

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes**  
**July 19, 2004**

(Note audio tape (#4) dated July 19, 2004  
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 Bill Dewey at 6:00 p.m.

## **2. ROLL CALL**

**Members Present:** Bill Dewey, Steve Clayton, Wendy Ervin, Terri Jeffreys, Mark Drain, Bob Sund, and Diane Edgin.

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

## **3. APPROVAL OF MINUTES**

None.

## **4. NEW BUSINESS**

(#0070) Bill Dewey: We have public hearings tonight which include a variety of changes in the Resource Ordinance and Development Regulations. Allan, maybe you could speak to how we could potentially tackle these.

(#0088) Allan Borden: Allan Borden, Department of Community Development. Working from your agenda dated July 19<sup>th</sup>, the items listed under #2 are public hearings. Probably the best strategy is if there are individuals here tonight to give testimony on these items from kk) down to nn) as listed the record is open for people to give that input but what I would like to do is address kk), Consideration of removal of open space designations, and I know there are at least a couple of people here tonight to give testimony on that, but moving on to q1) and q2), at the June 21<sup>st</sup> meeting there was a discussion that these two items were not effectively advertised. It wasn't clearly stated what was being proposed for revision in the RO. From that testimony it was anticipated that DCD would submit a new legal ad as a new hearing notice. That hearing notice was not submitted to the newspaper so what I would like to suggest tonight is that the PAC move to continue consideration on those two items and that a legal ad will be made for a future meeting. The next item is q7) and that shouldn't have been on your agenda tonight because on the 21<sup>st</sup> of June a motion was made to make certain changes to the proposed text of Title 16 so that's actually a decision that was made by the PAC and will be referred to the BOCC. Items listed as w), ll), mm), and nn) I would recommend to be included in a future hearing unless someone is here tonight to testify on those. More detailed staff comments and public comment could be made at that future meeting so I request you continue those items.

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(#0235) Bill Dewey: We will take public testimony on all of these items since it was advertised tonight. We'll take up and deliberate kk) as well as have a public hearing on it and potentially w), ll), mm), and nn) if time allows. I would entertain a motion on q1) and q2) that those items be continued until the August meeting.

(#0265) Wendy Ervin: I make a motion that q1) and q2) be continued until the August 16<sup>th</sup> meeting.

(#0268) Bob Sund: I second the motion.

(#0272) Bill Dewey: We have a motion and a second. Any discussion? All in favor? Opposed? Motion passes to continue q1) and q2) until August 16<sup>th</sup>. With that let's go ahead and open the public hearing on kk) which is the consideration to remove the open space designation on certain lands near Coulter Creek as requested by Overton and Associates.

(#0330) Wendy Ervin: One thing that came clear to me was the discussion of open space and trails and then parks so open space as it was discussed was not taking all of these plots of land and call them open space.

(#0350) Bob Sund: There was also a lot of discussion on railroad easements and stream buffers.

(#0360) Diane Edgin: I think it was an attempt to identify areas that feasibly might be called open space.

(#0366) Wendy Ervin: But the context that people were discussing open space in always seemed to be either you've got a park which is a limited area and you've got a trail and presumably the width off of the trail for however many feet on either side of that or a railroad right-of-way that could be turned into open space later but they're not talking about giant tracts of land labeled open space.

(#0382) Mark Drain: I think the maps show otherwise.

(#0384) Wendy Ervin: Yes, there's a conflict between the discussion and the maps.

(#0395) Bob Sund: I thought I heard a comment made at one of our meetings that blocks of land were thrown out there at the last minute to get something passed through the GMHB.

(#0405) Diane Edgin: Open space as it was told to us is not the concept of trails and right-of-ways and other easements. It's literally designated open space as a buffer between UGA's; that you don't build in that area.

(#0415) Wendy Ervin: But because of it's designation ... it's designated forest land or ...

(#0424) Bob Sund: When you lay out large blocks of land that's a real encumbrance to the landowner.

(#0435) Wendy Ervin: All of the discussion that I was reading indicated that open space, while it might be going through forest land, it's not going to be redesignated as industrial or something else.

(#0450) Bill Dewey: Bob and Allan, since our June 21<sup>st</sup> meeting you've gone through some effort to extract the old record to further our discussion on this. We have this June 21<sup>st</sup> handout that has the conclusion that the Department of Community Development is requesting the PAC to table the subject request to modify open space lands and wait for them to be considered during the 2005 update. Has staff's position on that changed?

(#0475) Allan Borden: No it hasn't changed.

(#0478) Bill Dewey: Okay, let's go ahead and take public comment on this item kk) and then we can continue our discussion after we've had that input.

(#0488) David Overton: I'm David Overton and my address is in Belfair. I'm one of the principle landowners in all three of the open space corridors that lie between Allyn and Belfair. I've been here to speak to you a few different times and to participate in some of your work study sessions so I'm happy to appear again before you. Our principle concerns are that these three corridors that were developed were developed largely as a

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fix to a problem identified by the county but not facilitated through the normal public process of holding hearings and seeking out community input. Instead, a hearing was held quickly; the facts were then presented into the Comp Plan and passed quickly. We found out about this process after the fact in a hearing in front of the GMHB and approached the county at that point and said basically this is a concern. We're a party of record and we can go after this issue in front of the GMHB or we can wait to work on it until the Comp Plan is finished and do it through the amendment process. The county asked us, at that point, to basically wait until the process could be restarted after the Comp Plan was approved so we could do it in the form of an amendment and deal with that one issue so we wouldn't hold up the entire Comp Plan. We agreed to that based on the county's advise and then promptly filed as soon as the Comp Plan was finished and they took applications. So they took our fee, we've waited about a year and we're here now. My largest concern is after talking to staff they have come back with a recommendation that we wait until 2005. That concerns me because it would be a very different thing if we had heard that at final to understand that the county wanted to wrap this into 2005. Instead, we are here to go through the process like we agreed to with the county after the Comp Plan hearing. I'm very concerned with staff's recommendation and I don't quite frankly really understand it. We're modifying our approach somewhat in response to what we heard from the county which is there needs to be some sort of open space corridor that functions between the two UGA's so that we're not open to a challenge by a third party against the Comp Plan. So we are amending our request to instead of taking all three open space corridors out and restarting the process to first take out the Coulter Creek and the Fern Lake which don't provide the functions of either separating or connecting the UGA's and then agreeing in 2005 to be a partner and work on the Devereaux Lake open space corridor and then solve those issues that the community has with those.

The first one here on this map is the Coulter Creek open space area and you can see it's principally designated in blue. It's 300 to 400 acres large and in the areas down here you can see that it encompasses the community of Coulter Creek Road. The rest of it is a basin that my timber company actively logs and it's industrial forest land and is characterized by 5 acre tracts. So for us to consider this open space it's not something we would do because of liability issues because of that perception that the public can come in and use this open space. Some areas are also critical aquifer recharge zones in that basin and there's also some riparian areas so having open public access into these areas for trails or anything else like that goes against our harvesting principles and our management principles for this basin.

Allyn is located here and this is North Bay. This is the canal and Belfair is located up here. This is where 106 and 3 intersect so you can see that this corridor here does not separate Belfair or Allyn. It does not connect Belfair and Allyn.

(#0658) Wendy Ervin: What areas do you own?

(#0660) David Overton: We own largely everything here that's in green. Personally, my concern is that I do understand that this was done at a late period and the county was rushed and we all went through that process when the county was trying to get into compliance. We have status in the case; we've been working actively for over 6 years with the county on this but yet we were not consulted in what it does to our land and let's work on some open space corridors that solve this problem. This was a quick fix; it was rushed through. We told the county we didn't want to make it an issue and threaten your ability to come into compliance but this is a real issue for us and our company.

(#0695) Wendy Ervin: The lands that you own are designated long term forest?

(#0698) David Overton: Not long term forest; we're just forest land.

(#0705) Wendy Ervin: So your plan is to continue to grow forest and harvest it?

(#0707) David Overton: Based on market conditions and other things we're retaining our right to convert the land if there is no market for the wood but in the future we see this as part of our corp holdings for forest lands. The concern here is we don't know the regulatory effect. The county has stated they don't think the open space has any regulatory effect on your land but with any farmer if you're put into open space it's a real concern because as regulations change you just have to respond to them and this is going to be an ongoing thing. If we were a partner in developing this with the county I'd stand by it but we weren't. We had no

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chance to comment and the county didn't have any chance to hear what our concerns were. So our recommendation on this one is to remove this open space designation and remove this corridor.

(#0735) Wendy Ervin: Darren, does anybody look to the future where they'll say that open space can't be harvested?

(#0750) Darren Nienaber: I can't forecast the future but the only person that I am aware of that's mentioned that is John Diehl; he's recommended prohibiting development in open space.

(#0755) Steve Clayton: David, where you own the property on the Kitsap and Pierce County side, is that zoned UGA or urban reserve?

(#0760) David Overton: I'd have to refer to a larger regional map. What Steve is talking about is this one shows Allyn and Belfair. Steve's talking about a UGA that's in Kitsap County which lies to the north of Belfair and that is not in the UGA. What we our recommendation is to remove the Fern Lake and the Coulter Creek open spaces and to modify in 2005, through a community process, the Lake Devereaux one, which separates the two by connecting Hood Canal and North Bay so if your concern is that Allyn could grow into Kitsap County there's no way it could grow across North Bay. There are some other utility corridors that connect Allyn and Belfair.

(#0810) Bill Dewey: So Steve, the nature of your question is whether we should be looking at an open space connection to another UGA in Kitsap?

(#0815) Steve Clayton: Right, and my research is kind of along the lines is that up in Belfair it butts up against but not in these corridors that we're looking at.

(#0820) David Overton: There is the SKIA project north of Belfair and then the other UGA you have to worry about is Gig Harbor, which is about 20 miles away.

(#0838) Bill Dewey: In the materials that were provided to us by staff and the historic dialog that went into these designations there's a page handed to us on thoughts and ideas and factors going into identifying open space corridors and buffers dated 10/11/2001. On the second scope it talks about the creation of a trail between North Bay and the Springwater Creek headwaters via a trail from the Theler Center.

(#0855) David Overton: Yes, but it's actually Sweetwater Creek. Belfair is up here. Sweetwater Creek feeds into the head of Hood Canal. In establishing a trail system the most viable corridor would be this Lake Devereaux one and there's actually a trail system identified there.

(#0875) Bill Dewey: But they have it listed under the Coulter Creek one.

(#0880) David Overton: It was an idea but that would never be because of the topography. That would be the most unuseable because you'd have to be crossing the watersheds and having to provide foot bridges across Coulter Creek. So it wouldn't be a very usable corridor.

(#0890) Bob Sund: David, in reading the notes there was an individual that supposedly represented some group from Allyn that maybe proposed these three areas ... in reading those notes, I had the impression that they threw those three out as options but not to include all three of them.

(#0912) David Overton: Yes, and the Allyn Planning Association did look at this issue and you'll see in the attachments of my testimony in the initial submittal on June 27, 2003, correspondence to this body and the Allyn Association to clarify that issue. Where did these open space maps come from? They basically said that they did not approve these and they were not submitted on our behalf because they were presented, they were not deliberated on and they were passed onto the county but it was not from the Allyn Planning Association so it wasn't from a community process.

The next one I'll touch on is similar to the Coulter Creek one in the sense that it doesn't function according to what the county has laid out and it lies to the northeast of North Bay. This is the Fern Lake proposed open

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space region that was adopted by the county. For a large part it covers some of our watershed but it does also cover Representative Eickmeyer's house and then also a large development and a fish hatchery. We don't think this provides either the function of connecting or separating UGA boundaries.

There is one third one, the Lake Devereaux open space corridor, which is compromised of everything inside of this green line here.

