

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes**  
**October 21, 2002**

(Note audio tape (#3) dated October 21, 2002  
counter (#) for exact details of discussion)

*(This document is not intended to be a verbatim transcript)*

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## 1. CALL TO ORDER

The meeting was called to order by Chair Diane Edgin at 6:00 p.m.

## 2. ROLL CALL

**Members Present:** Bill Dewey, Diane Edgin, Steve Clayton, Irv Shotwell, Theresa Kirkpatrick, Marilyn Johnston. Bob Sund was excused.

**Staff Present:** Bob Fink, Darren Nienaber, Allan Borden, Rick Mraz, Susie Ellingson.

## 3. APPROVAL OF MINUTES

None.

## 4. NEW BUSINESS

(#0052) Diane Edgin: Last month Pam Bennett-Cumming had called me to give us an update on the Johnson property near Union on Hood Canal. When they finally got the forester in there they lost the big trees that they were trying to save. The BOCC asked that she call us and inform us about that. First up we have the Resource Ordinance Variance for Ronald Jackson.

(#0070) Rick Mraz: Madam Chair, before we get started I'd like to present to you for signature the Findings of Fact from the last meeting relative to the variance for Ted Keith, which were unchanged as appeared in the staff report, and then I wrote the Findings to recommend for approval Bert Powell's variance. I didn't have any Findings ready at that time because I was recommending denial. Based upon the statements made by the PAC I felt that I was able to phrase the feelings of the PAC that constituted the minimum necessary for the criteria.

I will now present a request for a variance from the Resource Ordinance to construct a single-family residence within a Type 3 stream buffer. Staff is recommending approval with conditions based upon satisfaction of the review criteria. The Squaxin Tribe commented on the proposal. The applicant is Ronald Jackson. The property location is 861 East Lakeshore Drive in Lakeland Village. *(Rick continues to read*

*from staff report attached hereto*). Are there questions? The consultant is present if you have questions in regards to the stream typing.

(#0278) Bill Dewey: Does Lee Boad, the consultant, agree with the Squaxin Tribal assessment of the stream?

(#0288) Lee Boad: My name is Lee Boad. I'm the consultant that wrote the plan for the Jackson property. Before I even did a site inspection I talked with the landowner and evidently Mason County had already classed it as a Type 5 stream. When I looked at the site I didn't see any discrepancy in that at all. There's very little water there and it did have a wide channel but most of our Type 5's right now do have a channel that's relatively wide because we did have an event in the last couple of years making wide channels on Type 5 streams. To just look at a stream and just see that it has a wide bank of width and assume that that means there's fish in there ... I don't really do that. On the site inspection I did look for fish and I didn't see any fish; there was hardly any water. It didn't look like that was a stream that annually experienced enough water to sustain fish populations. I'm not sure where the fish were seen on the stream. Rick forwarded me an e-mail from Michelle Stevie who said that she consulted with Denise Forbes from Mason County Public Works regarding the culvert evaluation in that area and they saw fish when they did their evaluation. I don't know where that culvert is at on that stream. I do know that a lot of times in the years that I've spent stream typing you can go up a stream and the lower half of the stream will have fish in it and the upper half of the stream will never have fish in it. The stream section that I saw on this site I did not consider to be a fish bearing section.

(#0355) Theresa Kirkpatrick: Could you please elaborate on the details about the underground piping of the runoff?

(#0358) Lee Boad: They're actually talking about running perforated pipes underground that the tubes will drain into.

(#0376) Theresa Kirkpatrick: There was one recommendation that no lawn be present at this site.

(#0378) Lee Boad: The recommendation was that the section between the house and the stream not have a lawn present and if you look at the site there's no feasible way that you could establish a lawn between the house and the stream. There's a pretty significant gradient there and that's not in the landowners interest to do that. The section between the house and the stream is such a beautiful native landscape there that there's really no reason to do that there. That's not their intent.

(#0398) Theresa Kirkpatrick: Will there be any paving of the driveway to this project?

(#0400) Lee Boad: The paving on the driveway will be asphalt. If that concerns you I would go look at the site and that asphalt is not going to have a significant measurable impact on any part of that aquatic system.

(#0413) Steve Clayton: It looks like a pretty good drop down.

(#0415) Lee Boad: The house is just about level with the road. Where the house is going to be built is a pretty good drop down to the stream so all the runoff from the house will be on the level part of that property.

(#0426) Steve Clayton: Are they going to fill in to make it level or do a basement?

(#0430) Lee Boad: They're not going to dig out an underground basement; the lot is already pretty level so whatever leveling they have to do I don't expect they will have to add any fill.

(#0446) Theresa Kirkpatrick: What about the Tribe's suggestion about moving the house back?

(#0450) Lee Boad: Moving the house back would require it to be encroaching on the necessary buffer

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between the house and the road and so that wasn't an option. As much as you'd move the house back on the lot you wouldn't gain that much in terms of ecological value of that system.

(#0464) Theresa Kirkpatrick: So where the house is situated is really the only buildable spot on this lot.

(#0475) Ronald Jackson: My name is Ronald Jackson. Michelle Stevie asked that we would move away from several very large trees for the building site. Last month apparently they removed the requirement for the 5-foot setback for the utilities and so that gave us another 5 feet to work with. The lot is 75 feet wide. We started with a larger house and we cut it down in order to fit into that lot and then we came over 13 feet and that allowed the 10 foot setback on the other side which was required. Since they have dropped the 5 foot requirement for the utilities we can move another 5 feet over. I went up to the lot and tried to see what impact that would have on that big tree. We really like trees and we're not going to cut anything that we really don't have to. The house is going to be totally natural and the area behind where the house will be built drops off very sharply and so we can now move the house another 5 feet to the south which would pull us away from those two large trees. There are five we're going to have to cut because they're right in the building site. The house will come right to the edge of the drop off and then there will be nothing from the house to the stream. The stream is runoff from the dam up above and in my opinion it's just seasonal. The stream down below actually supplies the larger stream down below but we won't have any impact on that.

(#0590) Steve Clayton: The utilities are coming in on the north side of the building and that seems to go right through the root balls of the trees that you're trying to save. Did you address that with your designer?

(#0595) Ronald Jackson: The street runs north and south and then the entry street is east and west and the utility box is about 70 feet to the south of where the entry is so we're going to dig the trench from that box to the garage and there aren't any trees anywhere in there. Lakeland gave us a variance of 12 feet. Normally there's a 25 foot setback from the lot line to where you build. I asked them to give us a variance for that so we could have the 65 feet on the other side and they were able to do that. They cut it down to 11 feet.

(#0725) Bill Dewey: Is there any issue of bank stability there?

(#0734) Lee Boad: I'm not a geotech but the existing vegetation on that bank is pretty deep rooted and we're not talking about a huge landside issue.

(#0742) Rick Mraz: That's my perspective as well.

(#0760) Diane Edgin: Anyone else wish to testify on this project?

(#0768) Ronald Jackson: The lot is 135 feet deep. If you take 65 feet off of that and then put the house in between and the 11 feet, that's all you've got. The point of all this is that without a variance we can't build.

(#0787) Rick Mraz: If they were to go any closer than 10 feet to the right-of-way they would also require a Mason County Development Regulations variance so further movement towards the road would trigger a different kind of variance at additional expense.

(#0802) Steve Clayton: Do we need to address that 5 foot sideyard setback?

(#0808) Rick Mraz: Would that impact any additional trees by moving it over 5 feet?

(#0812) Ronald Jackson: It does. There's one tree that it would move the garage into.

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(#0830) Rick Mraz: I do think that Mr. Jackson, with the assistance of Mr. Boad, is going to site that house as best he can to save all the trees around. Perhaps the motion could be such that the condition that the house be positioned so as to best preserve the trees on site.

(#0858) Lee Boad: There's a lot of habitat that trees can provide even after they fall. It sounds like there are going to be some trees that fall that we don't want to fall. We can still position those trees in the riparian zone as nurse logs where they will have a much higher significant ecological value as nurse logs than they would standing up green. I'm not advocating converting every tree in the world into a nurse log but if we do have to dump a tree down that we don't want to dump there can still be a lot of potential value there by having it placed in the riparian zone to maintain the habitat. Looking at the big picture is that the purpose of these Resource Ordinance right now is we really want to protect these aquatic systems and their associated riparian habitats. We can spend a lot of time beating ourselves up over one or two trees but what we really want to think about is how are we maintaining this habitat connectivity within the riparian zone and if it means a house has to be positioned such that a tree has to be fallen that's going to happen but we can do something with that fallen tree to maintain some ecological value.

