

**MASON COUNTY
PLANNING ADVISORY COMMISSION**

April 7, 2014

(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 6:03 PM by Chair Ken VanBuskirk.

2. ROLL CALL

Members present: Ken VanBuskirk, Vicki Wilson, Kristy Buck, Bill Dewey, and Tim Duffy. Rob Drexler was absent.

Staff present: Rebecca Hersha and Allan Borden.

Department of Ecology: Rick Mraz.

3. REGULAR BUSINESS

(a) Agenda

Rebecca suggested that item #3C be added to the current agenda to determine what May dates the PAC members are available to meet on.

Kristy Buck suggested that we include discussion of future meeting dates on each of the upcoming agendas.

The agenda was adopted as amended.

(b) Meeting Minutes March 24, 2014

Each of the PAC members agreed they had received changes that were submitted to them prior to the meeting. A request was made for any additional amendments that anyone wished to add.

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Bill Dewey referenced the following sentence on Page 8:

Bill recommended that “pier” be changed to “pier block.”

He stated that he was not sure if it was either Rob Drexler or himself that actually made that statement.

Vicki Wilson also brought up a change on Page 8 in the following sentence.

Vicky stated that she thinks of piers as being different than piles; Pier implies that it runs out a ways, and pilings are for landings only.

She stated she is not sure if she actually made that statement but is fine with leaving it even if she did not.

Ken Vanbuskirk pointed out a typo in the following paragraph on Page 10.

Bill stated that he likes the list and the information in #5 because it provides what the expectations are but would like the expectations to be clearer, like ~~how~~ (when) professionals are required to provide the information.

Kristy Buck referenced the sentence on the bottom of Page 3, #4 stating the word “shall” needs to be removed from the sentence.

4. New buoys ~~shall~~ that would result in a closure of local shellfish beds for future harvest, per the National Shellfish Sanitation Program, shall be prohibited.

Kristy Buck also noticed a correction on Page #9 where the word “be” needs to be inserted.

Vicki warned that by asking somebody to spend more on analysis than the stairs are going to cost, the result may be people skirting around this.

Vicki referenced the following sentence on Page #4, requesting we clarify whether that should actually read “#14” or should it read “E”.

Ken referred to Staff’s written comment for #14. The PAC agreed that it appears to be a mistake that #14 only pertains to saltwater. It should apply to marinas in both saltwater and freshwater:

The sentence should read as follows:

“Ken referred to Staff’s written comment for Item E”

Vicki had a correction in the following sentence on Page #9

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So that would address at least 3(c) and could address 3(d)

She is requesting clarification as to whether 3(c) and 3(d) should actually read 5(c) and 5(d).

Vicki had a correction on Page #10 in the following sentence:

Bill wondered if it made sense to combine 1 and 5. Rebecca said that she is not fond of the idea of combining #1 and #5 because #1 is meant to deal with habitat and most of 5 is meant to deal with geology and geomorphology, but

The sentence ends with the word “but” with nothing following it.

Ken suggested that we also add “2014” after the date for clarification purposes. The sentence should read as follows:

She advised we will apply for \$48,000 in grant funding for the first year, beginning June 30th, 2014.

Rebecca will double check with Barbara to make sure that year is correct before correcting.

A motion was brought to approve the amended March 24th, 2014 meeting minutes. It was seconded by Kristy Buck. Meeting minutes were adopted as amended.

(c) Meeting Dates in May

It was agreed that the next May meeting will be held on May 5th, and at that time the PAC members will decide whether the next meeting will be May 19th or June 2nd.

Ken advised everyone in attendance that public comments are encouraged and to please raise their hands should they wish to make any comments or have any questions.

4. PUBLIC MEETING - SHORELINE MASTER PROGRAM UPDATE

STAFF REPORT - COMMERCIAL DEVELOPMENT

Rebecca introduced the Staff Report she prepared, dated 4/1/2014, for the discussion of the Commercial Development chapter. Rebecca informed the PAC members that she e-mailed all the ports and some local businesses she was aware about the current meeting should they wish to attend and ask any questions or make any comments regarding commercial development on the shoreline.

