

**Mason County
Planning Advisory Commission**

April 27, 2015

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

1. Call to Order

Bill Dewey called the meeting to order at 6:03 PM

2. Roll Call

Members Present: Tim Duffy, Vicki Wilson, Bill Dewey, Kristy Buck

Excused: Rob Drexler, Steve Van Denver, Kevin Shetty

Staff: Rebecca Hersha, Allen Borden

3. Regular Business

a. Adoption of Agenda

Rebecca asked to add a discussion regarding PAC dates.

May- Originally, two meetings were scheduled on May 11th and May 26th. The chambers were scheduled to be used by the Board of County Commissioners on May 26th. Rebecca suggested only having one meeting on May 18th, instead of the 2 originally scheduled. The Commission agreed this worked better.

June- It was decided that June 8th and June 22nd would work best for the PAC.

b. Approval of Minutes

No minutes

4. Shoreline Master Program Update - Workshop¹

Continue to review PAC's recommended changes to the Draft SMP "17 A" dated 2/17/15.

Presenter: Rebecca Hersha, Department of Community Development

G. Archaeological Areas and Historic Sites (Pgs 69-72)

1. Mapped/Documented Archaeological Areas and Historic Structures

Vicki began the meeting by asking about (a)(ii) which says:

- ii. *Prior to issuing a development permit or exemption with a ground breaking or ground covering component for a project within 500 feet of a known, documented archaeological area the applicant shall provide a cultural resource site assessment, conducted by a professional archaeologist, to determine the presence of archaeological resources in the area of the proposal. The professional archaeologist shall coordinate the site assessment with the affected Indian Tribe. This requirement for a site assessment may be waived if the applicant can demonstrate the proposed development clearly will not disturb the ground or impact a known site or resource, or with consent from the Washington Department of Archaeology and Historic Preservation (DAHP) or from the affected Indian Tribe.*

The County shall forward the site assessment to DAHP and the applicable Tribe, and the permit shall be placed on 'hold' until the Tribe or DAHP has authorized that the proposed development may proceed.

Rebecca said that any site assessments are currently sent to DAHP and the tribe. No progress can be done until either party gives authorization to move forward. Vicki voiced concern regarding the fact that outside parties can have that much of an effect on a site. She then gave the PAC a handout and discussed what a 106 Consultation is from the Army Corps. Vicki suggested adding a letter (d) to this section.

1...

d. For any use or development, requiring an Army Corps of Engineers' permit involving a section 106 consultation, ...

Vicki then discussed section b. Historic Structures. The second paragraph currently states:

The County shall forward the site assessment with the relevant information (such as a site plan, the location, and proposed activity) to DAHP, and the permit shall be placed on 'hold' until DAHP has authorized that the proposed development may proceed.

There was talk over how long someone is forced to wait for an answer without a noted time. It currently varies. Kristy suggested adding a time frame such as 60 days from completed application. Conversation was sparked in regards to (a)(i) again. Vicki suggested rewording it to:

Commented [MD1]: This was changed numerous times. Nothing was officially agreed upon, this was the wording that was liked most and it didn't have a closing. Vicki said "a section 106 consultation, blah blah blah"

Mason County will provide on their website a link that will generate a table of permit and exemption application case numbers, dates received or entered into the database, project locations, and project descriptions. The Tribes will have 14 days from the date the application information is available on the website to *notify* ~~to~~ the County if the tribe believes a cultural resource assessment is needed. ~~regarding concerns about the protection of archaeological resources.~~ If Mason County has not heard from the notified Tribes within 14 calendar days of notification, it will be assumed that the Tribes have no concern with the project, unless the project triggers SEPA compliance, then the comments will be accepted until the end of the SEPA comment period.

Rebecca then asked about adding a time frame within (ii). Vicki suggested Rebecca contact the federal Archaeologist in the Seattle district about their time frame requirements are for DAHP and the tribes.

