



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

July 15, 2019

MINUTES

1. CALL TO ORDER AND ROLL CALL

Marilyn Vogler, Planning Advisory Commission Chair, called the meeting to order at 6:01 p.m. The following commissioners were in attendance:

**Morgan Ireland
Marilyn Vogler
Aaron Cleveland**

**Deb Soper
Brian Smith**

Staff: Kell Rowen – Planning Manager

Mariah Frazier – Clerical

2. REGULAR BUSINESS

A. APPROVAL OF MEETING MINUTES

Motion was made by Commissioner Cleveland and seconded by Commissioner Ireland to approve the minutes from the May 20, 2019 regular meeting as presented.

Vote:

5 in favor

0 opposed

0 abstentions

Motion passed

B. CHANGES TO THE AGENDA

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

Vote:

5 in favor

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.

0 opposed
0 abstentions
Motion passed

C. CONFLICT OF INTEREST

Commissioner Ireland mentioned that she had previously hired one of the applicants, Aaron Maruca, to do some work on her property and had talked about him applying for a rezone. After a brief discussion it was determined to not be a conflict of interest as the work to Commissioner Irelands property had been completed and she didn't help him with the application process or give any advice.

D. NEXT REGULAR MEETING(S)

August 19, 2019

E. COMMITTEE/STAFF UPDATES

Kell mentioned that the Planning Department no longer has a code enforcement officer at the moment and would be posting the position shortly. Also, the Planner out on maternity leave would be back soon freeing up some of Kell's time.

F. OTHER BUSINESS

None.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS – 6:05 p.m.

None.

Public Comment Closed – 6:05 p.m.

4. PUBLIC HEARINGS - 6:06 p.m.

Rezoning a 7.71-acre parcel from Rural Industrial (RI) to Rural Residential 2.5 (RR2.5), parcel number 31907-44-900031 – 6:079 p.m.

Kell began by giving a brief overview of the request explaining that the parcel is located in the Rural Activity Center (RAC) of Taylor Town and that the residential structure currently on the parcel is considered legal non-conforming. She mentioned that if approved, the rezone would allow for subdivision in the future. She also stated that going from RI to RR2.5 is considered a downzone and therefore does not have to meet all criteria.

Public comment opened– 6:11 p.m.

- Aaron Maruca – Applicant, Aaron testified that he and his wife at purchased the property with the intent of raising their family there.

Commissioner Vogler asked about the limitations of the residential structure being legal non-conforming. Kell stated that they wouldn't be able to expand or develop beyond the current residential structure without rezoning the property.

Public comment closed – 6:13p.m.

Commissioner Smith made a motion to recommend approval.

Lana Fye asked to testify, stating she was a neighbor from Freedom Ln and was in favor of the rezone as Aaron had been a helpful and good neighbor since moving in.

Motion was seconded by Commissioner Ireland.

Vote:

5 in favor

0 opposed

0 abstentions

Motion passed

Rezoning a 7.2-acre parcel from Rural Residential 2.5 (RR2.5) to Rural Industrial (RI), parcel number 31907-44-00040 – 6:15 p.m.

Kell began by explaining that this rezone is located next to the previous property discussed and would like to go from RR2.5 to RI. She stated there is currently a residential structure on the property and if rezoned, would be considered legal non-conforming, meaning it wouldn't have to be removed, but couldn't be expanded. She also mentioned that there is an RI zoned property to the south which operates as a rock quarry, as well as a Green Diamond access road.

Kell continued by mentioning some public comments that had been received in regards to this rezone. Squaxin Tribe had some concerns but upon looking into it their concerns were related to a separate property down the road owned by the applicant which is used as a wood waste facility. Kell had spoken with Alex Paysse, the Environmental Health Manager, who explained that the wood waste facility down the road was exempt from permits through Ecology per WAC173-350 and is issued annual licenses through Mason County EH to operate.

Kell wrapped up by stating going for RR2.5 to RI is considered an upzone and as staff recommends approval with the special provisions provided by MCC17.04.400

Commissioner Ireland confirmed both property owners were made aware of each other requesting to rezone their properties. Kell explained that Aaron Maruca had applied, and notice was sent out to neighbors and posted on site for the June meeting, meaning Bill would have been aware. Bill McTurnal then turned in his application but it was too late to make the June meeting, which ended up being canceled due to lack of quorum. Kell wasn't sure if it was coincidence or because of Aaron's application that Bill decided to apply for his rezone as well, but she took advantage of having them both heard at the same meeting. Bill spoke up to say he had planned to request the rezone last year but couldn't due to health reasons. Kell explained that the applications were not coordinated but she was proposing them as a swap.