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Rebecca explained that Page 1 of the Staff Report explains the **Ecology Guidelines for Commercial Development**, and she further explained that Mr. Brian McGinnis, President of North Forty Lodging, Alderbrook Resort in Union had recommended that we add the wording in the Ecology Guidelines that would allow non-water oriented commercial uses in some circumstances. Rebecca added in the policies and regulations wording to that effect. She did not add the last sentence that Brian had recommended because it did not seem to be supported by the guidelines, but left open the option to further discussion this omission later on.

Rebecca asked the PAC members if they had any questions and/or comments regarding the definitions listed on Page 2 of the Staff Report.

Prior to proceeding to the discussion of the Definitions Vicki Wilson posed the question that if you have commercial development regulations and then you have regulations for a specific use, such as marinas, which one takes precedence?

Rebecca stated it is whichever is most restrictive. She stated that they would both apply, so all use regulations apply except for aquaculture because, based on case law, aquaculture is considered a separate entity. So if it meets the definition of aquaculture the commercial regulations don't apply. If you go beyond the basic aquaculture into final processing and other issues then it does apply, but with everything else it is different and you can have several layers with everything else.

Vicki raised a point that in the end this is a very complicated document, and there is no way that one can expect to catch everything and make sure that it is all consistent throughout, so she was just trying to make sure that we understand that if you have two sets of regulations, both of which apply, that we're clear on what will take precedence.

Bill Dewey said that it is an interesting question because if it is the case, if more restrictions apply, then why bother having a section on marinas if commercial development is going to trump it.

Rick provided that we will have to cross reference for consistency between the regulations, and we, in our review, need to try to capture those places where we may see an inconsistency where one regulation is telling us one thing and another is telling us something completely different.

He complimented Rebecca on having been screening for inconsistencies, and that part of what has to be done is we have to keep looking for those places where the inconsistencies may lie. Rick further stated that there shouldn't be big problems.

Rebecca welcomed the PAC to inform her if they see a potential conflict or inconsistency, but that with regulations pertaining to environment and ecology, it is inevitable that there will be some overlap.

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The discussion then turned back to the **Definitions** Associated with Commercial Development on Page 2 of the Staff Report.

Rebecca wanted to point out that this Staff Report has draft language from the January 13th draft, and all the track changes in that document were accepted into here. So all the changes between existing regulations and the 2013 draft are shown as normal black font. The only changes you will in this staff report are the changes that staff has recommended changing to the draft.

The first definition is Commercial Development.

Uses and facilities that are involved in the retail or wholesale trade or other business activities. ~~Water dependent commercial uses are those commercial activities that cannot exist in other than a waterfront location and are dependent on the water by reason of the intrinsic nature of its operation.~~

Rebecca has suggested deleting the second sentence. It is describing water-dependent uses, which isn't described for the definitions of other uses. Ken Vanbuskirk asked the PAC members if they were agreeable with deleting the second sentence and all agreed.

Rebecca asked the PAC members if they had further questions or comments regarding the definitions.

Ken said he had a question on Page 3. He said he wasn't fully understanding the difference between Cottage Industry and Home Occupation. He said it seems like they were almost one in the same.

Rebecca agreed and said she too had the same dilemma initially, but found that the difference is that for Cottage Industry the business can exist in the residence or in an accessory building, whereas a Home Occupation can only be within the residence. Also, Cottage Industries cannot *significantly* alter the character of the site as a residential property, whereas a Home Occupation is more restrictive because one cannot make *any* exterior alteration that would alter the character of the site as residential property. She said she did agree that there is some overlap there.

Rick Mraz further explained that Cottage Industries can alter their residential site somewhat through the installation of a sign, for example, in a bed and breakfast. They cannot *significantly* alter it, and there is case law that explains what significant means. The difference is that Home Occupation can't make any alteration. They have to do it inside their house. They don't need any permits. But if you want a Cottage Industry authorization, and you're not located in commercial or residential then you would need a permit.

Ken asked Rick if this language was in the original SMP.

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Rick answered yes, however Cottage Industry was considered minor commercial development, and this is one of those places where Rebecca did see an inconsistency with the commercial development section, and she struck out that line. Because it would be very difficult to authorize a Cottage Industry, such as a B & B, a barbershop, because it is not a water-dependent use or even a water oriented use. It was a reasonable accommodation to address it as a residential use because trying to get through the hurdle of water-dependent, water-oriented, water-related for these little “mom and pop” activities is the type of thing that would create that internal inconsistency. So Rebecca put the word significantly in there to give staff some upper limit that they can point to.

