

From: Melissa Drewry <MDrewry@co.mason.wa.us>

To: wilson99aps <wilson99aps@aol.com>; kevinshutty <kevinshutty@gmail.com>; stevev4455 <stevev4455@gmail.com>; timduffytopaz <timduffytopaz@gmail.com>; kbuck <kbuck@johnlscott.com>; robd <robd@johnlscott.com>; billd <billd@taylorshellfish.com>

Cc: Barbara Adkins <BarbarA@co.mason.wa.us>

Subject: Fwd: Consider Inclusion of CARA Ordinance in Comp Plan Update Scope of Work

Date: Thu, Mar 19, 2015 4:38 pm

Attachments: CARA Team Rpt 2 PAC.doc (59K)

Please see the additional attachment sent by Constance Ibsen.

Thank you,
Melissa Drewry
Department of Community Development
426 West Cedar Street
Shelton, WA 98584
MDrewry@co.mason.wa.us
360-427-9670 ext. 236

Attached Message

From ibsen@hcc.net
To MDrewry@co.mason.wa.us
Subject Consider Inclusion of CARA Ordinance in Comp Plan Update Scope of Work
Date Thu, 19 Mar 2015 16:30:05 -0700 (PDT)

Ms. Drewry, Please distribute this email (with attachment) to all members of the PAC. Thank you. Constance Ibsen

Dear PAC Members,

Please include the Critical Aquifer Recharge Area (CARA) goals, policies and ordinance in the scope of work for the required 2016 Mason County Comprehensive Plan Update.

The County fails to implement its existing ordinance, irregardless of the 2013 CARA Team report attached.

Clear goals and policies are needed to protect Mason County drinking water.

In advance, thank you for your consideration.

Constance C. Ibsen
for the entire CARA
TEAM

Attachment

P.S. I will have all nine CARA Report attachments

To Randy Neatherlin, Chair, Mason County Board of County Commissioners

From Bob Hager, Lead, Informal CARA Team

Date March 26, 2013

Subject Status and Recommendations on Critical Aquifer Recharge Areas (CARAs)

In response to your request, I am pleased to report that the informal group you asked me to convene has finished its recommendations on Mason County Critical Aquifer Recharge Area(s) and ordinance.

The members of the informal team were Pat Vandehey, Terri Thompson, Constance Ibsen, Ken VanBuskirk and myself. The results are the product of the team members' review of existing materials, investigations and, in particular, the substantial information compiled by Terri Thompson and Pat Vandehey.

MASON County Critical Aquifer Recharge Area Ordinance Status and Recommendations

OVERVIEW AND STATUS

Mason County Resource Ordinance, Section 17.01.080 (MCRO) provides the standards for Critical Aquifer Recharge Areas (CARAs) in accordance with the Growth Management Act ([Attachment 1](#)). The GMA defines CARAs as “areas with a critical recharging effect on aquifers used for potable water.” CARA ordinances are to protect the aquifer by ensuring a clean supply of freshwater as it enters the ground and the aquifer. It is generally accepted that protecting public drinking groundwater supplies from contamination is essential for human health. Clean-up costs can be prohibitive or not possible.

Mason County CARA locations are designated as Class I (Extremely Susceptible) Class II (Highly Susceptible), Class III (Moderately Susceptible) or Class IV (Low Susceptibility). CARAs are shown on 25 USGS base maps with boundary lines drawn by retired volunteer geologist consultant Gordon Adams (now deceased). In a March 29, 1999 letter to Robert Fink, Mason County Growth Management Planner, Mr. Adams described the methodology and references he used ([Attachment 2](#)).

Mason County Planning uses these maps when reviewing permit applications. Mason County planners often have difficulty determining if a particular property is located on a CARA due to the width of the hand drawn lines and the scale of the maps. In addition, there are some areas where the lines do not meet ([Attachment 3](#)). Although developed at the same time by Mr. Adams, the City of Shelton and the Mason County CARA maps are exactly opposite for Class I and II aquifer classifications. Interestingly, the online Mason County and City of Shelton Comprehensive Plans CARA maps show no Class III aquifers. The Gordon Adams’ maps show many Class III CARAs. Also, the Gordon Adams’ CARA map shows a Class II CARA in downtown Shelton ([Attachment 4](#)), which is missing from the City of Shelton CARA and Mason County CARA maps on their respective websites ([Attachment 5](#)).

Ecology was unable to provide a list of facilities on Mason County CARAs that it permits or monitors because of the limited information on Mason County CARA locations. Ecology did provide a list of 495 facilities in Mason County that it has permitted or tracked under various Ecology programs. Using existing Mason County CARA maps, a limited review by the CARA team determined that a large number of these facilities are on CARAs. For example, of the 102 known sites around the Belfair area in the Ecology database, 37 of the listed facilities are on the Union River Class II CARA. There are 55 leaking underground storage tanks in Mason County for clean up under the oversight and review of Ecology ([Attachment 6](#)). Ecology is currently unable to determine if any of these sites are located on a CARA due to the lack of sufficient definition in Mason County CARA mapping.

Mason County does not have a database of facilities requiring permits located on CARAs. The MCRO, [Section J1](#), requires that a “*database identifying all pre-existing prohibited uses or uses requiring a permit is maintained.*” For these pre-existing facilities the MCRO, [Section C](#), requires the County to “*contact the owner and develop a compliance plan and time line to bring the pre-existing use into compliance to the highest degree practicable and which provides an acceptable low risk to the aquifer.*” There is also no database of abandoned facilities on CARAs.

On-Site Septic Systems (OSS) require mandatory operation and maintenance if located on a CARA (MCRO, [Section G](#)). This is also reflected in the 2007 Mason County *On-Site Management Plan*. ([Attachment 7](#)). There is no OSS countywide database for property parcels on CARAs. OSS operations and maintenance compliance in Mason County is generally not enforced.

There are indications that environmental contamination in Mason County is impeding development:

According to the 2002 CDM *Brownfields Assessment* (Attachment 8) in the early 1990's Hokushin, a manufacturer located in Japan, planned to build a \$70 million fiberboard manufacturing plant employing 120 on 70 acres in John's Prairie. During the *Phase 2 ESA* they encountered contamination in the ground water exceeding drinking standards. The source of the contamination was unknown and is still unknown. The manufacturer decided against a plant here and constructed an identical plant in Australia. In 1998, Express Pipe and Precast leased a parcel in John's Prairie to start a concrete precast manufacturing operation. They encountered large quantities of buried wood waste for which that the Port of Shelton was not aware. The company terminated the lease because the large quantity of wood waste made the development uneconomical and no agreement on how to dispose of the wood waste was reached.

CARA TEAM CONCLUSION:

The CARA team concludes that sufficient and adequate ordinances are in place to protect CARAs; needed is ordinance implementation and enforcement.

RECOMMENDATIONS

Immediate

Develop GIS CARA parcel layer: Direct and give authority to Mason County GIS staff to develop a parcel level layer for Mason County CARA locations based on the 1999 CARA maps prepared by Gordon Adams. John Stormon, hydrogeologist with Washington Department of Ecology, has offered to assist Mason County GIS staff.

This is the most urgent of all the recommendations, as it is needed to identify properties that are on various CARAs and to implement the other requirements in the Ordinance. Ecology also needs this GIS layer to identify facilities it permits and tracks within the CARAs.

The discrepancies between County CARA maps and Shelton CARA maps need to be reconciled. The maps encompass the same CARA areas; yet identify Class 1 and Class II exactly opposite.

Review and identify Class III CARAs on the original Adams' maps and add to the GIS layer.

In addition, the County must develop an ongoing process to refine the GIS layer with DNR, USGS geological information, wellhead data and various hydrogeologic studies prepared for individual projects.

Concurrently

Provide for a Critical Areas **Compliance staff position**. This position needs to be independent of Mason County department of Community Development, Health and Public Works. The job description would include the tracking, monitoring and enforcement of regulations concerning Critical Aquifer Recharge Areas. Possibly, Ecology's Hazardous Waste Program monies could be tapped to provide some support for this staff position and build in-house capacity

Ongoing

Data Base(s) Using the CARA GIS parcel layer:

Develop a comprehensive database of active existing facilities and operations on CARAs that have been permitted **Post the 1999** CARA Ordinance adoption that are either a 'Prohibited Use' or require an 'Environmental Permit.'

Identify and document sites required to have a hazardous waste number (WAC 173-303).

Inspect for compliance; initial inspection and subsequent inspections "not less than one every two years." (MCRO, Section J 1 and 2)

Assure that employees at the facilities are aware of and are following the required procedures for being located on a CARA.

Determine and implement compliance procedures/regulations, including enforcement, timelines and penalties.

Develop a database of active facilities and operations on CARAs that existed prior to 1999 CARA adoption (Pre-existing uses) that are either a 'Prohibited Use' or require an 'Environmental Permit' (Attachment 1, MCRO, Section J1).

In accordance with MCRO, Section C, for each facility or operation mentioned above: *"...contacting the responsible party, develop and implement a compliance plan and timeline, bringing the operation into compliance to the highest degree possible, and provides an acceptable, low risk to the aquifer."*

Develop a database of abandoned facilities or operations in Mason County, located on CARAs listed as prohibited under the Ordinance. Ecology previous permits and local residents' knowledge are sources to locate the sites. For each site develop a plan for monitoring and/or removal.

Develop a database for active and inactive surface mining (MCRO, RE-516, A-F (Attachment 9).

Develop a database of OSS on CARAs, flagging the property records for requiring mandatory Operation and Maintenance (Attachment 1, MCRO, Section G and the *On-Site Management Plan* (Attachment 7).

Notify the homeowners that are located on CARAs that operation and maintenance of OSS is mandatory to protect aquifer and drinking water sources.

Develop a process of coordination between the County, City and Ecology for the permitting and monitoring of facilities on CARAs.

Request that this report be made available to all Mason County Department Heads.

Attachments:

Four Examples of Sites Impacting CARAS, Attachments (9), Addendum (prepared by T. Thompson)

The following are some examples of past or current operations, which may be or have been, adversely impacting soil and water quality.

Belfair Sewer Project, Belfair UGA

Contaminated soil was encountered during construction of the Belfair sewer and resulted in cost overruns. This area is in the Union River Class II CARA in the Belfair UGA. A GIS parcel layer of pre-existing and/or abandoned permitted or prohibited uses on the Belfair CARAs could have assisted design engineers to locate sewer transmission lines into areas with less likelihood of encountering contaminated soils. Unfortunately, contaminated soil was encountered where there are known pre-existing or abandoned facilities including, at least six gas stations/auto repair facilities, two dry cleaners, and two boat repair facilities --all within 1/3-mile radius.

Goose Lake/Sanderson Airfield --Department of Ecology Agreed Order No. DE99TC-S260, 2001, states:

The Goose Lake Site is located approximately 0.3 miles west of Shelton. The Goose Lake Site and nearby upland property were used as a disposal area for Rayonier's waste from a calcium sulfite pulp mill. Thousands of tons of waste sulfite liquor were deposited from May 1931 to 1934 into the Lake and from 1934 into a series of upland disposal lagoons. Goose Lake sediment samples demonstrated extremely high concentrations of sulfide. Analysis for total metals indicates that the sediments are contaminated with mercury. Polychlorinated biphenyl (PCB) was also present in the sediment. Analysis of groundwater in the vicinity of the landfill indicated the presence of chromium above the Method A Cleanup Level. Contamination with arsenic above the Method A Cleanup Level was found in all three monitoring wells. Soil samples in the vicinity of the former disposal ponds indicated that arsenic concentrations were above the Method B Cleanup Level. Chromium has also been detected in soils and groundwater at Sanderson Air Field which is located in the Port of Shelton just north of Goose Lake.

Leaking Underground Storage Tanks (LUSTs) – Example, Belfair UGA

According to Ecology, there are 58 known leaking underground storage tanks (LUSTs) in Mason County. Example, **Facility Site 81456814 MC GWIMONT** at NE 22604 HWY3, Belfair. It is identified in the Ecology Toxics Program as Nbr. 6547. It is located on the west side of Highway 3 at the intersection with Highway 106. The start date for the Ecology effort is 8/1/1973. There is no further information or end date provided. Although this is not in the Union River Class II CARA, it is within the Belfair Water District Wells 1 and 2 well head protection buffer zones.

Shelton Landfill (C Street Dump)

This landfill is located on a CARA west of Highway 101 near the end of C Street. It is unlined and unmonitored. It has been listed under Ecology's Toxics program as a State Cleanup Site since 1988. A large amount of municipal and hazardous waste is buried there. It is also a site that Simpson Timber Company deposited dioxin ash mixed with sewer sludge. Currently, Miles Sand and Gravel, also located on the CARA, has removed a great deal of hillside near this old landfill. The 1987 final dioxin study report by CH2M Hill stated: "...the lowest portion of the depression is not on City property and there is a potential for movement of contaminated material to lower elevations within the depression although two berms would have to be breached before surface movement would occur." There is a potential for leaching from hazardous material into groundwater and into Goldsborough Creek.

From: Melissa Drewry <MDrewry@co.mason.wa.us>

To: wilson99aps <wilson99aps@aol.com>; kevinshutty <kevinshutty@gmail.com>; stevev4455 <stevev4455@gmail.com>; timduffytopaz <timduffytopaz@gmail.com>; kbuck <kbuck@johnlscott.com>; robd <robd@johnlscott.com>; billd <billd@taylorshellfish.com>

Cc: Barbara Adkins <BarbarA@co.mason.wa.us>

Subject: Fwd: Comp. Plan Update

Date: Thu, Mar 19, 2015 10:41 am

Attachments: Letter to MC PAC regarding update.docx (661K)

Good morning,
I received this letter today from Terri Thompson who asked me to forward it before the Monday meeting.

