

# Mason County Planning Advisory Commission

January 26, 2015

(This Document is not intended to be a verbatim transcript)

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## 1. Call to order

Bill Dewey called the meeting to order at 6:06 pm

## 2. Roll Call

**Members Present:** Rob Drexler, Kristy Buck, Steve Van Denover, Vicki Wilson, Tim Duffy, Bill Dewey

**County DCD Staff:** Rebecca Hersha, Grace Miller

**Other staff:** Rick Mraz

## 3. Regular Business

### a. Adoption of agenda

Vicki Wilson asked to add a discussion regarding vesting. Kristy Buck added a note to discuss meeting dates for February. The Planning Advisory Commission decided to discuss immediately and announced the next meeting would take place on Tuesday, February 17, 2015.

### b. Approval of minutes

Vicki pointed out some issues that she would like to see fixed on the minutes dated October 13, 2014.

- Amendments are missing from the minutes (they were added to the updated SMP, but still need to be noted)
- Page 3 A decision to add a definition of Gabion was made
- Page 4 Some revised language regarding policies needs to be added
- The last page the word “legal” is missing from the second bullet

Due to the amount of amendments, Bill asks for a set of revised minutes before a vote to approve is done.

## 4. Shoreline Master Program Update- Workshop

Presenter: Rebecca Hersha, Department of Community Development

### a. Title 15 (revising draft Title 15 and moving SMP sections to draft SMP 17.50.080)

Rebecca had provided two documents for the discussion of PAC recommended changes to Title 15. The first, called ‘A,’ shows all the track changes made to the Title 15 language before the most of the section was moved to the SMP (17.50). The second document, called ‘B,’ shows the language (previously Title 15 and revised) inserted into the SMP (MCC 17.50). Both documents

are dated December 29<sup>th</sup>, 2014. Since 'A' showed the track changes to the January 2013 draft Title 15, this meeting focused on this document.

Bill Dewey began this portion of the meeting by discussing vesting and asked when someone is technically vested. Rebecca said she did research and confirmed her original assertion that applicants are not vested. She stated that if the PAC chooses, verbiage may be added to the SMP that allows applicants to be vested. Rick Mraz and the Commission discussed state language regarding vesting. Rick suggested the following:

*Applications shall become vested to the current Shoreline Master Program on the date the determination of completeness is reached. Thereafter, the application shall be reviewed under the SMP in effect on the date of vesting. Provided in the event that an application substantially changes after the determination of completeness, as determined by the department, the application shall not be considered vested in the SMP until a new determination of completeness is done.*

Vicki said this vesting language should be added to 17.50.080 Permits, Exemptions, and Appeals section A. Rob makes a motion to add language presented by staff. Kristy seconded the motion. None oppose and the motion is passed.

Rebecca moved on to discuss Title 15. She went through and made suggestions for edits to the current code as presented in 'A' and asked for further edits or suggestions.

#### **15.05.040 Letter of Completeness of Application**

Rick talked about the conditions outlined in this section regarding written determination. He stated that if the county didn't respond within a 28 day window, the permit have to be complete even if there is missing information. Bill pointed out that this section does not state that if the county does not respond, the application is complete. Grace Miller stepped in and said that due to the fact that the guidelines state *the county shall* means that it is a requirement and the applicant can challenge the county if they determine it is incomplete after 28 days. Vicki said that in order to make sure there is no question on this matter, it should be stated in section A that:

*A. Within twenty-eight (28) days of receiving a date stamped application, the county shall review the application and as set forth below, provide applicants with a written determination that the application is complete or incomplete. If no written determination is made within 28 days, the application is deemed complete.*

The PAC and Rebecca agree with this. A motion was made by Kristy to add this sentence. Steve Van Denver seconded the motion. All in favor, none oppose. The motion passed.

Vicki voiced concern over section B. She stated that in RCW 36.70B.070, the language is actually more relaxed than the language proposed by Mason County. After discussing options, Bill asked if Rebecca could seek input from a county attorney on the best option for considering an application complete, for vesting purposes, at time of a Determination of Significance.