Kristy Buck had a statement regarding the water-enjoyment use. She really liked that Rebecca did examples for Water-dependent use and water-related use, and she would like to see examples in relation to water-enjoyment use. Rebecca confirmed that she and Rick could provide that.

Ken Vanbuskirk asked the PAC if they were in agreement with the definitions as they are presented.

Vicki said she is fine with the definitions. She just sees the Home Occupation, Cottage Industry and then Commercial on a continuum. She also had a question regarding the table listed on Page 3 under Cottage Industry. There is a C under aquatic. So she is trying to think of an example of a Cottage Industry in the residence or building that is in the aquatic environment.

Rebecca said that some homes are partially over the water and so we do not want to prohibit someone from using the overwater portion of their home for a cottage industry.

Ken Vanbuskirk asked if everyone in the PAC was all right with the presentation of the table and members expressed their agreement.

Next the PAC discussed both the **Commercial Development Policies** and the **Commercial Development Regulations**.

Rebecca asked for comments or questions from the members.

On #5 (policy) Rebecca made a clarifying change to the following portion of Item #5. She felt the “inland from the shoreline area” was unclear and recommended replacing it with the statement “landward of shoreline buffers”:

5. Commercial developments should be encouraged to be located ~~inland from the shoreline area~~ landward of shoreline buffers unless they are dependent on a shoreline location. Commercial developments should be discouraged over-water or in wetlands and floodplains.

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Item #8 (policy) is where the allowance that North Forty Lodging recommended was added, which is also in the Ecology guidelines. It reads as follows:

New non-water oriented commercial uses should not be allowed unless the use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit or if navigability is severely limited at the proposed site.

PUBLIC RESPONSE

Brian McGinnis, President North Forty Lodging, Alderbrook Resort & Spa and the Hood Canal Marina, wanted to know if there was a definition of mixed-use project? In our case we have the marina so we've got fuel moorage. We've got water-dependent uses, but then we are also looking to put retail in the building as well and so I just wanted to make sure that qualified as mixed-use.

Rick stated that his entire project is a mixed-use development in his mind.

Brian wanted to know if retail, along with the marina water-dependent use, is considered mixed-use and, secondly, they are looking to renovate the building to bring it up to code, and then not only continue to provide the marina-oriented services they do right now with moorage, dry storage, boat repair, fuel and kayak rentals and such, they would like to do retail. We may operate the retail or lease it out, but what is the process to go about getting approval to provide retail product.

Rebecca stated that it is her understanding that if you have a use and you're changing a use, even if it's going from one mixed-use to another, it needs to be reviewed for whether it is allowed on the shoreline. Item #8 (policy) of the Staff Report is saying that if it is non-water oriented it can only be allowed if the entire project includes water-dependent uses, which it already does, and provides significant public benefit.

Vicki said she may remember having a long discussion when the PAC was talking about existing uses and structures about non-conforming and conforming uses and she pointed out that Rebecca also talked about this on Page 6 which states "the PAC decided in the existing uses and structures chapter of the general regs. to allow non-conforming uses to be replaced within an existing building". So my understanding would be if you had an existing building, and it had non-conforming, non-water-dependent uses going on we said you can replace those with other non-water-dependent uses.

Rebecca thinks that the regulation that was added on Page 6 (3.b) actually goes further to allow a conforming use to change to a non-conforming if it's part of a larger use that has water-dependent uses, and there's either public access or ecological restoration.

Ken Vanbuskirk raised a question on Page #4 of the staff report in use of the term "outright" that had been suggested added by North Forty Lodging but Rebecca recommended not including.

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Rebecca replied that the guidelines do not allow for any use to be allowed outright, or without a permit or exemption. The project classification table in certain environments show when conditional-use permits are required.

Rick followed up by adding that the concept of allowing outright is inconsistent with the guidelines of the state law regarding the permit process. If it triggers the permit it is supposed to get a permit. If it's listed as needing a variance, then it has to get a variance. Allowing something outright is not something that the act contemplates. If they don't reach the threshold for substantial development then they may not need a permit and be allowed outright.

