

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes**  
**January 22, 2003**

(Note audio tape (#4) dated January 22, 2003  
counter (#) for exact details of discussion)

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

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## **1. CALL TO ORDER**

The meeting was called to order by Chair Diane Edgin at 6:00 p.m.

## **2. ROLL CALL**

**Members Present:** Bill Dewey, Diane Edgin, Steve Clayton, Marilyn Johnston, Bob Sund, Mark Drain. Theresa Kirkpatrick was excused.

**Staff Present:** Bob Fink, Allan Borden, Susie Ellingson.

## **3. APPROVAL OF MINUTES**

The minutes from the December 2, 2002 meeting were approved as presented.

## **4. NEW BUSINESS**

(#0025) Diane Edgin: I want to introduce to you our newest member tonight, Mark Drain. Welcome aboard. We will now have elections of a new Chair and Vice-Chair. Do we have a nomination?

(#0066) Steve Clayton: I support Mr. Dewey doing the job.

(#0075) Bill Dewey: Diane, outside of the meetings does it involve a lot of extra work?

(#0088) Diane Edgin: Your reading is the main thing. Occasionally we have to do double duty some months. So will you accept the nomination, Bill?

(#0100) Bill Dewey: Yes, I will accept the nomination.

(#0102) Bob Sund: I make a motion to close the nominations.

(#0105) Diane: I've had a motion to close the nomination.

(#0110) Steve Clayton: I second that motion.

(#0112) Diane Edgin: All in favor of Mr. Dewey as Chair? Motion passed. Mr. Dewey is new Chair. Now, Vice-Chair.

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(#0115) Bob Sund: I'd like to nominate Marilyn Johnston as Vice-Chair.

(#0118) Marilyn Johnston: I really can't accept the nomination. I have so much other community activities that I just have to decline. I appreciate the nomination.

(#0128) Bill Dewey: I nominate Steve Clayton for Vice-Chair.

(#0130) Diane Edgin: We have a nomination for Steve as Vice-Chair. Do we have a second?

(#0135) Marilyn Johnston: I second the nomination.

(#0137) Diane Edgin: All in favor of Steve for the Vice-Chair? Motion passed. Steve Clayton is new Vice-Chair.

(#0150) Bill Dewey: Next on the agenda is the continuation of public hearing from January 6, 2003 on proposed amendments to the Mason County Development Regulations and Comprehensive Plan. Staff?

(#0170) Allan Borden: My name is Allan Borden and I'm with the Department of Community Development. Before we get started tonight I want to give to you a couple of letters that we received today by fax. One of the letters is from the Vice President of Business Banking from Heritage Bank. The other letter is a letter dated today from the Advocates for Responsible Development. We want to make sure they get into the record as public testimony.

(#0225) Steve Clayton: We've got five different things to run over and this justifies to one of those. Maybe we should attempt to finish the other four first.

(#0240) Mark Drain: Maybe rather than spend time reading it if the representative is here they could speak to the issues they presented.

(#0245) Bob Fink: We have been advised that when we have an entry for the record like this we need to take the time to read it if you're going to act on it tonight so that you have a complete review of the record. As a matter of policy we have been taking breaks as necessary to allow time to read them. Allan also has one more page to hand out. At the last meeting Theresa asked about past meeting of the planning commission and what was on the record there. We really didn't have time to search through the record but we did do a random hit by key word and there was relevant section we found that I thought we could distribute to you because it was on point with what was considered and presented to you from the county in making its prior decision. The person there, Mary Lynn Evans, was the county's planning consultant who advised the county in the 1999 and the action the county took in early 2000.

(#0300) Bill Dewey: We will now adjourn to read new materials.

*Break in meeting for PAC to read new materials.*

(#0352) Bill Dewey: We will now call the meeting back to order. Allan?

(#0360) Allan Borden: As it states on your agenda, Item a, what I want to do is quickly go through the January 6<sup>th</sup> outline and compare it with the handout that was sent to you that says "Recommendations to the BOCC" from the PAC. Using the format from January 6<sup>th</sup> these are the recommendations of the PAC and I've put them down in words from the last two meetings so you can physically see all of your recommendations from December 16<sup>th</sup> and January 6<sup>th</sup>. The first two pages are actually an issue that the PAC took on itself by revising the boundaries of the three hamlets; Bayshore, Deer Creek and Spencer Lake. On the first page are the list of parcels that will be removed from the hamlet boundary and the last three pages of this handout shows the revised hamlet boundaries. The second page shows the parcels that are within the new logical outer boundary and they match up with the maps that are shown at the very end of this packet. In Bayshore what's left are the non Oakland Bay properties and almost all of the residential properties that occurred on the east end of the old hamlet. In Deer Creek we removed the four parcels around Deer Creek itself and so on page 2 there results only the parcels that are west of Deer Creek Road. Spencer Lake, the parcels that are left are basically the parcels that are near the intersection of Pickering

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Road and Spencer Lake Road. You passed a motion to amend the parcels as they are listed and the maps as shown. On page 3, the part that is listed as C, #1 talks about the FSEIS. That was the first issue on the rural lands issue and the PAC doesn't have to make a decision on the EIS but just acknowledge that the county did complete a FSEIS. The next one, #ii, the Mason County Comprehensive Plan Policy on ICIA expansion, Policy RU-213 has been deleted. We don't have a policy of expanding the ICIA up to 10% any longer. Under #iii, the map of the newly designated LAMIRD's as illustrated on the Development Areas 1 map revision October 2002. Under #iv, Under Table A in FSEIS which shows the 175 LAMIRD's and that they have been listed under parcel number and land use code. On page 3 under #2, Open Space Comprehensive Plan Policy OS-605, we've been discussing this topic. At the last meeting the PAC recommended that a designation of a 1200 foot wide area, 600 feet width on each side of the railroad, natural gas and electrical transmission right of ways between Shelton and Belfair UGA's, should be designated as a study corridor for open space designation between these UGA's. What I've put on this sheet is the actual policy and that's how I've integrated your recommendation into the text for the BOCC's consideration. We've had problems with the person who was supposed to illustrate a map for us and we still don't have an open space map that shows what this describes.

(#0738) Steve Clayton: And that was the area outside of the UGA's? Just between the UGA's but not inside UGA's?

(#0740) Allan Borden: That's correct.

(#0742) Bob Sund: And it's only to study?

(#0744) Allan Borden: Right.

(#0746) John Diehl: I beg to differ. I think you need to clarify that.

(#0748) Allan Borden: I'm not finished with my staff presentation.

(#0750) John Diehl: Let's clarify that before you go any further. Why do you think it was only for study? If it's only for study you're going to have a real problem with compliance with this.

(#0758) Bill Dewey: Mr. Diehl, we don't have the public hearing open at this point and so I'd like Allan to finish his comments.

(#0755) Allan Borden: The policy says to designate so we're designating a 1200 foot wide area for open space corridor. Let me continue. On page 3, #3, the rezone criteria; that alludes to the second item on the January 6<sup>th</sup> sheet. The second issue is about whether Mason County has demonstrated its restrictions on rezones reducing sprawl? What I have shown here on page 3 and page 4 is the proposed revision of the rezone criteria nearly matching word for word what Advocates for Responsible Development requested. The PAC recommended that staff come back with the proposed text. What we've done is change the format of the criteria so that the applicant can provide a response how their request complies with criteria #A1 to #A8 then the county can integrate that into the staff report. On Characteristics B on rezone criteria we have included, as you recommended, that the rezone requests not exceed five per calendar year and the total amount of acreage subject to rezoning shall not exceed 50 acres. What I have is what the text will look like. There are portions that were removed from the previous version so I've just illustrated here what the text would look like.

Moving onto the Resource Ordinance issues. Flood Damage Prevention Ordinance. The three issues here are that are in the GMHB order under page 5 are under Section 4.4-2(6) we added the text 'Variations shall not be granted for residential or commercial construction in floodways designated by this ordinance'. That's a much clearer presentation under which what situations variations will not be granted for. Under Section 5.1-4(5) we added 'No parcel shall be created that would require a Reasonable Use Exception or variance before new residential or commercial construction would be allowed.' That's under the subdivision portion of the Flood Damage Prevention Ordinance. Under 5.3 Floodways, we deleted the first sentence out of the introduction of that section. Under d on the bottom of page 5, the PAC finds that staff has prepared Section 5.4-1 of the Flood Damage Prevent Ordinance to clearly state the following facts: 1) Floodway and avulsion risk area are designated in the Skokomish FFA and 2) New construction is precluded in the Skokomish

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FFA. On page 6 under Section 5.4-2 (4) Dike Monitoring Program, we've edited the new language that's in italics to read 'Dikes shall be monitored for safety purposes. Dikes shall be inspected by the Public Works Director at least biennially'. The next section on the Resource Ordinance are two issues with the FWHCA's.

The first issue the PAC passed a motion that the 15 foot building setback should be retained for Type I saltwater and lake habitat excluding Conservancy Shorelines and it's associated with the 100 foot vegetation buffer. So there was a previous proposal to increase the vegetation buffer from 75 to 100 and delete the 15 foot building setback from the buffer. The PAC recommended that not only be a 100 foot vegetation buffer but the 15 foot building setback should be retained. The last issue is I sent to you a proposed language for agricultural exemptions and in the time that I mailed this to you Bob and I have reviewed it further. You didn't make a recommendation on this but you asked staff to come up with new language. This was the first version of that new language on page 6 and I have here to hand out to you a section of the FWHCA's with development changes. I want to refer you to page 8 in each one of those. On page 8 we have revised the agricultural restrictions section to read simply 'All agricultural activities within the FWHCA and it's buffers are discouraged. All new agricultural activities shall require a permit approval consistent with an approved HMP'. The previous text from March 5<sup>th</sup> has been crossed out. I've gone through this list. Primarily your responsibilities tonight are to review the rezone criteria as presented and the agricultural exemption subsection with the new text as proposed. So what's listed on the agenda are the issues that I've gone through so your work tonight is on the two issues that are not resolved. They are the rezone criteria from the DR's and the FWHCA's agricultural exemption.

