

# MASON COUNTY PLANNING ADVISORY COMMISSION

## AUGUST 15, 2016

(This documents is not meant to be a verbatim transcript)

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### **Call to Order**

Rob Drexler called the meeting to order at 6:00 p.m.

### **Roll Call**

**Present:** Rob Drexler, Marilyn Vogler, Deb Soper, Vicki Wilson, Kevin Shetty

**Excused:** Bill Dewey

**Staff:** Barbara Adkins, and Kell McAboy

### **Regular Business**

#### **a. Adoption of Agenda**

Rob noted that the agenda was full and advised that comments would be limited to 3 minutes. Agenda adopted as written.

#### **b. Approval of minutes- July 11, 2016**

On page 4, Vicki asked if Marilyn wanted it reflected in the minutes that she had asked for a better definition of “Low intensity land use”.

Kevin made a motion to adopt the minutes from the July 11, 2016 meeting. Motion seconded by Vicki Wilson. All in favor, motion carried.

#### **c. Public Comment**

Bill Isley discussed mixed use zoning in Allyn. He voiced his frustration with this zoning saying that the land cannot be sold because most people are unable to receive loans to build on mixed use lots. He gave a handout to the clerk stating he would like to have the planning director look at it to note the zoning.

Rick Calvin spoke on behalf of the Historic Preservation Commission. He noted that he understands the reasoning behind doing the mandated updates in the comprehensive plan but asked that the PAC reconsider adding the HPC language in 10.6. Rick stated that the main reason they ask for this one area to be reconsidered is due to funding. Marilyn said she is hesitant to only accept one insertion because then it becomes difficult to determine which items should be done immediately versus waiting. She and Barbara discussed the option of waiting until the next calendar year to approve the HPC language. Barbara asked Rick if the HPC was currently seeking grant funding. Rick said yes and noted that the availability of the funding could be subject to funds that may not be available all years. He explained that the Department of Historic Preservation and Archaeology (DHAP) decides on a yearly category to fund. Having the added language means they would then have the ability to apply for these grants as they became available, because DHAP does not put out a detailed list of what will be funded in the future. Vicki said Chapter 3 will be discussed at the

next meeting in September and asked if he could attend that meeting for discussion. He said he would be present.

### **Public Hearings - Rezones:**

**Presenter: Kell McAboy, Department of Community Services**

a) *Lake Cushman*- (Parcels 52309-50-00001, 52309-50-00002 and 52310-00-64000)

Kell gave a brief history on this rezone stating that in 2009 when the Olympic National Forest boundary changed, there were parcels in the county that had not been zoned. She noted that recently, this happened again and it was discovered that 3 more parcels were never zoned within the county. Kell said that the County is recommending a Rural Residential 5 zoning (RR5).

Marilyn questioned if another zone would be appropriate to keep that land open to the public for recreational use. Kell said that it is possible, but the RR 5 zoning is low intensity that would allow for public utility development if the owners were interested. Marilyn noted that her interest is in conservation for public use. Kell advised that in the Shelton Urban Growth Area (UGA) there is a public open space zoning district, which is not available in the rural area of the county. Instead, there are 5 residential zones, 5 rural commercial zones, a rural industrial, rural tourist, rural tourist campground, long term commercial forest and in holding lands. Marilyn questioned if it is crucial to look at all three parcels together or if they could be separated. Kell noted that it is not crucial to do them together.

At 6:20 p.m. Rob opened public comment.

Pat Gilbert voiced concern with the zoning of all three parcels. He said that parcel 52310-00-64000 is much too large to be zoned RR5. He also noted that the property owners were not notified and the public notice did not have the correct parcel listed. Pat said that with the parcel being 278 acres it will be developed and will have major consequences. He said this area would better be defined as a critical area and should be protected under state agencies.

Rikki Lawson also noted a lack of notice to surrounding properties. She said better criteria should have been used to determine the zoning. Rikki declared that she was in favor of the land being used for public recreation and discussed the impact to the wildlife in the area.

