

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
March 16, 2009

(Note audio tape (#2) dated March 16, 2009
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 at 6:00 pm by Chair Bill Dewey. Election of a new Chair and Vice-Chair were held. Dennis Pickard was voted in as the new Chair and Jim Reece was voted in as the new Vice-Chair for 2009. Dennis then took over as Chair and conducted the meeting.

2. ROLL CALL

Members Present: Bill Dewey, Tim Wing, Dennis Pickard, Jim Reece, Diane Edgin, Debbie Jacobs, and Don LeMaster.

Staff Present: Barbara Adkins, Susie Ellingson.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0050) The election of a new Chair and Vice-Chair for 2009 was held. Dennis Pickard was voted in as the new Chair, and Jim Reece was voted in as the new Vice-Chair.

(#0085) Dennis Pickard opened the hearing on the Mason County draft Countywide Stormwater Management Plan.

(#0095) Charlie Butros, Director of the Public Works Department, presented the issue. He stated that Joe Simmler, Consultant, will be here as well to answer any questions. Charlie handed out presentation

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information. Charlie stated over the last two years we have been submitting for your review and recommendations to the BOCC different stormwater plans, which included one for Allyn, Belfair, and Hoodspoint. We had indicated during those presentations that even though things were out of sequence, our original intent was to put together a countywide strategy and approach, and then move forward through finalizing that into a plan, and then beyond that to put together stormwater plans for the various urban growth areas and basins where we needed to do that. Unfortunately because of the need to put those plans in place to comply with a request from the Growth Management Hearings Board we had to do things in somewhat of a reverse order. What we submitted to you was a stormwater strategy plan. The reason for that title was this is intended to be the plan of how we will manage the stormwater program in Mason County. There are still elements of the plan that are being developed and will continue to be developed over the next several years as we move forward. For example, the rate structure and other things will take some study and some recommendation that will be brought forward to establish the rates. The majority of the plan and the approach is in place. The document you received to review is that approach and strategy and we're intending to move forward. I would like to ask of you tonight to take action on a recommendation to the BOCC. Page 2 talks about the county's commitment to environmental quality. Our intent was to align with GMA and resource protection requirements, and to adopt the current requirements of stormwater management. The stormwater management guidelines that had been in place up until last June had been the 1992 DOE Manual standards. What was adopted in June of 2008 was the 2005 ecology manual, which is the current ecology standards and guidelines for management. The way that was applied is that we are adopting that initially in the UGA's. This year we will apply that to the Marine Recovery Areas, and we will expand it year by year over the next 5 years to be the countywide standard and manual as it applies. This plan will guide and mitigate new development. It will provide for regulatory compliance. It will apply initially, as it has been applied, to UGA's, shellfish protection and enhancement, as well as long-term countywide strategy. I would now like to introduce Dr. Joe Simmler of Otak. He has been helping us with putting together the countywide plan, as well as helped us put together the plans that have been adopted by the BOCC for Allyn, Belfair, and Hoodspoint.

(#0325) Joe Simmler from Otak continued on with the presentation. The strategy focuses on a phased approach with the idea being that the urbanized areas will be given the highest priority initially, and then other areas of the county are brought in in a sequential way so that over a 5 year period the entire county would come under the stormwater management program. The first year is Allyn and Belfair, and you've seen both of those stormwater plans. Second year is the Marine Recovery Areas, the third year is the Shellfish Protection Districts, year 4 is RAC's, and the 5th year will include anything else that remains. You will note that this excludes the open space, forest and ag lands, as well as tribal lands. This focus is on developing the areas and the loadings on Hood Canal in terms of pollutants.

(#0370) Tim Wing inquired why the whole plan isn't implemented at once, and are there big differences intended and likely to be differences in the plans that affect different areas as they are gradually implemented.

(#0390) Joe Simmler stated that is a good question that has been discussed amongst ourselves. We decided to phase it in over time for a number of reasons, one of which is there's a lot of regulatory requirements, staff training, additional costs for gearing up and we just felt this was a way to bring the county overall up to speed in a phased manner. That would give people in other parts of the county to understand the program and help the education aspect of it.

(#0410) Jim Reece noted shellfish protection will be implemented in 2010, but it seems like shellfish is very important to the county, and shouldn't that have a higher priority.

