

# MASON COUNTY PLANNING ADVISORY COMMISSION

## Minutes August 21, 2006

(Note audio tape (#3) dated August 21, 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, Terri Jeffreys, Diane Edgin, Wendy Ervin, and Jay Hupp. Tim Wing and Everett Hughes were excused.

**Staff Present:** Steve Goins, Bob Fink, Barbara Adkins, Allan Borden, Susie Ellingson, and T.J. Martin. Charlie Butros was also in attendance.

### 3. APPROVAL OF MINUTES

None.

### 4. NEW BUSINESS

(#0040) Bill Dewey opened the meeting by stating that there are two public hearings on the agenda tonight. The first one is on the Skokomish Valley pertaining to the channel migration study and amendments to the flood damage prevention ordinance that was continued from August 7<sup>th</sup>. The second one is on the proposed draft for the critical areas ordinance pertaining to Geologically Hazardous Areas. We'll finish up our meeting tonight with a workshop on the Parks and Recreation Comprehensive Plan.

(#0075) Bob Fink stated that tonight's meeting is a continuation of the meeting on August 7<sup>th</sup>. During the time between the meetings, we prepared draft revisions to the ordinance for your consideration. There were four changes that we put into the new draft. Those changes were to define existing farmhouse and farmhouse as those terms were used in the proposed ordinance and not defined there. We also amended

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some language in the reasonable use exception, which specifies that establishing a new residence on property is not allowed in the no new footprint zones. In the subdivision proposals, we also clarified and modified that language to provide the subdivisions entirely within the flood zone are prohibited, and clarifies that if you can put the buildable lots outside the flood plain then you need to consider there are appropriate restrictions to keep that development outside the flood plain. There were also some changes to the language for the no new footprint zone.

Our consultant, Mary Ann Reinhart, couldn't come this evening and Jerry Luthain was expected here tonight. The most significant basis for the change that we're considering is a study the county commissioned to try to establish the channel migration zone and the avulsion potential zones that are in the valley. These are areas of higher risk and areas where it would be consistent not to allow new development or to allow only very limited new development. Whereas, other areas outside those high risk areas, more development could be allowed. The restrictions of the no new footprint zones include more than just the channel migration zones and the avulsion potential zones. That is the new science we have that wasn't available prior to this. This map is still the original draft map that was produced towards the end of last year. The report on this is still in draft. There is a map that was made which shows, within the flood plain, only the no new footprint areas that are established by this draft ordinance. We've taken out the area that was shown on a prior version of this that showed the wetlands and the streams and the buffers for those areas. Since the time of the last PAC meeting, there was a letter sent by Advocates for Responsible Development, which was received after the staff had left for the hearing. You received that in your packets we sent you, which was a letter dated August 7, 2006. We have since also received a letter from Marty Ereth of the Skokomish Natural Resources and he has a number of comments and that letter is dated August 21, 2006. It's similar to what was said at the testimony on August 7<sup>th</sup>. They do raise some questions about the report and the fact that the report didn't go through a peer review process.

(#0300) Bill Dewey stated that it was raised at the hearing on the 7<sup>th</sup>, and in Mr. Diehl's comments, about the concern if development were allowed in the valley and there was an avulsion and those properties were then cut off to access to roads.

(#0350) Bob Fink responded that it is hypothetical that the river will avulse. There's quite a number of ways it could avulse if it does. If a public road were cut by the river, a number of actions could be taken depending on the circumstances. That could mean putting the river back to its original channel, building a bridge across any new channel. Charlie Butros, Public Works Director, is here and he can address those concerns regarding that issue. He also would like to address the PAC on questions that were raised regarding the removal of the dike monitoring program, which was raised in the hearing and in comments.

(#0400) Charlie Butros, Director of Public Works, spoke next. He explained that there are too many factors that would enter into it to be able to have a specific answer if the river did avulse. He continued on stating that their goal would be to re-establish access and how that would be done would depend on what the affect was, what the options are, but they would first look to re-establish access and provide assistance to those that were isolated. On private drives, we would take emergency response action, but not necessarily action to re-establish that access. That would be the property owner's responsibility.

Regarding the issue of dike monitoring, last he was before the PAC they had an extensive discussion on that and their position is still the same. Charlie stated that they feel the existing dikes vary in condition and ability to be effective in containing the river in its existing channel. They are not contiguous; they are on a mix of public and private property; they deviate from the requirements that are established for dikes of that type. Many of them were built without inspection and they don't have a high degree of confidence in them. The purpose of the monitoring, as they understand it, is to verify the conditions of the dike and verify that the conditions of the dike are adequate to support safety for structures and public safety. With the conditions of the dikes, we're not convinced that the inspection as it's required provides for that. We can report on their condition, but it's very difficult to establish how effective the dikes would be in the event of an avulsion or changing force of the river or serious flood. Charlie reiterated that they recommend that they strike that requirement.

