

Mason County

Planning Advisory Commission

June 20, 2016

(This document is not meant to be a verbatim transcript)

1. Call to Order

Rob Drexler called the meeting to order at 6:07 p.m.

2. Roll Call

Present: Kevin Shutty, Vicki Wilson, Deb Soper, Rob Drexler

Excused: Bill Dewey

Staff: Rebecca Hersha, Rick Mraz - Ecology

3. Regular Business

a) Adoption of Agenda

Agenda adopted as written

b) Minutes

None

4. Public Hearing –

**Shoreline Master Program Update's "Draft Shoreline Master Program,"
February 2016**

Presenter: Rebecca Hersha, Community Services Department- Planning Division

"Staff Report: Update to the Shoreline Master Program" and Exhibits

Rebecca began with the staff report dated June 3, 2016. She noted that on page 6, some verbiage needed to be stricken because it was incorrect.

A. What are "shorelines"?

Shorelines are special water bodies that meet certain criteria. The SMP applies to marine shorelines, rivers and streams with a flow greater than 20 cubic feet per second, lakes and reservoirs 20 acres or larger, ~~upland areas within 200 feet of these water bodies~~, wetlands associated with these shorelines, and portions of floodplains that are adjacent to the floodways. Some local jurisdictions chose to include all floodplains as being within the shoreline jurisdiction, however Mason County's PAC decided against this option.

"Draft Shoreline Master Program" (MCC 17.50)

At 6:13 p.m. Rob opened the floor to public testimony.

Rebecca suggested going chapter by chapter to make sure everything was covered. She announced that she would be using version "B" which showed track changes.

17.50.010: Adoption Authority - 17.50.020: Application of Regulations

No comments

17.50.025 Definitions

Monica Harle said that the definition of “Shorelands” and “Shorelines” is not clear. She said the exclusion under shorelines reading *shorelines of statewide significance*, is confusing. Rebecca explained that the definition for shoreline is directly from the state. Rick Mraz from Ecology added that shorelines of statewide significance have a special status. Monica then questioned the definition of “Wetlands”. She said the definition was not very scientific and asked if perhaps the definition from Ecology or the United States Geological Survey should be used. Rick stepped in and said that this definition is directly from the state and Ecology requires the definition to be used verbatim.

Eileen Fisher asked about a geotechnical assessment for her property. Rebecca clarified that what she would more than likely need is a shoreline geotechnical assessment. She added that the shoreline geotechnical assessment will be a new requirement. If permits are approved before the updated SMP is adopted then only the geotechnical report will be required to address landslide hazard areas and engineering. Eileen questioned when the new SMP will be in effect to which Rebecca answered that it could take up to another year depending on appeals.

Vicki World talked about her struggles in obtaining a permit for her dock due to a lack of geotechnical experts. She voiced concern over not having her application and documents in before the new SMP rules go into effect. Rebecca suggested finding another geotechnical professional and offered to meet with her during business hours to further discuss her permit.

Jim Reece asked if sea and float planes should be included under the definitions of “boat lift”, and “float”. He said there was a discussion at a past meeting, and as he understood sea planes were going to be added. Rebecca offered to add it if the PAC would like it. Rob and Kevin agreed sea planes should be added under the definitions of “Boat Lift”, “Dock”, and “Float”.

17.50.030 Environment Designations

Monica Harle suggested that under 2. “*Conservancy*” Shoreline Environmental Designation, agriculture should be deleted because there is a separate section on agriculture in the SMP. Rick said the reason agriculture was added to this section is because the Skokomish Tribe requested the Skokomish River be listed as conservancy rather than rural. Monica said that the current definition should be sufficient without adding agriculture because it would be implied.

17.50.035: Shorelines of Statewide Significance - 17.50.050: General Policies

Jim Reece requested that a definition be added for wave producing in the definitions section. Rob said the PAC would discuss it after public comments. Jim then asked about 17.50.030 B. *Environment Designations Map*. He asked how mapping errors are corrected. Rick said that first the County has to do some background work looking at the intention of the mapping. If the error is clear, it can be fixed. If it is not clear, and the county cannot figure out how to correct the issue, a limited amendment must be done to the SMP. He said this process is a local adoption that the state has to approve. Kevin pointed out 17.50.090 has amendment information.

17.50.055 General Regulations

Monica Harle asked why the wetlands section was stricken from *B. Critical Areas*. Rebecca explained there is an in depth wetlands chapter in the Resource Ordinance, so duplication was not necessary.

George Fisher said he has been having issues with all of the applications required for shoreline work. He said there was no help available for all of the applications. Rebecca advised the Building Department has a permit assistance center that can assist with questions.

17.50.060 Use Policies

No comments

17.50.065 Use Regulations

Mike Jorgeson questioned *L. Restoration Project Regulations*, specifically, whose responsibility it was to pay for the restorations being done because of damage from large wakes. Rebecca referred him to 17.50.075 Shoreline Modification Regulations, but he said his time was up and sat down.

Jim Reece questioned the subdivision language under *K. Residential Regulations*. He asked if it was correct that a future subdivision would have to share a dock if more than 4 parcels were developed. Rebecca said that was correct. Jim said this would reduce the value of the property and present a problem if people have more than one boat per household.

Mike Jorgensen talked about restrictions when building a dock. Rebecca explained that in his case, he would be grandfathered because he has an existing dock. Any new restrictions would be for new construction only.

