

# MASON COUNTY PLANNING ADVISORY COMMISSION

**June 16th, 2014**

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

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## **1. CALL TO ORDER**

Chair Ken VanBuskirk called the meeting to order at 6:02 PM.

## **2. ROLL CALL**

**Members present:** Ken VanBuskirk, Rob Drexler, Kristy Buck, Tim Duffy, Steve Van Denver. Bill Dewey and Vicki Wilson were excused.

**Staff present:** Barbara Adkins & Rebecca Hersha.

## **3. REGULAR BUSINESS**

### **(i) ADOPTION OF AGENDA**

Staff recommends adding “Noxious weeds in fill” to 5(b) After Archaeology. The agenda was adopted as amended.

### **(ii) APPROVAL OF MINUTES**

Kristy requested using an alternative word to “exchanged” when discussion happened. Rob made a motion to accept as amended, Kristy seconded all others in favor none oppose.

## 4. PUBLIC HEARING

*Consider designation of residential targeted areas in Allyn, Belfair, and Shelton urban growth areas for a Multi-Family Housing Tax Incentive Program pursuant to Chapter 84.14 RCW*

Ken opens by explaining how the public hearing will run.

**Barbara Adkins**, *Director Department of Community Development*

This is the first step into creating a Multi-Family Housing Tax Incentive Program. Amendments were adopted to the RCW in March of 2014 to include rural counties as eligible jurisdictions. The inclusion of rural counties defined as those counties with population between 50,000-75,000 as well to border the Puget Sound. Being said this has allowed Mason County to Participate. The intent of this is to “stimulate the construction of new multifamily housing in urban growth areas where housing options, including affordable housing are severely limited.”

It allows for the value of new construction, conversion, and rehabilitation improvements an exemption from ad valorem property taxation for 8-12 years (believes it will be 8 to start out with.) as an incentive to developers who construct housing to increase affordable housing units. What it boils down to is any property owner or developer interested in taking advantage of these tax incentives would need to commit to renting or selling 20% of the housing units as affordable housing units to low and moderate income housing.

Barbara stated that once eligible areas are chosen she will continue to construct the code. Next steps include putting together an application, a fee structure and an agreement between the county and the developer stating who will do what. Within the UGA's in order to qualify for this program you would have to show the lack of housing and also be connected to sewer. Those are the only 2 requirements. Barbara first went through each areas zoning map to identify which districts actually allows for multifamily housing. To be considered there is a minimum of 4 dwelling units to be classified as multifamily according to the state law. Shelton UGA is a bit more limited in space then the other two zones.

Ken questioned why only sewer was required and other infrastructure was not like sidewalks. Who decided this? As far as Barbara knew it was a decisions made by the senators.

Ken requested to go through each zoning map individually to first identify multifamily friendly zoning districts. As the Pac members refer to the Allyn UGA they come to the conclusion that all of the colored sections on the map are eligible for the tax incentive program.

No additional questions were asked by the Pac, Also no additional questions were asked by the public.

Barbara proceeds to the Belfair Zoning map. Rob made a comment that majority of the eligible parcels are located right off Hwy 3.

Ken raised the question if law enforcement had any comments on this. Barbara stated that there was some concerns that if population was to be raised would Public Service follow.

Barbara clarified that what we have on the table at this point are the areas zoned for multifamily and currently have sewer. Those areas would be eligible to receive the tax credit. If more areas get approved for multifamily at a separate date we would need to then go though and approve them separately.

Barbara moved on to the last area, which is Shelton. Shelton is very limited as to the fact all multi family areas are not near sewer.

