

MASON COUNTY PLANNING ADVISORY COMMISSION

April 22, 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 6:00 pm by Chair Jim Sims.

2. ROLL CALL

Members present: Jim Sims, Kristy Buck, Bill Dewey, Ken VanBuskirk, Cathi Bright, Rob Drexler and Vicki Wilson.

Staff present: Rebecca Hersha and Allan Borden

Department of Ecology: Tim Gates and Rick Mraz

3. APPROVAL OF MINUTES

The minutes for March 25, 2013 were reviewed. Minutes were approved with modifications of correcting the wording in the last sentence on page 1. Strike "exist" and add "are not natural". Ken asked to correct the wording in the last paragraph of page 2 and to strike "grant" and replace with "SMP".

Kristy made the motion to approve as amended. Ken seconded, the motion passed unanimously.

4. REGULAR BUSINESS

Ground rules for the hearings proceedings were clarified by Chair Jim Sims. He explained that it was a workshop and the prime purpose is to consider the draft of the Shoreline Master Program (SMP). He went on to describe the process through the Citizens Advisory Committee (CAC) and the Joint Technical Advisory Committee (JTAC) that have provided input on the draft that is being reviewed. He explained that the Commission would be referring to an amendment to the existing County Resource Ordinance and the proposed SMP.

Kristi asked for confirmation that the SMP 17.50 draft they are reviewing is dated Jan. 17, 2013 and that no revisions will be made until it has been reviewed in it's entirety. Staff affirmed stating that no modifications have been made to the SMP they are working from (dated 1/17/2013), they may show some suggested wording or edits on PowerPoint Presentations and literature, but have not made any revisions. Staff stated that all the Board comments and thoughts are being compiled, but revisions will not be made until the PAC hearing. Jim commented that the revised SMP would be distributed prior to the public hearings, which are tentatively scheduled for September.

Barbara Adkins addressed the Board with proposed agenda guidelines. Jim commented that this was a workshop, not a public hearing and they were not required to have public comment period during the workshops, but would allow those that have visited to have an opportunity to speak. Ken commented that he would like to adopt the guidelines submitted, stating that they are important and suggested that he would still like to hear what the public has to say regardless if it is a workshop or a public hearing. Ken asked that the PAC take comments after every bulleted item on the agenda. Bill added that he thought Ken's suggestions were accurate and stated that he also appreciates

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everyone's comments. Ken made a motion to adopt the guidelines as amended to implement for future use in both public hearings and at workshops. Kristy seconded, the motion passed unanimously.

Tim Gates with the Department of Ecology presented a Powerpoint presentation that highlighted the items on the agenda pertaining to the (SMP) and the Resource Ordinance (RO) regulations.

CRITICAL AREAS: Regs 17.50.055.B
Review common line mitigation model discussed at the 3/25 PAC Workshop

Tim gave a brief overview on standard and view protection buffers and where they apply for single-family residences. He explained that there are special provisions for single-family residences on saltwater shorelines and SMA lakes. The common-line setback applies instead of the standard buffer. He went on to explain that buffers shall not be less than 20' with a 15' setback without a variance.

CRITICAL AREAS: Mitigation Manual for Common Line Setbacks
Proposed draft Mitigation Manual – Appendix D, was submitted by staff

Rebecca proposed a draft Mitigation Manual (Appendix D) on common-line setbacks for the RO which was based on the Kitsap County model that provides more specificity on view protection, infill lots and common-line setback regulations. She explained that this draft, which would be Appendix D of the RO, talks about the best management practices within buffers for single-family residences. She explained that the draft details how much mitigation is required for clearing in a buffer. Her presentation detailed that this proposed draft applies only to single-family residential on lake or saltwater and that the current RO is vague, stating that by reducing setbacks that you mitigate and enhance the buffer.

Rebecca explained that if you are building within the buffer you can either hire a biologist to prepare a Habitat Management Plan, or as Appendix D suggests, the homeowner or applicant for a single-family residence to prepare their own Habitat Site Plan and does not have to be prepared by a biologist as long as the conditions are met. Staff detailed that you have to meet the setbacks, common line and the minimum 35' setback, if you cannot meet these conditions, then a variance is required along with a professionally prepared Habitat Management Plan.

