

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
July 22, 2002

(Note audio tape (#2) dated July 22, 2002
counter (#) for exact details of discussion)

(This document is not intended to be a verbatim transcript)

1. CALL TO ORDER

The meeting was called to order by Planning Manager Bob Fink at 6:00 p.m.

2. ROLL CALL

Members Present: Bill Dewey, Diane Edgin, Steve Clayton, Irv Shotwell, Theresa Kirkpatrick, Marilyn Johnston, Robert Sund. **Staff Present:** Ron Henrickson, Bob Fink, Allan Borden, Susie Ellingson.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0049) Bob Fink: My name is Bob Fink and I am the Planning Manager for the Mason County Department of Community Development and on behalf of Mason County I'd like to thank you all for coming and welcome you to the first meeting of the Planning Advisory Commission (PAC). We've already had a round of introductions and so we'll move on to why we're here. I'm sure most or all of you have been to previous meetings of the Planning Commission and the Shorelines Advisory Board. The roles of these bodies, that have now been combined into one, is very important to the functioning of the county and the county's regulation of land use. Basically, the commission has two roles. One role is to advise the Planning Department and the Board of County Commissioners (BOCC) on policy, on regulations and regulation changes, on the future direction of the county and to listen to the public and to bring that in its own form forward through the public process. A lot of what you will do consists of recommendations that will be sent forward to the BOCC that are then incorporated into the record and play a role in determining what the final outcome will be. The land use regulation in the county is governed by a Comprehensive Plan. The county adopted its Comp Plan, that we currently have, in 1996 in compliance with the Growth Management Act (GMA). You might have heard it was appealed and its been in essentially a litigation or a resolution process that was set up by the GMA and we're currently waiting for a final decision on it. But the Plan provides the overall guidance, the goals and policies by which the regulations are then implemented. Your role then is in policy making recommendations to the BOCC and considering changes. In doing that you hold public hearings on behalf of the county and you make findings and

recommendations.

The other role that you play is that of reviewing specific permits. When you review a permit or specific application you're acting in a quasi-judicial manner. In other words, you're acting kind of like a judge and there are special rules and provisions that apply when you serve that kind of function. One of the things you'll find in front of you is a Short Course in Local Planning. We're providing this for you now so that you can take it home and read it. As early as next month we have a number of hearings set for you to consider. Part of the way that happens is approximately a week before the hearing date the county will send you a packet of information on the hearing that is coming up. For instance, for the hearings that will be scheduled for August, on the 9th of August we will send you a packet and the packet will contain the record up to that point for the application. It will contain copies of the application, perhaps photographs, a staff report containing recommendations from the staff and an analysis with regard to regulations and other information that you need to consider. Usually your function entails holding a public hearing. After the public hearing you will do your deliberation and formulate your recommendations.

(#0188) Irv Shotwell: When we do that do we do that as a total group?

(#0194) Bob Fink: You act as a body. You have to have a quorum; one of the things we'll talk about next is the by-laws of the commission. It is a commission of seven members and a quorum is four members and a majority of the quorum can make a decision. The usual process to follow when you are in a quasi-judicial process would be the opening of a hearing. Usually the hearings are set for a particular time and the public signs in. The Chair opens the hearing and the first speaker is usually a staff member presenting the basic information on the application and recommendations that staff will have. All that information would have been sent to you prior to the hearing and it's one of your duties as a commission member to familiarize yourself with all that information prior to the hearing so there doesn't have to be a lot of duplication or questions that could be answered by simply reading the material. The staff would make its report and could answer specific questions at that time. Then usually the applicant will speak, if they wish. Quite often the applicants we have don't wish to speak; they're not usually represented by attorneys but occasionally they are represented by other people. Either way is fine. After the applicant speaks then you would open the floor for other parties who wish to comment. At that time, we would refer to the sign-in sheet and see who had signed up to talk. One of the things you want to make sure they do when they first come up is to give their name and their address for the record. The purpose of the hearing is to build that record and everything that we say during the meeting is taped and fairly detailed minutes are prepared from the meetings. The bylaws have some general ground rules; when the public speaks it's important that people be treated with respect. The role that you play is very important in the functioning of the county government and the relationship that people have with their government often comes to a head in land use regulations. Other than paying taxes, one of the strongest impacts on peoples lives is land use regulation. So it's very important to the applicant and usually very important for the neighbors what goes on and what's allowed and not allowed. There's a set process and the process is important to follow because by doing so you protect the rights of individuals and not just the applicant by following that process.

