

# Mason County Planning Advisory Commission

October 13, 2014

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## 1. Call To Order

Bill Dewey called the meeting to order at 6:04 pm.

## 2. Roll Call

**Members present:** Steve Van Denover, Kristy Buck, Tim Duffy, Rob Drexler, Vicki Wilson, Bill Dewey

**Staff present:** Rebecca Hersha, Rick Mraz, Allan Borden

## 3. Regular Business

### a. Adoption of Agenda.

An item was added to the agenda (3b) for a discussion of meeting dates in November and an item was added to the end of the agenda under '5- New Business,' if time permits, for the discussion of a comment letter received regarding the draft dock regulations.

## 4. Shoreline Master Program Update- Workshop

- a) Amendments; Enforcement; Restrictions Affecting Value; Liberal Construction; Severability; Comprehensive Review Policies and Regulations (Draft comp. Plan IX-4 F) (Draft SMP 17.050.110, ...115,...120,...130,...140,...150)

Rebecca Hersha began the meeting by asking the Commission for questions and comments regarding the 'Amendments' subsection in the January 2013 Draft Shoreline Master Program:

### 17.50.110 Amendments:

- Kristy suggested that "Advisory Board" be changed throughout this subsection to "Planning Advisory Commission" for clarification.
- It was noted that the reference to '7.13.060' in the second paragraph is incorrect, and that Staff should correct it.
- The PAC asked Staff to add "of Ecology" after 'Department' in the first sentence.

- Rick noted that the current definition of ‘Administrator’ in the draft SMP is outdated and should be revised to, *The Director, Mason County Department of ~~General Services~~ Community Development*.
- Bill recommended that the paragraph beginning with “*An action of the Advisory Board on an amendment may be appealed...*” be stricken because it doesn’t seem likely that anyone will appeal the PAC’s decision since they are only making policy recommendations.

17.50.115 Enforcement and Penalties:

- A typo was found in (5)(b): *(1)(a) through (e)* should be changed to *(1)(i) through (v)*.

17.50.120 Restrictions Affecting Value: No changes or questions.

17.50.130 Liberal Construction: Vicki stated that it was decided at the April 22, 2013 meeting that this section would cite RCW 90.58.900.

17.50.140 Severability: Vicki commented that the language presented is from 1971 and believes it was updated around 1983 as section 90.58.911. Vicki requested that somebody look into it.

17.50.150 Comprehensive Review: No changes were recommended.

PUBLIC COMMENT: Gary Hanson of Union, WA asked about 17.50.115 section 5 Civil Penalty (b), which states:

*Furthermore, no penalty shall be issued by the County until the individual or business has been given a reasonable time to correct the violation and has not done so.*

Gary asked who makes that determination and what the timeline is. Rebecca stated that it would be up to the Department of Community Development. Rick commented that 30 days is a standard response time, and adds that the first form of communication is usually a request to talk about what the possible violation may be.

**4b) Shoreline Stabilization Policies and Regulations**

[Draft Comprehensive Plan IX.4-F (page IX.23) and Draft Shoreline Master Program 17.50.065.6 (pages 98-102)]

For this discussion, Rebecca and the PAC refer to a staff report titled “Shoreline Stabilization,” dated 10/7/2014.

Definitions Associated with Shoreline Stabilization

She reported that she has added a definition for ‘Shoreline Geotechnical Assessment.’ This definition was copied from Ecology’s Guidelines (WAC 176-

26-020). Kristy asked if the word 'littoral' could be removed from the definition, however the PAC members agreed that it needs to stay because it is a technical term.

Rick noted that the Definition of 'Drift Sector' would make more sense if the typo was corrected from "along which littoral along shore movements..." to "along which littoral **longshore** movements..."

Kristy asked for the definition of gabion. It was explained that gabions are rocks held together with wire mesh. She then asked that the definition be added to the SMP.

Concern was voiced regarding the definition of Feasible. Members questioned why the cost to applicants isn't a consideration in the definition. Rick explained that this definition is copied from the WAC. There was some discussion about changing the definition, but no changes were recommended. Rick conveyed the fact that affordability does factor into the final decision made by the Hearing Examiner and that nobody would be held to a standard that is an economic burden.

