

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
October 7, 2002

(Note audio tape (#3) dated October 7, 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 Chair Diane Edgin at 6:00 p.m.

2. ROLL CALL

Members Present: Diane Edgin, Steve Clayton, Irv Shotwell, Marilyn Johnston. Robert Sund, Theresa Kirkpatrick and Bill Dewey were excused.

Staff Present: Bob Fink, Darren Nienaber, Allan Borden, Susie Ellingson.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0060) Ron Henrickson: I just wanted to share with you that since your last meeting I've heard from a number of people and suffice it to say that they were all consistent in their comments. I think it could be aptly described as that the meeting was a rather rocky road. I don't know if any of you share that same feeling. I basically have three suggestions you might want to consider. The first one is that you might want to empower your chairman to a greater extent to keep the meetings on focus and on the subject. My second suggestion with your concurrence, I've asked my staff to participate more in the meetings; again, to offer their expertise in keeping you on focus and on the topic. Third suggestion would be that if you would be interested it might be useful to have a workshop meeting just with staff to talk about process, deliberations, the topics; most of you are pretty new at this and you might find that useful in terms of how to do a good job of doing what you're doing but do it more efficiently. I thought of a fourth way which would be to seek your consideration tonight in recommending the changes in Title 15 which place a greater role on the Hearings Examiner in listening to some of these issues. I think the county would be better served by using the expertise of this committee not as regulatory review but more involved in planning issues. I think the change in the Title 15 will accommodate that. I think in the long run you'll make a greater contribution to the county and I think you'll get more satisfaction out of some of that, too.

(#0130) Diane Edgin: Would you like a workshop? Maybe when the whole group is back together we can pick a time to do that.

(#0140) Marilyn Johnston: I think that if we do that there should be a real planned organized presentation so that we all get as much out of it. Sitting down and going through whatever seems to be the 'rough road' and define that more specifically.

(#00175) Diane Edgin: I'm going to open the public hearing on Title 15 which are the proposed changes to the Hearing Examiner regulations.

(#0185) Allan Borden: I'm Allan Borden with the Department of Community Development. In your packets as the first agenda item we will be looking at Title 15 and the recommended Hearing Examiner sections. What you received in your packet were two versions. One was dealing with the recommended changes for the Hearing Examiner and the other Title 15 on the SMP permit review processes. What I'm dealing with has on the top Concept Draft, July 23, 2002. According to the staff report Title 15 has been revised several times since it originally was established in 1996 and this is the first time this commission has had to hear revisions to Title 15. The purpose for tonight's meeting is in the implementation of Title 15 county departments have been implementing the standard processes of administration review and decision making and appeals. Over the last six years these responsibilities have been well laid out but recently the BOCC has had some difficulty in that they find it difficult to represent their constituencies while remaining impartial in their decision making process. The board requested that DCD repair revision of these permit review processes and that we utilize the county's hearing examiner to evaluate and make decisions on certain permits and administrative decisions and still preserve the right of appeal by all parties affected by the decisions. The main changes shift the responsibility of decision making to the hearing examiner from the BOCC. What we tried to do was put the changes in bold italics so that you could see what new changes were being made and where the strikeouts were. The main changes were made under Responsibilities where the references to the previous SAB were made, we pretty much struck out all that text. We refined the responsibilities of the board to hear Comp Plan and Development Regulation changes and then the appeals of the hearing examiner but there are certain hearing examiner decisions that the BOCC won't hear the appeals of and those are basically under Enforcement and interpretations of both the Building Official and the Fire Marshall. In the same section it states the additional responsibilities of the hearing examiner, who has up to this time only had to review enforcement cases. These proposed changes are an expansion of the hearing examiner responsibilities. In the actual Review and Approval Process we have added text on the process for the hearing examiner to make decisions. We did do SEPA on September 19, 2002 and we have not received any comments on this proposal. Once you receive comments tonight and then you discuss among yourselves you can make a recommendation to the BOCC on whether to accept these proposed revisions or add any editing you may want to take on yourselves.

(#0425) Diane Edgin: Any questions? Does anyone wish to comment on these proposed changes?

(#0435) Richard Bell: My name is Richard Bell and I live in Allyn. I have a printed statement on this subject. (*Richard submits written statement and it is entered into the record.*) "I'm testifying on behalf of the realtors and staff at Windermere / Lakeland Properties, ownership of Lakeland Village and as chair of the Mason County Board of Realtors Land Use Committee. We endorse the proposed change for Mason County to utilize a professional hearing examiner for decisions on land use actions such as variances, conditional use permits, shoreline permits and applications to subdivide land. Mason County continues to grow and change at a rapid rate, underlining the need to consistently and efficiently interpret land use regulations and policies. We believe that an experienced hearing examiner will be better suited to process these requests with a non-discriminatory and evenhanded review process. The current volunteer Planning Advisory Commission will then be free to focus its attention on comprehensive and long range planning issues rather than individual permit applications. The examiner who is appointed should work under a professional service contract with established specific criteria for evaluation of land use regulations. To maintain a level playing field, this individual should be fair, neutral, honest and flexible. Let's move forward by working together for a more reasonable and fair-minded approach to meeting the requirements of our new and complicated land use regulations by employing the expertise of a professional hearing examiner."

Planning Advisory Commission Minutes, October 7, 2002

(#0515) George Rebman: My name is George Rebman and I'm from Union and I am a realtor. I've been in real estate for the better part of 30 years in commercial development, residential and I'm a native of Mason County. I'd like to support this Title 15 but not as it's written currently. I do believe we should have a professional plans reviewer process. It would expedite what is right now a very cumbersome process; there are so many delays right now and in the time process it's money. I think there's a more efficient way of doing it and that would be what I suggest. The other thing that I saw in this document that I do not agree with is the elimination of the responsibilities of the BOCC for final approval. If they have a professional that does a comprehensive review of the plan and the site and notes that, it should be a simple process for them to carry out their duties of commissioners. To cut them out of the equation is just not right.

(#0575) Lon Herron: My name is Lon Herron and I've been a real estate broker for 22 years. I'm also a property owner in Mason County. Most of my experience has been in King and Pierce County and I watched Pierce County go from a real pain in the neck for builders, homeowners, landowners, commercial, residential and watched them turn it into a real smooth operating system. You can actually go into the Pierce County Building Department now and you actually go out of there knowing that they're going to take care of you and they're going to follow up. Since I've been here I've heard the war stories and a hearing examiner may not be the right answer but it has to be better than what you have. This volunteer advisory board, I think, is unqualified to make decisions that are much more important than that. You need somebody that's qualified to make decisions and maybe this is a start and you have a long way to go. You need to build a tax base and you need to start being friendly toward business and I haven't really seen that. It's time to join the world. Thank you.

(#0630) Janet Dawes: My name is Janet Dawes. I'm glad to hear the support for a hearing examiner and I also support the concept. In response to another comment that the BOCC are not being cut out of the process. The availability of an appeal is still there and every place I've ever lived that's exactly how it has been handled. If you're not happy with the hearing examiner decision you still have the right to appeal but there is usually a fee involved. The purpose here is to not have the BOCC in every decision as they have been in the past. I think it's a more efficient way to do it.

(#0668) Warren Dawes: I'd just like to add the comment that we really applaud this move to get a professional hearing examiner and I think it's a great step forward. In terms of your own role as volunteer planning advisory committee I see it as a real asset to you to not burden you with the individual permit review and decisions but allowing you to work on planning, examine and review regulations for completeness and consistency and effectiveness and I see that as the best role for volunteer action in the planning process in the county. It looks really good to me the way it's written. Thank you.

