

MASON COUNTY PLANNING ADVISORY COMMISSION

JULY 11, 2016

(This documents is not meant to be a verbatim transcript)

1. **Call to Order**

Rob Drexler called the meeting to order at 6:01 p.m.

2. **Roll Call**

Present: Rob Drexler, Marilyn Vogler, Deb Soper, Kevin Shetty, Vicki Wilson

Excused: Bill Dewey

3. **Regular Business**

a. **Adoption of Agenda**

Barbara Adkins asked if the agenda could be switched, so the Title 17 hearing would be first. She said the Title 17 hearing would go much quicker than the Comprehensive Plan hearing. Rob said that would be fine and suggested a discussion be held regarding the August meeting dates which was added as item (c.)

b. **Approval of Minutes**

No minutes to review

c. **Future meeting dates**

Barbara notified the PAC that there are some amendments, rezones and more comprehensive plan meetings on the agenda and asked if the PAC wanted to go back to 1 night per month. Rob said he would like to go back to one meeting per month. It was agreed to keep it on the 3rd Monday of the month. The next two meetings will be July 25th (previously scheduled) and August 15th.

d. **Public Comment**

Rob announced that if anybody had comments regarding anything not on the agenda, this was the time to speak.

Jacob Rufer questioned a portion of the Comprehensive Plan dealing with Randomly Located Rural Businesses (RLRB). Rob advised Jacob to hold his questions as it pertained to the hearing and would be discussed later in the evening.

Constance Ibsen noted that it had almost been a year since meeting last. She said that attachments she had turned in were not reflected in the minutes from that meeting and asked how that is handled. Rob said he was unsure how it was handled but it would be figured out. Marilyn Vogler asked if she could receive full copies of everything from the past Comprehensive Plan meetings and was advised that she would receive the copies.

Barbara Parsloe expressed frustration with the website saying she could not find the links with the updated information on the Planning Advisory Commission webpage and suggested a link be added to the comp plan updates. She also noted that the version of the information for the meeting posted on the website was difficult to read because the track changes were on the pages.

Terri Thompson said she wanted to read past comments received at former meetings and could not find them. She said access to the comments is important for this process. She then asked how the comprehensive plan update is happening because she was confused. Barbara stepped in acknowledging the process is somewhat confusing because it has been awhile since the last meeting. She advised that Commerce is aware the plan is being worked on though it is past the original due date at the end of June. Barbara pointed out the Periodic Checklist noting the minimum requirements by the state. She said she is going through the list making sure the minimum requirements are met. Thus far she has cleaned up dates, out of date language, and has been bringing the document to a current status. The new additions incorporated came from the Economic Development Council (EDC) and the Historic Preservation Commission (HPC). She stated that the plan is to have the minimum done and adopted so it can be sent to the state. After that is done, the process can continue for any extra additions and changes. Terri said she was still confused and wanted to know if the resource ordinance was going to be addressed. Barbara clarified that the resource ordinance was done with the Shoreline Master Program, but if anything mandated was missed it will be added. Terri asked if the chapters will be revised in order. Barbara said yes, she is working from the beginning to prevent jumping all over. Rob asked if the checklist and comments could be posted to the website. Barbara said she could add everything to the website.

Patricia Vandehey inquired if the handouts available were the same documents on the website. Barbara advised the Historic Preservation Commission comments were added so the documents are somewhat different. Patricia voiced frustration because there had been no time to review the updates.

An unknown gentleman asked if this was the time to comment on the Comprehensive Plan. Rob explained this designated time was actually to speak about items not on the agenda and anybody wishing to discuss the updates could do so during the hearing.

4. Hearing- Title 17

Consider amendments to Title 17, Section 17.09 repealing Collective Gardens in accordance with revisions to RCW 69.51A effective July 1, 2016.

Presenter: Barbara Adkins, Department of Community Services

Barbara explained that this hearing was to review proposed amendments to Title 17, the zoning code. The cannabis patient protection act was adopted in April of 2015 which replaces the original medical marijuana laws. This means that medical and retail marijuana are both regulated by the state now. The state has now removed collective gardens and replaced them with cooperatives. Currently, Mason County does not have any regulations dealing with cooperatives.