(#0930) Steve Clayton: I'd like to allow the flexibility for the applicant to site the house up to 5 feet on the south side if they find that to be preferential.

(#0943) Bill Dewey: Is the purpose to keep as many trees?

(#0945) Steve Clayton: The trees on the north side are real nice trees. I'd rather see the one to the south go.

(#0964) Bill Dewey: I was trying to think of a way to word it into a motion. If the goal was to preserve the trees, I would say that I would move to recommend conditional approval of the variance with the additional condition that the house be situated on the lot to leave as many trees standing as possible. Does that sound good, Steve?

(#0972) Steve Clayton: We're looking at identifying that he can move it up to 5 feet because we don't want to say he can move it closer than 5 feet.

(#0978) Rick Mraz: You wouldn't be authorizing him to do that. Could you restate your motion?

(#0988) Bill Dewey: I move that we recommend conditional approval of the variance, VAR2002-00048, with the additional condition that the house be situated on the lot to leave as many trees standing as possible, specifically the construction of a single-family residence within a Type 3 stream buffer and to authorize the chair to sign the Findings of Fact.

(#1002) Theresa Kirkpatrick: I second the motion.

(#1004) Diane Edgin: We have a motion and a second. Any further discussion?

(#1006) Rick Mraz: I would add that I will work with Mr. Boad and Mr. Jackson to modify the site plan to reflect this to see where we can set the house.

(#1012) Diane Edgin: All in favor of the motion? Motion passed. We will now have the staff report for the proposed changes to Title 16 Plats and Subdivision code.

(#1065) Allan Borden: My name is Allan Borden and I'll briefly go through the staff report. Attached to the staff report are the proposed revisions. We did have a request for a Development Regulation amendment. It wasn't sent to you previously and what I'll do is at the end of this staff report on Title 16 I'll

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go into this one as well.

(#1165) Diane Edgin: Allan, I'd like to request that we have reading time to review this additional staff report.

(#1170) Allan Borden: I might suggest that we go through this original staff report first. This new revision has to do with the parking ordinance in urban growth areas and rural activity centers. I don't know if it would be of much interest so I was thinking we could have the public hearing on this part and then take a break and discuss this along with the other items on the agenda.

(#1218) Bob Fink: You could continue the hearing for the last issue until the end of the meeting and that would allow you to make a separate recommendation.

(#1220) Miscellaneous discussion.

(#1280) Allan Borden: To continue on, these changes are proposed recommendations from the Department of Community Development. These standards are contained in both the Development Regulations and Title 16 and staff is basically requesting some additional text revisions to the binding site plans for Belfair and Allyn UGA's indicating a plan needs to be reviewed and approved by the Community Development Director as part of the binding site plan approval process. Those changes have been added to the text. The next proposed revision is the revision to Development Regulations sections 1.03.040 - Off-Street parking, which includes the restriction on the number of motor vehicles located on a rural area property. The recommendation is 10 vehicles for parcels with a residence and 5 vehicles for undeveloped parcels. The lands in the rural area are those that are designated Rural Residential 2.5, 5, 10, and 20. They would not apply to the UGA's because those are not in the rural area. Development Regulation section 1.05.040 on special uses. This was previously amended to include a subsection on processing minor amendments on permits that were previously approved. This portion of the Development Regulations was petitioned to the GMHB and as a result of that hearing, the GMHB issued an order in April of 2002 for the county to make revisions in the text dealing with decision criteria and impact analysis and the county believes that since processing a minor amendment to the special use permit is equivalent to evaluation of application of a new special use permit, the department is recommending that we delete this text on minor amendments only. That revision is illustrated on page 3 of the Development Regulation text. Going on to Title 16 Plats and Subdivisions there are two kinds of revisions that have been proposed. One is to amend Subsection 16.36.034 on Re-subdivision procedure. This new language allows how an owner may alter an original subdivision to create up to 4 lots within the original short plat boundary within a 5 year period. This makes this portion of Title 16 consistent with the state code RCW 58.17.060 which is our short subdivision requirements. The other three revisions have to do with preliminary plats, short subdivisions, and large lot subdivisions. The same text has been added to the text and it includes text on public interest not including the regulatory taking of contractual rights, options, or other third-party interests. If such interests are allowed following the approval of a land subdivision, the subdivision of land may become non-conforming to the Comp Plan so we're stating that these text revisions take place so the county can avoid takings of third-party interest were subdivisions are reviewed and approved. What I tried to do is put these proposed changes in italics so you can see exactly what is being proposed for change. The Title 16 standards are to clarify it and make it consistent with the state code. That's my staff report. Any questions?

(#15578) Diane Edgin: Any questions for Allan at this time? We will now open the public hearing portion of Title 16 Plats and Subdivison. Does anybody wish to testify on this?

(#1605) David Overton: I'm David Overton from Belfair. One thing you should just be aware of, especially in the large lot subdivision ordinance, you're requiring a lot of preliminary planning where that ordinance has been traditionally used in Western Washington to take large acreages down to smaller ones so that they

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can sell off for an investment. Here you're requiring them to plan for streets, roads, alleys, other public ways and you're doing the same thing as what a subdivision might do. It's a very high level of planning and it's providing for a lot more administrative oversight and a lot more cost. You're eliminating some of these easy ways to subdivide land and I think you're adding another layer of administrative oversight. I think you should just be aware of that and you're also investing a lot of power into the Director's position when you're giving him direct oversight and kind of veto power when you put broad language in that says talking about the public interest should be preserved. That's some very broad language. You might also want to ask what the italicized section that speaks to you third-party interests in land that can't be affected. I don't know if that's well defined or what the intent of that is.

(#1678) Richard Bell: Richard Bell from Allyn. The 'review and approval by the Director'; who is the Director and what if that person changes - is that really necessary? It looks like it's the same as before except that there's a change now in Item B - "The binding site plan, prepared under this section and reviewed and approved by the Director"...

(#1710) Allan Borden: Director is defined on page 3 under Definitions.

(#1720) Richard Bell: Is that Mr. Henrickson's position?

(#1724) Allan Borden: Yes.

(#1726) Richard Bell: He wears a lot of hats. That's a concern of ours is all the hats he's wearing and how that's going to be defined down the line. I'd just be aware of that at this point.

(#1738) Diane Edgin: Anyone else wish to testify? We will now close the public hearing. Any discussion?

(#1745) Steve Clayton: Do people know that this includes the parking issue?

(#1747) Diane Edgin: The parking will be discussed later.

(#1778) Bob Fink: There's some confusion here because in the original transmittal to the PAC there was a change proposed to the parking ordinance that dealt with off-street parking and the limitation on the number of cars that could be on the property. There's another parking provision that is what Allan is trying to produce which is a request to reduce the standard for office building parking in the UGA. When we talked about parking standards that's the one I had assumed was going to be discussed later and not the one that deals with rural lands and parking on residences. I believe that a large number of the people here intended to address the rural lands parking and the number of cars allowed on a residential site. So we should address that now.

(#1820) Allan Borden: The off-street parking requirements that are a part of the DR's; it's not really a part of the parking ordinance. So if people want to speak on the DR's regarding parking on rural lands now is the time.

(#1855) Guy Rear: My name is Guy Rear and I live on Snowcrest Lane in Shelton. Thank you for bringing this up. I read this and I have some observations to perhaps change it a little. Rather than an absolute standard of 10 vehicles, which could be trucks or anything with an engine in it, on residential property perhaps a more dynamic limit might be considered. For example, perhaps 2 licensed motor vehicles per licensed driver in the household. You might even add 1 or 2 vehicles that are not currently licensed but limit it in some way ties into the number of people that could be using cars at that address. You might then have a total of 6 vehicles in a family that has 3 licensed drivers or 8 with 4 licensed drivers. 10 would seem like an awful lot of vehicles to have on a residential property. With respect to parking motor vehicles on vacant land we feel that that is madness. You're opening your vacant land to whatever people cared to put on it and it would be unsightly and dangerous and you're creating a potential for a public nuisance.

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Experience elsewhere has been that where you leave these cars available to children, children will drop burning material in the gas tanks and it can be very unpleasant. I would urge you to reconsider that and strike any parking on vacant land.

