

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
May 19, 2003

(Note audio tape (#2) dated May 19, 2003
counter (#) for exact details of discussion)

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

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1. CALL TO ORDER

The meeting was called to order by Vice-Chair Steve Clayton at 6:00 p.m.

2. ROLL CALL

Members Present: Diane Edgin, Steve Clayton, Mark Drain, Bob Sund, Wendy Ervin. Bill Dewey and Theresa Kirkpatrick were excused.

Staff Present: Allan Borden, Susie Ellingson.

Motion made and approved to excuse Bill Dewey and Theresa Kirkpatrick for the May 19, 2003 meeting. Motion made and approved to excuse Diane Edgin for the June 16, 2003 meeting.

3. APPROVAL OF MINUTES

The minutes from the December 16, 2002, and March 17, 2003 meetings were approved as presented. There was a request for a change to the February 20, 2003 minutes for an excused absence for Bob Sund.

4. NEW BUSINESS

(#0155) Steve Clayton: Tonight we will continue the public hearing on the Boundary Line Adjustments.

(#0170) Allan Borden: Allan Borden, Department of Community Development. As you noticed on the agenda there are three items on for tonight. The first one is the BLA's that you asked for further changes on and it was continued from April 21st. The Impound Yards hearing was also continued from April 21st. The third one on Sideyard Setbacks in Rural Residential I'm coming back with a courtesy review on that one. Those are the three topics we're talking about tonight. At the April 21st PAC meeting there were several topics that came up related to BLA's prompted by the testimony of people in the audience. In the staff summary there was a concern about a clarification about the use of Director versus Administrator. In the second draft version that I've attached I've made that correction on the very first page. By changing it to Administrator it's consistent with every other reference in the DR's. The use of Administrator means the Director of the Department of Community Development, not necessarily the County Administrator. Currently the County Administrator holds that position. The second aspect that prompted a lot of discussion from both surveyors

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and title insurance companies and an attorney and as a result of a letter that's attached at the very end of the staff report is a letter from attorney Jim Hungerford he suggests a proposed revision that replaces the term 'the claim clear and convincing, and the minimum necessary to resolve the dispute'. That was confusing text and he's proposed to change that so that it reads as follows as it appears on page 2 of the draft under 3.c.(2)(1): 'the adjustment is solely for the purpose of resolving issues of encroachments by buildings or other improvements; the administrator finds sufficient evidence of the encroachment and the proposed adjustment is the minimum necessary to resolve the dispute'. So we have proving sufficient evidence or the court must order the change. In (3) that's repeated in a similar situation and also in (4) on page 3. I had Darren Nienaber, Deputy Prosecuting Attorney, review this and he has stated that this change is appropriate.

(#0354) Diane Edgin: On 3.c. where it says 'a court must order the change'; I'm wondering if it should be consistent. Over here it says 'or a court must have granted the claim'.

(#0375) Wendy Ervin: If it's a court order the court is taking in information and ordering it; it does not necessarily mean that it's what either one of them claimed. A claim is an action that is resolved in the favor of one person. An order is a judgment. The claim and the order are not the same.

(#0393) Allan Borden: So it's actually grant the claim or order the change.

(#0396) Wendy Ervin: Maybe you might want to go back to say 'a court must order the change' because once you've granted the claim then you order the change. Maybe granting the claim is not the language you want in there.

(#0410) Allan Borden: It would be consistent if in #4 it said 'or a court must have ordered the change'.

(#0426) Bob Sund: Under 3.c.2 where it says 'and the proposed adjustment is the minimum necessary to resolve the dispute'. What happens if the administrator ... if there's an agreement between the property owners I guess that's acceptable, is that right? I was thinking the administrator might say if the line were drawn here it might be minimal but you have agreed to put the line over here, which is not necessarily minimal. It might come up more where both lots belong to the same person and they say they want this line to be changed from here to here and if they went to the administrator he might say ... Say there's a building in place and they want to move it 10 or 20 feet from the building and he says that all we really need to move it is 5 feet from the building and that's minimal. So I'm wondering if minimal is restrictive?

(#0485) Mark Drain: Or rather than moving the whole line we're just going to go around the edge of the building.

(#0500) Wendy Ervin: I would think that if you really do have a building that encroaches on the line and there's a dispute about this then if the line is drawn like that they might not appreciate having a jogged line so the minimum necessary is going to have to be what settles the dispute. That is more likely to be an aesthetic solution so you have a straight line. I don't think this language is wrong because you don't want to have something that over reaches the settlement. You want to have something that just meets the needs of this particular adjustment and the minimum necessary to settle this dispute so you don't have a dispute any more when you finish.

(#0542) Allan Borden: Without establishing a set of standards, which I don't think was intended in this section, ... it could be that there's a building and somebody has mowed 20 feet around that building for 17 years and they actually would have claim to that land. In that case it very well could be the minimum. Typically there's a 5 foot distance around a structure but if somebody wanted to just minimally go around the roof overhang of the building it would have to be decided in some sort of document and that would be recorded with the title.

(#0578) Wendy Ervin: You say in your staff summary that these include the use of Director instead of Administrator and yet on page 1, 3.b. you have Director lined out and replaced with Administrator so it's backwards of what you say in the summary.

(#0592) Diane Edgin: The use of Director has been corrected to Administrator.

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(#0597) Allan Borden: The second paragraph of the summary says that there's a concern of using Director instead of Administrator. And in the third paragraph it talks about the correction.

(#0602) Wendy Ervin: So the word of choice is Administrator?

(#0604) Allan Borden: That's correct. The second paragraph discusses the issues and the third paragraph discusses how they're resolved.

(#0614) Mark Drain: Is any BLA reviewed by the Administrator? A landowner could propose a BLA that would benefit himself and would be a lot more than necessary. Someone's got to look at all BLA's and see that that doesn't happen.

(#0635) Allan Borden: The Administrator does review each application.

(#0640) Bob Sund: My concern was if the Administrator had to choose the minimal and maybe that's not the proposal.

(#0648) Mark Drain: You wonder at what point does it leave his hands and go to court.

(#0655) Bob Sund: Does a landowner that has two parcels and there's a building through that line, could he, if he's going to sell one of them, move the line 20 feet instead of just 10 feet? Ten feet might be minimal to put the building on the lot and he's opting to move it 20 feet. What would be the Administrator's viewpoint on that?