Staff then moved on to mitigation standards and mitigation ratios. Rebecca talked about Habitat Site Plans, existing and proposed development. Staff explained that the Habitat Site Plan is new and does not exist in the current RO. The current RO states that you have to hire a professional biologist to create a Habitat Management Plan. Appendix D is proposing a new option to provide more flexibility for homeowners.

Ken suggested that the language showing the requirements that the landowner can do the Habitat Site Plan be more visible. Staff showed that it is discussed in the introduction of the draft.

Appendix D (Introduction) reads:

Although proposed buffer encroachments are typically required to be mitigated for in a Habitat Management Plan (MCC 17.01.110 J) prepared by a qualified biologist, this manual provides a low cost alternative by outlining the requirements for a Habitat Site Plan prepared by the property owner or designee.

Jim commented that the above statement should be reiterated under F. Habitat Site Plan on page 10 of Appendix D. Staff agreed.

Rob asked if there was definition for "Qualified Landscape Professional". It was discussed in detail. It was suggested to change to "Licensed Landscaped Professional". Cathi had concerns with the language and suggested that there be a strict guideline on who can prepare a site plan, what it means and what requirements must be met. She suggested that maybe offer training and a certificate for those that attend, stating that they meet the requirements to prepare a site plan. It was discussed in detail.

Rebecca agreed to include a sample site plan in Appendix D. Rick Mraz asked what constitutes a site plan and that the County needs have a standard of procedures for one. Rebecca said she was working on making it more specific.

Jim Sims opened the floor for public comments.

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Marley Young of Shelton asked how many qualified biologists were available locally to create a Habitat Management Plan? Staff commented that there are a few in the county and that there is a consultant list to reference. Mr. Young was concerned that the county was going to make it difficult to find a biologist. Jim clarified that there is an alternative to hire a biologist. Staff affirmed. Mr. Young wanted clarification if a biologist has to guarantee that what they are proposing has a no-net loss? And will a landscape professional have the same obligation? Staff explained that the Habitat Management Plan requires you to show that you are mitigating for any types of loss that you are creating. It is the biologists' responsibility to meet these requirements. Jim asked who will determine whether no-net loss is satisfied. Tim detailed what Ecology's guidelines were, stating that the regulations achieve no-net loss. If you establish these ratios and you have a professional that meet's these ratios, it shall be equal to no-net loss. It is not a separate independent evaluation. Marley asked if these regulations were in Title 17. Staff affirmed, stating that these are proposed changes to Title 17 and will be applied consistency in shorelines and outside shorelines.

Brian Combs, Salmon Restoration Biologist with the South Puget Sound Salmon Enhancement Group commented that any biologist that prepares a plan is going to have a clause in the report stating that the report is not final until the County has accepted it. He commented on having the homeowner doing the Habitat Plan as long as the criteria is met and that the landowner have guidance to meet their target. He suggested that the county have a list of example planting plans and a list of plant species that are acceptable by the County. He also questioned that Appendix D states that the landowner will show where the locations of wetlands and streams on the property. His concern is that landowners might not know if they have a wetland or not and asked that it be addressed.

Brian also asked about the 15' setback and that it goes beyond the critical area, he asked what the County and Ecology were considering the buffer? Stating that typically the buffer is not the critical area.

Staff asked for more clarification. Brian explained that on page 2 of Appendix D it states:

A shoreline or critical area setback is the distance from a critical area beyond which a structure shall not extend. This distance is at least 15 feet greater than the buffer, except for common lines. The 15 feet between the habitat buffer and the structure setback may be cleared, graded, landscaped, graveled, or paved.

