

MASON COUNTY PLANNING ADVISORY COMMISSION

July 25, 2016

(This documents is not meant 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: Marilyn Vogler, Rob Drexler, Deborah Soper, Kevin Shutt, Vicki Wilson, Bill Dewey

Staff: Barbara Adkins

3. Regular Business

a. Adoption of Agenda

Deb Soper asked how the discussion regarding the July 11, 2016 comprehensive plan hearing was placed on the agenda. Barbara said she put it on there because she wanted to discuss the meeting and find out if the PAC had the materials they needed or if something different was needed.

Marilyn Vogler made a motion to adopt the agenda as written. Motion second by Kevin Shutt. All in favor, motion carried.

b. Public Comment

Constance Ibsen asked if public participation or comments would be allowed during new business in the discussion about the Comprehensive Plan. Bill said he would be happy to entertain some questions from the public. Deb noted that those at the last hearing were told that no further discussion of the plan would be had until August. Marilyn stated that if the question is about process, and not the plan itself, that would be appropriate. Bill agreed. She then asked about the meeting minutes and asked if there would be a way for the public to see the minutes and offer corrections. Marilyn questioned if there is time for public comment at the meetings to which Bill answered yes. Constance said that the public would need drafts of the minutes before the meeting. Bill said that because they're draft minutes, he is not comfortable having them sent out. He went on to say that the PAC would need to discuss this further.

4. Public Hearing- Rezone of parcels 31233-40-90021, 32133-40-90022, 32133-40-90023, and 32133-40-90024

Barbara introduced applicants Nathan and Debra Stout, and Patrick Paradise. She then read the following details about the parcels in question:

- 31233-40-90021- 1.81 acres
- 32133-40-90022- 1.81 acres
- 32133-40-90023- 1.82 acres
- 32133-40-90024- 2.0 acres

She presented 2 maps of the area pointing out the zoning. At this time Barbara advised everyone that a copy of the traffic study was not part of the original staff report on the website and advised that she had copies if anybody would like to see them. She explained that the parcels are currently zoned RR20 and the applicants would like to rezone them to Rural Commercial 2 (RC2) which would change the land use

to include: convenience stores, restaurants, equipment repair, offices, etc. With a special use permit, a self-storage or gas station would be possible.

Barbara gave a brief history of this project due to the fact that a similar request from the applicants was denied in 2008. The PAC at that time, voted to recommend approval of the rezones to the Board of County Commissioners (BOCC). It made it to public hearing with the BOCC in January 2009. At the hearing it was discovered that staff changed its recommendation from approval to denial without advising the applicants. The applicants went to superior court then back to the BOCC.

Rezoning in Mason County have 8 criterion. The first 7 are generally used, and the 8th is used for mapping errors, which do not apply to this request. Not all 8 criterion have to be met. Barbara read through the just criterion within her staff report:

1. Development allowed by the proposed rezoning shall not damage public health, safety and welfare.
2. The zoning designation shall be consistent with the Mason County Comprehensive Plan, Development Regulations, and other county ordinances, and with the Growth Management Act; and that designation shall match the characteristics of the area to be rezoned better than any other zoning designation.
3. No rezoning shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially increase sprawling, low-density rural development, or to significantly increase uses incompatible with resource-based uses in the vicinity.
4. No rezoning to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially increase demand for urban services in rural areas, including but not limited to streets, parking, utilities, fire protection, police and schools.
5. No rezoning to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially interfere with the Growth Management Act goal to encourage development in urban areas where adequate public services and facilities exist or can be provided in an efficient manner.
6. No rezoning to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially interfere with the Growth Management Act goal to encourage retention of open space, to conserve fish and wildlife habitat, and generally to protect the environment, including air and water quality.
7. No rezoning to intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to create pressure to change land use designations of other lands or to increase population growth in rural areas as projected in the Mason County Comprehensive Plan.
8. These criteria shall not be construed to prevent corrective rezoning of land necessitated by clerical error or similar error of typography or topography committed in the original zoning of such land.

