

PLANNING ADVISORY COMMISSION AGENDA

November 19, 2018

Mason County Building 1 - Commission Chambers
411 N. 5th Street, Shelton, WA 98584

1. 6:00pm - Call to Order

- a. Roll Call
- b. Approval of Meeting Summary(s) – October 15, 2018
- c. Approval of Changes to Agenda by Commissioners or Staff (if any)
- d. Conflict of Interest Inquiry
- e. Next Meeting Date – December 17, 2018
- f. Committee/Staff Updates
- g. Other Business

2. 6:15pm— Public Comment on topics associated with the mission of the Planning Commission for which a public hearing is not being held. Please limit comments to 3 minutes.

3. 6:30pm –Public Hearings: Public Benefit Rating System (remanded back to the PAC from the BOCC)

- Staff Presentation/Brief
- Questions for Staff
- Public Testimony
- Commissioner Deliberation
- Commissioner Vote

What is the Planning Commission?

The Mason County Planning Commission is a citizen advisory commission that is appointed by and advisory to the Mason County Commission on the preparation and amendment of land use plans and implementing ordinances such as zoning.

- The actions tonight are not final decisions; they are Commission recommendations to the Board of County Commissioners who must ultimately make the final decision. If you have any questions or suggestions on ways the Planning Commission can serve you better, please contact the Planning Office at 360-427-9670

Americans with Disabilities Act (ADA) accommodations will be provided upon request, with reasonable, adequate notice.

Agendas are subject to change, please contact the Planning Office for the most recent version. The agenda was last printed on 11/2/2018 8:33 AM

DRAFT

Chapter 17.18 – Mason County Public Benefit Rating System

Sections:

- 17.18.010—Purpose and intent.
- 17.18.020—Definitions.
- 17.18.030—Operation of the county public benefit rating system.
- 17.18.035—Eligibility of high, medium and low priority public benefit resources.
- 17.18.040—Ineligible lands.
- 17.18.050—Assessed valuation schedule—Public benefit rating system.
- 17.18.070—Basis of assessment.
- 17.18.080—Application to the county under the public benefit rating system.
- 17.18.090—Application fees.
- 17.18.100—Time to file.
- 17.18.110—Application review.
- 17.18.120—Board decision.
- 17.18.130—Unincorporated lands.
- 17.18.140—Incorporated lands.
- 17.18.150—Monitoring for compliance.
- 17.18.160—Removal of land classification by county assessor.
- 17.18.170—When removal of land is not subject to additional tax, interest, and penalties.
- 17.18.180—Transfer of lands between certain current use taxation classifications.
- 17.18.190—Owner may request withdrawal from classification.
- 17.18.200—Action on withdrawal from classification.
- 17.18.210—Owner to notify assessor of change in use in classification.
- 17.18.220—Sale of open space classified land.
- 17.18.230—Review of previously approved open space applications.
- 17.18.240—Duties of the Planning Commission.
- 17.18.250—Severability.

17.18.010 - Purpose and intent.

- A. Purpose. It is in the best interest of the county to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural, historic and cultural resources and scenic beauty for the economic and social well-being of the county and its citizens. Additionally, it is in the county's interest to provide incentives that encourage the retention of open space in compliance with Growth Management Act principles.
- B. Intent. It is the intent of this chapter to implement Revised Code of Washington (RCW), as amended, by establishing procedures, rules, and fees for the consideration of applications made by land owners for public benefit rating system assessed valuation on "open space land" as defined in RCW 84.34.020(1) and (8). The provisions of Chapter 84.34 RCW, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter.

17.18.020 - Definitions.

For the purposes of this chapter, unless otherwise required by the context, words and phrases shall have the following meaning:

- (1) "Assessor" means the Mason County assessor or his or her designated representative.
- (2) "Board" means the Board of County Commissioners of Mason County.

- (3) "County" means Mason County, state of Washington.
- (4) "Open space land" means any land area so designated by the Mason County comprehensive land use plan adopted by the County and zoned accordingly, or any land area, the preservation of which in its present use would:
 - (i) conserve and enhance natural or scenic resources, or
 - (ii) protect streams or water supply, or
 - (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or
 - ~~(iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or~~
 - (v) enhance recreation opportunities, or
 - (vi) preserve historic sites, or
 - (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or
 - (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or any land meeting the definition of farm and agricultural conservation land in RCW 8.34.020(8).
- (5) "Planning Commission" means the Mason County Planning Advisory Commission.
- (6) "Planning Department" means the Mason County Planning Department under the Community Services Division.
- (7) "Public Benefit" means any activity or activities that accomplish a public purpose and/or provide for a community's social, economic, and cultural well-being, public health, and safety.
- (8) "Rural Lands" means those areas outside of the designated Resource Lands and Urban Growth Areas.
- ~~(9) "Shoreline Environments" means those designated lands as defined in the Mason County Shoreline Master Program.~~
- ~~(10)~~ "Urban Areas" are those designated in Urban Growth areas around the incorporated area of Shelton and the two unincorporated areas of Allyn and Belfair.

