

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
April 21, 2008

(Note audio tape (#2) dated April 21, 2008
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 at 6:00 pm by Vice-Chair Dennis Pickard.

2. ROLL CALL

Members Present: Tim Wing, Dennis Pickard, Wendy Ervin, Jim Reece, Diane Edgin and Debbie Jacobs. Bill Dewey was excused.

Staff Present: Barbara Robinson, Barbara Adkins, Allan Borden, Kell McAboy, and Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes from the March 24, 2008 meeting were approved as presented.

4. NEW BUSINESS

(#0060) Vice-Chair Dennis Pickard opened the Planning Advisory Commission meeting and introduced the first item on the agenda, the public hearing to review the proposed additions to Title 16, new Chapters, Short Subdivision Alteration Process, and Large Lot Subdivisions Alteration Process.

(#0065) Kell McAboy, Long Range Planner with the Department of Community Development, introduced the agenda item. These are two new chapters proposed to the Mason County Code Title 16. Each new chapter addresses the alteration process for an approved short subdivision, or large lot subdivision. Alterations typically apply to those elements which are common to the entire plat, such as, but not limited to, the relocation of trails, roads, buffers, open space, drainage easements, park and recreation sites, etc. The new procedures are not intended for the addition of lots, boundary line adjustments, or other procedures that are otherwise addressed in Title 16. Currently there is no provision within Title 16 to alter an approved short

Planning Advisory Commission Minutes, April 21, 2008

subdivision or large lot subdivision for anyone who proposes a minor alteration. The proposed new chapters include procedures for application and notice requirements, required written finding and determinations and recording. Staff recommends the PAC review and discuss the proposed new chapters, and recommend to add them to Mason County Title 16. We are not including subdivisions as there are already procedures in place to make those alterations.

(#0145) Dennis Pickard stated that he has worked with these regulations in his profession for many years, and is making known to the committee that he won't be voting on this as the acting chair, but in terms of the discussion, he has many issues to point out. The main issue is whether this alteration procedure is intended to be required when an alteration of elements that are common to either a large lot or short subdivision are proposed, or whether this is an option for the county to approve if those are submitted to them. There's been a question with some of the legal work that I've seen is whether or not these sorts of alterations are an alteration of a subdivision as defined by the RCW's.

(#0185) Michael MacSems, Department of Community Development, stated he works with subdivisions. People call us from time to time who want to do this and we don't have a process to accommodate them. I assume that it would be required.

(#0250) Wendy Ervin stated that if you've already got a subdivision platted, and you want to make an alteration, it seems to me these regulations would automatically be required by the titling of the documents.

(#0285) Dennis Pickard inquired if we want to make something required that is not presently required. This is making things more complicated, not less complicated.

(#0310) Barbara Robinson, Director of the Department of Community Development, stated that the subdivision would have to be re-recorded if there was a change in the location of an easement, for example.

(#0320) Dennis Pickard stated that may not be true based on my review of the RCW's and Mason County Code. I've had some backing legal opinions agreeing with that. The RCW of the short subdivision talk about the division of the land, not the other features. So there's some question as to whether it should be required or not.

(#0400) Tim Wing inquired if someone wanted to change an easement in their short plat, we don't have the ability to do that right now?

(#0430) Dennis Pickard stated that is not entirely correct. That's only correct that if we assume that the provisions of the existing county ordinance and RCW define that as an alteration to the subdivision. Property owners can certainly agree amongst themselves to a modification; whether that violates some development regulation is that question that has been raised primarily elsewhere.

(#0465) Tim Wing inquired why staff is proposing this.

(#0490) Kell McAboy responded people are coming forward with an approved short plat and want to make minor alterations and there is no avenue to do that.

(#0500) Dennis Pickard added that they are requesting the county sign off in order to negate any possibility of a future problem.

(#0520) Tim Wing inquired of Dennis what his concerns with the procedure were.

(#0525) Dennis Pickard responded stated it being mandatory is his biggest concern.

(#0530) Allan Borden, Department of Community Development, noted his concern that if the property is sold, and a hand-shake agreement has been established, it might pose a problem.

(#0540) Dennis Pickard noted the prior agreements that he's concerned about are ones that have been signed in front of a notary, and recorded at the county. However, they have not had explicit approval from the

Planning Advisory Commission Minutes, April 21, 2008

Mason County Planning Department. My concern is that it would require any future changes of that nature to go through this process, and so it goes from somebody may wish to comply with this process to avoid any potential future issues, to a situation where everybody must now comply with this process. Does this add a county requirement where there wasn't one, versus the initial intent of providing a county procedure if such a change was presented to the county.

(#0565) Wendy Ervin noted if you already have agreement with all parties, it's adding another layer of responsibility. So it should be an 'either' / 'or' process.

