

# MASON COUNTY PLANNING ADVISORY COMMISSION

**JUNE 27<sup>TH</sup>, 2016**

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

---

## **1. Call to Order**

Rob Drexler called the meeting to order at 6:04 p.m. He welcomed Marilyn Vogler to the Planning Advisory Commission as it was her first meeting as a member.

## **2. Roll Call**

**Present:** Rob Drexler, Marilyn Vogler, Deb Soper, Vicki Wilson, Kevin Shetty

**Excused:** Bill Dewey

**Staff:** Rebecca Hersha, Rick Mraz- Ecology

## **3. Regular Business**

### **a) Adoption of Agenda**

Rebecca added 3 staff reports to go under item (4.) (a.) titled:

- Not requiring HMP's for boat lifts on lakes (6/27/2016)
- Boat washdown stations at public boat launches on lakes (6/27/2016)
- Change of use without a conditional use permit (CUP) (6/27/2016)

She also recommended discussing the option of allowing boat ramps to be wider than 4 feet, which was proposed by Jim Reece at a previous meeting and within a comment letter dated June 11<sup>th</sup>, 2016.

### **b) Minutes**

**May 16, 2016-** No changes. Vicki made a motion to approve the minutes as written. Motion seconded by Kevin. All in favor, motion passed.

**May 23, 2016-** Vicki had one correction on page 4. She said it should read:

*Recognize that keeping life-cycle costs as low as possible supports sustainable economic growth and vitality by avoiding unnecessarily expensive infrastructure reconstruction and replacement, or travel disruption.*

Kevin made a motion to adopt the minutes as amended. Motion seconded by Vicki. All in favor, motion passed.

## **4. Public Hearing – Shoreline Master Program Update's "Draft Shoreline Master Program"**

**Presenter:** Rebecca Hersha, Community Services Department- Planning Division

### **a) Discuss comments received on the draft SMP.**

Rob announced that the public comment portion was closed at the June 20, 2016 hearing, but advised the members of the public that they could still ask questions or make statements.

Jim Reece asked if the PAC had received his email regarding the new boats creating large wakes. Rob confirmed that they had received it, and advised Jim that he didn't think anything could be added to the SMP regarding damage from boats. Marilyn asked if the SMP could regulate activities as well as development. Rob said the document only pertains to development, not activities. Rebecca clarified that the SMP does pertain to uses but not watercraft use. She said she saw that the sheriff's office was making revisions to their boating codes which could address Jim's issues. Jim acknowledged this but voiced frustration saying the homeowners are being strangled by the SMP. However, Rob and Rebecca both agreed the new version should make things easier in many ways for homeowners.

Not requiring HMP's for boat lifts on lakes, Staff Report dated 6/27/2016

Rebecca asked the PAC to take a moment to read through this first staff report. She advised that this language would make adding a boat lift to an existing dock easier by not requiring a Habitat Management Plan (HMP) on lakes. Not doing the HMP would save the homeowners money.

John Egbert spoke saying he likes the idea of making the addition of a boat lift easier. He suggested that requirements should be a little easier so more boats could be removed from the water.

Monica Harle voiced concern with the possibility of blocked views. She said when large boats are on a lift they almost act as a fence. She also asked about covered boat lifts and if language should be added to prevent them. Rebecca agreed she had a good point about lifts and said she should add "uncovered".

Vicki said the last time this issue was discussed, Rebecca had discussed FEMA possibly having issues with not requiring an HMP. Rebecca said they may have an issue, but last she had heard, replacement of a dock does not require an HMP, whereas requirements for boat lifts are unclear.

The PAC was in agreement with the recommended revisions within Staff's report.

Boat washdown stations at public boat launches on lakes, Staff Report dated 6/27/2016

Rebecca contacted the Mason County Parks Department and the State Parks Department for comments on washdown stations. She said she received some comments that this could result in 'pros' such as reducing the amount of invasive species and 'cons' such as cost and maintenance from both departments. After receiving this input, she outlined 4 options in the staff report:

- 1) Create a regulation and a policy requiring washdown stations at all new public boat launches.
- 2) Create a regulation and a policy requiring washdown stations at new public boat launches only when site conditions are conducive to having one.
- 3) Create a policy stating that new public boat launches should install a washdown facility, when feasible.
- 4) Do not require the washdown stations.