Thank you,

Melissa Drewry
Department of Community Development
426 West Cedar Street
Shelton, WA 98584
MDrewry@co.mason.wa.us
360-427-9670 ext. 236

Attached Message

From Terri Thompson <mwat@hctc.com>
To Melissa Drewry <MDrewry@co.mason.wa.us>
Subject Comp. Plan Update
Date Thu, 19 Mar 2015 10:36:59 -0700

Hi Melissa,

Please forward this letter to all MC Planning Commission members. I wish them to have time to read it, and consider it, prior to the Monday, March 23rd Planning meeting. Also, please entered into record. I am going to try to be back in town to be in attendance at the meeting but, I am uncertain at this point, and wish my comment to be considered.

Thank you, Terri Thompson

3-23-15 PAC

3/23/2015

Re: Additional Considerations for the Comprehensive Plan Update 2016

Dear Member of the MC PAC,

I am requesting: Updates to the **Critical Aquifer Recharge Section** of the MC Comprehensive Plan during this 2016 update opportunity. It would be to the best interest of local government agencies and private sector to clarify and update these ordinances.

I have been working with a group of citizens concerning the CARA (Critical Aquifer Recharge Area) ordinances for the last several years. The current ordinances have issues needing clear definition and resolution. Since the purpose of these ordinances are to "protect public health and safety, prevent degradation of groundwater aquifers used for potable water, and to provide regulations that prevent and control risks to the degradation of groundwater aquifers," it would be to the best interest of the county to add Critical Aquifer Recharge Areas to list of items to be updated.

The process of this update has been unclear to the MC general public making us feel unheard and voiceless. Unlike the same Comp. Plan update in Kitsap County (same time period). Online example of Kitsap's **2016 Comprehensive Plan Major Tasks:**

1. Project Management:

This task includes oversight and direction of the entire update process, including each of the below stated tasks. This task ensures consistent coordination and communication throughout the project, and provides for the public interface for the update. This task will be on-going through adoption of the updated plan, no later than June 2016.

2. Public Outreach: The Department of Community Development created "Hear Kitsap" the Public Participation Program for the 2016 Comprehensive Plan Update. The Board **adopted this plan in June 2014.** To date, **informational postcards were mailed to every unincorporated household**, with the purpose of informing citizens about upcoming public meetings and directing them to the Comprehensive Plan website (compplan.kitsapgov.com). To date, **six open public meetings have been held, 1,200 comments have been received, and the project website has been viewed over 13,000 times.** For additional information on the Comprehensive Plan public outreach strategy or to view the 2014 Public Participation Plan Results and Summary, please view them on the project website.

We hope that this Critical Aquifer Recharge Update opportunity will be openly considered.

Thank you,

Terri A. Thompson

Aquifer 101- "Mason County citizens have a right to safe, clean and accessible drinking water. And, Mason County citizens have a right to expect government to protect and monitor the quality and quantity of drinking water."



3-23-15 (M)

SQUAXIN ISLAND TRIBE

Squaxin Island Tribe's Comments on Amendments to Mason County's Comprehensive Plan and Development Regulations

Submitted March 23, 2015

As a governmental partner and co-manager of fisheries, the Squaxin Island Tribe ("Tribe") respectfully submits these comments. These comments supplement the Tribe's previous comments submitted on February 17, 2015.

Introduction

* [The Department of Community Development ("DCD") incorrectly states, "At this time, Mason County is in full compliance [with the GMA]." Draft Scope of Work at p. 1. Neither the Plan nor the County's development regulations comply with Growth Management Act ("GMA") mandates to limit development in rural areas to protect imperiled surface water resources and fish habitat. There is no directive language mandating that the County take steps to ensure that ground water is physically and legally available for development in rural areas, when the applicant's intent is to withdraw groundwater from permit-exempt wells that may be hydraulically connected to streams with compromised, overappropriated surface flows.

Accordingly, the Plan and development regulation amendments described below are required in order to correct errors and achieve compliance with the GMA. Contrary to DCD's statements, these changes are not optional and cannot be deferred until 2017 or later. The Tribe therefore asks DCD to revise its list of Comprehensive Plan ("Plan") updates to address the defects described below, and so inform the Washington Department of Commerce in DCD's upcoming March 31, 2015 report.

Background

Tribal interests. In the 1854 Treaty of Medicine Creek, the Tribe gave up vast quantities of land in return for a homeland and reserved right to take fish off-Reservation at its usual and accustomed fishing areas ("U&A") throughout South Puget Sound. Then and now, anadromous fish, and particularly salmon, remain central to the Tribe's subsistence, economy, culture, spiritual life and day-to-day existence.

The Tribe is also a co-manager of the fisheries. The Tribe has a fixed number of fish-bearing waters within its U&A. The Tribe cannot seek better fishing areas elsewhere once a stream's fish habitat deteriorates through dewatering, warming and otherwise.

For years, many fish-bearing creeks in Mason County have experienced dewatering and the accompanying warming. It is axiomatic to say that anadromous fish need sufficient quantities of clean and cold water throughout their life cycles. Less fresh water means less fish habitat means less fish for the Tribe to harvest. Reduced flows also lead to higher temperatures that harm anadromous fish habitat. Also, as temperature rises, dissolved oxygen decreases in shallow water, making it less habitable for salmonids. The many low gradient streams in Mason County are particularly dependent upon a significant influx of cold groundwater, particularly in the lower reaches during the summer.

"Permit-exempt wells" Likely culprits for dewatering exist amongst the thousands of "permit-exempt wells" that withdraw groundwater for residential and other uses in Mason County watersheds, when the groundwater withdrawn is in "hydraulic continuity" with compromised surface flows. Permit-exempt wells are categories of wells that, by statute, are exempt from the Groundwater Code's permitting requirement. They include wells that withdraw less than 5,000 gallons per day for domestic or industrial uses. Importantly, permit-exempt wells remain subject to all other limitations of Washington water law and can be curtailed and otherwise regulated. Although the water volume a single permit-exempt well uses is small, the cumulative effect of permit-exempt wells in a given watershed can be significant.

Instream flows and closures. Two rules adopted by Ecology are intended to protect anadromous fish runs in specific streams throughout Mason County that are recognized as having compromised fish habitat. See WRIA 14 and 15 rules. Among other things, these rules established "minimum instream flows" and closures for numerous streams. Instream flows are specific stream flow levels (measured in cubic feet per second) at a specific location on a given stream, and usually change from month-to-month. Closures recognize that when a creek's surface flows are insufficient to meet existing rights and provide adequate base flows, surface water is unavailable for appropriation during that period, whether by surface diversions or withdrawals of groundwater in hydraulic continuity. In watersheds where instream flow rules are unmet during times of the year, or where there are "closures," groundwater may be physically accessible but not legally available for withdrawal.

Numerous streams in Mason County fail to meet minimum instream flow requirements for much of the year. This has been apparent to the Tribe since at least 2004, when it began gaging certain streams.

Water law 101. By law, the County must, whenever possible, carry out its powers in manners which are consistent with protecting instream flows, respecting closures, and not sanctioning land and water use that conflicts with senior instream flow rights. RCW 90.54.090. Instream flows for those creeks listed in Ecology's rules are surface water rights with 1981 and 1984 priority dates (when Ecology adopted the rules). As such, these instream flow rights trump all later surface and groundwater rights, including permit-exempt withdrawals. Moreover, the Tribe has yet-unquantified reserved water rights for sufficient fish flows that are senior to all rights created by state law.

The County does a disservice to applicants when it finds that water is available, without having first asked for any evidence that new wells will not impair senior instream flows. The County needs to inform applicants that having a water right, including one attached to a permit-exempt well, does not shield them from the possibility that they may not be able to take water at certain times. Water rights can be curtailed when necessary to protect senior instream flow rights, as is the case in Skagit County and elsewhere. Unless Mason County or the state takes action, the Tribe at some point may seek to curtail certain water withdrawals in order to achieve instream flows.

1. Which GMA requirements are of particular concern to the Tribe?

The GMA requires local governments to protect ground and surface water, to ensure that land uses are compatible with fish and wildlife, and to address water availability in its Plan and development regulations. Comprehensive plans are guided by fourteen goals, the tenth of which requires that the County "Protect the environment and enhance the state's high quality of life, including air, and water quality, and the availability of water." The GMA discourages construction that cannot be supported by available water resources.

The County must plan for its rural/non-urban areas. The Plan's Rural Element must include measures that apply to rural development and protect rural character by "Protecting critical areas...and surface water and groundwater resources." "Rural Character" means patterns of land use and development in the Rural Element that are compatible with fish habitat and consistent with protection of natural surface water flows and groundwater recharge. The Land Use element must "provide for protection of the quality and quantity of groundwater used for public water supplies." RCW 36.70A.030(15)(d) and (g), .070(1) and (5)(c)(iv).

Water adequacy. The GMA also mandates that the County require building permit applicants, for those buildings needing potable water, to provide "evidence of an adequate water supply for the intended use of the building." RCW 19.27.097. For subdivisions, the County must make a recommendation on the adequacy of the proposed means of water supply. RCW 58.17.150. The County's findings must address both physical and legal water availability. Legal availability means the applicant must prove it has a right to take the water. The County's water adequacy regulations should be designed to produce "enough data to make such a determination, addressing both water quality and water quantity issues." WAC 365-196-825. The County must obtain this information and make water adequacy findings *before* approving building permits or subdivisions. If the County has technical or legal questions about water availability, it should consult with the Department of Ecology.

Best available science. GMA regulations further require that the County include the "best available science" when developing policies and development regulations to protect the functions and values of critical areas (which include fish-bearing streams), and must give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1). Including best available science in the

development of critical areas policies and regulations is “especially important to salmon recovery efforts, and to other decision-making affecting threatened or endangered species.” WAC 365-195-900.

The County's development regulations must be consistent with and implement the Plan. RCW 36.70A.040(4)(d).

To summarize, the GMA requires that land use and development in rural areas be consistent with protecting instream flows, groundwater recharge, and fish and wildlife habitat. Among other things, the County must in its Plan and development regulations governing Rural Areas:

- regulate to ensure that land use is consistent with and actually protects instream flows and fish habitat;
- make informed decisions on the legal availability of groundwater before issuing building permits and approving subdivisions, including for those that will use permit-exempt wells in watersheds with compromised instream flows;
- adopt measures that apply GMA water- and fish-related requirements;
- ensure that its long-range planning is commensurate with water physical and legal availability; and
- not make planning and land use decisions that are incompatible with protecting instream flows and stream closures, and in derogation of senior instream flow rights.

2. How do Mason County's existing Comprehensive Plan and development regulations fail to comply with GMA requirements?

The Plan and development regulations are devoid of directive language that actually limits development that will rely on proposed new wells throughout the Rural Area, when the wells could be in hydraulic continuity with streams having unmet instream flows or closures. Accordingly, wells associated with buildings and subdivisions will continue to intercept water that is otherwise needed to meet instream flows or during periods that closures are in effect. Directive language would ensure that surface waters and fish habitat in Rural Areas are protected, as the GMA requires.

The Plan and development regulations also fail to comply with the GMA by presuming the legal availability of water throughout the Rural Areas, which is certainly not the case.

In the Comprehensive Plan, Water Quality and Quantity / General Policies WQ-114 states, “The County shall ensure that adequate potable water is available for all new construction and proposed subdivisions and short subdivisions prior to approval.” This statement alone is insufficient to comply with the GMA. First, it is clear that the County interprets this as only requiring an inquiry into the physical availability of water, not legal availability. Second, the Plan development regulations fail to incorporate the County's Water Adequacy Regulations,

MCC Ch. 6.68. Among other things, these regulations require applicants in some circumstances to provide "assurance that the water source will not interfere with existing water rights."
MCC § 6.68.040(c)(2)(C).

While the existing water adequacy code does not meet state statutory requirements in several significant respects, its incorporation into the Plan and development regulations would be an important first step towards GMA compliance (along with implementation, which does not occur). GMA compliance might be achieved once the Water Adequacy Regulations are amended to fully comply with state law, and actually implemented.

Finally, for the above reasons, neither the Plan's policies nor development regulations employ best available science to protect the functions and values of streams when it comes to ensuring the required flows for fish. And, they fail to afford "special consideration" to conservation and protection measures necessary to preserve and enhance anadromous fisheries. Rather, they ensure that the County continues to make planning and land use decisions that are incompatible with protecting instream flows and stream closures, and in derogation of senior instream flow rights.

These defects violate the GMA and are errors that require correction in the 2016 update. The County should correct these defects or risk following the path now seen in Skagit County where that county continued approving new buildings and subdivisions despite the lack of legally available water.

3. Does GMA compliance mean that no development can occur in watersheds with unmet instream flows or closures?

It depends. GMA compliance means that the County cannot keep doing business as usual by only ensuring that water is physically available before approving new buildings and subdivisions; by failing to ask the applicant to submit evidence demonstrating that water is legally available for the intended use; by ignoring the best available science; by failing to seek Ecology's technical and water rights-related assistance; and by engaging in unsound and unsustainable planning practices.

The County may have to deny or condition its approvals. It can also, among other things: (1) reduce densities or intensities of uses; (2) limit impervious surfaces to maximize stream recharge; (3) impose low impact development standards; (4) require water conservation and reuse; (5) encourage the use of reclaimed water; (6) develop mitigation options; (7) direct growth to urban rather than rural areas; (8) use water banks; (9) extend physical piped water infrastructure to support new development or to augment stream flows; (10) encourage the development and use of water storage facilities; (11) require that exempt wells be metered and limit their use; and (12) develop safe and reliable alternatives to the traditional piped water purveyor or private well for supplying potable water, such as a local portfolio of legally allowable alternative water systems, such as cisterns, trucked water systems, and rainwater collection and sanitization system.

The alternative to business as usual includes incorporating into the County's land use approval process Ecology's recently completed groundwater model for the Johns and Goldsborough Creek watersheds. This model is best available science and must now be put to use. The model can quantify the amount of water that a building or subdivision applications proposes to withdraw from Johns and Goldsborough Creeks, including by a well that may be hydraulically connected to one of these creeks (or not).