(#0425) Joe Simmler stated they are definitely important, but it was a matter of balancing and a tradeoff. We tried to focus on the higher priority areas first, which was clearly the urban areas, and then we went into the sensitive areas. There is, however, a lot of overlap between the marine and shellfish areas. Page 5 shows the map and how they are all phased in over time. There are a lot of different tools that are going to be used in implementing the county's new program. The 2005 DOE Manual is just one of them. There are also the LID Ordinance, and the Small Parcel Drainage Standards. Page 7 shows the 6-year financial plan. We've taken stormwater and broken it into two pieces. The first is the stormwater management activities, and the stormwater management capital. They end up being balanced 50-50 every year. The price for the overall program then increases as the additional areas come on board and are included into the county's stormwater program. The programmatic activities are listed on page 8. Public education, public involvement, illicit

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discharges, new development, maintenance, and stormwater program implementation are existing already but will be enhanced. New to the program are emphasis on water quality, TMDLs (total maximum daily loads), stormwater program monitoring, reporting, basin planning, funding, and water quality monitoring. Page 9 talks about the Capital Improvement Program. As we presented our stormwater management programs to the regulatory agencies, DOE and Puget Sound Partnership, they were critical of some of our initial approaches. One of the main reasons was that they wanted to see the pollutant loadings from existing development addressed. They wanted a retrofit program to put in water quality treatment wherever possible to mitigate the loadings to Hood Canal. This became the theme of our capital improvement program. Some of the design criteria we would be using for that is LID techniques. Wherever possible we would work with landowners and businesses that would like to put these facilities on their sites, or as Charlie and I have talked, using road right-of-ways for treating road runoff prior to discharge into the receiving waters. Charlie has even changed road designs so this is now a permanent aspect of all new road construction. Page 10 shows the Funding Options. Stormwater Utility is usually the core for funding mechanisms for any kind of stormwater plan, and there is also Developer and Permit Fees, SEPA Mitigation, System Development Charges, Sales Tax Returns, REET Funding, and Project Specific Funding. Page 11 shows the Public Review Process. Page 12 talks about some of the Public Review Comments we have received to date. We've selected some listed and the common theme is we need to see more specifics. There are things we don't have answers to right now, but we have committees in place to make the changes that are needed once we monitor and learn how effective we are or are not.

(#0790) Diane Edgin inquired way the feds haven't been involved in the review of this plan.

(#0800) Joe Simmler explained this is a dedicated state so the EPA and DOE have signed an agreement so a lot of the authorities and responsibilities at the federal level have been delegated down to WSDOE. That's one of the reason why you don't see much of a presence from the EPA. If you were in Alaska or Idaho, where the EPA is actually developing and implementing those programs at the state level, you'd see a lot more federal activity.

(#0860) Don LeMaster noted that the utility fees are going to be the main source of revenues for implementation of this program. He inquired what the percentage of the utility fees will be for the public will be based on either some form of taxation.

(#0880) Joe Simmler responded those fees haven't been determined yet. They will be developed over time. The county was successful in getting a million dollar grant to help initially pay for and fund this program for the next couple of years.

(#0910) Charlie Butros added it is our intent to extend the timing for which we have to impose fees to the maximum extent possible. Right now our anticipated application of the current grant that we have for implementation of the plan is to use it over the next 2 to 2 and a half years, and we don't anticipate applying fees until the years four or five. At this point much will depend on how successful we are on continuing to get grant money. Last week we applied for an additional half a million dollars in funding.

(#0955) Don LeMaster inquired if there were existing models elsewhere that you could overlay and get some kind of an idea of what the fees might be.

(#0965) Charlie Butros explained the models we have compared against are really models that other counties are using. It ends up being, if we were to apply those models, any place from \$4 to \$8 per month per residential parcel. It could also end up being slightly higher. The model basis we are looking at is impervious surface where an average impervious surface per residential lot will be established and that will be applied to the residences. That will be also applied to businesses so those that have the equivalent 10 residential lots worth of impervious surface will pay 10 times what a residential customer would pay.

(#1035) Tim Wing inquired about the schedule of costs regarding the activities.

(#1065) Joe Simmler explained that maintenance dominates the charges and costs here. Maintaining the system and keeping it operational will cost the most.

