

Mason County Planning Advisory Commission

August 4th 2014

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

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1. Call To Order

Bill Dewey called the meeting to order at 6:03 pm

2. Roll Call

Members Present: Vicki Wilson, Kristy Buck, Bill Dewey, Tim Duffy, Steve Van Denover and Rob Drexler
Excused: Ken VanBuskirk

Staff Present: Rebecca Hersha, Rick Mraz-Department of Ecology

3. Regular Business

- I. Adoption of Agenda
- II. Approval of minutes

Vicki stated she had changes she would like the 6.30.14 minutes to reflect. Beginning on Page 2 of the draft minutes, Vicki would like to make sure that the full dredging definition is included. Continuing on page 2 Vicki noted that Sub Section E was added and the minutes needed to reflect it so the policy was complete. Page 5, Regulation 6 of the draft minutes. Punctuation needs to be added after *"shall be allowed for habitat improvement; to correct problem of material distribution adversely affecting"* as well as putting *adversely* before affecting. Bottom of Page 6 strike "using" to correct grammar. Vicki had a general comment on (Page 6, Section b) *Weed Seeds in Fill* and wanted to verify the PAC's decision that was made on 6.30.14. Rebecca stated that we could listen back to the recording, and update accordingly. Page 7, **Flood Protection** third paragraph. Vicki asked Rebecca if an actual decision was made. Again, Rebecca commented she will refer back to the recording. Page 8, **Policies** (policy #6) a decision was made to edit the policy and would now read, *"in design of public publicly financed or subsidized flood control projects"*. Vicki continued on Page 8 by noting that Section *iii* of Regulation 1 was left out and needed to be reinserted. Pg 9, (new # 2) *"flood protection"* should read, *"flood control"*. Pg 10, paragraph

beginning with "Kristy", Vicki asked Bill if his concerns were addressed regarding meander vs. straight. Rick recommended it might be a better fit if it were located within the aquaculture section. The PAC noted they would repeat that discussion at a later time. Page 11 #10 should read "public" flood control structures, continued on to number 11 Vicki felt the sentence was lacking something. Rick suggested adding "permitted" after "hazard reduction plan and only..."

A motion was made by Bill to adopt the minutes as amended; Vicki seconded the motion. All were in favor, none oppose.

III. Determine PAC meeting dates in September and October.

The PAC discussed and decided the meeting dates for September would be the 15th & 29th.

4. Public Meeting

Workshop for Updates to the Shoreline Management Chapter of the Mason County Comprehensive Plan and to the Shoreline Master Program Regulations.

- a. **Boating Facilities**-boat slip areas language.
(Draft SMP 17.50.060.3)

Rebecca felt this chapter needed to be revisited. One of the first items that needed updating was the title of the chapter. Rebecca previously discussed with Rick that the title "Overwater Structures" could cause some confusion. They both agreed that naming "Docks, Floats, Mooring Buoys, Boat Lifts and Covered Moorage" read clearly. Vicki asked Rebecca if she would be removing the definition of overwater structures as well. Rebecca stated the term was still used but would like to remove the second paragraph of the definition. It will now read:

Overwater structures.

Structures located waterward of the Ordinary High Water Mark, whether fixed above, floating on the surface, or fixed in the substrate.

~~For the purpose of Chapter 17.50.065(D), 'overwater structures' includes docks (piers, ramps, and/or attached floats), unattached floats, boat lifts and covered moorage, and it does not include aquaculture, mining, or transportation structures, not does it include mooring buoys.~~

Rebecca explained to the PAC that this version of the Staff Report (Version 3 7.21.2014) does not include many tract changes. Only changes that have not been approved are included.

Applicable Definitions (Page 2 of 12)

Rebecca corrected "lifeboat" to "vessel" and included both upland and overwater davits in the definition.

Davit. A small crane on or landward of the Ordinary High Water Mark or bulkhead (upland davit) or located on a dock (overwater davit) that is used for suspending or lowering a vessel.

Vicki asked Rebecca whether or not “sea plane” should be inserted to more of the current definitions. Rick commented that it’s a very unique circumstance and is not really sure how often this may come up in Mason County. Rick stated that testimony had been given by some Mason Lake residents that there is currently a seaplane on the lake. Rick stated that he would look at what San Juan County is doing; this issue would be more common there.

