

**MASON COUNTY  
PLANNING ADVISORY COMMISSION**

**June 30th, 2014**

*(This document is not intended to be a verbatim transcript.)*

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**1. CALL TO ORDER**

Chair Ken VanBuskirk called the meeting to order at 6:03 PM.

**2. ROLL CALL**

**Members present:** Vicki Wilson, Ken VanBuskirk, Kristy Buck, Bill Dewey, and Tim Duffy **Excused:** Steve Van Denver and Rob Drexler

**Staff Present:** Rebecca Hersha.

**3. REGULAR BUSINESS**

**I. ADOPTION OF AGENDA**

Ken addressed the PAC and asked if they each had enough time to review agenda items C and D. The PAC planned on waiting to see if they reached that point during the public meeting. Rebecca would clarify any concerns that came up.

**II. APPROVAL OF MINUTES**

Nothing available for approval from 6.16.14.

**III. DETERMINE PAC MEETING DATES IN JULY AND AUGUST**

Ken expressed his concerns with feeling pinched for time when reviewing documents and would like to schedule meetings once a month at least until summer is done. Kristy mentioned with 7 PAC members it made it a lot easier to skip a meeting if need be and would like to keep plugging along. Rebecca reviewed what's left within the SMP to finish before the hearings begin. The PAC decided the next meeting will be July 21<sup>st</sup>, 2014. The month of August will have 2 meetings, which are August 4<sup>th</sup> and August 18<sup>th</sup>, 2014.

## 4. PUBLIC MEETING

### a. Dredging Policies and Regulations (Draft Comp. Plan IX-4.C) (Draft SMP 17.50.065.3)

The PAC did not finish their discussion of the Dredging Chapter at the last meeting on June 16, 2014. Rebecca began with draft definitions on Page 2 of the revised 6/11/14 Dredging Staff Report.

Dredging- The removal, displacement, and disposal of unconsolidated earth material such as silt, sands, gravel, or other submerged material from the bottom of water bodies, rivers or wetlands. Maintenance dredging and other support activities are included in this definition. The de minimis movement of sediment during shellfish harvest is not considered dredging.

"Maintenance dredging," means dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project. Maintenance dredging also includes dredging that maintains the previously authorized width of a channel, boat basin or berthing area. "Non-maintenance dredging," means any dredging that is not maintenance dredging.

Rebecca asked Vicki if her questions had gotten cleared up regarding the differences between Dredging, Grading and Mining. Vicki replied they were as clear as they could get. Rebecca asked Rick Mraz, "What if someone deposited dredge material temporarily upland would they still need all the same permits as grading?" Rick responded, "Yes they would. Temporary and permanent are one in the same and is stated within the definition of development."

Vicki referred to Page 3 Draft Policies #2 and stated that the first sentence should be stricken. Rebecca agreed and made the correction, so that it reads:

2. ~~*In Rural, Conservancy and Natural Environments. Dredging operations can be extremely detrimental and should be carried out only where alternatives are infeasible and where the dredging is:*~~

- a) *Part of an approved effort to preserve, protect or improve existing ecological conditions; or*
- b) *Necessary to support an existing legal use or a proposed water dependent use or essential public facility; or*
- c) *Part of a federal state approved clean-up program; or*
- d) *Part of an approved beach nourishment project; or*
- e) *Required to provide public access for a substantial number of people.*

### Policy #5 (Page 4)

Rick and Rebecca conversed. Ken commented by striking extra verbiage within the policy it now read clear. All PAC members agreed.