Also, the existing Plan includes but one future "build-out" scenario, which a complete analysis of water's physical and legal availability. See Section IV.3. Nonetheless, the County concludes that this build-out can be accomplished. The County must revisit this conclusion. Moreover, the County should consider additional build-out scenarios if water does not appear to be legally available, as well as scenarios that use different densities or concentrated neighborhoods with public water systems or piped water. Where a groundwater model exists, the County should quantify the total consumption of potable water from different sources, and have this information fed into the model. The model would quantify the overall and localized impact of groundwater withdrawal on surface waters. For those watersheds where a model does not yet exist, the County must still use best available science by reviewing available reports and consulting with Ecology as to water availability.

4. Must the County do a better job of communicating with the Tribe on water availability and fish habitat issues?

Yes. DCD and the Public Health Department have not seriously engaged with the Tribe on these issues. This is despite the Tribe's repeated requests and a 2012 directive from Commissioners (acting as the Board of Health) that these departments take action to fix the defective water availability process, and make the building and subdivision process more transparent and accessible to the public. Neither has happened.

The law requires no less. County Planning Goal CWPP10.3 encourages "coordination between communities and jurisdictions to reconcile conflicts." The County's Resource Ordinance, as to Fish and Wildlife Habitat Conservation Areas, states that "intergovernmental cooperation and coordination is critically important in a region." And, GMA regulations that address criteria for obtaining the best available science state, "Consultation with state and federal natural resources agencies and tribes can provide a quick and cost-effective way to develop scientific information and recommendations." WAC 365-195-910.

Submitted by Erica Marbet, Squaxin Island Water Resources Biologist, (360) 432-3804, emarbet@squaxin.us; and Sharon Haensly, attorney, Squaxin Island Legal Department, (360) 432-1771 x4, shaensly@squaxin.us.

8-17-15 PAC

8/17/2015

To the Planning Commission...

As a member of the public, I am entering into the record a statement concerning my confusion about the process and citizen involvement of the Mason County 2016 Comprehensive Plan Update. I, a member of the general public, have been to every meeting and have tried to make sense out of the process. I have asked questions regarding the process, handed in a documents of Critical Aquifer Recharge Area concerns, and have asked questions and made comments regarding the only information given so far...from the EDC; Chapter 1 and 2. In the very beginning, I asked for verification of the process...how was the info in the Comp. Plan to be covered, a chapter at a time, two at a time, or skipping all over... what was the process? There seems to me to be so much to consider in such a short time. Ms. Adkins was clear that she would be making the simple changes regarding new dates and new laws passed by the State of Washington. Any other update seemed to be the job of the commission; recommendations to the commissioners. The most understanding that we, the citizens have, is that workshops are to comment on things without the commission making rulings, and hearings would be the time to comment and recommendations being made. I asked...how many Chapters covered by workshops until a hearing...would it be 1 or 2 ...or 4 or more...and they did not know. I asked how many hearing the planning committee would have and how many the commission would have, and they did not know. We have been at this for many months now and I believe that there is discussion on Chapter 1 and 2 tonight and Housing. The EDC had proposals on Ch. 1 and 2 before and held a long meeting regarding that input. Again, we are on Chapt. 1 and 2 tonight. A lack of clarity regarding process, and 'no spelled out' plan, makes being prepared quite impossible.

I also believe the process is not respecting 'the desire' for public participation. In fact, after one of the meetings, we asked a planning commissioner if we, the public, wrote up and proposed something like the EDC, would we be treated with as much respect and consideration as was the EDC and their proposal? We where told, "that would be a stretch". (That was probably the truth.) We are told that we can make comments but need not expect that they were going to be changes made. We do not understand the process of how this update is being considered nor have we seen a plan.

Besides clarification of the planning process, I would like the following questions answered...Will all of the Resource Ordinances be updated? When will that happen? Do you plan on making changes to the Critical Aquifer Recharge Area section to the Comp. Plan? Since the CARA ordinances have not been implemented, nor is there any means of enforcement, how will you get those issues resolved without opening it up for public review and discussion?

Thank you, Terri Thompson

Dept. of Commerce: "Citizen Participation and Coordination

"The term "public participation" implies that those who are affected by a decision have a right to be involved in the decision-making process, and an opportunity to influence the decision.

Meaningful citizen participation in local land use planning processes is well-worth the time and money.

Public participation:

- Enhances the quality of planning by incorporating a wide variety of information and perspectives.
- Allows communities to make decisions based on shared values and engages citizens in the ownership of local land use challenges and solutions.
- Educates and empowers citizens
- Supports swift and efficient project implementation.
- Ensures that good plans remain intact over time
- Fosters a sense of community, and trust in government

The Growth Management Act (GMA) requires "early and continuous public participation" in the development and update of local comprehensive plans and regulations. Local governments must establish and broadly disseminate procedures and assure that a broad variety of citizens can learn about, become engaged in and influence decisions about local actions. As decisions are made, a record of public participation should be kept as part of the record."

WAC 365-196-600 states- "(3) Recommendations for meeting public participation requirements. These recommendations are a list of suggestions for meeting the public

My name is Larry King and my wife and I moved to Shelton eight years ago from Federal Way. We wanted to get away from traffic congestion, crime, and pollution and just over population. That is called "out migration".

I would like to take the time to read the Mason County Vision Statement from Chapter 2, page 2:

"Mason County will remain a primarily rural county where residents enjoy peace and quiet, privacy, natural views, and rural enterprise. Although rural character means different things to different people, aspects of it include: natural vistas, wildlife, and natural ecosystems; fewer restrictions and more privacy than in an urban area; the easy operation of resource based industries such as timber, mining and agriculture; and the close ties of family and community to the land."

Our home overlooks Toten Inlet and has a view of Mount Rainer. Evergreen trees and local plants surround our long driveway. We are often visited by wildlife such as deer and eagles and once whales swam in front of our house. We truly live in one of the most beautiful areas I know and to see it destroyed by poor planning decisions would be unconscionable.

I have been told that Mason County is not like King County. If poor planning decisions are made, our future here may be just like King County's, maybe not in your lifetime or mine but it will happen. They allowed the richest farmland in the state to be covered with concrete and warehouses.

So why are you planning to double the population of Shelton with Shelton Springs? So why are you allowing industry to move in next to our homes? Who is going to prosper, real-estate agents, developers? Does this meet our vision plan? I do not think so.

Barbara Parsloe
PO Box 239
Shelton, WA 98584

8-17-15 PAC CP

August 12, 2015

Dear Barbara Adkins and Planning Advisory Committee -

I am writing in response to the Proposed Changes to the Comprehensive Plan which the Economic Development Council of Mason County (EDC) has submitted related to the new term "Randomly Located Rural Businesses" (RLRB).

Request: I request that the PAC reject the EDC's proposed RLRB designation as well as the associated language which permeates the EDC Proposed Changes.

Discussion:

EDC PROPOSES SWEEPING CHANGES WITHOUT COMMUNITY INPUT

Some of the language in the Proposed Changes which the EDC has submitted is very troubling. To the citizens it appears that the EDC Proposed Changes eliminate almost all regulations on industrial development in rural Mason County, with no regard to the impact on neighboring homeowners or on water and air quality.

The changes proposed by the EDC related to RLRBs are sweeping in nature and would substantially change the definition of Rural without due process, eliminate provisions intended to protect rural communities, and nullify the Vision statements and definitions which were created by the community.

EXISTING VISION STATEMENT (2005 Comprehensive Plan, page II.2)

Mason County will remain a primarily rural county where residents will enjoy peace and quiet, privacy, natural views, and rural enterprise. Although rural character means different things to different people, aspects of it include: natural vistas, wildlife, and natural ecosystems; fewer restrictions and more privacy than in an urban area; the easy operation of resource based industries such as timber, mining and agriculture; and the close ties of family and community to the land.

The EDC proposes adding this definition to the Glossary:

Randomly Located Rural Businesses (RLRBs): Those small businesses in Rural Areas that are located outside UGAs and LAMIRDs and that do not pose significant threat to the natural environment or residential tranquility. Small businesses are defined as having less than 50 employees and less than 30,000 square feet in building size.

(See www.washingtonpolicy.org/publications/facts/snapshot-small-businesses-washington)

NO STATISTICAL BASIS TO SUPPORT RLRBS

Jay Hupp relies heavily on anecdotes rather than statistics to promote the RLRB changes. Speaking to the Comprehensive Plan Advisory Commission on July 6, Jay Hupp explained why the RLRBs should be adopted:

"The reputation of Mason County throughout the State as far as business development is concerned has a very poor reputation. Its a reputation of being a very, very difficult county to either operate businesses in or bring businesses into existence. Now whether or not that reputation is valid, how accurate that perception is, it really doesn't make any difference. The perception is that its a very difficult place to operate." (Hupp testimony, July 6, PAC meeting)

In later testimony at that same meeting, Hupp described a paper he and Tim Sheldon wrote in the late 1990s and a "study" dated 2000, which inspired his redefinition of Rural Character and the new RLRB designation.

"There was a question in the EDC office one day back in 1998, 'How many businesses are there really out there in the rural area?' So we got a car and we sampled a road. We drove from the Chevron station on Arcadia Road to where Lynch Road intersects, 6-1/2 miles out. We counted the businesses. Now, not all those businesses had signs. We only knew they were there because the EDC has a tendency to know where businesses are and what they're doing."

Similarly, the 2000 study was so subjective that it is impossible to replicate today.

"First we got the business licenses of all those businesses that were in Mason County. Then we went to the Department of Revenue and we said, 'OK, we only want the businesses that have generated cash dollars back to the Department of Revenue in the last two years. So we concluded that was going to cut out a bunch of them. Well, it didn't. It only dropped it down to (off the top of my head) about 3,800. Maybe it was a little less than that."

So, in whittling down that total number of businesses that had licenses in 2000, we not only went at it from the legitimacy of generating tax dollars back to the Department of Revenue, but we also went at it from a, umm, umm, kind of a subjective approach."

We sat down and we went through that entire list, business by business by business, and only allowed those into the population that we were going to deal with that we were certain were in fact doing legitimate business. Now, the kinds of things that we threw out we knew... We would come across somebody that had that business license for a one-time transaction sometime in the past and they never activated it again. Or there may be some personal knowledge of... for one reason or another about a business and we said, 'No. Throw them out.' So we threw out a lot. And we were really comfortable with... By the time we got that total number of businesses that in fact we had a legitimate database."

There is no statistical evidence for Hupp's repeated assertion that "over 60% of privately owned businesses are located in rural areas." If the PAC adopts the EDC proposal for RLRBs, I believe there

TO Barb Adkins, Director, Community Development and
Members, Planning Advisory Commission

FROM Constance C. Ibsen, Union ibsen@hcc.net, 360-898-3287

DATE August 17, 2015

SUBJECT Public Participation Process for 2016 Comprehensive Plan Update

8-17-15 PAC
CP

I appreciate receiving the Planning Advisory Commission (PAC) agenda and current Comprehensive Plan Chapters I and II materials in advance of the August 17 Planning Commission meeting. However, I am still unclear on how the public can meaningfully participate in the process and what is the timeline. In fact, at the July 2015 Planning Advisory Commission members appeared unsure of a process forward. I had asked for a clear, written process by this August 17 PAC meeting. As of August 15, 2015, the Mason County 2016 Comprehensive Plan Update website does not reflect that a public participation process has been approved and adopted by the Mason County Commissioners. It is still a DRAFT.

First, has a formal extension of time for the Comprehensive Plan update completion of June 30, 2016 from the Washington State Department of Commerce been requested by either the Planning Commission and/or the Mason County Board of County Commissioners?

Second, to ensure public participation, **please provide me with the following information and answers (and post on county website):**

Proposed meeting dates with proposed agenda items and provide materials for discussion as soon as ready for review.

What is the overall strategy for the Comprehensive Plan Update review? It appears from August 17 agenda that it will be each Chapter (in chronological order?) and/or will it be each element as submitted by a department of special interest?

Is it only at "workshop" meetings where comments can be made and questions asked? Will comments be limited to the published agenda items?

Are comments due before the meetings, or can they comments be submitted during and/or after the meeting? Can comments be submitted on topics already covered at anytime?

Differentiate how PAC "hearings" are different than a PAC "workshops." Do comments made at a workshop need to be re-submitted before and/or at a PAC hearing to be considered? Do comments need to be made in person and/or can comments just be submitted in writing before or at the PAC hearing?

Should comments and suggested edits be in a specific format to be considered?



7-11-16 PAC

SQUAXIN ISLAND TRIBE

SQUAXIN ISLAND TRIBE'S COMMENTS ON AMENDMENTS TO MASON COUNTY'S COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Submitted July 11, 2016

The Squaxin Island Tribe continues to be concerned that important parts of Mason County's Comprehensive Plan Update are devoid of any mention of a water availability process. A water availability process determines whether water is legally available for development in rural areas before the County issues building permits and subdivision approvals. Water is not legally available if taking it compromises senior water users and/or senior instream flows.

The Growth Management Act requires that a water availability be addressed, at minimum, in the portions of comprehensive plans that address rural lands and development regulations.

For this reason, Chapters II and III, and the Glossary – all of which are the subject of public testimony this evening – are deficient.

The Tribe previously submitted comments on February 17, March 23 and March 26, 2015 that are part of the record.

In the near future, the Tribe will submit additional materials into the record that will further inform the County about the GMA's water availability requirements, instream flow problems throughout Mason County, and the reasons that having a water availability process in place – one that relies upon best available science – is critical to the County's long-term sustainability.



Economic Development Council
of Mason County

7-11-16
PAC

July 7, 2016

Mason County Planning Department
Barb Adkins
411 N. 5th St.
Shelton, WA 98584

Dear Barb:

As you know, the Economic Development Council submitted suggestions pertaining to the ongoing update of the Mason County Comprehensive Plan in July 2015. The currently posted review materials for the July 11, 2016 PAC Public Hearing give us some additional concerns.