Monica Harle asked for information regarding *B. Aquaculture Regulations*. She asked if everything about aquaculture comes from the state Department of Ecology regulations. Rick said much of the language is from the old SMP and Ecology except for the geoduck portion which is straight from Ecology. Monica referred back to table 17.50.040-A, and said that commercial geoduck should be prohibited in “natural” and “aquatic”. She said the reasoning behind this is because geoduck farmers use PVC pipe for seeds, and that is not natural. She then suggested that all uses and shoreline modifications under the “natural” shoreline environmental designations should be prohibited.

Under *H. Mining Regulations*, Monica Harle asked if there was any language regarding fracking. Vicki pointed out the following:

2. Mining shall not be allowed except where demonstrated to be water-dependent. Mining activities shall not be allowed when they will permanently impede, or retard the flow or the direction of flow of any stream or river. Surface runoff from the site carrying excessive sedimentation and siltation shall not be allowed to enter any shoreline waters.

She said, based on the definition of water dependent, mining would more than likely not be allowed.

17.50.070 Shoreline Modification Policies

Jim Reece questioned the validity of *D. Float Policies*, (16). Rick explained that on waters of the state, you cannot be moored for more than 30 days in one location. Anything over 30 days will require a use authorization from DNR. He added that this is usually on saltwater, as most lakes are privately owned. Jim then asked about *H. Shoreline Stabilization Policies*. He said he had not located the language regarding raising bulkheads and how much you are allowed to build up. Rebecca explained the height is not capped as long as there is a need for the additional height. Vicki then read the following section:

8. Structural shoreline stabilization measures, including bulkheads, should be allowed only where evidence is present that one of the following conditions exists:

- a. Serious wave erosion threatens an established use or existing buildings on upland property.*

At this time, Rob told Jim that the Board of County Commissioners were having a meeting the following day regarding boating regulations. He suggested that Jim and Mike attend. Jim noted that he was planning to attend and had already sent correspondence to the Commissioners.

17.50.075 Shoreline Modification Regulations

Section *B. Boat Launch Regulations*, Jim suggested language for a wash-down area at every public access point under *3. Public Boat Launches*. Rob said that would be a good addition because tickets for not washing your water craft are expensive. Vicki expressed concern with current boat launches not having running water. Rick reminded her that this would only be for new construction. He then suggested contacting the Department of Fish & Wildlife (DFW) or the Department of Natural Resources (DNR) to see if this stipulation would be problematic because those are normally the agencies that pay for public boat launches. Deb said adding a wash-down area could prevent people from wanting to build launch areas due to the financial burden that would add. Rob agreed but said it is needed. Rebecca said she would look into it.

Jim then moved on to section *D. Dock, unattached float, mooring buoy, boat lift, boat house, and covered moorage regulations*. He said he was unsure as to why 8 foot wide piers are not allowed. Rebecca said adding 8 foot piers and ramps will not be approved by DFW. Piers are limited to 4-6 feet, ramps to 4 feet, and floats to 8 feet. Jim voiced some concern over the ADA limit of 4 feet saying it should be 6 without the approval of DFW. Rebecca said they could make the change to allow 6 feet in the document, but it can still be denied by DFW. Rick said there is a hydraulic code that says ramps must not be more than 4 feet wide. He said there isn't any language he has seen regarding exceptions for ADA.

Jim asked about section *F. Flood control regulations*, specifically, (4.) which states:

Dams proposed for the sole purpose of flood control shall be prohibited.

Rick said it was because you are not allowed to dam rivers that have listed fish. Monica Harle said this is a good thing because though your property may be protected, the people downstream will be affected once a dam is built. Rick added that in Mason County alone there are 5 salmon species listed.

17.50.080 Permits, Exemptions, and Appeals - 17.50.140 Comprehensive Review

No comments

Rebecca asked if there was any other public comment. Jim thanked the PAC for their time and then said he would still like to see a definition for wave producing boats. Mike Jorgensen and Jim Reece then discussed boat lifts once again pointing out all of the positives. Rebecca said perhaps the PAC could look into lifting some restrictions such as the HMP on freshwater.

At 8:26 p.m., Rob closed the public testimony.

The PAC agreed to go back through the document to consider changes.

Deb suggested that under the first table, Table 17.50.040-A: Project Classification Table, conditional use permit is written out in case somebody does not know the meaning of CUP. Rebecca pointed out the key at the end of the table, but also agreed that it should be written out. Vicki, Rob and Kevin all agreed that the key should be moved to the top of the table. Within the same table, Deb asked about the Outdoor Advertising, Signs and Billboards category. She asked what kind of signs would need to be placed in a natural designation. Kevin said information signs could go up. Rob added educational signs or temporary event signs could be placed as well.

17.50.055 General Regulations

Rebecca said that under *B. Critical Areas* (1.) (c.) the second sentence should be stricken because it is in the resource ordinance.

In the event provisions of MCC 8.52 are found inconsistent with standards and requirements in this Program, this Program shall govern, except as provided below. MCC 8.52.050(d), which states that in the case of overlapping regulations, the more applicable regulation shall prevail, does not apply in shoreline jurisdiction.

Rebecca asked the PAC if there was anything she needed to research before the June 27th meeting based on the comments received. She received a list of various codes that the PAC needed clarification on. They all agreed due to the time that the next meeting would be over comments and suggestions received up to this point.

Monica Harle asked how the timeline works. Rebecca said she had not heard how the Commissioners would like to handle the process, so she was unsure if more revisions would be done. Vicki asked if there was any better information on a possible timeline. Rick said that when Ecology receives it they have 1 year to review it.

5. New Business

Marilyn Vogler announced that she is going to be a new member of the PAC and will begin her term on June 27, 2016.

6. Adjournment

Rob adjourned the meeting at 8:59 p.m.