

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes**  
**September 29, 2008**

(Note audio tape (#2) dated September 29, 2008  
counter (#) for exact details of discussion)

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

=====

## **1. CALL TO ORDER**

The meeting was called to order at 6:00 pm by Chair Bill Dewey.

## **2. ROLL CALL**

**Members Present:** Bill Dewey, Tim Wing, Dennis Pickard, Jim Reece, Diane Edgin, and Don LeMaster. Debbie Jacobs was excused.

**Staff Present:** Barbara Adkins, Allan Borden, Bob Fink.

## **3. APPROVAL OF MINUTES**

None.

## **4. NEW BUSINESS**

(#0075) Allan Borden opened the public hearing on the rezone request by Steve and Jack Johnson LLC to rezone a 9.6 acre parcel in Belfair UGA Residential 5 (R5) zone to Belfair UGA General Commercial Business Industrial. Residential 5 zone is located adjacent on the east to existing railroad alignment and General Commercial Business Industrial zone and on the west to Residential 4 and Residential 5 zone just east of Old Belfair Highway. Existing building begun as Residential 5 zone that was established by the BOCC in December 2004. If the new zone is approved, the applicant could establish new commercial or industrial buildings on the subject parcel. Criterion 1 regarding public health, safety and welfare is met. Criterion 2 regarding consistency with the Comprehensive Plan designation is not met. Staff's evaluation shows that the Belfair UGA Residential 5 (R5) zone is the most consistent designation for the west portion of the subject parcel. Criterion 3 regarding low density sprawl is not met based upon staff evaluation of the expansion of commercial / industrial land uses into a UGA residential area. Criterion 4 regarding increase of demand for urban services is met based upon staff evaluation that the proposal is in the Belfair UGA. Criterion 5 regarding interfering with GMA goal to encourage development in urban areas is met, although changing from

## Planning Advisory Commission Minutes, September 29, 2008

residential to commercial / industrial land uses will increase service demands. Criterion 6 regarding open space retention, critical areas and air/water quality is not met based on staff evaluation that the site development will alter existing slope critical areas and open space. Criterion 7 regarding pressure to change land use designations is not met based on staff evaluation that some precedent for further rezone requests would result if approved. Criterion 8 regarding corrective rezone of lands is not applicable to this request. In conclusion, staff would find that Criteria 2, 3, 6, and 7 are not met.

(#0635) Bill Dewey inquired about Criterion 3, and feels that increasing sprawling, low-density rural development is when homes are scattered out, not an industrial development as urban sprawl.

(#0650) Don LeMaster also inquired about Criterion 3, and what makes the GCBI zoning more intensive than the R5 as it relates to land use.

(#0665) Allan Borden responded it's more intensive because of the kinds of development that would be permitted. They take up a lot of land, and tend to have more noise and traffic. Regarding the sprawling issue, Allan explained this request is in the UGA. He says his interpretation of sprawling is to take a use as it grows on the edge and moves out to a new area. In this case it's the sprawling of that particular area.

(#0770) Tim Wing inquired about Criterion 6, and the fact that with residential there, you're assuming there's going to be protected open space.

(#0800) Allan Borden responded it's a lot easier to place open space in a residential development rather than a commercial development.

(#0850) Tim Wing inquired if you keep it as a residential zone, is there any assurance or guarantee you're going to have more open space, given the slopes, than you would have with a commercial development.

(#0900) Allan Borden explained Residential 5 has a limit of 40% lot coverage. There's no minimum area of lot coverage for GCBI. However, there is buffer criteria.

(#0950) Tim Wing inquired what are the concerns regarding this request and pressure to encourage other rezones.

(#0975) Allan Borden explained that if you approve a change from residential to non-residential, you have to have a basis, and if that basis can be easily applied to other properties, then you can expect additional requests for rezones.

(#1000) Tim Wing commented if what you're saying is true, I would say that if you have another piece of property, and you say there's a precedence being set by this, the precedent would be that this piece is right up against an industrial railway and it already has an industrial building on it, and if somebody else meets that same criteria, then I would be one to say this is something that should be considered. This piece has other characteristics other than its zoning designation that make it different than a precedent setting piece.

(#1020) Allan Borden explained the applicant spent a lot of money to put in several improvements and didn't build the building until after the subarea plan was two weeks from being approved. When you look at the circumstantial evidence, the plan had public hearing on December 7<sup>th</sup> and the Johnson's applied on December 14<sup>th</sup>.

(#1050) Dennis Pickard stated Allan mentioned in his testimony that there were other parcels in the Belfair UGA which had split zoning but they were generally different. Do you have any sense of how many there are of those, and are there any others that you are aware of that have an existing nonconforming use on one of the split zone sections.

(#1075) Allan Borden responded there are probably well over a hundred that are on both sides of Highway 3. I haven't had the time to tally up which ones are not a house but a workshop.