Project Classification Table (Page 3 of 12)

	SHORELINE ENVIRONMENT DESIGNATIONS					
	Com.	Residential	Rural	Cons.	Natural	Aquatic
Overwater Structures						
Docks	P	C	n/a	C/X ¹	X	*
<i>Hood Canal</i>	P	C	n/a	C/X ¹	X	*
<i>South Puget Sound</i>	P	C/P ²	n/a	C	X	*
<i>Lakes</i>	P	P	P	C	X	*
<i>Rivers</i>	X	X	X	X	X	X
Unattached Floats	n/a	n/a	n/a	n/a	n/a	P
Mooring Buoys	n/a	n/a	n/a	n/a	n/a	P
Boat Lifts <u>and Overwater Davits</u>	P	P	P	C	X	*
Covered Moorage / <u>Overwater Boathouses</u>	n/a	n/a	n/a	n/a	n/a	X ³

Rebecca commented on the project classification table and stated that the only changes included adding “and Overwater Davits” as well as “Overwater Boathouses” to the table.

Regulations (Page 4)

Rebecca recommended that the title All Overwater Structures be changed to Docks, Floats, Mooring Buoys, Boat Lifts and Covered Moorage. Vicki then asked Rebecca if she would be adjusting it throughout the chapter since Overwater Structures is frequently used. Rick stated, you could insert a clause to the chapter, which stated that Overwater Structures means: Docks, Floats, mooring buoys boat lifts and covered moorage. The PAC discussed and decided on keeping the Overwater Structures title but added “Refers to *Docks, Floats, Mooring Buoys, Boat Lifts and Covered Moorage.*”

(Page 5-6)

Rebecca referred to number #9. She recommended striking the full second paragraph. Her reasoning was upland boathouses are not an overwater structure. They are already restricted to meet setbacks and mitigate for buffer impacts per each use chapter and per the general regulations. The PAC recalled agreeing to strike this at a previous meeting. Vicki had a few comments regarding this section. Vicki is unsure why the second and last sentences are even included. She mentioned the 2nd sentence referred to replacement structures and seemed like it should go under #10(Repair & Replacement), and the last sentence seems like it should be stated under the marina section. Kristy also added that “New” should be added to the beginning of the regulation. #9 will now read:

9. New covered moorage and over the water boat houses are prohibited except in marinas. Replacement structures shall be restricted to the original footprint and size dimensions, except for any variations required by health and safety regulations. Proposals for covered moorage and over water boathouses shall include a Habitat Management Plan that identifies measures to protect habitats and mitigate for unavoidable impacts.

~~Boat houses on land shall be subject to a maximum size of 600 square feet and shall meet all setback requirements. Boat houses on land that are within the buffer required per MCC 17.50.055 (General Regulations) shall include a Habitat Management Plan that identifies measures to protect habitats and mitigate for unavoidable impacts.~~

Rebecca stated she did not want to originally include the covered moorage in the first place because it was only allowed in marinas.

Rebecca conversed with Rick; she asked him if an issue was resolved regarding educational non-profits (Rebecca referenced the Girl Scouts) and environmental education. If the group wanted to put in a boathouse would that be subject to a variance? Should it be limited to residential boathouses? Would that be a problem? Rick responded, what is interesting the shoreline setbacks on the lake if you were to use the common line for all the residences would only be about 35-40 feet. You could locate a boathouse or residence inside that using a common line setback. Rick suggested possibly stating for recreational uses the residential common lines might apply. Rick also stated that recreational uses are held to a higher standard where in fact usually that land use is a lot less intensive, and more geared toward public access. Rebecca stated she would look at the resource ordinance revisions. Bill stated that he was not clear on the direction they were going. Rebecca mentioned that she would review the changes to the resources ordinance. If it were not handled there or in the recreational chapter revisions she would be drafting language to consider that might resolve the problem. The PAC concurred.

Jim Reece asked a question regarding Page 6, #10 (a) of the Staff Report. Does the grandfathering also include the repair and replacement of lifts? Rebecca stated that it does also apply to lifts. Rick commented that a lift can be considered a structure and that's how the regulation currently reads. Rick also recommended that it would not hurt to add the remainder of the list to the section. It would read as:

10. Repair and Replacement.

- a. As detailed in MCC 17.50.050, General Regulations, the footprints of existing legally established structures are grand-fathered, therefore repairs and replacements of grandfathered docks or unattached floats, mooring buoys, boatlifts and covered moorage do not need to meet the County's dimensional standards but do need to use approved materials. Existing skirting shall be removed and may not be replaced.*
- b. Proposals involving the addition to or enlargement of overwater structures must comply with the requirements for new construction. Enlargement beyond prescriptive current standards would require a Variance*

Rebecca jumped to page 8 (f) and stated the PAC recommended on 4/21/14 to replace shape/area requirements with the boat slip area tables in the existing SMP. She has drafted the following language in "f".

~~.f. T's, L's and F's~~

f. Boat Slips.

Boat slips may be incorporated into the design of docks as follows:

i. Freshwater Dock. The width (measured parallel with the shore) of a boat slip (excluding the main-stem of the dock) for a single waterfront lot shall not exceed twenty (20) feet, or forty (40) feet for a joint-use facility. (See #6 (g) - (i) for width requirements for the individual components of piers, ramps, and floats.)