Rebecca went back to Brian McGinnis's question of would his proposal, such as a mixed-use with some retail and supporting some businesses there, be allowed with this new regulation. She thinks it could be allowed because the regulation states, "part of the mixed-use project that provides significant public benefit with respect to the SMA objectives, such as public access or ecological restoration". She thinks it could be argued that his proposal would provide public benefit since he's employing local businesses and a farmers market.

Rebecca asked for Rick's comment on the subject, and he stated that without a proposal in front of him that it is a little hard to judge, but it does seem like what he is talking about is either consistent with what Vicki said by existing grandfathered non-conforming uses. Rick further stated that this building has a long history of different uses. Some water oriented, some not water oriented, and new uses would need to meet the criteria. So if you are talking about inside uses to the building that is one thing. If you are going to expand the footprint and develop new commercial uses outside of that then you need to bring to the table more information about how large a project is the mixed-use project and if it's consistent with the SMP's requirements for public access and ecological restoration.

Brian added that they are not going to be expanding the building. The building is not going to change. The building is going to remain as is.

Rebecca stated the farmers market would be outside but right next to the shoreline.

Rick added that if there is an enlarged component that is on the shoreline there may be need for some mitigation. If you're working inside an existing building he doesn't see anything that is at issue.

Ken asked for comments and/or questions from the PAC members.

Bill Dewey expressed concern about applying this allowance for nonwater oriented uses as part of a mixed use development without clarifying that the development should be predominantly water dependent. He doesn't want to see someone come in and have two kayaks and then all of a sudden propose this huge mixed-use development totally

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unrelated to the water justifying it because it's tied to the two kayaks they're renting. He suggested placing the word "predominantly" in between includes and water so part 'b' of Item #3 (regulation) would read as follows:

3.b. The use is part of a mixed-used project that includes predominantly water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

This raised the question as to what percentage would be constitute predominantly.

Rick suggested taking it back to the larger group of shoreline planners to see how they would look at it. The PAC members agreed to this and would like to get further input on this matter.

Kristy returned to Page #5 with a question on whether it would be helpful if Item #3 (regulation) on Page 5 started with the word "new". The sentence should read as follows:

3. New non-water oriented commercial development is prohibited unless:

Rebecca said that "new" is implied, but we can add the word. The PAC members agreed that it would be better to have that sentence state the word "new".

Vicki returned to the policy section and had a question on Page #4, Item #8 (policy) which states:

8. New non-water oriented commercial uses should not be allowed unless the use is part of a mixed use project that includes water-dependent uses and provides a significant public benefit or if navigability is severely limited at the proposed site.

She stated that she never really understood that phrase "if navigability is severely limited" when she read the ecology guidelines."

Rick gave an example of the big levee that runs the whole length of the Cowlitz River, resulting in water that is too shallow because of the sedimentation associated with Mount St. Helens, and you cannot navigate that, and they don't have any way to manipulate the levees because the levees are certified to keep from being flooded out.

Rebecca said that it can't just be navigability. It also has to provide the significant public benefit, same as part 3.b. Vicki said that Staff omitted the second "providing significant public benefit" after "if navigability is severely limited." Rebecca agreed that this was a mistake and confirmed that she will copy and paste the language from Ecology's guidelines so that both the policies and the regulations will be the same.

Ken asked the question if we have any rivers that are navigable in Mason County.

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Rebecca said that depends on whose definition we are using. The Army Corps of Engineers as their definition, the DNR has their own definition, which is different. She gave the Skokomish as an example of a river in Mason County that is navigable. Rick added that the Dosewallips probably is also navigable.

Vicki added a general comment in reference to Page 4, Item #8 as an example, and she wanted to know if it strikes anybody else how often we word things in the negative, and if that creates a different kind of light than if they are worded in the positive. For example, #8 (policy) says, “new non-water oriented commercial uses should not be allowed unless...” so we’re saying, you can’t do this unless versus “new non-water oriented commercial uses are allowed if...”. It just creates a different psychological mindset in people when they read something and say, I’m allowed to do this if these conditions exist versus you can’t do this unless.

