

## **Mason County Planning Advisory Commission**

### **October 09, 2017 – Special Meeting**

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

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#### **Call to Order**

James called the meeting to order at 6:00pm.

#### **Roll Call**

Present: Aaron Cleveland, Deb Soper, Marilyn Vogler, Jason Bailey, Vicki Wilson, and James Thomas

#### **Regular Business**

##### **Approval of minutes-**

September 18, 2017- No changes mentioned. Marilyn made a motion to accept the minutes as presented. Motion seconded by Jason, all in favor, motion carried.

**Approval of Agenda** – No changes made.

**Conflict of Interest** – None.

#### **Next Planning Commission Regular Meeting Date, October 16, 2017**

**Committee/Staff Updates** – Paula reminded the commission of the Peninsula Planner’s forum on October 19, 2017 at 9am held at the Squaxin Community Kitchen.

**Other** – None

**Public Comment on Non-Agenda Items** – James talked about the purpose of the three-minute time limit on this section. Complicated issues are better served by submitting in writing to County staff.

Ken Van Buskirk mentioned the rules of conduct for planning commission meetings that he picked up at the entrance, he asked the commission if they considered adopting these rules. He was concerned about the population projections of Allyn and Belfair being combined, that the PAC wanted to change the Vision Statement of the Comp Plan, and that priorities weren’t set for the PAC.

James answered that there wasn’t a definite agenda to change the Vision Statement.

Ken was also concerned with the Public Benefit Rating System and the Belfair Development Regulations. He believed the regulation changes should be fully vetted in the community.

Marilyn asked if the Public Benefit Rating System was required to be passed on along with the Comp Plan. Paula said it was a consistent with the requirements of the Comprehensive Plan

Update, but the BOCC can pull items off the docket, if they want. The issue that the BOCC wants to address with the Public Benefit Rating System, is the correct implementation of the program. Commissioner Drexler mentioned that the BOCC had a briefing with Community Services staff where they asked that the rating system be a stand-alone issue.

Erica Marbet was speaking on behalf of the Squaxin tribe. She had a letter that Sharon Haensly, a lawyer for the Squaxin Tribe, had already submitted to staff. She talked about draft water mitigation planning, mitigation for well water use and closed basins with in-stream flows. She talked about the availability of data on the cumulative impact of rural wells, septic systems, and irrigation. She said the Tribe would like to see more quantification of the impact of wells within the Comprehensive Plan. She mentioned Haensly's previous comments on water availability and senior water use rights.

Public Comment Closed

### **Worksession – Comprehensive Plan Update including Development Regulations**

*Presenter(s): PAC Members and Staff: Paula Reeves, Planning Manager and David Windom, Community Services Director.*

Paula said this meeting was set up as extra time that commission members could use to talk about issues that they needed answers to before the next public hearing. James reiterated that this was just a work session, nothing would be passed at this meeting.

The PAC members brought out the Belfair Development Regulations revisions to review.

Vicki mentioned the following issues from an earlier meeting that they needed to circle back on and ones that they had already voted in support of:

- Revise Belfair Urban Growth Area development regulations (MCC 17.20-17.35) consistent with best management practices for stormwater, current national transportation standards, and other best practices all consistent with goals, policies and objectives of Mason Counties Comprehensive Plan and provisions of the Washington State Growth Management Act. - **ATTACHMENT**
- Limit non-agricultural uses to agricultural lands less suited for agricultural purposes (RCW 36.70A.177(3)) - **ATTACHMENT**
- Revise the Critical Areas Ordinance and Shoreline Master Program (MCC 8.52 and MCC 17.50) to meet current state and federal requirements. **ADOPTED**
- Ensure continued public involvement in the Comprehensive Plan including annual and emergency amendments (RCW 36.70A.130(2)) – **PAC VOTED IN SUPPORT**
- Exclude artificial features – irrigation delivery systems, irrigation infrastructure, canals, drainage ditches – from “Fish and Wildlife Habitat Conservation Areas” (RCW 36.70A.030(5)) – **ADOPTED**
- Permit electric vehicle charging stations in all zones except residential, resource or

critical areas (RCW 36.70A.695) - **PAC VOTED IN SUPPORT**

She also mentioned the two rezones, Neil (DDR2017-00085) and Padden (DDR2017-00074). She was trying to sort out what the scope of the packet was.

Paula reviewed the above amendments with the PAC.