The by-laws are in front of you. When the BOCC set up this commission, they included a provision that they would prepare the by-laws. The by-laws have not been adopted yet officially by the BOCC but we expect that they will do that tomorrow. It begins in the Preamble "Members of the Planning Advisory Commission (PAC) shall strive to respect and honor their position so as to enhance and maintain public confidence in the PAC." I won't go into detail with these by-laws but you will need to review them at your leisure so that you can pay them a little more attention. The various sections; the Scope, description of Meetings. Attendance, of course, is necessary to have a quorum and take action. The Officers; Diane Edgin has been appointed by the BOCC to serve as Chair. There's also a provision for a Vice-Chair that could sit in when the Chair isn't here. Secretary is the Director of Community Development, Ron Henrickson, but he delegates most of that responsibility to myself and Susie. Susie is primarily responsible for keeping the record and preparing the minutes. The record, by the way, is available in our planning offices. I would encourage you to visit our offices and meet the planners involved a little less officially than you will eventually meet them here in your meetings. You're always welcome to call our

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office with questions. Particularly if you have background questions. If you have specific questions you may want to save those for the hearing or you may simply want to call us and let us know what your concern was so we would have time to research that for you and come up with a response. The by-laws discuss what the quorum is and how the voting will happen. The voting is always open; there's no secret ballots. This is a very public process.

(#0396) Steve Clayton: Bob, is the Secretary considered an officer, and if it is then the Secretary has a vote?

(#0400) Bob Fink: No, the Secretary does not have a vote. They are not a member of the PAC. These by-laws were developed looking at other commissions and also reviewing the rules of judicial conduct that judges have to follow. There was also some review and inclusion of what state law is.

(#0422) Marilyn Johnston: Bob, we've had questions before about the use of Roberts Rules of Order. Are we going to do that now?

(#0430) Bob Fink: These by-laws aren't set up to use Roberts Rules of Order. There are some issues with using those rules. There are things like the Chair doesn't normally vote. It's possible to drag out the process with Roberts Rules of Order. What these by-laws substitute instead is some simple procedures for voting and for taking action and some other provisions rather than relying on Roberts Rules of Order.

(#0445) Darren Nienaber: The PAC may supplement these rules with additional rules of procedures if they so desire. As Bob said, Roberts Rules might create some technical problems. Also, we wouldn't want to have a problem where the PAC took an improper action because it didn't follow quite the right perfectly correct Roberts Rules of Order on a certain issue. It would be easier to keep it as simple as possible.

(#0475) Bob Fink: To return to the hearing process, after you take the public testimony, normally you would give staff an opportunity to add additional comments in response to something that may be said. Then to allow the applicant the opportunity for rebuttal. After that time the hearing is closed and you have your discussion. The discussion need not be held at this same meeting. It can be deferred to a later time depending on your schedule, or you could do it immediately after if you have the time and are ready for a decision. We didn't develop any particular guidelines for how you might want that discussion to proceed. One thing you could do is ask questions of the staff, otherwise you can discuss it between yourselves and normally it would be the responsibility of the Chair to assess the feeling of the group and if they felt they were near a conclusion, they could poll them to see if they were ready to vote.

(#0530) Teresa Kirkpatrick: Bob, are there any Mason County codes or RCW's that apply to those meetings being held publicly? Since, we're not official, is there a quorum issue there?

(#0536) Bob Fink: The meetings of the PAC are subject to the Open Meetings Law.

(#0540) Teresa Kirkpatrick: Would the same be true then regarding discussion among members?

(#0543) Bob Fink: Yes.

(#0545) Teresa Kirkpatrick: So if we were to have a discussion it would have to be publicized in advance?

(#0547) Bob Fink: Yes, if you have a meeting of a quorum. There are a number of laws, not necessarily Mason County laws, that apply to your operation. A number of them you will find in the "You Be the Judge". This is a guidebook that was developed in this state in association with the Association of Washington Cities by Jim Driscoll and Ted Hunter and they are Hearing Examiners.

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(#0575) Bob Sund: It doesn't really say under Voting and Action whether the Chair can vote.

(#0580) Darren Nienaber: The Chair can vote.

(#0585) Bob Sund: In the section under Absence, it says "without being excused by the PAC". If somebody calls in, how do they get excused? Or does the Secretary bring it to the PAC and the PAC vote on whether they are excused or not?

(#0600) Bob Fink: If they don't bring it up at the previous meeting where there's an opportunity to vote on it, then if they call the Secretary, the Secretary can explain the cause of the absence and the PAC can vote on whether to excuse them.

(#0610) Steve Clayton : It says 'the majority of the quorum needs to cast an affirmative, is that correct? So if we have five members present and only three vote, it takes three to pass the resolution? Not the majority of votes cast but majority of quorum?

(#0622) Bob Fink: The majority of the quorum is the minimum number of votes needed to pass.

(#0625) Steve Clayton: So it's not yeas versus nays, but actually the number of yes's has to be the majority of those present.

(#0628) Bob Fink: You could have people abstaining.

