

Draft

**Mason County
Planning Advisory Commission
December 21, 2015**

(This document is not meant to be a verbatim transcript)

1. Call to Order

Bill Dewey called the meeting to order at 6:00 p.m.

2. Roll Call

Present: Bill Dewey, Tim Duffy, Rob Drexler, Kevin Shutty Steve Van Denver, Vicki Wilson

Staff: Rebecca Hersha, Rick Mraz (Dept. of Ecology)

3. Regular Business

a. Adoption of Agenda

Agenda adopted as written

b. Approval of Minutes

August 31, 2015- Vicki had the following corrections-
On page 3, the following was changed but not noted in the original minutes:

Page 22, (5) the following was decided:

~~Bond monies~~ *Securities shall be released under two options...*

Page 23 had two minor changes:

(I)(2) ...*The permit applicant shall consider watershed conditions and best available science to determine the type and location of ~~buffer~~ mitigation.*

(I)(3) *The director or his/her designee may allow the use of certified public or private mitigation banks and/or In-Lieu Fee (ILF) programs to mitigate for ~~FWHCA~~ impacts when...*

Rob made a motion to accept the August 31st minutes as amended. Motion seconded by Vicki. None opposed, motion passed.

September 28, 2015- No changes. Motion made to accept the September 28th minutes as written by Kevin. Motion seconded by Rob. None opposed, motion passed.

c. Schedule Future Meeting Dates

- January 19, 2016 (tentative for Comp plan/Capital Facilities)
- January 25, 2016- SMP

4. Workshop - Shoreline Master Program Update

Presenter: Rebecca Hersha, Department of Community Development

a. Staff Report (11/3/2015) and draft SMP language (MCC 17.50.080.C): Administrative Process for Substantial Development Permits

Exhibit A – Research on How Other Jurisdictions Process SDP’s

Exhibit B – Project Classification Table (17.50.040-A) from draft SMP

Rebecca presented the administrative process for substantial development permits (SDP’s) and reminded the PAC that they had requested this at the October 26, 2015 meeting. The intent is to not require a public hearing for every SDP decision. She stated that these edits had not been looked at by a land use attorney, but she had done research of the WAC’s and RCW’s. She explained that Exhibit A shows that most other local jurisdictions process SDP’s and or CUP’s administratively, however a fellow Mason County Planner expressed concern about changing SDP’s to administrative. The concern is due her experience with receiving negative public comment and challenges regarding these permits that is difficult to address. When a hearing is held, the hearing examiner (land use attorney) decides on whether to or how to incorporate public concern into the approval or denial of the permit.

She recommends that the cost of the proposed project not be a trigger for a public hearing because cost estimates from customers are often inaccurate. She also recommended against including an option whereby neighbors could request a hearing because this would add both cost and time to the entire process, thereby negating the intent of an administrative SDP. She explained that notices of the application for and administrative SDP would be sent to those within 300 feet of the parcel, someone would request a hearing, which would start the process over because the notices would need to be sent out again, this time with the date of the public hearing included.

Vicki said they need to decide which projects would be small enough to prevent a hearing. Steve agreed and added that they need to create specific outlines such as a dollar amount. He went on to say that something costing \$100,000 didn’t seem significant enough to have a hearing because shoreline projects are costly and it’s easy to reach an amount such as this. \$500,000 or above should require one, because that shows the project is significant. Rick was asked if there was any guidance from his position. He said that this area of discussion is all up to the local jurisdiction and if anybody would like to appeal, they can do so. Bill commented that a study done in Pierce County showed that most appeals heard by the hearing examiner have upheld the staff’s decision and when the hearing examiner decision was appealed, it was also upheld. This shows that hearings are not always necessary. Rick said that not all SDP’s are that black and white, but a good number of them are. He went on to say that county staff is already making administrative determinations on Mason County Environmental permits (MEP’s), and have done so for at least 15 years.

Rebecca asked if anyone, including the public, had any comments or suggestions.

Jim Reece addressed boat lifts, and said his understanding was that no permit would be required, yet this document says otherwise. Rebecca said this is not the case and explained that the exemption for docks is \$10,000, and for development in general the amount is \$6416. So if the lift is put in with the dock it goes on the same permit. If it is proposed after the dock is built, a Substantial Development Permit would not be required unless the cost is more than \$6416. Jim argued that it is almost impossible to put in a dock for under \$10,000 and most lifts are \$8,000-\$15,000. Rick informed Jim Reece that the amount of \$6416 is in a statute and cannot be changed unless done so by legislation. Rebecca added that this dollar amount includes the market value of labor and materials.