(#1960) Louis Cafoni: My name is Louis Cafoni and I live on Snowcrest Lane in Shelton. I stand before you rejected by the Board of Equalization. I applied and was turned down because of a parking problem we have on our street. I was told 3 or 4 times that I would have to go through the Sheriff's department. The laws are so vague right now on the books that the Sheriff doesn't know which way is up as far as what does he enforce. Hopefully with new laws that you are getting ready to put in place it will make his job a lot easier and cause a lot less gray area for other residential people to interpret the law. You mentioned motor vehicles; please state in your laws what you mean by a motor vehicle. Is it a car, a light pickup truck, is it a one-ton pickup truck, is it a bus, is it an 18-wheeler? Everything that is self propelled is a motor vehicle. It states here that you're proposing 10 vehicles to be located on the property which I think is too much. It should be down to 5. That number should total the amount of vehicles. Not 2 licensed vehicles, and then 5 non-ops; 5 total. On a parcel that is uninhabited is totally folly to pass any vehicles on a piece of property that doesn't have someone living there. The owners cannot keep an eye on the vehicles. Vandalism can occur as well as fires. It would also be a place for transient people to hang out. By allowing it on undeveloped parcels you present to the owner of the undeveloped parcel the temptation to bring in vehicles for other people. My other question is that you put into law there is to be no grandfathering of any vehicles per the new laws. That is a big concern of mine. Under the proposal you say 10 vehicles per parcel and in another booklet from the county it's 1.04.226 addressing off-street parking. In that regulation you say 2 spaces per parking per residence. Now if you allow 10 vehicles on a residential property plus the 2 you are allowing in the other ordinance that's 12. Will there be any cottage industries allowed in rural residential? If so, will they have to pass some kind of special use permit? This county has laws written so much in gray areas and smoke that no one knows what's happening. People can sell individual vehicles under a certain amount per year without having to get a license to do it. That should stop with the new laws. I'm still waiting for my application from Olympia to come through or be rejected because of the possible devaluation of our home because of a certain site. I hope with these new laws it's going to put some teeth into the enforcement in this county.

(#2388) Erica Elmlund: My name is Erica Elmlund and I am a resident of Delight Park Road in Shelton. I am the vice president of Town Cruisers, the car club here based out of Shelton. I received a phone call about this a couple of nights ago that there was supposed to be a meeting about it and I had very little time to research this. I was very distressed and concerned and so were very many members of my car club who could not be here tonight that you want to put a limit on how many vehicles we can have on our property. My parents alone own over 10 vehicles. All of them but 2 do not run. Then my father also has numerous boats on his property due to his business. However, we are very concerned that we are not going to be allowed to have our vehicles anymore. What is to happen if we own over 10 vehicles? That is my major concern. I alone own over 5 already. I'm very concerned of what can happen to these people. Other members of the club and the community own and collect older vehicles, antiques, classics, hot rods; what is to happen to us? What shall we do with our vehicles? I noticed in 1.03.040 you mentioned that land use exceeding these standards shall require review by the Administrator through the Special Use process. You're asking us to gain a permit because we have 10 vehicles? I think something should be reconsidered on this. I think that we need to put more thought into this process. I agree with the gentleman that just spoke; there is a lot of gray area in this proposal. I'm very concerned about it. The person before mentioned having so many cars per licensed person or so many not running cars per licensed person. Like myself I have a drivers license and I personally own 5 vehicles, all running. I understand that a lot of the time there is a major concern for safety and ecological effects due to the residues from the vehicles. However, I still think there is very too much gray area in this proposal. 10 cars; there are many people who own 10 cars in this county or more. I don't think you should punish us; I feel this is a punishment because we own 10 cars we're going to each have to apply for a special permit because we own 10 cars. My parents alone; they make a certain amount of money every year and they

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have 10 cars and they've worked very hard for them and now it sounds like they're going to have to pay more out of their pocket for permits. Are we going to have to get a permit for each extra car that we own over the limit? I think there needs to be a lot more thought in that proposal before you just go to saying that there should be a special permit. I'm very disturbed about this. I think there is too much gray area. Undeveloped parcels; I personally think it should be zero. I feel like you're punishing people who own several cars by saying that we're being limited to how many we can have on our property. I would personally think that it should be something like so many licensed vehicles or running vehicles. Or maybe so many vehicles in a garage or hidden from site. I don't think it's fair that you're limiting us to how many vehicles we're supposed to have on our property. It's our choice to own these vehicles; we work hard for these vehicles; we pay out of our pocket for these vehicles and I don't think you should punish the people of Mason County by telling them they can't have more than 10 vehicles on their property.

(#2526) Irv Shotwell: Is there any limit at all that you could foresee?

(#2630) Erica Elmlund: I could foresee a limit or personally I would rather see more restrictions, not so much of just a vague number. I see that if you're wanting to limit the hazards and trying to beautify things I would think that you would want to put more of a description on it. When you go into license a vehicle you have to give a description of it; whether it's broken down, is it being restored, is it driveable? I think there should be a description to what kinds of cars. Just the number 10 is too vague. I know there are many people in this community who have several cars over 10 that are up on blocks that don't run that are rusting and, yes, they will run the environment if they're not careful but then there are those of us who have 10 vehicles that are running that are clean, that are licensed, antiques, collectibles or just your normal daily driver to get you to work.

(#2692) Irv Shotwell: These classic antique cars; aren't they probably in sheltered areas so weather doesn't deteriorate them?

(#2695) Erica Elmlund: Not necessarily. Some of them are and some of them aren't. I don't store mine in a garage because I can't afford to have a garage yet. I do have a car cover that I put over mine to protect it from the weather. My parents do have a garage. Some members of my car club do have garages but some of us have vehicles that are sitting outside that are very nice and well protected and we just shelter them from the weather by putting covers on them or doing what we can to provide shelter. Not all of us have garages.

(#2735) Jim Killian: My name is Jim Killian and I live on Snowcrest Lane in Shelton. As two of the other speakers have stated we think that the number of 10 vehicles per residential is a bit excessive. I also personally feel on undeveloped properties the limit should be zero. You are opening undeveloped properties to a dumping ground. I have to wonder what rationale would a person put a vehicle on an undeveloped property. What productive purpose would that serve? Maybe tie the number to the number of licensed drivers in a household. I'm going to speak for my household which has a family of four and at one time we did have 5 vehicles. We each had a vehicle that we drove and I did have one on the property that was up for sale. So I would tend to lean toward a 5 to 6 number of vehicles per the typical single resident family. I was curious where the numbers of 10 and 5 were derived? I would like the board to take into account that for most people their home is their single largest investment. Most people take great pride in where they live and in the home they live in. This is evident by the amount spent annually on home improvement. But when the parking situation becomes to the point that it is detrimental to the adjacent home owners that's where the board needs to come up with some rationale to protect us as well as the rights of the car owners.

(#2905) Brenda Killian: My name is Brenda Killian of Snowcrest Lane in Shelton. The number should be based upon whether the cars are licensed or not, whether they're operational. If they're not operational then maybe the special use needs to come into play. Let's say you have a set number of 10 that if it's not



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operational then there's a special need to have that one in order to obtain it to get it operational.

(#2975) Deborah Lund: My name is Deborah Lund and I also live on Snowcrest Lane. I just want to reiterate pretty much what everybody else has said only I brought a couple of items with me to show you. Some of us have faced this in other neighborhoods or a junkyard with screening how those cars are still visible but those cars are in a designated commercially zoned area; not in a residentially zoned area with single family homes. One of the things that I'd like to see changed is the numbers. I agree; I know Erica and I know several other individuals who are in car clubs who collect antique automobiles but the difference between them and some others is that they maintain these vehicles, they repair them, they restore them. They may not be able to store them in a garage but they do keep them covered and they do cherish what they have. So I think other language needs to be put in there so there isn't a gray area. I brought a sample; it's more under of what a public nuisance is and a declaration of that. The accumulation of stored or abandoned vehicles, wrecked, junked, partially dismantled, or inoperative so that it's defined what they are. Should be found to create an unsightly condition tending to reduce the value of private property while inviting plundering to create fire hazards and to constitute a nuisance creating a hazard to the health and safety not just to our environment but also to children. Sometimes this also falls under the nature of storing junk, garbage, other automobile parts which also is unsightly and is declared to constitute a public nuisance. This is in article 3 of Abandoned Vehicles. I have a letter submitted to planning department written by Tracey Heckert from John L Scott and it is in relation to the lowering of property values and that the individual that was selling the home on our street was unable to sell that home for a very lengthy period of time due to the junk yard or whatever you want to call it. In the News Tribune King 5 News aired it dated 1/25/02 and they stated that they were trying to deal with Pierce County saying: "Aside from being an eyesore, residents say junk vehicles lower property values, harm the environment and attract crime. What starts out as a few junked cars they turn into a dumping ground for all sorts of things." So I think the language needs to be much more specific than it is here.

