

MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes
September 18, 2006**

(Note audio tape (#2) dated September 18, 2006
counter (#) for exact details of discussion)

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

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1. CALL TO ORDER

The meeting was called to order by Chair Bill Dewey at 6:00 p.m.

2. ROLL CALL

Members Present: Bill Dewey, Tim Wing, Diane Edgin, and Wendy Ervin. Terri Jeffreys and Jay Hupp were excused. Everett Hughes was absent.

Staff Present: Steve Goins, Bob Fink, Allan Borden, Susie Ellingson, and T.J. Martin.

3. APPROVAL OF MINUTES

The minutes from the August 7, 2006 meeting were approved as presented.

4. NEW BUSINESS

(#0080) Bill Dewey opened up the meeting stating there are two public hearings tonight on the agenda for rezoning requests. One is for John Hoff, and the other hearing is for Mark Abad. Bill stated that the Abad rezoning has been withdrawn by letter. The other two hearings on the agenda tonight are for the Critical Areas Ordinance pertaining to Critical Aquifer Recharge Areas, and Geologically Hazardous Areas. Allan will present the hearing for the Hoff rezoning request.

(#0150) Allan Borden stated that this is a rezoning request by John Hoff to rezone 15.23 acres located along Tahuya River Road from RR20 to RR5. This property is located up Belfair Tahuya Road to Tahuya River Road. The property has RR20 properties on the north side and west side, and RR5 properties on the east and south side. There are some slopes on the property but mainly the concern is about the Type 5 and Type 4 stream which changes as you go west and northwest. Any development will have to comply with the

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development standards. Type 5 is a 75 foot vegetation buffer with a 15 foot building setback and Type 4 is a 100 foot vegetation buffer with a 15 foot building setback. The property is located right next to Tahuya River Road so access and availability of utilities should not be a problem. Currently the proposal is to short plat the 15.23 acre parcel into 3 lots. Allan reviewed the criterion and staff finds that this proposal would meet all 7 of the applicable rezone criteria. It would protect public safety, provide for adequate public services, be consistent with the zoning, and protect rural character. Staff recommends this request to rezone from RR20 to RR5.

(#0350) Tim Wing noted on the contour map it appears the road is about 40 feet above the river.

(#0375) Allan Borden responded that is correct.

(#0400) Tim Wing inquired if the road flooded along there at all.

(#0425) Allan Borden responded that the road did not in this particular area, but upstream it does flood.

(#0450) Diane Edgin inquired about what would be the threshold of when we need a better road.

(#0475) Allan Borden stated that Public Works is relied upon to help the county determine the level of service for roads. Public Works monitors that through traffic counts. There needs to be adequate capacity for the traffic. It's based on the number of trips recorded.

(#0500) Tim Wing added that that road is a connector road that connects the main road back to the main road. There's almost no traffic on that road except for local traffic.

(#0525) Bill Dewey inquired about past rezone requests where the PAC had been given a map with adjacent parcels described on the map. You did describe it in the narrative. Bill continued on stating that would be helpful in the future. Being able to verify the compatibility of it with the surrounding parcels would be helpful. Bill opened the hearing up for public testimony.

(#0550) Dan Davidson testified that he works with Aspen Land Surveying and has worked for John Hoff who would like to do this rezone and short plat. He showed the audience and the PAC the map that depicts the proposed short plat. Dan describes the layout of the project. He explained that he has been working with Michael MacSems on the short plat. He described the lots as being 1.97 acres, 3.2 acres, and 9.3 acres totaling 15.23 acres.

(#0650) Bill Dewey closed the public comment portion of the hearing so the PAC can have their discussion.

(#0675) Tim Wing made a motion to accept staff's recommendation to approve the rezone by John Hoff. There was a second by Diane Edgin. Motion carries.

(#0700) Miscellaneous discussion with audience regarding the proposed rezone request by Mark Abad that was withdrawn. Several people attended the hearing in anticipation of hearing the rezone request. It was stated that there will be a hearing on the final proposal before the Hearing Examiner in which public comment would be taken. Public notice to property owners within 300 feet will be mailed out.