Brian went on to say that what it is describing is the buffer and that the buffer is a setback from the critical area that is meant to be a buffer zone. Rebecca confirmed that the setback definition was specified, that it is not the 15 feet, the setback is 15 feet more than the buffer. The actual setback is measured from the critical area. Brian asked, functionally, what the setback is for? Staff explained that it was discussed previously and the reason was to keep the structure away from the water, if you build next to the buffer, this was a 15 foot building setback to allow for maintenance of the building, ingress and egress, and other activities surrounding the building.

Randy Lumper with the Skokomish Tribe asked if the site plan developed fall under the same monitoring requirements that the Habitat Management Plan require? Staff affirmed. He asked if you could call and request an annual report? Staff answered that it will be hard to implement when you are allowing the homeowner to take responsibility, but the purpose is to get more mitigation done up to the common line and clarify the mitigation, while not being so burdensome by requiring them to hiring a biologist. Randy stated that he would like to see the final report that has a clear indication that no-net loss is achieved.

Harvey Scott of Mill Creek commented that he agreed with the proposed Habitat Site Plan. He had concerns with what the current RO recommends putting the eve of new home on the common line and not the deck even if it is below 30" in height, and asked for clarification. Staff explained that the current RO does not have a definition of structures and needs to be clarified. It was discussed in detail.

Resource Ordinance 17.01.240 Definitions:

Structure: A walled or roofed building including a gas or liquid storage tank that is principally above ground . (Note: This definition only applies to Section 17.01.090).

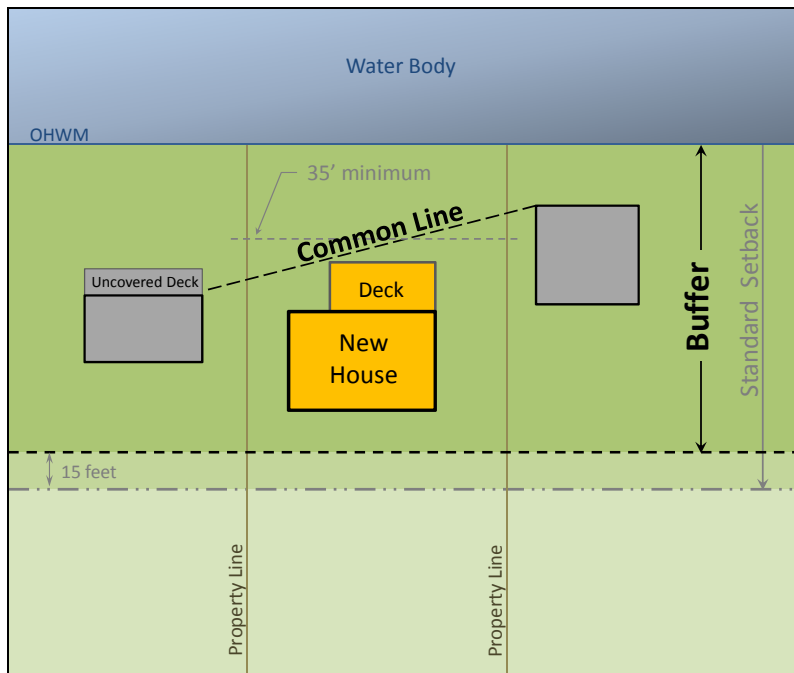
Major New Development: Major new development includes and is limited to all activities which require subdivision, short subdivision, or large lot subdivision approval, mobile home park or RV park approval, grading permit approval, or building permit approval, provided that this does not include repair, remodel, or alteration of existing buildings which do not increase the footprint of the building by more than 10%.

Setback: The distance from a lot, parcel, tract, critical area or resource land boundary, beyond

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which the footprint or foundation of a structure shall not extend.

There is no definition for Structure that applies to the Fish & Wildlife Habitat Conservation Areas. It was determined that the definition for structures applies only to Section 17.01.090 of Frequently Flooded Areas. Staff suggested removing from the RO and adding a revised version that is more specific to the SMP. It was discussed if the definition Major New Development under the RO is what should be used. Rebecca explained that when measuring the common line, you measure to the roof eve, which it specifically says in the RO for common line. Staff commented that they would like to clean up the definition of structure to make the regulations more clear. It was discussed that new construction would include a deck that must meet the common line setbacks, as listed in Appendix D in Fig. D-2.