She explained that cooperatives are somewhat different as they have to register with the state unlike collective gardens and the major change is they must now be located in a domicile of one of the participants in the cooperative. The Board of County Commissioners has placed a moratorium on cooperatives and will be holding a public hearing on August 16, 2016. Barbara said this hearing is to remove collective gardens from the code.

At this time Rob asked if any members of the public had any questions or comments. With none, Rob closed public comment.

Kevin Shuttly asked how the other counties in the state are dealing with this change. Barbara said she was unable to find out even after contacting the Liquor and Cannabis board.

Marilyn Vogler asked if an ordinance needed to be adopted. Barbara advised that if nothing is done and the moratorium lifts, the county will go by state law.

Vicki Wilson clarified with Barbara that there is no longer a legal entity called “collective gardens”. Vicki inquired what the downside was to removing this language. Barbara said there is no downside and in fact, it was better to remove it so it did not appear as though the county approved of something that is against state law. Vicki asked about access to medicinal marijuana. Barbara said access was still available as many retail locations can now sell both recreational and medicinal marijuana.

Kevin Shuttly moved to repeal the collective garden portion of Title 17 based on staff comment. Motion seconded by Marilyn Vogler. All in favor, motion passed.

5. Hearing- 2016 Comprehensive Plan Update

Consider amendments to Glossary, Chapter I (Introduction), Chapter II (Planning Goals), and Chapter III (Planning Policies) of the Mason County 2016 Comprehensive Plan Update.

Presenter: Barbara Adkins, Department of Community Services

Barbara addressed the fact that the Historic Preservation Commission additions did not need to be dealt with at this hearing since there had been no time to review them. She summarized some changes made within the chapters advising nothing is permanent and can be removed.

Marilyn asked how the meeting should be conducted. Rob answered saying his intention was to go through each section, allowing public comment and PAC discussion.

The PAC had the following questions and comments on the glossary:

Carrying Capacity- Marilyn read a definition she found online that she would like to see implemented. Barbara asked that Marilyn email the definition for consideration. Rob asked how Barbara came up with certain definitions. She said she checked the WAC and the RCW's. If no guidance was given then she referred to the dictionary definition.

Clustered Development- Marilyn asked what the county would need to do to allow clusters of tiny homes. Barbara informed Marilyn that tiny homes are treated as any other home and are not given special treatment due to their size. Marilyn requested discussing this at a later time.

Marilyn referred to ICIA (Isolated commercial industrial area) saying there was no definition in the glossary. Rob noted that it would be helpful to add this.

Long term commercial forests or long term commercial forest land- Though the definition was removed, Marilyn pointed out that it is referenced within the “inholding land” definition. Barbara agreed that “Long term commercial forests” should go back into the document.

Median Income- Marilyn stated this is normally used in the context of affordable housing. She said the Office of Financial Management (OFM) has a different figure for Mason County’s median income and asked if the OFM information could be used or if it needed to come from the United States Department of Housing and Urban Development (HUD). Barbara said other items in the comp plan refer to the OFM, so it would not cause any inconsistencies.

Mobile Home- Marilyn expressed concern with the necessity of a mobile home to be factory made with the recent interest in tiny homes. David Windom, director of Community Services stepped in saying that tiny homes are so new that they are not really discussed in the WAC.

Non-motorized- Marilyn suggesting the addition of scooters and skateboards to the definition. David spoke once again saying the definition does not require more examples due to the way it is written.

Performance Districts- Marilyn questioned if these existed in the county. No specific examples could be given.

Rural Character- Deb asked Barbara why definition was paraphrased instead of quoting the RCW. Barbara said that was a recommendation from the EDC, and she would let them answer. Kevin asked if anybody had the original definition available. At this time, Deb handed out a copy to all PAC members.

After concluding her questions, Marilyn suggested removing the EDC language until public comment has been heard, adding that they should not be prioritized over the public. Barbara agreed that was fair.