Rebecca said she thinks part of it is because certain things need to be clearly stated that they are prohibited because for those a variance would be denied. She also noted that many of the regulations appear to her to be written in the positive with the word “shall” rather than “shall not.”

Rebecca wanted to know if there were any concerns or comments with the **Project Classification Table** for Commercial Development.

Ken said saw that there was a change in the draft table versus the staff recommended changes to the table. He wanted to know how the rest of the PAC and the public felt about those tables.

Rebecca said she found the draft table contain errors and not make sense. It didn’t state what permits were needed for water dependent and that it used some of the terminology incorrectly. Therefore she tried to fix that while adding the new policies and regulations per Ecology guidelines and per public comment that allow for the non water oriented uses if part of a mixed-use project or if separated from the waterfront by a road.

Kristy referenced footnote #3 where it starts out “navigability”. She suggested adding the word “if” to begin the footnote, so the sentence would read:

³ *If navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit such as providing public access and ecological restoration.*

Vicki also made one minor correction under “water related” and “water enjoyment”. She said the January 13 version had “water oriented” on that row, which covered dependent, related, and enjoyment. Then when you broke them out under water related and water enjoyment now, under the commercial SED, there is a conditional use permit required.

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Rebecca explained that the rows in the table conflicted with each other. For example, there was a P under “water oriented,” but then when you go down to non-water dependent, there was a C. So “water oriented” and “water enjoyment” development would require a Conditional use Permit per the second row, but no per the first row

Tim Duffy wanted to know if the term “non-water oriented” should be changed to “non-water dependent”. Rebecca answered, no – that the first line of the chart is “water dependent” and then the second section of the chart is “water related” and “water enjoyment,” and then non-water oriented is everything else. Tim asked if Rebecca minded introducing the word “oriented”.

Rebecca pointed out in the definitions there is water oriented that encompasses everything that is either dependent, related or enjoyment and everything that is non-water oriented, one of those three, is not supposed to be located on the shoreline unless it’s part of a mixed use project or it doesn’t have waterfront or if navigability is severely limited, etcetera. The PAC members agreed to leaving the term “oriented” as it states in the chart.

Bill Dewey stated that if Rick came back to the PAC with a change for Item #3.b on Page 6, we may want to change footnote #1 just for additional clarification.

Vicki raised an issue regarding Item #8 (regulation) on Page 7, which is in the current SMP, but she was wondering if they should add the term “shellfish beds” prior to “aquaculture operations” so the sentence would read as follows:

8. Commercial developments adjacent to shellfish beds or aquaculture operations shall practice strict pollution control procedures.

Rick stated he felt the addition was a good idea because the recreational use or subsistence use that isn’t really part of an aquaculture.

Kristy wanted to know if strict pollution control procedures was defined somewhere so that we know what that means. Vicki said it is whatever the agencies and the county requires you to do. Rick says it is whatever you do will not cause a closure to that bed.

Ken asked if the public wanted to make any comments or had questions before proceeding to the discussion of the Resource Ordinance.

Vicki asked Brian McGinnis if he would be willing to put in writing some examples of the kind of things he is contemplating doing. Brian said he would be happy to share that information as well as floor plans and anything needed. Rebecca said he actually did provide that to her and she could forward that to the PAC.

Vicki said that as the process continues through the formal public hearing and as it does it would be nice to have concrete examples in front of the PAC members. Right now nobody can give you a precise answer because as Rick says you have to have the plan

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in front of you, but if we have sort of general ideas of the things someone would like to do then we can look at it and decide whether our regulations would allow something or not allow something.

The discussion continued to the **Resource Ordinance** section of the Commercial Development staff report.

Rebecca explained that the main change recommended by Staff is to clarify that water dependent uses are not subject to structure setbacks, but do require a Habitat Management Plan if in the buffer or overwater. For example, if you are building a dock, which could never meet setbacks and isn't intended to, you wouldn't need a Variance. This was implied before but also contradicted in another location. She also added the mitigation sequencing terms, which is not an increase in regulation but a statewide standard that we probably should include wherever we mitigation is required.

Rebecca followed by asking if any of the PAC members had questions or comments.

