

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes June 20, 2005

(Note audio tape (#2) dated June 20, 2005
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 Vice-Chair Steve Clayton at 6:00 p.m.

2. ROLL CALL

Members Present: Steve Clayton, Wendy Ervin, Terri Jeffreys, Mark Drain and Diane Edgin. Bill Dewey and Tim Wing were excused.

Staff Present: Bob Fink, Allan Borden, Emmett Dobey, Barb Robinson, Barbara Adkins and Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes from the April 18, 2005 and May 2, 2005 meetings were approved as presented with the following requested changes:

April 18, 2005:

On page 2 under Bob Fink's comments it should read ...'Zoning regulations for the UGA's have been adopted in Belfair and as an interim set of regulations for Allyn. The county is working on a plan and permanent regulations for Allyn'.

May 2, 2005:

On page 2 in the first paragraph, title case 'Failure To Act Challenge' in three different places.

On page 9 under (#2130) it should read ...'on in their life choices'.

On page 10 under (#2210) it should read ...'more advantageous for everyone than if there' ...

On page 10 Under (#2465) it should read ...'into consideration' ...

4. NEW BUSINESS

(#0210) Steve Clayton: First up on our agenda is the Minerva Beach Homeowners Association request for rezone that was continued from the May 16th meeting.

(#0220) Allan Borden: I'm Allan Borden with the Department of Community Development. The Department

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received a fax on Friday and a hard copy of a letter today from the attorney representing the Minerva Beach Homeowners Association, John Woodring. It's addressed to Bob Fink. It says 'Dear Mr. Fink: I was retained by Minerva Beach Homeowners Association on June 13, 2005, to represent it in the Minerva Beach Homeowners Association rezone matter. This matter has been set for hearing by the Mason County Planning Commission on June 20, 2005. I am requesting a continuance to July 11, 2005. I will be out of town for June 20, 2005 and June 27, 2004 and July 4, 2005 is a holiday. Please confirm this continuance'. So he's seeking a request to July 11th and July 11th is not a date that we've discussed as a potential hearing date for the PAC. You can schedule an additional meeting on July 11th. You already have a meeting set for July 18th to consider the Claudia Douglas rezone request and you could just say for this request July 18th is the next available hearing date.

(#0295) Wendy Ervin: Is the Claudia Douglas rezone the only thing we have on the agenda for the 18th?

(#0298) Allan Borden: I believe that is so.

(#0302) Bob Fink: It's possible there may be something to do for the Comp Plan. You have a hearing on the 27th and it's possible you may not be done on that day so we might have to continue that to the 18th of July.

(#0310) Wendy Ervin: How much time do people think that the Minerva Terrace rezone is going to take? How difficult a decision will this be to make?

(#0320) Allan Borden: I think that the hearing is likely to last as long as the last one did.

(#0324) Diane Edgin: That was at least an hour before we decided to continue it.

(#0330) Steve Clayton: Have they provided information that staff has requested of them?

(#0335) Allan Borden: I'll tell you what has happened. On May 16th, we had the public hearing and it was continued to today's date hoping that would be an adequate amount of time. On the later part of that week, Brenda Peters had a discussion with Emmett Dobey about having a meeting at Minerva Beach to discuss their operations and exchange information. That meeting did not take place as it was cancelled. We didn't hear anything until June 6th and then we were told that the Minerva Beach Homeowners Association had arranged for an attorney to represent them, John Woodring. He has been out of town and didn't feel he was adequately ready to come to the hearing tonight so that's why he was requesting this continuance. So basically the county doesn't have any additional information from the homeowners association and on my end I have been trying to get additional information from environmental health on exactly what they're permitted for and what their best knowledge is on what is currently occurring on these three properties. So that's where it stands.

(#0420) Emmett Dobey: Brenda Peters has indicated to me that there was an intention, once they secured the attorney, to speak to us to try to resolve as many issues as possible before the hearing.

(#0428) Diane Edgin: I don't have a problem with continuing it to the 18th.

(#0430) Wendy Ervin: I just wanted to make sure it wouldn't make the night too full with other issues.

(#0432) Allan Borden: I do want to add that I did have an additional phone contact with Claudia Douglas' council, John Bonin, and he is trying to get additional information.

(#0444) Steve Clayton: Would there be a disadvantage if we did not put them on the agenda and ...

(#0446) Allan Borden: No.

(#0448) Steve Clayton: Just leave them off and when they come back with their information ...

(#0450) Allan Borden: You could schedule them both for the same night and whatever happens, happens.

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(#0454) Susie Ellingson: Steve, are you asking to not pick a continuance for a date certain right now, and so everything will have to be readvertised?

(#0457) Steve Clayton: Right. I also thought, we had 15 or 20 people in the audience and by continuing to bump it as a continuance then those people aren't notified or available to come in and testify and give their views on it. That's the disadvantage of having it not advertised and have multiple continuances. There's nobody here tonight to testify ...

(#0472) Bob Fink: Most of them are association members and so they would know about the continuance.