(#1090) Dennis Pickard stated that would seem to be more to the point of whether this particular rezone

## Planning Advisory Commission Minutes, September 29, 2008

would be related to any other potential future rezone requests.

(#1110) Allan Borden stated he's sure there are other properties that have some type of commercial building on a portion of the property that's not zoned for anything but residential. Shelton has a UGA, and they don't have zoning, and every week there are new businesses being located on properties that may wind up being nonconforming once the zoning strategy for Shelton is adopted.

(#1140) Don LeMaster noted there is only one road in and out, which is Northeast Peninsula Place. So because of the topography it may be that another road cannot be built there. If it's not rezoned and it maintains its R5 zoning, you have potential for 50 residential dwelling units there, and in order to get there you will have to drive through this fairly significant industrial area to get there.

(#1185) Allan Borden responded that is a possible scenario.

(#1190) Miscellaneous discussion.

(#1240) Allan Borden noted one thing he did not include in the staff report is that there is a proposal by the Johnsons that actually initiated why they are applying for this rezone. There was a pre-application meeting to develop 7 building sites for commercial uses, which would entail a considerable amount of grading which they applied for to create road access to all of these terraces on this property. I'm just bringing it up as it is possible to create access down to the lower part of the property.

(#1335) Bill Dewey opened up the public comment portion of the hearing.

(#1350) Robert Thorp of RW Thorp and Associates, who represents the Johnsons, testified first. Our analysis of this project was very careful. Robert handed out photos of the site and described some of staff's concerns regarding the railroad. We're willing to put on the record a covenant that would limit it to office and small uses, not heavy industrial or commercial use. We're also willing to create a 75 foot buffer zone that would be an overlay zone that would be revegetated with native materials and understory. We're saying let this facility that has 75 employees remain as preservation of jobs is important. If you were to take another access you would have to get a permit from the railroad. There is no sewer on the site. You would have to pump the sewer uphill. There is a water service tank there, however, this site functions very much like the adjacent site so if you were to take this perimeter of open space area and condition it, I think that would address some of the concerns staff has in Criterion 3, 4, 6, and 7. In terms of the criteria, we agree on 1, 2 and 5. We don't think those are an issue. I would submit that we have put a great deal of effort into looking at the Comp Plan and I think 90% of the goals of the Comp Plan can be met. You have an existing use; if it's zoned R5 it becomes nonconforming. The best use of this land is industrial. Seeing what the Johnsons do in the community and how they approach things with the employees and their vision, this rezone isn't difficult. However, my job is to respect staff. GMA talks about a lot of goals. One of them is economics and jobs. I'm willing to work with staff and if you want to take this under advisement and bring it back and we can work out the details.

(#1700) Steve Johnson, applicant, testified next. He stated he takes issue with Mr. Borden's comments about the six years. He makes it sound like we waited until this came up before the zoning change. We've been working on the property for 8 or 9 years before that. We've put a considerable amount of time in on the project. We've conducted traffic studies on Highway 3, installed the turn lanes there, and it was all part of the earlier permitting process. It was an oversight on our part that one part of the properties got separated, but there was a lot of jockeying around with the industrial properties at that time when the zoning was put in place. Allan stated if you stood here 6 years before, you would have seen a vacant piece of land, and that is not true. Everything we did there was designed to handle that total parcel of land. We have about \$450,000 invested in turn lanes and DOT improvements there. We spent about \$80,000 in just purchasing the easement to cross that railroad, and it surely wasn't put there to just put in houses. The building was untimely, but that was the only thing that was untimely. I take insult to the insinuation that we just ran in there and did all the improvements, as nothing happens overnight.

(#1800) Don LeMaster inquired about the purchase of the easement for the railroad crossing. He asked if there were stipulations in the easement as to traffic.

## Planning Advisory Commission Minutes, September 29, 2008

(#1850) Steve Johnson explained you can only use that easement for industrial type uses. It has a restricted use on it. Also, we pay taxes on the entire parcel as commercial, which is higher than residential. As residential property, it's unuseable.

(#1900) Jim Reece stated he visited the site and saw the railroad crossing which read 'Private Crossing - No Unauthorized Personnel'.

(#2000) Steve Johnson explained they are liable for that crossing if something were to happen to it. It's not open to the public; it's to access our property only.

(#2020) Larry Gifford, neighbor, stated right now he has an issue with odors, dust, smoke and noise. The odors, when they make the topsoil and pile it, it's a problem. The only issue with dust is we call, and then they water down the area. The smoke is bad from the asphalt plant. The Olympic Clean Air Agency came out to look it over and we've had to call them several more times. We've had to call 911 in the last few years because the asphalt plant uses a generator to keep it hot and it's so loud. You can't even sleep at night because of the noise. In the morning the diesel trucks from the cement plant start before 6:00 in the morning. Nobody has a handle on when noise should be quiet and when they shouldn't. That's a big problem. Why can't they know there's a problem and take care of it first. The Johnsons are leasing out these areas, but they're responsible for it, and if they put some more people down below that could be another problem.