Marilyn would like a little more specificity in the agenda outline that they are given before a meeting. James added that the meeting was meant to talk about items that they needed to address to wrap up the process before moving forward with the hearing.

Marilyn began her comments on the Belfair Development Regulations revisions. She mentioned 17.03.030 (1) New Lots, she was concerned with the change in density and if the change was an “urban density”. It was hard to conceptualize the effect the following change in statement would have on the acreage and housing units.

*“ALL RESIDENTIAL SUBDIVISIONS CREATED AFTER THE ADOPTION OF THIS CHAPTER SHALL HAVE A RESIDENTIAL URBAN DENSITY OF AT LEAST ~~FOUR~~ THREE UNIT/ACRE PER NET DEVELOPABLE ACRE IN THE R-4 ZONE AND FOUR UNITS PER NET DEVELOPABLE ACRE IN THE R-5 ZONE AS DESCRIBED IN 17.22.010 AND 17.22.060. THE R-10 ZONE SHALL HAVE A MINIMUM DENSITY OF 10 UNITS PER NET DEVELOPABLE ACRE AS DESCRIBED IN 17.22.110.”*

Paula answered that this is simply to account for situations with critical areas, so they are not counted into the density figure, which is standard practice and isn’t detracting from the population projection.

Marilyn asked if there was an idea of how much of the Belfair UGA was critical areas. Paula answered that that information was in the Planning Map Library. She did mention that the wetland information was more accurate at the project level.

Vicki asked about the submission of the revisions and Paula replied that they were submitted by a citizen through the County’s amendment process which is part of the Comprehensive Plan Update process in all jurisdictions. The County received two rezone requests and these Belfair Development Regulations revisions before the closing deadline this year. Vicki asked where the staff analysis was, Paula mentioned the briefing she gave, in August, regarding the amendments and the consultant Lisa Klein from AHLB, who spoke on behalf of the Belfair revisions.

Marilyn continued her list of concerns on the Regulations. She was troubled by the shift in Open Space requirements and the insertion of mini-storages as an allowed use. She disliked mini-storage in mixed use zoning. Both Dave and Paula noted that since it was categorized as a special use, it would have to go through a public hearing process.

James confirmed with Paula that the Belfair Development Regulations revisions had to go with the Comprehensive Plan to the BOCC, Paula replied in the affirmative. It would be the discretion of the BOCC whether they pull it off the docket or not.

Deb mentioned the definitions within the Regulations as being inconsistent with Mason County Code, Paula asked Deb if she could be specific. Deb said they added Critical Lands, Paula noted that the term originated in the Belfair Development Regulations, it was drafted before what was currently in code and that it would be easy to change to be consistent with Mason County Code. Deb mentioned the definition of Mobile Home, “factory assembled structure intended solely for human habitation and equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear. A mobile home is considered a single-wide unit.” Deb stated that 17.06 says “a structure containing four or more joined dwelling units”. Paula replied that the first piece she read was a change made by the person submitting, the definitions will have to be synced up, mobile home, manufacture home, and recreational vehicle. Deb asked what a mobile home subdivision was. Paula replied that it was a mobile home park, in our broader code it is called manufactured home park. Deb stated that the language was “a mobile home park shall not include mobile home subdivisions”. She found this confusing. Paula replied that that was referring to the subdivision of land rather than air space lease. In a subdivision, the land where the structure is placed is owned, in a mobile home park, the structure is air-space leased. Paula asked Deb, if she was asking about a proposal to revise 17.06. Deb answered no, that she was referring to the definitions in the Belfair Development Regulations. Paula said that she would extend the question to Lisa Klein about the definitions. Deb will follow up with Paula on what the exact inconsistency was with 17.06.

Paula asked if there were other concerns, Marilyn stated that she was concerned with the Low Impact Development, to her it seemed to substitute the stormwater regulations for low impact development and several sections where comments about native species had been crossed out and she didn’t know if that topic was talked about in the stormwater regulations. Paula replied that they were, and the Belfair Ordinance was written before the 2012 stormwater manual came out and it tries to capture good low impact development practices. She also stated that now, the 2012 stormwater manual, published by the state, is a much better document and used broadly including new technologies and great information on native species. She noted that pointing to the stormwater manual in the document, in her opinion, was an endeavor to simplify and give greater flexibility rather than stating what low impact development was in the document, in a limited fashion. Paula mentioned that she believed that Lisa Klein talked about Low Impact Development when she was present at one of the meetings.