(#1000) Bob Fink opened up the hearing on the Critical Aquifer Recharge Areas. The purpose of the hearing tonight is to receive testimony on the proposed amendment to the CARA's Ordinance. In the preliminary review that the county did on the regulations protecting CARA's, under the BAS and under our experience with the ordinance over the last few years, we identified only one change to the ordinance that we're proposing to change. This update is being done as part of the GMA requirement for the 2006 update of critical areas. As part of this review, there were public workshops held April 17th and June 12th prior to the hearing tonight. As noted in the Mason County Resource Ordinance, the purpose of the CARA's is to protect the public health and safety, to prevent the degradation of ground water aquifers used for potable water, and to provide for regulations that prevent and control risks to the degradation of ground water aquifers. CARA's are those areas which are determined to have an important recharging effect of aquifers used as a source of potable water and vulnerable to contamination from recharge. The CARA regulations we have now were

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adopted a number of years ago using BAS under GMA. Since that time, the Washington State Department of Ecology Water Quality Program has updated the technical guidance for CARA's. The PAC was given a copy of the document for your review.

In addition to the geologically based CARA maps currently adopted by the county, there is recent information available on wellhead protection areas in Mason County. Wellhead protection areas are classed as a Class III CARA and a lot of the information on the location of these wellhead areas was recently developed over the last few years by DOE working with county government.

Laurie Morgan from DOE made a presentation to the PAC on April 17th to explain the background of the CARA protections. She hasn't identified any issues with it. However, the county did identify one concern that came up in a permit process. There's a provision in the ordinance that prohibits dry cleaners from the CARA's. The language is worded so that it says 'They're prohibited except for drop off only dry cleaners'. Intention there is that the businesses that actually do dry cleaning on site were not intended to be exempt from the prohibition. We slightly modified the language in this proposal to clarify that point.

The action we're asking from the PAC is a recommendation to the BOCC on the draft before you. Staff respectfully requests that the PAC have a brief discussion of the testimony and based on that discussion we can do additional review or prepare findings of fact for consideration.

(#1195) Diane Edgin asked about the environmental friendly dry cleaners.

(#1200) Bob Fink stated that the current regulations for dry cleaners are very restrictive and people who do dry cleaning use hazardous chemicals in their processing but they do it in self contained systems that when operating properly don't leak or release chemicals to the atmosphere or the ground. If everything goes right, there's no issue. The problem is that historically there are issues with accidental spills or employees not handling the materials properly. Once it gets into the ground it becomes an issue.

(#1250) Bill Dewey opened up the public testimony portion of the hearing.

(#1275) Ken VanBuskirk of Belfair testified. Ken stated that the rezone hearing that was withdrawn had to do with the fact that the property in question sat on an aquifer recharge area. The county has not identified all the CARA's as they were supposed to. DOE suggested to the county back in March that when you're looking at the CARA's ordinance that you need to plan from a landscape prospective and not individual parcels. Ken submitted into the record a letter he sent to the BOCC after that meeting asking them to consider the strategy of identifying and inventorying all those CARA's and then reconsider the UGA boundaries and the appropriate zoning on the CARA's.

(#1350) Constance Ibsen of Union testified next. She stated she read the one change in the ordinance. She inquired about what is the process for the particular cleaners in Belfair if that goes out of business or a new use goes in there. She further inquired if there was ever going to be a time when we can't have that dry cleaning establishment there. She stated that it's a non conforming boo-boo.

(#1435) T.J. Martin responded that if it is a current non conforming use and that use has been extinguished, that means they can't come back within a period of years and reclaim that non conforming use. If they've abandoned that use, it is hereafter terminated.