(#2150) Tim Wing inquired about his concerns with the odors, dust, smoke, and noise. I know a number of those things are coming from activities that go on on the west side of the railroad track. Are you getting the dust and smoke from next store.

(#2185) Larry Gifford indicated they were coming from the asphalt plant.

(#2225) Bob Creighton commented his land is quite a ways north and I'm here regarding the fact that access could be provided from the north via Newkirk Road, and after hearing the testimony tonight, that probably is not viable. That was my sticking point is that portion of Newkirk is a gravel road. However, if it was somehow converted to something that could handle heavy trucking, then that would be a significant impact to any of the residences that are on that piece of the road. I wanted to state my opposition to that happening.

(#2300) Tim Wing inquired if his concern was to not want to see heavy truck traffic coming from Newkirk Road onto this piece.

(#2325) Bob Creighton replied that is correct because with the big rigs that they would be running we would just want to oppose any trucking that would come down that road. My point is that I would like the assurance that there wouldn't be any heavy trucking going through there.

(#2350) Miscellaneous discussion.

(#2500) John Gunter testified he is a neighbor down below. He stated he has a concern a road would get pushed because there's clearing at the end of Newkirk Road where the gravel road ends. I personally disagree that it's not feasible that possibly there could be a road that could get punched in there. I know people in the Belfair area that have absolutely had run ins with their truck drivers, and it comes from the top down. The truck drivers basically taunt the neighbors in a very negative fashion. They go fast down some very private roads and they just don't care. We don't want to see them coming up into Newkirk Road with their trucks. Also, just living there in the area, it just doesn't make sense to have industrial down into the west side of the railroad tracks.

(#2600) Ken VanBuskirk stated he submitted some comments to Mr. Borden regarding the fact that he sat in on the subarea planning committee with Mr. Wing and with Jack Johnson, and at that time, we used the railroad as the natural line to separate rural from industrial. Since that property was logged about 3 or 4 years ago, there's been a noticeable increase in the amount of noise down where I live on Davis Farm Road. When we have an east wind, we'll pick up odors from the plateau coming down into the valley. The only other thing

## Planning Advisory Commission Minutes, September 29, 2008

I'm concerned about, whether it's residential or industrial, is the stormwater that will be generated from that site. There's nothing to hold the groundwater now when it rains as it's been logged. Downhill from that is Irene Creek and the critical aquifer recharge area that I'd like you to consider.

(#2700) Frank Kenny from the North Mason Chamber of Commerce stated there are not a lot of good jobs in North Mason. There are so many people that need to have a family wage job. I've visited a few of the jobs that are on the other side of that railroad track and I drive a small car, but I'm scared for my life going through that industrial area with trucks going left and right. You do not want to make that a residential area, unless you could get another access, which sounds problematic. My zoning map shows some kind of heavy duty commercial on that side of the railroad tracks, however further north. It breaks the boundary of the railroad tracks with industrial / commercial.

(#2850) Robert Thorpe stated the purpose of the 75 foot buffer is to replant trees on a 10 foot center and that would be an open space overlay, and it would be clear that no road access would be through that. That would answer the two neighbor's concerns. That means no roads would be permitted through it.

(#2900) Bill Dewey inquired about Katchemak Lane.

(#2950) Larry Gifford explained it Katchemak Lane on the east side was used to access into that property at one time.

(#3000) Robert Thorpe clarified that we have one access point that serves the existing repair shop and offices. We have no other accesses. We're proposing a 75 foot buffer around the property so the facts are there will be no road from the south; there will be no road from the north on the west side of the tracks.

(#3100) Don LeMaster inquired about the Contract Rezone - Limited Uses. You will craft language to reflect that these will be sole permitted uses.

(#3150) Robert Thorpe stated that is correct. I know jurisdictions are reluctant to do contract rezoning, but what we're proposing is concomitant agreement where you put it on the covenant and file it with the county as part of the legal description.

(#3200) Don LeMaster clarified that any development in this parcel will have to adhere to the current stormwater requirements. It doesn't make any difference whether it's residential or industrial.

(#3240) Robert Thorpe suggested you could also do it as a binding site plan. What we're trying to do is avoid a nonconforming use.

(#3300) Jim Evans stated his property is adjacent to the proposed zoning area. It's just to the south. Contrary to some of the testimony here tonight, I would rather it not be residential. If it was developed as R5, to the maximum of that extent and not commercial, there would be a tremendous amount of population in that area right next to our property. The McKnight property was at one point up for rezone, and that was a large concern and we worked against that. I would encourage commercial development of that with consideration of the buffers and sound.

