

Mason County Planning Advisory Commission

January 25, 2016

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

1. Call to Order

Bill Dewey called the meeting to order at 6:02 p.m.

2. Roll Call

Present: Bill Dewey, Tim Duffy, Kevin Shutty, Vicki Wilson

Excused: Rob Drexler, Steve Van Denver

Staff: Rebecca Hersha, Rick Mraz (Ecology)

3. Regular Business

a. Adoption of Agenda

Bill asked to add two additions to the agenda. The first addition would be a small section of time for general public comment at this and all future meetings; the second item would be the consideration of amendments to the aquaculture section due to the fact that the department of ecology recently published updates.

b. Approval of Minutes

October 26, 2015- Vicki had a correction on page 2, under SMP/RO Update (dated 10/26/2015). She advised that more clarification was necessary so people would know where to look for correct information. She suggested the following edit:

*Rebecca explained that her reason behind the SMP/RO document was due to the fact that the language in the ~~existing-uses~~ repair/replacement *part of subsection 4 of the fish and wildlife chapter of the resource ordinance* was similar to the language found in the Shoreline Master Program, but it was not the same in both documents.*

With this correction, a motion was made by Kevin to accept the minutes as amended. Motion seconded by Vicki. All in favor, motion passed.

September 14, 2015- No changes. Motion to accept the minutes as written was made by Tim and seconded by Kevin. All in favor, motion passed.

December 21, 2015- Vicki voiced the following changes:

- Page 3: *Exhibit C – Changes Needed to Title 15 (for administrative (SDP's)* She said that a discussion was had regarding language revisions for shoreline development permits as type II and III in section 15.03.07 and 15.07.09. She said that no language was reflecting this.

- Page 4: Directly before the paragraph that begins. “The PAC then moved to section (C) (6) which reads...” Vicki said the PAC agreed to add staff recommended language regarding the renovation of public structures.

On the bottom of page 4, the agreed language was not captured correctly. She clarified that it should read:

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

- Page 5: The word “and” was missing from the following sentence:

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

(E)(5) of Boat Launch Policies should reflect staff recommended changes.

(G)(i) was discussed and staff recommended changes were accepted. Vicki asked that this was reflected in the minutes.

Bill asked if the PAC would need to see the updated minutes at the next meeting. It was decided that making changes would be sufficient. Vicki made a motion to accept the minutes as amended. Motion seconded by Kevin. All in favor, motion carried.

c. Public Comment

Ken Van Buskirk spoke first regarding the Belfair/Allyn joint advisory committee. He said the committee has met twice now, and said the Allyn Community Association members feel as though the main focus should be on Belfair. Ken said the Belfair plan has not been updated since 2003 and needs the most attention. He invited the PAC members to the upcoming meetings and briefed them on the next agenda.

Erica Marbet from the Squaxin Island Tribe handed the PAC some information regarding a zoning change that is currently being reviewed for an RV park. She said this location is a fragile place and hopes the information will help them with future zoning decisions. She discussed the Comprehensive Plan updates and said the Squaxin Tribe requests to engage with the county in this revision process. Erica then read a note from Sharon Hansley, legal counsel for the tribe regarding lack of communication from the county.

Bill thanked both Ken and Erica for their time and announced that public comment would be added to future agendas and welcomed them back for more updates.

4. Workshop- Shoreline Master Program Update

Presenter: Rebecca Hersha, Department of Community Development

a. Draft Shoreline Cumulative Impacts Analysis (October 2015)

Rebecca explained changes to the Cumulative Impacts Analysis (CIA), stating that modifications to the mapping needed to be done to show updated changes. Vicki asked when the CIA would be submitted to Ecology for review. Rebecca did not have a set date, but advised that the CIA, the SMP draft, the restoration plan, and the shoreline inventory would all be sent to Ecology together.

On the final paragraph of Chapter I, which is currently written:

The Draft SMP is the result of extensive review by the County's Citizen Advisory Committee and the Planning Advisory Commission.

Vicki suggested adding *and public comment* or *and public review* at the end of that sentence. She then asked what kind of comments were most important in examining this drafts. Rick Mraz said that the CIA should touch on the county's projected development potential in shoreline jurisdiction. Vicki asked if she could touch on a few areas at that time to see if they were relevant or not.

Page 3-4: She proposed adding a comment stating that high priority issues were addressed by additional use and development limits in Hood Canal due to the fact that many wanted two aquatic designations.