Commissioner Vogler asked about the well on site, questioning if there were any concerns about water rights when changing from residential to industrial. Kell wasn't sure as it fell outside of the planning purview. Commissioner Vogler then asked what permitting is required for proposed uses to which Kell explained the process of a Pre-Application Conference being required for any proposed development which would be a roundtable of all concerned departments to discuss what would be required based on the proposal.

Commissioner Vogler mentioned the concerns about runoff and stormwater brought up by Squaxin Island Tribe regarding storage of heavy equipment. Kell said she would have to talk with Fred Perryman, the stormwater person at Public Works to find out if any type of stormwater permit would be required for Bill to store equipment on the property. The issue would be addressed at a Pre-App.

Bill then spoke up to state that their facility down the road goes through many inspections a year, including some from Squaxin, the Conservation District, Department of Ecology, and Mason County. He explained that their intent is to use the property in question for overflow storage of equipment only, and that there would be no operation happening there; everything would be done at their property down the road as far as maintenance and repairs to the equipment.

Commissioner Vogler asked if this property would be inspected to the extent of their facility down the road. Bill explained that it would not as there would be no operation there. Commissioner Ireland stated that Ecology is changing some rules in 2020 and may require the lot to be regulated and inspected with just being a storage site for overflow equipment. She wasn't sure but wanted to let Bill know that was possibly coming in the future. Bill thanked Commissioner Ireland for the information and said he didn't have any concerns about that being an issue for them.

Commissioner Soper asked about the mention of open space in the SEPA, wanting to make sure it had nothing to do with the Open Space program or PBRs. Bill stated that it did not and by using the term 'open space' was probably his way of expressing no operation would be done on that site.

Before opening up public comment, Commissioner Vogler reminded the other commissioners and explained for the public that rezones are considered non-project actions and they would have to consider all possible potential uses allowed when making their recommendation.

Public Comment Opened – 6:41p.m.

- **Aaron Maruca** – Aaron presented the PAC with a petition signed by members of the public against this rezone. He expressed his concern mentioning the aesthetics of the property being poor, the potential contamination of wells, and the high intensity impact on the neighborhood.

A member of the audience clarified that if rezoned and then sold, a new owner could then use the property for any of the permitted uses under Rural Industrial. The commissioners confirmed that was correct and read the list of permitted uses. They then explained that their decision is not a final action and that they are only making a recommendation to the BOCC who will have final say.

- **Jamie Jones** – Jamie expressed concern about the impacts to the neighborhood regarding water contamination, wildlife decline, fire danger, and quality of life.
- **Deb Townsend** (Freedom Lane LLC) – As a realtor, Deb stated that the intent of her company is to develop Freedom Lane as a quiet, residential area. She explained that this rezone would require her to disclose the property is being changed to Industrial which may deter new buyers and cause sales to drop.
- **Emily Maruca** – Emily expressed concerns about the noise level of equipment running.
- **Andrew Olson** – Andrew stated he was a new neighbor on Freedom Lane and a reason they had moved there was because it was quiet and serene and is concerned about the rezone disrupting that. He stated a large piece of equipment is currently on the site that he and other neighbors consider an eyesore and doesn't think screening it will be enough. He also mentioned concern about the water table.

Commissioner Vogler asked Kell what kind of buffer is required for an industrial operation and residential neighbors. Kell read aloud 17.04.407.f which states: "outside storage of materials shall be screened and not visible from adjacent properties by the use of landscaping, berming, and/or fencing."

- **Janet McTurnal** – Janet spoke to their intent of buying the property stating they always planned to rezone it to Industrial because of the rock quarry to one side, and the Maruca property to the other. She also mentioned that their business down the road had never received any complaints about noise or disruption from neighbors in the past. This property they are planning to rezone won't have any operational activity and therefore won't be making any noise or making any pollution.

