



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**

**October 15, 2018**

**MINUTES**

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

**Marilyn Vogler, Planning Advisory Commission Chair, called the meeting to order at 6:02 p.m. The following commissioners were in attendance:**

<b>Morgan Ireland (Arrived at 6:03pm)</b>	<b>Deb Soper</b>
<b>Marilyn Vogler</b>	<b>Brian Smith</b>
<b>Aaron Cleveland</b>	

**Staff: Kell Rowen – Planning Manager**

**Mariah Frazier – Clerical**

**2. REGULAR BUSINESS**

**A. APPROVAL OF MEETING MINUTES AND AGENDA (6:04 pm)**

Commissioner Smith mentioned he had found a minor typo on page eight or nine but could not remember and that it wasn't important. Motion was made by Commissioner Cleveland and seconded by Commissioner Soper to approve the minutes from the September 17, 2018 regular meeting as presented.

**Vote:**

4 in favor

0 opposed

1 abstention

**Motion passed**

**B. CHANGES TO THE AGENDA**

None

*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.*

**C. CONFLICT OF INTEREST**

None

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

**November 19, 2018**

**E. COMMITTEE/STAFF UPDATES (6:05 pm)**

Kell mentioned that Mr. O'Reilly from the workshop at the September meeting had decided to withdraw his rezone request and that the Strong Road community had been informed of the decision. Kell also stated that she is still working on the Capital Facilities Update and that it would be brought before the PAC as soon as it was ready. Kell mentioned that she had spoken to the Clerk of the Board about when to hold a joint meeting with the BOCC and it was agreed that as one of the County Commissioners is leaving, that it should be postponed until January or February to discuss the 2019 Work Plan. Commissioner Vogler confirmed that the timeline for having any comp plan amendments approved for 2018 would not be affected by having the joint meeting in early 2019.

**F. OTHER BUSINESS**

None.

**3. PUBLIC COMMENT ON NON-AGENDA ITEMS**

- **Ken Van Buskirk - 6:09 p.m.**

Mr. Van Buskirk mentioned that in regards to the Belfair rezone that had been recommended for approval to the BOCC at the last meeting, that he had discovered some new information he wanted to bring to light. First, Ken provided a framed picture that depicted the wetlands located on an adjoining parcel for the PAC to view. Ken stated that since the last meeting, he discovered that there was a 10-year moratorium on the property in question until 2024 and that he has been ~~unable~~ **unable** to locate some paperwork that should have been turned in to DNR when the property was sold to PCI. Ken stated that he has been in touch with the Mason County Prosecutor, Tim Whitehead, regarding the issue and that he plans to contest the rezone if it goes to the BOCC as he doesn't believe the PAC was given enough information at the time of the public hearing.

Public Comment Closed – 6:11 p.m.

Commissioner Ireland asked Kell about an email that had been forwarded regarding a Lake Cushman community evacuation plan, wanting to make sure it was not an agenda item. Kell explained that it was an email that had been sent to the PAC email address, which is tied to her account and then automatically forwarded to all PAC members, and that it wasn't specifically from her.

#### 4. PUBLIC HEARING – Code Amendments - 6:13 p.m.

*Title 15 Code Amendment. (6:13 p.m.)*

Kell mentioned that the development code, Title 15, had previously updated the section on enforcement in order to send enforcement cases to collections. In the process of being updated, the procedure for going to the Hearings Examiner regarding enforcement cases had been stripped. Kell stated that the Hearings Examiner had been a part of Title 15 from the time it was adopted until the update, and that staff is recommending it be added back in.

Commissioner Ireland stated that she felt the wording was vague in section C of 15.13.045 regarding “a preponderance of evidence that a violation has occurred or imminently may occur” as she could not think of a good example of a violation that may imminently occur, leading to a case before the Hearings Examiner. Commissioner Ireland stated it would be hard to prove a case on something that hasn’t happened yet. Kell mentioned the wording was always a part of the document and that she felt it would apply more to Building or Environmental Health rather than Planning. Commissioner Smith used an example of if a building were in danger of falling, you would want to address and fix the problem before it fell.

Commissioner Ireland asked Kell if she knew why the Hearings Examiner had been taken out as an option before. Kell explained that a previous Planning Manager had added in collections as an option during a time where staffing levels were lower and code enforcement fell by the wayside. While staff knew collections had been added in, they didn’t realize the Hearings Examiner had been stripped until some recent cases required the need. Commissioner Ireland asked if what has been proposed to be added back in is verbatim to what was previously included and Kell replied that it was.

At 6:28 pm Commissioner Smith made a motion, seconded by Commissioner Soper to recommend approval of the changes made to Title 15 to the BOCC.

Commissioner Ireland stated she had a couple more questions she would like clarification on before voting. Under section D.1 of 15.13.045, Commissioner Ireland inquired about the mention of a decision “with or without written conditions.” Kell explained that within the written document of the decision, the Hearings Examiner may include conditions recommended by staff, or their own conditions to be met.

