

# MASON COUNTY PLANNING ADVISORY COMMISSION

April 18, 2011

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

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## 1. CALL TO ORDER

The meeting was called to order at 6:00 pm by Chair Dennis Pickard.

## 2. ROLL CALL

**Members Present:** Dennis Pickard, Jim Reece, Jim Sims, Cathi Bright, Randy Neatherlin and Ken Vanbuskirk. Bill Dewey was excused.

**Staff Present:** LaJane Schopfer and Susie Ellingson.

## 3. APPROVAL OF MINUTES

None.

## 4. NEW BUSINESS

LaJane Schopfer opened the hearing on the Shoreline Master Program Public Participation Plan. She handed out an updated flow chart which replaces the one shown on page 15. She also handed out a copy of an email from Bill Dewey with his comments, who was unable to attend the meeting. The Plan tells us how we're going to get the public involved with the SMP update. She explained the 'Introduction' states the strategies Mason County is going to take to update the plan. The Background information tells us how the SMA applies. It encourages reasonable and orderly development of shorelines. How to protect natural character of Washington shorelines. How to promote public access and provide views and recreational opportunities in shoreline areas. On page 2, it explains that SMP's are the cornerstone for carrying out the SMA. The update of the SMP begins with an inventory and analysis of all shoreline areas in county jurisdiction.

When we first started on this, the ESA had a preliminary figure of what the shoreline areas were. Their figure was 580 miles, and it has since been revised to include 709 miles of marine and freshwater shorelines. There has been an extension up into the forested areas.

Ken VanBuskirk stated it might be beneficial to combine the first page of the Table of Contents with the next one because the numbers jump around a lot. The public would have an easier time following that. Ken

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noted a typo under 1.0 of the Table of Contents.

Dennis Pickard noted several changes needing to be made throughout the document, as they should read : 'Planning Advisory Commission'.

Jim Reece stated he is very impressed with the document; a great job done. He explained he lives at Mason Lake and there's a new county park that was put in so there is improved access to the lake. He is concerned now that the access is enhanced; the county is not contributing anything to weed abatement and care of the lake. All residents are taxing themselves with a lake management district. He wonders if this will tie into a lake management district, and whether you could present this same thing to a Mason-Benson Club, Grapeview Community Center, or groups of residents in the area.

LaJane Schopfer stated they have been doing that. She has gone to the Port of Allyn and soon to speak at the Port of Hoodspport. She encouraged people to let her know if she can speak to other groups.

Ken VanBuskirk noted under 'Background' to add, under the third paragraph, the reference 'flows over 20 cubic feet per second'. Ken stated there might be some streams that haven't been analyzed, so they're not lost in the process.

LaJane Schopfer explained that's the reason there has been more mileage added to lakes and streams. We've been given data from the Squaxin Tribe and we are getting information from the Skokomish Tribe. We're doing lakes right now, and have gone out and measured them. The problem with the stream data is the data has to have a certain amount of time to be properly measured. We have to have proof of that over a period of time. We also have information from the USGS.

Ken VanBuskirk stated the public will ask where those figures come from so you need to show that in the data. Ken noted Stimson Creek that parallels the Lower Effendahl Pass Road. That has a big flow of water in it and it's not on the list. It's also classified as a 303 listing with the state for being polluted.

Jim Sims also noted people will wonder why their stream is included when there is just a trickle.

LaJane Schopfer stated she can put the sources on line so people can refer to them. We'll also put them in here as a reference.

Cathi Bright noted on page 1 it refers to rivers and on page 2 it refers to rivers and streams. On the map you have about 100 creeks. Maybe some definitions about what is a river, stream or creek.

Bill Dewey suggested putting in a glossary of definitions. I will also include a glossary of acronyms.

Cathi Bright inquired how a swamp is different from a lake.

LaJane Schopfer explained a swamp area may have water in it, and there may be a lake associated with a swamp, but the difference is the swamp is more mushy and doesn't hold the water on the surface as a lake will. The soils are also different. A lake has to have at least two acres of continuous water all year round.