(#0678) Diane Edgin: It would all have to boil down to whether or not the lot he's wanting to move this over to has the required size.

(#0682) Bob Sund: Maybe they both have the required size.

(#0684) Allan Borden: Then there's not a problem.

(#0685) Wendy Ervin: In that case he owns the property and therefore there is not the requisite dispute that you're using a dispute technique to take care of. That's going to fall under a whole set of things. If he wants to move that line 20 feet then that has to be approved but there's no dispute so the minimum necessary language doesn't apply to that. There's language elsewhere that applies to that.

(#0702) Steve Clayton: Yes it does because you're creating a non-conforming lot.

(#0705) Wendy Ervin: But then you go under the out lot or the other language but not the dispute language.

(#0708) Steve Clayton: This isn't all dispute language; it's for a basic BLA.

(#0712) Wendy Ervin: That part that said minimum necessary to dissolve the dispute is dispute language.

(#0714) Allan Borden: Remember that each one of those phrases are a paragraph and it continues to say 'and the resulting lot has sufficient area and dimension to meet minimum requirements for width and area for a building site complying with all setback, buffer and open space requirements', so if that person moves a line generously then they have to make sure that the lot that they may be reducing in size still meets those area and dimension requirements.

(#0750) Bob Sund: I go along with Wendy that the language does talk about dispute.

(#0752) Steve Clayton: Maybe a better word would be 'issue' instead of 'dispute'. 'Minimum necessary to resolve the issue'.

(#0757) Wendy Ervin: If the person owns both sides and is trying to move the boundary line on his own property in order to prepare to sell it or something like that, that's an issue; that's not a dispute and if you

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want this language to apply to that ...

(#0775) Steve Clayton: Do you think 'issue' would fit in there better, Allan?

(#0778) Allan Borden: It is more encompassing and has a wider scope if you say 'issue' instead of 'dispute'. The next element in the staff report is also in section 3.c.(2)(ii) there's a change as proposed by one of the people in attendance in April is instead of saying 'modification' it says 'the net reduction'. The intent of that was that modifications can go in either direction.

(#0844) Mark Drain: What's the purpose of that?

(#0848) Allan Borden: What's intended there is that you have two pieces of property, one of which is going to be reduced in size with a BLA, and it used to say 'modification'. There's not a negative impact when the lots get bigger; there's a negative impact when the lots get smaller so the concern is that the lot being reduced in size is not being reduced more than 20%.

(#0875) Bob Sund: What is your concern for that? Why do you want to limit it?

(#0877) Allan Borden: Primarily so you don't reduce the lot becoming smaller in such a manner that you don't any longer have sufficient area or dimensions.

(#0885) Mark Drain: Even if you had a 40 acre lot and you wanted one 5 acres, which is less than 20% ...

(#0890) Allan Borden: Look at the subsection we're in. We're already looking at existing lots under 2 acres in size. It doesn't refer to large parcels. So when we're looking at lots less than 2 acres in size then it's warning you of being careful of how much you're reducing. The next change is in 3.d and there were discussions about this when property is acquired through a road right-of-way condemnation. The conclusion of the discussion in April was that the concerns of #1 could be conveyed if out lots could be discussed in the new #2, which is the old #3. So basically when it moves to that section you're discussing that 'no rural residential district lot shall be divided in such a manner that the total number of residential units allowed after the acquisition would be greater than the total number of residential units allowed prior to the acquisition, but out lots may be created'. So that gives people the option to create an out lot for some other purpose. The next change is on page 4 under Title 16. There were a couple of clarifications there under BLA in the first paragraph. The word 'containing' is for clarification so we're crossing out 'which contains'. In the second paragraph we've clarified what insufficient area and dimension is so we've added the initial phrase 'as used in this section, an insufficient area and dimension to meet minimum requirements for width and area for a building site.' There was no discussion on lot combinations. That basically is what has been revised since April.

(#1050) Wendy Ervin: You have 16.08.132 Out Lot and this is a definition of out lot and back here under 1.06 Definitions you have Out Lot. Why is it necessary to define out lot in two separate places with two separate numbers?

(#1065) Allan Borden: Because they're in two sets of regulations.

(#1075) Wendy Ervin: There is an RCW somewhere that says for simplicity it's not necessary to define the same thing in two different places.

(#1085) Bob Sund: It saves an individual from having to go to another book or regulation to find what the implication is.

(#1100) Diane Edgin: That's one of the things we've tried to do in this process is include the language in that section even though it's someplace else because of the frustration that the public has with it.

(#1111) Allan Borden: Under ideal circumstances the Department might have a set of terms in the DR's and then you could refer to that section.

(#1160) Diane Edgin: I'm ready that we propose that we accept this with the correction to the reference to

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the court to make it uniform.

(#1170) Steve Clayton: For continuity, regarding dispute, as in 3.c.(2)(i) in the first line it says 'the purpose of resolving issues' so instead of using 'dispute' to end that line, if we wanted continuity, we should use 'issue'.

(#1188) Diane Edgin: Allan was saying something about the fact that issue has a different connotation.

(#1190) Steve Clayton: But it's used in that same paragraph so we need continuity in the paragraphs. We're referencing the same item differently so if we changed 'dispute' to 'issue' that would work. Same under 3.c.(3). The last item under 3.c.(4) 'or a court must have granted the claim'. Again, if we have continuity with section (2) and (3) 'or a court must order a change' then we have continuity. Will that work, Allan?

(#1234) Allan Borden: So we'll change the term 'resolve the dispute' to 'resolve the issue' and then in (4) make it consistent by taking out 'grant the claim' and say 'order the change'.

(#1248) Steve Clayton: Okay.

(#1260) Wendy Ervin: There would be a few things in there like commas that would be nice to have. Does somebody actually go back and insert commas where they should be? Do things like commas need to be discussed or once you've got it in there do you ...

(#1280) Diane Edgin: What are you suggesting?

(#1282) Miscellaneous discussion regarding inserting additional commas and wordsmithing for clarification.

(#1860) Allan Borden: Those changes are easy to do and probably a good idea to make it clearer.

(#1875) Steve Clayton: We have a motion along with some friendly requests for changes.

