

# Mason County Planning Advisory Commission

November 30, 2015

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

---

## 1. Call to Order

Bill Dewey called the meeting to order at 6:00 p.m.

## 2. Roll Call

**Present:** Bill Dewey, Kevin Shutty, Vicki Wilson, Tim Duffy, Rob Drexler

**Unexcused:** Steve Van Denver

**Staff:** Barbara Adkins, Loretta Swanson

## 3. Regular Business

### a. Adoption of Agenda

Agenda was adopted as written

### b. Approval of Minutes

*July 20, 2015-* Vicki said on page 2, (6) (c.) the verbiage was incorrect and should be:

*An application may be made to reduce the buffer for the purpose of [single family residential development](#) on a lot existing or vested by December 6, 1996.*

On page 4, Vicki commented that (D.) (3) (e) & (D.) (3) (h) had grammatical changes and some words were left out.

No other changes. Rob made a motion to adopt the July 20<sup>th</sup> minutes. Motion seconded by Vicki. All in favor, motion passed.

*August 3, 2015-* No changes. Kevin made a motion to adopt the August 3<sup>rd</sup> minutes as written. Motion seconded by Rob. All in favor, motion passed.

### c. Confirm Future Meeting Dates

- December 21, 2015

Barbara began to present her staff report and then commented that the applicants and their attorney had not yet arrived. Bill asked the PAC if flipping the agenda would be acceptable to give the applicants more time. Rob made a movement to change the order of the agenda, so Loretta could present her portion first. Motion was seconded by Kevin. All in favor, motion passed.

## 4. Annual Construction Program and 6 – Year Transportation Improvement Program-Workshop

*Presenter: Loretta Swanson, Public Works*

Loretta explained her memorandum and explained that the 6-year plan is a list of projects that Public Works would like to design and construct within the next 6 years. She talked about the

members and work of the Transportation Improvement Program Citizen Advisory Panel (TIP-CAP).

Rob asked what was needed from the PAC. Loretta responded that no formal action was necessary from the PAC because the Board of County Commissioners have already adopted the next years annual construction program and the 6-year TIP. She went on to say that if thoughts or concerns come up, she and TIP-CAP would like to know around March or April. At this time, Loretta introduced Melissa McFadden, executive director of Public Works. Loretta and Melissa talked about how their 6-year plan budget is listed with this memorandum. Loretta said that in order to bring all of the projects to fruition, they would need to seek out grants or come up with new revenue.

Vicki asked if a portion of their budget is taken and used for other things. Loretta explained that the road fund receives a certain amount of property taxes every year, which is specifically for road fund purposes. State law allows a portion to be used for traffic policing purposes. Melissa added that the policing amount is not set and can be any amount, including all of it. Loretta said the amount they have received for road funds has been steadily decreasing, which means necessary work is not being done. She added that if this pattern continues, the roads will need to be reconstructed rather than maintaining them, which is a large amount of money.

Kevin asked how projects are prioritized, and how long the projects take from planning to physical work. Melissa commented that the timeline from planning to work on projects is not set and can be all over. A smaller project can be in the works within months. If a larger project is presented, it can take years depending on funding, and even fish windows. Loretta, in regards to how projects are prioritized, said that right now priority is simple due to a backlog from 2007. If a grant comes in for a specific item, then of course that will take priority.

Bill asked how the PAC could effectively assist with comments and suggestions. Loretta said she would like to send a draft to them regarding the transportation element for the Comprehensive Plan update, and she said getting together with TIP-CAP would be a useful way to work together.

## **5. Amendment to the Belfair Urban Growth Area Plan- Public Hearing**

*Presenter: Barbara Adkins, Department of Community Development*

Barbara presented a large map showing the parcels in question. She said that parcel A, which is the site of the former Belfair Nursery, and the current site of the applicants grow operation was zoned as legal non-conforming because it was there before all of the zoning was set in the Belfair Urban Growth Area (UGA). Parcel B, does not have anything on it, besides a pole barn at this time. She said that Seattle Inceptive would like to expand their operation to parcel B. Due to the zoning they are not able to expand. This proposal is to change both parcels to Mixed Use zoning. Barbara added that the Mixed Use zoning also allows various options for use which could be concerning to some. She explained that she has discussed a development agreement with the applicants which would limit them to one use.

Vicki asked if there had been other rezone requests. Barbara said there has been one other request that was brought forward 11 years ago.

Rob asked what would happen in the future if this land was sold and the new owner didn't want to keep the grow operation on site. Barbara said that the land would revert back to residential zoning. Bill commented that the development agreement would need to be tied to the land in case the

business was sold to someone who wanted to keep the marijuana grow open. Barbara agreed. Bill then stated that when the zoning was created, this parcel should have been zoned mixed use instead of being non-conforming in a residential zone. He voiced concern over other land owners requesting the same thing because, he said, the zoning was set for a reason. Bill pointed out that both parcels are zoned RR-4 and could hold up to 44 home sites. He asked where these home sites could be replaced in the UGA. He then asked if any of the applicants would like to speak.