(#1185) Bill Dewey: What about all the discussions we've had previously on the conforming and nonconforming uses in the LAMIRD's?

(#1200) Bob Fink: I think the alternate LAMIRD language is still before you. Included in the packet you were sent is an alternate that tried to codify what Mr. Diehl suggested in his letter for you to review. I don't think you every specifically voted on whether you wanted to go that way or whether you wanted to require a special use permit for businesses in the rural area.

(#1225) Allan Borden: That's correct. At the last meeting Mr. Diehl has presented in his letters alternative language that talks about rural commercial and rural tourist zones. In this packet that has a cover sheet in response to the December 16, 2002 comments of the Advocates for Responsible Development I presented two alternative texts. They're distinguished by the footer. They're the DR's for Rural Commercial 1, 2 and 3 and Rural Commercial 4 zones and Rural Tourist and Rural Tourist Campground.

(#1315) Bill Dewey: Does staff have any recommendations or are they just presenting it to us for our own review?

(#1324) Bob Fink: I don't think we've changed our recommendations from what it was. Allan did you change any specific language?

(#1338) Allan Borden: The basic difference is that the January 2003 text that illustrates Advocates for Responsible Development's changes does change a lot of the permitted uses to uses permitted by special use permit so it's more restrictive in the sense that it requires more public review than the November 2002.

(#1362) Bob Fink: If you thought the revisions to the original staff proposal were appropriate, one option you have is not necessarily to recommend everything Mr. Diehl has suggested but to pick some element of it and recommending that. That could be requiring a special use permit and say that you might do that on the basis of believing the finding that there was a broad range of uses that was appropriate in the rural area that serves the rural residents and you wanted more control over a specific site condition and therefore you may consider that a special use permit would be one way to achieve that. Another way to achieve that would be to develop more specific siting standards that would control individual developments.

(#1422) Steve Clayton: Would staff support that sort of view on that particular issue?

(#1428) Bob Fink: I think what we're talking about mostly is rezones and a lot of these issues would be addressed in these rezones whether the county determined it was appropriate to rezone this particular location to this particular type or category of uses. I don't think that in the long run it's inappropriate to consider additional safeguards that would address cases of potential impacts on adjacent properties. There

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are some fairly good safeguards in place already so I don't know that we'd recommend a special use permit process.

(#1474) Bob Sund: In the material that was sent to us in our packets I'm a little confused because there is two things - one set of regs entitled proposed November 2002 changes with the deletions and I'm following that and then there's the proposed January 2003 changes and are we supposed to decide which one we want?

(#1495) Bob Fink: I'm sorry the footer wasn't more clear but the more recent proposal is a translation or incorporation of Mr. Diehl's suggestions in whole into the text so you can see how it reads in the text. But it's not a recommendation of the department that you choose that but we thought that we should lay the alternative out to you.

(#1518) Bill Dewey: It's easier to read in this fashion and I appreciate that.

(#1538) Bob Sund: So in the January text changes we totally eliminated the whole category of RC4's.

(#1544) Bill Dewey: That was one of Mr. Diehl's recommendations. We've had this discussion about the LAMIRD's and the 1990 date and conforming and nonconforming and we've gotten a lot of material on that. But I'm not sure how it all relates.

(#1582) Bob Fink: The Rural Commercial has to be addressed as part of the remand of the GMHB.

(#1588) Bill Dewey: Is this part of our rezone criteria?

(#1600) Allan Borden: Is the issue regarding 'Has Mason County demonstrated that it's restrictions on rezones, etc'.

(#1622) Steve Clayton: The contention is by putting different things in and out of the different RC's does it reduce sprawl?

(#1632) Bob Fink: That's correct. The changes to the RC's relates to Item #4 in the GMHB order. They didn't specifically pull out in their order saying that the RC's had to be rewritten but I think we determined that was one of the things that needed to be done to address their concern with sprawl. The GMHB did have these RC's in 1, 2 and 3 saying they substantially interfered with the intent of the ACT are invalid. They were addressed as part of the whole program of zoning and since these are areas that properties would be rezoned to there were certain changes that needed to be made to them. We didn't think changes to the types of uses were really what the issues was; the changes we were proposing were that we were making sure that the areas involved were smaller. That's why we created the two new districts; the Rural Tourist Campground and RC4, to address the issue of large lots that were zoned for commercial tourist use and to prevent those areas from being developed in a way that changes the rural character. That's what the RC4 intended to do. The changes that Mr. Diehl proposes restrict the RC's 1 through 3 in different ways so presumably he thinks that is a different way to approach the issue of sprawl and to keep the rural character in the rural area.

(#1774) Bob Sund: Bob, I find it difficult to evaluate those two proposals. They're quite different and to evaluate both of them at the same time is really tough. I'd like to have us focus on one and then maybe amend that as we see fit rather than trying to take the two and amend or change two different ordinances.

(#1804) Bill Dewey: We can discuss the specifics of how to address it when we get to it, Bob. I'm just trying to figure how it fits into the bigger picture. As far as all of this discussion regarding conforming and nonconforming that's related to the LAMIRD's?

(#1820) Bob Fink: As I understand the conforming and nonconforming issue is that there are a number of businesses that exist in the rural area outside of the RAC's and the hamlets. These are typically isolated and usually just one business; sometimes there might be two. The ones that we listed and were all existing as of 1990 and the issue is that if you make them all nonconforming... the county was trying to avoid making these nonconforming and there's a couple of parts to that argument. One argument that we make is that

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these businesses do serve principally the rural residents. With the exception of some of the RT sites we think that's the case and there's an argument made in the memo you were sent that lays out that argument. None of these uses deserve to be nonconforming because they're all serving the rural residents. People don't drive from Seattle to go there unless they're in a tourist role. People don't drive from Olympia to get their laundry done or whatever.

(#1888) Bob Sund: And furthermore, they've survived for twelve plus years functioning the rural area.

(#1896) Bob Fink: We have some economic geography text that we are reviewing but it gets off the topic and quite complicated very quickly. I think the basic argument is that these are essentially convenience items. Rural people need a whole range of services. All these businesses serve the rural residents.

(#1955) Bill Dewey: I appreciate all your additional explanation but I'm just trying to understand where to fit it into our discussions tonight.

(#1960) Bob Fink: The choice is do you make them nonconforming or do you make them conforming. If you make them nonconforming we consider that contrary to the goal of economic viability. These are a large portion of the county. You can argue to what degree that this is a drag on their existence; I think it's clear that businesses don't go out of business immediately if they're nonconforming but I think it's also an undesirable situation for them to be in. As I understand Mr. Diehl's proposal it would make most of these businesses nonconforming.

(#1999) Bill Dewey: I'm just asking for clarification about the LAMIRD's.

(#2012) Bob Fink: It's the different rural commercial categories. It's the uses that are permitted under the different rural land use categories; Rural Commercial and Rural Tourist. Depending on what uses you say are permitted will determine how many businesses in the rural area will be conforming versus nonconforming.

(#2035) Allan Borden: I just wanted to say that the county's approach that considering so many of these LAMIRD's that we identified as having existed in July 1990 fits into how we assess their impact. We felt that they generally serve the rural public and were in existence and basically we felt that we weren't creating potentially new impacts; we were just assessing that these were existing and that their impacts often have been already felt and that since they serve the general rural public and not causing sprawl we felt that the environmental impacts were minimal. The memo that I helped prepare tries to integrate the GMA's criteria into that analysis as well.

(#2125) Diane Edgin: Allan, I'd like to commend you. It took a lot of effort to pull all of this information out because I've been around here now for over ten years and you've jogged my memory on a few things.

(#2150) Bill Dewey: The next item is to open the public hearing. One item we might want to comment on is on the ag exemption which was an e-mail from John Diehl that was forwarded to Bob and he forwarded it to us. We can make some more copies if you all don't have it. We will now take a break in the meeting to read Mr. Diehl's e-mail.

*Break in meeting to read Mr. Diehl's e-mail of January 17, 2003.*

(#2466) Bill Dewey: We will now reconvene. The next item is to open the public hearing. The last few meetings the way we've dealt with this is that we've opened the public hearing and pretty much left it open because recognizing Mr. Diehl and others that have been participating have valuable input on each of the items we've been discussing. So if people are comfortable with that I'd like to suggest we take that same approach tonight and try to keep it efficient and moving. If the public testifying could recognize our endeavor to keep it moving and keep their comments concise and we'll see if we can make that work. We have a number of issues to discuss tonight. Does anyone have suggestions about where we should start?

(#2596) Marilyn Johnston: Bill, I have a question on the open space. It was the issue of the word 'study' that we were going to do.

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(#2604) Bill Dewey: Yes, and Mr. Diehl had concerns on that as well. We'll take some public comment on that so we can see what Mr. Diehl's concerns were. At the last meeting, we had considerable discussion on open space and basically arrived at what is in this text. Let's start with the Frequently Flooded Areas. Mr. Diehl?

