

MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes
July 17, 2006**

(Note audio tape (#2) dated July 17, 2006
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 Bill Dewey at 6:00 p.m.

2. ROLL CALL

Members Present: Bill Dewey, Tim Wing, Terri Jeffreys, Diane Edgin, Jay Hupp, and Steve Clayton. Wendy Ervin was excused.

Staff Present: Steve Goins, Allan Borden, Barbara Adkins, and Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes from the June 19, 2006 meeting were approved as presented.

4. NEW BUSINESS

(#0050) Steve Goins stated he is here to present the draft for the Master Development Plan regulations. With us tonight is a representative from our consultants, Jones and Stokes, that can respond to some of the issues that have been raised in the process. Steve stated that the items discussed in the staff report, along with some comments that were generated by Steve Clayton, encapsulate the major issues that the PAC will need to consider. As you recall, last year we included in our work plan adopting policies and regulations to facilitate master planning in the county. This is a countywide process, which applies to both the urban and rural areas. Last year we completed the process of developing the policies as the first step; this is that second step. In the discussions we had last fall, the public side of that discussion regarding the policies was rather abbreviated and there was some concern that we didn't include the public sufficiently in that process. In developing these regulations we tried to allow a much greater opportunity for public input. We had a number of workshops and a number of people reviewing these regulations along the way and we think this has been a much more proactive process. Steve continued on by reviewing some of the comments that were generated through that process along with questions that were also generated. In the regulations there was a step

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regarding requiring an applicant to meet with the community around them and have a means to discuss the project in advance of making an application. There was some debate about that, and the language, as currently written, makes that an optional process. There was also a comment about coordinating with Kitsap County, which we took in, but this process isn't intended to reach that inter-regional discussion with either Kitsap, Pierce, Thurston, or any other counties. Some concerns were raised about maintaining open space and common areas, which the regulations do address. There was some concerns raised about road ownership and maintenance responsibilities. The regulations don't specifically discuss those items; I'll discuss that further later on. Another concern was that other types of public facilities, roads, anything from libraries to police stations should be considered and developed prior to new development. How this project would address the phasing requires that each phase is developed to stand on its own. That means that if your phase generates 'x' amount of traffic, that you ensure that part of that phasing includes a sufficient transportation network to handle the traffic that's being generated. That is included in the text. In addition, some of the other features are evaluated as part of the project review.

Moving into the questions, it was asked if the master development planning process was voluntary. The answer is, yes it is. It's an intensive process for both the applicant and the county, and we didn't want to make this a necessity for every large project. The exception to that is the requirement for a proposal for a Fully Contained Community (FCC) developed under the GMA is required to be a MDP. A frequently asked question was if the MDP provided for density bonuses. The simple answer is there's nothing in the current regulations that trigger a mechanism for a density bonus beyond what's already allowed in our current regulations. Density bonuses are allowed under our performance subdivision standards in the rural areas. Those same density bonus criteria would apply to a MDP, but there's no additional density bonus criteria proposed in the current language. A question was raised if there is a separate process for rural and urban areas. There is just one process; there are different regulations and different criteria, but the review process is the same. There was some concern about how rigid the process is. As a development is occurring, if the developer is having trouble meeting deadlines, what happens. The regulations have a process where in a five year period the developer has to provide a report card of the process of their development. If phases are lagging behind, there's a mechanism to allow for some adjustments to occur. There wouldn't be a long period of time go by where nothing seems to be happening or the development gets behind. Another question was what if the market changes over time. The regulations include a process where a MDP can be amended. A question was raised regarding how inevitable changes to urban growth areas and critical areas ordinances impact master development plans. Part of the regulations address a long term vesting, and once a project is vested, it's vested under the regulations that were in place at that time. It was also asked if master development planning involved specific septic system requirements. It will, but they are no different than what we currently have in place. A project in a rural area wouldn't be required to have a sewer hookup, but cluster developments where different types of facilities that might be more progressive would be engaged. There was a question regarding Low Impact Development (LID), and if it will be required or encouraged. The regulations speak extensively about LID standards. These are standards that try to reduce the amount of stormwater runoff that a development would incur and a number of different ways this could be accomplished. There is a requirement to develop to LID standards, and within the regulations there's a menu of approaches you can take to achieve that. I should add that the county is currently updating our stormwater management policies in more of a holistic fashion. One element of the stormwater policies and regulations update process that ties into this, in lieu of creating separate LID development standards, for MDP's there are specific master development plans that will be part of the proposed LID regulations that we would set aside the regulations within the MDP regulations in some sort of appendix for the process of getting this through, but as we create these LID standards and stormwater management policies countywide, that the regulations we're creating now would refer to those that we create down the line. There was a question about what is zero impact development. It is development that doesn't change the natural hydrologic functions of the site. Generally the accepted threshold is 65% of your space remains natural to achieve that zero impact threshold. It was asked if property taxes are lowered or eliminated if a portion of the site is maintained as open space. The value of that open space is deemed to be part of the overall development. A large number of people were concerned that if a master development plan was proposed, would the North Shore Road be sufficient to accommodate that future development and how should that be addressed. The regulations require that a traffic analysis be prepared so that upon buildout, you can analyze whether that future road network is going to be adequate. That's part of the benefit of a master plan community type of proposal. There were concerns raised about the impacts to various county services, including schools. Regulations do require an analysis to determine the impact to all those different facilities. There's also regulations that address insuring that

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adequate water supply is available to the development.