17.18.030 - Operation of the county public benefit rating system.

To be eligible for open space classification under the county's public benefit rating system, property must contain six (6) or more open space resource points listed below as defined in Mason County Code (MCC) Section 17.18.035 of this Chapter. These resources are defined in this chapter and ranked as high, medium or low priority open space resources. High priority open space resources receive ten (10) points each, medium priority open space resources receive six (6) points each, and low priority open space resources receive two (2) points each. Properties can receive a maximum of thirty (30) points. Portions of property may also qualify for open space designation.

- A. **High priority open space resources.** Ten (10) points each:
 - 1. Public recreation area;
 - 2. Trail linkages and recreational corridors;
 - 3. Natural shoreline environments;
 - 4. Aquifer protection areas;
 - 5. Special plant or ecological sites,

~~6. Regulated wetlands;~~

7. Significant fish and wildlife habitat conservation areas;
8. Historic landmarks/archeological sites;
9. ~~Private lands within designated federal lands (Olympic National Park or Olympic National Forest); and~~
10. Farm and agricultural conservation lands.

B. **Medium priority open space resources.** Six (6) points each:

1. Conservancy shoreline environments;
2. Scenic natural resources, viewpoints, and view corridors;
3. Urban open space;
4. Rural open space.

C. **Low priority open space resources.** Two (2) point each:

1. Restored lands;
2. Other shoreline environments.

D. Properties with at least one (1) high priority open space resource, which allows unlimited public access, or limited public access if due to resource sensitivity, shall be automatically eligible for current use value at ten (10) percent of market value.

E. Special exceptions to this priority framework that do not violate state (RCW 84.34) law and that have the support of either the Washington State University Cooperative Extension Service, the Washington State Department of Natural Resources, the USDA, Natural Resource Conservation Service, Mason County Conservation District, or any other agency with knowledge or expertise regarding any open space reclassification or other current use application will be considered on a case by case basis.

F. Completed restoration projects pursuant to provisions of the County's Shoreline Master Program which specifically address one of the priority actions in MCC 17.50.260 (A)(8)(a.-m.) shall be automatically eligible for current use value at ten (10) percent market value. Property is eligible during the monitoring phase.

Commented [KR1]: BOCC split. Either leave in High category or move to Medium. PAC to discuss.

Commented [KR2]: BOCC split. Either move to Low category or remove altogether.

Commented [KR3]: Staff to add indemnity language after consultation with County Attorney per MV comment.

Commented [KR4]: Strike this section altogether. See 17.18.050 for properties receiving an additional 10% reduction when access allowed.

17.18.035 – Eligibility of high, medium and low priority public benefit resources.

A. High priority resources.

1. **Public recreation area** means property which is currently devoted to providing active or passive non-motorized recreation use or which complements or substitutes for government facilities. The facility must be open to the public and, if charging a use fee, that fee shall be no higher than the fee charged by a like public facility. In addition, the facility must be managed using best management practices for environmental sustainability. An eligible site is then identified by the planning department or its designee as meeting the definition of an active or passive recreation area.

2. **Trail linkages and recreational corridors** means privately owned trails and corridors that are publicly accessible and used for hiking, biking, walking, horseback riding, and jogging. The trails may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one (1) destination point to another. Streets, roads, and highways with widened shoulders or bike lanes are not included in this category. Eligible lands must be

used as a public trail or corridor that remains in private ownership. Public access on the trail from a public road or public trail is required.

3. **Natural shoreline environment** means a marine, lake, or river shoreline and its "associated wetlands" designated as "natural" under the County's Shoreline Master Program. To qualify there must be no structures or buildings, including bulkheads from the ordinary high water mark (OHWM) to the established common-line plus 50-feet. To be eligible, this area shall be covered with native vegetation.

4. **Aquifer protection areas** means those areas as regulated under MCC 8.52.120 (Critical Aquifer Recharge Areas), which are determined to have an important recharging effect on aquifers used as a source for potable water, recharging salmon streams and/or vulnerable to contamination from recharge. To be eligible, this area shall remain undeveloped, free from the storage of materials, including parking, etc. and must have a plant community in which native plants are dominant. At least one acre of open space shall be designated as a critical aquifer recharge area.

