



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**

**November 19, 2018**

**MINUTES**

**1. CALL TO ORDER AND ROLL CALL - 6:03 p.m.**

**Marilyn Vogler, Planning Advisory Commission Chair, called the meeting to order at 6:03 p.m. The following commissioners were in attendance:**

**Morgan Ireland (arrived at 6:05)**

**Marilyn Vogler**

**Aaron Cleveland**

**Deb Soper**

**Brian Smith**

**Staff: Kell Rowen - Planning Manager**

**Mariah Frazier - Clerk**

**2. REGULAR BUSINESS – 6:04 p.m.**

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

Commissioner Vogler mentioned there was one change made to the copy previously sent out to PAC members, a typo on page 2 that was reflected in the draft presented at the meeting.

Motion was made by Commissioner Smith and seconded by Commissioner Cleveland to approve the minutes from the October 15, 2018 regular meeting as presented.

**Vote:**

4 in favor

0 opposed

0 abstentions

**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)**

**December 17, 2018**

**E. COMMITTEE/STAFF UPDATES**

Kell mentioned that she hopes to have the Capital Facilities update ready for the PAC to review at the December meeting. She had planned to have it ready for this meeting but there was a delay in getting some information which pushed it out. Commissioner Vogler confirmed the update was regarding transportation. Commissioner Vogler also asked Kell about the fish culverts and Kell explained that when Public Works presented to the BOCC they had approximately six culverts they were looking to replace, and it was her assumption it was for improved fish passage.

**F. OTHER BUSINESS**

None

**3. PUBLIC COMMENT ON NON-AGENDA ITEMS – 6:07 p.m.**

None.

**4. PUBLIC HEARING – Public Benefit Rating System (remanded back to PAC by BOCC)- 6:08 p.m.**

Kell explained to the PAC that she briefed the BOCC on October 16 regarding their recommendation of approval of the PBRs. The BOCC discussed and had a few changes they would like to see made and remanded the PBRs back to the PAC for further discussion. Kell went through page by page and explained the changes the BOCC were recommending be discussed.

On page two, number four regarding the definition of open space land, section iv reading: *“enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or”* was agreed upon by the BOCC to be stricken and a definition for Shoreline Environments was added as number nine, making the definition for Urban Areas number ten. Commissioner Ireland asked Kell if she knew why the BOCC wanted to strike the definition under open space lands. Kell replied that she believed it was Commissioner Drexler’s recommendation and was not sure why.

On page three, regarding high priority open space resources, number six, regulated wetlands, and number nine, private lands within designated federal lands were agreed to be stricken. The BOCC was split on number ten, farm and agricultural conservations lands, regarding whether to leave as high priority or have it lowered to medium priority. Commissioner Cleveland asked why they would want regulated wetlands removed. Kell explained that it was most likely because wetlands are already regulated, and owners are required to follow strict guidelines, bringing to question if property owners should receive a tax break just for following the rules and doing nothing extra to preserve the wetlands. If a property owner chose to increase their buffer by ten percent, they would still be eligible to get a tax break under the program. Commissioner

Cleveland stated that removing regulated wetlands as number six would constitute a renumbering of high priority open space resources that was not indicated. The BOCC were also split on number 4 under medium priority, rural open space, and whether it should move to low priority or be removed all together. The BOCC specifically wanted the PAC to discuss where they were split.

Also, on page three, it was brought to the attention of the BOCC that section D was in conflict with the assessed valuation schedule on page seven regarding an additional ten percent reduction in assessed value for allowing public access. Section D states that if public access is allowed, it shall be automatically eligible for current use value at ten percent of market value. The BOCC agreed that section D should be stricken. Kell stated that she agreed with the BOCC that section D should be stricken, and as this is the section where the indemnity language was to be added, that it could be added to the section on page seven which talks about public access.

Page four saw the inclusion of bulkheads to the definitions of open space resources same as a structure or building. The inclusion of bulkheads was included in all definitions under shoreline environments throughout the document as well. Page four also removed the definition of regulated wetlands as stated on page three from high priority resources. Kell suggested the possibility of leaving the definition in and striking “regulated” from the title to clarify that the buffer must be ten percent greater than already required to be eligible to receive a reduction.

Page six requested that number four, rural open space, be moved to the low priority category or removed entirely. Under section C, number 1, restored lands, the BOCC was split on whether the acreage minimum should be one or ten acres. The BOCC also suggested that additional points for every additional half acre of restored lands up to five acres be stricken.