Specifically, there is intent to move the first paragraph of the existing plan's Chapter X forward in the document to Chapter I and we concur with that intent. However, we would reword that change, which the county staff would insert as paragraph 2, page 3 Chapter I, as follows: (the underlined text is new language while the strikethrough is intended for removal)

ECONOMIC DEVELOPMENT

The purpose of the Economic Development Element is to identify and explain what the county will do to encourage and support economic development. The County Comprehensive Plan supports this with policies by:

- 1) encouraging economic development throughout Mason County that is consistent with the adopted Comprehensive Plan and is in concert with appropriate changes when new information or innovative approaches would better serve the plan's objectives,
- 2) promoting economic opportunity for all citizens of the County, ~~especially for unemployed and disadvantaged persons,~~ and;
- 3) encouraging growth in areas experiencing insufficient economic growth, all within the capacities of the County's natural resources, public services, and public facilities.

Our reasoning behind the recommended changes is:

- 1) The Economic Development Element was not a mandatory planning element under GMA until after Mason County adopted its basic Comp Plan in 1996. Therefore, economic development did not stand in equal balance with the other twelve elements during the plan's basic work up. In order to establish

- a better balance among all mandatory planning elements, accommodation of new information is prudent, reasonable, and desirable.
- 2) Innovative techniques and approaches are encouraged by GMA in order to accommodate the differences between counties. Ref. RCW 36.70A.070 (5) (a) (b).
 - 3) While we understand this is language from the RCW, we also recognize that it isn't necessary to focus on one or two groups of individuals. This is an opportunity to be inclusive of all our citizens.

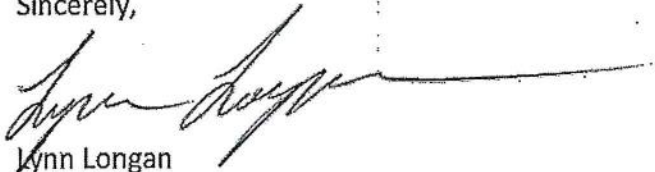
In reviewing the materials for Chapter II revisions, we recommend deleting newly numbered paragraph 5.1 under Economic Development as it is now redundant under the new paragraph 5. Paragraph 5 should also be reworded to make it consistent with the new and revised Chapter I, page 3, paragraph 2.

Concerning the staff comments and changes to the Glossary, we do not concur with the intent to eliminate the definition of "Small Scale Businesses". Since the term is used in many instances throughout the Comp Plan and is not defined in the Growth Management Act, it is important to understand locally what is intended.

As a final comment for the record and before the July 11, 2016 Public Hearing on proposed Comp Plan changes, we do not concur with the statement in paragraph 2 of page 3 of the staff report that contends that removing the section on Cottage Industries and replacing it with the Randomly Located Rural Business (RLRB) concept will eliminate the ability to have a home occupation. The RLRB concept simply describes what currently exists throughout the county's rural areas in businesses that are varied in type, size, function and employment levels. These currently existing RLRBs are not nearly as restricted as what the "Cottage Industries" concept attempts to box them into. Yet they are what exists and it's that characteristic that the GMA insists be preserved in rural areas.

Thank you for your attention to this matter and we are looking forward to future work on the Comp Plan update.

Sincerely,



Lynn Longan
Executive Director

CC: Dave Windom - Mason County Department of Community Development
Mason County Commission

OPEN LETTER TO SHELTON CITY COUNCIL AND CITIZENS

MASON COUNTY PLANNING COMMISSION

July 11, 2016

Subject: **ECONorthwest Industrial Lands Study**
dated April 29, 2014

7-11-16
PAC

Dear Council Members and Public:

M.C. PAC

The report counts 1400 industrially zoned acres, within the City and just outside its boundary in total. These parcels are contained within the current Urban Growth Boundary(UGA). This report reached the Shelton's Planning Department more than two years ago, but NEVER discussed in public. The report was quietly filed away. I see no evidence otherwise.

ECONorthwest, founded in 1974, and consultant to Fortune 500 companies across the United States, projects that total industrial land demand in the Shelton area will rise to slightly over 800 acres between now and 2032, with almost 600 acres to spare. Better located on Interstate 5 are Tumwater with 999 industrial acres and Lacey with 436 industrial acres.

SHELTON

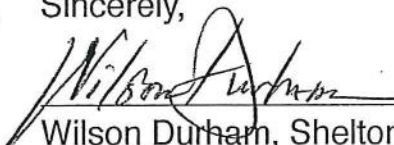
Of course, the UGA should NOT be expanded, and taxpayer monies wasted on infrastructure costs associated with UGA expansion. This makes no economic sense for Shelton taxpayers, but would give their tax money away to private landowners who hope to be swept into a UGA expansion plan and enrich themselves at taxpayer cost.

The report states, among other points:

- * Industrial development has been small and low intensity.
- * In aggregate, there is enough industrially zoned land for 20 years.
- * MOST of the existing supply is within the Shelton, UGA. (With plenty to spare.)

We, the Shelton residents, paid for the authoritative ECONorthwest Industrial Lands Study, and demand of the City Council that the advice of these professionals be followed.

Sincerely,


Wilson Durham, Shelton Resident

ECONorthwest

ECONOMICS • FINANCE • PLANNING

Shelton-Mason County

Industrial Lands Study

April 29, 2014

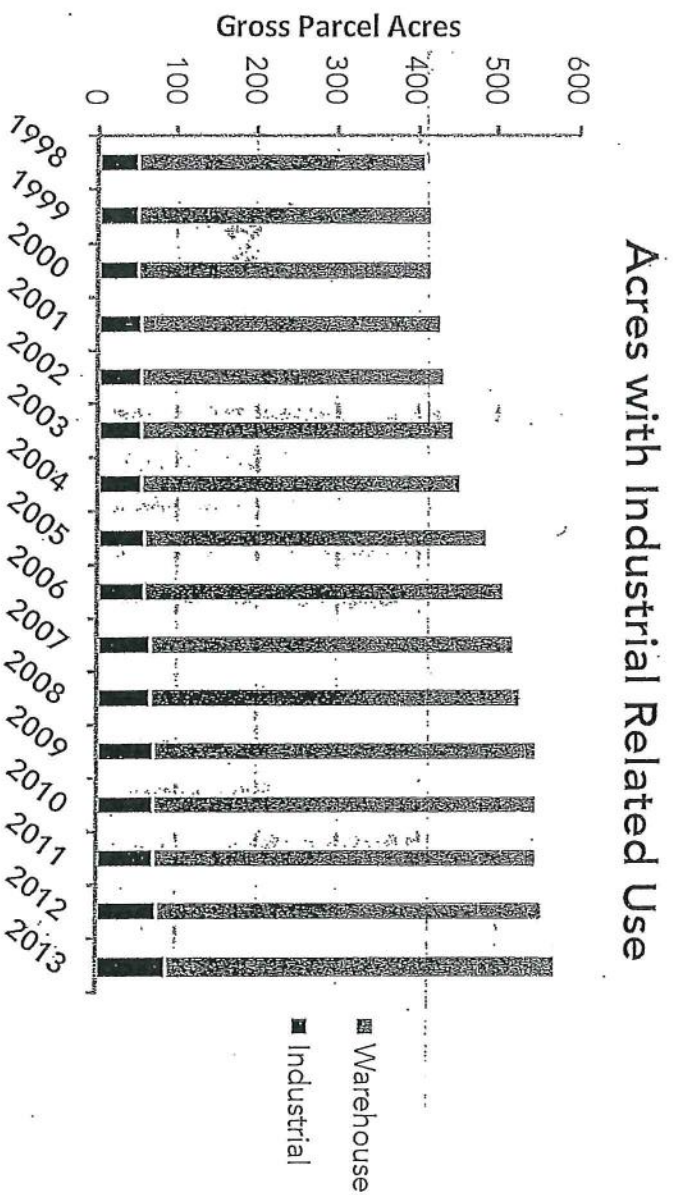
I. DEVELOPMENT TRENDS

2. ECONOMIC DRIVERS

3. COMPETITIVENESS

Development Trends

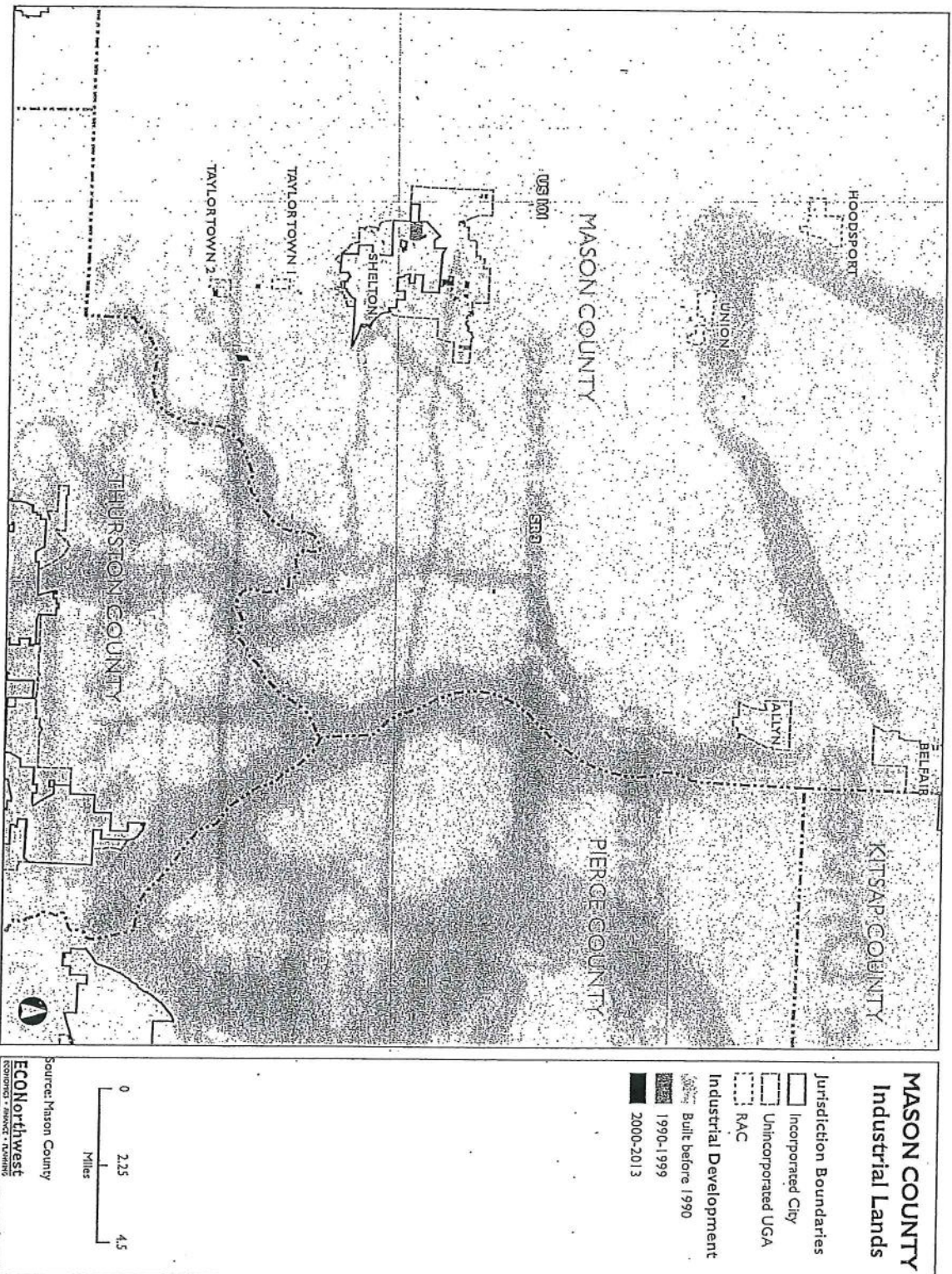
- 10-yr avg. acres developed/year = 12.4ac
- Avg. size of developed parcels = 5.5ac



