

Mason County Planning Advisory Commission

March 2, 2015

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1. Call to Order

Bill Dewey called the meeting to order at 6:07 pm

2. Roll Call

Present: Bill Dewey, Rob Drexler, Vicki Wilson, Tim Duffy

Excused: Kevin Shetty, Kristy Buck, Steve Van Denver

Staff Present: Rebecca Hersha, Allan Borden

3. Regular Business

a. Adoption of Agenda

Agenda was approved as written

b. Approval of Minutes

October 13, 2014- Vicki asked that the pages be numbered. She also asked if the paragraph under Definitions associated with Shoreline Stabilization on page 3 could be changed to reflect Kristy's request to remove the word "littoral" and to define drift sector. She stated that the current formatting made these two items look as though they were connected. On page 4 (e.) Vicki said that single family needs to be removed to read:

The proposed action is a repair or maintenance of an existing legally established bulkhead that is constructed at or near the ordinary high water mark to protect a ~~single family~~ primary structure, not for the purposes of creating land.

Page 5 under Shoreline Stabilization Regulations, bullet 2, the word legal was left out. It should read:

*... ii. New and existing **legal** water-dependent developments;*

Under the same section, Vicki stated there should have been an addition of letter (g.) regarding state owned aquatic lands.

Rob made a motion to approve the October 13, 2014 minutes with revisions. Vicki seconded the motion. Motion carried.

October 27, 2014- Vicki found that on page 6 (j), the word "substance" was left out. She stated that paragraph should begin:

*Conducting a hazardous **substance** remedial action...*

Rob made a motion to accept the minutes as amended. Vicki seconded the motion. Motion carried.

December 15, 2014- No changes. Rob made a motion to accept the December 15, 2014 minutes as written. Vicki seconded the motion. Motion carried.

c. Determine Meeting/Public Hearing Dates in April

Rebecca and the PAC members discussed the upcoming meeting dates. It was confirmed that the next meeting was scheduled on March 23, 2015. April was then examined, and it was decided that April 13, 2015 and April 27, 2015 would be the best for everybody.

4. Shoreline Master Program Update - Workshop¹

The purpose of this workshop is to review PAC’s recommended changes to the Draft SMP and Comprehensive Plan prior to staff publishing a “PAC’s Recommendation to the Board: Revised Shoreline Master Program” that the public will comment on before and at a public hearing.

Presenter: Rebecca Hersha, Department of Community Development

a. “CP-A” Changes to Shoreline Policies (Comp. Plan Chapter IX)

Rebecca asked the commission if they had any concerns. On page 3 Bill asked why the term “ecological” was eliminated. Rebecca said she removed it because the three titles somewhat merged together as they were all similar concepts. Bill and Rob discussed the fact that it needs to be there because it is part of the WAC.

Views and Aesthetics

Page 5, Vicki said that C. 6. Needs to have the word “from” replace “of” to read:

*Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views ~~of~~ **from** adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.*

Aquaculture Policies

Vicki asked about using the words “and expanded” within this section. She questioned the definition of expanded, and how it is used in regards to farming. Rick Mraz explained that expansion is just that- it is using area that was previously unused, to grow your operation. Vicki asked about fallow land, and Rick clarified that using fallow land would not be considered an

expansion. Bill suggested adding the words “areas previously not cultivated” for clarification. Rick stated that the way it is currently written should be sufficient, and no changes are necessary.

Marina Policies

Vicki said she thought any reference to boat launches should be removed, because launches were given a separate section within the SMP.

Mining Policies

Vicki stated that number 8 is unnecessary because it is covered under 1. The PAC agreed that 8 should be deleted.

Residential Development

Rebecca said she was thinking of removing “including subdivisions” from item 4 because not all subdivisions are residential. This sparked a discussion about landslide areas between the PAC and Rick Mraz. No changes were made.

Vicki suggested that the wording within 10 was encouraging performance subdivisions within shoreline jurisdictions versus elsewhere. She proposed changing the wording to:

New residential development should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical and visual impacts and reduce utility and road costs. ~~Performance subdivisions provide significant environmental and public benefits to the county and should be encouraged within shoreline jurisdiction through incentives that allow reduced lot widths.~~ When siting a residential development within shoreline jurisdiction, performance subdivisions should be encouraged through incentives that allow reduced lot widths.

Transportation facilities

Vicki suggested removing number 6 because it is actually covered within 8. Rebecca and the PAC agreed.

Utilities

Vicki said that number 8 does not make sense and should either be combined with 7, or that it needs to be rewritten as:

Planning for location of towers, substations, valve clusters, etc., so as not to obstruct ~~such~~ public access should be pursued

Docks, Floats, Boat Lifts, Boat Houses, and Covered Moorages

Vicki proposed combining 9 and 10 to simplify the verbiage. Jim Reece asked about encouraging boat lifts which sparked a lengthy discussion between him and Rick Mraz. Vicki said it may be something to add for those looking to add a lift instead of a dock.