The assessed valuation schedule, on page six and seven was suggested to move to a ten-point scale as shown:

| Public Benefit Rating Points | Current Use Value      |
|------------------------------|------------------------|
| 0-9                          | 100% of assessed value |
| 10-19                        | 50% of assessed value  |
| 20-29                        | 30% of assessed value  |
| 30+                          | 20% of assessed value  |

The suggested valuation table by the BOCC would remove the point category between six and nine points being able to receive a reduction as previously recommended by the PAC. Properties that allow public access would still receive an additional ten percent reduction in assessed value and indemnity language was added to this section. No other suggestions for change from the BOCC were on the remaining pages.

Commissioner Soper asked if Kell knew a specific reason for changing the percentages. Kell was unsure, but assumed it was to make it a bit more restrictive. Commissioner Soper wondered if the more restrictive valuation table would be easier for the Assessor’s office in calculating

reductions and stated the change was in line with previous conversations with the BOCC and what they wanted from the PBRs.

Commissioner Vogler clarified that bulkheads are considered a structure regarding shoreline environments.

Commissioner Smith noted that in revising the valuation table to what the BOCC wants would not allow for property owners to qualify for a reduction unless they had at minimum one high priority resource or one medium and two low priority resources. The BOCC recommendation eliminates property owners with only one medium priority resource from receiving a small benefit.

Public Comment – Opened 6:24 p.m.

- Gary Schuyten 6:24 p.m. – Gary voiced his confusion and concern for not being able to keep some of his lands in open space under the PBRs once adopted due to acreage minimums. Gary explained he has two parcels next to each other, one in open space and one not. The one currently enrolled in the current open space program has a wetland on it and would not earn enough points if re-evaluated to receive a benefit. He stated that the difference in taxes on his two properties is about \$800, which is significant.

Gary asked for clarification on wetland regulations, to which Commissioner Vogler and Kell explained that because there are already strict regulations on wetlands, the idea is to not give people a tax break for doing no more than the minimum. The PAC has recommended that if a property owner expands their buffer by ten percent, then they could apply to qualify for open space under the PBRs.

- Ken VanBuskirk 6:33 p.m. – Ken expressed his disappointment in the PBRs being remanded back to the PAC as he felt the PAC recommendation was an equitable compromise between all parties. Ken stated that he had attended the BOCC briefing where Kell had presented the recommendation of the PAC for the PBRs where he took notes on the opinions of the BOCC regarding their recommendations. Particularly, Commissioner Neatherlin, according to Ken's notes was quoted as saying "this is setting ourselves on fire" regarding the PAC's proposed assessed valuation table.

Ken also reminded the PAC that the adoption of a PBRs is voluntary and that only half the counties in Washington have done so. Ken questioned why Mason County is considering a PBRs program in the first place. Ken thought it may be looking into if the newly elected Assessor would be more comfortable with managing the current open space program as is, rather than adopting the PBRs.

Ken wrapped up by asking that the PAC return the PBRs to the BOCC with their original recommendation, along with a recommendation for grandfathering those participants of the current open space program into the new PBRs.

Public Comment- Closed 6:42 p.m.

Commissioner Vogler started PAC deliberations by reading from the PAC bylaws regarding their duty and stated that she felt strongly that it would set a bad precedence for the PAC to further discuss and amend their recommendation to the BOCC. Commissioner Vogler said she believed that by the BOCC remanding the PBRS back to the PAC, it implies that the PAC had not given the matter enough thought and that over time, with a change in membership a different outcome could be reached, suggesting this is political and not objective, concerning her greatly.

Commissioner Vogler reminded the PAC that the PBRS had originally gone to the BOCC first, which was out of the ordinary regarding process. Therefore, the BOCC had already made suggestions and recommendations which the PAC has been deliberating for over a year. To ask the PAC to review the PBRS again, not because of new evidence or legislation, but the original document they were given, the BOCC is disregarding their role as an advisory commission.

Commissioner Vogler stated she would like to see the PAC send back and reaffirm their support for the original recommendation they had sent to the BOCC in September. If the BOCC would like to make a change to the PAC recommendation then they can certainly do so. She also said that there were some clarifications, or clerical additions, caught by the BOCC that she finds acceptable changes. In particular, adding a definition for shoreline management, including bulkheads as prohibited structures in buffers, and the deletion of section D of 17.18.030.

