

MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes
September 25, 2006**

(Note audio tape (#3) dated September 25, 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, Diane Edgin, Wendy Ervin, Terri Jeffreys and Jay Hupp. Everett Hughes officially resigned from the PAC. Bill Dewey was excused for the October 2nd meeting.

Staff Present: Emmett Dobey, Steve Goins, Bob Fink, Allan Borden, Susie Ellingson, and T.J. Martin.

3. APPROVAL OF MINUTES

The minutes from the August 21, 2006 meeting were approved as presented with the following requested changes:

(#0400) Clarify first sentence of last paragraph on page 2.

(#0650) Should read 'Charlie Butros stated he was not aware of any precedent set for that'.

4. NEW BUSINESS

(#0050) Terri Jeffreys requested an agenda item be added. There is a contingent of people here that would like to have the opportunity for public comment in a more generalized nature and not on the public hearing items already on the agenda. She inquired what the procedure would be for that.

(#0075) Emmett Dobey responded that it would be appropriate to handle that in the same manner as the BOCC does. There would be a 15 minute public comment period with each speaker having a 3 minute

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comment period.

(#0150) Matt Matayoshi of the Economic Development Council spoke first. Matt stated his comments are regarding the Critical Areas Ordinance update and the draft that's in process. Matt added that he recognizes the county has put in a significant amount of time and effort creating a draft. These comments are focused largely around the process as well as the contents of the document itself, mainly pertaining to the wetlands issue. Matt stated that there are several communities in the State of Washington that are reviewing this issue of CAO's, particularly the buffers surrounding the critical areas. In the case of two other counties, there's been a large amount of public involvement and a considerably longer time line to adequately inform citizenry and receive input from all the stakeholders involved. One concern with the process here in Mason County is that little time has been given for public comment and that public participation has only been requested long after the draft ordinance has been completed. It would seem more effective if the public were involved in the creation of the draft rather than requesting input once the product has been completed. The draft ordinance was released to the public on the 11th of this month and it's anticipated that the approval of this document through this commission will be done on October 2nd. That seems like an extremely short period of time to review such a document. Also, there are questions that remain as to how this ordinance will be implemented in the UGA's as well as the rural areas. It would be disconcerting if this was a one size fits all approach. The implementation of this ordinance in the UGA's also raises concerns about concurrency as the City of Shelton is going through a similar process this year. We know that it is likely that parts of the UGA will become permanent to the city at some point. It would seem appropriate to have some level of concurrency and coordination between the county and the city on the subject of critical areas. There are also questions surrounding this proposed ordinance compared to our existing ordinance. Those questions are: How is our current critical areas ordinance serving us? What is the catalyst for proposing major changes to this ordinance? It may be helpful if it would be illustrated as to how the existing ordinance has not given an adequate amount of protection to the critical areas. The other issue is around setbacks and how we define and determine them with BAS. The public workshops that were done in June but were very conceptual early on in the process. Matt also asked that there be consideration in the timeline and the ability to give input.

(#0350) Brandon Houskeeper, the Government Affairs Director for Olympia Master Builders Association testified next. Brandon spoke on the process of the critical areas review process. He stated that he represents 5 counties and the cities that reside in those counties. He stated that he has heard nothing about the process of what's going on in Mason County as it relates to updating the CAO. He stated that is very troubling to him as a person who has served on technical advisories for review of BAS for CAO's. He is troubled by the vacuum we seem to be operating in. Brandon stated that he only received the BAS on Friday from concerned people in the area. He stated that it's confusing and hard to understand as compared to other jurisdictions. He stated that the BAS documentation consists of only some references to some state websites which would be insufficient based on the records from other jurisdictions. He encouraged the PAC to stop looking at CAO's and get this thing on track; get the community involved. He stated that we need to get a technical group going to properly get the documentation that the county will need to protect itself from litigation.

(#0450) Casey Cronquist of the Shelton-Mason County Chamber of Commerce spoke next. He stated that he's representing the Governmental Affairs Committee of which there are approximately 7 members who just recently heard some of the details relating to the material that is being discussed this evening. Casey said that they are interested in seeing a more public process. He stated they need to allow organizations like theirs to engage their membership to get the public information to them to get the feedback that is needed. We need more time and opportunity to look at these issues.

(#0470) Kristy Buck from the Mason County Association Realtors spoke. She indicated that they too have felt they didn't have enough time in this process for a proper review. Things get posted on the website September 18th for the hearing on the 11th. She stated they feel like they're really scrambling to keep up with this process. She stated that they would like to propose a stakeholders group formed and have more involvement in this process. She added that she agrees with everything the previous speakers stated.

(#0500) Emmett Dobey responded to the comments by inquiring if they would be able to sit down and talk about the issues. Emmett agreed to set a meeting. There was a discussion with the PAC regarding the PAC update item on the agenda. He proposed an alternative of having it at 5:00 on the 16th or perhaps another

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evening. PAC responded that 5:00 on the 16th would work.