The PAC questioned if you build a deck less than 30" above grade is it included in the structure? Staff explained that the setback in the RO is measured from the structure, and there is no definition of structure. Rick explained that a deck is going to meet the statutory definition of structure in the SMA, the state rule is going to call the deck a structure. Jim confirmed that it is a statute and that the deck is a structure. Jim then asked if the statute addresses if it is above 30". Staff affirmed that it does not.

SMP 17.50.040 Definitions:

Structure: A permanent or temporary building or edifice of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. Retaining walls, decks, bulkheads, fences and similar improvements to real property are examples of structures.

The definition of structure was discussed in detail. Staff explained that decks are considered structures. Rebecca commented that if they change the regulations in the RO, and allow decks in the setbacks, that it will be less stringent regarding critical areas.

Harvey Scott of Mill Creek suggested two options; have a common line measure eve-to-eve and another common line that measures from deck-to-deck. Staff explained that there would be no area to mitigate, but they could change it back to read from the common line plus the 15 foot setback which would allow an uncovered deck within the

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setback. It adds more complexity, but it gives an option to create another common line for the deck. It was agreed to create two common lines, (uncovered) deck-to-deck and eve-to-eve with the minimum setback of 35'.

Cathi commented on the Qualified Landscape Professional language that was discussed earlier. She suggested that maybe it was possible to work with the Master Gardener Program. Teri King, Board Certified Biologist and a Master Gardener commented that they work with landscapers and homeowners in regards to what and why to plant. It creates good stewardship in protecting the environment.

Kristy commented on Appendix D, page 2 and questioned the Buffers and Setbacks that buffers must be contained in their natural condition. She questioned what the definition is of 'natural condition' and asked that the wording be changed to 'existing conditions' instead. Staff explained that it must be retained adding that the land must be brought back to it's original condition or choose other mitigation options. To meet No Net Loss of new development, it has to be enhanced.

Ken questioned the Review of Habitat Site Plans (HSP) on page 11 of Appendix D. It was discussed in detail the way it was worded about giving the applicant three successive attempts. (shown below). Ken suggested striking the first part of the sentence and landscape professional. Staff suggested keeping the wording 'landscape professional' in order to give the homeowner another option. They also suggested adding additional options by adding Conservation District, WSU Extension Master Gardeners, etc.

~~If the applicant has submitted three successive HSP's that are illegible or lacking the required information, the applicant will be required to hire a landscape professional to submit a plan that meets the above requirements, install the plants, and maintain the enhanced area (for at least three years). Or, the applicant can choose to hire a habitat Biologist to prepare a Habitat Management Plan (per MCC 17.01.110 (J)).~~

It was discussed in detail. Bill asked staff to reword adding in the additional services and keeping the three attempts, but after the third attempt, then you are hiring. Brian Combs commented that the homeowner/applicant should be encouraged to know about all the resources to help them succeed the first time. Staff agreed to reword and will revisit at the next meeting.

Rob asked about the certificate of occupancy and if it is not issued. Rebecca explained that the wording was written poorly, and that the suggested draft does allow occupancy. She agreed to change the language.

Vicki asked about site plans and if they meet all criteria and provisions. Staff explained that there are details of what must be included in the site plan, and they need to create additional wording on density requirements along a sample. Rebecca agreed to make the changes and they will review at the next meeting. Vicky commented that if they are going to allow homeowners to submit there own HSP, then they needs to be sure to specifically set them up to succeed. They need to have all information to submit a successful site plan on the first try. Rebecca added that she would like to include in Appendix D a reference list of native plants.

Bill asked if the option for incentives could be added. Rebecca explained that they don't have any way to come up with ratios on bulkhead removal or overwater structure removal. But that they have made attempts on adding in incentives. She added that she has included allowance on different mitigation options, especially if you have no area to plant.