With the second option, Rebecca said that though it doesn't look like much, this language could make a difference when presented at a hearing. Deb pointed out that if these stations are mandated, there needs to be some sort of mandate to use them, which is outside of the PAC jurisdiction. She also said she did not like the expense connected to the maintenance.

Marilyn, Rob and Vicki discussed the possible citations that boaters, both recreational and commercial, can receive for not cleaning their vessels. Rick stated that boaters can be fined up to \$5,000 and possibly up to a year in jail if you are found in violation. He added that he has not seen any local SMP's tackle this issue. The PAC considered what would be needed to require washdown stations. Vicki said she likes the idea of signage to educate boat users, but at this time she is not prepared to enforce a regulation. Rebecca stated that the PAC may prefer the fourth option (dot to require washdown stations) or the third option:

*When feasible, new public boat launches on lakes should be provided with washdown facilities to prevent cross contamination of lakes with invasive species. The design and operation shall use best management practices to prevent erosion run off and associated water quality impact.*

Marilyn questioned if wording in regards to economic feasibility and site feasibility was necessary. Rebecca said yes because the definition of feasible in the SMP does not include economic feasibility. She said it would need to be added if it was used. Marilyn said she would like that. Deb pointed out that there are already regulations in place for boaters to not be transporting weeds and invasive species, so there would be no reason to add this language. Vicki agreed saying that she is uncomfortable with the proposed language.

Deb made a motion to not change anything (meaning no addition of a policy, and choosing option 4 in the staff report). Motion seconded by Marilyn. All in favor, motion carried.

#### Change of Use without a Conditional Use Permit, Staff Report dated 6/27/2016

Rebecca explained that a provision was added to the draft SMP which provided leniency for non-water oriented uses within existing structures. She went through some of the requirements that would still be in place such as SEPA review, water supply and waste facilities. Vicki voiced concern with the Conditional Use Permit because of the cost and time involved. She said it was a necessary process, but should not be used in every instance. Marilyn questioned if there were any requirements on the change in tenant application to disclose potential pollution. Rebecca said there is not, and the application is very limited. Rick suggested that if the county issues a determination stating a CUP is necessary, the applicant can appeal that to the Hearings Examiner.

In looking through the options written by Rebecca, Vicki said she would be comfortable with option 2, which reads:

*Replacing one non-water oriented use with another non-water oriented use does not require a Conditional Use Permit, unless there is an increase in the total area occupied by the non-water oriented use (including parking and storage), or unless the resulting business as the*

potential to produce waste that is detrimental to water quality (surface or ground), air quality, or aquatic and upland habitats.

Kevin made a motion to adopt option 2. Motion seconded by Marilyn. All in favor, motion carried.

#### Width of Ramps

Rebecca addressed a request from Jim Reece to allow docks to be 6 feet wide instead of only 4 for ADA accessibility. She tried contacting the Department of Fish and Wildlife, but hadn't received an answer yet. Vicki asked if 6 feet is an ADA requirement. Rob said that he was unsure, but within a house, the minimum requirement is 42". John Egbert spoke in favor of the 6 foot allowance saying there needs to be room for error and plans need to be made on the conservative side. Rebecca was able to find information online stating the requirement for an accessible boat slip is 60". The PAC agreed to abide by federal regulations and change the requirements to 60". Vicki asked where this change would be implemented. Rebecca referred to the SMP, draft B under section D. *Dock, unattached float, mooring buoy, boat lift, boat house and covered moorage regulations*. Vicki proposed the following change under 2. *Docks and Unattached Floats*:

*vii. Ramps - The width of ramps shall not exceed ~~four~~ five (4-5) feet. ~~The width of ramps may be 6 feet if wheelchair access is needed and authorization has been obtained from WDFW.~~*

Vicki said that verbiage is needed to advise people to contact WDFW if they want to go larger. Marilyn suggested citing the WDFW regulation that way the public knows it was not created by the county. Rebecca agreed.

Rob asked if there were any additional questions or comments. Vicki said she had a list of items in the PAC draft SMP that she would like to discuss.

