

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes  
August 18, 2003**

(Note audio tape (#2) dated August 18, 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 Chair Bill Dewey at 6:00 p.m.

## **2. ROLL CALL**

**Members Present:** Steve Clayton, Mark Drain, Bob Sund, Wendy Ervin, Bill Dewey, Diane Edgin, Terri Jeffreys.

**Staff Present:** Bob Fink, Darren Nienaber, Allan Borden, Susie Ellingson.

## **3. APPROVAL OF MINUTES**

The minutes from the April 21, 2003, May 19, 2003 and June 16, 2003 meetings were approved as presented.

## **4. NEW BUSINESS**

(#0036) Bill Dewey: I'd like to welcome Terri Jeffreys to the Planning Advisory Commission. She's taking over for Theresa Kirkpatrick's position. Tell us a little bit about your background.

(#0040) Terri Jeffreys: I'm currently going to start full time graduate studies at Evergreen State College in Public Administration. I've just spent the last year studying growth management and land use issues and interned with Senator Sheldon the last session. I've been working with the realtors recently on some growth management policy research and previous to that I was doing the marketing and sales for the Alderbrook Resort. I've been a resident of Shelton for ten years.

(#0060) Bill Dewey: The first thing on our agenda is the approval of minutes from April 21, May 19 and June 16, 2003. Does anyone have any concerns or changes?

(#0072) Darren Nienaber: The minutes were correct as far as I'm concerned but I did have one minor correction to make it perfectly clear to the Planning Advisory Commission. Theresa had asked me if Mark Drain had withdrawn and my response was that he had. What I thought she was asking was had he withdrawn by the time there was any vote on the growth management issues. He had withdrawn from the GM case by the time there were any final votes on the GMA issues. I just wanted to clarify that for the record.

(#0100) Bill Dewey: Thank you. Do we have a motion to approve the minutes?

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(#0102) Steve Clayton: I make a motion to approve all of the three months minutes.

(#0106) Wendy Ervin: I second the motion.

(#0108) Bill Dewey: We have a motion and a second. Any further discussion. All in favor? Motion passed to accept the minutes of April 21, May 19 and June 16, 2003 as presented. Next on the agenda is a discussion and workshop on upcoming annual Comp Plan and Development Regulation Amendment process. The discussion will include a schedule of upcoming PAC meetings for September and October.

*Bob Fink hands out proposed schedule of upcoming meetings.*

(#0150) Allan Borden: I'm Allan Borden with the Department of Community Development, Long Range Planner. What we're starting tonight through this workshop is an introduction to the process that you, the county departments and the public will be involved in on Comp Plan Amendments and a part of those Comp Plan Amendments are requests for change in zoning that were submitted by public on June 2002 and June 2003. To make you familiar again, the Comp Plan Amendment process is done once a year. Requests for change in zoning or Comp Plan changes are accepted up to June the 30<sup>th</sup>. In 2002 there was an order of invalidity from the GMHB so the county did not process those requests. In early June of this year the county received from the GMHB a filing of overturning the invalidity so we accepted applications up to the end of June and in the next few months we will be looking at those rezone requests. You have the calendar in front of you. Bob and I were trying to brainstorm the series of steps that needed to take place and the timing of those steps and so we scheduled this workshop as an introduction. We anticipate that the rezone requests will be the first set of changes that we'll have you look at. As you see by the calendar in allowing for an adequate amount of public review, we're suggesting that the meeting that would normally take place on the third Monday, the 15<sup>th</sup>, be scheduled for the fourth Monday which is the 22<sup>nd</sup>. You see on that line 'PAC Hearing on Rezone Requests'. We've also built in an additional meeting date on October the 6<sup>th</sup> if there's not an adequate amount of time to completely review those rezone requests so we've provided for a second hearing date to review those rezone requests. The same thing goes for the Comp Plan Amendments; those are scheduled for the regular meeting date on October the 20<sup>th</sup> with a possible additional date for November the 3<sup>rd</sup>. All these dates are on Mondays. In order to adequately have enough time to concentrate on these efforts we split it into the two sets; rezone requests first and then address the Comp Plan / DR Amendments. That way potentially the actual BOCC public hearing could be set for November the 4<sup>th</sup> for rezones and hopefully December the 2<sup>nd</sup> public hearing before the BOCC for the Comp Plan / DR annual Amendments. That's why it's essential to present this all in front of you to get you familiar with the process. It takes quite a while to get through the review process so this calendar gives you a framework.

(#0330) Bob Sund: Allan, what did you say about the 15<sup>th</sup> of September meeting?

(#0332) Allan Borden: It's the third Monday of the month and normally it would have been your regular meeting but what I'm suggesting with this calendar is that you could set that date for your September PAC meeting on the 22<sup>nd</sup>.

(#0345) Bob Fink: So what we would be doing is cancelling the regular meeting on the 15<sup>th</sup> and hold it on the 22<sup>nd</sup>. What we're hoping is that you'll have a change to take this schedule home with you and let us know if you have a conflict so that we can be sure that we have an adequate quorum for any of these meeting dates. So please let us know if you can't make one of these meetings so we can adjust the schedule as we go. I also wanted to make clear to you is that we're still waiting for one of the orders of the GMHB to come out; the compliance order on our DR's and Comp Plan. It's possible that when that order does come out, and it's late at this point, it could order us to do something within 90 days or 120 days or 180 days and we don't know what that is or how much time they'll give us to do that so we may not be able to keep to this schedule at all. We won't really know that until we get the order from the GMHB but right now we think we can follow this and we're optimistic about the order so we're ready to proceed.

(#0392) Bob Sund: When do you want to know about our schedule? Right now I know I can't be here on the 22<sup>nd</sup> of September.

(#0400) Bob Fink: Anytime this week would be fine after you check your schedules. Just call us and let us know.