Bill suggested on item #1.c(i) where it states "examples of water dependent use/structures include: beach access (stairs to the beach)" that we add "but are not limited to" so the sentence would read as follows:

(i) Water Dependent Uses. The footprint shall be the minimum necessary to provide for the water dependent use and the design and siting of these projects should not adversely impact habitats or water quality of receiving waters such as lake, wetlands, streams, rivers, Hood Canal or Puget Sound. Examples of water dependent use/structures include but are not limited to: beach access (stairs to the beach), docks, boat launches, boat lifts, marinas, and aquaculture.

Rick said Rebecca's edits really improve the text and the treatment of water dependent uses and water enjoyment activities with the outdoor recreational, education and trails in the resource ordinance. The existing resource ordinance does not have a lot of language about how these uses get to not have to follow the buffer requirements and it does create a bit of a conundrum for planning staff at times.

Before wrapping up discussion on Commercial Development Ken asked if the public and/or PAC had any questions or further comments.

****BREAK 7:23 P.M. to 7:27 P.M.****

Rebecca explained that she didn't prepare a Staff Report for the remaining items on the agenda. Instead, she copied the pages from the 2013 draft SMP and Comprehensive Plan. Therefore, the text in red is the 2013 draft changes to the existing SMP. Rebecca explained that there are three policy chapters, for only chapter of regulations.

ECONOMIC DEVELOPMENT POLICIES

There are six economic development policies, which are all new.

Rebecca believes the wording of Policy #1 was lacking the introductory phrase, "The County should:" Kristy agreed.

Vicki suggesting the deletion of the words "viable & orderly" in Policy #1 under Economic Development, so that the sentence would read as follows:

1. Encourage ~~viable, orderly~~ economic growth through economic activities that benefit the local economy and are environmentally sensitive. Such activities should not disrupt or degrade the shoreline or surrounding environment.

She also suggested deleting Policies #2 and #4 because they duplicate Policy #5. Policy #5 is a broad one that she recommended be listed as Policy #2.

She suggesting a change in the wording of Policy #5 that would provide a broader description, so that it should read as follows:

5. Accommodate and promote in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this Program, areas already zoned for such uses consistent with the Mason County Comprehensive Plan or areas appropriate for water-oriented ~~recreation~~ uses and development.

Kristy Buck wanted to know if she wanted to delete Policy #6. Vicki said she would keep #6. She said she would delete #2 and #4 because she thinks it would duplicate #5 and make #5, #2 and #3 will stay number #3, and then #6 would become #4.

Ken wanted to discuss the phrase in #5 "already zoned for such uses consistent with the Mason County Comprehensive Plan" and wanted to know if when Rebecca changes the "uses and development" does that conflict with the comprehensive plan statement. Maybe we should say "consistent with the Mason County Comprehensive Plan" so that we don't come into conflict. He asked if the SMP was a subset of the Comprehensive Plan.

Rebecca said yes, and the Shoreline Environmental Designations took into account the zoning. She requested comments in regards to Policy #5.

Ken said he was thinking that perhaps just ending the sentence at Comprehensive Plan so Policy #5 would read as follows:

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5. Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this Program, areas already zoned for such uses consistent with the Mason County Comprehensive Plan or areas appropriate for water-oriented recreation.

Rick stated this is all totally new language and said the requirement for an economic development element is in the RCW, so these are all brand new.

Kristy asked if the PAC was in agreement of ending the sentence after the word “plan”.

Vicki said she is questioning on how the second sentence of Item #5 reads, “...should occur in those areas already partially developed with similar uses...”

Bill Dewey suggested leaving Policy #5 intact but striking the word “recreation”.

It was agreed that the phrase “or areas appropriate for water-oriented uses and development” would remain in Policy #5, so it would read as follows:

5. Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this Program, areas already zoned for such uses consistent with the Mason County Comprehensive Plan or areas appropriate for water-oriented ~~recreation~~ uses and development.

Rebecca said that she thinks it is a little strange that the policy stated that county will encourage, promote, and accommodate. Rick answered that you could do this with zoning, environmental designations that are conducive for it, and policies and regulations.

Vicki provided an example to Rebecca of why this policy could be useful to a business: If you are going in front of the Hearing Examiner trying to get a Conditional use Permit and you’re able to say ‘my proposal is consistent with a Mason County policy that encourages water-dependent uses.’