(#3400) Bill Dewey closed the public comment portion of the hearing.

(#3425) Jim Reece commented it doesn't seem practical to put residential adjacent to the railroad, but having some buffer along the railroad is appropriate. Putting a greenbelt around the parcel is appropriate, but I do have a concern about having the stormwater and septic inside the buffer.

(#3500) Don LeMaster commented that from a development standpoint they will put the septic wherever they can put the septic.

(#3600) Dennis Pickard stated whether or not this particular rezone is approved I like getting into the idea of a concomitant agreement or something like that in a broader sense because other rezone requests have come before us in the past where one of the concerns was that we were not able to target the future use to what

## Planning Advisory Commission Minutes, September 29, 2008

was supposedly proposed at the time.

(#3650) Miscellaneous discussion about concomitant rezone implications or advantages.

(#0100) Dennis Pickard stated his proposal would be that if we choose as a PAC to recommend for approval this particular rezone that we do it with the condition of having a concomitant agreement or other suitable limitations established pursuant to the proposal.

(#0120) Tim Wing stated this qualifies as a rezone flat out. It is what it is. It is already an industrial site. It is not going to ever be what the zoning currently says it is. It is not going to have 50 homes on it. It is not going to be a good place for residential. It is an industrial area, and there are reasons why it got to be what it is. The zoning on this was done incorrectly. There are four criteria that Allan said were not met, and I disagree with him. He said it's most consistent with the rest of the area, and I don't think that's true. As it's been pointed out, there are other industrial zones on that side of the railroad track. It doesn't expand industrial areas because it is already an industrial area. The open space issues and critical areas have to be dealt with properly whether it's industrial or residential. The fourth one is that it does not set a precedence because of what it is now; it is already industrial. I think it should be rezoned without any conditions. I also believe that what they're planning on doing probably will get done. However, with all of that said, we need to face the reality that people come here all the time and say we're going to do these things and then they sell the property and somebody does something else with it. I don't want the citizens who came here to testify to have concerns about this.

(#0200) Diane Edgin stated she agrees with Tim's comments. All the issues are there, and you have to look at the total picture and the total timeline that these people have owned this property and what they have already done. What is proposed here is an excellent idea. There is a critical shortage of housing and business in this county. I don't want to see anything that impedes an excellent presentation of a use of this property. If they would put restrictions on it, I could accept it. Industrial areas have to go somewhere so I'm in favor of this rezone.

(#0275) Bill Dewey stated he is inclined to support it, but support it with a covenant. He stated he is concerned with some of the testimony that has been offered tonight. It sounds like there was an initial effort by the folks in Belfair as they set up the UGA to use that railroad as a natural break. We have heard some concerns from residents as to why. I could go along with the rezone request with the covenants so we ensure that we're protecting those adjacent properties from some of the more egregious uses of the industrial area.

(#0320) Dennis Pickard stated he was happy with the Limited Uses list that was attached to the map. I would suggest this for this particular case but also to potentially request that staff and BOCC work towards providing more standardized agreement to address issues like this so other people who are making proposals have the opportunity as well regarding neighboring concerns. That might allow us to make more common sense decisions that balance the needs of both the property owner and the neighborhood and are more consistent with the original intent of the zonings we've established. That would be my preference of this particular case. I do agree with Tim that on just the basics it qualifies as a corrective rezone. It was there prior to the zoning overlay and it is a nonconforming use. If we can narrow down the types of permitted uses, based on an agreement of the property owner, I say we ask for that condition to be incorporated.

(#0365) Miscellaneous discussion regarding attaching a covenant, and the concomitant agreement.

(#0440) Tim Wing made a motion to recommend acceptance of the rezone application based on upon county staff and property owners further defining this list to include a method of altering the list in the future, and providing a mechanism for putting these restriction in place.

(#0500) Bill Dewey noted there was a motion and a second. A vote was taken, and the motion passed.

(#0525) Miscellaneous discussion to include the 75 foot buffer requirement in the motion.

(#0550) Tim Wing made a motion to reconsider the previous motion and change that motion to include

## Planning Advisory Commission Minutes, September 29, 2008

everything that was in it plus that the owners would agree to the buffer that was proposed in their presentation.

(#0565) Bill Dewey noted there was a motion and a second. A vote was taken, and the motion passed.

(#0650) Allan Borden announced the Smythe rezone request we took up at our last hearing is rescheduled for October 20<sup>th</sup>.