(#1880) Bob Sund: I'll second the motion.

(#1995) Diane Edgin: I have a friendly suggestion that maybe Allan could e-mail us all these changes for our review.

(#2000) Steve Clayton: Would that work for you, Allan? Then we could e-mail back to you any of our comments before it went to the BOCC.

(#2005) Allan Borden: Sure, I could do that.

(#2095) Steve Clayton: We have a motion and a second. Any further discussion? All in favor? Motion passed with one abstaining. The next issue is vehicle impound yards.

(#2205) Allan Borden: I'll pass out this e-mail from Steve Clayton with his comments. I'll let you take a moment to read them.

(#2248) Wendy Ervin: The discussion last month on vehicle impound yards was going on and this is to keep residences from being impacted from the lights and the noise. Are vehicle impound lots being considered that don't exist today so you're going to have a new impound lot that's going to be placed next to a residence. Is that a possibility?

(#2265) Allan Borden: It is a possibility with these regulations.

(#2272) Wendy Ervin: So if you're going to put it in next to a residence then you have to put all of these protections in. To me it doesn't make sense to move something like this into a residential area.

(#2290) Bob Sund: What we talked about last meeting is that there is a line someplace between residential and industrial and you could put an impound facility in an industrial area but they're on the line with the residential. On one side is residential and on the other side is industrial.

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(#2310) Allan Borden: The big problem we're facing is that none of the UGA areas have zoning so these regulations that you're considering tonight and looked at last month are 'interim'. They're permanent until the UGA makes their decision on what the zoning is and what the allowed uses are in each one of those zones. That's why there are generous buffers so that in the intervening time we're trying to cushion the potential impacts of these quasi-industrial uses.

(#2340) Wendy Ervin: Every time somebody wants to put in a vehicle impound lot do they not need to have a permit for that kind of business on that specific property?

(#2354) Allan Borden: They don't need a land use approval; without zoning anything goes. If they're in a UGA, vehicle impound yards are allowed. They can be next to each other and they can be next to any kind of land use. If they meet these standards they don't need land use approval. They do need a construction approval and they would need, in the case of one place in an existing building, they would need stormwater review and they need to screen, etc. I don't know if Bob mentioned it last month but up until six months ago, motor vehicle impound yards were allowed in the UGA but they had to be in enclosed buildings. The reason for that was to completely shelter that land use from any potential adjacent land use. Since we didn't have zoning, that was thought to be a way to temper the potential impacts. That was a hardship so we came up with these regulations that allow for the yard to occur outside of the building but with a certain amount of structure and vegetation plantings so that's what's being proposed.

(#2446) Mark Drain: These regulations are interim until they establish zoning for the UGA but the impound yards will not be temporary. Once it's established it will always be there.

(#2460) Allan Borden: Right. These are development standards which means that they are used in reviewing and evaluating a proposed land use. Once they occur they're there. Someone could propose something less intensive. I can quickly go through the changes. There are two pages of text that are right after the staff report and what was recommended from April is that we take the height and the maturity of the vegetation screening and attach it to 1 and 2 and eliminate 3. Then I've added standards about noise, odor, light and glare which was brought up as a topic. There is already in the DR's performance for rural industrial land uses that exist so I'm just borrowing from that. I also came up with some BMP's because that was also a concern addressing paved surface with control and containment of spills and fluid leaks; approved stormwater features that separate contaminants; and containment of moderate risk waste and petroleum products as set forth by standards similar to the aquifer recharge. That's what I'm proposing. The comments I received from Steve he's proposing several changes.

(#2600) Bob Sund: He's proposing to eliminate part of that first sentence. When I read that sentence I really stumbled over it. It looks to me like the word 'and' in the second line is not needed and if you leave that word 'and' out it reads much more smoothly.

(#2622) Steve Clayton: I think that was a typo; I think it was originally 'an' instead of 'and'.

(#2630) Bob Sund: You don't need either word there.

(#2672) Steve Clayton: The word 'and' caught my eye and my comments related 'where there is existing industrial use'; if we're trying to develop our communities as per the Shelton land use map, there's a lot of industrial sites that are not in the industrial area here. I don't think we should grandfather a site into a new industrial use. Right now they're being used for an asphalt plant and you're saying they now want to be an impound yard. My thoughts are if we eliminate that part of the section then we're going to gradually move industrial uses out of residential areas.

(#2725) Wendy Ervin: If you take that clause out you're aiming them at sites which are designated for industrial or commercial/industrial mix which is where you want them to be.

(#2736) Bob Sund: As Allan has said, there is no zoning in the UGA. Within Shelton, there is but within the UGA outside of Shelton there is no zoning so chances are if there is an existing industrial site and there is no zoning why wouldn't it be appropriate for an impound facility to go adjacent to that existing industrial site?

(#2780) Steve Clayton: As I understand it, the entire UGA is reflected here and ...

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(#2786) Allan Borden: It does have future land use designation.

(#2792) Steve Clayton: So rather than using the word 'zoning' in my text it would be better to use the word 'land use designation'?

(#2795) Allan Borden: Right, because you can't have zoning unless you go beyond the designation and you say that these are the standards that apply in this area; these are the uses that are allowed in this area. That would be zoning. That doesn't exist right now. Shelton has illustrated its use designations as the first step towards establishing zoning but they still haven't come up with a set of standards in this designation yet.

(#2845) Bob Sund: I would think that we would want to give the City of Shelton as much prerogative to establish their own guidelines as possible. If there is an existing industrial and we allow impound next to it then Shelton will say it's okay. Rather than having islands of industrial uses around it's going to start to be an industrial area.

(#2882) Steve Clayton: The land use map has what I call 'zoning' but isn't; it's a land use map. So turning yours around, Bob, rather than saying because there's an industrial site, because there's an asphalt plant there, we can put anything there. But the people in Shelton have gone through a public process to say where they want their industrial. Rather than allowing islands in a residential area as existing uses by eliminating previous uses we're coercing impound yards into areas that has gone through the public process to say this is where we'd like them. This is both inside the city limits and outside. The entire UGA has been looked at and ... if somebody wants to go in and do an impound yard they can pull this map up and see where they can go and these are the standards that apply.