5. Dredge spoil disposal is discouraged ~~in shoreline jurisdiction, especially~~ within channel migration zones. ~~It may be allowed at approved in water disposal sites as part of an approved restoration or clean up projects.~~

#### Regulations (Pages 5-9)

1. Dredging shall be permitted or otherwise authorized where there are no feasible alternatives and provided any unavoidable environmental impacts can be mitigated as described in a habitat management plan:
  - a. If it is necessary to maintain, deepen or widen navigation channels to assure the safety and efficiency of existing navigational uses.
  - b. If it is necessary to maintain, deepen or widen commercial moorage at approved harbors, marinas, or ports.
  - c. If it is necessary to develop or, maintain essential public infrastructure and facilities when other approaches are not feasible.
  - d. If it is necessary in conjunction with a County-approved comprehensive flood control management plan.
  - e. If it is necessary in creating solid foundations for placement of concrete, riprap, and other building materials as part of a water-dependent or priority use.
  - f. If it is part of environmental clean-up activities required by the Model Toxics Control Act or Comprehensive Environmental Response, Compensation and Liability Act.
  - g. If it is ~~necessary to facilitate channel clearance and improvement as~~ part of an approved restoration project (see 17.50.060.12) benefiting water quality and/or fish and wildlife habitat.
  - h. If it is necessary to create or maintain public access from the shore to navigable water, including construction of public piers and docks ~~that benefit substantial numbers of people.~~
  - i. If it is necessary to maintain lagoons, ponds and other areas used by water-dependent industry.

Rebecca voiced Public Works concerns. Public Works' staff recommended striking the word 'maintain' because maintenance is not considered substantial development for the purpose of SMA RCW 90.58.030 and WAC 173-27-040. Rebecca felt it was not necessary to strike it. Additional recommendations of Rebecca's include striking complex verbiage from section G (as seen above). Along with striking "that benefit substantial numbers of people" Within section H. The PAC reached consensus.

#### Regulation #3 (Page 6)

Maintenance ~~dredging that meets the maintenance exemption in WAC 173-27-040 shall be considered as a Shoreline Exemption.~~ ~~or~~ Restoration dredging shall be considered Substantial Development. Non-maintenance dredging (except for restoration dredging for restoration projects) may be considered as a Conditional Use.

Rick commented that the new language was an improvement and felt satisfied with Rebecca's decision. All PAC members concurred.

Rebecca covered a comment that was submitted by Richert & Young last year. They would like to see a new item inserted into the current regulation. "In stream channel dredging operation shall not cause damage to adjacent shorelines as they existed before channel aggradations". Kristy added that the request was very vague, and who can really say what it looked like before channel aggradations. Ken stated that if Richert & Young had any further concerns, he hoped they would attend future meetings. Vicki would like to see some of the wording be shortened within Regulation #4 Sec B. All were in favor.

#### Regulation #4 (Page 6)

*Additional Dredging restrictions are as follows:*

- a. *Dredging operations shall not cause damage to adjacent shorelines or marine developments.*
- b. *Dredging operations shall be self-monitored to minimize control to a feasible minimum any leaks or spillage of the dredged materials. ~~from pipes, machinery, dikes, or bulkheads.~~*
- c. *Dredging machinery or vessels shall use reasonable precautionary measures to prevent petroleum from entering the water.*
- d. ~~*If dredging operations involve a creek, stream, or river channel, or other recognized fish migration route, these operations shall follow established state and federal work windows to allow for successful passage of these fish.*~~

The PAC conversed and decided to not include subpart (d), which Staff had recommended be added in the Staff Report.

#### Regulation #5 (Page 7)

~~*Dredged material, if deposited within shoreline jurisdiction on shorelands, shall be contained or otherwise managed and monitored to prevent undesirable erosion ~~or shifting after operations and related monitoring are needed~~. Dredged material disposal on land shall be considered fill and subject to applicable fill regulations.*~~

Kristy commented that she had no concerns with Regulation 5 and was comfortable with the updates Rebecca made. There was no further response from the commission.

#### Regulation #6 (Page 7-8)

The commission agreed that work needed to be done within this regulation such as striking unnecessary language to help clear up any discrepancies. The PAC conversed and agreed upon the below version.

Dredged material, when ~~not~~ deposited ~~on-land~~ waterward of the Ordinary High Water Mark, shall ~~be placed in spoils deposit sites in water areas to be identified by the County and the Washington Department of Natural Resources and shall~~ comply with the ~~Puget Sound Dredged Disposal Analysis criteria and guidelines~~ Dredged Material Evaluation & Disposal Procedures User Manual ([http://www.dnr.wa.gov/Publications/aqr\\_dmmp\\_user\\_manual.pdf](http://www.dnr.wa.gov/Publications/aqr_dmmp_user_manual.pdf)) and other applicable local, state, and federal regulations.

