



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**  
**September 17, 2018**

**MINUTES**

**1. CALL TO ORDER AND ROLL CALL**

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

**Aaron Cleveland**  
**Marilyn Vogler**

**Deb Soper**  
**Morgan Ireland**

**Excused: Brian Smith**

**Staff: Kell Rowen – Planning Manager**  
**Mariah Frazier – Clerical**

**2. REGULAR BUSINESS**

**A. APPROVAL OF MEETING MINUTES AND AGENDA (6:03 pm)**

Motion was made by Commissioner Cleveland and seconded by Commissioner Soper to approve the minutes from the August 20, 2018 regular meeting as presented.

**Vote:**

4 in favor

0 opposed

0 abstentions

**Motion passed**

**B. CHANGES TO THE AGENDA (6:04 pm)**

No changes. Motion was made by Commissioner Soper and seconded by Commissioner Cleveland to accept the agenda as is.

*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.*

**Vote:**

4 in favor

0 opposed

0 abstentions

**Motion passed**

**C. CONFLICT OF INTEREST**

None.

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

**October 15, 2018**

**E. COMMITTEE/STAFF UPDATES (6:04 pm)**

Kell mentioned that she will be bringing a Title 15 change to the next meeting. A section had previously been deleted that allowed code enforcement to take cases to the Hearings Examiner, and staff would like to see that put back in. There may also be some minor code changes to bring to the next meeting. Kell also stated that depending on the work session from this meeting, she will be working with the applicant to decide if that rezone will be brought to Public Hearing.

Commissioner Vogler asked about the Capital Facilities update. Kell informed the commission that the Board of County Commissioners (BOCC) has asked to be briefed by Kell and Director Dave Windom before bringing updates to the PAC. Kell said she will hopefully have more information by the next meeting.

Commissioner Soper asked if the October meeting is going to be a joint meeting with the BOCC. Other commissioners could not recall for certain. Kell said she would check into it.

**F. OTHER BUSINESS (6:06 pm)**

None.

**3. PUBLIC COMMENT ON NON-AGENDA ITEMS (6:07 pm)**

None. Public Comment Closed – 6:07 p.m.

**4. PUBLIC HEARING – Public Benefit Rating System and One Rezone (6:07 pm)**

*Public Benefit Rating System (6:08 pm)*

Public Comment-

- **Ken Van Buskirk** 6:09 pm – Ken confirmed that the PAC had received his comments and voiced his concern regarding the indemnity language as it has yet to be added. Ken also asked that the PAC consider tabling a decision until they knew if or when an audit of the Timberlands would be done.

Commissioner Vogler confirmed with Kell that she is working on adding the indemnity language and needs to speak further with the Prosecutor. Kell told Ken that if the PBRs is approved with the recommendation of added indemnity language, the public would be able to comment on it before it goes in front of the BOCC.

Public Comment Closed (6:12 pm)

Commissioner Vogler informed the commission that she had spoken with Stephanie Neil, who works for Squaxin in archaeology about the language regarding sacred sites. According to Commissioner Vogler, Stephanie did not have a problem with the language as written and felt if an application for a sacred site was received under the PBRs, it would qualify. Commissioner Vogler stated she had spoken with Kell about Stephanie's comments and decided to leave the language as is regarding sacred sites.

Commissioner Vogler stated the options available to the PAC for moving forward with the PBRs. Their first option would be to not recommend adoption to the BOCC with a letter explaining their reasoning. A second option would be to send it to the BOCC with no recommendation letting them do with it what they will. A third option would be to give a limited referral for either adoption or denial, and a fourth option would be to send it as is with their support for adoption.

Commissioner Cleveland stated that he is happy with it as it is now and believes the point system agreed upon by the PAC is very fair. He stated that to restrict the point system any more would be too restrictive, and that the current Open Space regulations are too open, leaving the PBRs as a good middle ground as long as the indemnity language is included before adoption by the BOCC.