Jim Sims noted the preliminary map does not include the Squaxin Reservation. He inquired what was the reason for that.

LaJane Schopfer stated the shoreline jurisdiction does not fall into the area of the Squaxin Tribe. They are a completely independent nation and they do not adhere to our rules and regulations of the Shoreline Management Act.

Jim Sims stated the same question is going to be asked by a lot of other people as well. You've included two other areas but not the Squaxins. He noted when you designate two areas as reservation and not the third; there will be questions why. The Squaxin property that is south of here may not necessarily be included in

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the jurisdiction, the question is going to be asked why are they not included when you have a portion of them near Harstine Island, and you have the Skokomish. Jim Sims noted his frustration regarding this issue. He insisted on including the Squaxin reservation on the map. He noted there are no shoreline specific areas in that portion of the reservation that is south of us, but should still be included on the map.

LaJane Schopfer stated we cannot include them. She explained we have met with them government to government and they have asked that we do not include any portion of their properties on the map.

Jim Sims stated having tried to work with them in eight years on the conservation district, I can readily understand what you're talking about.

Dennis Pickard stated a lot of their ownership at the intersection with 101 is not actually reservation land. It's land that is in trust, but not actually on the reservation.

LaJane Schopfer explained they talked extensively with them and they specifically stated that according to them, any lands that were in their trust was to be considered as part of the tribal nation and was not to be under any jurisdiction from the SMA.

Ken VanBuskirk stated the new map will show the streams and rivers going into the forest, and inquired if they will be under the county's jurisdiction. If that is the case, you will need to change the statement on page 2 where it states 'the county's jurisdiction does not include shorelines within Olympic National Forests. Ken stated there should be someone on the JTAC from the US Forest Service. Mark MacHenry's name was mentioned.

LaJane Schopfer stated we asked someone from their office to be on that committee and no one responded.

Discussion regarding 'site specific evaluation'; the meaning and how that is determined. LaJane explained this is just the public participation plan and that is why it is not identified in more detail. When the more specifics are outlined in the policies and regulations, that information will surface at that time. LaJane stated she will note those comments to and answer them later.

LaJane Schopfer stated the first meeting will be on July 19<sup>th</sup> at Harmony Hill. LaJane discussed the Funding and Timeline, as well as the Public Participation Goals.

Jim Sims inquired if the county was spending any money on the shoreline update, or is it just from Ecology.

LaJane Schopfer explained it all comes out of the budget for SMP directly out of the DOE budget. When we negotiated a contract with ESA, she stated she maintained the strict boundaries that we were going to have enough money to hire their staff to do the work.

Ken VanBuskirk inquired if the advisors on the JTAC committee were being paid out of the grant.

LaJane Schopfer stated they are not being paid out of the grant, or anywhere else. The only people being paid are staff people, which includes myself, GIS department, and also Amy Georgeson from EH regarding water quality. The technical members are volunteering their time; they are getting paid by the companies they working for. As an example, Shannon Soto is paid by DNR; F & W pays Doris Small. Regarding the Goals and Objectives, she noted Bill Dewey suggested under #1), should include a notation insuring that the public is provided opportunity to track amendments to SMP documents as they are made throughout the process. She inquired if the PAC wanted to keep the goals and objectives in the document.

Dennis Pickard stated they are needed in this section of the project to make sure we are being as comprehensive as possible on how to get the public involved. He added he really likes the text section in the document that gets into detail about how we're going to get everyone information about the existence of this project.

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LaJane Schopfer reiterated that's why we've talked to the Olympia Master Builders, Mason County Chapter already. We're trying to make an appointment with the Mason County Association of Realtors.

Randy Neatherlin inquired if they have been back in touch to set a time to meet.

LaJane Schopfer responded she has talked with Tracey McGlothlin, President, and she expressed an interest to be on the citizen's advisory committee, but didn't hear back from her.

Randy Neatherlin suggested meeting with their quality of life group that would probably be the one to talk to regarding this and he stated he will get that information.