(#2740) John Diehl: If you want to refer to the top of page 6 in the handout that's headed with a bunch of boxes. There's probably no good time to raise this point but I see Mr. Drain here and I want to say a couple of things first. I welcome Mr. Drain and I'm sure you'll have many constructive remarks and will play a constructive role in the proceedings of the Board but I feel obliged at this point to raise a question which I'm sure has occurred to more than myself. That is whether you should be participating in this particular discussion given your conflict of interest with respect to the development of the McDonald Land Company and its operations. I don't know that all of the members of the PAC are aware of it but Mr. Drain has been an intervener in the case before the GMHB through McDonald Land Company and as such he had to establish, to the satisfaction of the GMHB, that his interests were not adequately represented by the parties, including the county. I think that he did so and it's absolutely accurate that he does have distinct interests in this area and I would ask him to recuse himself with this particular topic of rural development because it does present a conflict of interest with him.

(#2850) Mark Drain: We're not interveners now in any part of the GMA. Our attorneys have sent letters explaining our bowing out of the process and so in the interim I have the possibility of partaking in any issues within the county but at whatever time I feel like intervening again at that time I would dismiss myself.

(#2880) John Diehl: If I can respond briefly. It's not that you currently are an intervener or not but my impression is that you're still formally an intervener but that's really irrelevant. The question is whether you have a conflict of interest and unless you've disposed of McDonald Land Company I submit that you do.

(#2898) Mark Drain: I don't think there isn't a person at the table or in this room that doesn't have an interest in most everything. Sure I have an interest in agriculture but there's no reason why I can't participate in a committee meeting or any open forum or anything.

(#2915) John Diehl: You have a financial conflict of interest in a way I do not think any of the other members do.

(#2925) Mark Drain: Maybe you would like to speak with your attorney or the Prosecuting Attorney's office.

(#2930) John Diehl: I had hoped that you would have seen that you did have a conflict but if you're not prepared to recuse yourself then I think it will have to remain an open question.

(#2940) Bob Sund: I certainly think that we need that representation on this board and his insight as to what that might be since he's involved. That's one issue and I would welcome that. The issue of a vote possibly, that may be a different issue. So I would leave it open as to whether or not it's appropriate or not. I certainly think that Mr. Drain, along with his knowledge, is an asset to this committee. I'll leave that up to our attorneys to decide.

(#2994) Mark Drain: It's difficult for anybody to separate themselves completely from any issue.

(#3008) John Diehl: I don't want to take too much time on this; I do feel that it's important to put it on the record that I have some concerns about this and I certainly agree that Mr. Drain is entitled to speak on the subject just as I am. I don't think that it's appropriate for him to be a full participant anymore than, for example, Tony Sheldon should hear a case on GMA because she is a major landowner in this county and Ms. Sheldon, to her credit, recuses herself on such matters when they come before Superior Court.

(#3050) Bill Dewey: Your concern is noted, John.

(#3052) John Diehl: Let me get back to the particular point which is at the top of page 6 which is the dike monitoring program. I put before you some suggestions to modify that language and I hope that you will give them some further consideration. It's in my view not a full protection of FFA's to leave the status quo in place with respect to dikes in the Skokomish Valley. And not just in terms of tweaking the status quo by

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having someone occasionally go out and report on the condition of the dikes but actually doing something to bring the dikes up to applicable standards or else if the dikes do not fit within the Skokomish River Comprehensive Flood Plan then over time disallowing maintenance of those dikes so that they may revert to a more natural condition and working toward what the plans calls for which is berm setback a certain distance from the river. Dikes aren't always a problem and that they are not sometimes worthwhile but I simply want to make the point that this is not something that should be swept under the rug and that you really need to take some positive step.

(#3210) Bill Dewey: John, you had some specific language and we talked about the Skokomish Valley Flood Control Plan and the fact that that was not something that we cite in code but I'm not just recalling how the PAC came out on this. Allan gave us this language but I can't remember if that's were we stopped out discussion at last meeting.

(#3270) John Diehl: The staff raised some concerns and that I want to concede that there was merit in them. I think you might want to be a little more discreet in the way that you refer to the policies of the Plan and you remember I read you a part of the Plan. There's certainly elements of it that you could point to if you choose to do so.

(#3305) Bill Dewey: It seemed to me that one solution would be to reference the NRCS standards which are something you could cite in code.

(#3315) John Diehl: That would take you partly there but it doesn't get at the core of the recommendation of the Plan. The recommendation wasn't simply to build all the existing dikes to these standards but it's to actually allow most of the existing dikes to deteriorate and to establish in their place lower dikes, berms at a greater distance from the river but built to those standards. The standards are not a solution to the problem and in terms of the liability are not a solution either. You've got something that was formally adopted and by people who had some expertise.

(#3405) Mark Drain: I'm not disagreeing with John at all for the wording that I see right here. I think it's putting a big responsibility on the county. They're the ones that would be liable and the only thing I would question is whether the Public Works Director is qualified. The other thing is, is biennially often enough or too often for inspection?

(#3468) John Diehl: I just wanted to clarify something, Mark. This is not my language here. This is the staffs language and it's in response to the mandate of the GMHB which felt that there needed to be monitoring and enforcement with regard to dikes. That leaves somewhat open exactly what you do in the nature of monitoring and enforcement. I'm suggesting that the most logical way to proceed is to refer to something that went through endless public hearings and a lot of expertise was involved. If it's a little difficult to take the whole of it at that and import it into an ordinance then direct staff to take the relevant parts of it so that you at least start in the direction of creating a more logical approach. Even those who are generally not in favor of land use planning have to be in favor of some kind of systematic planning on dikes or else you just don't have anything that works for anyone.

(#3565) Diane Edgin: Bill, one of my problems with this is I'd like to get rid of the biennially because having lived in dike country for many years is that they have dike districts which are made up of the landowners themselves under the Corp of Engineers.

(#3660) Bob Fink: If I could direct you to paragraph 4 in Section 5.4-2. The dike monitoring program provides for the Public Works Director to be able to enter the property and inspect dikes during flood emergencies and at any time. The biennially provision is simply an additional provision that means that he would conduct more systematic inspections and report on a regular basis on those systematic inspections.

(#3760) Steve Clayton: In the December 2002 draft I have of that there's some different wording than has come out in our recommendation in that it says 'Dikes shall be monitored for safety purposes. Dikes, which in the opinion of Public Works Director are unsafe to life or structure shall be inspected, etc'. Then below it says 'The Public Works Director and his designee is authorized to enter private and public land for sole purpose of inspecting for flood safety, etc'.



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(#3802) Bob Fink: You didn't intend to delete that second paragraph did you, Allan?

(#3804) Allan Borden: No.

(#3806) Bob Fink: It may have been unclear but that second paragraph was not intended to be deleted. That should have all been included in tonight's proposal. What we were trying to show was the change in that language for requiring inspection as well as reports every two years.

(#0152) Bill Dewey: In our previous discussions the only thing that we suggested changing from the staff recommendation would be what Allan has reflected here in the first paragraph. Mr. Diehl has raised this other issue of whether we would want to tie in the more comprehensive flood planning that's gone on in the valley.

(#0165) John Diehl: There is an issue of consistency here. You've got a policy that has been adopted and presumably if there's any point to inspection it is to move in that direction so I'm asking you to tie the two together.

(#0180) Bill Dewey: I'm not sure how we'd do that. Having the diking districts looks to me like a very efficient and coordinated way of dealing with dike management is to have these districts set up.

(#0202) Diane Edgin: When you set up a district that makes the landowners themselves responsible for their own monitoring and it takes the county out of the loop. We write the language but they do the monitoring therefore if they don't follow their own recommendations for that that has been given to them and they have a failure then whoever's section is involved is going to be the responsible party.

(#0215) John Diehl: I agree with that, Diane. I don't have anything bad to say about the concept of forming a district but what we're talking about tonight is getting the county into compliance with the GMA and the ACT imposes a responsibility to protect FFA's that's been interpreted by the GMHB to include some kind of monitoring and enforcement with regard to dikes. If we had to go out and form one of these diking districts that might be a viable solution, although given the politics of the Skok Valley I have some doubts. It might work and it's certainly nothing I want to object to but it's just that you need to have something in hand for the GMHB and not just the possibility that sometime in the future a diking district might be formed.

(#0245) Bill Dewey: I was trying to get to somehow recognizing all the hard work that went into the Flood Management Plan and incorporate it and that's why the thought of a district might work.

(#0262) John Diehl: A program of something you propose to do has not generally been acceptable to the GMHB. It might have something to do with how it's phrased. If you think that's the way you might want to go you could have Bob work out some language that would commit the county to that.

(#0292) Diane Edgin: I think that if we direct staff to prepare something for the BOCC and put something saying that we realize that a dike failure out there ... if the county has a hand in it they're responsible; that makes all tax payers responsible. If the Skok Valley has a hand in it, they're responsible.

(#0328) Bob Fink: I agree with Mr. Diehl to the extent that this is a regulatory document and whether it was a organization or private individual landowner that applied to build a dike, this regulation would apply and as I understand the order of the remand is that they thought it was necessary for the county to have a monitoring and enforcement provisions for the dikes. That's what this attempts to address; this is not intended to address full implementation of the Comprehensive Flood Hazard Management Plan. That takes a program to do. And the issue of doing it piece meal, where you would require someone to go back and build a portion of a moved dike, would be problematic to try to require them to do that. It wouldn't be implementing the entire program and dikes that are discontinuous are not functional.

(#0366) John Diehl: Of course, that's the point of having a program. I don't disagree very much with what you've just said, Bob. I would say this that the record before the GMHB had a lot of stuff in it about why the dikes represent a problem in the valley and what particularly seems to have caught the attention of the GMHB was the fact that landowners there weren't even allowing inspections so if you can't even look at them it's hard to form a rational program. That would address the problem of being able to at least look at them.

