

**MASON COUNTY  
PLANNING ADVISORY COMMISSION**

**Minutes  
March 20, 2006**

(Note audio tape (#2) dated March 20, 2006  
counter (#) for exact details of discussion)

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

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**1. CALL TO ORDER**

The meeting was called to order by Chair Bill Dewey at 6:00 p.m.

**2. ROLL CALL**

**Members Present:** Bill Dewey, Tim Wing, Steve Clayton, Terri Jeffreys, Wendy Ervin, and Jay Hupp. Diane Edgin was absent.

**Staff Present:** Bob Fink, Steve Goins, Barbara Adkins, Allan Borden, and Susie Ellingson.

**3. APPROVAL OF MINUTES**

The minutes from the February 27, 2006 meeting were approved as presented.

**4. NEW BUSINESS**

(#0110) Steve Goins stated that the time to commence the bi-monthly meetings is May. There will be one more meeting in April that will be the regularly scheduled meeting. He stated they were considering how to schedule that and the meetings would typically be on the first and third Mondays. May will be the exception to that; they will be on the 8<sup>th</sup> and the 15<sup>th</sup> of May. In May there will be an update on the WRIA process with a presentation of the current status. There will also be an introduction to the stormwater management planning that is being done countywide. We will have a consultant on board for that discussion. On a related matter, today we received a grant from CTED to help us with our Low Impact Development standards. Steve presented the PAC with copies of the updated Comp Plan and DR's that they considered last year.

(#0400) Allan Borden started with a presentation on the SEPA regulations. He stated the Department of Community Development is proposing some changes to

Planning Advisory Commission Minutes, March 20, 2006

both Title 8 (Environmental Policy Ordinance and Title 15 (Development Code). He presented revisions to both of those titles regarding the SEPA process and the appeal of administrative decisions that are done through SEPA. Currently, the BOCC has an interim measure regarding deleting the local level appeal of SEPA determinations. Current provisions of Title 8 establish a process for appeal of SEPA decisions, which is mainly a process through the BOCC. In Title 15, there is a process for review under the Hearing Examiner. The Department of Community Development proposes changes to Title 8 that delete the existing provisions and replace with text that there is no administrative appeal of SEPA decisions. Changes to Mason County Title 15 delete references to the Hearing Examiner in considering SEPA decision appeals. Judicial appeal review of SEPA decisions will continue, even with the proposed Mason County Code changes. With this proposed regulation it would delete the references to the administrative appeal of decisions.

(#0600) Wendy Ervin inquired if, under Title 15, it limits the appeal to applicants or parties of record.

(#0610) Allan Borden responded that any party of record can appeal; that is a very large category.

(#0660) Jay Hupp inquired of Allan what some examples of the kinds of things that have been appealed in the past might consist of.

(#0675) Allan Borden responded that there was one where the county was reviewing a bulkhead permit, which required SEPA determination of non-significance. It was sent to agencies, the applicant, was posted on site and then during the actual hearing of the bulkhead, someone appealed the determination. It was approximately seven weeks after the determination was made. It was a party of record that appealed. The other ones I can recall would be a determination of significance. That would be the primary venue of an appeal of a determination.

(#0725) Jay Hupp stated this process could be easily cleared up eliminating one of the processes and he stated that he would prefer it to remain with the BOCC. Continuing, he inquired that if the administrative process was eliminated, the applicant has only one choice but to go to court. He further stated that seems to be unreasonable.

(#0780) Steve Clayton stated that the Hearing Examiner process was brought on board because they are specialists in the process.

Planning Advisory Commission Minutes, March 20, 2006

(#0800) Jay Hupp reiterated that it's not fair to put the applicant in a position that if they don't agree what the staff says then they have to go hire a lawyer. That creates citizen frustration.

(#0825) Steve Clayton noted that it does seem unusual that there is a hearing examiner process for the rest of the shoreline permits and subdivisions and the SEPA process is being narrowly picked out.

(#0888) Bob Fink related that there's a lot more issues than the one of who hears the appeal. One of the biggest issues with SEPA appeals is what is the timeline for the appeal? Particularly in the case of a determination of non-significance. There a determination is made and issued and then there's a comment period, which is normally fourteen days. At the end of that time, the county is then free to act on that determination, but it may also modify the determination prior to the issuance of a permit. We have concerns about when that appeal should run. When can someone appeal that? There's really no timeline. When comments are sent in, the county doesn't immediately revoke the DNS. Having the administrative appeal process really just adds a step. This process gets very complicated. We have discussed this with the BOCC and adopted interim regulations which we're seeking to replace.