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(#0410) Bill Dewey: Allan, do you have any idea how many rezone requests we will be dealing with?

(#0412) Bob Fink: What we'll do, instead of answering that question right now, is go through the process briefly. We sent out to you what the process is and what the criteria is for rezones. We want to make sure that you don't have any questions on that and hopefully you've had an opportunity to look at it. When we've finished discussing the process then we'll go to the rezone criteria and the rezones and then we'll get into a little bit more information then. We have a handout for you as to what as been proposed at this point. Just to summarize that sheet you were given, we still have to do the review on the rezones which means we have to look at the facts, we have to compare them to the criteria and we have to write up a staff review and SEPA (State Environmental Review) analysis. So we have to have all that preliminary work done before we can go to the public hearing and get the public testimony on the process. We're well into that review process but we're certainly not done yet. You've had a chance to look at the steps and the steps are laid out in the handout. Does anyone have any questions on the process itself? The Type IV decision review is where you're actually amending regulations or the Comp Plan; those are Type IV decisions.

(#0492) Allan Borden: They're the public review that addresses the legislative types of decisions; the ones that are all encompassing across the county. They're reviewed by the PAC and then by the BOCC. Many of the other types of permits, administrative and quasi-judicial, are now handled by the county Hearing Examiner. *Bob Fink distributes to PAC the rezone requests handout.* The applications that we received as of June 2002, there are 14 requests and the ones we received this year by June 2003, there were 6. The handout is basically a summary table and I've just arbitrarily given them numbers so they can be reviewed in an organized manner. I won't go through each one of these in detail but basically the requests vary from change in zoning from RR 10 or 20; people have requested either RR 10 or RR 5, so those properties can be developed in a more intensive manner either taking a lot that was designated 1 to 10 and if they were approved, would be able to develop it at 1 to 5. We have requests from RR to RT, for instance, on 02-01 and another request 03-01 and 03-02. We have rezone requests that are recognizing previously platted land that on the Assessor's Office information did not show ... in 1999 when the county was working on the Comp Plan, the consultant reviewed the pattern of lots in the county in order to help delineate rural residential development densities; RR 2.5, 5, 10 and 20. In some cases land was platted by survey but not illustrated on Assessor's maps so you might have a 640 acre piece of property that was platted by survey into smaller lots and in that case that happened with application 02-13, Manke Lumber. There was an old survey in November of 1990 that by survey platted land into 5 acre lots and that was not on the Assessor's information when the consultant reviewed it so that's been brought to our attention. There are other rezone requests by Manke as well to go from RR 10 to RR 5 or RR 20 to RR 10. Another kind of request that's going from ARL to RR 5 under application 02-02. He's requesting that his entire parcel be rezoned from agricultural resource lands to RR 5. We have two requests to modify land in the Belfair UGA under applications 02-03 and 03-04. Under 02-03 there's four pieces of property and they're being requested to be rezoned out of the UGA into RR 5 and in application 03-04 it's one larger parcel being rezoned from RR 20 to the Belfair UGA. Basically as I'm preparing the staff reports for these requests, I'm going to be looking at the rezone criteria that's very similar to the 2002 criteria and they were modified in early 2003 mainly by making them read so that ... the context of the criteria did not change but it was modified so that it would read so that you could answer a question from each of the current criteria. I'll be looking at the requests in reference to the rezone criteria and part of the staff report will include applicable Comp Plan policies that would either support or be critical of the request and then I'll also include any environmental review on the request itself as well. I'll bring those 26 staff reports to you and that way each one of the requests is individually reviewed rather than trying to jumble them. The staff report might be 2 pages long or it might be 7 pages long.

(#0830) Wendy Ervin: You were talking about the application 02-03; are they asking that the parcel boundaries be redrawn so that they have roughly 5 acre parcels?

(#0845) Allan Borden: No, they're just asking that the boundary be placed so that those properties requested are outside of the UGA. Their application doesn't mention anything about reconforming the lots. The last request that was made is one that was made this year, 03-06, and it involves approximately 800 acres of land just north of the Allyn UGA. This request is a Comp Plan designation change request to remove the Open Space designation from these three corridor areas that open space designation was made in March of 2002. The applicant is asking that the open space designation, that is basically like an overlay on the properties, be removed.

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(#0918) Wendy Ervin: The name of Coulter Creek and Fern Lake and Devereaux Lake are mentioned. Do these fall into the Shoreline Management Act and is that just switching one for the other? Is that basically what they're wanting to do?

(#0925) Allan Borden: No, the Shoreline Master Program has nothing to do with this designation except if they go for a development proposal. Basically the county went through two review processes to establish open space corridors to fulfill the goals of the GMA in identifying and designating areas for open space corridors to maximize the opportunity for actual open space trails and features to plan on and make improvements in the future. You shouldn't confuse the SMP with this Comp Plan designation.

(#0965) Bill Dewey: On the rezone criteria, will the 2002 applications be considered by the criteria as they were in 2002 and the applications for 2003 be considered with the criteria from 2003?

(#0975) Bob Fink: You have to remember that the rezone regulations were invalidated and so any of the new rezones have to come under the new rezone regulations that were approved by the state. They will all have to be reviewed under the same criteria of 2003.

(#0992) Mark Drain: Are we still limited to so many per year? So many for 2002 and so many for 2003?

(#0998) Bob Fink: We're limited to 5 a year of certain rezones in the rural area that go to a more intensive rezone; rezones to RT, RC, and some of the other zones. In review of the applications we have, we only have 5 applications, which is our limit, for those types of rezones so there will be no need to select among the different applications. We haven't, of course, reviewed them to see whether they are appropriate to rezone but actually it won't be a matter of priority but just whether they're appropriate or not.

(#1018) Steve Clayton: There was an acreage limitation on some of the rezones to 50 acres?