Cathi Bright added the realtors would be an excellent group of people to talk to and wondered if we're working with the Assessor's Office to determine which parcels would be impacted.

LaJane Schopfer explained that ESA has all that information and that's why we're trying to engage them at this point. The PAC agreed adding that goal from Bill Dewey would be a good addition.

Dennis Pickard added there needs to be an effort made to have some of the meetings at various locations, as well at various times. He stated he has wanted to attend some of the workshops, but they are during the day and difficult to get there.

LaJane Schopfer stated the first public meeting will be from 3:00 pm until 8:30 pm. John Williams will be there and he is an international renown film maker that has made documentaries for public television, and he has made this documentary for the identification of what a shoreline is. He is presenting that to us free of charge, and Harmony Hill is actually donating about \$65.00 an hour of time to us. The next meeting will be at the Civic Center in Shelton.

Ken VanBuskirk noted this document had not been posted on the website. LaJane Schopfer explained she will post it on the web once all the changes on the map are made. The public will then be able to review it and make comments. Ken VanBuskirk inquired if this meeting was advertised, and it was explained to him that it was advertised. The schedule of meetings was discussed. Bill Dewey had inquired whether the public will have an opportunity to comment on shoreline inventory and characterization. Those meetings will be held in October of 2011. They are also welcome to attend any of the other meetings. I will also be setting up a booth at Earth Day on April 30<sup>th</sup> at the F&W property on Oakland Bay.

Jim Sims stated the SMP Update Timeline on page 11 is a great visual representation of what you're going to accomplish. He did suggest putting in the work 'tentative' in case of timing issues. LaJane Schopfer noted Bill Dewey's request to identify who 'ESA', as well as other acronyms noted in the document.

LaJane Schopfer explained the various phases of the Plan which will include Shoreline Inventory and Characterization, Preliminary Shoreline Master Program Elements, Completing Draft Shoreline Master Program Preparation, as well as the Local Shoreline Master Program Adoption Process.

Dennis Pickard noted on page 9 it says '... no net loss of ecological functions...' He stated that seems like a core element and believes everyone should understand what exactly that is.

LaJane Schopfer explained that when you build something, you have to restore something. If you're going to take a piece of the shoreline out, you've got to put something back. That's what 'no net loss' is.

Dennis Pickard reiterated this could be something that could become a crucial element in getting people to understand, and needs to be explained that this is the standard the state has provided; it is not our standard. People will need to understand any limitations that are being put on property. Private property rights under that standard is going to be an enormous key point in this.

Randy Neatherlin stated one of the questions he will have, when the time comes, is that it used to be, in

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regards to GMA, that the county was able to decide what was BAS (Best Available Science) in order to make these regulations. He inquired if that is still the case.

LaJane Schopfer explained it's what is acceptable science for critical areas. It's a little bit different with the SMP. I will research that and get that information.

The PAC unanimously reiterated how important and key that will be to the public education and understanding of the participation plan. It was noted that 'no net loss' could mean sitting 50 feet back, or 200 feet back. It just depends on what the best available scientist says; if it's determined by the county, or the state. They will be wondering why they can't put in a staircase, a seawall, or a dock.

LaJane Schopfer stated there is a whole new set of laws from DOE that have just been changed and gone into effect, and those things will clarify some of these issues. The most recent being the goeduck and aquiculture legislation. The reasons why these things are so important is I've been reading about the acidification of ocean and when you don't have eel grass or kelp beds, you really have a problem. So the more that we can consolidate, like shared docks, are important.

Jim Sims stated the property owner's reaction is that's great on a grand scale, but how will that impact the 75' of water I have.

Dennis Pickard also noted there's docks and staircases on either side of me, and there's 20 different people that have done this before, so why can't I.

Ken VanBuskirk inquired who will determine what needs to be restored and what's degraded or impaired.

