

MASON COUNTY PLANNING ADVISORY COMMISSION

September 9, 2013

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1. CALL TO ORDER

Chair Jim Sims called the meeting to order at 6:05 p.m.

2. ROLL CALL

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

Staff present: Rebecca Hersha and Barbara Adkins

Department of Ecology: Rick Mraz

3. REGULAR BUSINESS

ADOPTION OF AGENDA

Ken asked to discuss item #4D first on the agenda under the SMP. The approval of the agenda, as amended, was approved.

APPROVAL OF MINUTES

The minutes for August 26, 2013 were reviewed. Rob made the motion to approve as amended and Vicki seconded, the motion passed unanimously.

4. SHORELINE MASTER PROGRAM UPDATE

Rebecca asked the PAC to review the tentative SMP timeline. It was agreed that Capital Facilities would be the only topic on the agenda at the next meeting; all other agenda items would shift to the next meeting. It was also determined that the PAC would resume it's regular schedule and meet on the third Monday of each month.

A. Re-review Shoreline Environmental Designations on Green Diamond Resource Co. property

Ken made a motion to revisit the Environmental Designations on the Green Diamond properties made in July. Rob seconded.

Hanks Lake, Lake Nahwatzel, Forbes Lake and Mason Lake were discussed. The PAC reviewed the Staff Report dated July 29, 2013 that gave an overview of each lake, its current designation and what was recommended by staff. Vicki suggested that each lake be reviewed and addressed individually.

Jim reminded the PAC that they were only discussing the designations, not the criteria. Rick commented that up to this point Ecology's involvement in the development of the Draft SMP has been in collaboration with Mason County, Citizen's Advisory Committee (CAC) and the Joint Technical Advisory Committee (JTAC). He said that they have worked together with the members of the CAC, facilitating meetings and have not steered, directed or influenced in any way other than to create a draft that was consistent with Ecology's guidelines and approvable upon submittal to

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Ecology. The County has drafted the Environment Designation Criteria that is in the SMP in coordination with a consultant, CAC, JTAC and Ecology. He added that it is Ecology's position that these lakes are correctly designated and that Ecology will take a more formal roll in commenting and responding to the changes if and when they move forward to the Board of County Commissioner's (BOCC), which are required to be approved by Ecology and be consistent with Ecology's guidelines before approval.

Ken commented on the Inventory and Characterization Report (ICR) stating that the PAC needs to be careful about how they designate properties and determining No Net Loss of Shoreline ecological function. He added that there were some properties that were not in the original SMP that are now listed in the draft SMP with a lot more emphasis on Natural than Conservancy. Ken explained that he wanted to be cautious since they are establishing a baseline with the adoption of the draft and how they proceed. Jim commented that Vicki had made the same argument that they need to be consistent as they go forward. Staff commented on the ICR explaining that it was used to create the Environment Designations for the draft SMP explaining that it does reference the old SMP designations. Jim asked when the ICR was last updated? Rick commented that the ICR was updated in 2012 for the draft SMP. There was a lengthy discussion regarding the ICR.

HANKS LAKE

Rebecca stated that upon further research, she found old growth mapped in the vicinity of Hanks Lake. Jim asked if that would create a restriction on zoning? Staff explained that it would fall under the criteria of Conservancy or Natural and the surrounding areas are currently zoned Long Term Commercial Forest. The SMP update proposes to change the Shoreline Environment Designation (SED) from Rural to Conservancy. Staff recommendation is to retain the proposed Conservancy designation.

Ken made the motion that the current Rural designation remain unchanged on Hanks Lake. Rob seconded. The PAC discussed it in detail.

Vicki asked if it was common to have multiple designations on lakes and does it depend on the size of the lake? Staff explained that smaller lakes are more likely to have one designation and larger lakes to have multiple designations. Rick added that it is not uncommon for lakes to have multiple designations.

A vote was taken that Hanks Lake retain the current designation of Rural. The motion passed with a vote of 3 to 2.

Monica Harle addressed the PAC. She commented on the wording used in Purpose (under Rural), adding that it would restrict development. There was no discussion.

MASON LAKE

Ken made the motion that Mason Lake be designated Residential in its entirety. Kristy seconded. The motion passed with a vote of 5 to 1.

LAKE NAHWATZEL

Ken made a motion that the shoreline designation be changed from Rural to Residential on Lake Nahwatzel. Kristy seconded. It was discussed in detail. Eric Schallon of Green Diamond Resource Co. commented on the minimum lot size stating that there are provisions in the County Code that allow you to make them larger for community access. Jim commented that it was not part of the shoreline designation that the PAC was considering. A vote was taken and the motion passed with a 4 to 1 vote.

FORBES LAKE

Ken made the motion that the shoreline designation be changed to Residential on Forbes Lake. Kristy seconded. Staff commented that there are no public roads going into that area. The issue with No Net Loss was discussed. Rick stated that they are promoting development by assigning a more intensive SED. It was discussed in detail. Eric Schallon of Green Diamond Resource Co. questioned why any new shoreline land does not count, referring to the 34 miles of new shoreline. Jim commented that they were only discussing Forbes Lake. Staff explained that designating lakes are based on the reaches, which are sections that are based on similar existing conditions. A vote was taken and the motion passed with a vote of 3 to 2.

There was a 10-minute break.

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B. Review proposed edits to Urban Commercial Shoreline Environmental Designations

Staff gave a brief overview of the changes and recommended suggestions to the Urban Commercial Designation that the PAC had suggested. Rebecca submitted a staff report (dated 9/9/2012) that showed the recommended changes along with a revision to the criteria. The PAC discussed and there were no oppositions to the revisions.