Emmett continued on by stating that for the last several months they have been working with a group of consultants to look at sewer issues in Mason County. We are at a point that it was very important that the PAC hear what we're doing, both in Belfair and the North Shore, and in Hoodspout as far as sewer planning is going. Two weeks ago we signed a Memorandum of Understanding with the Skokomish Indian Tribe, PUD #1, and ourselves, that we lay out the planning process in the Hoodspout and Skokomish area. Tonight we have a group of consultants here to give a presentation. Linda Hoffman, who was formally the administrative director for Thurston County, and following that was DOE director. Tom Berry, who is with Murry, Smith and Associates, who has been working on the Belfair / North Shore plan for a number of years. He formally was the executive director of the LOTT treatment facility in Olympia. Along with Linda, Mike, and Art O'Neal, they recently formed a consulting firm to help work with local governments.

(#0625) Mike Sharar started the power point presentation. This evening we wanted to touch on a number of points that Emmett has outlined for you which are the activities underway in the Belfair UGA and the Skokomish region. In Belfair there are elements that are about to be produced that will impact the PAC directly and there may be a facilities plan somewhere in the future for the Hoodspout RAC. A facilities plan is if you're going to deal with wastewater or septic systems it's a good idea to have a plan. In Mason County there is a process that says the facilities plan for a sewer region needs to be a part of the Comprehensive Plan.

There has been a Belfair facilities plan for some time and everyone is waiting for the facilities. The last plan envisioned taking Belfair wastewater to Allyn for treatment at the North Bay plant. That is going to change. The plan addressed wastewater management in the Belfair UGA and is consistent with approved GMA plans. The amended plan will be coming to the PAC for consideration in a short time and we will be sharing with you that schedule. The Belfair sewer area is outlined for you to see. North Shore is not part of the Belfair UGA but it is the subject of a health hazard notification by the county DOH and state DOH. North Shore is designated as a rural area even though it is rather densely developed. In the last several months, Tom at Murray Smith and Associates, has completed an enhanced parcel review which looked at sources of the problems resulting in the health hazard warning. The results of that say it's probably septic tank water coming into Hood Canal that is a major part of the problem.

(#0755) Bill Dewey inquired about the level of depth the investigation has been based on and if it included dye testing.

(#0675) Tom Berry responded that there was some dye testing done and there's been intermittent studies done in the area by both the state and the county.

(#0775) Mike Sharar referred to the red zone map. It shows the North Shore area where there are a fairly dense number of parcels and all of those are developed and the use of those parcels has changed over the years from summer time occupancy to full time occupancy. Using that and soils information, Tom prepared this graph. The green shows areas not likely to be contributing to the problems in Hood Canal and Lynch Cove. The yellow are the areas that may be contributing. The red areas are the areas most likely contributing to difficulties in Lynch Cove. The state park is another important part of that picture.

(#0822) Terri Jeffreys inquired about the health hazards and if that was a combination of nutrients.

(#0830) Mike Sharar responded that health hazards generally relate to fecal chloroform bacteria. Nutrients are another factor, but that will not result in a health notice. That will result in problems like we've seen most recently in the canal with low dissolved oxygen.

(#0865) Terri Jeffreys pointed out on the map that it seems like the areas that had higher density were not areas identified as being the problem.

(#0870) Mike Sharar responded that the areas with the higher density of parcels, 1) not all the parcels are built on, and 2) the underground water will tend to carry the untreated waste from septic systems to the receiving water of Hood Canal. So along the shoreline when you have fairly dense development close to the

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shoreline that's where you'll find problems.

(#0900) Tom Berry added that how they developed this map was they had a hydrogeologist look at the area and studied the characteristic of soils, how deep it is to groundwater, and developed a ranking criteria. It was developed by taking an overall look and not studying individuals parcels.

(#0960) Tim Wing stated that there are major areas of those red zones where there is no homes, and inquired why are they red.

(#0965) Tom Berry responded that it's an area where they defined that there's a likelihood or a possibility of someone trying to build there that could contribute as well. It also has to do with the potential for problems.

(#1000) Mike Sharar stated looking at the North Shore area and focusing entirely on existing development it appears that sewers are the most reasonable public health solution given the soils situation. The BOCC has given a working direction that we should consider sewerage in the southern red zone, and that's the area right along the water. Working with Community Trade and Economic Development (CTED), a Limited Area of More Intensive Rural Development (LAMIRD) has been proposed as a suitable approach for handling sewers in this area. A LAMIRD seems an appropriate way to handle the situation and that requires action by the PAC and the BOCC to create such a designation for a limited area in the North Shore area.

(#1150) Linda Hoffman added that the exact lines of the proposed LAMIRD and sewer service area will be brought to you as a part of the proposed facility plan amendment and Comp Plan amendment.

(#1170) Wendy Ervin inquired if the boundaries of the LAMIRD and the boundaries of the sewer service area were going to be the same.

(#1180) Emmett Dobey responded that the LAMIRD area will include a much bigger area than just the red zone area.

(#1200) Mike Sharar continued on stated that other sewerage as needed would come along in later phases with additional pipe. The original pipe for the first phase would be capacity limited to that phase only. If additional sewerage is needed then a second pipe would be built to handle that capacity.

(#1240) Tim Wing inquired about the reasoning behind that.