(#0995) Wendy Ervin: How much of that do you own?

(#0998) David Overton: We own principally this area here. It's also everything here in this salmon color, which is the school district. Here is a development that's largely sold out called Bellwood. The purple color is the land the county owns.

(#1020) Steve Clayton: Is that determined as study area or is that the whole open space?

(#1030) David Overton: The entire green was adopted as open space. This is what we're proposing to delay and wait for the county's recommendation and work with the community to do this. Our preference right now would be to have the county work on it right now. But we understand the county wants to spend some time and fold it into an entire Comp Plan update, which we're uncomfortable with because we submitted this in 2002 and it's taken a year just to come to this hearing. But we're willing to wait and work with the county as a partner to develop this open space corridor. Here you have Allyn down here and Belfair up here and you adopted a series of open space corridors that run along utility lines so that you provide that function of connecting Belfair and Allyn. If you come up here you can actually see Devereaux Lake here and you can see that this provides the same sort of function as this large open space corridor that was developed south of Allyn and you still have the connecting ability of those utility corridors so we don't think it's a threat to your Comp Plan to act on this right now and take the Fern Lake and Coulter Creek open space areas off because you're still providing the same function that was upheld by the GMHB separating and connecting that was upheld between Allyn and Shelton. I understand your concerns about what's going on in Kitsap but it's not contained in this issue.

(#1135) Wendy Ervin: In some of the reading that we had it indicated that you need to look at what's across the county line so you don't have something that just ... if you've got a plan that needs to have cooperation on the other side of the county line that you don't just cut it off.

(#1150) David Overton: The SKIA project is located up here. In these corridors that we're talking about today the issue is for establishing and separating the UGA's of Allyn and Belfair. That's the function we have to provide with these. The Fern Lake and Coulter Creek corridors don't provide either buffering or connections between those two UGA's but the Lake Devereaux does along with the utility corridors.

(#1200) Steve Clayton: Devereaux also insulated Allyn from anything on the Kitsap or Pierce County side as you indicated because it comes down to North Bay and North Bay is a natural buffer.

(#1215) David Overton: I think there is a real need to put that on your work plan and make it a strong date to look at Lake Devereaux and that open space corridor in 2005.

(#1230) Diane Edgin: What I can see of Lake Devereaux it does not seem to be that heavily developed; not compared to other lakes in the county.

(#1235) David Overton: I don't know the ownership around Lake Devereaux well enough to speak to that but largely the lake is undeveloped.

(#1250) Allan Borden: Generally, the southeast part of Devereaux is the Girl Scout Camp and their land does go to the lakeshore. On the west side, you have the railroad and then you have the more intensive development of 1 1/4 acre lots that front on the lake. They're all lots that go into the lake and most of the lots already have residences on it.

(#1300) David Overton: What's been pointed out by a lot of your questions and a lot of the testimony is that it

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really wasn't looked at in an effective way regarding the regional issues and what do we have to buffer against but I can tell you that a large part of the impact falls on my company and my family's partnership and we do feel that open space is a burden. If you talk to any other farmers whether they are concerned if their farm is in open space it's a real concern because they understand statewide that while it may not be an issue in Mason County right now it evolves into one over time and there are restrictions placed on open space land. We do understand the need for these corridors and respect the county's right to buffer and connect UGA's and we are a willing partner and we understand some of our lands may be affected but without having a chance to work on these we find it unacceptable to maintain the burden on our shoulders until another work program is laid out.

(#1400) Wendy Ervin: Is part of your problem a problem of semantics in that if it is declared as open space what you said at a previous hearing was that one of your concerns was that people interpreted that as being play land and that ungoverned play land in a forest can lead to disaster.

(#1420) David Overton: To be more specific, the problem we all face is to educate the public and change their nature is beyond our control and we could ask the county to go out and educate everyone in the county on what the reality of open space is but the common perception and the use of open space in different counties is that it can be openly accessible land and there can be different regulations placed on land in open space and land that is not in open space and that can affect your right to develop it, farm it, and the thing that offends me most is that we were not part of the process and we have such a large stake and we have always worked with the county in what we thought was a very productive manner and then coming to the county and asking them if they want us to oppose this during the hearing or can we work on it later, and then to hear a staff report that says we should wait another couple of years until 2005.

(#1465) Bob Sund: Bob, was there a reason their proposal was left off this go around of changes?

(#1467) Bob Fink: It wasn't left off; we're there right now and it just took a long time to get to it.

(#1475) Bob Sund: Are we limited as to how many changes we can make in a year?

(#1477) Bob Fink: We are limited to the number of changes to the Comp Plan that we can do in a year. There are exceptions to that that include such things as the initial adoption of a sub-area plan or amendments to respond to the orders of the GMHB but as a normal course of events we are limited to one amendment to the Comp Plan each year. That doesn't mean just one change to it but at one time ... we can only amend it at one time, as many changes as that includes at that one time. It's my understanding that we haven't yet amended the plan this year, either in this calendar year or for a year from going back in the past to this date so we could amend it. The change to the open space map would be an amendment to the county Comp Plan.

(#1515) Diane Edgin: If we decided to tackle this what kind of a time line do you think we would need? Let's say that we will try to get it into this calendar year. What are we going to have to shove out of the picture to do it?

(#1535) Bob Fink: There's a couple of other items on the agenda that are fairly urgent even after you finish the Belfair recommendations. One, is a sign ordinance for the county and another is the rezone criteria for the county, which the BOCC directed us to address. That's particularly urgent because before we can start doing additional rezones we need to address the rezone criteria. The sign ordinance is on an interim basis and will expire in September and we hope to address it in August. The rezone criteria we hope to address in August or as late as September. That's where your work program is for the next couple of months.

(#1575) Wendy Ervin: Rezones are not changes to the Comp Plan?

(#1580) Bob Fink: It depends on the nature of the rezone. There were a couple of rezone requests that because they were changes from UGA's to rural area or visa versa would require a change to the future land use map.

(#1600) Wendy Ervin: So in order to make Comp Plan changes and not step over the bounds you have to

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gather together anything we want to do and the changes in the UGA boundary and other things. That's all one change?

(#1618) Bob Fink: Yes, you'd group them together as one action. You might amend several sections of the plan at one time but you do it all at one time.

(#1625) Steve Clayton: We wouldn't do that but at the BOCC level they would do that.

(#1630) Bob Fink: That's right; there's no change until the BOCC does it.

(#1632) David Overton: The recommendation that we hope you would pass forward to the BOCC is a very simple work plan; it is not attacking the Lake Devereaux corridor at this time, which I think would be a strain on the county's resources at this time. It's just a simple action of removing the first corridor, Fern Lake and Coulter Creek, and then putting on the work schedule for the Comp Plan amendment to process in 2005 this third corridor. We think that's a simple, no load work option for the county to go through.

(#1700) Diane Edgin: I think we should address it and I think we're being offered a pathway to get it on the docket.

(#1714) Wendy Ervin: The whole idea of designating ... if there could be a designation that called this limited development area ... I have to agree. The idea of calling this open space, calling trails open space, calling parks open space, and then calling somebody's private forest open space, I think there's a huge problem in the public perception and even if that remains a low development area I don't think it should be called open space.

(#1740) David Overton: And currently it is zoned for low development.

(#1742) Wendy Ervin: And that's fine and you're not objecting to that?

(#1744) David Overton: No, I'm not asking for a change in the zoning other than the open space criteria because we recognize the fact that it's not going to be 10 units to the acre.

(#1775) Bill Dewey: Let's keep it to public testimony and save our deliberations until after we close the public hearing on it.

(#1777) David Overton: Do you have any other questions?

(#1785) Diane Edgin: My thinking is because it's not going to be developed; it's going to remain forestry that this is something that probably even five or ten years if for some reason it's still going to be there.

(#1794) David Overton: If it is developed the zoning on it is 1 to 10. So you're looking on each of these 20 acre tracts probably 2 homes.

(#1800) Bob Sund: On the Coulter Creek area are those particular drainages there?

(#1820) David Overton: That's another issue that I wasn't really going to get to but it goes to intent as to why these were created. These were created to preserve stream corridors rather than to buffer the two UGA's. So why you see the split here is because they went off the centerline of stream corridors and said that this is what we think the buffer should be. These were not created by the county.

(#1850) Terri Jeffreys: You made the statement that almost every riparian stream in the county is already designated open space ...

(#1856) David Overton: Fish bearing ... that there's a buffer on it and you can't put a home in it and with forestry we can't cut down to the stream lines. There are affected buffers in the area.

(#1875) Diane Edgin: I've been hearing the state and the feds coming back and saying they want 300 foot

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buffers.

(#1880) David Overton: There's also a move in Kitsap County to go from the 200 or 250 foot buffers down to 150. So there is movement on both sides county by county. If there are no other questions I'd like to end my testimony and just reinforce the action we're asking you to take and consider today is the removal of the open space designations for the Fern Lake and the Coulter Creek and to place on the docket in 2005 a work plan to address the issues and the sizing of the Lake Devereaux open space corridor.

(#1922) Courtney Flora: My name is Courtney Flora and I'm here on behalf of the Overton Family. I just want to hit on some legal points. I think David did an excellent job of presenting the facts and scenario and I think you've all hit the nail on the head with several points. This plan was thrown together at the last minute as one of you indicated. These look like they were proposed to be study areas but they're certainly large enough and crude enough that it looks like an area that the county might want to look more closely at to eventually designate open space areas there. They're clearly inappropriate as open space areas now and I just wanted to review briefly the section of the GMA that governs this whole thing. Section 36.70A.160 states that 'counties shall identify open space corridors within and between UGA's but shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in 36.70A.030'. So as some of you were indicating this is intended to be a connection between UGA's and it is intended to be narrowly drawn to include spaces where the public can recreate that isn't suitable for development. Here we have areas that are zoned for residential and school facility uses and the county clearly needs to go back and take a look at that in the future and more narrowly define those areas. In addition, the county's Comp Plan states that open space corridors should be useful for recreation areas and connect the UGA's as well so the Comp Plan is consistent with the GMA but this open space designation on the county maps is inconsistent so that's the issue. I think it's clear that this sort of happened as a last minute plan when you were in the heat of the GMHB compliance hearings. The proposal before you is a little bit different than it was when the Overtons submitted their application. What they were hoping to seek right now is either removal or redesignation of all three of these open space areas and they've now amended their plan to say to just remove these two, Fern Lake and Coulter Creek, and they will consent to help the county work through the Devereaux issues on the 2005 calendar. As you'll see from the map in front of you the Lake Devereaux open space area is the only one that connects those two UGA's so that's the only one that does comply with the GMA standard. That one will remain in place and the county can take a closer look at that and revise it rather than removing it entirely and opening itself up to a GMA challenge. I think David has amply addressed everything else. Are there any questions you have in terms of GMA compliance or legal ramifications?

(#2085) Terri Jeffreys: Is there a definition for open space?

(#2088) Courtney Flora: Open space is an interesting concept. As Darren indicated the boards haven't been very clear about exactly what should be contained in open space. We are pretty clear that it should be wildlife, critical areas, undeveloped land, and one of the issues we are concerned about is the public perception that this private land is going to be open for recreation.

(#2100) Terri Jeffreys: You said the boards haven't been very clear on this. Do you mean that there hasn't been a real consensus of decisions?

(#2105) Courtney Flora: They haven't been holding any directly on this issue.

(#2110) Wendy Ervin: But the RCW as you read it says it's for recreational use and that clearly tells the public they can march right into those forest lands.

(#2116) Courtney Flora: It actually says they shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas. You could interpret that to mean that there could be some other types of land as well; it just needs to include those types of recreational lands. We'd also like to bring up the safety issues. We have active timber harvesting going on and you certainly don't want to create a perception that it's okay to go bike and hike in this area because it's open space.