(#0500) Jay Hupp inquired if any of the dikes were put in by the county.

(#0520) Charlie Butros responded that only the dike close to the church was put in and maintained by the

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county.

(#0535) Jay Hupp inquired how they feel about continuing the inspection on the dike that was put in by the county.

(#0500) Charlie Butros responded that they don't feel uncomfortable about doing that at all.

(#0560) Bill Dewey stated that it seems logical to include that one since the county might have some liability associated with that.

(#0565) Jay Hupp stated that he can see the issue of liability if you go out and inspect a dike that was put in by private owners and then certify it, then you're in line for liability if it fails. In order to protect the county, you need to inspect the dike installed by the county.

(#0590) Charlie Butros responded they do that on a continuing basis as a routine part of our operations and maintenance of roadways and adjacent features of the roadways. It is not something that we would no longer do if this requirement was removed.

(#0625) Diane Edgin inquired if there was some liability by not doing anything with those dikes. If they're not built to a standard, or not maintained, or inspected, could that open up the liability.

(#0650) Charlie Butros stated he was not aware of any precedent set for that. Looking at it from a basis of what we typically manage control and operate, the private dikes are well beyond our ability to do that. We have a requirement to inspect those, and we request authorization by the owners of the property to have access to them for inspection, and some provide us that authorization and some don't. What we're left with is a condition that's indeterminate and that's what we're facing. The intent of the inspection is to provide for assurance that the dikes would contain the river. There have been so many changing conditions that we discussed, we don't think anybody can provide for that.

(#0728) Bill Dewey inquired of T.J. Martin if he could elaborate on the liability issue.

(#0735) T.J. Martin stated that if we have a duty to inspect, and we don't comply with that duty then there's liability. In regard to dikes located on private property, that more troublesome to come up with an easy answer as compared to something that's within our public ownership or that we own directly and maintain. As for the private dikes being maintained in a satisfactory condition to our standards and we don't have control over, would be something I would need to look into.

(#0770) Bill Dewey open up the public hearing for testimony from the public.

(#0800) Moira Dehe from the Skokomish Valley testified. She stated that she lives in the upper end of the valley. One of her biggest concerns is that she finds it really hard to comment on any of these migration or avulsion risk zones when there's not mapping that's adequate that you figure out what the boundaries are. She explained that she has researched it on line and had great difficulty determining the different areas. She explained that she has been following this issue for a very long time. Moira stated that before any kind of ordinance can be adopted you need to give the people the information to make decent comments. She spoke of the diking monitoring. She stated that the county needs to check to see what dikes are on buyout properties; although they were not created by the county, the county now owns them and there might be several buyout properties within the valley that might contain dikes. The concern about the diking monitoring was they did do a diking reconnaissance and they based on it on a 100-year flood. The conclusion from that was that it had no impact on valley residents during the 100-year flood because it all overtopped and it wouldn't contain the river. The concerns that many of us have is what about a 25-year flood; what happens before it overtops. That's when you get the damage. I think there's a liability there. Also, regarding the issuing of repairs. They tell you they can issue repairs on it, but there's no one here that has any confidence in these dikes. If the county issues a repair on a substandard dike and that dike breaches, it seems like the county would be just as liable as the landowner.

Moira stated that she has read the flood plan and the diking reconnaissance and she does not know how this ordinance changed so drastically. Originally we adopted a density concept and the density concept

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was based on how much you can raise the water in the valley without impact to anyone else. Originally it was a half a foot and that was based on the existing development in the valley. Now the ordinance says it's a foot. The no new footprint zones were based on flow, velocity, elevation and depth. Now it's totally changed around and how did it get to a foot from a half a foot? How will you measure that foot?

Under existing farmhouse structures it says that a farmhouse being replaced should be removed. There's nothing in here about whether the farmhouse might be on the historical register. What if you just wanted to build right next to it, and what impact would that have on flooding?

Under subdivision proposals, it says 'unless it can be shown that an alternate access outside the flood plain is available and can be developed for proposed use'. What does that mean? Moira is very concerned about not being able to understand it and how it will affect her property. She further stated that in all fairness to valley residents and yourselves, we need to have a full understanding of what the impacts of this are on people before we start making a hasty decision on adopting this ordinance.