#### Shoreline Stabilization Policies

Vicki asked in Policy 8 (e) if the wording could be changed to include structures other than the single-family primary structure currently described. Rebecca acknowledged the wording is odd. There was agreement that the wording should include other building types, therefore the policy should read:

8. *Structural shoreline stabilization measures, including bulkheads, should be allowed only where evidence is present that one of the following conditions exists:*
  - ...
  - e. *The proposed action is a repair or maintenance of an existing, legally established ~~normal protective~~ 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.*

Vicki asked if policy 13 might be changed because she does not feel that it is a useful policy. The policy reads:

*Where feasible, any failing, harmful, unnecessary, or ineffective structural shoreline armoring should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.*

PUBLIC COMMENT: Melissa McFadden from Mason County Public Works asked if this could prevent Public Works from taking care of areas that they are not allowed to use road funding on. Rebecca proposed a change to Policy 13, which would read:

*Where feasible, permits or exemptions should encourage the removal of any failing, harmful, unnecessary, or ineffective structural shoreline armoring and should encourage the restoration of ecological processes.*

The PAC agreed with this wording.

The PAC discussed policy #14 regarding incentives. Bill brought up open space taxation saying that if someone was able to redevelop a shoreline into a natural, functioning shoreline, a tax break could be used as reward. After a long discussion, the PAC decided to come back to the issue of incentives. No decisions were made regarding how to revise #14. Instead the PAC asked Staff to talk to draft a policy regarding monetary incentives and to bring that to the next PAC workshop.

**Break**  
**8:00 – 8:09**

Bill called the Board back to order, and Rebecca returned to policy 14. Bill expressed that Policy 14 should be expanded. The PAC agreed to the following changes:

*Regulatory and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged. Regulatory and Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, tax, fee or other fiscal incentive programs.*

PUBLIC COMMENT: Teri King with Washington SEA Grant said she likes the changes to Policy 14 but would like Policy 13 to be reconsidered. She stated that if the policy is limited when a permit or exemption is required, their mitigation program may not assist with funding. The PAC agreed that Policy 13 should read:

*Where feasible, removal of any failing, harmful, unnecessary, or ineffective, structural shoreline armoring should be encouraged, and shoreline ecological functions and processes restored using non-structural methods.*

Teri then brought up 17.50.120 Restrictions Affecting Value and asked if a statement could be added regarding structural armoring and incentives. Vicki expressed concern with listing items individually because, once you start listing things, you have to list everything. Bill mentioned that it would be unfair to list items that affect other departments. He adds that if other departments are involved, they need to have input. Teri understood the PAC's concerns but felt additional verbiage regarding incentives should be placed in this section. Vicki

agreed that it should be within the Shoreline Master Program, but does not believe it should be within 17.50.120. Kristy asked Rebecca to think of a good place to add incentive language. Steve asked that Rebecca also talk to the Assessor to see if they can assist or give any insight to a change in value and/or public benefit rating system. Rebecca asked for specifics on what she needs to work with the Assessor on. Allan Borden informed the PAC that the Assessor's office use to have a public benefit rating system that allowed certain portions of a parcel to be taxed at a lower rate because it was dedicated to conservation. Bill referred to a document prepared by Nicole Fagin in February of 2014 that addresses tax incentives for prevention and removal of hard armor. He stated that Mason County was named in the document.

### Shoreline Stabilization Regulations

For regulation 1, on page 9 of the Staff Report, 'New shoreline stabilization-when allowed' the PAC recommended the following changes:

- Bill suggested that in section (b) iv "cultural resources" be included so it reads: *iv. Unique natural and cultural resources.*
- Vicki recommended that (b) ii include the word "existing" so it would read: *ii. New and existing legal water-dependent developments;*
- PAC recommended deleting the definition language in (c) because shoreline geotechnical assessment is already defined within the definitions subsection. Therefore (c) will read:  
*A Shoreline Geotechnical Assessment is required that demonstrates the following: ..."*
- Add to (h) or as separate regulation, that projects on state owned aquatic lands will require authorization from DNR.
- (i.) "naturally vegetated" and "not already developed" will be removed. 1. (i) will read: *Structural stabilization projects on feeder bluffs should not be allowed in areas not already subject to shoreline modification. In the limited instances where stabilizing feeder bluffs is deemed necessary, applicants shall avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. This may include requirements for beach nourishment.*
- (j) "shall", located in the 2<sup>nd</sup> sentence will now be "should" so it reads *Where feasible, projects should incorporate ecological restoration and public access improvements.*
- (k) Add '*maintain*' before '*or repaired.*'

The PAC had reviewed through page 12 (of 18) in the Shoreline Stabilization Staff Report when the meeting adjourned at 9:02 p.m.