

# MASON COUNTY PLANNING ADVISORY COMMISSION

February 25, 2013

*(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 6:05 pm by Chair Jim Sims.

## 2. ROLL CALL

**Members present:** Jim Sims, Kristy Buck, Ken VanBuskirk and Cathi Bright. Bill Dewey was excused.

**Staff present:** Barbara Adkins, Rebecca Hersha, Grace Miller

**Department of Ecology:** Tim Gates and Rick Mraz

## 3. APPROVAL OF MINUTES

The minutes for November 19, 2012 were approved with one modification on page 2. Change positions of 2016 and 2017. Minutes of December 17, 2012; January 28, 2013 and February 11, 2013 were approved with modification of title being corrected from Vice to Chair on Call to Order.

## 4. NEW BUSINESS

Ground rules for the hearings proceedings were clarified by Chair Jim Sims.

Staff submitted a prepared draft schedule for the December deadline. It was asked that the schedule be published online. Mr. Sims explained that the Board would go through the Regulations in detail with the plan to republish all the documentation in July with all the changes and recommended modifications. There will then be a 60-day comment period after publication, followed by Public Hearings.

It was commented on as to why the Citizens Advisory Committee comments were not published or available for view online. Staff had been given instructions to have the documents in question available online within a week.

Ken noted that at the January meeting, that the board had originally requested a copy of the RCW as guidance to the codes and policies listed as required versus optional and they have not received that. Ken wanted to know how they were to know which codes are Ecology recommended. Ken felt that it has gotten away from them and wanted to bring up Mr. Schallon's letter originally submitted at the January 28, 2013 meeting. Jim commented that it was staff's responsibility to tell the Board what codes are in the Statute, what was required, recommended by the contractors,

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and what was recommended by the Citizen's Advisory Committee. Ken wanted to make sure that the Board knows what is guidance opposed to what is policy.

Tim Gates, Department of Commerce, working on Assignment to the Department of Ecology presented a Powerpoint presentation pertaining to the Shoreline Master Program (SMP).

Tim started by giving a brief explanation of how and why the State and the Department of Ecology are involved and are helping write the Mason County Shoreline Master Program (SMP). It was also explained that the current SMP deadline is December 31, 2013.

### **AGENDA:**

1. Introduction to Shoreline Master Program – Why are we here?
2. Review draft PAC Schedule and Approach
3. Review Comprehensive Plan: General Policies and Regulations related to Critical Areas

### **CHAPTER IX-2 SHORELINE MANAGEMENT PROGRAM POLICIES – GENERAL**

#### **A. Ecological Protection, Critical Areas and No Net Loss of Ecological Functions**

Cathi questioned No Net Loss in terms of the resources in the entire county could be a moving target. Someone is always doing something somewhere that is doing an impact that may not fall under the regulations. Could be very difficult for the County in determining no net loss when issuing a permit. How do they determine that? Rick Mraz, explained that it is not impossible. If you meet the buffers you achieve no net loss, in ecological function in the Resource Ordinance. If you want to encroach into the buffers, that is where mitigation comes in.

#### **B. Vegetation Conservation**

#### **C. Flood Hazard Reduction**

2. Development in floodplain should not significantly or cumulatively increase flood hazard or be inconsistent with an adopted comprehensive flood control management plan.

Jim asked why this was part of the SMP. Why should the SMP direct to limit the development whether it's Kennedy Creek or whether it's the Skokomish River? Rick commented that it was a shoreline water body and you have to regulate development adjacent to streams greater than 20 cubic feet per second (cfs) qualify as shoreline in the state.

Jim asked for clarification on what establishes the Floodplain Ordinance in the County. Tim clarified that it was the Mason County Flood Damage Prevention Ordinance, No. 87-08, dated August 2008. Cathi was concerned as to the redundancy of including the codes in so many documents and if it is increasing contradiction and room for error. Jim said that if it was established by an Ordinance that has already been established by the County, then the Board needs to make sure that the documents refer to them. Tim explained that it was an attempt to reference the key documents, but maybe it needs to be clarified.

#### **F. Water Quality and Quantity**

Eric Schallon of Green Diamond commented on baseline of what is required and what is Ecologies wish. He asked if the current draft was above baseline. He asked if it can't be in a written document can it be verbally pointed out during the meetings? Tim commented that when he looks at the policy statements, which can be found in the Ecology guideline, if you wanted to see the exact language, he could provide that. Ecologies guidelines are adopted as a rule, they are not an RCW, but they are part of the WAC and they provide the standards.

A 10-minute break was taken.

### **17.50.055 GENERAL REGULATIONS**

#### **A. No Net Loss and Mitigation**

Tim wanted to comment on a letter that was received at the last meeting from Marley Young, P.E. and Jerry Richert dated Feb. 11, 2013. They had commented on 17.50.055 General Regulations under No Net Loss A.1., which reads:

- (1) All shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in a manner that maintains shoreline ecological functions.