(#1250) Mike Sharar stated that the WWGMHB has interpreted the GMA in such a way that a sewer line going through a rural area is essentially not supposed to exist. If it does exist by virtue of creating a LAMIRD, the limited area includes limiting the size of the sewer line. The treatment is imagined to be to the south and east of the UGA and it will treat water there; it will not be sent to the North Bay treatment plant as is currently envisioned. It will be treated to Class A standards, which will be water that is usable for every purpose except routine daily human consumption. The intent is to use it to irrigate forest lands off to an area south of the power line. In the winter time, it will be infiltrated into the ground. This practice is very common.

Mike showed a schedule for the items that were discussed. On October 11th there will be a general information meeting about the process that is going to be going forward in Belfair. On November 9th we expect to issue a draft EIS. On November 15th there will be a public workshop about the EIS. On November 28th, we envision a public hearing about the EIS. On December 18th, we hope to have a public hearing before the PAC regarding the LAMIRD and the facility plan. On January 8th a public recommendation would be appreciated from the PAC and on the 23rd and 30th it will go before the BOCC. That's the current schedule as envisioned.

(#1540) Tim Wing stated that where the sewer is located in the area of Belfair is going to have a large impact on where future development goes. He inquired where on that schedule can people expect to be able to go to voice their concerns.

(#1565) Mike Sharar stated that on October 11th there will be a public meeting at the Theler Center regarding the process.

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(#1575) Tim Wing further inquired if there would be a map available for where the plan is.

(#1580) Mike Sharar responded that there will be a map available for viewing. Regarding the Hoodspport / Skokomish area. This is a region that has been defined by a study that was done towards the end of last year called the Alternatives Analysis for this region. All of the area is served by regular septic tanks. Finch Creek has experienced elevated fecal chloroforms. Nitrogen is a significant issue in this area. We have seen in recent days a fish kill that gives us further certainty of dissolved oxygen in Hood Canal. There is a direct relationship between nitrogen coming from ground water into Hood Canal. The county, PUD #1, and the Tribe have signed a Memorandum of Understanding and these three entities are each considering what to do about wastewater management and now we have a path forward to deal with the issue. The MOU guides our wastewater planning. It specifically is based on a report that will be coming out in the next week or so. The Alternatives Analysis study looked at the possibility of serving the entire region with a central plan. An extensive sewerage would be a great solution to take care of all the problems, but it would be unbelievable expensive and it's contrary to the GMA. So we're looking at non traditional approaches. We're going to be looking at options to deal with very localized, block by block or groups of lots by groups of lots solutions. The area has been broken up into three planning areas. The Hoodspport RAC has been assigned to Mason County but all three partners are going to be involved in every area. There's the Potlatch area and the reservation area. The essence of what we intend to do in each of these areas is look at what's there, look at the soils, see what opportunities exist short of widespread sewerage and find ways to manage the wastewater effectively. Between now and the end of the year we will be following a series of steps that we have outlined for each of the planning areas. These steps will lead us to proposed projects for each of those areas so by the first part of next year we can begin designing and start the facilities process for each of those areas. We are going to be using the public process to help drive the effort forward.

(#1950) Allan Borden opened the hearing on Non-Conforming Land Uses in the Rural Area. The proposal is the review of certain properties around the county that were designated as Rural Residential but have on them land uses that existed between July 1990 and December 1996. They are non residential in nature, with most of them commercial or industrial related. This review is to determine whether it's appropriate to take the next step and change the zoning of these properties to the appropriate land use. Zoning in the county was adopted by the BOCC in March of 2002 and that zoning applied to the rural areas. The Development Areas map indicates the major zoning of rural residential density. There are 175 properties that were in existence that had non residential land uses on them. The list is attached in the DR's. There were a certain number that had land uses on them during that period of time that were zoned RR5. This review is to look at those properties and determine if it is appropriate to change their uses. This was initiated when a property owner contacted the BOCC and asked whether the zoning of their property could be reconsidered for appropriate zoning. Attached to your staff report is a list of 14 properties. This table identifies what their current use is, when they were established, what are their locations in relations to other non-residential land uses, and if these were zoned to their respective land use would there be an effect of sprawling. Changing the zoning of each of the parcels would not change the general nature of the non-residential land use. It was felt that if the property stayed as a non-conforming land use the property owner might have more difficulty in securing financing for improvement or continuing operation of that land use. One particular parcel, the Washington Home Center, staff found that it wouldn't be appropriate to change it from RR5 to a proposed zone. Manufactured Homes Sales or similar Motor Vehicle or RV sales are only permitted in the UGA's, as shown in the DR's. When the Taylor Town RAC boundaries were discussed several proposed areas were evaluated. One proposal consisted of an area south from the Shelton UGA boundary to Kamilche, and included the Washington Home Center parcel. This proposed area was not supported by the City of Shelton and was dropped from consideration by Mason County in late 1999 or early 2000. Based upon this review, staff would recommend adoption of a recommendation to the BOCC to approve zoning the 13 properties to the appropriate zone.

(#2300) Jay Hupp inquired what the possibility was of changing the zoning regs so you could accommodate the request from Washington Home Center.