The following comments were raised by Advocates for Responsible Development. In summary, there was some concern that some of the language in the regulations that refers to allowing deviation from the standards could be applied in a more broader sense. The intent was the regulations allow, for example, for lots to be configured differently than the underlining zoning would allow. Similar to performance subdivisions, or cluster subdivisions, where you have tight lots with a vast amount of open space instead of 5-acre lots. This process accommodates that type of flexibility in the development scenario, but it doesn't apply to the open space criteria or buffers. The concern of that question was that that language seemed to be rather open ended and would it apply to critical area regulations and the answer is it would not. Another concern was brought up by the ARD regarding the process where applications are processed concurrently. The intent of that language is to allow a developer when they make an application to go through the gauntlet of different applications at one time. ARD also inquired if the MDP regulations would permit a developer to ask for, and be granted, a variance from their shoreline regulations or critical areas ordinance. That answer is no. Those regulations are off limits. Once these regulations are in place, there isn't a mechanism where someone can ask to deviate from some aspect of these regulations. They are what they are. There was a concern that open ended language might allow for open space to be reduced. The regulations are clear that the intent is not allow someone to reduce open space criteria or minimize preservation of open space, but only to enhance it. That's part of the trade off of the process. There was a question raised about densities. The regulations, as they currently are drafted, don't have a provision for density bonus criteria. If your zoning allows 4 units an acre in an urban area, that's the density you would be developing under an MDP. There was a question about the size and density of the plan adding to the burden of preventing sprawl. The concurrency issue is that a development would occur in phases. Each of those phases would have to stand on its own as part as meeting its infrastructure needs. The intent is not to encourage sprawl but to prevent it by enhancing preservation of open space and not increasing densities beyond what the community has already deemed to appropriate densities in these various areas.

Steve went on to explain that there are three additional areas that should be discussed regarding the project incentives. The regulations now don't have a provision for densities other than what's in the underlying zoning. Should there be some sort of other incentive to encourage this kind of development, and what would be the limiting factors? Steve stated that he has proposed considering allowing development to have a density bonus when that density is set aside or somehow designated meeting a low income housing component.

(#0700) Bill Dewey inquired if that is being proposed in just the urban areas.

(#0725) Steve Goins responded that would be the case. The second discussion point is the maintenance of infrastructure. How this currently discusses infrastructure is unclear. Generally speaking, if someone proposes a project in the county and they want the county to assume responsibility for those roads, the county's common response would be that if those roads are developed to county standards, they would assume operation and maintenance of those roads. Staff was unclear if that should be a uniform policy. Staff thought there might be some benefit if the applicant or the developer or the future homeowners association wanted to maintain those roads themselves. We're thinking of just making that an option instead of requiring it. Lastly, on LID standards, what staff is thinking might be a good approach is pull out the discussion of LID standards that are currently in these regulations and place them in an appendix which would be deleted once we have a permanent set of LID standards in place that would apply countywide and also apply with this type of development.

(#0800) Bill Dewey inquired if it would be appropriate to consider doing that with stormwater as well.

(#0810) Steve Goins replied that's part of the clarification that we would take on. It's difficult to predict when those standards will be in place, but whenever that is, these regulations will be modified to refer to that ordinance for meeting the stormwater criteria.

(#0830) Bill Dewey inquired if a project were proposed and vested prior to those, it would fall under the existing regulations.

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(#0840) Steve Goins replied that that was correct. Steve Goins continued on by stating that Steve Clayton submitted a number of comments as well, and that we can continue to have a dialog as we go along through them.

(#0850) Steve Clayton inquired about the density bonus criteria issue.

(#0875) Steve Goins responded by saying that an example of that is our current regulations allow, if you're RR10, to develop under a performance subdivision and meet the open space criteria at 5 units an acre. That same density bonus would be applicable to a MDP in the rural area. But we're not creating an additional bonus criteria as it is currently written. The county may approve a bonus in the number of dwelling units allowed up to the maximum residential density allowed in Mason County's DR's based on the gross area of the property. So the density that's allowed under the currently regulations is the most you can ask for.

(#0975) Steve Clayton reiterated he was just looking for consistency with the other sections in the ordinance.

(#0988) Bill Dewey noted that 'The County' should be consistent also with saying 'The County Board of Commissioners'.

(#1000) Steve Clayton inquired about transfer of uses within the MDP.