She noted that self-storage units, which the applicants are considering, are hard to locate within the county due to zoning. She also stated that 2 public comment letters were received and there were no comments on the SEPA during the comment period.

Marilyn asked Barbara if the public or staff had come to her discussing the difficulty in opening storage units. Barbara said citizens have come in with this issue. She said there seems to be people that want to build them, and people that would use them, but no easy process to make it happen. Marilyn then questioned if anything has changed since the first time this request was made by the applicants or if anything had been changed within the Comprehensive Plan since 2008 to support this request. Barbara explained that the request has not changed. She said she did more research to see if more support was available through the Comprehensive Plan for integrating small business into residential and rural areas. Marilyn questioned if allowed uses outside of storage units and gas stations would undergo a review of performance standards or if they would just be allowed. Barbara explained that the use is allowed, but the construction will be reviewed during permitting. Marilyn questioned specific issues such as lighting and other possible complications. Barbara explained that a SEPA review would be done once again, and those issues, if commented on, would be discussed with the applicant to find a solution. She also added that the Hearing Examiner can place restrictions as well.

Bill reminded the PAC members that this consideration is not for a storage facility, but for the rezone itself. Marilyn explained that the reason she addressed the storage facility is because the Growth Management Act has a statement with rural development stating "...it must be visually compatible".

Bill said he would find it hard to believe that approval was granted in 2008 because only 5 of 8 criterion was met. Barbara explained that not all 8 criterion need to be met for approval.

Vicki asked if these small parcels were already established before the areas around it became RR20. She stated that they predate zoning.

Bill asked about criteria 3 in the staff report, specifically the line reading:

Mason County has adopted in its rezone criteria the prohibition of the rezoning of rural land that would allow small scale businesses within one-half mile of an existing small scale business.

He asked if this proposal is within a half mile of another small business. Barbara stated that when she measured it, the closest small business was 1 mile away.

Nathan Stout took the podium and discussed what he would like to build on the property. He noted that the drive to try for the rezone once again should show how strongly they would like to make this project a reality. He noted that there is demand for a self-storage in the proposed area. Nathan mentioned that there was fear of increasing traffic, when the traffic study refutes that. He told the PAC that if lighting was a concern, there are different types of lighting available that are more focused to prevent a bleed over effect. Nathan went on to say that he believes with some landscaping and upkeep, this facility could potentially enhance the empty lots.

Marilyn asked if a closed storage was planned for boats and RV's. Nathan said boats and RV's would be open because people want economical storage.

Bill opened the floor to public comment at 6:39 p.m.

Terri Thompson discussed critical areas and Wilson Recycling. She explained that the location of Wilson Recycling was once a proposed storage facility that then changed to the recycling center. She said that the change of use requirements need to be examined so that a solid waste facility cannot be opened at this location.

Jason Bailey, president of the Rainbow Lake home owners association, spoke against opening a storage unit. He noted that many units are being used to create meth labs, and over time the units are deteriorating.

Marilyn asked Jason if anybody he spoke to around Lake Limerick and Rainbow Lake spoke in favor of the facility or if it was all negative. Jason asked Marcia Toby to speak because she gathered most of the signatures. Marcia noted that nobody she spoke to was in favor.

Lucy Castillo pointed out a number of storage facilities in the area. She stated that building at this location would be a safety issue due to the speed of the vehicles on the road and the fact that it is only 2 lanes. Lucy added that this road is also a detour when accidents occur, which will cause an issue. She is also concerned about the increased level of illegal activity, and glare from lighting on the buildings.

Pat Murphy inquired about the fencing type noting that most storage facilities have chain link fences that are easily cut for access. While living in Arizona, he said that there was a requirement to have a 4-foot wall surrounding the lot with razor wire, and a full time security officer. Pat then discussed a bombing that occurred in New York City, pointing out that the criminals used a storage facility to store their equipment. He voiced some other concerns about illegal activities and suggested that houses or condos be built since the zoning already allows it.

Michael Gilbreath stated that if he had known this was in the works, he and his wife would not have purchased the home. He added that as a former member of law enforcement, this facility would eventually add to the criminal element. Michael encouraged the denial of this rezone.