Christopher Larson, Attorney for the applicants, spoke first in regards to the 44 homes. He reiterated that if for any reason the business was closed and the land was sold, the homes could still be developed. He added that the applicants are trying to change the zoning to become compliant.

At 7:02 p.m., Bill opened the public hearing.

Jeff Way with Seattle Inceptive Group said that the infrastructure for housing doesn't go down the road meaning that sewer and water have not been extended far enough.

Ken Van Buskirk who lives 500 yards from the current site voiced concern that the Environmental Checklist was blank on the staff report and that after he reads it, he will likely make more comments. He spoke about the UGA and his experience sitting on the Urban Growth Committee. Ken discussed his experience with having his property rezoned and said he was worried about a hasty decision without the necessary details. He suggested the PAC make a recommendation to the Board of County Commissioners that they delay a decision because it should be looked at by the new Belfair/Allyn planning committee. Ken passed out a small packet of maps and discussed the Belfair UGA zoning map first. The other maps discussed were the Belfair Sub-Area Critical Aquifer Recharge Areas (CARA), and the Belfair Wastewater and water reclamation facilities map. While speaking about the CARA map, he pointed out that Viola Creek, a fish bearing stream, bisects this property. He reiterated that he would like the PAC to make a recommendation to delay a decision.

Vicki asked Ken if he knew what the specific job duties were for the new Belfair/Allyn planning group. He said that the group is trying to obtain uniformity between the two UGA's to determine buildable lands. She questioned if Ken would recommend the applicants apply for a rezone outside of the UGA. He was unsure if that was the correct path for this situation. Bill questioned if Ken believed that other non-conforming parcels would be encouraged to ask for a rezone if this one was granted to the applicant. Ken replied that it could encourage others, but that it was hard to say.

With no other public comments, Bill closed the public hearing at 7:21 p.m.

Rob asked what the ramifications of a delay would be. Barbara explained that this can only be done once a year, so their expansion proposal would be pushed out a complete year.

Kevin inquired how similar businesses are zoned within Mason County. Barbara answered that other grow operations are mainly within industrial parks in the UGA's. Kevin questioned if this would set a precedent for other grow operations in similar grow operations. Barbara said that she doesn't believe it would, but that if others did apply, they would still be forced to go in front of the PAC for a recommendation.

Bill said he still felt reserved and worried about opening the door for land owners and businesses to request a rezone for anything. Barbara commented that this particular applicant would not be changing businesses, and just wants to expand what they're already doing. She said that if a business wants to change what their specialty is, then that can present issues. Bill agreed and said he wants the development agreement done. Vicki added that only one other development agreement has been done within the last 11 years, so the likelihood of others following in their footsteps was low.

Bill asked how the applicants respond to his earlier question regarding the loss of 44 buildings. Barbara advised that as a nursery, there would not have been 44 buildings located there anyway. She said that if you take 2.5 people per household and multiply that by 44, it would not be a large enough amount to impact buildout. Jeff Way said that there are critical areas on the parcel also, so it could not be completely developed. He added that they are currently using less than 2 of their possible 12 acres at this time. Nenad Yashruti, also with Seattle Inceptive, spoke about the business and added that a development agreement would be done. Vicki asked if any comments have been received, to which Barbara answered no.

Bill questioned the applicants, asking if there are any chemicals or fertilizers that could potentially contaminate the water. Jeff Way answered that the state regulates them very heavily. He said that the watering is even monitored, so virtually nothing leaves the facility. Nenad Yashruti added that the list of allowed chemicals is very small compared to other agriculture.

Rob said he would be comfortable approving the rezone with the caveat of a strict development agreement. Bill said the caveat needs to include the fact that only marijuana could be grown there, so if another buyer wanted to change the crop it would not be possible and would revert back to RR-4.

Rob made a motion to recommend approval with the caveat that the applicants do the development agreement which states the land can only be used for the business of a grow operation or else it reverts back to RR-4. Motion seconded by Kevin.

Vicki asked what would happen to this agreement if the Belfair/Allyn advisory group got together and decided to shrink the UGA. Kevin and Bill agreed that a boundary adjustment would need to be presented to the PAC. Barbara added that they will be working on cleaning up policies and codes, not changing the boundary.

Bill announced that a motion was presented by Rob and had been seconded by Kevin. All in favor, motion carried.

## **6. New Business**

None

## **7. Adjournment**

Meeting adjourned at 7:46 p.m.