(#0478) Susie Ellingson: As of recent, we have had many inquiries about the continuance and so I've been able to keep a lot of people informed that way.

(#0480) Allan Borden: I contacted an individual today who wanted to know if this hearing was taking place tonight or if it was true that a request for a continuance was made. Once I verified it, I called him up to inform him of the status.

(#0500) Wendy Ervin: Originally there was an expectation that we could hear those two cases in one meeting and I don't see that things have changed drastically so I don't see that they would have to be done in separate meetings if the workload hasn't changed.

(#0505) Terri Jeffreys: I move that we continue the Minerva Beach rezone request to July 18th.

(#0508) Wendy Ervin: I second the motion.

(#0510) Steve Clayton: We have a motion and a second to continue the Minerva Beach Homeowners Association rezone request to July 18th. All in favor? Opposed? Motion passes. Also, we have a joint PAC meeting on July 13th.

(#0520) Emmett Dobey: Yes, it's with the BOCC, PAC and TIPCAP.

(#0530) Steve Clayton: Next up we have Barb Robinson.

(#0545) Barb Robinson: Barb Robinson, Mason County Community Development. Tonight you have a public hearing to consider an amendment to Title 17 of the Mason County Code adding a new chapter, 17.40, entitled the Mason County Historic Preservation Ordinance. I sent you all a staff report and I also received an e-mail from Steve Clayton today and he did have some comments so I've made some copies for you. I'm going to go through those and briefly talk about them and hopefully it will answer some of your questions. Currently in Mason County, Development Regulations don't provide for land use regulations or development standards for the protection or methods to preserve historic and cultural resources within Mason County. The Mason County Comp Plan does address historic preservation and there is a historic preservation element in the Comp Plan so the ordinance is being developed to support that element as well as protect the historic and cultural resources within the county. On June 2, 2005, there was a public meeting held here in the chambers and it was held at the request of the BOCC. Commissioner Kamin was present at the meeting. She spearheaded the meeting. Megan Duvall from the State Historic Preservation Office was here to talk about certified local governments, historical preservation ordinances, and then Shanna Stevenson from the Thurston County Regional Planning Commission was also here. She handles a lot of the cities around the Olympia area and works with their historic preservation. So the people that were in attendance were interested in preserving our historic properties within the county and moving on with developing a historic preservation ordinance.

One of the goals of the county is to participate in the Certified Local Government (CLG) Program. What that program does is it establishes you as a CLG and allows you to participate in grants. You get first bids on grants that come up for historic preservation projects. It also allows you to participate in a Special Valuation Program which is something Mr. Clayton had raised regarding questions on what that program is. It's a state program and we'll talk later about that. One of the first things you have to do to become a CLG is to develop a historic preservation ordinance and that's what we've done with this ordinance tonight. The second thing

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that will happen once the ordinance is adopted is the BOCC will select members to participate as members of that commission and at that point then you develop rules or procedures or bylaws based on your ordinance. That is when do you want to have your meetings, how many people on the board, etc. Once that is done you can submit that request into the state and they will accept you as a CLG. So the first thing is the ordinance needs to be developed and adopted by the BOCC. Chapter 17.40 does amend Title 17 in the Mason County Code. The ordinance will provide tools for preservation and rehabilitation of eligible historic properties within the county, and also provide for the tax incentive program, which is the Special Valuation. The Special Valuation Program doesn't freeze the taxes but it allows you to, if you're going to do a remodel on your property, then you can take 25% of what the total cost of that is and you can back it out so the valuation of your property actually drops and you end up paying your property taxes on that. So there has been instances where properties have actually got a \$0.00 value by the time they take all the costs of the remodel that's been done and backs it out. They allow that to be there for 10 years. It's a state recognized program so final approval is done by the state once it goes through the Assessor's Office and then it would go to the Historic Preservation Commission to recommend that the state accept this property in the Special Valuation Program. And that's for 10 years.

We used the state model. The state has a model Historic Preservation Ordinance that most cities and counties have been using and that was a question that Mr. Clayton had. Where did this model come from? There is no RCW that really gives you the minimum standards for an ordinance but the state did develop a model ordinance that goes through and depicts the things that you need to have to protect your historic properties and gives the guidelines for doing that. Most of the cities and counties have used that model ordinance and according to Megan Duvall at the state, she said that probably 95% of them have used the model. Another question you had is what cities have used it? It is not on the website. The one that you did see was Oysterville, actually is the design guidelines for Oysterville, so it's a separate thing; it's not their Historic Preservation Ordinance. Some of the other cities are Colfax, Walla Walla, Ellensburg, Edmonds, Vancouver, Snohomish County, Shelton, Bainbridge Island and Anacortes. So several of the larger cities have used this model ordinance and basically just tweaked it to meet what they think their community needs as far as the language in it. One of the things that some of them have changed is the number of members, and that was another question that Mr. Clayton had was going maybe from 9 members to 7 members. That's certainly something the PAC can recommend to the BOCC.