5. **Special plant or ecological sites** means sites with naturally occurring concentrations of those plants defined as being monitor species and meeting the criteria for native plant communities by the Washington State Department of Natural Resources; or an old growth forest stand at least five (5) acres in size. An eligible site must be listed in the Natural Heritage Data Base or be identified by an expert acceptable to the department confirming that qualified species are present on the property.

~~6. **Regulated wetlands** means wetlands as defined by MCC 8.52.110 and shall be delineated and categorized by a qualified wetland professional. To be eligible, wetland buffers, including buffer averaging, shall have at least 10 percent greater buffer than required by MCC 8.52.110. Buffers shall be covered with native vegetation.~~

7. **Significant fish and wildlife habitat conservation areas** means areas identified as being of critical importance to the maintenance of fish and wildlife species including areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; and streams. To be eligible, this area shall be at least 10,000 square feet in size and protecting a critical area with at least 10 percent greater buffer than required by MCC 8.52 or MCC 17.50. Buffers shall be covered with native vegetation. The Planning Department may require preparation and submittal of a biological site assessment or habitat management plan that shall provide a description of the fish and wildlife habitat conservation area, the location of the protected features, the location of buffers and a description of efforts to protect the fish and wildlife habitat conservation area, or a description of restoration efforts in those instances where the critical area has been damaged.

8. **Historic landmarks/archaeological sites** means lands which constitute or upon which is situated a formally designated historic landmark, including buildings, structures or sites of significance in the county's historic or prehistoric heritage, such as Native American sacred sites and settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites and landscapes, or traditional cultural properties and landscapes. Eligible properties must be listed on the county, State or Federal register of historic places or landmarks for which there is regulatory protection. Eligible properties include contributing properties within designated historic districts. Improvements to the land are not eligible for other federal or state tax credits. Additionally, land that has been

verified through an archaeological report prepared by a qualified archaeologist that contains archaeological resources may be eligible. The county will review and make determinations on eligibility.

9. **Private lands within federal lands** means officially designated areas under private ownership located within federal lands that remain undeveloped and are maintained to protect the landscape of the park or forest. Eligible lands are privately owned parcels dominated by native vegetation.

10. **Farm and agricultural conservation lands** means either: (a) Land that was previously classified under "farm and agricultural land" (84.34.020 (2) RCW) that no longer meets the criteria for that program and is reclassified as open space land under the criteria of the public benefit rating system; or (b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

B. Medium priority resources.

1. **Conservancy shoreline environment** means a marine, lake or river shoreline and associated wetlands designated as "conservancy environment" under the County's shoreline master program. To qualify there must be no structures or buildings, including bulkheads from the ordinary high water mark (OHWM) to the established common-line plus 50-feet. To be eligible, this area shall be covered with native vegetation.

2. **Scenic natural resources, viewpoints, and view corridors** means areas of ten (10) or more acres of natural features which are visually significant to the aesthetic character of the county, contains features which otherwise qualifies as a historic landmark or archaeological site, or which includes significant wildlife gathering or nesting sites. No lands that have been subject to commercial logging or mineral extraction within twenty-five (25) years of the date of the open space classification application are eligible under the public benefit rating system. Eligible sites must be significant to the identity of the local area and be visible to a significant number of the public from public rights-of-way. Such lands must be of sufficient size to substantially preserve the scenic resource value and must be at least ten (10) acres in size.

a. **Viewpoint** means property that provides a view of an area which is visually significant to the aesthetic character of the county and which provides unlimited public access identified by a permanent sign readily visible from a road or other public right-of-way. Eligible sites must provide a view of a scenic natural resource in the county or other visually significant areas and must provide for unlimited public access.

b. **View corridor** means an area of adjoining parcels which individually may be less than one (1) acre but which, when combined, total at least one (1) acre and create a view corridor critical to maintaining a view of a scenic resource area or other visually significant area.

3. **Urban open space** means land located within the boundaries of an urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more intensive development or use. To be eligible as urban open space, the enrolling area must be at least one acre or be at least one-half acre if the area is protecting a critical area with at least 10 percent greater buffer than required by MCC 8.52 or MCC 17.50.

4. **Rural open space** means an area of five (5) or more contiguous acres that has a plant community in which native plants are dominant and that is located outside of the urban growth area as identified in the Mason County Future Land Use Map, except that an eligible site may include former open farmland, woodlots, scrublands or other lands that have been replanted with native vegetation.