Commissioner Cleveland asked if there were any preventions in residential zoning code that would prevent them from using the site as a staging area as proposed. Kell stated that there were restrictions on how many vehicles and the types of vehicles, which would most likely Commissioner Ireland reminded everyone that rezones are non-project actions and that they have to consider all potential uses.

- **Stan Fye** – Stan mentioned he and his wife had looked at purchasing the property before the McTurnal's and found it to be unusable unless stumped. He recognizes that Bill has the capacity to stump the property to make it usable for any purpose, however, Stan stated he would like to see it stay residential.
- **Andrew Olson** – Andrew spoke again to state that he had previously worked as a mechanic and saw that majority of problems with equipment happen when starting

them after being idle. If the plan is to store equipment on the lot for periods of time, in his opinion, it is more likely there will be fluid leaks and spills.

- **Deb Townsend** – Deb spoke again to state the demand for residential property is high and that one of the reasons there had been few complaints in the past was because few people lived in the area.
- **Mark Carlson** – Mark presented a letter he wrote to the PAC and read it aloud. Mark is a real estate broker and stated in his opinion, contrary to Deb Townsend’s, that the value in this property and area is as Industrial/Commercial.
 - **Aaron Maruca** – Aaron responded to Mark’s comments by stating he believed the value was in residential, as his property was on the market as industrial for a long time before he purchased it.
 - **Deb Townsend** – Deb also responded, stating that the properties were gaining in value, stating the past three sale prices of the sold property
 - **Mark Carlson** – Mark reiterated his point stating the comparison of sale prices to other areas was not comparable.
- **Lana Fye** – Lana expressed her opposition reiterating previous comments, mentioning the work put in to make the area a nice residential area that was there before other industrial operations like the rock quarry came to the area.
- **Jamie Jones**- Jamie stated that the reason there weren’t complaints about the wood waste facility from the people of Freedom Lane was because they were too far away up the hill for that operation, but moving the equipment to a neighboring up the hill would cause a disturbance.
- **Green Diamond** (Letter submitted via email and read by Kell) – Green Diamond expressed their support for this rezone, as well as the previous one, stating that the rezoning of both was in line with the adjacent parcels to both the south and north.
- **Janet McTurnal** – Janet clarified that her comment about not receiving complaints was regarding the neighbors adjacent to the current facility and not those up the hill on Freedom Lane.
- **Bill McTurnal** – Bill replied to previous comments stating he should be able to rezone his property to industrial because the area was previously industrial before Freedom Lane was developed. The Greed Diamond logging road and the rock quarry run by WSDOT had been there before Freedom Lane. He also argued that the highway and busy intersection lent to the area being industrial and commercial rather than residential.

Before closing public comment, Commissioner Smith confirmed the property was already logged and that it would have been done under a permit causing no development restrictions. Kell stated she didn’t see any restrictions on the property but that any land clearing, grading, or development proposals would be permitted and address those issues if necessary as well as stormwater.

Commissioner Smith also asked Bill if he had a chance to look through the provisions requirements and asked if he had any concerns about screening. Bill stated that his interpretation was that screening referred to “material,” not equipment, which would be impossible to completely screen. There was some discussion on whether material

included equipment or not. Kell stated at time of permitting there would have to be some research into codes and definitions to determine what was meant by material, which could then be appealed as an administrative determination if opposed by the applicant.

Commissioner Soper confirmed that the machine currently located on the property was for stumping purposes.

Public comment closed – 7:28p.m.

A brief commissioner discussion ensued with Commissioner Cleveland stating he felt in favor to recommend approval as he felt the zoning fit the area, but understood the concerns raised by the public and other commissioners. Commissioner Smith expressed concern about the intensity of an industrial property next to residential. Commissioner Vogler stated she was conflicted as the screening safeguard had been brought into question. Commissioner Ireland felt that it is their job to reduce potential conflict in zoning, and as they had just rezoned the buffer property from higher intensity to low, it could cause larger long-term conflict.

Commissioner Smith made a motion to recommend disapproval of the rezone to the BOCC seconded by Commissioner Soper.

Before asking for a vote, Commissioner Vogler confirmed that in approving the motion, they were recommending disapproval.

Vote:

4 in favor

0 opposed

1 abstention

Motion passed

5. ADJOURN

Commissioner Vogler called the meeting adjourned at 7:38 pm.