(#1020) Allan Borden: That's right. The sentence reads 'outside of RAC's and Hamlets, approval of rezone requests to a more intensive land use in rural areas shall not exceed 5 per calendar year and the total amount of acreage subject to rezoning shall not exceed 50 acres, except for errors in original zoning'.

(#1022) Steve Clayton: That will come up in the staff report?

(#1025) Allan Borden: Yes.

(#1050) Diane Edgin: Is that per property owner or is that total?

(#1054) Bob Fink: It's total acreage.

(#1072) Bob Sund: So you're saying that if a property owner has two 40's he can only get 50 acres rezoned? If he owns 80 acres, he can only get 50 of it rezoned?

(#1082) Bob Fink: Of all the applications taken together that the county considers in any calendar year they can only rezone 50 acres total so if one applicant has 40 acres they want to rezone that means that the other applicants together could have no more than 10 acres rezoned.

(#1096) Mark Drain: That's to a more intense use?

(#1098) Bob Fink: Right; they're all to a more intensive use. Specifically from a RR to a RC or RT or Industrial.

(#1110) Steve Clayton: It doesn't apply from a RR 20 to a RR 10? Is that what you're saying?

(#1112) Bob Fink: That's right. It doesn't apply going from a 20 to a 10 or a 5. Now the other thing it doesn't include is rezones in Hamlets and RAC's. So in these commercial areas that the Comp Plan and the GMA recognizes as more intensive areas, rezoning to the more intensive use within those boundaries is not counted as one of the 5 or as any of the 50 acres that are allowed so that's an exception. So if someone in

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Hoodsport, for instance, wants to rezone their property to a commercial use so they can run a business there that's allowed then that wouldn't count as one of the 5.

(#1142) Bill Dewey: So in your assessment, either on the 5 rezones or the 50 acres, with what we have before us, we're not going to exceed that?

(#1148) Bob Fink: That's what this table says. I just added up the acreage and I counted the cases before that and it's just under 50 acres.

(#1165) Bob Sund: Going from RR 20 to RR 10 isn't that more intense?

(#1168) Bob Fink: You're right, it is more intense but it's not the one that the cap is placed on because a RR 10 is still a rural residential use and it's not sprawl and it doesn't have the same impacts on the character of the area that establishing a business or an industry in the rural area can have.

(#1184) Steve Clayton: There are two cases where they're changing from a RR to a UGA. Isn't that more intense?

(#1188) Bob Fink: That's inclusion in the UGA; that doesn't count. The UGA's can be as big as they can be justified. The size of the UGA's are based on the land demand and the population allocation so when you look at adjusting the size of the UGA, yes, it's more intensive than the rural area, but you're changing it from a rural classification and you're not changing it to a more intensive rural classification. So what you're concerned with there is whether it's appropriate and whether you can justify that acreage given the land available, given the allocated population and given your ability to serve that area according to your plans. You look at those kinds of things in determining your UGA boundaries rather than rural issues.

(#1233) Bill Dewey: Any other questions for Allan?

(#1240) Bob Sund: There's one here that wants to move from agricultural to an RR 5 so how do you classify that? Is it more intense or less intense?

(#1245) Darren Nienaber: Forget the more intense rule. Forget the words 'more intense'. It just limits rezones to Rural Tourist (RT), Rural Industrial (RI), and Rural Commercial (RC).

(#1264) Bob Fink: Those are the critical ones and that's outside of Hamlets and RAC's.

(#1268) Mark Drain: When will we receive the staff writeups on these?

(#1272) Allan Borden: It should be between the 10<sup>th</sup> and 12<sup>th</sup> of September.

(#1278) Wendy Ervin: You're not planning on giving us a write up on everyone of them at that time, are you?

(#1285) Bob Fink: Probably we'll hold them and send them all out as a packet. It would be easier for everyone if they're all together.

(#1290) Bill Dewey: Allan, you said there's going to be 26 staff reports.

(#1295) Allan Borden: There actually will be 20.

(#1305) Bob Fink: We're not going to try to go over all of these tonight. We've just laying out the process for you.

(#1310) Bill Dewey: We're going to try to get through these requests in two public hearings?

(#1314) Bob Fink: Right. We did provide an alternate date for continuation if we didn't get through them on the first night.

(#1333) Wendy Ervin: Just to clarify my understanding of the calendar the bold indicate meetings where we attend. The other things are milestones for the staff?

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(#1343) Allan Borden: That's correct.

(#1346) Steve Clayton: There are also some BOCC meetings indicated on there, as well. So would the Overton one be a change in the Comp Plan for the second go around for us or under rezone requests?

(#1360) Bob Fink: We have it listed under rezones.

(#1362) Allan Borden: Probably I'll shift it to the ...

(#1365) Bob Fink: It's a land specific designation so that's why it was categorized with the rezones but it's actually an amendment to the Comp Plan.

(#1375) Bob Sund: Wasn't that sort of arbitrarily done on a map in order to comply with the GMA because of the trail system they wanted to hook communities together with?

(#1384) Bob Fink: I don't think it was done arbitrarily. I think it was done for the reasons that were stated. The property owner doesn't agree and he's entitled to disagree and he's requesting reconsideration. Some of you weren't here at the time but this has a history to it that goes back some time and it's a little bit confusing and we're basically going to look at it fresh and we'll bring out the criteria that was originally used in making the recommendation and give an opportunity to see whether people think those are appropriate, see if they might lead to different conclusions or what alternative there might be. The applicant, I don't think, proposed an alternative designation and we would be really reluctant to remove the designation without some kind of alternative that would also comply with the GMA. If we can't identify that in the time that we have at the moment then it's going to be an action that we will recommend deferral on or no action on. I'm kind of jumping ahead as far as what our conclusions are going to be, I don't know, but the concern that we would have would be whatever change we made would be consistent with the GMA because that designation of open space was in direct response to the order of the GMHB.