Depositing of dredge material in water areas shall be allowed only for habitat improvement; to correct problems of material distribution ~~affecting~~ adversely affecting fish and shellfish resources, to remediate contaminated sediments, or where the alternatives of depositing material on land are more detrimental to shoreline resources than depositing in water areas.

Rebecca asked the PAC if they had any additional questions or comments on the remaining regulations 7-10.

Vicki commented that Regulation # 9 (Page 9) should include the wording "shall" instead of "should". Rebecca agreed. Will read as follows:

*Dredging and dredge disposal operations ~~should~~ shall be the minimum needed to accommodate the allowed use or development.*

Vicki expressed the option of adding "or water" to Section E of Regulation #10 (Page 9) Kristy and Rebecca both agreed with the recommendation.

10. Applications for dredging projects shall include the following information:

- a. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this Program.
- b. A detailed description of the existing physical character, shoreline geomorphology and biological resources provided by the area proposed to be dredged, including a site plan map outlining the perimeter of the proposed dredge area, and information on stability of bedlands adjacent to proposed dredging and spoils disposal areas.
- c. A detailed description and analysis of the physical, chemical and biological characteristics of the dredge spoils to be removed.
- d. A description of the method of materials removal, including facilities for settlement and movement. The description shall include estimates of the frequency and quantity of project maintenance dredging.
- e. Detailed plans for dredge spoil disposal, including specific land or water disposal sites and relevant information on the disposal site.

Project Classification Table (Page 10)

Rebecca's proposed rearranging the table for clarity.

Staff recommended:

Dredging	Comm.	Residential	Rural	Conserv.	Natural	Aquatic
Maintenance dredging	n/a	n/a	n/a	n/a	n/a	P
Non-maintenance dredging						
Restoration dredging	n/a	n/a	n/a	n/a	n/a	P
Other non-maintenance dredging	n/a	n/a	n/a	n/a	n/a	C/X
Dredge material disposal						
Restoration disposal	P	P	P	P	C/P	P
Other dredge material disposal	C	C	C	C	C	C

Key: P = Permitted C = Conditional Use X = Prohibited

b. Weed Seeds in Fill- Grading Regulations (Draft Regs 17.50.065.5)

Rebecca referred to a one-page document dated 6/5/2014, in which she provided options A through E. These options were a result of Rebecca’s discussion with Pat Grover from Mason County Noxious Weed Control Program, which Ken had requested at a previous meeting. Pat, Rebecca and the PAC agreed that option E would be inserted into the Grading Chapter as a new regulation.

Option E (SMP Noxious Weeds and Fill)

*After fill material is deposited and/or graded, the site shall be monitored for a minimum of three years for weeds that are on the Mason County Noxious Weed List. Fills greater than ~~500~~250 cubic yards and/or with more than 1,000 square feet area (not covered by concrete or asphalt) shall be inspected by a qualified professional at least once during the three year monitoring period, but not sooner than a year after the fill is graded. All Mason County regulated weeds (~~http://ext100.wsu.edu/mason/natural-resources/mason-county-noxious-weed-control~~) shall be controlled as required by RCW 17.10 utilizing methods recommended by the Mason County Noxious Weed Control Program or other vegetation control specialist.*

Ken gave background on why he felt it was important to revisit the topic. Ken recommends decreasing the 500 cubic yard size to 250. Bill agreed and commented it will keep it consistent with the amount of development you can do before needing a substantial development permit. Kristy asked Rebecca “who would be doing the monitoring?” Rebecca responded, “A ‘qualified professional’, which more than likely would be someone from the weed control board.”

----BREAK 7:26-7:36----

## c. Flood Protection- Policies and Regulations

(Draft Comp Plan IX-4D) (Draft Regs 17.50.065 4)

Rebecca began by stating that Flood Protection is primarily referring to structures that are along rivers. Mason County's Draft SMP separates Flood Protection (control of flooding along rivers) from shoreline stabilization (bulkheads), which results in two chapters that are very similar to each other. Rebecca recommended adding the following sentence to the definition of shoreline stabilization:

*Shoreline stabilization does not include flood control structures along rivers, unless the flood control structure is also serving to stabilize the bank of a lake or saltwater shoreline.*

The commission opposed adding the sentence, and leaving the definition as it is in the January 2013 draft.