Commissioner Ireland confirmed that PBRs would be replacing the current Open Space regulations. Kell explained that currently the Open Space program is run through the Assessors office for applications, and then to the BOCC for ultimate approval. The PBRs would have open space applications be turned over to the Planning office for a planner to assess the property based on the guidelines of the PBRs and to then make a recommendation to the BOCC. Timberland and Farm and Agriculture will still be run through the Assessors office.

Commissioner Cleveland made a motion to recommend adoption of the PBRs to the BOCC, with the caveat that indemnity language is included. Motion seconded by Commissioner Soper. Before voting, Commissioner Vogler asked if they should include a letter with their recommendation regarding their support of the point system agreed upon by the PAC. Commissioner Cleveland stated that he didn't think so as it has been discussed at length and is part of the record. The BOCC has access to audio and minutes of their discussion on the matter. All in favor. Motion passed.

**Vote:**

4 in favor

0 opposed  
0 abstentions  
**Motion passed**

Public Comment- 6:22pm

- **Kim Oliver** – Kim stated she had an administrative comment and informed the commission that according to her records, the October meeting is supposed to be a joint meeting with the BOCC.

*Request for Rezone of 10 ac from Medium Density (R-5) to Multi Family Residential (R-10) in the Belfair UGA - (6:23 p.m.)*

Kell gave a staff report and informed the PAC that staff is recommending approval. The parcel was zoned in 2003 as Medium Density (R5) and the biggest change has been the addition of the Belfair sewer. If zoning is approved, the applicant would need to go through all the environmental regulations that come with a development proposal at a later date. Kell introduced the applicant, Dean Mauerman, a representative of PCI Industries who stated he was available to answer any questions.

Commissioner Vogler asked Dean based on the proposal that the future project would require 100 units to be economically feasible, if there was enough ground space for that size footprint after considering nearby wetlands, slope and construction of a road for access. Dean responded that PCI had considered those and has measured what they believe to be enough space for that many units. Dean also stated that they have already hired a wetland biologist who has done a primary investigation and found no streams in the wetlands.

Commissioner Vogler also questioned Dean on the intent of the proposed future units being low income and/or affordable housing, and if he was aware of the county tax benefit for affordable housing and if they would be taking advantage of it. Dean responded that PCI believes there is a need for affordable housing in the area and that they are aware of the tax benefit and will utilize if available at the appropriate time in the process.

Commissioner Vogler asked if the applicant has previously completed similar projects and about the varying sizes of units for affordable housing from studio to multi-bedroom. Dean stated that other team members of PCI have completed projects just like this proposed future project in other areas, and that sizes of units would be one, two, or three-bedroom apartments, with most likely no studio apartments.

Commissioner Cleveland asked Kell about the wording of the application. The original application was for a comprehensive plan amendment and the department of commerce application is specifically for development regulation. Kell responded that it is unclear because there is currently only one form used by the county for both comp plan amendments and development regulations and will be working on updating forms in the future. As this rezone

would still be in the UGA it would not change the future land use map and is therefore a development regulations amendment.

Commissioner Ireland confirmed that the public access and road improvements would be part of the development regulations. Kell stated that they would be more a part of the development application, but the applicant may be able to speak to it now. Currently Roy Boad Road is a county road up to a certain point and then turns private. Dean responded that initial conversations and intent would be to improve Roy Boad Road up to the property.

Before opening public comment, Commissioned Vogler asked Dean if he would take notes on comments and address them after all comments had been made in order to help move things along in a timely manner.

Public Comment Opened – 6:33 pm

- **Drew Davies** 6:33 pm – Drew stated his support for rezoning the property in order to put affordable housing in the area, but expressed his concern with the access road, Roy Boad Road, stating that it has no width to it and is an abandoned railroad making no guaranteed access at this point in time.
- **Rich Eger** 6:34 pm – Rich asked the commission if there was any state law for spot zoning. Kell responded that there is, but this property doesn't reach the threshold and does not impact it. Rich also expressed concern that there is no water there and expressed that the cost of getting water to the site as well as development of Roy Boad Road should be put on the applicant.
- **Ken Van Buskirk** 6:38 – Ken confirmed that the commission received the letter he sent via email. Ken stated he disagreed with Kell in that this rezone would change the map in regards to the number of R5's and R10's in the UGA. Ken said that during his time on the Belfair sub-committee, this property was originally zoned as an R5 from an R10 because of the slopes and environmental concerns. Ken also informed the PAC that this property had originally been one of the four properties considered for the Mason Transit park and ride and taken off consideration for the same concerns. Ken provided an article from the Kitsap Sun regarding an adjoining parcel that was preserved as part of watershed mitigation efforts in 2015 as part of the Highway 3 widening project in Belfair. Additionally, Ken stated that running through the property is government owned old railroad.

