

Mason County
Planning Advisory Commission

September 29th, 2014

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1. Call To Order

Bill Dewey called the meeting to order at 6:06 PM.

2. Roll Call

Members present: Steve Van Denover , Rob Drexler, Vicki Wilson, Kristy Buck, Bill Dewey

Excused: Tim Duffy

Staff present: Barbara Adkins, Allan Borden, Brian Matthews

3. Regular Business

I. Adoption of Agenda

II. Approval of minutes

July 21, 2014 minutes- Approved

August 4, 2014 minutes- Approved

August 18, 2014 minutes- Vicki suggests the following items are added to the minutes: on page 2, Don Easton brought up security concerns and conditioning new developments for mitigation impacts which were listed on the handout. Kristy agrees that it should be added. Vicki says on page 4 when Edward Melillo speaks, he discusses restricting property rights and equal protection issues. Bill moves to adopt the minutes once these details are added. Minutes approved.

4. Public Hearing-

Continued from August 18,2014. Consider amendments to Title 17 of the Mason County Code adding Section 17.90 establishing a Multi-Family Housing Tax Incentive Program under the authority of Chapter 84.14 RCW.

Presenter: Barbara Adkins, Mason County Community Development

Barbara begins with some edits to the code amendments. Construction, conversion and rehabilitation definitions were included. Section 17.90.070 labeled Project Eligibility has been changed to reflect the actual language in the code.

17.90.070

(d) Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

- i. The project must be located within a residential target area, as designated in MCC Section 17.90.120.
- ii. The multiple-unit housing must meet guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, income limits for occupancy, limits on rents or sale prices, and other adopted requirements indicated necessary by the county. The required amenities should be relative to the size of the project and tax benefit to be obtained;
- iii. The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of 50% of the space for permanent residential occupancy. In the case of existing occupied multifamily development, the multifamily housing must also provide for a minimum of four additional multifamily units. Existing multifamily vacant housing that has been vacant for 12 months or more does not have to provide additional multifamily units.
- iv. New construction of multi-family housing and conversion or rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application. Property proposed to be rehabilitated must fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995. If the property proposed to be rehabilitated is not vacant, an applicant must provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate; and
- v. The applicant must enter into a contract with the County approved by the governing authority, or an administrative official or commission authorized by the governing authority, under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority. The applicant must commit to renting or selling at least 20% of the multi-family housing units as affordable housing units to low and moderate-income households, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the County under this Chapter. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsections may be satisfied solely through housing affordable to moderate income households.

The final change within the code is the appeal process. The appeal process is now consistent with other appeal processes within the county, meaning you go in front of the Hearing Examiner for a final decision. Barbara announces that she has invited Melody Peterson from the Assessors office to answer any questions about how this impacts the county and other properties.

Melody begins by saying she is unsure of how the Auditor's office will be able to assist. Steve brings up that the board would like to know about the fiscal impact to the county. He also brings up that the long-term follow through with this program would actually lie in the hands of the Assessor's office more than the building department. She asks if the board is looking for a value based on optimum rent for each building. Kristy advises that it's not so much about the value but the tax and enforcement of criteria. Melody suggests that enforcement would be difficult due to the fact that this would be for a rental program and people constantly move. Also, she brings up the issue of being understaffed and possibly needing to hire someone. Steve reads part of section (j): *Within 30 days after the first anniversary of the date of filing the Final Certificate of Tax Exemption and each year thereafter for a period of eight years, the property owner shall file a notarized declaration with the Director.* He asks for clarification regarding whether or not this should fall under the Department of Community Development or the Auditors office. Barbara voices concern with DCD trying to determine qualification for low to moderate-income housing. Vicki points out that under section (k) it does state that the Assessor may impose additional tax or a lien on the land and suggests the Auditor is who would need to be knowledgeable on the details of the program because of this. Melody states that this program is unlike any other program currently being run by Mason County and says she would like to check with the state for any reference to similar programs. The board discusses if they should motion to accept. Rob and Bill both would like more information from the Auditors office regarding financial impact. Kristy voices that sections (j) and (k) regarding the annual review and Cancellation of Tax Exemption would need to be done by the Auditor, not Community Development. Kristy makes a motion to accept the Tax Incentive Program, with changes noted and a note to the County Commissioners regarding concern of the effect on the administration. Rob seconds, all in favor.

Public Hearing-

Continued from August 18th, 2014. The applicant is requesting that one 26.80 acre parcel, currently designated as Rural Residential 20 (1 dwelling unit per 20 acres), be rezoned as Rural Residential 10 (1 dwelling unit per 10 acres).

Presenter: Allan Borden, Mason County Community Development

Bill explains the hearing process stating that Allan will present the staff report, the commission will bring questions forth and then public testimony will be heard that will lead to a recommendation.

