



MASON COUNTY

**PLANNING ADVISORY COMMISSION**

**MASON COUNTY COMMUNITY SERVICES**

615 W. ALDER STREET, SHELTON, WA 98584

Meetings held at: Commissioners' Chambers

411 N. 5<sup>th</sup> Street Shelton, WA 98584

**REGULAR MEETING**

August 20, 2018

**MINUTES**

**1) CALL TO ORDER AND ROLL CALL (6:01pm)**

**Marilyn Vogler, Planning Advisory Commission Vice Chair, called the meeting to order at 6:01 p.m. The following commissioners were in attendance:**

**Deb Soper**

**Brian Smith**

**Aaron Cleveland**

**Marilyn Vogler**

**Jason Bailey**

**Staff Present: Kell Rowen - Planning Manager**

**Mariah Frazier – Planning Clerk**

**2) REGULAR BUSINESS (6:02pm)**

**A. APPROVAL OF MEETING MINUTES AND AGENDA**

Commissioner Smith mentioned it would be nice to include the names of staff present and their position on minutes for clarity moving forward. It is agreed that adding staff is easily something that can be done to future minutes. It is also reiterated that at the July 16, 2018 meeting, it was agreed to add time stamps to minutes to make it easier to find conversations on audio.

Motion was made by Commissioner Smith and seconded by Commissioner Bailey to approve the minutes from the July 16, 2018 regular meeting as presented.

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

**B. CHANGES TO THE AGENDA**

*This is a short summary of the action that took place during the meeting. The audio recording of the meeting can be found on the Planning Advisory Commission page of the Mason County website.*

Commissioner Vogler asked to add discussion regarding the work plan for 2018 to see what has and hasn't been accomplished. Kell said she will compile a list and bring to the next meeting. If anyone has something they would like to add, let her know. Commissioner Smith motioned to add discussion regarding the 2018 work plan to the agenda, seconded by Commissioner Bailey.

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

**C. CONFLICT OF INTEREST**

None

**D. NEXT REGULAR MEETING(S)**

**September 17, 2018**

**E. COMMITTEE/STAFF UPDATES**

Commissioner Smith mentioned he may not be at next meeting which could cause there to not be a quorum if no applications are approved for any one of the three vacant positions before that time. One application has been received. Kell will be bringing two rezone requests to the next meeting as well as requesting the Hearing Examiner procedures be put back in to Title 15 after previously having been stripped. This enables code enforcement officers to take enforcement cases to the Hearings Examiner.

**F. OTHER BUSINESS**

Commissioner Bailey confirmed that the notice in the Journal for this meeting stated the public hearing would start at 6:00 pm. Kell confirmed that it did per the discussion at the last meeting.

**3) COMMISSIONER VOTE – CHAIR AND VICE CHAIR (6:08)**

Commissioner Vogler mentioned that the bylaws do not recommend how to proceed when an officer leaves their position. Per Robert's Rules, a vice president or chair is to move up if the president or chair leaves. However, when the Planning Advisory Commission (PAC) was started in 2002, the members specifically decided to not follow Robert's Rules. Commissioner Smith motioned, followed by Commissioner Cleveland, to nominate Commissioner Vogler as Chair. No other nominations. Commissioner Vogler accepts the nomination.

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

Commissioner Vogler stated there must be a Chair and Vice Chair to move forward and asked if anyone was interested in the position. Commissioner Cleveland stated that he would be interested. Commissioner Vogler made a motion to nominate Commissioner Cleveland to Vice Chair. Motion was seconded by Commissioner Smith. No other nominations. Commissioner Cleveland accepts the nomination.

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

**4) PUBLIC COMMENT ON NON-AGENDA ITEMS (6:12pm)**

- **Kim Oliver**

Ms. Oliver informed the PAC that she had applied for a position within Mason County to be an Appraiser.

Public Comment Closed – 6:12 p.m.

**5) CONTINUED PUBLIC HEARING (6:13pm)**

**A. REZONE (6:13pm)**

*Rezone- 3.85 Acres from Rural Residential 5 (RR5) to Rural Commercial 3 (RC3). Parcel: 32031-14-00010*

Kell mentioned this is an applicant requested rezone. The property is located where N US 101 and SR3 merge at W Golden Pheasant, directly across from the location of the Mason Transit Authority's Cole Road park & ride lot. There was some concern regarding WSDOT and what they would consider for ingress/egress of traffic levels for different development types as the applicant is not yet sure what will be put there. Kell mentioned that she had met with Dale Severson from WSDOT and had received comments from the applicant regarding the two entities willingness to work together regarding traffic impacts once the land is developed. Kell said that in her meeting with Dale, if the traffic impact is high, it may result in one right egress and one right ingress only.

