

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JULY 12, 2004

The special meeting was called to order at 6:03 p.m. by Chairperson Wesley E. Johnson at the Lakeland Village Community Club (470 E. Country Club Drive, Allyn, WA) as a continuation of the June 22, 2004 public hearing to consider revising the Mason County Development Regulations for the Allyn Urban Growth Area.

Attendance: Cmmr. Dist. 1 – Herb Baze; Cmmr. Dist. 2 – Wesley E. Johnson; Cmmr. Dist. 3 – Jayni L. Kamin
Staff in attendance: Bob Fink, Planning Manager; Darren Nienaber, Deputy Prosecutor.

Bob Fink, Planning Manager, presented the proposed revisions to the Mason County Development Regulations for the Allyn Urban Growth Area. The interim zoning would be in effect for one year.

The most significant proposed changes since the last hearing listed on pages 7, 15, 18, and 20 of the document.

Text is provided for residential recreational which had been previously reserved R-1R. It is similar to the Residential 1 District. There are some changes to allow greater variety of activities and provide for a mix of residential uses, including more intensive and single family or duplex residential uses.

The other change was to the R1P - Residential Platted District. This is principally the area currently platted within the Lakeland Village Plats. The difference between this and the R1 District is it allows condos, multi-family housing. It was done in recognition of the fact that in the existing plat of Lakeland Village there are a number of sites which are dedicated to multi-family development.

Page 3 – There was a section 17.10.140 added. Relationships to the private agreements. They attempt to make clear the difference between a County regulation and the application of covenants that may run with the land. Even though the county may issue a permit to do some development, which is not allowed by the covenants, that permit does not give the applicant the right to do that if it is contrary to the covenants. The covenants are enforceable through the court system (civil action).

Page 4 - Definitions were added for lot coverage. Lot coverage is that portion of the lot covered by buildings.

Also definitions were added for net acres, net acreage, or net square feet. These are terms used in most of the districts.

Page 7 - Changing of survey information.

Page 9 – Single Family Dwellings – they struck language that would include or does not allow manufactured or modular housing. They understand the current law that the county must allow manufactured housing and it allows single family dwellings. It does not give the right to put in manufactured housing, which is contrary to covenants.

Page 7 – 17.10.450 - There was question about setbacks.

Page 12 – R-1R - Residential – Recreation District – added language.

Because of the mapping on a zoning map you want all the land shown as zoned. The initial map showed the golf courses and other open space areas in the Lakeland Village plat as not identified as any particular zone.

Page 24 – 17.11.800 – R-1P – Residential – Platted District – new language. It allows multi-family or condominium development. Village commercial is the same as it was previously.

There are cross references on page 30.

Page 32 & 35 – strike out of applicability section. A few of the chapters had applicability sections and this is addressed in the general provisions.

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Page 37 & 49 – Reference back to the general parking provisions.

Cmmr. Kamin asked what the difference is between a highway commercial district and a village commercial district.

Mr. Fink responded that the highway commercial district is more highway-related uses and development that needs larger areas for development. One of the places requires lot sizes of five acres for general commercial use. It does allow properties of less than five acres, but requires a special use permit. Village commercial district is more of a shopping district for tourist oriented area rather than a highway or traveler oriented area.

Cmmr. Baze mentioned that this ordinance is an interim ordinance and set up to last for one year. Within that year, changes can be made as mistakes are discovered and changes the County feels can be corrected during the process.

Darren Nienaber, Deputy Prosecutor, stated the County would be required to bring it back for adoption.

The Board noted that during the year process they can adjust it as the need arrives.

Tom Hamilton questioned what the process is for making a change.

Mr. Fink explained the interim regulations are intended to be made final at the end of the review time. If an amendment is requested the process would be to bring it to the attention of the County by letter. Also, individuals can come to meetings and public hearings. Also there is a forum to make a request and bring to the attention of the County.

The Board felt that this will change before adoption of the final ordinance.

Cmmr. Johnson stated that adopting an interim ordinance is different than adopting a final ordinance. It leaves open for variation during the interim time.

The chair opened up the hearing to public comment.

Gerda Nieuwenburg – stated she owns a 2.2 acre parcel in the highway commercial district in the south end of Allyn. The parcel is 95,832 sq. ft with 250 ft. of SR3 frontage. She noted that she has spent a lot of money on various fees and permits, etc. in the last two years. She voiced her disapproval of the devaluation of her commercial parcel in the UGA of the town of Allyn. Section 17.12.320 – notes that permitted uses have to be on 5 acre required parcel. She concluded that she would like the same rights as the village commercial properties.