(#2148) Bob Sund: I can see that the landowner is going to assume some liability through somebody's



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misconception. Somebody has a misconception that open space is recreational and if they're on private property and something happens the landowner can be held liable and you don't know what a judge is going to do on that type of thing.

(#2164) Courtney Flora: And the county could assume some liability, too, for putting that on the map.

(#2200) Wendy Ervin: Darren, if you're in court and a motion is going to be denied but the judge wants to let you know that you can bring it up again because you just had a flaw so they say it's denied without prejudice. Can we do the same sort of thing here; essentially pull those two out but without prejudice so that if in a future planning we could come back and work with them on bringing them back to some sort of limited open space designation?

(#2235) Darren Nienaber: I want to clarify for the record ... I was hoping the planning department was going to chime in ... the multiple purposes for open space. One is for recreation but I think a big reason for adopting some of the larger open space corridors linking the different water bodies was for fish and wildlife purposes and just to clarify the county is not in any way endorsing any type of recreation. I think that was what their thinking was about. I also want to point out in one of our compliance hearings I had mentioned I thought 1 to 10 or 1 to 20 rural zoning even of itself is open space. That makes almost all the county open space.

(#2330) David Overton: Also, one of the add ons to the written testimony I gave in 2002 was a petition where we went around to the community and no one, on the Coulter Creek open space area, that lives inside of it knew about this process going on and we're all concerned about open space.

(#2360) Courtney Flora: It is within the county's ability to define what it means by open space and maybe that can be a part of the process in 2005.

(#2362) Allan Borden: If somebody is walking on your property you have the right to tell them they can't do that and it doesn't matter if it's open space ...

(#2368) Courtney Flora: That's absolutely true.

(#2372) David Overton: You're assuming that when you have a large ownership that means you have to staff with billable man hours people to patrol it to keep people out. The perception of open space corridors when it is recreation if you're not an attorney it's very easy to understand how somebody could interpret that as an open space area like a park.

(#2395) Wendy Ervin: Anybody that has tidelands knows that a couple of times a year you've got to go down and explain to the people who are digging your clams that this is private property and they don't have the right to do this and then they'll argue with you. So just because it's private forest land doesn't mean there aren't a bunch of fools in there building log cabins.

(#2400) Bill Dewey: Any other questions for Ms. Flora? We'll go ahead and ask if there's any other testimony?

(#2494) Jeff Carey: My name is Jeff Carey and I reside in Allyn. Some of this will come from me personally and some of it will come from the Allyn Association. I'll take the personal side of the issue first. What I see as the first problem is that we had a problem when we were working with it is there's a criteria problem. On one hand they're saying there's a liability; I don't have any issues against the Overtons and their family but on the one hand we're saying it's okay to put open space on BPA's right of way and put the liability on them but it's not okay to put it on other people. It's okay to put it on Cascade Natural Gas but it's not okay here. It's okay to put it on the state on their DNR lands but not over here. So I'm saying you have to start looking at the criteria and get some balance. If they have a parcel and it's a buildable parcel can they put a house there? I personally believe there has to be a fair amount of criteria worked out on this because on the one hand if you try to narrow down an area and on the other hand we've got this one map where you have the 1 mile swath going through part of DNR, part of it county, part of it individual property and no body is saying 'boo' about them but we're concerned about one over here. There's problems no matter how you do this open space. The one between Allyn and Shelton; it's got some problems. But there needs to be comprehensive criteria to

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figure this out because you're going to ... if one gets one way and somebody else can't get that because it's another area, that's not fair either. Speaking now as the President of the Allyn Community Association these maps ... there were other people. I was not the author, even though rumor has it that I'm the author. There were other people who participated on this. I can't print those maps and spend the Allyn Community Association's money without motions so you put two and two together. I can tell you that I sat in those meetings with these various individuals and we had an approach and when certain families came and talked about it all of a sudden we adopted it, we submitted it to the county, and all of a sudden all of those parties changed afterwards. Even the very individual that testified here, Richard Bell, he was actually going to come down and testify on a pro issue for it and later testified against it; you put the two together.

This was not an effort to ... we had to first identify priority #1 corridor and then priority #2 and then priority #3. I sat on the Port of Bremerton's Airport planning act. I saw where they were starting to look at doing different things. They were taking the runway and now moving it 1000 feet further south in addition to what they have. They're getting rid of the north end because of the approach and then taking it and moving it south. I, being responsible, presented this to our committee what was going on so these corridors were not just willy - nilly put on a map and that was it. As far as rushing the time I believe they started in September of 2001 and were given to the county sometime in December of 2001 and then the county had times along the way so there may not have been all the public participation there had to be but it was put into the scope of things. Our Association did create a criteria. Some of it was based on state law and everything else we could find that pertained to open space. I have yet, other than the general reference to recreational land, seen a criteria. Where is the criteria on the one last swath they put through there between Allyn and Shelton. So all I'm saying is there has to be some balance thinking about this. If you're asking about the issue with Fern Lake you had Alpine Evergreen having a trail, public access, from Carney Lake. From Carney Lake, which is at the line of Kitsap and Pierce County, they have a trail that goes to Fern Lake. That's the reason that came into being.

Because it looked like to us, when we got our mapping designation of Kitsap County, that their long term forest land was basically interim forest land and we were concerned and we looked at things and how they were growing and what may happen. I'm not married to include it or not. My only issue is that whatever you apply here, apply it county wide because you're doing different things that don't have real rhyme or reason except at a particular moment and issue.

In wrapping up it would be absurd to say that only I presented it and got it adopted all the way through the planning commission, the county and BOCC. That makes no sense. I understand the Overtons concerns. Our intent is not to take rights away from them but to address issues that need to be looked at. If I could leave with one last impression, please apply it across the county uniformly. Try to keep it consistent.

(#2900) Wendy Ervin: You were on the committee that developed these three open space corridor areas?

(#2904) Jeff Carey: Yes.

(#2906) Wendy Ervin: So in the criteria that you looked at you considered the Devereaux one to be the most important, or at least the first and best choice.

(#2918) Jeff Carey: Yes, priority #1. But if the county wanted to look at certain other issues these other ones potentially tie in.

(#2928) Wendy Ervin: So the second one was Coulter Creek and the third one was Fern Lake.

(#2930) Jeff Carey: Yes, and Coulter Creek did have its thing with Sweetwater Creek as a corridor and open space.

(#2936) Wendy Ervin: Was your proposition, as you finished up your committee work and presented it, was the expectation that all three would be used or that there was one that was your first choice?

(#2950) Jeff Carey: No, because this was the first one in the whole county; we had no idea. We didn't know which way they would look at it. The Devereaux one met the criteria most closely. Personally I don't care if

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they do disappear or not; it doesn't make any difference to me but if you're going to have regs ... all I care is that we all work by the same rules.

(#3015) Bill Dewey: Any other questions for Jeff?

(#3022) Diane Edgin: Any regulations we came up with would have to apply county wide, wouldn't it?

(#3026) Darren Nienaber: There might be site specific changes that would apply.

(#3080) Bill Dewey: Any other public comment on item kk)?

(#3120) David Overton: I'd like to agree with Jeff. What we're looking for is consistency with regulations throughout the UGA and you look at the south between Allyn and Shelton you have the utility corridors and then you have one broad connecting water right open space corridor. We look for the same thing but instead we have three up there. The only issue that I have is that what we're asking for is public participation and the talks that Jeff was relating to we were not involved in; we were not asked to and we would have been happy to present these things at that time if there was a venue to do that but there wasn't. So I don't want you to think that we were involved in that process and if you look to the attachments on our letter, specifically the April 25, 2000 letter and the October 2, 2000, one to your body and one to the BOCC, they're both from the Allyn Sub-Area Planning Committee basically saying that we did not present these so please look at those attachments.

(#3200) Bob Sund: David, do you feel you had an opportunity for any input to that Allyn Group that came up with these options?

(#3210) David Overton: No.

(#3225) Bob Sund: Were you ever invited to take part?

(#3230) David Overton: No.

(#3235) Bob Sund: Even though you were a major landowner in the area.

(#3350) Steve Clayton: I think we even had testimony earlier, particularly by Mr. Bell, that said that the Allyn Group didn't study anything outside the UGA. That kind of conflicts with these corridors.

(#3375) Bill Dewey: In fairness I gave Mr. Overton a chance to rebut so I'll give Jeff a chance as well.

(#3400) Jeff Carey: I start off by saying that we did not invite the Overtons; there was no intent of causing any ill will with the Overton Family but likewise the county had it listed as a meeting. There was two meetings and neither one of those were testified either way so I didn't know any more than by looking at the paper or getting my little tag. So again, a sense of balance.

(#3440) Bob Sund: This is an interesting comment that Steve just made here. The Allyn Group supposedly studied within the UGA boundary and this is ...

(#3475) Jeff Carey: There's a letter from our organization asking the BOCC to expand our UGA in a couple of different areas and that's outside. All I can tell you is I was at the meeting and I came to a meeting and there was letters on the table prepared by the Chair at the moment in time totally different than what we agreed but everybody that supported it, I was there. I'm not going to push the point other than to say it didn't happen that way.

(#3500) Steve Clayton: I wasn't saying that Jeff did it on his own; I'm just saying that the particular person that gave testimony before said they didn't study things outside. We have these maps that were involved and I believe I saw them at Allyn Days and we also had their request to extend their UGA up to almost the school district.

(#3550) Bob Fink: I'm Bob Fink with the Mason County Department of Community Development. A number

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of things have come up that people might have some questions about or be unclear on. The open space designation that the county has under its Future Open Space Map has very few regulatory affects. People can develop that property according to the zoning code and other codes that are applicable to the property whether or not they're designated as open space. I just wanted to be sure you understood that. There is a potential affect if someone were to go through a performance subdivision ... a performance subdivision has a number of criteria that are reviewed. When you go through that you get a bonus in increase in density if you meet those criteria. It's voluntary whether you go through that process or not. In order to get that bonus one of the criteria is that you create open space on your property; open space is broadly defined as perhaps land use for resource, it could be land preserved; it's at the option of the owner. When you design that open space and choose where it would go one of the criteria is whether it's adjacent to other open space areas so if part of the property were either designated as open space or designated on the Future Open Space Map or adjacent to land designated on the Future Open Space Map that would be a consideration in the design of that subdivision. It wouldn't change the number of lots they could do but it might change the layout of the lots. You looked at whether this was in compliance with the GMA. Well, this particular adoption of these corridors was determined to be in compliance by the GMHB. The removal of one or several of these areas, whether the county would still be in compliance or not, is speculation. You can certainly make an argument on that basis as has been made but once again you know it's in compliance as it is; you don't know that if you change it you'll remain in compliance. The fact that open space is multiple use is the nature of what was created by the GMA and the GMA itself doesn't really define the term. There are documents that came to us from CTED, who is responsible for interpreting and implementing the GMA, and they also define open space very broadly to include multiple uses. Open space is land that is not developed. Land that is left open and it can have many uses. The county actually describes that in Chapter 4.6, Open Space, where they describe that there are several types of open space. There is open space on private land, open space that are common use, and they go on to explain the many purposes to which open space land can be applied. It's also been suggested that these corridors are 'study corridors' and I think that's substantiated. Open Space Policy OS-605, specifically describes open space as study areas for among purposes, possible recreation or trail development in the future. So I think that's an correct interpretation that was done; that it was never intended that all of these areas be purchased by the public for recreational use or wildlife. The intention is also stated on open spaces that the intention was to work with property owners. Some lands might be purchased; some might not. The corridors might be narrowed in the future through study and I think David recognized that process when he was talking about Lake Devereaux; that you need to go through that process as soon as possible with all these corridors. Some of the corridors may not be needed but at this point that study hasn't been done. I also wanted to emphasize that there were justifications provided. There was a letter included in your packet which was the original letter from the Allyn Community and it gives a list of the things that they considered when they were designating each criteria and what they were attempting to do. So I just wanted to bring those things to clarify them to you.