We started with the model ordinance and we did go through and make some changes in it. Basically, the number of members, we came up with 9. We determined by the number of members the terms that each member would serve. Under Compensation, we stated that all members would serve without compensation but there was some discussion on mileage because the PAC is reimbursed mileage. Process for designating properties or districts to the Mason County local register. In the ordinance on page 8, one of the changes made was originally the ordinance said any person may nominate a building or structure. One of the things we put in there was 'any person with the owners consent' can nominate a building so any owner is aware of what's taking place. Farther down, it says 'a super majority of 60% of the property owners within the proposed district' would qualify it to pass as a historic district. Mr. Clayton questioned that. That percentage can be changed to whatever number you want. A lot of times when you have a historic district you don't have all the buildings within that historic district that are eligible for historical landmarks. You could have a mix of different buildings throughout the neighborhood so typically I think that's why the majority is around 60%.

(#0885) Steve Clayton: My comment was not directed so much at the 60% but in the summary you gave it said that owners always had a choice. This is an example where they don't have a choice.

(#0890) Barb Robinson: That's right. They would only have a choice in a historic district by the majority.

(#0895) Steve Clayton: So if we forward this onto the BOCC and they read your preface and they get the feeling that everybody has a choice and that's not true. One other question I have is we have here 60% of the property owners. Do we want to do property owners or do we want to do 60% of the valuation of the district? Otherwise, you have a lot of small property owners that could make the big guy pay.

(#0915) Barb Robinson: Also with the 60% is you can have somebody that owns a lot of property and throw it out if they decide they don't want to do it and that's what happened in Shelton. They tried to create a historic

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district and there was one property owner that had multiple properties and they voted against it so it kicked it out. In that case, it can work both ways.

This ordinance was based on the state model and some discussions with other communities. I worked with the City of Shelton for 6 six years and they had an ordinance that was created back in 1992 so I've worked with that for a long time and then also with the City of Astoria in Oregon. So I've had a little bit of experience in working with them and what I've seen is most of them are using this model and maybe tweaking it a little bit. If you have any specific questions, I'd be glad to answer them.

(#0955) Terri Jeffreys: I have a question regarding the relationship between Shelton's ordinance and Mason County's ordinance. Would this apply only to properties that are outside of the Shelton City limits?

(#0958) Barb Robinson: That's correct. The City of Shelton ordinance is only within their established city limits; not even within the UGA.

(#0965) Terri Jeffreys: And Shelton is a CLG?

(#0968) Barb Robinson: Yes, they've been a CLG since 1992.

(#0970) Diane Edgin: We have several properties within the county that are already on the national historic register. How does this affect them?

(#0975) Barb Robinson: It doesn't affect them at all. They can choose to be on the local register if they so choose ... being on the local register qualifies them for Special Valuation to where it doesn't if they're on the national register. That's the difference, but if they're already on the national register it would be to their benefit, if they were ever to do any kind of remodel, that they could qualify for the Special Valuation Program as being a local landmark.

(#0990) Mark Drain: On page 1 under Purpose, #F, I don't understand that.

(#1000) Barb Robinson: 'Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment'. Basically what it leads to is that preserving the historic properties and continuing to use them but also maintaining them so they stay in a preserved type of state.

(#1020) Terri Jeffreys: You say preservation saves energy and resources?

(#1025) Barb Robinson: In a sense it does.

(#1028) Steve Clayton: So as I understand the process, it's a single board but they have two different functions. The first function is to identify and keep track of properties and make a recommendation to the BOCC that these properties are accepted as historic properties.

(#1038) Barb Robinson: Correct.

(#1040) Steve Clayton: Then as a second function they can change or give a Special Valuation benefit to properties that have done improvements. Those Special Valuation benefits are not forwarded onto the BOCC for approval; this group has sole responsibility for accepting that.

(#1055) Barb Robinson: They don't really have sole responsibility because all they're doing is making a recommendation to the state that they be accepted in this program. Now, there's specific criteria that they have to meet before they can even be brought to the Historic Preservation Commission and they're pretty substantial standards that they have to comply with. If they don't meet those standards then the commission really doesn't have the authority to say that they do comply with all the criteria and they will pass it on to the state. The Historic Preservation Commission doesn't have a final say; they just have a recommendation to the state to proceed with the program.

(#1077) Terri Jeffreys: What are the differences between those standards and the standards for designating

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something to be on the register?

(#1084) Barb Robinson: There's specific criteria in the ordinance that outlines whether or not you can be a historic landmark; it has to do with age, architecture, whether or not there was a person of interest that lived there; that's separate; that just established the building as a historic landmark. Now, the Special Valuation, you have to meet the percentage of work you've put into it, and there's certain criteria outlined by the Department of Interior that you can only subtract certain things. You can use what construction costs were, you're limited on some of the drawings; you can't use every little thing you put into it. A lot of times you can't use carpets. So you have to outline specifically line item by line item what you did, what the improvement was for, what the cost was and all of those have to be compared with the Department of Interior standards. That's what the state goes by to see if you qualify for the tax incentive.

(#1125) Terri Jeffreys: The tax incentive is 25% of what it costs for them to remodel subtracted from the valuation of the property.