(#2950) Mark Drain: I agree with Steve. They may have some industrial sites now that are islands only because they're grandfathered in and they probably don't want those to grow. Instead future industrial activity they want to go to lands where they've mapped.

(#2980) Wendy Ervin: Yet if somebody wants to move next to it and if that is designated on this future land use map as a residential area they're not going to get the permit to put in a business no matter what's next door to it if that is a residential area and if this future land use map plan is being followed they're going to have to find another place to go.

(#3005) Allan Borden: Yes, the first paragraph indicates where they're appropriate to be located and the second paragraph takes into consideration the adjacent land uses.

(#3018) Steve Clayton: So the first paragraph is just for replacing an existing business and the second paragraph is based on what's next door.

(#3030) Wendy Ervin: But it doesn't seem to me that it matters what's next door if what is on the comprehensive map is not going to allow it. It doesn't allow for a continuing growth of industry in a residential area. It's going to have to stay the one existing use that is industry and it's isolated and then any other industry is going to have to go in the area that has already been designated as being an industrial area.

(#3068) Steve Clayton: That's not what we're saying here. What we're saying is that it's an asphalt plant right now and it's in a residential area it says here that they can put an impound yard there.

(#3080) Wendy Ervin: I agree that you should line out that where the existing use is that should be lined out because you don't want to open that argument that there's already a business there so I get to go in next door even though it's residential. If you just say that motor vehicle impound yards and their accessory structures are permitted in designated UGA's at sites which are designated for industrial or commercial/ industrial mix in the City of Shelton Comprehensive Plan as detailed on the future land use map.

(#3126) Steve Clayton: There's a couple of different aspects. We agree with the first one but we have a concern with the second one. Allan redid the wording to more generalize it to UGA's so that we don't have to redo this.

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(#3188) Wendy Ervin: So it would just say that impound yards are permitted in designated UGA's at sites which are designated for industrial or commercial/industrial mix in the City of Shelton Comprehensive Plan Future Land Use Map for the respective UGA.

(#3255) Steve Clayton: So we're going to delete after UGA's the words 'at sites where there is an existing industrial use, or' and that will follow the thought process of directing people who have impound yards and what's currently zoned industrial.

(#3264) Wendy Ervin: Are these only official under police direction that we pick up the car and tow it? Is that the only kind of auto storage we're talking about?

(#2378) Allan Borden: That's correct. It's not a wrecking yard where you haul things and they're there indefinitely. They're held until release either from an accident investigation, criminal investigation.

(#3300) Bob Sund: Where are the impound yards currently?

(#3302) Allan Borden: The only two I know of is Jim's in downtown Shelton near TimberBowl and other one is a new one that's across from Oak Park on Brockdale.

(#3318) Bob Sund: How are they currently zoned?

(#3322) Allan Borden: One is inside the city so it doesn't really concern us. The one out on Brockdale is in a neighborhood residential and it occupies that site because it was formally an industrial manufacturing location. As you are proposing there won't be another one of these unless it goes into what is mapped as industrial.

(#3378) Steve Clayton: But it would get grandfathered in as an existing site.

(#3382) Allan Borden: Right. These new development standards are for new proposals.

(#3390) Steve Clayton: The second item I had a concern with was where it says 'unless the adjacent uses are industrial or the land is vacant, then the proposed impound yard shall be enclosed, etc'. Bob has mentioned a couple of times that there's always a perimeter around any zoning and what happens when our impound yard has residences behind it?

(#3440) Allan Borden: What you had suggested is the one sentence, third paragraph 'if adjacent uses are industrial'; you're suggesting that be deleted and replaced with your A and B; I think that's how I understand it.

(#3468) Mark Drain: I presume on the industrial side you are asking for a smaller buffer but where it does make contact with residential area that's where you want the wider buffer?

(#3482) Steve Clayton: Right, or commercial actually. If you're backed up against a Kmart or A & W we want a buffer. If you're backed up against the perimeter area of our area we'd want a buffer and if there's an existing residence within an industrial area I would like a buffer on that, too.

(#3505) Wendy Ervin: In fairness, I think it depends on who was there first. If the residence is there first, or the Kmart or whatever, and you're wanting to move an impound yard in next door then you would install all the buffers and all that. If the impound yard already exists and the residence or the store or whatever wants to move in then the buffer is their responsibility. I don't think it is right to move a business or a home into an existing operation that has been going on completely and then require them to spend all the money to accommodate that.

(#3565) Allan Borden: The buffer standards are that the first comer establishes the use and the second comer establishes the buffer.

(#3575) Wendy Ervin: I have no problem with that.

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(#3577) Steve Clayton: With the exception of if we're on the perimeter of our industrial area and we have vacant residential land next to it we should still have that buffer at least facing the residential.

(#3592) Allan Borden: That's what I explain in my comments here is that if you have a Class V industrial use impound yard next to a vacant lot which is a Type II Class you have a much bigger buffer. As I mentioned here it's Bufferyard F which is big, at least 25 feet. Bufferyard A is minimal at 5 feet. I only explain my comments to make sure you understand it. Bufferyard F is not in this proposal. They plainly make up the buffer vegetation and state that the buffer is only 20 feet wide and it's intensely vegetated and a fence is put up. Instead of calling it Bufferyard D or Bufferyard E they just establish these standards: 20 foot wide Type 4 fence on the project side and B1 berm and plants as specified in Bufferyard E. It's more intensely vegetated.

(#3710) Steve Clayton: What I had tried to do in my comments was loosen up the restrictions on an impound yard that's where we want it. If they're in an industrial area and on one side it's vacant and it's vacant and zoned industrial, and it wasn't clear to me that if you're in an area and you've got a residence on one side and a business on the other do you have to do the entire thing with a 20 foot buffer? So I've tried to change the wording to where the buffer needs to be on the appropriate side; it doesn't need to entirely circumvent the property. I put Bufferyard A as just being the minimum. If you've got an impound yard next to an asphalt plant do you really need to have a bunch of trees and brush and hedges? Allan's response was that when you have a change of use and you've already paved it up to the fence maybe an A isn't adequate. There's two concepts there that maybe we should look at and is that what we want to do; take a parcel and say that we don't have to do the whole thing with a buffer but we need to apply different buffers to each side based on what the different applications are. That's fairly easy to do. Then what buffer do we want to put on each side? Did you have any thoughts on that, Allan?