#### **17.50.025 Definitions**

*Conditional Use*- Marilyn questioned the origin of this definition. Rick advised that the definition came directly from the WAC.

*Joint Use Private Dock*- Vicki noted a typo - "and" should be deleted.

*Shoreline Geotechnical Assessment*- Vicki referred to the home owners from Lake Cushman who had attended the June 20, 2016 meeting, asking about the difference between a geotechnical assessment and a geotechnical report. She noted that the last sentence of the definition says "report" instead of assessment which may confuse some. Vicki suggested looking through the SMP to decide if report and assessment are used properly.

*Streams*- Marilyn asked about (e.) which reads:

*"Type SP Streams" In addition to the DNR stream typing system, the County has proposed to identify specific streams of high value for anadromous fish for a higher level of habitat protection when they have limiting factors that are dependent on buffer width.*

She specifically asked if identification of SP streams is currently being done. Rebecca responded that this is a provision to allow for streams to be designated as SP , but it has not been pursued to date.

Before moving on, Vicki advised Rebecca to do a word search for “Boating Facility” in the draft SMP because it was still showing up in various areas of the draft.

### **17.50.055 General Regulations**

#### Table 17.50.055-A: Buffer and dimensional standards for shoreline development

Marilyn questioned if the categories overlap within this table. Rick said they do not and explained that each category is an individual shoreline environment designations.

At 8:09 p.m. Deb Soper excused herself from the meeting. A quorum was still present.

### **17.50.060 Use Policies**

#### H. Mining Policies

8. *Provisions should be made to maintain areas of historic cultural, Tribal cultural or educational significance on or adjacent to mining sites.*

Vicki noted that an almost identical sentence is found under policy 1. The only difference is the use of “Tribal cultural”. Rebecca asked if she should omit 8. The PAC agreed it should be stricken. Rebecca asked if cultural would suffice in policy 1, or if “Tribal cultural” should be inserted. Marilyn stated that it should be used as it was in 8.

### **17.50.065 Use Regulations**

#### B. Aquaculture Regulations

1. General Aquaculture Regulations

- k. *Aquacultural structures shall be placed in such a manner, and be suitably sized and marked, so as to minimize interference with navigation.*

Vicki questioned if this section was supposed to deal with floating aquaculture. She noted that she is fine leaving it as is, but possibly changing it was discussed at a previous meeting. No changes made.

Vicki recommended regulation (3)(i) be moved to (1) General Aquaculture Regulations and that it be revised as shown:

3. Commercial Geoduck Aquaculture

- i. ~~Conditional Use~~ *Permits shall include allowance for work ~~during low tides~~ at night or on weekends but may require limits and conditions to reduce impacts, such as noise and lighting, to adjacent existing uses.*

She said the reason for the suggested change is because not all shellfish require conditional use permits, and boats can work during high tides on nights and weekends as well.

The PAC agreed to delete the second sentence of B(1)(c).

Vicki noted that part C(2) should reference 17.50.025, not 17.50.040.

Vicki asked about the wording of (d.). After some discussion between Rick and Rebecca, it was decided that she would fix the definition and align it with DNR's definition.

#### H. Mining Regulations

Vicki noted that (1) (a. *length*) was referring to the total length of the pier. Rebecca asked how it should read and the following change was agreed upon:

*Pier, float, or dock accessories to mining uses should not exceed 200 feet in total length as measured from the ordinary high water mark to the furthest waterward extension of the ~~pier~~ structure. Loading or accessory...*

In section 8. Marine Beaches and Lake Shores, Vicki pointed out the mining prohibition on the shorelands of hood canal and questioned if it should be placed in the classification table. Rebecca concurred that it should be included in the table.

#### **17.50.070 Shoreline Modification Policies**

##### H. Shoreline Stabilization Regulations

Under section 2, Vicki questioned why (a.) – (c.) required a habitat management plan when (d.) did not. Rebecca said she believed that was correct. Rick agreed saying this is ecological restoration and the project should be descriptive enough to not require the HMP.