(#0630) Steve Clayton: Right, but abstaining counts as a no via this wording, is that correct? It says the majority of the votes of the people present, which would mean in a quorum of five, you would need three yes votes and if somebody had abstained it doesn't count as a yes vote.

(#0646) Bob Fink: Even with four people, which is the minimum for a quorum, you still need three yes votes to pass.

(#0652) Steve Clayton: But if you had one person that abstained, and you had two yes's and one no, you could also say that it passed because we had two yes's and one no.

(#0655) Bob Fink: You'd still have to have three because you'd have the majority of the quorum. The handbook "You be the Judge" is about the quasi-judicial process. There's quite a lot of material in here. It's important the process be followed correctly because it's related to the rights of the citizens to have due process. The county and potentially you as individuals involved in decisions could be liable for violations of due process. The way the hearings are run, the notice being provided; all of this is set up to provide for that due process. The whole structure of how this is presented is all part of a process that is intended to be fair and meet the legal requirements.

(#0740) Ron Henrickson: I have another meeting to go to so I would just like to briefly share my hopes and aspirations for the PAC. First of all, I want to welcome all of you and you do have a very important task. I look at the task in two areas. One is the applications that will come before you and it's a very formal process. I believe this PAC will have a very healthy debate about those issues and make the best recommendation you all can find to the BOCC. The part I'm more excited about is that I think this body has a unique ability to play a role in shaping the policies and issues in Mason County particularly as it relates to the Comp Plan and reviewing a lot of the ordinances and regulations that we have on the books as it goes along. My hope is that this PAC will get more involved and that staff will bring more of these issues to this PAC and that out of that dialog and discussion will come better policies, more streamlined policies, more user friendly policies. I would encourage you not to lose site of that other responsibility; it is very easy for PAC's to become simply process oriented organizations and you get inundated by

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requests and you process them and you go on. There is another part here that I think is very important. We'll shortly be getting a decision on growth management, which I hope is favorable but undoubtedly we'll probably have issues with it and I'd like to have the PAC play a greater role in that. The last thing I'd like to say is that Bob is going to be a staff to you as well as Susie and Allan Borden, the Long Range Planner, and all the other planners and I think they do a very good job. If you get frustrated with the system and have a particular complaint I want you to know that at any time any of you can call me and I'd be happy to talk or meet with you. I would like to see this system work very well and I'd like to see this PAC be very productive and I'd like to see you get some personal satisfaction out of the time and effort that you will spend with this. Welcome aboard and I hope you enjoy it.

(#0845) Bob Sund: I'd like to make a comment before you leave. You talked about the material that will be coming to this group and that there would be a discussion about it and so forth and I found that you people in the planning department may have spent some time discussing an issue long before we're aware of it and that when it comes to us it would really be helpful if the presenter of the material would also include the pros and cons and that would help us a great deal in our discussions.

(#0900) Ron Henrickson: I think that's an excellent suggestion. You're going to get a prepared packet and one of the things I hope the PAC takes a look at is whether it's informative or not. Is what you're getting, just because that's the way we've done it, the best way to get the information. I would encourage you to make suggestions. Our job is to try to equip you the best to do your job as you are equipping the BOCC the best to do theirs.

(#0936) Irv Shotwell: Is there a possibility of getting a list of all the key players?

(#0942) Ron Henrickson: Yes, we can get that to you.

(#0945) Steve Clayton: Can we get a copy of the roster for the PAC?

(#0948) Bob Fink: We can do that.

(#0955) Bob Sund: I think it would be helpful to know the areas that the people live in that are on the group as well maybe a brief synopsis of their background?

(#0964) Diane Edgin: I think also we need some placard out in front of us along with the area that we come from.

(#0975) Bob Fink: Would anyone have an objection to sending the applications out to the other parties rather than trying to summarize what's in the application?

(#0987) PAC: That would be fine.

(#1020) Steve Clayton: I have a question on the personal liability and I understand, being at previous meetings, that they wouldn't even hold the meetings without Darren being here. Why?

(#1030) Bob Fink: Darren is an attorney for the county and cannot act as an attorney for the PAC. He may be involved in the decisions that you make as they go through the process and they are adopted by the county or are not adopted by the county and then challenged in some venue. As such, what he can say is limited because he has to defend whatever comes out of the process. The main concern with the Planning Commission, as I understood it, was not having the attorney involved in the growth management deliberations so that they had a detailed understanding of the reasoning behind the growth management decisions that the county was making. Without an understanding of the reasons for the action the county took the theory is that the attorney was unable to defend it properly. The reason for having a land use

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attorney was that they would have the time to become familiar in depth with what's going on and to be able to defend what the county does in a hearing and be familiar with the record.