(#1100) Jay Hupp stated that it complicates the hearing process, the comment process and simply allowing someone to appeal to either the BOCC or the HE has anything to do with the process that deals with that decision. He inquired if that was because the decision is made before the process takes place.

(#1260) Bob Fink responded that it's not so much that but the fact that it's a different process than the actual permit process with different timelines. Bob suggested that rather than use more time on this right now is to table this after the public hearing and we can develop more information for you. That way a decision could be made next month.

(#1320) Constance Ibsen added that she thinks it's of great interest and to understand better how the county does the SEPA process would be good to review the whole process. She stated that she has sometimes called about a DNS and the staff report isn't even ready yet. She stated that doesn't give much time for any input before the close of the comment period.

(#1350) Miscellaneous discussion about the process.

(#1400) It was agreed by the PAC to continue the hearing on the SEPA process until next month's meeting when staff could bring back more information.

Planning Advisory Commission Minutes, March 20, 2006

(#1450) Steve Clayton requested some language clarification in Attachment 'A' where it says 'There shall be no administrative appeal process for SEPA decisions. All evidence and arguments in opposition to a proposal must be made during the SEPA comment period'.

(#1500) Terri Jeffreys requested staff put together a flow chart of the process with examples of what applications need to go through SEPA.

(#1550) Bob Fink introduced Gretchen Lux and Donna Button, representatives from DOE, who will do a presentation on wetlands as critical areas under the GMA and talk about the new guidance document that was recently published to help in the review.

(1560) Gretchen Lux gave the presentation about DOE's recommendations for protecting wetland resources. She stated that the primary reason to think about wetlands is that we're required to update our Critical Areas Ordinance this year. These update processes provide an opportunity to include current scientific understanding in wetland protection. In general, wetlands have three general characteristics and if they don't meet all the characteristics they aren't identified as wetlands. They have water that is sufficient to develop wetland characteristics. More information on this subject can be viewed at the DOE website under [http://www.ecy.wa.gov/programs/sea/bas\\_wetlands/volume2final.html](http://www.ecy.wa.gov/programs/sea/bas_wetlands/volume2final.html) (Publication #05-06-006) and Volume 2 (Publication #05-06-008). The entire presentation can be reviewed by looking at the attached Exhibit 'A' at the back of these minutes.

(#0100) Towards the end of the presentation, Gretchen Lux stated that DOE thinks the improved way is to use Buffer Alternative 3, which was developed with input from local planners. It allows you to be more flexible. The buffer widths required to protect water quality function and hydrologic function are narrower, on the order of 100 feet or less, to protect those functions. She stated that it allows you to be more sensitive in your decision about what width the buffers are. She further stated that the buffers for Category 1 and 2 in Alternative 3 are largely determined by the habitat score.

(#0200) Wendy Ervin inquired if the 300 foot buffer was for total width for the High habitat function or 300 feet on each side.

(#0210) Gretchen Lux responded that she was just talking about wetlands and this is the stream wetland recommendations. She further stated that typically there are conditions that are in this buffer guidance that are things that they feel

Planning Advisory Commission Minutes, March 20, 2006

would provide the basis for reducing the width by 25%. She noted that buffers that are already impacted by uses that are in them, they're not going to get kicked out. That would be a condition where a buffer could be narrowed. If there is housing within 50 feet already and it's an existing legally, established housing unit, you wouldn't be trying to recapture that whole buffer. Your protection strategies are going to be dependent on improving your site specific regulatory strategies, adapting larger scale regulatory approaches where you can, and in helping set up the basis for non-regulatory protection and management strategies, such as rural stewardship plans.

(#0300) Terri Jeffreys stated that for water quality protection, a 50 foot range is generally what you need, and when you get into the larger buffers, it's for habitat.

(#0315) Gretchen Lux responded that the large buffers, if you can adapt Alternative 3, they're only recommended for those wetlands that actually score that high habitat, so you individually rate a wetland.

(#0325) Terri Jeffreys stated that it seems counterintuitive that you would have high habitat quality in a highly intensive land use.

(#0333) Gretchen Lux responded that you don't usually. In some UGA boundaries, the growth hasn't gotten out and expanded out.

