

MASON COUNTY PLANNING ADVISORY COMMISSION

January 23, 2012

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1. CALL TO ORDER

The meeting was called to order at 6:00 pm by Chair Dennis Pickard.

2. ROLL CALL

Members Present: Bill Dewey, Dennis Pickard, Randy Neatherlin, Jim Sims, and Cathi Bright. Ken VanBuskirk was excused.

Staff Present: Allan Borden, and Barbara Adkins.

APPROVAL OF MINUTES

None.

4. NEW BUSINESS

On his staff report on the rezone request by the Humane Society of Mason County to rezone two parcels, totaling 3.86 acres, from Rural Residential 5 zone to Rural Commercial 2 zone. Mr. Pickard inquired if any members of the PAC had any disclosures to make under the Appearance of Fairness Doctrine regarding this request. Mr. Neatherlin stated that he had talked briefly to one of the applicants, but did not discuss any of the specifics of the rezone, and he stated it would not affect his ability to hear this request. Mr. Pickard stated that it is his job is with the Mason County Title Company, and Mason County Title has been hired to work on any transaction regarding the subject property. He stated he has no personal or financial interest in this request in any way, and would not affect his ability to hear this matter either. There were no objections, so Mr. Borden proceeded with his staff report. The properties are located along Mason-Benson Road less than .5 miles north of Highway 3. The staff report provides for what uses are allowed in both RR5 zone and RC 2 zone. The applicant is an organization that provides nonprofit animal care to just the animal care and shelter needs for the rural and general areas in Mason County. This organization is generally situated in the northern part of the county so they would be serving areas of Allyn, Belfair, Grapeview, and the central part of the county. This kind of land use would be consistent with other nonresidential land uses that are allowed under the RC 2 zone. By approving this requested rezone, development could take place with the standards under this proposed zone. They couldn't establish it as a cottage use as the primary use would not be residential. One parcel has an old manufactured home and septic system and one parcel is now vacant, but the onsite vegetation cover is mostly non-native shrubs. A Type F stream is the west boundary of the subject parcel. Areas to the north are RR5 zone, with Grapeview School 0.30 miles to the north. East is RR5 zone with

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self-storage. South is RR5 with a riding arena approved in 1996. West is RR5 zoning. The two properties have access to Mason-Benson Rd by a road easement that was created during the short plat process. Stormwater management and current buffer and setback regulations will be applied at the time of development of the two properties. A rezone must involve a small scale business be in an isolated location and may not occur within ½ mile by road of a UGA, RAC, Hamlet, or isolated Rural Commercial. Criteria #1 discusses public health, safety and welfare. Any development on this property is going to have to meet county health standards. The development would have to be evaluated for setbacks, critical area buffers, stormwater, parking, and traffic. Criteria #2 discusses consistence with the Comp Plan. Isolated small-scale businesses should be allowed to be developed in the Rural Areas provided they do not require urban levels of government service. Future land uses must be compatible with nearby rural residential land uses. Criteria #3 discusses impacts to increase sprawling, low density development. There are lands to the west and south that are operated as timber management. The stream on the west side acts as a limitation to other development in the area. Criteria #4 & #5 have to do with a rezone affecting increasing demand for urban services in the rural areas. This anticipated land use would not create the need for urban level services in the rural area. Criteria #6 discusses conservation of open space and conservation of fish and wildlife habitat. Any proposed development will have to comply with buffer and setback standards as well as development regulations.

Development design needs to be done carefully as the site is slightly sloped with areas where vegetation has already been removed. Criteria #7 discussed pressure to change other land uses nearby. This request was submitted for review and a lot of the characteristics of the area have been taken into consideration. Any potential sites would also have to be reviewed for proper criteria. The characteristic to keep non-residential uses separated by one half mile distance would also serve to limit the potential for additional land use designation changes in the future. Staff concludes that all criteria are met and recommend approval of the proposal.

Cathi Bright inquired about the property to the east where the self storage is, is that Rural Residential or Rural Commercial. Allan Borden responded that it is Rural Residential 5. Cathi Bright stated under Rural Commercial 2 with special permits the following are also permitted: Gas/Service Stations, and Self Storage Facilities. Cathi Bright inquired why that parcel is residential when it's being used for a commercial purpose. Dennis Pickard stated a commercial use was approved but I believe it's permitted under a special use permit under Rural Residential criteria. Cathi Bright referenced the letter from Keith and Julia Snider. The stated their concern regarding a potential incinerator so dispose of animals that have been put down. Allan Borden stated the health department would review a request for animal waste disposal. It wouldn't be a simple regulation. Those concerns would be reviewed under the permitting process.