(#0700) Peter Overton: My name is Peter Overton and we own property up in Allyn and Belfair. I have comments on another issue and wondered when I could make some comments.

(#0705) Diane Edgin: After we go through this public hearing process on Title 15 and we conclude that we could get to you then. We will now close the public hearing portion so we can go into discussion.

(#0744) Marilyn Johnston: I have felt for a long time that the hearing examiner was the way to go. I think to saddle us with the things that we have been going through the last few meetings has proven to me that it does need someone who has the professional background to be able to examine and interpret the issues. I feel our time would be far better spent with those issues which as a volunteer board we can deal with as far as land use development. It's been a long time coming. Wasn't it a couple of years ago when we first started on this, Bob?

(#0795) Bob Fink: It was originally done in 2000 and at one point it was adopted in a form fairly similar to

Planning Advisory Commission Minutes, October 7, 2002

what is being proposed but when the new BOCC was elected they had some concerns about implementing it. Implementation was delayed for several months and then as a first step the enforcement aspect of it was implemented and has turned out, in the eyes of the BOCC, and many other people as being a very positive step for the county so now the county feels it's ready to move forward to the next step which is using the hearing examiner process for permit review.

(#0823) Irv Shotwell: So this would be a new job, Bob?

(#0826) Bob Fink: It's a contract position; there's basically a number of people around the state who do hearing examiner work. They're usually attorneys and sometimes planners with a lot of experience and the county currently has two hearing examiners under contract. Kristin Obrechts does most of the hearings for the enforcement cases. That's not to say that's who will necessarily contract for the permitting but these are normally handled through a contract. In the case of Mason County there isn't enough work for us to have a full time hearing examiner.

(#0850) Irv Shotwell: Who would this person report to in the county?

(#0852) Bob Fink: They coordinate with the planning department and they're responsible to the BOCC.

(#0868) Irv Shotwell: This is something that the BOCC wants?

(#0870) Bob Fink: I think they're in favor of the concept.

(#0880) Steve Clayton: There are some discrepancies in what was dated July 23 didn't include what was in August 16. In the August 16 draft you have our group being responsible for the amendments to the SMP and the conditional use and variance permits but your conceptual draft you have them crossed out. Which one is applicable?

(#0905) Bob Fink: I want to apologize for the confusion about this because really there are two separate amendments going on which can be treated independently. Since they're both amendments to Title 15 it's kind of hard to know how to deal with that but the way it was dealt with was to actually process the two independently and that's why you don't see the changes from one draft to the other; that's why there's not a single draft. Presumably you might recommend changes regarding the incorporation of the SMP processes under the Title 15; that's one set of changes. Then there's another set of changes where as part of the processing of permitting this process is shifting from the BOCC to the hearing examiner process. They're kind of seen as independent and to reflect that they did two different drafts but it made it hard to show how the changes are between the two. I know it's inherently confusing.

(#0960) Irv Shotwell: I like the process as outlined but the only thing that bothers me is is there any guarantee that we can get that says that when somebody appeals this examiner's decision to the BOCC and it's friendly to that appellant? It's a user friendly appellant thing?

(#0990) Bob Fink: User friendly is partly in the eye of the beholder. Because of the law, the appeal to the BOCC doesn't entail a new public hearing; it's based on the record that established before the hearing examiner. If the decision is not controversial presumably it's not appealed and therefore the BOCC also save their time for more important things just as you do. The appeal would normally take an application and a fee and I don't know what the fee is going to be at this time. It could be as much as \$200.00 and they'll have to wait until that could be scheduled.

(#1046) Irv Shotwell: The waiting time would be a major concern. Could that be expedited?

(#1050) Bob Fink: The BOCC meets once a week so they meet a lot more frequently than the PAC. Once

Planning Advisory Commission Minutes, October 7, 2002

the decision is appealed it could be scheduled and since it's a decision based on the record it shouldn't be delayed too long in getting it processed.

(#1066) Irv Shotwell: Is there anything in this context of information that states what you just talked about?

(#1076) Bob Fink: There isn't anything explicit.

(#1078) Allan Borden: On page 14 of the draft it explains the appeal procedure. You have to file an appeal within 14 days of the decision being made. If somebody appealed the decision they would have to notify surrounding property owners so you're probably talking about three weeks after they've filed the appeal.

(#1098) Irv Shotwell: Why can't something like that be put into the text?

(#1100) Bob Fink: One thing that could be added would be language saying that the meeting to hear the appeal will be scheduled at the next available BOCC meeting. That doesn't guarantee how quickly that will be scheduled. It may depend on the complexity of the case. That would give some sense of timing.

(#1120) Steve Clayton: On the appeals part of it, the hearing examiners hears appeals and an example would be a Title 16 subdivision appeal. So the first time around the hearing examiner made a determination that a subdivision met appropriate regulations and someone, a neighbor, appeals that and he's going to appeal to the same person that already made the decision, is that correct?

(#1138) Bob Fink: No, the decision would be made by the hearing examiner under this draft and the BOCC hears the appeal of the hearing examiner decision.

(#1155) Steve Clayton: It says in particular "Administrative interpretations and administrative decisions"... That the hearing examiner will hear them on Title 6, Title 8, Title 16, etc. So the hearing examiner hears those appeals but the hearing examiner already heard the initial presentation.

(#1172) Bob Fink: Usually you don't get administrative interpretation unless you have an administrative permit where you have an administrator making a decision to issue a permit or not; that would be appealable to the hearing examiner. There are certain appeals that go to the hearing examiner that do not go to the BOCC. One of those appeals is the decision of the building official; those goes directly to court if someone disagrees with the hearing examiner decision. An administrative decision by the planning department, where does that go, Allan?

(#1220) Allan Borden: It would go to the hearing examiner because it's an administrative decision.

(#1230) Darren Nienaber: An example of an administrative decision as opposed to a subdivision; a subdivision right now would go to the BOCC. An administrative decision would be like if you get a letter from DCD that says that your project is not vested as of these regulation or you get a letter that says that your project is vested as to these regulations then you would appeal that determination by that department to the hearing examiner first and that appeal, as envisioned, would go to the BOCC.

(#1266) Steve Clayton: On page 15 under Procedure, it describes a closed record public meeting. Being a novice that sent off a lot of alarms until Allan described it as a public meeting that only reviews records from previous meetings. As a thought, you have definitions in 15.01.020 which define an open record public meeting; maybe we could put in a definition for a closed record public meeting. Also you have in 15.08.090 Procedures for Open Record Public Meeting. Maybe you could put in Procedures for Closed Record Public Meeting.

(#1310) George Rebman: We've been listening and it's become very apparent to me and others that we

Planning Advisory Commission Minutes, October 7, 2002

don't fully understand this document and I don't really think anybody else does. We'd like to have a couple of days to review this Title 15 and have some input into it. I think there's some wording in there that's a bit bothersome.

(#1350) Richard Bell: The good thing is that I'm glad we're all in agreement that we need a hearing examiner; we're just confused about how it's actually going to work out. In going through some of these variance processes the real estate industry is very concerned about making the process simpler, effective and fair. Even though we have to live with the law the way that it is, we want the process to work better. We envision that a hearing examiner may be the person we can go to and speed up the process. If we can't understand it, how can we explain it to the people we're representing in their properties? We're in favor of the hearing examiner as long as we're clear on how it works.