The maximum boat slip area (including structural and open slip area) allowed depends on the number of owners:

(Freshwater)

# of Owners	Max. Boat Slip Area
1 owner (single use)	400 sq. ft.
2 owners (joint use)	700 sq. ft.
3 owners (joint use)	780 sq. ft.
4 owners (joint use)	860 sq. ft.
5 owners (joint use)	940 sq. ft.
6 owners (joint use)	1,020 sq. ft.
7 owners (joint use)	1,100 sq. ft.
8 owners (joint use)	1,180 sq. ft.
9 owners (joint use)	1,260 sq. ft.

ii. Saltwater Dock. The width (measured parallel to the shore) of a boat slip (excluding the main-stem of the dock) for a single waterfront lot shall not exceed twenty (30) feet, or sixty(60) feet for a joint-use facility. (See #6 (g) - (i) for width requirements for the individual components of piers, ramps, and floats.)

The maximum boat slip area (including structural and open slip area) allowed depends on the number of owners:

(Saltwater)

<i># Of Owners</i>	<i>Max. Boat Slip Area</i>
<i>1 owner (single use)</i>	<i>600 sq. ft.</i>
<i>2 owners (joint use)</i>	<i>1,000 sq. ft.</i>
<i>3 owners (joint use)</i>	<i>1,120 sq. ft.</i>
<i>4 owners (joint use)</i>	<i>1,240 sq. ft.</i>
<i>5 owners (joint use)</i>	<i>1,360 sq. ft.</i>
<i>6 owners (joint use)</i>	<i>1,480 sq. ft.</i>
<i>7 owners (joint use)</i>	<i>1,600 sq. ft.</i>
<i>8 owners (joint use)</i>	<i>1,720 sq. ft.</i>
<i>9 owners (joint use)</i>	<i>1,840 sq. ft.</i>

Rebecca recapped the tables. Kristy and Vicki conversed regarding the previous notes they had from April of this year to be sure that all was matching.

Jim Reece drew some examples on the white board of how he felt the square footage was restricting. Jim stated he would really just like to see a number higher than the 400 sq ft. The PAC discussed the issue together. Rebecca stated that the old SMP included the main stem in the square footage, so they are already getting a bigger size dock.

Vicki asked Jim if there was a number he had in mind, he replied no. Vicki commented that she was not sure where to go with out receiving a specific number. The Pac agreed. Vicki stated she would like to leave it how it is unless someone can bring forth a proposal to state anything different. Rick referenced the Mason County SMP Inventory and Characterization; and stated this is the document that was created in preparation for the SMP update. This assessed existing conditions throughout the county of all shorelines to determine which areas had development that caused possible degrading of the ecological functions. The Mason Lake area had one key management issue, which was to stop proliferation and over water structures. Rick commented, if you are going to pursue a line of reasoning that would expand what your exiting SMP allows for docks and overwater structures you would be contradicting your own Inventory and Characterization. Steve stated that he would like to see the county be less restrictive within reason. Vicki encouraged anyone that had concerns to make a proposal and address during the hearing process, that way the topic isn't left open. Jim Reece commented that he would write up a proposal that could be passed along. Bill stated to keep in mind what Rick commented, there needs to be some rational to accept it. Rick added in the 14 years he has worked in Mason County, or with Mason County that there has not been a fresh water dock permit denied that he could recall.

Vicki had a few questions that she wanted Rebecca to clarify for her. Beginning with Page 7 #5, she stated typically the "lesser" is referring to at least two things. The final sentence should read

The lesser of 15% of the fetch, or 200 ft of the opposites shore OHWM or the length requirement in Regulation 6 Section (d.) All were in agreement.

Continuing on Page 7 #6 where it read *Single-Family Residential Docks and Unattached Floats*. Vicki felt it would help clarify the section if it was changed to *Residential Docks and Unattached Floats (Single family & Joint Community Use)*. The PAC agreed.

Page 8 Vicki commented on the *Configuration* section and asked Rebecca why would the replacement of a residential dock on saltwater is of a pier, ramp and float design. Vicki thought replacement was classified under normal repair. Rick interjected and commented that this was an attempt to be consistent with Dept of Fish and Wildlife's most recent Hydraulic Code. The PAC conversed.

----- BREAK 7:32 - 7:43 -----

Bill opened and stated that during the break Rick reviewed the current Dept of Fish and Wildlife Hydraulic Code and read-aloud requirements for new pier, ramp and float structures; may be a pier only, a pier ramp and float or a float only, provided conditions are met. Bill commented that it does allow for floating structures in saltwater. Vicki asked, "Why do we even need this section?" Rebecca commented that she had concerns about this one because she knows Fish and Wildlife have implemented requirements of not allowing floating docks for quite awhile now. Rebecca referred back to a time when applications came in and she would make contact to Fish and Wildlife and they would always respond that floating docks are not permitted on saltwater. Vicki recapped the two options the PAC had on the table. #1 research what is currently in place and make sure the correct language is used and #2 would be to strike it completely and make sure that there is some language somewhere that reads something like, state agencies may have a different standard that you would have to meet. Rob moved to strike the entire section e, *Configuration* the motion was seconded by Kristy all Pac members are in favor.