Cathi Bright inquired of Allan Borden to explain the difference between the rezone and permitting process. Allan Borden explained when someone proposes a land use on a piece of property, the applicants approach the county and inquire about finding a place for their origination to operate an animal care shelter. That land use has to be on a property that's suitably zoned and that's why they're requesting the zone. In regard to land uses themselves, once the rezone is approved, then the request would have to meet development standards. Those could include screening, setbacks, maintenance of vegetation buffer, height, even noise and light. *Miscellaneous discussion regarding health reviews.* Allan Borden explained when a land use is requested and it's not deemed residential, then the health department would then call for what is the waste strength of the anticipated use. The applicant would then have to show how they would dispose of both human and pet waste.

Jim Sims inquired about what happens if any of the animals would have to be put down, and how are they disposed of. Allan Borden responded it would be handled through the permitting process. Bill Dewey inquired if Essential Public Facilities defined in the code. Allan Borden explained it is defined in the Development Regulations. Animal Shelters are not listed in there. *Discussion continued regarding the property to the east and that the use is similar without the primary residential component. You wouldn't be required to live there.* Bill Dewey stated it seems inappropriate that the storage unit would have been given a special use permit; it seems that would have had to get rezoned to RC2.

The public comment portion of the hearing was opened.

Barbara McDowell, President of the Humane Society of Mason County for the past three years spoke. The

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Humane Society was started in 1986 and have been striving for a shelter since then. We've been working very hard to find a nice piece of property and found this location on Mason-Benson Road. There is no Humane Society in all of Mason County. There is a private Kitten Rescue in Shelton; a private adopt-a-pet, dogs only in Shelton, and we have one of the largest counties in Washington without a shelter. Correcting Allan, we would be covering all of Mason County, not just the Grapeview area. There are other facilities that we would use for help in disposing of dead animals. We would basically as close to a non-kill shelter as we could be, which would not involve a lot of putting animals.

Blance Valverde, Vice-President of the Humane Society of Mason County explained we have been working with the County Emergency Management planning. The county is mandated to provide some type of rescuing operation for animals and there is nothing going on. We've been trying to come up with some plans for rescuing animals so this is something that is really needed in this area. The county fairgrounds at one time was designated as an area primarily for farm animals but not companion animals. On a recent survey done for ASPCA, 42% of the people said they would not leave their homes if they could not take their companion animals. As far as the disposal of animals that die that have to be put down, it not be feasible to build a crematorium for that once in a while situation. All the veterinarians and shelters use a service for that situation. I contacted the waste department and they will pick up if we need them to.

Bill Dewey inquired about the mandate to provide shelters for these animals. He stated it seems like an oversight in our regulations and that it should be an Essential Public Facility. Ms. Valverde explained she inquired about that and was told it was a mandate but the state weren't giving us any help.

Dan McKenney of Grapeview stated he is the longest living landowner in the area. He owns two 10-acre parcels and one 20-acre parcel on the other side of the street. The creek and the impact that it will have on it is a big concern. My children played in there when they were little. An average dog excretes approximately 3/4 lb of feces per day. Each gram of dog feces has 23 mil colony forming units of fecal cholorphorm bacteria and we are worried about that for our health. I've contacted Bill Dewey of Taylor United, Jamie Glasgow mapped the stream last year for the wild fish concervancy. I've also talked to the Squaxin biologist and they have a major concern of what gets in that creek. The horse facility is a commercial facility. They have no treatment; they push their crap to the lowest part by the creek and have done so for 16 years. Not an ounce of water that flows off there doesn't go through that crap. There's been no oversight. I'm also worried about the noise. He doesn't see how this property fits the bill. That piece the mobile home is one is the best place for where the urine and feces might filter out. *(Miscellaneous discussion regarding easements)*. Keith Snider, who owns the property to the north, does have plans to develop his property. He suffered a heart attack a few years ago and has had to put those plans off for a while. Even though there are not residences there now, there are residences planned. He expressed concerns regarding the kind of oversight there will be.

Andrea Brown stated where she lives there are no leash laws. That is a concern as we do allow our dog to run around and we don't want to lose our dog. There are no shoulders on the road; we live across from the school. Traffic is dangerous there. Maybe we even need to see about lowering the speed limit there.

Patricia Vandehey stated she wants to greatly lend her support to this project. She explained she tried to organize a nonprofit organization herself but could not get volunteers. She stated there is nothing in Mason County of this sort. One day driving down McEwan Prairie Road there were two dogs running along the road. I pulled over to the side of the road and they jumped right in. The pound wouldn't let me bring them there. They told her to take them back where she found them and let them loose. That is no solution. So I took them home with me. Finally I got a hold of the owners who came and picked them up. Mason County has become a dumping ground for animals. This is such a great need. So I totally endorse it.

Public comment portion of the hearing was closed.

Randy Neatherlin stated currently what is around it is other businesses. Our job is to look at the zoning aspects only and make decisions on that. We need to keep in mind that the zoning, whatever we change it to, somebody could put whatever is in that zoning regulation in there. If there were more residences there now I would say that's more conducive to what's there, but there are other businesses there. I leaning in favor of it.

