

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
April 16, 2007

(Note audio tape (#1) dated April 16, 2007
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: Bill Dewey, Tim Wing, Terri Jeffreys, Jay Hupp, Diane Edgin,
Dennis Pickard and Wendy Ervin.

Staff Present: Allan Borden and Susie Ellingson.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0030) Bill Dewey opened the meeting noting there were no public in attendance at this point. There are six items on the agenda tonight all relating to the proposed changes to the Mason County Development Regulations.

(#0045) Allan Borden from the Department of Community Development briefed the PAC on the items. This is a group of proposed revisions that I've come across from either questions from the public or things that have needed attention. It's mostly some oversights and corrections. I have organized these by issue and then what the proposed revision will be and what will be the benefit from adopting the proposed revision. The first change has to do with facilities that would be associated with local community and recreational centers. It was envisioned when we created this descriptor for local community centers that a likely use would be for entertainment, like a theater. There was a proposal on Harstine Island for a theater that involved a physical element of the theater that didn't meet the height requirements. A variance to the regulations was applied for and denied by the Hearings Examiner. So this proposed revision is to enable a land use like that to have

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some flexibility in designing their stage to provide for fly galleries. I thought it would be appropriate to give you the definition of fly gallery. A fly gallery is 'a platform at the side of a theater stage from which a stage hand works the ropes controlling equipment in the flies, which is the area over the stage that contains overhead lights and equipment'.

Under Rural Tourist and Rural Tourist Campground zone, the proposed zone clarifies that under these two land uses overnight lodging facilities are provided as one of the land uses. The proposed change is to clarify what kind of recreation facilities are provided. They are commercial active recreation facilities, such as water parks, bicycle courses and racquet court sports facilities.

(#0245) Wendy Ervin inquired about commercial active recreation facilities.

(#0255) Allan Borden explained there is a new definition, Recreation, Active. Under RT and RTC there are commercial active recreation facilities, as opposed to public active recreation facilities, which would be more appropriate under Rural Residential. As we zone more properties to RT or RTC we'll be getting land uses that would have already been allowed in RR, but they have gone from RR to RT or RTC. Our zoning is too general to direct land uses to certain zones. That was the reason staff is proposing these changes. RT and RTC are really for transients and visitors, but are not a residence. I've added the two definitions for Retreat and Recreation, Active. A Retreat is 'a series of buildings with a primary focus on relaxation, rehabilitation, religion and/or recreation that is usually sited in an isolated area or an area with significant natural amenities'.

There's also the new definition for Recreation, Active. Active recreation will occur in a local community recreational center, but is typically oriented to public facilities.

(#0375) Bill Dewey inquired if that would include motorized water craft.

(#0380) Allan Borden explained that motorized water craft is going to be located under RT with a special use permit. We also have some proposed changes for Rural Commercial 2 zone. Many vehicle repair land uses are currently zoned as RC 3 or exist as conforming or non-conforming cottage industries out in the rural area. The proposed revision would permit such land uses be located in appropriate locations in the rural area. This is proposing an additional land use in RC 2. RC 2 occurs in the hamlets and in the isolated commercial areas around the county. The purpose is that some of them in the hamlets that are multiple properties inside the logical outer boundaries of these areas that are currently either zoned RC 2 or they're zoned residential.

(#0440) Terri Jeffreys inquired about the Rural Commercial zones in the RAC's.

(#0450) Allan Borden responded in the RAC's they're all RC 3. If enacted, this change could encourage the provision of these services at more compatible locations, away from existing residential developed areas. If future rezone request to RC 2 were proposed, other properties outside of RAC's or Hamlets could be designated, and these services allowed to be established. There was one auto repair shop that mysteriously showed up at Benson Lake and they were advertising in the paper before anyone realized that this was more than just a guy operating out of his garage. It's that kind of land use that if you had known that he had that option to find a piece of property and get it zoned for the purpose, he might be able to move from a cottage industry and move it into Rural Commercial.

(#0500) Bill Dewey inquired about RC 2 zones.

(#0515) Allan Borden stated they are located in several isolated RC 2 zoned properties. This proposed change does not permit vehicle sales outright. It's not a primary use. It's to offer repair and maintenance of vehicles or equipment.

(#0550) Bill Dewey inquired what was driving this proposed change.

(#0575) Allan Borden explained that people who are operating automobile repair shops in the middle of residential areas.