(#1450) Ken VanBuskirk stated that regarding the CARA in Belfair, there's at least 2 other non conforming uses besides dry cleaners. There's Sandi's Boat Works and there's also another marina. Ken stated that his drinking water is drawn from that aquifer. It's very important to myself and my neighbors that our drinking water is free from contaminants. Livestock yards are another one. Ken requested those things be looked at before this is approved.

(#1500) Bill Dewey closed the public comment portion of the hearing and began their discussion.

(#1550) Tim Wing inquired about the types of facilities in Table 1.

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(#1575) Bob Fink explained that the table refers to in areas that are using septic systems for waste disposal that there is a limit to the density that they can put effluent into the ground. The density is equivalent to 1 house per acre. This relates non residential uses to the equivalent amount of effluent or contaminant that 1 single house would have. Once these areas are served by sewer then this table won't apply.

(#1625) Tim Wing inquired about when the sewers come in, the effluent gets sprayed around somewhere and what are the limitations on that in a CARA.

(#1665) Bob Fink responded that there are specific permits required for land application of the effluent. They either treat it to drinking water standards, Class A effluent, or it is applied on the land at some lesser level of treatment.

(#1720) Allan Borden added that this table is giving guidance to the Environmental Health Department in their review of certain land uses in the CARA's. These are the standards they're supposed to use.

(#1750) Miscellaneous discussion.

(#1800) Bob Fink reiterated that there's only one change that is being proposed and that's on page 3.

(#1875) Allan Borden added that the state requested that we review our standards on CARA's and DOE has found our regulations in compliance. It was found in compliance in 1999 and hasn't been amended since.

(#1925) Bill Dewey inquired about the upcoming sewers in Belfair and with the sewage treatment there collecting all that water out of the CARA there, are we risking jeopardizing Belfair's water supply by transporting that water elsewhere beyond that CARA.

(#1990) Bob Fink explained that's something the SEPA will look at if they choose a site where they do a basin transfer and what affect that might have. At this point, we don't even have a location for where that's going to be happening. The activity of disposing of that effluent is a regulated activity so as far as contaminating the aquifer, which is different than just quantity, that should be carefully controlled. As far as moving water from one basin to another, that's something that will be examined in great detail as part of the process of approving the design of the sewer.

(#2100) Bill Dewey inquired if Bob would like the PAC to take action on this tonight.

(#2175) Bob Fink responded that the PAC could take action tonight and direct him to prepare Findings of Fact accordingly for the Chair to sign.

(#2195) Wendy Ervin made a motion that we direct Bob to make the one correction and prepare Findings of Fact. Diane Edgin seconded the motion.

(#2200) Tim Wing talked about the dry cleaners and the discussion of green dry cleaners that aren't producing any hazardous and Tim inquired if that's possible if you're not on a sewer system.

(#2225) Bob Fink responded that they're non polluting dry cleaners in the sense that they're closed systems where there's no leakage. They use chemicals to process the waste and the chemicals are recycled.

(#2250) Tim Wing inquired why we aren't proposing something like that rather than saying you can't have a dry cleaners in Belfair.

(#2275) Bob Fink stated that this is the recommendation of DOE based on their experience with dry cleaners. Logically it's precautionary in the sense this is an extremely insidious toxin that can leak into the environment for years.

(#2300) Miscellaneous discussion.

(#2380) Steve Goins added that during the workshop it was stated that anecdotally and historically one of the

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biggest abusers of the CARA's are these types of facilities and that's why there is such a heightened concern. The recent problem with the packaged spinach is a perfect example. It's not the problem when things go right, but it's the problem when things go wrong. One way other communities have dealt with this is to limit the operations or a dry cleaner so that the actual dry cleaning isn't done at that facility.

(#2420) Bob Fink added that's what this language is intended to do.

(#2444) Tim Wing stated that it rains all across the county and inquired what constitutes a CARA versus some other place in the county where the rain falls.

(#2455) Bob Fink responded that they're defined in the ordinance as various classes but it really has to do with the speed with which the rain that falls everywhere can penetrate the soil and reach the aquifer. It has to do with the porosity of the ground underneath the surface. It's put in terms of the rate at which water moves through the ground.