(#1130) Barb Robinson: That's correct. To give you an example of how it works, the Shelton Hotel building; a gentleman from Olympia bought that building and he bought it for \$180,000. He put about a million dollars into it. So by the time he calculated what he had spent on that building, he ended up with a \$0.00 valuation on that for 10 years. It's not only for a commercial building but also for a residence. That's the only thing you get other than community pride of having your building on the local register.

(#1158) Diane Edgin: Is there any provisions for when there's a historic site where the building no longer exists and somebody wants to come in and build a replica. Is there any mechanism in place for something like that?

(#1166) Barb Robinson: In that case you would actually declare the site as a historic landmark and then rebuild the building as a replica to the standards of what it was. People would actually have to get historic photographs of what was there so that whatever was built was something that was compatible with the historic designation of that site.

(#1215) Wendy Ervin: Under 'X', Universal Transverse Macerator, what is that?

(#1225) Barb Robinson: That is something that the state uses on their inventory sheet.

(#1230) Wendy Ervin: How does it relate to global positioning?

(#1232) Allan Borden: That's actually a typo. It should be 'Mercator'.

(#1245) Barb Robinson: You're right. It's a locating on the universe of where this piece of property is.

(#1252) Wendy Ervin: How does that relate to global positioning technology?

(#1260) Emmett Dobey: Mercator is just the connecting line.

(#1262) Wendy Ervin: Okay, so if you're using GPS technology ...

(#1266) Emmett Dobey: The Mercator System is the one that sets the position.

(#1270) Barb Robinson: Which is what the GPS goes off of.

(#1272) Wendy Ervin: Okay, I'm satisfied.

(#1290) Barb Robinson: Mr. Clayton had asked the question of whether or not the Hearing Examiner can be the appeal body on something like this. Basically, it's not a land use issue at this point because this has to do with Special Valuation Program. I talked to Darren Nienaber about that specific thing and he said that's a legal issue that's unresolved at this point. The City of Olympia is looking at that same thing. For now, it has to go to Superior Court.

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(#1340) Steve Clayton: There's two different processes. We can appeal either the historical designation or the Special Valuation. The Special Valuation has a separate set of rules because of the state and federal standards.

(#1350) Barb Robinson: Yes, and that's why they were leaning towards the fact that the HE probably didn't have the authority to rule on Special Valuations because of the type of issue that it is relating to the taxes. The historic designation is actually a land use action because it actually places a land use designation on a piece of property.

(#1398) Steve Clayton: Another question I brought up was the appropriateness of ... you could get a waiver to do work that's on these historic properties ... you need a waiver to demolish them. However, you don't have to inform the public that you're doing this and if the public wants to appeal then you can only appeal based on what's in the record on the initial finding. So if you were never informed that they wanted to do this work, they begin a major construction change, the public has been subsidizing this on the tax basis but ...

(#1420) Barb Robinson: They would only if it's on a Special Valuation Program. They wouldn't otherwise because there is no tax credit for anything if it's just a historic designation type of property. If they pulled their property off the Special Valuation they have to immediately start paying what their taxes are and also back up because they're geared in for a 10 year period. In that sense, it's not quite the same thing. The part you're talking about actually is if someone has a historic landmark and they want to do some alterations to the building, the building has already gone through the process to be declared a historic landmark on the local register. If they want to make alterations to that when it came in for a building permit, we would have to review it to make sure that the alterations that they are doing is not going to impact the historical integrity of the building.

(#1472) Steve Clayton: Actually it says specifically you can issue a waiver to demolish the building.

(#1478) Barb Robinson: Right, you can't prohibit anyone from demolishing a building.

(#1482) Steve Clayton: So the wording that we have doesn't allow for any public process for these historic buildings.

(#1485) Barb Robinson: On a demolition?

(#1488) Steve Clayton: A demolition or a major change of a historic structure.

(#1490) Barb Robinson: It only goes through the commission as an alteration to the building that is already on the local register.

(#1500) Steve Clayton: I mentioned in my e-mail changing it to where major changes such as these are considered a Type III or Type IV review, depending on if it's an entire district or a single building.

(#1515) Barb Robinson: There is a process when they become an historic register property. They go through and notify all the property owners, the property is posted, it's put in the newspaper of the upcoming hearing, but as far as the alteration, there's no notification.

(#1524) Steve Clayton: The other question was with the document here the notification process ... we're attempting to reinvent what we already have on the books in another title.

(#1535) Barb Robinson: Some of these are kind of a cross between a Type III and a Type IV, depending on whether it's a historic district or if it's actually a historic landmark because it's almost like doing a rezone. But the ordinance doesn't really say what Type it is and what process is followed. Or do you duplicate the language in the ordinance so that it's clear? That's what we've done here.

(#1568) Wendy Ervin: I think we have to recognize that these are primarily going to be private properties and they may have historic value but they do belong to individuals and they have private property rights and it seems to me that there are enough hoops to jump through whatever the county is demanding without

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opening the process to anybody who has a particular point of view; they're going to force you to do whatever they want with your property. I'm really objecting to that. We've got enough busy bodies in this county already without giving them another tool.