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(#1100) Charlie Butros added as we move forward in the stormwater management program, many of the facilities that we currently maintain, ditches, culverts, catch basins, are currently in different programs. Either private or public programs, and most of the public programs we are currently maintaining would be covered by these costs, and the fees that would be needed to cover those costs. Our intent is to apply those fees globally, both to public and private entities. For example, Road will be assessed a fee based on impervious surfaces. Those fees will be provided to the stormwater program, and the stormwater program will pay Road for maintenance work that Road is doing. So it's not a totally new program. A stormwater utility fund has already been established by the county to start dealing with the expenditures that need to be tracked against the stormwater program. Previously there wasn't a fund like that.

(#1185) Tim Wing inquired if the cost were cumulative regarding the six year planning period. The total appears to be 6 million dollars a year. That seems like a really big number for a county of this size. Hood Canal is a huge part of this program and the situation along the shores of Hood Canal are not unlike much of the area around many of the other parts of saltwater bodies. He inquired how much impervious surface the state highway has. He inquired if the state is going to participate in paying for this stormwater program at the same level the homeowners along the waterfront are going to pay.

(#1320) Charlie Butros responded that they will not be paying for it. The State DOT promoted a statute through legislature that limits their participation to stormwater contributions to that of the county's. They won't pay for impacts on stormwater if the county isn't. Also, they have a lot of other conditions and factors loaded into how those fees get applied. There's some requirements that is imposed on us by those statutes. Their contribution to mitigating the impacts of stormwater are limited to those factors that are applied by the statutes.

(#1385) Joe Simmler indicated he and Charlie have talked about this issue a number of times and this did come about through a legal challenge. The City of Bellevue was charging WSDOT and WSDOT had no control over where their dollars were going and they said that wasn't fair. So they went to the legislature and got the law changed. What will come up when we review the fee structure is going to be the decision as to whether or not to charge county roads. If county roads are changed, then that allows the county to charge state highways. There are some rules there, but in general the highway department will pay for it's contribution to flow as well as pollutant loadings as long as it's related to runoff from their system. What they require is that you put together an annual program and you list projects and activities that they review and approve and if they feel those are valid and they are a direct result of highway runoff, then they will approve your work program for that year. You then get funding from them and are then obligated to follow through and do these activities. Every year you present another highway related work program for them to review and approve.

(#1450) Tim Wing inquired what is an existing development and retrofitting.

(#1455) Joe Simmler stated existing development is where it has been there for a while, and if some of these plats and short plats have been developed and approved and are on the books for construction, there's certain design construction criteria to go with that. Depending on when the permit was applied for, they do not have to comply with the latest requirements because the permit was put in earlier. Any new development that comes forward has to meet the current requirements as defined in the DOE Manual.

(#1500) Charlie Butros added when we submitted to you for review the Allyn, Belfair and Hoodport Stormwater Plans there was a list in there of proposed projects and those were projects that help us identify dealing with how to treat stormwater runoff from existing development. A lot of the treatment that was proposed in those stormwater plans, as well as others countywide, we're currently starting to look at those. You may have seen some of the treatment features we're starting to put in Belfair, Allyn and around Oakland Bay and in Hoodport. Those are an initial step to try to treat areas that are found to be very high in fecal coliform in the surface drainage. That treatment is intended to deal with those high fecal coliform counts in that drainage that ends up in the threatened water bodies.

(#1600) Bill Dewey inquired about retrofitting and is interested in seeing progress made there. He noted he is confused on page 40 under the second bullet it says 'Retrofitting existing homes and businesses for detention or water quality treatment has not been included at this time, but is currently being considered as

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part of the county's stormwater implementation grant from DOE'. That seems contradictory to other discussions about retrofitting that were in the document.

(#1640) Joe Simmler stated this is referring to the fact that the county does not have the authority to go to a homeowner or business and tell them, even though they've been designed and developed under a certain drainage code many years ago, that they've got to retrofit their drainage based on the DOE Manual. This refers to the fact that the runoff coming from these properties in a collective community sense is what we are aiming for in terms of treating runoff that drain these urban areas. While we're not requiring them to come up to current standards, we're trying to capture that runoff and then treat it with different devices before it goes out into the receiving water.