ECONorthwest

ECONOMICS • FINANCE • PLANNING

Development Trends



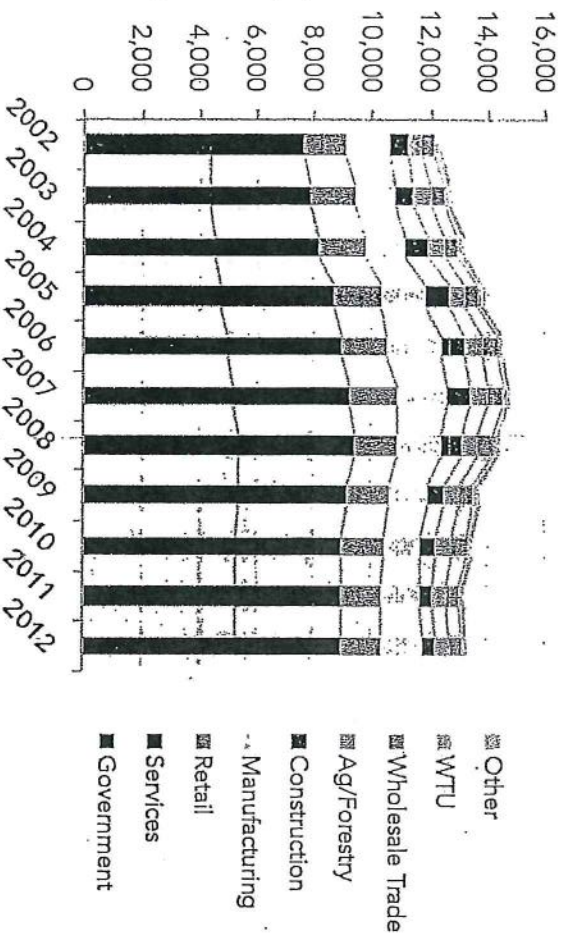
ECONorthwest

ECONOMICS • FINANCE • PLANNING

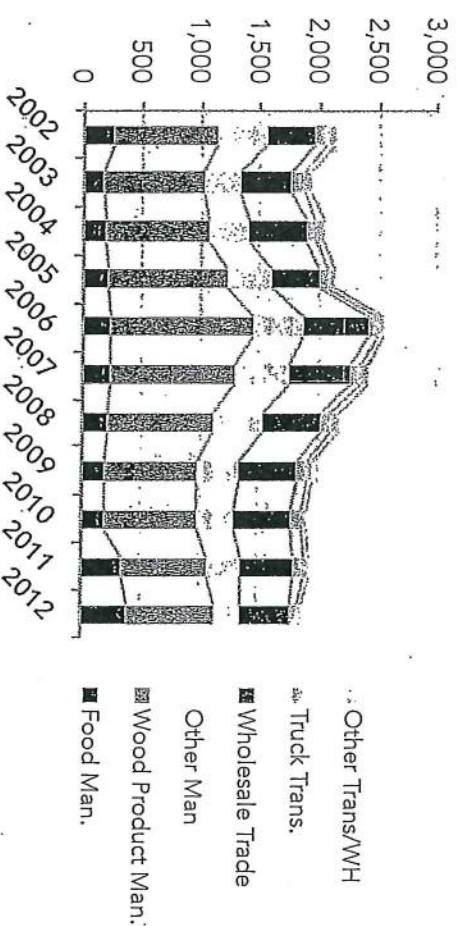
Economic Drivers

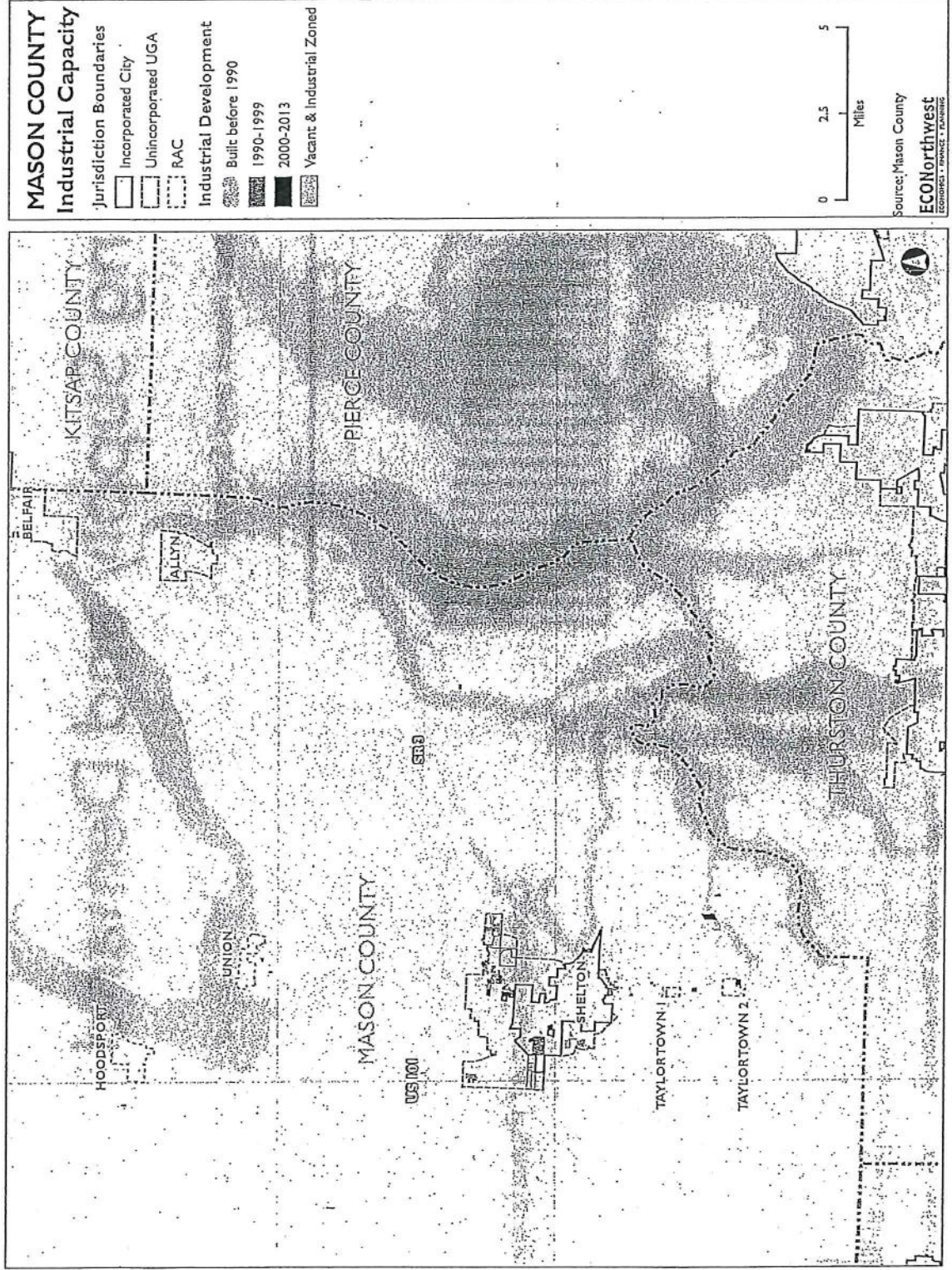
- Growth in government and service sectors
- Largest decrease in manufacturing

Employment by Sector



Industrial Sector Employment





- Recent industrial related development has been modest.
- On average, industrial development has been relatively small and/or low intensity.
- In aggregate, there is likely enough land to meet likely future needs.
- Most of the existing supply is within the Shelton UGA.

7-11-16 PAC

County Planning Commission: July 11, 2016

Notes for Testimony (Steve Marksteiner) 830 N Hamma Ridge Dr. Lilliwaup (5 miles north of the Lilliwaup general store) P.O. Box 127 Lilliwaup WA 98555

I am here to voice my opposition to Language in the Comprehensive Plan update for 2016 which would allow Randomly Located Rural Business to be established outside of Urban Growth Areas UGA's and Limited Areas of More Intensive Rural Development LAMIRD's

Page 30 Chapter 3

My reasons for opposing these changes are as follows:

1. I live in an area that is a mix zoning of R-5 and R-10. The definition of RLRB as being unrestricted in size and type up to 30,000 sq. ft. and 50 employees could not exist in proximity to my residence without constituting an unreasonable adverse impact on the surrounding environment or neighborhood. The sheer volume of vehicular transits a day in front of my residence would jump from an average of 8 to 100 and that is just counting employees coming and going on a daily basis.
2. Where is random defined? *How do you prevent low density sprawl* I didn't have time to read the entire document in detail but in scanning the relevant passages I didn't observe any minimum distance numbers or maximum density per area figures. My point is in the absence of specific guidelines a county bureaucrat will make a decision with tens of thousands of dollars in impact to an individual or business. As commissioners you have an obligation to ensure to the greatest extent possible that such a decision made this year by one person will be identical if it were made by another individual 5 years from now and not subject to the arbitrary and capricious whims of an individual. In the interest of fairness the information pertinent to RLRB needs to be more precise.
3. I have owned property in Mason County for 5 years. My wife and I have lived here for 3 years. My experience with the Mason County office of Community Development has been decidedly unsatisfactory. Either due to resources or staffing they have shown themselves to be ineffective in enforcing the most rudimentary regulations regarding the use of structures and other habitations and have demonstrated a propensity to ignore recalcitrant residents for years without taking significant enforcement action. My fear is once a business owner has a foot in the door in my neighborhood he could ignore regulatory restraints on his activities as listed in the proposed amendments and the county would prove ineffective in taking action against him.
4. As a member of the Board of Directors of my HOA I have become aware of a recent court case. In 2014 the Washington State Supreme Court issued a ruling in the Wilkinson v. Chiwawa Communities case. This ruling redefined and dramatically restricted the ability of HOA's to limit the commercial development in their communities thru changes in their Covenants and bylaws. In the case of the Hamma Ridge HOA, the one in which I reside, the association's legal counsel Rob Wilson-Hoss rendered an opinion in 2015 that stated succinctly "the association is going to have to rely on county zoning rules to protect it from overt commercialization..." My belief is that this ruling will similarly impact many associations but that due to its relative newness those associations are not yet aware of that fact. Last year a residential property in our development sold for over \$500,000, yet over half of the lots remain undeveloped. Property values would plummet along with potential property tax income if a commercial enterprise anywhere near the size envisioned in the proposed amendment were to be established in our vicinity.

Dim uncomfortable
No. 1 increase language

Frustrating

Local Realtors have advised me

9-19-16 PAC
✓

From: Melissa Drewry
To:
Subject: Fwd: Chapter 3 Comp. Plan Updates

>>> Jeff Carey <jcarey5876@gmail.com> 9/19/2016 11:11 AM >>>

> Hi there Barb.

I cannot make tonight's Planning Commission meeting on the Chapter 3 amendments to the Mason County Comprehensive Plan.

So I am sending you this email to summarize my comments regarding amendments to chapter 3.

As I understand it from your Sept. 19, 2019 five page document the planning commission is only going to

address the four mandated items on page 2 of 5. While I disagree that that only these four issues are going to be addressed

and nothing else what is up with the changes, in light blue, under Housing beginning on page 65 and running through page 70.

If we are addressing the four mandated items than that is it. No housing should be addressed at this time. The housing goals & policies do need some work and are significantly different between Mason County as a whole and the UGA's of Allyn and Belfair.

For example, a little more than 94% of the housing in Allyn is owner owned or occupied housing. This is way above the state and national averages.

From my point of view Allyn does not need to focus on low income housing instead we should be focusing on growing our tax base and making to community a wonderful place to live.

For example we should be addressing over the long term having a sewer utility with a reserve fund & how to lower our sewer utility rates.

Another example would be not to lower our housing standards for low income but help raise the standards and capabilities of those who are currently less fortunate.

The above points would help make Allyn & Belfair more affordable for all income levels.

Thanks

Jeff Carey
Phn 360-275-0780

8-15-16 PAC



Mason County
Historic Preservation Commission

Per work plan, discuss Sept 19
when discuss planning policies--
is dec = add, then any change to
consider in Chap II?

Mr. Bill Dewey
Chair
Mason County Planning Advisory Commission

August 11, 2016

me: agree to include;
seems consistent w/ our
thinking to include
non-mandatory elements in
future, i.e., holds our feet
to the fire w/o comm

Dear Mr. Dewey,

The Mason County Historic Preservation Commission would like to extend our sincere appreciation for Mason County Planning Advisory Commission's efforts, as well as the many challenges relating to the development of the revised Mason County Comprehensive Plan.

The opportunity to attend the July 11, 2016 Planning Commission meeting to present and discuss a number of recommended changes to the comprehensive plan related to Historical Preservation in Mason County was greatly appreciated by the Mason County Historic Preservation Commission. Our inputs represented a number of changes that would be required to bring the comprehensive plan up to date; especially in light of there have been no relevant changes since the inception of the original comprehensive plan.

The outcome of the July 11, 2016 Planning Commission meeting was interesting and understandable, in that in order to meet critical deadlines the Mason County Planning Advisory Commission elected to only address the critical elements that are mandated to be updated and to then address the non mandatory changes throughout the following years. Unfortunately, Historic Preservation is not one of the mandatory critical elements.

The Mason County Historic Preservation Commission requests that the Mason County Planning Advisory Commission reconsider one important recommended change to the comprehensive plan.

Specifically, the inclusion of the following into the Historic Preservation chapter;

10.6 Develop a comprehensive Historic Preservation Plan for Mason County to establish a clear understanding of historic resources and recommendations for policies for land use development and protection of historic resources.

The relevance and urgency to include this important change into the current comprehensive plan is based on the process and funding to accomplish the development of the Mason County Historic Preservation Plan. Specifically, the development of the plan is a considerable undertaking that will



Squaxin Island Legal Department

8-15-16 PAC

Mark Allen - mallen@squaxin.us

David Babcock - dbabcock@squaxin.us

Diane Deyette - Paralegal - ddeyette@squaxin.us

Sharon Haensly - shaensly@squaxin.us

Kevin Lyon - klyon@squaxin.us

Nathan Schreiner - nschreiner@squaxin.us

SENT BY ELECTRONIC MAIL

August 12, 2016

David Windom, Director
Mason County Community Services
615 W Alder St.
Shelton WA 98584
dwindom@co.mason.wa.us

Barbara Adkins
Mason County Community Development
615 W Alder St.
Shelton WA 98584
BarbarA@co.mason.wa.us

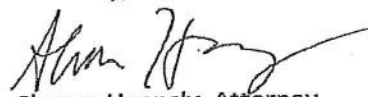
Re: Squaxin Island Tribe's comments on Amendments to Mason County Comprehensive Plan and Development Regulations

Dear David and Barbara:

Please find attached the Squaxin Island Tribe's handwritten comments on the most recent versions of the Glossary and Chapters I-III. These comments are consistent with the Tribe's past letters to Mason County. Please share these comments with the Mason County Planning Advisory Commission.

Please contact us if you have any questions.

Sincerely,


Sharon Haensly, Attorney
Squaxin Island Legal Department

cc: Andy Whitener, Director, Squaxin Island Natural Resources Department
Jeff Dickison, Assistant Director, Squaxin Island Natural Resources Department
Erica Marbet, Water Resources Biologist, Squaxin Island Natural Resources Department

CONTIGUOUS DEVELOPMENT: Development of areas immediately adjacent to one another. (WAC 365-195-210)

COTTAGE INDUSTRY: A business, occupation, or profession that is incidental to a residential use and is carried on by a member or members of the household living in the residential unit on the site. There may be up to five employees working on the site who do not reside on the site. Cottage industries may be conducted within the residential dwelling or within an accessory structure.

CRITICAL AREAS: include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. Areas which include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. (RCW 36.70A.030)

DENSITY: A measure of the intensity of development, generally expressed in terms of dwelling units per acre. Density can also be expressed in terms of population (i.e., people per acre).

DESIGN GUIDELINES: A set of guidelines defining parameters to be followed in site and/or building design and development.

DESIGN STANDARDS: A set of standards defining parameters to be followed in site and/or building design and development.

DEVELOPMENT: The construction, reconstruction, conversion, structural alteration, relation or enlargement of any structure, and any mining, excavation, filling, filling or other associated land disturbance.