(#1150) Jerry Richert of the Skokomish Valley testified next. He began talking about the maps. He showed the PAC where the no new footprint zones are and how it just came up now. He encouraged the PAC to really study the maps. He showed maps from the Skokomish River Comprehensive Flood Hazard Management Plan which were entered into the record. Jerry stated that there has never been and never will be an avulsion in the Skokomish Valley. Mary Ann Reinhart stated, at the last meeting, that avulsion is 100% of the river leaving the channel. There's a lot of people who think it will happen, but it won't happen. Regarding the dikes, it's only the county dikes that weren't built properly. He stated that we only have 12-hour floods and it's gone back down.

Jerry Richert stated his recommendations. He recommended removing the avulsion zones because they do not represent avulsion, but simply overflow channels during flood events. He also recommended bringing the migration line back to match the Mason County Skokomish River Comprehensive Flood Hazard Management Plan.

Shirley Richert read the following comments into the record:

There should be public meetings conducted where public input can be presented and made part of the analysis. The proposed maps have areas that have been designated incorrectly and should be brought to the consultant's attention. The consultants need to be instructed to meet with representatives from the valley and include their input in the process.

In the Analysis Report there is reference to a report that was completed by Simon and Simon in 1997. Why is there no reference to the work completed by Skillings and Connelly done in the mid to late 90's?

In Section 4.1.2 the words 'may include but not be limited to plans' is too broad. This needs to be more specific and decrease opportunities for information generation that may not be needed.

In Section 4.4, for clarification, Mason County has not established a Board of Appeals. This section needs to be amended to reflect the Hearing Examiner.

In Section 4.4.2, the subdivision language needs to be clarified regarding subdividing property in shoreline designations for conservancy and rural.

Section 5.1.2, who makes the determination of what materials and utility equipment will be used?

Section 5.1.5, who had investigated that failure to elevate at least two feet above grade may result in higher insurance rates? How can local judgement be used without engineering information?

The analysis report says that it was prepared for the exclusive use of the Mason County Department of Public Works. What comments have they provided, and if any, are there copies available?

The Migration and Analysis report and the proposed Flood Damage Prevention Ordinance could impact property values.

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Proposals will require extensive environmental review during the permit application process. It is recommended that further review be completed to include but not be limited to other possible alternatives for flood prevention, and environmental checklist and an economic study as to the impact this proposed ordinance will have not only on the property owners in the Skokomish Valley but also those others including the Satsop, Union, Tahuya, and Hamma Hamma.

(#1800) Randy Churchill from the Skokomish Valley testified next. Their property has been in the family for 130 years and has never had one drop of water on it. Your latest map shows it in the channel migration zone. My wife and I have went through the expense of getting a FEMA map amendment on both properties. Now you're going against what FEMA has told us. These amendments show that your maps are flawed. Talk to some of the people out there and get an engineer involved. It cost us \$6,000.00 to \$10,000 to get those amendments done. So your map needs to be changed.

(#1900) Jim Hunter from the Skokomish Valley testified next. Mary Ann Reinhart was going to come out and go over my boundaries and she never made it to either meeting. Jim stated that we do need a new plan, but we just want to make sure it's done right when it's done. It's a big deal for us out in the valley. In the Skokomish River Comprehensive Plan, which this is supposed to be based on, it has a list of things you can do to flood proof your home and one of them was having perimeter dikes. Jim stated he would like to have a perimeter dike just to keep the mud and debris out of his house and yard. Jim continued on saying his house is by Hunter Creek and it floods three to four times a year, causing extensive cleanup. We aren't able to raise our house like other people.

(#2200) Constance Ibsen from Union testified next. Constance stated that she finds this very confusing this whole issue of the conditional build zones. At the workshop at the Grange Hall, looking at the maps, she felt they were 'islands in the stream'. She stated she can't get a handle on it, or the county's liability on it. She recalled what Bob Fink said at the workshop at the Grange Hall and that was this new ordinance and flood maps may not make it (GMHB) but would provide a window for building, and because the ordinance would be considered valid until it was found to be invalid by litigation. That got me thinking about what I have found over the last several years to be a constant in Mason County planning and that is you plan and you write ordinances for the exception. She questioned of people why are we making these changes and who are we doing it for? What property owner or who is going to benefit from making these changes now, which everyone is saying is premature. What is the history of why we're doing this now, as we just got out of this court situation of amending and tweeking of issues.

