

# MASON COUNTY PLANNING ADVISORY COMMISSION

## OCTOBER 17, 2016

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

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### Call to Order

Rob Drexler called the meeting to order at 6:02 p.m.

### Roll Call

**Present:** Rob Drexler, Marilyn Vogler, Deb Soper, James Thomas, Vicki Wilson

**Excused:** Bill Dewey

### Regular Business

**Adoption of Agenda-** No changes. Marilyn made a motion to approve the agenda as written. Motion seconded by James. All in favor, motion carried.

#### Approval of minutes-

July 25, 2016: Marilyn and Vicki each had one request for clarification. Vicki made a motion to approve the minutes with amendments. Motion seconded by Marilyn. All in favor, motion carried.

August 15, 2016: No corrections or suggestions. Marilyn noted that she had no issues with the minutes, but asked if there was a certain time to address staff in regards to follow up items. Barbara suggested a discussion under new business.

Vicki made a motion to approve the August 15<sup>th</sup> minutes as written. Motion seconded by Marilyn. All in favor, motion carried.

**Public Comment-** No comments.

**Public Hearing-** Proposed amendments to the Mason County Capital Facilities plan, Chapter VI of the Comprehensive Plan, annual updates per RCW 36.70A.70

*Presenter: Barbara Adkins, Department of Community Services*

Barbara opened by educating the PAC and present public about Capital Facilities. She said that Capital Facilities is a chapter within the Comprehensive Plan and is updated annually. She noted that the update was not done in 2015, and she spoke with the Department of Commerce to make sure no issues would arise. At this time Barbara introduced Jeff Vrabel from Parks, Melissa McFadden from Public Works to answer questions about projects and roads, and Loretta Swanson, also from Public Works to discuss Stormwater.

Barbara suggested answering questions instead of going through each page line by line, which the PAC agreed with.

*Stormwater Management and Habitat Improvement- Pgs. 7&8*

Deb questioned where the new information came from within this section. Loretta Swanson spoke, saying she went through the goals and policies written prior to adoption of the current standards. She said that in looking at those past goals and policies, she decided they could be simplified to reflect today's adopted standards.

Marilyn suggested that the old standards seemed to be more proactive in groundwater protection, hazardous waste, and the national pollutant discharge elimination system (NPDES), whereas the new standards seem to only fit when there is a problem. Loretta first addressed the NPDES permit explaining that this permit is issued to jurisdictions of certain populations, and Mason County is not under a municipal permit. On page 8, Marilyn questioned why 2.44 was stricken. Dave Windom, Director of Community Services said that wording is addressed in the Federal EPA (Environmental Protection Agency) regulations and it is not necessary to have it restated in County Ordinances. Marilyn asked what contractors are expected to go by, in regards to stormwater regulations, if the federal ordinances aren't repeated. Loretta stated that they work with the County Code which has adopted the 2005 Stormwater Management Manual, from Ecology's manual. She added that if that manual is adopted, it is presumed that you are protecting our water resources because you are implementing the requirements.

REET 2 Capital Improvement Program- Pg. 46&51

Rob questioned the use of REET 2 funds to purchase property. Jeff Vrabel, the Facilities, Parks and Trails Manager spoke and said that REET 2 can be used for acquisition, but REET 1 cannot.

Marilyn pointed out that the list of city parks needs to be updated. She then suggested adding open space corridors to the parks section to make sure it is addressed. She asked if that was feasible or if it was more of a long range issue. Jeff said that he believed it would be more long range issue. Barbara said that open space is more of a passive arrangement that isn't actually being paid for, so it doesn't fit within this section. Marilyn stated that she believes it does fit here because the County may have to acquire land to connect the open spaces. Barbara said she would need to speak with Commerce to see if it was appropriate here or if it needed to be placed elsewhere. Marilyn asked Barbara to follow up with her findings.

Marilyn then asked Jeff what impact Proposition 1 would have if passed. Jeff said he was unsure because the County has not taken a position on what they would like to do with their properties.

Rustlewood Water – Pg. 15

Marilyn questioned the line reading *“This is a financially challenged community that needs grant assistance to complete this project while keeping rates affordable.”* She specifically asked what this meant. Melissa McFadden from Public Works said that currently, there is a very low fund balance in the Rustlewood water system. To do a meter installation project would have a minimum cost of \$100,000. Instead of raising rates on the community, which would be too high, they are in need of a grant or loan. Marilyn and Rob asked for more clarification within the justification, because it currently sounds like all residents are financially challenged instead of the fund balance. Melissa said she would make a recommendation to update that.

James questioned how many units are served by this water system. Melissa said it was around 221.

Bill Isley asked Melissa about roads in Allyn. Melissa said that studies will be done on those roads during 2017.