Rob asked if Kell had any response to the public comment. She informed the PAC that parcel 52310-00-64000 shows up incorrectly on the zoning map located on the County website. She said the land showing on the map is National Park land and cannot be zoned by Mason County. Kell thanked Pat and Rikki for bringing the error to her attention.

At 6:31 p.m. Rob closed the public comment portion of the hearing.

Marilyn and Kell discussed the map and the changes made since 2009. Marilyn suggested delaying consideration for the time being due to the incorrect information on the website. Rob asked if that was a motion. Marilyn said it was. Motion seconded by Kevin. Marilyn then asked for a discussion and addressed the fact that the Comprehensive Plan required establishment of open space corridors. She mentioned that if there is no way to zone open corridors then a process needs to be established to make it possible.

An unknown female asked for the definition of open space corridor. Rob said open corridor is a tax designation.

Rob returned to the motion asking for a vote. All in favor, motion carried.

b) *Ancich*- (Parcel No. 12233-50-00009)

Kell said this parcel is located right on the edge of the Mason County/Pierce County line on State Route 302. Until 1987 this parcel was used for a hamburger stand which influenced the zoning in 2003. Currently it is zoned Rural Commercial 1 and all surrounding parcels are RR 5. She explained that the owners are trying to sell the parcel and people are interested in building a home, but not a business. The current zoning requires that a commercial business has to be established before residential use could be approved, but commercial development would not be supported nor would an additional access be approved by the Department of Transportation.

Rob opened public comment at 6:37 p.m. No comments, so he closed the comment period immediately following.

Vicki referred to the 8 criteria used to determine a rezone. She noted that items 4-7 only deal with changing zoning to more intensive uses.

Kevin made a motion to accept the rezone request as prepared by staff. Motion seconded by Marilyn. All in favor, motion carried.

c) *Ritland*- (Parcels 42210-34-90020 and 42210-34-90010)

Kell said that this rezone is somewhat similar to the previous one except it deals with Rural Industrial to Rural Commercial 5 (RC 5). She asked if the PAC had received a copy of the public comment from Allan Borden. They all said they had. Currently, Hoodspport Self Storage is located on these parcels. Under the current zoning, they are not able to expand. Rural Commercial 5 allows for existing commercial uses and allows self-storage alongside a special use permit. Kell explained that RC 5 was established in 2006 to assist with commercial properties in the county that wanted to expand but could not, which fit this particular request.

Marilyn asked about Stormwater on page 3 of the Pre-Application report. Kell clarified that though the stormwater is an issue, if the rezone does go through and the owners would like to develop, they would have to address any issues with stormwater at that time. Marilyn noted that in 1995 a building permit was conditioned that the owner would install a 400 square foot pond. She recognized that the pond does not exist and questioned if the current owner is the same person that originally applied for the 1995 permit. Kell advised that the current property owner is present, but she is unsure of the original owner. Marilyn referred back to stormwater and read a portion of the staff report noting that Kell had contacted Loretta Swanson in Public Works, but had received no answer. Marilyn said she would like to have her questions answered regarding stormwater before she made a determination. Kell stated that the rezone should not hinge on stormwater because development cannot occur without having stormwater reviewed.

At 6:48 p.m. Rob opened public comment.

Kerry Ritland, applicant, spoke in favor of the rezone. He addressed the stormwater pond saying there is no proof of it being built, but it would have been built on the adjacent property which he does not own.

Public comment was closed at 6:51 p.m.

Vicki questioned if this would technically be a down zone. Kell replied that the floor area ratio for RC 5 is more intensive than the floor area ratio for rural industrial.

Vicki addressed the PAC regarding the fact that the rezone does not depend on what it will be used for but instead needs to fall into the following categories:

- Does it meet the 8 criteria?
- Is the request moving from less intense to more intense?
- Does the request meet current laws?
- Risk Management possibly reviewed by the County Attorney.

Marilyn noted that her concern with stormwater is due to the fact that the floor ratio is greater meaning there could potentially be a greater problem with runoff. Kell advised that the stormwater manual addresses use, impervious surface, etc. at the time development is proposed. Rob advised that the rezone hearing is not set up to pass judgement on the project itself. Marilyn asked if rezoning increased impermeable surface. Both Kell and Rob advised that it does not always mean increase surface.