The Board asked Mr. Fink to address the five acre requirement.

Mr. Fink, Planning Manager, stated the highway commercial area is intended for small retail shopping centers, integrated shopping centers and vehicle oriented access. They were looking for larger pieces of property in which that could be done. There aren't a lot of larger pieces of property right on the highway in the Allyn UGA. There was discussion that, at a future time, they might expand the UGA and find land suitable for other uses. There is a provision that allows for uses on parcels smaller than five acres through a special use process. He was not sure what additional benefit the County is getting by going through the public process as opposed to allow them to be permitted by right.

Cmmr. Kamin asked what is recommended. When looking at the map it doesn't look like there are lots five acres or larger.

Mr. Fink responded if there are special conditions that a community thinks are reasonable conditions it would be more reasonable to state them.

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Cmmr. Baze asked in the highway commercial district if there is any parcels over five acres in size in the Allyn UGA.

Mr. Fink responded there are none.

The Board questioned if there is any reason they can't strike the five-acre requirement.

Mr. Fink stated he was not aware of any reason but would refer the question to the Allyn Sub-Area Committee.

Gerald Salmon – stated he owns two commercial parcels in the Allyn UGA. One parcel is 2.17 acres and one is 3.3 acres. He felt that he and Ms. Nieuwenberg were unfairly zoned highway commercial. He questioned how he can attract business or development in Mason County when anything would require a conditional use permit because he has under five acres of property. He felt that he has one of the most developable pieces of commercial property in Allyn. He has good soil and room for stormwater retention for parking lot runoff, access to SR3 and visibility from highway business opportunities. He felt that they should determine where the wetlands are located and have geotech work to see what is developable and what is not developable.

He asked the Board to zone the area for the future of Allyn. If the zoning remains highway commercial, he felt it would devaluate and down zone his property. Before the zoning regulations, the opportunities on his property were unlimited for business and development. The UGA is for the future development of Allyn. He felt that there is another problem with the big businesses is “water” as there is not a water system in Allyn.

Keith McGregor – he was concerned that anything that goes into the interim plan would be difficult to get out of the document. He asked to see a schedule of community meetings on this plan and a schedule of commissioners hearings on the plan when they get to the final draft a year from now. He also expressed concern about a lot of things were in conflict with covenants of Lakeland Village Community Club (LLVCC). He referred to page 3, Section 17.10.140. He felt it was an attempt to clarify a problem. However, it states that the County has no authority to enforce covenants. They agree with that. Also is noted that permit approval by the County does not establish a right in lieu of private covenants. He understood that if there are no private covenants the County does not have a right to establish it. He felt the paragraph should include a statement that “the county shall not impose any restrictions in conflict. He suggested to change the wording “in lieu of” to “in conflict with.”

Cmmr. Baze stated the County has rights established which cannot be adjusted to their covenants.

Mr. McGregor – commented on the new section put in on page 24, Section 17.11.800 – Residential – Platted District. He felt that there are still some problems but there will be a process to correct them and would therefore accept them.

Cmmr. Kamin asked what is the process once the interim ordinances are passed. She questioned if there is any set schedule of meetings.

Mr. Fink stated, at this point, they don't have a set schedule. They have an end date. There are a number of processes underway, for example, various county departments are meeting with the Allyn Community Planning Committee to work on capital improvement elements of the plan. They are developing a scope of work and trying to determine the timeline and the cost associated with it. His concept of the planning is a lot of it will continue to be done at the Allyn community level working with the community planning group and other stakeholders and citizens. Possibly, about nine months would start bring the draft changes to public hearing at the Planning Advisory Commission and ultimately to the Board of County Commissioners for adoption. They still need to work on scope of some of the projects that need to be done. At the time the scopes are complete, they will be able to develop a timeline on meetings.

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Ben Meservey – resident of Allyn and member of the Allyn Sub-Area Planning Committee that started over eight years ago. Most of the same people are still on the committee. They would like to see the interim plan adopted with the stipulation that it can be adjusted and items addressed during the next year.

Giles Swanson – President of the Board of Trustees Lakeland Village Community Club – stated that at the last meeting they gave the R1 proposals to their Associations Attorney and they were satisfied that covenants prevail over zoning. He received the RIP that is a revision/addition to the original and will forward to their attorney for his review. He felt it is necessary that they as a community get on with the zoning process and create a small town atmosphere that is what the division of Allyn has stated in the Planning process over the last few years.