Rob asked if chunks of the comp plan would be given to the commissioners or if the entire document would be presented at once. Barbara said she would like to give them the entire document.

At 6:55 p.m. Rob opened the public comment in regards to the glossary

Sharon Haensly from the Squaxin Island Tribe spoke first asking the PAC to consider a definition for water availability so it can be referenced within various chapters. She stated that the county had been contacted many times regarding this issue with no response. At this time she

read a letter aloud regarding water availability process. Vicki asked for a copy after Sharon was done. She handed a copy to all PAC members and staff.

Patricia Vandehey expressed frustration at receiving new information the day of the hearing. She said the Randomly Located Rural Business definition does not describe a small business. Patricia pointed out that not only would residents be dealing with the business itself, but also the parking and noise since no buffer is required. She added that she was confused as to why all most of the changes and suggestions came from the EDC because they are not a governmental agency.

Rob noted at this time, that he is the chair of the EDC board. He stated that he would recuse himself from any vote.

Ed Edmiston declared that he would reject anything written or proposed by the EDC. He explained how the EDC is unfair and shut him out due to the fact that he wasn't from Belfair and went on to say the county should not be funding it.

Cory Whaley addressed Chapter 3, page 25 and read the following:

Continuation of the rural characteristic of Randomly Located Rural Businesses (RLRB) should be encouraged with the expectation that hundreds of business types will continue to be found scattered throughout rural areas. Business sizes of less than 50 employees and buildings of less than 30,000 square feet are expected to continue as a norm, but provisions should also be made for larger businesses and buildings under appropriate circumstances

He stated the above definition does not fit the characteristic of this county and indicated that the designated industrial areas within the county are not used to their capacity and suggested that if RLRB's are going to be implemented, they should be done at a slow pace to prevent saturation.

Jacob Rufer read a statement regarding RLRB's. He also discussed the fact that industrial zoning is not full and the fact that RLRB's would have less restriction than cottage industries currently do. Jacob requested the PAC take a closer look at the impacts that could come from allowing the RLRB's before approving them.

Rick Calvin spoke on behalf of the Mason County Historical Preservation Commission. He quickly reviewed the requested additions and offered to answer any questions anybody may have.

Constance Ibsen spoke on behalf of Will Durham who had to leave. She handed out a letter with attachments to each PAC member. Constance read the letter to the room, which examined industrial lands. She then spoke herself suggesting the use of the Washington Department of Health categories of public water systems. She then read the definition of Urban Growth and said it was too confusing because it was all over the place. Constance requested using a standard definition from the Washington State Department of Commerce. Marilyn asked Constance if she happened to bring a copy of the definition she would like to see implemented. She did not. Vicki then asked Barbara if the definition for Urban Growth was from the RCW. Barbara said it was a direct citation.

Terri Thompson asked that a definition be added for “best available science” and read from RCW 36.70A.172 (1) which states:

In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

She added that “urban sprawl” should also have a definition in the glossary because the EDC recommendations will cause a free for all urban sprawl across the county. Marilyn said she agreed with adding a definition for “urban sprawl” and also “low density sprawl”. Before sitting down, Terri advised the PAC that it is time for the people who live here to be heard.

Barbara Parsloe addressed a compliance order from 2003 issued by the Washington Growth Management Hearings Board. She discussed how it took 7 years to come to compliance which had a high cost in staff time and pay. Barbara read some examples of the agreements made with the board:

- The county agreed to allow no more than 5 rezones per year for intensive uses in rural areas. (With the proposed RLRB’s this would be an issue)
- The number of acres allowed to be rezoned for intensive uses is capped at 50 acres annually.
- Rezones for small isolated small business cannot occur within a half mile of an existing LAMRID’s (Limited Areas of More Intense Rural Development) or UGA’s (Urban Growth Area)

She expressed frustration with the pressure given by the EDC to insert RLRB’s. Before sitting, Barbara handed out a small packet of information to the PAC.