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(#0400) Bill Dewey: So this proposed revision gives them access?

(#0402) John Diehl: Yes. So it's a step in the right direction but we need to follow through here and the record before the GMHB supports a program of monitoring and enforcement that goes beyond simply looking and seeing what's there. We have a plan that seems to be a coherent way to proceed to address the problem of dikes.

(#0460) Bill Dewey: We haven't had disagreement with that; we're just trying to figure out a way to make it happen. Bob, we've said that we can't reference the Skokomish River Comprehensive Flood Hazard Management Plan in the ordinance.

(#0470) Bob Fink: It's already referenced in the ordinance.

(#0472) Bill Dewey: So can we address Mr. Diehl's concerns by adding on #4 that his recommendations for work to be performed are consistent with that plan?

(#0486) Bob Sund: We could say 'Dikes will be monitored for safety purposes consistent with the Skokomish River Comprehensive Flood Hazard Management Plan'?

(#0490) John Diehl: I think using the word consistent is good. If you wanted to be more specific you could because even Mr. Nienaber agreed with me that there was regulatory language that could be taken out of the Plan. His concern was that some sort of broad reference to the Plan might be difficult because the plan as a whole is not regulatory. You could reference criteria on a certain page.

(#0525) Bob Fink: If you're looking at the last paragraph, if I understand what Mr. Diehl is asking for, you could just say among the things the report would address is the implementation of the diking program contained in the Comprehensive Flood Hazard Management Plan. So it will address the status of the implementation and recommendations for implementing it.

(#0555) John Diehl: I would like to see a commitment to that implementation plan. It's hard to sign off on language that you're not presenting in its final form but I think something in that direction. Maybe we should ask staff come up with some specific language along those lines.

(#0574) Bill Dewey: I think there's agreement, when we discussed this at the last meeting, that there's value there by incorporating the plan into the ordinance. If there's agreement that we can I would suggest that staff work on that.

(#0598) Steve Clayton: I would like to see what Allan presented us as our recommendations deleted in its entirety. What Allan has stated there is already stated in the staff recommendation in its entirety. Let's go back to the original language that in the December 2002 Mason County Flood Damage Prevention Ordinance which gives the Public Works Director any time he can go in for unsafe to life or structures to inspect. Also, he or his designee can go in and inspect dikes at any time for safety, 8:00 am to 4:pm, and then the third part of that same one is that he needs to file a report every two years.

(#0725) Bill Dewey: Go back to the latest language that was changed. We had this discussion about why would you just have him go in and inspect the ones that are unsafe. You'd want him to go in and inspect all of them and then make that determination. He doesn't know before he does the inspections that they're unsafe. The way the old wording is it would make it look like somehow he knows before he goes that they're unsafe. What Allan has changed to would show that he would inspect all of them and then make the determination as to what ones were unsafe.

(#0772) Allan Borden: That wording was recommended by Mr. Diehl.

(#0774) Bob Fink: I think you're right. That captures the issue not that he just reports every two years but that he also inspects every two years.

(#0780) John Diehl: The concern that I had originally was that there was too much discretion and given that

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it's a political hot potato that we shouldn't leave it up to the discretion of the Public Works Director whether he does any inspecting. That we should have some sort of schedule of inspections and if he wants to inspect more frequently that's fine. I approve of the change that staff has made in that particular sense.

(#0838) Steve Clayton: The only other thing here is that we had talked about having a notification mailed to property owners prior to the regular inspection.

(#0845) Bob Fink: That's correct and we had intended to include that. What we were going to do was to add a sentence about non emergency inspections that would be notified two weeks before. During emergencies there would be an attempt to notify the owner and if we couldn't reach them they could still inspect.

(#0920) Bill Dewey: So for clarification, we'll take the first paragraph as is on page 6 of the staff report given to us tonight and the second two paragraphs as presented in the December 2002 Mason County Flood Damage Prevention Ordinance on page 25. We'll add the notification requirement and that we'll request staff to incorporate references to appropriate sections of the Skokomish River Comprehensive Flood Hazard Management Plan.

(#0955) Steve Clayton: I make a motion to include what Bill stated as our recommendation.

(#0958) Bob Sund: I second the motion.

(#0960) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Motion passed. Next we'll look at the ag section using BMP's. We've got the staff report tonight that addresses that on the bottom on page 6. We've got Mr. Diehl's January 17<sup>th</sup> e-mail with his recommendations.

(#1000) Allan Borden: You also have the draft I gave you tonight from the F & W ordinance dated January 2003 on page 8.

(#1040) Bill Dewey: We've had quite a bit of discussion in the past relating to this issue. No exemption is what the GMHB is saying and staff came back originally with a permit requirement and an HMP requirement and Mr. Diehl was suggesting that rather than burden all of the ag interests with a potential HMP requirement that an alternative might be BMP's.

(#1110) Bob Sund: When I read this it says 'all agricultural activities within the FWHCA and it's buffers are discouraged'. That's pretty restrictive. The question I would ask is can a farmer create a hayfield in that 100 foot buffer that he as fenced and can he cut hay?

(#1142) Mark Drain: How it affects our farm is we have extensive drainage ditches which are manmade which go into the creek but if a fish comes up that ditch we would loose over 50% of our farm if we had 150 foot buffers.

(#1170) Bob Sund: That is a concern for me because my understanding about farmers in this area is that it's a tough road.

(#1180) Diane Edgin: What John is proposing is a way for the farmers to do something without going into an HMP. That's just another layer so by using a language he or she can avoid that.

(#1190) Bill Dewey: First, I'd like to ask staff to clarify their recommendation and then have comments from Mr. Diehl. When we had the discussions previously and the PAC seemed supportive of trying to figure out a way to incorporate the BMP alternative, staff has apparently gone away from that and is back to recommending an HMP and I'd like to understand why that is.

(#1230) Bob Fink: We've been struggling with this language particularly in light of Mr. Diehl's recent letter where he was concerned about the lack of specificity in simply referring to BMP's. I think there's a certain validity in that. We contact the Mason County Conservation District and we asked them some questions about what kinds of minimal standards they recommend as protection. What they responded is one of the key things they try to do is if there's livestock is to fence off the livestock. They also tried to establish 50 foot buffer between the farm activity and the streams. The exact width and situation will vary depending on the

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activity and the soils and slopes and other features of the site. We had a prior recommendation which might be better and essentially what it said is that the existing and ongoing agriculture was allowed provided that it was either operated in conformance to a approved farm plan. 'All agricultural activities must be carried out under the implementation of a farm conservation plan agreed upon by the MCCD and the applicant shall provide a 50 foot vegetation buffer for stormwater treatment and separation of the activity and the FWHCA and fencing along the outer edge of the buffer to restrict livestock into the buffer'. That was alternative language we were trying to come up with.

(#1332) Bill Dewey: That sounds more consistent of what we asked staff to do than what we got tonight.

(#1340) Bob Fink: We still had troubles with it and I asked Allan to write up this other language and this is the first I saw it. Allan, could you please run off some copies for the PAC?

(#1355) John Diehl: As he read it it sounds better than what I see here. In one way it's quite stringent and on the other hand it's not stringent enough. When the word discouraged appears in an ordinance it's hard to know how it would be interpreted.

(#1385) Constance Ibsen: I only know one person who farms and that's Ken VanBuskirk and he had hoped to be here this evening and he's not and I had sent onto him an e-mail of Mr. Diehl's proposal and he read it. After he got through the first part that he liked it and it was clear and simple. That was his comment about it so I just wanted to let you know that.

(#1410) Steve Clayton: Were you inferring that the MCCD wasn't set up for BMP's?

(#1414) Bob Fink: They apply BMP's but BMP's are site specific. They need to be applied with expertise and that's why the reference to the farm plan. One of the services that the MCCD does is develop at no cost to the property owner a farm plan that incorporated BMP's and applies them to their unique situation. Many ways that's probably the best approach but rather than making everyone go and get one right away we thought we could make some of more critical BMP's as standard and give people the alternative to get a farm plan.

(#1455) John Diehl: The last thing you said, Bob, is the direction I'm headed, too. We need a handful of regulations that are not going to be too difficult to implement or to enforce but everybody ought to agree that we should keep the cows out of the creek and we should not allow manure runoff to reach the creek. Once you get past that there may still be some other issues. We discussed questions about what compromise BMP's for aquaculture. To answer Mr. Sund's question, as I interpret my suggestion, if you're just doing hay then you're not tilling the soil so you wouldn't need to have a permit, you wouldn't need to have a farm plan. It's only if you're tilling the soil in the buffer area that you need to be devising some kind of a plan. I also contacted the MCCD and they have not responded yet. I did learn in speaking with them that they had some hesitation about seeing their farm plans being made a part of an ordinance because their farm plans are voluntary. They don't want to become enforcers. I'm sympathetic with that.

*Break in meeting.*

(#1662) Bill Dewey: We were discussing in the break the deadlines that are imposed on us here to deal with the remaining issues. Staff is encouraging us to try to do everything to deal with these issues tonight. The BOCC have a hearing set for February 4<sup>th</sup> on it and our recommendations need to be before them. We could try to squeeze another meeting in or Mr. Diehl has offered that he would be willing to make a request to the GMHB to extend the deadline. Let's try to get through some of these issues.

(#1735) Allan Borden: The January 2003 ordinance I handed out tonight; I just changed the agricultural restriction section on page 8 and made the text new so I just copied the last four pages of the January 2003 draft.