(#1675) Bill Dewey stated so my understanding from the document is that you're trying to do some more treatment onsite before the water leaves the properties, but as far as retrofitting of existing development, you're going to deal with that water on public lands after it leaves the property, and with new properties and redevelopment that you're going to deal with stormwater onsite.

(#1690) Charlie Butros stated that is correct.

(#1705) Bill Dewey inquired about the word 'Strategy' in the title of the document.

(#1720) Charlie Butros stated with our discussion with DOE, our original intent was to make sure we didn't relay the wrong image when we were issuing this document. That's the reason for the word 'Strategy' in the title. We wanted to make sure that what was interpreted by specifically the regulators is that is was not yet a completed document. There are still several steps that need to be taken before it can be finalized.

(#1800) Bill Dewey inquired about the implementation of the countywide plan by 2012, but the one million dollar grant ends in June of 2011. He inquired how it will be funded at that point.

(#1865) Charlie Butros explained it will be funded through, hopefully, continuing grants and through fees that are applied to county residences and businesses.

(#1950) Dennis Pickard opened up the public comment portion of the hearing.

(#1965) Rick Zehner stated he is concerned about the retrofit portion of the plan. As someone mentioned, it excludes that from existing projects under old plans. He inquired if underneath this plan, the existing development are meeting the criteria of design they were designed for. If an existing business or house was designed under one permit, are they meeting the design they were designed to. If not, they could have a failed system which could cause more stormwater runoff.

(#2025) Charlie Butros explained that part of the program is to identify illicit discharges and eliminate them. For areas that are providing those discharges, part of the program would be to identify and eliminate those discharges from contaminating surface water. If one of the developments you are addressing has one of those illicit discharges, that is part of the program to assist in reducing the contaminant load into the surface stormwater. As far as other impacts on stormwater, Dr. Simmler mentioned it is going to be very difficult for us to go back and impose current regulation on development that was in place and has been in place for decades. That is not the intent of this program. The intent of the program is to manage existing stormwater, to install systems that provide for treatment on the systems and conveyances that currently exist, and to require any new development to put in treatments so that stormwater runoff they create is treated and managed.

(#2090) Rick Zehner also stated you say there will be state funding between 2009 and 2011. He inquired with the current budget, is that still anticipated.

(#2120) Charlie Butros stated that currently the priorities that are in place by the state agencies and the Governor, one of the Governor's priorities is cleaning up Puget Sound. Funding has been applied to meet that priority and funding is available to state agencies and local governments to apply for that purchase. I can't answer your question on what the future holds, but at this point we applied for additional funding just last

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week. It's hard to tell how much of that funding will be available over the next 5 years. We're hopeful those priorities will stay as they are today to continue the efforts of improving the water quality in Puget Sound. Much of the expenditures we are incurring today are incurred in different programs in stormwater. Even though that is not totally reflected in the document, the stormwater element costs are identified. The stormwater implementation grant is intended to provide us with the million dollars over the next 2 and a half years.

(#2200) Rick Zehner referred to page 16 under County's SWM Strategy where it talks about a facility retrofit program and inquired what that program is.

(#2235) Joe Simmler responded that refers to the development on an annual ongoing capital improvement program so that water quality retrofits are funded and worked on every year. The development plan shows up in the roughly approximately \$500,000 capital improvement program, which is focused almost exclusively on retrofits.

(#2280) Rick Zehner referred to page 34, Element 8, which talks about an annual monitoring program. He inquired if this is sufficient for people that are not following the plan as it is.

(#2300) Joe Simmler stated the intent of the monitoring plan is to review the overall effectiveness of the program, and to make changes as more is learned about how water quality responds. The other is a specific water quality related monitoring to collect samples to determine the impact of receiving waters.

(#2330) Rick Zehner stated by looking at the funding portion of this document it seems like it's very conservative. My feeling is it will probably be double of what is listed here.

(#2410) Jeff Carey of Allyn inquired if you have stormwater that's already treated, like roofs, is there going to be any credits for people dealing with those onsite, or will it all be a flat fee for the service area. He also stated in the lower part of Allyn there's a lot of water that could be treated and conveyed to the bay and then you wouldn't have a treatment issue. I don't see those kinds of things being talked about in the capital facilities portion of this. Also, has this been matched up against the Comp Plan or Allyn UGA? He stated he's concerned it's going to be woefully inadequately funded, and he has yet to ever see a project ever funded adequately in this county. Also, the public needs to know this is coming. Lakeland is going to feel like they've done their work to treat their water, and why would we have to pay, so are there going to be different rates from one side of the town to another? We have a sewer in Allyn and we know what that's gone through. Nobody is pleased and it is what it is, and we just don't want to get into another one of those. It's a maintenance pig in disguise.