Pat Murphy spoke again, suggesting that the storage facilities in place be forced to clean up and have walls built around them.

Paul Wildman described the storage units around the county as “ugly” and discussed falling property values if this is approved. He said the area he and his neighbors are in is a neighborhood, not a commercial area. He recommended that the lots stay zoned as residential, and that a developer is found to build homes.

Pat Murphy spoke saying that he could not afford to move even if he wanted to. He said that he wouldn't mind if the land was turned into a pasture or homes.

Jerry Schouviller said the wildlife on that property will be lost. He added that if residents from Lake Limerick want storage, they should build something closer to them.

Constance Ibsen commented that she would feel more comfortable if a true inventory of existing facilities and their status with the building department. She named some facilities around the county and said a clear handle on the amount currently open versus the amount of units open is necessary. She noted that this information would also help with future requests.

Patricia Vandehey spoke against the project and said she was surprised that after being denied 3 times, it can be proposed again. She questioned the SEPA saying many of the areas were marked “N/A”. Patricia addressed the possibility of a Special Use Permit and said that they are handed out in Mason County “like candy”.

Peggy Schouviller agreed with Patricia Vandeheys statements and read some of the unanswered questions in the SEPA. She pointed out one area of the report that states no impact will be had. Peggy said this is untrue.

Pat Murphy suggested that requirements to maintain commercial buildings be added to permits. Bill asked that Pat hold his comments because they did not deal with the rezone.

At 7:18 p.m. Bill Dewey closed public comment.

Bill asked if the SEPA was part of the consideration. Barbara advised that it is not because the SEPA is now closed. Marilyn asked if SEPA is sent to the PAC. Barbara advised that they are not because the comment and appeal period is normally already closed. She added that the SEPA is sent to state agencies to make comments and to members of the public that request comments, but they are not sent to the PAC for comments. Marilyn said she believes the PAC should know about it if it deals with an upcoming meeting.

Deb asked how a change of use process can be set up. She used Wilson Recycling as an example stating that they did not need a permit to change uses. Barbara educated Deb that the building code does require a change of use permit. Marilyn asked if Wilson Recycling did that. Barbara said that by the time Wilson came to her they were already a recycling facility and had been grandfathered in as such.

Deb noted her concern with the proposal because the parcels are located over the CARA (Critical Aquifer Recharge Area). She said that if the zoning is changed to RC2, there is no guarantee that a nice storage facility will be opened and opens it up to other uses that would not be compatible with the Growth Management Act.

Marilyn said that the comments received tonight speak to rural character, which reflects the first economic development principal which reads:

Maintaining Mason County's rural character is vital to preserving the quality of life enjoyed by the community. Future economic development must consider the compatibility of adjacent uses and ensure that the community's rural character is maintained.

She said based on the testimony, and some sections of the comprehensive plan, this rezone request may not be compatible with the vision of the county. She then explained why.

Within criterion 2, Rural Usage-532 (RU-532) is cited from the Comp plan. Marilyn pointed out that there is also a 532a and 532b. Under 532a, she pointed out the following requirements:

- *Must be visually compatible with surrounding neighborhood and rural area*
- *will not cause detrimental impacts to adjacent properties or to existing easements*
- *will not result in a small operation now dominating an area*
- *will not change the visual character of the property or structure in a way that significantly effects the visual character of the surrounding rural area.*

She said that when looking at the parcels, this is a long narrow piece of property that would have close to 30,000 square feet of storage which would dominate that area.

Marilyn then read from the Economic Development goals:

Goal 3:

Support sustainable business and industrial development which: 1) Strengthens and diversifies the economic base; 2) promotes predominantly living-wage jobs and economic opportunity that

preserves a high quality of life for all citizens, and; 3) develops and operates in a manner compatible with the natural environment.

She noted that storage units, for the most part, do not provide jobs. Under the General Policies section, Marilyn then read RU-505 which states:

Other uses that should be allowed in RAs include tourism, horticulture, low profile recreation, home-based businesses and cottage industries accessory to a primary residential use, and other small scale businesses.

Based upon the received proposal, she said this doesn't seem to be a small scale business. Based on the comprehensive plan, she reiterated that it is not compatible.