(#0595) Bill Dewey inquired if they were trying to accommodate that or prevent it.

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(#0605) Allan Borden explained it's to prevent it. It's allowed as a cottage industry that would require a special use permit.

(#0625) Wendy Ervin stated currently there are some shade tree mechanics who are operating in residential areas but they remain small. Wendy inquired if that describes what is currently out there.

(#0650) Allan Borden noted that if you want to increase the size of the operation you must get it into a RC 2 or 3 location. That's the preference. They could operate on a low scale through the special use permit as a cottage industry, but under the cottage industry, residential is the primary use. If you get an operation taking place that all of a sudden doesn't look like a residence any more, then it gets to be a problem. Moving on to conforming buildings and land uses. This section has existed since the date of the development regulations coming into effect in 1993. In 2004, DCD came before you and requested an additional provision under Change of Use. It is the section that's now being proposed for deletion. A person did apply for re-establishing an abandoned land use through this new provision and when the Hearing Examiner reviewed all the provisions of the section, he could see that under 1.05.016, Abandonment, it clearly states that if the land use or the building is abandoned or ceases for any reason for a period of two years, then the such building shall conform to the provisions of this ordinance. It also provides for a one year extension. He said you now have conflicting regulations because 1.05.016 says when two years is up, it's gone. It's the use that's of concern; not necessarily the building. The provision that was added in 2004 provided for a re-establishment of a use that was abandoned by a special use permit. Right now under Change of Use has two courses of action; the new use conforms to the provisions of this ordinance, or the new use is of equal or lesser intensity than the most current use.

(#0800) Wendy Ervin noted that means the change of use has to be from one active use to another active use without a period of down time and if there's a period of down time, it goes under abandonment.

(#0820) Allan Borden stated that was correct. The use that's there has to be non-conforming with whatever the zone of the property is. This is oriented to properties that have non-residential uses on it in rural residential zones.

(#0865) Jay Hupp inquired how the Hearing Examiner got confused or thinks there's an inconsistency. These are two totally separate subjects. An abandoned building, or a building in which you want to change use. If a use is abandoned, it is abandoned; period. You can't change the use on it. It's gone so the only thing you can change the use on is something that's active.

(#0888) Dennis Pickard noted that's how the source of conflict came in is because the language proposed as described says 'the new use is of equal to or less intensity than any prior use that occurred in a ten year period' ... So if five years ago ...

(#0900) Jay Hupp reiterated it doesn't make any difference what it's used for. If it's abandoned, it's gone.

(#0905) Wendy Ervin stated it says 'prior use in a ten year period'. So if it's been empty for two years, this ten year period is still running. This says you can go back to something that was there ten years ago even if it's been used for other things in the meantime or been abandoned. That was the discussion when it was put in.

(#0935) Terri Jeffreys stated she can see where a ten year ago use, that special use could be one that wasn't allowed after the development regulations.

(#0945) Tim Wing noted that in thinking of something as totally abandoned just because it ceases to operate isn't correct. There are a lot of situations where you see people close their shop, get ready to sell their property, and six or eight months later they finally close the deal and the new owner wants to reopen. Although the business has been abandoned, there needs to be some sort of window there to re-establish a business.

(#0965) Jay Hupp stated that's what the definition of abandonment, which only occurs after two years, is all about. If you cease to operate and you go through a two year period, it's over.

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(#0975) Allan Borden stated that's what the Hearing Examiner said.

(#0984) Dennis Pickard noted that the change of use section doesn't exclude those properties for which the amended provision has applied. It says if it's been a prior use in the last ten years Whether we strike that out or whether we amend it to clarify that an abandoned use isn't covered.

(#1005) Terri Jeffreys stated we could add 'actively occurred in a ten year period'.

(#1015) Jay Hupp stated that it's clear that if you have a business that's been abandoned for two years, it's over. There's no way you could come back in and get a change of use on something that's over. The change of use would then not even apply.

(#1028) Wendy Ervin noted the change of use has to be a change from something that's active to something that's active and there is no abandonment at all. So there shouldn't be a consideration that these two things are in conflict because they're not even related to each other. In the abandonment section, a building permit allowing restoration for flood, fire, earthquake, etc., two years might not even be enough. When you have a fire and your building is devastated, you've got all kinds of stuff to do to go through insurance, etc., and buildings have been vacant for a lot longer than two years. You do have a one year extension but sometimes the progress can move exceedingly slow.