(#2325) Allan Borden responded that it can't be done without a major effort.

(#2350) Miscellaneous discussion.

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(#2425) Terri Jeffreys stated it would have to be a text amendment done in the Comp Plan.

(#2490) Tim Wing inquired if these parcels could expand.

(#2500) Allan Borden stated that a non-conforming land use can expand but it can't occupy an area that it has not occupied in the past. They can only expand into a developed area, such as a parking lot.

(#2550) Bill Dewey inquired about what was unique about these 14 parcels from the rest of the 175 parcels.

(#2575) Allan Borden responded that they were either parcels that were overlooked when they were initially zoned in 2002, or they were land uses that existed after July 1990 and were permitted to build up to December 1996.

(#2650) Bill Dewey opened up the public testimony portion of the hearing.

(#2675) Chuck Hampton from Washington Home Center testified. Chuck submitted a letter into the record as a formal request to change their zoning that was exempted out of the 14. In mid 1995 the Washington Home Center approached Mason County and worked through the process of starting a development process to take this existing 6 acres and develop it into manufactured home sales with future expansion. They went through the permitting process and it was determined this was commercial property. In 2000, without our knowledge, we were informed there were some changes being made through GMA to change it to RR5. In 2003 our company worked with Simpson Timber to do a BLA that would increase our acreage to 11.5. This BLA was approved by Mason County in 2003, and unknown to us was the fact that Bob Fink had gone through a process of rezoning this property to RR5. Last year we started the process for expansion of our property and at that time I was informed that we couldn't do an expansion because of the rezone to RR5. There was nothing in our files indicating the rezone. So effectively a property worth a couple of million dollars is being rezoned to RR5, without an inclusion of the BLA. So nowhere legally in Mason County could you have mobile home sales except in UGA's. Therefore based on this whole process we've tried to work with Emmett, Bob, and then Allan for an entire year on this. I worked with Allan while he was doing the staff report and it wasn't until last Friday that I even found out what this report would be. I inquired about this and was told the mobile home sales were deleted from the RAC. So we have been trying to expand and pull in more revenue in this county and now they're saying we don't have the zoning so we can't expand it or sell it. We can't exist and continue to grow. Chuck requested the PAC to look at what staff has done and the history of what the county has done and allow us to grow.

(#3200) Bill Dewey inquired if a potential solution to this problem is for the county to consider manufactured home sales as a list of approved activities in a rural commercial zone.

(#3250) Chuck Hampton stated that was correct.

(#3300) Bill Dewey stated that should be a fairly simple agenda item for us. We need to get manufactured homes sales in the appropriate rural commercial zone. Then we can consider your request for a rezone.

(#3385) Allan Borden responded that if you changed manufactured homes sales to RC3, which would seem appropriate, we currently have a provision that says that RC3 zoning can only occur in RAC's. This is not a RAC. We would have to change the boundary of the RAC.

(#3450) Miscellaneous discussion.

(#3600) Bill Dewey stated that based on the facts we have tonight we cannot grant the rezone. He further stated that he would like to see staff do additional work to try to come up with a solution to the problem and make a commitment to get it on our agenda.

(#3650) Jay Hupp stated this is a larger issue than just this one parcel. The other thing that was cut out was those 3 or 4 businesses north of there on the same side of the highway that were originally in the Taylor Town area that are now all non-conforming businesses. That needs to be addressed as a package.

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(#3700) Wendy Ervin stated that it's incumbent upon us to find a solution for his problems because a permit is a promise and a contract and we've heard several occasions when the county has taken that back and that's wrong. What Washington Home Center did, they did legally and by changing the zoning, the county rescinded their contract.

(#3750) Rod Richards, owner of Washington Home Center, testified next. To leave this as non-conforming leaves me in a quandary because there's a note against the additional acreage from the BLA. As that note comes due, you can't renew the note because it won't be appraised the same as it was previously. We have someone who wants to come on the property and build 2 or 3 site built homes and we also have opportunities to put RV dealers in there with us. We do 10 million dollars in revenue from that store. We didn't even get a notice or a mailing that the changes were going to happen with the RAC. Then we bought the other property. We thought we would potentially be able to develop that. It makes it difficult to work with any of the agencies that put you in this position. We've sat here calmly waiting for this and now a year later we still can't do it. I'm hoping this can be worked out. I appreciate any help you can give us.

(#0250) Jay Hupp stated that he's watched this particular business be walked on by GMA for at least 6 or 8 years and your business is an example of the worst that has happened to business in Mason County by the GMA. You have a problem that needs to be solved.

(#0350) Bill Dewey stated that anything the PAC can do to accommodate it in the agenda we will do that. We will ask staff to resolve the conflict you brought up before us tonight. Bill closed the public comment portion of the hearing.

(#0400) Terri Jeffreys made a motion to accept staff's recommendations for the 13 properties to be rezoned as stated in the staff report.

(#0425) Jay Hupp seconded the motion.

(#0430) Bill Dewey asked for a date specific to consider this rezone request. The motion was amended to include Item #7 for Washington Home Center to be tabled until November 6th.