(#1025) Steve Goins stated that was correct. He further illustrated that if you have a 300-acre proposal and of that 300 acres you have a 100 acres that's residential, a 100 acres that's commercial, and 100 acres that's mixed use, the intensity of development that's allowed in each of the 100 acres is allowed in your project, but you're allowed to move that around in a different configuration than is shown on the zoning map. The idea of allowing that flexibility is to allow situations where there is industrial on the property, but on the zoning map it's a 100-acre parcel, but maybe it's served away from one neighbor or the other. This process allows that flexibility, whereas right now, those parcel lines determine where that zone is.

(#1100) Jay Hupp inquired about the use of the word 'industrial'.

(#1130) Steve Goins responded by stating that the regulations would apply if the property within the area is zoned for industrial use, these regulations would apply.

(#1175) Jay Hupp inquired if there is an accommodation for industrial within this MDP concept. Commercial is somewhat benign and industrial is a red flag.

(#1190) Steve Goins responded that it doesn't create a process where you could accommodate industrial use where the zoning doesn't accommodate it. What it does allow is if you have an industrial zone and it's within the MDP, you could move the industrial area by that transfer of use.

(#1200) Steve Clayton reiterated that it should be spelled out so that when the BOCC or public accepts this policy, they accept that that is what we are going to allow to happen.

(#1235) Steve Goins stated that it doesn't create a mechanism where you can introduce industrial uses into an area that isn't zoned for that use.

(#1245) Bill Dewey added that the word 'if' should be added on page 11 under (b) in the first sentence.

(#1275) Tim Wing added that inside the UGA's he can see advantages of doing a MDP. In the rural areas, if you can't increase the densities, why would anyone need or want to do this. It seems like it adds layer and layers of other rules that you don't have there now.

(#1285) Steve Goins responded by stating that it is an optional process. So if you have 500 acres in a rural area, unless you're trying to process it as a FCC, it's simply optional. You can decide if there's any benefit to you or not. Also, if you have 500 acres and you want to develop it, that means a lot of roads, a lot of time involved. That's where this vesting issue comes in. Once you're processed and you're vested, you know

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what the rules are and they aren't going to change, even if it takes you 20 years to do it. Certainty for the long term can be attractive.

(#1350) Terri Jeffreys inquired what the density is for an FCC.

(#1380) Steve Goins responded that there's a population allocation for 1,000 for an FCC.

(#1400) Allan Borden added that you should not confuse density with lot sizes. Under a regular subdivision you can create lots down to 2 acres in size. You just get the number of density credits for whatever the zone is. If you have 500 acres and it's RR10, you get 50 credits. You can create lots down to 2 acres in size. If you do it as a performance subdivision, you could get as much as twice that. You could get lots down to 20,000 sf in size. Under this program, you're not even obligated to abide by the 20,000 sf lot size. They could offer a variety of lot sizes, but they can still only create a certain number of lots and have a certain number of residences in the development depending on what the zoning is.

(#1455) Bill Dewey inquired about the vesting being one of the key advantages, but it isn't called out very well.

(#1485) Steve Goins commented that Steve Clayton raised that issue. It says 'The approved MDP shall be the basis for the evaluation of all phases of development on any issues that it addresses. Subject to prior approval of an MDP by the county, a separate Implementing Site Plan application shall be submitted for each phase of development. Approval of the ISD plan shall be granted subject to the terms and conditions of the approved MDP, including the associated handbook but shall be subject to the applicable development code provisions and county ordinances on issues that the MDP does not address. Steve Clayton's comment was that this should include the most current development code provisions. That is not the intent. The intent is that it's vested.

(#1535) Steve Clayton stated that as he reads it, you're vested in what you've identified in the MDP and ISD. What was not there nor identified now reverts back to whatever today's regulations are.

(#1555) Ann Rennick of Jones & Stokes responded by stating that if you're showing a MDP, you're going to show setbacks from critical areas and buffers, and that will be vested. At the same time, you're not vesting to the building code.

(#1615) Steve Clayton reiterated that the draft states that you will be subject to the applicable development code and ordinance on issues that the MDP does not address.

(#1632) Steve Goins responded that the MDP isn't all inclusive. There's going to be elements of that such as your critical area criteria that aren't addressed in your MDP handbook.

(#1650) Bill Dewey stated that based on that discussion there should be more clarity regarding what's vested and what is not.

(#1675) David Overton stated that's not the case in any other MDP programs in other counties. An MDP is an overlay on top of your current building code. Both of them are in conjunction with each other, but you only vest to the development regulations.

(#1700) Diane Edgin inquired about the densities in urban areas to accommodate low income housing.

(#1735) Steve Goins responded that there's a limited amount of incentive in this process. On one hand if you're trying to accommodate this thoughtful process in planning and put someone through what is a pretty arduous permit process, what's the reason for doing that. In the urban areas, my consideration was maybe a way of encouraging that process is to accommodate increases in density where that would be specifically designated to accommodate affordable housing in some capacity.

Steve Goins continues on with his discussion of Steve Clayton's comments. On the second page of the draft, Steve's point is well taken that Title 17 portion of our code refers to Belfair and Allyn, and not to the Shelton UGA. It also doesn't refer to the rural areas. We should include that section that refers to those regulations.