(#3650) Bob Sund: If land is designated as forest land it is considered as open space?

(#3655) Bob Fink: It is specifically designated ... a lot of the problems we have with terminology is that there's a tax program that has open space and there's a tax program for other types of forest lands but specifically in our Future Land Use Map there are several types of open space that are designated and includes the long term commercial forest lands as open space. It's not just these corridors but it's also steep slopes, it's also the railroad and the power line utility corridors; it's the streams and wetlands; they're all designated as open space. The hope is there's connections in enough areas designated. You could certainly make an argument that the lower density rural areas are themselves open space or deserve to be open space and whether or not you designate them as open space for residential development they really use very little property for residential. It was mandated from the GMHB that we do it and we did designate it. It was a rushed time. This wasn't the only issue that was before the county. It was advertised; it did meet the requirements for public notice but as far as the spirit or the desire to reach out to the community and get community input to it, it could certainly have been done better. We did the best that we could at the time.

(#0200) Bill Dewey: Would it be fair to say that the Fern Lake and the Coulter Creek got a similar amount of notice and public comment opportunity as any of the other open space designations?

(#0235) Bob Fink: Yes, all three came forward as a package and if you look at the discussion in the Comp Plan they are called alternatives so when there was the opportunity to study these in more detail then not

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necessarily all alternatives would continue to be designated. It's a perfectly appropriate thing to do at some point and it may be that those areas may not be needed but I return to my earlier point is that if you want to know what's in compliance with the ACT we know that designating all those areas was in compliance of the ACT and if we remove them then there's a question mark there.

(#0250) Bob Sund: Bob, you indicate that we know we're in compliance right now and if we remove a couple of these we don't know if we'll be in compliance.

(#0300) Bob Fink: You can certainly make arguments about it.

(#0330) Bob Sund: My point is this is on the agenda for 2005 or you are recommending that? Is something going to change between now and 2005? Or are we still facing the problem then of not being in compliance?

(#0375) Bob Fink: I don't know what's going to happen when it's put on the agenda for study. The recommendation may not be to remove all these areas. The recommendation may be to reduce them, to modify them, to change them to another area; those are all possibilities.

(#0400) Bill Dewey: When you say we're going to put this on the agenda for the review of the 2005 proposed changes you're suggesting that more comprehensive studies be done between now and then to provide better recommendations to the PAC and BOCC as to whether these are appropriate designations or not.

(#0410) Bob Fink: That's correct.

(#0420) David Overton: The position you guys will be in is the county is saying these weren't studied, there wasn't a lot of information put into it so therefore I'm the one that has the regulations put on top of me until that is developed and that to me seems a little ridiculous and very much backwards. Instead, the position should be to study them all before we put any regulatory affect on someone.

(#0435) Bob Fink: We did study them and the record in here shows what was considered but further study is undoubtedly needed and is intended to be done in the future.

(#0445) Bill Dewey: For clarification, outside of the designation Mr. Overton is still free to develop his property as anybody else.

(#0450) Bob Fink: In a similar zoning and similar physical facts.

(#0452) Bill Dewey: So at this point we have before us still a staff recommendation on kk) to table the subject request and put it on to be considered during the 2005 Comp Plan update. What is the will of the PAC?

(#0468) Mark Drain: I would just as soon remove the two as David talked about and retain the Devereaux open space corridor for review later on and we don't know what it's going to do for GMA compliance but rather than put all that encumbrance on the Overtons right now let the county share in some of it.

(#0485) Bob Sund: It sounds to me like the county made some kind of an agreement with the Overtons to not address it now and we'll address it later so I think that there's a moral responsibility on the part of the county to address the problem.

(#0498) Mark Drain: I really can't see the reasoning behind both the Fern Lake and the Coulter Creek areas and I think that the Devereaux corridor will stand on its own; that it will meet the compliance.

(#0508) Bob Sund: And furthermore these three things were listed as alternatives; not as a package deal. So we're just saying to go with priority #1 that the study group came up with. I think the concern the Overtons may have is appropriate in the fact the criteria we have right now or what we think is going to govern open space we may be able to identify but there's nothing that says that down the pike five or ten years that somebody writes some legislation that says all open space ... that's what he's concerned about.

(#0550) Mark Drain: We're timber land owners, too, and everyday you face further restrictions that just reduce

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the options of what you can do to your land. This is just an overlay for them to have to deal with. It just becomes too much after a while.

(#0600) Bill Dewey: I'm sensitive to what I'm hearing and I agree but what concerns me is this issue of semantics that's been brought up that open space is used in a variety of different forums to mean different things and so you get this public perception from some of those designations that it's open for public use. What I'm also sensitive to the comments I heard from Mr. Carey regarding being consistent in what we're doing in recommending as a PAC and if any other landowner in any other designated open space areas and could easily make the same arguments that Mr. Overton has made. The fact that it's placed a burden on his property and there's the perception that the public can use his property and anyone can make that same argument and based on what I'm hearing then we'd be obligated to do the same thing for consistency.

(#0650) Mark Drain: I don't think anyone has been affected in such a great way that they have, though, and I think it's wonderful for them to step up to the table with the Devereaux corridor and be willing to leave it as it is now subject to further study and to me that is more than wide enough to accommodate any type of open space area.

(#0665) Bill Dewey: The Overton ownership in that Devereaux corridor is pretty insignificant. In the Coulter Creek one it's very significant.

(#0670) Mark Drain: I'm not talking about ownership; I'm just saying that the Devereaux corridor itself looks more than adequate to fulfill what the state is looking for and there's a lot of options involved in that area.

(#0678) Diane Edgin: And it does separate the two UGA's where the other two do not.

(#0686) Steve Clayton: To address Bill's concern, the difference is we're required to have a buffer between the UGA's and these other two particular corridors don't buffer the UGA's and that's what the difference will be when the other property owners come and say we're encumbering their land and if it's in a buffer area between the UGA's we can say we took the Overtons out because it doesn't fit that criteria. That's how I could justify it. We have these guidelines via GMA that we need within and between and the Devereaux is a between.

(#0715) Bill Dewey: So the open space that we designate to connect North Bay to the Hood Canal that's not going between UGA's so could the same argument be made that that one should be eliminated too?

(#0725) Steve Clayton: That's between Allyn and Shelton so ...

(#0730) Bill Dewey: It doesn't connect the two; it's just between them and it just connects the two water bodies.

(#0732) Mark Drain: It's an open space between Shelton and Allyn and the connection is the utilities.

(#0755) Bob Sund: I think one of the other concerns, Bill, that you eluded to that any other property owner comes in, I think this is somewhat different because the Overtons have recognized the fact that we have to get this job done and create this; they've recognized that and I don't know how much property they own in that Devereaux area but I've been under the impression that they are a significant property owner in the area and they are willing to work on reaching the appropriate goal and that sets it apart from some other property owner.

(#0795) Steve Clayton: We're encumbering someone's property and whether it has current status to encumber it or later status to encumber it and we need some justification. There are good reasons for a corridor for both of the other corridors but unfortunately they aren't found in the statutes. It would be nice to have an access to the trail out there and it would be nice to have access to Kitsap County but when we're encumbering somebody else's property that for a reason that GMA doesn't give us for the within and between.

(#0830) Bill Dewey: We've had a lot of discussion on this. Is there a motion anybody would like to put on the

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floor?

(#0835) Bob Sund: I would make a motion that the second and third alternatives be taken out of the open space area and that a study and specifics will continue in the Lake Devereaux corridor.

(#0855) Bill Dewey: To be clear for the record, Bob, the second and third you reference are the Fern Lake and the Coulter Creek corridors?

(#0857) Bob Sund: That's correct. For them to be removed from the open space.

(#0862) Steve Clayton: To clarify, the parts of the Coulter Creek and the Fern Lake areas that are not included in the Lake Devereaux because there's a lot of overlap so I think your intent is that the Lake Devereaux open space remains intact and whatever of these two other areas that are outside of the Devereaux area is what we're talking about removing.

(#0876) Bob Sund: I'd like to adjust that motion to include that. To leave the Devereaux open space in the way it is right now for further study and implementation and the areas that are not in the Devereaux area that are included in the Coulter Creek and the Fern Lake areas be taken out of open space.

(#0980) Mark Drain: I second that motion.

(#0895) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes.

*Break in meeting.*

(#0918) Bill Dewey: We'll now move onto Belfair. First I'd like to ask if there is anybody here to testify on items w), ll), mm), or nn)? Hearing none let the record show that there's no one here to testify on those issues. So we'll close those for public comment. Let's move onto the Belfair plan. Just as a reminder public testimony on this has been closed.

(#0940) Steve Clayton: We completed the plan, zoning and so we just have the DR's left. We recommended a particular map which is the zoning. We took the revised map from the staff and included ag land.

(#0975) Bob Fink: Yes, that's correct.

(#0980) Terri Jeffreys: Did we vote on the transportation report?

(#0982) Bob Fink: You voted on it and you approved the recommendations except made no recommendation on the timing or order of the bypass and Highway 3.

(#0992) Steve Clayton: We voted to kick the Heffron report out and recommend the BOCC not accept it. We made the recommendation to have public works review it.

(#1004) Bill Dewey: So what specifically is left?

(#1020) Steve Clayton: Just the DR's.

(#1030) Mark Drain: So on the DR's we did pass the one that reduced the buffer to 15 feet but we had a couple of other issues.

(#1038) Terri Jeffreys: We need to take up signs.

(#1042) Steve Clayton: Adult businesses. We had a question on density in the MU district and I think Bob had made mention that staff more or less agreed that 10 units per acre was not defined in there but that was something staff could live with. Another contradiction was critical areas language for the residential zones. I sent an e-mail dated July 5<sup>th</sup> addressed to Bob who passed it out to the other PAC members.

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(#1100) Bob Fink: I went through Steve's list and identified a number of topics and some haven't been brought up yet.

(#1108) Bill Dewey: So we're dealing specifically with the DR's.

(#1130) Steve Clayton: On page 49 of the DR's Figure 20 refers to the 'approval by the city' and I'd like to change that to 'approval by the county'. In the MU district on pages 20, 21 and 22, specifically on page 21 it says 'the maximum density will be dictated by applicable height, parking design, site constraints, market conditions'. So we're saying in the corridor area along Highway 3 that you can put any number of apartments or whatever on the property that it will hold as long as you meet the other requirements. For consistency it would seem if we put a number on there, as in 10 units per acre, then we can actually plan buildout for the UGA based on that. With this there's no upper limit for the plan. It's just applying the density as we have for all the residential districts; just applying the density limitation.

(#1252) Mark Drain: And you're saying 10 units per acre?

(#1254) Steve Clayton: That's the calculation staff used in the materials they've given us.

(#1256) Terri Jeffreys: I think that's putting the cart before the horse. I think they just needed to find a number and pulled one out. I don't think that was the intention of the planning group. If indeed the bulk requirements were what they wanted to use to dictate it and the market functions I think that should probably be honored. I do agree that staff has had a problem in trying to figure out how to determine how much population to allocate to this area but they're going to have to come up with a way to figure that out and still be flexible in these mixed use areas. I think the bulk requirements will dictate how much density will be in these areas. The height limitations, the parking standards and everything else that says you have to have, for example, 1 ½ parking spaces per residential unit and if you do the math and it turns out that for the amount of parking you need and as many stories as you can go up and how much land you have you can only put in 10 units and that's your constraint.