(#1098) Marilyn Johnston: I would just like to say that after Darren started coming to the meetings, while he is not the attorney for us, it helped us in our decision making because more times than not he's clarified something for us or we've asked questions so I think it's very important that he be here.

(#1111) Bob Sund: Some of the things that we got into were over our heads legally and that we felt very strongly that on several hearings the person defending us didn't really know what water went under the bridge at our public meetings and was not able to defend the county appropriately.

(#1135) Steve Clayton: The former rules were that they would not hold a meeting unless he was here. Are we going to continue with that?

(#1138) Bob Fink: Only on growth management.

(#1140) Steve Clayton: It wasn't a growth management meeting.

(#1144) Darren Nienaber: There are statewide disputes about the role a prosecutor's office plays with respect to advisory committees. But legally the prosecutor's office does not and probably cannot represent advisory committees. I represent the BOCC ultimately, so through their delegated authority I work with the planners but ultimately it's their decision and if I'm representing the county as an entity I represent the BOCC as an entity, not necessarily as individual persons. One of the problems that can come up is if I get too involved within the discussion my words become a part of the record and then when we go to the Growth Management Hearings Board (GMHB) my words are almost verbatim from the PAC minutes and then I'm potentially a witness against myself. For example, on the will of the PAC they may go this direction and I might even say that's not a bad idea and maybe ultimately the BOCC say they'd rather go a different direction and then somebody down the line during litigation could say that your attorney said that wasn't a bad idea. So my role here is kind of limited but as Marilyn as suggested I do, at times, if there's confusion about the law or if the rulings are confusing I hope I can play a role in explaining that.

(#1225) Bob Fink: When you have the cases next month before you to justify your action you need to adopt findings of fact that support that action and normally as part of the staff report there will be findings that support what the recommendation is and sometimes there are even alternate findings. If you substantially veer from the recommendation then you will have to develop your own findings or ask for those findings to be adjusted because your decision is a different decision.

Part of what is in front of you are copies of county regulations. There's the Resource Ordinance, the Shoreline Master Program, and Development Regulations. These are not all the regulations the planning department has. One of the things I would like to do is work with you over time and introduce more and more of these regulations to you and these are the ones that you will probably need for the hearings next month.

(#1326) Teresa Kirkpatrick: Could you please elaborate on Mr. Clayton's question on personal liability.

(#1330) Bob Fink: I'm afraid I really couldn't. However, as a party involved in the land use decision making in the county you might be considered an officer who would be individually liable for an action if you violated someone's rights. I'm not saying that you will be; I just wanted you to be aware that that's a possibility.

GMA status; we're actually awaiting for a number of decisions on our regulations, including some of the

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regulations you have before you. In the Resource Ordinance (RO), the State Growth Management Hearings Board (GMHB), which is the state body that reviews the local county regulations for compliance with the GMA; we've had hearings with them and we're waiting for their decision on the Frequently Flooded Areas section. The Fish and Wildlife Regulations and the Geologically Hazardous Areas Regulations; they are all in the RO. We're also waiting for a decision on the Comp Plan and some of our Development Regulations. The Development Regulations were changed a lot this year in an attempt to comply with the Act and so we are expecting a decision at any moment. When we hear that decision, what has happened in the last several years when we've been in this situation, is that will adjust our work plan for us. One of the issues that you'll be working on is somewhat subject to what we hear from the GMHB because generally there is a very limited time to respond to the GMHB decision. Normally they don't allow more than 180 days. To run through a public process in that time is difficult. You probably know that this has been going on for a long period of time and many people at many levels feel the frustration of the process and hopefully you will come into this with only a very modest level of frustration at this point and hopefully we can show real progress in the results. The results will be generally good. I don't know that anyone expects the GMHB to decide on every issue that the county did the right thing and was in full compliance in all ways with the GMA. We are hoping they will find only narrow issues to remand to the county for cleanup.

There was some mention that often things are being worked on a lot at the staff level before they ever arise to your attention. One of those things that we're working on is with the Hearings Examiner (HE). If you aren't familiar with the office it was created about a year ago as a functioning body. The HE hears violations from the Health Department, the Planning Department and the Building Department and provides a place for a fair hearing. The system seems to have worked very well and the BOCC and the public are pleased with the process. One of the things that's being considered is to expand the duties of the HE, not necessarily the same person, to address permits. This would be done to relieve the burden from you and from the BOCC potentially from the load of permits that come through that need to be processed. Variances from regulations, shoreline permits, subdivision approvals; there are a number of permits that could be run through an HE under law. That's the main reason that the state founded the HE office and the statute was to provide that kind of process where a very professional approach could be taken and this third party could conduct the hearings and make findings as necessary. When the HE was first adopted by the county a couple of years ago, those duties were transferred to the HE but before the HE actually got started they were transferred back to the bodies that were hearing them. Not everyone was comfortable with the concept. It is pretty widespread in this state and most people think it works pretty well.