Commissioner Vogler advised the commission to consider what only one right ingress/egress would mean for that particular area when making a decision.

Commissioner Cleveland made a motion to recommend approval of the rezone. Motion was seconded by Commissioner Smith.

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

**B. PUBLIC BENEFIT RATING SYTSEM (PBRs) (6:19pm)**

Kell recommended that the best way to review all the changes made since the last meeting would be to go through page by page and discuss. Commissioner Vogler asked the two present members of the public if they would like to make comments before or after the Commission reviewed changes to the proposed PBRs. As changes had been made day of, it's agreed that it made more sense for public comment to come after.

- **Ken VanBuskirk**

Ken asks the Commission not to make a final decision of approval until after the public has been sent and had time to review all new changes that have been made if applicable.

Kell mentioned that she doesn't think any major or substantial changes have been made since the last meeting, and that it is mostly verbiage.

**Page 1- (6:22pm)**

It is noted that the ordinance has been changed to Chapter 17.18 which is under Planning provisions. The change was made from Title 3, which falls under another department's jurisdiction.

**Page 2-3- (6:23pm)**

A definition for the Planning Department was added. Commissioner Smith noticed that with that addition, the numbering is wrong and there are two number sevens. There should now be a total of nine definitions under 17.18.020.

Under 17.18.030, significant fish and wildlife habitat conservation areas was added as a separate high priority resource. It was previously lumped together with aquifer protection areas and special plant or ecological sites as one resource. Farm and agricultural conservations lands was added back in.

Commissioner Soper asked if aquifer protection areas included Critical Aquifer Recharge Areas (CARA's). Kell informed Commissioner Soper that they are the same thing and directed the Commission to the page 4 definition of an aquifer protection area. Clarification will be added there.

Exempt and artificial wetlands was changed to Restored Lands as the only wetlands not currently protected by Mason County are under 1000 square feet and could fall under another category for protection if large enough to be considered Open Space.

There needs to be consultation with the attorney for Mason County regarding adding indemnity language to unlimited and limited public access.

- **Ken VanBuskirk**

Ken asked for clarification regarding who the indemnity would be for. As a property owner, he would like to know he is protected if allowing public access.

Section E was updated to reflect the concerns of the Conservations District to allow for exceptions to be made when support is given by a qualified organization with special knowledge or expertise to recommend classification to be considered on a case by case basis.

Commissioner Vogler asked what the difference between completed restoration projects and restored lands is, as restoration projects are defined as high priority, while restored lands are considered low. Kell stated that regarding section F of 17.18.030, it is specific to the Mason County Shoreline Master Program. A discussion ensued about the use of the term completed and how that would be determined on a case by case basis.

Under 17.18.035, the definition for a public recreation area, there was discussion around if this would include golf courses exclusively or was for any private property that would be open to the public. Commissioner Cleveland suggested changing the term *best practices* to *best management practices*.

**Page 4- (6:39pm)**

Kim Oliver of the public had a question regarding the difference between public recreation areas and trail linkages. Commissioner Vogler stated that if the public has small tidbits, questions, or opinions, in this instance it would be appropriate for them to be allowed to speak to the PAC. Commissioner Soper reminds the PAC that when the public is allowed to openly comment during hearings it extends the time and can make the process lengthier. Commissioner Vogler reminded Commissioner Soper that back in November, the Commission had decided that the public would be allowed to participate in work sessions.

- **Kim Oliver**

Kim confirmed that if the land in question is just a trail linkage with public access, it does not qualify as both a public recreation area and a trail linkage.

Commissioner Vogler affirmed that is correct and gave a description of how they could differ. Kell acknowledged that she has it noted to update the definition for aquifer protection areas to include CARA and be consistent with code. The definition for special plant or ecological sites was also updated for code consistency. Commissioner Smith mentioned the formatting seemed off when including wetlands as section 5.a when there is no 5.b. Regulated Wetlands should be its own resource, making a total of ten (10) high priority resources, not nine (9).