Vicki continued on to Page #10, section j (i)

Pilings subject to abrasion and subsequent deposition of material into the water shall incorporate design features to minimize contact between all of the different components of overwater structures during all ~~lake~~ water elevations.

She thought that water was a better fitting word since in didn't just apply to lakes.

Jim Reece raised concern over Page 12 section (D) *Boat Lifts #3*; Jim referred to Mason Lake and stated that currently there are many places that have more than one lift. Will they be grandfathered? Rob would like to understand why there would be an issue to have more than one lift on a dock. Kristy asked Rick if it was a requirement to place a limit. Rick answered no, but he would like the number to relativity arbitrary if something other then 1 is chosen. If you add multiple lifts you have expanded its overwater coverage. Vicki asked Jim if he could explain what

a boat lift looks like. He explained the structure and stated that it keeps the boat out of the wave action. Kristy asked what the existing stated and Rick commented nothing; it does not speak about boat lifts. Bill recommended adding a statement which read "theses numbers can be increased equally by the number of residences served by a joint use dock." Jim stated that that would not help the single owner. Rick and the Commission conversed. Rob stated that he would like to see it go away. Steve also agreed. Kristy stated that she would be ok with all of D (Boat Lifts) going away. Bill asked if the lifts are typically used adjacent to docks. The consensus was yes. The Commission are all in agreement to strike #3 of (D) *Boat Lifts*

D. Boat Lifts

1. *Boat lifts shall be placed as far waterward of the OHWM as feasible and safe.*
2. *Design the grid/lift so that the bottom of the grid/lift rests at least 1 foot above the substrate and does not rest on the substrate at any time.*
3. ~~*No more than one (1) freestanding or deck-mounted boatlift per waterfront lot; or one (1) personal watercraft lift or one (1) fully grated platform lift may be permitted on a single waterfront lot.*~~

b. Decide whether SMP jurisdiction will include the 100 yr floodplain.
(Draft SMP 17.50.060.3)

Rebecca explained that this topic had been discussed before but no conclusion was made. She stated that there were some options on how far the County's jurisdiction goes. The minimum jurisdiction, which is the existing, reads "*out to the OHWM and out to any flood way if a floodway is maxed and 200 ft from that in a flood plain and near any associated wetlands.*" What it doesn't include is 200 ft from the floodway. Rick stated the PAC needed to decide what the floodway was.

Rebecca asked Rick if the county would be opening up themselves for lawsuits if they return back to minimum jurisdiction. He stated he would need to look back and do some more research before he could answer.

Vicki mentioned that at a past meeting a consultant listed some pros and cons that included **Pros-** (max restriction) easier to map, greater consistency & permitting across the floodplain, assist with FEMA biological opinion compliance and streamline permitting for critical area buffers. **Cons-**SMP policy and regulations apply to a larger area; administration of program affects a larger area and public concern.

Steve referenced the Shelton Creek and how the creek flooded two years in a row. He commented there really isn't anyway for us to truly know, which makes it very hard to be prepared.

Jim Reece made a reference to living in Michigan in a 100-year flood plain controlled by FEMA. He voiced the process he had to go through to get the house out of the floodplain. He commented it affected anyone wanting to sell a property. Kristy asked if there had been any public comments. Rebecca confirmed there were, but was very hard to follow what the actual concerns were. Kristy made a motion to go with the minimum jurisdiction and Steve second the

motion. Adam Frank (Olympia Master Builders) interjected and agreed that was a great decision to go with minimum jurisdiction. All members of the PAC agreed, none opposed.

c. Instream structures

(Draft Comp Plan Chapter IX-3.F)(Draft SMP 17.50.060.7)

Rebecca reviewed the current policies Page ix 11 draft policies on number 2-*instream structures should be approved only when associated with and necessary ecological restoration project fish passage project or an allowed shoreline use development such as a utility or industrial facility.*

Rebecca recommended adding or for research

Draft smp definition(17 SMP) add wording included in ecology's guidelines as a definition and for some reason not included within ours

Instreams structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility services transmission, fish habitat enhancement, or other purpose.(WAC 173.26.241. 23 g)

Adopt regulations starting on page 76

#2 flood protection to flood control

#4 all in water

5. New Business

6. Adjournment

At 9:10pm Bill made a motion to adjourn; Vicki seconded the motion. None oppose.