Commissioner Soper asked Ken Van Buskirk to identify on the map provided, which parcel the article was referring to, to better understand proximity. Commissioner Soper also asked what the concern of the government owned property would have regarding the rezone. Commissioner Vogler asked Kell if it would be an issue with roadway development in the future. Kell said it would be a problem for the applicant to consider and address at the time of the development application and would depend on if it were abandoned or not.

Dean Mauerman was invited by Commissioner Vogler to respond to public comment. Dean stated in response to Drew Davies that there are documented easements for transit and for

utilities off Roy Boad Road. He also addressed the government owned railroad running through the property by saying it was still up in the air and that they have already hired a dedicated person to look into it. Dean stated that there is good evidence that it is abandoned.

In response to Rich Eger, Dean stated that concerns about cost of utilities were more of a council question.

- **Rich Eger 6:49pm** – Rich stated that he remembered from a WSDOT meeting he attended several years ago; a long-range goal was set have a road coming down connecting to Roy Boad Road to bypass the Safeway and busy intersection.

Commissioner Vogler thanked Rich for the information, and confirmed will Kell that typically, the cost of bringing utilities to site and road improvements would fall on the developer.

Dean responded to Ken Van Buskirk's concerns stating that he was unaware of this property having been considered for the Mason Transit Center, and in his application, was referring to the current location of the transit center, if that was unclear.

Public Comment Closed – 6:51 p.m.

Commissioner Soper began PAC deliberations by expressing her concerns with the wetlands not being properly addressed in the SEPA. Commissioner Ireland asked if wetlands were mapped and available electronically for the public to view in Mason County. Kell stated wetlands are not mapped in that way and that regarding the rezone application it is not required to have all the information concerning wetlands; that it is more of a developmental concern and would be required at a later stage. Commissioner Vogler asked Dean if she recalled correctly that they had already hired a specialist. Dean stated they had, and no streams were found on the property in question.

Commissioner Soper also stated that she felt strongly about the fact the Belfair area sub group had put a lot of consideration into zoning this parcel as R5 and not R10. Kell stated that, as staff, she believes there has been change enough to consider the rezone. The parcel had been zoned as R5 in 2003 and that fifteen years is a pretty significant time for change to occur, and that in this particular case, the biggest change has been the addition of the Belfair sewer.

Commissioner Cleveland said that he believes the community needs the housing for low to middle income, as emphasized by the Comp Plan. Commissioner Ireland pointed out that zoning for R5 doesn't preclude development, and therefore rezoning to allow an increase in units doesn't change that it is already zoned to allow development.

Commissioner Soper reminded the PAC that they are not to be project specific and asked if it would make a difference if it were high end apartments that were planned to be built instead of affordable housing. Commissioner Vogler stated that to her it didn't make a difference because Mason County could use housing across all brackets. Commissioner Soper also asked about a

request Ken Van Buskirk had made about the property, asking to review the FPA, SEPA, and geotechnical report. Kell stated that the paperwork had been looked for and not found, however, as the paperwork requested was from 1997, it would be out dated and be required to be re-done if a development application were filed.

Commissioner Cleveland made a motion at 7:01 pm to recommend the approval of the rezone request to the BOCC. Motion was seconded by Commissioner Ireland.

**Vote:**

4 in favor

0 opposed

0 abstentions

**Motion passed**

**5. WORK SESSION (7:02pm)**

*Proposed Rezone from Rural Residential 5 (RR5) to Master Planned Resort or Rural Tourist Campground (7:02 pm)*

Commissioner Vogler began the work session by explaining the expectations for how to address public comments during the work session as there were many members of the public present and wishing to testify.