(#1600) Barb Robinson: I think the purpose of the ordinance is to encourage people to get their properties on the local register.

(#1605) Wendy Ervin: But it's a voluntary thing.

(#1615) Diane Edgin: Let's say a group of homeowners opt in for this thing and they get grant money. Now we're in the public realm of tax dollars at some point. There's where I see the neighborhoods coming and saying they either like or don't like what you're doing.

(#1635) Wendy Ervin: But they're going to get that grant money based on a plan. They will present a plan, the plan will be accepted as being a proper historic restoration of that property, and then they're given the grant money. It's not the neighbors business.

(#1642) Barb Robinson: Typically grants aren't given to individuals. They're given to the cities and the counties. Then the cities or counties actually use that grant money and there's specific things that you can use that grant money for. So it doesn't go to individuals.

(#1665) Terri Jeffreys: You've done a great job in explaining this. Could you also explain where the limitations and regulations come in as far as say, replacing that window sash to be up to the historic integrity, etc. Does that come under design standards?

(#1670) Barb Robinson: Yes, it comes under the design standards, basically. The commission would have the responsibility of looking at a piece of property or building to see if ... let's say they were going to take all the windows out and replace them with aluminum. That certainly wasn't within the time period that building was built, therefore, if they did that they would be altering it to the point where it no longer met the minimum standards of the Department of the Interior for designation as a historic property because they've changed it so much. So the materials that you use have to be somewhat similar to what was original or a replica of something that was original.

(#1700) Terri Jeffreys: So as a jurisdictional body, we wouldn't need to adopt new development regulations; we would just refer to the Department of Interior regulations?

(#1708) Barb Robinson: Right.

(#1710) Terri Jeffreys: Would that require a new ordinance as well?

(#1712) Barb Robinson: No, it's all part of it.

(#1720) Wendy Ervin: Under the criteria it says 'Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history'. Can that be applied, for instance, as I mentioned, by busy bodies to designation, for instance, a section of timberland because it made a significant contribution to the broad patterns of local history?

(#1752) Barb Robinson: Possibly, depending on what really is significant about that piece of property. You'd also have to have another one with that because the ordinance states that it has to fall into at least 2 of the categories. But the owner would still have to okay it. It has to come from the owner or the owner has to give their consent that they agree the property should be put on the local registry.

(#1795) Wendy Ervin: On page 5, #2, the last sentence reads ' Furthermore, exception to the residency requirement of commission members may be granted by the BOCC in order to obtain representatives from these disciplines'. Steve, is that something you asked to be added?

(#1815) Steve Clayton: No, I asked to add the 'up to two commission members'. I'd rather not add the

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quorum of the board from outside the county available.

(#1820) Barb Robinson: I looked at that ... right now it says 'Furthermore, exception to the residency requirement of commission members may be granted by the BOCC in order to obtain representatives from these disciplines'.

(#1845) Wendy Ervin: I have a philosophical problem with that. If you look at this, it says 'architecture, history, architectural history, planning, prehistoric and historic archaeology', etc. We've got an adequate number of people in Mason County. We're not without expertise and I am sick and tired of decisions in Mason County be based on opinions of somebody who lives in Olympia or lives someplace who is coming in to tell us how to do what we should do in our own county like we're incapable. I object to having any experts drawn from any place else. I think the entire board should be from Mason County and you should have two of these professionals.

(#1890) Barb Robinson: That would be perfect if you could get those people that do have that expertise to serve on the board.

(#1900) Wendy Ervin: I also agree that 7 would be better than 9. It would make the recruitment easier.

(#1910) *Miscellaneous discussion about recruitment.*

(#2000) Steve Clayton: Back to the original comment, I'd rather not have a quorum available outside the county to make decisions on land use designations and to limiting it up to 2.

(#2015) Terri Jeffreys: I like that as well.

(#2025) Mark Drain: Maybe add an exception to the residency sentence could be reworded to say 'if every effort has been made within the county and the qualified people can't be found' ...

(#2040) Wendy Ervin: Maybe there isn't enough interest. If you can't dig 7 people up or 9 people up to be on a historic preservation commission maybe it's not worth having.

(#2100) Terri Jeffreys: I concur with Steve with the two other changes that he recommended on page 10 under Review Process. Under C.2., second paragraph, third line up. 'The commission shall complete its review and make its recommendations within thirty (30) calendar days of the date of the receipt ...' I would recommend up that to ninety (90) days unless there's a problem with state law. On page 11, A.2., Time Lines, I concur with Steve that we should have a date that the application must be received by in order to be reviewed that year.

(#2170) Barb Robinson: That is under state statute; it says you have to have it in by October 1st, and that isn't included there but we can add that.

(#2190) Wendy Ervin: I had a thought on this commission review. 'If the commission is unable to process the request, the commission may ask for an extension of time'. I think at the end of that extension of time, if they still haven't been able to decide, you've held up that person from doing whatever it is that they wanted to do for 90 days already. These people have already been held up and I think at some point there should be a trigger if the commission hasn't been able to act, the people get permission to whatever it was they planned without any permission.