Allan informs the Board that the request is from David and Catherine Knoelke who want to change their zoning from RR 20 to RR 10. The reason for the change is so they would be able to build 2 homes on the property and not deter from the rural and forested setting. The property was originally zoned in the year 2000 in the county's initial zoning. Currently there are no public utilities on the property so the additional dwelling unit would need to have septic, electric and water provided. He goes over his findings and says ultimately it needs to be determined if the requested zoning is the best match for the characteristic of the area. He refers to page 6, section V. of the staff report and begins addressing select Criterion:

- **Criterion 3** *(no increase of sprawling low-density rural development or uses incompatible to resource-based land uses)*

Currently, long-term commercial lands are to the west 570 feet. Development on this property is not going to affect that.

- **Criterion 4&5** (*no increase of demand for urban services in rural areas & does not interfere with GMA goal to encourage development in urban areas*)

This property will only bring one additional home, which will not increase the demand for urban services or affect how developments proceed within Allyn and Belfair.

- **Criterion 6** (*does not interfere with GMA goal to encourage open space retention, conserve fish and wildlife habitat, and protect air and water quality*)

There are wetland areas found on the property that will require preservation and conservation by meeting critical area protection requirements, which are a vegetation buffer and a building setback.

- **Criterion 7** (*no pressure to change land use designations of other lands or to cause greater than projected population increases in rural areas*)

This request would not increase that pressure

- **Criterion 8** (corrective rezone of lands)

Not applicable to this request

Allan reports his findings show that the rezone request does meet all of the standards. He brings up a letter from Edward and Catherine Yvonne Iskra, which states they have concerns with the easement agreement. The agreement, filed with the Mason County Auditor states that 80 acres of land adjacent to the Iskras has access rights to a maximum of 4 single-family homes. That is 1 access per twenty acres. They have stated that they purchased their property due to the fact that the adjacent land accessed through the property was limited to, as stated, four residential units on 80 acres. The Iskras letter states they are not willing to deviate from the stipulations as agreed upon with the original easement agreement under Auditor file #1807473. Vicki asks Allan if the access issue is something that is discussed elsewhere, because there is no consideration given to access on any of the research presented. Allan points out that the board is only looking at zoning at this time, and not future land use. Bill opens the floor to public comment.

Public comment opened:

George Sawyer, who owns a neighboring parcel is mainly concerned with the access. He states that he understood when he moved in that the access going through his land was for a total of 4 homes. George is uncomfortable with more than 4 easements going through his property because of the increase in traffic.

Yvonne Iskra presents a packet to the Board with a copy of the easement agreement on file, sales history and maps regarding divisions of the 80 acres. She says she thought the 80 acres had already been divided into 4 parcels and was at total build out. She reports she does not understand why this property is being considered for a rezone without a legal means of access. Yvonne says that not considering the access issue does not preserve the property rights of adjacent landowners.

Dave Knoelke says the reason he and his wife are looking to subdivide is to build one home for them and one for their daughter and son in law. He says the access shouldn't be such an issue because he is not selling the potential 2nd home to strangers and all they would need is regular access to get to and from the house.

A group discussion is had between members of the Board and David Knoelke regarding the locations and access points of current easements between the 4 properties. Bill reiterates that the easements are not part of the consideration when looking at zoning criteria. Kristy agrees and says that issue would be discussed when building permits were applied for. Yvonne Iskra asks if she will be notified if any building permits are applied for near her. Allan Borden informs her that building permits are typically type 1, and do not have public notice requirements. He explains that type 2 typically does not have notification either and the only time you see a notice is when the permit is issued and posted. Allan notes that when the permit is issued, it is subject to appeal. Bill asks county staff at which point does adequate access become an issue. Allan says that a road access permit would be necessary for this project. George Sawyer takes the podium again and retorts with the fact that when he built his home, he only had to show that there was a driveway and points out that he just had to say there was a road to the house. Kristy points out that when George had a subdivision done there was a map that showed all of the easements, and assures him that the Knoelkes will have to do the same thing. She suggests that if George feels the Knoelkes are in error for showing the easement as their access, they may need to hire an attorney. Bill asks if anybody has any questions for Allan Borden. No questions are asked, and public comment is closed. Rob makes a motion to move forward with the rezone request. Kristy seconds the motion. Vicki asks if they can forward this to the County Commissioners noting there is a discussion regarding the access. Barbara mentions that because access is not part of the 8 criteria, the Commissioners may not be able to assist with that issue. Bill says they will still note the access issue. Motion is passed.

Break **7:48-7:52**

Public Hearing-

Continued from June 2, 2014. Consider amendments to Title 13, Utilities Chapter 13.32 Latecomer Agreement. Section 13.28.460 Appeal Process title 15, Development code section 15.03.005, Purpose and Applicability section 15.11.010, appeals

Presenter: Brian Matthews, Department of Public Works

Brian Matthews introduces himself as the Director of Public Works, and then introduces John Cunningham a private consultant working for the County. Brian states this is the first of several changes in the utility section of the code. He declares that they are looking at ways to enhance and encourage development and sharing the cost of utility infrastructure within Mason County. Brian says some changes were made after the last meeting and discussion with Jeff Cary who is also present for this meeting. He quickly goes through the staff report from the first meeting covering questions that will be discussed this evening.

