

# MASON COUNTY PLANNING ADVISORY COMMISSION

July 8, 2013

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## 1. CALL TO ORDER

The meeting was called to order at 6:05 pm by Chair Jim Sims.

## 2. ROLL CALL

**Members present:** Jim Sims, Bill Dewey, Ken VanBuskirk, Rob Drexler, Kristy Buck, and Vicki Wilson. Cathi Bright was excused.

**Staff present:** Rebecca Hersha and Allan Borden

**Department of Ecology:** Tim Gates and Rick Mraz

## 3. REGULAR BUSINESS

### ADOPTION OF AGENDA

Staff asked if Public Access could be moved to the first item on the agenda followed by Views and Aesthetics under 4. Shoreline Master Program.

### APPROVAL OF MINUTES

The minutes for June 17, 2013 were reviewed. Ken made the motion to approve as amended and Vicki seconded, the motion passed unanimously.

## 4. NEW BUSINESS

Monica Harle addressed the PAC and asked if they could consider the dates and meetings of other Boards when scheduling the workshops. Staff asked if the scheduled dates set for August 12 and August 26 would conflict, she affirmed that they were OK as they are. Bill commented that he would welcome anyone come forward to address the PAC if there was a conflict with dates, that they may not always be able to accommodate rescheduling a meeting, but perhaps changing the topics.

## 5. SHORELINE MASTER PROGRAM UPDATE

### A. PUBLIC ACCESS

The staff report, dated July 8, 2013, on Public Access and Views/Aesthetics was discussed in detail. Tim Gates, Dept. of Ecology, started the discussion explaining the guidelines of public access and what the requirements are. He commented on the Standards, explaining that these come from Ecology's rule. The staff report also identified three options and what the existing requirements are.

Tim discussed the regulations of the Public Access staff report, which included public access and community access.

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There was a discussion on the current regulations and how many parcels should be included for community access in small subdivisions. Tim clarified that there is a requirement for every subdivision to provide community access, not public access.

Staff explained that the SMP does not create a right of trespass over dry land.

How does a private development create a demand for public access? And how do you define it?

Jim asked about the issue of community access, is it reasonable to say 4 to 10 parcels? Staff explained that community access is already required. Jim asked what defines community access? Staff asked at what point do you want to require public access? It was discussed in detail.

The existing SMP requires subdivisions to require "community access," rather than public access.

The PAC agreed to use the existing language in the SMP and add 'of more than 4 parcels with waterfront' to the existing SMP.

### **MCC 17.50.060 Residential Development**

7. Subdivision developments of more than 4 parcels with waterfront and planned unit developments shall provide areas sufficient to ensure usable access to and along the shoreline area *for all residents of the development* except where the shoreline topography does not permit the same.

Teri King addressed the PAC and asked if it was possible to include both community and public access? She explained that a development might want public access because of grant funds, but by saying community, you are limiting it and any funds available to certain amenities that they want may not be available.

Monica Harle suggested that public access should include 'views'. Tim commented that there is language proposed under Views and Aesthetics that addresses views and shorelines.

There was discussion of adding additional language to 17.50.060.7 to include both community and public access. It was discussed in length. The PAC asked staff to come up with new wording that would include something similar to 'more than 4 parcels with waterfront, at a minimum would have to provide community access, or public access at the discretion of the development applicant'.

Vicki clarified that if they are going to define public access for the regulations, do they need to be clarified in the policies? Tim suggested combining the regulations and policies with Views and Aesthetics.

Kristy asked if G.4 of the Comprehensive Plan, Chapter IX-1, needs to be corrected? It was discussed and the PAC agreed to strike should and add 'are encouraged to'

### **G. Public Access.**

4. Shoreline development by private entities ~~should~~ are encouraged to provide public access when the development would either generate a demand for public access, or would impair existing legal access opportunities or rights.

Tim clarified that items under the SMP will need to be addressed and revised at some point. He explained that under 17.50.055 H. Public Access 1.c, 1.d, 3 and 17 will need to be reviewed.

## **B. VIEWS AND AESTHETICS**

Staff continued the presentation with Views and Aesthetics of the Staff Report. Staff suggested relocating the 'view corridor' Regulation to the Public Access section under Comp Plan. The PAC discussed the regulations under 17.50.055 F. Views and Aesthetics and the modifications already made at the June 3, 2013 workshop.

Bill commented that he would like to preserve the views from the water looking landward stating that there are no regulations protecting those views.