#### **17.50.080 Permits, Exemptions, and Appeals**

##### A. General Requirements for All Uses and Development

Vicki asked about the use of “shoreline” and questioned if “shorelines of the state” should be used instead in section (7.) Rebecca said she would update it.

Once done going through the SMP the PAC touched on other possible issues and took questions from the public in attendance.

#### **Additional Public Comment - Aquaculture:**

Monica Harle conveyed that geoduck aquaculture should be prohibited in all shorelines with a designation of Natural and Conservancy. She said that the PVC pipe used in the water prevents natural processes from occurring. She said there was some language in the SMP stating that the pipe cannot be placed in such a way that it degrades the shoreline. Monica said that alone should prevent the use of PCV. Vicki stated that she will abstain from voting on this topic due to a conflict of interest, but expressed her difference in opinion and listed some positive aspects of geoduck aquaculture such as the ecosystem and habitats being created on the tubes. She went on to discuss the requirements including the special use permits. Marilyn added that any economic development has both good and bad sides. Vicki used the finfish net pens as an example saying the Shoreline Hearings Board decided the pens had state interest because of the production of food and was not detrimental to the natural setting. She said with that reasoning she feels it would be difficult to see how PVC within geoduck aquaculture would be problematic.

Kevin made a motion to make no changes in regards to aquaculture. Motion seconded by Marilyn. Vicki and Monica continued a debate on the impacts of geoduck aquaculture. Rebecca

noted that she could see Monica's point because natural is the most protected of the shoreline environmental designations. She said she can also see Vicki's side because a conditional use permit (CUP) is necessary, which means if members of the public had any issues, they would come forward to discuss them. Marilyn said that what is currently written requires a good deal of justification and the CUP requires the use of best available science. Rob referred back to the motion and called for the vote: 4 in favor, 1 abstention, motion carried.

**Additional Public Comment – General and Bulkheads:**

Jim Reece asked how the public will know when the SMP draft goes to the Board of County Commissioners. Rebecca said she will be sending out notice and added it will also be on the website. He appreciated removing the need for an HMP when building a boat lift because it will save applicants thousands of dollars. He quickly ran down a list of some issues previously discussed such as large wakes, repairs, sea planes, wash down stations, and bulkheads. Marilyn questioned his stance on damage to bulkheads caused by large wakes and said there is no way to assess damage and pinpoint just 1 violator. Jim clarified that he was not trying to pinpoint a person, but instead a class of boats.

John Egbert suggested simplifying the repair process for bulkheads because it takes too long to approve. Rebecca advised that a shoreline exemption, SEPA checklist, and a building permit are needed which only take a couple of months.

Jim Reece said the people at the first hearing from Lake Cushman were saying they needed a geotechnical assessment which is taking 18-24 months to complete. Rebecca explained that many of the bulkheads in that area were never permitted so Tacoma Power is making them all get permits after-the-fact. Rob added that the area being discussed is also a slide area which requires the assessment.

John Egbert expressed frustration with only being able to raise a bulkhead 12". Rebecca said the PAC has actually made draft SMP more lenient here than the current SMP, because now raising the height of a bulkhead of up to one foot is no longer considered an expansion, therefore the shoreline geotechnical assessment and habitat mitigation will not be required. Expanding the height of a bulkhead more than 12 inches is allowed, but requires reports. John asked if views were the reason 12" was agreed upon. Rebecca replied that there were various factors including the estimated rate of sea level rise in Puget Sound.

Jim Reece asked what would happen if an existing bulkhead lost 3 feet of height. He questioned if the repair could take place even though it is over 12". Rob said it would be ok to repair because you are not raising the height of the original bulkhead.

**b) Recommend to the Board the Adoption of the February 2016 draft SMP with Changes Specified at the June 20<sup>th</sup> and June 27<sup>th</sup> hearings.**

Kevin made a motion to recommend the February 2016 draft SMP with the agreed upon revisions to the Board of County Commissioners. Vicki asked if an amendment could be made to the motion to allow Rebecca to make whatever minor edits are necessary, such as typos.

Everyone agreed to this, and the motion was seconded by Vicki. All in favor, none opposed.  
Motion carried.

**5. New Business**

None

**6. Adjournment**

Meeting adjourned at 9:09 p.m.