

MASON COUNTY PLANNING ADVISORY COMMISSION

July 29, 2013

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1. CALL TO ORDER

The meeting was called to order at 6:00 pm by Chair Jim Sims.

2. ROLL CALL

Members present: Jim Sims, Bill Dewey, Ken VanBuskirk, and Vicki Wilson.

Cathi Bright, Rob Drexler, Kristy Buck were excused.

Staff present: Rebecca Hersha and Barbara Adkins

Department of Ecology: Tim Gates

3. REGULAR BUSINESS

ADOPTION OF AGENDA

APPROVAL OF MINUTES

The minutes for July 8, 2013 were reviewed. Bill made the motion to approve as amended and Ken seconded, the motion passed unanimously.

ANNOUNCEMENTS

It was announced that Cathi Bright's term has expired and it was her last night on the Planning Advisory Commission. Chair Jim Sims suggested that the PAC should acknowledge her service to the County and thank her for her participation and service. Jim agreed to write her a letter on behalf of the PAC. There were no objections.

SCHEDULE

The PAC timeline and schedule were discussed. Barbara Adkins asked to add additional topics to the August 12th and the August 26th meetings, and the PAC agreed. She also added that she was hoping to have Capital Facilities ready for review by September.

Jim proposed that the September meetings fall on the 9th and the 23rd, and a tentative date was set for October 21. It was discussed in detail and the PAC agreed.

4. SHORELINE MASTER PROGRAM UPDATE

Planning Advisory Commission Minutes, July 29, 2013

A. ENVIRONMENTAL DESIGNATIONS

The staff report, dated July 29, 2013, on Shoreline Environmental Designation requests was discussed in detail. Rebecca Hersha discussed the designation criteria. Urban, Rural, Conservancy, Natural, Residential and Aquatic are the suggested designations that are in question.

Ken gave a report on his findings after reviewing previous minutes and the Environmental Designations on the Draft SMP. He explained that he reviewed minutes dated back to January 2011. Originally, the process was to include the second phase as an inventory and analysis in characterization, which would be completed in June 2011. Then it was supposed to go to the PAC on the fifth phase of the process to review. Ken explained that the PAC didn't receive the first draft until January 2013. Ken commented that the properties designated Agricultural Resource Lands be redesignated as Conservancy Lands, clarifying that it implies a greater protection to those properties. Ecologies solution is to combine Rural and Conservancy. It was discussed in detail what the CAC had discussed. Tim commented that there is an overlap between Rural and Conservancy, explaining the Designated Criteria are similar as they overlap and if there was a reason to retain the distinction.

Ken suggested that public testimony about putting Agricultural Resource Land in a Conservation designation. It was discussed what areas were designated as Ag Land. Jim asked what were the benefits for the restriction and who would benefit if it were designated Rural or Conservancy? Staff discussed the criteria in detail. Vicki asked if there was confusion between the language in the SMP of Conservancy and Rural. Staff explained that the criteria are based on existing conditions. The definitions were discussed in detail.

Monica Harle addressed the PAC stating that the definitions listed in the SMP also list a purpose.

Staff acknowledged that there was a fine line between the two definitions. Ken asked staff to check how much Agricultural Resource Land, that is currently in the SMP, are defined as Rural or Conservancy.

B. "Conservancy" Shoreline Environmental Designation

1. Purpose

The purpose of the Conservancy designation is to protect and restore ecological functions and conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use and recreational opportunities

C. "Rural" Shoreline Environmental Designation

1. Purpose

The Rural designation is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, maintain open spaces and floodplains, and allow for opportunities for recreational uses compatible with agricultural activities.

Jim asked staff how a homeowner could change a designation, after the SMP is in place, and how they can appeal the process and have their land redesignated. Staff explained that it requires an SMP amendment. The homeowner/applicant would have to go before the PAC, and if approved then the Board of County Commissioners must approve, finally it would go to Dept. of Ecology. It was discussed in detail. Vicki commented that they (PAC) need to be prepared to explain to the public where some of the big changes happened and why. Staff explained that there are a lot of changes to the original SMP. There are many other factors that have been taken in to consideration as a County, to comply with other laws staff explained.

Staff affirmed that they would research and provide information on how many parcels are subject to the SMP and are defined Rural or Conservancy.

Bill commented on a letter from Mr. Rickert and asked if the PAC was interpreting his questions correctly, that Mr. Rickert did not see Agriculture mentioned anywhere on the Conservancy designation. Bill explained that in the Kamilchee Valley along State Route 108 toward McCleary and the Skokomish Valley are designated as Conservancy, but Agriculture is missing from the purpose of the Conservancy definition. Jim disagreed and stated that the designated criteria does list agriculture under "B" of Designated Criteria.

