

Mason County Planning Advisory Commission

August 31, 2015

(This document is not meant to be a verbatim transcript)

1. **Call to Order**

Bill Dewey called the meeting to order at 6:04 pm.

2. **Roll Call**

Present: Kristy Buck, Steve Van Denver, Rob Drexler, Vicki Wilson, Bill Dewey, Tim Duffy

Excused: Kevin Shutt

Staff: Rebecca Hersha, Grace Miller, Rick Mraz (Dept. of Ecology)

3. **Regular Business**

a. **Adoption of Agenda.**

Rebecca asked to discuss upcoming meeting dates. The agenda was then adopted.

b. **Approval of Minutes.**

April 27, 2015- Vicki said G. Marina Regulations (3.) should have the word “avoiding” instead of “including” to read:

*... 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 **avoiding** ~~the avoid~~ impediments to longshore sediment transport, work windows, etc.*

Vicki made a motion to adopt the April 27th minutes as amended. Seconded by Kristy. All in favor, motion passed.

May 18, 2015- Kristy asked about page 3, paragraph 5. She was unsure of the language. Rob suggested that “included” be used instead of “covered” in the sentence regarding davits.

*Rebecca suggested removing davits from the dock section, moving it to the boat lift section and say they may now be ~~covered~~ **included**.*

After that sentence, Kristy asked that a new paragraph begin since other sections were being discussed.

In the changed language of (b.), Vicki questioned if “Habitat Conservation Plan” or the entire line had been stricken. Kristy said her notes showed only crossing out “Habitat Conservation Plan”.

Rob made a motion to adopt the May 18th minutes as amended. Motion seconded by Kristy. None opposed, motion passed.

- c. Future meeting dates
- September 14, 2015
 - September 28, 2015
 - October 12, 2015
 - October 26, 2015

4. **Workshop-Shoreline Master Program Update- Draft Resource Ordinance**

- a. Review (*continued*) Fish & Wildlife Habitat Conservation Areas Chapter (MCC 8.52.170), revised 7/28/2015.

Rebecca began the meeting by first giving the various reasons changes were made to the Resource Ordinance draft. She then asked if there were any questions or concerns with the changes. Rob asked about (4.)(b) *Danger Trees*. He voiced concern with the fact that after a danger tree is removed, the area where the tree stood must have another tree planted there. He asked why you would replant if the tree was removed due to the threat of damage to the house. Steve then asked Rebecca who determines that a tree is a “danger tree”. Rebecca answered Steve by explaining how the determination is made by the planners. Rob then questioned the origin of this section, specifically if it was from a WAC, still stating concern for the replacement of another tree. Rick Mraz said this language is in critical area ordinances across the state because trees are components to the habitat and may provide shade or nutrients to the nearby water. Grace Miller interjected that from time to time people will work with someone knowledgeable, such as a biologist, to come up with an alternative plan using different plants and shrubs. If this option is used, the homeowner would need to apply for a Mason County Environmental Permit (MEP). Rob asked if that option was noted anywhere in the Resource Ordinance. Rebecca responded that it is, just not directly because any disturbance of the buffer would require an MEP unless exempt, such as danger trees.

On page 10, (l) *View Corridors*, Rob asked about the defined measurements for “breast height” because he saw it in another section defined as being 4.5 feet. Rebecca said she would search the document to ensure consistency.

Vicki questioned (iv) (a) on page 13. She asked if “grade patios” should be stricken because they are defined as a structure. Rebecca decided to strike the following:

The minimum setback for structures shall not be less than 35 feet from the OHWM and the development envelope (including clearing and grading; ~~septic drain fields, and at grade patios~~) shall not encroach more than 15 feet waterward of the setback.

While addressing changes in (4) *Structures for which Setbacks Do Not Apply*, Rick discussed (i), saying it was too general and suggested adding more language or deleting it completely. Rebecca agreed with the PAC to strike it.

Bill and Vicki asked if they could discuss (2) back on page 4. Bill asked if “harvesting” referred to all types of harvest including recreational shellfish harvesting on the beach, and the tribes

shellfish harvest. Grace said in this case, harvesting is in reference to trees. Because “clearing” is listed, the PAC recommended striking “harvesting” to prevent confusion.

Rebecca moved on to page 17, specifically discussing her chosen language for (d.). She received an email from Nate Thomas regarding another letter sent in by Jim Madden. At this time Rebecca handed out a copy of the email from Nate so the PAC could look it over.

Jim Madden was present and spoke about some of the main points on his letter. He briefly discussed the definition of “footprint” and then voiced his concern regarding cantilevers regarding the potential view and other impacts that would result from allowing vertical expansion of non-conforming structures.

After a lengthy discussion between the PAC and Jim, Vicki said that at this time, she would like to keep the allowance for vertical expansion in the revised draft until the SMP moves forward to public hearings. She added that if these issues are addressed by the public or commissioners then they will look at the option of changing the wording. The other members agreed.

Bill questioned Rebecca about (o) (ii) on page 18. He asked if the sentence “...*there are no other practicable alternatives available and the drain field and tank are at least 50 feet from the OHWM.*” was in the WAC. Rick said he felt it was best not to quote an exact measurement if changes are possible and suggested:

Construction of new on-site sewage systems are not permitted in FWHCA’s but may be permitted within the setback, provided the applicant demonstrates there are no other practicable alternatives available and ~~the drain field and tank are at least 50 feet from the OHWM.~~ meets state and/or local health code requirements.

The PAC agreed with Ricks suggestion.

Page 22, (5) the following was decided:

~~Bond monies~~ Securities shall be released under two options...

Page 23 had two minor changes:

(I)(2) ...*The permit applicant shall consider watershed conditions and best available science to determine the type and location of ~~buffer~~ mitigation.*

(I)(3) *The director or his/her designee may allow the use of certified public or private mitigation banks and/or In-Lieu Fee (ILF) programs to mitigate for ~~FWHCA~~ impacts when...*

On page 25, the PAC had a discussion about (J) (d) (v). They voiced concern over the fact that monitoring reports would need to be submitted on an annual basis for a minimum of five years. Vicki asked if there were other possible options based on the type of project. Rebecca said the time could be changed to 3 years, which is consistent with the wetland and enforcement chapter. Kristy asked if it was possible to vary the required time by square footage or valuation of the mitigation project. Rick suggested Rebecca speak to the Department of Fish and Wildlife for some guidance. Bill suggested the following change:

...This shall specify it is the property owner’s responsibility to submit (to the department) monitoring reports on ~~a periodic basis and for a duration as determined appropriate by the department.~~ an annual basis for a minimum of five years or until the Department

determines that the mitigation project has achieved success based on the performance standards specified in the HMP...

Rob added that if you are unhappy with the designated time, you can always appeal to the hearings examiner. Rebecca agreed and offered the second part of that paragraph could be revised to:

...~~These reports shall be prepared by a qualified biologist~~ The county may require the report be prepared by a qualified professional after physically inspecting the site and shall use best available science to aid the department in evaluating whether or not the mitigation has achieved success...

5. **New Business**

None

6. **Next SMP Update Meeting**

Due to the time it was decided that the next SMP meeting on October 12 would cover

- Review Definitions Chapter (MCC 8.52.030)
- Review Restoration Chapter (MCC 8.52.275)
- Revised Cumulative impacts analysis

7. **Adjournment**

Bill Dewey adjourned the meeting at 8:52 pm