

MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes
September 17, 2007**

(Note audio tape (#1) dated September 17, 2007
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 Vice-Chair Tim Wing at 6:00 p.m.

2. ROLL CALL

Members Present: Tim Wing, Jay Hupp, Diane Edgin, and Dennis Pickard. Bill Dewey was excused. Wendy Ervin was absent.

Staff Present: Barbara Robinson, Barbara Adkins, and Kell McAboy.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0020) Tim Wing opened up the meeting and announced the first order of business is the Public Hearing on the Stormwater Management Plans for Allyn and Belfair.

(#0035) Charlie Butros from Public Works introduced the continuing discussion on the Stormwater Management Plans for Allyn and Belfair. As you recall from prior discussions, we presented the plans in early July at your PAC meeting. That was the updated plan that we had just issued the week prior. At that time, we indicated our intent was to continue to proceed with the process to get the plans adopted because we had a very short time line. Subsequent to that PAC meeting and the BOCC hearing, we received word that the GMHB allowed a two month extension and that allowed us some time to incorporate comments that we had not had a chance to incorporate in the prior revisions. We used that time to incorporate those comments and we issued an addendum to each of the plans and that was issued and distributed in August. That's what we are here for today to present. Those addenda incorporated nearly two hundred comments that we had received in the areas of regulatory and programmatic issues in the areas of water quality and natural resource

Planning Advisory Commission Minutes, September 17, 2007

protection, and also in the area of how we deal with stormwater through development. Joe Simmler, OTAK, will present the detailed information. Our hope in the steps we need to take tonight and subsequent to the steps we need to take tonight are the PAC provide a recommendation to the BOCC that will be meeting tomorrow to hear the plans and hopefully in the near term choose to adopt the plans so we can submit them to the GMHB. The due date for submittal to the GMHB is October 8th.

(#0135) Joe Simmler noted people present who have attended other meetings. I'm prepared to walk through the presentation for the benefit of those who haven't heard it, and we prepared a summary sheet. This summary sheet shows the evolution of the process and the different drafts. We started presenting June drafts of both the Allyn and Belfair Stormwater Management Plans at the June 20th public meeting. That first approach we took emphasized the use of regional detention and treatment facilities with the thought being that we would support build out of both of the UGA's. The thought was to promote the use of the DOE 2005 Manual and to focus on water quality monitoring as a tool to identify where the problems are and to use that information gathered and to follow up on problem areas and do focused and targeted retrofits on the hot spots. Part of that was also a base line habitat survey to identify existing and sources of pollution. Part of that suggested the use and development of a LID ordinance for new development and there was an emphasis on coordination with WSDOT because of the commonly shared drainage facilities. There was a discussion and a couple of projects were proposed to enhance fish passage and there was a cooperative program that was promoted to have businesses participate and help reduce the pollutant loadings through a retrofit program if it was determined that their property or adjacent property was proposing a water quality problem. We received a wide range of comments from that meeting and many people did not care for the regional centralized approach to capital development and providing infrastructure for future development. People also suggested the plan needed to be much broader and much programmatic in base and much more comprehensive in scope so that it addressed not only the Puget Sound Water Quality Management Plan but also the upcoming NPDES II Permit requirements. There was a lot of discussion about the need to focus on water quality and shellfish. We were criticized fairly heavily for not doing more thorough research and for not promoting that for a decision making criteria. We took that to heart. Other comments suggested that we needed to identify and include some of the sensitive area and critical aquifer recharge areas which we did in other drafts of the plan. We also clarified the capacity of the culverts underneath Highway 3 and suggested that in terms of funding, different funding mechanisms be considered. One of the things we have been facing is a due date. While comments were coming in from the June 20th public meeting, we were editing the next draft. We did respond to the comments as quickly as we could, and we came out with the July draft. This draft replaced the concept of regional detention treatment facilities with facilities that developers would put onsite, and in the case of Allyn, we proposed a centralized collection system only with developers providing onsite detention. We also suggested a more active use of LID in an ordinance and coupled that with design standards. We also went into much more rigorous analysis of the funding. We came up with multiple funding sources that we identified of about \$400 thousand per year and also proposed a formation of a stormwater utility with estimated annual revenues from that to be about \$100 thousand and then spread the rest of the charges out over other revenue sources. They include SEPA mitigation fees, developer permit fees, system development charges, sales tax returns, and potentially some REET funding. During that time, we were able to get a 60-day delay from the GMHB, and during that delay, we decided to come out with an addendum that continued to address some of the comments that kept coming in. The August addendum for each of the plans is an attempt to capture all those other comments that came in. There were six topics that emerged from the comments. 1) retrofit existing development for water quality; 2) water quality protection/enhancement restoration; 3) LID and use of bio-retention; 4) dedicated annual funding; 5) adoption of the 2005 Ecology Manual and LID ordinance; and 6) improving facility / inspection / maintenance. We performed additional research on shellfish and water quality and linked that with stormwater management techniques and show the direct benefit of investing in stormwater management and the direct payback. The funding sources were not changed but the funding was reprioritized. Instead of putting so much money into water quality monitoring and defining the problem, we took those funds and put those into the retrofit program for county roads and working with the commercial business areas to retrofit existing runoff and reduce pollutant loadings. The regulatory agencies suggested we should also have LID philosophy carry over into the county's development standards. They wanted to see less allowable impervious area for each of the different land use classifications in the Comp Plan. They also suggested development of public education and involvement programs so that every citizen understood the water quality and shellfish issues, but more importantly to understand that they may be a part of the problem and could easily be part of the solution.