Another thing that is under consideration is a disclosure form. Right now you're probably aware that elected officials have to do certain public disclosures. One of the issues that the BOCC is considering and staff is working on is a possible disclosure form that would apply not just to the elected officials but also to the Department Heads and committee members where the idea is to have openness in government and to prevent there being conflicts of interest or to make aware where those conflicts might be apparent. We don't know yet; that's in the works. It might happen fairly quickly or it might be a while.

(#1676) Bob Sund: On a county level or a state level?

(#1678) Bob Fink: It would be a county resolution that would require certain amount of information be disclosed for people serving in official capacities in the county. It's not decided yet how far down that goes ...

(#1690) Bob Sund: Or how extensive that might be. That would make a lot of difference.

(#1695) Bob Fink: All of that is being worked on. It's very likely that some kind of disclosure would be requested. You may also hear from the public in many ways. You will hear complaints, concerns; you

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will try to help them and you find problems; that's where a lot of these amendments come from. The county went through a cycle of amendments that are caused by changes in state law. The adoption of the GMA was a major change; it required a response on the part of the county and the county went through a long process to develop that response. The legislature tends to change something every year so there are changes made because of statutory reasons, changes made because of the complaints, there are changes made because we realize there is a problem with how our rules are functioning. There's always room for improvement. A lot of this material will be worked on to some degree before it's brought to your attention. In listening to the hearings that you'll hear you may develop your own ideas for things that should be changed; that's one of your jobs. One of the things we'd like to do on an annual basis is think about what's happened over the year and what suggestions you might make. It would be useful to the county for you to do that.

(#1778) Diane Edgin: You were talking about disclosure and earlier you were speaking about any responsibility or liability we would have. I would suggest that you take the time to read the Short Course in Local Planning. Plus occasionally there comes up special classes for people like us that are put in by the counties in different locations.

(#1810) Bob Fink: We held one a little over a year ago. We might do one again soon. We could have several other committees come to it, too. There are other courses offered, as well. They have general introductory courses and can also focus on particular areas of interest.

(#1850) Diane Edgin: I'd like all of you to be aware of what has happened to me over the last several years is that I have gotten calls from people who, what decisions we would make, would reflect on their livelihoods. They were contacting me at home, sending me great big bundles of papers to read. I told them it had to come through the office first then they send it out to us. So I just got to the point where I just threw it away.

(#1875) Darren Nienaber: Yes, that's really bad. Don't let anybody talk to you about their permit. When you're acting in that fashion you're acting in a quasi-judicial manner; you're acting like a judge, and like any judge, you don't talk to the prosecutor by himself and you don't talk to the defense attorney by him or herself. If you do get contacted by either a permit applicant or an opponent of that project please announce on the record that you received a phone call and who the phone call was from and the nature of the subject matter so we can figure out what to do with it from there. If you get any contact from anybody just say you can't talk about it. It would be a violation of the appearance of fairness doctrine.

(#1929) Bob Fink: There's more information on this in the "You Be the Judge" and in the Short Course for Planning.

(#1934) Irv Shotwell: Bob, how many times a month do we meet?

(#1936) Bob Fink: Normally, we meet once a month on the third Monday. The hearings are usually scheduled several weeks in advance. Regarding the meeting time, we scheduled this meeting for 6:00 pm and we might encourage you to adopt that time. Both previous Boards met at 7:00 pm but if 6:00 is a good time for you then that is certainly something that we would support. Meetings often don't run over an hour. But two hours is not at all uncommon and they have run considerably later than that.

(#1992) Irv Shotwell: When you're having the hearings I would think that it would run longer.

(#1996) Bob Fink: The hearings are highly variable. It's not uncommon for no one to wish to speak at a hearing. Many of the issues that are heard are things like a sideyard variance, where someone wants to be 3 feet from a property line instead of 12 feet from the property line and unless the neighbor has a strong objection to it for some reason it's unlikely that anyone else addresses it. There are many issues

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like that that actually draw out very few people.

(#2015) Irv Shotwell: The guy you hired two years ago is going to take care of most of that?