(#2560) Dennis Pickard interjected that's one of the reasons why you've taken on the phased approach to actually establishing a countywide plan. Taking things step by step and taking the time to develop the details can be done better in this kind of phased approach.

(#2580) Charlie Butros stated that is absolutely right. The concern that Mr. Zehner brought up, and Mr. Carey is bringing up is related to funding. We do not have the answers today. That is a step that we are intending to go through over the next year and a half to two years to establish a funding criteria and a formula that can be applied in a way that deals with some of the issues you are bring up. As of today, we have put together projections of programmatic costs, as well as capital costs that will be needed for the program.

(#2630) George Sevier, Chairman of the Mason County Water Conservancy, spoke saying that they deal with ground water as opposed to surface water. Most of the stormwater occurs in about four months here. The rest of the year we don't have stormwater. The heavy load of cost for processing is going to be in November through February. He inquired how that was being balanced in the cost.

(#2730) Charlie Butros explained they haven't spread it beyond the annual basis so we have to spread it by month. Our expenditures and programs are based on an annual fee. Charlie explained that much of the design for the specific treatment facilities hasn't been developed yet. What will be done as part of the design work would be a determination of what the flow requirements and those flow requirements for peak flows will be considered in that design. If we establish a treatment facility for a specific stormwater drainage, what we

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would consider is what the flow characteristics of that area are and the design features for that facility would reflect what the peak flows are for that basin or area.

(#2825) George Sevier noted from the water needs of the county, a lot of this stormwater replenished the aquifers that we use to get our drinking water. A certain amount of the water that we have in that capacity is what we will be replenishing our drinking water with. He is concerned how that comes into the discharge factor.

(#2900) Dennis Pickard closed the public comment portion of the hearing.

(#2925) Tim Wing inquired who will decide how much the stormwater utility is going to be. These funding options show 'TBD' all the way down. I'm reluctant to say to do this as I don't know what it's going to cost.

(#2950) Charlie Butros stated what you're being asked to do is take a look at the plan, which is a description of how we're intending to move forward, and provide a recommendation on that. You're not, at this point, being asked to approve fees for stormwater, which are still in the development process, you are being asked to provide a recommendation on the program and the approach that we have described.

(#3000) Tim Wing stated his concern regarding the fact that the PAC never gets asked to approve fees, but we're asked to approve a program that eventually has fees.

(#3030) Charlie Butros stated he doesn't have an answer as to if the PAC will be presented with the fees to approve them, but the BOCC will be the approving board for those fees. The stormwater utility has been established by the BOCC. The funding aspect is still being developed.

(#3100) Tim Wing had concerns regarding the potential funding sources. You're going to tax everybody for the tax. The developer fees, SEPA mitigation, and System Development Charges are all fees that a developer pays during the process for putting in something new. So I couple that all in one group saying that if someone wants to develop something, they should have to pay to do it the right way, and that's fair. The other fees, like Sales Tax Returns, REET funding, and Future Road, Park and/or Utility Projects are supposed to pay for lots of things; not just this. So when I assume there's six million dollars a year that might get spent on this, and knowing the county's budget, it looks to me like the only way to get that much money is to charge a pretty sizable stormwater utility fee. The map indicates to me that the state highway is discharging about 80% of the pollutants into the saltwater. If 80% of the problem is the state road, I'm having a hard time saying to implement this plan where almost all the money is going to come from residents in this county.

(#3200) Diane Edgin inquired if any of the other counties have implemented this type of program.

(#3225) Charlie Butros responded that Kitsap is the closest county to us that has a stormwater program that's in place. This issue was addressed by them, and what Kitsap found is that the contribution from the state is not very substantial towards their program costs.

(#3280) Bill Dewey did add that the Kitsap program is often hailed as a model for a Puget Sound county. It has a base of assessments per parcel assessment. They have a base and then figure in grants and other funding sources such as have been identified here. They have a very successful program.