(#2222) Barb Robinson: I don't think you want to do that.

(#2225) Wendy Ervin: If they have the opportunity to drag their heels, at some point there should be a limit to how much of that kind of thing can go on. They should have a time limit to do things. If that doesn't happen then it should be taken out of their hands.

(#2255) Terri Jeffreys: Into whose?

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(#2260) Wendy Ervin: The property owner goes and does whatever they want to do. They get automatic permission after a certain period.

(#2265) Barb Robinson: They could do that but then if they do it, they do it at their own risk and then they might lose their historic designation.

(#2275) Wendy Ervin: They may lose their historic preservation status but that status doesn't put money in their pocket.

(#2300) Steve Clayton: What if their application isn't complete?

(#2345) Barb Robinson: When it states that the recommendation needs to be made in 90 days, you could put 'within 90 days of the receipt of a complete application'.

(#2375) Wendy Ervin: That would work.

(#2385) Mark Drain: Or you could say 'an extension of time could be granted if the applicant is in agreement'.

(#2425) Wendy Ervin: This is another additional set of hoops and time lines to go through and before you know it, summer is over.

(#2450) Allan Borden: This program isn't a right of the property owner, it's a privilege.

(#2470) Terri Jeffreys: Can you do that retroactively? Can you go ahead and do the improvements on your property and then apply?

(#2478) Barb Robinson: You can, if you're sure that you'll get it. What the ordinance says is if you do have a historic landmark designation on your building, and you come in for a building permit and it's caught that it is a historic landmark therefore the building permit couldn't be issued before the historic preservation commission has had a chance to review it.

(#2498) Emmett Dobey: You can't do the remodel, then apply, then retroactively get that value. It's only after you get that designation. You can pull it off the register any time you want. If you want to do some remodel and you want your building permit, you can ask that it be pulled off the register.

(#2525) Terri Jeffreys: I think the 90 day thing and the request from the commission for an extension is adequate. I can't see something like that happening and I don't think we should assume that it will. I think that this body and this staff has shown that there's a public service that's going on and we're not trying to hurt people. On page 6, D.9., Steve had talked about having Tribes also included in there and I concur with that.

(#2595) Barb Robinson: I talked to the state about that and typically they're not in historic preservation ordinances but they are in the archaeological and cultural ordinance. This one doesn't really relate to archaeology finds.

(#2605) Terri Jeffreys: But it does.

(#2608) Barb Robinson: It does a little bit but not as much as historic landmarks but you could certainly add Tribes.

(#2655) Wendy Ervin: In the definition of 'site' it says 'A site is a place where a significant event or pattern of events occurred'. On the East Coast you'll be driving along and it says a specific battle or event took place here. Is this included in it where you're not doing anything to the property?

(#2700) Barb Robinson: Right.

(#2735) Terri Jeffreys: I would also like to recommend that we do add compensation for mileage on page 7.

(#2755) Susie Ellington: That would go in the bylaws of the commission.

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(#2775) Steve Clayton: On page 7, D.18., Adopt Rules of Procedure. I didn't understand that.

(#2785) Barb Robinson: What it does is you have to have standards to have something qualify and that's basically what it says is you're going to adopt the rules and procedures to put this in place so that the BOCC has the authority to take the actions it takes.

(#2820) Allan Borden: Under D.18., should it be '3, 4, 6, and 17'?

(#2830) Barb Robinson: I thought so, too, but when I looked at the model it said '18'. I'll check that and find out.

(#2860) Steve Clayton: The commission needs to adopt rules of procedure for the local review board. So that would make sense for it to be '17'. On the same page, the officers. The BOCC appoints the chair to other committees, such as this commission, so are we going to maintain that for the BOCC to appoint the chair of this commission?

(#2900) Barb Robinson: Typically they pick one themselves.

(#2906) Steve Clayton: In the bylaws of our commission we were supposed to be able to pick our chair but that changed with the last BOCC. We make our recommendation and they confirm it. In order to maintain continuity of different boards of the county, do we want to ...

(#2920) Emmett Dobey: It should be consistent whatever it is.

(#2935) Barb Robinson: I'll research that for consistency.

(#2980) Terri Jeffreys: What do the other members think of the 60% for the districts? If there's a district and I have a gas station that was built last year in that district and 60% of my neighbors decide they want to be an historic district, that won't affect me because I have a new building, right?

(#3020) Barb Robinson: Right.

(#3025) Terri Jeffreys: It just affects the historic buildings?

(#3030) Barb Robinson: It affects the buildings within the historic district that qualify for historic designation. They have to meet the minimum standards to even be designated. Just because you're in a historic district doesn't mean that your building is regulated.

(#3038) Terri Jeffreys: So why would you have a historic district designation?

(#3042) Barb Robinson: Because there's other benefits to the historic district.

(#3045) Steve Clayton: If you went through a change of use on the property you wouldn't be able to do it if it was a modern use.