(#2020) Bob Fink: The Hearing Examiner may lift that load in the future but that's hypothetical at this point. I just wanted to let you know that that was something that was under consideration to develop the language in the ordinance that might do that. When we've done that and thought about it then we may start a public process. You're usually the first stop in a public process. Occasionally we have workshops before we come to the PAC where we go to different parts of the county; Hoodspout or Belfair, and have a workshop so we can get some input when the ideas are still kind of general and vague but quite often you're the first forum people have to address an issue that's on the table. There are actually a number of other planning processes going on by bodies other than yourself that are important to the county. I wrote up a list here for you with meeting times. One of the things you might consider in the future is how you may want to coordinate with those other groups. The main activities are the Belfair Sub-Area Planning Group and your coordination there is probably pretty simple because you have one of the people on the planning group as a member of this body. Then there's the Allyn Community Association group, which is not a county appointed planning group but they have been engaged in planning for the Allyn UGA. The City of Shelton is going to begin the update of their Comp Plan. There was a change in state law extending the timelines that communities had to update their Comp Plan. You may want to consider going and sitting in on some of these meetings and get familiar with them and then you may want to officially have someone responsible for coordinating with those groups.

The other major activity is the watershed planning. There are four different watersheds in the county that have active planning groups. Two of them are run by the county; WRIA 14 and WRIA 16. WRIA 14 being Shelton and the area around here and WRIA 16 being the area from the Skokomish Valley and north into Jefferson County. WRIA 15 is generally the Belfair area and the Tahuya Peninsula and that process is being coordinated by Kitsap County. WRIA 22 is the Chehalis watershed in the Matlock and the western part of the county. That's being run by Grays Harbor County. Those are activities where planning is also going on besides whatever staff has.

(#2212) Steve Clayton: Nothing in the Hoodspout area?

(#2214) Bob Fink: There isn't anything real formal going on in Hoodspout, that I'm aware of, except the port itself is looking at some economic development initiatives. There are people that are looking at different things like sewer is a big issue there. The water system was a big issue until the PUD took it over and has pretty much put it into good shape. There was a group of people from that area who self-organized that the county was coordinating with but that group disbanded and nothing really has come forward. The county might look at going back to that area and trying to do something in the future but probably not this year.

(#2286) Bob Sund: I'd like to elaborate on Irv's question. We do occasionally meet more than once a month. We might have to have special meetings and there have been occasions where we've had two or three meetings a month. That is relatively rare.

(#2308) Bob Fink: It wouldn't be unlikely to have two meetings in a month where one might be a workshop and the other one would be a public hearing. If we have some amendments that we are proposing that are relatively complicated it's usually best if we can present them to you and get your feedback on them less formally and then go to a public hearing.

Another thing I want to hand out to you is a copy of the text for a web page for the PAC. The county has a website and as part of the information we have information on the PAC so you may want to look that over. The only real issue of debate we had was whether we should put the phone numbers of the PAC in and

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we thought not to do that. You do need to distinguish a quasi-judicial process and a legislative process where you're looking at changing the Comp Plan. It's not inappropriate for you to hear comment from other people. On the other hand, it's better if they put their comment on the record and come to the hearing. What it says here is that any comment to the PAC should be addressed care of the county and if they send it to us we will distribute it to you so that everything gets on the record. The record is important to sustain the action and is important to justify the action. The public has a right to know these things.

(#2435) Bob Sund: We've run into the situation where things are at our place when we arrive at a meeting and that is maybe additional information for the meeting and that's kind of tough to digest that material while the meeting is in progress. I think that if it's material that pertains to an issue that's on the agenda, it needs to get to us somehow other than placed at our chair at the night of the meeting.

(#2466) Bob Fink: I agree absolutely that that's not the ideal situation and it has happened a lot and it's often unavoidable. Also people may come in as part of their comment and present material to you.

(#2478) Bob Sund: Then I think that the staff needs to give us time to talk and discuss it.

(#2495) Darren Nienaber: One recommendation is to bring you all in a separate room away from the public to give you a chance to read it.

(#2500) Bob Fink: It's specifically addressed in the by-laws that it is your responsibility to be familiar with all that information so if we present you with five letters that came in the day of the hearing then we should take a break or before beginning the hearing you should have an opportunity to read that material over and consider it. Sometimes we have been under tight time lines with the growth management appeals process and generally it's quite possible and maybe preferable for you to defer action to your next meeting to allow you time to consider what's being done. When you're dealing with an applicant for a permit who may have their own timelines, you wouldn't want to delay them unnecessarily but you don't want to make the wrong recommendation either.

We passed out a memo to you regarding mileage reimbursement. There is provisions for that in the budget. Please fill out the form and return it to us stating what you expect that to be.

(#2595) Teresa Kirkpatrick: Would that apply to attending any of these other meetings?

(#2597) Bob Fink: Right. Just for these meetings.

(#2602) Bob Sund: Bob, I don't know how much of a problem for the county but when the check comes, I don't have any idea what the meetings you are being paid for. It would help to identify the meetings that you were paid for. I don't know what meetings it's for.

(#2644) Bob Fink: So you would want to know the period of time covered?

(#2650) Bob Sund: For what meetings and the date. I think it would help to keep better track.

(#2672) Bob Fink: We can probably provide you that information when the checks are sent.