Planning Advisory Commission Minutes, September 17, 2007

All these themes were refined and put into the Findings and Recommendations. They include the following: 1) Focus on sensitive water quality and shellfish resources; 2) Treat runoff from existing and new development; 3) Develop a comprehensive approach to SWM consistent with regulatory requirements, including adoption of the Ecology 2005 Manual; 4) Assume a decentralized approach to CIP design and construction by modifying development standards using LID in the Comp Plan; 5) Reprioritize existing funding from CIP and monitoring to retrofitting of county roads and existing development areas, and enhanced maintenance.

(#0645) Tim Wing opened the public hearing on the plans for both Allyn and Belfair.

(#0650) Ken VanBuskirk from Belfair spoke on the subject. These plans have come a long way in a few short weeks and I commend the staff and Dr. Simmler because they have listened and adjusted the plan to address some of the concerns we've had. Dr. Simmler mentioned the CARA and the critical areas in the Belair plan have been addressed, but I looked through the addenda and I couldn't find them addressed. It needs to be looked at closer. Even the streams are labeled but not shown on the maps. That also needs to be looked at. The stormwater planning should be the corner stone of all of our planning efforts and it's my opinion that wherever we put a sewer, that's where the development is going to go. Consider the Belfair UGA; we have a million gallon water tank up on top of the hill. We're going to put a \$26 million sewer down at the bottom of the hill and we'll send that water down to charge that sewer system and then we're going to pump the sewage back up on top of the hill. It makes more sense to me that we put the development up on top of the hill. I would like to see more money put into the stormwater retrofits, in particular in the downtown core of Belfair.

(#0700) Tim Wing announced there was a letter received from the Nature Conservancy and asked the PAC to please take those comments under consideration. Tim then closed the public hearing portion of the meeting.

(#0750) Diane Edgin commented she was pleased to see so many of the comments were addressed in the new draft. This is close to a complete set of plans that we have approached. She voiced concern about the shellfish issue in the north end in Allyn.

(#0800) Dennis Pickard noted there's the sense that because there has been a time crunch that we've all been under to try to accomplish everything, it seems like we've made a great deal of progress from what we saw at the first workshop and what we have today. I am concerned that there are unanticipated consequences of what we have now and issues that are left unaddressed and that we haven't thought of until we're actually implementing these plans. Perhaps we could move along now with what we have to the BOCC with a recommendation of approval subject to ongoing additional analysis and review so that we have opportunities to catch and address some of these issues as we move forward with further input. I'm not confident that we have all the issues addressed in the way we'd like to. I'd like to see it to continually be looked at as an important role that both staff and the PAC should be engaged in.

(#0920) Tim Wing inquired about the comment letter from The Nature Conservancy and if their comments were reviewed about their concern with LID standards, which may or may not include this 90% impervious surfaces that they refer to. They're raising concern about that much impervious surfaces.

(#0950) Joe Simmler responded these comments are not at all dissimilar from the comments we received in June and the additional comments we received in July, and also in the meetings we've had with the regulatory agencies. That's one of the reasons why you see things like LID being stressed. That's why we changed from centralized regional facilities to retrofit of existing development; it's a total shift in management philosophy from June to today.