(#2400) Bob Fink responded that Constance has misrepresented anything that I said at that workshop. I never said, and there was never any intent, that the county is adopting this ordinance fully knowing that it's going to be rejected by the GMHB to create a window in which people can apply for projects. I never said anything like that. I did respond to a question that someone asked about what would happen and what is the appeal process if the GMHB finds against the county. I might have talked about the subject of it, but I never meant and do not mean that there is any intent to adopt something that we believe is not adequate to comply with the ACT. The intention was stated when we first opened this hearing and the workshop. Currently, within the flood plain of the Skokomish Valley, it is treated entirely as a flood way. No new construction of any structure is allowed, which is even more restrictive than in the standard floodways anywhere in this country. We get inquiries from people in the valley who want to do remodeling and they can't remodel to the degree they would like. One of the implications of these restrictions is that people cannot make substantial improvements to a house. Substantial improvement is improvement over 50% of the previous value of the house. So the question is, is there some way we can address the issue of agriculture buildings, which is one of the types of structures people cannot build. The valley is mostly designated as ARL, and farmers need to be able to operate and occasionally improve or replace barns. That was one of the primary purposes was to address that. Jerry Louthain, our consultant, researched any and all documents he could and came back with a recommendation that there's nothing in the record that really provides a clear rationale for changes. He recommended that we try to refine the issue of the potential avulsion risk and channel migration zone risk by hiring a consultant to do the analysis to show the areas that are of higher risk. That's how we got into the process. There are a lot of options on the table for use of this information. We could try to relax the regulations as much as possible based on the higher risk areas. We could take an intermediate measure and follow one of our principle purposes in considering these amendments which is to simply address agricultural structures. Or we could do something in between. We're looking to supply some relief, but we

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don't want to act any quicker than we feel we've resolved the critical questions.

(#2750) Constance Ibsen stated that she appreciates the fact that Bob clarified what his intent was.

(#2800) Jason Ragan, property owner in the valley, testified next. He stated that the map shows real broad strokes when you look at the individual properties. When something is adopted, it's going to have to be comprehensive enough to where if somebody who lives in a place where you can build, someone needs to be able to determine that. When people heard the county was going to review this, some people got excited that it might actually be more site specific.

(#2900) Bill Dewey closed the public comment portion of the hearing. What is the direction of the PAC?

(#3200) Jay Hupp stated that we're not in a position to extract from the dilemma we are facing here. Jay stated that he appreciates staffs attempt to come forward with a change to the ordinance that would make things easier out there for those that want relief. There needs to be a resolution between what the consultant has come up with and the desire of the staff to come up with something that's more reasonable. There are a lot more hearings and a lot more information that needs to take place in order to bring a proposed ordinance together that compromises from both positions. The PAC really isn't in a position to be a mediator and Jay feels that's where the PAC is sitting on this right now.

(#3400) Terri Jeffreys stated that there's an opportunity here to at least put into the existing ordinance the ability for ag structures. One thing that needs to happen is this study needs to be ground truth along with the map. She stated that she would like to make a recommendation that something like that be done before it's considered again. She inquired why we're moving away from the map that Mr. Richert produced.

(#3500) Bob Fink stated that they didn't do the analysis that was done here during the Comprehensive Flood Hazard Management Plan. These zones were established because of depth of water and velocity and other concerns that came out of the analysis. All of these zones are part of this proposed ordinance. They weren't necessary under the current ordinance because the entire flood plain is a no new footprint area. They are called out in this current draft. It builds on the science and investigation that was done to the Comprehensive Flood Hazard Management Plan; it doesn't replace it.

(#3600) Terri Jeffreys stated that she would recommend a ground truth on that study, an opportunity for parcel specific appeal of designation accompanies with a geo report of some sort, some way for folks to get relief if they need to.

(#3650) Wendy Ervin stated that there were a couple of things said here tonight that really resonated with me. This entire thing is to work with what is a 12-hour flood. Water comes up; water goes down. So maybe this is a lot more than is necessary. We could dredge the river. It was also said that if this ordinance is passed, then it's cast in stone. That cannot be without some kind of an appeal process. If you hand the county workers lines on a map then it's very easy for them to say they can't do it. They have no creativity; they have no curiosity; they have no ability to deal with any kind of a more formal thought process, other than 'you can't do it'. She further stated she doesn't think they should be put in that position. Under 3.4 and 3.5, Abrogation and Greater Restrictions. It says 'This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail'. When people have bought a piece of property that already has easements, restrictions, covenants, this is what they purchased; this is the life they have chosen. To come in and make it more restrictive is wrong. That should be struck out. Under Interpretation, 'In the interpretation and application of this ordinance, all provisions shall be: (1) Considered as a minimum requirements'. Again, the county worker doesn't have any curiosity or capability of being inventive when they've got lines on a map and they can say no. If you say it's a minimum requirement, then they can invent and invent in order to make it more and more difficult. If we're writing ordinances, we've got to explain to the public how they can be in compliance with the law. You don't write an ordinance that says this is the minimum and then we'll add onto it when we wish. We need to strike out 'minimum'.