Randy Lumper questioned the replacement of large woody trees with shrubs, and if the trees have an ecological function, how does that meet No Net Loss? Tim commented that if you can meet the standard buffer on saltwater shorelines, which is 100 feet, or 150 feet if it's natural or conservancy. It is an existing RO and we are adding more specificity by retaining the common line provision.

Public comment was closed.

Tim gave an overview on the critical area ordinance and how the SMP relates to it. He explained that it was in regards to the original question from Marley Young and Jerry Richert, both of the Skokomish Valley.

CRITICAL AREAS: Regs 17.01.240, 17.01.070.D.2 and 17.01.110.F.3

Cleanup: Clarify Resource Ordinance agriculture provisions

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In regards to the SMP, legislation has been clear as to what counts as agricultural activity, land, facility and equipment. The SMP has incorporated all the definitions, but the RO had a few provisions that did not match. Staff added that shoreline statute is under RCW 90.58.065. Overview of new language underlined below:

MCC 17.01.240. Definition of “agriculture activities” excludes operations idle for 5+ years unless enrolled in a state or federal conservation program (e.g., CREP).

Problem with SMA Jurisdiction: Conflicts with SMA definitions which have no time-limit, no requirement that fallow land must be enrolled in conservation plan (*can be fallow due to adverse market conditions*).

MCC 17.01.070.D.2. Wetlands regulations repeat the definition.

Problem with SMA Jurisdiction: Same as above

MCC 17.01.110.F.3 Fish & Wildlife Habitat exemption for *existing* ag only applies where there is an approved farm plan.

Problem with SMA Jurisdiction: Conflicts with requirement that SMPs shall not “limit or modify” existing and on-going agriculture according to the SMA definition

OPTION: Revise RO to clarify application in shoreline jurisdiction, e.g.: “Within the jurisdiction of the Shoreline Management Act, statutory provisions of RCW 90.58.065 apply. See Mason County Shoreline Master Program.”

The PAC discussed the options in detail. Staff explained that it was a clean up as a reference and to revise in the RO. Rebecca added that the definition should be changed in RO to match the SMA. Tim explained that this was only an option to the RO for consideration.

The floor was open for public comments.

Marley Young commented, stating the more land that can be designated under the SMP, the easier the rancher or farmer has to operate. He added that if they are not under shorelines, then they are under Growth Management. Mr. Young asked the PAC to consider the rancher and to change the mapping to conservancy under the SMP – assuming that the green on the map is the FEMA 100 year floodline.

Public comment was closed.

There was a 10-minute break.

No Net Loss & Mitigation: 17.50.055 General Regs 7, 8 & 9

Cleanup: Revisit regulations on 7, 8 & 9 from Feb. 25, 2013 PAC meeting

Ken asked for clarification on revisions made to 17.50.055.A.1 which reads:

1. All new 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.

It was originally discussed at the Feb. 25, 2013 PAC meeting to add ‘new’ to all new shoreline and to strike preferred uses. It was confirmed that ‘new’ was added ‘preferred uses and’ will stay as-is. Tim suggested adding new language regarding statutory exceptions to #1.

Compensatory Mitigation: 17.50.055.A.7, .8 and .9

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7. Compensatory mitigation measures shall occur in the vicinity of the impact or at an alternative location within the same watershed or marine shoreline reach that provides greater and more sustainable ecological benefits. When determining whether offsite mitigation provides greater and more sustainable benefits, the County shall consider limiting factors, critical habitat needs, and other factors identified by a locally adopted shoreline restoration plan, or an approved watershed or comprehensive resource management plan. 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.

Staff discussed compensatory mitigation and gave five options to consider. Original question revisited from the February 25, 2013 PAC meeting: Regulation gives no direction or priority on where compensatory mitigation measure shall occur. Tim addressed both on-site and off-site mitigation. The last sentence regarding in-lieu fee programs was questioned and Tim explained that it authorizes it, but doesn't require it. It was determined not to strike the last sentence and leave as-is.

Brian Combs commented that off-site mitigation should be encouraged. It was clarified that the options would be added, not replaced.

8. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions. Mitigation activities shall be monitored and maintained by the applicant to ensure they achieve intended functions. The County may require an applicant to post a bond or provide other financial surety equal to the estimated cost of the mitigation in order to ensure the mitigation is carried out successfully. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required monitoring.

The last sentence was questioned in #8 – "The County may require..." How will the county decide which mitigation projects require a bond? Would this requirement apply only to certain kinds of mitigation actions?

Tim explained that an existing provision is listed in the RO authorization under 17.01.120 Development Review Process. It was discussed in detail and staff agreed to leave as-is and make no revisions.

9. Land that is constrained by critical areas and buffers shall not be subdivided to create parcels that are only buildable through a shoreline variance or would be considered non-conforming.

It was questioned if the #9 should reference Title 17.

Brian Combs asked about the Counties ability to enforce monitoring. Staff explained it would require a building or shoreline permit. The county has the ability to condition the permit and has the ability to enforce, which is under Section 17.01.210 Restoration in the RO.

Randy Lumper asked if the county has flexibility to require more complex monitoring for a complex project? Staff wanted to verify with code and that the language is correct before confirming. Brian Combs commented on bonds and installation of mitigation. Tim explained that the county does have the ability to implement flags for monitoring and enhancement.

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Staff discussed simplifying the General Dimensional Standard table (see below). Tim explained the new numbers were based on existing development and acknowledge existing conditions. They were changed to match what is in the RO. It was asked if it was necessary to have the table in the SMP. Jim asked to remove the table.

Simplify General Dimensional Standards section?

	Urban Commercial	Residential	Rural	Conservancy	Natural	Aquatic
1. Minimum Fish & Wildlife Habitat Conservation Area buffer (in feet)						
Streams	150 ¹	150 ¹	150 ¹	150 ¹	150 ¹	NA
Saltwater	50 ²	100 ³	100 ³	150 ³	150 ³	NA
Lakes	100 ³	100 ³	100 ³	100 ³	100 ³	NA
2. Minimum Landslide hazard buffer (in feet)						
	50 ³	50 ³	50 ³	50 ³	50 ³	NA
3. Minimum building setback from landward edge of shoreline buffer (in feet)						
	15	15	10	15	15	NA
4. Maximum Height limit (in feet)⁴						
	35'	35'	35'	35'	35'	NA
5. Maximum impervious surface coverage (percent of lot or square feet)						
	See Current Adopted Stormwater Manual for standards			10%	10%	NA
6. Minimum lot width (in feet)						
	50'	50'	100'	200'	200'	NA

Row 1: With changes made to RO, Row 1 is redundant

Row 2: redundant

Row 3: With changes made to RO, Row 3 is redundant

Row 4: Redundant with Zoning Code. (Addressed in text)

Row 5: Stormwater manual addresses imperviousness but not through max lot %

¹ Consistent with Mason County Resource Ordinance, MCC 17.01.100.
² Varies from Mason County Resource Ordinance, MCC 17.01.110.D, Table 3
³ Consistent with Mason County Resource Ordinance, MCC 17.01.100.D
⁴ Unless a lesser height is required by Zoning

Water Quality and Quantity: Comp Plan IX-22; Regs. 17.50.055 G

New provisions were proposed in the SMP. Tim explained that there are only four regulations listed in the SMP because Ecologies guidelines are very straightforward. The basic purpose is to ensure mutual consistency between the SMP and other regulations.

Staff described that stormwater would be added to #2 and strike effective erosion.

2. All shoreline uses and activities shall use effective stormwater and erosion control methods during both project construction and operation. At a minimum, ~~effective erosion~~ control methods shall require compliance with the provisions of MCC Chapter 14.48 Stormwater Management.

Vicki questioned why the wording was different. #1 lists shoreline use and development and #2 lists all shoreline uses and activities. She questioned why development was used in place and activity was used in another. Tim explained that development is a specific term in the shoreline act that includes structures. He explained that activities could include things like clearing or things that you would do in preparation to a use. It was discussed if the wording "activities and use" should be added to #1. Staff explained that use is considered commercial use, recreational use, etc. It was discussed in detail.