Commissioner Ireland stated she was confused by section D.3.a.i. of 15.13.045 which reads “access was issued and thereafter, or” as it made no sense. Kell checked the original Title 15 document from before the Hearings Examiner had been stricken, and found it was the same. Upon discussion, the PAC decided it was most likely a typo and that ‘was’ should be ‘as.’ Commissioner Smith stated that his motion to recommend approval to the BOCC is amended to fix the typo to read ‘as.’

Commissioner Ireland clarified that the term 'repeat' meant more than once, and that there isn't a three-strike rule or the like. She also asked about section B of 15.13.050 regarding the up to \$1,000 civil fine and the Hearings Examiner being able to double it, when stated in section C of 15.13.020 a civil infraction can only be issued for up to \$250. Kell explained that the \$250 civil infraction would be equivalent of getting a speeding ticket, while the \$1,000 would be a separate civil fine.

No Public Comment. (6:37 pm)

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

*Title 17 Code Amendment. (6:37 p.m.)*

Kell explained that the Village Commercial (VC) District in Allyn authorizes for multifamily housing with a minimum of four units as the only allowed residential development. An issue has occurred where the difference between units per acre and units per type of development has become a problem as someone was assured they would be able to build a duplex by previous staff that had worked on Title 17. Kell and the Planner for the Allyn area discussed their options and decided to recommend approval of changing Title 17 to allow duplexes on lots ½ acre and triplexes on lots of ¾ acre instead of going through an attorney for allowance of this single instance.

Kell mentioned she was aware Title 17 had been brought before the PAC before and that the PAC at the time had been pretty clear about not allowing duplexes or triplexes. Commissioner Vogler explained to newer members of the PAC the past decision and that she would like to see it stay as is; for continuity if nothing else.

Commissioner Soper stated that she thought differently and believed the market should dictate what should be allowed. Title 17 was adopted a year ago, and since, no quadrplexes have been built or applications for quadrplexes submitted. Now there is someone wanting to build a duplex, which makes sense for the size of the lot to allow.

Commissioner Ireland confirmed the location of the VC district and asked about height restrictions, which Commissioner Cleveland responded there is an elevation restriction, just not certain about what it is. Kell also explained that nothing in the VC district is technically considered waterfront and therefore, not required to follow Master Shoreline Program View Protection guidelines for height restrictions.

Commissioner Vogler stated that based on the Comp Plan, a multifamily dwelling is defined as three or four units, which would allow for a triplex if they wanted to rely on the definition as their basis for a decision. Kell argued that they would still have to change Title 17 to specifically state that triplexes would be allowed, and that if they're going to change it, might as well change to allow for duplexes as well.

Commissioner Vogler explained for Commissioner Ireland that in a Mixed-Use zone, as the VC district was before, residential development was limited to the second floor, and that the VC district allows residential on the ground floor as well. The original intent for the VC district was to maintain the flavor of mixed use and not restrict the type of development that could be built in the area.

Commissioner Ireland inquired if a proposal for a mixed-use building would still have to adhere to the 4 units per building residential requirement. Kell stated that it would be a good idea to also add in a sentence stating that a mixed-use building would not have to follow the same requirement.

Commissioner Smith gave an example from his time living in Davis, California, where they had done similar mixed-use development to allow for more housing downtown for college students, and often found that the residential units above the commercial were not being rented out and used for storage instead. Commissioner Smith explained that mixed-use is talked about a lot and a good idea, but the market value is often not there for it leading to minimal mixed-use permits. Commissioner Smith added that he likes the idea of allowing residential on the ground floor to allow for the flexibility of what the market demands.

Commissioner Vogler confirmed that development of a duplex or triplex would be limited to the size of the lot. Kell reiterated that this change would be restrictive to the parcel size allowing duplexes on  $\frac{1}{2}$  acre or smaller, and triplexes on  $\frac{3}{4}$  acre or smaller.

Kell stated she would like to add a sentence in the Purpose of Title 17 (17.12.110) regarding a mixed-use building not needing to adhere to the 4 units per building residential requirement on the second floor. Commissioner Vogler suggested Kell take a minute to draft a sentence to add in. Commissioner Smith stated he believes the sentence should be a permitted use under 17.12.120 instead of in the purpose of 17.12.110. Kell proposed adding "one or more residential units are allowed as an attached unit to any of the allowed nonresidential permitted uses." Kell stated that the word 'attached,' would be interpreted as allowing one story with the residential unit front or back as well as a second story above.

Commissioner Vogler agreed with Commissioner Smith that the sentence be added as a permitted use rather than in the purpose. Commissioner Ireland also agreed.

No Public Comment. (7:03 pm)

Commissioner Ireland made a motion to recommend the approval of the changes to Title 17 to the BOCC. Motion was seconded by Commissioner Smith. (7:03 p.m.)

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

Other – 7:03 p.m.

Commissioner Ireland confirmed that any notes she or any other Commissioner makes on personal copies of material regarding PAC meetings does not need to be retained.

**5. ADJOURN**

Commissioner Vogler called the meeting adjourned at 7:05 pm.