Water Adequacy Regulations,
DEVELOPMENT REGULATIONS: Or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city. Any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, subdivision ordinances, and binding site plan ordinances. (RCW 36.70A.030)

DOMESTIC WATER SYSTEM: Any system providing a supply of potable water which is deemed adequate pursuant to RCW 19.27.097 for the intended uses of a development. (WAC 365-195-210)

Alternatives, Impact Analyses and Mitigation, and Comprehensive Plan and EIS Documents are described in those corresponding sections of this chapter.

Chp 11

COMMUNITY VISIONING

Mason County's Vision Statement translates the community's values, hopes and goals into a unified vision for the future. The county involved a broad range of community members in its visioning process. The process included a vision survey, public meetings, and a random sample telephone survey of registered voters. The vision statement provides a guide to the comprehensive plan.

Mason County Vision Statement

Mason County will remain a primarily rural county where residents will enjoy peace and quiet, privacy, natural views, and rural enterprise. Although rural character means different things to different people, aspects of it include: natural vistas, wildlife, and natural ecosystems; fewer restrictions and more privacy than in an urban area; the easy operation of resource based industries such as timber, mining and agriculture; and the close ties of family and community to the land.

fish, shellfish, ~~and~~

The Urban Areas

The City of Shelton and the communities of Belfair and Allyn will serve as the County's principal economic, civic, and social centers. Each will have a core business area anchored by retail, service industries, government, and education facilities. Shelton will also hosts a multi-county medical industry that serves the Olympic Peninsula region, and regional retail centered in the City's Olympic Highway North area. The three urban areas will provide a strong employment and tax base.

The Rural Areas

Natural resources will continue to provide the foundation of the County's economy. Forestry, agriculture, aquaculture including shellfish and other fisheries industries, Christmas tree farming and mining will provide employment for County residents. The County's abundance of natural amenities including mountains, lakes, rivers, and wildlife will continue to support the County's thriving tourist industries, including Master Planned Resorts. The County's land use regulations will protect natural resource lands and industries against encroachment from incompatible, competing uses.

fish, shellfish

Housing

Residential growth within the County will be centered in Shelton urban area, the communities of Allyn and Belfair, and a new fully contained community. Mason County will offer a range of affordable rural and urban housing choices including single family, multifamily, and mixed-use.

The Environment and Open Space

Mason County will protect the environment in a way which is compatible with the needs of a growing population. One focus will be watersheds and their water quality. The county will also conserve an open space network that will include wildlife habitat and corridors, greenways, estuaries, parks, trails and campgrounds. This system will help preserve the County's environment and rural character, support the County's tourism industry, and meet the recreation needs of County residents.

and quantity

and densities in environmentally fragile areas designated as open space, consistent with critical area regulations.

CWPP 3.2 Encourage retention of open space and development of recreational opportunities.

CWPP 3.4 Encourage increased access to publicly owned natural resource lands. Protect existing public access to shorelines and water. Encourage acquisition of lands to provide additional public shoreline and water access.

CWPP 3.5 Encourage the development of parks.

Environment

GMA strives to protect the environment and enhance the quality of life, including air and water quality, and the availability of water.

and quantity
CWPP 3.6 Protect the environment and enhance the quality of life, including air and water quality and the availability of water.

and quantity
CWPP 3.10 In order to protect public health and water quality, septic systems and/or appropriate alternative disposal systems will be encouraged where appropriate in rural areas, according to adopted County health codes. Alternative sewage collection and treatment systems with tight lines should be considered as an option when needed when public health is in jeopardy, and or to correct environmental damage and when consistent with land use designations in the Comprehensive Plan. Development permits and/or franchises for sewage treatment systems should be granted when consistent with the Comprehensive Plan.

CWPP 3.11 Mason County and the cities therein shall protect drinking water supplies from contamination, ~~maintain potable water in adequate supply~~, and identify and reserve future supplies.

CWPP 8.6 Discourage development activities in environmentally sensitive areas which may have a detrimental effect on public health, safety, environment, and fiscal integrity of the area.

Citizen Participation

GMA encourages the involvement of citizens in the planning process and coordination between communities and jurisdictions to reconcile conflicts.

CWPP 10.3 Encourages the involvement of citizens in the planning process and coordination between communities and jurisdictions to reconcile conflicts.

CWPP 7.1 Mason County and the cities within will establish joint procedures for review of land development activities within the cities' Growth Areas.

rural lifestyle; create flexibility in land management; foster land and housing affordability; and encourage employment and a strong tax base.

1. Preserve Air and Water Quality and Quantity

Appropriate regulation of land use and development throughout the County to maintain air and water quality. This includes coordination with state and regional agencies responsible for protecting air and water resources.

2. Support Resource-Based Economy and Quantity

Appropriate regulation of land use and development of lands adjacent to Resource Lands to help encourage the long term viability of Mason County's resource-based economy.

3. Maintain Rural Lifestyle

Appropriate regulation of land and development throughout the County to maintain the sense of community, safety, peace, and lack of crowding. New development should consider on site views of trees and water, and use the natural environment to buffer/screen one home from another.

4. Flexibility in Land Management

Use of flexible land use and development regulations and management practices, such as performance zoning, to preserve personal property rights, promote well-designed development, and to protect the natural environment.

5. Affordability

Appropriate land use and development regulations throughout the County to maintain affordable land, housing, and public services.

6. Encourage Employment and Strong Tax Base

Appropriate regulation of land use and development throughout the County to encourage economic expansion, the creation of high paying jobs, and broadening the County's tax base.

PLAN ALTERNATIVES

Comprehensive Plan alternatives were part of a decision-making process that began with Visioning and progressed through development of Community Goals, and Major Plan Objectives. This process was used because both GMA and SEPA emphasize goals, objectives and alternatives as important means for formulating and evaluating the Comprehensive Plan. Following an extensive evaluation of numerous broad range alternatives, the Growth Management Advisory Committee (GMAC) identified four Comprehensive Plan Alternatives to be advanced for SEPA analysis in the draft Plan/EIS.

Initially, the GMAC considered 10 broad range alternatives for the County's draft Plan/EIS. Those alternatives included No Action as required by SEPA, 5 urban options, and 4 rural concepts. Through an assessment process that evaluated the alternatives based on Mason County's Vision Statement, community goals, and Major Plan Objectives, the GMAC refined the 10 broad range alternatives into four for further consideration. Those alternatives, including "No Action" and three others, contain a range of ideas and growth concepts intended to encourage evaluation of growth management issues facing Mason County. They presented alternative approaches to the designation and location of Urban Growth Areas, Fully Contained

3. Water for development shall be both physically and legally available.

~~RU-2043.46:~~ -Commercial uses allowed within Hamlets and evaluate them based on the proposed use, density/intensity of proposed development, design and materials, vehicle access, water supply, wastewater disposal, and storm water run-off/drainage.[???]

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~~RU-2053.47:~~ -The residential policies for the Hamlets shall be the same policies as for the Rural Area.

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~~RU-2063.48:~~ -Allow existing industrial and commercial uses to expand in Hamlets, provided that: they do not require urban levels of service, they do not conflict with natural resource based uses, they are compatible with surrounding rural uses, they do not induce low-density sprawl, they stay within the boundaries of the Hamlet; and they meet the requirements of the rural commercial/industrial uses in policies RU-146, 151, 152, and 2022.

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~~RU-2073.49:~~ -Allow location or expansion of resource based industrial, commercial uses and/or recreational/tourist uses and small scale businesses in Hamlets provided that: they do not require urban levels of government service, any public services or facilities provided for the development are limited to that necessary for the development, they do not permit or induce low-density sprawl, they are compatible with surrounding rural uses, and they stay within the boundaries of the Hamlet.

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Isolated Commercial/Industrial Uses

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~~RU-2103.50:~~ -Create a land use designation that identifies Isolated Rural Commercial/Industrial uses and designate based on the following criteria: commercial/industrial stand-alone uses or a small group of associated uses, limited area/limited ownerships per business, only residential uses on premises are associated with private residences of owners/managers, do not require urban services, will not induce urban growth, boundaries can contain uses to reduce the potential for sprawl, have been in existence in since July 1, 1990, and are located at least one mile from an already existing similar designated use.

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~~RU-2113.51:~~ -Designate Isolated Rural Commercial/Industrial Uses on the Comprehensive Plan Land Use map, with types of uses allowed and boundaries of those uses based on the following criteria: the need to preserve the character of existing natural neighborhoods and communities, physical boundaries such as bodies of water, streets, and highways, and land forms and contours, the prevention of abnormally irregular boundaries, the ability to provide public facilities and public services in a manner that does not permit low-density sprawl, and the boundaries are based on the built environment of this use/area as it existed on July 1, 1990. Examples include: Bucks Prairie, Bear Creek, Benson/Woodland market, Dalby, Eldon, Happy Hollow, Lake Cushman, Lake Limerick, Park Place, Purdy Canyon, Nahwatzen, Stretch Island Fruit, Sunset Beach, and the Union Gas Station.

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~~RU-2113~~ -Isolated Rural/Commercial/Industrial Uses and Tourist/Recreational Uses not mapped during this Comprehensive Plan amendment, may request such mapping within 180 days of the passage of this amendment, or subsequently as part of the annual amendment process.

~~RU-2133.52:~~ -Establish a process for reviewing requests for LAMIRD boundary and use designation for isolated commercial/industrial uses (non-resource related) that includes the following criteria:

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Land Use Restrictions on the Mason County Economy Phase II Report of April 2000. The study's paramount finding was that 62% of all Mason County businesses were located outside the UGAs and LAMIRDS. The study also pointed to a vast variance in size and business types which form the County's rural character and economic backbone. As a result, the following Rural Uses (RU) are established:

Foster Randomly Located Rural Businesses (RLRB) in the rural area in order to accommodate economic and employment opportunities outside the RACs, Hamlets, and UGAs.

Permit Randomly Located Rural Businesses (RLRB) as historically found throughout the County, outside the UGAs and LAMIRDS, subject to the following criteria:

RLRBs are permitted as unrestricted in business type and size up to 50 employees and 30,000 square feet in building size so long as operations can be conducted without unreasonable adverse impacts on the surrounding environment or neighborhood. Approval for, or anticipated growth of, business sizes beyond either limit should be processed as a special or conditional use.

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Signage intended to locate or attract notice to RLRBs should be limited to that necessary for simple identification and to avoid obtrusive or unnecessary flair, lighting, glare or animation. A maximum of two 32 square foot signs should normally serve for adequate identification.

RLRB operations should not be disruptive to the use of neighboring properties. Where such things as excessive noise, vibration, glare, fumes, odors, electrical interference or excessive traffic, parking or storage requirements are anticipated, or experienced, Special Use Permits may be required.

Under some circumstances, RLRBs may be questionable in size due to previously established local community norms and standards. If unable to design and operate with minimum obtrusiveness to neighbors, Special Use Permits may be required.

RLRB should not require, or expect, urban services nor should they contribute to urban sprawl.

Mixed use of RLRB and residential should be encouraged to facilitate local job availability and local tax base retention. Development need not be oriented toward simply serving the local population.

RLRBs should be designed with protection of the natural environment in mind and not interfere with natural resources, mining or agricultural businesses, but may be used to augment these businesses.⁷

water for RLRBs shall be both phys. + leg. avail.

NON-RESIDENTIAL POLICIES

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Page 30 of 79

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SQUAXIN ISLAND TRIBE

SENT BY ELECTRONIC AND REGULAR U.S. MAIL

September 19, 2016

David Windom, Director
Mason County Community Services
615 W. Alder St.
Shelton, WA 98584
dwindom@co.mason.wa.us

Barbara Adkins, Director
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RECEIVED

SEP 22 2016

615 W. Alder Street

Re: Squaxin Island Tribe's comments on Mason County Comprehensive Plan Amendments, and documents submitted into the record

Dear David and Barbara:

Thank you for considering the Squaxin Island Tribe's ("Tribe") comments in the Comprehensive Plan amendment process. These comments incorporate and expand upon the Tribe's numerous prior comments. Accompanying this letter is a flash drive with documents and an index that lists, for each document, the reason that the document is being submitted: i.e., because it explains the nature of the County's water adequacy problem, the statutory mandates that require amending the Comprehensive Plan to address the problem, and/or practical measures that the County can take to ensure that water is both legally and physically available for development. We respectfully urge the County to revise the Comprehensive Plan to meaningfully address water availability and thus protect water resources for fish and wildlife habitat.

Depleting surface water by pumping groundwater adversely affects fish and wildlife habitat. Mason County's Comprehensive Plan as written exacerbates longstanding water quantity and quality problems by providing for growth without examining whether water pumped from a well is legally available for use. The Rural Element currently lacks measures that are necessary and mandated to protect water quality and quantity, in that it does not require a showing that water is legally available before the County issues building permits or approves subdivisions that will rely on permit-exempt wells.

Many surface water bodies in Mason County are closed by State law (WAC Ch. 173-514) to additional withdrawals during times of the year that are drier and important to the fish life cycle. Water from groundwater in hydraulic continuity with these surface water bodies is not legally available during closure

periods. Nor is it available if someone proposes to withdraw groundwater that is in hydraulic continuity with surface flows with unmet instream flows (also set by WAC Ch. 173-514).

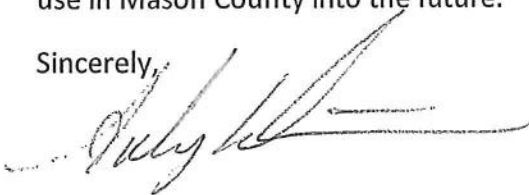
The County's planning and building permit/subdivision reviews must ensure that new growth occurs only where water is legally available. That is what the Growth Management Act ("GMA") mandates. There are many tools that the County can use, including reducing density and intensity of uses in key areas; requiring meters; asking for Ecology's help in evaluating applications and when planning in compromised basins; putting the Johns/Goldsborough Creek model to use; using reclaimed water; reducing impervious surfaces; requiring low impact development in areas affected by water quality and quantity problems; entering into an MOU with the Tribe and other stakeholders that addresses water availability; and imposing mitigation requirements.