Teri King questioned who the new administrator would be for the Department of Community Development due to the new changes within the department. Rebecca stated that the language currently says the “Director of Community Development or his/her designee.” She said that she would need to speak to Bill Kenny to determine this. Teri then asked about boat ramps. She asked if, per the proposed administrative SDP language, a public hearing would be required to add a structure to a boat ramp. Rebecca said if it’s commercial it would require a hearing.

Bill spoke, saying the he feels comfortable with Rebecca’s revisions and that if there are issues, they will be addressed in the PAC’s public hearings for the SMP update. Vicki agreed, but did ask that Rebecca look at the words “community” and “public” to make sure no details were left out since these words can be vague.

Exhibit C – Changes Needed to Title 15 (for administrative (SDP’s)

Under 15.11.030 Appeal to State Review Boards, Vicki asked about the sentence that reads:

The State Environmental Hearings Office processes appeals of Type III shoreline permits, conditional uses, and variances.a

She asked if wording needed to be changed based upon 15.03.050 G, on page 4. Rick said “type III should be stricken to read:

The State Environmental Hearings Office processes appeals of ~~Type III~~ shoreline permits, conditional uses, and variances.

On page 12, Vicki questioned the table under Type III. The PAC agreed that “excluding administrative shoreline permits” should be added to “appeal of I/II decisions” under the Type III column heading.

Jim Reece reported that he heard permit fees were thousands of dollars for a dock on Mason Lake. Rob Drexler added that he has heard the same thing from contractors in the county. Jim said he is concerned about the issues this will raise to which Bill agreed. An unknown male said that most people find that it is easier to do their projects without permits and to deal with the consequences later if they are caught.

There was also an exhibit “D”, left off of the agenda which is a copy of WAC 173-27-110, which pertains to the public noticing required for shoreline permit applications.

BREAK
7:25-7:37

b. Revised Draft Shoreline Cumulative Impacts Analysis

Rebecca asked if the PAC would read and bring back any questions they may have to the next meeting.

c. Staff Report (12/15/2015) for revisions recommended by staff and State Parks including:

Draft Shoreline Environmental Designations (map) at state parks

Draft SMP Definitions, Policies, Regulations, and Project Classification Table 17.50.040-A

Draft FWHCA Chapter of Resource Ordinance

Alex Wunsch from the Washington State Parks department introduced herself and then began going through the changes on the staff report. The PAC discussed whether they agreed with staff and Parks about changing the definition of Recreational Development per page two (A.) (ii) of the staff report. Jim Reece asked what “temporary overnight” meant. (A.)(i). Alex answered that this is for temporary transient camping, not long term. Rob asked what time length is considered temporary. Rick said that most campgrounds have bylaws. He said that within the building code it does say temporary is up to 180 days.

Teri King referred back to the revised definition of Recreational Development, asking about private use of water. She listed private organizations such as Cranberry Lake, Girl Scouts/Boy Scouts, and 4-H. She asked how this would be addressed. Rebecca suggested adding “excludes single family”. Vicki asked Alex what the concern was with the existing definition. Alex said there wasn’t enough information regarding what was considered recreation. Vicki suggested the previously authorized definition be used with the list of activities from the new definition. Bill agreed. However, Rob said he didn’t like the idea of listing all of the uses because someone will ultimately come up with something not listed. He said he would like to keep the previously decided on version, not the parks recommended definition. Vicki agreed adding “etc.” is included in the definition to make sure items most everything is covered. The PAC agreed to keep the existing definition which reads:

Facilities such as campgrounds, recreational vehicle parks, day use parks, as well as those used for scientific or environmental education, etc. This applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, or association.

Rebecca read through her recommended change under (B) (1.) (c.). The PAC had no changes and kept the following as written:

Renovating existing public structures for compliance with applicable accessibility regulations shall not trigger a CUP or Variance, provided that impacts to ecological functions are mitigated.

The PAC then moved to section (C) (6) which reads:

Public signage denoting property boundaries, trail markings, or fee/use regulations as well as interpretive or educational signs shall be allowed in all environment designations and are exempted from setback requirements.

Steve asked why an exemption would be granted for signs. Rebecca said she believed it was because the signs were in the public’s interest. Teri King then asked if she would be exempt for a private facility. Rick then said to change the wording from “Public signage” to “Recreational signage”. Bill said he didn’t like that change and suggested “informational signage”. Rick agreed with this change. Therefore regulation 6 will read:

~~Public~~ Informational signage denoting property boundaries, trail markings, or fee/use regulations as well as interpretive or educational signs shall be allowed in all environment designations and are exempted from setback requirements.