(#1440) Bob Fink: On page 4 of the July 23 draft in section 15.03.030 under BOCC and their responsibilities. It's very clear in here under B that the BOCC hears appeals of hearing examiner permit decisions not including Enforcement decisions, Decisions on appeal of the Building Official on the interpretation or application of the Building Code, Decisions on appeal on the Fire Marshall on interpretation or application of the Fire Code. Those are the only decisions by the hearing examiner that the BOCC would not hear on appeal.

(#1476) Steve Clayton: So for legal phraseology it says permit decisions that can be synonymous with an appeal that's already heard?

(#1482) Bob Fink: Let's say there's a permit application and there's an administrative decision such as Darren mentioned on the vesting of that particular permit and the decision is that that permit is vested and someone who is aggrieved by that decision and appeals it to the hearing examiner, the hearing examiner would then rule on that particular issue. You have to distinguish between permits that are issued administratively or not. Building permits are issued administratively; there are no hearings involved. There's also permits like short plats that are issued administratively so there are no hearings involved and those are appealable to the hearing examiner. The hearing examiner, in the case of the short plat, would hear on whether it was proper or not; his decision could be appealed to the BOCC. Their decision could be appealed to court.

(#1572) Irv Shotwell: In regards to referring to Kitsap and Pierce Counties, how does this compare to their processes?

(#1582) Bob Fink: It's similar but different. When this ordinance was originally written we borrowed from other places and this language is also borrowed from other places. It won't be identical to any place.

(#1602) Irv Shotwell: Is it going to expedite the process?

(#1605) Bob Fink: In many of our permits, we now have two hearings. One before the PAC and one before the BOCC. That would be reduced to one hearing.

(#1618) Irv Shotwell: That hearing would be available seven days a week?

(#1620) Bob Fink: It would be available as scheduled. The hearing examiner could come two or three times a month. It would all depend on the workload and we could have more than one hearing examiner to make sure the workload was kept up with.

(#1632) Diane Edgin: Let's say we have somebody who wants to use the hearing examiner and appeal a decision that has been done administratively. How soon are you able to schedule that before the hearing examiner?

Planning Advisory Commission Minutes, October 7, 2002

(#1650) Bob Fink: That depends on the workload. Currently only for enforcement cases we have a hearing examiner here once a month. If we have enforcement and permit cases we'll probably have a hearing examiner here at least twice a month. We will try to have a regular schedule.

(#1735) Steve Clayton: In duties under PAC discrepancies between the two documents; what don't you want of us and what do you want of us?

(#1760) Allan Borden: The SMP is a development regulation.

(#1768) Bob Fink: If you're asking if you adopt a hearing examiner process for permitting, what would you hear? If we don't make the change to the SMP that's proposed to transfer the process out of the SMP and into Title 15 so it's consistent with the other county review processes then the Shoreline Hearings Board, which is one of the hats that you wear, would still be in your hands. You would still have to hear shoreline cases. If you look at one of the cases that came up two weeks ago, there was someone that needed a Special Use Permit, which is a development regulation outside of the SMP, and they also needed a Shoreline Conditional Use Permit, what would happen there with the old structure the county had was they would have had to through three different hearings; one before the Shoreline Advisory Board, one before the Planning Commission and then before the BOCC. Now it's limited to only two; with the hearing examiner process they'd only have to go before one and they would be done. That's based on the presumption that you make those two changes; one of those changes to transfer the process from the one currently in the SMP to Title 15 and the other one to change Title 15 to install the hearing examiner process. If those are both made then you would hear amendments to the development regulations including the SMP and Comp Plan and you would hear any other matters that was sent forward to you by the BOCC.

(#1890) Diane Edgin: I myself welcome the hearings examiner position.

(#2000) Marilyn Johnston: Under this Type III Review SMP and the sections listed there, as far as the GMHB is concerned and the questions of whether there's compliance or noncompliance, this language is all 'clean'?

(#2032) Bob Fink: This is not an issue that's been before the GMHB on appeal or remand and as far as I know there's no change that's being proposed and therefore I believe it's 'clean'.

(#2072) Diane Edgin: If we are to adopt this we had some proposed changes here that we wanted to include in the language that we need to vote on.

(#2092) Steve Clayton: I don't think it's unreasonable to put this off until the next regular meeting.

(#2110) Darren Nienaber: What were some of the confusing parts of this?

(#2128) Richard Bell: It isn't really clear how the July 23 draft overlaps with shoreline management. What does the shoreline plan encompass? Especially the issues of the HMP with the new requirements that took effect in June of this year. That threw our whole industry off with the new variance process. We thought a hearing examiner would be a lot simpler process but now what happens when you go into the shoreline process? We also felt that the PAC was best suited to work on our long range plan because we have all those issues because of growth management. What confused us was the shoreline on the one draft and ...

(#2186) Darren Nienaber: We're proposing two entirely different proposals to the PAC tonight. One is the SMP and one is the hearing examiner. What's confusing is the part having to do with our next public

Planning Advisory Commission Minutes, October 7, 2002

hearing with the SMP changes. In terms of the hearing examiner, I didn't hear anything from you guys that was in conflict with what's being amended.

(#2210) Richard Bell: Not in the July 23 draft. We're in favor of the concept. The issue is we're having trouble with our clientele out there and explaining this and they're coming into our office and crying we look like the bad people and we don't want to be that way.

(#2250) Bob Fink: Something to consider is that there will be another public hearing on this issue. If the PAC doesn't have any additional changes they want to address they could send onto the BOCC who will have another hearing. It's going to be at least two weeks before the BOCC hears it and they'll have a chance to review it. It will be a public hearing and you will have time to bring in your comments and address it.

(#2285) Irv Shotwell: I'd like to make a motion that we adopt this and move it onto the BOCC and some of the concerns that were discussed here along with our concerns be adopted and put in here.

(#2328) Marilyn Johnston: Let's go through what our changes are.

(#2336) Irv Shotwell: I wanted to make the point that if someone didn't like the decision by the hearing examiner that he doesn't run across a lot of walls to go up and talk to the BOCC; a friendly appeal.

(#2365) Bob Fink: My suggestion was to add language in the appeal section saying that the appeal would be scheduled at the next BOCC meeting following the appeal.

(#2400) Diane Edgin: Steve, you were talking about adding the definition of a closed record hearing.

(#2402) Steve Clayton: I think Allan can just add that and clean it up.

(#2486) Diane Edgin: We have a motion; do we have a second?

(#2525) Marilyn Johnston: I think we should amend the motion to include the two changes that we recommended. I make a motion that we adopt the revisions regarding the hearing examiner permit review.

(#2575) Irv Shotwell: I second the motion.

(#2580) Diane Edgin: We have a motion and a second. All in favor? Motion passed. Now we move onto the public hearing on the proposed changes to Title 15 regarding the SMP.

(#2620) Allan Borden: I'm Allan Borden with the Department of Community Development. The August 16 draft of Title 15 includes revisions under the Type III decision process, which requires a public hearing, where the proposal is to add the text from the SMP that currently exists with a few minor needed updates. What we've done is we're referring to the permit review standards. Instead of referring to them in Title 15 we've brought them into Title 15 so that now we have an additional permit review process that is integrated into Title 15. What you have before you is not a revision of the SMP; it's a revision of Title 15 to include the same sections of SMP dealing with applicability for shoreline permits, what constitutes a complete application, the permit process. It appears that if as you recommended, the shoreline permits that typically came to the PAC would now come directly to the hearing examiner.