James asked if they could take the current Belfair Development Regulations and only change what was necessary to comply with current law. Paula replied that that was a possible recommendation.

Paula explained that the Belfair Development Regulations revisions were an item submitted by a member of the public, through the formal Comprehensive Plan Code Amendment process, thus they needed recommendation from the PAC as they moved forward to the BOCC.

Aaron mentioned that WSDOT uses the 2012 Stormwater Management Manual for Western Washington extensively on their projects, it was the basis for all their environmental permitting, it was very comprehensive, as far as WSDOT work goes. He stated that it was much more all-encompassing than just drainage.

Marilyn recommended they add to the Recorded Motion, that the Belfair Development Regulation revisions be moved to a date to be considered in the next revision. The present PAC members all showed favor for doing this.

## **Break**

After the break the PAC returned to the discussion of the Belfair Development Regulations.

James asked Paula for a more detailed agenda for next week's meeting. Paula said she would make a more detailed agenda, she mentioned the reason why this week's agenda wasn't as specific was because this was a special meeting, requested to clear up any questions the PAC members had on any area of the Comprehensive Plan Update.

Vicki talked about the two rezones and how rezone briefs were laid out in the past. She was expecting to see that same layout of a rezone proposal and staff recommendation. Paula will redraft the briefing on the rezones to include the eight criteria for evaluation.

PAC then began discussion on what they thought were "fatal flaws" within Comprehensive Plan Update documents.

Deb mentioned the Countywide Planning Policies Element, she stated that if the County was going to make permitting actions and capital budgeting decisions on the Comprehensive Plan document they are revising, before the 2018 update, they should feel that they have been thorough in this iteration.

Paula mentioned a flow chart she had drafted for the commissioners to look at. Within the chart it showed the relationship of the Comprehensive Plan and Development Regulations. At the top of the flow chart is the Comprehensive Plan (20 year plan) that is very general in nature, it influences the Development Regulations, one of those regulations (laws) is the Critical Areas Ordinance, and then the Shoreline Master Plan which is a more detailed regulation. The length of the Shoreline Plan update may have been due to the fact that Mason County has a lot of shorelines, and changing the language within the document was more detailed due to it being a "law".

Marilyn found her list of "fatal flaws". She directed everyone to page 16 of 29 in the Rural Element. Regarding Critical Areas there is a section on State Environmental Policy Act Mitigation fees, "Fees collected to mitigate impacts under SEPA can be used to offset infrastructure cost and develop shovel ready sites". This didn't seem like protection of critical areas.

Under Restoration Planning – last two lines “provide a plan of alternative actions that will protect environmental resources and avoid harm”. She talked about the Mason County Code as depicting restoration planning as involving drawings or photos of how the site was before, a plan to restore to, or close to, the original.

She talked about her recommendation of a “Precedential Working Areas” zone, housing demand and sufficient housing stock related to seasonal occupancy, and Land Use Element policies regarding no net loss and enforcing regulations for wetland mitigation.

Paula mentioned the matrix staff created showing what policies they had taken out of Chapter 2 and the reason why or where they were now.

Marilyn also mentioned earlier statements by the Growth Management Board congratulating Mason County on the removal of the term “working rural areas” from the Comp Plan and the presence of the term still in the document. These topics were previously emailed to Paula.

Deb mentioned the Countywide Planning Policies page 13 of 30, no. 4.8.

James mentioned that he and Marilyn set up a 501 C3 to work on low income housing, but they have no personal financial interest. He wanted to make the public aware of the issue, the RCW allows them to still be involved in the discussion.

Paula noted that the GMA requires them to look at all types of housing availability in the County.

Dave mentioned that once there is a disclosure of a possible conflict of interest, and such conflict is not found, then proceedings can continue. No conflict of interest found.

Deb asked where the encouragement of housing besides low income was in the document. James responded that the moderate and higher income housing isn't as hard to find in the County. Dave responded that housing stock is a different discussion than affordable housing. Most of the building permits that come into the office are single family custom homes, 90% +, but not many apartments or four plexs. Paula interjected that the proposal of the Belfair Development Regulations revisions was geared toward seeing a greater range in building proposals. Vicki mentioned that “Affordable Housing” is “affordable” for a range of incomes.

Paula noted that the glossary definition of “Affordable Housing” is a legal definition out of the RCWs.

PAC talked about the difference regarding the definition of “Affordable Housing” and “Affordable Housing Development”.

