



MASON COUNTY

PLANNING ADVISORY COMMISSION

MASON COUNTY COMMUNITY SERVICES

615 W. ALDER STREET, SHELTON, WA 98584

Meetings held at: Commissioners' Chambers

411 N. 5th Street Shelton, WA 98584

REGULAR MEETING

April 15, 2019

MINUTES

1. CALL TO ORDER AND ROLL CALL

Marilyn Vogler, Planning Advisory Commission Chair, called the meeting to order at 5:58 p.m. The following commissioners were in attendance:

Morgan Ireland
Marilyn Vogler
Aaron Cleveland

Deb Soper
Brian Smith

Guest: Barbara Adkins – Mason County Conservation District

Staff: Kell Rowen – Planning Manager

Mariah Frazier – Clerical

2. REGULAR BUSINESS

A. APPROVAL OF MEETING MINUTES

Motion was made by Commissioner Soper and seconded by Commissioner Cleveland to approve the minutes from the January 28, 2019 regular meeting and meeting summary from the February 25, 2019 special joint meeting as presented.

Vote:

4 in favor

0 opposed

1 abstention

Motion passed

B. CHANGES TO THE AGENDA

Commissioner Smith made a motion to approve the agenda as presented, seconded by Commissioner Ireland.

This is a short summary of the action that took place during the meeting. The audio recording of the meeting can be found on the Planning Advisory Commission page of the Mason County website.

Vote:

5 in favor

0 opposed

0 abstentions

Motion passed

C. CONFLICT OF INTEREST

None.

D. NEXT REGULAR MEETING(S)

May 20, 2019

Kell provided documentation on Flood Damage Prevention Ordinance from FEMA that will be discussed at the next meeting for the Commissioners to review. There is a strict deadline for approval of the ordinance, and Kell wanted to make sure there was plenty of time for commissioners to review if needed.

E. COMMITTEE/STAFF UPDATES

Commissioner Vogler asked about the stormwater regulations and requested that its adoption is addressed within the next few meetings.

F. OTHER BUSINESS

None.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS – 6:04 p.m.

None. Public Comment Closed – 6:05 p.m.

4. PUBLIC HEARINGS - 6:05 p.m.

Continued from January 28, 2019- Amending Title 8 Chapter 8.52 to incorporate the Voluntary Stewardship Program – 6:05 p.m.

Kell began by giving a brief recap of the Voluntary Stewardship Program then invited Barbara Adkins from the Mason County Conversation District to explain the updates made in more detail. Barbara explained that originally, she had modified Title 8 Chapter 8.52 to include references to the VSP in any section that seemed relevant. After the January meeting, she took the comments made by commissioners and removed the references from the multiple sections and created a new section dedicated to VSP.

Kell then stated that there was some modified language added from what commissioners received in advance to review regarding the general exemptions section of the chapter which they could decide to approve or deny with their motion. Kell read the newly modified language to the exemptions section which states that although exempt from the resource ordinance, there are still other local and state regulations that must be followed under the VSP.

Public Comment Opened – 6:11p.m.

Ken VanBuskirk had submitted comments via email as he was unable to attend the meeting. His comments conveyed his support for the VSP and questioned retaining participation in the Open Space program. Kell stated that there is nothing in the VSP that prohibits property owners from participating in both programs. Ken also provided comment on making sure feed lots would be prohibited in the Critical Aquifer Recharge Areas. Barbara confirmed that wouldn't be an issue as feed lots would not be allowed anyway due to zoning.

Public Comment Closed – 6:14p.m.

Commissioner Vogler began discussion by expressing her concern about the VSP as a program in general that exempts participants from the resource ordinance, as well as the fact that the work group that put together the work plan for Mason County was largely made up of agricultural land owners and included no participation from environmental groups or the local tribes. Commissioner Vogler stated her understanding that the PAC's purview in this matter is solely to approve that the language added to the code is correct and clear to understand as to what the program is and who is eligible, but felt she needed to express her concern and request a possible recommendation that the BOCC make an effort to have local environmentalists and tribes be involved and assess the approved workplan.

Commissioner Ireland inquired about the implementation of workplans from other counties and how they compare. Barbara explained that as this is a multi-year project, it is still in the beginning stages and every county is at a different stage of implementation and outreach making it difficult to compare data. Commissioner Ireland also asked about where the funding for monitoring and reporting comes from. Barbara stated that the state gives money for the project to the county, and the county has hired the Conservation District with that money to do the monitoring for them.

Wrapping up the discussion, Commissioner Ireland made a motion at 6:30 to recommend approval of the updates made to Title 8, Chapter 8.52 including the updated language presented by Kell to the general exemptions section. Motion was seconded by Commissioner Smith.