(#0600) Dennis Pickard noted a particular instance where an individual contacted both him and the county regarding the change of an easement, and because of what they were proposing to do with a particular alteration of an easement, even though all the property owners agreed to it, this is one that could have some impact on how the short plat was originally approved. It could affect some conditions of the approval, and felt the county should sign off on this particular request. That's how it was determined the county didn't have an explicit procedure they felt comfortable applying to something like this.

(#0625) Miscellaneous discussion.

(#0770) Tim Wing stated that it seems the theme here is we don't want to see more processes to do things that don't need processes. It's hard enough for people to function out there trying to do what they want to do without a lot of extra rules and processes.

(#0800) Miscellaneous discussion.

(#1150) Kell McAboy inquired of the PAC, considering all alternation would have to go through the county, and with some minor adjustments, could this document be a clear process.

(#1165) Dennis Pickard stated with some minor adjustments in terms of the process, yes it could, but there's still the question of whether it's required or not. We're really not too far off in terms of the process.

(#1250) Dennis Pickard opened the public comment portion of the hearing.

(#1400) Patti Miller-Crowley, Port Of Shelton, explained they have a tenant who inquired about giving them an easement across the Port's property because the existing easement isn't working for anyone for a number of reasons. She stated she is happy to hear there will be a process to execute such an agreement.

(#1500) Dennis Pickard noted no other public wishing to testify, so the public comment portion of the hearing was closed.

(#1540) Miscellaneous discussion.

(#1750) Tim Wing proposed if everyone whose lot is affected by this change agrees, then it can be done. If they don't agree, or if other people in the plat don't want to see it changed, then maybe this could be an alternative procedure to be used in those instances where it might be more complicated. You could also resolve these issues by using the courts.

(#1785) Dennis Pickard stated that's what we're trying to avoid by having something in place that permits the county to review these alterations where there is an existing county approval with the division of land, and maybe or maybe not, the elements within that plat. We hope to have a process that would avoid potential litigation.

(#1800) Tim Wing stated he has a fundamental problem with people whose land is not part of a subdivision that can make a change to their property without any procedure at all, and somebody that has happened to have bought a piece that was short platted, they have to go through a procedure.

(#1825) Dennis Pickard reiterated that is his concern; that they shouldn't have to go through a procedure. It should be an option.

Planning Advisory Commission Minutes, April 21, 2008

(#1850) Tim Wing stated he would like to send this back to staff and see if there are any alternatives they can bring to us about it. Tim makes that into a motion to send it back to staff for review to consider alternative ways to deal with this rather than sending all alterations through a process like this.

(#1875) Barbara Robinson stated the PAC should table it until a date certain so we don't have to do the public notice again.

(#1885) Tim Wing added to the motion to schedule the hearing on June 16th, to consider alternatives to this proposal.

(#1900) There was a second, and the question was called for a vote. The motion passed to table the hearing until June 16th, to provide staff the opportunity to address the concerns raised, and consider alternatives to this proposal.

(#1950) Barbara Adkins, Department of Community Development, presented the next item on the agenda, which is a workshop on the Revision Proposal to the Shelton UGA Plan that is being presented by Matt Matayoshi of the Mason County Economic Development Council. In January, we adopted the new Chapter XI to the Comprehensive Plan, which is the Shelton Sub-Area Plan, and the City had been taking the lead role in preparing the document for a couple of years. The City adopted their Chapter X in the City's Plan in December. During their public participation process, comments were received from the EDC that they would like to have some comments considered and incorporated into that sub-area plan. Their comments were submitted to the City, and Jones and Stokes, the City's consultant. Some of their comments were considered and incorporated into the Plan, but the majority of them were not. The EDC is now asking the County to consider their recommendations and Matt Matayoshi is here to talk with you about those tonight. These suggestions are not coming from staff; they are coming from the EDC.

(#2035) Matt Matayoshi, Mason County Economic Development Council, explained they worked with the City throughout the process last year. Changes were made to the Plan, but we still have several proposals we would like to see incorporated into the Plan. The focus here is to look at some specific issues, and then also inform the PAC of some challenges in the planning process that we have with land uses around the Shelton UGA. Most of the property is in the City, but a portion of it is in the County. A lot of the questions surround public lands, public land use, as well as some other properties that have geographic and critical areas limitations to them. Matt presented a power point, starting with the land use map that was adopted by the City and the County. A public land use showed up on the final version, and a conversation with Steve Goins, Director of Community Development with the City of Shelton, revealed it allows for preservation or conservation. That fits well with the area the City is using for their watershed. It may not be a good fix for the Public Works Shop. We're looking at all public uses to include a portion of the State Patrol, which is currently designated as Industrial. The State Patrol has 200 acres which is used for their training facility. The designation of Industrial does not fit, and it actually makes it a non-permitted use by the City, and a non-conforming use by the County. I'm asking the PAC to consider this as a public designation rather than an industrial designation. That would also free up other properties that would allow us to have additional industrial land. EDC sponsored a study that justifies expanding our industrial land to a total of 1800 acres for the entire county. I contacted the State Patrol and their person in charge of planning stated it makes sense, as long as it doesn't restrict them from growing. We would also like to change the airport to a public use. It is going to stay an airport for a long time. It just makes sense to free up more land for industrial. In the adopted version, the City and County adopted the approach to the runway as public, and we are asking the rest of the airport to be a public use.