Solid Waste Program- Pg. 20

Marilyn noted that in this section, the garbage is noted as being transported to Klickitat County, yet there is no mention of where the recyclables go.

County and Administrative Buildings – Pg. 60

Marilyn pointed out that she saw no listing for Memorial Hall. Jeff Vrabel said that Memorial Hall is a County owned facility which is occupied by the Veterans service organization, not staff.

At the top of the page Marilyn suggested the following edit:

*...If an active program is not implemented soon, ~~in the future~~ Mason County could expect to experience multiple building failings at or about the same time, causing great financial hardship to the County...*

Police and Criminal Justice Facilities- Pg. 79

Marilyn questioned who did revisions on this section. She said this section sounds more like a political pitch rather than a Comprehensive Plan. Barbara said that was written by the Sheriff's and noted that she cannot revise the section, but she could ask for the Sheriff's office to do it. James stated that he had the same reaction as Marilyn.

A discussion was had regarding the large amount of inmates in the County and alternatives to building more jail cells. Barbara pointed out that this is a land use document, so adding that type of suggestion wouldn't fit. Marilyn said there is a need to address this issue. Dave Windom said that it is currently being addressed in the way of therapeutic courts, and drug courts and has been addressed in ordinance. Rob said he agreed with Barbara and Dave because there are some things the PAC cannot fix. Marilyn stated she would still like to see a policy limiting the addition of jail cells.

Vicki referred to "111 *authorized employees*" in the first paragraph, asking what defines an authorized employee. Dave explained that authorized employees is defined as how many slots you have available for employment, so in this case when discussing budget, you may have 75 employees but are authorized to employ up to 111.

Stormwater Utility Rate- Pg. 87

Marilyn questioned why the task force discussed in this section has not been created. Loretta Swanson said that when the discussion was presented to the Board of County Commissioners (BOCC) by Public Works, they were told that it was not the time for discussion due to various issues including the economic downfall.

Marilyn then asked about the Skokomish Flood Control Zone District (FCZD). She questioned if the group was comparable to a stormwater utility. Loretta explained that a utility has a rate and a charge for a service, whereas the flood control zone district is a taxing district. Marilyn asked if it was appropriate to abolish this district with how much the Skokomish river floods.

Commissioner Terri Jeffreys said that the reason it was abolished was because the BOCC felt that the lines were arbitrarily drawn. In order to redraw the lines, you have to abolish it, then establish a new one. She went on to say that currently the County is dependent on the state floodplains by design program.

Public Works Facilities Pg. 90

Marilyn asked why the number of miles of roads changed from 640 to 620. Melissa McFadden explained that the last report pulled may have been incorrect as they have not reduced the amount of County roads.

Concurrency- Pg. 4

Vicki asked to revisit this section and pointed out that on page 2 under Facility Needs, concurrency was discussed with two approaches: Level of service, and planning assumptions. She went on to say that this section is only focusing on level of service and asked if there should be some planning assumptions. Barbara said the level of service for facilities is the focus in this section.

With no other questions from the PAC, Rob opened public comment at 7:05 p.m.

Barbara Parsloe spoke in regards to the CARA (Critical Aquifer Recharge Area). She said water quality is important for bringing growth to the County.

Rob closed the public comment at 7:07 p.m.

Marilyn said that she was personally fine with the changes minus those proposed by the sheriff's office. Vicki made a motion to keep the hearing open until November 21, 2016. Motion seconded by Marilyn. James questioned how the PAC would proceed if the Sheriff declines a rewrite. Rob said they can always make a recommendation to pass the document with the exception of that section. James then asked Barbara if she was comfortable with them continuing the hearing. She advised that they have extremely full meeting agendas coming up, but ultimately it was up to them. Rob referred back to the open motion and asked for a vote. All in favor, motion carried.

**Public Hearing** – Proposed amendments to Village Commercial District in Allyn Urban Growth Area and Festival Retail District of Belfair Urban Growth Area with respect to Residential Uses

*Presenter: Barbara Adkins, Department of Community Services*

Barbara explained that both of these zone types require that a permanent residence cannot be on the ground floor. She said that her proposal is to take this language out of both zoning districts. Barbara discussed a letter received from Bonnie Knight that voiced concern of too much residential occurring in a commercial area. James said he had similar concerns because the commercial area in Allyn is limited.

Vicki examined the fact that the tie between the residence and business would be cut. James stated that the tie isn't a factor in his eyes, but getting rid of a space that could be used for a commercial setting could be problematic.

Barbara continued on noting that she had not received any comments about the change to festival retail zoning in Belfair. James questioned where this zoning occurs in Belfair. Commissioner Jeffreys explained that the area around QFC and the attached office buildings in that area are zoned as such.

Rob opened public comment at 7:25 p.m.