(#1772) Bob Sund: This looks a lot better than the other draft.

(#1812) Mark Drain: Implementation of a farm plan; and rather than applicant put in ...

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(#1822) John Diehl: Ultimately it would be the landowner. Even if it was the operator, the operator couldn't be held responsible in the way that the owner could be.

(#1825) Mark Drain: I'm thinking like in my own situation, I don't have a farm plan but the person leasing my field does with Grays Harbor County but they could provide that plan to Mason County and get it okayed with the MCCD.

(#1845) Diane Edgin: I think owner/operator would be good.

(#1850) John Diehl: Can you get adequate enforcement against an operator?

(#1855) Bob Fink: Enforcement allows a person actually doing the work as well as the property owner to be held accountable and to be fined.

(#1885) Bill Dewey: So we're replacing applicant with owner/operator.

(#1892) Mark Drain: I suggested implementation of a farm plan.

### *Miscellaneous discussion.*

(#2000) John Diehl: I think that it depends upon the activity and the size of the stream as to whether a 50 foot buffer is adequate. It says you can use a 50 foot buffer in lieu of a farm plan and that might be okay with certain kinds of activities but with a feed lot it wouldn't be okay.

(#2025) Mark Drain: There is a definition of a feed lot somewhere in the Comp Plan and to even begin to operate a feed lot you go through a lot of different hurdles before this.

(#2040) John Diehl: Under the exemption we didn't have any real control. The question here is can we better identify what kinds of activities are allowed within 50 feet. I think this is too generous but something like it might be acceptable. If you're not going to conserve the buffer as an undisturbed area of vegetation you at least need to have better control over the range of activities.

(#2130) Diane Edgin: Why don't we insert 'provide an adequate buffer based on existing regulations on buffers'.

(#2145) Bob Fink: That would put them outside the buffer. Typically you couldn't do new agriculture within the buffer.

(#2155) Diane Edgin: I thought new agriculture had to have an HMP.

(#2158) Bob Fink: What we're trying to do is to insure that the existing and ongoing agriculture is performed in a way that does not continue to degrade the resource and is performed in a reasonable way. We're also trying to have a precise standard that we can actually apply and the farmer knows what it is. These numbers were borrowed from the advise given to us by the MCCD. I would suggest that they simply be deleted at this time and rely on a farm plan.

(#2215) Bob Sund: That mandates that they have to go through the MCCD.

(#2218) Bob Fink: Yes, that means that sooner or later they would all go through the MCCD.

(#2225) Mark Drain: We worry about us writing the regulations for these buffers where if they're inadequate and polluting the stream in some way there are a lot of state agencies that deal with the pollution.

(#2242) Bob Fink: I don't disagree but I don't know if that relieves us of the responsibility.

(#2265) Mark Drain: We can discuss buffer widths all night. What we're doing here is trying to make agriculture viable here and at the same time provide some protection and every piece of ground is different and every buffer is different. Every creek has a different requirement.

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(#2275) Bob Sund: Wouldn't the MCCD take that into consideration? So if we just said to let them and the owner/operator work out a plan?

(#2285) John Diehl: It puts the MCCD in a different role than they've had up to now. I worry about that and I would think they're worried about it, too. I think it would put a new burden on the MCCD to make sure that its regulations were adequate.

(#2320) Diane Edgin: They have to work with the F & W guidelines, right?

(#2330) John Diehl: I think they view themselves as kind of the farmers advocate.

(#2345) Bill Dewey: It's vague in that you say they're going to develop the farm plan but you don't say that they're going to enforce it. So it may be the county who finds that the farmer is out of compliance with his farm plan. You're not specifying in this language that the district is the police.

(#2355) John Diehl: That's an interesting point. I suppose one thing that would be needed here if you decided to go in this direction would be to require that farm plans be filed with the county. So if somebody calls up and says that the cows are too close to the creek somebody in the county staff can consult the plan and determine what the specifications were.

(#2385) Bill Dewey: I think it will make it more palatable to the MCCD if it's clear they're not the police.

(#2400) John Diehl: Apart from that, this gives them a more disciplined role than they've had in the past in terms of not just negotiating with the farmer but it really gives them a lot of clout and I'm not sure they want that clout.

(#2450) Bob Sund: To have it on file with the county quite similar to what they do with a forestry plan right now. You put your land into a forest plan that you have developed with a state licensed forester and then you put it on file with the county.

(#2500) Mark Drain: Yes, but where the regulation comes in is if there's a forest practice activity then you're under state regulation.

(#2510) Bob Sund: What I was trying to get at is if a farm plan was developed and on file with the county is not too much different than a forest plan.

(#2522) Steve Clayton: Does that work for you, Bob? Or did the MCCD say it was a no go?

(#2527) Bob Fink: Unfortunately, Mike Madsen is gone this week who is the Director so I don't know what they think about it but I can understand that it might put them in a situation they might not want to be in. Not that they're the enforcement agent but the weight given the management plan would be considerable in the sense that the county could enforce against a farmer for not following the plan that was laid out. The alternative is simply to get from somewhere a set of BMP's more extensive that people could agree on and adopt those specific BMP's. That would get the district off the hook and give specific language that everyone would know what it was.

(#2615) Steve Clayton: If we do sign up the MCCD to do this and it doesn't work we can change the regs down the line, right?

(#2626) Bob Fink: Right.

(#2628) John Diehl: There's a section of the ACT that was amended last year giving the county additional time that requires that they periodically review their work in growth management and to assess its effectiveness and to make changes as needed. This county has until December 2005 to do such a re-evaluation.

(#2670) Steve Clayton: Theoretically, a farm plan with the district would be our best fit because it's going to

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fit each individual property. Maybe we should throw it that direction and if it doesn't work we could revisit it.

(#2680) Bob Fink: The other alternative would be to require an HMP but the issue with the HMP is the lack of expertise of the biologist with the farm processes and the expense of those documents.

(#2692) John Diehl: I think that option should be given to farmers.

(#2700) Mark Drain: What do you mean when you say all agricultural activities? Does that mean someone who has two pigs alongside his house by the creek?

(#2704) Bob Fink: That should actually say all existing and ongoing agricultural activities and yes, it would be anyone who has pasture, pigs, ponies, should be outside the buffer or adhere to those standards.

(#2720) Mark Drain: Growing a truck garden in their backyard?

(#2722) Bob Fink: Yes.

(#2730) Mark Drain: I don't know how you expect the MCCD to come up with plans for all those.

(#2732) Bob Fink: That's why I didn't want to rely totally on that option. That's why I was trying to come up with some straight forward language.

(#2744) Bob Sund: But if it's outside the buffer ...

(#2746) Mark Drain: With some people a 50 foot buffer is considerable when you only have a 200 x 200 foot area to farm in.

(#2755) Steve Clayton: That's the exception, not the rule. If it comes to our enforcement people because the neighbor finked on them and they say you don't have a conservation plan and I guess before they nailed them with a fine they would be given an opportunity to remedy the situation, right?

(#2780) Bob Fink: Right. Our first priority is correction. We aren't in the prison business. We only assess fines if we don't get cooperation in correcting the issue.

(#2865) Bill Dewey: This has been a big issue and in Skagit County they've been testing the water with a lot of challenges with the GMHB as the county has tried to establish buffers but 50 feet has not even come close to being acceptable; I think they're in the 100 to 200 foot ranges.

(#2892) Bob Fink: They have a whole different record but that's one of the reasons the existing and ongoing agriculture has to be addressed. The GMHB actually, for resource lands, was willing to not require these changes until the courts said that they were required by the ACT. The whole agricultural situation in Skagit County is much different. The scale of the agriculture and the impact to the habitat is much greater than here where there's not very many places where the scale of the agricultural activity is really significant. The Skok Valley is the only place where there might be some impacts.

(#2950) Bill Dewey: I think the most recent approach in Skagit County is that they've thrown out the buffer altogether and to come back with something totally new and they're not working with prescribed distances.

(#2990) Diane Edgin: Our big hangup is what is the adequate buffer? Somewhere somebody has got some sort of criteria for the different types of buffer based on terrain so we need to find that out. I'm thinking maybe something that would read like this 'provide for an adequate buffer (buffers based on such and such criteria), for stormwater treatment and separation of activity from FWHCA and fencing along the outer edge of the buffer to restrict livestock into the buffer, manure control and treatment and enhancement of buffers'. That's in lieu of the conservation plan. What I'm saying is that we need to get further direction based on terrain what kinds of buffers would be necessary.

(#3088) Bob Sund: We've had a couple of biologists tell us to come up with one size buffer fits all is not appropriate and that buffers will change from different terrain. Those biologists that testified before us said that each stream should have it's own unique requirement. What you're saying is that would allow a

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variation to fit the circumstance.

(#3176) John Diehl: I think you're asking for trouble going down that road because the science is pointing in the direction of the buffers that were actually adopted. You don't now have a one size fits all buffer; you have different buffers according to the stream type. I think it's going to be very difficult to find any science that would justify reducing those buffers simply because there was an agricultural use. What you may be able to do is that possibly somebody providing an HMP could say on a site specific basis a reduced buffer would work but as a county wide ordinance I don't think you're going to find any science that will allow reduction in the buffers beyond those you already have. You might well come up with a prescriptive formula as opposed to a performance formula. I'm a little worried about it because I don't know if they're geared to do it. I'm willing to give it a shot. If you wanted to go that way something like the following could be done and read like this 'all agricultural activities within the FWHCA or its buffer must be carried out under the implementation of a farm conservation plan agreed upon by the MCCD and the owner/operator and on file with the county or in conformity with an approved HMP'. That would be a reasonable try and if it didn't work it could adjusted in a couple of years.