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We want to make sure that the intention is for this to be countywide.

(#1900) Steve Clayton stated that in the discussion of the Belfair planning process a lot went into developing the zoning code, and also in Allyn, and the way this is written, the developer essentially gets to write his own code. We're creating a two tier system in each UGA and there's a competition there that this MDP property owner has an enhanced property value because he can put in a Costco in a plain square building but the guy across the road has to have setbacks, a reasonable facade, and the MDP can put in a flashing neon sign but the guy across the road in the same UGA can't do that.

(#1975) Terri Jeffreys stated that on the other side of it is the flexibility factor that is the reason this is being proposed. Somehow we need to maintain flexibility so this can work for the particular projects proposed. We need to maintain flexibility while protecting the fair competitive environment.

(#2000) Bill Dewey inquired of Steve Clayton if his suggestion is that 1)B) be deleted on page 3.

(#2025) Steve Clayton stated that way we can use A) that addresses countywide issues that can be adjusted. Lot size, landscaping, setbacks, building heights, etc. We could also add in specific things countywide. I would think that design and sign standards should be consistent in UGA's. We should have consistent regulations within each UGA.

(#2050) Ann Rennick added that they have to meet the minimum intention. There are visions and policies and there are zoning regulations that regulated that. This is saying you can request something, but it at least has to meet that intent and they need to provide something better than the minimum. This is allowing for flexibility but they don't get it outright. They have to show that they are meeting the community's vision and goals and policies.

(#2200) Steve Goins added that the result isn't to try to get a development that the community would see as inferior to what the zoning would allow.

(#2230) Tim Wing inquired about the 100 acre minimum for urban areas, and are there more than one or two people who could do this.

(#2240) Steve Goins responded that there are properties that are in excess of 100 acres in the UGA's. In addition, the criteria stated that you can own those but there is also language about controlling them. If you get an agreement with five people that own twenty parcels and Tim Wing (for example) is going to represent all of them in this process, and they sign to that, the county will work with Tim Wing. The county isn't interested in trying to get five people in a room and agree on something. These regulations are intended to apply countywide for a long period of time. Shelton has an extensive UGA that these rules would apply to also. Part of the incentive is the vesting and long term phasing. If you have a project that's 20 or 30 acres in size, you probably don't need four phases to finish the project so why would you go through this process.

Regarding Steve Clayton's comment on establishing setbacks for the perimeter of the MDP, and because there could be any number of uses that are adjacent to an MDP, it's not possible to anticipate what a proper setback should be or could be. You might be abutting resource lands or you might be abutting the back side of a PUD. We thought a better approach would be to just evaluate the project for what it is and what it's around and see if the applicant provides something that makes sense. It would not make sense to establish criteria that would apply to all potential projects. That's why it's absent.

(#2400) Jay Hupp stated that he feels it ought to stay absent.

(#2425) Ann Rennick stated that on page 13, it states 'Incorporation of appropriately sized landscape buffers that provide transition and screening between adjoining properties and uses of different intensity'.

(#2465) Steve Goins stated there was a comment on page 9 regarding sign standards. The idea was to require an applicant to provide a sign program with standards to it. Steve Clayton's counter to that is we have sign standards for Belfair, and why are we recreating the wheel. The thought was that this is a countywide policy and in the rural areas we generally don't have a lot of guideline for signage so we're requiring an

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applicant to address signage as part of their handbook. Steve Clayton has inquired about the first sentence on page 11. Ann Rennick will help clarify that.

(#2650) Ann Rennick stated that it's reinforcing that if it's not allowed in a critical area, that we don't want the MDP to let something that's what you can do. If it's not a permitted use already by the zoning, you can't do it. Also, we don't want unsuitable uses in a critical area.

(#2700) Allan Borden added that usually lands that are unsuitable are discounted from the total acreage of the development and are reserved for open space.

(#2750) Steve Goins stated that the gross acreage criteria is how you establish your density. We talked about the shifting of density. We may have to clarify that further.

(#2800) Tim Wing inquired if you have 100-acre piece of property and it was zoned for 5 acre minimums, is it the case that you could ask for it to be rezoned to 10 acre minimums and then put in a whole lot more houses there.

(#2850) Steve Goins stated that your overall density wouldn't change, but you could deviate from the 5 acre minimum lot size now because you're allowed to do the clustering development with 20,000 sf lots. If you had 100 acres that was zoned RR10 you wouldn't apply for this because in a rural area there's a 250 acre minimum. On page 12, under (D)(I), building types was something you could deviate from. If the underlying zoning prohibited a certain type of structure, the MDP's would be a mechanism to change that.

(#2950) Steve Clayton stated that if we were going to shift the density from one area to another, and the landowner decided to increase density on a particular parcel, and by increasing it they want to put in a two level apartment or condominium, that wouldn't have been permitted given the underlying zoning, but maybe that's something that would be advantageous for a property owner.