Steve Marksteiner voiced opposition to RLRB’s. He read a statement discussing his reasons of opposition which included increased traffic, and the possibility of an industrial district in rural areas. Steve then conveyed frustration with the lack of code enforcement within the county saying that if a business comes in that does not respect the codes, the residential areas next to it would be most affected. He referred to two cases: The first was a supreme court ruling from 2014 (Wilkinson V. Chiwawa Communities Association) that restricted the ability of HOA’s to limit commercial development in communities via changes in their covenants and bylaws. The second case from 2015 involving the Hamma Ridge HOA stated “the association is going to have to rely on county zoning rules to protect it from overt commercialization”. He stated that he is fearful to see the county if RLRB’s are allowed because property values would plummet and asked the PAC to refrain from approving this language until more research could be done on the possible impacts.

An unknown female spoke and asked the reason behind eliminating cottage industries. She voiced concern with the fact that a Special Use Permit could be obtained upon any competition from neighbors without looking at the consequences. She asked who was in charge of special use permits and how they are reviewed. Finally, she asked when the next opportunity for public input

would be, when and how questions should be submitted, and what weight public opinions held within this process.

Rob asked Barbara about when the next public meeting would be to which she answered August 15th would be the next comprehensive plan hearing. She added that each hearing will determine what is carried over to the following hearing. She said materials will be posted online and sent via email if people have signed up for notification.

Paul Vandehey said he was most concerned with the proposed allowed size of RLRB's. He pointed out that no minimum or maximum was given for lot size. Paul said the definition does not lend itself to a rural setting unless the point is to have the area turn into a city.

Terri Thompson noted that "Special Use Permit" is not defined and should be in the glossary.

Jay Hupp from the Economic Development Council said there was a gross misunderstanding about the Randomly Located Rural Businesses saying the definition is not a zoning proposal, but a statement of what currently exists in Mason County. He referred to a study done in 2000 which stated 62% of existing Mason County businesses were outside the UGA's and LAMRID's meaning they existed in the rural areas. Upon current review of this study, Jay said the figures are very similar. In regards to lot size, he stated that over half of the businesses in the county are located on lots of 5 acres. He talked about how 45% of the population commutes outside of the county for work and discussed how the goal of the growth management act is to help residents both work and live in the same area. If the proper changes are not made he stated that Mason County would become another bedroom community like Lacey. He said he does not want to see that happen and then asked if anybody had questions.

Steve Marksteiner questioned why the property south of Shelton to the casino is zoned Rural Residential instead of industrial. Jay said that decision was made during the Growth Management wars of the 90's and it is what it is.

Patricia Vandehey had a copy of the Economic Development Council business demographics and impact land restrictions phase 2 report. She said in this report, there is a lack of references used and suggested it be reviewed. Lynn Longan, Executive Director of the EDC said this document is being updated and will show references. Once the update is done it will be available on the website.

Terri Thompson asked Lynn what happens to those that purchase property only to have a business opened by them causing them to deal with ecological and property value issues. Lynn's reply was that she lives in Mason County and has since birth. She said that nothing being proposed is going to eliminate property owners' rights, but will instead make it easier to do business.

Vicki addressed Barbara saying perhaps a discussion needs to be held to understand the overlay of the EDC recommendations with zoning regulations. She said that size being proposed for the RLRB's seems to be the main issue with everyone which she can understand. She used Taylor Shellfish as an example saying that building is around 25,000 square feet so she could see how

people are on edge about the possibility of a building such as that next door to your home. She went on to say that if what Jay said about businesses this size already being in existence is true, it is somewhat mind boggling because it is not visible. Jay spoke up and said if you look at the size of lumber mills and some shellfish processing plants you can see it. He used a former business on Cole Road as an example of how a RLRB can exist without issue.

Judy Whaley suggested using buildings that are already standing instead of reverting to new building. She said zoning should be changed for those locations.

Rob said that a lot of progress had been made and noted that all comments would be taken into consideration. With no other public comment, he asked the PAC to discuss their questions or concerns.

