rebecca explained that if the public is allowed somewhere, it needs to serve several people at a time.

Ken VanBuskirk asked the PAC if they had any comments to public comments made.

Rob Drexler wanted to comment that at the last meeting he did not understand that it was a 7-foot maximum depth for a dock. His understanding was that one could run their dock out as far as they needed to go to get to 7 feet, and not be a 7-foot minimum. Kristy Buck believed she misunderstood this as well. Rob reiterated that he would not have agreed to a maximum depth of 7 feet, especially after listening to tonight's public comments.

Vicki Wilson clarified that, in the current SMP, the maximum lake depth requirement is 5 feet and marine shore depth is 3 feet, and asked Mr. Zech if these existing standards are problematic. Mr. Zech answered that no, because the 5-foot depth requirement is not being enforced, but rather ignored, as it should be he said.

Rick Mraz stated that what the PAC was trying to address was an upper limit and a variance trigger at some distance, and what is reasonable given the County's past history for water depth. He doesn't see any rationale for a water depth limit in freshwater.

Vicki Wilson made a motion to not have a depth limit on freshwater, Rob Drexler seconded, and the motion passed unanimously.

Rebecca then moved the PAC to discuss saltwater depth. She addressed Tim Zech to understand his concern that a 7-foot depth at a lower low tide would be adequate to him, but that the 120-foot length is what he feels poses a problem. Rob Drexler added his concerns with the 7-foot depth as well. To address these items, Rick Mraz offered some of the Shoreline Hearings Board's rationale along with testimony of why a dock might first affect a baby salmon, and second, why a longer dock might affect it more, because it pushes it further out away from the shore. The PAC agreed at this point to retain their prior decision to use Staff's recommended 7 foot depth and 120/135 foot length (single/joint use) on saltwater, with the allowance for longer in order to avoid habitat, but to a maximum of 150 feet, understanding that one can build a dock, but it is not going to float all of the time and can be used when the tide is in.

Discussion of the "Key Decisions to Make":

In reference to Part B. Incorporating State/Federal Requirements, the PAC agreed to remove the grating requirements from the draft SMP.

In reference to Part C. Format/Terminology, the PAC discussed the ambiguities with the formatting in this section with regard to Boating Facilities as the title of the chapter. Rebecca explained that currently, Boating Facilities has both docks and marinas, and an option is to separate marinas out and keep in the Use section. Then, the rest of the chapter, which is docks and boat launches could be moved to the "shoreline modifications" section. The PAC agreed with Rebecca's recommendation.

Vicki Wilson made a motion that the Boating Facilities chapter be divided up in the way that Staff has recommended in the "Key Decisions to Make" document, Rob Drexler seconded, and the motion passed unanimously.

Discussion of “Pre-Application Conference for Dock Applicants”:

Rebecca presented her document titled “PAC Discussion: Require Interagency Pre-Application Conference for Dock Applicants?” which provided Options for Requiring Conference. She recommended that instead of putting the draft wording about pre-app conferences in the Boating Facilities chapter, to put it in at the end of the SMP in the chapter called Permit Criteria and Exemptions.

Vicki Wilson offered that she likes Option 2, and suggested that at footnote 2 on page 3, she would leave only the first sentence. Additionally, she discussed and the PAC agreed with the idea of adding a phrase or preamble in the Boating Facility *policies* that acknowledges that not every place is going to be conducive to having a dock.

Ken VanBuskirk offered that he also likes Option 2, but he wonders which is easiest for the applicant. He suggested that rather than eliminating the language in footnote 2, keep the last sentence, but change to “In order to expedite development at the discretion of the review authority or by request of the applicant”. He believes that if the applicant wants to have a pre-application review with all of the different agencies, he or she should be able to ask for one, rather than at the discretion of the review authority. The PAC talked about this language and the need to reference that the pre-application process should allow the applicant and the county to have a say in who is invited to it.