(#2500) Tim Wing stated that he's generally not in favor of using a blunt instrument to deal with issues like this. We have one dry cleaners in Belfair that provides a service to hundreds of people. Tim stated that he's not going to vote against this, but probably won't vote for it. Tim stated that we ought to be trying to make sure that somebody can do that and it's regulated to make sure it's done right.

(#2600) Bob Fink stated that they all have regulations and many of them are even required to have secondary containment or other provisions.

(#2650) Miscellaneous discussion.

(#2780) Tim Wing stated that he just can't vote for this.

(#2800) Bill Dewey stated that we have a motion and a second. All in favor? Motion carries with one member abstaining.

(#2850) Bob Fink opened up the hearing on Geologically Hazardous Areas. This is a continuation of a public hearing. Tonight we will not be taking public testimony as that portion of the hearing has been closed. Mr. Wiltsie made several comments which I have responded to in the staff report. 1) He suggested that the county had an educational program to make sure we get this information out better so people have a better understanding earlier in the process regarding the geologically hazardous areas. 2) We did make a change to the special report to clarify the requirements for a site plan. 3) Regarding the issue of where and how you measure the slope, he had no specific recommendation. Public Works suggest that while the application of the language might sometimes cause disagreement, there is none better to propose at this time. 4) We modified that text and decided to propose the term 'Special Reports' as is used elsewhere in other ordinances. 5) Regarding his comments on land clearing, he has no specific suggestion. The geological engineers that prepared this draft and Public Works, in all their experience, have not identified this as a significant concern. 6) Regarding buffers, he is proposing an absolute minimum for buffers, but doesn't have a specific suggestion of what the minimum should be. Also, the intent of the ordinance is that we do a site specific review and a professional makes a recommendation on what is a safe setback. 7) The county had a 50 foot buffer and there was debate about how large an area should trigger a review under this ordinance. What came out of the review on that was 300 feet. He doesn't disagree with that. Anything within 300 feet of the hazardous area is addressed through this ordinance. 8) The current ordinance requires a geological assessment for development within 300 feet of such eroded slopes and does not allow a 100 foot setback without review. 9) There is added language to special reports to discuss up slope geomorphology and water bodies. His concern is that if you have a lake or a pond uphill from the development, it may or may not have a connection with the slope further down. 10) Regarding soil borings, the draft requires analysis to be done that often requires borings, but it does not require borings. 11) Regarding slope stability analysis, the type of analysis to be used and the minimum safety factors have been added to the requirements for geotechnical reports. Public Works supported at least a 1.5 static safety factor and a 1.1 seismic safety factor. 12) Mr. Wiltsie was expressing support for all the other amendments being done. 13) Regarding stormwater, we feel that is already addressed in D.3 and in the special reports.

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(#3575) Diane Edgin commented that page 14 under D.4, that should match the language on page 4 under D.2.e. She also commented that on page 14 under D.3, it says 'the county shall require the applicant'... Then it says below that 'The plan may be included'... And below that 'and should be'.

(#3650) Bob Fink responded with revised language that reads 'The county shall require the applicant to submit a Soil Erosion and Sediment Control Plan prepared by a professional engineer licensed in the State of Washington. The Plan may be included as an attachment in the Geotechnical Report'. Then the last sentence would read the same.

(#3700) Wendy Ervin commented that on page 13, under D.5, the two references of 'UBC' should match 'IBC' that is in the first sentence.

(#0120) Bob Fink introduced John Sliva from the Public Works Department. Bob inquired if John could provide clarification on whether the Soil Erosion and Sediment Control Plan is required to be prepared by a professional engineer.

(#0140) John Sliva stated that it is required to be prepared by a licensed engineer.

(#0175) Tim Wing made a motion to accept the ordinance with the suggested changes and bring back the Findings of Fact for the Chair's signature. Wendy Ervin seconded the motion. Motion carries. Meeting adjourned.