(#1448) Bob Sund: It seems to me that the GMHB was trying to encourage tying DNR lands and county lands together but in essence you've encumbered some private property through the GMA.

(#1465) Bob Fink: I don't think that the designation of open space under the current county regulations has a lot of impact in a regulatory sense.

(#1470) Bob Sund: Yes, but that landowner may not want any trails or byways through his property.

(#1476) Bob Fink: I think David Overton understands what his legal situation is as far as the regulatory sense. What the open space designation does is it is the beginning of a process by which parks might be developed or trails might be developed or some other action taken. The designation of open space itself identifies this area for future action. The only real immediate impact in a regulatory sense that the designation has is if someone having rural land wanted to develop it and they wanted to do a performance subdivision; a performance subdivision is a special type of subdivision we have that has bonus incentives where people can get an increase in the number of lots that are allowed on the same property if they meet certain design requirements. One of the design requirements is that half of the property is in open space and that's an open space that is designated as part of the planning process and that area is reserved for either undeveloped area or it could be in forestry or agriculture or if it's near a UGA they could even indicate that it's reserved for future development at such time that it's incorporated into the UGA. So when they go through this performance subdivision, and they pick their open space, one of things that they look at is whether the open space is next to designated open space or part of designated open space. So if someone had part of their property in this open space, or they were adjacent to this open space, that would affect the design of their subdivision but it wouldn't require them to go through a performance subdivision; that would be their option. It wouldn't be the only factor considered in deciding where that open space would be in the subdivision. That would be something that would come out of the process and the design review that would be proposed by the applicant to be reviewed by the county. That's the only regulatory affect that I'm aware of in the immediate sense. The purpose of it is to start the county down a path of doing parks planning and identifying trails and working on that and refining that so that at some point the county would look at those designations and decide which ones they wanted to keep and act accordingly but we haven't had time to do

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all that work and we probably won't do it as part of this review but we will go back and revisit the original criteria and see if it can be applied differently and see if we can develop some alternatives that we think would comply with what the GMHB is ordering.

(#1606) Wendy Ervin: Especially in the Overton discussion, and this is a considerable number of acres, is the process such that we could make a suggestion to Overton that he could do this instead of this, sort of a negotiation where there might be an agreement reached.

(#1625) Bob Fink: You could certainly solicit from him a suggestion for an alternative.

(#1630) Wendy Ervin: But can we give him those suggestions and ...

(#1634) Bob Fink: If we had suggestions you could certainly ask him to comment on the diversity that he's presented and maybe he'll prefer one over the other. That certainly can be done but we're getting ahead of ourselves again because we've got a lot of work to do before we bring this back to you and we can get into the substance of what's being discussed.

(#1655) Bill Dewey: Are there any other questions for Allan on the rezones? Are you going to do a similar presentation on the Comp Plan Amendments, Allan?

(#1660) Allan Borden: Yes.

(#1668) Diane Edgin: Are the Manke properties all in one area?

(#1675) Allan Borden: Yes. Those particular parcels are all around Tee Lake. The other set of adjustments that we're going through on the Comp Plan Amendment process looks like a fairly lengthy list and basically as staff has implemented the current standards in the county we've come across inconsistencies or issues that we'd like to resolve potentially through making adjustments in some of the development standards. What I want to bring up right now is I'm passing out something I put together for Department of Community Development staff which shows what the current regulations are that they're supposed to be implementing. I hand this out primarily because what's on the big table here refers to some abbreviations 'RO', 'DR', 'SMP'; 'RO' is Resource Ordinance. 'DR' is Development Regulations and "SMP" is Shoreline Master Program. Title 15, Title 16 and Title 14. Title 14, the Building Department implements this. If we want to make any changes, we have to coordinate with them. This handout of current standards, I added a column for your interest where you can go to the county's website and you'll find the six commonly requested development standards there. Title 15 Development Code is the procedural attributes that we follow in reviewing development proposals.

(#1862) Steve Clayton: Isn't there more current stormwater standards than 1997 available? I thought there was a 2001 version.

(#1870) Bob Fink: The stormwater manual has been published but this is the county ordinance which incorporates the state produced manual so the county ordinance is from 1997.

(#1882) Steve Clayton: So the county ordinance is worded that it accepts the most current or does it accept...

(#1890) Allan Borden: I can check with Public Works to see if they've made some revisions since 1997. I don't know what changes were made. Now what will happen is that this is on the calendar for the October 20<sup>th</sup> hearing for the PAC so I would anticipate that the end of the first week in October we'll get the development regulation changes to you. They'll be reviewed in a similar manner as we did at the end of last year when development standards were reviewed and modified by the PAC. So that will be taking place on October 20<sup>th</sup>. This list is basically the topics; some of them will be more extensive than others.

(#2016) Bill Dewey: That said, I note that one of the topics is 'prepare uniform code of development standards, integrating the specific aspects of RO, DR, and SMP'. That in itself seems like a monumental assignment that will potentially affect our ability to review all the other recommendations that you're making.

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(#2042) Allan Borden: You may say that that's too difficult a task to do at this time.

(#2045) Bill Dewey: I'm just looking at the magnitude of task and trying to assure that it's been accomplished.

(#2050) Allan Borden: This is basically a wish list.

(#2055) Darren Nienaber: Under (u) where Title 15 already provides for it, just deleting the relevant sections and are you actually contemplating merging all three of those? It seems pretty unlikely.

(#2064) Bob Fink: I don't think that we planned to do all of that this go around. I think we'll do some unifying but I don't think it will all be done this time.

(#2094) Allan Borden: I put November the 3<sup>rd</sup> as the second hearing on the Comp Plan Amendments. I know that we'll likely need that time and we may have to plan on additional meetings depending on how complicated these revisions do turn out to be. There will be proposed revisions and an accompanying staff report to go with the changes. That's the typical way we've done it in the past and I'll just continue to use that format.