(#3375) Joe Simmler stated page 7 shows about a million dollars a year and that's not just monies out of the general fund, but monies that are already being extended through Public Works that's generated through the gas tax, roads, and roads uses that for maintenance. That million dollars is already being spent.

(#3400) Tim Wing stated we discussed it was six million dollars a year.

(#3430) Charlie Butros corrected Tim by stating that is six million dollars over a six year period.

(#3435) Tim Wing stated he had inquired if those figures were cumulative and he understood they were. It's important to clarify that.

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(#3500) Charlie Butros stated they will be going through a very involved financial analysis that is up ahead of us yet. At the point we get through that, we will be able to answer those financial questions. We're really in the first year of transition. We have formed the utility but prior to forming the utility, each of the budget elements were in each of the department's budgets, and we really never considered separating out the expenditure for what it takes to treat a stormwater conveyance any differently than as part of an overall road maintenance program. Now we are starting to take a look at separating out some of those tasks and work elements to be able to better track what is stormwater, and what is road maintenance, and where you draw the line between the two can differ depending what factors you choose to use.

(#3600) Diane Edgin inquired if the funding elements aren't there, is there another methodology to step into if you have to postpone certain elements of the program, like going out eight years.

(#3665) Charlie Butros explained it is possible because of funding shortfalls that are unanticipated, other things that keep us from as implementing this program as aggressively as we hope could get in the way. We could get additional funding, or it could become a higher state or federal priority where additional funding is provided to help clean up some of the waters in Hood Canal. We're constantly putting in for funding for federal appropriations, but at this point, our crystal ball is as cloudy as anybody else's.

(#3700) Bill Dewey stated he would really like to compliment the county on the plan. It's gratifying to see how far we've come with the vision of treating stormwater here in Mason County in the last five or six years. Bill talked about the presentation given here where he invited Bruce Wulkan from the Puget Sound Action Team to give us a presentation on LID, when it was a foreign term to everyone. We have a plan in front of us today that is so prominent, and that we've come so far with is truly gratifying. It makes it rewarding, from my standpoint, to be able to participate on the PAC and see what has transitioned. On the water quality monitoring, the county is choosing not to make that an emphasis, with the exception of on retrofitting. I think that is a mistake. I think it's important since we don't know a baseline of where we are at right now. You're asking the community to invest a lot in the stormwater plan, so it's important to know how big a problem we have right now, and if what we're implementing in our program is going to fix it.

(#3850) Charlie Butros explained our current outlook is to use monitoring and sampling as a basis for prioritizing projects. Even though the plan may reflect that it's not a primary factor, it is the factor we are choosing to use initially for prioritizing projects.

(#0125) Bill Dewey stated that is good, but it's important to know once you've implemented those projects whether they're working or not. I'm also concerned about enforcement. You have a pretty elaborate program, and I only found one reference to enforcement on page 24. That's going to be really important. Somebody has got to be watching to see that people are doing what they're supposed to be doing under the requirements of the program. Element 5 on page 26, there's an opportunity with municipal facilities to actually make models of those and invite the public to come see them and see how to do it right, as far as rain gardens or demonstration projects through the municipal facilities. The program is based on decentralized stormwater management and try to do the treatment and infiltration on the properties. That's great from a stormwater standpoint, and an aquifer recharge standpoint, but I worry about from an operations and maintenance standpoint trying to get access to maintain them. That needs to be addressed in the plan, if you're going to focus on decentralized treatment on people's private property, to deal with that oversight of those systems. Element 9 on page 40, if this program is going to be fee based, which it likely will be, the reporting is really a critical factor. If you're going to take people's hard earned dollars to implement this program, you need to report back to them on an annual basis how that money is being spent, and if it's being effective. In my opinion, one of the reasons Kitsap County has been as successful as they have been with their program is they've done a good job with keeping the public informed as to what they're doing with that money. I urge Mason County to do the same. In our UGA's we're obviously going to have more stormwater issues to deal with than out in the rural parts of the county. From that standpoint, I feel the county needs to deal with pet wastes, and with domestic animal waste management, such as hobby farms. I think it's appropriate to start considering if the county wants to go with pet waste ordinances in the UGA's to deal with that problem. I've presented those numbers in the past to the PAC and the amount of dog and cat feces and the public health issues concerned with that. Personally, with our shellfish growing areas being located next to these UGA's we've got a real challenge to keep those areas open. I think it's important with the retrofits and

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LID to have a technical oversight committee that can really look at how LID is working as we start to implement it around the county.