(#1300) Wendy Ervin: That that also go for efficiency units? You have 4 units ... and central kitchen / living surrounding by 4 efficiency units.

(#1325) Terri Jeffreys: I'm not actually sure about the parking standards.

(#1365) Bob Fink: Page 38 has the off street parking standards.

(#1395) Steve Clayton: The zoning map that we approved the color with the R10 is the most densely zoned area which it appears the intent was that those are close in and walkable and the discussion earlier was why this was shrunk down was because it was walkable to the GC so you put your density next to there. These density areas are FR, walkable to the community, and the density here was the third node of the plan which is the Salmon Center. You may look at that and say that makes sense for density and then look at all this purple is actually zoned the same, which is MU and that could be 50 or 100 units because it has no limitation. Does that appear to be a logical way to have people access a two lane highway to have unlimited development along the highway? The impression is that this shouldn't be an unlimited ... if you want to draw it as 10 units per acre like these it allows a lot of density along a crowded corridor.

(#1450) Terri Jeffreys: You've got some bulk requirements ... the R10 MF designation also speaks to where they want their apartments. Multi Use indicates that you have a mixture of both commercial and residential uses. In order to do that effectively in a commercial or investors sense there has to be a tremendous amount of flexibility there and if you're high paying tenants are going to be the residential and your low paying or hard to get tenants are going to be commercial it needs to be flexible for the developer and the investor to be able to develop a piece of property that he can turn a profit on it. Typically your MU is commercial on the bottom floor and apartments or condos on the top floor. MU is a difficult thing for developers to do in small markets like Belfair and they need added flexibility in order for it to work for them. I don't think we can sit here now and make a rule that would meet all the requirements of a possible investment coming down the line.



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(#1540) Steve Clayton: That's a fact of zoning of having to put a number on a particular parcel in the UGA and it possibly not fitting in the future. Somewhere you have to plan your community.

(#1555) Terri Jeffreys: I think you planned it by saying this is area we want to see a mixture of residential and commercial uses; that's the plan.

(#1560) Mark Drain: That was the intent of this plan.

(#1564) Bill Dewey: Right, but did they discuss residential in there?

(#1568) Bob Fink: I don't know that they had any significant discussion; on the other hand, it's very explicit in the MU district that they were controlling the density on site with site limits. So you need space for parking, for stormwater, for landscaping, bulk height, setbacks, and those are the limits that apply and it specifically say we're not controlling the density. In doing the SEPA analysis just to get a handle on what the capacity might be I estimated about 10 units an acre but that's just an estimate.

(#1600) Mark Drain: I would probably leave it the way it is.

(#1602) Bill Dewey: Everyone comfortable with that?

(#1605) Wendy Ervin: Yes. As long as they have a height limit and all these other limits how many can you pack in there? All these other things are controlling that.

(#1615) Bill Dewey: That's Terri's point. That's what the group suggested in the bulk and dimensional standards. They said 'the maximum density shall be dictated by the applicable height limit, parking requirements, design guidelines, site constraints, and market conditions'. Steve?

(#1630) Steve Clayton: I'm just under the impression that the node concept that was given here was trying to make it walkable for the community and if we're putting high density populations spotty along the corridor then we're destroying that.

(#1640) Terri Jeffreys: How is that destroying that?

(#1645) Steve Clayton: It's no longer walkable because if you have R10 in your core areas and not in other areas it creates the density in the downtown area. If it's available anywhere then the market says people will build anywhere.

(#1655) Wendy Ervin: But in the purple area you've got a mixture of commercial and residential whereas in the R10 you strictly have residential. So you're still going to have your residential clustered into those areas and because you've got commercial in the other that residential is going to be spread out. Those businesses have to have parking and access to suit the business.

(#1672) Steve Clayton: Right, and do we want to spread out the community or do we want to consolidate the community?

(#1675) Wendy Ervin: You've already got lines around it; it's not going to spread very far.

(#1680) Terri Jeffreys: Walkability has a lot to do with the atmosphere, too, and that's things like putting your buildings up to the street as opposed to the parking lot up to the street. If I have to walk by a bunch of parking lots it's less interesting than if I'm going to walk by a building front. I just suggest that that's something that needs to be addressed.

(#1715) Bob Sund: It was a very large group that did this and they must have had a lot of discussion on this very topic. I don't want to micro manage something that they've already talked about.

(#1730) Wendy Ervin: Are you indicating that they didn't have that much discussion on this?

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(#1732) Steve Clayton: Yes, but that's separate; this is what we were presented.

(#1738) Bill Dewey: Steve, it doesn't sound like it's going to go anywhere.

(#1740) Steve Clayton: Okay, let's move on. The next item is right in that same under Bulk and Dimensional Standards under setbacks in the MU. I compare that with the R10 and I'm looking in particular at the density aspect and in the R10 we have the maximum average of 10 units per acre. The next question that comes up is in the R10, R5, and R3 you have similar language saying we're only going to allow 10 units excluding the area of wetlands, designated landslide hazard areas, lake, ponds, etc. So we're putting some limitations as far as the density and we're taking out critical areas. We don't do that for the residential area on the MU district.

(#1825) Bob Fink: What Steve is saying would be correct if you had a 10 unit per acre density limit but since you don't have that limit then you're not going to build on your wetlands and other sensitive areas and you can build as much as you can fit everywhere else so it doesn't matter whether you count those wetlands or not.

(#1840) Bill Dewey: So with your site constraints in MU you're essentially picking up those limitations.

(#1845) Steve Clayton: Okay. In the General Commercial District the plan that was approved by the Belfair group also had a phrase 'uses not listed that are found substantially similar in character, function and impact'. Staff had to pull that out because Darren found that unenforceable so the Belfair community had this concept of ... we throw out these uses and if you have something similar you can put it in. Now we took out that language that says that so what do we do now in order to keep the premise of the Belfair group that if it's close to that it's okay? Do we add a number of more uses to get into the details or do we change the language to open it up?

(#1955) Terri Jeffreys: How do you compile a list like this especially when you have so many different categories? Did you have a model list?

(#1975) Bob Fink: There was a list developed by the consultant based on the nature of the district.

(#1984) Wendy Ervin: Things already existing?

(#1986) Bob Fink: Partly things already existing but also things that are appropriate to the type of district it is. FR is more oriented towards social activities and restaurants and recreational shopping whereas the GC is a district more appropriate to the more exhaustive variety of shopping and commercial purposes. We still may not have considered everything. The list was proposed and given to the committee and there were some modifications made.

(#2020) Terri Jeffreys: So did the consultants submit a list based on other ordinances; is this a tried and true type of a list?

(#2025) Bob Fink: I would suggest they probably reviewed other city's regulations and used their own professional judgment when they made up the list.

(#2034) Steve Clayton: In the real world most of us looked at the Belfair plan and I think a lot of people didn't look at the DR's; I didn't look at it until the very last minute.

(#2045) Terri Jeffreys: It's just really hard to know what's missing unless you're concerned about that particular type of business.

(#2050) Bob Sund: In the past we've had quite extensive discussions about the so called matrix. It's really difficult and personally the businesses change as our society changes and for us to say that this business is okay ... we don't know what kind of a take off is going to happen and so I'm against developing a specific list of businesses. We're restricting the ingenuity of people.

(#2090) Steve Clayton: So how do we put that in if we pulled out the 'substantially similar in character' that

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would ...

(#2098) Diane Edgin: When we had the big discussion about the matrix it wasn't so much for a city as it was for a county. A city, I think, is much, much different because you really don't want certain types of uses in your core business area so you have to put some sort of regulations. One of the biggest things are the adult entertainment places. The thing is you can't deny them but you have to put them somewhere. We say we don't want them near schools or churches so right there you're setting the bar. You don't want a light manufacturing in the middle of your town. That's where the matrix comes in.

(#2152) Mark Drain: So, Darren, there's no way to open it up to unknown businesses with some kind of oversight to what that might be?

(#2160) Darren Nienaber: What we could end up with is an adult use ... they'll say we're just like a dance place or a theater and how can you discriminate against us which is somewhat protected free speech. You could end up with a civil rights claim. Having a vague term might seem like it's helpful but it really opens you wide up. There's a number of GMHB cases that go against that type of ambiguity.

(#2190) Steve Clayton: What was deleted was 'substantially similar' but what was left in was 'retail shops not otherwise named'.

(#2200) Bob Fink: The justification for that was that I wanted to get rid of the language that was non specific and unenforceable and replace it with something that was clear. At the time I was thinking that with smaller shops there would be no issue with whatever activity they were doing. If they didn't quite fit in they probably wouldn't have a big impact because of their size. That's why I set a '10,000 sf' limit to it and I figured just about any retail could fit into that. I do recognize in the GC it had been the intent, and it was discussed, having a zone available for larger stores which would be clearly over 10,000 sf. The argument was that since certain things like grocery stores are listed, and some of the other typical big box stores, but the other big box stores like a Costco or a Walmart would be permissible under that general language. The challenge to you is if you don't like that 10,000 sf limit, all retail under 10,000 sf is okay, you can either strike that 'all retail' then you've got all retail, or you can leave it 'all retail' and try to address the permitting of the big box stores separately. One way to do that would be as a special use you could allow any retail over 10,000 sf; that way you get better design control over the nature of the activity that's happening there and yet still permit it.

(#2300) Bill Dewey: So you suggesting under the next section under Special Uses adding a category for retail stores in excess 10,000 sf?

(#2306) Bob Fink: Right, that's one approach. As opposed to deleting it.

(#2312) Darren Nienaber: That wasn't necessarily a staff recommendation. That's just putting forth one approach to the issue.

(#2315) Wendy Ervin: I would think that if you leave it with just this 'retail shops not otherwise named which are under 10,000 sf' and don't have a special use over 10,000 sf that somebody that just wants to obstruct is going to complain the grocery store that's more or the church that's more ... there's a number of designations here that could go over 10,000 sf and be perfectly within the norms of every retail community. I think this just gives somebody who is wanting to be a problem ammunition without having an alternative that you can have a bigger store with a special permit.

(#2355) Bill Dewey: So if we added a line under Special Uses for retail stores in excess of 10,000 sf does that mean any grocery store or any other business is going to need a Special Use Permit?

(#2368) Bob Fink: No, my understanding would be something like a grocery store, that would typically be in excess of 10,000 sf, is permitted in itself. It's only unlisted uses that are retail that would need a Special Use Permit.

(#2380) Wendy Ervin: What I'm saying is somebody who wanted to cause problems would read it the way they wanted to read it and they're going to read that 10,000 sf and then they're going to start complaining

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about the other stores.

(#2395) Terri Jeffreys: For the record, I really disagree in the GC in a UGA of listing approved uses as opposed to using the other option of just saying what's not allowed because if you don't allow everything in the UGA there's no place for it to go because they cannot go in the rural areas and this approach is just too difficult to manage and I think the better approach would be to say what is not allowed. I don't want to micro manage the work but I just feel very strongly if we're confined to one area, and there's three UGA's, to do any type of commercial work we have got to be flexible.

(#2445) Steve Clayton: I think we discussed it when Senator Sheldon was here when we talked about rural uses and opening it up and I agree so far with what Terri is saying in that the GC seems to be the wide open in this UGA and basically GC should be relatively wide open. The FR and corridor MU, those are where you're narrowing down the uses. The whole plan is trying to design a community that's aesthetically appealing and that's walkable. Bob, did you have a feeling for any uses that the group didn't feel would be appropriate in GC?

(#2550) Bob Fink: Not particularly. I know that the larger retail was certainly under consideration. It is intended to be pretty inclusive. I would note, though, that some of the GC is within walking distance of the FR or adjacent to it and in a sense you may want to distinguish between the northern end GC and what's right next to the FR. To a certain extent they are distinguished just by their very nature in the fact that they're fairly small lots near FR area whereas in the north part of town they're typically larger lots. To do a large business you need more space and you're simply not going to accumulate enough land to build a big box Walmart next to the FR. There just isn't that much land available.