(#3836) Allan Borden: I can see the incentive of trying to provide an incentive for the potential impound yard to be next to an industrial use or zoned industrial.

(#3865) Steve Clayton: And not penalize the people. We're making them pave it, put in wastewater recovery so let's loosen up on putting trees in where you don't really need trees.

(#3880) Wendy Ervin: They're going to have to have a fence anyway for security. That's a given and it probably should be a fence that is a tight enough fence that you can't look through. On an industrial site that fence should be adequate.

(#0180) Steve Clayton: So what I did to Allan's recommendation was where he says 'If the adjacent uses are industrial, then the standard Bufferyard C shall be required'. I changed that to my Letter A to loosen things up. We could do Bufferyard A if you feel like you want to be real liberal on those sides and after actually talking to Allan here maybe I shouldn't use the word 'zoned'; maybe use 'designated'. That was to replace his final alteration. Then I put in Letter B to identify what he had done in this larger section.

(#0225) Wendy Ervin: Under Bufferyard standards, your Bufferyard A says no structure required. You've got trees and no structure so that means no berm or no fence. In an industrial area that does not describe what probably needs to go in between two industrial uses because what you really need is a fence and no buffer in terms of plantings. To say A means you're forcing people to put in trees that probably aren't going to survive. I think there needs to be a recognition that there are areas that plantings don't do the job.

(#0274) Steve Clayton: Do we need any bufferyard at all between industrial uses?

(#0280) Wendy Ervin: Right, that's what I'm thinking. Rather than saying an A or a minimum there should be none other than the fencing required to protect the impound yard. They're going to have to have a fence for security already. Between the asphalt plant and the impound yard, as was our example, I don't think there needs to be any plantings. On the other side of the impound yard they do.

(#0334) Steve Clayton: Is there a limit on impervious surface coverage on a lot such as this?

(#0338) Alan Borden: I'm not sure what the impervious surface standard is; there's a floor area ratio, which is 2:1.

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(#0354) Mark Drain: Whatever kind of surface they have is not going to be of issue because they have to provide for containment of the contaminants, etc.

(#0360) Allan Borden: That's correct.

(#0370) Steve Clayton: So maybe rather than using the standard Bufferyard A required something along the lines that it will be fenced with at least a 6 foot site blocking fence. Take the Bufferyard A out and essentially there's no bufferyard.

(#0385) Wendy Ervin: Allan, you had said something about changing the use. If it changes use then we're back to the same thing of who was there first. If the impound yard is there and the next door neighbor changes use, they choose to.

(#0395) Allan Borden: If the impound yard goes out of business and they tear the building down and then they're the new use next to the other one.

(#0405) Steve Clayton: So if we change the use we have to change the buffer?

(#0408) Allan Borden: That's possible.

(#0410) Wendy Ervin: I think that's part of the cost of doing business. If the existing industrial changes use and somebody like a light industrial comes in where a heavy industrial had been, that's the cost of doing business that they're going to have to do whatever they have to do to change that property.

(#0430) Diane Edgin: We haven't addressed it and maybe it will come under the City of Shelton and their regulations and that is fences that are set back from the street where they don't come right up curb side. You've got a driveway and a building and then your impound lot is in behind it. I would assume that there would be some standard in that way with the City of Shelton.

(#0444) Alan Borden: There is, yes.

(#0448) Steve Clayton: Do we need to designate a front yard setback here? We've talked about side and rear setbacks.

(#0458) Allan Borden: In the UGA there isn't a certain setback from the road.

(#0465) Diane Edgin: There almost should be. It would be cost effective for everybody involved because all we have to do is look at Johns Prairie.

(#0484) Steve Clayton: You need a place to pull off from the road, too.

(#0488) Wendy Ervin: Part of it is you have to have adequate water runoff and that kind of thing. You've also got to have adequate ditching along side the road for the runoff and your fence should go on the property side of that ditching. So it should be at least 10 feet off the road.

(#0510) Mark Drain: I think we're getting too critical. If they own the property they can build a fence right to the property line. The right-of-way extends out and includes probably the ditch from the center of the road. I think they should be able to build the building there if they want, and in fact, that might be the best way to shelter or hide their business and have you drive around the back side of it. That might be a better buffer than a fence. I think if it's their property they should be able to do whatever they want as long as it isn't an eyesore.

(#0585) Diane Edgin: I don't have any problem with what you've done here, Steve. It does make sense to be able to only require a buffer on the side where one is needed.

(#0600) Wendy Ervin: The buffering should be flexible according to what you're buffering from.

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(#0602) Steve Clayton: If we use that Section A then we change the word 'zoned' to 'designated' and that could work. What are your thoughts on deleting the standard Bufferyard A and putting in a 6 foot semi sight blocking fence? We won't require any buffer.

(#0620) Allan Borden: In the bufferyard standards a 6 foot high fence is called an F3 fence.

(#0640) Steve Clayton: So we aren't going to require a standard Bufferyard A but we are going to require an F3 fence.

(#0646) Allan Borden: You could call it a standard F3 fence.

(#0650) Steve Clayton: In using Letter B I don't think I changed any of Allan's wording. The only other issue that comes up is do we want to designate a front yard setback?

(#0660) Diane Edgin: I think it would be wise to do so.

(#0662) Wendy Ervin: I don't think they're going to be able to operate an impound yard without an office, without a place to pull in; they're going to have a setback in how they design their business.

(#0666) Diane Edgin: Not necessarily.

(#0685) Allan Borden: Typically there's a buffer along side the road. Any land use has to have a certain buffer depending on what is across the street. So if it's a residence across the street then that's the adjacent land use so that might merit a larger buffer than if it was a commercial business or an industrial use which would have a smaller buffer. There's flexibility in there that they can either make the buffer half the size and double the vegetation or they can make it twice as big and reduce the vegetation. Typically development has to be 10 feet from the easement or right-of-way.

(#0765) Diane Edgin: That should do it but I'm not comfortable telling the City of Shelton what their buffers should be in the UGA. It needs to come from them.

(#0785) Wendy Ervin: People who are in a business are going to set it up so that it works and they're going to set it up so there's enough place to park in front of their business. It's just common sense.

(#0803) Diane Edgin: I don't think we need to worry about the front yard.