Mike Jorgenson then asked if there would be any further discussion regarding wakes. He said because of the large wake on Mason Lake, it is nearly impossible to keep a boat tied to the dock anymore. Rick said that is something that cannot be regulated within the SMP. Rebecca suggested concern be voiced with their home owners association or local lake district.

Jim Reece asked to talk about flood control. He talked about Mason Lake and the overflows that use to be present to keep the levels safe. Due to construction, water now backs up and is causing damage to the residents. Steve Van Denver added that he has heard about this issue at Lake Wooten as well. Rebecca advised speaking to Public Works. Bill suggested under Transportation on page 18 perhaps wording could be added regarding not creating flooding issues. Vicki pointed out that Flood Control the wording is already present:

1. *Flood control planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider entire systems or sizable stretches of rivers, lakes or marine shorelines. Thus planning should consider the off-site erosion, accretion or flood damage that might occur as a result of stabilization or protection structures or activities.*

Bill agreed that was sufficient.

b. “17A” Changes to Shoreline Regulations (MCC17.50)

Vicki begins by pointing out missing verbiage on page 6:

2. *Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences **and their appurtenant structures**, ports, shoreline recreational uses,...*

17.50.015 Purpose, Intent, and Use Preferences

A question of the definition for “department” was considered. Vicki said that she had a note from the October 13, 2014 PAC meeting stating department always meant Department of Ecology. She said that is now conflicting with the current use because department is being defined as Department of Community Development. Rebecca said she believed department was still being used in reference to the Department of Ecology. She said she would make sure to check the document so it is consistent throughout.

On page 26, Rebecca presents her definitions for “Grandfathered Structures”, and “Grandfathered Uses”. Vicki voiced some confusion because both definitions were talking about structures. After discussion between Rick and Rebecca, the definition of Grandfathered Uses changed to:

*Existing, lawfully established uses (and floating homes) that do not meet the use standards of this Program, except that residential **uses development built** overwater or in floodways and existing non-water-oriented commercial **uses** with waterfront or any non-water oriented industrial uses are not grandfathered. Grandfathered uses may continue and may be maintained, repaired, and replaced in accordance with the Act and this Program.*

John Egbert commented on the definition of “Grandfathered Structures”. He said that the way it is written is confusing and suggested some changes. Rebecca then discussed options with the PAC and it was agreed to change the definition to:

Existing, lawfully constructed structures (and floating homes) that do not meet the development standards of this Program, including those approved through a Variance, ~~except that~~ Residential development built overwater or in floodways are not grandfathered. ~~Grandfathered structures may continue and may be maintained, repaired, and replaced within their footprints in accordance with the Act and this Program.~~

Vicki mentioned that the definition for Priority Habitat did not match the WAC definition. Rebecca said she took the definition from the Department of Fish and Wildlife. Vicki said that Rebecca needs to research ecology WAC 173.26.020 regarding Priority Species.

Bill asked about the definition of “Substantial Development”. He asked if the dollar amount was changed by the legislature often, and if there was an RCW that could be used as reference. After some review, it was agreed the RCW should be cited. Substantial Development now reads:

Any development of which the total cost or fair market value exceeds six thousand four hundred sixteen (\$6,416) dollars, or as adjusted ~~by legislature~~ per RCW 90.58, or any development which materially interferes with normal public use of the water or shorelines of the state; except that those developments defined above as an “exemption” do not require a substantial development permit but may require a variance or conditional use permit.

BREAK
8:08-8:15

17.50.055 General Regulations

In section **D. Vegetation Conservation** #2, Vicki said she had a note that the sentence “*Clearing non-native vegetation is allowed.*” Was supposed to be removed. Rebecca said she would listen to the minutes to determine if that should be removed.

Gary Hanson proposed striking “and bulkheads” from **H. Existing Structures and Uses**

1...

- c. Except for overwater structures ~~and bulkheads~~, grandfathered structures may be expanded by addition of space above the existing building footprint up to authorized heights without a Variance. Upward expansions shall minimize impacts to existing views of the water to the greatest extent practical.*

There was a lengthy discussion sparked by a question from Gary Hanson about two areas of H. Existing Structures and Uses. The following changes were made:

1. Existing Structures

- b. Lawfully constructed structures may continue and may be maintained, repaired, and replaced within their footprints in accordance with the Act and this*

Program. Applications for replacements for grandfathered or for nonconforming structures shall be submitted within five (5) years of the date of damage ~~and/or discontinued use~~.

2...

- d. *If a grandfathered or non-conforming use is discontinued (ceases to operate, use, or produce) for more than thirty-six 36 months, any subsequent use, if allowed, shall comply with the Act and this Program.*

After several minutes of options and discussions, Rebecca said she would look at this section and bring it back to the PAC at a later date if changes were made.

5. New Business

None

6. Adjournment

At 8:58 Bill Dewey adjourned the meeting.