(#2158) Bob Sund: So we'll get that in the mail the first week of September and then we'll talk about them on the 22<sup>nd</sup>?

(#2160) Allan Borden: That's for the rezone requests. The Comp Plan / DR's Amendments is later on in the fall. It's part of this calendar so it will follow the rezone request review by you.

(#2188) Bill Dewey: The considerations we have for Comp Plan Amendments, are those all staff generated or is there a process for public to generate requests for Comp Plan changes?

(#2196) Bob Fink: We advertised it for people to propose changes as well as rezones and we've gotten a few letters in with comments; some of these changes were based on discussions with the public who were looking for particular changes and we put them on this list and then we've told them that they'll have an opportunity to come forward and support the kind of proposal or request changes to what's being proposed at a future date.

(#2235) Allan Borden: I've had a few phone calls but most of what appears on this list was from other DCD staff just from things that have come up with the implementation of the DR's.

(#2250) Bob Fink: There were a few that were specifically suggested less formally from the public that we've put in this list. For instance, the one regarding cemeteries was suggested by a church where they wanted to have a cemetery and I presume that they'll come forward and document their reasons. We have to go through an environmental review and it's difficult but essentially the process will be that there will be a draft proposed that will reflect the purposes of these amendments and then those will be modified as necessary to improve the language and then ultimately either approved or not approved depending on the circumstances. Generally, if anything not on this list came forward then they would need to go through a new SEPA process. It would have to be expanded to include it. We also have to send notice to the state 60 days prior to adopting an amendment. The idea is to composite all the amendments that you're going to consider and then if there's something else that comes forward then let that be a new process. There's already a lot on this plate and you've got to be able to bring it to a conclusion. It's not to say that something may not come up that may get some consideration but generally this is what we have and this is what people have come forward with and what we developed with our contacts. A lot of these things are intended to make our regulations work better; not necessarily to change what they do so much as to make them work more smoothly and not create issues for applicants when they run through that can be avoided.

(#2365) Bill Dewey: I was curious about the public process and if changes were solicited. I'm impressed that this list is basically staff generated as controversial as Comp planning has been that there isn't more public input for potential changes. It's just interesting to me.

(#2378) Steve Clayton: One interested party that I talked to said after seeing the ad in the paper and



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inquiring from DCD there was a \$500.00 application fee plus hourly wages to create the report. It was a deterrent from the run of the mill folk to bring recommendations on that didn't appear to be an open process.

(#2400) Allan Borden: That would have been a wrong impression because the applications that charge \$500.00 typically benefit the applicant; the request benefits the applicant. A request for a change that generally applies across the county may not have been charged a fee because the county would have picked it up and said that this is a concern and we've gotten three letters on this and maybe we ought to put it in our Comp Plan / DR process. There are some things on this list that actually came up not long ago from people who called me up and said they couldn't believe that we don't allow this to happen so I put it on the list.

(#2448) Bill Dewey: Getting back to the rezone requests, is there a fee associated with the rezone requests?

(#2454) Allan Borden: There are. It's an estimated number of hours plus the cost of the environmental review and any necessary site visits and staff time.

(#2470) Steve Clayton: There were comments brought up, at least in one case, about daycares in the rural residential zones being a non appropriate land use but that isn't what we're going to look at in (f) with the Special Use Permit review?

(#2490) Allan Borden: No.

(#2495) Steve Clayton: There was 80 kids in a daycare next to people in retirement homes next door that are 15 feet from the fence and perhaps that's not a rural residential application.

(#2505) Wendy Ervin: It does say 'daycare center' under reason for proposal.

(#2515) Steve Clayton: Is the City of Shelton going to come up with a Comp Plan Amendment that we have to look at also?

(#2520) Bob Fink: There are several other processes underway. Some of you may not be aware but the county is currently assisting the planning process in Belfair where a community group was appointed and a consultant, Makers, was hired. There's currently a draft out now of their plan and if anyone is interested in looking at it, it's available on the web. If you contact me I can let you know; I was actually thinking about putting a link on the county's site to make it more accessible. There will be a meeting tomorrow night and one of the PAC members sits on that committee; Steve Clayton. They'll discuss the draft and the target date for completion is probably around the end of the year. We hope to have a complete draft at that time. Also, the community of Allyn has been engaged in planning in a community sponsored group for a number of years. They have developed a draft plan that they have sent forward to the county to consider and they presumably will want to work on zoning regulations for that area. That's another project underway. The City of Shelton; the county and the city have entered a Memorandum of Understanding for the city to be the lead agency in developing essentially a zoning code inside the UGA of the City of Shelton. The city deferred action on that while they finish their own planning process that they have underway right now. That will probably take them a couple more months and then they will turn their attention to the area outside the city limits but inside the UGA. I've never gotten an exact schedule out of them so I can't tell you if that will happen before the end of this year or not. The county has a number of things it needs to do before 2005. For those of you who may not be familiar, the GMA requires city and county plans to be reviewed on a periodic basis and it established a schedule for updating the plan and regulations and Mason County is on that schedule to take action to amend its plan and regulations and update them in compliance with any changes to the GMA that might have occurred since it last adopted and December of 2005 is the date that we have to have that update finished. That's a little ways out now but it's going to affect 2004. We'll probably start some of that revision in 2004 so we don't have to do it all at one time. Then what's way out there is the Shoreline Master Program. The guidelines for developing shoreline master programs and updating them, those are currently in the rule making process. There was a negotiated settlement of a court case on those rules after they were determined to be invalid by a state review board and went to court and then there was a settlement among the parties and they agreed on the outline for new rules. Those rules then, according to that agreement, were brought out to the public and the process is in review and the

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comments on that are due in the middle of September. You could look at the DOE website to get the precise dates or means of commenting on that. If those rules are adopted under the statute the way it is, the county will have to update its shoreline master program consistent with those guidelines in 2012.