(#3000) Steve Goins inquired if there was some strong opinion on whether we should not accommodate that type of flexibility in a building form, or do you think the underlying zoning is more appropriate for determining that. If you were proposing an MDP in areas where it was single family residential zoning, and multi family structures are prohibited, should the MDP create that additional flexibility and allow a consideration of apartments or condos.

(#3100) Terri Jeffreys stated that any type of houses should be allowed there.

(#3110) Bill Dewey inquired of Steve Clayton if he would like to see that statement deleted.

(#3125) Steve Clayton stated that he would because it gives you more flexibility to work within the project.

(#3140) Jay Hupp inquired about Steve Clayton's request to change the word 'should' to 'shall' in paragraph (H)(I) regarding trails.

(#3150) Steve Goins stated he didn't see a problem with that.

(#3175) Jay Hupp inquired if he's the developer, how far does one have to reach out to connect to a bike trail or a sidewalk if you make it 'shall'.

(#3200) Steve Goins stated that there's no requirement to extend a trail beyond the boundary of the project, but even if a trail is proposed that shows how it might link to a school that's 1/4 of a mile away, you would provide a trail that terminates at the boundary of your project that ultimately could be extended to that facility.

(#3230) Jay Hupp stated if that word is changed, it should be written very specifically because someone could read that and misinterpret it.

(#3245) Bill Dewey shared his concerns with the wording, as well. It should be clarified that it's only within the MDP.

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(#3250) Steve Clayton stated in the Master Planning Policies, #11, that we already approved, it says 'shall'. I do agree with Jay, and maybe we could put in another sentence saying that it should connect to the outside.

(#3280) Jay Hupp stated you should only have to go to the limit of your property in making an attempt with a trail or sidewalk.

(#3295) Steve Clayton stated that there was a proposal that came before the PAC and the BOCC where the development was within 100 yards of an access road over a multi lot development and they made a road, and they made a walkway from the property line out, but they didn't make arrangements to do pedestrian access for that last 100 yards.

(#3325) Tim Wing inquired why it would be necessary to require the developer to build something outside the property that he owns.

(#3335) Steve Clayton explained that he had to build the access road and 'should' means that you may not have to, but if you're going to build an access road to access your development, and you've got 50 or 100 yards to go, that extra space would be great and not have a gap there.

(#3375) Tim Wing stated he wouldn't have any problem with the example Steve gave, but he would have a problem if there's a trail planned 1/4 mile away and having to connect that.

(#3395) Steve Goins stated that the issue isn't so much whether that's an appropriate thing to do, but how far should it be. Going 20 feet past your project is one thing; going 1/4 mile is another. It's hard to regulate when that's appropriate or not appropriate so setting a limit as the boundary of the project seems easier to understand.

(#3410) Jay Hupp continued on saying that this case with a road, you've got a right of way that you're dealing with. Somebody has already provided that right of way. The way this reads, if I come to the end of the property and somebody builds a bike trail off in the brush, you obligate me to access that bike trail over property that I don't own and there's no right of way there and I've got to go buy it.

(#3450) Bill Dewey stated he doesn't hear any disagreement with Jay's point, so providing that clarification to the edge of the boundary seems like it's supported by the PAC.

(#3465) Steve Clayton explained that he was just suggesting eliminating the two words 'and outside'.

(#3500) Bill Dewey added that if you delete 'and outside', you've lost the intent to connect up with the outside trail system. Or maybe you could add an additional sentence that captures the idea that if it's a public trail coming up to the outside of the MDP you need to connect.

(#3550) Steve Goins responded that he will give it some thought and come up with some additional language.

(#3600) Ann Rennick added that you could also use the words 'Developers are encouraged to connect to'. Or change the language to read 'Trails shall be developed within the MDP that will be linked to existing or proposed trails and provide access and linkage between local streets'... Then add 'Developers are encouraged to connect where feasible to nearby public facilities'.

(#3675) Steve Clayton stated that on page 17, he would like to see added the language 'In MDP's proposing 100 residential units or more, provision shall be made for a transit stop with dedicated turnout and shelter'.

(#3730) Terri Jeffreys stated that it would be more appropriate if it was an MDP in a UGA and not a rural one.

(#3775) Jay Hupp inquired what if this development is not on a transit route.

(#3800) Steve Clayton responded that there would still be school busses using it.

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(#3825) Tim Wing added that it would be okay in a UGA, but not needed in a rural MDP.

(#3835) Steve Goins responded the way to write this to make it more applicable to what we're doing is to, instead of limiting it to 100 residential unit projects, use the language 'all projects in UGA's or an FCC'. If you're in either of those two areas, you have to address transit. That will be where you're going to have your densities. If someone proposes a project like this in a rural area that's not an FCC, you're probably not looking at a lot of opportunity for mass transit. Next, on page 18, there is criteria about avoiding the installation of traffic signals or 4-way stops. The intent was to try to create a traffic pattern that avoids putting a lot of traffic on a single access point. Multiple ingress and egress points will minimize the necessity for signalization.