(#2625) Mark Drain: So you think it's appropriate or possible to write a list of businesses that are excluded and maybe that would even be businesses of 10,000 sf or more unless they went through a Special Use Permit.

(#2635) Diane Edgin: I would put in Special Use building any building, whether it's retail or non-profit or church related, that if it's in excess of 10,000 sf you're going to need a Special Use Permit.

(#2650) Steve Clayton: How about 30,000 or 40,000 sf? How big is a Safeway? To an extent do we really want to put in Special Use Permit in somebody that's got site coverage on GC area? A reasonable sized Target store or a KMart?

(#2680) Terri Jeffreys: Can somebody walk me through the process of a Special Use Permit?

(#2685) Bob Fink: It's a public hearing process. So you make an application and there's a fee and it takes several weeks because you have to provide public notice; there's a public hearing before the HE and then they would render a decision. Even a Special Use Permit is not a popular vote. The reason for denial has to be based on the criteria in the plan and the guidance provided by it, it has to be on a rational basis and something that can't be conditioned. It's not a matter that no one comes out and speaks opposed to it or whether 1,000 people come out and speak opposed to it.

(#2845) Wendy Ervin: Is the whole intent of this list to control adult bookstores, adult video stores?

(#2858) Bob Fink: No.

(#2862) Wendy Ervin: What is it trying to keep out? The whole point is that this is excluding things.

(#2870) Mark Drain: Would anybody be adverse to the language of making it open to every type of retail business of less than 10,000 sf, which would have to go under special uses and exclude adult stores and leave it at that?

(#2885) Bob Sund: Anything over 10,000 sf has to have a Special Use Permit?

(#2895) Mark Drain: Yes. I think the gist of this list ...

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(#2900) Steve Clayton: It doesn't include a PetsMart, department stores; that was my concern.

(#2914) Mark Drain: So we just open it to everything and write the 10,000 sf in there.

(#2920) Terri Jeffreys: But is 10,000 sf enough? What's the difference between GC and GCBI?

(#2938) Allan Borden: BI is the overlay.

(#2942) Terri Jeffreys: So an allowed use in the GC could also be allowed in that overlay district? If you look under BI it just kind of has industrial uses.

(#2955) Steve Clayton: Right, it's just industrial uses.

(#2970) Bob Fink: I don't know that the intent of the committee would be violated under retail shops if it simply read 'retail shops not otherwise named'. I explained the reason for the 10,000 sf was I was looking for some kind of limit that would limit the impacts but clearly they did intend to have larger stores.

(#2995) Terri Jeffreys: Can I counter that by saying in the Purpose section in line 5 where it says 'The district also provides standards intended to reduce the scale of large buildings and add visual interest' ...

(#3010) Bob Fink: It's the visual impact ... when you have a big building you design it with architectural features ...

(#3018) Terri Jeffreys: The visual impact and scale ... that's the size of the building.

(#3022) Bob Fink: You're right; the scale is the size of the building.

(#3024) Terri Jeffreys: So was the intention to limit the size of the buildings in those districts? If so, where does a Target go in Belfair? I guess they'd have to get a Special Use Permit.

(#3038) Wendy Ervin: No one has mentioned churches but churches can become enormous with huge traffic flows.

(#3050) Terri Jeffreys: I would be in favor of taking 'retail shops not otherwise named'. Don't give a size and then to change the language in Purpose to 'The district also provides standards intended to add visual interest'. Strike out the words 'to reduce the scale of large buildings'. That's just because it's not clear to me that there was an intention of this group and as a PAC member I don't think I'd like to limit the type and size of retail in the GC areas.

(#3090) Allan Borden: I would imagine the sub-area planning group thought that GC would mean a place where large retail buildings would go as opposed to MU.

(#3130) Steve Clayton: It says 'retail shops' and I like the wording 'retail uses'. There are some uses that aren't actually shops. In the GC perhaps bumping that up from 10,000 sf to 20,000 or 30,000 sf and then put larger than that under a Special Use Permit.

(#3160) Terri Jeffreys: My objection is we're throwing a number in there and we're not basing it on anything.

(#3172) Steve Clayton: That language was entirely proposed by staff after this plan was approved.

(#3178) Bob Fink: Right. The issue was there was language in the original proposal that allowed basically businesses of similar uses and impacts that was simply not acceptable so the 10,000 sf was an attempt to quantify those.

(#3215) David Overton: Just to give you an insight on a developer what they would say is a big box retail is normally 40,000 to 60,000 sf. Superstore is 70,000 to over 100,000 sf. So an average Home Depot is going to be above 40,000 sf.

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(#3240) Wendy Ervin: Was there any intention to not have a Home Depot or a Walmart or a Target or whatever?

(#3252) Steve Clayton: I don't know about intention but reading through the plan it says specifically that large uses were intended for that district.

(#3260) Bob Fink: And that was my understanding, too. When I wrote that 10,000 sf I didn't intend to exclude those businesses; it was intended to be very inclusive for things that were smaller, not necessarily to exclude things that were bigger.

(#3280) Steve Clayton: We didn't hear any testimony from the audience because testimony is closed but if we wanted to include big box and the realistic number is 40,000 or 50,000 sf and then put larger than that under a Special Use Permit.

(#3292) Wendy Ervin: Or just not put any number on it at all.

(#3305) Diane Edgin: I think you need to put some kind of number in there.

(#3314) Terri Jeffreys: Why do you want to watch dog big stores?

(#3318) Diane Edgin: Let's say 40,000 sf and larger, I think there are certain types of stores that would not want to locate next to other big box stores because they'd literally be lost because of their size.

(#3342) Bob Sund: But is that our prerogative to make that decision or is that a business decision on the part of those businesses? When people make a business decision they include that as part of their study.

(#3366) Wendy Ervin: Limiting the size of your next door neighbor isn't going to make you move in. If you've got a Home Depot that's squashed into a small footprint that doesn't make somebody say that Home Depot is really small so I can move in there.

(#3400) Bob Fink: I think one of the intentions is, if you look at the downtown FR area, the vision there is for a walkable space; walkable space means it's compact with smaller stores. When you get into a retail that's 100,000 sf they've got to have 500 parking spaces. That means it's a quarter of a mile before you get to the store. If you have two of them next to each other then you've got to walk a half a mile to the store. That kind of potential was seen as in the north end; that you would need to provide some place for such auto dependent areas and you may try to make the parking more pleasant by having landscaping requirements but it will still take up a lot of area.

(#3500) Terri Jeffreys: I hate to play with the map because we've already okayed the map but it seems like we're concerned about this area here having big boxes and this area here might be more suitable for big boxes. So this area seems more suitable for a size requirement; maybe not a use restriction. Would we be playing with the map if we were to say something like that?

(#3550) Steve Clayton: Those are pretty small parcels in the lower area.

(#3555) Wendy Ervin: So the parcel restricts what kind of big box could go in there.

(#3565) Steve Clayton: Right.

(#3570) Bob Fink: Right.

(#3592) Wendy Ervin: It's probably taken care of in there and we come back to fact that the planning people have to give a permit and if it's not gonna work they're not going to get the permit.

(#3615) Steve Clayton: As Bob was saying there has to be a good reason to deny a Special Use Permit. I'll make a motion that we propose to change under GC that it should be 'retail uses' instead of 'retail shops', 'not otherwise named which are under 50,000 sf' and add under Special Uses 'retail uses not otherwise named which are over 50,000 sf'.

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(#3660) Wendy Ervin: And drop the rest of the list?

(#3664) Steve Clayton: No, you can leave the rest of the list. The rest of the list also includes things that aren't retail.

(#3710) Diane Edgin: I'll second Steve's motion.

(#3712) Bill Dewey: We have a motion and a second. Any further discussion?

(#3718) Wendy Ervin: Is there any wording that can just say generally retail and light manufacturing use under so many sf and if you go over that number then you need a special permit and drop the list entirely.

(#3740) Steve Clayton: You've got light manufacturing, you've got theaters that's included there. Recycling centers which doesn't fit into either one of those categories. Those are just other uses that are put in here so why delete them from the list when the list exists?

(#3772) Wendy Ervin: You could say something like 'all commercial uses under whatever the sf it is and everything else over a certain sf needs a Special Use Permit'.

(#3825) Diane Edgin: When we talk about the 50,000 sf we're just talking about the building, right? Not the building and the parking lot?

(#3858) Bob Fink: It depends on how you say it. If you say 'uses' then the parking is part of the use. If you're talking about shops or buildings then you're just talking about the shops themselves.

(#0090) Diane Edgin: One reason I wouldn't want this list as it reads right now is 'recycling centers'. What do you think a junkyard is?

(#0098) Wendy Ervin: Do you want a junkyard right next to your professional office?

(#0100) Diane Edgin: That's one I think needs to be site specific.

(#0102) Steve Clayton: It's in the BI under Auto parts yard. Okay, we'll come back to this. Bob is saying 'uses' doesn't fit that 'shops' fits better. For automotive sales, which are outside sales, or RV sales or mobile home sales how do we address those?

(#0128) Terri Jeffreys: Let's talk about what you said first because we're talking about specific uses and we have to talk about the recycling centers and the auto sales.

(#0132) Steve Clayton: Okay, so what about 'uses' versus 'shops'?

(#0145) Bob Fink: I'm not sure what your intent is but you can't say 'retail uses not otherwise named; buildings under 50,000 sf. If you're trying to distinguish between the use and the building then say we're only concerned about the building as far as your size limit. If you're concerned about the footprint of the whole activity then you could probably specify that in uses.

(#0200) Steve Clayton: So 'retail uses not otherwise named which have associated buildings which are under 50,000 sf'.

(#0230) Bill Dewey: We have a motion and a second on the floor.

(#0250) Steve Clayton: I'd like to amend that to relate to that the building size is the concern. So it's the buildings that are under 50,000 sf.

(#0260) Terri Jeffreys: Why did you pick 50,000 sf? Did you just pick it because that was what we heard was the average size of a big box store?

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(#0270) Steve Clayton: I was under the impression the average size was more along the lines of 40,000 sf so I bumped it up.

(#0276) Terri Jeffreys: Okay.

(#0280) Diane Edgin: I think that's good to have in the record then it's not an arbitrary number.

(#0284) Bill Dewey: Steve, could you clarify your amended motion?

(#0286) Terri Jeffreys: I think we also need to amend the Purpose.

(#0285) Bill Dewey: How about we do this one and then get to the Purpose and then to the recycling. To 'retail uses not otherwise named which have a building size of under 50,000 sf.' Then under Special Uses would be the building sizes over 50,000 sf.

(#0305) Wendy Ervin: Do we want to say 'retail and other uses not otherwise named which have a building size of under 50,000 sf'? As we've said some of these things like churches can be absolutely enormous. Do we want them to have some size restriction on all uses?

(#0325) Terri Jeffreys: We're not restricting size; we're restricting whether they have to have a Special Use Permit.

(#0332) Wendy Ervin: But that was based on size.

(#0335) Steve Clayton: The plan that was given to us by the Belfair group just addressed retail.

(#0338) Wendy Ervin: I'm not too sure that everything over a certain amount shouldn't have a Special Use Permit. If you're putting in a Special Use Permit for a big box store shouldn't you also have to have a Special Use Permit for a big box church?

(#0342) Diane Edgin: I think in all fairness for the public in general you need to do that. There are people on both sides and I think you need to have the mechanics to at least address it.

(#0370) Steve Clayton: I'll take that as a friendly amendment if the seconder would if the Special Uses just says 'buildings which exceed 50,000 sf'.