(#0485) Wendy Ervin stated that Purdy Creek Espresso should stay as a non-conforming use. If these people discontinue the use, she stated that maybe we don't want that to change into another restaurant location. She stated that when that use is discontinued she would like to see it go back into RR5.

(#0520) Jay Hupp stated that there are literally hundreds of businesses out there that fall into this category. He further stated that the reason there's only 175 is that's the total number the county could pull off the Assessor's Rolls that had themselves in a rural area and classified as a commercial business. There's actually thousands of them out there. As long as people come forth with legitimate businesses and want to have their zoning changed, we ought to work to accommodate it.

(#0540) Wendy Ervin inquired if these were all business people who have come and asked their properties to be rezoned.

(#0555) Allan Borden responded that no one, other than Washington Home Center, came out and asked for the change.

(#0575) Jay Hupp inquired how the other 13 came up.

(#0585) Allan Borden responded that he reviewed ones that he was aware of and he actually generated the list.

(#0625) Miscellaneous discussion about Rural Industrial uses.

(#0640) Terri Jeffreys asked Allan Borden to cite the permitted uses in Rural Industrial.

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(#0650) Allan Borden stated the permitted uses in Rural Industrial are manufacturing, warehousing, truck yards, and contract yards.

(#0700) Bill Dewey stated that it would seem more logical that we wait until the property owner contacts the county and requests they be rezoned.

(#0744) Jay Hupp stated that this is a good opportunity to start moving in this direction. It has to move in the direction to recognize those businesses who are legitimate rural businesses. This is a good step.

(#0770) Bill Dewey inquired why more people haven't come forward to make these requests.

(#0780) Jay Hupp explained it's because people don't know the background of the trap they were put in.

(#0835) Bill Dewey inquired if there was any further discussion on the motion. The motion passed.

(#0875) Allan Borden opened the public hearing on Educational Learning Center Land Use. The proposed changes to the Development Regulations to permit a land use of Educational Learning Center on resource lands. In discussions with the Pacific Northwest Salmon Center on a proposed environmental learning center adjacent to the Belfair UGA, staff found that such land uses are not permitted in the matrix of land uses contained in the Mason County Development Regulations. DCD has proposed that educational learning centers be an allowed use in Resource Lands and the review would be with a special use permit. It's anticipated that schools or resource based organizations could propose to establish education or environmental program land uses on long term commercial timber or ag resource lands that are compatible with those resource land uses and the proposal would be subject to a public review through a special use permit process. Also proposed is the definition of Education Learning Center to be added to the DR's. On the matrix we would add a land use called 'Educational Learning Center'. It would be an appropriate provision as there are ag resource lands that are nearby within 3 miles of Pioneer School, Hood Canal School, Shelton Schools, and Mary K. Knight. Since the proposal would be by special use permit, adjacent property owners would be informed and provide input on the proposal.

(#1150) Randy Neatherlin, Pacific Northwest Salmon Center board member, testified first. He stated that our board is requesting a proposed text amendment that would allow us to add into the ag resource land an environmental learning center. It's necessary to have the location on the area where we're going to be teaching, which are the wetlands and waterways. He also pointed out that the special use permit will limit the footprint of the building to 7,500 sf., and the building height to 35 feet. This will ensure keeping the rural nature of the area. Randy is requesting a positive recommendation to the BOCC on this issue.

(#1215) Tori Dulemba, Administrative Manager for the Pacific Northwest Salmon Center, testified next. She asked the PAC to please consider the request. You do currently allow public parks on ag resource lands and that includes things like concessions and exhibit buildings, and interpretive buildings. Our use will be no different. Our feasibility study says we might get 30 thousand people a year, whereas Belfair State Park gets 500 thousand a year. The salmon center is recognized in the Comp Plan. She stated they were also working in conjunction with the Mason County Conservation District and the Washington Department of Fish and Wildlife and that will bring an agricultural prospective to what we do. The special use permit would absolutely limit our ability. We did originally talk about a 40,000 sf building but we are not looking at that now.

(#1340) Terri Jeffreys thanked Tori and her board for maintaining the vision through some tough times.

(#1400) Herb Gerhart testified next. Herb stated he is a local resident and he has been monitoring the Salmon Center meetings for the last year. He is impressed with the changes they have made over the last year and from what he's seeing he fully supports the concept. The Theler Center is in existence right now and he stated that he thinks the two of them will melt together just fine and enhance each other's trail systems.

(#1450) Ken VanBuskirk of Belfair testified next. Since the PNWSC initiated this Ken inquired if all the adjacent land owners were informed of this public hearing.

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(#1495) Allan Borden stated there was no requirement for that.

(#1500) Ken VanBuskirk also stated that he was disappointed in staff because he had asked in May and July to be kept informed of this and didn't find out until last Monday that this was going to happen. He pointed out that the PNWSC project totals 90 acres and is much more than a special use permit. It should be evaluated under the rezone criteria just like all the others. He stated that his review of the project shows the intent is to flood 45 acres, convert 15 acres to stormwater ponds, leave 10 acres as forested land, and on the remaining 20 acres there will be buildings, parking, landscaping, and demonstration gardens. Ken stated that if this revision is approved it will ultimately lead to unnecessary conversion of current regulated wetlands and /or ag resource lands under the auspices of an educational opportunity. That is already in place through the North Mason School District and it's already allowed as a permitted use in ongoing ag lands. The GMA requires preserving farm land; the PNWSC proposal does not do that. This land use revision is unnecessary and the project should go through the Comp Plan amendment and rezone request process.

