

ORDINANCE NO. 14975

AN ORDINANCE amending Section 16.04.110 of the Thurston County Code relating to boating speed limits on Lake Saint Clair.

WHEREAS, Thurston County Code 16.04.380 authorizes the Thurston County Board of County Commissioners ("Board"), upon the finding of an emergency, to reduce speed limits on lakes in the unincorporated areas of Thurston County; and

WHEREAS, the Board has received requests from Lake Saint Clair residents to reduce speed limits and boat wakes of power boats due to high water levels and the potential for damage to shoreline property; and

WHEREAS, Thurston County staff investigated the current lake water level elevations and proximity of residential properties to the ordinary high water line and determined that boat wakes threaten to damage shoreline properties whenever water levels exceed 69.5 feet above sea level; and

WHEREAS, the Thurston County Hydrogeologist has confirmed that Lake Saint Clair is a kettle lake receiving water from Eaton Creek, stormwater, and groundwater and has no surface water outlet; and

WHEREAS, the Board adopted Resolution 14843 on December 17, 2012, to restrict boat speed limits and prohibit wakes within 200 feet from shore whenever the lake water level is higher than 69.5 feet until December 31, 2013, when the Resolution will expire; and

WHEREAS, high water levels conditions greater than 69.5 feet have occurred on Lake Saint Clair in 1999, 2012, and 2013 and are expected to reoccur in the future due to documented changes to rainfall patterns and the unique kettle geologic nature of this lake; and

WHEREAS, Thurston County staff sent direct mailings to shoreline and other residents in the immediate vicinity of Lake Saint Clair on August 7, 2013, and Thurston County staff held a public open house on August 15, 2013, to solicit public comment concerning recreational boating during periods of high water level in Lake Saint Clair; and

WHEREAS, members of the public attending the open house attributed damage to property when water levels were above 69.5 feet and waves from boat wakes but also expressed interest in maintaining opportunities for recreational boating during periods when water levels remained below 69.5 feet; and

WHEREAS, a draft ordinance was prepared to revise Thurston County Code 16.04.110 to set permanent speed restrictions and no-wake zones on Lake Saint Clair whenever its water level is higher than 69.5 feet, and a public hearing was set and properly advertised to take testimony on whether the boating restrictions should be made permanent; and

WHEREAS, a public hearing was held on December 10, 2013 to hear comments on the proposed ordinance.

NOW, THEREFORE, the Board does ordain as follows:

**Section 1.** Section 16.04.110 of the Thurston County Code is hereby revised to read as set forth in Attachment A, attached hereto and incorporated herein by reference.

**Section 2.** Severability. If any section, clause or provision of this ordinance is declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 3.** Effectiveness. This ordinance shall take effect immediately upon adoption.

ADOPTED: December 17, 2013

ATTEST:

L. Bonita L. Bourmar  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

Jandra Lonke  
CHAIR

APPROVED AS TO FORM:

Cathy Hoffe  
VICE-CHAIR

JON TUNHEIM  
PROSECUTING ATTORNEY

Karen Valenzuela  
COMMISSIONER

By: Scott Cushing  
Deputy Prosecuting Attorney

[CODIFY]

Attachment A:

Chapter 16.04.110 - Speed limits and skiing times on certain lakes.

B. It shall be lawful to operate any vessel or watercraft at a speed in excess of five miles per hour on the following lakes at any time of the year that permits year-round fishing:

3. Lake St. Clair. ~~That portion lying south of the public access area and southwest to 62nd Avenue SE;~~ *EXCEPT THAT THE SPEED LIMIT ON THE ENTIRE LAKE IS REDUCED TO 5 MPH, AND A NO-WAKE ZONE IS CREATED WITHIN 200 FEET OF THE SHORE WHENEVER WATER LEVELS ARE MORE THAN 69.5 FEET ABOVE SEA LEVEL. THESE SPEED AND NO-WAKE RESTRICTIONS ARE IN ABEYANCE FOR THAT PORTION LYING SOUTH OF THE PUBLIC ACCESS AREA AND SOUTHWEST TO 62<sup>ND</sup> AVENUE SE WHENEVER THE WATER LEVEL FALLS TO 69.5 FEET OR BELOW BUT SHALL AUTOMATICALLY BECOME EFFECTIVE AGAIN FOR THE ENTIRE LAKE AT ANY TIME THAT THE WATER LEVEL RISES ABOVE 69.5 FEET.*