After reading the last paragraph, she recalled having a discussion regarding impervious surface coverage limits. She said adding this information would be a good example to show, where development is allowed within the Natural and Conservancy area.

Page 3-9: Under table 3.2 Available Lands Vicki asked if Dividable properties, and Underdeveloped residential should have a note as to how much of the acreage is in a natural or conservancy SED. Rebecca said she would look into the possibility of adding this information. Rick noted that the CIA was attempting to declare the buffer and setback requirements in natural and conservancy areas.

Teri King asked if Table 3-1 Existing and Proposed Designations for Mason County Shorelines would be updated due to the fact that the last meeting had many of the park classifications changed and would like to see it updated to reflect this change. Rebecca asked if the PAC would like her to change the table. Rick asked Rebecca if the table reflected the changes up to the changes made at the December meeting. She said that it did. Rick and Bill agreed that the table needed to reflect the changes.

b. Minor Correction to Rural SED Criteria*
MCC 17.50.030 (A) in '17A' version

In the draft SMP, Rebecca noted that she made the following change due to the fact that Rural Multi-families are located within RAC's.

3. “Rural” Shoreline Environmental Designation

b. Designation Criteria

*Shorelines located outside UGAs, RACs, and Hamlets that are developed or partially developed; characterized by large lot sizes; designated Rural Residential 10, Rural Residential 20, **Rural Multi-family**, In-holding Lands, or Agricultural Resource Lands; and have one or more of the following qualities:...*

c. Public Works Proposed Language for Dredging Regulation

MCC17.50.075 (E) in '17A' version (pages 159-162)

(this section was not addressed until 7:30 p.m. please see below after the break.)

d. Grading Definition*

MCC 17.50.025 in '17A' version (page 25)

Rebecca stated that she added language to this definition so that residents doing minor jobs would not be subject to a permit.

Grading. *Stripping, cutting, filling, or stockpiling earth to create new grade. Grading includes excavation of material and addition of fill. **Cut and fills incidental to a permitted use and less than 200 cubic yards are not subject to the Grading policies or regulations.***

She added that the 200 cubic yards comes from the standard exemption in the building code. Bill asked Rick if other jurisdictions also have an exemption such as this, because 200 cubic yards is more than would be necessary for a small project. Rick mentioned that there is no guidance on the actual number of cubic yards besides the WAC which states 250 cubic yards or more would trigger a permit. The PAC and Rick discussed adding further language to clarify what would automatically trigger a permit. Bill said he felt as though the current language was too open. Rebecca suggested adding “The provisions in the Resource Ordinance still apply”. The PAC agreed with that suggestion.

e. Grading in the Project Classification Table*

MCC 17.50.040 in '17A' version (page 51 and regs on pages 165-167)

The changes made were decided upon by the PAC at a previous meeting. Constance Ibsen asked the reason for having “Sanitary Landfill” listed on the chart when it is prohibited. Rebecca and Rick advised that it is there to specifically point out that it is prohibited. Rick added that if it is not listed somebody could conceivably get a Special Use Permit.

f. Recreational Chapter and Table fix*

MCC 17.50.065 (J) in '17A' version (pages 123-125)

Rebecca stated that this chapter was more restrictive than other chapters within the SMP. She made the following change to be consistent and to prevent the need for a variance:

9. Accessory facilities, such as restrooms, recreation halls, commercial services, access roads and parking areas shall be located inland from shoreline jurisdiction unless it can be shown that ~~such facilities are shoreline dependent~~ there is no upland alternative.

Rebecca added that habitat management plan and all other requirements would still need to be met. Bill and Vicki requested that “inland” substitute “upland” to stay consistent with wording in the previous sentence. Other changes in the table were accepted as written.

g. Archaeology Chapter fix*

MCC 17.50.055 (G)

In subsection (f.) Bill questioned staffs recommended language. He asked if the verbiage should be changed because he felt the stricken portion was important. Vicki suggested changing (f.) to:

The County may condition the permit so that the applicant obtains any necessary DAHP permits under RCW 27.53; implements any avoidance, minimizing, or mitigating factors recommended by the author of the report, DAHP and/or the applicable Tribe; ~~or notifies the applicable~~ Tribe prior to proceeding with development.

BREAK

7:21 pm - 7:30 pm

c. Public Works proposed language for Dredging Regulation

MCC17.50.075 (E) in '17A' version (pages 159-162)

The PAC discussed the proposed change below (10) (c.).