It was discussed in detail the revisions already discussed under 17.50.055 F. Views and Aesthetics. The staff report suggests changing the height of fences to no more than 3 feet. The PAC agreed to use the 3-foot fence height as

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suggested. The PAC also agreed to incorporate F.1.a into Public Access Regulation 6 of the Comp. Plan, strike F.2 A through D from the SMP and modifying the existing language in the Resource Ordinance (RO) to include the 3-foot fence allowance in existing landscape areas.

PAC agreed to move F.1.a to page IX.4 of the Comprehensive Plan as D.Views and Aesthetics, regulation 6:

### **F. VIEWS AND AESTHETICS**

- 1 The following standards shall apply to developments and uses within the jurisdiction of this Program:
  - a. Where commercial, industrial, multifamily and/or multi-lot developments are proposed in locations that would interrupt existing shoreline views,, primary structures shall provide for reasonable view corridors.
  - ~~b. Buildings shall incorporate architectural features that reduce scale such as setbacks, pitched roofs, offsets, angled facets, and recesses.~~
  - ~~c. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.~~
  - ~~d. Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.~~
  - ~~e. Any other design standards included in community plans or regulations adopted by Mason County.~~
- ~~2 To preserve aesthetic characteristics and minimize environmental impacts:~~
  - ~~a. For new residential construction, no fence or landscape wall shall be erected, placed or altered closer to the water than the landward edge of the required setback line;~~
  - ~~b. If an existing primary dwelling encroaches into the required buffer, fences or landscape walls may be allowed in the required buffer consistent with MCC 17.01.110.F(2), provided they do not exceed twenty four (24) inches in height;~~
  - ~~c. Fences or landscape walls that exceed twenty four (24) inches in height must be sited at or behind the building setback line;~~
  - ~~d. Fences and landscape walls shall not be allowed waterward of the ordinary high water mark.~~

Bill suggested revising D.1 of the Comp. Plan Chapter IX to include views from the water looking landward. Ken asked if that could include adjacent shorelines. It was discussed in detail. Jim asked staff to define public interest view. Staff suggested adding it to the end of #2. Bill reworded and asked to add "as seen from the shoreline or from the water" to D.2, the PAC agreed.

### **D. Views and Aesthetics**

2. Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities as seen from the shoreline or from the water that are derived from natural or cultural features, such as estuaries, bluffs, beaches, vegetative cover and historic sites/structures.

There was a 10-minute break.

### **C. COMMON LINE AND MITIGATION**

Staff continued the presentation with Common Line and Mitigation. Staff submitted a revised Mitigation Manual (dated July 5, 2013), which included the related changes to the Resource Ordinance (RO) 17.01.110 Fish and Wildlife Habitat Conservation Areas.

Rebecca explained that the revised Mitigation Manual's purpose is to provide consistency by implementing the required mitigation through the RO when you reduce the setback's down to the common line. She also explained that it now includes mitigation ratios, diagrams, added a list of native plant species, resources and allowance to decks.

Ken asked about impervious surfaces and whether they should be considered in the footprint. Setbacks were discussed in detail. Staff explained that the manual has been simplified and explained that it is the development area within the buffer, not the pervious or impervious areas that needs to be mitigated. This would include a deck, which is a raised structure. Staff clarified that a patio is allowed in the setback, it is not a structure, it is at grade.

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The topic of the height requirements of decks was discussed in detail. A second-story deck was questioned. Staff asked for direction from the PAC in regards to height limitations.

It was suggested that decks must have an elevation requirement so as not to interfere with the neighboring views. The PAC recommended staff to use language that the deck height must be comparable to adjacent decks. New language would read: 15' waterward may contain a 200 sq. ft. uncovered deck to be no higher than any adjacent property decks.

Staff confirmed that if the deck is behind the common line, there is no height restriction. The common line setback only applies in shoreline jurisdiction.

Tim suggested that language in the RO would need to be corrected to include: waterward of the common line should minimize obstructions to neighboring views. The PAC agreed and asked staff to make the necessary changes to the RO.

Staff continued the presentation with revisions made to the RO under 17.01.110 Fish and Wildlife Habitat Conservation Areas. Revisions include the same wording as the mitigation manual, referred to as Appendix D, common lines, 100' buffer, 200' decks and the addition of fences no more than 3 feet in height.

Vicki asked staff to use consistent language regarding setbacks. Staff agreed to double check.

Vicki asked staff to confirm the 100 feet setback on (ii) under 17.01.110.B.2 of the Fish and Wildlife Habitat Conservation Area. Staff explained the language was incorrect and agreed to strike '100 feet' and add 'the standard setback'.