Steve then said (C.) (5) Wouldn’t make sense and asked if it needed to be stricken because it would contradict (6). Rick recommended changing (5) to:

Shoreline setbacks ~~do not apply to freestanding signs, but not~~ to signs attached to buildings.

Teri King asked about (C)(4) specifically asking about signs on pilings such as creosote warnings. Rick advised that is not allowed. After a small discussion, Rick stated this section should say:

Other than temporary signs, per Mason County Development Regulations MCC 17.03, overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or informational or a water-dependent use. Signs in the Aquatic environment are not subject to buffer or setback standards.

Continuing on, Bill asked about (D.)(5), mainly why there is nothing regarding proper sanitary facilities. Alex pointed out that the Recreation Development section, sanitary facilities are already outlined. After some discussion, Vicki read #2 from the Recreational Regulations which states that recreational facilities shall make adequate provisions for water supply, sewage disposal and garbage collection. Rebecca asked if the language requires that for any type of recreational development in the recreational chapter. Rick clarified that adequate provisions doesn't mean everything is right in front of you. He used Hope Island as an example saying that there are signs saying where provisions are. Most of the time in primitive campsites you need to walk to provisions. Alex added that in some extremely primitive areas, there are no provided provisions, but that is on their website so patrons know what services are available. She said that if verbiage is added to say that water and sewer is necessary at every site that could be an issue because the cost of getting a variance on those sites would be too high. The PAC agreed to the added regulation but deleted 'public':

Public eCampsites may be approved in the Natural environment, provided they are primitive in nature and not accessible by vehicles.

Jim Reece questioned waste disposal and the effect on shellfish. Bill and Steve verified that with the recreational regulations, in Mason County, sites will need to have provisions for waste disposal.

Within section E. Boat Launch Policies, the staff recommended wording was accepted with no changes:

Use and development of public launches are preferred rather than the development of individual boat launches for private, non-commercial pleasure craft.

Rick addressed (F.)(9) saying he did not believe the stricken sentence should be eliminated. The PAC agreed to remove the strike. This section will state:

Joint-use and/or community use of docks are favored, especially in tidal waters. The use and development of public recreational docks and floats should be encouraged.

(G.) (i.) The staff recommendation to replace policy 9 was accepted as written.

Bill asked if there was a clear definition of residential waterfront lot as used in (H) (2) (b). Rebecca said there is not at this time. Rob then asked what the limits were for an empty waterfront lot. He suggested that with the way the regulations were written he could put any number of docks on the property. Bill said Rob had a point, which concerned him because it is a loophole. The PAC decided to change the regulation to the following:

If allowed under this Program, no more than one (1) dock may be permitted on a single ~~residential~~ waterfront lot. This does not apply to public recreational use.

The PAC decided to also change regulation (3)(e) within section H of the Staff report to:

No more than one (1) mooring buoy for each ~~residential~~ waterfront lot shall be permitted unless greater need is demonstrated by the proponent and documented by the County. In cases such as those of a community park with recreational users or a residential development with lot owners both on and away from the shoreline needing moorage, community moorage facilities shall be used instead of mooring buoys. This does not apply to public recreational use.

Rebecca then went on to (2) (g) stating that Parks would like to strike the first sentence, and Staff supports that change. She asked if anybody objected to this. No objections were made.

~~Recreational docks shall be no higher than eleven (11) feet above mean higher high water and shall not exceed 200 feet in length. The proponent must show the size of the proposal is the minimum necessary to allow the intended use.~~

Rebecca went through part (I) of the Staff Report which includes staff recommended revisions to Table 17.50.040-A: Project Classification Table. The PAC agreed to make the following revision to the Outdoor Advertising portion of the table:

SHORELINE USES AND MODIFICATIONS	SHORELINE ENVIRONMENT DESIGNATIONS					
	Comm.	Residential	Rural	Cons.	Natural	Aquatic
Outdoor Advertising, Signs and Billboards						
Water dependent, navigational, public safety , or temporary	P	P	P	P	P	P
Other	P	P	P	P	P	X

Bill asked about sub (1) in the Recreational portion of the table, which says:

Water oriented events and temporary uses may be allowed with a Conditional Use Permit if they are in the public interest and do not damage the shoreline environment

Events such as the mud run were questioned under this language. After a brief deliberation it was decided to strike (1) completely. Alex then asked about how this changes the designations on the table. Rebecca and Rick agreed that within “Water oriented (incl. Parks & scientific/env. ed. facilities)” the following changes would need to happen:

Recreational						
Water oriented (incl. parks & scientific/ env. ed. facilities)	P	P	P	P	C ¹	C ^{1&2} /X
Non-water oriented	P	C	C	C	X	X

Commented [MD1]: • C becomes C¹
•C^{1&2}/X becomes C¹/X

¹Water oriented events and temporary uses may be allowed with a Conditional Use Permit if they are in the public interest and do not damage the shoreline environment.