### **Public Comment Closed-**

The PAC deliberates, first beginning with Shelton. Kristy wanted to be sure not to exclude any areas due to them being small in size. Kristy made a motion to recommend that all eligible areas within the Shelton UGA should be considered. The motion was 2<sup>nd</sup> by Rob. All in favor, none oppose. Moving onto Allyn, with quick discussion from the PAC Rob makes a motion to recommend allowing all eligible districts the motion was 2<sup>nd</sup> by Steve. All in favor, none oppose. Belfair's map is discussed no big concerns arise Kristy makes a motion to recommend to include all eligible zones but would like an amendment to the Board of County Commissioners to keep in mind the forth coming build able lands inventory and critical aquifer recharge areas. All in favor, none oppose

## **5. PUBLIC MEETING**

*Workshop for updates to the Shoreline Management Chapter of the Mason County Comprehensive Plan IX-2 (IX-2 H and IX-4 in draft) and to the Shoreline Master Program Regulations*

- a) ARCHAEOLOGICAL AREAS & HISTORIC SITES - Policies and Regulations – (Draft Comp. Plan chapter IX-2.H) (Draft SMP 17.50.055.I)

Rebecca referred back to the May 5<sup>th</sup> initial discussion that was tabled by the Planning Advisory Commission. She was asked to provide some examples from other jurisdiction's drafts or adopted SMP's. The PAC also asked to hear comment from the Mason County Historic Preservation Commission.

Rebecca created a **Staff Report #2 (revised) on Archaeological Areas and Historic Sites, dated 6/13/2014**, as well as a one page "Key Decisions to Make" to keep the discussion on track. The Staff Report provides examples A though D as potential alternatives to the 2013 draft language. These alternatives were based on the PAC's

concerns expressed during the May 5<sup>th</sup>, 2014 workshop. Rebecca noted that the PAC may choose one of these alternatives as is or as amended, or may choose another option altogether.

For the ease of reference, Rebecca included Ecology's Guidelines and the January 2013 draft Policies and regulations within the Staff Report.

**Alternative A** (starting on page 5 of Staff Report):

Rebecca stated that Alternative A used the January 2013 draft language as the template.

She started by explaining why regulation #1 was originally added to the draft SMP: The Tribes receive information on sites that require the SEPA process, but they miss out on reviewing all the other permits that are SEPA exempt (such as single family residential developments and other relatively small projects). They would like to review all permits with a groundbreaking component to determine if they have any concerns or interests.

Rebecca went on that # 1 would be very difficult to implement because it requires the County send all projects to the tribe as soon as we have been notified in writing of the intent of the proposal. Furthermore, number 1 leaves a few important things unanswered, such as: What happens after comments are received? Do we place a hold on the permit until the tribe is satisfied, or just until a site assessment is performed by an archaeologist?

Rebecca noted that she recently communicated with Randy Lumper from the Skokomish Tribal Nation Natural Resource Department asking if, instead of regulation 1, the County change the permit report available online so that it includes all received permits (it currently shows all issued permits). It would be up to the Tribe to run this report to find proposals that they would have interest in. If any sort of concern were to arise they would submit comment to the County. Randy supported this option. Rebecca also communicated with Rhonda Foster of the Squaxin Tribe, who stated that she supports Alternative A (in the 6/13/14 Staff Report).

The PAC discussed Item 1 and determined that if it is deleted, additional language would need to be drafted to provide comment for the tribes (based on their search through the permits received report from the website).

Ken asked Rebecca if Alternative A contains the Department of Archeology's model ordinance. She replied that it contained most of it. But it appears they have updated their model ordinance since the draft SMP was written.

Rebecca recommended deleting the language (regulation #3 in 2013 draft) stating the requirements a-f for a Cultural Resource Management Plan because it indicated the County would be reviewing the Plan, when actually DAHP would be reviewing the information. In addition, Rebecca had contacted Gretchen Kaehler from DAHP, who stated that not all of the items a-f would necessarily be required.

Rebecca's revisions in Alternative A have separated Archaeological Areas from Historic Structures/historic built environments (historic buildings) because the requirements differ depending on which type of resource is mapped nearby. For example, a Historic Preservation Professional would assess for historic building sites, whereas a professional archaeologist would assess for archaeological artifacts. Also, it made sense to have a smaller buffer such as 100 feet (for which to require an inspection) for historical structures than for archaeological sites (500 foot buffer).