Kevin moved to adopt the proposed zoning as prepared by staff for consideration by the Board of County Commissioners. Motion seconded by Vicki. 4 in favor, 1 opposed, motion carried.

d) *Collins*- Correcting a mapping error for a parcel 61936-11-00040.

Kell explained that this parcel was zoned as in-holding land but mapped as Long Term Commercial Forest. She advised that the reason she has to bring this forward to the PAC is due to the fact that the official County maps are required to be signed by the Board of County Commissioners.

Public comment opened at 7:05 p.m.

Rikki Lawson talked about proper notice regarding a change of zoning for this parcel. Kell agreed that notice would normally be necessary but advised that no change in zoning is occurring, just a correction on the map.

Public comment closed at 7:08 p.m.

Kevin made a motion to adopt the recommended changes proposed by staff. Motion seconded by Marilyn. All in favor, motion carried.

### **Public Hearing – Code Amendment:**

Title 17, Chapter 17.07 Shelton Urban Growth Area: Add recreation storage as an allowed use in Low Intensity Mixed Use district

**Presenter: Barbara Adkins, Department of Community Services**

Barbara informed the PAC that the applicant has a parcel located in the Shelton UGA that they would like to develop a recreational storage facility. She said that this use is defined in the Mason County Code (MCC), section 17.06 under “Recreational Storage”. The definition reads:

*the storage of recreational vehicles, boats, boat trailers, camper trailers, personal water craft, and similar outdoor recreational equipment.*

Currently, this parcel is zoned low intensity mixed use within the UGA which allows for the use of residential and commercial use. She noted that the commercial use in this zoning is more for personal service such as daycares, and offices. Instead of changing the zoning, this request is to amend the current zoning to allow recreational storage.

Deb questioned how a storage facility could be prevented in this zoning because of the fact that one recently opened near her home and is on a parcel also zoned low intensity mixed use. She

said it is located on Shelton Springs Road. Rob asked if perhaps the owner obtained a special use permit. Barbara said that wouldn't change the allowed use. Vicki suggested that perhaps it was allowed due to MCC 17.07.230 "Similar or Related Uses". Barbara stated that in order to be allowed, this would have needed approval from the Director of Community Services. She then asked for the name or address of the facility. Deb said the name of the business is A Better Storage Solution. Barbara stated she would research it and get back to the PAC with more information.

Barbara noted that in the MCC there is no definition for Self-Storage. She said if it is allowed, she would like to add a definition to the code. Marilyn asked if there are any regulations for storage facilities such as hours of operation, fencing, or security. Barbara told Marilyn that currently, some of the industrial zones do have requirements for lighting and fencing but this particular zoning does not. Vicki pointed out one set regulation for storage within the MCC. 17.07.260 (A.) states:

*Storage: Unscreened outside storage of any kind is prohibited.*

Marilyn voiced concern with amending the code due to the fact that others may also begin opening storage units within the area which could have a negative impact. She said the testimony given on the July 25, 2016 meeting in regards to a rezone for a storage facility was very negative. Marilyn questioned why Mason County should change its stance on storage facilities when it has been so conservative in the past. Barbara said she would not like to have an opinion in regards to them being a negative impact. She added that it is difficult to automatically assume that a storage unit will be used for activities such as a methamphetamine lab. She said that she does not want to take the comments lightly, but without solid evidence, or data, it is unfair to the applicant to assume their business will be used illegally. Marilyn suggested incorporating guidelines for screening, lighting, landscaping and other issues that would help put the public's mind at ease.

David Windom, Director of Community Services spoke in favor of the amendment. He said that one of the biggest issues he sees while dealing with code enforcement is an abundance of RV's, boats, and trailers crammed on tiny lots because there is nowhere to store these items. He advised the PAC to look at the other side, not just the negative, because storage could potentially help with enforcement issues.

Marilyn said she wants to see regulations in place before allowing this amendment.

Public comment opened at 7:26 p.m.

