



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 (via Zoom)

July 19, 2021

MINUTES

1. CALL TO ORDER AND ROLL CALL

At 6:06p.m. Brian Smith, Planning Advisory Commission Chair, called the meeting to order. The following commissioners were in attendance:

Mac McLean	Isaiah Johnston (left 7:38 p.m.)
Brian Smith	Joseph Myers
Tim Opiela	Bob Wilkerson (arrived 6:09)

Staff: Kell Rowen – Planning Manager

Mariah Frazier – Clerical

2. REGULAR BUSINESS

A. APPROVAL OF MEETING MINUTES

Commissioner McLean made a motion to approve the June 21, 2021 minutes. Commissioner Johnston seconded the motion.

Vote:

5 in favor

0 opposed

Motion passed

B. CHANGES TO THE AGENDA

Commissioner Smith had sent out a draft letter of support for HB1590 that he asked to add to the agenda under Other Business before moving into the public hearings.

C. CONFLICT OF INTEREST

Commissioner Smith reminded everyone that he lives on a lake and is subject to the SMP, he is no further affected than any other citizen who lives on a lake and has no conflict.

D. NEXT REGULAR MEETING(S)

August 16, 2021

E. COMMITTEE/STAFF UPDATES

Members welcomed Bob Wilkerson, the newest member who had just joined the meeting. Kell mentioned an application was received for the remaining open position and is now in the hands of the BOCC to interview and appoint.

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.

F. OTHER BUSINESS

Commissioner Smith briefly went over the letter of support he had written regarding HB1590. With no objections from other commissioners, Commissioner Smith said he would work with Kell to finalize the draft and get it to the BOCC.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS – 6:13 p.m.

None.

4. PUBLIC HEARING – 6:13 p.m.

Proposed rezone of 1 acre, Parcel 32026-10-90021, from Rural Natural Resource to Rural Residential 5 – Marissa presented her staff report, stating the property owner had applied for a building permit to find out the lot was on the map as Rural Natural Resource and needed to be rezoned. When the application got to Marissa and she was doing some research into the property, she found documentation evidencing the parcel was mapped incorrectly and that a map correction was needed rather than a rezone.

Public Comment Opened/Closed – 6:18 p.m.

With no objections to the proposal, Commissioner McLean made a motion to recommend approval, seconded by Commissioner Opiela.

Vote:

6 in favor

0 opposed

Motion passed

Request to rezone three parcels, 32007-14-90024, 32007-14-90021, & 32007-14-90034, in Shelton UGA from Neighborhood Residential (NR) to Commercial Industrial (CI) – Marissa Marissa presented her staff report, stating no comments were received during the public comment period from agencies, and PAC members had received copies of all comments received prior to the meeting from neighbors. She also mentioned a voice mail she had received from a neighbor with concerns about access on Hiawatha Blvd.

Prior to opening public comment, Commissioner Smith asked if any PAC members had questions. Commissioner Wilkerson stated he had been out to the property and understands the concern neighbors have with traffic and access and asked about the intended use and potential buffers and screening. Commissioner McLean followed by asking the proposed location of access. Marissa responded that she wasn't given any proposed project plans with the rezone pertaining to use or access, but the Commercial Industrial zoning does have its own requirements for buffers. Continuing with access related questions, Commissioner Smith asked about the ownership of Hiawatha Blvd, which Marissa stated is a private road maintained by property owners.

Commissioner McLean asked if Marissa knew the intended use of the currently vacant adjacent parcels owned by Mason County Transit in order to get a broader view of the surrounding land

use to which she did not know. Commissioner Smith then asked about the site posting and commented on the fact that most of the neighbors within 300 feet that received notice were businesses, not residents. Commissioner Johnston reasoned that the fact that businesses and not residents were notified spoke to the surrounding nature of the area.

Public Comment Opened – 6:35 p.m.

Mark Kamin – Representative for Hiawatha, Mark Kamin, discussed the request to rezone and pointed out that as a non-project application they did not have any set plans but are in need of expansion. He discussed why this rezone is the best option, and stated the intent would be to use the existing access off Johns Prairie with no planned commercial access off Hiawatha Blvd. Mark also stated that he had already reached out to many of the neighbors who had commented with concerns to further discuss the proposal and said he believes the closest residential property is approximately 600 feet away, and were therefore not within the 300 feet required to receive notice.

Mark Goulda – Neighboring property owner, Mr. Goulda, expressed concerns about the notice process and allowing commercial access on a private residential road.

Mark Kamin – Commissioner Smith asked Mr. Kamin to reiterate their intent for access. Mr. Kamin said they intend to use their current access off Johns Prairie and the only reason the application states there is access off Hiawatha Blvd, is because that is the current legal access. He also mentioned that MTA uses the first section of Hiawatha Blvd as the main access for busses at their Johns Prairie location. He mentioned again that a rezone is a non-project application, and when they do have plans to move forward there will be another public comment period to address the proposed development.

Mark Goulda – Mark made a few more comments citing concerns about safety and welfare for neighboring residents that use Hiawatha Blvd to walk along as well as aesthetics.

Pat Ballsmith – Mrs. Ballsmith commented that she had heard about some new residential houses going to be built across the street from the proposed rezone, and stated she would like there to be a visual buffer between Hiawatha Blvd and any future industrial structures. Mark Kamin quickly responded that if rezoned, the code has strict guidelines for vegetative buffers they will be required to comply with.