Ken stated he liked that Rebecca was able to shorten the regulations up therefore making it easier to follow.

**Alternative B** (page 9 of the Staff Report):

Rebecca discussed the next option presented, Alternative B, is based on Island County's SMP.

Rebecca expressed that she did not want to include the requirement to condition all permits and also had concerns with the word "development" and its definition because development does not include clearing and some grading activities.

The part that Rebecca had recommended to be stricken in # 4 was a requirement that development adjacent to historical sites be designed to complement the historic site. The PAC agreed that this requirement was overreaching and too vague.

**Alternative C** (page 10 of Staff Report)

Rebecca continued on to Alternative C, which are Ecology's two main guidelines for Archaeology. She recommended against this alternative because it leaves some important questions unanswered. If the PAC agreed on using any verbiage from this alternative it would need to be elaborated on to address what happens to the site assessment: Should it be submitted to the county or to DAHP, and who reviews it. Is the permit placed on hold? etc.

Also, Ecology's guidelines only address archaeology, and do not mention historic built environments.

### **Alternative D** (Page 11 of Staff Report)

Rebecca explained that the final option she has presented, Alternative D, is based on Ecology's Guidelines but has been expanded upon to indicate who the site assessment is submitted to (DAHP and tribe in this option), that the permit is not placed on hold but instead conditioned that development activities shall not commence until DAHP and tribe have granted authorization. Added regulation #3 addresses historical built environments.

### Public Comment

Rick Calvin Chair of Mason County Historic Preservation Commission (MCHPC) gave some background on the duties the Commission handles. He stated that the MCHPC established the commission to administer the registry for Mason County. The Commission identifies Historic Preservation Resources and documents those in a Historic Preservation Inventory.

Stephanie Neil spoke on behalf of the MCHPC and voiced their concerns. The commission would like to see more than the minimum DOE guidelines. If a minimum distance from a known site were being used they would like it to be 500ft. Historic structures should be included and not just archeological sites. They are supporters of the tribe's ability to view and comment on applications. The MCHPC recommends against conditioning permits simply because people have a higher probability of ignoring the issues when they already received the permit. Possibly adding stronger language to the permit to reiterate the fact if something were to be found work should be stopped immediately. Stephanie closed with a final statement "Cultural resources are not renewable once they are destroyed they are lost forever."

Gretchen Kaehler (DAHP) and Rebecca discussed data sharing and how the areas would be identified. DAHP would provide a GIS layer with information to the county that maps the known historic and archeological areas. There would be the ability to look and pinpoint development projects and if it were to be within an archaeological area or within 500ft of an archaeological area (depending on what the PAC decides), a site assessment or evaluation would be triggered.

For clarification Rebecca asked if we would be able to tag all the parcels in these mapped areas. The tags would be viewable by the public. Gretchen responded 'no' - the mapped areas would need to stay privileged information and is exempt from public disclosure because people loot archeological sites.

Ken asked if the county currently has this information readily accessible? Rebecca replied that DAHP offered it to the county a few years ago but it was temporarily rejected since it was not a requirement.

Ken asked Rebecca which Alternative she prefers out of the four. Rebecca replied the most work was put into Alternative A.

The PAC began addressing the items in the document “**Key Decisions to Make**”:

- *Require the Cultural Resources site assessment for groundbreaking activities only or also for ground covering?*

Kristy made a motion to add ground covering.

The PAC decided that they will make a recommendation to the Board of County Commissioners to enter in to an agreement with DAHP, which would allow access to the mapping of known archeological/historic areas.

- *Distance of development envelope from a known/mapped archaeological area for which to require site evaluation. 500ft?*

Ken asked Gretchen if she would recommend putting in a distance/buffer. She responded yes; many sites are bigger than initially mapped. This also helps prevent people from inadvertently digging where something could potentially be found.

The Commission discussed the fact that in the North Bay area 500ft could potentially be multiple lots.