B. "Conservancy" Shoreline Environmental Designation

2. Designation Criteria

Planning Advisory Commission Minutes, July 29, 2013

b. Areas that are currently supporting resource-based uses, such as forestry or aquaculture;

It was pointed out that it was aquaculture, not agriculture. It was discussed in detail. Monica Harle asked if this was an Ecology designation? Tim stated that he thinks it is a typo and should be agriculture, that it doesn't make sense. He commented that he would confirm, explaining that not all Agricultural areas are designated Agriculture Resource Lands.

Public comment was open.

Eric Schallon of Green Diamond Resource Company commented to the PAC that there are more restrictive issues with Conservancy, stating that if they (PAC) are switching from Rural to Conservancy that they should be doing it for a reason.

STAFF REPORT UPDATE: SHORELINE ENVIRONMENTAL DESIGNATION REQUESTS

Shoreline Environment Designation Staff Report was discussed. Tim started the introduction with an overview of the document. He explained that the criteria are a combination of existing land use patterns, biological and physical characteristic and the comprehensive plan designation. He explained that what they are trying to achieve is No Net Loss of ecological function, which starts with existing conditions and is addressed through the environmental designation system by taking similar types of shorelines, zoning and what types of uses allowed.

There was discussion on the use of Rural versus Conservancy and if they should be combined. Ecology guidelines recommend a combined "Rural Conservancy" designation, but the CAC recommended retaining the existing separate "Rural" and "Conservancy" designations.

Vicki commented that the real issue is if we (PAC) decide to combine the designation of Rural and Conservancy, then we have to make a set of decisions where they differ on the uses. She explained that they would need to go back and review all the other decisions made (that pertain to these designations and guideline) if we decide to combine. She added they need to figure out, under the existing framework, what best protects the property/land under a given situation. It is a question of which of these designations will achieve that goal, either through the SMP or zoning?

SINNIT/WATTS PROPERTY

Staff continued with the staff report and the request made by Sinnit/Watts on south Harstine Island. They had requested that government lots 2 and 3 be classified Rural and withdraw the Natural classification. Staff recommended to change the subject parcels from Natural to Conservancy designation. It was discussed in detail.

A formal vote on the redesignation of the Sinnit/Watts property from Natural to Conservancy passed unanimously.

HANKS LAKE and LAKE NAHWATZEL: Green Diamond Resource Co.

Staff gave an overview of the four proposed lakes as requested from Green Diamond Resource Co. Staff had recommended that Hanks Lake, Lake Nahwatzel, Forbes Lake and Mason Lake to retain proposed Conservancy designation. Tim explained that they looked at current conditions and that they met specific criteria. It was discussed in detail.

Vicki expressed concern that some definitions were left as Rural, but do not meet the required criteria. However, this is inconsistent with Ecologies guidelines because you have to apply the criteria consistently. Hanks Lake was used as an example. Currently it is Rural, the request is to keep it Rural, but the criteria changed, the SMP proposes Conservancy, the staff recommendation is Conservancy. Vicki stated that they have no choice to leave the designation as Rural, because it does not meet the Rural criteria. Staff explained that the only way to change it is if the criteria is changed.

Monica Harle stated that she personally felt that the PAC meeting was not the appropriate forum. She expressed that if private property owners are upset, this is not the forum for it. It requires an entirely different process outside of the PAC, explaining that Ecology sets the criteria, ESA followed it, and if the criteria do not apply, then it becomes a legal matter. Ken commented that it was brought to the PAC prior. Monica asked why it needs to be revisited, and that it is getting in the way of the SMP.

Eric Schallon of Green Diamond Resource Company commented that all they are asking for is that they get the same designation that the neighbors, on either side, already have. Adding, that if it stays Rural, that there is not gong to be

Planning Advisory Commission Minutes, July 29, 2013

Wal-Mart at the water's edge, there are still rules and ordinances and codes in place. He stated that it is unfair to make one property owner do one thing, but have the neighboring property do something else only because they haven't built a house.

Rebecca asked Tim to clarify if Ecology has a requirement that designations be based on existing conditions. Tim commented that is what the Characterization Report is for. The point is to make similar properties be treated similarly.

There was a 10-minute break.