Bill asks Brian to define a storm sewer. He defines it as runoff that you would find in a culvert or ditch that has not been combined with sanitary sewer. Bill comments that everybody is familiar with the term storm water, but not with storm sewers. He feels that this will be confusing to the public because of the word sewer. Brian agrees that it is somewhat confusing and says perhaps he should add a side note or definition. Bill asks if anybody else has questions and Rob says he does not like the fact that violating this code holds a criminal penalty. Barbara states that all of the County codes hold the same penalty. She says that any intentional violation of land use codes is considered a misdemeanor. Bill opens the public hearing to public testimony.

Public comment opened:

Jeff Cary steps up and mentions that he has seen some changes done and feels that things are beginning to go in the right direction. Jeff says he has a list of questions that he would like answered. Bill responds saying his questions will be noted and responded to.

1. He feels that the penalty of a misdemeanor is too harsh and would like to know how that ties into state law.
2. Regarding the latecomer agreement, he suggests that perhaps this process should have a pre submittal meeting to review plans.
3. In 13.32.060 he asks if there is a separate fee schedule. He points out (B) which states: *The Applicant shall agree to pay in full all applicable connection charges due to the County for the connection of the Development to the County's public utility system and all other applicable fees required by law, which may include but not be limited to, plan review fees, inspection fees, contract administration fees, utility side lateral stub charges, area charges, front footage charges, pro rata share costs of downstream Latecomer Agreements, recording fees and other administrative fees, prior to approval of Utility Facilities Plans for the improvements.* Jeff asks if there is a separate fee for a general connection.
4. His final question is in section 13.32.060 (D). He would like to know if this precludes a private party from getting a permit to connect from point A to B. He is told that it can be done, but the connection needs to be sized properly.

Bill thanks Jeff for his concern and comments. Brian thanks Jeff as well and says he would like to answer his questions.

1. The criminal act is quoted because it is consistent with the rest of the document.
2. The reason there is no pre submittal meeting is because project needs to be mostly between the applicant and the engineer. He says when you have an engineer that knows what they are doing, that makes it unnecessary to have a pre submittal meeting.
3. Regarding a fee schedule, and having someone just connect to the system, Brian responds saying whoever is connecting into your pipe has to pay for that capacity before they can join because you have already paid for the original connection. John Cunningham steps in and says that a connection fee is only charged when a house is connected to the line. A cost is not charged if the house is not connecting to the line. He says that each person connecting to the line is going to also pay a share of the original line.

Bill closes public comment.

Vicki asks if more verbiage needs to be added to section 13.32.070 Denial of Latecomer Agreement. She points out that in section 13.32.010 under Purpose, the area that reads "...in the best interest of the County to do so" may also need to be in both sections. Bill asks if she is

suggesting "...or if it is not in the best interest of the county" be added to 13.32.070. Vicki confirms that is what she wanted to add. Barbara says it was her understanding that if the applicant wants to apply, the County must peruse it unless the applicant is proposing something illegal or in bad faith. She says that the County doesn't really have that discretion; so adding it would not make a difference. Vicki makes a motion to have "...in the best interest of the County to do so" deleted from 13.32.010 under Purpose. Bill seconds the motion. Vicki then asks if under section 13.32.080 Eligibility for Appeals, if it is true that the only determinations that can be appealed are the Size and limits of service area, and Costs subject to reimbursement. The group discusses other options for appeal. Kristy and Barbara suggest the verbiage is changed to an all-inclusive statement. Kristy proposes "Administrative determinations of the Director may be appealed to the Mason County Hearings Examiner" Barbara agrees. This statement would remove the need to list all specific issues individually. Kristy makes a motion to approve this change and Vicki seconds. Kristy points out on page 5 section 13.32.030 there is an issue with the sub categories. B was stricken from the code, so therefore C and D need to be changed to B and C.

Rob recommends to accept, as amended, the staff report. Steve seconds.

5. New Business

Bill asks Barbara to discuss marijuana code. Barbara notifies the Board that the hearing has been moved from October 21st instead of the 14th. She is still working on some code edits. The setback has been changed to 150 feet from the property line. Many growers have expressed concern, and she foresees quite a bit of testimony on that. She continues saying there was more talk about outdoor growing and the lighting. The main concern is still the lighting. It has been asked that regulations be adopted to treat hoop houses as indoor grows so they have to comply with all of the regulations of indoor grows. She feels that new issues keep rising, and has a fear of over regulating, and a fear of not being able to force all of the regulations. In discussing regulations, Barbara informs the board that she read through Thurston County's codes regarding marijuana and reports they are quite a bit more lenient having buffers as little as 25 feet, and growing in residential areas is allowed. While meeting with the Commissioners, she brought up her bond proposal dealing with buildings. The Commissioners told her they did not like that idea because they do not see the purpose of tearing down building structures that can be reused. Also, they would like her to figure out a way to permit hoop houses. Barbara brings up the lighting issue and Steve suggests blinds in the evening for the building, but then brings up the issue of the outdoor security lights since they cannot be covered. Vicki asks about the fencing for the outdoor operations asking if the county has regulations on what it should look like. Barbara educates that the fencing is a requirement from the state not the county.

6. Adjournment

Rob motions to adjourn at 8:55 pm. Vicki seconded the motion and none oppose.