Ken made a motion to go with DAHP’s model ordinance, which has a buffer of 500 feet. Steve 2nd the motion, but added this should be used as a base line for the Board. All members are in favor none oppose.

- *Historic Structures/Built Environment – include?*
  - ***Require site assessment** for projects in areas known to contain **historic buildings**, or just state that development on properties with historic structures be coordinated with DAHP and meet federal and state laws?*
  - *If PAC decides to require site assessment for historic structures, what distance from a known/mapped historical structure should we require a site evaluation for – 500 feet? 100 feet? 0 feet?*

Ken made a motion to require a site assessment when a proposal is within 100 feet of a mapped “Historic Structures/Built Environment.” Seconded by Rob. All were in favor.

- (See regulation #1 in January 2013 draft SMP) Require the County to **send all** (not just in or near mapped areas) **proposals** with groundbreaking component to tribe to **tribe as soon as we receive the project’s intent in writing?** And provide tribe with a 14 days (10 business days) Tribal comment period?
  - If so, how should comments be handled? If the Tribe expresses concern about the development, place a hold on the permit until the tribe is satisfied that cultural resources will not be disturbed?

The PAC conversed about what decision should be made when it comes to the tribes comment window. Terri King asked Rebecca if contact was made with the Squaxin Tribe. The PAC came to the conclusion to not require the County send all proposals with a ground breaking component to the tribe, but to allow them to print out a report of all permits received from the County’s website. Also, it was decided that the Tribe should be given 14 days (from date the permit application is entered into the County’s permit database) to comment similar to the SEPA process. The County would not be required to hold a permit, based on the Tribes comments.

- Upon finding that a development proposal is within 500 feet of archaeology and/or 100 feet of historic building, **place a hold on the permit or issue the permit with a condition** that DAHPs approval is required prior to commencing activities?

Rebecca addressed the PAC with the final Key decision. Rob asked Gretchen (DAHP) how long does it typically take to receive comments back from DAHP? She replied 14 days.

The PAC came to a decision that placing a hold on the permit until DAHP granted approval was the best avenue to take.

Unanimously the PAC selected Alternative A as proposed in the Staff report dated 6/13/14, but with wording added regarding the comment period for the tribes and with “(including demolition permits)” stricken from 1(b):

1. Mapped/Documented Archaeological Areas and Historic Structures:

~~1. Any project within the shoreline jurisdiction has a ground-breaking component shall be sent to the Department of Archaeology and Historic Preservation and the Tribes within County jurisdiction for archaeological review, as soon as Mason County has been notified of the project proponent’s intent in writing. The notified Tribes will have 14 days from the date of notice from Mason County to reply to the County. If Mason County has not heard from the notified Tribes within 14 calendar days of~~



~~notification, it will be assumed that the Tribes have no concern with the project. If said project triggers SEPA compliance, then notification will be accomplished in the SEPA Process.~~

a. Archaeological Areas.

~~2. When the County receives a complete~~ Prior to issuing a development application permit for a project with a ground breaking or ground covering component within shoreline jurisdiction on a property within 500 feet of a known, documented archaeological area, or historic site, the County shall require the applicant shall provide a cultural resource site assessment, conducted by a professional archaeologist, to determine the presence of historic or significant archaeological resources in the area of the proposal. The professional archaeologist shall coordinate the site assessment with the affected Indian Tribe. This requirement for a site assessment may be waived with the Department of Archaeology and Historic Preservation and Tribal consent, if the applicant can demonstrate the proposed development clearly will not disturb the ground or impact a known site or resource, or with consent from the Washington Department of Archaeology and Historic Preservation (DAHP) or from the affected Indian Tribe.

The County shall forward the site assessment to DAHP and the applicable Tribe, and the permit will be placed on 'hold' until the Tribe or DAHP has authorized that the proposed development may proceed.

b. Historic Structures.