(#0130) Bill Dewey stated that PAC is not ready for action on this issue tonight. We have come up with some good input and we've found some areas that there seems to be some unified opinions at least on the

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PAC as far as direction that could be taken. We need an opportunity to ground truth the maps. We need the consultants to get out there with the landowners. Bill inquired if there could be some process where we can get these people together with the consultants, and improve awareness out in the valley.

(#0160) Bob Fink responded that this is the public process. Maybe we need another workshop in the valley and we can take that under consideration. Maybe we want our consultants to meet with the people in the valley that have said that they have information to provide us.

(#0180) Wendy Ervin inquired if it would be possible to write in the ordinance that this is an advisory area and that each case is going to be looked at specifically.

(#0185) Bob Fink responded that there's an issue about flexibility and discretion versus predictability. You can give an administrator too much discretion to make a decision on whether to build or not. There has to be very clear guidance. That guidance has to be in the ordinance and be clear enough so that the public has an idea they can anticipate in advance what the likely outcome is.

Bob stated that he want to make clear that the dikes that are in the Skokomish Valley are not flood control dikes in the way the Mississippi levees are flood control dikes. We require people to elevate above the base flood elevation so it's as if the dikes were never there. If those dikes fail, the valley fills with water, and people who are elevated should not have flood damage.

(#0300) Bill Dewey stated that it sounded that there was limited interaction with the consultant in their efforts to outreach initially. We have key information from people about how confusing the maps are for people to understand. We need to get out with decent maps and interact with these people. That would be useful.

(#0350) Bob Fink stated that the Skokomish Tribe has requested a peer review and that's a rather formal process that could take a rather long time and cost. We welcome any comments and we may do more to make sure people have had a chance to look at the documents.

(#0400) Bill Dewey stated that it was raised the need for a process to appeal the county map.

(#0450) Bob Fink stated there is an appeal process. There was also another change in the language in the section that lays out the no new footprint areas, there was new text added to clarify that we will use the best information available in making a determination whether you're in that zone or not. It's comparable to the language that was previously only in the conditional build area. That gives the staff the ability to listen to credible new information in making the determination of how these regulations apply. This is consistent with the way the county applies most of the critical area regulations. Even if the map shows a wetland on your property, and you don't have a wetland there, then you don't have to set back from that wetland. It's what's actually on the ground or what you can document. If the PAC is agreeable we would schedule this for the 18<sup>th</sup> and see where we stand at that point.

(#0550) Jay Hupp inquired if we could extend the hearing to a time indefinite.

(#0590) Bob Fink replied that that cannot be done. We would have to continue it to a time certain, which could be the 18<sup>th</sup>. Bob also stated that if the PAC was hesitant to continuing it to that time, we could just table it and readvertise it when we know a date certain.

(#0610) Jay Hupp stated that he would like to see it not come back until there's been a meaningful exchange between the consultants and the valley residents. There's so much uncertainty right now.

(#0630) Terri Jeffreys stated that she disagrees with the interpretation regarding the appeal process for a persons designation. Once a map has been established, these are the zones. In the language on page 24, 'The no new footprint zones are shown on the Special Flood Risk Zone Map, based upon best information available, but is subject to site verification'. She stated that reads that I need to go out and walk the property and make sure that your site actually sits within that zone, as opposed to I appeal that my property should not be within that zone.

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(#0675) Bob Fink inquired if it would be better to say 'site verification'.

(#0700) Bill Dewey stated that if we go through the process and we work with the consultants and they meet with the parties and the map is set that's fine, but inevitably there's going to be a party that wasn't aware with the process and has a disagreement and has the resources to hire an expert that can technically look at how the consultant arrived at these avulsion and channel migration zones and has the ability to contest it through appeal, that's what I'm looking at. We need that open process so down the road if somebody has the ability to do that they can.

(#0730) Bob Fink responded that it was intention to have that language in there. It was intended to have a map and this shows that where you wanted to build something is in a channel migration zone, and you want to contest that. We make sure we're interpreting the map correctly as it applies to the property. If it's a no new footprint area, that's rebuttable by a surveyor stating his findings, and the permit would be issued on that basis. The channel migration zone is not based on any one number. That's based on an analysis that is documented in study. Someone else could redo that analysis and provide additional information and they could make a credible case for changing that line, they could do that. Bob stated that if there's an application in, and a report done, we could review that and make the decision based on that new information. That's consistent with other things we do that's based on site specific, BAS. There's still the appeal process. Theoretically if someone went through that process and staff was reluctant to change that line because they lacked any imagination, then that administrative decision is appealable. It would be appealable to the Hearing Examiner, and we'll clarify that language.

