

Mason County Planning Advisory Commission

October 27, 2014

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1. Call To Order

Bill Dewey brought the meeting to order at 6:01 p.m.

2. Roll Call

Members present: Steve Vandenoever, Kristy Buck, Tim Duffy, Rob Drexler, Vicki Wilson, and Bill Dewey

County DCD Staff present: Rebecca Hersha and Grace Miller

Other Staff present: Rick Mraz and Tim Gates

3. Regular Business

a) Adoption of Agenda.

Rebecca asked to add an agenda item under '5. New Business' to address a comment letter received. All agreed to adopt the agenda as revised.

b) Confirm or reschedule meeting date in November.

The PAC agreed to meet on November 10, 2014 for the next SMP workshop, likely for a workshop on incentives. The PAC recommended that, in addition to the incentive experts and the County Assessor, Staff should also invite the Board of County Commissioners.

4. Shoreline Master Program Update Workshop

a) Minimum Lot Widths and Proposed Incentives for Performance Subdivisions. *See Staff Report dated 10/20/2014.*

Rebecca Hersha presented her Staff Report that began with addressing Shoreline Environmental Designations. When previous discussions were had, there were property owners not happy with the proposed designations such as Green Diamond, a property owner at Hanks Lake, Lake Nahwatzel, Forbes Lake, Mason Lake and other locations. When this proposal was presented in

2013, the Commission members went with changing the proposed designations to what the property owner was asking for. Since then, meetings were had with Green Diamond and both parties agreed upon a solution. In September of 2013, the draft proposed that all of the above areas were zoned as "Conservancy". The PAC had recommended a revision that changed the areas to "Residential". Now, the current proposal would return all areas, except Mason Lake, back to "Conservancy" while Mason Lake remains "Residential". Kristy asked what the compromise is that will be added to the Shoreline Master Program. Rebecca stated that a new residential regulation is written that states:

Performance subdivisions authorized under MCC 16.21 in Rural and Conservancy environment designations may include lot widths consistent with the underlying zoning, with a minimum of fifty feet.

Rick Mraz noted that in the current draft of the Shoreline Master Program, there are more restrictions regarding minimum lot width. The buffers for Rural and Conservancy within performance subdivision are much larger than residential zones. Minimum lot width in feet for Rural is 100' and Conservancy is at 200'.

Kristy asked about Mason Lake, which is proposed to stay as Residential. Rebecca said that the Department of Ecology was content with keeping that suggested zoning. Kristy made a motion to agree with the recommended changes. Vicki seconded with a motion for discussion. Bill asked Kristy if her motion would include the added regulation under MCC 16.21. Kristy said yes and the motion carried.

b) Permit Criteria & Exemptions (Regs 17.50.080).

Bill continued the meeting with 17.50.080 Permit Criteria and Exemptions. The PAC discussed the January 2013 draft SMP (there was no staff report). Rebecca noted that there are similarities with this section and title 15 from Mason County Code. She gave the Commission copies of MCC 15 and said they will be discussing this in its entirety at a later date.

Part A. Review Criteria for All Development was taken almost word for word from the WAC according to Rebecca, and part of the existing SMP.

Part B. Applicability to Substantial Development was discussed between Rebecca and the Board. She referred back to Title 15 for an edit. Vicki stated that it is confusing to keep jumping between the MCC and SMP. Bill and Kristy agree. Vicki suggested keeping Title 15 out of discussion until they can exclusively cover it. Rebecca said she will make notes for a later meeting of the similarities and/or changes. Vicki said that everything under B is what is listed in WAC 173-27, except for number 3. Bill then asked if a Conditional Use Permit should be listed under 1. Rebecca educated how conditional use could

not be used instead of a development permit, and said that if you needed a CUP, you may need the development permit as well.