Prior to issuing a development permit (including for demolition) for a project within shoreline jurisdiction on a property within 100 feet of a known, documented historic structure, the applicant shall provide a cultural resource site assessment, conducted by a historic preservation professional. This site assessment may be waived if the applicant can demonstrate the proposed development clearly will not impact a known site, or with consent from DAHP.

~~3. If a cultural resource~~ The County shall forward the site assessment identifies the presence of significant archaeological or historic resources, with the relevant information (such as site plans, location, and proposed activities) to DAHP, and the permit will be placed on 'hold' until DAHP has authorized that the proposed development may proceed. the applicant shall provide a Cultural Resource Management Plan (CRMP). The plan shall include:

- ~~a. The purpose of the project and relevant site plan information including depth and location of ground disturbing activities;~~
- ~~b. An explanation of why the proposed activity requires a location on, or access across and/or through, a significant archaeological or historic resource;~~
- ~~c. A description of the archaeological or historic resources affected by the proposal;~~
- ~~d. An assessment of the archaeological or historic resource and an analysis of the potential adverse impacts as a result of the activity;~~
- ~~e. Recommended measures to avoid adverse impacts;~~
- ~~f. A recommendation of appropriate mitigation measures for unavoidable impacts, which may include but are not limited to the following:~~

- ~~i.—Recording the site with the State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or locally developed historic registry;~~
  - ~~ii.—Adaptive re-use of buildings or structures according to the U.S. Secretary of the Interior’s Standards for Rehabilitation;~~
  - ~~iii.—Preservation in place;~~
  - ~~iv.—Reinterment in the case of grave sites;~~
  - ~~v.—Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);~~
  - ~~vi.—Excavation and recovery of archaeological resources;~~
  - ~~vii.—Inventorying prior to covering of archaeological resources with structures or development; and~~
  - ~~viii.—Monitoring of construction excavation.~~
- ~~c. 4.—Site assessments and CRMPs required by this section shall be prepared by a professional archaeologist or historic preservation professional, as applicable. The landowner or project proponent shall be responsible for any professional service fees. Site assessments shall meet the survey and inventory standards in the “Washington State Standards for Cultural Resources Reporting” dated January 2013, or as amended thereafter.~~
- ~~5.—The county shall notify and request recommendations from the Washington State Department of Archaeology and Historic Preservation and affected Tribes prior to approval of the CRMP. The notification request shall include a description of the proposed project action including timing, location, scope, and resources affected. The notification shall include a statement of the limits of the comment period, the right of each agency to comment on the application within a 15-day time period, receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law.~~
- ~~6.—The recommendations and conclusions of the CRMP shall be used to inform the county’s final administrative decisions concerning the presence and extent of historic/archaeological resources and appropriate mitigating measures.~~
- ~~7.—The county may reject or request revision of the conclusions reached in a CRMP when the county can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.~~
2. Inadvertent Discovery:
- ~~a. 8.—If items of possible historic, archaeological or cultural interest are inadvertently discovered during any ~~new~~ shoreline use or development, the proponent shall immediately stop work and ~~or~~ notify the County Department of Community Development, Washington State Department of Archaeology and Historic Preservation, affected tribes. The stop work order shall remain in effect until DAHP has authorized the work to commence.~~
  - ~~b.—Prepare a site assessment pursuant to this section to determine the significance of the discovery and the extent of damage to the resource;~~

- ~~c. Distribute the site assessment to the Washington State Department of Archaeology and Historic Preservation and affected tribes for a 30-day review to determine appropriate treatment measures for the discovery;~~
- ~~d. Maintain the work stoppage until the County consults about the site with the above listed agencies or governments, or if the above listed agencies or governments have failed to respond within the 30 day review period following certified mailing or other transmittal of the site assessment; and~~
- ~~e. Prepare a CRMP pursuant to this section if the County treatment measures are necessary.~~

- b. ~~9. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find shall be secured and protected from further disturbance. The finding of human skeletal remains shall be first reported to local law enforcement and the county medical examiner/coroner in the most expeditious manner possible. The remains shall not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they shall report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains.~~