Terri Thompson said that one of the main issues the County needs to examine is what happens to the storage facility once it is no longer being used. She discussed a storage unit that was on top of a Critical Aquifer Recharge Area (CARA) and said regulations need to be in place to prevent this in the future. She said that facility did a State Environmental Policy Act (SEPA) application which answered many of the questions with N/A. Terri continued, saying the facility was then given a permit for self-storage but it did not stay a storage facility. She noted that the state gave the facility permits based off of the SEPA, and that special attention needs to be paid to the SEPA because "N/A" or leaving a question blank in regards to water should not be acceptable.

Constance Ibsen voiced confusion over the fact that this proposal is located in the Shelton UGA. She asked Barbara if the City of Shelton would be looking at this amendment as well. Barbara responded that just the County is involved. Constance questioned if the City commented on the proposal. Barbara said no. Constance asked about storing items outdoors, to which Barbara

responded all items need to be at least screened from view if they are not indoors. Constance asked if there was a map available showing the low intensity mixed use areas within the Shelton UGA. Barbara did not have a map available at this meeting.

Allan Borden said that during his 23 years as a planner the County did not come up with any comprehensive approaches for storage buildings. He suggested a deeper discussion about types of storage, zones, development standards such as building sizes and setbacks. Allan stated that Belfair currently does not have a storage land use available in any zones. Rob added that Allyn does not either. Allan suggested waiting to decide on this amendment until better guidelines are set. Vicki questioned if other uses have specific development standards. He answered that besides setbacks, there aren't many regulations set for other uses. Vicki addressed the PAC saying that they need to question their rationale for pulling out one use and treating it differently. An unknown gentleman in the audience asked Allan if his answer was yes or no in regards to other uses having specific development standards. Allan responded that no specific standards are set.

Constance Ibsen said when Jim's auto and towing went in, there was screening, standards and stormwater discussions. Allan said the development standards that business was held to were set by state regulations.

Terri Thompson asked if any consideration was given to what is stored. She said being over the CARA is dangerous because people could store oil, chemicals or other hazardous materials. Allan noted that huge amounts of chemicals, agents and fluids are normally not expected. Terri challenged Allan saying that she herself as an artist may need a storage facility and could store liquids such as turpentine, paint or other liquids. Barbara informed Terri that when the plans are reviewed, it is determined what can and cannot be stored. Allan commented that even though there is a list of what can be stored, it is difficult to regulate. Marilyn asked Barbara if there is any way to regulate the units. Barbara said that it is incumbent upon who owns the facility. She added that there are specific laws on how hazardous chemicals can be stored.

Brian Thollaug, applicant, said his goal it to build an enclosed building with individual locked units. He added that he does not want to have an eyesore, but instead a well maintained location that he can be proud of. Brian stated that there is a need in this community for storage to protect investments from mold and the weather. Marilyn thanked Brian and asked him if he would be interested in being part of a possible group that created reasonable regulations for storage. He said that he has never been on such a committee, but he would be interested.

Public comment closed at 7:49 p.m.

Marilyn stated that she is uncomfortable with the amendment due to conversations she has had with planning about the Shelton UGA. She said that when citizen advisory groups were set up for the Belfair and Allyn UGA, she questioned why there wasn't one for Shelton. She was told that they did not need a group set up because decisions would be left to the City of Shelton. Marilyn said this code amendment is a major change especially when there have been no comments or involvement from anyone in the Shelton UGA. Rob reminded the PAC that they needed to keep in mind that Shelton was given the opportunity to speak or comment and chose not to. He added that if the need is there, that should be taken into consideration. Marilyn agreed, but said that some sort of regulations are needed. Deb agreed and said that Lynwood has created an ordinance regarding self-storage which is 13 pages long. Without some sort of regulations in place, she said she would feel uncomfortable moving forward. Deb asked Barbara where self-

storage is currently allowed. Barbara said that currently within the Shelton UGA there are two areas that allow them. In the County, Rural Commercial 1-5, general commercial and commercial industrial allow them. In Allyn and Belfair UGA's they are not allowed.