HANKS LAKE and LAKE NAHWATZEL: Green Diamond Resource Co. – *Continued*

The discussion continued with the redesignation of Hanks Lake. Ken made the motion to leave the Rural designation unchanged per Green Diamond Resource Company's request. There was no second and the motion did not carry.

It was discussed in detail. The PAC decided to move on with the presentation.

The redesignation of Lake Nahwatzel was discussed. Green Diamond Resource Co. requests to change the designation from Rural to Residential. However staff suggests to retain proposed Conservancy designation. The PAC discussed in detail.

Vicki asked if they are to be consistent in the application of the criteria, which would lead to a shoreline designation of Conservancy, but zoned Residential, who wins? Staff explained that because it is zoned Residential does not mean that the shoreline designation should be Residential. There are other criteria that must be met. Jim asked if it is currently zoned Residential, but the SMP says it is designated Conservancy, then Conservancy restricts the nature of the Residential development, does it not? Tim commented that it doesn't change the zoning; it is an additional overlay, which must also apply. Jim asked how it would impact setbacks. It was discussed in detail.

Jim asked if Ecologies guidelines were statute. Tim explained that they were adopted as State Rules. Vicki asked for clarification that the criteria they (PAC) are using, are those more restrictive than Ecology recommended? Tim explained that the Conservancy designation and criteria does match what Ecology calls Rural Conservancy.

Monica Harle commented that part of the requirement of the SMP is to assist in No Net Loss. It is a requirement. We can't keep doing things the way we have been otherwise we will have loss. This is just an example of how No Net Loss has to apply. It does not mean that the lot is not buildable, it just means it is buildable in a different way

It was discussed in detail.

Bill asked Rebecca if, in her opinion, the property is more consistent with Conservancy than Residential. She answered that she did, explaining that it was not as black and white as the other requests, but felt it was better designated as Conservancy for the criteria.

Staff explained that the staff report says that the rest of the lake is developed with residences and those areas do meet the criteria of Residential designation. However, the subject parcels by contrast, do not have those other characteristics. They are not predominately developed, but they are characterized by the wetlands and the critical areas, they have uninterrupted natural processes, that is why it meets the criteria.

A formal vote on the redesignation of the Hanks Lake and Lake Nahwatzel from Rural to Conservancy passed by a vote of 3 to 1.

FORBES LAKE and MASON LAKE: Green Diamond Resource Co.

The redesignation of Forbes Lake and Mason Lake from Urban Residential designation to Residential designation, per the request of Green Diamond Resource Co., was discussed in detail. Staff's recommendation, based on criteria, is the designation of Conservancy on both lakes.

Staff clarified that the property can still be zoned Residential, under the Conservancy designation.

A formal vote on the redesignation of Forbes Lake and Mason Lake from Urban Residential to Conservancy passed unanimously.

Planning Advisory Commission Minutes, July 29, 2013

DAVIS FAMILY requests. Ken asked to be excused from any discussion or votes regarding the Davis Family property and suggested the topic be tabled for another meeting. The PAC agreed.

RICHERT & YOUNG

Agriculture is not mentioned anywhere in the Conservancy designation in the “purpose” on both the Kamilche Valley and the Skokomish Valley.

Staff explained that it is based on existing conditions. In the Skokomish Valley there are multiple layers, the designation in the statute, along with the designation in the existing flood ordinance as a floodway, which is very prohibited. Although these areas that are designated Ag Resource Lands, existing conditions pushed them over into the Conservancy designation. Ken asked if they could add “agriculture”? It was discussed in detail. Vicki commented that Ecology’s definition of Rural Conservancy is supporting lesser intensity, resource base uses, such as agriculture, forestry, etc. Jim asked the PAC if they wanted add the wording “agriculture” under the Conservancy designation? All agreed.

Staff agreed to add “agriculture” to Conservancy designation.

B. “Conservancy” Shoreline Environmental Designation

2. Designation Criteria

Shorelines with one or more of the following qualities:

- b. Areas that are currently supporting resource-based uses, such as forestry, agriculture or aquaculture;

Staff recommended that the second item on the agenda, Review of General Regulation edits, be addressed at the next PAC meeting.

5. NEW BUSINESS

Ken asked Tim if the Dept. of Ecology could look at John, Jorsted, and Eagle Creeks and have them added to the SMP. Ken thought that maybe they had been overlooked, but documentation from Aspect Consulting, dated Dec. 23, 2005, shows that they have an average daily flow of more than 20 cfs. Tim agreed to have a hydro-geologist to review the report.

6. ADJOURNMENT

Meeting adjourned at 8:16 p.m.