(#3315) Martin Zazueta: My name is Martin Zazueta of Snowcrest Lane. I went up to the Assessor's office and looked up the property values adjacent to mine and everybody's has gone up since 1988 steadily. What's in the garage is not mentioned if it should count or shouldn't count. If the car is licensed that shouldn't matter either. There's already enough laws on the books already. The state laws allows the sale of private property which a car is considered private property. The law now is that if it's screened from public view the number is irrelevant. I'm not breaking any laws according to the planning commission and the department of health. The part about the undeveloped land, if I wanted to park cars there I don't see why there would be a problem. In fact, I actually own the piece of undeveloped property across the street from where I live right now. About the licensed drivers; it doesn't matter because a car is considered private property and if I want to own cars I should be able to own cars. The main thing is the grandfather clause. That should be looked into for people who have been collecting cars; they should be grandfathered in.

(#3464) Steve Clayton: How big a parcel do you have?

(#3466) Martin Zazueta: I have two parcels; one is 1.4 acres and one is 1.25 acres.

(#3470) Steve Clayton: How many vehicles approximately do you have on them?

(#3477) Martin Zazueta: I don't know; maybe 20.

(#3482) Irv Shotwell: Are you an antique collector?

(#3484) Martin Zazueta: Yes.

(#3486) Theresa Kirkpatrick: Do they all run?

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(#3490) Martin Zazueta: Yes.

(#3500) Eric Jarstad: My name is Eric Jarstad. This debate is something that's gone on nationally. There's articles written up on magazines like HotRod, Rod and Custom and all the magazines that cater to the vintage cars, collectors, etc., and it boils down to them and us and what are we going to do. The use of a persons property is meant for self use and the laws that we've got from the state are highly defined; there are no gray areas. The only gray areas I see are what's in this proposed plan. It's really tough to tell where I fit in; apparently by looking at maps and trying to decipher what's been written here that I'm in a different zone than what's on this. I have friends and people that have car collections and some of them are non runners that could be worth more than your running family sedan. I think we're getting penalized for the guy who's piling a bunch of junk up on his vacant lot somewhere. There's folks in this county that I shake my head over and it makes me look bad. I try to comply the best I can by making sure the environment is safe. I'm very conscious of what I'm doing. I believe not everything is pretty because of the paint job. We're boiling down to collectors and those who are just piling up junk. You need to really define that. I agree that a lot of undeveloped land shouldn't have automobiles on it; period. On the other hand we need to define that very closely. If you have an adjacent property across the street where the cars can be washed ... state law says they have to pretty much be screened from view. Maybe some more defining of what a screen is. If you go out Highway 3 and look at our local wrecking yard and a beautiful chain link fence and slats but I can see every car through the fence. Is that a screen or is a solid board fence a screen that might blow down in the wind. I think we need not to punish the car clubs, the guys that are collecting and trying to preserve and actually have cars going through our Shelton parade. State law provides for collectors; there are collector plates. They use our own magazine against us up in the Auditor's office for use tax. Most of these cars, if you see a nice old car going through the parade a lot of them have to have parts cars because these parts are extremely rare. We're really trying to make an active use of our cars regardless of how many. Quantity - you're trying to tell us what kind of lifestyle we're having. Maybe from here on maybe we should tell our neighbors what color they can paint their house. It's something that needs to be provided for and our legislators have already done that.

(#0340) Irv Shotwell: Where you live, do you have neighbors around you?

(#0344) Eric Jarstad: Yes, I do. I live in an area of urban development so I'm not sure that I'm getting stuck with these regulations. I have talked with most of my neighbors. I have complied with all the regulations and I have a commercial license for restoring vintage automobiles. Most of my property is an old pit mine.

(#0405) Irv Shotwell: So your property is commercial and not residential?

(#0407) Eric Jarstad: It's in the urban growth area so I'm kind of confused. I've tried to register it as commercial property and my house is adjacent to that same property. I have a commercial garage according to the building permit. The tax assessor came through and registered it as a private garage. I haven't really been open for business. My neighbor doesn't like the mess so he built a fence between he and I. I have green belts around the other sides so I have a natural fence.

(#0495) Don Pauley: My name is Don Pauley. I have belonged to a car club for over 30 years and I support the car hobbyists and I have over a dozen cars that I've had for a number of years and I've got them stored in different locations. I support what Eric said and what Martin said and the lady from the Town Cruisers.

(#0520) Jim Collins: My name is Jim Collins and I support the Town Cruisers and what they've had to say and Don Pauley and Eric Jarstad. I have a collector car and it's almost 40 years old and it's worth in excess of \$30,000.00 the way it sits and it's unrestored with 4 flat tires on it sitting in my yard. If this law passes I'm either going to have to dispose of this vehicle or I'm going to have to completely restore it. I'm disabled and I cannot afford to restore it at this time. I'm actively trying to sell it. If this law passes very

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soon I'll just have to junk the vehicle and that would be an extreme hardship for me. I believe this plan is extremely vague and I can't see where you could say there should be any certain number of vehicles per piece of property. I agree with the fact that there are people who just pile up a bunch of junk that they shouldn't be allowed to do that but there are people who collect old vintage cars that are in the process of restoration or sitting waiting for restoration that this law would just completely wipe out. What is the future of vintage cars supposed to be if this law is enacted? There will no longer be any 2000 chevys 100 years from now. We're legislating morality more than anything else. I believe that car collectors and people that collect vintage street rods and cars should not be taxed excessively or legislated that they can't have their vehicles as long as they're kept from site.

(#0595) Steve Clayton: You said you'd have to sell the one car if this was enacted. So you have 10 cars that are already on the property?

(#0602) Jim Collins: No, I don't. I have more than 10 cars but they're not all on that piece of property where I live. My landlord is a lot like these people here; he doesn't like my collector cars so he told me I can't have them where I live so I have to either rent places to keep them or get rid of them. I've got a couple over at Eric's house.

(#0635) Jeff Carey: My name is Jeff Carey and I'm from Allyn. If you go down this path you're going to have to get a little bit more tight on your words. Start with the word parcel; I can see problems when you're on a quarter acre but if a party has a residence on 20 acres it's a whole different creature. What really needs to be used is judgment in looking at things. What are the people's intent and what's happening? You have to start looking at the situation and see what the parties are doing and making a judgment call and working with that party. Obviously there are some parties that are definitely a mess. I know my brother isn't a 10 but he has a place out in Tahuya where he has waterfront and he has a couple of vehicles there but then he has an adjacent undeveloped parcel where he keeps 3 or 4 more. I don't have any problem with it and it's totally out in the boonies and it's not adjacent to anything. But if you have vacant property that's adjacent to a parties property you have to look at that. You also have to look at the environment you're in. Some places 10 vehicles you don't even see them. In some places 10 vehicles you look at them and you can't hardly hide them.