(#0180) Steve Clayton inquired if a stop light for a large amount of traffic is safer than multiple entries.

(#0195) Ann Rennick stated that Lakeland Village in Allyn has two main connections to the county road. That's what this intended to do. We wouldn't want them to design just one access point that forces them to have a signal because that's where all the trips are going. In a development that big we want to make sure there's at least two points of access so there's no bottlenecking.

(#0235) Steve Goins stated that Steve Clayton's suggestion to eliminate that verbiage regarding avoiding the installation of traffic signals could be eliminated so long as you understand the concept of providing a minimum of two access roads.

(#0260) Diane Edgin inquired of the verbiage on avoiding cul-de-sacs.

(#0275) Steve Goins responded that part of the answer is philosophical. A lot of planning over the last 40 or 50 years has looked at how we've developed our urban centers. What a lot of people who have studied this over a long period of time have determined is those types of neighborhoods where you have a lot of cul-de-sacs minimize the amount of walkability of that neighborhood and they provide barriers that old neighborhoods didn't have. There's a lot of positive benefits in having more connectiveness in your neighborhood instead of cul-de-sacs.

(#0300) Jay Hupp added if you've got young kids, that's a safer place to have them.

(#0325) Bill Dewey inquired if you end up with more impervious surface as well because you have to accommodate emergency vehicles turning radius.

(#0330) Ann Rennick interjected that we're not prohibiting them; we're just saying that if you're going to create a dense community you might want to promote walkability.

(#0375) Steve Goins stated that he has opportunities to design communities where they tried to integrate that cul-de-sac concept with connections to open space and other things. That might be something worth considering. The down side was a project that maybe wasn't quite as dense or the lot sizes were different than what the developer was trying to design to.

(#0425) Jay Hupp stated that he thinks it ought to be left up to the developer.

(#0450) Tim Wing stated that people like to live in cul-de-sacs because the traffic is negligible. Cul-de-sacs serve multiple purposes.

(#0470) Jay Hupp stated that he has a problem with the word 'avoid' because we shouldn't be putting that kind of a restriction on developers on how to design their project. If we had a good sound argument for not doing cul-de-sacs, but I haven't heard it yet. Let's just delete it.

(#0470) PAC was in agreement.

(#0495) Steve Goins continued on to page 19. There was a clarification in the language where it states 'turnarounds' it should actually say 'turnouts'. Steve Goins inquired of Steve Clayton what his intent was with

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his question under (L)(I).

(#0545) Steve Clayton stated that he understands that county standards are higher than 10 feet each traveled way with a 2-foot gravel shoulder. We are reducing the county standards inside the development by incorporating that language. We should not reduce it definitely for primary collectors. If we eliminate that language, we would revert back to county standards. If we delete 'primary collectors', which are major arterials, that way you're doing less than minimum for access streets and secondary collectors.

(#0600) Steve Goins indicated that staff was in agreement with that. Steve continued on discussing county maintained roads. The county has not been consistent with their policies in the past. We have had lengthy discussions with Public Works over this issue. There have been developments built to county standards at that time and years later an association or group of residents want that road to become part of the county's network and PW has some concerns about the road as it's currently developed. The argument that the residents make is that this was the standard at the time the project was developed and why is it not acceptable now. There's been some reluctance on PW's behalf to pick up the maintenance of those roads. The decision point as to whether the road is going to be maintained by the county or not would be decided up front before it's built as part of the handbook. Our thought was require a developer to build to county standard, allow them to have the option of whether they want to maintain those roads or they want the county to assume the maintenance. The PW department hasn't formally agreed or disagreed with that premise, which is to allow the proponent of the project the option, but to require the roads be developed to the county standard.

(#0800) Steve Clayton inquired about the discussions that the roads need to be built to county standards and yet we just talked about access roads and secondary collectors that are not built to county standards.

(#0825) Steve Goins stated that the Mason County Comp Plan would establish county acceptance of a specific standard for that development.

(#0840) Diane Edgin added that because this is a master plan development that all the inspections of those roads as they're going in are going to have written reports before the county would accept them.

(#0850) Steve Goins pointed out that's part of the discussion with PW's that our staffing levels currently allow very limited amount of that ongoing inspection of road development. That's part of the reason they're reluctant to bind to that standard because that obligates the county to make sure that gets done.

(#0875) Steve Clayton inquired about the development of urban road standards. In here, if we develop an urban road standard, we will need to include that.

(#0888) Steve Goins responded the developer would be able to use those road standards, but in addition, they would have the flexibility of establishing a unique standard for their development. Those urban standards would apply to an urban development. Included in the provisions would be developing roads to achieve LID standards.

(#0935) Terri Jeffreys inquired about the parking standards and if they were more stringent than the LID standards.

(#0945) Ann Rennick explained that you have to watch out for the landscaping. People don't always park their car in their space and they end up in the landscaping. The curb is protective. You can have curbing with gaps in it and spacing to allow sheeting into rain gardens and swales.