PAC agreed to strike "development" and replace it with "activity".

1. Shoreline use and ~~development~~ activity shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws.

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Bill questioned if there were any State agencies that approves toxic alternatives for use in water (as listed in #4). Staff said that it would be Dept. of Fish and Wildlife that would determine these materials as well as Dept. of Natural Resources in their Use Authorizations, which might have limitations on materials. It was discussed in detail.

Brian Combs commented on #4 and suggested that it should include additional language stating to refer to X list from X agencies and/or any applicable revisions. He did not think it was clear enough as it was. Staff added that it would depend on the industry and what the use was, adding that there is no way to list every use and industry. Brian explained that the list does not need to specify where the applicant would be bound to the list, but where they can get the information to use as a reference.

4. Materials used for components that may come in contact with water shall be made of materials approved by applicable state agencies for use in water. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited for use in the Aquatic environment. Tires and tire by-products shall not be used for construction where they would contact the water. Where chemically-treated materials are the only feasible option, materials shall use the least toxic alternative approved by applicable state agencies for use in water. Treated wood elements shall incorporate design features to minimize abrasion by vessels, pilings, floats or other objects. Wood treated with creosote, chromated copper arsenate and pentachlorophenol is prohibited for use in boating facilities.

Vicki and Bill suggested that the 17.50.060.2.1 Aquaculture be added as #5 to Water Quality and Quantity as a cross-reference.

PAC agreed to add:

5. Shoreline developments adjacent to areas especially suitable for aquaculture shall practice strict pollution control procedures. As required by MCC 17.01.110.G, design and siting of all new construction and major new development shall not adversely impact water quality.

Property Rights: Chapter IX; **Legal Lots, Restrictions Affecting Value and Liberal Construction:** Regs. 17.50.120

I. Property Rights

Policies

1. This program should regulate use and development of private property consistent with all relevant legal limitations.
2. This Program should not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

Staff explained that the regulation Property Rights are policies and guidelines that are found in Ecologies guidelines, State and Federal Laws. There were no changes made.

17.50.120 Restrictions Affecting Value

The restrictions imposed by this chapter shall be considered by the County Assessor in establishing fair market value of the property.

17.50.130 Liberal Construction

This ordinance is exempted from the rule of strict construction (RCW90.58.900), and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

Tim explained the interpretations and the purpose of the act. Jim asked about the rule of strict construction and asked where it is explained. Staff commented that it is a legal term and suggested adding RCW90.58.900 to it for reference and backing. Staff agreed to add (RCW90.58.900) after construction.

The floor was open for public comments.

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Eric Schallon of Green Diamond Resource Company commented on off-site and on-site mitigation. He asked who decides who makes that call and how does a homeowner do off-site mitigation? Staff commented that what is required is a competent Habitat Management Plan. It was also noted that the County also consults with the Dept. of Ecology and the Dept. of Fish and Wildlife for technical assistance in reviewing these plans. Eric suggested that there should be language added that would outline the process. He also questioned what it would look like if the homeowner were required to do off-site mitigation? Staff answered that a homeowner would not typically have much capacity to do off-site mitigation. The off-site mitigation would be intended for large projects. Where opportunities for off-site mitigation exist was addressed.

Eric also questioned the table being removed from the SMP under General Dimensional Standards for being redundant. He commented that the language was insufficient regarding impervious surface coverage and stormwater plan. Eric stated that it should say, "see and comply with" or "refer to". Staff explained that there were no standards. He commented that the language should be cleaned up if it is stated elsewhere.

Public comment was closed.

5. NEW BUSINESS

Ken addressed the PAC and asked about the Restoration Plan that was received dated April 2013 and that he hopes the public has had time to review it. He asked if the consultants that prepared it would be at the next meeting scheduled for May 6, 2013. Staff affirmed. He was concerned that the plan he received was different from the original draft received in August 2012. It was confirmed that they would be reviewing the latest revisions dated April 2013.

Meeting adjourned at 8:57 p.m.