- (ii.) Where existing residences is on one side of and within 150 feet of the lot line of the subject lot, and no more than 200 feet from the shoreline OHWM, the setback on the subject lot is determined by an imaginary common line drawn from the shore-side roof line of the existing residence and across the subject lot to a point which is ~~400 feet~~ the standard setback from the OHWM along the far lot line of the subject lot. (See Figure 3 in Appendix D). The common line set back may be more or less than 100 feet from the OHWM, provided, that:

Staff explained that they changed the language of the Mitigation Plan to read Common Line Mitigation Plan.

Vicki asked staff to explain how they determined the mitigation ratios. Staff explained that the foundation was based on Ecology's Wetland and Mitigation Ratio and best professional judgment. It was discussed in detail.

Staff asked the PAC to confirm if they liked the mitigation manual the way it was, with the exception of some minor changes to language. The PAC affirmed.

### **D. ENVIRONMENTAL DESIGNATION**

Staff presented a handout that addressed correspondence and verbal requests regarding Environmental Designations. The PAC asked staff if they were going to address the designations and how they would change them and that they had asked to discuss, as a whole, before addressing any correspondence. Staff explained that they were not sure how they would reassign and review the entire county again due to added costs. Ken commented that he was not comfortable with the designations assigned by the consultants. Adding that they never addressed Green Diamond either. He felt there was some discrepancy with the definitions. Jim asked if they needed to review all the definitions? Staff explained that they were going to discuss the criteria and definitions associated with each letter received. Staff also commented that the designations were consistent with zoning and Ecology's guidelines. It was discussed in detail.

Ken commented that the request from Mr. Rickert to change all Agricultural Resource Land to Conservancy, explaining that it was not just Agricultural land in the Skokomish Valley. It was discussed that the designation did not meet the criteria of Conservancy. Ken commented that he would like to have a formal vote by PAC if the should go back and revisit the environmental designation of Ag Resource Land or not.

Staff commented that you cannot do a parcel base analysis, you have to focus on the criteria and then go by a technical evaluation. It was discussed in detail and staff reminded the PAC that two county wide mailings went out

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twice as part of the process. Staff also noted that the consultants used more than Google Earth to determine the designations, they also used high resolution images along with Assessor's data. Criteria used to determine the designations and Ecology's guidelines were discussed in detail.

Ken commented that the PAC did not make a decision to follow up on the Citizen's Advisory Commission (CAC) recommendations. Ken stated that he did not feel that some of the Natural designations did not meet the criteria. Staff commented that there is a different standard setback for saltwater for Rural vs. Conservancy and how that would impact the designations. Existing conditions and giving an appropriate designation was discussed.

Ken stated that he was concerned how properties were designated in the draft and that he was also advocating for combining Rural and Conservancy. Ken asked staff why they struck language from the Comprehensive Plan IX under B. Application of Policies and Regulations, as shown below.

~~Act of 1971, as amended. The policies and regulations of the Shoreline Master Program are implemented through the designation of four Environment Designations: Urban, Rural, Conservancy, or Natural. The definition of these Environments are set forth in the Mason County Code 17.50.040 Shoreline Master Program Use Regulations.~~

~~The Environment Designations are set forth in WAC 173-16 and are described in Mason County Code 17.50.040. These Mason County shorelines include certain lakes, creeks and rivers, and islands, and the marine waters of South Hood Canal and South Puget Sound.~~

Staff explained that the policies were old; and the Aquatic designation was added and Urban was changed. Staff also commented that these are not the only regulations specified for the SMP. General Regulations, specific Use Regulations, Modification Regulations and the Environmental Designations is simply an overlay that ties these together. Ken commented that the Environmental Designations are based on the inventory of analysis that the consultants did, the policies and regulations have to be based on that inventory of analysis, he explained that the inventory analysis was not as accurate as it could have been and felt they were being tasked to base policies and regulations on parcels that may not have been designated correctly.

Vicki asked staff if there was an appeal process for the property owner to change their designation? Staff affirmed. Rob asked staff what the process was. Staff explained that the property owner would come to the county and the county would propose a limited amendment to Ecology. Jim asked if there was a written appeal process available to property owners? Environmental designations, criteria and the appeal process was discussed in detail.

Jim asked the PAC needs to review the Environmental Designations of the Draft SMP, review the staff report, and review minutes from previous meetings and discussions, along with the Classification Table and then revisit the issue at the next meeting on July 29, 2013.

Staff encouraged the PAC to review the properties and determine if they do or do not meet the environment designations. If they can determine if the land use pattern that exists, matches the criteria or if it is in conflict of the criteria.

## 6. NEW BUSINESS

Barbara Adkins commented that Cathi Bailey Bright's term expires on July 31, 2013 and that there will be a vacancy in District #2. Rebecca handed out an email she received from Mr. Watts dated July 8, 2013.

## 7. ADJOURNMENT

Meeting adjourned at 9:12 p.m.