(#0805) Steve Clayton: Okay. The last one I had for Allan was about a 5 day written notice that the site will be make available for inspection by Mason County Dept of Health or their designee. Allan replied that that's already a part of the DR's if there's a problem. I also asked him today in a second e-mail if we could delete Section 3, which incorporates the Comp Plan dated 1997 and my thoughts being that the Comp Plans are already updated on a regular basis so we delete that reference and I think that Allan agreed with that. We will just use the wording 'the current Comp Plan'.

(#0875) Mark Drain: I make a motion that we accept the impound yard standards with the changes that we've discussed this evening to include the comments which were furnished by Steve and to be reworked by Allan.

(#0895) Wendy Ervin: I second that motion.

(#0900) Steve Clayton: Allan, are you clear on what we talked about?

(#0902) Allan Borden: Yes. I've been taking notes.

(#0912) Steve Clayton: We have a motion and a second. Any further discussion? All in favor? Motion passed.

Break in meeting.

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(#0950) Steve Clayton: We now will review the sideyard setbacks. Allan?

(#0962) Allan Borden: I will provide you a copy of a letter we received from Jerry Reid of Bulldog Associates. *See attached letter.*

Break in meeting for PAC to read letter.

(#1050) Bob Sund: These lots were approved back in 1994 have to meet the new building standards that we come up with today?

(#1055) Allan Borden: They do. When they develop a vacant lot they have to meet the current standards.

(#1072) Wendy Ervin: So they're objecting to a 35 foot wide house?

(#1086) Diane Edgin: How deep are these lots?

(#1088) Allan Borden: In Belwood, most of the lots are about 120 feet deep.

(#1098) Bob Sund: So, Allan, staff is recommending a 10% sideyard setback? Is that an effort to rectify the situation?

(#1110) Allan Borden: It is. I'll answer your question as I describe the summary. At the last meeting in April I actually had two alternatives that you recommended be combined. Based upon your comments I pulled in the exception to the sideyard setback which allowed for flexibility. We talked about 15% of the lot width on each side last month. This alternative is brought up for your consideration prior to these revised side yard setback standards being forwarded to the BOCC. This department would appreciate your discussion and comment on this alternative using 10% of the lot width as the standard for side yard setback.

(#1175) Wendy Ervin: So 7.5 feet on a 75 foot lot?

(#1180) Allan Borden: Yes. It provides even more flexibility on even smaller lots and as cited here on existing subdivisions that have fairly narrow lots when it was conventional to have a 30 foot wide house. Those houses are 45 to 55 feet wide now a days. In following the 10% sliding scale that gives people even more flexibility, especially on properties that don't have any other problems. So at last month's meeting we came to the conclusion that we could have this exception on these lots that only have those two constraints; the constraint of lot size or the constraint of lot width. It's not something like a stream, or an existing septic, or location of a well, or existing development; those situations could qualify for an administrative variance.

(#1264) Bob Sund: Which costs an additional fee?

(#1266) Allan Borden: It costs \$90.00 and very little extra time whereas a standard variance costs \$1,200.00 and it costs time; like 8 weeks. On something like that that is not arbitrary but discretionary there will be situations like that.

(#1286) Wendy Ervin: I think it's incumbent upon the powers that be that if ... this gentleman is saying here that they made all their plans and then the rules were changed. So I think getting them in compliance, the easiest most pain-free method I think that's the responsibility to do that. It wasn't their plan that was wrong; it was that the world changed around them.

(#1305) Steve Clayton: Do we make an exception for every parcel in the county based on ...

(#1308) Wendy Ervin: That had an ongoing plan that was already approved, yes.

(#1310) Allan Borden: One insite I can provide you on this Belwood subdivision is it formerly was Lakewood Plat I or L and there are a series of them on the South Shore of Hood Canal, and they're very small lots. They start there and go across and end at Highway 3 where St. Albans Camp is. They divided them into very small lots near the turn of the century. They were approximately 40 foot by 50 foot lots or something like that. Belwood actually reconfigured those lots into much better sense lots and they did that in 1994. That's

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one of the 'gripes' of this company, Bulldog Associates, is that they went to the effort of creating these nice lots but they're still not good enough. They just wanted to get their point across that these subdivisions do exist and when this letter was written we had already started to think about making these adjustments. We're going through this procedure now so that we can potentially get around an administrative variance on situations like this. There still are lots out there that are not in subdivisions that still have encumbrances on them. In comparing the 15% to 10% sliding scale it makes it a little easier without really sacrificing that much. It actually makes it even better for situations like Belwood and probably Beards Cove and even Haven Lake and one other one that's even worse than this in the constraints in Treasure Island Plat on Reach Island. Those lots are only 65 feet wide. Belwood has been designated RR 10 and Treasure Island was designated RR 20 so we'll probably go back and fix some of those Comp Plan map errors. These regulations aren't only for those 'scribner errors'.

(#1464) Bob Sund: Don't you find, Allan, that a person that is building a house on a lot would probably build in the middle of their lot if that is most practical? The reason they might move that to one side or the other is because of some geographical or geological feature or vegetation. I would think that would leave as much prerogative as possible to the individual landowner. It's going to be to his advantage to build as far away from the line as he can.

(#1510) Allan Borden: The only other alternative would be if somebody had a residential lot that was deep enough to build a fairly large storage building or shop, they might want to have enough room to put a driveway in past the house to the back of the property. Or even RV storage and they would then move the house to one side.

(#1530) Mark Drain: I think in Thurston County out in the rural it's still 5 feet from structure to property line so I don't think this is out of line with that at all.

(#1544) Allan Borden: Thurston County is not a good example, unfortunately, because everything outside of the UGA is RR 5; they don't have any RR 10 or 20. That was one of the reasons why we have larger setbacks in the RR 10 and 20 so we maintain the character of being rural. They're going to have to go back and do their homework.

(#1568) Bob Sund: The places that are in a 5 acre minimum or 10 acre minimum, those houses could be clustered onto smaller lots with the rural extra acreage being given into a greenbelt so the lot, even though it may be in a 5 or 10 acre area the building lot may be a lot smaller than 5 or 10 acres. Even though those houses are clustered you're still going to have the rural character because you've got the extensive greenbelt area.