(#3065) Barb Robinson: The historic district is an overlay district. It's not a rezone but it is similar.

(#3072) Terri Jeffreys: Are there new regs required for that district?

(#3080) Barb Robinson: Typically, there are.

(#3082) Diane Edgin: We're talking about homeowners and a super majority. Are we talking about drawing a border around a neighborhood?

(#3085) Barb Robinson: Yes. Your boundary would have to be determined based on the sum criteria. Was there a concentration of houses built within a certain time period? Or they have some significance as far as

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architecture? It would be 60% of those within the boundary of the designated district.

(#3160) Terri Jeffreys: So if I didn't vote for this, I wasn't a part of the super majority, the affect on me would basically be any design standards or new development regulations that were implemented to preserve this historic district and I'd have to adhere to those.

(#3175) Wendy Ervin: So if she voted no she's not forced to do something with her house but if she decides to change the siding on her house it has to be according to the historic standards.

(#3200) Barb Robinson: If it's within a district and yours qualifies as 50 years old then you would have to do it regardless of whether you wanted to.

(#3230) Emmett Dobey: There's two issues here. If you're in a historical district and you want to remodel your house and your house isn't designated historical, you don't have to meet the historical district requirements, unless you want to be put on the register.

(#3250) Wendy Ervin: So if you're within the district and for some reason your house was built in the 40's and every other house was built in the 20's ... so yours is not in that number that was the reason for the district then that doesn't apply to you?

(#3275) Barb Robinson: There wouldn't be any requirement to make you make your house look like it should have looked when it was built but there's no requirement to make any changes at all but if you do make changes ... say your house is not on the historic register but it has the potential for historic landmark and you're within that district. If you make changes or alterations then it would have to meet those design standards.

(#3300) Steve Clayton: You'd have to apply to this commission for a waiver for any significant changes.

(#3305) Barb Robinson: Either a waiver or a certificate of appropriateness saying that what you're doing is compliant with the historic architecture of that building.

(#3333) Emmett Dobey: I live in a historic district and my house is on the register so any changes I make I know I have to go through this but if there are other people, like the people that live next door to me, if they make changes they're not required to meet the historical standards.

(#3352) Terri Jeffreys: But there probably are design standards of some kind.

(#3358) Bob Fink: If you look on page 9, D.1., 'Properties are listed individually or as contributing properties to an historic district'. D.2. says, 'Prior to the commencement of any work on a register property, excluding maintenance, must request and receive a Certificate of Appropriateness ...' So I read this to say that within the historic district, there are certain properties that are on a register as contributing to the historic character of the neighborhood. On those listed properties, they need to go through this review process prior to receiving a building permit. The properties that are not on that register in that district don't need to go through that process.

(#3400) Wendy Ervin: So is the chain of events is that there's a proposition to make a historic district and there's outlines, then there's a vote, and it's determined that it will be a historic district and then individual properties petition to be put on the historic register?

(#3434) Barb Robinson: Typically they're already on the historic register when you do the historic district and that's what forms the historic district is that you've got a concentration of buildings or sites that are already on the local or state register and you want to make it a district.

(#3451) Bob Fink: If you go to page 8 under B.3., it says that in the case of the districts, the designation shall include the description of the boundaries of the district, characteristics of the district, and a list of all properties which contribute to the designation of the district.

(#3475) Barb Robinson: So that's what forms your district is that you already have a concentration of buildings

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that are on the local or state register.

(#3480) Emmett Dobey: But every house in that district may not fit that designation and if you don't fit that then you can do what you want.

(#3488) Steve Clayton: But if you do fit that and you voted against it you're stuck.

(#3495) Emmett Dobey: Not unless you're on the register.

(#3498) Wendy Ervin: So if you have an old house and don't want it on the register ...

(#3500) Emmett Dobey: Then you can do whatever you want with it.

(#3502) Diane Edgin: And you're going to get taxed accordingly.

(#3508) Barb Robinson: That won't change. Just because you have a historic landmark it doesn't change your tax.

(#3550) Terri Jeffreys: Like in the case with Shelton, was it one vote per property?

(#3560) Barb Robinson: Yes.

(#3580) Terri Jeffreys: So one owner of multiple properties gets more than one vote?

(#3590) Barb Robinson: Yes. It's based on the number of properties.

(#3625) Terri Jeffreys: Any idea of the history with this ordinance if the 60% has caused problems?

(#3645) Barb Robinson: I haven't heard of any.

(#3650) Wendy Ervin: If they vote against it, it doesn't hurt them that their neighbors upgrade to a certain standard. It doesn't damage them in any way. On page 7, regarding the criteria. Under A.2., it says 'embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction'. There's an awful lot of single wide trailers with things built around them.

(#3700) Barb Robinson: But they have to be 50 years old. However, I've never heard of it so you never know.

(#3750) Susie Ellingson: Barb, why don't you go back and review with the PAC what changes they may want and then we can have a motion on it.