(#2690) Diane Edgin: I want to take a step back and talk about the one meeting where it really became a sticky wicket in trying to recall what date, what we said and everything, and we were doing that that night and filling out that form that the petitioner had sent us and we didn't have any of our current minutes. I know that everybody was under the gun there and minutes got shoved to the back burner but that probably could have been avoided if we had had copies of the minutes.

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(#2732) Bob Fink: As you said, those weren't typical times. Usually we should be able to get the minutes to you before the next meeting and that's our normal goal. That way you would have time to review them and approve them; that would be the typical situation. Where there are unusual situations we'll try to be aware of that and do our best. Because of the deadlines that are created in order to comply with orders from the GMHB sometimes it's difficult to keep up with everything. Any other questions or comments?

(#2798) Allan Borden: I'm the Long Range Planner for the county. I've been the Long Range Planner since November 2000 and prior to that about six years I was a current planner. I often came in front of the Shoreline Advisory Board (SAB) to present shoreline permit cases. Usually the SAB would hear variances to regulations and conditional use to the SMP regulations. Now you're going to be hearing those cases in addition to the Development Regulation variances. Each one of those kinds of cases will have similar staff reports. The staff tends to summarize the relevant criteria you'll be looking at and review the comments from the applicant and comments from the staff. That may lead to meetings where we have both kinds of cases occurring on the same night. It won't happen in August but it could very well happen in September or October.

(#2878) Irv Shotwell: What did you mean by both kinds of cases occurring on the same night?

(#2880) Allan Borden: Since the PAC handles both the SMP regulations and the Development Regulations and each one of those requires a different kind of permit and likely slightly different criteria. Staff will try to do their best to present a clear conclusive staff report for you. The concern that may arise, since there used to be two committees reviewing permits, often the SAB will meet an hour to two hours for their cases and cases in front of the old PC may last about an hour so if you're hearing both of these kinds of cases it may make for a moderately lengthy evening.

(#2968) Darren Nienaber: Allan, were you here when Bob Sund made a recommendation regarding presenting projects or permits and presenting the pros and cons? It's important to hit on the important issues. When I'm looking at a staff report I want to know what are the issues. And if it's a problem.

(#3000) Allan Borden: One thing I thought of, because you're going to have a variety of cases, is why is the applicant applying for this permit? To clarify your role in the decision you'll want to know why this person is here tonight? That is going to be an essential part of the staff report and maybe part of the synopsis that you'll hear.

(#3025) Diane Edgin: Just recently they denied a variance out at Allyn and I found that very interesting.

(#3048) Marilyn Johnston: The pros and cons are very important. We have such a tremendous amount of reading to do that it helps if you can focus the pros and cons and then go through the body of whatever it is that you're sending us and that helps us to cross reference.

(#3062) Bob Fink: Normally in a permit rather than pros and cons you usually have criteria that have to be met and the issue is do they meet the criteria or not. When you're talking about changing a regulation you can say what the good parts are and what the bad parts are but in permitting it often isn't a pro and con situation.

(#3090) Marilyn Johnston: The criteria; depending on what you're going to have us look at, fit that into the easiest way for us to be able to get quickly as much information as possible.

(#3100) Allan Borden: The SMP is pretty much set where each of the relevant chapters, whether it's commercial or whatever, it will have a list of criteria and typically the staff report will detail that.

(#3118) Bob Sund: If we're going to vote yea or nay there must be some issues there that are pros and

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cons. Why would I vote no on this issue or why would I vote yes on this issue.

(#3130) Diane Edgin: I must admit that some of the stuff we are required to do is just sort of rubber stamping the staff report.

(#3140) Bob Fink: There's not a lot of discretion usually in a permit. There's a minor amount of discretion and that's why it's a quasi-judicial process where there's judgment about whether the criteria is being met. The criteria might be a little vague and it may leave room for discretion and it might require interpretation. Generally, a permit you have fairly specific guidelines or criteria that you're looking at to see if it applies and it's a matter of fact finding.

(#3235) Marilyn Johnston: Our time is limited to be able to read all the material. I would respectfully request that you place yourself in our position and what would you feel would be most advantageous to us because the bottom line is whatever decision we make. Going back to what Ron said; just because we've been doing it this way doesn't mean we have to continue. So just as a suggestion please think about that.

(#3266) Bob Fink: We will look at it. One of the possibilities is that I've noticed that often the materials get written and the key points get buried in the text and so it may be that the principle conclusions and key bits of information can be drawn out in the beginning of the report rather than buried in the report. That is helpful. There was one other decision I would like to get from you tonight and that is your meeting time. Was there a consensus that 6:00 pm was a good time?

(#3310) Bob Sund: I make a motion that we meet at 6:00 pm.

(#3315) Irv Shotwell: I second the motion.

Motion passed.