Vote:

5 in favor

0 opposed

0 abstentions

Motion passed

*Rezoning a 24.09-acre parcel from Rural Residential 5 (RR5) to Rural Tourist Campground (RTC).
Parcel No. 32035-12-00000 – 6:32 p.m.*

Kell gave a brief overview of the rezone request stating it was an applicant proposed rezone through the property owner's agent, in which they would like to rezone their 24.09-acre parcel from Rural Residential 5 (RR5) to Rural Tourist Campground (RTC). Kell also stated that it was her understanding there was an adjacent 5-acre piece of land that was in the process of being purchased by the owners and that she had told could be included as part of the request, but she would let the applicant clarify or update the commission on the matter.

Before moving on to let the applicant speak, Kell asked if there were any specific questions about the rezone for her. Commissioner Vogler confirmed that if the adjacent 5-acre parcel was included as part of the rezone, that they would need to phrase their motion as such. Commissioner Ireland then inquired what intensity use RTC is considered and what permitted uses are allowed. Kell stated that if kept RR5 and divided, it could be split into four parcels approximately 5-acres each. As to the permitted uses, Kell explained that she believed the property was going to be gifted to a non-profit organization, similar to the Boy Scouts, to allow them to use the grounds as a survival training area. Because of the circumstances, she said if possible, she would like the applicant to expand as to any conditions of the transfer of property. If the property were rezoned and then sold to a new owner in a year or so, any of the permitted uses would then be allowed for development. She reminded everyone that rezones are considered non-project proposals, but if there are requirements put in place by the owners in gifting the property, there may be some room for consideration of the project.

Commissioner Vogler asked about the wetlands on the property and how that could affect future subdivision. Kell explained that there would have to be a wetland delineation done to divide the property into four parcels with a buildable lot. Commissioner Smith then asked about the intensity of camping allowed under RTC in regards to RV's. Kell stated that if an actual RV Park was proposed there is a separate process for approval, but that the county does allow for owners to have an RV on their property.

Kell then invited the applicant, Tim Bailey, to speak about the application and answer any questions. Tim began by talking about the property and the proposed future project and then responding to Kell's previous question about the contract of deed, stating that the property had already been gifted to the 501c3 Impact Northwest, and that if they choose to sell it, per contract it must go back to the Sluys family, who are the original owners.

Before opening public comment, Commissioner Vogler asked the public if there were any precise or specific questions for the applicant. Questions posed were:

- How will the property boundaries be upheld by users?
- Has there been any contact with the Conservation District or Squaxin Tribe regarding the creek, which is Salmon bearing?
- What is the expected frequency of use?
- What preventions would be put in place to keep the homeless out?
- Will they be building fires, and if so, will they be supervised or what regulations will they be held accountable under?
- What will be done about waste?

Tim explained that they had hired a surveyor to go out and mark the property with red flags and hubs to indicate the boundary lines. He also stated that they had gone through the SEPA process which did not trigger any concern about the creek. Kell stepped in to explain that because a rezone is considered a non-project action, the SEPA would not require a determination of significance that would then necessitate an EIS.

Regarding the frequency of use and keeping homeless out, Tim stated he wasn't sure exactly how often it would be used but would guess monthly or bi-monthly. It was explained by Kell that it is her understanding that by the property being used, even at an infrequent amount, it would be easier to monitor trespassing and the sheriff's office would be able to respond to more than just a vacant piece of land.

Commissioner Vogler opened public comment period and asked anyone wishing to speak to go to the podium.

- **Karen Paxson** – 6:65 p.m.

Karen expressed her concern about the possibility of fires as there is only one road in and out of the area. The parcel in question is located towards the beginning of SE Fireweed Rd and there are many residential properties located beyond it that could be trapped in the event of a large fire.

- **Jessica Myrup** – 6:57 p.m.

Jessica expressed her concern for the road and the maintenance for extended use.

- **Richard Lee** – 6:58 p.m.

Richard stated that he is the president of the road maintenance association and is also concerned about the road as the property in questions doesn't currently pay dues. Tim stated he believed the property owners thought they did pay dues to the road maintenance association.

Richard also inquired about the additional 5-acre property Kell had mentioned before. Tim stated it had been purchased and would like to have included as part of the rezone when they make a motion.

Commissioner Vogler asked Tim and Richard if it would be possible for them to figure out the road agreement before the rezone goes to the BOCC if recommended for approval, to which they agreed.

Public comment closed – 7:02 p.m.

Commissioner Ireland inquired about parking availability. Tim responded that there is enough space near the road to not requiring extra clearing.

There was also some concern expressed by the public about fires, to which Commissioner Vogler and Tim said they would be subject to burn bans and restrictions.