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Ken stated that the letter only specified to change the wording from “preferred use” to “exempt”.  
Tim clarified that they are trying to distinguish between regulation and the permit process. The regulations do apply to projects that might be exempt from requirements for permits.

Rick suggested adding the word “new” – reading: All “new” shoreline use and development....  
Jim suggested adding a definition of “preferred use” in this section.

Tim pointed out that #2 reads “new” as well. Noting that #1 should state “new”.

- (2) Proponents of new shoreline used and developments shall employ measures to mitigate unavoidable adverse environmental impacts to ensure no net loss of ecological functions necessary to sustain shoreline resources.

No net loss and mitigation was discussed in detail.

Vickie Wilson commented on the new language used for A. No Net Loss and Mitigation. She asked for Tim's opinion if there was any wording that was a policy choice that Mason County was making or has it been paraphrased as to what needs to be done. Tim commented that it was in Ecologies key guidelines on the process. Rick stated that it was in Mason County language now in their Environmental Policy Ordinance. Ken noted that the last part of #7 is optional. Tim said that they could elect to take that option away.

- (7) ... The County may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved and sanctioned by the Department of Ecology and other applicable state and federal agencies.

Ken suggested that the last sentence be removed. He explained that Mason County elected not to participate in the in-lieu program, stating that he was not sure if it was the same Hood Canal Coordinating Council. Rick asked if it could be changed in the future. Rick commented that it gives an alternative mitigation approach.

The Board continued on with No Net Loss & Mitigation. Tim continued his discussion with #8 and #9.  
It was discussed in detail.

Teri King asked where is the “emphasis on restoration” on #7. If there is a problem in Belfair, can it be mitigated in Lilliwaup, if in the same watershed? Where is the restoration opportunity? Rick commented on the Marine Reach Sub-Basin and watersheds and that wording should be changed. Tim commented that it was intended to identify opportunities for voluntary restoration, not necessarily mitigation. Teri explained that it was for new construction; she stated that what she is concerned with is new development within an area and mitigating for that. What is the current function and flow? It was determined that #7, #8, and #9 would be looked at closely and wording would be clarified.

Jim asked staff to add a reference to #9 of the current County policy. Rebecca affirmed and will reference the Development Regulations Section, consistent with Title 15 to #9 under No Net Loss and Mitigation.

### **B. Critical Areas**

- (1) Applicability
- (2) Buffers and Setbacks
- (3) Wetlands

There was concern that if adopted policies are not necessarily consistent with the Resource Ordinance, and that the Resource Ordinance should be amended to reflect what was in the SMP, questioning that there isn't a procedure to adopt. Cathi was concerned with cross-referencing the documents, that if one document gets updated, but the other document does not. It was discussed in detail.

Jim suggested that staff define what a Federal Wetland Delineation by referencing the WAC under Wetlands #1.  
Cathi also suggested that parcels falling under shoreline designation per the definition under Title 17.50 will permitting according to the regulations. Staff said that there is direction in the SMP

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#2 in Wetlands was agreed to be deleted from the SMP. It reads:

- (2) MCC 17.01.070.E.3.d regarding selective commercial timber cutting is not applicable to wetlands in shoreline jurisdiction.

(4) Landslide Hazard Areas

The PAC discussed 1.d. and the issues with "Bluff-backed beaches" and if it was necessary to add it to the SMP. Staff explained that this fell under the Landslide Hazard section of the Resource Ordinance.

1.d. reads:

- (1.d.) In addition to another classification criteria established in MCC 17.01.100.A. the County shall consider mapped areas of bluff-backed beach, as determined by Puget Sound Nearshore Estuary Program shoreform mapping, in determining the extent of the landslide hazard area.

It was agreed by the PAC and staff to removed 1.d. from the SMP.

They discussed the erosion rate and the recommendations in detail. It was discussed if they would removed the from the SMP altogether and reference the Resource Ordinance only. It was determined to keep it in the SMP as-is.

The public comment portion of the hearing was opened.

Charles Watts of Harstene Island commented on property that his family has owned for over 60 years. He was commenting on the designation of the SMP on his land as Conservancy. His concern was that the county designation was incorrect on his lot and his land should fall under the Rural category.

Theresa Nation of the Washington Dept. of Fish and Wildlife commented about the recent changes in personnel and added a lot of people have put in a lot of work on various committees. She requested that the County make a public statement. Jim stated that discussing county personnel is not appropriate. Theresa said that she did not need the details. It was discussed that the Citizens Advisory Committee comments will be published online and available to the public by the end of the week. She noted that those directly involved should receive an email which would be appropriate. Staff agreed to send out an email to those involved.

The public comment portion of the meeting was closed.

The Board discussed the next Workshop scheduled for Monday, March 4. Cathi said that she would not be available for March 4. Barbara Adkins explained that no quorum was needed since it was a workshop. It was agreed by the PAC to schedule the next SMP workshop for Monday, March 11, 2013.

Adjournment at 8:54 p.m.