(#2830) Bob Fink: In the current process, the actual permit decision is made by the BOCC. The SAB makes a recommendation and the BOCC makes the decision and their decision is appealable to the Shoreline Hearings Board. Under this process if it was incorporated this way by using the hearing

Planning Advisory Commission Minutes, October 7, 2002

examiner process, then the hearing examiner would make the decision for the county unless it was appealed to the BOCC.

(#2882) Irv Shotwell: And that's staying consistent with what we just talked about.

(#2900) Steve Clayton: So technically what we have before us now is not to do that because it hasn't been advertised and we don't have documentation for it. Right now we're just looking at melting the SMP into Title 15 and then next meeting we would be able to do the appropriate legalize to write it up and make that change. Is that the correct procedure?

(#2916) Darren Nienaber: I think it has been properly advertised. The public will also have an opportunity to comment on this when it goes to the BOCC.

(#2950) Bob Fink: What we'll do before this goes to the BOCC is to make a combined draft that would incorporate all these changes into one draft assuming you send forward additional changes.

(#2958) Allan Borden: You can make a recommendation that we integrate the two texts.

(#2962) PAC: Please do that.

(#3025) Diane Edgin: Do we have any public comment?

(#3098) Audience: Sounds good to us.

(#3105) Diane Edgin: We will now close the public hearing portion. Any discussion?

(#3120) Steve Clayton: Do we need to formalize that we're making the changes that aren't written here to incorporate the hearing process into it? I make the motion we approve the merger of the SMP into Title 15 and also give the planning department of latitude to adjust the text as per the hearing examiner.

(#3185) Irv Shotwell: I second the motion.

(#3186) Diane Edgin: We have a motion and a second. Any further discussion?

(#3196) Marilyn Johnston: Under your motion we were dealing with addition of shoreline permit process and do we need to have that in there?

(#3250) Steve Clayton: I had intended to make the motion to add the SMP into Title 15 and as a second part to that is to alter the language to incorporate the hearing examiner process and the permit process.

(#3285) Diane Edgin: Any further discussion? All in favor? Motion passed.

(#3575) Peter Overton: My name is Peter Overton and we own property in Mason County and Kitsap County. What I want to talk to you about are some open space maps that you adopted in February. Finally in April of this year the PC and the BOCC adopted maps of possible open space tracts between Allyn and Belfair supposedly on the recommendation of the Allyn planning group. The PC and the BOCC were misled. First, the map was not recommended by the Allyn planning group; it was a working map for informal use. The map was proposed by a single individual who apparently led ... and I want you to refer to your February 21, 2002 minutes and also the BOCC minutes from the 26th meeting to show that he used the word 'we'. This individual led the commission to believe that it had been properly blessed by the local planning effort. This was not true. Also not true, this is not an open space land map. The map includes existing businesses, homes, small rural lots and the North Mason High School property. It's not

Planning Advisory Commission Minutes, October 7, 2002

appropriate for open space consideration. Because the map did not go through the Allyn planning process local land owners and citizens had no knowledge of the plan and no chance to comment on the map. Lack of public participation is contrary to the GMA. Property owners like me are aghast to find that this map slipped by the public process. The Allyn planning group has specifically asked that the map be rescinded and they did this in April 25 letter to the BOCC and I believe they are sending another letter to the BOCC. Here's what we need to do is rescind the map because it is a product of misrepresentation. It hasn't been approved by the proper GMA process. In light of the uses on the ground it doesn't make sense. Send the map back to the Allyn planning group to conduct the proper consideration of the issue. Be sure that the landowners and citizens have a chance to participate in that process. Correct this problem now. The current situation is improper and unfair and needs to be remedied. I am really personally upset by this. I think it's a violation of the public trust when people come in and tell you they're representing a group when they aren't and you go ahead and move ahead in the process. First place, all of these lands are outside of the Allyn planning area, there was no public debate, and as I said before, it wasn't approved. The county passed these maps assuming that they were a product of the Allyn planning group when they were not. They were a working map. Some people that work for the county have said that these maps don't mean anything. If they don't mean anything then they shouldn't be in the Comp Plan. So I assume they mean a lot because they are in the Comp Plan. So I think we have a matter of integrity and trust and I would hope that you people would take those maps out and send them back to Allyn and have them reviewed. I've got the maps here which I will show to you. These maps have marked out the property we own as open space and we were never aware of this or talked to about it. I am extremely disappointed that there was not a process here. In fairness, I hope that you would recommend to the BOCC to rescind those maps; they aren't really open space land and send them back to the Allyn planning group to let them deal with it.

(#0178) David Overton: My name is David Overton and as my father said before our biggest concern here is not with the end product but it's with the lack of process. The GMA asked you to separate the two UGA's and put an open space barrier between the two. We understand that and are not at odds with that. We're at odds with the fact that all the property owners we've contacted that own property inside these areas none of these people had any knowledge of this process. It was an individual that proposed this to the Allyn community and then on his own volition presented it to you and he misrepresented that it was coming from that community association. So we're saying this work was not done in an open process. We'd like you to formally ask the BOCC to go back and rescind these maps and redo the work. I'll submit a letter for the record as well.

(#0230) Richard Bell: My name is Richard Bell and I'm from Allyn. I happen to be one of the founding members of that Allyn planning group and the Overtons are exactly right. It was never our intention to have those maps out there. It was one individual that brought it. Those open space maps should never have been a part of this plan. It wasn't the Allyn planning group's intention to have those out and we never even had full discussions on the open space. Rescind the maps; the Overtons testimony tonight is accurate. The process wasn't done completely; we've been involved with the process for over five years and have followed all the process up to this issue with the maps. How it got out there is a mystery.

(#0264) Steve Clayton: I've been to several of your planning meetings and I've seen the map you're referring to many times so you're saying that the planning group never paid attention to what was presented?

(#0270) Richard Bell: The maps that we had up, and there were about seven or eight of them, were always working maps. As far as saying that these were open spaces defined by the Allyn planning group is in error. We always made it clear that we were only concerned about the boundaries within our UGA. What was beyond that we feel was a county issue or a long range planning issue. We never took any process in trying to go beyond our UGA, other than those maps at the meetings, we were looking at the entire area as a study area only. That's why we sent two letters to the BOCC to tell them that those open

Planning Advisory Commission Minutes, October 7, 2002

spaces weren't part of our plan.

(#0300) Irv Shotwell: Did you ever get a response from the BOCC?

(#0302) Richard Bell: Not directly. We just assumed that the letters were in tact and then we did hear from the Overton family about how upset they were along with other property owners and our chair issued another letter within the last two weeks. I was at the meeting when we all drafted that letter. It was reiterating that we didn't vote on these maps.

(#0318) Steve Clayton: And the maps were present at the Allyn Community Days and in the Allyn Community Association?

(#0320) Richard Bell: Our maps were up there ...

(#0323) Steve Clayton: I believe it's described on there as a corridor designation? When I had gone to your previous meetings I believe that was a contention that this was a corridor and somewhere along the line the county needed to pick out where in that corridor the particular flow of the property goes. But instead the whole corridor was adopted in the plan.