Commented [KR5]: Low category or remove.

C. Low priority resources.

1. **Restored lands** means an area of at least one-half acre (21,780 square feet) of previously disturbed land that has been restored with native vegetation. To be eligible, restoration shall be determined as established and thriving native plant community. Disturbed lands include lands previously cleared and/or lands dominated by invasive plants and/or noxious weeds. ~~Additional points can be given for every one-half acre restored up to a total of five (5) acres (10 points).~~

Commented [KR6]: BOCC split. One acre minimum or 10 acre minimum? BOCC recommends moving to Medium for total of 6 points.

2. **Other shoreline environments** means a marine, lake or river shoreline and associated wetlands designated as "rural, residential or commercial environment" under the County's shoreline master program. To qualify there must be no structures or buildings, including bulkheads from the ordinary high water mark (OHWM) to the established common-line or standard buffer plus 50-feet. To be eligible, this area shall be covered with native vegetation.

17.18.040 - Ineligible lands.

The following properties shall not be eligible for open space classification:

- A. Properties less than one (1) acre or eligible areas less than one-quarter acre (10,890 square feet) in size unless otherwise specified herein.
- B. Properties that do not contain an open space resource identified as either high, medium, or low priority or meet the criteria under 17.18.030 E.
- C. Open space areas or buffers required by zoning, subdivision conditions, mitigation or other land use regulations, unless the owner provides additional public benefit as described in section 17.18.035.
- D. Commercial nurseries, arboretums or other maintained garden sites with native or nonnative plantings.
- E. Properties with outstanding code violations as tracked and reported by the county as an open enforcement case.
- F. Properties or portions of property that have been disturbed by clearing, grading, filling, or any other non-natural event.

17.18.050 - Assessed valuation schedule—Public benefit rating system.

The public benefit rating system for open space land bases the level of assessed fair market value reduction on the total number of awarded points. The market value reduction establishes the current use value. This current use value will be expressed as a percentage of market value based on the public benefit rating of the property and the valuation schedule below:

Public Benefit Rating Points	Current Use Value
(0 – 5-9 points)	100% of assessed value
(6 – 9 points)	60% of assessed value
(10 - 19 points)	40 50% of assessed value

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(20 – 29 points)	30% of assessed value
30+ points	20% of assessed value

Properties that allow public access shall receive an additional 10 percent reduction in assessed value.

17.18.070 - Basis of assessment.

In determining the market value reduction of a tax lot comprised of property qualifying for a current use assessment as an open space priority resource with non-open space land areas, the open space current use value is applicable to only that portion of the lot containing one (1) or more of the priority open space resources defined in this chapter, except in the case of public access and parcels with an approved rural stewardship plan. For each priority resource, the county will determine the appropriate land area that receives credit for a priority resource and accompanying tax reduction.

17.18.080 - Application to the county under the public benefit rating system.

An owner of open space land desiring assessed valuation under the public benefit rating system shall make application to the Planning Department by filing an application with the county's Permit Assistance Center. The application shall be upon forms supplied by the county and shall include such information deemed reasonably necessary to properly classify an area of land under Chapter 84.34 RCW.

17.18.090 - Application fees.

- A. Each application for current use open space taxation as defined in RCW 84.34.020, must include an application fee as established in the most current Mason County Planning Permit Fee Schedule. Upon adoption, application fees shall be set at five hundred (500) dollars.
- B. If an application is filed to add farm and agricultural conservation land, forest stewardship land, resource restoration or rural stewardship land to a parcel that is already enrolled in the Public Benefit Rating System, no fee shall be charged for the application.
- C. In the case of all farm and agricultural land applications, whether the application is based on land within or outside of an incorporated area, the entire fee shall be collected and retained by the county. In the case of open space or timber land applications based on land in an incorporated area, where the city legislative authority has set no filing fee, the county fee shall govern, and the entire fee shall be collected and retained by the county. Where the city legislative authority has established a filing fee, the fee established consistent with Section A of this section shall be collected by the county from the applicant and the county shall pay the city one-half of the fee collected.

17.18.100 - Time to file.

Applications shall be made to Mason County by March 30 of the calendar year preceding the year in which such classification is to begin. Actual tax reduction will not be recognized until one (1) year after the classification of the property has been made.

17.18.110 - Application review.

- A. Applications under the public benefit rating system shall be reviewed by the county and approved directly by the Board of Mason County Commissioners. By Chapter 84.34 RCW such

applications are exempt from the comprehensive plan annual review amendment cycle and are SEPA exempt.