(#0375) Diane Edgin: I will amend my second.

(#0380) Steve Clayton: Which means you can still have a lot of uses there and people might not like them but they have to have a good reason not to allow it. So under Special Uses buildings over 50,000 sf require a Special Use Permit. That's just in the GC.

(#0420) Bob Fink: So you want to capture any buildings over 50,000 sf need a Special Use Permit?

(#0422) PAC: Yes.

(#0425) Bob Fink: Instead of putting it there under Retail Uses you may want to put it under the very beginning of Allowed Uses. You probably want to put it there to say 'Uses with total building size under 50,000 sf shall be allowed in the GC district shall be as follows:' So they're permitted if they're smaller than 50,000 sf and then under Special Uses you list 'Any uses where they building exceed 50,000 sf shall require a Special Use Permit'.

(#0450) Steve Clayton: I'll take that as a friendly amendment.

(#0452) Bill Dewey: And then just for clarification, the 'retail shops' statement would just have a period after 'named'?



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- (#0458) Steve Clayton: Right, just have 'retail uses not otherwise named'.
- (#0462) Bill Dewey: Any further discussion on the motion? All in favor? Opposed? Motion passes.
- (#0478) Terri Jeffreys: So will gas stations fall under this list?
- (#0482) Bob Fink: Yes.
- (#0490) Terri Jeffreys: What about automobile sales?
- (#0492) Steve Clayton: That's a retail use.
- (#0494) Terri Jeffreys: Okay.
- (#0496) Steve Clayton: And real estate sales; that's retail use.
- (#0510) Terri Jeffreys: I also want to do an amendment to the Purpose? I'd like it to read 'The district also provides standards intended to add visual interest in the developments'.
- (#0535) Wendy Ervin: I second that motion.
- (#0540) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes.
- (#0546) Steve Clayton: Do we want to amend the recycling centers? To do household recycling?
- (#0550) Diane Edgin: I think household recycling is probably ...
- (#0552) Terri Jeffreys: Drop off centers as opposed to places they might process them, too?
- (#0565) Allan Borden: Do you want to connect it so it's associated with another use like retail? Like a grocery store?
- (#0585) Wendy Ervin: You don't want to stop having a drop off center like Safeway has in their parking lot.
- (#0588) Diane Edgin: Like satellite drop offs.
- (#0590) Steve Clayton: So we'll allow recycling centers as an accessory use. So that way it's not a business in and of itself. Would that work, Bob?
- (#0605) Bob Fink: I think you're trying to allow drop off stations for household recycling good like paper goods, and glass. But you just don't want them to be junkyards. Or a transfer station. It probably would be best to define the term so that you can say all that rather than trying to squeeze it into a line here.
- (#0640) Wendy Ervin: In your industrial area you can have your junkyard and your recycling processing.
- (#0648) Bob Fink: I would leave it as a 'recycling center' and then define what that is. You'd put it under the definitions. You'd simply add the language of what your intent was that recycling centers are intended to be drop off stations for household recycling of goods such as paper, plastic, cardboard, glass, cans. But not intended to be larger scale or permanent storage of recycling materials or processing.
- (#0676) Bill Dewey: Do I hear a motion to that affect?
- (#0678) Terri Jeffreys: I'll make that a motion.
- (#0682) Diane Edgin: I'll second that motion.

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(#0684) Bill Dewey: So we have a motion and a second to leave recycling centers but add a definition that it's household in nature. Any further discussion? All in favor? Opposed? Motion passes.

(#0700) Steve Clayton: On page 52 under Lighting Standards under 17.32.030. Item D) says 'Limit freestanding light fixtures to 14 feet in height'. We talked about this in the group and being a truck driver, trucks are 13'6" and I'd rather not have a 14 foot pole in the middle of the Safeway parking lot where somebody's RV knocks it out. I thought this had been addressed and apparently it wasn't. I would think that maybe 16 feet would be a better number. So I make that motion to change the freestanding lighting fixture height from 14 feet to 16 feet.

(#0725) Mark Drain: I second the motion.

(#0730) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? All opposed? Motion passes.

(#0732) Terri Jeffreys: Under that same section under H). In discussion with the Allyn group there was not a real understanding of back-lit awnings and that group choose to take that prohibition out of the regs and I'll propose that this be struck out as well.

(#0744) Mark Drain: I second that motion.

(#0746) Bill Dewey: We have a motion and a second to strike out H) from 17.32.030. Any further discussion?

(#0765) Steve Clayton: What are your thoughts on that one, Bob? Back-lit awnings; are we allowing people to make big signs in translucent material?

(#0775) Bob Fink: Signs may cover the size of the wording on the awning but there's the glow. So it would be a large lighted area.

(#0790) Wendy Ervin: The practicality limits some of these things. Yes, you may have a 200 foot long store front but if you stretch your letters out people aren't going to be able to read it. The whole point is to get your message across. If spreading your letters out clear across the width of the store doesn't get the message across it's not going to happen so we don't have to worry about it.

(#0825) Bob Sund: I don't know what a back-lit awning is.

(#0830) Wendy Ervin: Take the Olson Furniture Store; he's got an awning across the whole front side of the store and if he had lights inside that would be a back-lit awning.

(#0835) Bob Sund: The only time the lights would be effective is at night and that would help the people that are walking through that area.

(#0840) Wendy Ervin: That would give the FR area some nice dimmed light that would be very attractive.

(#0850) Steve Clayton: What do you think, Bob? I don't know.

(#0855) Terri Jeffreys: My guess is that the reason it's in here is because somebody has had an issue down the line or the consultants were pulling off of other peoples experience but without knowing what that is ...

(#0870) Bill Dewey: I'm just trying to picture it. You've got an awning that comes out 6 feet over the sidewalk and there's a whole series of neon bulbs behind it that that may not be the most attractive thing.

(#0877) Wendy Ervin: It would be dimmed by the cloth.

(#0880) Bill Dewey: That would be alright if you were outside the cloth but what about if you're walking under the awning.

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(#0888) Diane Edgin: I think the issue here if you're allowing MU with residential then it could be a problem. I think it does give a festival type appearance to a store and it also provides a certain amount of security.

(#0908) Bob Sund: I think if somebody wants to keep their store lit at night I think that's an advantage.

(#0915) Diane Edgin: It's one of these things that I wouldn't worry about and if it becomes an issue let them deal with it then.

(#0918) Bill Dewey: Okay, we have a motion and a second to delete H). Any further discussion? All in favor? Opposed? Motion passes.

(#0928) Steve Clayton: On an add on page that we got regarding signage; Non-conforming.

(#0935) Bill Dewey: Staff has proposed Section 17.34.400, Non-conforming Commercial Signs and grandfathering.

(#0940) Steve Clayton: I had proposed that we include some wording to allow people that are along the corridor that, hopefully it will be rebuilt and made into 3 lanes, to give them an extension beyond the 5 years. The thought being is if they tear up the corridor you shouldn't have to put up a new sign within 5 years and then have them tear it down a week later because they're building a new road.

(#0955) Bob Fink: I was thinking about that and if they required them to tear the sign down they'd probably pay for it. So why not put in a conforming sign?

(#0965) Steve Clayton: What happens if they have to regrade the area where the sign is going to go?

(#0968) Bob Fink: They have to compensate for it. If they're actually making improvements and the county or state is making the improvements they compensate the property owner for the changes they're making them do. Whether that means moving structures or whatever then they need to pay enough not only for the structure but to where it's moving to.

(#0988) Bill Dewey: That's still an issue of inefficiency. Even if the county or the state is going to reimburse them for doing it it's still the taxpayers money that is being spent redundantly whereas simple wording like Steve is suggesting could help in the issue.

(#1000) Diane Edgin: I think that if you're trying to reach a consensus within the community about signage that the biggest issue with most people is the fact that I paid good money for this and now you want me to replace it out of my pocket and here we have a chance to get them to replace it with a conforming sign.

(#1030) Terri Jeffreys: I'd like to make a suggestion. I've been looking at other jurisdiction's sign regulations and rather than going with a blanket sign regulation they did it by district. If we're looking at making this FR, MU district the pretty part of the town it seems to me that would be where you would want the most restrictive sign ordinance.

(#1060) Darren Nienaber: If you're looking at a phase out you might consider whether or not you want to have a smaller phase out period for sandwich boards, for instance, where there's much less economic investment. A super large billboard could be a huge investment. You've got to be careful about how you adopt sign regulations. You want to look at all the impacts you're intending and the reason why you're doing what you're doing.

(#1100) Steve Clayton: Back to the granting of the extension for this construction area, Bob brought up last time with what happens if you have to have the road department move somebody's sign say in 2 years when this project is going. Once the sign is moved it means a non-conforming sign can't be moved and re-established. So now you have to do a brand new sign right away and perhaps the state has to pay for it whereas if we can write in an exclusion here and give them a grace period after completion of the project then the state could move the sign and if it's a non-conforming sign they could move it and it's still your

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responsibility to bring it into conforming status.

(#1165) Mark Drain: What if someone has just built a fence or paved a parking lot do they just get compensated?

(#1175) Steve Clayton: We're assuming that the road job gets done within the easement so if you're in the easement and you build a fence or a parking lot ...

(#1180) Bob Fink: Well, there may be a need to go outside the existing right-of-way.

(#1185) Wendy Ervin: If somebody has just built a fence or put in a parking lot and then it has to be moved and then they get compensated I see a little profiteering there.

(#1200) Diane Edgin: We're only talking about signs; we're not talking about parking lots.

(#1205) Wendy Ervin: I think that if the state or county has to move a sign then that doesn't fall within the 5 years or the time limitation.

(#1225) Bob Sund: He can't have a sign legally on a right-of-way.

(#1230) Steve Clayton: It might be in an easement or it might be in a spot where they're going to purchase property to put a bus turnout ...

(#1240) Bob Sund: They would have to include that cost of the sign.

(#1242) Steve Clayton: Right, but as it is right now the owner of the property has to remove the sign after 5 years if it's non-conforming. Now you're saying that just because the road happened to go there that the state should have to pay for it. What I'm saying here is the state shouldn't have to pay for it; they should just be able to move it back, make it usable during the course of the construction, and then the property owner still has to bring it into conformance.

(#1268) Mark Drain: I would leave it just the way it is. We don't even know when the road project will take place. I just think it gets too complicated.

(#1300) Steve Clayton: I just thought we should look at this with a special project coming up. If you guys don't want to address it then we won't address it.

(#1304) Bob Sund: What kind of a motion would you suggest?

(#1306) Steve Clayton: 'Parcels affected by roadway construction identified in the Belfair Sub-Area Plan may be granted an extension of 6 months past project completion to bring non-conforming signs into conformance'.

(#1315) Mark Drain: I think that's fine.

(#1320) Bob Sund: Steve, was that a motion?

(#1330) Steve Clayton: Yes, that was a motion.

(#1340) Bob Sund: I'll second the motion.

(#1345) Bill Dewey: We have a motion and a second. Any further discussion?

(#1352) Terri Jeffreys: I don't know how this fits in but I like the idea of phasing out the ones that are most offensive more quickly.

(#1360) Bill Dewey: We can take that up after this.

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(#1362) Bob Sund: Would your motion be to add C) under that section.

(#1364) Steve Clayton: Yes.

(#1368) Bill Dewey: So would we address Darren's suggestion and add what Terri's saying she likes in the same C)?

(#1372) Steve Clayton: I think it should be a separate letter.

(#1374) Bill Dewey: Okay. Any further discussion on Steve's motion? All in favor? Opposed? Motion passes. So this issue of addressing the most offensive and least economic impact of signs. How do you propose we do that?

(#1395) Darren Nienaber: Look in the Visitor's Assessment under 16 and 17.