PORT DISTRICTS POLICIES

Ken asked if this comprehensive plan was sent to the ports. Rebecca said yes, she had and that there was one port representative, Lowell Mahugh, from the Port of Grapeview present at the meeting.

Rebecca said that she thinks a lot of these regulations and policies were recommended by the ports themselves.

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Rebecca pointed out that the term “boating facility” will need to change to “dock” in Policy #3 since there will no longer be a chapter titled “boating facility.” Vicki recommended replacing “boating facility” with “marina.”

Kristy wanted to know if we even need the Policy #3?

Rick said that the ports have a variety of different uses, and there’s not a stand alone Ports chapter in the SMP, so the appropriate chapters will apply.

Vicki wanted to add a little background from what she recalls from the CAC meeting. They started with a version of this that was called “Ports and Water Related Industry” and sort of put everything together, and then there was lots of discussion with ports and concerns about recognizing their independent authority. So then it was changed to having a separate section on industrial and marine terminal development with no separate section on ports, but then this policy language was actually developed and run in front of the ports. Vicki pulled out the e-mail they received from the project manager at that time, which essentially stated, “The Port of Allyn Commissioner, Randy Netherland, spoke to Barbara on behalf of the all-ports group that includes all port districts in Mason County and said that they hardily supported the modified language that was sent out yesterday”. And this, what you see here, is that modified language.

The group decided to keep Policy #3.

INDUSTRIAL AND MARINE TERMINAL DEVELOPMENT POLICIES

Rebecca said there are four policies under this title, and this title actually matches the title of the regulations in the SMP.

Kristy said if these were run past the ports. Vicki said she does not believe so because the port folks were focused on the policies specific to port districts.

Kristy suggested adding the word “new” in front of Policy #1, so it would read as follows:

1. New water-dependent industrial uses and marine terminals which require frontage on navigable water should be given priority over non-water-dependent industrial uses: second preference should be given to water-related industrial uses over non-water-oriented industrial uses.

Vicki said she noticed on Policy #2, (a) and (b), she said that there is some language from the commercial chapter stating something to the effect of being “physically separated from the shoreline”, and she wanted to know if that needed to be included in this. Vicki is wondered if there should be an item (c).

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Kristy wanted to know if that would imply to industrial as well. Rick replied that the guidelines apply the provisions to both commercial and industrial. Rebecca suggested that we make Policy #2 match the guidelines to include the physical separation.

INDUSTRIAL AND MARINE TERMINAL DEVELOPMENT REGULATIONS & Project Classification Table

Rebecca asked if anyone had any questions or concerns pertaining to the Industrial and Marine Terminal Development regulations.

Vicki noticed that Regulation #1 doesn't say anything about the Residential SED. Rick said it should because it is listed as a conditional use. Rebecca agreed that "a conditional use permit is required in the Residential environment" should be inserted.

Vicki noted that although Regulation #2 speaks to the circumstances where non-water oriented uses would be allowed, the second line in the classification table is lacking those provisions. Staff agreed to make the revision to the table and bring to the next meeting for review. Rebecca also stated that she will revise Regulations #2(a)-(c) to match the language in the guidelines.

Bill Dewey wanted to know on Regulation #2(b), similar to what we did with commercial, depending on what Rick gets back to us regarding "predominantly" would we want to consider a change there as well.

Ken questioned whether if the word "compensate" on Regulation #3 should be changed to "mitigate."

It was recognized that the wording actually was contained further in the paragraph.

Tim Duffy recommended removing the word "compensate" in both instances.

Kristy recommended they use "mitigate" instead.

Rick said we may want to add "and minimize" because that's the highest bar, avoid. And you can't always avoid impacts. You may have to minimize them, and then the mitigation comes in. He stated that the original Item #3 read as follows:

*Industrial and Marine Terminal Development shall be located, designed and constructed and operated to avoid **and minimize** effects to ecological functions consistent with the General Use regulations. Water-dependent structures may be allowed within the required buffers to the minimum extent necessary to support the water-dependent use provided adequate compensatory mitigation is provided.*

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Rebecca confirmed the sentence would read as follows:

3. Industrial and marine terminal development shall be located, designed, constructed and operated to avoid and minimize effects to ecological functions, and compensate mitigate for unavoidable impacts, consistent with General Use regulations. Water-dependent structures may be allowed within required buffers to the minimum extent necessary to support the water dependent use, provided adequate ~~compensatory~~ mitigation is provided.