(#0985) Charlie Butros gave credit to The Nature Conservancy recognizing there is a second version of July that these comments were addressed then.

(#1000) Tim Wing noted with the addenda we have increased our efforts regarding impervious surfaces and fully adopting the LID practices over the earlier version.

(#1035) Diane Edgin voiced her concern with the north end of Allyn and the North Bay Oyster project regarding the Light Industrial area and she noted they should limit the size of it and move the area for

Planning Advisory Commission Minutes, September 17, 2007

development further south.

(#1060) Barbara Robinson addressed the PAC with some comments sent in from Bill Dewey, Chair of the PAC. Bill commented that his general sense was that it had positively changed and that there were still areas of challenge regarding the monitoring and retrofitting needs. He felt the county needs to make sure they make commitments to continue to improve and embrace the direction of the county by keeping it as a living document. He felt there was a good job done responding to the inquiries.

(#1100) Jay Hupp stated he still has the same reservations about the process. Given the time pressure the county is under, he doesn't see the PAC is going to be worked into a more adequate participation in the process anymore in the future than it has been in the past. At this point, he doesn't see it would serve any purpose other than to recommend it be passed onto the BOCC for consideration for approval.

(#1120) Tim Wing inquired if we decide to recommend this to the BOCC, how would we handle an issue if we agreed for the county to continue to keep looking at this.

(#1140) Barbara Robinson explained that you would need to make that part of your motion that you recommend that the BOCC approve sending it forward to the BOCC for final approval on adoption with the commitment by the county that they will proceed looking at this as a living document and continuing to work to provide that will meet the needs and concerns of the people that have come forth to this point.

(#1165) Tim Wing stated, as the Chair, that he would entertain a motion from the PAC that we recommend to the BOCC that they adopt the Allyn and Belfair Stormwater Management Plans with the understanding that both of these documents should remain living documents and the county should continue to work on them to approve them.

(#1175) The motion was made and seconded.

(#1190) Diane Edgin stated regarding the Allyn Plan she would like to see the industrial area on the north end of Allyn that we don't end up creating a larger problem that we will have to deal with in the near future.

(#1200) Dennis Pickard seconded that as a friendly amendment.

(#1215) Diane Edgin also stated Ken VanBuskirk's concerns with the CARA in Belfair should be looked and addressed in the Plan.

(#1225) Joe Simmler stated they have incorporated into the Plan and were just now shown to him on the revised map.

(#1245) Ken VanBuskirk also stated he would like to see them specifically addressed in the Objectives.

(#1265) Tim Wing inquired how the PAC would like to see that addressed.

(#1275) Dennis Pickard stated it should be stated in the document to provide for continuing review specifically including the Belfair CARA and the Allyn Light Industrial Area.

(#1285) Tim Wing noted there was a motion and a second to recommend both of the Stormwater Management Plans to the BOCC with the understanding that the county will continue to work on both of them and that they would specifically address the CARA in Belfair and the Light Industrial Area north of Allyn. The motion passed.

(#1320) Tim Wing noted the next item on the agenda was the Capital Facilities Element.

(#1325) Barbara Adkins introduced the Capital Facilities Element and explained the first time we had the public hearing we discussed incorporating these two plans into the Comprehensive Plan. This basically includes language to incorporate it. There's new language on page 3, and changes on page 53.

Planning Advisory Commission Minutes, September 17, 2007

(#1365) Tim Wing opened the public comment portion of the hearing. No one was present who wanted to testify so the public comment portion of the hearing was closed. The Chair called for further discussion or questions from the PAC. There was no further discussion so the Chair called for a motion from the floor.

(#1410) A motion was made and seconded to recommend passage of the Capital Facilities Plan by the BOCC. The vote was taken and the motion passed.

(#1425) Tim Wing noted the next item on the agenda was the public hearing on the proposed Shelton UGA Subarea Plan.

(#1450) Barbara Adkins stated we discussed this at the last meeting which was a workshop. It is now before us to review and be adopted into our Comprehensive Plan. We noticed there were some problems with the language towards the back of the document addressing the City's regulations, which should be the County's regulations. There were some grammatical edits from Diane, and I will incorporate them after we see how many changes will be needed from tonight's meeting. We need to be careful with the language we change because the City and the County both need to adopt an identical document. Steve Goins is here from the City if you have any questions for him.