(#0985) Terri Jeffreys stated that the demonstration projects she has seen for parking areas are almost exactly the opposite of what you're asking for.

(#0995) Ann Rennick stated it's actually giving more flexibility.

(#1025) Steve Goins acknowledged Steve Clayton's comments regarding the intent of the process.

(#1045) Ann Rennick explained that the process allows for a one-time extension where they submit a letter to

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the Director explaining why they need an extension. This would probably not exceed one year. We will add the language that it's a one-time extension for one year. The county does that now with their subdivision code.

(#1085) Allan Borden inquired if this process should be going before the Hearing Examiner and not first before the PAC and then the BOCC.

(#1110) Steve Goins stated that it has been determined that this initial approval process is a Type IV.

(#1150) Bill Dewey opened up the public comment portion of the hearing.

(#1175) Dave Prutzam from Anacortes had a question about aggregation. He stated that he didn't see anything in the amendment process regarding if someone has 100 acres in an urban setting and they have an approved MDP and the process is going on for 5 years and someone next store has 80 acres and it would be a natural extension of the MDP and this says it can't be. He also stated he doesn't see any calculation for common open space in an urban area. He stated that his company currently has 5 MDP's under development in the South Puget Sound Region and neighborhood meetings do work so they need to be encouraged. Advisory bodies tend to micro manage the process when it comes to applying the MDP. The definition of a camel is a horse designed by committee and there are too many camels coming out of what was intended to be a horse.

(#1250) Tim Wing inquired about his comment on aggregation and if that is part of policy in other jurisdictions that he works in.

(#1330) Dave Prutzam replied that it is not. However, other jurisdictions don't have a 100 acre threshold. It's very unusual to have blocks of land that are 100 acre or more inside a UGA. The minimum size in other jurisdictions is 30 or 40 acres. A PUD can happen on one acre.

(#1385) Tim Wing inquired about his comment on micro managing and how that is avoided.

(#1400) Dave Prutzam stated you give the man with the expertise the authority to make it work.

(#1425) David Overton of Belfair commented that given some comments by their Engineers at Apex Engineering, he speaks from currently being on the Pierce County LID standards committee, is wondering why no one is using their MDP or LID standards that have been there for a long time. The reason why people are not using them is because the bright line between what you require in a MDP is the difference between the words 'should' and 'shall'. MDP processes for the county are a tradeoff. You're asking a developer to go to a higher standard to provide consistency and quality throughout their project from the beginning, and to build to a higher standard that's usually apparent in the normal development code. The tradeoff for that is longevity and stability in the planning code. The more bright lines you put in where you require these levels of less flexibility built into that standard, the more you limit creativity into a project. Housing patterns and developments in Mason County are changing rapidly, as we see in our neighboring communities. The gentleman who testified before you talked about a PUD that can happen on one acre. That seems a bit unusual for folks in Mason County to understand that a one acre piece of property may have a high enough development density where someone goes to a high level of planning to put 15 units on one acre. That's something that we haven't seen here in the county, but over the next ten to fifteen years we probably will in some of the urban areas. Your comments on minimizing flexibility inside the UGA's give me pause. This is an optional program. You have to provide the right level of flexibility and incentives to allow people to enter into it. One thing you have lacking in this program but you do have in rural areas is any sort of density bonus. A maximum threshold of that would be 25%. You need to understand that in asking for a higher standard we're trying to anticipate development patterns that we haven't seen in Mason County, and ones that aren't currently envisioned. You need to provide flexibility in the amendment process to go back in and do the plan and this plan does that, so I encourage you not to modify that. If you're looking for opportunity to build in flexibility in areas where it says 'shall' you can look and use the phrase 'to the fullest extent feasible'. Because it's an optional program, it allows the county to work with the developer and try to meet the intent. As you're reading this document, you should look at the purpose statement and look at those thirteen modifying principles. Just like GMA, it has goals that you are trying to modify and work towards.

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LID's are a great and wonderful idea but where they fail is the division and the long term maintenance between public ownership and private ownership. If you think about it from a feasibility standpoint, it's very easy to differentiate that. LID standards work really well in roadways, or in parks, or anything that will eventually revert into public ownership because you have guaranteed long term maintenance. If you and I put in a rain garden in our housing subdivision and we sell that off to someone else, and they see that and they forget to maintain it, it turns into a very large mud puddle. Then they fill it in and plant roses, and what you lose is all the stormwater retention and treatment ability but what you gain is an amenity that the homeowner likes. Then you have a fight between the county, or the homeowners association and an individual property owner. You then can have long term liability or enforcement issues. We've heard from county staff that one of the biggest problems they have are enforcing the ongoing maintenance of these issues. What I would encourage you to look at is a division of LID standards for infrastructure components that will go into public ownership. What will be owned by a private individual, if you mandate high maintenance, LID standards, the owner will not maintain it and the developer will see an ongoing problem.

We have some more specific comments that Dennis Hanberg, our engineer, will address in his written comments that you will see in the couple of days. I encourage you to really look at this program as an incentive to get something of a higher standard out of the developer rather than something which might be a loophole to get out of existing codes and regulations.