(#2350) Tim Wing inquired if there are any limitations on public use.

(#2360) Matt Matayoshi responded he is not aware of any limits on that.

(#2365) Allan Borden inquired of Matt if he is talking about the industrial-airport related land uses as well.

(#2390) Matt Matayoshi responded he is asking for the approach and runway. It other uses are already zoned Industrial. We have notified the Port of our suggestions for these changes. Matt Matayoshi also noted the Douglas Tree Farm as a possible addition to the public land use designation.

Planning Advisory Commission Minutes, April 21, 2008

(#2425) Miscellaneous discussion.

(#2900) Matt Matayoshi stated the City's consultant said there was 677 gross redevelopable acres, and our research shows there is approximately 203 acres of redevelopable land. So summarizing the actual changes we're asking for on land use designations is the Washington State Patrol, Sanderson Field, and the Douglas Tree Farm.

(#2950) Miscellaneous discussion.

(#3500) Allan Borden noted that Matt has made some suggestions about fairly substantial and large size properties, but that's only one half of the equation. You're asking that those properties' zoning be changed, but you haven't suggested where appropriate areas would be to compensate if those are no longer industrial. You have to come up with an equation that is the same on both sides or make the trade off that we're going to either decrease or increase the number we estimated in 2007.

(#3600) Matt Matayoshi stated Allan has raised a good question, and he wasn't aware that we had to balance that. Matt stated he saw a use that wasn't industrial and just wanted to change it.

(#3685) Allan Borden explained that every city and county estimated what population they're going to have, and they base it upon the total acreages of each land use. If you add or subject, it may change the population estimate. Also, the public land that the Public Works is constructing their facility on is an Essential Public Facility, and that was one of the reasons why it was designated as public. PUD utility facilities are also considered Essential Public Facilities.

(#3725) Tim Wing inquired if there is a risk in taking land out of industrial and moving it into public without simultaneously declaring other acreage as industrial.

(#3750) Matt Matayoshi acknowledged to be compliant with GMA we would have to do it simultaneously, and that's something I haven't researched completely.

(#0165) Tim Wing noted that we don't have any action to take tonight on this, and acknowledged that Matt is probably on the right tract, but some more research should be done on it.

(#0200) Patti Miller-Crowley stated the Port would like to see their airport identified as an Essential Public Facility, and also the Rail-line along Johns Prairie. Perhaps that might be a way to address the issue so no further development could occur.

(#0245) Dennis Pickard noted this is the first step, with more work needed along the way. We will be continuing on with this in the future. If there are no other comments, we will continue on with the last item on the agenda.

(#0275) Allan Borden, Department of Community Development, introduced the next item on the agenda. This is a rezone request by South Shore Enterprises / Rick Buechel to rezone a parcel in the Union Rural Activity Center from Rural Residential 2.5 zone to Rural Commercial 3 zone along Dalby Road. If the new zone is approved, the applicant could establish new retail buildings adjacent to several commercial properties to the east. *Allan shows PAC area on zoning map.* Regarding the criteria, the first one deals with public health, safety, and welfare. In order to do any kind of development, there has to be available water and septic. There needs to be a higher standard for commercial development, and will be handled by the Health Department. Staff has determined there are other small, similar parcels that have established commercial land uses in the area, and this land use is more compatible than the residential uses that exist in the area. This parcel is within the Rural Activity Center, so it is a logical site for additional commercial development. There will be no increase of sprawling low-density rural development, and no increase in demand for urban services. Allan discussed the remaining criteria highlighting the fact that if this rezone is approved, the critical areas will need to be protected with setbacks, including streams and wetlands. Allan stated based upon staff's evaluation, all seven criteria have been met, and staff recommends approval of the rezone request from Rural Residential 2.5 zone to Rural Commercial 3 zone.

Planning Advisory Commission Minutes, April 21, 2008

(#0800) Dennis Pickard opened the public comment portion of the hearing. No public was present to comment on this item, so the public comment portion of the hearing was closed.

(#0850) Kell McAboy explained that two years ago, the applicant came in for a pre-application conference and was told his property was zoned Rural Commercial 3. It wasn't until just recently that it was confirmed the property was actually zoned Rural Residential 2.5, which is why this rezone is being presented to the PAC at this time.

(#0900) Miscellaneous discussion regarding density with current zoning, and proposed commercial development.

(#1175) Wendy Ervin made a motion, and Tim Wing seconded it, to send this rezone request onto the BOCC with a recommendation for approval. The vote was taken, and the motion passed.

Meeting adjourned.