(#0710) Rene Zazueta: My name is Rene Zazueta. I live on Snowcrest Lane and I see that most of my neighbors are here. The issue that they have against us is our cars. We do collect cars. Our neighbors have never taken the time to approach us directly as a true neighbor would do. They have gone to everybody else besides just coming to us to talk directly to us. Through the way that we've done that we have complied. I believe people have the right to complain about the things they're not happy about and I believe that a person should be given the opportunity to do the best they can to make that person happy or come to some terms which can satisfy both parties not just one party. We have put up a fence. I believe our fence is a real wonderful cyclone fence and we also put metal on it and you cannot see the cars with the fence there. The county was satisfied with that but our neighbors were not satisfied with that. I just believe that there is no satisfying our neighbors and just being here with my husband I'm the kind of person that don't believe that you have to talk down other people that have cars. I've been to a lot of property around Mason County and I don't believe that I have to talk down somebody else's property to talk mine up. I think that's wrong. I do believe that as a property owner I do have rights. Everything that we own we bought with our own money. If this law was to be in place you would be taking away what we bought with our hard earned money. These cars that we have are collector cars. I lot of them have vintage plates on them. Our cars do have value. Now our neighbors can look at our cars and they can see no value whatsoever; the only value they can see is the value that they have of their own property. We have value in the neighborhood of property, too. We're property owners. Our value of our property means a lot. My home means a lot to me, too. We are not affecting the property value of the houses there. We have been to the Assessors; we know what the values are and they're going up. We also have a piece of property across the street that is adjoining to our piece of property. They stated that you wouldn't be able to have cars on

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there and something about fires. Well, we have a fire truck and if there's a fire we can put it out. I don't think there should be a limit on what people collect; I think that's outrageous to put a limit on anything. If you start with cars it's going to be something else. The collection we have with the cars is our future. My husband has no retirement; this is how he plans to retire is with these cars. My son wants to go to college. How are we going to put him to college? None of my neighbors are going to put him through college. We plan to put our son through college with the cars. If you take away the cars and limit the number that we have how are we going to put our son through college or retire? What about our future? It's not just the future of our neighbors it's the future of everybody. I am a reasonable person but I feel that my neighbors are making me unreasonable because of the way they treat my family and the things that are going on in my neighborhood that has less to do with cars and more to do with other issues.

(#0875) Bill McGee: My name is Bill McGee and I live on Cole Road. I live on 20 acres and I've lived out there for about 40 years. I have vehicles stored in garages and they're all in running condition and I think they're quite valuable. I've never had any complaints from any of my neighbors. You can't see them from the road. I was wondering; are the BOCC going to vote on this if there are any changes on this?

(#0900) Diane Edgin: Yes, they will depending on whether we finish this tonight or if we postpone it.

(#0904) Bill McGee: I do agree there should be something done with these derelict cars left on property and they're all over the county and they need to be cleaned up. I do agree with you there. For a lot of us it's a hobby and we enjoy the cars.

(#0958) Bill Dewey: I've heard this reoccurring theme from other people that people do recognize there is a problem in areas where there are derelict cars and not appropriate. Help us understand how we can make that distinction and try to address those problems.

(#0970) Bill McGee: If you go out to the junkyard you see most of these cars that are derelict are 15 or 20 years old and are worn out; they drive them until they quit and just park them in their yard. You go down some of these roads and it's an eyesore. I think they should be cleaned up.

(#0985) Bill Dewey: I recognize that but if we're sitting here as a planning commission trying to come up with draft language for an ordinance I'm trying to understand how to define that in the ordinance that's different from the vintage vehicles that you folks are restoring.

(#0992) Bill McGee: The vintage car industry is a multi-millionaire industry now and if you follow it like we do you'll see that they invest hundreds of thousands of dollars in these cars and if you're going to take that away from them they're going to fight you on it. There has to be some kind of a fine line there.

(#1018) Irv Shotwell: You say there's a lot of big money in this car business. Hundreds of thousands of dollars. It seems to me that if I had an investment of \$100,000.00 out there I'd want to have it under cover rather than just sitting out in the yard next to my neighbor.

(#1026) Bill McGee: They should be undercover and I agree that they should. My cars are all undercover. I think if you do you're losing the value of your automobile. Especially around this country.

(#1075) Eric Jarstad: Arlene Hyatt has the county health codes on what's a derelict car and what isn't. She also has handouts that define what burning of garbage is and what an inoperable car is. The state also has a definite defined how many cars can be exposed to the public and what the definitions are. A lot of these laws are already there. I think you're spinning your wheels on something that's already been addressed.

(#1110) Louis Cafoni: I feel like my character has been attacked. I took these pictures when I went before

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the Board of Equalization down in Olympia for my hearing. These pictures show what we go past every day and they don't look like antique cars to me.

(#1155) Irv Shotwell: If those vehicles were all operational and undercover and out of site would you have a problem?

(#1160) Louis Cafoni: Undercover and out of site? No, if they were licensed. And if they were licensed, they have to be insured to be legal.

(#1175) Erica Emlund: After hearing everything I have a question. If indeed you rewrite your proposal so it's not as vague how to you plan on policing this? I'd like you to think about that.

(#1205) Irv Shotwell: Isn't that a problem that we have throughout the United States right now. We have so many laws, rules and regulations.

(#1218) Erica Emlund: I just want you to think about how you're going to police parcel after parcel in Mason County. I heard you mention cars not being under a garage. I'm a little concerned about that because I don't own a garage. I'm trying to get a house right now but I may not be able to get a garage with that house because I can't quite afford that garage but I've already paid for my car previously and I'm working on her and I love her very much. I can't put it in a garage. Is there a possibility you're going to be punishing people who don't have their cars in garages? My baby is a '54 Belair and yeah she doesn't look so great because I'm sanding the old paint to repaint her and I put a car cover over her but are the people who don't have cars in garages going to get punished?

(#1270) Deborah Lund: A couple of the people mentioned about some of the things that I had previously mentioned about regulations and wording and I think maybe a good answer would be is that what we discovered is the way the regulations are right now even though you can call the State Patrol and you can call the Sheriff's Office because we haven't been in compliance with the GMA there's not a whole lot that the county can do or even the state officials. The way the regulations are right now is that they're very vague. That's part of why we're here today so we can get that straightened out where there's no question about it. As Erica said we're one of those people who can't afford to build a garage and even though we only have 3 vehicles we had more than that at one time but we opted to give them away just to get them off the property because there was no place to store them. But you can't always afford to build a garage to put your classic cars in but that doesn't mean that they don't care for their vehicles the same way we care for the ones we drive every day. You've got to distinguish between them and the ones with the derelict cars. That's why the language needs to be changed so there's absolutely no gray area.

(#1348) Martin Zazueta: We were talking about restoring cars; you don't have to restore a car. You can drive it just the way you want to. Having a garage; they're pretty expensive so I don't see why we would need to have a garage. If the car is licensed it's only licensed because you want it licensed; the state law now says you don't have to license it or insure it unless you drive it on the road.

(#1385) Allan Borden: I just wanted to make a clarification. People had concerns about the general nature in which these regulations were stated. Everyone keeps forgetting to read the last sentence in the first paragraph. It says "these standards shall require review by the Administrator or evaluation through the Special Use Permit process". The standards aren't written here and I admit those standards aren't there and I think that this public meeting we can pull out some of the standards we want to use for the county to review. Erica asked about policing every property. We would because if this regulation passed with specific standards then property owners are going to come and line up at the county and ask if my property qualifies for this program and what do I do. I'm willing to take notes on the kinds of criteria people would be interested to have the county use as standards for review. *(Allan shows on map areas to be affected).*

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(#1570) Diane Edgin: I think it's time for a short break.

(#1574) Bob Fink: One option is you might want to break and read your final document.

(#1620) Diane Edgin: So we will now take a break and read this other document.

*Break in meeting.*

(#1770) Diane Edgin: Allan, do you have anything else to add?

(#1772) Allan Borden: Not at this time.

(#1775) Darren Nienaber: I'm Darren Nienaber, Deputy Prosecutor. I've taken some of the concerns that people have brought up and wrote them up here as possible ways to expand the ordinance to make it a little bit more flexible. There was a concern by some that have their antique cars in garages and it seems to make sense that if you have an antique car and it's in a garage and you can't see it and nobody knows it's there that maybe that shouldn't count towards the total. So that's something for you to consider. Another one is cars that are fully vegetatively screened should be exempt. I wrote up vegetatively to contrast that with cars that are just totally out of view, such as by fence or garage; just totally out of view. Sometimes the county will ask a person to get rid of their hulk vehicles and what they'll do is put up a 12-foot bright orange fence and then the neighbors are still mad. This is something the BOCC has received the most complaints about. So what we're talking about here is how you eventually tailor your results is a very important consideration and the subject as a whole is probably a long time coming about how do we deal with this issue. Another item for your consideration and debate is do you want to apply it to lands outside of simply rural areas? It would be hard to apply it to urban areas. Right now you could say we could just apply it to residences. Do you want it to apply to inholding land and agricultural lands? You don't have to recommend 10 vehicles. You can recommend 12 or 8 and that's another thing. I just wanted to provide you a variety of options for your consideration.

(#1935) Bill Dewey: Do you have any feeling what types of land designations the majority of the complaints come from to the BOCC?

(#1937) Darren Nienaber: Most of them will be on rural residential 5, 10, and 20.