(#1600) Tim Wing stated that he knows Ken is an avid supporter of preserving the Union River and keeping the land in a natural state where possible, and Tim stated that he is confused by Ken's opposition to this particular program which converts farmland back to its original state.

(#1635) Ken VanBuskirk responded by stating that it's already a wetland and a farmland. Most farmlands are wetlands. Ken stated that half of the year their farm is a wetland.

(#1650) Tim Wing stated he senses an opposition of the Salmon Center from Ken and it seems like the area we're talking about isn't anywhere near as wet as it was in the beginning.

(#1666) Ken VanBuskirk responded that they are wetlands right now.

(#1690) Bill Dewey closed the public testimony portion of the hearing and asked for discussion from the PAC.

(#1695) Tim Wing inquired about the comment regarding notifying the neighbors on this issue.

(#1700) Allan Borden responded that the topic tonight is not the PNWSC's proposal. The proposal tonight is the creation of a land use educational learning center. Their proposal supports the need to have this kind of land use provided in the DR's. Since this is a general provision that applies all over the county we couldn't afford to notify every property owner in the county. It is anticipated that when the PNWSC does indeed finalize a proposal they will submit a special use permit and it will be heard in front of the Hearing Examiner and adjacent property owners will be notified.

(#1775) Tim Wing stated that he is in favor of these types of proposals and it's a good idea to have those kinds of centers in the Tahuya River Forest and many other places where we are already using some of those spaces for educational purposes.

(#1800) Bill Dewey echoed Tim Wing's comments. He stated we are a natural resource based county and it is really crucial to educate the community about what those resource based industries are doing and the opportunity to have them there is important.

(#1850) Tim Wing made a motion that we adopt staff's recommendation.

(#1875) Terri Jeffreys seconded the motion.

(#1880) Bill Dewey asked if there was any further discussion. The motion passed.

(#1925) Bob Fink opened the hearing on the Critical Areas Ordinance update for the Fish and Wildlife Habitat Conservation Areas. This update is mandated by the GMA in Washington State. There are a number of changes proposed. The review examines recent science available since the adoption of the county regulations. All of 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

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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. There have been prior public workshops on this on May 15th, June 5th, and June 12th. The review on this update showed that there are a number of changes to the county regulations recommended to incorporate recent science and to make the permit review process more effective and predictable. The Resource Ordinance states 'Fish and Wildlife Habitat Conservation means land management for maintaining species in suitable habitats within their natural geographic distributions so that isolated populations are not created. This does not mean maintaining all individuals of all species at all times ...' The saltwater shoreline, lakes, streams and the buffers around them are the principal areas that are identified as critical habitat areas. In addition, this ordinance provides a process for identifying critical habitat away from these areas for a number of species listed in the ordinance.

Mason County regulations for protecting fish and wildlife critical areas were adopted about three years ago using BAS. Since that time additional scientific information has been developed including a number of site specific habitat management plans. Based on this new information and experience, county staff has worked with a consulting firm, Geo Engineers, to develop a number of recommendations for how the regulations might be improved. The county is interested in making changes that improve the clarity of the text, that reduce the cost of compliance for the public, and that lead to successful outcomes consistent with the purpose of the regulations.

Based on the review that has been conducted so far, a number of regulations have been identified for updating. These are: changing the stream typing system, adding language to protect anadromous fish and other priority species, providing some standardized conditions for dock design and construction, improving HMP's, improving provisions for shoreline protection (such as bulkheads), strengthening danger tree mitigation, and including activities common on the shoreline but not addressed.

Stream Typing. The RO uses a stream typing system developed by DNR. DNR has updated the system to one that has different classes of fish bearing and non fish bearing streams. Applicants and county will be better supported with the revised system, it will be consistent with many other jurisdictions, and it should be easier and less expensive for all involved.

Anadromous fish and other priority species. The draft includes a number of changes that should benefit anadromous fish. (Anadromous fish are those species like salmon that are born in fresh waters and spend some of their life in salt waters). These changes would include BMP's for near shores and uplands.

Dock design and construction. The RO provides minimal specific guidance for docks. Conditions should include provisions to minimize shading from docks and otherwise limit their impacts.

Habitat Management Plan process. The RO currently has a number of requirements for the preparation of HMP's. These plans are prepared by professionals and are reviewed by WDFW and tribal biologists. An HMP is usually required when projects that might have some impact to the critical areas are proposed. A number of fairly standard and beneficial BMP's have been developed over the years. This proposal includes BMP's to make preparing and monitoring of the plans easier and more successful.

Shoreline and bank stabilization. There are a variety of techniques for protecting the shoreline from erosion when property and buildings are at risk. The RO language has been modified to provide for better guidance and consideration of alternatives.