The Tribe is extremely concerned about the impact of depleted fish-bearing waters on its federally protected rights. Under the Treaty of Medicine Creek, the Tribe holds the right to fish on all runs that pass through its "usual and accustomed" fishing areas ("U&A"), and a reserved right to instream flows in the amounts necessary for healthy and productive habitat to support fish populations to fulfill the Tribe's right to take fish. The Tribe's U&A includes all of Southern Puget Sound south of Tacoma Narrows. At stake here is the steady, cumulative dewatering of fish-bearing streams by unregulated permit-exempt wells that are hydraulically connected to surface waters with compromised fish populations and habitat. Hydraulic continuity refers to the fact that water can move from the groundwater to surface waters, as well as from surface water to groundwater, and that groundwater withdrawal consequently can affect surface water.

The importance of fish to the Tribe cannot be overstated. Many Tribal members and their families devote themselves to salmon fishing. The Tribally-owned seafood company, Salish Seafoods, buys and sells Treaty salmon. The Tribe's culture and economic well-being depends upon sustainable fisheries. The Supreme Court characterized the treaty fishing right as being "not much less necessary to the existence of the Indians than the atmosphere they breathed." *United States v. Winans*, 198 U.S. 371, 381 (1905). For the fish themselves, adequate stream flows literally are the "atmosphere they breathe," for without sufficient water for spawning, rearing and migration, there will be no salmon. The Tribe therefore has a vital interest in honoring state statutes that require maintaining adequate instream flows. It also has an interest in ensuring, as the GMA requires, that local planning for and regulation of water availability in rural areas is well-informed and protective of rural character, which includes instream flows and fisheries.

To conclude, we ask that the County adopt amendments that meaningfully address water quality and water availability, and protect fish and wildlife habitat. So far, none of the County's proposed amendments accomplish this. The Tribe stands ready to assist in this important effort to ensure wise and sustainable water use in Mason County into the future.

Sincerely,



Andy Whitener, Director Squaxin Island Natural Resources Department

cc: Sharon Haensly, Squaxin Island Legal Department

Enclosures

**SQUAXIN ISLAND TRIBE'S DOCUMENTS SUBMITTED FOR THE RECORD
IN MASON COUNTY'S COMPREHENSIVE PLAN AMENDMENT PROCESS
(September 13, 2016)**

Date	Author	Title	Reasons that Document Mandates and/or is Relevant to Amending Comprehensive Plan
1983-12-01	Wash. Dept. of Ecology	Kennedy-Goldsborough Instream Resources Protection Program Including Proposed Administrative Rules WRIA 14	Established seasonal instream flows as discharge values for creeks in Mason County. Includes historical records of streamflow.
1984-01-23	WAC Ch. 173-514	Instream Resources Protection Program—Kennedy-Goldsborough Water Resource Inventory Area (WRIA) 14	Established seasonal instream flows as discharge values for creeks in Mason County.
1992-07-28	Wash. Attorney General	Growth Management Act--Department Of Health--Board Of Health--Buildings--Counties--State Building Code--Water	RCW 19.27.097 requires applicants for building permits to provide evidence of an adequate supply of potable water. The authority to make this determination is the local agency that issues building permits. At minimum, there must be a sufficient quality and quantity of water for the intended purpose of the building.
2000-10-28	Washington Supreme Court	<i>Postema v. Pollution Control Hearings Board</i> , 142 Wash.2d 68, 11 P.3d 726 (2000)	Proposed withdrawal of groundwater from a closed stream in hydraulic continuity must be denied if it is factually established that the withdrawal will have any effect on the flow or level of the surface water.
2002-02-15	Independent Science Panel	Instream Flows for Salmon	Water of sufficient quantity and quality is prerequisite to the recovery and protection of fish.
2004-01-27	Watershed Sciences LLC	Aerial Surveys of Mill, Cranberry, and Johns Creeks, WA, Thermal Infrared and Color Videography	Patterns of temperature in Mill, Cranberry, and Johns Creek are indicators of groundwater input to those streams.
2004-08-04	Squaxin Island Tribe	Letter to Ron Henrickson, Mason County Administrator & Community Development Director	Tribe voices concern that Mason County is not making any water availability decisions pursuant to State law, and concern of impact on fisheries and Treaty rights.
2005-05-00	Dept. of Ecology Environmental Assessment Program, by A.	Quality Assurance Project Plan Total Maximum Daily Load Analysis for Temperature in Tributaries to Oakland Bay-Hammersley Inlet: Mill Creek, Cranberry Creek, and Johns Creek	Mill, Cranberry, and Johns Creek are warmed by lakes and wetlands and cooled by groundwater input.

	Ahmed and L. Sullivan			
2005-01-26	Watershed Sciences LLC	Aerial Survey of Skookum and Goldsborough Creeks, WA, Thermal Infrared and Color Videography	Patterns of temperature in Skookum and Goldsborough Creeks are indicators of groundwater input to those streams.	
2005-12-01	Cosmopolitan Engineering	WRIA 14 Kennedy-Goldsborough Watershed Water Storage Assessment	Hydrogeology of the Kennedy-Goldsborough area with potential uses of reclaimed water.	
2005-12-31	Northwest Land and Water	Preliminary Build-Out & Projected Water Quantity Analysis, Step C Instream Flow Grant Addendum; WRIA 14/ Kennedy-Goldsborough Watershed	Expected future water consumption by people in the Kennedy-Goldsborough basin at full build-out of parcels based on current zoning.	
2005-12-31	Northwest Land and Water	Final WRIA 14 / Kennedy-Goldsborough Watershed, Phase II Hydrogeologic Investigation	Hydrogeology, water chemistry, and flow patterns in Kennedy-Goldsborough basin.	
2006-02-01	Plateau Communication Services and WRIA 14 Watershed Group	WRIA14 Watershed Management Plan Kennedy-Goldsborough Watershed	WRIA 14 planning unit recommendations for land and water management in the Kennedy-Goldsborough basin.	
2009-08-18	Squaxin Island Natural Resources Dept., Andy Whitener	Letter to Mason County Community Development and Mason County Public Health	Tribe advises County that it is violating state mandates as to determining water availability for DB Industries' building permit application; explains Tribal interests at stake.	
2009-09-04	Keta Waters, Joel Massmann, Ph.D., P.E.	Memorandum: Re Comments regarding "Assessment of hydrogeologic implications of the withdrawal of groundwater for the proposed Johns Prairie Business Park" by F. Michael Krautkramer, Robinson Noble & Saltbush (November 11, 2008).	In critiquing DB Industries consultant's report, informs as to science governing hydraulic continuity and water use in Johns Creek basin.	
2009-09-11	Squaxin Island Natural Resources Dept., Andy Whitener	Letter to Mason County Public Health Dept. and Mason County Community Development Dept.	Advises County that it is violating state mandates as to water availability for DB Industries' building permit application; explains Tribal interests at stake.	

2010	Rachael Paschal Osborn	Idaho law Review: Hydraulic Continuity in Washington Water Law	Explains legal mandates, science and mitigation options with regards to water availability and hydraulic continuity in Washington.
2010-05-05	Governor C. Gregoire	Letter to Director, Dept. of Ecology	Ecology recognizes the need for it and County to take measures to protect Johns Creek flows, including County's adoption of low impact development ordinances in addition to the Belfair and Allyn ordinances.
2011-07-28	Washington Supreme Court	<i>Kittitas County v. Eastern Washington Growth Management Hearings Board</i> , 256 P.3d 1193 (2011)	Ruling confirms that counties must plan for protection of water resources in land use planning, in accordance with state mandates.
2011-09-14	Earthjustice	Letter to King County Re: Water Availability Requirements/ Building and Subdivision Permits	Explains that King County is violating state mandates by authorizing development in basins—including basins that are either closed or subject to instream flows—that relies on permit-exempt groundwater wells for water supply without first ensuring that water is available for appropriation.
2011-12-19	Dept. of Ecology, Resource Water Manager	Letter to Snohomish County re: Water Delineations for Future Subdivision and Building Permit Applications	Ecology describes county and state roles and mandates as to water availability in land use decision-making.
2012-02-07	Mason County Commissioners	Board of Mason County Commissioner's Proceedings	Agenda includes Squaxin Island Tribe's appeal of County's water adequacy determinations for DB Industries.
2012-02-28	Mason County Board of Health	Mason County Board of Health Draft Meeting Agenda	Agenda includes Squaxin Island Tribe's appeal of County's water adequacy determinations for DB Industries.
2012-02-28	Mason County Board of Health	Mason County Board of Health Proceedings	Tribe withdraws DB Industries appeal in exchange for County's agreement that they will work together to clean up the County's broken water adequacy process; Board directs staff to work with Tribe to address broken process.
2012-05-11	Earthjustice	Letter to Program Manager, Ecology's Water Resources Program Re: County decisions regarding water availability / follow-up from April 2012 meeting	Proposes approaches to water availability process; explains laws that mandate that counties have a properly operating process in place.
2012-08-15	D. Monthie, The Water Report	Land Decisions and Water Supply	Explains legal mandates, science and mitigation options with regards to water availability and hydraulic continuity in Washington.

2012-11-16	Northwest Land and Water	Hydrogeologic Framework of the Goldsborough Creek Sub-basin and Johns Creek Vicinity, Mason County, Washington	Detailed characterization of geologic stratigraphy of Johns and Goldsborough Creek area.
2012-11-29	Squaxin Island Legal Dept., S. Haensly	Letter to Prosecuting Attorney Mason County Re: Mason County discussions about County's flawed GMA water availability determinations and appeal process	Expressing Tribe's dissatisfaction with County's unwillingness to make changes re water availability process.
2012-2013		Emails between Squaxin and Mason County; Re: Water Availability	Demonstrating the County's lack of interest in fixing deficiencies in land use planning and permitting in order to ensure that water is legally available for development.
2013-09-16	Squaxin Island Legal Dept., S. Haensly	Draft County Water Adequacy Ordinance	Tribe shares draft water adequacy ordinance as a starting place for County to use towards accomplishing the goals of (1) planning for wise-water use and (2) meeting GMA and Water Code mandates; cautions that it is not intended to be the only way to accomplish these goals.
2013-10-13	Washington Supreme Court	<i>Swinomish Indian Tribal Community v. Ecology</i> ; 178 Wash.2d 571 (2013)	Confirming that a stream's minimum flow set by rule is an existing water right that generally may not be impaired by subsequent groundwater withdrawals.
2013-11-13	Washington Court of Appeals Div. II	<i>Squaxin Island Tribe v. Ecology</i> , 177 Wash.App. 734 (2013)	Confirming that while permit-exempt wells are legislatively exempt from the ground waters code's permitting requirement, they are still subject to the priority system and thus may not impair senior surface water rights such as instream flows; and that specific hydrogeological data and models inform decision-making about managing and allocating water use and protecting surface flows.
2014-02-17	Squaxin Island Tribe, Chairman	Ltr. to Ecology Re: Attaining Johns Creek basin instream flows	Proposing MOU with Ecology and County to address water availability, water conservation, low-impact development standards, exempt well restrictions and prohibitions, and generally wise and sustainable water use; develop plan to restore flows in Johns Creek.
2014-11-25	Dept. of Ecology	Permit-Exempt Domestic Well Use in Washington	A 2014 summary of all permit-exempt well use in the state of Washington.
2015-09-04	Squaxin Island Tribe	Amicus Brief in <i>Hirst v. Whatcom County</i>	Explaining the Tribe's interests in water availability issue; the statutory mandates that govern counties on this topic; that WRIA 14 governs permit-exempt wells and subjects them to

			its instream flows and closures; that uncontrolled proliferation of permit-exempt wells in rural areas throughout South Sound is a real problem; and that counties can ensure growth in rural areas that is sustainable and not at the expense of surface flows and fish.
2015-01-01	Golder Associates	Johns Creek and Goldsborough Creek Groundwater Modeling Study	Full description of the development of a Johns and Goldsborough Creek area numerical groundwater model with all technical data. Complement to Keta Waters 2015-05-01.
2015-01-30	Golder Associates	Technical Memorandum, Johns Creek Tributary Area and Predictive Scenarios	Impact to Johns Creek of human water use through year 2025.
2015-05-01	Keta Waters	Johns Creek and Goldsborough Creek Groundwater Model	Full description of the development of a Johns and Goldsborough Creek area numerical groundwater model with all technical data. Complement to Golder Associates 2015-01-01.
2015-08-01	Keta Waters	Johns Creek and Goldsborough Creek Groundwater Scenario Report	Impact to Johns and Goldsborough Creek of human water use through year 2040.
2015-10-01	Dept. of Ecology	Draft- Mitigation Options for the Impacts of New Permit-Exempt Groundwater Withdrawals	Possible options for mitigation of loss of surface water due to impact of permit-exempt groundwater withdrawals.
2016		2016 State of Our Watersheds Report Headwaters of the Salish Sea	Confirming that from 2010 to 2014, 259 new wells (4.5% increase) were added to the already existing 5,786 in WRIA 14; that much of Johns Creek continues to exceed the minimum Core Summer Salmonid Habitat water quality standards; and that the Tribe will advocate for land-use planning to minimize impact of development on water resources.