(#0360) Terri Jeffreys noted that the comprehensive strategies were talked about and the cumulative affects of monitoring. She inquired if that was a county function to monitor how well the regulations are working? Or does DOE monitor that and inform us of the results?

(#0372) Gretchen Lux responded that DOE, in general, cannot tell us how well we're doing. DOE doesn't take responsibility for the local government's role in this. Monitoring and implementation needs to be part of the overall plan for how you protect wetland resources.

(#0400) Terri Jeffreys inquired of the water quality function. Has there been successful mitigation to the techniques or practices in order to reduce that buffer, even more so from the 40 or 50 feet, and still gain the value functions?

(#0425) Gretchen Lux responded that it will depend on which particular function you're looking at. It's very location specific. Updating stormwater codes can go a long ways towards improving that. She further stated that we need to look at how well our buffer strategies work, what other kinds of wetland protection

Planning Advisory Commission Minutes, March 20, 2006

strategies do we have, improved stormwater requirements, LID strategies, open space planning that incorporates natural elements; those all help.

(#0535) Tim Wing inquired if these were just recommendations to follow, or if they were required by DOE.

(#0538) Gretchen Lux responded that she was the wetlands specialist for this region and she will write letters as people are drafting their new ordinances and sending them out for review, and make comments on them based on their recommendations. If she sees something in the language that looks like a gap in providing wetlands functions, that's part of her role is to respond to that. She also stated that it is helpful to have workshops like this one early so we can understand DOE's view.

(#0560) Tim Wing inquired that if Mason County decided not to pay any attention at all that DOE has said, and just go with we've had in the past, what is the role of DOE in that.

(#0575) Gretchen Lux responded that we would get a long letter from her. DOE can appeal an ordinance if they feel it's important to do that.

(#0585) Donna Button stated that DOE doesn't appeal it; the State does. Doe would make a recommendation, probably in some combination with CTED, to the Governor that DOE doesn't think that the ordinance that Mason County was proposing to adopt meets the requirements of incorporating BAS (Best Available Science). The Governor could decide whether or not to appeal it to a GMHB. She further stated that the two volumes on the website that Gretchen talked about were DOE's attempt to gather the BAS for local governments, due to limited staff time and money. Local governments can provide their own BAS on what works in their jurisdiction, and if they're able to do that, then that is what we'd look at.

(#0666) Tim Wing stated that his comments were not about anything regarding the presentation or recommendation, but about being able to better understanding the process and DOE's role and what Mason County's role is and how it works.

(#0670) Donna Button reiterated that having these workshops early so that you can share your drafts with DOE and we can tell you where our concerns are and try to work out compromises.

(#0682) Tim Wing inquired as to when staff will be preparing the draft for us.

(#0690) Bob Fink stated that we will be working with a biologist to assist us in going over these guidelines and the BAS and coming up with any new

Planning Advisory Commission Minutes, March 20, 2006

amendments and what they might be.

(#0735) Jay Hupp stated that he was surprised by Donna's comment that the letter goes from DOE to the Governor and then the Governor to the GMHB and inquired if that was technically correct.

(#0735) Gretchen Lux responded by saying that because of DOE's expertise, they do the evaluation of the proposed changes and if it meets the guidelines of good wetland protection strategy. We make that recommendation to CTED. CTED then makes the recommendation to the Governor's office.

(#0750) Bob Fink also stated that the Governor makes the decision on whether the State is going to appeal the adoption of the action of the County. He further stated that the first letter sent will be during the review process and during the official 60-day notice period and before we take action, they'll comment on what we're doing. They'll review what we did and then the State has 60 days to appeal and it's actually the Governor's office that has to file that appeal.

(#0775) Jay Hupp inquired if there is still a minimum size wetland that we protect.

(#0800) Allan Borden stated that the current regulations for Category 4 wetlands is 10,000 sq or less, which is about one-quarter acre, and is exempt. Category 2 or 3 is 2,500 sf, which is less than one tenth of an acre.

(#0825) Gretchen Lux stated that the actual size of wetland that you're regulating in your code is part of your choice in developing a protection strategy. She further stated that obviously the larger wetland you exempt out there, the larger gap you have in protection for wetland functions. There are a variety of further refinements of information that we can provide you with as you go down the path. One of them is a strategy for what we have worked with other jurisdictions on developing rationale for how to exempt small wetlands and how to make that decision.

(#0925) Jay Hupp inquired if we will have a presentation like this on streams in the future.