Barbara informed the PAC that the applicants would only be able to build on one parcel. If they wanted to build across, the parcels would need to be combined, which they are not. Rob then pointed out that another facility could not be built next door, because they cannot be within one half mile of each other. Jason Bailey asked if the other parcels could be used for other businesses to which Barbara said yes, if it is an allowed use.

Marilyn said that the largest parcel is two acres. The proposed facility is 27,960 square feet, which is 64% of the square feet in an acre. She asked Barbara how much of the property is allowed to be impervious surface. Barbara said the ratio is 1:5, meaning 1 foot of development is allowed for every 5 feet of property. Rob and Bill reminded everyone that the rezone is being questioned, not the building itself. Marilyn asked the applicants if they were aware that they were only allowed to build on one parcel. They said yes.

An unknown gentleman asked if a Boundary Line Adjustment (BLA) could be done to create one parcel. Barbara noted that they can, but they have chosen not to. Bill asked if it could be done after the rezone. Rob said it would be a parcel combination, not a BLA. Marilyn said potentially 4 different businesses could be opened. She went on to say that since Rainbow Lake isn't interested in the facility, perhaps Lake Limerick would allow the development since it is listed as an Isolated Commercial Industrial Area (ICIA). Bill asked how that information is relevant to the discussion about the rezone. Marilyn said it is relevant because of the way the staff report is worded, and also because that seems to be where the people are that want it.

Rob spoke about the storage units in Belfair and Allyn, saying there is actually a need for storage in the county.

Deb said she is concerned for homeowners that come in with only to have neighboring properties changing zoning and possibly diminish property values.

Marilyn said she doesn't know why the applicants are back since nothing has changed. She said it seems odd that they have chosen to come back a third time. Rob said it is a normal thing to keep trying something even when you're told no. Bill pointed out that the traffic analysis is new and was a prior concern. He said that he would like to look through the records from the other hearings to gain a better understanding of what changed. Vicki said she agreed with Bill and added that this is a difficult balance on both sides. She asked that people not think about the fact that the property may be used as storage units. She reiterated that this is a rezone hearing only.

Kevin said he would be in favor of more time for consideration. He added that a distinction needs to be made between the rezone and what may be built because they are two separate decisions.

Bill said he didn't realize that the unit could only be built on one parcel, which means there is potential for 4 separate businesses at this location. He said this would change the character of the area.

Vicki Wilson made a motion to continue the hearing to September 19, 2016. Motion seconded by Marilyn Vogler. All in favor, motion carried.

Marilyn said she would like a definitive answer on the possibility of combining all 4 parcels to build one large facility and the possibility of having separate businesses on each parcel. Barbara said she would get more information for the September meeting.

Deb asked one final question about Rural Commercial 2 (RC2) and restrictions of a single family residence. Barbara said there is one residence allowed per lot.

New Business

a. Discussion regarding the July 11th Comprehensive Plan hearing

Barbara said that she wanted to make sure the PAC had what they needed to be successful with the update. She said she received some negative feedback about the last hearing, and wanted to know what could be done to help them.

Marilyn said that because they are only covering the mandatory elements of the plan, she doesn't expect much public comment until large items are addressed such as the critical areas.

Rob noted that he wants clarification of what is necessary. He then asked if the PAC would be considering changes to certain elements of the plan. Barbara said first off, there were changes in the law, and things that should be cleaned up because they have not been updated for the last 20 years. Rob said from what he understood, that is all that will be done to make sure it is ready in time. Barbara said that the "cleaning" didn't necessarily need to be done right now and if they want, she could just touch on the periodic checklist which would make it even faster. Rob stated that he doesn't want to send the bare bones in and still have a comp plan that is not good. Barbara said instead of adding more information, cleaning is the best option with the time left. She noted that the Historic Preservation Commission still wants language added for funding opportunities and that the Economic Development Council (EDC) input also needs more discussion which there isn't time for. Rob said he would like to finish the mandatory requirements to make sure they're in compliance. He mentioned that no preferential treatment should be given to any group wanting to add language.