Rebecca explained to the PAC that this idea might not be easy. Grace Miller offered that it is difficult to coordinate all the agencies and for staff to make the decision on what permits those agencies will require. She stated that the applicant could be introduced to the agencies and it suggested that they go and talk to them individually. Teresa Nation of WDFW pointed out that they do encourage applicants to come ask them questions prior to submitting applications. Allan Borden explained that it is possible to coordinate a meeting at the project site, and helpful to the agencies to understand concerns.

Kristy Buck made a motion to adopt Option 2, Options for Requiring Conference, and removing all but the first sentence of footnote 2. Rob Drexler seconded, and the motion passed unanimously.

Discussion of Staff Report for Boating Facilities:

The PAC went through the Definitions section and reviewed changes made with these additional comments:

Boating facilities (pg 4) – The PAC made a decision that Rebecca can revise the current Boating Facilities definition based on their earlier motion to break up the chapter into multiple chapters as recommended per part C of “Key Decisions to Make”, and if it poses to be a problem, Rebecca will bring it back to the PAC for review. And although the definition of Boating Facilities limits it to boating usage and does not include swimming and fishing, since the term Boating Uses will be eliminated, the definition will too, and therefore will not need revision.

Marina (pg 5) –Rebecca noted that the definition of Marina might need to be changed since it was decided to separate it from the Boating Facilities chapter. The PAC briefly referred to policies #13 through #19, stating that they apply to marinas only.

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Kristy Buck made a motion to have numbers 13 through 19 under the section Policies of the Boating Facilities Staff Report, grouped together and moved to the recommended separate marinas chapter; Rob Drexler seconded, and the motion passed unanimously.

Vicki Wilson asked those in attendance if there was anybody with strong feelings about whether the Boating Facilities should remain as laid out in the draft with docks, boat launches, buoys, and marinas grouped into one chapter (Boating Facilities), or separated out?

Jim Reece prefers separating out, but more importantly, making it user-friendly.

Vessel (pg 5) – Rebecca added this definition because the term is used in the draft SMP, and it was okay with the PAC.

Project Classification Table (pg 6) - Rebecca explained that in the Staff Report, she had originally recommended adding a requirement for a conditional use permit to make an incentive for permits for boat launches that exceed a certain size. She stated that this would be discussed later during the review of the draft regulations.

There was discussion regarding the labels “motorized and non-motorized and trailer launched and hand-launched”. The PAC preferred and agreed to leave the language to hand-launched and trailer launched.

Rebecca mentioned that Teri King had asked that docks and/or upland boat houses be allowed in the Natural SED, mainly so that nonprofit, environmental learning centers like the Frank Family Foundation on Cranberry Lake wouldn't be so limited in what they could construct. However Rebecca noted that Teri was under the impression that Cranberry Lake was designated “Natural”, when really it is designated “Conservancy” where the table allows for docks and boat houses. When informed of the correct designation, Teri responded that she still would like to see these uses/structures be allowed in Natural because there are some other non-profits that would be affected. However, Rebecca stated that there seems to be very little shoreline that is designated “Natural” on lakes and saltwater, so she's not sure there is really an issue, but she promised follow-up with Teri.

Rebecca also noted her reference to Davits in the table, and the Staff's request for this at pg 31 of Boating Facilities Staff Report. PAC and Staff discussed that davits can be on the bulkhead or they can be installed on a dock. If davits are addressed in the SMP we should clarify when we are referring to those on docks or those on the bulkhead. Rebecca offered that the word “upland” could be added in front of “Davits” in the table. For the time being, the PAC chose to leave it in the table and then put a definition for Davits in the Definitions section.

Harvey Scott (South Shore Hood Canal)

He noted that there are a lot of neighbors where he lives with boats, kayaks and canoes, and people take them right to the beach and use them. He wonders if they are required to have a permit for launching those devices? Rebecca responded along with the PAC, that since there is no development, or change in use, there is no need for a permit.

Jim Reece (Mason Lake)

He asked if boathouses would be grandfathered? Rebecca and the PAC explained that anything that exists would be grandfathered, except materials. Rick Mraz added that it is allowed to be repaired and maintained, and upland boathouses may be constructed as a conditional use.