Rick, Rebecca and Bill began discussing exemptions. Rebecca directed the Board to Part E Statements of Exemption. She advised that if the project is dealing with development and meets an exemption, you do not need a letter of exemption from the county unless it triggers an Army Corps of Engineers permit. Rick pointed out that the local jurisdiction may still require a letter or statement of exemption for projects that do not trigger a 401 or section 10 permit, and in fact, most local jurisdictions do. Rebecca went back to Part B-4 and proposed adding exemptions to the list. Rick said that in order to be consistent with WAC 173-27-040 it would need to be added. B-4 will now read:

The county may attach conditions to the approval of permits and exemptions as necessary to assure consistency of the project with the Act and this Master Program.

The Board went back to Part C. Application and Interpretation of Exemptions and had no suggested changes or questions.

Part D. Exemptions Listed. Bill asked why D-2 states:

A reasonable period of time for repair shall be up to one year after decay or partial destruction, except for bulkhead replacement which shall be allowed up to five years.

He brought up the question of what decay is defined as because all items are technically under constant decay.

Continuing on definitions, Vicki requested that within the SMP, anything defined multiple times is removed so the document does not look so daunting. She told Rebecca that if there is language in the definitions it should remain there. Kristy added that if for any reason a definition changes, it would create more work, as you would need to make sure it was also changed within the document. Steve indicated that the definitions are too finicky. He pointed out the wording in Part D-2 where decay and deteriorated are used and wanted to know who determines whether or not a project meets the exemption.

Rick stepped in and said the reason there are definitions here is because most of this information is taken from the WAC and is designed to keep you from having to flip back and forth for information. He agreed that a few of the sentences are not directly from the WAC. Rebecca again pointed out that this is mostly taken from Title 15 and some of it is in the current SMP.

Public Comment: Eric Schallon of Green Diamond said he thought he submitted some recommended language quite a while ago for D-1 or D-2 because of their concern that when they want to perform maintenance on a structure near a shoreline stream, it is only exempt if it is less than \$6,416. However, Rick clarified for him that if something meets the maintenance exemption (D-2), then it's exempt even if it costs more than \$6,416.

The PAC discussed the last two sentences in D-2, which are not found in WAC. Vicki asked Grace Miller how she decides when the clock starts on decay. Grace stated that there isn't a specific guide. When decay is severe, then repair or replacement needs to happen. The board decided that D-2 would be better if it followed the WAC language and asked Rebecca to change it to:

2. *Normal maintenance or the repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. ~~A reasonable period of time for repair shall be up to one year after decay or partial destruction, except for bulkhead replacement which shall be allowed up to five years. Total replacement which is common practice includes but is not limited to floats, bulkheads and structures damaged by accidents, fire and the elements.~~*

PAC recommended that the definition of 'normal maintenance and repair' (in the definitions) should also be revised in the same manner.

The PAC discussed whether the term 'bulkhead' in D-3 should be revised to 'shoreline stabilization.' Tim stated that this was not necessary because the last sentence in D-2 states that beach nourishment and bioengineering are considered a normal protective bulkhead.

Public Comment: In section D-4, regarding emergency construction, Jim Reece asked if there is language for damage caused by wake from boats. Rebecca answered that would technically fall under "damage by the elements," but to

meet this particular exemption, you would have to show that the damage is an emergency and an “imminent threat to public health, safety, or the environment.”

Jim also asked about whether the \$6,416 dollar amount in D-1 is adjusted for inflation, and Rick answered that it is. Tim clarified that the general \$6,416 amount is adjusted, but the \$2,500 for saltwater docks is not adjusted.

Bill asked if that is agreed upon by other planners and staff or just assumed. He suggested putting in some distinct wording to cover wake damage. Vicki then asked if changes can technically be made since the RCW is very clear about what can and cannot be done. Rebecca said that they can make things more specific and easier to understand, but it’s not really necessary because Jim can repair or replace his dock or his bulkhead per other exemptions, especially the maintenance and repair exemption D-2.

In D-5. Vicki said the actual language uses the term “shorelands” instead of “wetlands” and suggested that is changed.

Part D-8, regarding docks. Tim pointed out that the RCW has changed, but the change actually has no impact because it increases the dollar threshold for freshwater docks that are replacements to \$20,000, and it also requires the state to adjust the dollar thresholds for freshwater docks. There was agreement to revise D-8 to include the new language in the RCW, even though the revision will have no real value.