Reviewed by Jeff Carey 7/18/17:

Review of 22 page Document of 7/09/2017: General Points:

- Pgs. 4 & 5 of 22 Table 1 & the measuring of rural development on the matter of seeing a 53% urban 47% rural growth split over the next 20 years
 - a) I realize this is a best guess for the next 20 years, however this is a significant change from how growth has happened in the past.
 - b) I still think we should back off on the numbers or reallocated population within the 4 areas.
 - c) If we are not going to adjust or reallocate populations then we must set up an annual review of populations, building permits, state employment numbers & and other related figures similar the annual Capital Facilities review to insure we are on course or make the needed adjustments along the way.
- Pg. 7 of 22 Table 2; I think we need an addition break out of acres in Mason County to show Rural Activity Centers and LAMIRD's.
- Page 8 of 22 Table 3; Questioning the Numbers. Did around 77,000 acres change from forest to primarily vacant and residential land use? Or is this a onetime correction or event. Depending where this occurred our transportation and capital facilities will be inadequate to meet this change.
- Page 9 of 22 Table 4; Based on our meeting last Wednesday we need to add dwelling potential & population totals to the Long term Commercial Forest zone. Maybe give it a 20% probability factor. (Acres divided by 1/80, times 20% = potential units.
- Pgs. 8 & 9 of 22 Tables 3 & 4; Why are the total acreage numbers for table 3 about 130,000 acres less than table 4?
- Page 9 of 22 Table 4; I think we need to add zoning change factor to the totals. Meaning that certain percentage of parcels may get up zoned for RR10 to RR5, and RR20 to RR10 for example.
- Page 10 of 22 Table 6; The 1st row the difference count does not add up.
- Page 17 of 22 on Open Space; Because the rural character element is very important factor with in the Mason County Comprehensive Plan I think it is just as important to have a table of open space acreage by classification as we do for residential and commercial zones with the county. Not all open space is equal. It looks like some open space could be used for residential use some day while other open space could not. Depending on the type of opens space this could add or subtract from the available developable acreage. The three types of open space on page 17 are a good start. Other types, Opens space owned by conservation nonprofits, governmental but not open to the public, designated/recorder private opens space, opens space designated as parks, private & public conservation easements to name a few more.
- Page 18 of 22 on Rural Water & Water sheds. Maybe this is covered elsewhere but if water and water quality are so important to Mason County dedicating less than 1 page out of couple hundred pages of the Comprehensive Plan seems like we don't value it much. Some info from the Wire14, 15, 16, & 22 reports should be part of this plan. Or at least add it to the appendix of the Comprehensive Plan. My reason for this is water rights or the lack there of will also determine how much growth we as a county can have.
- Page 20 of 22 Policies; The policies for reducing sprawl seem to be in conflict with what is and has been happening in Mason County. I am not hung up one way or another with growth it just seems strange to me to create policies that conflict with other goals objective & policies in the rural areas of the county. Also these policies for reducing sprawl need objectives & goals also.

- Page 22 of 22 Policies: The establishing designation criteria of Long Term Commercial Forest is already called out on page 81 or III- 4.1 of the 2005 Mason County Comprehensive Plan.
- We also need to get page number methods fixed.

- General zoning density question related to up zoning from RR20 to RRX
 - a) In the area bordered by Lake Limerick on the south Emerald Lake to the east, Little Island Lake to the north and Bathtub K & McReavy road on the west.
 - 1) There about 50 or so larger parcels in a RR20 zone in 4 sections
 - 2) A number of these large parcels are adjacent to RR5 or plat lots.
 - 3) With the county's current code could zoning for some portion of these large parcels be change to RR5?

- It seems to me that in RR2.5/5/10/20 zones we need another group call RR-Platted lots. Because of the large number of plat lots in in the rural areas. For example :
 - a) Lake limerick area
 - b) Emerald lake area
 - c) Timber lake area
 - d) Shorecrest Terrace
 - e) Hartstene Pointe
 - f) Alderbrook
 - g) & Etc.

- When presenting any figures in tables & figures related to the county & uga's we need to keep a common presentation of the numbers. Example list County, County rural, Shelton city, Shelton UGA outside city, Allyn UGA, Belfair UGA all the way through all documents of the Comprehensive Plan.
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Reviewed by Jeff Carey 7/21/17:

Review of 36 page Document of 7/10/2017: General Points:

- Page 8 of 36 item C; Based on table 1 with an estimated 34% growth projection over the next 20 years & Mason county's last 5 to 6 years of actual growth the first line should be changed from and current conditions to something like "and best available growth forecast data from the Office of Financial Management" Mason county has chosen.... Logically if we use current conditions from the last five or so years that is 25% of the timeline of the county's Comprehensive Plan planning timeline. So from my way of thinking if you have a number of 34% over 20 years and another number of 2.5% over 5 years the projection percentage has to be less than 34%. I'm not saying we have reduce or reallocate the projected county population growth now. However, I think we just need to point this fact out & periodically review this fact and make adjustments as needed in the future.
- Page 10 of 36: The improvement value should be raised from \$20K to something higher. Adding utilities and alike can get close to \$20K alone. Even tiny/micro houses are typically more than \$35-40K.
- Pages 14, 15, & 16; Tables 9, 11, & 13; There needs to be a redevelopment factor of existing underdeveloped properties within each UGA's zoning. For example, where currently a dwelling exists on a 1 acre parcel however the parcel's underlying zoning is 4 dwellings per acre. Some percentage of these parcels will at some point redevelop to 3-4 dwellings.
- Page 15 Table 11; A number of figures in this table are inaccurate.
 - a) The VC district allows for multifamily dwellings. So units & population #'s are needed.
 - b) The R1-P zones are at least 80% built. Most of any unbuilt area is a golf course. (Open space but not really public open space). So little dwelling and population growth.
 - c) The R1-R zone is at most around 150 acres. So the dwelling & population #'s will be less.
 - d) The R2 zone.
 - 1) More than 7 acres.
 - 2) At least 150 developable parcels north of Lakeland drive alone.
 - 3) Dwelling & population numbers need updating.
 - e) The VC zone total is closer to 30 acre total. At least 12 Acres undeveloped and lots of non-conforming use developed parcels.
- Page 14 Table 10; The figures in this table are inaccurate.
 - a) The total acreage by use exceeds the 1000 acre total elsewhere in the Plan.
 - b) The forest acreage is around 60 at most.
 - c) The total acreage of commercial zoning is larger than 19. Between 45-50 acres.
 - d) The total acreage in residential zoning is much larger than 110. I do not have a # here too many parcels to add up for now.
- Page 13 Table 8; The % change figures in this table are inaccurate. Like for Forest, Commercial, transportation & utilities.
- Page 14 Table 9; The number of dwellings & population for the MU zone is too high. The number shown assumes 100% residential development in the MU district which will not happen.
- Page 16 Table 13; The number of dwellings & population for the MU zone is too high. The number shown assumes 100% residential development in the MU district which will not happen.

- Page 18 Table 16: What is the difference and/or relationship between land demand and allocated populations of table 14 if any?? The numbers may need to be updated based on other acreage changes.
- Pages 18-27 section B; In general I think all of our acreage table of developed and undeveloped garage need to have a critical area column or columns subtracting the undevelopable acreage from the total to get an accurate handle on how much population can be safely added/ allocated to the county and the UGA's. I believe the GIS dept. has begun creating the map & pulling the data together for Belfair to address this need. This is one of those tasks that will not be wrapped up by the time the 2017 Comprehensive Plan is adopted.
- Pages 18-27; In general I think ground water wells must be included & factored into the critical areas.
 - a) All group "A" & "B" wells must be included with their 200 ft. radius sanitary setback. By the numbers in the Utilities Element there is at least 800 acres that cannot be used for developing.
 - b) All group "A" & "B" wells must be included with their Well head protection areas. The well head protections to not prevent all residential or commercial development but there are some additional requirements that may not allow some types of development.
 - c) Eventually all private single & two party wells need to be included.
- Page 34 Policies, Related water policies in section 2 the St. of WA. Dept. of Health regulates these larger water systems. We should just reference the state organization that manages & regulates these water systems.
- Repeating here. When presenting any figures related to the county & uga's we need to create a common presentation of the figures. Example list County, County rural, Shelton city, Shelton UGA outside city, Allyn UGA, Belfair UGA.
- Repeating here. Need to reference Dept. of Commerce's 198 page guidebook to reviewing, updating & implementing your UGA.
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Reviewed by Jeff Carey 7/25/17:

Review of 23 page Document of 7/09/2017: General Points:

- Page 18 of 23 Table 4; Get table 4 of utilities element to match table 1 of rural element.
- Page 20 of 23 projecting water demand; Several issues here.
 - a) We are missing the whole issue of both used and unused water rights availability here.
 - 1) For example as of a couple years ago the city of Shelton was using only 25% of its total available water rights. However its use portion related to irrigation was up substantially but its residential use was level as I recall. I need to find the report to verify.
 - 2) If #1 above usage is correct then as far as water availability goes Shelton has enough water at least 3 times its current population. However, Shelton's water right certificate needs to be reviewed because they may be limited to only providing water within city and not the whole existing or planned expanded UGA.
 - 3) Need to use the WRIA 14,15,16, & 22 reports to total available capacities in all four WRIA's.
 - b) The necessary infrastructure to be able to purvey water. Do we have?
 - 1) Yes or no & if no how is it going to be paid for & by whom.
 - 2) Shelton's water system plan looked like the rate payers might have to pay for this increase capacity. (Plan was unclear exactly who would pay and what they would pay for.)
 - c) The financial viability to provide water economically.
 - d) Within the three major areas of concern above Mason County has a number water purveyor types or situations.
 - 1) Water districts inside & outside of the UGA's.
 - 2) Independent Water Systems purveyors inside and outside UGA's
 - 3) Others?
 - e) ?
- Repeating again here from an earlier review. Some info from the WRIA14, 15, 16, & 22 reports should be part of this plan.
- Page 20 of 23 Table 6; Based on my work around water systems when there is no water meter the consumption per connection is usually much greater then with typical group "B" type connection.
- Page 20 of 23 Table 6; on the subject of exempt wells. This term is used with water rights. There are group "B" systems with exempt wells.
- Page 18 of 23 MEETING FUTURE UTILITIES DEMANDS; We need to include Sewer, On site sewer, Stormwater, Communications (Landline, Fiber Optics, Wireless all types), & Natural Gas. How much growth can the above utility types handle with existing infrastructure and how much more infrastructure do we need in the next 20 years for each utility type.
 - 1) How is it going to be paid for & by whom?
 - 2) The financial viability to provide each utility type economically
- Page 23 of 23 Climate Change; If we are going to include this then what are we doing in this 2017 plan to support this issue.

- Examples of future utility problems:
 - 1) PUD3's Substation expansion to Shelton hills for example.
 - 2) Shelton's Sewer System capacity expansion need. I reviewed their 2013 plan and I see issues that need to be address for future development. The Shelton UGA is still the county's responsibility to plan for or at least plan with the city of Shelton.

- Repeating here. When presenting any figures related to the county & uga's we need to keep a common presentation of the figures. Example list County, County rural, Shelton city, Shelton UGA outside city, Allyn UGA, Belfair UGA. Table 4 within the utilities element.
- On unrelated Comprehensive Plan issue "**Essential services**". Our Comprehensive Plan structure needs some discussion on what I would call its hierarchical organizational lay out. The latest county budgeting issue identifies a somewhat over looked category "**Essential services**".
 - a) We get close to Essential services with the capital facilities plan but not with the operations aspect of day to day activities
 - b) We get close to Essential services with the **Health and Human Services Element** but again not with the operations aspect of day to day activities.
 - c) We need an ongoing county **Essential services** financing plan.
 - d) Other ideas?

- On general point my feeling is our utilities & capital facilities chapters are inter related and are inadequate to plan with. Our capital facilities chapter is totally missing the population growth/ allocation issue for the next 20 years. Both in the UGA's & rural areas.
- Related to my feeling on our utilities & capital facilities chapters is that our growth is partially based on reasonable cost utilities. Without complete and reasonably planned utilities & capital facilities our cost of living in Mason County is going to get significantly more expensive. Which may slow down growth also.
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September 18, 2017

Mason County Planning Advisory Commission

426 W. Cedar St.

Shelton WA 98584

Re: Comprehensive Plan update including Capital Facilities Element and Comprehensive Plan Amendments- Public Comment.

Mr. Thomas and Planning Advisory Commission members,

This is my public testimony regarding the Public hearing, agenda item #4; and I would respectfully ask that this be considered before making any recommendations to the BOCC.

I am uncertain that the "public" is aware of what the Amendments are as one cannot easily determine from looking at the agenda! The links on the website are extremely difficult and frustrating to navigate.

Only with help from Ms Watson this afternoon was I able to navigate to the proper documents.

It is my understanding at the last Planning Commission meet on August 28th that there was a "work session" about the Amendments between County staff and the PAC. Those amendments were the Neil and Padden requests as well as first time discussion about "open space" and a "new" matrix for a public benefit rating system. Again the public has an extremely hard time locating these supporting documents on the County website.

I am concerned about proper public notification and transparency of all these amendments. I would like to go on record that neither the Neil or Padden property has been posted with notice of this public hearing this evening. I don't believe any of the adjoining property owners have been notified either.

Regarding the Public Benefit Rating System, (PBRs), for "open space" I have attached an email exchange between myself and Commissioner Shetty. Please table further discussions and recommendations regarding PBRs until all potentially affected parcel owners can be notified. I would also like to request that supporting documentation and/or reports from County staff, regarding there being "too much" open space, be provided to the PAC and public before those further discussions and recommendations.

(Attached)

Regarding the 458 page "draft" Comprehensive Plan, I have had little time to review having only recently found it on website. After my brief review I have many things that I would like to discuss but several that I feel I should bring to your immediate attention.

Chapter 3, Transportation, page 56. Belfair Sub-Area Plan update.

I don't think anyone expects, "what will be several years of major traffic disruption caused by Bypass construction activities". Sentence should be deleted and sub area plan update should be rewritten.

Chapter 6, Capital Facilities Plan, page 20. Parks

Both the 2003 Belfair sub-area plan and the 2016 Port of Allyn Comprehensive Scheme address the need for a North Mason regional park, ball fields. I think these plans and obvious need should be included and referenced in the Counties Capital Facilities Plan.

Chapter 12, Implementation, Page 9 Comprehensive plan amendments,

The PAC should review and discuss as the process described appears to eliminate the PACS involvement.

Chapter 12, Implementation, Page 10 Periodic Urban Growth Area Review.

I feel this is extremely important and I have repeatedly asked the BOCC and PAC to recommend the reestablishment of a Belfair sub area planning group.

In conclusion I feel I and the public have not had adequate time to review the document in its entirety. I have much more to comment on and look forward to future public hearings on these important matters.


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