(#0700) Charlie Butros, Public Works, opened the public hearing on the Transportation Element and stated when we went through our discussion on August 18<sup>th</sup>, I presented a brief outline of the Transportation Element. We had last updated the Transportation Element in November of 2005. This update is the most recent since then. We updated tables and exhibits. We have three separate transportation plans: 1) an annual budget which identifies the cost for the transportation projects that are intended to be performed during the next annual budget; 2) a 6-year plan which is the intermediate plan for projects that are upcoming during the intermediate time frame; and 3) the long term plan. The criteria we use to select projects is based on the approach that we have to maintain and preserve the transportation system. One of the challenges you posed to us in our discussion earlier is taking a look at planning in the UGA's. I've had discussions with the BOCC, and the conclusion of that discussion is that the approach is consistent with what we're chartered to do, and our charter requires us to approach maintenance and preservation and safety as our primary focus of attention. We propose not to change that, and I know you had asked us to consider that. One of the things you also asked us to consider is how we integrate planning in the county for elements like transportation with the other departments. DCD has the lead responsibility for planning, and you're on target in indicating that there needs to be an improved interface between the county organizations and community development that are taking on projects in the county. That includes utilities, and public health, and stormwater will soon be coming into play. I'm not sure we are ready to make a recommendation at this time as to how to adopt or modify the process that we have to include those features in future planning. My hope is one of the first steps we will be taking on very soon, through a grant by CTED, is future roads in Belfair will help us embrace the elements of what we need to do in the future. We hope to take the results of that study and apply that in the future to other areas in the county that need that attention. My recommendation to you tonight is consider the Transportation Element. I will ask you for specific comments if you have them. If you can provide them to planning, we will incorporate them, and I would invite you to consider adopting the Transportation Element as we are presenting it.

(#0945) Tim Wing inquired of Charlie if he feels that Public Works bears responsibility for abiding by GMA.

(#0955) Charlie Butros responded that he does feel that, and we feel we are.

(#0965) Tim Wing pointed out there is nothing in the Transportation Element that says you have a system or plan in mind for working with planning to integrate projected population growth areas into your priority system for some of the road projects.

(#0985) Charlie Butros responded the way today we include that in our planning is through evaluation of existing roads and road systems, traffic counts, surface pavement evaluations. Our focus of attention is to preserve, maintain, and improve for safety reasons the existing transportation network, so with that focus if we see increased traffic counts or increased maintenance needs on certain roads, we will apply those to the areas where currently our 6-year plan identifies the priorities.

(#1040) Tim Wing inquired if he considered traffic in an area to be your responsibility or only the traffic on county roads.

(#1060) Charlie Butros explained the way our responsibility is identified through the requirements of the state codes, we are only responsible for the county road system. We realize the state and county system are a part of the greater transportation system and we work hard to partner with DOT in areas where the system is failing. Congestion in Belfair and Allyn are examples of areas where we need to improve the state highways to improve the congestion in those areas. It happens that the state highway is the element of the transportation system that we don't have responsibility for. We put in features that improve access and traffic to and from the state highways; additional traffic relieving elements. A plan that we have discussed

## Planning Advisory Commission Minutes, September 29, 2008

with Mr. Anderson of Lakeland Village is tying in a road off Lakeland Village to the northwest, as a combination of the added roads that we intend to put in from that area down to Highway 3 and Razor Road. That would tie into Mason Lake Road in order to come to Shelton. Those are the kinds of things we are working on in addition to encouraging the state to take action on the portions of the transportation system that they have responsibility for.

(#1150) Diane Edgin inquired if there has ever been set for a letter explaining the needs of the county to address these issues, and that it's actually not within the scope of your abilities to do so.

(#1185) Charlie Butros explained that he has not, but we can improve the way we plan our future work. It is changing, but very slowly. We are still under constraints that prevents us from doing a lot of what you as PAC propose we consider. It's going to be difficult to make that turn in short order. I encourage you to continue encouraging it with other department head that come before you, but it's something that is needing the additional attention and we need to drive that as a policy.

(#1265) Tim Wing inquired if there was to be a change in policy that would reflect a direction as far as what we talk about here, how would that come up. Would that be something you could or would make, or is that something that the BOCC could conduct you to do?

(#1290) Charlie Butros responded the way I understand my responsibilities is that the BOCC have the responsibility for the overall policy, and the department heads have the responsibility to implement that policy and establish the procedures and steps by which that policy is implemented. How do we modify policy? We do that through an exchange with the BOCC; getting concurrence from the BOCC on a change in policy. At the August meeting I voiced resistance to as dramatic change as I was hearing being proposed because it is so dramatic it would totally change the approach by which we select projects and the sequence in which we implement them. That could be taken on in several ways. One way could be a discussion and coming to mutual agreement and the BOCC concurring with what is agreed to and us moving forward to implement that. Another way would be direction from the BOCC. They would have a discussion and make a decision that we need to change the way we implement work and direct us to do so.