Jeanette Moore – would like to draw to the attention of the commissioners and those in attendance the reason for the highway commercial zoning. In the vision statement for Allyn, which was adopted by the Board of Mason County Commissioners, it speaks of a cohesive tight community within walking distance, preferably. The antitheses of that would be an Aurora Avenue. The Growth Management Act also wants cohesive, tight communities. The county hired Rich Hendrickson to work with Allyn on some of the issues. They need space for the in-between box stores. The kind of stores that a person would drive to for weekly shopping. To replicate the village commercial just invites making this one big strip. They tried to get leeway to expand the urban growth boundaries. It is reasonable, with all the growth currently, that they would want to expand. They want some place in Allyn where people can drive their car, pull up at the front door and load up in Allyn. Their goal is to “create a community.” They would be happy to sit down with the county, planning staff and work out what specifically they are looking for on the water issue. She stressed there was a reason for including the highway commercial and they would like to work out the details to everybody’s satisfaction.

Cmmr. Baze questioned why there was a five-acre minimum for the highway commercial when there were only three parcels that had less than five acres.

Mrs. Moore responded with Rich Hendrickson’s help, he has done a lot of small town planning, he thought that five acres was the optimum. The three parcels could be reconfigured. Nothing would stop the owners from combining the lots. They felt that there are ways to work through this without destroying the intent of the plan and give up high commercial just because they can’t expand their boundaries.

Steve Osguthorpe – thanked the board for the hours put into this effort by the community and others involved. He is supportive of the proposed ordinance. He recognizes it is not a perfect ordinance and would hope there would be opportunity through the year to address some issues. It would be a risk, to the community, to go any longer without something in place to avoid the problems that they are seeing. He felt it is a mistake to designate the highway commercial. Allyn has a sense of a place where people live and not a place where commodities are bought and sold. He would prefer to see the property designated residential. But he did not want to second guess the committee. The issue of lot size has merit. If they make lot sizes in the highway commercial zone the same size they would come up with a lot of driveways in and out of the highway. He felt the five acres is an optimal size and to maintain that decision. The restrictions on manufactured housing was based on proposed legislation to allow manufactured housing in all residential areas. He understood that legislation failed. He felt the county provides more than adequate opportunity for manufactured housing throughout the county. It would not be unreasonable to put some limitations on manufactured housing within an area such as Allyn.

The interim provision appears to be a sunset clause. If for some reason they are not able to come back and look at this in a year they will lose zoning regulations by default. He would prefer to initiate review within one year and that the ordinance stand in place until there is a final decision made.

He is not as concerned about the highway commercial if he knew there were more restrictive design standards or at least landscaping standards. He recognized there is a placeholder for landscaping section. If the highway commercial is retained he would recommend, at a minimum, a provision in the landscape section that states full depth of the setback areas shall be landscaped with sufficient vegetation to cover 75% of the landscaped area within

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a three year period and with a mechanical irrigation system. This would assure they don't get wall to wall asphalt look or used car automobiles up to the pavement edge.

He would like to strike from the permitted or conditional permitted uses automobiles so they have a chance to come back and have better standards.

He agreed with the language proposed concerning the covenants. As a city planner he worked with numerous jurisdictions that have very restrictive private covenants and private property owner can impose restrictions. He urged the Board to adopt the regulations.

Cmmr. Baze asked if Mr. Osguthorpe has worked with interim ordinances, as a planner, before and how the process worked for the interim ordinance.

Mr. Osguthorpe responded that he has worked with interim ordinances. The concern is to allow time for the unexpected. There needs to be some means of initiating review within one year and allowing the regulations to keep in place until final action is taken.

Rick Anderson, Lakeland Village Developer, thanked the Planning Staff for working with them. The R-1P (Residential Platted District) appears it will work with some of the concerns they have. In reviewing the map, it looks to be accurate as far as the platted lands inside Lakeland Village. The condominium issues were addressed. They have worked out on the R-1R. He has one concern that they based their density decision on the single-family residential density that is 1 unit per 6 gross acres. When they got the revision back it was four units per gross acre. He asked that this be up to six gross acres.

Mr. Fink stated there is approximately 130 acres in the R-1R District. When they discussed this earlier, it was Mr. Fink's understanding that the Andersons could be satisfied within the 4 units per gross acre. The expectation being there would be multi-family and denser development and also open space or golf courses over part of the property off-setting the increased density on certain portions. The capital planning and capacity planning has not been done in the Allyn area, so they thought it would be better to go with the lower number that appeared to satisfy the purposes.