In D-8-b Kristy says the second sentence regarding the definition of salt water needs to be moved to a. or needs to be a separate sentence. Rebecca said she would like to move it to a.

In D-13 Vicki asked if in (d) “local jurisdiction” can be changed to “County” to keep the wording consistent.

Steve asked about the 45 days given for an expeditious decision in D-15. He asked if 45 days really is a fast turn around. Grace answered, saying that is a quick decision. Bill also asked about 15; why it only pertains to fresh water. Rick explained this section is from the WAC and is fresh water focused.

Rick pointed out that the cited RCW in 16-b is incorrect and should actually be 77.55.

F. Conditional Uses. In 2-b. Vicki cited the WAC, which states:

That the proposed use will not interfere with the normal public use of the public shorelines;

In 2-c, she pointed out that the SMP should reflect the WAC:

That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the comp plan and master program.

2-d Vicki advised the word “unreasonable” should be changed to “significant” to match WAC language.

G. Variances – Vicki noted in G-2 that ‘of any’ should be inserted before ‘wetlands.’

H. Adjacent Lands

Vicki stated the third sentence in (a) was confusing. Rick replied that it is saying whatever you do within shoreline jurisdiction can be reviewed and regulated.

I. Developments and Uses Subject to Several Regulatory Sections

Kristy commented that she is confused by the title and would like this section renamed *Developments and Uses Subject to Multiple Several Regulatory Sections*. Vicki questioned what would happen if a project were subject to two separate chapters where the regulations within each chapter conflict. The PAC was able to find language within part C of 17.50.050 Environmental Designations but determined that it was directly pertinent. PAC asked Staff to search through the SMP (later) to make sure it states somewhere that if regulations conflict, the more restrictive applies.

J. Statutory exceptions to SMA Policies and Procedures

Vicki read the RCW and points out that 2 a. should begin by stating, *Conducting a hazardous substance remedial action...* instead of only *Conducting a remedial action...* The PAC agreed that same change would be needed for D-17 (on page 107).

Public Comment: Jim Reece pointed out that (I) has the term ‘boating facilities’ when the PAC has decided not to use the term. The PAC agreed that that term in (I) should be corrected.

Break
8:13-8:21

Bill called the meeting back to order and said they need to discuss a letter regarding dock configurations from Jim Reece.

5. New Business: Comment letter from Jim Reece.

Jim was present and asked why Mason County has such severe regulations regarding docks. He used Lake Washington as an example pointing out what he saw during his time there.

Tim Gates spoke up and said Lake Washington may look relaxed when it comes to restrictions but reported they have strict requirements and even are subject to an Army Corps’ Regional General Permit and the jurisdictions on the lake are discussing with Ecology whether the first 30 feet of docks there can be 4 or 5 feet wide in their updated SMP. Tim also pointed out that their SMP is in line with what Mason County is working on and they have length, width, area, and detailed grating requirements. Jim said he saw docks that expanded at the end to look like a deck. Tim acknowledged that he has seen those docks and said that in their new SMP’s they actually require that replacements and many repairs have to reduce the size of the dock footprint and meet additional standards.

Jim reported he saw new building on single-family docks that were still building under what looked to be the older rules because of their size. He went on to say that 400 square feet is not enough room to provide safe storage for a boat or safe wheelchair access.

Kristy stated the existing measurements are 16-foot width for the end of the dock, including the main stem, and the new PAC recommendation is 20-foot width, not including the main stem, and 400 square feet at the end. Tim clarified that, per the revised draft, the mainstem is allowed to be up to 6 feet, so with the 20-foot maximum, you’re actually getting 26 feet to use. Kristy agreed, and Rebecca said the 6-foot stem is for a fixed dock, and a floating dock has a stem allowance of 8 feet, therefore the total width at the end could be up to 28 feet.

6. Adjournment

Bill Dewey adjourned the meeting at 8:38 p.m. All were in favor, none opposed.