(#1500) Dennis Pickard noted at the last meeting we talked about a timeline going forward about what we were looking at for this project. He stated he noticed that there wasn't anything in the timeline for development regulations.

(#1550) Barbara Adkins responded a draft of those regulations is expected by the October meeting if that's still on schedule. We're also applying for a grant to help us further develop those regulations over the next year.

(#1600) Tim Wing opened the public comment portion of the hearing.

(#1645) Steve Whitehouse spoke noting he only became aware of this topic a few weeks ago and started reading the documents that has been developed to date. Steve noted his thinking in adopting regulations like this, and about GMA as a whole, GMA, with things that have been adopted, they are such a convoluted group of regulations that are inconsistent and difficult to implement and enforce. I am going through some discussions with the County right now regarding a small project on my property and I've had two discussions with the County for three months and they can't give me an answer. I see this creating an even more convoluted situation. I know some situations where the County has adopted one interpretation with regards to setback within shorelines where you've got a shoreline setback and there's a resource ordinance setback; they're inconsistent with each other and there's an ordinance that says you're supposed to adopt the one that's most applicable. What does that mean? Yet the County is adopting the resource ordinance setback with no particular explanation. I'm mindful this is a very difficult process, particularly when you have the GMHB overseeing things and you have people that don't participate in these process who come along afterwards and criticize after the fact. When you're dealing with these issues, you're not just dealing with new development; you're dealing with people who have had existing houses for a long period of time. I feel the rules of the UGA need to be adopted by the County and nobody else. The City cannot control what happens in the UGA. It's County property and County jurisdiction. Should the City be involved in this process? Absolutely, and in fact, there is a decision from the GMHB that suggests that the City has to have a tremendous amount of say to what happens. However, the actual regulation that gets adopted has to be adopted by the County. And the regulations that get applied have to be adopted by the County. There's a recent case that came down from the courts that makes it really clear that the County is the one that has to adopt the ordinance and the County is the one that ultimately has to enforce it. Also, what do you do about vacant properties that are yet to be developed? As I understand it, the GMHB is telling you to plan for urban levels of infrastructure. You have to have phasing in of that infrastructure and if you allow development, you have to ensure that certain levels of service are provided, yet the decision from the GMHB says you can't extend infrastructure unless there's an assurance of annexation. If you have these rules in effect, what do you do for the next twenty years when in a lot of areas, infrastructure isn't available? Are you going to tell people for twenty years you can't develop your property? If somebody comes to me as a lawyer and if they're given that answer, I'm going to tell them to go hire an appraiser and then suggest the County buy the property.

Planning Advisory Commission Minutes, September 17, 2007

(#2000) Tim Wing noted his suggestions are very well taken. Tim inquired if he had a recommendation on how the City and the County could work on these issues.

(#2025) Dennis Pickard stated that language is taken out of context. I received a call from Rob Wilson-Hoss on this very issue. Looking at the context, this is really a policy goal rather than an implementation strategy. That's why I was asking about the development regulations and where they were at in the process of this issue. We haven't gotten to that stage in this process yet.

(#2060) Steve Whitehouse stated he understood that, but that somewhere down the road somebody could take this off in a different direction with it as well.

(#2085) Dennis Pickard noted that we will be seeing development regulations consistent with these goals that will be largely taken from the City's existing development regulations to maintain that consistency.

(#2100) Steve Whitehouse stated that one of the points Rob made to me was if you do have the City very involved in the process to where you're essentially making sure the City regulations are sufficiently adopted so the City feels comfortable moving into an area, and the County adopts those regulations, which they have to do, what happens if the City changes its regulations? The only way to avoid a problem developing is for there to be some ongoing means of communication.

(#2150) Steve Goins explained he spoke at an earlier meeting that this process is a three-legged stool. This policy piece is one of the legs, the inter-local agreement is another leg, and the development regulations is the third leg. We plan to move into the inter-local agreement phase pretty quickly. We have applied for a grant application with the state that could help us with funding to get a consultant on board to help expedite these processes. We hope to refine our regulations for both the UGA and the City to make them more workable. In the interim, you have to have something. There also has to be a mechanism so if someone has property adjacent to the City and would like to develop their property, they can do it.