(#3770) Steve Clayton: I have one more thing. On page 11 under appeal process, 'The appeal shall be review by the BOCC only on the records of the commission'. I would think we could delete 'only on the records of the commission' because the public is never notified in the first place or given an opportunity to bring forward concerns. It should be an open record appeal. So if you want to demolish an historic building there's no public notice posting or publication and if you have someone who wants to appeal that before it's destroyed and they can only appeal it based on what's in the record, but they never heard about it.

(#0140) Wendy Ervin: I like that.

(#0144) Barb Robinson: Okay, I'll review your comments and recommendations. The first thing was on page 4, Macerator. I'll fix the spelling on that. On page 5, change the number of members to 7 instead of 9. Then farther down, in #2, we talked about limitations on the number of people that can serve on the board outside the county, saying something like, 'if every effort has been made to obtain residents within the county'. Did you want to limit that to 2?

(#0162) Wendy Ervin: We want to prevent having a quorum of people who come from outside the county.

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(#0165) Terri Jeffreys: Yes, up to 2.

(#0167) Barb Robinson: Okay. Then on page 6, #9, the language needs to be cleaned up on that. On page 7, on #18, change it to say '3, 4, 6, and 17'. Under F., verify whether the board picks the chair or the BOCC itself. On page 8, there was a discussion on the super majority of 60%.

(#0190) Steve Clayton: Do you want to go with 60% of property owners, or 60% evaluation?

(#0192) Terri Jeffreys: I'm not interested in the valuation part of it.

(#0194) Mark Drain: I'm not either.

(#0196) Barb Robinson: Alright. Then on page 10, changing it to '90 days in receipt of a complete application' and then 'the commission may ask the owner for an extension of time'. On page 11, omitting, under #4, 'only on the records'. Under Time Lines, add 'October 1st' as the day in which applications need to be submitted. Then the only other thing I have is on page 13 regarding appeals. This is what Darren, county council, suggested we take out, where it talks about may appeal to the Superior Court. That's the wrong RCW, and just taking out that whole line and so just stops at 'Superior Court'. We'll look at whether there's any case law that the Hearing Examiner does have the authority to do it and that would have to be an amendment later down the line.

(#0265) Diane Edgin: I'll make a motion to accept the corrections as stated for the Mason County Historic Preservation Ordinance.

(#0270) Wendy Ervin: I second that motion.

(#0272) Steve Clayton: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes. We have a meeting date next Monday on the 27th. We have the joint meeting on the 13th of July, Wednesday, and our regularly scheduled meeting on July 18th.

(#0300) Barbara Adkins: At this point, during the Comp Plan update, we have gone through and made a list of everything that we need to do or would like to do to come into compliance with GMA. So you have a staff report and it gives you some background information and it also gives you recommendations and the recommendations come from our review of the GMA, our review of the Comp Plan, and submissions from the public for suggestions on changes to the Comp Plan, as well requests for rezoning. The staff report is divided up into several sections. Issues and projects that need to be addressed in 2005 and ones that need to be addressed in 2006. The ones that are not mandated but we are recommending be addressed in 2005 and 2006 are also listed. On page 2, under 3. GMA Mandated Updates-2005, there's a brief discussion that tells you how this came to be. We've identified a list of items that we feel need to be updated based on that discussion and there's a brief explanation of each one. The mandates for 2006 start on page 5. On page 6, we start with the non-mandated changes. These are changes that we don't have to do but should probably be done, they need to be done, they've been requested to be done, and those are listed there. In the back you see a spreadsheet. This is a list of all the public comments that came in. Who the comment came from... we went through them and some of them were already required so we put a comment in there regarding whether they're mandated or not. Then you've got what the staff recommends. The smaller document is a summary of what we've done of the changes. Then the very last page shows you a list of everything the needs to be done this year and everything that needs to be done next year.

(#0485) Wendy Ervin: I see down at the bottom for 2005 it says 'Review of Skokomish Valley development opportunities'. Is that potentially dealing with lifting the moratorium on building there?

(#0492) Bob Fink: Yes. We're examining the possibility of that.

(#0500) Barbara Adkins: This is now available on the web site. We have a Comp Plan Update link there.

(#0520) Diane Edgin: I know there's been a major change on manufactured housing on the state level as to

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where it can go. Do you have an RCW on that?

(#0525) Terri Jeffreys: Basically, it's just that you cannot say they cannot go someplace, unless you have a neighborhood association that puts that under their covenants.

(#0532) Barbara Adkins: They can go anywhere any other house can go.

(#0535) Wendy Ervin: With the proper foundation, or is there any consideration on that?

(#0538) Terri Jeffreys: That can be done by the county code.

(#0550) Steve Clayton: Okay, our agenda for next Monday is to take public testimony and to bring staff any questions we have on these documents.

(#0565) Barbara Adkins: Right. Ultimately what we're going to do with this is make recommendations to the BOCC. So we're making our recommendations to you and to the general public and from there the recommendations go onto the BOCC.

(#0575) Allan Borden: It's just to discuss the work program; it's not the specifics under each topic.

Meeting adjourned.