Rick commented that when referring to "Flood Protection", the words that are used most often are levy or dyke. There are not a lot within Mason County but we have some, which include levies around existing farm fields that keep them from tidal waters.

There is also some clarification needed to differentiate the frequently flooded areas subsection of the draft SMP's general regulations (17.50.055.b.4) from the Flood Protection chapter. One-way to achieve this is to change the terminology from 'flood protection' to 'flood control.' Flood protection is normally associated with elevating and flood proofing buildings, and flood control is associated with revetments and dykes along rivers. Since the draft does not contain a definition for either, Rebecca recommended creating the following definition (taken from Jefferson County's SMP):

**Flood control.** *All development on rivers and streams designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, weirs, flood and tidal gates. Excluded are water pump apparatus.*

### Policies (Page 2 & 3)

Rebecca reviewed the changes she made within the policies. An update that was made was striking "Flood Protection" and using "Flood Control." None of the Commission members opposed.

Policy #6- the decision was made to delete text and the policy would instead read "in design of public ~~publicly financed or subsidized flood protection control~~ projects."

### Regulations (Pages 4-7)

Rick commented that Section F has a lot of extra verbiage and suggested striking the last sentence within. The PAC agreed.

1. *The County shall require and utilize the following information, prepared by qualified engineers, hydrologists, and ecologists during its review of flood ~~protection-control~~ projects:*

- a. River channel hydraulics and floodway characteristics up and downstream from the project area;
- b. Existing shoreline stabilization and flood ~~protection~~ control works within the area;
- c. Physical, geological and soil characteristics of the area; and
- d. Predicted impact upon area shore and hydraulic processes, adjacent properties and shoreline and water uses, including:
  - i. analysis of the flood frequency, duration and severity and expected health and safety risks as a rationale and justification for the proposed structure.
  - ii. potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.
  - iii. A description of plans to remove vegetation.
- e. Impacts on valuable recreation resources and aesthetic values such as point and channel bars, islands and other shore features and scenery.
- e.f. A Habitat Management Plan that identifies how impacts will be avoided minimized and/or mitigated. The plan shall include requirements for monitoring of any mitigation actions ~~and shall be consistent with FEMA Region X guidance from the 2008 Biological Opinion on the Federal Flood Insurance Program.~~
- f.g. Proposed provisions for accommodating public access to and/or along the affected shoreline in funded public projects, as well as any proposed on-site recreational features.

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~~2. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, may be incorporated into permits issued for flood protection and shoreline stabilization.~~

Rebecca recommended striking all of regulation #2. She felt the sentence was meaningless because of the phrase "may be incorporated." None opposed.

Rebecca remarked that the new Regulation #2 is similar to #1(a) except that this speaks more specifically to the design of the flood control structure.

~~2.~~ 3. The County shall require professional design of flood ~~protection~~ control projects, where permitted, to ensure such projects do not cause interference with normal river geohydraulic processes, leading to erosion of other upstream and downstream shoreline properties, or adverse effects to shoreline resources and uses.

~~3.~~ 4. Flood control structures shall be permitted only when credible engineering and scientific evidence demonstrates that:

- a. They are necessary to protect existing, lawfully established developments; or new, lawfully established bridges, utility lines, and other public utility and transportation structures where no



*other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost; and*

- ~~b. Non-structural flood protection-control measures are infeasible; and~~
- ~~c. Impacts to habitat are avoided and minimized to the greatest extent feasible and can be successfully mitigated consistent with FEMA Region X guidance from the 2008 Biological Opinion on the Federal Flood Insurance Program; and~~
- ~~d. They are consistent with an adopted comprehensive flood hazard management plan if available; and~~
- ~~e. They are consistent with Mason County Code Chapter 14.22 and the County Comprehensive Plan.~~

Rebecca recommended moving (c) to #1(e) because they both pertain to a Habitat Management Plan and/or a Habitat Assessment Mitigation Plan FEMA terminology. Also, Rebecca recommended moving (d) and (e) to be with the other flood protection requirements in #10 and having this #4 pertain to circumstances where flood protection measures are allowed. None of the commission members opposed.