- B. In determining whether an application made for open space current use taxation status should be approved or disapproved, pursuant to RCW 84.34.020 and this chapter, the county shall consider whether preservation of the current use of the land, when balanced against the resulting revenue loss or tax shift from granting the application under the provisions of this chapter will:
1. Conserve or enhance natural, cultural or scenic resources;
 2. Protect streams, stream corridors, wetlands, natural shorelines, and aquifers;
 3. Protect soil resources and unique or critical wildlife and native plant habitat;
 4. Promote conservation principles by example or by offering educational opportunities;
 5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries or other open spaces;
 6. Enhance recreation opportunities;
 7. Preserve historic and archeological sites; or
 8. Affect any other factors relevant in weighing benefits to the general welfare or preserving the current use of the property as delineated in this chapter.

17.18.120 - Board decision.

The Board of County Commissioners shall consider an application to the public benefit rating system as defined by RCW 84.34.037. They shall approve the application, with or without terms and/or conditions, and set the public benefit rating for assessment abatement, or deny the application. In so doing the following provisions will apply:

- A. They shall rate the land applying for classification according to the public benefit rating system;
- B. They may approve the application with respect to only part of the land that is the subject of the application;
- C. If any part of the application is denied or conditions attached the applicant may withdraw the entire application.

17.18.130 - Unincorporated lands.

In all unincorporated areas, the Board of County Commissioners shall act as the granting authority for applications for classification as open space land.

17.18.140 - Incorporated lands.

Applications for open space classification of land in an incorporated area shall be acted upon by a determining authority composed of the three (3) members of the Board of County Commissioners and three (3) members of the city legislative body in which the land is located (RCW 84.34.037). Where the county legislative body concurs with a recommendation of the city council to accept or reject an application for open space classification, such council's recommendation will be adopted as the decision of the determining authority.

17.18.150 - Monitoring for compliance.

- A. Monitoring of lands for continuing eligibility for current use assessment as open space lands shall include an affidavit, to be submitted annually by the landowner, of continuing compliance with the terms and conditions under which open space classification was granted and the current uses of the property. The requisite form and contents of the affidavit required for monitoring shall be described more fully in the county guidelines implementing this chapter. The failure of the owner to submit the affidavit of compliance shall be grounds for the county to remove and/or reevaluate the property under the PBRS.
- B. Where the Planning Department determines that the land is no longer being used for the purpose for which the classification was granted or there has been a change in use, it will report its findings within thirty (30) days to the county assessor.

17.18.160 - Removal of land classification by county assessor.

- A. Classified land may be removed from the public benefit rating system classification if it is no longer used for the purpose for which classification was granted or for any other classified use within the current use program. The assessor may determine, after giving the owner written notice and an opportunity to respond, that the land classified as open space is no longer primarily devoted to and used for the purposes for which it was granted classification.
- B. When land is removed from classification an additional tax, applicable interest, and penalties are due unless the removal meets one (1) of the exceptions listed in this chapter. The owner may appeal the removal of classification to the Hearing Examiner consistent with MCC 15.11.020.

17.18.170 - When removal of land is not subject to additional tax, interest, and penalties.

Removal of land is not subject to additional tax, interest, and penalties in the following instances:

- A. Land is transferred to a government entity in exchange for other land located in the State of Washington;
- B. Land is taken by power of eminent domain or transferred in anticipation of the exercise of such power;
- C. Land is sold or transferred within two (2) years of the death of the owner of at least fifty-percent interest in the land;
- D. A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of an act of the landowner which changes the use of such property;
- E. Official action by the state, county or city disallows the present use of such land;
- F. The land is transferred to a church or other non-profit organization, such that the land would qualify for a property tax exemption;
- G. Acquisition of property interests by agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for protecting, preserving, maintaining, improving, restoring, limiting the future use of, or otherwise conserving, selected open space land as defined in Chapter 84.34 RCW for public use and enjoyment.

17.18.180 - Transfer of lands between certain current use taxation classifications.

Land reclassified between the following current use assessment resource categories pursuant to RCW 84.34.070 are not considered withdrawals and are not subject to the additional tax interest and penalties:

- A. Reclassification between farm and agricultural lands and timber lands;

- B. Reclassification of farm and agricultural lands or timber lands to open space lands;
- C. Reclassification of farm and agricultural lands or timber lands to forest land classified under Chapter 84.33 RCW; and
- D. Reclassification from open space designated farm and agricultural conservation land under RCW 84.34.020(1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land.