Bill Isley gave a brief history regarding how the zoning has been affected due to the financial crisis of 2008. He said that now with the language written as it is, no financing is available so development has stopped. He said that allowing flexibility in zoning would help start that development once again, adding that he does not believe it would become overly residential because services are still needed.

Marilyn questioned if it was possible to limit the ordinance to only allow a higher density in these areas. She asked Bill how many units he was planning within his 4 buildings. Bill responded somewhere around 30. He added that he has no plans to sell his property to a large corporation because Allyn is unique.

Rob asked which part of the zoning lenders do not like. Bill said any buildings with commercial and residential combined, especially when the commercial is less than 12%.

Public comment closed at 7:40 p.m.

Marilyn said she would like to see detached dwelling unit provisions to prevent single family residences. She described “pocket neighborhoods” which are small houses that are clustered. Barbara said if the PAC would like to see more density, they could always make a recommendation to the BOCC to require a multifamily setting with a minimum of 4 dwellings. Marilyn said that there is a great need for rental units, to which Rob agreed. A discussion was had regarding how multifamily housing could be limited.

Vicki asked if there was a request to change the Festival Retail zoning in Belfair. Barbara told Vicki that there was not, but it was the same code in two places. Vicki questioned if the Allyn and Belfair UGA’s have any decision making boards in place that the PAC should speak with. Rob said that Belfair does at this time, and noted that they will be coming forward to speak with the PAC at a later time. Vicki voiced her concern for changing the zoning without any sort of outreach to these groups. James pointed out that the hearing is currently open to anybody that wanted to come speak.

Marilyn requested that Barbara revise the proposal to reflect the discussed changes and then bring it back for a final decision. She clarified that they want to remove single family, duplexes and triplexes from the districts.

James made a motion to table the hearing. Motion seconded by Marilyn. All in favor, motion carried.

**Public Hearing** - Proposed amendments to the Mason County Code regulating Medical Marijuana Cooperatives

*Presenter: Barbara Adkins, Department of Community Services*

Barbara explained that currently there is a moratorium in Mason County for cooperatives until the end of December due to no regulations being in place. She noted that her original proposal to the BOCC was to let the state regulate it because it is difficult to enforce this when it is in people’s homes.

Marilyn questioned if they could set regulations that reduce the required distance from 1,000 feet. She added that if outdoor grows are prohibited and everything is indoors, the distance should not be an issue. She discussed the fact that Shelton has and is still establishing

neighborhood parks, meaning that many homes would be excluded from growing if the 1,000 foot rule stayed in effect. Barbara explained that the City of Shelton would need to set up their own rules regarding this.

James inquired if it would make things easier to require a local license instead of the state license to grow so zoning and other issues could be caught before growing was done. Dave Windom said if the state would talk with local jurisdictions about zoning and building it would help. He talked about the issues that have happened with some retail locations and how the state does not listen when the County points out a problem. James asked what good it was for the PAC to set up any regulations that go beyond what the state has already set. Marilyn said that the one thing that would be gained is the regulation against outdoor grows.

James then asked if hash oil could be made at a grow site. He explained that flammable liquids are used to extract the THC, which is dangerous. After a discussion about the possibility of setting more regulations for safety, James stated that no matter what is decided, there is going to have to be enforcement and currently the County has no enforcement officers. Dave spoke up saying that he would also need to have these grows inspected by the Fire Marshal. Marilyn questioned why the Fire Marshal would need to inspect if it isn't commercial. Dave said that if processing is being done then it's a safety issue. Barbara clarified that for oils and edibles, an inspection would be necessary.

Marilyn suggested that the only reason this is being discussed is because it is pot and there is a bias. She gave various examples of activities such as growing flowers that would normally be overlooked. James stepped in and stated that he would like to keep with the state regulations. He said if other issues arise, they can address it.

Deb discussed a grow happening next door to her home. She explained that the growers seem to have an attitude now that marijuana is legal, and they do not like being told what to do. She voiced concern regarding lack of enforcement, and asked if the PAC could add language that would incorporate law enforcement. Barbara said no.

Marilyn discussed the benefits of marijuana versus opioids. She noted that the current taxation and the fact that insurance doesn't cover medicinal use makes it difficult for people, which she would like to see changed.

Deb asked if medical marijuana patients are able to grow their own. Dave explained that they are, but it is a seed to consumption process meaning that they are issued registered seeds and have to follow a certain process. Deb then questioned if an indoor grow would include greenhouses. Barbara said it would include rigid sided greenhouses. Dave added that a rigid sided greenhouse would fall under the building code. Marilyn asked Barbara to find out if a 4 person cooperative would be considered a business, because she does not believe the building and Fire Marshal regulations would apply. Barbara informed Marilyn that you do not have to be a business to have the Fire Marshal involved. They would be involved in the process because of the lighting, heating and various other necessities to keep the greenhouses functional. She went on to say that what they need to examine is the structure and what it is being used for.