(#0345) Richard Bell: I think where a lot of the confusion came was a lot of our discussions as a UGA was that there was wetlands at the north end of the bay that would conceivably be used as a great addition to the Theler project that they had on the other side. We could see that as potential wetland interpretative, estuary or park. It was kind of a dream concept. Then the upper lands, how they got involved, was the discussion with Theler Center and certain property owners said that it would be nice to have a trail connecting the two waterways. It was never adopted or considered to be adopted as open areas. I don't know how it got to where the BOCC adopted it as a factual map. It's affecting people's perception of the use of that property. We didn't want anything to do with property outside of the UGA.

(#0375) Steve Clayton: My impression was that we were required by the GMA to establish a corridor between the UGA's. Part of the group in Allyn, apparently not through the proper process, was the intent to identify a corridor between the UGA's without designating particular properties and then at some future date some planning group would go through and identify the actual corridor. What actually happened was the county said that they needed something and they needed it now and it's printed so we adopt this.

(#0396) Richard Bell: That could have happened; I don't know how the process went. I think our letter is real clear on how the majority of the planning group has always felt regarding those areas.

(#0400) Steve Clayton: So the planning group here and the county is stuck with the need for a buffer between the two UGA's.

(#0404) Richard Bell: Sure, but that's up to the county and to then go through the proper process to determine what those areas are. We never had any hearings on open spaces. We only had hearings on adopting our plan for Allyn, which is part of the Comp Plan now. The next level is our planning meeting with our paid professional planner to go over the final draft and at that point that draft will go through another public process where everyone is invited to look at it and give additional input. We hope to have that document finished before the year is out and submit it to the county.

(#0430) Steve Clayton: So you can't speak for the group but your impression is that the county should take care of designating property between the two UGA's?

(#0435) Richard Bell: Yes, I think our minutes reflect that in our last planning meeting. We should only be responsible for our borders within the UGA.

Planning Advisory Commission Minutes, October 7, 2002

(#0456) Diane Edgin: You said you sent a letter to the BOCC. Was that from your chair?

(#0460) Richard Bell: Yes, and it's in our minutes that we voted to do that.

(#0478) Darren Nienaber: Because it's under litigation with the GMHB I defer to the planning department.

(#0495) Bob Fink: The county wasn't aware of the concerns of the Overtons or the Allyn Association Planning Group until after the county had adopted these maps into the Comp Plan. The county did adopt them to comply with GMA which does require us to designate such areas. For the county to remove the current designations we would need to find alternative sites in the same general location. We haven't done it at this time; we do have as a draft of actually some additional open space corridors south of Allyn that came out of the staff review of the area between the Shelton and Allyn as part of the remand from the GMHB that we had to establish open space between Shelton and Allyn, even though Shelton and Allyn are some 12 or 13 miles apart. We have that proposal to show you but we don't have and had hoped not to have to prepare an alternative proposal for between Allyn and Belfair. The commission is right to take this under consideration and it's one of the issues that is there and needs to be addressed in the remand. The yearly review is something that we're going to talk to you about tonight. Because this is tied up in the compliance issues we aren't really treating with it in our annual update. That would be one alternative and it may not be entirely satisfactory to the Overtons ...

(#0570) Peter Overton: We're not the only ones here on this. We have petitions and people signing petitions out there. There's people that are so poor they're crying about it and they don't know what to do. So it's not the Overtons that are in this. We have a huge amount of issue with it but there are hundreds of other people out there in Allyn that are finding out about this and they are extremely upset but they don't know how to go through the process. So it's just not the Overtons and I hope that will cease at this point.

(#0610) Irv Shotwell: So as I understood it somebody from Allyn came down here and misrepresented himself to the planning people here to get on the agenda for the February 21 meeting. Is that correct?

(#0618) Bob Fink: My understand at the time that this happened was that he was representing the Allyn group. It was my understanding that he had also talked to some of the major landowners with what was going on in general.

(#0632) Irv Shotwell: So he did misrepresent himself.

(#0636) Bob Fink: I think it's clear that whatever direction he had there was at a minimum a misunderstanding between him and the committee and so that the Allyn group doesn't support that recommendation now and never to their knowledge intended to support it.

(#0650) Diane Edgin: I feel that we do need to make some sort of recommendation for the simple reason that if we're revisiting the area south of Allyn for open space because it's being remanded to us from the GMHB then at the same time I think we're going to have to do something about this other issue because there are hundreds of people up there that don't understand what this process is all about yet. Postponing it is not going to make it any better.

(#0678) Irv Shotwell: I think we have to turn it back to Allyn and let them make their own decisions.

(#0680) Bob Fink: Allyn doesn't really want to do it because it's outside their study area.

(#0685) Richard Bell: We voted to stay inside our UGA and not deal with county issues outside of the UGA.

(#0696) Diane Edgin: I think there was a gross misunderstanding about all of this but we've got to rectify

Planning Advisory Commission Minutes, October 7, 2002

it.

(#0708) Bob Fink: That may be how you feel and you may want to do that right now but I don't think that it can be sent up to Allyn to do; we'll have to do it right here.

(#0716) Irv Shotwell: And that's where it should have been done in the first place?

(#0720) Bob Fink: I did go up when the order of the GMHB was issued and had a meeting with many of the members of the Allyn Association and I laid out to them the problem with the county in determining open space between Allyn and Belfair. That was well before the county took any action. I explained the situation to them and asked that any assistance they had to give us in resolving this question would be welcome. That's more or less where I left it. Obviously if they hadn't stepped forward we would have done something to address the issue but we thought they had stepped forward.

(#0752) Marilyn Johnston: You made a comment that this was something that you were going to talk to us about tonight?

(#0754) Bob Fink: There's the workshop tonight and this is part of it. There are two amendment processes underway now. One of them is the annual update of the Comp Plan and Regulations. In that process we have thirteen requests for changes to zoning in the rural area. We also have a number of amendments we want to do to various regulations to make them function better that we want to propose.

(#0806) Allan Borden: We also have some suggested changes to the Subdivision Ordinance.

(#0810) Bob Fink: The other issues we wanted to discuss was those issues dealing with the remand from the GMHB. The county has developed a response that we have prepared drafts for and essentially we're trying to come into compliance with what the order said and there are several aspects of that response. One of those is to propose open space areas between Shelton and Allyn. We are going to revisit the Isolated Areas of Commercial and Industrial Development in the rural area and we have maps to show you. We are revisiting the Frequently Flooded Areas in response to the remand and we are looking toward making amendments to the county regulations that would preclude new construction within the Skokomish Flood Plain which is what we were ordered to do by the GMHB. We are looking at our Fish and Wildlife Ordinance and specifically we are looking to increase the buffer requirement on the marine waters and the lakes over 20 acres. We're looking to increase them to 100 feet which was identified in the order as being the minimum that's justified under Best Available Science in the eyes of the GMHB. We're also looking at language to amend the agricultural exemption under that Fish and Wildlife Ordinance. There we're looking to remove the exemption for existing and ongoing agriculture and we have draft language to do that. We're just beginning to put out the draft language and to start the environmental process to do all of these things and we wanted to show you some of the material that we have ready now so you could start understanding the concept and the reasoning behind them. We also wanted to acquaint you with the process because things are going to happen fairly quickly now because the county intends to make these amendments before the end of the year. Next week is our deadline to issue our supplemental EIS on the changes to the Comp Plan and Regulations so we'll release that next week and there will be a 28-day comment period and at the end of that comment period and at your regular meeting in November we'll bring back to you the actual drafts as they stand at that point of these amendments for you to hold a public hearing on. So the public hearing on the compliance issues will be held in November. The proceeding month is when we hope to bring you the draft language for the update of the Comp Plan and the various changes to the Development Regulations that we are proposing for this year that are not directly related to the remand of the GMHB. Allan is prepared to talk about some of the specific changes that people have requested and most of the changes are changes from one form of rural residential designation to another. We currently have 5 and 10 and 20 acre requirements for density and a 2 ½ acre requirement and we have several changes to shift from one to another of those categories. Some of them have been made some time ago when this originally was adopted but

Planning Advisory Commission Minutes, October 7, 2002

because of the process that's been involved in trying to come into compliance with the Act, action on those requests have been deferred for some time. If you don't have any questions now why don't we pull some of the material out and we'll start going through it.