(#3460) Bob Fink: At this point I can't think of anything better.

(#3470) Diane Edgin: I make a motion that we adopt John's language.

(#3475) Marilyn Johnston: I second the motion.

(#3492) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Motion passed. Now on to open space. John, you had some concerns about what Allan represented on that? And also Marilyn had a question.

(#3530) Marilyn Johnston: It was the reference to the study of the corridor.

(#3566) John Diehl: Let's look at what's on page 3. I might have been too quick to criticize a loose phrasing that Allan gave but I do think there is some need for clarification. As proposed it's a change in a policy. I don't think that that by itself is going to do the trick under the requirements of the ACT. It says that you must identify open space corridors. It says here 'open space corridors should be designated'; that implies that they haven't yet been designated. It's a policy that we will implement at some point. That's not identification of those corridors and so I would say that whether you call it a policy or not doesn't much matter to me but the language should be something like 'open space corridors are designated northward between the UGA's of Allyn and Belfair, etc., including a 600 foot width on either side of the existing right of ways for railway, natural gas and electrical transmission between the Shelton and Belfair UGA's'. I'd leave out the word study because that implies that you haven't really identified it. Now the fact that you've designated the corridor doesn't mean that it's all going to remain open space forever. It does mean that it is a corridor that is going to have to be subject to some kind of regulation and you're going to have to face the decision about what kind of regulation you want within the corridor. For purposes of identifying the corridor you need to make it clear that this isn't just something that we're talking about and we might eventually adopt these boundaries. You've got to adopt the boundaries.

(#3710) Marilyn Johnston: So why last time did we go through with the study corridor?

(#3718) Bill Dewey: If I recall the discussion from the last meeting there was concern about just flat out designating the 1200 feet; that there may be reasons for it to be narrower or wider in some instances. That was a starting place and the idea was that as you moved forward on it that different decision might come into play.

(#3800) Steve Clayton: Why we came up with the 1200 feet is based on a trail system in the Shelton area where they were looking at where to put the trail and it was following a railroad line. You couldn't put it directly on the rail line because it had to be looped out around the stream. We also talked about wetlands.

(#2826) John Diehl: The point is, yes, you may want to make some changes down the road at the point where you develop regulations that are appropriate to maintain whatever corridors you've identified but that would be the efficient way to handle it. Go ahead and identify the corridor and if in the course of developing regulations you decide you need or want to narrow or expand a corridor then amend what you've previously



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done at that point. This is all part of an ongoing process. The important thing is to have a space that is adequate enough so that you can hopefully find some open space within it without having to go out and do a field survey to make sure there is open space. Open space does not inhibit agricultural or forest activities.

(#0190) Bob Sund: Open space is not necessarily public property, correct?

(#0192) John Diehl: Absolutely.

(#0194) Bob Sund: I'm questioning that if the GMHB encourages us as a county to lay out buffer for trails and so forth we are in effect encumbering that property and that's private property. If it's DNR property or public property that's one thing. But if it's private property, even if it's long term forest, it belong to somebody and I question whether we should take that on as encumbering that private property. If you are laying out a 600 or 1200 foot swath through there that is an encumbrance on that property.

(#0225) John Diehl: I think you raise a good question but the answer is that we do that now and the issue should be not whether it's an encumbrance with whether it's an oppressive encumbrance.

(#0238) Bob Sund: We have come up with buffers to save the salmon but to come up with a buffer for a trail system, I don't know what the saving grace is there.

(#0255) John Diehl: The ACT doesn't say that you will eventually develop a trail system. It's for recreational and wildlife purposes.

(#0256) Bob Sund: One of the goals of the ACT is to protect private property and I don't see that as a protection of private property.

(#0260) John Diehl: I hear you but I guess what I'm thinking is if I were the owner of some of this land I would welcome this kind of planning.

(#0265) Bob Sund: Well, you might but somebody else may not. What happens is when this trail is developed through an easement process or something and this long term forest manager decides that he's going to log this 20 or 40 acres then because I have walked through those woods and I love those beautiful trees then I have an ownership of that. If I can see it I have an ownership in it. I'm concerned about the private property aspect of that.

(#0300) Bob Fink: If I understood Mr. Diehl's comments on this policy I see it's mainly semantic. I think the terminology 'should' is common in the county policies rather than 'shall' but 'shall' would be fine. With regard to your comment about encumbering the land, I don't think this encumbers the land in the sense that is normally meant by encumbrance. I think that whenever a government considers doing something outside of its currently owned property then that has a possible impact to the land should the government actually decide to do it. Building a road for instance; the county might study several corridors to build a road. The fact they're studying those corridors doesn't mean they've encumbered the land. I think striking the word 'study' is fine because the second paragraph on page 3 explains what the functions of these corridors are. When Mr. Overton was here along with other property owners who are affected in the open space between Belfair and Allyn came and said they objected to the designation of the open space feeling that they didn't have adequate notice and that they never gave their consent. The GMA requires us to do this in some fashion.

(#0400) Bob Sund: Against private property?

(#0405) Bob Fink: The GMA requires us to designate these open space areas....

(#0407) Bob Sund: I don't think it says you have to; I think it says that you look into it.

(#0410) Bob Fink: The GMHB says that we shall.

(#0412) John Diehl: Look at the section in the GMA.

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(#0414) Bob Sund: It doesn't say you shall.

(#0416) John Diehl: Yes, it does. It makes it a requirement.

(#0418) Bob Fink: The ACT says that we shall and the GMHB says that what we've done isn't enough.

(#0420) John Diehl: It doesn't make it a requirement that you have a trail necessarily. You can decide that you just like the idea of leaving it to game trails open to hunting. Nobody automatically gets a right to trespass on that land by virtue of it being open space.

(#0430) Bob Sund: I remember when we talked about clustering of property for lots and the remaining property being open space and that property was to remain with the owner and he could utilize that property in forest management or however he saw fit.

(#0450) Bob Fink: This isn't that kind of open space. This open space doesn't have those restrictions that the property would have with a clustered plan.

(#0466) Bob Sund: You mean you're going to say we'll allow you to develop this land this way if we are given public access?

(#0470) Bob Fink: No, the clustering provisions for the performance subdivision don't require public access. This requirement does not grant public access to the property or require it. Even though I said you can strike the word 'study' corridor essentially we're designating these areas so that it puts everyone on notice and states the intent to continue working on a county wide open space plan.

(#0490) Bob Sund: What would you do if Joe Dokes or Pete Overton said they didn't want a trail running through their open space long term forest land?

(#0495) Bob Fink: It would be just like a road then. We'd either decide to put the trail somewhere else or we'll decide the trail has to go there and condemn the property.

(#0580) Mark Drain: I do have a solution. Designate Highway 3 the state right of way. Study it to see if you can put a trail for people to bike or walk beside the highway. Study it to see if it might be adequate for wildlife with the trees that the state leaves for buffers. We have our operations in a rather remote area that might make a great corridor between Shelton and the ocean.

(#0700) Bill Dewey: For those of you who weren't at the last meeting the discussion and the reason for the study corridor is that we'd identified these three potential corridors and pros and cons of each as a potential open space. I'm hearing Bob say to take the word 'study' out is fine and that the second paragraph gives us flexibility to work.

(#0735) John Diehl: You do need to actually identify a corridor; that's a clear requirement under the ACT. What you do with that corridor is Stage 2; that's when we can have the debate on whether we're infringing upon property rights. If we can get through Stage 1 it will at least satisfy the GMHB by providing some clear boundaries for a corridor.

(#0775) Bill Dewey: We need to try to get a motion on the table. What I've heard from the discussion, it would be along the lines of revising the language that's here by replacing the word 'should' with 'are' in paragraph 1 and adding 'including a 1200 foot wide area (600 foot wide each side) along the railway, natural gas, and electrical transmission right of ways between the Shelton and Belfair UGA's'.

(#0835) Diane Edgin: I make a motion to accept that language.

(#0840) Steve Clayton: I second the motion.

(#0846) Bill Dewey: We have a motion and a second. Also, in reference to the open space I'd like to amend the motion to produce a new map. Also, amend in the second paragraph the word 'should' to 'shall'. Do you accept that amendment? Okay, we have a motion and an amendment to the motion. Any further

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discussion? All in favor? Motion passed with 4 yeses and 2 nos. Let's now move on to the rezone criteria.

(#0925) Bob Sund: Under characteristics it says 'The burden of proof shall be on the applicant to show through responses to these criteria and information provided that the proposed rezone to more intensive land use is warranted. Except for errors in original zoning, as specified in criteria 8 above, approval of rezone requests to a more intensive land use in rural areas shall not exceed five (5) per calendar year and the total amount of acreage subject to rezoning shall not exceed fifty (50) acres'. Do we need to indicate what the criteria is of how you arrive at those 5? Are they the first 5 that file that calendar year or is there some criteria we use to determine those 5 people? If there's 7 rezones applied for would we take the first 5 and then the next 2 would go to the next year?

(#0968) Mark Drain: My question is why is there any limitation? If the rezone met all the qualifications I don't understand that.

(#0975) Bob Fink: The number of rezones are limited to prevent sprawl. It's really that simple.

(#0980) Bob Sund: If you're going to limit it to 5 is it going to be chronologically or is somebody going to make judgment as to what is more appropriate of a rezone?