C. Review and Address Public Comment received about Shoreline Environmental Designations

on Lynch Cove and Lake Cushman

Comments received on Dry Creek and the Northwest Shore of Lake Cushman and Lynch Cove in Belfair regarding environmental designations were discussed. Rebecca submitted a staff report (dated 8/26/13) that summarized the designations and staff recommendations.

DRY CREEK

The designation of Dry Creek on Lake Cushman was discussed in detail. Staff had suggested a Natural designation. Ken commented that he felt it would be better designated as Conservancy. Habitat and species were discussed. Rick explained that the Natural designation criteria include endangered or threatened species. Jim asked if they would still be protected under the Conservancy designation? Staff affirmed. Rebecca gave an overview of the criteria for both Natural and Conservancy designations. It was discussed in detail. The PAC agreed to keep Dry Creek designated as Natural.

NORTHWEST SHORE OF LAKE CUSHMAN

Northwest Shore of Lake Cushman was discussed. It is currently designated as Rural and the draft designation proposes Conservancy. Ken commented that a Residential designation would better fit the area. Staff commented that it has very limited access and services and suggested the Conservancy designation. Rob asked what would benefit the landowner? It was discussed in detail. Jim stated that there are three options: rural, residential or conservancy designations to consider. Vicki questioned the use in regards to the guidelines for Shorelines of Statewide Significance. Ken commented that he would like to withdraw his original request and keep the designation as Conservancy. There was no further discussion and the PAC agreed the designation would remain Conservancy.

SECTION ONE POND

Staff explained that it is a pond NW of Belfair. Ken questioned why it is proposed Natural and Conservancy. He added that it just showed up and asked why it wasn't listed on the original SMP. Rick confirmed that it is both DNR and private land. He explained that the Natural designation is due to the Long Term Forestry and the RR-20 is where the Conservancy designation falls. Rick also explained that it was not identified in the initial inventory and they missed it, which happens frequently. The proposed designation was discussed in detail. Ken suggested that the entire shoreline should be designated Conservancy. Jim asked the PAC if there were any objections to designating Section One Pond to Conservancy? There were no objections.

LYNCH COVE, BELFAIR

Three different parcels that surround Lynch Cove were discussed. Ken gave a summary on each parcel.

Request #1: Parcel #12331-24-60010, zoned RR-5. Staff recommends a change from Natural to Residential. There were no objections to changing the designation to Residential.

Request #2: Parcel #12331-12-00000, zoned RR-5. Staff recommends changing the draft designation from Natural to Conservancy. There were no objections to changing the designation to Conservancy.

Request #3: Parcel #12332-50-00090, zoned Agricultural Resource Lands. Staff recommends that the draft designation remain Natural. Ken suggested that the land be redesignated to Conservancy. He added that there has been a lot of human influence on this parcel and that even though the parcel is actively undergoing work, it should not be designated Natural because they are calling it restoration work. It was discussed in detail. There were no objections to changing the designation to Conservancy.

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D. Continue review of SMP Draft Changes to Date

Rebecca went through each section of the SMP highlighting edits on sections 17.50.055. She explained that the policies from the Comprehensive Plan and regulations from the SMP have been combined.

17.50.055 General Regulations

Staff submitted a document suggesting new draft wording on 17.05.055B.1.f to clarify wording under Critical Areas.

- i. Applications that are processed as a Mason Environmental Permit per MCC 17.01.120 (C), and do not require a Shoreline Variance, Shoreline Substantial Development Permit, or Shoreline Conditional Use shall instead be processed as a Shoreline Exemption even if the activity does not meet the definition of development.

It was discussed in detail. There were no objections with the suggested wording.

Rebecca asked the PAC if they wanted to change “existing Structures” to Grandfathered in the title. The PAC agreed to leave as “Existing Structures” in the title.

Rebecca suggested to delete the first sentence under 17.05.055H.1.d which reads:

- d. ~~Grandfathered structures may be expanded or redeveloped in accordance with this program.~~ Lateral expansion or enlargement of structures into areas prohibited by current bulk, dimensional or performance standards shall require a Variance.

Staff explained that wording was redundant. The PAC agreed to strike the first sentence.

The PAC continued the discussion on Existing Uses. There was a lengthy deliberation on grandfathered uses, both conforming and nonconforming uses. Jim asked staff to develop language that the County can, in an administrative fashion, development a Conditional Use Permit that would best serve the public. Language that is similar to Jefferson and Kitsap Counties. Staff agreed.

The PAC agreed to strike the word nonconforming and replace with ‘grandfathered’ on 17.05.055H.2.d.

- d. If a ~~nonconforming~~ grandfathered use is discontinued (ceases to operate, use, or produce) for more than thirty-six 36 months, any subsequent use, if allowed, shall comply with the Act and this Program.

5. NEW BUSINESS

Ken commented that in July he asked staff to check how much Agricultural Resource Land is currently in the SMP that is defined as Rural or Conservancy and has yet to receive it. He asked staff to consider developing this information, similar to how Kitsap County has it broken down, for the PAC. Jim asked staff how much effort is involved? Rebecca asked for clarification. Ken asked for how much land is designated in each of the Environmental Designations. Staff asked if they wanted freshwater vs. saltwater and if they want it listed in acres? Ken commented that it would be beneficial to receive this information. He added that they also discussed whether Agriculture Resource Land should fall under the Conservancy designation or not, in all of Mason County that is subject to the SMP. Barbara asked if it was really relevant information that they require in order to make necessary decisions? Staff was concerned with the time and energy to create the documents. Jim asked Ken if it was necessary. Ken agreed that he did not need to see the Agricultural Resource Land. Rebecca commented that she would contact ESA and confirm if the information is already available.

The next meeting will be held on September 23, 2013.

6. ADJOURNMENT

Meeting adjourned at 8:58 p.m.