~~Upon inadvertent discovery of human remains, the County Sheriff, Coroner, and state Department of Archaeology and Historic Preservation (DAHP) must be immediately notified.~~

- 3. ~~10. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve archaeological or historical resources, the project may be exempted from the requirement to obtain a permit. The County shall notify the State Department of Ecology, the State Attorney General's Office, potentially affected tribes, and the State Department of Archaeology and Historic Preservation of such a waiver within 30 days of such action.~~

~~11. If a private or publicly owned building or structure of historic significance is identified, public access shall be encouraged as appropriate for purposes of public education; provided that:~~

- ~~a. The type and/or level of public access is consistent with the property rights of any private owner and with the long term protection of both historic resource values and shoreline ecological functions;~~
- ~~b. An access management plan is developed in accordance with site- and resource-specific conditions in consultation with the Washington State Department of Archaeology and Historic Preservation, and affected Tribes, to address:
 
  - ~~i. The type and/or level of public access that is consistent with the long-term protection of both historic resource values and shoreline ecological functions, and with the property rights of any private owner;~~
  - ~~ii. Types and location of interpretative signs, displays and other educational materials; and~~
  - ~~iii. Site and resource-specific conditions, including hours of operation, interpretive or directional signage, lighting, pedestrian access, and traffic and parking.~~~~

**BREAK 8:25PM-8:33PM**

b) **DREDGING** - Policies and Regulations - (Draft Comp. Plan Chapter IX-4.C)(Draft SMP 17.50.065.3)

The PAC referred to the **Staff Report on Dredging, dated 6/6/2014** for their discussion.

**Definitions** (pages 2 & 3)

Rebecca explained that the County's Public Works Department recommended replacing 'ditches' with 'canals' in the definition for Dredging. The PAC decided instead to delete ditches and not replace it:

***Dredging.** The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies, ~~ditches~~ or wetlands; maintenance dredging and other support activities are included in this definition. The de minimis movement of sediment during shellfish harvest is not considered dredging.*

*"Maintenance dredging" means dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project. Maintenance dredging also includes dredging that maintains the previously authorized width of a channel, boat basin or berthing area.*

*"Non-maintenance dredging" means any dredging that is not maintenance dredging.*

Rebecca noted that "dredging" is included within the definition of "development," therefore dredging would require a shoreline exemption or a substantial development permit, depending on whether it met one of the exemptions listed in the WAC (Washington Administrated Code). Then there is also a WAC that requires a 'letter of exemption' for all exempt development, except the letter is not required for projects that do not require a Section 10 or a 404 permit, unless the local jurisdiction has specified that it does.

**Policies** (pages 3 & 4)

Rebecca explained that under draft policy 2 (e) Public Works is concerned about the phrase "substantial number of people." However, Rebecca feels that since this is a policy, the vagueness of the phrase does not pose a significant problem. However, she does recommend changing the language in the regulations.

Rebecca described Public Works' concern regarding policy #5. She also had concern because it goes beyond Ecology guidelines and it potentially conflicts with regulation #5.

## **Regulations (pages 5-9)**

Rebecca pointed out that on page 5 Public Works staff recommended striking the word maintain used in Regulation #1 because maintenance is not considered substantial development for the purposes of SMA RCW 90.58.030 and WAC 173-27-040. However, Rebecca stated that the use of that word here does not impact whether a maintenance activity is or is not exempt from substantial development.

## **Public Comment**

Terri King asked Rebecca to clarify the meaning of 'marine developments,' a term used in regulation #4(a). Rebecca stated some work needs to be done with that definition.

Ken interjected and asked to carry the Dredging chapter discussion over to the next meeting.

## **6. NEW BUSINESS**

Rob, Kristy and Ken talked about the training they attended put on by the Peninsula Section of American Planning Association.

## **7. ADJOURNMENT**

Ken makes a motion to adjourn, meeting adjourned 9:05