(#1950) Theresa Kirkpatrick: One point I would like to raise in respect to your point about cars being fully vegetatively screened; this has been a big problem in my neighborhood and it's not so much the cars and how they look but it is water quality issues. There's wetlands in my neighborhood and we have antifreeze and automobile fluids so it's not just a visual distraction that we're addressing.

(#1978) Darren Nienaber: So it sounds like you're leaning towards just a flat number except for maybe in a garage.

(#1982) Theresa Kirkpatrick: Or except for special permits for people who collect vintage cars not hulks and I do believe the language needs to be more specific than what we were presented with.

(#1992) Darren Nienaber: How do you distinguish between an antique car and a non-antique car? I submit that that's impossible.

(#1998) Theresa Kirkpatrick: I would like to see the state regulations before I answer that question.

(#2000) Darren Nienaber: There aren't any that would help with the enforcement.

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(#2020) Diane Edgin: I think one of the biggest things is trying to come up with what constitutes a hobbyist versus a scrap dealer. Scrap belongs in the UGA.

(#2045) Steve Clayton: Do we define motor vehicles to include vessels or boats?

(#2050) Bob Fink: At this point it's undefined.

(#2052) Diane Edgin: I would not put motor because not all boats are motorized.

(#2056) Darren Nienaber: You could define motor boat as a vehicle.

(#2060) Steve Clayton: So we don't have a standard definition whether or not it includes vessels?

(#2064) Bob Fink: You could propose that we draft one for consideration by the BOCC with necessarily addressing what that would be exactly. One of the options I was thinking about is you may want to table this and let us work with it a little more because there were a couple of things that I heard tonight that I think could use a little more work. You have to realize that one of the reasons why this was drafted in the first place was because in attempting to apply enforcement cases mostly through solid waste and occasionally through some planning ordinances we haven't been able to really address some of the issues that's reflected in the values in the community. One of the questions that this process will determine is what those values are and what's appropriate and acceptable in this community. That's why each county and city struggles with it on their own because values do differ from place to place. Planning can respect those values and put them in a regulatory form and enforce them. One of the other purposes is to simply have a regulation that is simply and clear to apply and that's why we were trying to look at numbers. The numbers are very discreet, finite and easily confirmed but the definitions haven't been addressed in sufficient detail. The fact that if you accept 10 then you have a standard that everyone has knowledge of and they know whether or not they're in compliance with the law. I would suggest that you do try to see if you could craft a motion but if you don't feel that you can craft a motion that would move this forward then I certainly would have no objection to having it tabled and let us spend another month on it and bring it back to you with some revisions.

(#2178) Irv Shotwell: If you were going to spend another month on it is there any way you can get away from firm numbers and make it more judgmental?

(#2190) Darren Nienaber: I've been in front of a lot of hearings with the Hearing Examiner where they'll bring junk car cases and for one thing as a prosecutor I can't prove by preponderance of the evidence something that is an antique versus junk. It's impossible. The other thing is very frequently the solid waste enforcement people ... the burden of proof is on them to prove is it licensed, is it junk or is it inoperable or is it something else. If you're standing on the property line and those vehicles are 100 feet out and you can see a field of 50 or 100 of them but you can't tell if they're operating, you can't tell if they're junk, you can't tell if they're licensed so you can't prove your case and then you lose. That's one of the reasons why we came up with a simple number. If you had an exemption to where they were buffered and not visible you could have 10 cars that are visible and then you could have 100 cars that are in a garage or vegetatively screened and probably neighbors aren't going to care.

(#2235) Steve Clayton: You described that a Special Use Permit is an option? What kind of money is involved to apply for a Special Use Permit?

(#2240) Bob Fink: I believe it's \$400.00 to apply for a Special Use Permit because it requires a public hearing and advertisement and a staff report and a lot of time and effort that goes into it. It's intended to address special cases.

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(#2250) Darren Nienaber: The county will spend more on that.

(#2256) Steve Clayton: And you have the other option of requiring review by the Administrator. Is that something that we could use for the exception cases? As Darren says, let's put a number on it. Let's put 5 and 10 on it; no exceptions. Then when you have 11 cars on your lot you go down to the county and talk to the Administrator and you get a letter that says it's okay because the Administrator drove by and saw that it was shielded or out of site.

(#2280) Darren Nienaber: An Administrator Special Use Permit.

(#2284) Bob Fink: We'd still have to charge something for that. One of the issues with that is you have to provide public notice and have the public an opportunity for input. One way to do it would not necessarily have a public hearing but people who might be affected could hear about it and could have a chance to comment on what their concerns were. The other issue with it is you would need to have good criteria that would guide the Administrator in rendering that decision otherwise it would be a great deal of discretion. While I'm not opposed to Administrator discretion and it's unavoidable to some degree but it is an issue when there isn't guidance.

(#2318) Diane Edgin: Teresa mentioned water quality. If somebody has an excessive number of vehicles stored on their property and there's wetlands involved or waterfront involved then the water quality issue is there. The other thing, too, is what about the grandfathering? I still think that even if you're grandfathered you're still going to have to make things not visible.

(#2352) Darren Nienaber: Right now you're not grandfathered. It says here 'All vehicle accumulations on a property made non-conforming by these regulations shall be removed from the property by July 1, 2003'. You can strike that or you can increase that.

(#2396) Teresa Kirkpatrick: With cars on properties it often implies that the owner of the property will be working on the cars and having lived in an area where cars accumulate it's not uncommon to have banging of metal at 3:00 am or 4:00 am so it's a quality of life issue aside from water quality issues that we should take into consideration.

(#2420) Bob Fink: There is another approach I thought of is that a Special Use Permit is a public process. There is another option of having a permit that they could get that simply specifies certain criteria they had to meet for collectors and the criteria could address things like the possible pollution of the ground water. There's no reason to have a public hearing to address this kind of issue. It would have to be a new permit but that would be one way besides the special use process, which is a pretty involved process, to address things where you could have standard conditions. If your concerns are the aesthetics, that could be addressed by screening. If your concerns are water pollution, that can be addressed by standard precautions that would be required. That may be another alternative.

(#2490) Theresa Kirkpatrick: I like that idea and if a permit was put forward then it would probably be a lower cost permit for car collectors than a special use permit.

(#2498) Bob Fink: Right. If no public hearing or notice was required and all that would necessarily be required is probably a site visit so the cost of the permit could be considerable lower.

(#2512) Diane Edgin: A one time fee versus an annual fee?

(#2516) Bob Fink: Annual fees have difficult tracking issues. It could be a one time fee with conditions that would have to be complied with.



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(#2526) Theresa Kirkpatrick: What kind of criteria would we put into place if we were to pursue that avenue? Or follow up inspections? Would be only in the event a complaint was received?

(#2532) Bob Fink: That's the advantage of having a renewable permit. You could have a 5-year permit and then every 3 years or every 5 years you could go out and do an inspection to make sure the conditions were being complied with. That would cut the cost as well.

(#2552) Bill Dewey: This would be something that would be triggered if it was over the 10 car limit?

(#2556) Bob Fink: Right. That would be the option over the limit that is established.

(#2570) Darren Nienaber: One of the problems is that you may have 50 cars with no engines or with nothing that's going to drip and so you still have an aesthetic eyesore which is a major concern.

(#2600) Irv Shotwell: We're talking about cars that are taken out and shown.

(#2615) Bob Fink: That's often not the case. Some people who came here tonight may have cars worth tens of thousands of dollars but the issues the county runs into are often not such cars. They're often cars that maybe we could call junks but it's very difficult to prove they're junk cars in a meaningful way. It's a matter of definition and proof. We still have existing solid waste regulations that regulation things like actual junk vehicles and junk parts; those would still apply. But those regulations have not been adequate to address complaints and concerns of many citizens. That's why we're struggling for something that would address those complaints but yet still respect the legitimate purposes of other members of the public and to strike some balance between the people who think that having 20 cars in their back yard is a matter of recreation and they like looking at them and somebody else who thinks it's not good.

(#2674) Diane Edgin: We have so many subdivisions; one issue is on-street parking. Not just so much as in your yard but how many vehicles are you parking out in front of your home on the road. A lot of people take issue with that. When you buy your home that situation may not have existed and then all of a sudden you're dealing with it. People look to the government to try to solve their ills rather than go knock on their neighbors door.