(#0825) Wendy Ervin stated that her 'lack of imagination' issue is that she came to the county to inquire a particular piece of property and was told by a clerk at the counter that I couldn't build a rabbit hutch on that particular piece of property in the Skokomish Valley, even though it was small enough. You can't build a rabbit hutch because that's a structure, so I think that's a lack of imagination.

(#0848) Bill Dewey stated that we have a motion to close the public hearing and table this issue. The motion passes. So we'll move on to the next item, which is the proposed draft on the critical areas ordinance pertaining to the geologically hazardous areas.

(#0875) Bob Fink opened the public hearing. This report is the preliminary review of the county critical area regulations protecting Geologically Hazardous Critical Areas under the GMA. The review examined the recent science available since the adoption of the county regulations. All the existing regulations were adopted incorporating BAS as provided by the GMA. The review considers the county's experience with the regulations since their adoption to evaluate their effectiveness and implementation. The review also examines the regulations for consistency with and implementation of the Mason County Comprehensive Plan, as well as other requirements of the GMA. The county sought to identify new applicable science by requesting such information from its consultants, the Department of Natural Resources, and from other state agencies. The findings of this review is that a number of changes to the county regulations are recommended to incorporate recent science and to make the permit review process more effective and predictable.

The purpose of the Landslide Hazard area regulation is to identify areas that present potential dangers to public health and safety, to prevent the acceleration of natural geological hazards, to address off site environmental impacts, and to minimize the risk to the property owner or adjacent property owners from development activities. The changes we're considering are improving the geologic reviews. The Resource Ordinance has two levels of professional reviews; assessments and reports. The recommendation is to clarify the differences between these reviews and provide additional guidance for the review. By doing this it may be possible to avoid or reduce the rejection of reports because they're not adequate. The county is the process of mapping the geologic reviews so that such reviews can be identified. This process will also build the scientific information that may reduce the need for more detailed reports and the geology is more precisely defined.

### Seismic Hazard Areas.

The purpose of this regulations is to identify areas that present potential dangers to public health and safety, and to prevent the acceleration of manmade and natural geological hazards, and to neutralize the risk to the property owner or adjacent property owner from development activities. Types of Seismic Hazards include,



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Surface Faulting, Ground Shaking, Earthquake related ground failure and landslides, Lateral Spreading, Liquefaction, Lurch Cracks, Rockfalls, Differential Settlement, Regional Uplift, Seiches, and/or Tsuanamis. The recommendations are to update the maps and to improve the geologic reviews.

### Erosion Hazard Areas.

The purpose is to identify these areas that present potential dangers to public health and safety, and to prevent acceleration of natural geologic hazards, and to neutralize the risk to the property owner from development activities. The RO uses the landslide hazard geologic review section for some of the reviews in this section. Improving the reviews as noted above will improve this section. Where the geologic review is not needed, or when called for in the geologic review, and engineered soil erosion and sediment control plan is used.

### Anadromous Fish.

There was some special consideration for anadromous fish. The current regulations have specific provisions for that in the Fish and Wildlife Ordinance. We are looking at some way to enhance shoreline erosion control, such as bulkheads and their alternatives, dock design guidance, and the way the buffers are managed. While no changes are identified for these section of the RO, the county will propose some changes in other sections of the RO to enhance protection.

(#1175) Jay Hupp inquired of Bob to give a brief rundown on the increase in restrictions in this proposed revision as opposed to what's in existence now.

(#1182) Bob Fink responded that there isn't actually any increased restrictions. There is a difference and the primary difference is in trying to better define the difference an area where standard setbacks would apply because of the risk. The mapping does provide additional information on what areas might be affected, for instance, by liquefaction. If you're near (300 feet) of a landslide hazard area and you setback a standard distance, you simply do a geologic assessment, which is a review by a professional geologist or an engineer that confirms the conditions are as expected. The other cases where you want to build right in the landslide hazard area or within its standard setback, you have to do a more detailed study called a geological report. The language just clarifies when you need to do an assessment and when you need to do a report. There are no new restrictions. The setbacks in the Landslide Hazard Ordinance are totally voluntary in the sense that people can either setback and they don't have to do that extra analysis, or if they don't want to setback as much, then they do the extra analysis so they can assure everyone that their choices are reasonable.

(#1455) Bill Dewey opened public hearing portion for public testimony.