Danger trees. In making sure the danger tree provisions are used and not abused we're trying to do that in a way that doesn't put an excessive burden either on property owners or staff. We have a proposal that does require county review early in the process, but we do want to have a threshold exemption so that people don't have to come to the county and get prior permission if it's simply 1 or 2 trees within a reasonable time frame. Leaving downed trees in the buffer as habitat is proposed as BMP for HMP and is consistent with BAS. Consistency in the danger tree requirements for wetlands and fish and wildlife areas will also make the regulations easier to understand and apply for the public and staff.

Addressing more shoreline activities. There are a number of activities that are often allowed on the shoreline by the SMP, but not explicitly addressed in the RO. These include stairways and stair towers. The ability to

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get RO permits for these activities is clarified with standard management practices to guide the applicant and review.

Our request is for a recommendation to the BOCC. Depending on the comments and discussion, you may want to delay the decision until the October 16th meeting. Bob stated he has a request from WDFW to extend the time to accept written comment until October 16th.

(#2500) Terri Jeffreys commented that the idea that there are areas of your county that are going to be more suitable and more valuable to be protected as habitat and that regulations should concentrate on preserving and restoring and enhancing the functions and values of those areas knowing that downstream where you already have development you're probably not going to get back any of those functions and values especially when it comes to habitat. So it recognizes there's better places to put your regulatory efforts rather than imposing a large buffer along the entire stream.

(#2575) Bob stated that it's not issues that are easy to deal with on a site by site basis. The move is towards a more watershed basis or regional basis. You have to understand how much you're trying to protect and where it's most important to protect. One of the things that has held this county back is not having parcel information on a GIS system that allows us to do the kind of analysis that Pierce, King, Kitsap, or Jefferson counties have. We will have that capacity in the next couple of years. WDFW is planning on providing technical assistance for jurisdictions that want to pursue this kind of planning.

(#2650) Bill Dewey stated that he has been participating in the Puget Sound Partnership process and he has been sitting on the habitat sub-committee and this has been one of their recommendation to try to get at this cross-jurisdictional, basin wide planning.

(#2700) Miscellaneous discussion.

(#2900) Terri Jeffreys inquired as to how this proposal reduces the cost of compliance to the public as stated in the staff report. She recommended that be shown in the Findings of Fact.

(#2950) Bob Find responded that the changes of the regulations is that we get better values for what the requirements will be and that they're known up front which will save them a lot of back and forth. If we use the same stream designations that are used state wide then that would save the consultants effort and money. Some of the techniques for non concrete bulkhead armoring are not necessarily that expensive. They are allowed and even encouraged to use them and that could save them some money. Bob stated he could put that in the Findings of Fact.

(#3025) Bill Dewey inquired about the BMP's and where they came from.

(#3100) Bob Fink responded that the BMP's in Appendix C were selected from a number of HMP's that have been submitted to the county. There may have been other sources that the consultant was familiar with.

(#3200) Bill Dewey inquired about the monitoring section.

(#3225) Bob Fink responded that monitoring is currently required as part of the HMP. On page 21 of 30, it says that some BMP's have been developed in Appendix C and may be used in the plan. It doesn't mandate that these specific BMP's be used but intended to provide guidance as to what people should look for in these plans, and what we'll be looking for. The exact monitoring terms are going to depend on the nature of the mitigation. The HMP for that area specifies what kind of monitoring is required. It's not typically the county's responsibility. We'll go out on the site if there's a concern about the work or if we fail to receive a report. The monitoring is usually done by a consultant hired by the applicant as part of the HMP. The HMP is prepared by the applicant as part of the permit process. The county reviews it and sends it to WDFW and the relevant tribe and they comment or don't comment on it. We take the comments and either approve the plan or not. The HMP's are prepared for the specific site and might not be appropriate for every location.

(#3550) Bill Dewey stated that it would be appropriate to offer that information at the beginning of the appendix as well. They need to understand that these aren't required but suggested practices that may be incorporated in the HMP.

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(#3600) Tim Wing inquired if the landscape people who put in these plants have to certify the report.

(#3630) Bob Fink responded that it is an option for the county to make more specific its requirements as far as monitoring. Maybe it would be advisable to add a specific requirement with the monitoring that the monitoring reports be submitted to the county on a specified date. We did a review of how the mitigation plans are working. We sent out one of the planners to do a site specific review at different properties and they talked to the owners and typically they would do some of the mitigation and keep things up and some of the things they wouldn't do. They just said they decided they didn't want to do it quite this way and did something else. That was a problem that was identified. It's more of a problem with having the resources to evaluate it. It takes time and money. One thought is when there is monitoring reports there are capabilities in our permitting system to notify us that a report is supposed to be prepared by a certain date.

(#0150) Terri Jeffreys asked Bob Fink where in this document does it detail out the benefits for anadromous fish.

(#0160) Bob Fink responded that the danger tree protections help enhance the buffer where the anadromous fish usually are. It's all the streams and saltwater shorelines. The changes encouraging and specifying alternative means of protecting the shoreline rather than armoring the shoreline provides better protection. Appendix B which are recommendations for dock and float design are intended to improve and protect the habitat and to reduce or minimize any cumulative impacts from the docks. Also, several of the buffer management techniques are also intended to enhance the value of the buffer.