Vicki asked Rick Calvin from the Historical Preservation Commission to return to the podium so she could ask him some clarifying questions. The first question was about the definition of “Traditional Cultural Landscape” which reads:

Cultural landscapes are landscapes that have been affected, influenced, or shaped by human involvement.

She asked why this definition is necessary since most things have been affected or influenced by human involvement. Rick answered that for both cultural landscapes and cultural places, the main key is how the community views the property or landscape. He said the definitions are for discussion and recognition. He used Schafer State Park as an example saying at one time that property was important to shaping the area and was important to all of the employees and family. He said if more information or different language is needed to please let him know because the HPC would be happy to do that.

Marilyn suggested pulling the EDC proposal and treat it as a separate process because of the timeline they need to meet. She said that the concept of RLRB’s needs to be fine-tuned and discussed further until it reaches a point that is accepted by the community. Marilyn noted that the EDC has had meetings dealing with 6 areas of industry. Lynn interjected that those 6 categories in no way limits what kind of industry is allowed within the county. Jay Hupp added he would not like to see the EDC recommendations pulled.

Both Deb and Marilyn agreed that many of their questions and comments deal with the EDC language. Rob asked what the PAC would like to. Marilyn asked Barbara how additions can be done in the future. Barbara explained that once the updated plan is approved by the state, additions can be made. Rob commented that the Economic Development element of the comp plan is now a mandated element.

Vicki questioned if making changes to the plan was comparable to changes with the Shoreline Master Plan which requires a limited amendment process. Barbara reassured her that the process to amend the comp plan was not as difficult. Vicki admitted being torn on how she would like to decide on what the next step should be. Rob stated that he has a fear that the PAC will not be revisited for these additions. Marilyn asked of the commission has access to go into the

community to hold a discussion that is not a public hearing. Rob commented that the PAC has done that before but staffing and cost can be a barrier.

Constance Ibsen noted that even if the PAC held 2 meetings per week until December, at this rate the plan would not be done. She also asked if the growth of the Shelton UGA is supposed to be included. Barbara stated that she makes reference to it in chapter 4, but the Shelton UGA population projections have changed and they are on their own timeline.

Terri Thompson asked if a future land use map will be done. She said she read that was one of the main things that needed updating. Barbara noted that she has compiled a list of updates for various maps because the current ones are circa 1992. Terri asked if those maps will be up for consideration at a future meeting. Barbara said they would because they need to be adopted.

Vicki referred to the Scope of Work handout Barbara provided at the March 23, 2015 meeting. She noted that this document clearly lays out the element changes so the PAC should just follow the list. She said there were two sections in the handout: the plan update and the development regulations update. Vicki encouraged everyone to take a look at the document to understand what is mandated.

Marilyn made a motion to restrict work to completion of the mandated plan element changes until the PAC reaches a point in which they can submit it to the Commissioners and then address other issues. Motion seconded by Vicki Wilson. Kevin clarified that this motion means all additions including those from the EDC and HPC would be omitted. Vicki said yes, because she does not want to put the county at risk for not finishing the update, and she is uncomfortable rushing through very important discussions. Deb noted that the removal of cottage industries can change the whole feel of the county which she is uncomfortable with. With no further comments Rob reiterated the motion saying there was already a second on the table and asked for a vote. 3 in favor, 1 against. Motion carried.

Kevin Shutty made a motion to keep the public hearing open until the next scheduled meeting for the comp plan update. Motion seconded by Marilyn Vogler. Marilyn and Deb asked if the agenda would remain the same if the focus changed. David Windom stated that the current agenda says "2016 Comprehensive Plan Update" and does not have a specific order. No further discussion on the motion. All in favor, motion carried.

6. New Business

Vicki said that while working on the Shoreline master plan, a very helpful element was the comment matrix. She said having the matrix forces work to be shown so people know their comments were considered. Barbara asked if Vicki wanted the comments from tonight on or past comments. Vicki said ideally, she would like all of the public comments submitted. The PAC agreed that would be helpful.

7. Adjournment

Rob Drexler adjourned the meeting at 9:02 p.m.