(#1500) Ed Wiltsie of J.W. Morrissette & Associates from Olympia testified. He explained that he is a geotechnical engineer and also works in the areas of hydrology and hydraulics and geohydrology, which he's functioned in that capacity for about 35 years. He stated he does numerous geological assessments and geotechnical reports in Mason County. He had the following comments:

1. The ordinance you have is a good ordinance and it's doing the job for the citizens, but one of the difficulties is that the level of understanding of the residents is very poor. Mason County is one of the more difficult counties to work in because of the variety of hazards that are here. An education program would be very helpful in the form of handouts to help people understand the environment that they are in.
2. Most people come in and they don't even have a site plan prepared. Ed requests that the ordinance be modified to require a minimum level of submittal so that the site evaluation process can start at a relatively constant level of client understanding.
3. Under Classification, A.1. f. is a definition of how you measure the average slope. This ordinance ties tightly back to if a slope is more than 40% and within 300 feet of it, you're into a geotechnical report, which could cost several thousand dollars. It's important to have a method of defining that average slope. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief. This needs to be more specific. To use the steepest 10 foot rise on the property is not reasonable. This determination can mean the difference between a geological assessment and a geotechnical report and the difference in cost.

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4. Under Permit Required Uses, there's a terminology issue there. We have geological assessments and geotechnical reports and there's a point in the test under C.2 where it mentions a geological report. There's no definition of a geological report in the ordinance.
5. Under Land Clearing, D.2.c., there's a portion in there that allows the pruning and trimming of trees and vegetation. One of the things that happens on a marine bluff is people love to clear the tree vegetation up to a certain height and that changes the center of gravity of the tree. The next thing that happens is the wind forces are higher up top than they are below now you've got something to cause it to fail. To allow that without control is asking for trouble.
6. Under paragraph D.6.a, Buffers, there's a minimum 50 foot vegetative buffer. That's mentioned in the ordinance, but the International Building Code also places a minimum 40 foot setback. There should be another setback here that has to do with the structural assessment rather than vegetation. It's not the 300 you discussed before. I suggest that a practical minimum would be 25 foot.
7. Under paragraph E.1.Category b, there are several categories here into which properties fall that require geotechnical reports to be done. You have a 300 foot setback if you have a 40% slope for a geotechnical report, and you have a 200 foot setback if you have a known landslide or debris slide. That should be the other way around. A 40% slope doesn't say you've already had a failure, but a known landslide says you've already had a failure. Either both of these should have a 300 foot setback, or they should be reversed.
8. Paragraph E.1 Category c has to do with setbacks from stream erosion. The minimum can be 100 feet, but there should also be criteria of a 3 horizontal to 1 vertical setback as well for deep incisions.
9. Paragraph E.(1), upslope geomorphology and the location of upland water bodies and wetlands should be included in the requirements of this section because these conditions often feed the groundwater conditions at a slope site and are part of the driving force for landslides.
10. Paragraph E.5(3), it's not clear whether soil borings are required are not. The requirement to describe the locations and provide logs for the holes and probes does not require that a formal subsurface investigation be performed. There is also no requirement for the number of test holes to be performed. The remainder of the requirements for the geotechnical report suggest that some form of precise soil strata and strength characterization is required, especially if a slope stability safety factor is to be calculated.
11. Paragraph E.5(6) regarding worst case failures. The type of slope stability analysis to be performed should be described along with the minimum safety factors to be targeted for the static and quasi-static analyses. Slip circle or elliptical failure surface analyses are considered to be more representative approaches for determining slope stability safety factors. Generally, the simplest and most readily available approach is the Simplified Bishop's Method of Circles. A reasonable slope stability requires a large number of analytical runs to find the minimum safety factor condition.
12. Paragraphs E.5(8), (9), and (12). Requiring recommendations related to drainage, site clearing, temporary erosion control and structural mitigation is more appropriate to the scope of a geotechnical report and helps to keep the cost of that report in a more reasonable range.
13. Stormwater infiltration of ponding should not be permitted on or immediately upslope of landslide hazard areas. Decorative ponds or water features should not be permitted on or immediately upslope of landslide hazard areas. Minimum setbacks should be established for onsite wastewater system drainfields in the vicinity of landslide hazard areas. If the minimum OSDS setbacks cannot be met, no variances should be granted, requiring the development of offsite alternatives.

People need to understand that these ordinances are designed to provide for public safety.

Ed stated he had no comments on the Seismic Hazard Areas Ordinance.

Erosion Hazard Areas.

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Regarding the Erosion Hazard Areas Ordinance, D.2., it states 'Based on the recommendations contained in the Geotechnical Report.' There's no introduction on where that came from. The Seismic Hazard Areas Ordinance has a very clear development for the logic there. That needs to be more defined.

Under D.4, Wet Season Operation. 'Clearing on an erosion hazard area shall be limited to the period between May 1 - November 1.' By November 1<sup>st</sup>, we have serious rain happening. Typically in most of the other jurisdictions I work, October 1<sup>st</sup> is the date you stop people from clearing.