(#3325) Susie Ellingson: I will be calling you on meeting days as a reminder of the meetings.

(#3336) Bob Fink: Our offices are in this building. You can ask for us at the reception desk. If any of you are thinking of coming by, when you'll find most people in the office, is we have staff meetings Thursday mornings so if you wanted to come by around 11:00 am you would probably find most of the people in the office. Any other time you're welcome by but you might not find as many people. I do encourage you to come by and we'd be glad to show you around and have you meet everyone. We have handed out some regulations tonight and I would like to give you additional information every month, unless the agenda is really full, to get you exposed to the broader range of the regulations outside of the hearing process. When you're given a staff report, the staff will focus on what the issues are in that permit. The other thing is there is a Planning Commissioners Journal and I'll pass these copies out for you to look at. We have a subscription to this. It has basic information written for the general lay person about zoning, city design, and it talks about how to be a good planning commissioner, how to conduct a meeting and how to avoid violating peoples rights. I will circulate them as I receive them. There are limited copywrite issues with coping it for everyone.

(#3644) Diane Edgin: One of the things I noticed in the by-laws is that a quorum is four people. There's been several meetings we didn't meet because we didn't have quorums.

(#3668) Steve Clayton: Is there a problem with anonymous site visits on a variance application?

(#3672) Bob Fink: If you look at this information, it's not necessarily encouraged for you to do that. If it's a place where you can drive by there's certainly no issue with it but if you have to go onto someones property or deal with them, it's not encouraged. It's something that should be disclosed and complicates

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the issue. Drive bys certainly are fine. Another issue is just to make sure that everyone has a common understanding and we do usually provide copies of pictures so that you can see it. A lot of these places you might even know.

(#3722) Steve Clayton: Some of the variances I've seen are regarding blocking the view and it's hard to do via pictures. But to actually stand on the property is better.

(#3750) Bob Fink: If it were critical for the decision it certainly can be done with disclosure. If you get permission to go on the property then you're having contact with one of the parties. If you don't need permission to see the view then certainly that's fine to do that. We could also do it as a group.

(#3790) Bob Sund: Would that be an appropriate question on the application for a variance to say whether they object to site visits by commission members?

(#3815) Diane Edgin: For our own protection it should be a time clarification if you did do it.

(#3817) Bob Fink: There are issues with regard to site visits; the ex-parte contact is one of the key ones but if you can do it from a distance then that would be okay.

(#0100) Diane Edgin: Bob, should we be adopting these by-laws?

(#0110) Bob Fink: When this commission was created the BOCC provided that they would adopt by-laws. However, you're welcome to adopt additional procedural guidelines as you need to as long as they're not in conflict with the by-laws. These haven't been adopted yet but we believe the BOCC may act on them as early as tomorrow.

(#0135) Bill Dewey: Do all the materials come out to us hard copy by US mail? Do you do anything with E-mail.

(#0140) Bob Fink: We can on occasion. We don't normally do that. The Belfair committee works by E-mail quite a lot but we haven't modernized to that extent yet. A lot of the material we have can't be sent that way anyway. We don't get it in an electronic form so we couldn't send it on. Typically it will be mailed out to you the Friday a week before the hearing.

(#0165) Irv Shotwell: Does our group ever interact with the BOCC?

(#0167) Bob Fink: That has been very limited on a formal basis previously. I had mentioned earlier about one of the things that is often good for planning commissions to do is to meet, not on a specific topic, but to meet and discuss what's been going on. It may also be good to meet on an annual basis to meet with the BOCC so you can dialogue about how things are going. When it's happened in the past it's usually been on specific issues that were difficult to deal with and that's not necessarily conducive to good decision making.

(#0200) Teresa Kirkpatrick: What is the open meetings act requirements if we just want to get together and hash out what you just described? Do they have to be advertised?

(#0206) Bob Fink: There has to be public notice, not necessarily an advertisement.

(#0215) Teresa Kirkpatrick: Whose responsibility is it to post those meetings?

(#0217) Bob Fink: We would notify regarding PAC meetings and the BOCC staff provides notice for their meetings.

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(#0228) Bill Dewey: We're free to communicate individually with other members of the commission on issues but we're just not allowed to meet in groups of four?

(#0235) Darren Nienaber: I wouldn't talk about permits before the public hearing.

(#0240) Bob Fink: I think there are limitations and they're probably described in You Be the Judge regarding discussions between members on quasi-judicial or permit issues. Legislative issues are different. You have more discretion and freedom. You are welcome to call our staff and ask questions.

(#0275) Bob Sund: I'm curious as to our representation as far as the BOCC are concerned. Does everyone know the commissioner for their area here?

(#0285) Bob Fink: We'll send out a list of the members and the districts they are serving in.

Meeting adjourned.