An application fee must be paid at the time the application is submitted consistent with Section 17.18.090 of this chapter. If the type of transfer is not listed in this section, it is a new application for which the applicable fees will be applied.

17.18.190 - Owner may request withdrawal from classification.

- A. After ten (10) years the landowner may request that all or part of his/her land be withdrawn from the classification.
- B. If a portion of a parcel is removed from classification the remaining portion must meet the same requirements, as did the entire parcel when the land was originally granted classification. Following withdrawal from classification, future valuation of such land as open space resource property under the public benefit rating system is contingent upon reapplication and approval under this chapter.

17.18.200 - Action on withdrawal from classification.

Upon receipt of a request for withdrawal, the assessor shall notify the legislative authority that originally approved the application, and after one (1) year from the date of the withdrawal request, the assessor shall withdraw the land from classification. The land which is removed shall be subject to a tax equal to the difference between the amount of tax paid under the open space classification and the tax at true and fair value for seven (7) years last past, plus the statutory interest rate charged on delinquent property taxes.

17.18.210 - Owner to notify assessor of change in use in classification.

If an owner changes the use of the classified land, the owner must notify the county assessor of the change within sixty (60) days. The assessor shall then impose an additional tax equal to the difference between the tax paid on current use value and the tax that would have been paid on that land had it not been so classified, payable for the seven (7) years last past, plus interest on this additional tax at the same rate as charged on delinquent property taxes, plus a penalty of twenty (20) percent of the total amount.

17.18.220 - Sale of open space classified land.

When classified open space land is sold, the seller or transferor becomes liable at the time of sale for the additional tax, interest, and penalty of all or a portion of classified lands, unless the new owner signs the notice of continuance which is attached to or shown on the excise tax affidavit.

17.18.230 - Review of previously approved open space applications.

- A. Upon adoption of a public benefit rating system, the Planning Department shall review and re-rate the existing open space land current use assessment program parcels according to the

public benefit rating system in determining whether to recommend that an application be approved or denied.

- B. Owners of property classified under the existing open space land current use assessment program shall be notified of their new assessed value in the same manner as provided in RCW 84.40.045. These lands may be removed from classification under the existing open space land assessment program, without payment of penalties, back taxes, and interest, upon request of the owner, within thirty (30) days of notification of their newly determined value under the public benefit rating system.
- C. Property which does not qualify under the public benefit rating system and whose owner chooses not to remove the property from the open space land current use assessment program shall be rated according to the public benefit rating system (RCW 84.34.037[3]).

17.18.240 – Duties of the Planning Commission.

The Planning Commission shall review participation in the public benefit rating system for open space classification under the county's current use assessment program after the first two (2) years of adoption and thereafter once every two (2) years. The planning commission shall make written recommendation to the Board of County Commissioners on the following matters:

- A. The fundamental elements of the public benefit rating system, including the assessed valuation schedule, open space resource definitions, and other procedures defined in this chapter, ; and
- B. The overall administrative process, including issues such as staffing, outreach to prospective applicants, application forms, processing, monitoring, etc.; and
- C. The public benefit of the open space designated properties, the magnitude of the tax shift resulting from the designated properties and recommendations for expanding or restricting the program.

17.18.250 - Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or its application to other persons or circumstances is not affected.



MASON COUNTY

PLANNING ADVISORY COMMISSION

MASON COUNTY COMMUNITY SERVICES

615 W. ALDER STREET, SHELTON, WA 98584

Meetings held at: Commissioners' Chambers

411 N. 5th Street Shelton, WA 98584

REGULAR MEETING

October 15, 2018

MINUTES

1. CALL TO ORDER AND ROLL CALL

Marilyn Vogler, Planning Advisory Commission Chair, called the meeting to order at 6:02 p.m. The following commissioners were in attendance:

Morgan Ireland (Arrived at 6:03pm)	Deb Soper
Marilyn Vogler	Brian Smith
Aaron Cleveland	

Staff: Kell Rowen – Planning Manager

Mariah Frazier – Clerical

2. REGULAR BUSINESS

A. APPROVAL OF MEETING MINUTES AND AGENDA (6:04 pm)

Commissioner Smith mentioned he had found a minor typo on page eight or nine but could not remember and that it wasn't important. Motion was made by Commissioner Cleveland and seconded by Commissioner Soper to approve the minutes from the September 17, 2018 regular meeting as presented.

Vote:

4 in favor

0 opposed

1 abstention

Motion passed

B. CHANGES TO THE AGENDA

None

This is a short summary of the action that took place during the meeting. The audio recording of the meeting can be found on the Planning Advisory Commission page of the Mason County website.