Public Comment Closed – 6:58 p.m.

Commissioner McLean pointed out the reason rezones are non-project actions by mentioning the PAC's requirement to look at all possible uses and guidelines of the proposed zoning with the understanding that the property may switch ownership. Even with the intent to use Johns Prairie for access, another future owner could plan to use Hiawatha. Mr. McLean stated that the only path forward he could see allowing the residential neighbors to enjoy their full property rights would be to request imposing binding restrictions with their recommendation to the BOCC.

Staff said it would be possible to condition the rezone, most likely through recorded documents, but would have to work with the applicant and County Attorney on the process. Commissioner Smith agreed with Commissioner McLean that having restrictions contingent on approval was the best option and that access and buffering were the main concerns to be addressed.

Commissioner McLean made a motion to recommend approval contingent on the following binding restrictions:

- 1) No commercial or industrial access on Hiawatha Blvd, except for Emergency Services
- 2) 30-foot vegetative buffer

Motion was seconded by Commissioner Opiela.

Vote:

6 in favor

0 opposed

Motion passed

Continued: Mason County Shoreline Master Program: Periodic Review and Update 2021 (RCW 90.58. and WAC 173-26.090) – Marissa gave a brief overview before going over the comment matrix of staff responses to the 30-day joint comment period submittals and all other comments received prior to the start of this meeting. The matrix also includes the edits made in response to comments as well as notes on comments that did not lead to any changes.

In the case of one comment regarding buffers not extending over roadways or hardened surfaces, in the proposed revision Marissa tried to reflect the original intention, which was to establish public roads as the only development that the buffer would not extend across without having to utilize a fish and wildlife professional to demonstrate the functional isolation from the critical area. As the current SMP does not include a definition for “functionally isolated”, Marissa first recommended adding the following definition to the document:

Functionally Isolated Buffer Areas – areas that are functionally separated from a critical area and do not protect the critical area from adverse impacts due to preexisting roads, railroads, levees, structures, or vertical separation.

Marissa then provided two options for revision and asked the PAC for their preference. The first option would exempt only public roads from having to provide a determination from a professional for functional isolation. While the second option includes language recommended by the Department of Ecology, requires a determination no matter if it is a public road or hardened surface.

Unless otherwise specified, buffers shall be maintained in predominantly natural, undisturbed, undeveloped and vegetated condition. Regulated buffers shall not extend across lawfully established ~~public paved roads and hardened surfaces~~ to include areas which are functionally isolated from the critical area.

OR

*Unless otherwise specified, buffers shall be maintained in predominantly natural, undisturbed, undeveloped and vegetated condition. Regulated buffers shall not extend across lawfully established ~~public paved roads and hardened surfaces~~ to include areas which are functionally isolated from the critical area. **Buffer reductions under this provision are allowed***

only when the functional disconnection has been documented through a report by a qualified professional that demonstrates the area is functionally isolated. The County shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the physical separation.

Commissioner McLean supported the second option including the language from DOE with no opposition from other commissioners. With no other questions or discussion from staff, Commissioner Smith opened public comment.

Public Comment Opened – 7:16 p.m.

Jan Wold – Jan expressed concern for the decline in species inhabiting the canal. She recommended a Special Use Permit be required for geoduck farming on tidelands that have not previously been used to cultivate geoducks whether already in a shellfish growing other species or not. Jan also suggested removal of the entire last sentence from section 17.50.110(B)2b(ii) regarding functionally isolated buffers. She appreciated staffs attempt to clarify by adding the language from DOE, but thought it just added to the confusion.

Jim Reece – Referencing the Consistency Review document, Jim had a handful of items he wanted to bring to the attention of the PAC. His first concern was guard regarding railings not exceeding 36” in height, as his understanding was that standards for railings are 36” or 42”. He also expressed concern with removing “grandfathered structures and use” with “legal non-conforming development” and a few of the resulting changes that was clarified by Marissa.

Diani Taylor – Diani Taylor of Taylor Shellfish expressed the support of Taylor Shellfish of the proposed updates to the SMP.

Dave Bayley – Dave had a concern regarding the new proposed definition of development and the 4-foot height restriction.

Public Comment Closed – 7:52 p.m.

Beginning commissioner discussion, Commissioner Smith asked if staff had any clarification on guard rail height. Marissa stated she believes that 36” is standard building code for residential and assumes the restriction was put in place due to view impacts. Kell agreed with Marissa about the view impacts, mentioning fences used to be prohibited in the common line, but was changed in 2017 to be allowed at 36”. Commissioner McLean stated the easiest way to clear confusion between codes would be to add *not to exceed 36” or greater than allowed by building code*. Commissioner Smith agreed. Commissioner Myers stated that a variance could always be applied for. Marissa explained that there is a variance process that applicants can apply for, but they are still required to demonstrate extenuating circumstances that they cannot meet the dimensional standards in the current SMP.

Commissioner Smith then proposed a motion to recommend approval with the following:

- Guard Rails not to exceed greater than the allowed building code
- Functionally Isolated Buffers – documented report required (option 2)
- Staff recommendation on Commercial Geoduck Aquaculture

Motion was seconded by Commissioner McLean.

Vote:

5 in favor

0 opposed

Motion passed

5. ADJOURN

With no other comments, Commissioner Smith called the meeting adjourned at 8:15 p.m.