(#1700) Tim Wing inquired of David what he thought of the 100-acre minimum requirement for this county.

(#1720) David Overton explained that the problem with this document is that you're talking about both rural and urban areas and in the rural area the minimum you set is very important because you're allowing for intensified uses and development patterns in areas that normally wouldn't be allowed. In urban areas, 30 or 40 acres is fine because you are asking for a higher standard. To encourage that in UGA's is what you should be doing.

(#1745) Tim Wing inquired if Apex Engineering has done any of these projects.

(#1750) David Overton stated they have done a half dozen in Pierce County and represented developers up and down the Puget Sound.

(#1760) Tim Wing inquired of David if they could include in their comments a list of their project they've done. They might be of interest to look at.

(#1800) Steve Clayton inquired of David about the density bonus. He further stated that most of his property is either commercial in the Belfair UGA or 5 or 10 to an acre. There's a lot in the downtown corridor that's unlimited residential density in Belfair. Being a proponent of increasing the density, how would we write that into the urban areas.

(#1855) David Overton stated you could simply regulate that to the UGA's and allow for a density bonus of up to a certain limit. I stated earlier that 25% seems a large enough bonus to encourage someone to do it in a UGA. I will submit some more specific comments on that.

(#1925) Tim Wing inquired about the 100-acre minimum that is in the draft now versus the size that were talked about by the two speakers.

(#1935) Ann Rennick stated that the discussion came down to the developer can develop to these standards now in the smaller lots but if they want to vest for twenty or more years that's why we picked that 100 acres as being the minimum.

(#1955) Bill Dewey stated that's appropriate where vesting is the major benefit but if we start talking about density bonuses maybe smaller areas would be possible.

(#1965) Steve Goins stated an example would be Seattle where you would have a different level of development intensity than you would probably ever see in Mason County. Part of the consideration was how

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big of a project are we talking about. A 100-acre project in these UGA's is a large project but it's not overly large. A 30-acre project in one of the UGA's in Mason County isn't that large of a project. It shouldn't take twenty years to develop that project. The level of intensity in processing this application was a consideration by staff. If someone wants to go down this path and get this vesting, there's a lot of work on our side that goes into that and we didn't want to take that lightly.

(#2000) Ann Rennick added that it doesn't mean that you can't amend the code in the future to allow for density bonuses.

(#2030) Tim Wing inquired what the density is in the Belfair UGA.

(#2040) Steve Goins stated that there's three residential densities. Three units per acre, five units per acre, and ten units per acre. Allyn is more dense. Allyn is four units per acre, ten units per acre, and twenty units per acre.

(#2075) Bill Dewey stated that since we have some offers of written comments that seem like they would be valuable input, he proposes that we continue the public hearing until August 7th.

(#2100) Steve Goins stated that August 21st would be a better idea. That would leave plenty of time for comments and we already have the Skokomish Valley scheduled for August 7th.

(#2150) Miscellaneous discussion for continuation of public hearing.

(#2200) Steve Goins stated that September 11th would be the most optimal date to continue the MDP hearing to. There was a motion and second. Deadline for written comments is August 25th. Motion passes to extend the MDP hearing until September 11, 2006.

(#2400) Allan Borden presented the PAC with the list of upcoming rezone requests. The deadline to receive these requests was June 30th. We received nine applications and one of them has been withdrawn. Allan stated that the intent is to convey to the PAC the number of requests, who applied, what they are requesting, the general location and the land involved. Request 06-03 is a project that will be called McKnight farm request. This project is located out Old Belfair Highway north of the fire station to McKnight Road. This consists of three properties, two of which is a 17-acre parcel in LTA, and an 18-acre parcel is R3. The request is to match that up as a residential 5 because there's a property just to the east of these that will eventually be proposed for subdivision. This is a two-step process and they're requesting to have these two properties rezoned. The rezone request is to rezone 35 acres, but the final project will eventually involve 53 acres. The issues to be concerned are rezoning from LTA to a residential land use and there are wetlands area on both of those properties.

These rezone requests will begin to be heard in September. There will be three different hearings for these requests. The most controversial one in the second set is request 06-06. This request consists of four parcels totalling 50 acres and wants to rezone from RR5 to RTC near Deer Creek. The property has an easement to the state highway but does not front the state highway. The idea is create a tourist destination land use there with overnight facilities as a campground. This request would generate the most difference in land use of all the requests.

Request 06-09 is a request from Bayshore Gravel. They have an existing operation on Johns Creek. They now own two larger pieces of property that are directly north and northwest of the current operation. They want to go to RNR to operate a sand and gravel operation. They will have to apply to the state to get the proper permits.

When I prepare the staff reports you will receive the maps and details on these requests. Although there's a lot of land involved in these rezones, we won't hit the threshold for number of requests or acreages that are restrictive.

Chair Bill Dewey signed the transportation infrastructure letter to the BOCC and it will be forwarded to them.

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Meeting adjourned.