(#2715) Bob Fink: It does depend on community values. In Grays Harbor County, for instance, there's a provision that allows you to have one logging truck on your property but they're a logging community and they thought one logging truck is fine. Not 5 logging trucks but one is okay. So community value is what matters.

(#2736) Diane Edgin: I'm all for tabling this issue because I think it does need more work.

(#2746) Irv Shotwell: Bob, give us an idea of what you'd come back with.

(#2750) Bob Fink: There are a couple of points that I would want to look at. There's the issue of the definitions. I would think I would want to work on issues of screening and how that could control aesthetics. I think the possibility of having a permit - something other than a Special Use Permit may be a possibility. That would give the county some ability to prevent problems from getting out of hand and yet not put a great burden on people who want to have multiple cars and treat the neighborhood and the environment in a respectful fashion. Grandfathering - we're only going to be able to address existing problems if we do not have carte blanche grandfathering. So the questions is what is a reasonable time to allow people to adjust to the new system. That's what I would be looking at.

(#2825) Diane Edgin: You were talking about vacant lots. I think that if you have a vacant lot adjacent to your property that belongs to you I think that can be treated differently than a vacant lot that sits out by itself that

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you are not able to look at on a daily basis.

(#2855) Bob Fink: I was considering that partly under definitions of what an undeveloped parcel is. Under county regulations for many purposes we treat adjacent lots or parcels as being part of the same development. So if it were a business and they wanted to put their parking on an adjacent parcel we would consider that as meeting the parking requirements and they wouldn't have to meet the parking requirements on the same lot that their business is sitting on. I think that just needs to be clarified.

(#2882) Steve Clayton: So if you live on a 10-acre piece and you've got 20 acres next to it you can only keep 10 cars?

(#2885) Bob Fink: Some regulations I've seen have a number of cars being proportional to the acreage. If you apply this regulation to the long-term commercial forest land there's almost none of those parcels under 80 acres. So the situation is different there than a property where you have a residential neighborhood.

(#2938) Diane Edgin: I think we need a motion to table this.

(#2946) Bob Fink: Just this part of it. You can send the rest forward if you want to do that and then just table this for discussion at the next meeting.

(#2972) Irv Shotwell: Is there any way that we can get the input of a representative of this antique car club?

(#2980) Bob Fink: That is a possibility I had thought of. Using the people as contacts and trying to get their opinions outside of the structure of the public hearing. There is an option. Thurston County is currently going through this same process and the draft they're working with is a little bit different than this. One of the things they do is they try to target junk vehicles and then they define junk vehicles using a number of criteria most of which are verifiable without getting too close to the car. Things like broken windows, missing parts, flat tires. But it's a very complicated ordinance and you do have to get fairly close to it. They consider things like whether it's driveable or licensed ; it's still complicated.

(#3078) Teresa Kirkpatrick: Yet we want to also provide a tool for county employees for enforcement.

(#3082) Bob Fink: It won't work unless it's enforceable. If the numbers are discreet and clear and if we define things better as to what we're dealing with and perhaps developing a new option of regulating this without creating a large burden on the people who want to collect cars.

(#3150) Steve Clayton: I'd like to make a motion that on the part of the Development Regulations regarding Off-Street Parking in the Rural Areas we continue the hearing until next month.

(#3170) Theresa Kirkpatrick: I second the motion.

(#3172) Diane Edgin: We have a motion and a second. Any further discussion? Motion passed.

(#3425) Steve Clayton: The item about the Director reviewing binding site plan. Does anyone have a problem with that?

(#3455) Allan Borden: Under 'C' Binding Site plan it says "Development of the site shall be consistent with the approved site plan. There wasn't a mention of how a binding site plan got approved so I added that paragraph that says "The binding site plan, prepared under this section and reviewed and approved by the Director".

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(#3484) Bill Dewey: So the only new language is "reviewed and approved by the Director".

(#3488) Steve Clayton: So in the case of last months with the Lee property in Allyn then Ron would have had to sign off on it before it came to us?

(#3502) Allan Borden: Yes, or it would have come to you and you would have required and mandated that the Director sign it.

(#3512) Bill Dewey: So the issue of the stormwater plan for that Lee property wouldn't have been debated; we would have had it at that meeting.

(#3524) Allan Borden: Yes, you would have had it.

(#3526) Bill Dewey: Because we didn't have it and we asked that it be provided before the BOCC meeting and I saw I the paper that it wasn't brought in there either. I was just curious about that. It was approved by the BOCC without a stormwater plan.

(#3546) Allan Borden: It was a condition of the permit that they have a stormwater plan.

(#3552) Steve Clayton: It says here that the binding site plan shall address the following one of which is parking standards and the site plan they gave us didn't meet parking standards but we still approved it. The same thing with the stormwater so what you're saying by adding "approved by the Director" would it go to Ron first?

(#3598) Allan Borden: It wasn't required that it be signed by the Director before it goes to public review. Condition of the public review permit is that the Director approve and sign the plan. You still have the decision maker whether it's the PAC or the Hearings Examiner they still have to review it. You're getting the cart before the horse if you have the Director sign a binding site plan before the project is reviewed by the public. You have to have the public review first and then a condition of the permit issued under public review is that the Director sign the plan.

(#3665) Bill Dewey: Do you need to define in that paragraph at what point the Director should do that?

(#3666) Diane Edgin: Is that where the word binding comes in?

(#3670) Allan Borden: No, the word binding is an agreement between the county and the developer that they will develop the property in the following manner.

(#3684) Bob Fink: Even though they may not be fully developing the property at this time ... this was more envisioned not so much for the case of the hotel which was going to be fully developed now but more as a case where you might be developing a property with septic and well but in an urban area; where you can only develop part of the property because of the need to set aside space for septic. If you're subdividing the property or developing part of the property that provisions are made so that we know that you have provided easements for utilities, that you've provided areas for the buffers and whatever standards it would take to build out that site have been anticipated to the extent it can be anticipated and provided for. A lot of the development in the urban areas in Mason County in the next 10 years is going to be off sewer and in some cases without public water and that won't be the case and eventually these areas will be entirely served. This is to provide for that transition. The stormwater site plan is a design requirement before they build anything.

(#0112) Steve Clayton: So is the binding site plan before or after it goes to the HE?

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(#0115) Bob Fink: I would imagine that it would be approved concurrent with any other approvals. It would have to be approved prior to construction.

(#0125) Steve Clayton: It would seem that the HE would have trouble doing his job without the relevant information so the Director ...

(#0128) Bob Fink: The plan would have to be provided but the actual terms of the development aren't going to be set until after the hearing. The terms or the allowance of the development is going to vary depending on the hearing and the results of the hearing and the conditions placed on the property. They may end up revising all of that information based on the outcome of the public hearing. There would be a site plan proposed and that site plan would be reviewed to see if it addressed the issues but it wouldn't be signed and binding until such time as entire project was ready for review as it stood.

(#0158) Steve Clayton: When the developer comes with the package instead of coming with parts of the package ... he comes to the hearing and says that he wants it approved but he doesn't come with a stormwater plan.

(#0166) Bob Fink: There's always going to be parts of the package. The actual engineered stormwater plan is not a necessary part of the binding site plan because it's specific on what's being developed at that time.

(#0222) Allan Borden: If you had an 11-acre piece of property in Belfair and a person came in and they wanted to build a 4-unit retail building. The retail building is not going to be on the whole 11 acres but the 11-acres should have a binding site plan.

(#0246) Bob Fink: Not all of these cases will be through hearing processes. They could be simply for a building permit. They come in and want to build something and they can't only address that building. They've got to show that there's been a consideration given for how the entire area can develop at an urban level of intensity.

(#0292) Steve Clayton: I make a motion that we approved the section as defined to add "and reviewed and approved by the Director".

(#0295) Irv Shotwell: I second the motion.

(#0296) Diane Edgin: We have a motion and a second. Any discussion? All in favor? Motion passed. Now we're down to Special Uses.

(#0310) Steve Clayton: So you're just removing the Minor Amendment section that was kicked back by the GMHB. Any other discussion?

(#0342) Theresa Kirkpatrick: The only other comment I would make is to add under definitions under Board; I'm assuming that's the Board of County Commissioners.

(#0356) Allan Borden: It's already in there.

(#0358) Steve Clayton: I make a motion that we approve the deletion of the Minor Amendment section as recommended by staff.

(#0375) Bill Dewey: I second the motion.