Deb questioned where law enforcement stands on cooperatives. Barbara said that it is not a top priority for them at this time. She added that if they are requested to go to sites along with enforcement they will go, but they are not actively looking into violations.

Vicki asked why the BOCC had a stipulation about no cooperatives in in-home daycares. Barbara told the PAC that Commissioner Jeffreys brought up during briefings. Currently, you need to be 1000 feet from a daycare center because they are protected, but an in-home daycare center doesn't fall under that same protection so without a regulation, you would be able to have both a cooperative and in-home daycare at the same location.

Rob inquired as to what the effect of setting regulations for cooperatives would be. He wondered if it was just to give law enforcement the tools they need to do any enforcement. Barbara explained that law enforcement will not enforce the codes. Whatever is put in place is up to code enforcement officers to handle. Barbara said in the case of enforcement, they can send a letter, or set up a hearing, but for most it won't stop them from becoming repeat offenders.

Deb suggested that perhaps adding a regulation regarding no outdoor grows would stop soft sided greenhouses. Marilyn stated that if regulations are going to be added, then some limits need to be compromised. She then suggested lowering the 1000 foot perimeter. Vicki read from RCW 69.51a.250 which says they can reduce that distance. Vicki then added that she is not in favor of adding regulations which have no real teeth, but she is in favor of sending a message of what is appropriate.

Marilyn made a motion for the County to adopt an ordinance regulating medical marijuana cooperatives that require no outdoor grows, in-home daycares, and reduces the minimum distance from protected properties to 250 feet.

Barbara clarified that this was in all zoning districts because cooperatives must be located within a residence. Dave added that the wording actually says "domicile" which would include apartments. Vicki referred back to the RCW and noted some of the noted stipulations such as:

- The location of the property must be the domicile of one of the participants
- Only one cooperative may be located per property tax parcel
- A copy of each participants recognition card must be kept at the location at all times

Rob went back to the original motion from Marilyn and asked if there was a second. Vicki seconded the motion then asked Marilyn why she chose the measurement of 250 feet. Marilyn said she was trying to take schools and parks into consideration.

Barbara was asked what would happen if the PAC did not take action. She answered that something needs to be put in place or else the BOCC will need to make the decision to continue the moratorium or lift it. Deb asked if Barbara knew what other counties were choosing to do. Dave answered that there is a website that will show you each city and what regulations are in place. He was asked to forward that link to the PAC. More deliberation was had regarding the distance regulations. Marilyn suggested taking it down to 0 feet. Barbara stated that there is a minimum of 100 feet set by the state. At this time Marilyn changed her motion to reflect 100 feet.

The amendment to the motion was accepted by Vicki.

The PAC then discussed and questioned the current 1000 foot rule currently in place. Dave addressed the public health aspect saying that they are trying to reduce the use of marijuana, tobacco, and vaping. The 1000 foot rule was originally set for tobacco and has since been used with marijuana for consistency. Marilyn questioned why health departments are trying to reduce

the use of medical marijuana. Dave advised that at this time Public Health does not distinguish between the two, and in order to change that, the ruling would need to come from the Secretary of Health.

Rob asked if the Pac was ready to vote on the amended motion made by Marilyn:

Motion for Mason County to adopt an ordinance regulating medical marijuana cooperatives that require no outdoor grows, in-home daycares, and reduce the minimum distance from protected properties to 100 feet.

Motion seconded by Vicki. All in favor, motion carried.

### **New Business**

Marilyn read a section from the August 15<sup>th</sup> minutes in which Deb had discussed a storage facility on Shelton-Springs road. It was noted that Barbara was to do research on this location and report back. Also, a task force in regards to policies for storage units was requested, to which Dave said he would need to speak with the Commissioners. Marilyn asked if either issue had answers.

Barbara explained that the storage had gotten an exemption for a storage unit, which would normally be acceptable but in this case it is for a non-conforming use. The non-conforming use means that he cannot expand. This building would be considered an expansion. She said the owner had been contacted. Marilyn asked if they can make him tear down the building. Barbara explained that they can't just demand a structure be removed. Deb asked if allowing self-storage in low intensity mixed use zoning would let him off the hook. Barbara said if that decision is accepted by the BOCC then he would no longer be in violation unless he for some reason was not meeting setbacks, engineering, and etcetera.

Regarding the task force, Barbara said she did take that to the BOCC and it was met with silence. She suggested perhaps she contact the commissioners on her own to further discuss the option.

### **Adjournment**

At 9:09 p.m. Vicki made a motion to adjourn. Motion seconded by Marilyn. All in favor, meeting adjourned.