LaJane Schopfer stated those are all issues that are up for discussion. She also noted what is already developed is there, and the development is grandfathered in. What will be changed is there is science to demonstrate the facts that these sea walls are damaging to the beach process. The presence of the seawall prevents the natural wear of the beach by scouring and eating away the beach at the base of it.

Jim Reece stated if you remove the seawall, you lose the property and perhaps the home.

Randy Neatherlin says a concern of his is that the technical group determines what all these issues are based on what they believe, and what they think it is. It comes down to the community to fend it off. He hopes to see the community involved in this and have a greater say in what the determinations are. Randy also noted a particular case where they want to breach the dyke so that the water can come into the farmland. Whether or not that's good or bad, but one of the things that comes up is that there are studies that show that by doing that, that will increase the salmon habitat. When you ask what kind of benefit, there is no study for that. This is the science we deal with. You can lie with statistics.

LaJane Schopfer stated that science is one man's study against another man's study. You have different avenues of different ways in which to look at the same thing, and what the job has been for the JTAC was to look at what is available and look at the information. We have a Resource Ordinance, a Critical Areas Ordinance, that was put into place several years ago and that is what we are incorporating into our regulations and policies. There will be some new issues because of regulations with DOE that the legislature has put into effect. There are also new changes in land use regulations that the SMA is the crux for all of this. Our JTAC cannot just say this is the way we're going to do it. We're all going to have input on that.

The PAC shared their concern about the citizen who doesn't have the opportunity or ability to go up against the state, it's pretty much stacked up against them. They also expressed concern that not everybody should have to fight that battle. This is like taxation without representation.

LaJane Schopfer reiterated that the development that's already there is vested. No one is coming in and taking your property away from you. Since you already have the critical areas ordinance, the resource ordinance in place right now, you will be surprised at the number of things that won't change with the SMP.

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We can encourage soft armouring, and discourage the use of bulkheads.

Jim Sims stated there is a difference between discouraging and preventing.

Dennis Pickard stated we shouldn't be prejudging the outcomes yet, and at this point we're trying to establish a framework whereby the public has as much opportunity to correct any potential fall out.

Jim Reece had some concerns, such as some citizens on Bainbridge Island, are having to take out bulkheads that destroy property, and when the Belfair Bypass was being discussed and there were public hearings, and none of the citizen's input was being listened to and being completely ignored. I hope this one isn't going that route.

LaJane Schopfer explained they looked at the different stake holders and we sought out very diligently after different types of representation.

Cathi Bright explained that what we're asking for is that the process, as a citizen, will be engaged in in the future to offset the impacts of this, is well explained and that, itself, could be a part of what your committee's work is to make sure that that process is fair to the property owner as well as to the environment and the state that's trying to protect it. Each change that's made to the SMP as it exists right now, that the impacts of that change, or potential impacts of that change, are explained fully to everyone.

Randy Neatherlin inquired if there are any property rights advocates that are trying to offset some of the issues they're saying are science on this technical committee.

LaJane Schopfer explained the information we have are based on USGS data, Washington Trouts Assoc., and we do have 4 private property owners that are on the Citizens Advisory Committee. They will be getting the existing SMP that we already have, in relationship to the land use regulations and also to the critical areas ordinance. She reiterated not to under estimate the power of the citizen's advisory group.

On page 15, the PAC requested of LaJane to spell out what the acronym 'WRIA' means. The new page 15, that was handed out to the PAC, also has that acronym, but it is a simpler it's interpretation.

LaJane Schopfer stated the PAC will hold public meetings throughout the SMP update process. These public meetings will occur at least quarterly and additional meeting may be scheduled as needed. Those meetings will include the Shoreline Inventory and Characterization Report, Preliminary Restoration Planning Report, Consistency Review Report, Community Visioning Report, Preliminary Draft SMP Elements (goals, policies, environmental designations), Integration Strategy Report, and Cumulative Impact/No Net Loss Analysis.

Further discussion regarding putting more information on the website for citizens to review prior to holding the public hearings. They will be posted under 'supporting documents' under the PAC agenda, and perhaps an article in the Journal.