(#1375) Jim Reece stated we need a master land use plan that laid out the county at full development, the road configuration that is needed to support that and if Highway 3 needed to be 206 foot right-of-way with eight lanes, then it would be on a plan. Then you'd have a vision of where we're trying to get to. I don't see that element here.

(#1400) Diane Edgin suggested it might be a problem with staffing and funding issues to complete that.

(#1445) Miscellaneous discussion.

(#1500) Bill Dewey opened the public comment portion of the hearing.

(#1520) Frank Kenny, President of the North Mason Chamber of Commerce, stated that Shelton's street grid supports about 8,000 people. We have a population of about 54,000 in Mason County. If you look at the Allyn UGA, you'll notice there is a bit of a grid there and it allows people to get around. If you look at the downtown corridor in Allyn, a lot of those little roads don't go anywhere. They will never meet any traffic counts that necessitate doing anything else. So it's just a self fulfilling prophecy when the county says we'll get to it when the traffic counts are in. The Belfair UGA map shows the huge residential areas on the east side of the railroad tracks. That is where our population is going to go. There will be 20,000 people coming to Mason County and we want them to live in the UGA's for GMA reasons. The road system in Belfair; there isn't one, and there never will be one if the county continues to prioritize the rural areas. The grid system in Belfair and Allyn is absolutely critical. In Belfair, if there is an accident on Highway 3, and the fire units are on the other side of the accident, they can't get through. They can't go off any other feeder streets because they all dead end. Safety is a huge issue, and it clogs up the road for hours. We also need it for congestions. We have to get a grid system going and change the policy of the county. I will take this straight to the BOCC. I hope you will also. I feel the PAC has a strong voice in this county. The tax base is so critical from a chamber of commerce perspective. I need to be able to place businesses in Belfair. I basically have one road to do it; Highway 3. No business wants to be down a dead end road. You will never be able to pay for



## Planning Advisory Commission Minutes, September 29, 2008

the things Mason County needs if we don't have a business base. Housing, business, all contribute to the tax base. In other counties, a developer comes in and is told by the county where the roads are and how it's going to look as well as the specs, he finds the money, and he builds the roads. He knows he has to build the roads. We need to be proactive in planning and designing the road system because the people are coming and we don't want them living in the rural areas. Someone is eventually going to sue for concurrency and we don't want to be out of compliance for that.

(#1760) Rob Drexler of Allyn stated he sells real estate for a living in Belfair, but I work the whole county. I think an element of the Transportation Element should be new roads in the UGA and the planning for them. We are mandated to plan for roads within the UGA's by the GMA. There are a number of 5 acre parcels on the market for between \$45,000 and \$450,000. The median cost to just get the property ready to build on is \$160,000. Then if you build an 1,800 sf house it will cost about \$340,000. I don't know how many people can afford that kind of home. Housing affordability is an element of GMA. We looked at some of the small parcels in the south, and they're selling from between \$219,000 and \$265,000. We can't build those sorts of houses in the north end in the UGA's because we can't get to them. If a developer can't come in and build roads there, we're going to have to kick that price up. We need the roads in order to develop the land. We need to make new roads a part of the Transportation Element for our future.

(#2175) Bill Dewey closed the public comment portion of the hearing.

(#2190) Tim Wing noted it says in here they're going to consider where the population is going to go but they haven't had meetings with the planning department, and has concerns about the list of roads in the UGA's, and there's no system of priority identified in here. I have said that I'm not in favor of the county building all the roads out in the UGA's and letting developers get a free lunch. We do need a plan for the UGA's; there's nothing in here about that. We need to have some heavy priority put on where the future population should go and those are the projects we should be looking at. There's no plan here to establish standards, which is highly critical for developers. That leads to return on investment. There are huge amounts of money the county could get from revenue from sales and property tax and it will repay the county handsomely over time for those plans and standards, and unless it gets in here, I can't vote to approve this and say to the BOCC this is okay. I did that two years ago and this is the same plan.

(#2375) Jim Reece inquired about whether we have standards in Belfair for roads.

(#2385) Charlie Butros responded Belfair has specific standards for streets in the UGA. Allyn doesn't have specific standards, but we use the local agency guidelines for streets in high population areas. If we are approached by a builder that request information on what is expected in the UGA's, we provide them with one of those standards, depending on which UGA they are building in.

(#2420) Bill Dewey noted we recently passed an LID Ordinance in both of those communities. Road standards incorporate the LID standards.

(#2435) Charlie Butros explained they will include the LID's because the stormwater and LID standards are now part of the ordinance. The roads themselves have areas adjacent to them for drainage and those areas can be bioswales or other stormwater treatment features. The LID comes as a separate requirement for LID and 2005 stormwater requirement implementation and Best Management Practices.