Vicki referred to Terri Thompson's earlier statements and questioned Barbara about SEPA checklists. She clarified that when a rezone is done, a SEPA is required and when they actually build on the site, another SEPA is necessary. Barbara said that is correct. Vicki said the reason there may be a lot of "N/A" answers on the checklists is because those particular items are not tied to the current project or rezone on a parcel.

Rob noted that though a citizen advisory group would be great, they need to realize that the county may not have the finances to put one together because it involves staff time. He added that the time it would take to put the panel together and come up with the regulations could be an issue.

Marilyn questioned if this project could instead be rezoned so no code amendment was necessary. Barbara said there are zones that allow it, but it would be difficult to change the zoning to Commercial or Commercial Industrial among the Mixed Use and Residential zones. She suggested adding a Special Use Permit to the conditions if they are worried about any environmental aspects such as air, water, noise, lights, and other factors. Vicki referred back to MCC 17.07.230 "Similar or Related Uses" stating that there is no language requiring a special use permit but instead is left up to the decision of the Director of Community Services. Barbara noted that the current proposal isn't similar enough to slide in under that code.

Marilyn questioned how development regulations are changed. She suggested changing MCC. 17.07.260 (A.) to state:

*Storage: ~~Unscreened~~ No unenclosed outside storage of any kind is ~~allowed~~ prohibited.*

Barbara advised that she can make a recommendation to change the language which would start the process to change the regulation.

Vicki remarked that the PAC seemed to be having a negative conversation, making assumptions about self-storages. Deb noted that her comments were not directed at any one project, but she does want to know the reason they're so hard to cite. Marilyn said that she is trying to keep the negative from happening, and would feel better if this particular application was for a rezone instead of a code amendment.

Kevin advised that thinking about the worst case scenario is not the answer and instead they need to put forth good faith towards the applicants. He said that either the PAC or a special board should discuss some additional requirements, but at this point he does support this change to add this element to the economy.

Deb said though it is cynical, there have been code enforcement issues which make her cautious. She discussed the Low Intensity Mixed Use areas and said perhaps seeing the location of these lots will help Kevin see that this can affect a number of areas.

Kevin made a motion to approve the addition of recreational storage as proposed by staff. Motion seconded by Vicki. Deb noted that she would like to see more protections added before making a blanket decision. Marilyn said this will set a precedent for approving this type of request before regulations are in place. 3 in favor, 2 opposed, motion carried.

**Break**  
**8:10 p.m. – 8:19 p.m.**

**Public Hearing- Continuation of July 11th Comprehensive Plan Hearing:**

Glossary, Chapter I, & Chapter II

**Presenter: *Barbara Adkins, Department of Community Services***

Barbara informed the PAC that after the July 11, 2016 hearing she went back through and removed comments from the Historic Preservation Commission, Economic Development Council, and some of her own comments. Everything that has been updated has been done because it had to be.

Glossary- Barbara noted that the glossary has the most changes due to the code citations. She said the only things removed were done so because of state law requirements.

Public comment opened at 8:21 p.m.

*Aquifer Recharge Area*- Constance Ibsen suggested using the RCW language which is used on page 3 under *Critical Areas* and page 20 (f.) of the checklist:

*Areas with a critical recharging effect on aquifers used for potable water.*

Terri Thompson asked that a definition for “urban sprawl” be added to the glossary. Rob said that currently only mandated changes will be done, and that definition is not one that is required.

Public comment closed at 8:25 p.m.

Chapter I- Barbara showed the PAC how she added the chapter names, and then gave each of them a short introduction. She said that Jay Hupp from the Economic Development Council asked that the introduction is not used because they are not happy with it at this time as it is still being revised. Barbara noted that it does not need to be added because it is not mandated. Marilyn suggested leaving it in since it is the current language. Rob asked if Barbara had any suggestions. She said she could just use the definition found in the GMA. She went on to address the most substantial change in the chapter which was the update of the population statistics. Barbara explained that these numbers are from Chapter IV, which will be reviewed later.

There was a discussion on if the chapters should be adopted or if waiting would be best. It was decided that until the other chapters had been reviewed, nothing would be formally adopted.