Ken VanBuskirk noted on page 18, the JTAC committee isn't totally described as is the CAC committee.

Bill Dewey asked to have added under 6.5, Additional Outreach Strategies, the term 'commercial shellfish operators'. The PAC was in agreement with that suggestion.

Further discussion regarding getting the word out as often as possible so the public can comment along the way in the process, as well as participate and submit comments in workshops and public meetings. The expense regarding fliers was discussed, and it was determined maybe some other entities may be able to assist. The PAC also discussed when the mailings go out to shoreline property owners for upcoming events, perhaps a copy of the whole upcoming schedule be included.

Moving on to page 20, the PAC had some suggestions regarding the Key Parties. One was to add 'North

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Mason Chamber of Commerce', under Environmental Stakeholders, 'Hood Canal Environmental Council', under Other, add 'League of Women Voters', and change 'PUD #3 (listed twice) to PUD #1. It was also suggested under Federal Government to add "Forest Service", under Other Local Government add 'Mason County Historical Preservation Commission' and 'Port of Shelton'.

LaJane Schopfer stated she has started notebooks for the libraries to they can be made available to the public who cannot access the internet. Cathi Bright added placing fliers showing how to access the information at Olympic College, as well as the high schools. WSU Extension has been a great help in getting out the information. It was also suggested to add 'WSU Extension Office' to Other Key Parties on page 20.

Randy Neatherlin apologized for seeming forward with his comments, as this is a subject that is very important to him, along with others. I'm hoping you can continue to get the word out to the public, and I thank you for the work you've already done.

Public comment period was opened.

Judy Scott, Port of Allyn, commended the PAC on taking on a good interest with this on behalf of the public. She stated some of the issues, like, for mitigation, and restoration are already in place. She stated she is also a builder and has already been dealing with these issues. She inquired if the Plan itself that is to be created will be like a 'bible' for permitting process. It was confirmed that it will be, and she then inquired if there will be allowances for variances, or other avenues.

Dennis Pickard explained we're far away from the process that's going to regulate anybody's property, but certainly, all existing regulations that we have of various sorts do have provision for administrative determinations and variances. Part of what the CAC will be doing is suggesting what they would like to see in those rules, regulations, appeals, and reconsideration rules that you'd like to see. There will also be criteria established in order to provide for those sorts of issues, such as a variance.

Judy Scott commented on the verbiage on page 1 which states 'Promote public access and provide opportunities to enjoy views and recreational activities in shoreline areas'. As a Port Commissioner, that's really important. It's a fine balance; you want to protect the land but also provide access for the public. With this shoreline program, Judy inquired if there is a process or documents that will allow for better public access.

Dennis Pickard stated he has spoken with developers who are interested in creating waterfront developments that they may wish to get some leaway on some of the other development regulations and zoning rules in exchange for being able to provide a public access to a presently privately owned waterfront area. The strategies that allow for some of those exchanges could be worked into the overall scheme as we're building this document.

Eric Shallon of Green Diamond Resource Company stated he is the manager of land management and business development and he is also on the Citizen's Advisory Committee and he would like to thank LaJane for her work on this update. The words 'no net loss' is terrifying to a large land owner. The flow chart should be revised to reflect reality in that the JTAC has already met. These two things should have started in parallel. He stated the fight back with JTAC has already been decided. It's odd that the Squaxin Tribe chooses to not be governed by this process but is happy to participate in telling private land owners what they feel is necessary on a shoreline. He stated he would like to see a list of the JTAC members and their credentials. He is concerned there is a lot of takers and no one who is going to stand up. Regarding the people going out to do the ground truthing, if there is bias in the person who is ground truthing, there will be bias in the result. This is just the nature of humans.

LaJane Schopfer explained that Rick Mraz of DOE is actually out leading this effort, and he formerly worked for Mason County as a planner. They take GPS units and measure them.