(#0285) Diane Edgin noted her concern about animal waste on Harstine Island, as well as wondering where the brush pickers go twelve hours a day. I understand that Kitsap does have an ordinance on having a really good septic system to handle animal waste if you run a boarding kennel.

(#0300) Jim Reece talked about the geese and their waste. I live on the waterfront and if I'm gone for a week, I can fill a 5-gallon bucket of geese waste upon my return. That can't be good for the waters.

(#0385) Don LeMaster inquired of Charlie if he wants the PAC to recommend this document in it's existing form.

(#0400) Charlie Butros responded 'yes', as the next step in the process is to take this plan forward to the BOCC for adoption to allow us to move forward with finalizing the portions of it that we need to. You can also provide us with any of your other recommendations. We are taking notes on the comments that are being made here tonight, as well as the comments we received from DOE and Puget Sound Partnership recently and incorporate those into the documents. This is an ongoing process and our comment periods remain open until we submit this to the BOCC for adoption.

(#0450) Miscellaneous discussion.

(#0600) Bill Dewey expressed his concerns regarding recommending this existing document, and then a different document is taken to the BOCC for adoption based on all the comments.

(#0630) Dennis Pickard stated the PAC could recommend this to the BOCC based upon the February 19, 2009 draft, with the incorporation of comments from the PAC, hearing, and public comments.

(#0640) Tim Wing added 'in concept'.

(#0650) Barbara Adkins clarified there are three options for you tonight. You could recommend denial, or recommend approval as is, or recommend approval with changes. I don't know if I would phrase is 'in concept' because you are recommending the plan with changes as suggested by the PAC and whatever other agencies have submitted comments.

(#0700) Tim Wing stated he would like to recommend to the BOCC that they strive to see that the regional funding generated from the state and the local residents should be proportionate with the pollutant levels generated by state roads. There are a lot of people polluting this water and local residents are being asked to take care of it. It's the geese, and the tourists from California, the state roads, but we're being asked to pay for this.

(#0775) Debbie Jacobs added that WSDOT is working with stormwater in Highway 3. She inquired if there were plans for the county to work with that agency so we're not duplicating efforts.

(#0785) Charlie Butros responded we are working with them today. Many of the applications features we have put in that I referred to earlier have been put in on county roads and in state highway right-of-way. We are currently working with them to treat stormwater drainage conveyances where we have a high priority need. As the state continues to do project work, they, as will the county, perform that to the current standards. The Belfair Bypass and Highway 3 Improvements through Belfair deals with treatment for stormwater and runoff. Any of the current modifications they make and work that they do will provide for better treatment than what exists on the current highways.

(#0825) Tim Wing stated he recommends that the PAC recommend to the BOCC that they adopt the stormwater management plan in concept as presented to the PAC at their 3/16/09 meeting. He stated he further recommends we ask the BOCC to strive to see that the ratio of funding generated from the state and from local residents should be proportionate with pollution levels generated by state roads and local residential uses.

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(#0875) Miscellaneous discussion.

(#0950) There was a second to the motion, the vote was taken, and the motion passed unanimously.

(#0975) Barbara Adkins from the Department of Community Development opened the discussion on the request to revise Mason County Code to allow gas stations in Festival / Retail zone in the Belfair UGA. In your packet is a letter dated February 26, 2009 from QFC asking the PAC to consider making an amendment to the Belfair Development Regulations. Tonight we will consider QFC's request to do this. The staff report shows the series of events that lead us to this point. They submitted an application to install gasoline service pumps at the QFC. This was originally allowed by the planner at the time, and had a pre-app as an accessory use. Shortly after that, the BOCC received a complaint that a gas station was going in in Festival / Retail where it is not allowed. I reviewed the information on this request and discovered that gas stations are considered an accessory use, however, not an accessory use allowed in Festival / Retail. We immediately let QFC know that there was a misinterpretation of the code and they couldn't put the gas pumps in, and let them know what their recourse was at that time. That was to request a rezone to an appropriate zoning district that would allow it, or appeal the Planning Department's decision to the Hearing Examiner. We had a conference with them, and they then decided to pursue making a request to the PAC, ultimately to the BOCC, to consider revising Festival / Retail in Belfair to allow that type of accessory use with grocery stores. So tonight we're asking the PAC to consider this letter that has come in, and determine whether you would like to see the Planning Department pursue taking these revisions through the public process. Whatever your recommendation is tonight, that would go to the BOCC on my next briefing to let them know what you decided to do with this. If you recommend the Planning Department move ahead with the changes, we will draft this, and put it to public hearing. I will make sure all the members of the Belfair SubArea Planning Committee are notified that this is going forward and give them an opportunity to participate in this process.