(#1005) Diane Edgin: I've got to stop you right there. We still have this issue out in front of us on Overtons and the Allyn about revisiting this open space.

(#1010) David Overton: The action we'd ask you to rescind the maps to add to the county's task list to identify an open space corridor between Belfair and Allyn just as they've done between Shelton and Allyn.

(#1038) Bob Fink: Rescinding it is also an amendment to the Comp Plan. If you want to take a motion expressing your opinion about what should be done at this time but that's not an action that's been advertised. In other words, you're not really considering whether to do these changes or not; we're simply reviewing the scope of what these changes are and getting you somewhat familiar with them so when they come to you in the final draft forms and ready for public hearing then you'll be more familiar with them. We weren't expecting to take any action on any of this material tonight. You've heard from the Overtons and from Richard Bell. This is a concern that they think the county should act to rescind those designations and they haven't voiced any objection to the county acting to designate whatever other lands they develop through this process. As I said, I don't have any other lands to show you so now you've got the option of considering rescinding them in the future. If you really, as a group, have that opinion then you can express that you really think the county should address it. I also am concerned with the fact that the designation was done, whether intentionally or not, with wrong information. It was an action that did go through a public process and unfortunately the people most directly involved were unaware of that specific change so they didn't voice their objection until after it was done. So now you know about it and now you can recommend it be addressed. However, there's really not much more we can discuss about it tonight.

(#1110) Steve Clayton: Is there time to bring about a new corridor analysis to put in with this year's Comp Plan changes?

(#1116) Bob Fink: It's a matter of priorities. The analysis; it's depends on what level it's done and how it's done. At this point I would have to say that the department's recommendation is probably to defer action to rescind the open space corridors because they've been accepted by the GMHB and they're not part of the current remand. They were not proposed for change as far as the annual update. Although the objection to them was first given to the county before the request period was ended but they weren't proposed that way. The alternative to adopting them now is to do it at the next amendment. Which you choose to recommend is going to be up to you. Our tendency is to not do them now. At this point the department position is that we would prefer not to do them now but leave them for a later day. That doesn't mean that you have to agree with that.

(#1185) Marilyn Johnston: Could we have copies of their letters?

(#1205) Bob Fink: We can pull all the information together and mail it to you.

(#1210) Marilyn Johnston: Would you please do that so we have a complete file that we're dealing with.

(#1212) David Overton: If you don't put this on the county's work plan it won't get done in this go around and they'll defer it to the next one. So we ask that it at least be put on the work plan for them to revisit this. Otherwise it will go past the time that they can look at this.

(#1226) Diane Edgin: That was my concern. I think in the review process we've got to get it on if we're even going to look at it.

Planning Advisory Commission Minutes, October 7, 2002

(#1236) Peter Overton: Diane, there's one other issue that I wanted to just make you aware of. The process goes from the Planning Commission to the BOCC and on to the GMHB. We have every right to take this up with the GMHB. We don't want to. We would prefer that it be handled at the local level but we feel deeply enough about this that we may have to pursue it in front of the GMHB. Again, we don't want to do that because we don't want to jeopardize the county plan. I don't know how the GMHB would react to something that was sent to them that was not a true representation of the public process.

(#1285) Steve Clayton: The Allyn / Shelton buffer was remanded six weeks ago and we've got a current proposal for that. Do you think that would be a relative time line for the north end? So even if we weren't able to get it in this time around we could recognize the adjustments if we put a time line on it for the initial process. Is that feasible? But you're saying it would be pretty tough to get it in this year?

(#1308) Bob Fink: Yes, that's really the crux of the matter is being able to get it done and come up with a suitable alternative that would be suitable.

(#1315) Irv Shotwell: Do we have to come up with a suitable alternative at the same time that we rescind it?

(#1322) Bob Fink: Yes.

(#1324) Irv Shotwell: So once we say that this guy came in and fed us a bill of goods and was accepted we can't just say we're going to take that off the calendar and revisit this at a later date?

(#1338) Bob Fink: You can't act to rescind it and that's all you do because then we would no longer have an open space corridor between Allyn and Belfair and we would not be in compliance so it has to be done simultaneously.

(#1352) Steve Clayton: David, would it suit your needs to have us start the work plan with the given that it won't be done this cycle round but ...

(#1358) David Overton: It needs to be done in this cycle round or we will deal with it in front of the GMHB and that's simply how we have to deal with it. It's something that the county has the resources to do now if you make it a priority for them. If you put it off to the next cycle allows this person to have what they put into the Comp Plan again validated by the GMHB.

(#1400) Marilyn Johnston: How long would it take staff to pull this information together so it would be correct?

(#1408) Bob Fink: It depends on how it was done. If you're talking about a public process the way the Overtons were recommending where you contact all the intervening property owners, inform them and give them time to respond you're talking about a rather lengthy process just before you have an alternative developed. First you have to develop reasonable alternative corridors so you're talking about at least a few days at looking at what different criteria you would apply to doing such a corridor and then you'd have to identify what suitable corridors there were and then you'd have to identify who the property owners were and then you'd have to notify them and then you'd have to hold a hearing or some other forum for their input and then you'd have to finalize the corridors. That's a couple of weeks process at best.

(#1460) Marilyn Johnston: Has there not been in the past any sort of visiting of possible corridor or possible open space? Has this subject not arise before so that there is no attention that's been given to it? There are no materials available?

(#1475) Bob Fink: No, there are no other materials available. That's one of the reasons why the

Planning Advisory Commission Minutes, October 7, 2002

recommendation that was requested from the Allyn Association was requested in the first place. Also, the concept of what was required to comply with the GMHB has evolved over time and this approach was developed as one that finally reached the approval of the GMHB. What they were looking for in open space corridor was always somewhat unclear. I understand people's concern when things pop up of official status regarding their land and I'm not belittling that but the actual regulatory affect isn't there. Their land is treated the way their land was before but that land has now been identified for future study and further work and what could come of that future study and further work could potentially affect their land so that's a matter of concern for them.

(#1635) David Overton: Our problem is not with the process that Bob is laying out which is involving the public and identifying criteria to logically site these areas. Our problem is that one person did this without public process and we don't know what the criteria; it's his personal criteria. We along with other people are suffering from this process. As Bob has explained, it doesn't have any regulatory affect except to start the process and the process has been started in an incorrect fashion and so that means the process will always be corrupt unless you restart it and make it a priority.

(#1676) Marilyn Johnston: You said there was a possibility that within two weeks there could be some sort of material available?