C. CONFLICT OF INTEREST

None

D. NEXT REGULAR MEETING(S)

November 19, 2018

E. COMMITTEE/STAFF UPDATES (6:05 pm)

Kell mentioned that Mr. O'Reilly from the workshop at the September meeting had decided to withdraw his rezone request and that the Strong Road community had been informed of the decision. Kell also stated that she is still working on the Capital Facilities Update and that it would be brought before the PAC as soon as it was ready. Kell mentioned that she had spoken to the Clerk of the Board about when to hold a joint meeting with the BOCC and it was agreed that as one of the County Commissioners is leaving, that it should be postponed until January or February to discuss the 2019 Work Plan. Commissioner Vogler confirmed that the timeline for having any comp plan amendments approved for 2018 would not be affected by having the joint meeting in early 2019.

F. OTHER BUSINESS

None.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

- **Ken Van Buskirk - 6:09 p.m.**

Mr. Van Buskirk mentioned that in regards to the Belfair rezone that had been recommended for approval to the BOCC at the last meeting, that he had discovered some new information he wanted to bring to light. First, Ken provided a framed picture that depicted the wetlands located on an adjoining parcel for the PAC to view. Ken stated that since the last meeting, he discovered that there was a 10-year moratorium on the property in question until 2024 and that he has been unable to locate some paperwork that should have been turned in to DNR when the property was sold to PCI. Ken stated that he has been in touch with the Mason County Prosecutor, Tim Whitehead, regarding the issue and that he plans to contest the rezone if it goes to the BOCC as he doesn't believe the PAC was given enough information at the time of the public hearing.

Public Comment Closed – 6:11 p.m.

Commissioner Ireland asked Kell about an email that had been forwarded regarding a Lake Cushman community evacuation plan, wanting to make sure it was not an agenda item. Kell explained that it was an email that had been sent to the PAC email address, which is tied to her account and then automatically forwarded to all PAC members, and that it wasn't specifically from her.

4. PUBLIC HEARING – Code Amendments - 6:13 p.m.

Title 15 Code Amendment. (6:13 p.m.)

Kell mentioned that the development code, Title 15, had previously updated the section on enforcement in order to send enforcement cases to collections. In the process of being updated, the procedure for going to the Hearings Examiner regarding enforcement cases had been stripped. Kell stated that the Hearings Examiner had been a part of Title 15 from the time it was adopted until the update, and that staff is recommending it be added back in.

Commissioner Ireland stated that she felt the wording was vague in section C of 15.13.045 regarding “a preponderance of evidence that a violation has occurred or imminently may occur” as she could not think of a good example of a violation that may imminently occur, leading to a case before the Hearings Examiner. Commissioner Ireland stated it would be hard to prove a case on something that hasn’t happened yet. Kell mentioned the wording was always a part of the document and that she felt it would apply more to Building or Environmental Health rather than Planning. Commissioner Smith used an example of if a building were in danger of falling, you would want to address and fix the problem before it fell.

Commissioner Ireland asked Kell if she knew why the Hearings Examiner had been taken out as an option before. Kell explained that a previous Planning Manager had added in collections as an option during a time where staffing levels were lower and code enforcement fell by the wayside. While staff knew collections had been added in, they didn’t realize the Hearings Examiner had been stripped until some recent cases required the need. Commissioner Ireland asked if what has been proposed to be added back in is verbatim to what was previously included and Kell replied that it was.

At 6:28 pm Commissioner Smith made a motion, seconded by Commissioner Soper to recommend approval of the changes made to Title 15 to the BOCC.

Commissioner Ireland stated she had a couple more questions she would like clarification on before voting. Under section D.1 of 15.13.045, Commissioner Ireland inquired about the mention of a decision “with or without written conditions.” Kell explained that within the written document of the decision, the Hearings Examiner may include conditions recommended by staff, or their own conditions to be met.

Commissioner Ireland stated she was confused by section D.3.a.i. of 15.13.045 which reads “access was issued and thereafter, or” as it made no sense. Kell checked the original Title 15 document from before the Hearings Examiner had been stricken, and found it was the same. Upon discussion, the PAC decided it was most likely a typo and that ‘was’ should be ‘as.’ Commissioner Smith stated that his motion to recommend approval to the BOCC is amended to fix the typo to read ‘as.’