(#1085) Terri Jeffreys inquired about the details of the case because there shouldn't be a conflict.

(#1105) Allan Borden explained that this property had a mobile homes sales land use on it from 1999. It was located in the rural area and it's the kind of use that would not be conforming and after two years it was considered abandoned. With this provision, a new property owner wanted to re-establish the use with a self storage unit. He was applying for a special use.

(#1135) Terri Jeffreys inquired if there was a different process for a change of use.

(#1150) Allan Borden stated that a change of use is typically just a building permit.

(#1155) Terri Jeffreys inquired if she had a day care center under a special use permit and wanted to change that to an art gallery, what is the process. What is the process for a change of use under a special use permit?

(#1175) Allan Borden responded that there is a process for a regular change of use but Allan could not explain about an approval under a special use permit. That would probably entail a more detailed process. This regulation now says that a person could revive an old use that would be ...

(#1200) Wendy Ervin stated that instead of striking out this language, if this were just amended to say that this does not apply to abandoned properties or uses, so that you can do a change of use from one active use to another active use. You just need to split the two items. Either it's abandoned or it's been in current use. They're not the same thing. For that reason there doesn't seem to be a conflict between the two items.

(#1255) Jay Hupp stated that would do it but he still doesn't see why when the subject came up with the mobile home sales why the answer was not that property can't be used for any business because the business that was on it was abandoned more than two years ago.

(#1275) Dennis Pickard inquired if there was a business there subsequent to the abandonment of the mobile home sales.

(#1285) Allan Borden explained there was no use before the mobile home sales.

(#1295) Miscellaneous discussion regarding the Hearing Examiner decision.

(#1375) Dennis Pickard suggested adding the word 'current' before nonconforming use under the change of

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use provision.

(#1400) Wendy Ervin suggested adding under Change of Use to say 'Any current nonconforming use of land or a structure shall not be changed to any other use providing the use has not been abandoned per 1.05.016, unless' and then 1, 2, and 3.

(#1485) Terri Jeffreys suggested adding that as a (4) bullet.

(#1490) PAC was under agreement with Terri's suggestion.

(#1500) Allan Borden stated that would work. The last set of proposed changes is to Section 1.05.040, Special Uses. The proposed change is to standardize the kind of information that an applicant for a special use permit needs to supply for both the planner, staff, and the Hearing Examiner in the review process.

(#1565) Wendy Ervin suggested taking the added underline paragraph staff proposed and making it into a list form to be easier to read.

(#1585) Allan Borden agreed to that suggestion.

(#1600) Dennis Pickard suggested adding some language in the first sentence in that paragraph to read: 'The following additional information is required as applicable for applications' ...

(#1620) PAC agreed with that suggestion, as did Allan.

(#1650) Wendy Ervin stated the fly gallery is specific to a single specific structure and then you stated that our regulations were too general. I wondered if this was too specific.

(#1700) PAC agreed there needs to be some flexibility in the language. They suggested adding language to include necessary structural elements for otherwise compliant activities.

(#1745) Jay Hupp agreed with that language. Jay also wants to add cooling towers to the list of uses.

(#1800) Allan Borden inquired if the intention was to add cooling towers to residential / commercial zones or in rural industrial zones. There's no height maximum for incineration facilities or generating plants or industrial facilities on lands zoned industrial.

(#1900) Jay Hupp inquired if all the mills in Mason County were classified as industrial areas. Is Skookum Lumber industrial?

(#1920) Allan Borden responded it's either industrial or rural natural resources. There's no height limitations on either of those zones.

(#1975) Wendy Ervin suggested under 1.04.602 to reword it to read 'commercial recreation activity facilities'.

(#2020) Dennis Pickard noted that we shouldn't preclude non-commercial recreational facilities in RT and RTC. By limiting it this way we might be creating more problems than we're resolving.

(#2500) After miscellaneous discussion, the PAC decided it would read 'commercial / non-profit recreational activity facilities'. The PAC also recommended to take out the definition of Recreation, Active.

(#2700) Tim Wing made a motion to adopt all the recommended changes discussed tonight.

(#2750) Wendy Ervin seconded the motion.

(#2775) Bill Dewey stated there is a motion and a second and asked for further discussion. There was none so the vote was called for and the motion passed.

Meeting adjourned.