**Page 5-6- (6:47pm)**

Kell explained that the word *shall* was changed to *may* in order to clarify significant conservation areas. This puts the responsibility on the property owner to prove the significance of their conservation efforts and not the Planning department if in dispute.

Commissioner Soper mentioned she felt the term *sacred sites* was too vague and needed clarification so applicants to the program can't just call any piece of land sacred. It is discussed whether to include language that applicants may be required to provide a cultural resource survey in order to qualify as a sacred site. Commissioner Vogler confirmed with Commissioner Cleveland that a cultural resource survey would consider tribal input. Commissioner Smith stated that as the PBRS currently reads that a site must be formally designated, there shouldn't be any need for a cultural resource survey as undesignated sites would not qualify. Commissioner Vogler mentioned she would like to run this past some members of the Squaxin Tribe and get their opinion on the term *formally designated* before changes are finalized.

Kell explained that private lands within federal lands and long-term commercial forests in Mason County are inholding lands and therefore, *national reserves* has been changed to *federal lands* and *long-term commercial forest* was removed. Commissioner Vogler asked about the reference to five acres and if it should be one acre minimum with an eligible 10,000 square feet. Discussion ensued regarding how to decide a minimum acreage for private lands. To keep consistency throughout, the minimum of five (5) acres for private lands was stricken. Kell also mentioned that under *private lands*, dominant native vegetation should be included.

- **Ken VanBuskirk**

Ken asked that if the minimum of five (5) acres was removed regarding private lands, it should also be removed from farm and agricultural lands.

Commissioner Vogler agreed with Mr. Van BusKirk in order to maintain consistency throughout. Commissioner Smith stated that the acreage of the land would be determined by the type crop being grown. Some crops need less space to grow than others.

- **Kim Oliver**

Ms. Oliver stated that she does not agree with the ten (10) acre minimum for scenic natural resources, viewpoints and view corridors. Depending on the location and shape of the land, ten acres is a lot for a scenic view. Kim provided a hypothetical example of a long, skinny plot on side of a road with a view, in comparison to a ten-acre lot that is deeper back of the road.

Commissioner Vogler questioned if intent of the land as a viewpoint would be considered and if the scenic area being viewed needed to be on ten acres, rather than the spot being stood on to see the view. Commissioner Cleveland stated that the included definition of a

view corridor addresses the acreage regarding size of the land being used to view a scenic resource. Commissioner Vogler then suggested removing the word *viewpoint* for *significant wildlife gathering or nesting sites*. Kell asked if the ten-acre minimum should still be kept in after clarification given by the definition of a view corridor. Commissioner Cleveland suggested coming back to the discussion later after everyone had time to consider. Commissioner Vogler stated that the Hearings Examiner clause should cover any issues that may arise.

**Page 7- (7:09pm)**

Kell explained verbiage changes to urban open space and rural open space. Commissioner Vogler questioned the difference between rural open space and restored lands. Rather than being in the process of being restored, the restoration should be completed. Verbiage changed to *have been replanted with native vegetation*, from *in the process of being replanted with native vegetation*.

- **Ken VanBuskirk**

Ken mentioned an email he had sent that morning to the Commission regarding the original draft of the PBRs that was looked at by the Board of Mason County Commissioners (BOCC). There were terms and resources that were removed by the BOCC that Ken would like added back in. Ken stated he believes it was inappropriate for the PBRs to go before the BOCC before the PAC.

Kell was the only one to see the email, there may be a problem with the PAC email. Kell will forward the email after the meeting for everyone to have the chance to review. Commissioner Soper made a point that if she receives an email on the same day as a meeting, she will most likely not have time to review it beforehand. Commissioner Cleveland stated that if the BOCC removed something before, they would most likely do it again. Discussion ensued regarding the process of drafting the PBRs up to this point. The PAC will have to review and discuss more once they get Ken's email forwarded from Kell.

Under 17.18.040, *ineligible lands*, Commissioner Vogler mentioned that a previous draft had specifically stated that RV parks were excluded from eligibility, similarly to how a house on a piece of property would be excluded. The PAC decided to add *portions of land that have been developed* as section F under 17.18.040.