Under Item #5 on page 14, it says 'The Soil Erosion and Sediment Control Plan shall provide for protection of the development area' ... There is nothing in here about slope protection. They're all silt fencing and mulching; there's no plastic sheeting or jute matting which are the kinds of things you would use if you had a slope environment. There needs to be additional language in here in terms of other optional Best Management Practices (BMP's) that can be used on these slopes.

(#2950) Bill Dewey closed public testimony portion of the hearing on Geologically Hazardous Areas. He inquired of the PAC what direction they wanted to go on this issue.

(#3000) Wendy Ervin stated that some of the suggestions need to be incorporated into the ordinance.

(#3025) Diane Edgin agreed with Wendy's statement.

(#3050) Bill Dewey stated that on page 6 regarding the Geologic Reports, he needed some clarity under Applicability.

(#3100) Bob Fink responded that the idea is the record on what area should be regulated under the landslide hazard area is 300 feet from the landslide hazard. It's a quirk of history that the current language reads 250 feet from the buffer because at the time there was a 50 foot buffer that they discussed in the ordinance, and then to establish the jurisdiction in the ordinance, 250 feet was added to that. The science was that in 300 feet of a slope is an area that should be analyzed for risk.

(#3187) Bill Dewey stated that staff should take the time they need to incorporate recommendations that we heard here tonight that you feel are appropriate and then bring it back to us on September 18<sup>th</sup>.

(#3200) There was a motion made, seconded, and passed to have staff make those changes and then bring them back on the 18<sup>th</sup>.

(#3250) Barbara Adkins introduced John Keates as the new Parks and Recreation Manager. She explained that on the 2006 work plan there is an item to update the Parks and Recreation Comprehensive Plan. It is required under GMA that our Comprehensive Plan be updated to include the Parks and Rec Element. We have not had an updated Parks and Recreation Plan since 1996 so we've been ineligible for grants and other funding sources because we don't have a current plan adopted. We asked the BOCC to appoint a Parks and Recreation Advisory Committee that was advertised in April and we received applications in May and appointed a committee of nine people in the beginning of June. They have met several times and they're providing us with some input from their backgrounds and their expertise in parks and recreation. We put together a parks survey that went out to the community to get a feel for what Mason County wants as far as Parks and Recreation go. We're not specifically addressing trails right now because we need to do an all out Trails and Rec plan next year. This year we will be concentrating on parks. There were 15,000 copies of the survey printed and sent out. We've had a tremendous response from this so we're optimistic we're going to get a lot of data from that. There was two public workshops, one in Belfair, and one in Shelton to try to get people out to give us their opinions. We showed them where all the different parks are in Mason County; some they were not aware of. You have a copy of what the plan looks like now. We will be adding the survey results and level of service standards are missing. We wanted to bring you up to speed on where we are and what we've done with it. We will be coming back with another workshop with you when we get all the analysis written up.

(#3640) Terri Jeffreys stated that it's interesting that goals have been developed before we've looked at survey results.

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(#3650) Barbara Adkins responded that between the Advisory Committee and the analysis of the survey results come in, you can start fine tuning them. We have to start with something for the goals and if they don't fit with what the community shows that they want, then we can change them.

(#3730) Terri Jeffreys added that it would be helpful if some of the members from the Advisory Committee could be here when we consider the element.

(#3750) Barbara Adkins responded that that is something they have considered. When we come back with a better version, we will invite them so you can have a conversation with them about how they arrived at some of the input.

(#0100) John Keates added that the surveys so far reflect the top items mentioned more are trails; walking, biking, and equestrian. Also, swimming was mentioned, which might include a swimming beach or a pool.

(#0120) Terri Jeffreys inquired about the funding mechanisms. She inquired if there was any discussion about this going out to the voters to ask them to tax themselves on something like this.

(#0130) John Keates stated that they will gauge that on the results of the survey. He further stated that when we go through the Capital Facilities Element and Plan, funding will be a part of it. Bonds would certainly be something to consider. That's one of the possibilities along with grants.

(#0155) Bill Dewey inquired about the public outreach aspect of it.

(#0165) Barbara Adkins stated that they will revisit the plan to incorporate new public comment.

(#0200) John Keates added that the first meeting with the Parks Advisory Committee he gave a power point presentation on the parks and there were a few members of the committee who have lived in the county for 20 or 25 years and were unaware of some of the sites the county has.

(#0250) Jay Hupp inquired if there has been any contact with the chambers.

(#0285) John Keates responded that they are intending to meet to discuss this very topic.

(#0300) The PAC thanked Barbara and John for their updated information.

(#0325) Discussion about upcoming meetings. They are September 11, 18, and 25, and October 2 and 16.

(#0400) The PAC acknowledged Steve Clayton's service and participation over the years.

Meeting adjourned.