A detailed description and analysis of the physical, chemical and biological characteristics of the dredge spoils to be removed where the project falls within a 303(d), 305(b), or TMDL water body and the sediment spoils contain pollutants with known chemical or biological impairment.

Bill asked if anybody from the Commission or the audience had any questions about the language. Teri King stated that some projects may have other remediations besides those listed. She also said that there is no discussion regarding the Ph. of the product which could be problematic.

Bill questioned the amount of dredging applications that go through the county. Rebecca said not many come through. Vicki commented that she agreed with Teri, and was unsure this added language would sufficiently cover the necessary tests. Kevin said he would like to keep that language as it was originally. The other PAC members agreed.

h. Comment Received about Covered Moorage*

MCC17.50.075 (D) in '17A' version (page 149 and table on page 50)

Rebecca explained the email received by Don Root saying that covered moorage should be allowed. She said that she called Fish & Wildlife to see if they would allow it. Fish & Wildlife stated they do allow covered moorage if it's translucent. After a short discussion, Bill asked if there were any comments. Two unknown males in the audience spoke in support of allowing the covered moorage. The question was asked if the existing or draft SMP allows covered moorage anywhere. Rebecca stated that the existing SMP only allows this in marinas. An unknown female from the audience asked if she would be able to build a cover to protect her boat at this time. Bill advised that under the current SMP she would not be able to. Rebecca said it would be possible to approve this, if a Habitat Management Plan was done (HMP) and if a translucent cover was required. Vicki said because Fish & Wildlife doesn't have language allowing private covered moorage, the Mason County SMP should stay consistent with them and not change anything at this time. Rebecca offered to speak with Fish & Wildlife regarding covers if it would influence the PAC's decision. An unknown male in the audience asked if language could be added that would be consistent with Fish & Wildlife. Rick said he checked the Army Corps of Engineers regional permit for Lake Washington and Lake Sammamish. Both lakes allow translucent covers. This sparked a conversation regarding what language could be added in regards to covers. Teri questioned if adding wording would be applicable to all shoreline designations. She added that you don't need a dock to build a cover. Rick voiced concern with allowing the building on saltwater due to the federal and state permits that would be needed. He went on to discuss the possible consequences to the salmon population, explaining that predators usually hide under the docks and covers and added that the Cumulative Impacts Analysis may need to be redone if this is accepted. Teri King added that there are also endangered plants that are affected with additional building.

Bill said that he would only be comfortable adding language for covers on lakes. Vicki and Kevin both agreed that more information is necessary before making a decision. Bill added that the SMP still has to go through the hearing process and believes this subject will come up.

Consideration of amendments to the aquaculture section

Bill presented an email he sent to Rebecca and Rick regarding sections 17.50.060.2.A.4 and 17.50.060.2.A.20. After some discussion the proposed amendments were accepted. Vicki then asked about working high tide at night saying page 98 of the draft SMP has some confusing language. Bill clarified by saying there is some proposed wording that would be problematic regarding working at night for shellfish farms. The PAC agreed to add the following

Existing aquaculture activities include areas that are actively cultivated and/or dormant. Dormant areas include property that was acquired under the Bush or Callow acts of 1895; areas undergoing crop rotation; and areas dormant due to market conditions, seed or juvenile availability, past and current pest infestations or control issues, water quality issues, and other cultivation factors beyond the control of the operator. Existing or permitted aquaculture operations are not subject to Section 17.50.055(H), Existing uses and Structures, and shall not be considered nonconforming or abandoned. Ongoing maintenance, harvest, replanting, restocking or changing the culture technique or species cultivated for any existing or permitted aquaculture activity shall not require shoreline review or a new permit, unless or until:...

**Resource Ordinance edit recommended by staff
(SMP update PAC review dated 1/25/2016)**

Rebecca summarized an original policy from 1992 regarding setbacks. Rick stated that this policy was done by Mason County, not the state, and was effective until the Resource Ordinance was adopted. It allowed the addition of a residential structure. Rebecca said that now this is causing issues with the grandfathered and non-conforming lots because you are not allowed to expand or add to those lots. It was agreed by the PAC that this policy should be stricken.

5. New Business

Schedule future meeting dates & reschedule PAC hearing dates

- April 18-Public Hearing
- April 25-Public Hearing
- May 16- Close Public Comments (No meeting)
- May 31- Meeting to discuss comments

6. Adjournment

At 8:59 pm Bill Dewey adjourned the meeting.