¹² Public Ceampsites may be approved in the Natural environment, provided they are primitive in nature and not accessible by vehicles.

To stay consistent, Rebecca said that “public” would be omitted from sub (2).

PAC agreed with Staff’s recommended format changes to the draft Fish & Wildlife Habitat Conservation Areas of the Resource Ordinance shown on page 6 (section 3) of the Staff Report, which moved the scientific/environmental education terminology from the heading to the regulation.

The final portion of the meeting was discussing recommendations to the Shoreline Environmental Designations (SED) of various county parks.

Exhibit A (12/11/2015): Shafer State Park

Staff recommended changing a section of draft Conservancy SED in Schafer Park to Rural to acknowledge the area that is more developed. The PAC agreed to the change.

Exhibit B (12/11/2015): Hope Island State Park

In the Staff report Rebecca proposed changing the draft SED on Hope Island from Natural to Conservancy to acknowledge existing improvements. Alex discussed the fact that currently, in order to empty the sewage from the restrooms, each time they need to lay down about 400 feet of hose and pump it to a vacuum truck on a barge. They hope to someday install underground pipes so that they could just connect the pipe to the vacuum truck on the barge. . Teri King asked if there was a way to designate a majority of the island as “natural”, and the rest of the island can be designated something else. Rebecca proposed that only the southwest portion of the island be “conservancy”. Steve, Bill and Tim voiced their approval.

Exhibit C (12/11/2015): McMicken Island State Park

In the Staff Report, Staff had proposed that the entire McMicken Island be changed from Natural SED to Conservancy to acknowledge existing improvements and WA Parks request. Rebecca asked if the PAC would like to do the same thing (as Hope Island). They were all in agreement.

Exhibit D (12/11/2015): Jarrell’s Cove State Park

Rebecca referred to her recommendation in the Staff Report to changing the area that has a higher intensity of use (dock, picnic, camping) from draft Conservancy to Residential. She noted that she felt the narrow inlet should remain as Conservancy SED. Rick said he agrees with this proposal. Bill asked if Alex had any issues to which she said no. Recommendation accepted as written.

Exhibit E (12/11/2015): Belfair State Park

Due to the existing uses such as drive in camping on both sides of the creek and due to the surrounding, moderately dense residential lots, Rebecca recommended changing all of the park’s shoreline from draft Conservancy to Residential. Teri said she was struggling with this proposal because of the salmon streams and shellfish in the area. Rebecca proposed changing the “residential” to begin 100 feet east of the creek, and leaving the rest as conservancy. After a discussion between the PAC, Teri King and Alex it was agreed to leave it fully residential, as proposed in the Staff Report.

Exhibit F (12/11/2015): SED and Jurisdiction and the Skokomish Tribal Reservation

Rebecca explained that the recommended changes for Potlatch State Park vicinity and a small segment within the Skokomish Reservation were not based on comments provided by WA Parks. Instead Staff was intending to correct some mapping errors. The older and the newer map layer that the County has (and that the consultant ESA had) for the Skokomish Tribal Reservation contain errors, which led to the shoreline jurisdiction being incorrectly mapped. Therefore Staff recommended the following to correct these errors:

- A. There was a segment of jurisdiction near the middle of the reservation that was shown. Staff recommended deleting this segment (because it is within the reservation and shoreline jurisdiction is not depicted in the rest of the reservation). Staff noted that the County does have jurisdiction on lands within reservations that are not owned by tribal members or the tribe. So we could choose to map shoreline jurisdiction and SED's throughout the reservation, where it would only apply on non-tribal member owned property. However, Ecology Staff has recommended that we not map jurisdiction/SED's within the reservations.
- B. There is some land that should not be shown as being within the Skokomish Reservation. This land consists of 2 parcels owned by WA Parks (Potlatch State Park) and 1 parcel owned by Minerva Beach Mobile Home Park. Staff recommended that this segment along the Hood Canal be given a Residential SED, since Minerva Beach is high density residential and since the park is highly developed for recreational use.

The PAC agreed to these recommended changes.

5. New Business

6. Adjournment

Bill Dewey adjourned the meeting at 9:10 p.m.