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Bill Dewey disclosed that he had contact with Dan McKenney previously regarding this issue. He had contacted me regarding the potential impacts were for animal waste from a facility like this. I forwarded him information I had regarding that issue. He stated he doesn't feel that communication would impact his decision. No concerns were raised from the PAC. Bill Dewey stated there are rural residential around it; people with property in that zoning with expectations of what that allows. Dennis Pickard stated there are buffering regulations regarding those impacts.

Cathi Bright noted there's a pet lodge at Oakland Bay, and it's among several residences. You implied that there wasn't a lot of pet lodging facilities in Mason County and I know of at least three. Plus the veterinary clinics. This is a use that this property could do by supporting pets. If we decide that the zoning should be changed, then this project to go forward still has to go through the permitting process. That is where the concerns about animal waste, emissions, traffic, etc., have to be addressed as part of that process.

Cathi Bright stated it's such a good reason to do the rezone. There are two parcels right next to it that are probably doing more damage to the environment and the area than this facility would. Dennis Pickard noted that the approval of this rezone would actually preclude additional rezones to a rural commercial zone within the half mile radius. Bill Dewey inquired if this would elevate this area for designation as a Hamlet because of the commercial zoning there. Allan Borden responded not necessarily.

Bill Dewey inquired if the Humane Society as already acquired the property. Barbara McDowell responded they are in the feasibility stage right now. It's contingent on the rezone. We were told that could go ahead and build our shelter if we would build a residence on the site. Out of respect we decided to do it the right way. Jim Sims stated he has concerns regarding the failure to coordinate or discuss with neighbors. The potential use and potential impact of the property. The Humane Society should be talking directly to the neighbors regarding the potential impacts of the project. Dennis Pickard noted that's more of a tactical, political decision rather than what's in the direct pervue.

Dennis Pickard inquired on the merits of the proposal before us, do we have either further discussion or a motion.

Randy Neatherlin agreed with staff's recommendation and he made a motion to recommend to the BOCC to approve this rezone. Cathi Bright seconded the motion. Cathi Bright did add that the adjacent properties that are developed are operating commercial enterprises with impunity; they didn't have to go through this same sort of process. If what was said is true, and the horse waste is being dumped down by the creek and running into it, that is a huge concern to me. Dennis Pickard stated that is not relevant to the rezone request before us. Cathi Bright noted that if we do approve this rezone, and for some reason they're not able to raise enough money to follow through on the project, some one else could come in there and do something and not have to be under the same level of scrutiny. Dennis Pickard responded it would still have the permitting scrutiny as these people would, but could get a permit for any commercial use as long as you don't annoy anyone. The flaw in the rural residential zoning is more of a concern for me. A rezone would have a negligible impact on what one could do with the property.

Cathi Bright noted that the PAC has been fairly consistent in approving a rezone if we didn't have a reason under the criteria not to do so. Dennis Pickard reminded the PAC that they are just a recommending body and that the BOCC has the final say. Bill Dewey stated he will probably vote against the motion and it's certainly not a criticism at all of the Humane Society or your efforts in this. Bill reiterated his concern that this is not the appropriate site from a zoning standpoint. Bill stated he bases that on Criteria #2 as what is being proposed doesn't match the characteristics of the surrounding parcels. Regardless of the uses, the surrounding parcels are zoned RR 5. The primary use of the RR 5 is residential use and he stated he doesn't feel it's appropriate to put a commercial zone in the middle of properties surrounding it that are RR 5 with the expectation that their properties are primarily for residential use. Bill also stated that after this hearing the PAC should make a recommendation that the county review the essential public facilities definition. If the county is in fact being required by law to include these services, this should be included on that list.

Barbara Adkins stated our definition matches the state definition. Cathi Bright argued that if the state has

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mandated these facilities are supported, they may have a problem with their code. Bill Dewey reiterated he would just like to submit the request. Barbara Adkins explained that we could change it to be more restrictive, but not to change it to be more lenient. If you're adding things more lenient than the state, you're not following their statute.

Jim Sims stated he does not question the validity of the project nor the dedication of the people proposing it. However, Jim is very concerned about going forward with the rezoning based on a 'maybe' funding raising proposition. This is not a conducive time for fund raising, particularly in our county with the economy the way it is. Jim stated his inclination would be pending success in fund raising to revisit this request when it comes back.

Barbara Adkins stated that is a conditional rezone. It is conditioned upon a particular use coming into fruition and if it doesn't, then the property reverts back to the original zoning. We have done that before. The PAC stated that seemed like a reasonable option.

Discussion regarding putting notification on title for the purpose of a conditional rezone. Barbara McDowell explained that there's a restriction regarding applying for grants as you have to have the actual property in order to

Cathi Bright made a motion to table the motion so that we can come back with a proposal that is conditional for consideration at the next meeting. Jim Sims seconded the motion. There was a vote taken and the motion carries unanimously. That meeting is for February 27th.

Meeting adjourned.