(#2465) Bill Dewey noted that the rest of the PAC is solidly behind Tim's comments here. Do we have it in our ambitions to provide that level of detail of comment? We have asked staff to try to do that, and I sense from Charlie's resistance that that isn't going to happen. How can we be most effective at making sure that two years from now what we get back is not the same, and ideally what the BOCC adopts is different.

(#2550) Tim Wing stated we have to have the BOCC involved with a discussion that leads to the BOCC asking Public Works to function in whatever way they feel they have to. We need to make our case to them and we need more people speaking to the BOCC at their hearing. I personally think this county is in serious jeopardy of a person like John Diehl going to the GMHB and saying we're not in compliance with GMA. Your concurrency, which is required on transportation, isn't there, and therefore you should be stopped. The BOCC needs to address that, and if they conclude there is more that should be in this transportation element,

## Planning Advisory Commission Minutes, September 29, 2008

frankly I think that's the only way there's going to be more to it. I'm hearing Charlie say he will change the policy if he hears the BOCC tell him to.

(#2640) Bill Dewey inquired if the action tonight should be to reject the Transportation Element with a strong letter to accompany that rejection that says why.

(#2655) Dennis Pickard stated he senses more willingness tonight from Charlie than I had proceeding this meeting just based on the prior meetings. I feel he's more open to considering changes than had appeared to be the case earlier in meetings. For me personally, I feel there will be more planning and engineering in the 6-year plan for the UGA's for me to support this. I am more optimistic than I was heading into this meeting. How extensive Charlie is willing to go on those changes in terms of the planning aspect is another issue.

(#2735) Charlie Butros responded that right now the four roads listed on the bottom of the list are in the UGA's, so there are some UGA roads that are in the planning process.

(#2750) Dennis Pickard stated he's talking about something bigger than a few smaller roads in the Allyn UGA. We need a larger planning effort on the part of Public Works to help the rest of the county understand what makes the most sense for a future road system. I would like to see a broader planning effort to get us from where we are today to where we need to go.

(#2800) Charlie Butros stated he agrees with the recommendation that was made earlier that we need to go through a process that evaluates the UGA's and identifies a grid network. As an example, in the Belfair area, there are so many creeks and streams that you're really not going to be able to do what was done here in Shelton, which was underground the creeks. There are some geographical and physical restraints that need to be addressed. I am very encouraged that we are moving forward with a planning step for Belfair, and hopefully out of that will come a list of recommended key roads or major roads in a network that can be used as Tim recommended to be evaluated against the other needs that we typically evaluate in our priority array.

(#2875) Miscellaneous discussion.

(#3000) Charlie Butros stated he is optimistic that working through the Belfair road plan will help us in developing a process that will identify these needs and allow these new needs to be evaluated with needs that we typically are evaluating for upgrading of existing roads. That's the issue at hand. How do we evaluate and allow new roads to compete with the standard maintenance and preservation projects that we have for existing roads, and today there is not a system for that. That has been the biggest hurdle to overcome. The degree of changes that we discussed last month I resisted and that was obvious. If we can come to conclusion on some minor modification as you are suggesting that will indicate we will prepare a plan. Our funding and resources are very limited, and what you expect in the way of the plan may be just an outline as something to initiate discussion that won't take up and consume a lot of staff time, but will be a start to encourage public input. I'm receptive to that, but my critical concern here is staff time and availability of funding. Right now one of the benefits we have is funding that was made available as a result of a meeting we had with CTED. If I can take that and use the perimeters that are developed in that and quickly apply them to Allyn we may be able to get something that we can use for Allyn without a lot of staff effort or cost.

(#0080) Tim Wing inquired if Charlie could do an addendum to the Transportation Element so you're not having to rewrite the entire plan.

(#0100) Charlie Butros stated he likes the recommendation of an addendum. We can make some of the minor edits, and the programmatic types of changes we can add as an addendum sheet for inclusion in the next writeup.

(#0150) Tim Wing stated the most important thing to him is that Charlie buys into it. If there was an addendum written that an agreement came to, I could approve of that. A simple addendum would be a good way to do it.

(#0200) Bill Dewey stated if Dennis and Tim could commit to getting their comments to Charlie we could potentially come back with an addendum and a finished product. We would continue our public hearing until November 3<sup>rd</sup>. Motion passes to continue the discussion at the November 3<sup>rd</sup> meeting with no public

## Planning Advisory Commission Minutes, September 29, 2008

comment being taken.