Ken recommended striking Item #5.

Rebecca said that Item #4 already covers what #5 is getting at, and it was agreed upon by the PAC members to strike Item #5.

Bill Dewey said he was not sure if he was all right with deleting any reference to noise because it is a potential concern with industrial development.

Kristy said she likes Rebecca's comment that #4 covers that issue, and #6 talks about glare which is already covered somewhere else too. She suggested adding the phrase "rights of adjacent property owners such as noise and glare" or "including or not limited to" to #4 so that it would read as follows:

4. Industrial facilities and marine terminals shall be located, designed, constructed, and operated so as to avoid interference with the rights of adjacent property owners (i.e. noise, glare, etc.) and to minimize interference with normal public use of the adjacent shoreline.

And regulations #5 and #6 should be deleted. It was agreed by the PAC members to incorporate these changes.

Kristy referred to the minutes for March 24th, 2014 where SMP use regulation 17.50.060(A) was discussed. Bill had recommended changing the language to include recreational and subsistent shellfish.

Kristy wanted to make sure that we are not disallowing someone with a slip in the marina to raise shellfish seed.

Bill said the National Shellfish Sanitation Program does allow seed to be produced in a prohibited area.

Rick said that is a really good point. Especially as it relates to the City of Shelton SMP and the fact that there are eight boathouses that are outside the city limits.

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Bill Dewey said maybe this should be revisited.

Rebecca said she will propose something in the Reworking Boating Facilities Version 2.

NEW BUSINESS

Beach Access – Maximum Area for Stairway Landings

Rebecca said that the PAC had asked her and Rick to look into requirements for landings through the International Residential Code and also the sizes of previously permitted landings. Rick researched landings that were permitted in Jefferson County. Rebecca confirmed that there is a minimum 3 feet requirement at the end of a stairway. It speaks more to stairways attached to homes and in homes, but it could be more generally applied. Therefore she calculated a landing based on 4 feet, the one extra foot for flexibility in design, and a maximum width of 10 feet, which would consist of two 5 foot stairways side by side, one ascending to the landing and one ascending from the landing. Ten feet multiplied by four feet equals forty (40) square feet.

Rick stated his research on permitted stairs in Jefferson County resulted in landings ranging from 12 feet to 40 square feet. Rebecca apologized for having forgotten to provide Rick's email with the permitted dimensions to the PAC. She noted that one could have a deeper landing than 4 feet if their stairs were not the maximum 5 feet wide.

Ken said that Mr. Sinclair from Mason Lake had suggested 50 square feet, which he would be inclined to go with.

Vicki provided dimensions of her stairway and landing and offered that 4 feet doesn't seem wide enough for two people to carry a cooler down to the dock.

The PAC members agreed with Ken and Mr. Sinclair that the maximum allowable area for each landing should be 50 square feet.

Ken asked if there was any new business.

Commercial Development Staff Report

Bill Dewey wanted to go back and address the Commercial Development Section, Page #5, Item #10 (policy). He asked if the term "inland" should be changed to "landward" just to be consistent.

Rebecca said this usage is different because it is actually saying "parking should not even be within the shoreline jurisdiction, if possible". She suggested they could take out the word "inland" and just say outside the shoreline jurisdiction but she thinks it is fine the way it is.

It was agreed to leave at is.

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Ken asked for any further public comments before concluding the meeting. No comments were presented.

PROPOSED AGENDA FOR NEXT MEETING

Rebecca was thinking of changing the topics of discussion for the next PAC workshop to 'Reviewing the Boating Facilities Wrap Up,' 'Recreational Development,' and 'Breakwaters Jetties & Groins' **and** then moving Archaeology to be discussed at the same meeting as Grading is discussed.

NEXT MEETING

The next schedule meeting is set for April 21st, 2014

ADJOURNED

Meeting was adjourned at 8:24 P.M.