(#2200) Jay Hupp inquired what kind of pressure are we under, both at the City and County level, from the GMHB to go to the degree that we are going through here. In the past we've been nowhere. Now we're making a quantum leap into a fairly complicated and dangerous area. Is there any possibility that we can take a baby step as opposed to what appears to be a fairly large leap and still have the GMHB buy off?

(#2240) Steve Goins stated he's not aware the GMHB has this particular process on some sort of track that they're following. There's not a mandate or a demand that the City process this. On the other hand, the state is generally trying to course other jurisdictions to do something similar and there's the potential in 2008 that the legislature will pass some sort of update that would require this kind of process to be put on some sort of timeframe for a number of jurisdictions. One advantage we have is that Mason County isn't dealing with a half a dozen other cities in trying to come up with different rules for different UGA's meeting different requirements.

(#2300) Tim Wing expressed concern about the statement "The County shall apply City or jointly established development regulations through the permit process". He noted Steve Whitehouse also noted concerns about who would have the final authority on that.

(#2310) Steve Whitehouse stated the County has the final authority. If a permit is applied for through the County, the Squaxin Tribe can write a letter with comments, and on the same basis, the City could also offer comments. Beyond that, the City has no authority over that permit. Until that property is annexed, it's still the County.

(#2350) Tim Wing stated that needs to be made more clear in the documents.

(#2400) Miscellaneous discussion.

(#2700) Craig Gregory spoke about his property that's located between 'G Street' and 'H' Street on Mountain View at Madison Street. I've been going through the same thing. I've talked to Steve Goins about annexing

Planning Advisory Commission Minutes, September 17, 2007

into the City. By going by the County regulations, I can split this property into two lots by the lot density standards the County has. With the lot density standards the City has, I can actually split it into four lots. So dealing with the County, all I've heard is that they don't know when this is going to happen. I'm a prime example of having to deal with both the County and the City, and I can't get anybody to give me any answers.

(#2790) Jay Hupp inquired what the possibility was of him requesting to be annexed into the City.

(#2800) Craig Gregory explained that he's had talks with Steve regarding that issue. I'm looking at time frames of how long that would take as opposed to the direction that's being taken here, and also the standards that the City has as far as frontage improvements, sidewalks, paving, etc., and the cost I will entail by annexing into the City by doing those. Also, I have to extend the City sewer to hook up to it.

(#2860) Miscellaneous discussion regarding this in regards to the development regulations that will be proposed.

(#3000) Tim Wing inquired of Barbara Robinson who Craig should talk to at the County to have these questions answered.

(#3050) Barbara Robinson explained he should come to the Planning Department and speak with Bob Fink, Planning Manager.

(#3100) Steve Goins noted that there is pressure out there for people like Craig. If we do nothing, we have people out there that don't know how to proceed with their property, all these unknowns will remain. We need to have a process that's clear for people to be able to understand what we're trying to do and what our objectives are.

(#3150) Jay Hupp stated we have an opportunity here to do something right for a change because we're not under pressure to rush into it. If the right thing to do is take a small step and make sure we've done it right, then I'd much rather see that done than take a giant leap and swallow a mouthful that we're going to choke on.

(#3185) Tim Wing added there must be regulations in other counties that have dealt with this issue and perhaps you can come back to the PAC with some improved language that would clarify some of these issues we have talked about.

(#3200) Barbara Adkins responded they could do that. You may want to continue this hearing to another date certain so we can continue to look at these issues.

(#3250) Dennis Pickard noted that what we talked about at the last meeting is when all three phases of this project is completed is that we will have development regulations for the County areas of the UGA that are largely consistent with the City's regulations to facilitate future annexation and provision of urban services.

(#3300) A motion was made and seconded to continue the hearing on the Shelton UGA Sub-area Plan until the 15th of October. Motion was passed.

(#3400) Barbara Adkins handed out the 2007 Short Course on Planning schedule information to the PAC explaining there was a short course scheduled for October 19th at the Shelton Civic Center. CTED will be presenting this short course on Legal basis; Comp plan overview; Implementation and the role of the Planning Commission. The PAC was encouraged to attend this short course.

(#3500) Barbara Robinson announced the BOCC will be appointing Jim Reece to the PAC tomorrow at their meeting.

Meeting adjourned.