(#0950) Bob Fink responded that there will be some review for streams, but Mason County's Fish and Wildlife Ordinance is much more recent; it became valid in 2003. There's no new guidance that's been out since we adopted it. As far as I know, there's not a significant amount of new science, but that's what will come out in the process. There's no reason to expect that there will be major changes to that part of the Critical Areas Ordinance. The wetlands have new guidance documents out and the critical aquifer recharge area has new guidance

Planning Advisory Commission Minutes, March 20, 2006

documents out. Those are the two oldest sections we have in our Critical Areas Ordinance. I expect we'll have a presentation next month on the critical aquifer recharge areas.

(#1000) The Planning Advisory Commission thanked DOE for their presentation.

(#1015) Barbara Adkins presented the 2006 Park and Recreation Plan Public Involvement Plan. She stated that the element was updated last year and this year we will take the items in various chapters and pull them all together into one element. This would include chapters from the Capital Facilities and Land Use. We would add the Trails Plan that we did last year and bring more public input into it and actually put some more items in it addressing what the specific plans are for the parks and trails. She stated that what we're starting with is a Public Involvement Plan, which is similar to what was put together for the Comp Plan. This document has a schedule in it, and we want to work with an advisory committee and have surveys. This would reach the people who would not become active in the workshops and would not volunteer for the program. She further stated that a consultant would be working on this.

(#1200) Tim Wing stated that these surveys imply to the public that the result of the survey is going to be used as evidence of the direction the county should go. He said the surveys need to be done well and done well costs a fair amount of money.

(#1220) Barbara Adkins simply stated that having surveys was just an idea, and if surveys is not the way people want to go, we can certainly look at that. Once the advisory committee is formed they can make that decision.

(#1260) Terri Jeffreys suggested that side by side there should be 'what do you want' and 'how do you want to pay for it'?

(#1280) Barbara Adkins stated that that came up when the trails committee met. Budgeting costs can be a big factor in trying to educate the public on it.

(#1300) Bill Dewey stated that when he thinks of parks, they're largely for the citizens who live here in the county, but hasn't the county recently put together a tourism committee that's looking at ways to improve tourism in the county? He inquired if that should that be coordinated with this effort.

(#1320) Jay Hupp stated that it's a coalition between the County and the City and the Squaxin Island Tribe, as well as the ports.



Planning Advisory Commission Minutes, March 20, 2006

(#1400) Terri Jeffreys stated that it would be really good to pull the newspaper in on this process by giving interviews and put in announcements regarding this. It needs to generate an interest and goes beyond just having legal advertisements in the paper. Maybe something like a news release.

(#1450) Tim Wing inquired if we have a plan that exists now.

(#1475) Barbara Adkins responded by saying that there are pieces in various places and there is a parks plan that was done in 1996. She further stated that this is a mandated item.

(#1500) Tim Wing stated that everybody in the county would love to see parks and trails, but the reality is that there's not a lot of money to do these things.

(#1540) Barbara Adkins stated that the better plan and element that we get into place, the more we will qualify down the road for various types of funding to slowly start implementing this plan.

(#1550) Tim Wing inquired as to what staff was asking of them from this tonight.

(#1560) Barbara Adkins responded that staff was just wanting to get feedback on it.

(#1570) Bill Dewey stated that it was very thorough and identified a lot of good tools to potentially get the public input. He did state that it would read clearer if on page 3 it said 'Participants may take part in a discussion about any of several topics'.

(#1600) The Planning Advisory Commission thanked Barbara for her presentation.

(#1620) There was a discussion amongst the PAC members regarding their recent joint meeting with TIPCAP. Bill Dewey and Tim Wing were absent from that meeting. The following were some of the comments they shared.

(#1625) Wendy Ervin stated that she went there to specifically promote TIPCAP looking at the urban areas and looking at developing roads and transportation elements in those urban areas. Also, Wendy stated that she has a real problem with putting donor lanes for bicycles on the road bed. She further stated that when she brought up both of those subjects and started discussing it, they clearly weren't interested in talking about roads in urban areas because they look at maintenance of roads and not the installation of new roads.

Planning Advisory Commission Minutes, March 20, 2006

(#1700) Jay Hupp stated that he got pretty much the same impression that Wendy did. Jay stated that we have a real hill to climb philosophically with them. Jay stated that he thinks if there is going to be a change in philosophy on the part of TIPCAP, it's going to have to come from the BOCC.