**(7:27 pm)** Commissioner Soper stated that after looking back on her notes from the joint meeting with the BOCC, the BOCC had specifically stated that they want a minimum acreage defined. Commissioner Vogler said that meeting had occurred before the PAC had a chance to review the PBRs, and therefore, the PAC can make their own recommendations at this time for a minimum of one (1) acre parcel with eligibility of 10,000 square feet. The BOCC can change it if they don't agree. Kell mentioned that she has spoken to the Assessors office and they agree that 10,000 square feet is a feasible amount to adjust assessments. Commissioner Vogler suggested that once the PBRs is adopted, a minimum will set itself and

be self-regulating due to the application fee and valuation schedule. People won't apply if it is not worth it to them based on the size of their property.

**Page 8- (7:31pm)**

Commissioner Cleveland stated that he is still very adamant about having an extra ten (10) percent taken off the assessed value if public access is allowed at any capacity. The Commission discussed that clarification should be made to the table so that at any point value, if public access is allowed, an extra ten percent reduction be applied. Commissioner Bailey mentioned that from an insurance standpoint, if property owners are receiving a tax break and allowing public access, liability insurance may not carry over. This would possibly make it more difficult for a property owner to say they are going to allow public access, just to receive the extra reduction.

- **Ken VanBusKirk**

Ken asked the commission to consider a minimum of a fifty (50) percent reduction.

Commissioner Vogler explained that the BOCC originally wanted a much more restrictive valuation table. Commissioner Cleveland stated that with the additional ten percent for public access, that gets them close, and would put the burden on the applicant to determine the worth.

Commissioner Smith questioned the wording of 17.18.070, where it states the county will determine appropriate land to receive credit. *County* is vague, should be *Planning Department*.

Commissioner Smith recommended changing the name of the table to *Assessed Reduction Schedule* from *Assessed Valuation Schedule*. The Planning department will use the PBRs to assign points to determine a tax reduction, not valuation. The valuation of the property falls to the Assessor's office.

**Page 9-12- (7:48pm)**

Kell discussed verbiage changes.

Commissioner Vogler closes work session and opens public comment

**Public Comment- (7:51pm)**

- **Ken VanBuskirk**

Ken reiterated that he had sent an email and hopes the PAC will take his comments into consideration. Ken stated that he believes the PBRs should have come before the PAC for consideration before ever being seen by the BOCC. Ken asked that staff look at the numbers to see how much of a tax shift will occur if the PBRs is adopted. He also reminded the PAC that the PBRs is a voluntary program for counties to participate in and if they feel so inclined, the PAC can recommend against adoption to the BOCC. Ken also reminded the PAC that at one point there was talk about and



Open Space Advisory Committee, and that the formation of one may be helpful moving forward.

- **Kim Oliver**

Regarding 17.80.150, monitoring for compliance, Kim asked if property owners will be sent a form, or if they will be expected to know that they need to get one. Kim also had a question about her open space request to the Assessor's office and was informed that it was a staff question that would need to be taken up outside of a public meeting.

Public comment closed – 8:00 pm

**Discussion- (8:00pm)**

Commissioner Vogler reopens discussion on the PBRS. The PAC discussed changes made to the PBRS and how it would affect Mason County if adopted.

**(8:20)** The PAC accepted the changes that have been made and table public hearing until the next meeting where they will continue deliberations and decide on a recommendation to the BOCC.

**6) WORK PROGRAM UPDATE (8:25pm)**

Commissioner Vogler goes over items on the 2018 work program for the PAC. They had previously discussed doing a housing study, however, Mason County is creating a Housing and Behavior Health Advisory Board that may cause some confusion if the PAC does a housing study while this new committee is possibly working on similar projects. The PAC had also looked at doing a comprehensive look into water uses, which is now covered by new legislation through Ecology.

**7) OTHER (8:30pm)**

Commissioner Soper asked to discuss letting the public speak during public hearings, as done in this meeting. In November 2017, it was decided that during work sessions it was appropriate. Commissioner Vogler expressed that she believed they were in a work session based on the conversation. Discussion regarding process occurred and how to be consistent in the future with letting public speak.

Commissioner Soper asked what the proper procedure would be to extend the public hearing and discussion. The PAC decided that public comment has been closed regarding the PBRS. Commissioner Smith, seconded by Commissioner Bailey, motioned to continue the public hearing with intent of adoption at the next hearing.

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

**8) ADJOURN (8:41pm)**

Commissioner Bailey motioned for the meeting to be adjourned. Motion seconded by Commissioner Smith.

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

Commissioner Vogler called meeting adjourned at 8:41pm.