(#1602) Allan Borden: When the plat was finalized you could say that in this subdivision we will allow 5 foot side yard setbacks because there's open space and it's not going to be a problem. You can record specific setbacks and put it on the face of the plat.

(#1620) Bob Sund: So these people could have done in Belwood?

(#1622) Allan Borden: No, they couldn't have because they consolidated small lots; they didn't really have the option to move lots very radically. They could consolidate lot lines but they didn't really reconfigure what was there.

(#1644) Bob Sund: I think we tend to think of a lot as being a perfectly rectangular piece of property so we think of buffers in that sort of way. When you get on the land there's a lot of other factors that take over. There's slope involved and the lot may be irregularly shaped and if they move down to a wider part of the lot then the slope may be restrictive. I'm opting to say that we need to give the landowner as much prerogative as possible to place it to his advantage.

(#1685) Mark Drain: I agree. Another thing with the new regulations there are septic fields that have to go in specific places if they're above ground and limits where you can locate other things like wells and it's complicated when you go to put any kind of structure on a lot now.

(#1698) Steve Clayton: So consensus wise without a vote is that 10% sounds about right for small lots?

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(#1700) PAC: Yes.

(#1704) Bob Sund: Staff has gone 10% on all of them, not just small lots.

(#1720) Steve Clayton: No, it's 10% on small lots, otherwise, it's 20 feet. It's only on lots up to an acre. If it's larger than it's 20 feet. The proposal is that there's a 20 foot setback except if it's under an acre and then it would be 10%. That's on the RR 5, 10 and 20.

(#1755) Allan Borden: That's right.

(#1766) Steve Clayton: The question I had was back on the RR 2.5 on the DCD version it appears that you left out the 20 foot because you've got the setback listed as 5 feet and the exception says 10%.

(#1782) Allan Borden: You could ask me to change it and I'll change it or compromise and just say that the accessory buildings being 20 feet and that the residence can be up to 5. That's what I put in my comments to you.

(#1810) Steve Clayton: The thought being that if it's a 2.5 acre parcel it isn't a whole lot to move your house 20 feet. But if it's only a 1 acre parcel then 10% seems to fit.

(#1835) Allan Borden: The RR 2.5's occur in the Hoodspport and Union RAC's as well as the Taylor Towne RAC. The Hoodspport and Union lots are fairly small already. They're composed of real small lots with some of them consolidated together and some of them are including vacated county roads.

(#1860) Steve Clayton: So they would already catch the 100 foot exception.

(#1862) Allan Borden: Yes, a lot of them will. I'm just holding fast to the fact that I don't know what you buy when you increase the residence to 20 feet in the RR 2.5 because they're already pretty close to being less than 100 feet in width already.

(#1888) Wendy Ervin: On a small amount of acreage I think that's asking too much to set that at 20 feet.

(#1902) Allan Borden: It doesn't come to mind that many of the lots in either Hoodspport or Union are even an acre in size.

(#1910) Steve Clayton: So the 20 foot wouldn't be applicable in most of them.

(#1915) Allan Borden: To be consistent and not catch somebody by surprise you could put in the 20 foot and if they qualify for the exception because they're not an acre in size or they're not 100 foot in width they're going to automatically go to 5 anyway.

(#1932) Steve Clayton: It just seems like in part to be consistent with what we did with the others, the 5, 10 and 20 on larger size parcels.

(#1940) Allan Borden: If you have a lot that's 75 feet wide in Union, 10% is 7.5 feet. So actually the non-exception would be a smaller setback in that case. There are lots that are greater than an acre in size, especially in Taylor Towne, and some of the Hoodspport lots are larger than an acre. To be consistent we could just go with the 20. So I could make that change.

(#1985) Bob Sund: What are we proposing?

(#1987) Allan Borden: When you look at the DCD version of the standards in RR 2.5 currently it automatically says 'residences or accessory building 5 feet from side or rear yard setbacks'. If you have a 75 foot wide lots that's less than an acre in size it would be 7.5 feet from the side property line so they already don't have to go to the exception. It's 10% with a 5 foot minimum. On larger lots that are 1 ½ acres or 3 acres then they'd have to be 10% from the side property line or 20 feet. On a 3 acre piece of property it would 20 feet because they wouldn't meet the exception.

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(#2044) Bob Sund: Anything over 1 acre doesn't meet the exception, right?

(#2046) Allan Borden: That's right. If they have a constraint like a steep slope or a stream they may qualify for an administrative variance and if it's so constrained because there's a stream running right through the middle of their property then they'd probably have to get a RO variance.

(#2066) Bob Sund: I'm familiar with a lot that has a road like this (Bob draws example) and here is the lot line down this way and way over here someplace there's a lot line. Now this lot happens to be a total of less than 2 but more than 1 ½. The building site is up in this area (Bob shows PAC) and as you go this way the slope of the land gets steeper and steeper. So the slope of the land is dictating to the building that the building needs to be up here. If you say that there has to be a 20 foot boundary here from the road ...

(#2125) Allan Borden: It's 25 feet from the road.

(#2130) Bob Sund: It's a private road and certainly the landowner isn't going to want to build right up against the road, private road or not. This makes it quite restrictive.

(#2154) Wendy Ervin: Yes, the unuseable land is causing the placement of his house to be further away from the borders than allowed.

(#2158) Steve Clayton: That's what the very last special provision is for is for an administrative variance. That would be an administrative variance because of the lay of the land.

(#2168) Allan Borden: That's right.

(#2170) Steve Clayton: So they wouldn't have to go through the \$1,200.00 variance; they could go through the \$90.00 administrative variance.

(#2215) Allan Borden: That's correct.

(#2222) Bob Sund: I'd like to see 10% all the way through it.

(#2224) Allan Borden: So my responses to Steve's questions, I'm willing to adjust the RR 2.5 from 5 to 20 so residences and accessory buildings would be 20 feet; the exception would be included.

(#2242) Steve Clayton: So what Allan is saying in the middle under Section D instead of the accessory building being 5 feet it would be 20 feet unless you've got a small lot. In the very last line under Special Provision E is says that a front yard setback can be reduced and we're also saying that a side yard can be reduced.