#### **15.05.030 Content of Applications**

**There was a recommendation to delete the following sentence:**

~~B. The applicant shall apply for all permits identified in the preapplication meeting.~~

#### **15.07.010 Notice of Development Application**

PAC agreed with Staff's recommendation of replacing (A)1-10 with the language in WAC 365-196-845(8). However they decided to keep the existing language in item (#11) that Staff had recommended to be stricken: *A statement that the decision on the application will be made within 120 days of the date of the letter of completeness* will now be A-10. (NOTE: This section will be renumbered due to missing #7 on the list)

#### **15.07.030 – 15.07.040**

The PAC did not have issues with Staff's recommended changes shown as track changes in these subsections.

#### **15.09.050 Type III Review**

PAC agreed with Staff's recommended addition of (D) Notice of final decision shall be provided in accordance with section 15.07.040.

#### **15.09.055 Type III Review- Shoreline Master Program**

Rebecca recommended that this entire section on Type III Shoreline Permits be moved to the Shoreline Master Program to have all shoreline permit reviews in one place.

The PAC agreed with Staff's recommended changes to 15.09.055, shown as track changes, except for the following:

PAC agreed that section (C)(3)(c) should be replaced with the WAC language:

~~C.3. c. Give brief narrative description of the general nature of the improvements and land use within 1000 feet in all directions from development site.~~ A general description of the vicinity of the proposed project including identification of adjacent use and structures and improvements, intensity of development and physical characteristics.

C.4. Members of the PAC questioned the necessity of the second sentence of section 4. They stated that the language regarding property owners within 300 feet is sufficient. Rebecca looked up the definition in Title 15 of adjacent property owners, and stated that it does not include information about at least 3 adjacent property owners. The PAC agreed to delete the second sentence of #4. Bill then suggested adding *line* or *boundary* instead so there was no question. The PAC agreed. Provide names and mailing addresses of all real property owners within 300 feet of property lines where development is proposed. ~~When adjacent property widths exceed 100 feet, at least 3 adjacent property owners' names and addresses shall be provided.~~

D.8. Bill and Vicki voiced concern with this section due to the fact that they both work with aquatic crops that would exceed the life of the permit. Rebecca replied that the time limits for action only pertain to *development* activities, not to ongoing uses. Rick commented that when aquaculture is deemed to involve development, it would be hampered by the 2/5 year limits. He suggested utilizing the following sentence from WAC 173-27-090(1) to grant the County the authority to create longer time limits for such activities: "Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and this chapter, local government may adopt different time

limits from those set forth in subsections (2) and (3) of this section as a part of action on a substantial development permit.” The PAC agreed to adding this to (D)(8) for flexibility.

**15.09.100 Final Decision (not specific to SMP)**

The PAC agreed with Staff recommendations shown as track changes in this section, but they requested that Staff look into the possibility of also adding the second sentence from WAC 173.27.090(1) to this section.

**15.11.010 Appeal of Administrative Interpretations and Decisions (not specific to SMP)**

The PAC had no comments on the track changes shown for this section.

**15.11.030 Appeal to the State Review Boards (not specific to SMP)**

PAC concurred with deleting the language per Staff recommendation.

**15.13 Enforcement (not specific to SMP)**

Rebecca asked the PAC if they would recommend adding a note to this chapter stating that these enforcement procedures do not apply within shoreline jurisdiction. She added that the SMP will have its own section regarding enforcement. The PAC agreed with Rebecca’s idea.

The PAC’s review of the first document prepared by Staff, ‘A’ was complete, and they moved on to review the second document, called ‘B’ (December 29<sup>th</sup>, 2014), which shows the language in ‘A’ inserted into the SMP (MCC 17.50). The PAC concurred with the track changes shown, except for the following items:

**17.50.110 Amendments (page 20)**

Vicki stated that the PAC decided to strike the below paragraph in this section because they cannot technically be appealed.

*~~An action of the PAC on an amendment may be appealed by any aggrieved person, PROVIDED such appeal is filed within 30 days from the date of the PAC action. Such appeal shall be addressed to the Board and filed with the Administrator.~~*

**5. New Business**

None

**6. Adjournment**

At 8:45 PM Bill Dewey made a movement to adjourn. None oppose.