(#1685) Bob Fink: It's possible you could have a draft available that you could distribute for comment and that you could make an effort to identify property owners and send that to them. That could probably be done in about two weeks. Depending on how much time you allow them to comment.

(#1722) Diane Edgin: One of my concerns is that with some of the parties involved in this issue we've already seen in our local paper about lack of public review and accusations made and I don't want to perpetuate it and I feel that we've got to do something even if it's only a recommendation to give it to the BOCC and let them make the decision.

(#1746) Marilyn Johnston: I think it goes to good faith. That's what I'm concerned about that we at least show some kind of good faith intention. Granted this happened and it's a wrong and how we go about correcting that isn't just like snapping our fingers and saying this is what we do. Without showing to all parties concerned, and I see that from all of us, that we ought to be thinking in terms of at least taking some sort of responsibility for attempting to get what you say we can have within two weeks rather than just saying we can't do it. I'm concerned about that procedure being followed. As Diane says it's got to be done.

(#1800) Diane Edgin: If we don't do it it taints the whole process whether it's this issue or some other issue.

(#1805) Marilyn Johnston: I don't think we ought to say 'since we can't get our act together' that then the Overtons need to go to the GMHB.

(#1815) Bob Fink: It's not a question of 'we can't get our act together'; it's a question of resources.

(#1822) Diane Edgin: It will cost us resources if it goes to the GMHB, won't it?

(#1826) Marilyn Johnston: I would think so.

(#1832) Bob Fink: I'm not even sure what they would appeal to the GMHB.

(#1850) Irv Shotwell: I agree with Marilyn; I think we have to take some step tonight to say that we need to get this corrected. I'm not going to talk about timing on this but I think we should recognize that we need

Planning Advisory Commission Minutes, October 7, 2002

to correct it.

(#1862) Bob Fink: I'm not in disagreement with you that this is something that should be revisited and corrected.

(#1868) Irv Shotwell: I suggest that we write a letter to some communication from our committee to the BOCC stating that we discussed this tonight and we need to get this in a priority level.

(#1890) Marilyn Johnston: In order to move this along let's see what we can do. Should we do it by motion or should we draft some kind of letter?

(#1900) Diane Edgin: I think a letter to the BOCC stating that we do feel that this is an issue that needs to be clarified.

(#1925) Marilyn Johnston: I want to state that I'm not unappreciative of the fact that when the platter is already full and then you add something else that one has to shift the contents of the platter; I understand that. But I still think that there is a responsibility here to at least state as a body that we wish the BOCC to take a careful look at this and not say 'sometime in the future'. It may be that as you look at it proves that it can't be handled in the two week period but you'll come back to us and tell us.

(#1980) Irv Shotwell: Bob, it sounded like your two week think is a do able but it would take away from another area of importance.

(#1984) Bob Fink: It would take away from something else that we were going to do in those two weeks. That's the issue.

(#1990) Irv Shotwell: Is timing of the essence here for rescinding this?

(#1994) Bob Fink: Timing is very much of the essence. Rescinding it has to go through the public process itself isn't the difficult part of it; the difficult part of it is in developing a suitable alternative.

(#2015) Irv Shotwell: So you can't do that overnight.

(#2017) Bob Fink: No.

(#2020) Irv Shotwell: But we can say that it was misrepresented in the beginning.

(#2025) Bob Fink: I think it's pretty clear on the record that the Allyn Association never intended as a body to make that recommendation.

(#2055) Marilyn Johnston: What were some of the other things that you were going to talk to us about in this workshop, Bob?

(#2057) Bob Fink: I have some maps here for you to look at. What this is a map of is the development areas in Mason County, except those that are too small to show on a map of this scale. This is essentially the same as the Development Areas Map 1 that was adopted this year showing the rural area densities. These are 20 acre, 10 acre and 5 acre areas. The lighter green color is the long term commercial forest land. These other ones are inholding lands that are smaller lots that are surrounded by forest land. This here is the national forest and national park and this purple color is the agricultural resource land and the urban areas are the yellow areas. What was done was we added the individual sites with the quarter, quarter section of these 170 odd parcels that the county designated in various rural commercial, rural tourism, rural industrial status in the last amendments that the county did. This was

Planning Advisory Commission Minutes, October 7, 2002

specifically remanded by the GMHB that they wanted a more thorough analysis and they wanted a map that portrayed where these areas are. Many of these lots are so small if you put them on a map of this scale they wouldn't show up hardly as a dot so we identified them by number that's in the same quarter, quarter section that the parcel is in and then in those areas where there were several parcels we have a few detailed maps so you can see how they are laid out within the section. We will use these maps to comply with the GMHB request and to analysis these sections. That's one of the maps we made.

(#2302) Allan Borden: We went through this effort to physically show the distribution of these isolated commercial areas in the county because having a four page list doesn't really give you an idea of how much they're spread around or how much they're clustered. You can also get a better idea on how they're located in comparison to the other hamlets and the urban growth areas. It will help us analyze that and help compare those locations to some of the resource lands.

(#2338) Darren Nienaber: These came up because they're businesses that have existed since before the GMA. The idea is to limit sprawl by not letting development occur beyond the parcel boundaries.

(#2355) Irv Shotwell: On this map where do you find industrial property?

(#2358) Bob Fink: We have another list of these properties that is organized by what they're zoned as. The rural industrial is a particular zoning district and the table gives you all the parcel numbers so you could look under rural industrial and it will tell you every parcel that's zoned rural industrial outside of the RAC's. Within the RAC's and Hamlets we actually have more detailed maps that actually show what parcels are industrial, commercial and which are residential.

(#2392) Irv Shotwell: How were the designations made?

(#2396) Allan Borden: The current land uses are industrial in nature.

(#2402) Bob Fink: Primarily it's based on existing use.

(#2455) Steve Clayton: The particular compliance issue we're dealing with here is just to put it on the map?

(#2458) Darren Nienaber: To do environmental review, identify what specific category under the GMA they qualify for and make sure that provisions are made that they kept limited on sprawl. We were asked to map them.

(#2482) Bob Fink: Part of the aspect of sprawl is that they're isolated sites. One of the things they also remanded was our rezone criteria and one of the concerns is that you don't want to change the character of a given area by rezoning in a more intensive use. Many properties next to each other are in too small an area so it's no longer rural in character.

(#2718) Irv Shotwell: Bob, let's say a company comes in here and they want to get 40 acres with water and rail available to them. It's going to employ 300 people, where would they look?

(#2736) Bob Fink: Either in the urban area or at a site that previously was an industrial business where they were designated that way.

(#2750) Irv Shotwell: Is there such a site on this map?

(#2752) Bob Fink: There are a couple of sites but I don't know if there are any vacant sites.

Planning Advisory Commission Minutes, October 7, 2002

(#2770) Irv Shotwell: How do you change this to get an industrial site?

(#2774) Bob Fink: That's an issue. The GMA says you can't put industrial activity in the rural area unless it is resource based. That's the outcome of the GMA.

(#2828) Diane Edgin: I remember we had asked for a maps of the rail lines because there are still right of ways out there and in knowing those if there was something suitable next to Shelton it's possible during the review to come in and expand the UGA.

(#2852) Bob Fink: I've never seen a map of rail lines other than the maps that have this main line here that runs from Belfair all the way down to Grays Harbor.