Vicki said it was her understanding that the PAC moved a motion to work on the mandated pieces that were listed in the scope of work document. She suggested that many of the areas need policy discussion, not just quick changes. Vicki noted that she would like to see a strategic plan in place that outlines when and how the comp plan will be reviewed for those policy changes. Marilyn suggested not going chapter by chapter because there are large insertions such as the EDC proposal. Vicki discussed a comment matrix saying it would be helpful in creating a strategic plan. Kevin suggested a timeline to map out what needs to be done so the PAC would have a better idea of what is considered mandatory.

Bill asked Barbara what the deadline is. She said that she received comments from Commerce stating nothing would hit until the next funding cycle begins, which gives them around 10 months until applications for grant funding will need to be submitted.

Kevin noted that part of the reason he was against the motion at the July 11, 2016 hearing is because there isn't a clear direction forward. He asked why June was not being discussed when a December deadline was discussed at the previous meeting. Barbara said December is when they were originally trying to get the entire plan cleaned up by and June is when they would start to see issues.

Marilyn clarified that the comp plan goes through the PAC, then goes to the BOCC for public hearings and then asked if it goes to the state after that. Barbara said it does not go to the state. It only stays within the county once adopted.

Rob said that looking at how long the SMP took, it is apparent that the comp plan would not be complete in 10 months. He said a clear plan needs to be outlined. Barbara agreed and said the mandated requirements will be done first and then they can prioritize the areas that are not done beginning with cleaning up the language. She noted that the next hearing is August 15, 2016 and discussed the agenda.

The PAC then asked about their term expiration dates. Barbara handed out a list of their dates for them to examine and pointed out that Kevin's term ended in October.

Constance Ibsen asked that a public statement come from the PAC about what they will be doing. She also asked that the statement be published in the paper. Constance then said that she believed the PAC was mandated by state law, and not set up to serve the BOCC. Bill did agree that a clear explanation should be posted outlining how the Comprehensive Plan will be handled.

Terri Thompson said that the unknown is driving her crazy because this information is complex and needs a lot of discussion. She said that what was said on the radio was that the EDC and public comment would be removed. Marilyn clarified that her motion was to complete the mandatory revisions and then go back to the requested items. Terri then asked if critical areas are one of the mandatory items on the list. She read the following from RCW 36.70A.060 (2)

Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170

She then read from RCW 36.70A.172 (1):

In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

Terri said that when she asked how the county would use the best available science, she was told that the county would not providing that. She questioned the members of the PAC asking if they understood the difference between what is mandated and what is actually being done. Barbara advised that she did not have the comp plan documents with her because she was not going to discuss specific areas. She added that how critical areas will be addressed cannot be done without public notice. She then asked how all of this will be done with only one meeting per month. Marilyn referred to the Scope of Work which says:

Mandatory regulatory review: Critical area regulations, revised definition of fish and wildlife conservation areas

She questioned if that is all the PAC is required to do under critical areas. Barbara, not having the list with her again stated that she could not answer without looking. Marilyn and Rob asked that she bring a definitive list with her to the next meeting.

Vicki addressed Terri's question about only having meetings once a month. She said that though it is true it may not be done, she and the other PAC members are volunteers that work and run businesses. Terri said that she has been going crazy waiting for the update and some of the issues are important health wise. Vicki acknowledged this and said that it is difficult to find the time to put into all of the meetings when they are held more than once per month. She stated that a plan of action would help immensely.

Patricia Vandehey said that public participation is necessary but isn't happening. She suggested that if Belfair could have a group then there should be other groups around the community because everyone deserved to have a voice. She stated that private nonprofit organizations such as the EDC

has more say than the public. Patricia asked if comments would be submitted to the Department of Commerce with the comp plan. Marilyn said that Belfair and Allyn had a committee because they were dealing with the Urban Growth Area, and Shelton is in charge of their own policies.

An unknown female said dealing with the question of rural character would be a great place to have some public participation because the original rural character piece was created by the community. She thanked the PAC for their work and for serving.

5. **Adjournment**

Bill Dewey adjourned the meeting at 8:39 p.m.