Kell stated that this rezone is applicant requested and had originally looked at rezoning to a Master Planned Resort or Rural Tourist Campground. After doing some research, it was discovered that state law specifically does not allow Mason County to entertain Master Planned Resort rezone requests as the comp plan no longer contains policies to allow for it. Kell explained that she had talked to the applicant who was okay with it being a rezone to Rural Tourist Campground. Kell also explained that typically a rezone is considered a non-project action, meaning once zoned, the owner of the property can develop the property as anything allowed in that zone.

The applicant, Michael O'Reilly, said that he had met with April Pooler and Marilyn Adams that morning to discuss the project. Michael stated that his overall goal is to have the community involved to help shape the project. Michael suggested that the neighborhood could come together to make a list of covenants, codes, and restrictions (CCR's) so that whoever the project is sold to, will have to abide by the neighborhood guidelines.

Commissioner Vogler asked that Michael take note of comments and questions of the public and address them after everyone has had a chance to speak.

Public Comment Opened – 7:10 pm

Kell mentioned that previously in the day she had received a petition signed by 115 people, and that it had been entered into the record for the PAC to look at. Members of the community explained that they had come together and written statements for a handful of them to read in a particular order to help streamline the process.

- **Dave Olson** 7:12 pm – Dave expressed concern about maintenance of the private road and commented on the fact that many people have purchased property out Strong Road because of its quiet atmosphere and knowing it would always be that way. Dave stated that Michael O'Reilly had not once contacted any one in the neighborhood about this project and that neighbors are weary about him wanting to rezone and sell within two years of purchase, making it look like a plan to make a quick profit.
- **April Pooler** 7:16 pm – April stated concern for the protected wetlands in the area and asked about noise pollution effects after construction.
- **Mark Dehart** 7:20 pm – Mark stated opposition to the rezone, citing the comprehensive plan and emphasized the rural character of the neighborhood. Mark asked about maximum occupancy of events, as similar events mentioned in the SEPA have had several thousand people attend. Mark questioned how thousands of people would create no light, sound, or environmental pollution as stated. Mark also read comments provided by Amy Weiner, a neighbor who could not attend in person.
- **Barbara Parish** 7:29 pm – Barbara specifically expressed concern about traffic impacts and parking. Barbara asked how the site would be accessed without using Strong Rd.
- **Pauline Dehart** 7:30 pm – Pauline stated she is opposed to the rezone as things have been left vague as to the future use and ownership of the property once rezoned to allow commercial use in a rural area.
- **Joe Snider** 7:40 pm – Joe explained his concerns regarding the rezone including well water access to the neighborhood, the acreage, and lack of need. Joe also stated that he believes if approved, the rezone would adversely affect property rates.
- **John Zenew** 7:43 pm – John expressed his opposition as to the effect it would have on emergency services.
- **Andy Torrance** 7:49 pm – Andy stated he is opposed to the rezone because it doesn't fit with the neighborhood when there are other options available that are zoned appropriately. Andy also expressed concern about the proposed CCR's, which usually have to do with HOA's.
- **Shirley Giles** 7:50 pm – Shirley spoke about her frustration with the process and timeline of how quickly something like this can happen with no one knowing. Shirley asked about the impacts the project could have and if the county has fully considered the SEPA.
- **Bill Giles** 7:54 pm – Bill emphasized that he agrees with what all his neighbors have previously stated. Bill specifically mentioned that there would be no enforcement of CCR's.
- **Jeff Sayer** 7:56 pm – Jeff reiterated what had previously been said and expressed his concern about the rezone altering the peace of the neighborhood.
- **Bill Gaines** 7:57 pm – Bill emphasized the rural aspect of the neighborhood and how commercial zoning would cause a negative impact.



- **Amie Holte** 8:00 pm – Amie expressed particular concern about children in the area and the school bus stop near the property in question. Amie also talked about how an increase in people could cause an increase in crime to the area.
- **Michelle Lyons-Brown** 8:01 pm- Michelle talked about the due diligence of need versus want for this rezone and asked about conditional uses. Michelle also expressed concern about the traffic impacts and echoed what had previously been said.