Regulations #4, 5 & 6 read clearly. No one raised any concern.

~~4. 5.~~ *Dams proposed for the sole purpose of flood control shall be prohibited.*

~~5. 6.~~ *All flood control structures shall be prohibited in Natural and Aquatic environments; except that limited elements of flood control structures may be permitted in Aquatic environments where such location is necessitated by the design of the flood control project.*

Kristy asked Rebecca to elaborate on regulation #5. Rebecca explained its discouraging flood control structures waterward of the ordinary high water

(Page 6)

~~6. 7.~~ *Flood control structures may be considered as a Conditional Use in Urban-Commercial, Urban Residential, Rural and Conservancy designations. Where allowed, flood control structures shall meet all requirements of this program, and PROVIDED they:*

- a. Shall be set back from the ordinary high water mark or channel migration zone consistent with incorporated Resource Ordinance buffers;*
- b. Shall be located outside of the mapped floodway;*
- c. Shall be located landward of associated wetlands and wetland buffers, as determined consistent with the incorporated Resource Ordinance.*

d. ~~In instances when multiple buffers apply, s~~ Shall be setback to the landward-most edge of all such buffers and setbacks in instances when multiple buffers apply.

~~9. Flood control structures should be designed and constructed to applicable Washington Department of Fish and Wildlife Aquatic Habitat Guidelines technical manual standards.~~

Rebecca recommended moving #9 to #10(d) to fix formatting and flow.

~~8. 10. Flood control~~ measures shall be planned and constructed based on a state approved flood hazard management plan, when available, and in accordance with

a. The National Flood Insurance Program and Mason County's Flood Damage Prevention Ordinance (MCC14.22).

b. An adopted comprehensive Flood Hazard Management Plan, if available

c. The County Comprehensive Plan; and

d. Washington Department of Fish and Wildlife Aquatic Habitat Guidelines technical manual standards

(Page #7)

~~9. 11. Removal of beaver dams or other accumulated woody debris to control or limit flooding shall be allowed provided that the project proponent coordinates with the Department of Fish and Wildlife, obtains all necessary permits and approvals from the state, and complies with the General Regulations (17.50.055).~~

In #9 Rebecca recommended referring to the General Regs which refer to the Resource Ordinance requirements. Ultimately how it's currently written, a shoreline exemption and habitat management plan are required when in shoreline jurisdiction. When not in shoreline jurisdiction a MEP and MHP are required.

Ken was concerned weather or not this needed to be included at all. Bill stated that he felt it was unnecessary within the county's SMP if the State already has requirements in play for it. Vicki commented that she does not want to push the limits of the SMP beyond what it's intended to do. The PAC made a consensus to strike Regulation #9.

~~10. 12. New public flood control structures, such as publicly funded dikes and levees, shall dedicate and improve public access pathways unless such improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, unavoidable conflict with property rights or a cost that is disproportionate and unreasonable to the total long-term cost of the development.~~

Bill raised the concern about publicly funded flood control structures on private lands. The PAC agreed on making the policy and the regulation consistent.

None oppose Regulation 11

*11. ~~13~~. Removal of gravel for flood ~~protection control~~ purposes shall be consistent with an adopted flood hazard reduction plan and only permitted after a biological and geomorphological study demonstrates that extraction has a long term benefit to flood hazard reduction, does not result in a net loss of shoreline ecological functions, and is part of a comprehensive flood management solution*

d. Ken tabled the discussion of SMP Jurisdiction regarding 100-year flood plain until the next SMP workshop.

## **5. NEW BUSINESS**

Ken stated that the bylaws require that the PAC receive reading materials 3 days before the meeting. He hoped for a week's lead-time.

## **6. ADJOURNMENT**

At 9:07 pm, Ken made motion to adjourn Vicki 2nds it. None oppose.