17.50.065 Use Regulations

B. Aquaculture Regulations

1. General Aquaculture Regulations (Pgs 93-100)

A long talk was had among the Commission regarding this section. Vicki, Bill and Rebecca discussed the possibility of changing the language in (i) Rebecca mentioned that she felt removing language would leave the section too open to interpretation. The following is what was agreed upon:

i. ...

i. *New or expanded aquaculture shall be located, designed and maintained to assure no net loss of ecological functions, as demonstrated in a Habitat Management Plan (or Biological Assessment or Biological Evaluation, or equivalent document when allowed).*

Vicki asked if the same verbiage needed to be added to (ii). Everyone agreed it should be added.

ii. *As required by MCC 8.52.170(g), all activities in saltwater shall avoid impacts to eelgrass and kelp beds to the maximum extent practicable. Aquaculture use and development shall minimize shading and other adverse impacts to macroalgae and eelgrass beds. If eelgrass or macroalgae is known or suspected, an aquatic vegetation survey is required. Unavoidable impacts shall be addressed in a Habitat Management Plan, *Biological Assessment or Biological Evaluation, or equivalent document that presents an acceptable mitigation plan...**

(*"Biological Assessment or Biological Evaluation, or equivalent document"* was also added throughout the document when a Habitat Management Plan was discussed.)

A question of the wording in (j) came up. After debating whether or not to keep it as written, it was decided to keep the wording but to rearrange it as follows:

j. *To the maximum extent practicable*, floating aquaculture structures shall not substantially detract from the aesthetic qualities of the surrounding area, provided methods are allowed by federal and state regulations and follow best management practices. ~~to the maximum extent practicable.~~

3. Commercial Geoduck Aquaculture

Vicki noted that there was missing wording found in the Ecology Rules within the following section:

j. *Conditional Use Permits shall include monitoring and reporting requirements necessary to verify that geoduck aquaculture operations are in compliance with permit limits and conditions and to support cumulative impacts analysis. The County should consider the reporting and monitoring conditions of other permitting agencies, if available, before adding additional conditions to a permit.*

The PAC then reviewed the following sections with no recommended changes:

C. Commercial

D. Forest Practices

E. Industrial & Marine

F. Instream Structures

G. Marina Regulations

Some formatting errors and wording were pointed out to be fixed. Also, the numbering within this section was incorrect.

3. ... *include a Habitat Management Plan that identifies measures to protect habitats and mitigate for unavoidable impacts. Pier, ramp, and float construction and design shall meet the non-residential dock regulations including the avoid impediments to alongshore sediment transport, work windows, etc.*

7. ... *easily accessible vessel pump-out and shall provide on-shore sewage and waste disposal facilities. Each marina shall prominently ~~predominately~~ display signs stating that sanitary discharge of wastes is prohibited. Deviation from pump-out requirements ~~or~~ shall require a Variance.*

H. Mining- No changes recommended.

I. Outdoor Advertising, Signs, and Billboard Regulations

Rebecca brought the PAC's attention to item (4.), which currently reads:

4. *Other than temporary signs, per Mason County Development Regulations MCC 17.03, overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use. Signs in the Aquatic environment are not subject to buffer or setback standards.*

Rebecca suggested adding “freestanding signs shall meet setbacks” and “signs attached to existing buildings do not need to meet setbacks” for clarification. Kristy and Bill agreed the added language would be beneficial.

J. Recreational – No changes suggested by the PAC

K. Residential Regulations (Pgs 125-129)

Bill addressed WAC 173-26-231 (3)(b) which uses the term “when feasible”. He asked if those words need to be a part of section (e). Everyone agreed it should be, and Rebecca suggested adding it at the end of the first sentence to read:

*e. Prior to final project approval of a residential subdivision or short plat, a usable area shall be set aside for one (1) community dock **when feasible**. A proposed community dock shall...*

Bill asked if this also needed to be added to other sections. Allan Borden pointed out it should be added under **D. Docks, Unattached Floats, Mooring Buoys, Boat Lifts, Boat Houses, and Covered Moorage Regulations** (2) (c) at the end of the first sentence as well.

Tom Nevers from Mason Lake asked about restrictions on a community dock. Allan said the length restriction is 60 feet. Tom pointed out that a dock can have a 20 foot boat slip. If you multiply that by 10 slips that’s 200 feet so that would be over the allowed limit. This sparked a lengthy debate over the actual size of dock allowed. Allan utilized the white board to draw examples of a community dock and configurations. Rebecca said she would look into community docks versus joint use docks, and the length requirements for community documents. Kristy asked if Rebecca could also look into boat slips as well. Bill asked if there was a section of the WAC that addressed the allowed amount of slips for a community dock. If so, referring to that may be the easiest way to solve this.

Everyone agreed to go back and look through their notes from previous meetings so a resolution could be agreed upon at the next meeting.

5. New Business

None

6. Adjournment

At 8:33 p.m. Bill Dewey made a movement to adjourn, none oppose.