(#0400) Bob Fink, Department of Community Development, opened the workshop on the Danger Tree Regulations. One of the issues that came up in the process in 2006 had to do with the hazards associated with fires, wild fires in particular, and how that interrelated with the need to protect critical area buffers. That was the stumbling block as to why there was no real resolution as to how the regulations should be amended. I contacted other state agencies, particularly DNR, and they are experts on the wild fire protection. The issue we have is how do you incorporate these concerns with fire safety in the management of your buffers. Buffers are intended to be vegetated, natural areas that provide habitat as well as a separation between the development and the critical areas themselves. Lee Boad is here and he is a consultant who has prepared a lot of plans for people working with the county trying to get development in these sensitive areas. We went through a public process and there were several amendments on the table. The buffer issues with danger trees was only a small part of the 2006 update of the critical areas ordinance, which is mandated by GMA. The GMA mandates that we review all the critical area regulations every seven years. In this process, when we talk about danger trees, we're talking about the tree falling or limbs falling. These are trees that are specifically in protected areas; in the buffers or actual wetlands. If you've allowed development near this protected area, but you have trees that pose a hazard to people and property, what conditions do you want to establish where people can remove those trees and deal with that hazard. Our current regulations have a solution to that. When we reviewed what we have now as part of the update, we identified what we thought were a couple of areas for improvement. Part of it was based on enforcement experience we've had in the past, and permitting experience as well. Improvements we originally proposed had to do with when you cut down a tree, you would leave part of it there in the buffer or wetland because part of the value of growing the trees and part of the reason you have large buffers in these areas is so that you can grow large trees. Those trees provide habitat, die and fall over, and then the fell tree can provide habitat. If you remove them every time they start getting old, then you're undercutting part of function and value of that buffer. The other change we looked at was putting a limit on the number of trees you can remove as danger trees without going through a formal review. When the codes were first written, we tried to make it as easy as possible for people to be able to remove trees they found dangerous. We didn't require prior approval from the county. They just had to document the hazard so that if a question came up later, they would be able to show us the documentation. We also provided a service, at no charge, where we would go out and evaluate the property to advise them. That system didn't work for all. We felt that having people leave the danger tree on site, that would enhance the habitat value and reduce the incentive some people had to abuse the system. In the review process, the fire hazard came up and Jay Hupp proposed language, staff and F & W proposed a version, and the PAC adopted a final version, which staff couldn't support before the BOCC, so the BOCC didn't take action. That's why you see the different versions before you. The BOCC wanted to see this reconsidered, and they directed us to try to address it this year, if possible. Our recommendation right now would be along the lines of what we recommended last time. We address fire hazard here which says 'The trunk of the tree may be segmented, but should be left in as large of segments as possible to provide habitat. The branches from the felled trees may be removed to control fire hazard'. That's based on the recommendation of the fire wise program reducing small, flammable things. I expect to have a recommendation coming out of the consultants and agencies to see if we can have a recommendation to balance it.

(#0850) Tim Wing asked that you bring that to us so we can have a discussion at that time.

(#0860) Bob Fink stated he intends to do that and just wanted to know if the PAC had any questions.

(#0900) Lee Boad stated most of the work he does with Mason County and the Habitat Management Planning is I'm usually tasked with taking a small parcel that encompassed with a stream or wetland buffer and finding a way to land a building there in the buffer and convince the county, the agencies, that I have a mitigation plan that's going to allow that site to maintain fish and wildlife habitat functions after the house is built. There's always trees that need to be moved, and the way we mitigate the tree removal is maintain that nurse log component that that tree will eventually provide. So we don't necessarily say we're enhancing the site by doing that, but we're addressing the development by taking the tree and placing it in the buffers and allowing it to function like it would naturally function after it fell over. We always limb the trees, we always segment them; it's never an entire tree that's left in the buffer because you have to transport the tree into the buffer from the building site. The buffers are usually adjacent to aquatic sites, streams and rivers. As far as the fire hazard goes, people have asked me about that and I advise my clients that the chances of that nurse log

## Planning Advisory Commission Minutes, September 29, 2008

spontaneously combusting and catching on fire is less likely than the chance of a house catching fire. A 30 foot management zone, 15 feet on each side is allowed around the house, with the rest being vegetation and nurse logs. If a fire hazard is an issue, I would say increasing that from 15 to 30 feet isn't going to be a problem. I will be interested to hear comments from F & W as well as DOE.

(#1020) Bob Fink stated that if you go through the process to get an Environment Permit to do a Habitat Management Plan, you can cut down a lot of trees as part of your development plan along with a suitable mitigation plan. The danger tree provision is one where you're not required to do a MEP or HMP. That's why we're trying to make it simple to build mitigation into the process, and to limit what people can do under it. If they want to do more, they can always apply for an MEP and do an HMP. The main thing we're looking for is any questions you may have. This information basically talks about the management zones around structures, and wild fire areas, and how risky they are, and what the recommendation are. I intend to have a meeting with people from F & W, DOE, and Lee Boad, as well as DNR, to discuss what this means for specific mitigation that can be standardized simply and directly for people who want to take down one or two trees because they feel it poses a risk to them. This will come back before you in a draft in the near future. If you have comments or questions, please contact me within the next few weeks.

(#1135) Meeting adjourned.