Commissioner Ireland clarified that the term 'repeat' meant more than once, and that there isn't a three-strike rule or the like. She also asked about section B of 15.13.050 regarding the up to \$1,000 civil fine and the Hearings Examiner being able to double it, when stated in section C of 15.13.020 a civil infraction can only be issued for up to \$250. Kell explained that the \$250 civil infraction would be equivalent of getting a speeding ticket, while the \$1,000 would be a separate civil fine.

No Public Comment. (6:37 pm)

Vote:

5 in favor

0 opposed

0 abstentions

Motion passed

Title 17 Code Amendment. (6:37 p.m.)

Kell explained that the Village Commercial (VC) District in Allyn authorizes for multifamily housing with a minimum of four units as the only allowed residential development. An issue has occurred where the difference between units per acre and units per type of development has become a problem as someone was assured they would be able to build a duplex by previous staff that had worked on Title 17. Kell and the Planner for the Allyn area discussed their options and decided to recommend approval of changing Title 17 to allow duplexes on lots ½ acre and triplexes on lots of ¾ acre instead of going through an attorney for allowance of this single instance.

Kell mentioned she was aware Title 17 had been brought before the PAC before and that the PAC at the time had been pretty clear about not allowing duplexes or triplexes. Commissioner Vogler explained to newer members of the PAC the past decision and that she would like to see it stay as is; for continuity if nothing else.

Commissioner Soper stated that she thought differently and believed the market should dictate what should be allowed. Title 17 was adopted a year ago, and since, no quadraplexes have been built or applications for quadraplexes submitted. Now there is someone wanting to build a duplex, which makes sense for the size of the lot to allow.

Commissioner Ireland confirmed the location of the VC district and asked about height restrictions, which Commissioner Cleveland responded there is an elevation restriction, just not certain about what it is. Kell also explained that nothing in the VC district is technically considered waterfront and therefore, not required to follow Master Shoreline Program View Protection guidelines for height restrictions.

Commissioner Vogler stated that based on the Comp Plan, a multifamily dwelling is defined as three or four units, which would allow for a triplex if they wanted to rely on the definition as their basis for a decision. Kell argued that they would still have to change Title 17 to specifically state that triplexes would be allowed, and that if they're going to change it, might as well change to allow for duplexes as well.

Commissioner Vogler explained for Commissioner Ireland that in a Mixed-Use zone, as the VC district was before, residential development was limited to the second floor, and that the VC district allows residential on the ground floor as well. The original intent for the VC district was to maintain the flavor of mixed use and not restrict the type of development that could be built in the area.

Commissioner Ireland inquired if a proposal for a mixed-use building would still have to adhere to the 4 units per building residential requirement. Kell stated that it would be a good idea to also add in a sentence stating that a mixed-use building would not have to follow the same requirement.

Commissioner Smith gave an example from his time living in Davis, California, where they had done similar mixed-use development to allow for more housing downtown for college students, and often found that the residential units above the commercial were not being rented out and used for storage instead. Commissioner Smith explained that mixed-use is talked about a lot and a good idea, but the market value is often not there for it leading to minimal mixed-use permits. Commissioner Smith added that he likes the idea of allowing residential on the ground floor to allow for the flexibility of what the market demands.

Commissioner Vogler confirmed that development of a duplex or triplex would be limited to the size of the lot. Kell reiterated that this change would be restrictive to the parcel size allowing duplexes on ½ acre or smaller, and triplexes on ¾ acre or smaller.

Kell stated she would like to add a sentence in the Purpose of Title 17 (17.12.110) regarding a mixed-use building not needing to adhere to the 4 units per building residential requirement on the second floor. Commissioner Vogler suggested Kell take a minute to draft a sentence to add in. Commissioner Smith stated he believes the sentence should be a permitted use under 17.12.120 instead of in the purpose of 17.12.110. Kell proposed adding "one or more residential units are allowed as an attached unit to any of the allowed nonresidential permitted uses." Kell stated that the word 'attached,' would be interpreted as allowing one story with the residential unit front or back as well as a second story above.

Commissioner Vogler agreed with Commissioner Smith that the sentence be added as a permitted use rather than in the purpose. Commissioner Ireland also agreed.

No Public Comment. (7:03 pm)

Commissioner Ireland made a motion to recommend the approval of the changes to Title 17 to the BOCC. Motion was seconded by Commissioner Smith. (7:03 p.m.)

Vote:

5 in favor

0 opposed

0 abstentions

Motion passed

Other – 7:03 p.m.

Commissioner Ireland confirmed that any notes she or any other Commissioner makes on personal copies of material regarding PAC meetings does not need to be retained.

5. ADJOURN

Commissioner Vogler called the meeting adjourned at 7:05 pm.