(#0200) Terri Jeffreys expressed concern regarding the non conforming issue that was brought up in an earlier hearing and adding more lands or development into non conforming use due to increasing buffers or changing buffer sizes or just being within a buffered area.

(#0222) Bob Fink explained that the buffers are not changing in the FWHCA regulations; all we're doing is changing the stream typing system. There are some technical differences in limited cases but for the most part, the Type 1 through 3 streams are the fish bearing streams. It wasn't that the Type 3 stream went to 200 feet. We used that line to add a new category which is SP. SP is defined as if any specific streams are identified which are significant in terms of anadromous fish and recommended to be protected by a larger buffer. At this point, there aren't any streams that fall in that category.

(#0400) Jay Hupp stated there is an administrative oversight on page 7 under D.1.c. needs to be changed to Type S. On page 10 E.4., Jay stated that he exercised this option last year in a property evaluation and there was a war over it. They refuse to recognize that this intent exists. This county will have to deal with that soon. Regarding danger trees, there's two ways to look at this. This is intended to focus on observing the environment within the buffer on a piece of property that has not yet been developed. These regulations also cover all uses of property, even existing uses. Jay stated that the piece of property that has already been developed, the structure exists, now these regulations are established and we establish buffers around these structures that already exist and force the landowner to deal with things the landowner never bought into. So if they have a danger tree that threatens the house or his neighbor's house, if he takes that danger tree down, he's got to leave it lay in the buffer. That's a fire hazard. If the county demands that that happens, then the county accepts liability for that fire hazard. Simply from a practical standpoint, it's ridiculous. To have a yard where you have to take down a danger tree and leave it lay right there in the yard.

(#0600) Bob Fink responded that on page 26 it talks about log placement under BMP's. It says that overstory trees at least 4 inches in diameter should be placed within the protected buffer. They may be segmented into pieces to facilitate that. Bob stated he doesn't think the intent was to not provide for flexibility and reasonable application of this.

(#0650) Bill Dewey stated that when this was first discussed it was talked about this was to make it simple for the homeowner so they didn't have to hire an expert to come in with a plan.

(#0670) Miscellaneous discussion.

(#0750) Jay Hupp inquired about the use of S stream at the top of page 16. The definition states that S Type

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streams are those as inventoried as 'Shorelines of the State'.

(#0800) Allan Borden responded that if it's a water body cover by the SMP it's an S stream.

(#0820) Bob Fink added that it's waters with flows over 20 cubic feet per second. They were originally Type 1 waters.

(#0840) On page 30 it talks about English Ivy. Jay inquired why English Ivy is undesirable on a bank.

(#0850) Bob Fink responded that they now discourage people to use English Ivy because it's invasive. It will spread and displace native plants. It's an aggressive grower and it's discouraged now.

(#0855) Tim Wing added that it's not native and will grow all over the hillside and kill the trees.

(#0875) Diane Edgin stated that trams should be added to list of accessory uses for saltwater activities.

(#0885) Bob Fink explained that trams are controversial. We did consider putting trams in the list and there were a lot of concerns about them. Trams are typically big and much more intrusive and not necessary for access to the shoreline. We had some discussion with staff about trams and they were concerned about the amount of impact.

(#0950) Tim Wing stated that he has seen some on Treasure Island and they are not intrusive. The stairways are much more intrusive. As time goes on we're going to find people more and more willing to spend the necessary money to put a tram in.

(#1050) Bill Dewey stated that it sounds like there's a desire for the PAC to include trams, so as you move forward, you may want to consider it. Bill went on to inquire about transfer of development rights. He stated they're not really captured in this proposal.

(#1150) Bob Fink stated that there's a TDR provision when you do a cluster development and you're setting aside open space. If you don't have enough space left to develop on the site for your allowed density, you can transfer that to a UGA. It's not a provision that's ever been used and they're very difficult to use. You'd need receiving sites to make them functional and a marketing structure to make it feasible for someone to actually exercise it.

(#1200) Bill Dewey stated that the Puget Sound Partnership is promoting those as solutions. Another alternative we might add to the list is a voluntary program that's going on in Skagit County right now where it's using WDFW's backyard wildlife sanctuary program. You can get your backyard certified as habitat. It's a way to encourage people to do it. Bill Dewey pointed out that on Page 24 it should say 'Mason County' instead of 'Kitsap County'. Bill Dewey inquired of Bob Fink if he had enough direction to make the necessary requested changes to bring back to the PAC.

(#1300) Bob Fink responded that he did. Bob stated that he'll take what he can and make some revisions for your review.

(#1350) Bob Fink reminded the PAC that Jeff Davis from WDFW requested the public comment period be left open until October 16th.

(#1400) The PAC agreed to keep the written comment period open until October 10th. We'll continue this discussion until the 16th. Bill stated that the last item on the agenda is to appoint a Vice-Chair. A motion was made, seconded and passed to appoint Tim Wing as the new Vice-Chair.

Meeting adjourned.