Commissioner Smith expressed his concern about fires as well, and also about the information provided in the application that has changed since the time of application, specifically the change in owner.

Commissioner Ireland asked if SEPA determinations are non-transferable from owner to owner. Kell explained that the determination goes with the proposal, therefore, the SEPA is still valid even though the property has been gifted to a new owner.

Before taking a vote, Commissioner Vogler reminded everyone that rezone applications are non-project proposals. Commissioner Soper followed by stating that once rezoned, any allowed use could be permitted in the future and they could consider the impact of those allowed uses.

Commissioner Cleveland made a motion to recommend approval of the rezone, including the adjacent 5-acre parcel to the BOCC. Motion was seconded by Commissioner Soper.

Commissioner Smith restated his hesitation in not having all the information in the SEPA which was agreed upon by Commissioner Ireland who asked if it would be possible to get or see a copy of the deed restrictions. Tim said he didn't have a copy on him but could probably provide one if needed and specified that the new owner is a 501c3 called Impact Northwest. Kell also stated that she could have the new owners sign the SEPA if that was their main concern.

Vote:

2 in favor

3 opposed

0 abstentions

Motion failed

Discussion continued with the main concerns for approval being the potential fire hazard and other permitted uses and their potential impacts. Commissioners Cleveland and Vogler maintained that the act of rezoning the property isn't particularly necessary to the project as property owners can let other people on their property to camp anyway. The potential land impact would be lessened by the proposed project than if kept RR5 and subdivided for development where people could still technically camp and build fires in their back yards. Kell also commented that they would be responsible for following burn bans and restrictions, same as everyone else.

Commissioner Vogler asked if Commissioner Smith would be more comfortable if they were able to look at the quick claim with the deed restrictions to understand what can and can't be done development wise. Commissioner Smith said he would feel more comfortable if he knew a bit more about how the project was going to be run, such as if there are dry conditions, they won't be building fires.

Commissioner Smith then wondered if the concerns they have were something that could be addressed by revising the SEPA. He pointed out the SEPA checklist currently states that they

contribute to the road maintenance, which was previously established as false in being resolved. If it weren't to be resolved, the SEPA checklist would need to be revised. Specifically, he would like revisions in the appropriate areas to address concerns about regulations for fire, fish and wildlife, and obeying property borders. Kell stated that revisions could be made but didn't think it would trigger a new determination. Commissioner Vogler confirmed that revisions could be made before going before the BOCC.

At 7:46p.m. Commissioner Smith made a motion to recommend approval to the BOCC including the adjacent 5-acre parcel with corrections and revisions made to the SEPA checklist addressing the following issues: fire restrictions; fish and wildlife habitat; road maintenance; and supervision. Commissioner Cleveland seconded the motion.

Vote:

5 in favor

0 opposed

0 abstentions

Motion passed

Break – 7:48 to 7:52 p.m.

Amending sections of Title 17 to raise height limits to 55 feet in certain zones in the Allyn, Belfair and Shelton Urban Growth Areas and certain zones in the Rural Areas of Mason County – 7:53 p.m.

Kell began by explaining that the BOCC had requested the PAC review height limits in the Belfair UGA and consider raising it from 35 feet to 55 feet due to future development. Kell stated she decided to include all the Mason County UGA's for consideration just to consistent but was fine if they just considered Belfair. Kell also confirmed that everyone had a copy of the comments sent by Mark Zeigler from the City of Shelton.

A typo was pointed out under the section for festival retail district, where district was spelled incorrectly and, the numbers didn't match what was written.

Commissioner Vogler then addressed the comments sent in by Ken VanBuskirk, who expressed concern about raised height limits and the impact on view corridors, critical areas. He expressed specific concern about properties on the west side of SR3. Kell stated that under 17.23.120, it already had that particular area as an exception to the raised height.

Kell stated she didn't feel like this would be used very often, but thought if development were proposed, why not let it happen. In the rural areas especially, she couldn't see it happening and made a provision to allow it with a special use permit approved by the Hearings Examiner. Upon further discussion it was decided that it may be better to raise the height limit to 55 feet for all zoning with a special use permit.

At 8:17 Commissioner Ireland made a motion to recommend approval with revisions to allow the original height limit with a maximum of 55 feet with a special use permit for all zoning listed. Motion was seconded by Commissioner Smith.

Vote:

5 in favor

0 opposed

0 abstentions

Motion passed

5. ADJOURN

Before adjourning, Commissioner Ireland asked about the other comments sent in by Ken VanBuskirk. Ken had sent in comments for the general public comment period regarding the Belfair Sub Area Plan and the future new fire station for North Mason Fire Authority.

Commissioner Vogler called the meeting adjourned at 8:21pm.