(#2830) Diane Edgin: Under (I) it says 'address standards for vehicles and wheeled structures in waters for RO and DR'. What are we talking about?

(#2844) Darren Nienaber: We had an enforcement case where a guy had a boat lift in the water and we enforced against him and he decided to apply for a variance. He was denied the variance by the county and also denied by the shoreline hearings board so he was ordered to remove his boat lift. The problem with the boat lift was that it was encroaching within the 5 foot sideyard setback. Then he put wheels on it and then he said it was a trailer not a boat lift. Then we brought the enforcement case in front of the Hearings Examiner and I said 'you can drive your van in the water and at some point we're going to call it a dock'. It just gets ridiculous. If you put wheels on your house and stick it in the water it's not a trailer. So this kind of goes to that. We will be trying to adopt some sort of form fits function type standards.

(#2912) Bob Fink: There's a number of odd things that go on and people are amazingly inventive.

(#2922) Wendy Ervin: I particularly have a problem with creating stacks and stacks of paperwork to cover one creative person. There ought to be just a 'dork 'em in the nose' general sort of regulation.

(#2965) Allan Borden: I think I've covered all the points I wanted to bring up. Just basically give you better anticipation as to the work ahead.

(#2982) Bob Sund: I kind of wondered about the possibility of knowing what's going on with the Hearings Examiner and the cases that have gone to him and the rulings and so forth. I think that would be interesting to be knowledgeable about.

(#3008) Bob Fink: We have a summary table of the cases and the decisions that we could certainly provide to you the next time we mail out things to you. The result of the decisions are a little bit harder to ferret out, at least the significance of them. The nature of the decision is pretty straight forward.

(#3030) Bob Sund: You mean it takes him two or three pages to say yes or no?

(#3035) Bob Fink: Yes, more like eight or ten. He has to provide the rationale for the decision and not just the decision and that's why it takes more time.

(#3100) Bill Dewey: The SMP update you're looking at, I know it's a legislative decision, but is there an opportunity if there's a need or a desire at the county to do it sooner? That's a long time out.

(#3110) Bob Fink: I went to a workshop with DOE and I asked that question if we could amend the SMP in the meantime without being committed to an entire update and the answer was yes, if there's something that we need to amend, the amendment would have to be consistent with the new guidelines but we wouldn't be committed to update the entire SMP.

(#3136) Bill Dewey: From the shellfish industry standpoint, we're pretty disappointed with some of the dates that were set for the rural counties where we're working because it's such a crucial piece of law for protecting areas in which we farm. To see the rural counties fall out to such a late deadline was discouraging.

(#3160) Diane Edgin: Where are we on the Allyn Hotel? Is their review tied up?

(#3182) Allan Borden: No, that's not the reason. They had a problem with water adequacy and that was one of the conditions of the approval was that they needed to get proper water adequacy. They had to be provided with water.

(#3228) Steve Clayton: There's providing water and there's also having to provide fire flow for hotels is higher than for a residential. For a commercial application, apparently, you can't do your own well. You have to get it from a system provider. The local provider in downtown Allyn is Washington Water Service

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Harbor District and they're rather small systems and apparently they're red tagged. Red tagged means they're allotted 'x' number of acre feet and they're already drawing more than that from the aquifer. The other provider in town is the Port of Allyn, which has six residential and two commercial applications. So they're talking about expanding their system and building a tank to provide service for the hotel and perhaps another property. That's one of the conditions that's holding it up. Another condition is the question of whether or not DOT will approve their access plan. As of three weeks ago when I talked to DOT they had not approved multiple access points off the highway. The proposed hotel is located on a corner and they wanted both entrances off the highway and DOT is saying to go off the side street. Also, Fish and Wildlife had questions and DOE had signed off on them. Then there's a question on the Shoreline Management Permit that they had to provide a stormwater plan per 2001 standards. Mr. Dewey brought that up; 2001 is the current standards and that's the way the requirements were written. Here it says 1997 are the standards so Allan says they provided the standards to us which we never saw at the meeting and if they did provide them, they provided them at 1997 and yet the management plan that Allan said they had to meet was 2001 standards. So there's still a lot of gray hanging out there. The newspaper said that the Port got a grant to build it but actually they did not receive the grant. They got an okay for the grant if the developer gets all the permits. There's a former well on site that does not have water rights that's got to be properly abandoned.

(#3395) Bob Sund: You said they can't use their own well?

(#3400) Steve Clayton: Apparently commercial applications can't provide their own water.

(#3410) Bob Sund: RV parks can provide their own water.

(#3412) Allan Borden: Not new ones. They have to have public water systems.

(#3415) Bill Dewey: You can have a source on your own property and make it a public system if they have a certified operator.

(#3425) Steve Clayton: Currently the Port of Allyn doesn't have a certified operator. They must be grandfathered.

(#3448) Allan Borden: Just as a point of clarification, the Public Works Engineer who reviewed the stormwater in July of 2002, whatever standards the Public Works Department was using in July of 2002 would apply. The 1997 ordinance is just the one that we have in our office. I'll check to see if they've updated it and what they did.

(#3486) Steve Clayton: If this is what you're telling your people to use and it says 1997 ...

(#3490) Bob Fink: We don't really apply the stormwater ordinance. The Public Works Department applies the stormwater ordinance.

(#3496) Steve Clayton: Under the Special Use Permit you did apply the stormwater ordinance as far as what the requirement was.

(#3500) Allan Borden: We applied it through the Public Works Department.

(#3512) Bill Dewey: Any further comments?