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Policies (pg 8) – Per PAC’s request, Rebecca will add language along the lines that not every shoreline property will necessarily be able to have a dock.

Policies (pg 9) – Item #10 will be changed as follows:

New boating facilities should be allowed only for water-dependent uses or public access. A dock associated with a single-family residence is considered a water-dependent use. ~~provided that it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible.~~

Regulations (pg 10) – Item A.3, both kelp and marine algae will be re-termed as macroalgae, per Vicki’s recommendation.

Regulations (pg 11) – Item A.3(g), the language regarding grating should be changed so that it is better read that “*grating must not be covered ~~with~~ and kept free*”, per Teresa Nation. Therefore, Rebecca will not strikeout “*with*.”

Regulations (pg 11) – Item A.3(h). The PAC agreed to change the language as follows:

Materials used for components that may come in contact with water shall be made of non-toxic materials where feasible. Tires and tire by-products shall not be used for construction where they would contact the water (e.g., flotation, fenders, and hinges). Where chemically-treated materials are the only feasible option, materials shall use the least toxic alternative approved by applicable state and federal agencies for use in water. Treated wood elements shall incorporate design features (e.g., fenders, bumpers, metal bands) to minimize abrasion by vessels, pilings, floats or other objects. ~~Wood treated with creosote, chromated copper arsenate and pentachlorophenol is prohibited for use in boating facilities.~~

Kristy Buck made a motion to change the language in Regulations A.3(h) as outlined above, Rob Drexler seconded, and the motion carried unanimously.

Regulations (pg 12) – Item A.7. Rebecca discussed this section with the PAC and the possible issue with the wording “for residential use or private, recreational use.”

Tom Nevers (Mason Lake)

He commented that if the PAC decides to keep Regulation A.7, there is no other place in the SMP that makes reference to multiple usages with two residences using a dock. He recommends that if Regulation A.7 were kept, this would be something to consider.

Rob Drexler made a motion to delete Regulation A.7 but to keep the language repeating the current SMP’s regulation that allows only one dock per lot”. Kristy Buck seconded, and the motion passed unanimously.

Ken VanBuskirk asked for discussion regarding width. Rebecca explained that the main issue is the limiting of piers to 4 feet in our draft regulations on both lakes and saltwater. In regards to Tim Zech’s letter, she explained that he would like piers to be allowed to be wider on freshwater. When she looked at the state’s requirements, there is no limit to 4 feet for piers. Vicki Wilson added her concern that a 4 foot pier on saltwater might not be very safe. The general discussion was the

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concern with different requirements for each item – piers, ramps, and floats. Rebecca recommends that if we change widths, we should match the state since the state will need to authorize the development as well.

The PAC's discussion led them to agree that the current SMP's width requirements should be kept as they are, and if the state or federal agencies have changes, this can always be amended. Rebecca explained that this would require her to change the chart because it has been broken down into piers, ramps and floats.

Rebecca's recommendation would be for both freshwater and saltwater to change the requirement in the draft for piers from a maximum of 4 feet to 6 feet, but add a note that additional grating could be required by the other agencies.

The PAC agreed to table this discussion until the next meeting.

Regulations (pg 20) – Item B.12 Residential (b), which does not allow new single use (marine) docks within a mile of a public marina or public boat launch. Ken VanBuskirk asked the PAC to address this with regard to Mr. Zech's comment received on 2/18/14. It was thought that a good point was made that this language is not required.

Tom Nevers (Mason Lake)

He commented that at Regulations (pg 29) – section E. Boat Launches (New Reg E.2), the same language is used.

Teresa Nation (WDFW)

Commented that she recommends keeping the language used at both places.

Kristy Buck made a motion to delete Item B.12(b) at page 20 and Item E.2 at page 29. Rob Drexler seconded, and the motion carried unanimously.

5. NEW BUSINESS

None.

6. ADJOURNMENT

Meeting adjourned at 9:05 pm.