(#2275) Allan Borden: Okay. On the two pages of the variance text I'm adding RR 2.5 to Section D, as well as RR 5. It would read 'for lots of record as of March 5, 2003 that are parcels designated as RR 2.5, RR 5', as well as the existing RR 10 and 20. The sentence continues with 'where physical attributes of the lot (such as steep slopes, streams, wetlands and soils; lot width at the front yard line of no more than 50 feet or lot size of no more than ½ acre; and existing improvements of buildings, septic systems, and well areas)'.

(#2360) Steve Clayton: I also referenced the date you had there.

(#2366) Allan Borden: I would have to say that there's no difference of whether it's 2002 or 2003. I could make them both 2002 because there have been no new lots created since 1996. I can make that change as well.

(#2394) Wendy Ervin: Much of this is repeated and I color coded it to see how much if it is repeated. Is there a reason that you couldn't put under RR all of the general things that apply to all size lots and then break out the specifics under 2.5 , 5, 10 and 20 and reduce the amount of this regulation by more than half?

(#2422) Bob Sund: When a person comes and says he lives in RR 10 and they pull that sheet and give it to them.

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(#2475) Diane Edgin: Wendy, what we've had from the very beginning is that the public didn't like legalese and they wanted it defined for what they wanted; they didn't want all the other stuff with it. We've heard that several times over the last several years. Why can't I get one single page of what I need instead of the whole booklet.

(#2505) Bob Sund: I just want to say that I'm bothered by someone having to pay \$90.00 for a variance. If a person is potentially buying this lot that I described and then when it comes right down to it they have to go in and apply to the county, pay \$90.00 and then they wonder if they're going to get it or not. It's a deterrent. I'm saying that for the most part that 10% is going to be to the individual's advantage to put that as far away from the property as possible.

(#2550) Mark Drain: Is there a \$90.00 fee ...

(#2552) Bob Sund: To go before the Administrator to get a variance. And an applicant that does that has no assurance that he's going to be granted that variance.

(#2568) Diane Edgin: That's true of any of them.

(#2582) Wendy Ervin: What's he's saying is the person would choose not to buy the lot just because there's no guarantee they could put a house on it.

(#2630) Mark Drain: I make a motion that we approve the guidelines for side yard setbacks as written in the DCD version with the exception to the RR 2.5 section where we have gone back to the 20 foot setback but maintain the 10% exception. Also to include adding the side yard availability setback under Special Provisions as under 5, 10, and 20. Also add back in under the variance language streams and wetlands.

(#2730) Diane Edgin: I second the motion.

(#2735) Steve Clayton: We have a motion and a second. Any further discussion?

(#2744) Bob Sund: I'd like to include at least 5 acre ones, too, because of the clustering. RR 5 to be treated the same way as RR 2.5.

(#2768) Steve Clayton: It's already set up that way; we're just adding in the RR 2.5 to it.

(#2770) Bob Sund: I guess I would like to see something more where it talks about 1 acre. It's only 1 acre and less than that 10% applies to.

(#2788) Mark Drain: Or you could get an Administrative variance.

(#2805) Steve Clayton: Do you want that as a friendly amendment?

(#2824) Mark Drain: I don't quite see how we can change it ... You want to go up to 2 acres in the exception?

(#2850) Bob Sund: Yes. That sounds like it's big but in certain circumstances, as in the one I diagramed for you, it's not.

(#2870) Steve Clayton: \$90.00 isn't a whole lot for a variance.

(#2875) Diane Edgin: Maybe we could just put something in there that would say that a lot size not more than 2 acres based on limiting circumstances.

(#2905) Allan Borden: The question I have, Bob, is are you explaining an unusual situation that you want to group into the other lots that don't have an unusual situation? What you explained in your diagram is a property that has a steep slope and a road on two sides. I don't think you can get anyone at the whole table to think of a property that has that kind of a constraint on it.

(#2940) Bob Sund: When you're dealing with contours and hillsides and so forth you get some irregular

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shapes. My experience is that lots don't always come as nice rectangular lots.

(#2992) Steve Clayton: I think what Allan is referring to is that if it's cookie cutter we'd like it 20 feet away from the property and if it's not that way then we give you a couple of relatively cheap outs. One is if you've got a small lot you can build 10% and another if you have the problems for less than \$100.00 you can get a variance. That's pretty cheap on a \$10,000 or \$20,000 piece of property.

(#3015) Diane Edgin: I do feel that you're going to have to have some visual oversight.

(#3045) Mark Drain: I do feel, Steve, when it says lot width up to 100 feet and a lot size up to 1 acre. I don't think it would hurt if it was 2 acres. If you've got a 100 foot width is a heck of a constraint to begin with.

(#3088) Wendy Ervin: If somebody was trying to cause his property a problem and it says lot width up to 100 feet and they could point to the unbuildable area and say it's more than 100 feet. That 100 feet is presuming your rectangular lot so maybe it should not be a lot width up to 100 feet but a building site area of up to 100 feet.

(#3120) Mark Drain: Then you can't do the 10% thing. Then it's 10% of your building site? I don't know where the building site begins and ends.

(#3155) Wendy Ervin: Maybe we're talking about such an extreme oddball case that that's going to have to go before a judging party anyway and if you're trying to write your regulations to fit those very extremes in then you really are getting ...

(#3172) Mark Drain: I know there are several waterfront lots that are 100 feet wide and maybe close to 2 acres; they're long. You still end up with the same problem. I don't have a problem with making it 2 acres.

(#3200) Steve Clayton: We're talking about the RR 2.5?

(#3202) Mark Drain: RR 5. Actually, both.

(#3218) Allan Borden: To me, you're wandering away from the intent of the exception and that was small size lots with narrow widths.

(#3228) Mark Drain: A large lot with a narrow width, you've still got a problem.

(#3236) Bob Sund: We're not really talking about lots that are 5 acres in size ... lots that are clustered that may be more than an acre but substantially less than 5. Those lots may be 1 1/4 or an 1 1/2 ...

(#3266) Allan Borden: The is addressing the exceptions to the lots you typically encounter in each one of those zones.

(#3298) Bob Sund: It really doesn't matter to me.

(#3305) Steve Clayton: No, friendly amendment?

(#3307) Bob Sund: No.

(#3310) Steve Clayton: Okay, we have a motion and a second. Any further discussion? All in favor? Motion passed with one being opposed.

Meeting adjourned.