(#1100) Jim Reece inquired about the timing getting the amendment incorporated in order for them to proceed.

(#1120) Barbara Adkins responded it would probably take about three months.

(#1130) Jim Reece inquired if this is the only area in Belfair with this zoning.

(#1140) Barbara Adkins explained this is the only site in the county, with only a couple of parcels in this district.

(#1160) Bill Dewey added Festival / Retail is a district core where you're really trying to facilitate pedestrians, and family festival type environment.

(#1180) Diane Edgin noted entering and exiting existing service stations and lots in Belfair is dangerous now. By denying a change would force even more congestion into areas that are already congested. Belfair is not really a walkable community. Whether there's a need there or not, but by not allowing the process to go forward, we're opening up an issue from a legality point of view. Now you're talking about a company that has a lot of money involved.

(#1235) Don LeMaster stated the issue is whether or not we recommend that the process move forward so that all of those issues can be addressed by both planning and the public.

(#1320) Jim Reece brought up the parking requirement issue.

(#1340) Barbara Adkins explained the grocery store has their own parking standards that go with it, which they have already met. However, the gas station will be taking away some of the parking.

(#1355) Debbie Jacobs inquired why the PAC is being asked if they want to process to go forward instead of it just going forward as other projects do.

(#1365) Barbara Adkins responded at this time long range planning is not taking on any tasks that aren't

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already currently under obligation or mandated by the state. This is a non fee supported task. This cuts into staff time and staff resources that are not paid for so the BOCC had said you're only doing fee supported tasks. Normally we would have just run it through, but at this point, we have instructions to go through them to take these tasks forward. The BOCC can then decide one way or another.

(#1400) Bill Dewey inquired about the distinction between a grocery store and a gas station, and a mini-mart that has a gas station.

(#1415) Barbara Adkins explained specifications for a grocery store are very particular and very different from a mini-mart.

(#1475) Bill Dewey noted as a fellow business person he is especially sympathetic to what QFC went through here. They went through the process doing everything they were supposed to do, got the green light, spent a lot of money developing plans only to find out that the county made a mistake. That is unfortunate, and I would be upset if I was in their shoes. QFC, in their February 26, 2009 letter, made some good arguments as to why this would be a compatible, accessory use for a grocery store in this particular zone. It would be my recommendation that we consider a process to amend the development regulations.

(#1540) Tim Wing stated at the time that the definition of Festival / Retail was discussed, and the parts of Belfair were zone, the whole concept of a gas outlet at a grocery store was something that wasn't very common. That has some potential of reducing some traffic in Belfair if you stop at QFC and get your groceries, without getting back on the road, you can get your gas. I don't think it was really considered when the definition of Festival / Retail was first established, so I also feel it would be worthwhile to pursue this request.

(#1575) Miscellaneous discussion.

(#1700) Don LeMaster stated in some way we need to move forward with this to allow the process to continue, whether that process is addressing a rezone or whatever that process needs to be, we need to move forward so these people can continue with their project.

(#1720) Dennis Pickard stated the PAC is in agreement with the end product here, but the question is what is the best way to do that. Is revisiting the zoning regulation the best way to meet that?

(#1735) Tim Wing stated you have a real problem if you don't do it that way, because otherwise you're making an exception to the zoning. I'd be much more comfortable addressing the zoning definition in a narrow way by redefining it to include this, as opposed to totally revisiting all of Belfair.

(#1800) Bill Dewey made a motion to recommend to the BOCC to revisit the Festival / Retail zoning in Belfair to consider including gas stations as an accessory use to grocery stores.

(#1850) The motion was seconded, the vote was taken, and the PAC voted unanimously to revisit the Festival / Retail zoning in Belfair.

Meeting adjourned.