Eric Shallon noted the real point is there needs to a balance on that crew who can offer a different vein of

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science. It's admirable you're doing outreach and someone who is a great film maker on shorelines is going to be able to produce a film but you strive to not be biased while facilitating this process. This will have an affect on property owners in a real way. Section 6.4 talks about how you're going to notify shoreline property owners. The JTAC is resetting the boundaries, so you won't be able to notify shoreline property owners since it hasn't been decided yet.

LaJane Schopfer explained one of the opportunities that we have at this open house is that there will be a series of stations set up that the people can see where their property is in relationship to where the jurisdictions are. LaJane noted this is just the plan itself; there will be more information available at that time.

Jim Sims had concerns stating it doesn't make any difference how many work stations you have at an open house; if the property owner does not know that he or she is potentially affected .....

LaJane Schopfer explained we are going to get the fliers out. It's also set up on line, which will be interactive, and will be updated to accommodate those people who are unable to attend the open houses. Eric Shallon inquired when the JTAC is ground truthing existing for future regulations, when does that person get notified in order to give input.

LaJane Schopfer stated there is some money we're trying to get through a grant in order to place ads on K M A S (the local radio station).

Dennis Pickard noted the mailings will need to go to the people that are in the JTAC version of the shorelines; not just any previously existing property owners.

Eric Shallon encouraged LaJane to better spell out on the Public Involvement Meeting Dates which meetings would be the one specifically for public input. He also suggested directing the public to the website which instructs how to properly present their input so it will have the best impact. Regarding the 'no net loss', there needs to be crystal clear guidelines on what that means and how to meet it.

Daniel Hanson, property owner on Hood Canal, stated it would be helpful to show the exact link and location of which document is being reviewed for that given meeting. He noted it's just too hard to wade through all the information that's on the website. He wants to keep up to date with what is going on as he has commercial aquaculture activities on the canal.

Dennis Pickard closed the public comment portion of the hearing. Dennis stated the PAC is being asked to make a recommendation to the BOCC regarding the draft of the Public Participation Plan.

Jim Sims made a motion for the decision to be tabled.

There was no second, so Cathi Bright made a motion to send it back to staff for revision and consideration at a future meeting.

Jim Sims withdrew his motion, and seconded Cathi's motion.

Susie Ellingson, Clerk for the PAC, reminded the PAC of the deadline of June 30, 2011 for the completion of the Plan. She stated that would be difficult to do if we had to bring this back to the PAC after the revisions have been made.

LaJane Schopfer explained the Plan has to go before the BOCC in a briefing to get on the consent agenda, and then the hearing would be two weeks after that.

Discussion regarding dates and whether a special meeting would work. Dennis Pickard inquired of the PAC members, given the amount of revisions that will need to be done, if there were any fundamental issues that they have with this proposal that would require another hearing.

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Ken VanBuskirk stated he does. He would like to see it posted so that the public has more opportunity to comment on it.

Randy Neatherlin added it hinges on getting the public the information for the next stage. They need to be involved.

Susie Ellingson also added there will still be ample opportunity to testify before the BOCC when it comes before them.

Cathi Bright withdrew her motion.

Ken Vanbuskirk noted his concern stated he feels like they're being rushed into something. He inquired why we can't wait until next month to review the revisions.

LaJane Schopfer again reiterated it will take a whole month to get onto the BOCC agenda before the end of June, along with other deadlines.

Cathi Bright made a motion to approve it as modified today by the PAC and adding comments from members of the public and forward it on to the BOCC. Jim Sims seconded the motion. Cathi Bright stated we have a document that in substance is okay, and it's a plan. It's not the outreach that will follow from it. Voting yes or no on this motion boils down to whether or not you believe that staff will incorporate the suggestions we made tonight to our satisfaction before presenting it to the BOCC. She stated she believes they will.

Randy Neatherlin stated he tends to agree, but it's the process itself, once it is started, that we have to be most aware of. We have to make sure the public is completely involved in it. One of the biggest benefits to doing this now is that we're getting this information out to the public as soon as possible.

The vote was taken on the motion. All members present voted 'aye' except Ken VanBuskirk who voted 'nay'.

Meeting adjourned.