Kell mentioned that if members of the public wanted updates and notice about the next steps and possible meeting, that they should make sure they signed in on the sign-in sheet and to put down an email address.

*Break 8:06pm to 8:13pm*

Commissioner Vogler brought the meeting back to session.

- **Diane Kraus** 8:14 pm – Diane expressed her concern about the traffic impacts to the private road regarding safety of the residents.

Public Comment Closed – 8:18 pm

Commissioners discussed how to move forward and decided an open question and answer period was appropriate for the public to ask specific questions of the applicant. Commissioner Vogler stated that it was 8:20pm and 30 minutes would be allowed for Q&A.

Kell explained for the benefit of the public the overall process of requesting a rezone and what the next steps would be after this meeting depending on what the applicant wants to do. If the applicant still wants to move forward with a public hearing, Kell would have to write a staff report with a staff recommendation, the PAC would have a public hearing to make a recommendation of approval or denial to the BOCC, and then the BOCC would have a public hearing to make a final decision. Kell also mentioned that a BOCC decision could be appealed and that if it came to that point, anyone wishing to appeal would need to seek legal advice from an attorney.

Mark Dehart asked about the maximum occupancy and key use of the property. Michael O'Reilly stated that he didn't know at this time because he expected that to be decided by the neighborhood.

Bill Giles confirmed that if the rezone went through, there is technically nothing keeping the applicant from selling the property, whether he says he is or isn't. Therefore, any agreements the neighborhood makes with Mr. O'Reilly would be null and void to a new buyer. Kell explained that was correct and once a property is rezoned, any development approved for that zoning could be done.

Pauline Dehart asked Michael, referring to his application, why in many places, answers are dependent on a new buyer or owner when he has stated throughout the meeting that he's not planning on selling. Michael responded that he isn't planning on selling the property as soon as it is rezoned, and is referring to selling the project, not the land. Pauline asked who he intends the client to be and Michael answered that ideally, he would like a member of the community to buy the project, so it could be owned and ran by the neighborhood.

Jeff Sayer inquired an estimate for cost regarding development and bringing utilities to the site. Michael stated he didn't know an estimate but is aware and will consider those costs at the time of defining a budget.

Bill Gaines read from the site pre-inspection report done by Michael MacSems from the Mason County Planning department and asked Mr. O'Reilly why his application didn't match with Mr. MacSems report. Kell explained that the Planning department offers site pre-inspections to visit the property in a very preliminary capacity of a project to make sure there are no glaringly obvious red flags preventing moving forward. Site pre-inspections are not the same thing as a full feasibility study, but often get referred to as feasibility studies.

Dave Olson asked about a map provided in the report and the proposed location of the entrance to the site being shown as accessed from Strong Rd. Michael O'Reilly had previously stated that the project would not use Strong Rd, confusing Mr. Olson. Michael responded that it would be within the first 50 feet of where Strong Rd and Pickering meet. Michael stated that the map provided was just a preliminary diagram and didn't mean anything at this time.

Dave Kraus asked Michael why, if he was so passionate about having the community and neighborhood involved, did he not contact them before applying to rezone the property? Michael stated he didn't know how to go about it.

Pauline Dehart asked about the light and glare pollution. Michael responded that there wouldn't be any problem based on the principles of design he plans to implement.

Bill Giles asked if there was a way to share the code with members of the public, so they could look at what can be developed on a Rural Tourist Campground. Kell again, along with Commissioner Vogler explained the process to reiterate how things could possibly move forward from here and how a decision is eventually made. An audience member had found the code on their phone and gave to Kell to read what is allowed in a Rural Tourist Campground. Commissioner Vogler asked if there were any other questions and wrapped up the Q&A.

## **6. ADJOURN**

Commissioner Vogler called the meeting adjourned at 9:00 pm after a motion from Commissioner Ireland, seconded by Commissioner Soper. All in favor. Meeting adjourned.