Commissioner Vogler suggested the PAC move forward after deliberation by submitting their previous recommendation to the Planning Department acknowledging that there are clarifications that can be made. The Planning Department can make those changes and present the updated version of the original recommendation to the BOCC.

Commissioner Cleveland asked about grandfathering, as he was under the impression it was off the table when they first began to review the PBRS. Kell explained that because grandfathering is not something that goes into the code and is considered more procedural, it is not required that the PAC give a recommendation on the process, though they can if they wish.

Commissioner Ireland voiced her opinion as the newest member of the PAC, by agreeing that the PBRS doesn't need to be re-considered. She stated that she believes the process did its job and the recommendations made by the PAC were done so for good reason and well discussed. The only changes she believed that merited further consideration were those previously discussed as clerical, or clarifications.

Commissioner Smith asked to clarify exactly which changes were being identified as clerical or administrative. The acceptable changes are as follows:

- Shoreline Management Definition
- Specification of Bulkheads as prohibited under shoreline environments

- Deletion of Section D under 17.18.030 regarding a reduction to a total of 10% market value when a high priority resource allows public access
- Change Regulated Wetlands to Wetlands (per Staff Recommendation)

Commissioner Smith went on to say that believes that in sending the PBRS back to the BOCC, the PAC should be specific about what changes they are and are not okay with. He was particularly concerned by the valuation table suggested by the BOCC as it eliminates the medium priority category from being able to receive any benefit without at least two low priority resources or a high priority resource. The PAC had been very specific about their recommendation of the three-point scale valuation table.

Commissioner Soper asked what other PAC members thought by Commissioner Neatherin's comment about the valuation table "setting ourselves on fire." She wondered if it was making the task to big of a job for staff to perform. Kell stated she was unsure of the context as she did not remember the specific statement being made. Commissioner Vogler invited Ken VanBuskirk to provide his interpretation.

- Ken VanBuskirk 6:59 p.m. – Ken stated the he believes Commissioner Neatherlin meant that the valuation table made it too easy for property owners to receive a benefit and that the county would loose out on tax monies. Ken also mentioned that he was the one to bring to Commissioner Neatherlin's attention the discrepancy between section D of 17.18.030 and the additional ten percent reduction the PAC had recommended for allowing public access. Section D states that high priority resources which allow public access would be eligible for an automatic reduction to ten percent.

After discussing the wording, PAC members agreed that Section D of 17.18.030 should be removed from the list of acceptable changes from BOCC.

Commissioner Soper asked for Kell to explain grandfathering again. Kell stated that the BOCC still has to decide how to go about the specifics, but the RCW and the Department of Revenue are flexible on time to reevaluate the properties currently enrolled in Open Space.

Commissioner Smith asked if the RCW spoke to the intent of having a valid nexus between the tax incentive and the value to the public of the resource. Kell stated it came from giving an incentive to critical areas and that it's up to each county to decide which resources are important for the area compared to others.

Commissioner Ireland mentioned her concern regarding high priority resources mostly being ecologically sensitive and giving an incentive to allow public access, which would be contradictory to the intent of the program. The PAC discussed and agreed that public access is not always in the best interest of the resource, bringing in to question again whether section D should be stricken.

Commissioner Vogler recounted that their original intent had been to allow an additional ten percent reduction for public access among all three categories and was okay with adding it back on the list of acceptable recommendations. The PAC unanimously decided to have section D of 17.18.030 stricken from the PBRS as recommended by the BOCC.

Commissioner Smith wrapped up the discussion by confirming the PAC would like to motion for the resubmission of the PBRS substantially as submitted to the BOCC in September with the following changes to be executed by staff: removing “regulated” from “regulated wetlands;” adding a shoreline management definition; including bulkheads as prohibited structures in shoreline environments; and striking section D of 17.18.030 on page three. With all in agreement of the wording, Commissioner Smith made the motion, seconded by Commissioner Cleveland.

**Vote:**

5 in favor

0 opposed

0 abstentions

**Motion passed**

Commissioner Smith expressed his concern again for the ten-point scale suggested by the BOCC as it eliminates the value of the medium priority resources and asked that their support of the three-point scale they had recommended in September be conveyed to the BOCC with this recommendation.

**5. ADJOURN**

Commissioner Vogler called the meeting adjourned at 7:18 pm.