Richard Bell – Spoke as a realtor and shared examples of what is occurring with the proposed zoning in Allyn. Recently, a major developer is wanting to back out of the project which is a \$4 - \$10 million loss to the community. The square footage dollar amount is very low. They are looking at rental space of \$0.50 - \$1.10 per sq. footage. A small retailer is going to have difficulty trying to match the requirements within the various zones. They questioned what other options there were. They found through the government affairs department the form-based codes. Other communities have used these form-based codes. He explained that form-based code is focused on design rather than use; it encourages mixed uses, promotes walkable communities, allows flexibility to use while conforming to desired look; and it includes incentives for creating attractive spaces. He asked that they make some minor changes to the plan and look at the merits of form based codes.

Tom Hamilton – Concurred with Mr. Bell that businesses should be encouraged to come to Allyn. Sometimes the process does not work in helping business locate in the community. Timing is extremely critical. He stated it is all for zoning. He would like to see Allyn be a wonderful community. He questioned if the interim regulation is adopted for one year what is process for making changes. He noted that water is needed in Allyn.

Jeff Carey –Allyn SubArea Planning Member since 1997. He pointed out that in all the meetings, no one was favored. Everybody paid a price to have a zone. The Committee knew no one could do everything in every district. He voiced his favor of adopting the zoning regulations. The challenge was to make it all look like a community. He did not think anyone wanted the regulations adopted on a permanent basis. In the beginning when Allyn was designated as a UGA, the line was the section line of Allyn.

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Village commercial zoning on design standards and mixing of commercial and residential. That whole code has to be looked at before it is addressed. He felt there is a problem with parking.

Gerald Salmon – Noted that in the spring of 2001 he wanted his property as commercial because of the highway. That property has been zoned in 2002 as commercial by the county.

Frank Kinney – Stated he owns the tourist business at the base of the hill with the woodcarvings and art gallery. Allyn was designated as an urban growth area. At the future search conference they discussed the importance that areas have some growth.

Bonnie Knight – Port of Allyn, regarding the commercial area in Allyn, she believed the property is useable and developed in the way the town can support. She stated that Allyn was present before the developer of Lakeland Village. She would rather see the Commissioners work through the process without being rushed. They have worked on this for seven years. A lot of people have been involved and they have made a true effort to see both sides and come to a middle ground. She agreed with Mr. Ogusthorpe that there needs to be an ending date for the interim regulations and a scheduled review. She noted her support for passing the interim regulations.

Garrett Moore – Allyn Sub-Area Planning Committee, commented on the form-based zoning. The performance zoning has been in planning literature since the late 1970's. He stated that performance zoning is appropriate for a community that you want to maintain residential qualities. The performance zoning works best for that. If you are looking for economic development you want fixed zoning. If there was a Queen Anne Thriftway it would attract from Belfair. It is true if the Belfair Bypass is not put in and there is a third lane and traffic congestion.

Richard Knight – Noted that if there was an ordinance he wanted to be changed he would go to the Board of County Commissioners.

The Board concurred with Mr. Knight that would be the process.

Deputy Prosecutor Darren Nienaber stated that the Growth Management provides two steps. If you want to adopt a permanent ordinance there would need to be public participation. First it would go to the Planning Commission for a public hearing; they would formulate their recommendation and present to the County Commissioners. An interim ordinance could be adopted immediately. It requires at least one public hearing either before or after. The law allows flexibility.

Chairperson Johnson stated that it is a flexibility process as a precise process is identified. If a special issue comes up and it can be dealt with.

The Board deals with issues that come to them. If it is something that goes through a longer process they start the process. If it is something that could be handled on its own that is done.

The Board closed the public comment portion.

Cmmr. Kamin expressed she too felt comfortable with the proposed interim ordinance. It provides flexibility and opportunity for the Board to fine tune.

The Board noted they can make sure the interim regulation does not sunset if there are further considerations.

The Board thanked those who participated for the comments and testimony and appreciated the fact they are interested in community. It is a great example of public involvement and participation.

Cmmr. Baze/Kamin moved and seconded the Board approve the July 6, 2004 proposal with the changes to pages 7,15, 18, and 20, as shown, and approve the Allyn Urban Growth Area Interim Zoning Map dated July

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12, 2004, as Interim Ordinance No. 60-04, to be effective until July 1, 2005. Motion carried unanimously. B-aye; J-aye; K-aye. Ordinance No. 60-04 (Exhibit A)

ADJOURNED

The meeting adjourned at 7:42 p.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Wesley E. Johnson, Chairperson

ATTEST:

Jayni L. Kamin, Commissioner

Rebecca S. Rogers, Clerk of the Board

Herb Baze, Commissioner