(#1720) Terri Jeffreys stated that Commissioner Ring Erickson did meet with them at their first meeting and did tell them that it's time to start planning ahead as far as new roads.

(#1750) Wendy Ervin stated that they apparently, as they outline their functions, they look around the county roads and they find areas of roads that need maintenance and they do a running survey of the roads in the county and they bring in their observations and then they schedule repairs under a budget. They have a limited budget, which is another of their problems. That limited budget is spent fixing roads, so they don't have the budget to initiate something new. She further stated that for us to ask them to start initiating something is to take money away from repair, and they felt that was altering their function and taking away their ability to do what they have been doing.

(#1780) Jay Hupp stated that it's not their money to spend; it's county money and if there's going to be a directive or an initiative to move in the direction of the changes from just maintaining to looking at creation of new roads, I think that's going to have to come from the BOCC.

(#1795) Bill Dewey inquired if there was some guidance we could get from CTED or DOT. He stated that the earlier meeting with TIPCAP he got the impression that where their money is spent is pretty well dictated based on the programs they get it from. He further stated that trying to get dollars that are available to build roads progressively to accommodate growth, it's not there. He further stated that we need to either identify new sources or find out if there's a way to use the existing sources.

(#1825) Jay Hupp stated that we need to understand what the county road budget is all about; where it comes from, where it goes, where it can be spent, where it is being spent and how it might be spent differently.

(#1840) Steve Clayton stated that he felt they were pretty much fire fighters where they fix problems in the roads and to ask them to put on another planning hat was something that was asked and many of them said it would be okay, but it's a whole different process. What I got from them was they do exactly what we do. We only look at things that staff gives us and they only look at what Public

Planning Advisory Commission Minutes, March 20, 2006

Works gives them. He further stated there was some discussion about how to put roads in the UGA's. The discussion was that Shelton isn't going to come forward and the city is doing their own thing. There's no group that covers the UGA that's outside the city. Belfair doesn't have anything other than the state roads going on there; there's no group there that is saying where they need new roads. There are people in Allyn that are saying they need any roads. They've got a proposal they will present at the next TIPCAP meeting. My impression was that TIPCAP will say there's no money for new roads, but they ignore the Razor Roads and other development roads that we've taken over. They don't really determine what roads get built. That specifically needs to come from the community.

(#1930) Wendy Ervin stated that it was her impression that the makeup of the TIPCAP group was that they all look at different portions of the county. They spoke about things happening in their own area and so there's no unified planning done until it comes to the dollars.

(#1960) Bill Dewey described that the experience of TIPCAP is repair and maintenance. We don't have transportation expertise, and even Public Works to a large degree, is maintenance oriented and not planning of new roads. He further stated that he thought the answer might be a transportation consultant that would work with the communities to look at the UGA's.

(#1980) Terri Jeffreys reminded the PAC that a transportation plan was incorporated in the Transportation Element and is to be developed.

(#2000) Jay Hupp stated that he thought it would be of great benefit to sit down with the BOCC and TIPCAP and have a discussion regarding these issues.

(#2100) Tim Wing brought up the three things that the PAC discussed that need to have focus put on them. The first one is that the only way this is going to get done is the BOCC need to get on board with this. Staff has no interest in this although they are in charge of TIPCAP. Thirdly, perhaps we need to hire a consultant and meet with the community to come up with a road plan that staff would implement.

(#2222) Wendy Ervin reiterated that having a UGA was mandated by the state who said that we would put our growth there. That would include putting in infrastructure to allow for that growth and it seems the state should add some money for that infrastructure. However, they first need a plan.

(#2275) Tim Wing stated that this is an excellent example of what he hoped this

Planning Advisory Commission Minutes, March 20, 2006

group would do (PAC) and that is not just look at what Bob and Allan give us, but in addition, give feedback to the BOCC about things we think they need to do. We need to ask for an opportunity to meet with them and strongly suggest that they give a very clear directive to that department and consider a consultant or some other method of pulling together a plan so that it doesn't take three years to do something.

(#2350) Wendy Ervin stated that she is on the Solid Waste Committee and that one of the things they do is look at the need for increasing the ability to handle the sewage waste. They're figuring Shelton will take care of Shelton. They're not looking at the UGA and so they're another group that needs to have a representative in this meeting.

(#2500) The PAC had a final discussion and came to an agreement that they would like to request a joint meeting with the BOCC regarding these issues, and that some of Public Works staff should attend.

Meeting adjourned.