(#0995) Bob Fink: The way it's written now I would assume the BOCC would make a judgment. Normally these are done once a year and the BOCC would make a choice. You could say they had to be taken in the order applied. If you had 10 apply and the first 4 were approveable, the 5<sup>th</sup> one wasn't and the 6<sup>th</sup> one was, then those 5 would be done. Or you could leave it to the discretion of the BOCC as to which were the most important ones to act on that year.

(#1022) Bob Sund: So what you're saying is if it's determined that you're going to make these judgments every January then you would take on these applications for the whole year and then when the following January came up you would determine which 5 you were going to rule on?

(#1042) Bob Fink: You might rule on the rest and deny them; you might rule on the rest and deny half of them and postpone half of them for consideration the next year. That would all be conceivable under this language. What this language would keep you from doing was approving more rezones than 5 a year.

(#1060) Diane Edgin: I think that's the criteria that the BOCC are going to have to set up because they may get 10 applicants for a rezone and they're probably going at least have to be considered timely and if one doesn't qualify for a rezone then they're dropped out of the picture. That's going to have to be the BOCC's criteria. I don't think we can address it.

(#1080) Marilyn Johnston: I agree; I think it's the BOCC that sets the criteria.

(#1085) Steve Clayton: We did discuss and agree on it but there was a concern with Rural Tourist and Rural Natural Resources that maybe we should segregate those from the 50 acre minimum because generally those applications are larger parcels. What are your thoughts on that, Bob, or John?

(#1114) John Diehl: I have a little hesitation about the RT category because some of the things that qualify under that could conceivably be ,,,

(#1122) Steve Clayton: I'm sorry; I meant Rural Tourist Campground.

(#1150) Bob Fink: I would agree that it should be excluded.

(#1155) John Diehl: I can live with that if you make sure you've got adequate regulations for what qualifies in those two categories. We might want to take another look at that.

(#1175) Steve Clayton: In the very last line on that page, Allan, you left out RTC; was that intended? That was regarding intervening rezones.

(#1190) Allan Borden: I don't think that was addressed at the last meeting.

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(#1194) Steve Clayton: So would that be acceptable to put RTC in there?

(#1198) Allan Borden: Sure, we could do that.

(#1200) Bill Dewey: Is there any additional discussion on these section A and B?

(#1208) Mark Drain: Does this zoning include Resource Land designation? If I wanted to convert timber to agriculture?

(#1215) Bob Fink: Those are resource lands and this doesn't apply.

(#1225) Mark Drain: So if I have some timber land and I want to make an RV park out of it that would apply?

(#1233) John Diehl: Are you hypothetically thinking of designated resource lands or just ordinary timber land?

(#1240) Mark Drain: Designated Long-Term Timber land.

(#1242) John Diehl: As you are aware, if you're trying to undesignate something that's designated as a resource land it takes a change to the RO.

(#1366) Steve Clayton: Under that same paragraph on the next page would it be appropriate to add RTC along with RNR, RR and MPR?

(#1398) Bob Fink: I think that would be reasonable.

(#1408) Mark Drain: What is the RNR district?

(#1410) Bob Fink: It's a different zoning district for resource based industrial activity. Things like saw mills and mining and other agricultural processing.

(#1435) Mark Drain: I would think that camping would be related to rural timber land, too.

(#1445) Bob Fink: It's classified as a tourism.

(#1495) Bill Dewey: I think we're ready for a motion on the Mason County Rezone Criteria as presented by staff on page 3, 4 and 5 in tonight's handout with the amendments in Section B of Rezone Characteristics we would exclude the RTC and RNR from the 50 acre limitation. We'd add RTC to the end of that first paragraph in Section B and that we would add RTC to that middle sentence in the paragraph on the top of page 5.

(#1534) Diane Edgin: I so move.

(#1536) Marilyn Johnston: I second the motion.

(#1538) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Motion passed. On to the zoning. We have these two versions. As staff explained earlier the break in the two is based on the footer. The November 2002 changes are from staff and the proposed changes in the version dated January 2003 have incorporated Mr. Diehl's comments. How should we go about this?

(#1598) John Diehl: I think Bob had a suggestion earlier that you can ask about each of the elements I'm asking you to think about changing and some of them will cluster together. For example, do you like the idea of having some of the uses subject to a special use permit? The rationale you recall is that it gives you a little more handle; it means that if someone comes in with a gas station in a RAC that they're going to be subject to some sort of review but then at that point you have to ask what is the development like. Is this a residential neighborhood where a gas station really doesn't belong or is it primarily commercial development that can easily tolerate a gas station without creating incompatible uses.

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(#1800) Steve Clayton: I'm strongly in favor of special use permits. It gives the public a chance to comment on what's going in next door to them. If you're a rural property owner you like rural around you.

(#1850) Diane Edgin: But you're in a crossroads and you're already in an activity center.

(#1860) Bob Sund: Haven't we said that those businesses, whether retail or what, to address local needs?

(#1870) Marilyn Johnston: Isn't that part of the special permit process because there is that argument as to whether the service is needed. It's up to us to decide if it's suitable or not.

(#1955) Bill Dewey: There's support for and I haven't heard any opposition to this concept of special use permit. Do we want to go through each of these individually? Starting with RC1 on page 1.

### *Miscellaneous discussion on uses.*

(#2140) Diane Edgin: We're talking here about density and 1 owner occupied residence per lot. Are we talking about the owner of the property or the owner of the business? We're talking RC's; we're talking about commercial development. I might have a house out there that I own but because of my age or maybe I was transfer and I moved out of the area but I don't want to sell my home. But I have an opportunity to rent it and the person I want to rent to wants to operate a small business. Will they be allowed to?

(#2180) Mark Drain: What if you have an animal clinic and you want to have a caretaker living on the premises?

(#2188) Bob Fink: You could consider changing that to owner or manager.

(#2190) Diane Edgin: We need to do that, then. We need to put owner/manager. I don't think we have the legal right to tell someone they can't rent their residence.

(#2210) Marilyn Johnston: It would have to fit the criteria.

(#2218) Bob Fink: There's two different things. One is you're talking about the development of the property and the other one is that you're talking about subsequent use. We do have other regulations that keep people from renting part of the property.

(#2250) Steve Clayton: What if it just said one residence per lot?

(#2252) John Diehl: I have a problem with going that way because you could end up in effect with two businesses and a potential conflict between the tenant who is there as a resident and the guy that's operating the video store or whatever. The concept here is that if you're going to have this combination of residential and commercial uses it ought to be integrated.

(#2400) Bill Dewey: So should we change this to owner/manager?

(#2412) Steve Clayton: I think it should be just a residence.

(#2415) John Diehl: I would have a whole lot of objection to doing it in RC1 because that is supposed to be an isolated individual parcel. If you're talking about an individual parcel then you're talking about increasing traffic on that parcel and you're impacting your neighbors.

(#2445) Diane Edgin: Well, you still have to have your special use permit.

(#2458) John Diehl: The way I'm proposing it you would have to have a permit for any of these uses because it didn't seem to me that individual parcels by themselves should be zoned that way without some special review. I would suggest that if you're going to go this route and allow rental property in addition to commercial property that we be thinking of that to RC2 and RC3 zones.

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(#2530) Steve Clayton: So if we're working on the RC1 and the proposed January 2003 changes that John provided then we're looking at going via the special use permit and we're looking at changing B to an owner/manager occupied residential. Under density it says 1 owner occupied residence per lot or it could say owner/manager occupied. John had changes on setback; front yard and side yard. What are your thoughts on the setbacks?

(#2570) Diane Edgin: I think a 30 foot setback is not a bad idea. Sometimes the businesses are built right on the corner and there's not 5 feet between them and the edge of the pavement.

(#2615) Mark Drain: To design or build visually accepted businesses one thought used to be the business was in the front part of the lot and the parking was behind. That's kind of the accepted design and this would limit that.

(#2635) John Diehl: Keep in mind that the original notion was that we were pretty lenient in what we allowed in the rural areas so long as certain performance criteria were met. I think one of the reasons that failed and was rejected by the GMHB was that the performance criteria selected were really inadequate. In terms of the rural landscape of what is characteristic of the rural environment I suggest to that it's entirely in the proper order of things to at least think of the structure as setback 30 feet. We can probably tolerate some things that I'm not too comfortable with in terms of uses but if we can buffer them enough and keep them more in scale with the more open space atmosphere of a rural environment.

(#2750) Bob Sund: The way the business may start out; we start out as a residence and that residence is built according to code and maybe as time goes by there's a cottage industry that starts out in that home and progresses and so the buildings are already there. If you're going to think in terms of a vacant lot and a business going in that might be one thing but usually it's an existing facility.

(#2786) Steve Clayton: That's what we have variances for.

(#2788) John Diehl: Or nonconforming uses. We've got a lot of oversized buildings. I didn't tinker with the floor area ratios in my recommendations and so the staff recommendation and mine are identical if you look at the section under building regulations. That says unlike a small tiny city lot you're going to allow a little extra space anyway in a rural area. You're not going to fill the space with a structure. All I'm saying is let's have a little bit more of a cushion between the front door and the street.

(#2875) Bob Sund: What's your reasoning for excluding 'except for fire stations'?

(#2880) John Diehl: There's a question in my mind as to whether you ought to be thinking about a fire station in an RC1 zone. Staff, are you thinking fire stations would be in RC1 zones?

(#2936) Allan Borden: Fire stations are essential public facilities and can be located anywhere in the county. The places that you will find a fire station is at the intersections of roads like at Mason-Benson Road and Krabbenhoff Road and Highway 3; they are major arteries. They're usually located at crossroads.