(#3525) Tim Sheldon: My name is Tim Sheldon and I'd like to ask a process question. I came before the Planning Commission back in August of 2002 and it was a request for a rezone of a piece of property that we own in Potlatch and the partnership is called Potlatch Partners. We went through the process at that time (*Tim hands out page from minutes*) and went back through the minutes and received approval to change the classification of three parcels of property along Highway 101. PUD #1 wanted to buy one parcel and still wants to buy one parcel for the expansion of their utility yard. After that was approved by the PC unanimously, I went to the BOCC and said can we move this along? They said they can't move it along right now because we're waiting for our compliance order from the GMHB so if you would delay it until that time we will consider it. Now I find myself in the process of being on the list, although it lists Sheldon Properties as the owners there and it should be Potlatch Partners. So I feel like I'm in double jeopardy. I went through

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and got it approved and now I'm back to going through the process again and don't know what that brings. The Planning Department wanted a fee for these applications and I have another application there with Sheldon Properties which I paid the \$200.00 fee for but I didn't pay the \$200.00 fee for the one that's already been approved. I'm just wondering on how to proceed on this. I don't think I should have to go through the process again for the three parcels that were changed by the PC in February of 2002. Now, the one that we've applied for subsequently certainly I'm more than willing to go through that. If you get approval for something and the BOCC promise that they will then act on it ... but are you also in a position if you don't know how the BOCC might act.

(#3706) Bill Dewey: Were we invalid at the time the PC voted originally to approve it?

(#3715) Bob Fink: Right, the PC voted to approve it but the BOCC never did. There was no official action taken on this other than the recommendation of the PC. It has to be part of the current package because the cumulative effect of these rezones has to be considered. So that information has to be brought to you so you can consider that cumulative effect. What I told Mr. Sheldon when I talked to him earlier was that we needed to present the information to you and we would present the information about what the original decision was and that it had to be part of the same package that was moving forward in the process.

(#3762) Diane Edgin: If I remember correctly, weren't these part of amending the maps while we had that window open?

(#3768) Tim Sheldon: Yes, and you made an amendment for Ray Duffy with Quality Machinery, which apparently has gone through because I don't see it on the list here to be considered.

(#3780) Bob Fink: Right, there were amendments considered at that time but this one, although the PC did recommend action on it, the BOCC did not act on it. They did not adopt the change.

(#3805) Wendy Ervin: With this going from RR to RC, is that part of the 50 acres?

(#3812) Bob Fink: It's not because it's in a Hamlet.

(#3830) Bill Dewey: The other cases that Senator Sheldon is referring to, the BOCC took action on those where they didn't take action on these?

(#3840) Bob Fink: You have to differentiate between area wide amendments; the county adopted area wide amendments in order to comply with the GMHB order so those area wide zoning amendments were amended. When they created and designated areas we tried to use consistent and rather narrow criteria that were conservative because we were still under review and under invalidity. I looked at the record here and the argument that was made regarding this property is that these properties were not in uses that could easily justify the zoning that was proposed. For that reason, staff recommended not to designate these areas as a rural commercial district. Not that it would never be appropriate to designate them that way but simply because we were recommending that the county stick to very narrow and specific criteria in order to comply with the ACT. For that reason, without prejudice, the BOCC didn't approve this change. That's why it was rolled over into the package of amendments that we have.

(#0140) Bob Sund: So if this body approved it unanimously, where do we stand? Do we have to go through and evaluate it and approve it again?

(#0145) Bob Fink: You need to consider the cumulative effect of all of the rezones including this one. If you choose to simply not comment on the previous recommendation, I wouldn't have a problem taking that to the BOCC but if you think it has an effect on some other property or creates a trend ... I don't necessarily expect that there's any cumulative effect from this rezone but we haven't done the analysis yet. We're ahead of ourselves in trying to discuss this except for the events in the past. That's why I think it's appropriate that it be considered because that is a criteria and you have to consider it together and the action was not taken. I don't think there's any prejudice against its consideration but it wasn't taken at the time.

(#0180) Wendy Ervin: I understand what you're saying that there's two issues here; a) that this has already been approved, and b) that you don't want to pay for it twice.

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(#0184) Bob Fink: He's not being asked to pay for it twice.

(#0186) Tim Sheldon: No, I'm not being asked to pay for it. I just don't think that Potlatch Partners needs to go through the process again. We were approved unanimously by the PC to do this and we made this request in February of 2002. The PUD wants to acquire one of those parcels to expand their yard and they have an urgent need to do that. I feel going through the process, who knows how long this will take? Everything that looks like it will take three months, takes six. If it looks like it will take a year, it takes three years. I thought we had an approval, the BOCC said don't even ask us to act on it and in a full meeting before the BOCC here I said I would be happy to wait on your action until you're in compliance and they agreed that was what they could do but apparently not. Apparently it's now going through the process again, and I will have review, and apparently cumulative effects and all that will be considered but is that double jeopardy? Didn't I make my case once and didn't the PC vote unanimously to make that change like they made for Ray Duffy and a couple of actions that night that are now not on this list?

(#0232) Mark Drain: Any recommendations that the PC comes up with, those are still weighed and balanced with recommendations from the planning staff to the BOCC?

(#0238) Bob Fink: As well as any public testimony we receive on this issue. There could be public testimony that would be different.

(#0246) Diane Edgin: Bob, is there a method that we can remand this over to the BOCC with our approval again if this board so desires considering the emergency status that the PUD is asking for?

(#0255) Bob Fink: I don't know that there's an emergency. I've asked Mr. Sheldon if there is some time critical date or something going on that's time critical to give us a letter to let us know what that is and we would certainly consider what we could do about it and unless he's ready to present that right now, I haven't received anything. As of right now, I don't know that this needs to be addressed any sooner than the rest, which hopefully will be addressed before the end of the year.