(#2938) Diane Edgin: I'd like to read you what Marilyn and I have written out that we would address to the BOCC. The subject is to correct the designation of Allyn open space maps and it would read "We the members of the Planning Advisory Board see the need to correct the Allyn / Belfair open space maps in time to meet the next visitation of the Comp Plan. Failure to address this situation we feel corrupts the process that we use to address problems such as the misrepresentation of the Allyn / Belfair open space. We respectfully request that the planning department present their findings to us during our regular October meeting." Three of the four members present agreed.

(#3090) Allan Borden: There are three kinds of things that I am handing out to you. We have the table that lists the Comp Plan requests and the county reviews these requests for Comp Plan Amendments in the annual amendment process. That table and the packet called Annual Amendments will be handling together. The third packet is called Revisions is actually the initial responses to the issues that the GMHB remanded back to us having to do with issues in the Comp Plan and a couple of Resource Ordinance issues. My main idea tonight regarding the Amendment Requests is to indicate to you how many requests have been made and the process involved in the request. They vary dramatically. There are some that are 9 acres in size and then there are ones that are thousands of acres in size. Application 4, 5, and 6. The application for Sarah Symth McIntosh was a request on 81.65 acres in size and it's an old plat from 1931. It has 57 lots and she wants that property rezoned from what is currently RR 20 to RR 2.5. That property is north of town. It has 1 acre lots but we can't go that low so she is requesting RR 2.5. 5 acres is the smallest we can go outside of a RAC. I won't be recommending that because it won't be anything less than RR 5 and it would be like any other small lot in the rural area. There's one other lot 568 acres and she wants a rezone from RR 20 to the Shelton UGA. It currently has a salvage yard and that's inholding. I'm just giving you an idea of the kinds of requests.

(#3652) Steve Clayton: So you're just giving us a general overview and eventually this will be written up more formally and we'll get a chance to review it and have a public hearing on it and pass it on to the BOCC?

(#3662) Allan Borden: That's correct. There will be criteria that I will have evaluated the request on. Now on the Annual Amendments. There are some changes to the Development Regulations having to do with Binding Site Plans, and I've included new standards for On Street Parking on page 1 and also several months ago the county passed a new section of the Special Use Permits having to do with Minor Amendments. That was heard by the GMHB and they asked the county to remove that from the Development Regulations. I added one definition for Director because there is a reference to Director in the Development Regulations that's not in the definitions. The last three pages have to do with proposed changes to the Subdivision and Plats Ordinance, Title 16. The staff report that goes along with these will explain why these changes are being proposed. We just wanted to give you an idea of what the extent of our proposed revisions consist of. The last packet has to do with our responses to the GMHB orders. One part is on the Comp Plan and one part is on the Resource Ordinance. What's in the packet is initial guidelines on a portion of the Final Supplemental EIS narrative on LAMIRDs. There's also the table of

Planning Advisory Commission Minutes, October 7, 2002

Non-Residential Land Uses in the rural area which was reorganized to go by parcel number and then given a number that we could then put on a large county map so we can figure out the distribution of those properties. The other part of the packet has to do with the two responses to the Resource Ordinance; one of Fish and Wildlife Habitat Conservation Areas. What I've included here is not the whole ordinance but only a portion of the ordinance where the changes are being made. On Fish and Wildlife under Table on page 2 under Type 1 Saltwater and Lakes excluding Conservancy Shorelines it will be a 100 foot buffer. We're eliminating the building setback on that. Under Activities Which Do Not Require A Mason Environmental Permit on page 4 we have eliminated exemption #3 regarding ongoing and existing activities.

(#0226) Irv Shotwell: Allan, I'm confused on what a Type 1 stream is versus a Type 5 stream.

(#0234) Allan Borden: The types are designated by the Department of Natural Resources. It has to do with physical attributes of the stream and whether it's fish bearing or not.

(#0240) Irv Shotwell: So obviously a Type 1 stream is more critical than a Type 5.

(#0244) Allan Borden: That is correct. Type 1's are basically rivers and saltwater. Type 2's are basically smaller; they're large streams and they run all year around. Type 5's tend to not have water in them all months of the year. They tend not to have fish in them.

(#0270) Steve Clayton: In particular there was a compliance problem with the agricultural areas?

(#0280) Allan Borden: Basically the concern was the exemption of even ongoing agricultural activities. It's activities that currently don't require a permit by the county so it would be hard to make people go back and get permits especially if they've had existing operations for years.

(#0300) Steve Clayton: So the GMHB had a problem with us giving an exemption if they had a currently existing farm? So we had to delete that for the GMHB?

(#0312) Allan Borden: Basically that was a concern of theirs so we went ahead and eliminated that exemption.

(#0320) Steve Clayton: Did the county get a lot of flack from farmers because they can't use that exception anymore? Have you heard any comments?

(#0328) Allan Borden: We haven't heard any comments. Most people are not aware that we're proposing to do this.

(#0336) Bob Fink: For the most part these changes haven't been released to the public by us. To some degree they've been mailed to some agencies to begin the 60-day comment period before we take action but basically the complete public review process hasn't started yet. We'll start it concurrently with SEPA and we'll put out the drafts and then SEPA and then there will be a 28-day comment period. At the end of that comment period then we'll revise whatever we need to do and move forward to a public hearing and soon after that there will be a final hearing with the BOCC.

(#0370) Steve Clayton: I'm just wondering what we'll hear because it's a particular contentious area.

(#0377) Bob Fink: It's always been a contentious area. The language that explicitly exempted existing and ongoing agriculture was added by the Planning Commission at the request of the farming community. The farming community have always been concerned about the impact of regulations on their ability to operate and economically. Obviously there was concern about effects to their operations and at a minimum they were looking for an exemption for at least what they've been doing in the past. What we're

Planning Advisory Commission Minutes, October 7, 2002

looking at it we're trying to follow the order of the GMHB and remove that exemption.

(#0444) Steve Clayton: There was a compliance issue with access to dikes. Did we address that?

(#0450) Allan Borden: Yes, it's in the Flood Damage Prevention Ordinance. In response to the order the chief issue was in the Skokomish Valley. The order requested that the special flood risk area in the Skok Valley be designated a floodway and so we've adjusted the language so that it does say that it's an avulsion risk area and is hereby designated as a floodway. New development is prohibited in this designated floodway. We have done as the GMHB has requested. We have new language on page 25 about Dike Monitoring Program. We're trying to set up a strategy to indicate to the GMHB that we are trying to establish that strategy.

(#0520) Irv Shotwell: You say the GMHB. Who is the GMHB and where are they?

(#0525) Darren Nienaber: There's three GMHBs. One for Central Puget Sound, one in Eastern Washington and there's one for the rest of Western Washington and they're based out of Olympia and there's three members on each board. Up until recently it was Les Eldredge, Bill Nielsen, who is an attorney and Nan Henrickson who was the Mayor of Cammas. She hasn't been participating in Mason County's compliance for a while now because of health issues. Bill Nielson has retired and been replaced by Margaret Hiatt.

(#0585) Irv Shotwell: So these are citizens who are charged with what responsibilities?

(#0588) Darren Nienaber: To evaluate our Comp Plan and Development Regulations for compliance with the GMA. They are a state agency but they act in a quasi-judicial fashion much like a judge. They're appointed by the Governor.

(#0676) Bob Fink: I just wanted to show you this map that goes with the other map that shows more detail. Like here you have Union and this other map shows the detail. They have Rural Tourism areas, Rural Commercial, Multi-Family but most of it is actually residential. So that's all I have for tonight.

Meeting adjourned.