Public comment opened at 8:30 p.m.

Jay Hupp discussed the Economic Development introduction discussed earlier by Barbara. He gave a history on how economic development became a mandatory planning element. Jay said that the current language makes it difficult to introduce innovative changes and new information.

Terri Thompson pointed out that the use of “urban sprawl” is on page 3 under GMA requirements. Marilyn pointed out that under GMA requirements it shows Urban Growth, and Reduce Sprawl which is not necessarily “urban sprawl”. Terri said she understood that, but



perhaps “reduce sprawl” should be defined in the glossary. Vicki suggested keeping a running list of requested definitions that can be revisited at a later hearing.

Barbara asked what the PAC would like to do in regards to the wording under Economic Development. Rob advised Barbara to leave it in for the time being.

Chapter II – Constance Ibsen asked about section 8.6 on page 7 which reads:

*Discourage development activities in environmentally sensitive areas which may have a detrimental effect on public health, safety, environment, and fiscal integrity of the area.*

She asked if fiscal should instead be changed to physical. Barbara said she did originally have the word physical in there, but was not sure. After a discussion, it was decided that she would change it to read “physical integrity”.

Terri Thompson asked why the numbers skip around within the chapter. Barbara said she was unsure but perhaps it was from past revisions. She added that once they are done with edits, the numbers can be corrected.

Rick Calvin addressed the housing portion of Chapter II, stating that the language proposed by the HPC would fit under CWPP 6.9. The language from the HPC reads:

*Encourage the preservation of existing historic structures for use or conversion to single or multi-family houses*

He said just adding this sentence would serve the housing aspect of the comp plan, as well as the HPC.

With no other comments, Barbara said she would like to do Chapter III at the September meeting.

### **New Business**

Marilyn said she would like to help assemble a task force to look at regulations and policies for storage. Barbara told Marilyn that the BOCC would need to establish any sort of task force. Vicki asked about the possibility of establishing just a work group. David Windom said he would look into it adding that he would have to justify staff time to the BOCC. Marilyn said that if a task force was established, getting approval from them would help support any future proposals for self-storage.

Marilyn then suggested looking for sample ordinances or regulations regarding open space for public use so they know what the state expects.

Terri Thompson said at the July 11, 2016 hearing she had asked about one of the mandates which is for best available science and the CARA. She brought materials that she asked be copied for the PAC members of a WAC and a document called the Designation and Protection of Critical Areas under the GMA. She said that document talks about various rules and laws.

Marilyn thanked the members of the public for their input while working on this update.

Constance asked about the possibility of suggesting changes to minutes that have already been approved. She questioned if she would need to listen to the recording and transcribe it or how

that can be done. She also asked if a conversation would be had with Mason County Chief Deputy Prosecuting Attorney, Tim Whitehead, regarding “reasonable use”.

In response to the question about amending the minutes, Rob said that once they are adopted, the public is welcome to read into the record what they feel is missing. Barbara noted that in the past they were done verbatim and asked if the PAC was interested in returning to that format. Rob said he did not believe that was necessary. Vicki asked if the written information could be attached to the minutes so there is a record of input. Barbara said that the information when handed to the clerk becomes part of the record even if it is not published on the website. Marilyn asked where those documents can be found to which Melissa Drewry, Clerk, answered a public records request can be done to receive copies of those documents. Terri Thompson suggested a link be added to the site with the minutes for each item handed in. Vicki agreed saying a list with links would be good to have available. Barbara said that all items are available to the public, but they are not all published online. Constance suggested adding a list to the documents even if there isn't a link so people know what to ask for. Rick Calvin asked if the meetings are recorded to which Barbara answered yes. Terri Thompson asked if the recordings can be listened to. Barbara said you can request a copy of the CD's.

Vicki noted that the comments from the July 11<sup>th</sup> meeting were listed within Barbara's staff report and thanked her for adding those. Vicki suggested adding another column that can show what action was done for each request.

### **Adjournment**

Rob Drexler adjourned the meeting at 9:01 p.m.