(#0272) Bob Sund: It seems to me, though, that it should be handled separately other than as one of the packet that's being presented to us.

(#0280) Tim Sheldon: The PUD wrote a letter from Dick Wilson to Ron Henrickson on February 26 of 2002 and I enclosed that with other correspondence to Allan on May 28, 2003. It says 'Dear Ron: The PUD has an urgent need to expand its contiguous land boundary because of its expanding utility business. We need more land to meet our increasing demand. The PUD is interested in purchasing two parcels', and it lists those parcels. Continuing on 'Attached you will find a map and if you have any questions don't hesitate to call'. So I think they have made their case that it is an urgent need.

(#0300) Bob Fink: When was that letter written?

(#0302) Tim Sheldon: That letter was written February 26 of 2002.

(#0315) Steve Clayton: It becomes a quandary because the PC approved it and the BOCC didn't, do we automatically reapprove what's already been done? There was some reason that went on before ... without looking at it how can we rubber stamp what was done by someone else before?

(#0325) Darren Nienaber: I think the way I'd view it and bear in mind that I represent the final decision of the BOCC, but having said that I think the way the BOCC would probably view it would be that what was in front of the PC was a large batch of amendments. SEPA was done on that one batch and they were treated as one batch. The BOCC approved some and didn't act on the others and from that standpoint those would be deemed lapsed. The standards for rezones have changed; we have different criteria; they were invalid at that time and you can't vest invalid criteria so you have to apply the new ones that are deemed to be vested. So in a sense it depends on how you view it and I respect Mr. Sheldon's viewpoint and another way to view it is that the planning department is taking a new application but waived the fee because it was already before the PC. I think I would be very leery of recommending a review by the BOCC without a public hearing and consideration of the criteria before the PC. The reason why is the liability risk on the other side that somebody is going to say ... it just looks bad.

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(#0382) Tim Sheldon: I'm a public figure and I don't want to put the BOCC in a bad spot and I understand that. I'm happy to work with people but it comes to a point when you have to stand up and say 'let's move ahead'.

(#0390) Darren Nienaber: You're right and one of the great things about these amendments is finally we're bringing in the cleanup jobs that have been waiting for a long time. A lot of those rezones are cleanup jobs and certainly some of them are not and they might be bad ideas but some of them are something that needed to be done a while back. Almost all of the regulation change are changes that are going to make life easier in small ways or big ways with the public. I know for many, many years things have been put on hold but fortunately this is a good day in the sense that the county is finally doing something to take care of this really large backlog of things that needed to be done a long time ago.

(#0420) Bob Sund: It seems to me that if this body took an action and sent it to the BOCC that's where this proposal is right now is at the BOCC. If they haven't taken action or it has fallen through the cracks, it would seem to me that the BOCC ...

(#0430) Darren Nienaber: As I mentioned before, I think a strong argument could be made in court that that action lapsed because it was never approved at that time and because it was brought forward as kind of a batch.

(#0442) Bob Sund: Then the BOCC would need to say that then.

(#0444) Darren Nienaber: I don't think they would have a problem with saying that.

(#0446) Tim Sheldon: That's what I mentioned at the beginning. The BOCC could just turn it down and it probably would start all over again. I can remember when the Allyn Post Office wanted to expand and because we were out of compliance they couldn't build a building across the parking lot and the county got through that because they looked at the Allyn Post Office as a public facility and I think the same thing is true here with the PUD. I'm sorry they're not here tonight but they want to move on with this and as it goes on for two years and they have the need for a yard, etc., it has to get moving.

(#0475) Wendy Ervin: It seems to me that the needs of the PUD fulfill the need for all of this planning; the whole idea is to get centralized services and what else does PUD provide?

(#0482) Darren Nienaber: Also, I should say that a public hearing will be scheduled on each individual rezone?

(#0492) Bob Fink: There will be one public hearing for all the rezones.

(#0495) Darren Nienaber: That's where you make your public comment and so I want to just make a reminder to the Chair to point out on the record that we had this discussion because you wouldn't want to invalidate your decision for appearance of fairness doctrine. When the time comes to take an action, at that point you want to recall as much as you can. You'd hate to have the decision appealed to court saying there's a violation of the appearance of fairness doctrine. That would be a bad thing to ever have happen.

(#0518) Bill Dewey: That's a good point, Darren. In light of what Mr. Sheldon's already been through in this process, is there a way we could ask staff to expedite their consideration of this rezone with the new standards now that the county is no longer invalid? Or does it have to come through with the rest of the group?

(#0555) Bob Fink: Essentially as I understand the requirements of the process, we're not going to be able to consider the cumulative impact until we have everything analyzed, which is not going to be for several weeks. The hearing is scheduled as soon as possible after the environmental review is done and public notice is provided. The only way it could be done sooner is to simply take it out and treat it entirely separately.

(#0575) Tim Sheldon: I don't think you want to do that. I'm willing to wait and work through this but it's obviously very frustrating.

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(#0582) Bob Fink: It's been a long time but the invalidity was just lifted in July and it hasn't been that long since July but it does take the time that it takes.

(#0596) Tim Sheldon: Thank you for your time.

(#0598) Bill Dewey: Any other public comments?

(#0604) Steve Clayton: Do we want to schedule our next meeting for the 22<sup>nd</sup>?

(#0608) Allan Borden: You will have to officially change the date for your next regular meeting.

(#0610) Bill Dewey: Do we have a motion to change the September meeting date?

(#0612) Steve Clayton: Mr. Sund isn't going to be able to be here on the 22<sup>nd</sup>? Anybody else not able to make it? Okay, I make a motion to postpone the September 15 meeting and hold it on September 22<sup>nd</sup>.

(#0625) Wendy Ervin: I second the motion.

(#0628) Bill Dewey: We have a motion and a second. Any discussion? All in favor? Motion passed.

Meeting adjourned.