(#2992) Bob Fink: Often the small properties that people might be willing to donate to a fire district or sell at very little cost ... they need to be located in an area of the county to fill in gaps in service.

(#2050) John Diehl: I stand corrected. I thought that you had not allowed fire stations in RC1's.

(#3070) Steve Clayton: So for consistency we should include a fire station as a permitted use and not in the floor area ration as below.

(#3080) Allan Borden: Essential public facilities are reviewed by special use permits anyway.

(#3086) John Diehl: So you would put it in the uses permitted with a special use permit. I can live with that. I do, however, think a neighborhood should have some say so when somebody shows up and says they'd like to put a fire station here.

(#3140) Steve Clayton: Are we comfortable with reducing the square footage from 4,500 to 3,000?

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(#3156) Mark Drain: I think it's pretty limited and restrictive.

(#3190) Bob Fink: We did a survey of rural businesses and their square footage and it was presented in 2002 that has all the square footage for all the different businesses. The number that was proposed and adopted at that time, the 4,500, almost all businesses are less than that but many of them are close to that and that's one of the reasons why that number came up.

(#3226) John Diehl: Can you give me some illustrations?

(#3235) Bob Fink: We'll go get that information for you. In the RC1 designation we have information that some of them have multiple buildings. We have 18 sites and of those 6 of them are over 3,000 sq ft so you'd make more than a third of them nonconforming. There are places like a restaurant, an eatery, a gas station, a grocery store, a mini market all over 3,000 sq ft. Then we have some mini markets and grocery stores less than 3,000 sq ft.

(#3428) Diane Edgin: We were talking earlier about the residences as businesses and most residences are 1,200 or 1,500 square feet.

(#3440) Bob Fink: Actually, the average size for new construction now is pushing 3,000 sq ft.

(#3482) Bob Sund: If you're going to build a building for a business certainly economics fits into the picture. You're not going to build a building twice as expensive as it should be because of the economics involved.

(#3525) Bill Dewey: It sounds like the county has some data from the survey that would support the larger number. I think we should stay with the 4,500 sq ft.

(#3576) Bob Fink: To me not any bigger than a large house in the midst of a rural area or in the case of Hoodspout in the RC3's in the midst of a lot of buildings of similar size, 3,000 sq ft or Mr. Diehl had 4,000 sq ft that would still make about a third of the buildings nonconforming.

(#3610) John Diehl: I hear you, Bob, but I want to make a further point. Don't confuse square footage of a commercial building with the square footage of a barn which might be big. The square footage of the barn doesn't generate the traffic and doesn't change the environment in the way that a large commercial enterprise does in a residential neighbor.

(#3632) Bob Fink: The Matlock Store is 6,000 sq ft. That's an example that itself is bigger than we would allow now.

(# 3664) Bob Sund: I think you have enough data that supports what you're recommending and I think we should stay with it.

(#3675) Steve Clayton: We skipped over setbacks; are we comfortable with those?

(#3682) Bob Fink: I don't have any major concern with the setbacks that Mr. Diehl has proposed. One of the reasons why they're smaller is if you think of how Hoodspout is built they generally have fairly tightly clustered buildings and fairly close to the roadway. As far as a pedestrian friendly pattern that's the new way to go. The isolated sites is a different issue. There I don't think there's an issue with having a larger setback.

(#3730) Bob Sund: I think what you guys did is that you indicated the side and back setbacks by similar designations in RC1 and when it's a different designation you increased it. I think that has merit. In the county's setback regulations on the side and rear yard setbacks the staff proposed that they had one setback if the commercial lot was adjacent to another commercial lot; however, if it was adjacent to another land use designation it increased.

(#3825) John Diehl: I think you're misreading that slightly. The difference is not between the adjoining lot and the subject lot but the difference between the multiple tenants and non multiple tenants.

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(#3852) Steve Clayton: I think what he's talking about is we're talking about 10 foot setbacks against other commercial applications and 20 foot against residential. I think the response you gave us in your writing before was that an RC1 is not next to other commercial applications.

(#3876) John Diehl: If you're focusing on RC1 I think that's true.

(#0118) Bill Dewey: So what are we going to do here?

(#0120) Bob Sund: I'd like to stay with staff's recommendations.

(#0125) Steve Clayton: I think John's ideas are good. Thirty feet from the front gives you visual. Twenty five feet is reasonable for the houses next door. I think we could live with staff's recommendation on the square footage of 4,500.

(#0155) Bill Dewey: So we're going with John's setbacks, the county's square footage, adding fire station under special use permit and adding owner/manager under the two places. Any other changes for RC1?

(#0166) Steve Clayton: What about height and signs? I have no trouble with the limitation on the size of signs. The only question is whether 25 or 35 feet for the height. The disadvantage of 25 feet you're still talking barely two stories but then you've got flat tops and presentation isn't very good.

(#0200) Mark Drain: If we're sticking with the square footage then 25 feet is a little short for that much square feet.

(#0208) John Diehl: The question is do you want to have three story buildings? If you do then 25 feet is inadequate.

(#0224) Steve Clayton: Can we fit a two story building in 25 feet comfortable?

(#0226) Bob Fink: Commercial structures usually have more than 10 feet per floor because they have service lines and utilities. Then if you have anything other than a flat roof it's difficult to fit two stories. The hotel in Allyn had difficulty fitting within 25 feet for one story.

(#0238) John Diehl: I have a thought. Why don't you just eliminate the height as expressed in feet and set the limit on two stories?

(#0242) Steve Clayton: Would that work for the county?

(#0250) Diane Edgin: How about two stories with roofline not to exceed 35 feet?

(#0255) Bob Fink: That sounds reasonable to me. I don't see any reason to object to that.

(#0262) Steve Clayton: I make a motion that we approve the RC1 based on John's amendments. Adding fire station in, adding owner/manager in the appropriate places, John's adjustments to setbacks which are the 30 feet for front yard and 25 feet for side and back, and the buffer planting adjustment, floor area ration and leave in the except for fire stations, size to be 4,500 sq ft, height of two stories not to exceed 35 feet, and John's recommendation on the sign size.

(#0292) Diane Edgin: I second the motion.

(#0294) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Motion passed. On to the RC2's. Let's run down the changes we need to make.

(#0325) Steve Clayton: John has reduced the front and side and rear setbacks if it's adjacent to commercial or industrial, leave square footage as per staff's recommendations, height to be same as RC1, signs okay at 20 sq ft, density to be 1 residence per lot.



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(#0370) John Diehl: As I understand it, the question of the uses permitted with or without a use permit has been resolved so that you've accepted my recommendations on that?

(#0372) Steve Clayton: Yes.

(#0378) Bill Dewey: So everyone agrees with the changes to RC2?

(#0382) Diane Edgin: I move that we accept those changes for RC2.

(#0386) Marilyn Johnston: I second the motion.

(#0412) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Motion passed. On to RC3's. One residence per lot, staff recommendations for square footage, height same as for RC1 and RC2.

(#0465) Diane Edgin: Regarding the signs; even though these are not really huge signs I think I would rather see a smaller sign.

(#0478) Bob Sund: Actually, it's 4 x 8; the size of a sheet of plywood.

(#0486) Steve Clayton: The only question I had under Special Provisions on the next page it appears that we're trying to retroactively force RV parks not to be able to rent year round?

(#0505) Bob Sund: Does the county review RV parks?

(#0508) Bob Fink: Yes. We have a permit required for RV parks or RV park expansions.

(#0512) Bob Sund: How often do you require an RV permit?

(#0514) Bob Fink: I don't think we've had a single application in the time I've been here.

(#0516) Bob Sund: So it's only for new ones?

(#0518) Bob Fink: That's correct. It was not intended to change the operation of the existing RV parks; it was intended to prevent new residential. It's an attempt to control residential density in rural areas; long term residential use of an RV park at a high density in a rural area.

(#0545) Diane Edgin: In the big parks they have RV's as manager homes. Sometimes those people are there for a year or for a few months. Is there any provision for allowing something like that?

(#0585) John Diehl: In the language it states 'for rental purposes'. If you've hired a manager it's not for rental purposes if he has his own RV. That's allowable.

(#0715) Steve Clayton: On John's recommendations 'RV parks reviewed after this date of adoption' was struck out.

(#0730) John Diehl: I think it's fair to have a level playing field and that new RV park owners should compete on the same terms as existing RV park owners.

(#0780) Steve Clayton: So what John is saying is that the park should be on a level playing field so somehow we need to revise the wording so that incoming tenants need to apply by the new rules but existing tenants are grandfathered. John, do you agree with the concept of that?

(#0805) John Diehl: I can accept that as a reasonable compromise.

(#0810) Bill Dewey: Can we come up with the wording or should staff?

(#0812) Steve Clayton: Can you follow up with that, Bob and Allan?

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(#0816) Bob Fink: As I understand the proposal it would be that instead of having regulation A apply only to new RV parks you would have it apply to all RV parks but only to new tenants. As people left they couldn't be replaced by residents. If there were any residents they could continue to remain. I think we can come up with that language.

(#0890) Bill Dewey: Are we there on the RC3's? Do we have a motion?

(#0892) Diane Edgin: I so move that we adopt with changes as discussed and with the staff revisions to rewrite it.

(#0896) Marilyn Johnston: I second the motion.

(#0898) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Motion passed. We have RC4's, RT, RTC and LAMIRD's remaining.

(#0925) Bob Fink: This room is available next Monday night if you would like to continue this hearing until then. Hopefully we would have a quorum.

(#0950) Bill Dewey: Looks like we'll have a quorum so we will continue this public hearing until Monday, January 27<sup>th</sup>.

*Meeting adjourned.*