James asked if anyone had comments on the Economic Development Element. Paula noted that if the PAC eventually revises the document significantly in the future, removal of the consultant name may be an option. The economic policies that specifically related to County work are in the Countywide Planning Policies Chapter.

Deb mentioned page 7, 2.1 “Identify clear bench marks to test the compatibility of commercial and industrial uses in rural parts of Mason County.” She asked where a statement of

compatibility to adjacent residential neighborhoods was. James stated that inside the UGA there is specific zoning for commercial and industrial purposes. Vicki noted that “testing compatibility” would bring up concerns whether or not it was appropriate near a residential setting.

Deb mentioned 2.3 –Foster open collaborative climate for business. 2.3.3 – “help new residents understand the heritage and importance of natural resource industries [...]” Deb asked why the phrase couldn’t read, “help new residents **and businesses** ...” Aaron mentioned that it was under the heading of Business. James stated that he didn’t have a problem adding it. There was no objection from any PAC members.

Marilyn mentioned planning policies related to Economic Development on page 7, focus area 2, under Permitting and regulations, it says “conflicting uses are addressed without stifling opportunity”. Marilyn would like it to read “...addressed openly through an appropriate public process.” Paula has these comments from Marilyn. On page 8, 2.4 “ensure that regulations on residential and mixed-use development anticipate and reflect current and future workforce characteristics”, she wasn’t sure on the meaning of this statement.

Paula had the PAC look at a housing chart in Chapter 1 of the COMP Plan and there was discussion on the New Housing Needed to Accommodate 2036 Population and how those numbers were obtained.

Marilyn noted page 9 of the Economic Development Chapter, she objected to “human capital” and “harnessing human capital”. She mentioned some replacement phrases, Dave added “qualified workforce”. Item 3.6.1 on page 10, she questioned if the tribes felt they needed to be better integrated with the tribal and non-tribal economies. Item 4.1 expand health and wellness resources in Mason County communities, aging in 4.1.1, seniors in 4.1.2, mental health in 4.1.3, and 4.1.4 EMS and social service agencies to reduce the impact of chronic utilizers of these systems..., but it doesn’t say anything about the opioid problem. Dave mentioned that “chronic utilizers” are the opioid users and it is also addressed in the Health and Human Services Chapter.

*4.1.3 – Identify and communicate all resources available for mental health counseling and long-term treatment of mental health issues in Mason County.*

PAC talked about using “Identify and disseminate information about all resources...”.

Paula talked about the next meeting scheduled for October 16<sup>th</sup> and the November 20, 2017 meeting. She asked if another meeting would be needed in between that time to talk about any of the other chapters. The Rezones, Belfair Development Regulations, and State mandated Amendments would be revisited on October 16, 2017. Also, there would be a scheduled briefing on water, they could include something in the recorded motion to address the issue. It is also a public hearing, so the public can speak on any aspect of the Comprehensive Plan and Amendments. There is also a briefing by the Pioneer and Hood Canal School District. Jason disclosed that he serves on the Pioneer School District Board. They are looking at a new school location, but the locations are not in the Urban Growth Area and none of these School Districts are even in a UGA anyways, so there would need to be accommodations in the Comprehensive Plan allowing them to build a new school outside a UGA.

James mentioned that they had a lot of work and organization to do before next meeting, they needed to vote on the Comprehensive Plan and the Amendments. Paula noted that their Recorded Motion could have several pages of items that they wanted to make the BOCC aware of that they thought needed revisions. Paula talked about hosting a call with AHBL consultant Lisa Klein on getting more clarifications on the Belfair Development Regulations (this conference call was cancelled). Paula explained that from a Planner's perspective, the Belfair Development Regulations revisions came from the development community which is trying to make development pencil out. The really important issues with the current regulations are that they elevate the cost of infrastructure, double dip on open space, limit flexibility with stormwater management, and has wording that makes it difficult to layout a development. Vicki noted that having that interpretation from staff helps with her idea of the context of the request.

Deb asked if the Public Comment Summary was on the website, she didn't see it. Paula replied that she had sent it to IT to update the website today, should be added soon, it is a summary Q and A of the public comment.

Deb questioned the difference between a public meeting and hearing. Paula said that usually there is one public hearing, it is the official last opportunity to make your statement for or against a particular item, every meeting has the opportunity for public comment that is recorded. All of the meetings on the Comprehensive Plan have been Public Meetings. James mentioned that by statute all meetings of the PAC are public meetings.

**New Business** – None

### **Adjournment**

Adjourn the meeting at 9:27 p.m.