(#0377) Diane Edgin: We have a motion and a second. Any more discussion? All in favor? Motion

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passed.

(#0382) Steve Clayton: Can you tell me some history on the next one, Allan. It says "owner may alter an original short subdivision to create a total of 4 lots". So he has a 1 in 20 parcel and he breaks it down and he can rebreak it again if it's within 5 years?

(#0392) Allan Borden: Let's say he 20-acre piece of property but he only makes a short plat of 3 lots, one of which is 4 ½ acres in size, he still has the capability of doing the 4-lot short plat without having to actually resubmit for a new short plat.

(#0422) Darren Nienaber: Why this particular provision came up is because if a guy short plats 3 parcels and he wants to divide one of them again within 3 years, there was confusion as to whether or not you call that one parcel. I proposed this to just make it very clear. The public interest issue - our current wording allows you to deny a subdivision or a short plat if it's in the public interest to do so. You can't contract around a subdivision. *(Darren shows example on map)*.

(#0585) Steve Clayton: I make a motion for section 16.36.034 Re-subdivision that we approve it as planning has given it.

(#0590) Bill Dewey: I second the motion.

(#0592) Diane Edgin: We have a motion and a second. Any discussion? All in favor? Motion passed.

(#0625) Steve Clayton: I make a motion we approve section 16.16.060 Preliminary Plats as presented.

(#0640) Theresa Kirkpatrick: I second the motion.

(#0642) Diane Edgin: We have a motion and a second. Any discussion? All in favor? Motion passed.

(#0670) Steve Clayton: I make a motion to approve 16.36.025 Written Findings as provided by the planning department.

(#0678) Irv Shotwell: I second the motion.

(#0680) Diane Edgin: We have a motion and a second. Any discussion? All in favor? Motion passed. Now onto Large Lot Subdivisions. Mr. Overton has comments on that.

(#0692) Allan Borden: Large Lot Subdivisions have very easy mechanism for being reviewed and approved and his complaint is that this language evidently has the property owner providing information concerning open space, drainage, streets, alleys, stop signs, potable water, sanitary waste, etc. These are standards that usually come out in a regular subdivision but they're applied in a large lot.

(#0730) Steve Clayton: What is the definition of a large lot?

(#0732) Bob Fink: A large lot subdivision is normally a subdivision where every lot is 5 acres or larger. We do have a special provision for creative designs that does allow smaller lots than 5 acres providing the overall density is at still 5 acres or greater.

(#0855) Steve Clayton: So this would be typically an 80-acre section broken up into 5's and we're saying that if you're going to break it up into 5's you have to make plans for roads, schools and all the rest?

(#0865) Allan Borden: Yes.

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(#0892) Bill Dewey: It seems like a lot of the stuff that it's asking for to be provided aren't relevant to large lots so if you were reading this you might think you had to do all of this.

(#0985) Darren Nienaber: An appropriate provision can mean no provision.

(#0995) Bob Fink: My only concern in dropping them is that there is a statutory provision for findings to be made in the case of land divisions. I would want to look at that and see how that reads. Large lots are an odd duck under state law. Under state law large lot subdivisions are technically either short plats or subdivisions. There is a requirement that does require findings to be made in making these determinations.

(#1100) Steve Clayton: I make a motion to include section 16.38.016.2 and accept as written by planning department.

(#1110) Theresa Kirkpatrick: I second the motion.

(#1112) Diane Edgin: We have a motion and a second. Any discussion? All in favor? Motion passed.

(#1145) Allan Borden: Next we have the parking ordinance. Mason County has a parking ordinance and under table of minimum standards under professional services is a business and professional office standard. The parking requirement states one parking space per each 150 square feet of gross leaseable floor area plus one space per each employee. The request by William Palmer in the staff report here and application wants to change that standard just to read one space per each 300 square feet of gross leaseable floor area.

(#1188) Bob Fink: I don't know that I have any objection to this. He submitted a number of examples of standards and I actually looked up a couple of others and it does support his position. I believe it is a reasonable standard and I think of it as an interim provision because the actual standards that will be in the urban areas will be revisited within the next year in Belfair and Shelton and Allyn. One of the things to consider too in this is that generally lower parking requirements is environmentally beneficial and reduces impervious surfaces and lowers the cost for the applicant.

(#1290) Bill Dewey: I move that we recommend changing Mason County Parking Ordinance 815 for business and professional offices from 1 stall per 150 square feet of gross floor area plus one stall per employee to one stall per 300 square feet of gross floor area.

(#1300) Irv Shotwell: I second the motion.

(#1302) Diane Edgin: We have a motion and a second. Any discussion?

(#1315) Theresa Kirkpatrick: So we would be eliminating the one stall per employee and you don't feel like that would be detrimental?

(#1318) Bob Fink: I don't have any reason to believe that it would be. As I say it's a standard in place currently in many large and small cities.

(#1325) Diane Edgin: All in favor? Motion passed.

(#1355) Allan Borden: You received a staff report for the Card Room Ordinance. On page 2 of the staff report I've added a couple of clarifying phrases here just so that it's understood about Development Regulations applying for each zone.

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(#1424) Diane Edgin: We talk about social card and dice games but there are other games of chance that do not use those items that are gambling used in other parts of the world.

(#1438) Allan Borden: One of the issues that other communities have had is with social card games it creates a commercial higher intensity land use than some of the other gambling activities that are authorized by the state. Suddenly that card game becomes a mini casino and then the mini casino wants to expand and they want to add more space. The idea is that we want to guide those kinds of land uses to areas where they are deemed appropriate so prohibiting them currently we provide that opportunity.

(#1500) Irv Shotwell: Is the reason you put in Belfair, Allyn and Shelton are exempt from this? It's up to them to do their own?

(#1514) Allan Borden: They're not exempt right now but they could become exempt if the sub-area plan says we want this area here to have these kinds of activities.

(#1550) Bob Fink: We've had a moratorium for some time and the reason we're proposing an ordinance is simply to have to not readopt the moratorium until such time as the zoning is adopted in the UGA's. This is obviously an activity that's appropriate in a UGA but the question for us what we couldn't answer is where in the UGA should these be located.

(#1589) Steve Clayton: After reviewing Allan's plan and my impression of the plans in the UGA's is that they're not parcel specific for these sorts of things. The Development Regulations that we have currently don't show card rooms, half-way houses or prisons and I'm assuming that if it's not in the DR's then it's required that it goes through a Special Use Permit? If someone wants to build a rifle range ...

(#1625) Bob Fink: It would be an allowed use in the urban area but at this point it wouldn't be allowed in the rural area at all.

(#1632) Steve Clayton: But they'd still have to go through the Special Use process.

(#1635) Bob Fink: No, it would either be allowed or not allowed. The Special Use process would be required for things like a prison which is an essential public facility. I don't think the gambling establishment would qualify as that.

(#1645) Steve Clayton: How come the hotel required a Special Use Permit?

(#1648) Bob Fink: Because it was on the shoreline and a shoreline development of a commercial nature usually requires a Conditional Use permit. It required a Special Use permit only because of the size of the building.

(#1665) Steve Clayton: It seems like the Special Use process would be something that would be identified for a gambling casino as being appropriate.

(#1695) Bob Fink: So essentially what you would propose is instead of a prohibition in the UGA that it be allowed by Special Use Permit.

(#1712) Steve Clayton: That way it's reviewed by the county and goes through public hearings.

(#1725) *Miscellaneous discussion.*

(#1900) Steve Clayton: I'd like to make a motion that we make the provision of gambling and card rooms under a Special Use process. Any establishment of cardrooms would be dealt with under the Special Use

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Permit process.

(#1965) Bob Fink: And UGA's?

(#1990) Steve Clayton: To include UGA's.

(#2000) Diane Edgin: We have a motion. Do we have a second?

(#2008) Irv Shotwell: I'd like to make a motion that we adopt an established ordinance to prohibit development permits for cardrooms in the unincorporated areas of Mason County as presented.

(#2030) Bill Dewey: I second the motion.

(#2032) Diane Edgin: We have a motion and a second. Any discussion? I will throw out that I do like the idea of the Special Use Permit. Any other comments?

(#2105) Bill Dewey: I think the Special Use Permit is something we should be exploring. Personally I'm in favor of the moratorium on the gambling issue.

(#2122) Diane Edgin: Any further discussion? All in favor? Motion passed.

Meeting adjourned.