(#1400) Wendy Ervin: Most of the sandwich boards are small and inexpensive.

(#1415) Bob Fink: Just a side note on sandwich signs. They do allow them near entry doors of businesses.

(#1445) Mark Drain: I'm a proponent of sandwich boards.

(#1450) Wendy Ervin: But this is different; sitting them out by the highway is different.

(#1455) Bob Fink: They have to be within 10 feet of the doorway then they're allowed.

(#1465) Terri Jeffreys: Because I don't know all the terminology these temporary signs on page 17 are we saying they're prohibited? I couldn't figure out what type of sign that was. Prohibited In E) it says 'off-premises signs and billboards, except for temporary signs allowed in Sections 17.34.310 through 17.34.340'.

(#1490) Bob Fink: It wouldn't be allowed as an off-premise sign.

(#1498) Terri Jeffreys: But if it's sitting in front of the building ...

(#1500) Bob Fink: Under the Belfair regulations I don't think these signs would be allowed.

(#1520) Terri Jeffreys: Can you show me where that says that?

(#1535) Bob Fink: They're prohibited by omission. They allow monument signs and they allow signs on the walls of the building and they allow sandwich signs within 10 feet of the entry.

(#1555) Steve Clayton: Would it be a good idea to include it under the Prohibited Commercial Signs section?

(#1562) Mark Drain: If you can define them.

(#1575) Steve Clayton: You need to put a definition in there for sandwich boards in addition to regulating them. On page 60 it defines it as not exceeding 12 sf.

(#1620) Wendy Ervin: It lists here several signs that are prohibited. Signs with luminous plastic letters, back-lit translucent awnings and/or awning signs, cardboard signs, back-lit signs with letters or graphics on a plastic sheet (also known as can signs), vinyl banners except those related to a specific event and displayed prior to the event for no more than 10 days. I'm not sure that some of these are necessarily wrong or offensive.

(#1655) Terri Jeffreys: And I'm going to say that I think the intent is to go for a certain look in the community and I think that intention would probably be with this main downtown core and if you're going to go with design standards on signs perhaps you should do it by district.

(#1670) Bob Fink: I think the intent is to address all of Route 3. I think they very much want to control signage

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throughout the whole area. That's my understanding.

(#1705) Darren Nienaber: You could have a phase out period for sandwich boards and temporary portable signs for like a year and a half.

(#1730) Mark Drain: That would be fine for me and leave the rest the way it is. This is what they want.

(#1734) Bob Sund: They did a lot of work on this.

(#1738) Terri Jeffreys: The temporary signs that are pictures on page 17 if you look under the definition of temporary signs ...

(#1745) Bob Fink: The temporary signs in the definitions here was written for allowed temporary signs.

(#1750) Terri Jeffreys: I just don't see where it's addressed anywhere in here.

(#1752) Mark Drain: I think it is on page 57.

(#1755) Bill Dewey: Yes, on page 57.

(#1800) Bob Fink: If you think it needs to be clarified then it probably does. The types of signs that are permitted are the monument signs, the signs on the sides of buildings, and the A-frame boards near the entry and then neon signs in the windows. They also have a provision for temporary banners for special events.

(#1840) Terri Jeffreys: The reason I'm saying it probably needs to be included is because if it's going to be part of the phase out that's not in the 5 year non-conforming it will need to be identified.

(#1850) Bob Fink: You're right; you'll want to define it somehow. If you define it as any portable non-fixed sign then you would include those signs that you're looking at in the sign report.

(#1866) Wendy Ervin: Are we saying that this Visitor's Assessment that was presumably done by someone who had never been to Belfair could it be that the people, as you were drawing up the prohibited items, that people just overlooked these?

(#1882) Bob Fink: I think they were intended to be regulated. Those signs that are shown there were intended to be prohibited but maybe the language isn't clear enough.

(#1895) Bill Dewey: Unfortunately the community assessment doesn't really have language as you read through it on how you would define those.

(#1905) Bob Fink: One way you could do that is to use photos. Give a brief description and have an illustration of one or more of those signs to illustrate the type of signs that you're trying to cause to phase out faster.

(#1945) Bill Dewey: I had a question regarding gas stations. They use signs like this to post their prices which change frequently. Darren could you take a shot at the early phase out language?

(#2000) Darren Nienaber: For phase out purposes you could say 'All sandwich boards and A-frame boards and those portable boards that are depicted on page 17 of the Visitor's Assessment Findings shall be phased out within 18 months' and then simply direct staff to come up with the appropriate exact wording. I think that's very clear.

(#2050) Diane Edgin: My biggest concern in doing away with the sandwich boards is I think they should be allowed in front of a business.

(#2175) Bob Fink: They are allowed within 10 feet of the entry.

(#2100) Steve Clayton: Should we also put in there that they should be removed daily? Because sometimes

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people don't pressure wash them and keep them clean.

(#2125) Bob Sund: If the sign isn't keep in good condition it has a deleterious affect on the business.

(#2128) Bill Dewey: So in trying to be consistent with the approach taken by staff, they're saying that signs which are legally established prior to the effective date of this chapter may continue for 5 years. Do we need something similar as we're trying to address this sandwich board issue?

(#2150) Darren Nienaber: You could say under section 400.A 'Notwithstanding the previous sentence sandwich boards and A-frame boards, which are legally established prior to the effective date of this chapter, may continue for a period of 12 months provided that if a non-conforming sign is changed or moved it must be brought into compliance with the chapter at that time'.

(#2190) Wendy Ervin: I'll make that my motion.

(#2195) Mark Drain: I'll second the motion.

(#2200) Terri Jeffreys: And we're including the language about these other ones, right?

(#2205) Wendy Ervin: Yes. Is it okay to specifically say on page 17 of the Visitor's Assessment Findings?

(#2215) Bob Fink: What we'll do is work in a figure or two and give examples from that page.

(#2225) Bill Dewey: Okay, we have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes.

(#2250) Terri Jeffreys: On page 57 under L): Back-lit translucent awnings and/or awning signs; for the same reasons as before I'd like to strike that.

(#2270) Steve Clayton: I wouldn't think that the community wants translucent awnings.

(#2285) Terri Jeffreys: I think awning signs are nice.

(#2300) Steve Clayton: What are you calling an awning sign?

(#2305) Terri Jeffreys: If an awning is what I think it is it's writing on the awning.

(#2320) Mark Drain: Your motion is to strike L)? I'll second the motion.

(#2325) Steve Clayton: I think that defeats a lot of the purpose of the sign ordinance of distributing light through the community. You read through the sign ordinances and they all say downward facing light, even the lights in parking lots have to be relatively low. You can't have lights on your buildings to illuminate the whole front of the building and here you're saying you can have this awning that's translucent and shines light out.

(#2350) Bob Sund: That's not consistent with what we already did. We said that awning signs could be lit.

(#2362) Bill Dewey: We didn't say awning signs; we said awnings. Now we're incorporating signs into it.

(#2368) Mark Drain: Some awning signs are cloth and they come out flat and they're lettered nicely. I think those are pretty discreet.

(#2378) Wendy Ervin: Some of those have tube lighting at the bend as it comes out from the building. That lights the whole walkway in front of the store.

(#2392) Steve Clayton: Right, so you don't need translucent lighting.

(#2398) Wendy Ervin: It could be translucent. Translucent does not mean clear plastic.

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(#2435) Terri Jeffreys: If it's just the word 'translucent' you're worried about we could get rid of that. Just prohibit translucent awnings.

(#2455) Steve Clayton: It says 'back-lit translucent awnings'; it doesn't say there's a problem with awnings that aren't translucent. If you had an awning that was made out of material you're not in the prohibited area.

(#2465) Wendy Ervin: So if you just prohibit that and then strike the 'and/or awning signs' so that allows awning signs as long as the fabric is not translucent.

(#2472) Mark Drain: Yes.

(#2474) Steve Clayton: Okay, the concern here is reading the words 'back-lit awning signs'. So if the intent of the group was to say we don't want these hanging fringes on here to be back-lit essentially you're creating a sign on the edge of your awning.

(#2495) Bill Dewey: What about going with 'back-lit translucent awning signs'?

(#2500) Wendy Ervin: But what you're saying is you didn't like the idea of having translucent because the translucent was what they were trying to keep out. You're trying to keep from an all over glare and the translucent would create that situation. So if you prohibit translucent awnings ...

(#2540) Diane Edgin: Let's talk about the FR. It's after hours, you've got a walking community, what do people do in the evening when it's nice out? They window shop. I think it's also a safety issue.

(#2540) Wendy Ervin: So if you prohibited the translucent then the rest of it should be okay.

(#2555) Steve Clayton: The question remains, what is an awning sign? You have to define what is acceptable and what is not. I don't even know what a back-lit awning sign is.

(#2580) Bob Fink: If it's not translucent then it's not back-lit.

(#2590) Bill Dewey: That's what I'm saying. Shortening it to say 'back-lit translucent awning signs'.

(#2596) Steve Clayton: Well, awnings or signs.

(#2598) Wendy Ervin: No, because then you're eliminating awnings totally.

(#2600) Steve Clayton: We do not want back-lit translucent awnings.

(#2602) Wendy Ervin: Okay. That's what I'm saying.

(#2615) Steve Clayton: So what this restricts is back-lit translucent awnings and back-lit translucent awning signs are not permitted.

(#2630) Wendy Ervin: But that's redundant.

(#2634) Steve Clayton: If you have a back-lit awning sign that is not translucent it's not prohibited.

(#2640) Wendy Ervin: But you're wasting your light bulbs because if it's not translucent you can't see it anyway.

(#2645) Steve Clayton: Right, but if you don't want light pollution you can see it during the daytime and you're not doing light pollution.

(#2650) Wendy Ervin: But you're not going to put lights inside it if it's not translucent. There's no point in lighting a sign that nobody can see through.



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(#2680) Terri Jeffreys: Let's call for the question.

(#2684) Wendy Ervin: Could you make your motion again. Dropping L) entirely or my friendly amendment is just to drop the last part 'and/or awning signs'? Do you accept that as a friendly amendment?

(#2700) Terri Jeffreys: Yes, I'll accept that as a friendly amendment.

(#2704) Bill Dewey: So the motion is ...

(#2706) Terri Jeffreys: To amend L) to read 'back-lit translucent awnings'.

(#2715) Bill Dewey: Any further discussion? All in favor? Opposed? Motion passes with one 'no'.

(#2735) Terri Jeffreys: On page 59 under F). This is a type of monument sign that I have seen more than the sign that they're suggesting. They're asking that on internally lit signs the background not be internally lit and just the letters. Since I've read the sign ordinance I've been looking at nothing but signs and frankly this one is the one I see the most for monument signs. Maybe it's a cost issue but to me they're not totally offensive and I think that it probably is the standard for franchises so I say that that be struck out.

(#2815) Mark Drain: Are you saying that it should be acceptable to light the background?

(#2820) Terri Jeffreys: Yes. I guess that's what I'm saying. It should read 'Lettering and logos of monument signs may be internally lit'.

(#2835) Diane Edgin: 'But sign face shall not be internally illuminated'.

(#2840) Steve Clayton: Right, you can light them from the outside. That's light pollution illuminating out from plastic. That's what it appears the sign regulations are trying to limit is this light pollution. Driving down the highway and having all these lights facing at you.

(#2860) Mark Drain: The only reason they're lit is to come up with some kind of a contrast. Whether the contrast is the letters which show up or the background which show up I don't understand the difference.

(#2900) Bill Dewey: For a lot of companies the logo and the image they're trying to portray is a combination of the background color with the letter. Their trademark logo is a combination of the two and by eliminating one you're eliminating their ability to effectively communicate their company or brand.

(#2918) Steve Clayton: Unless you go with an external light in which case you don't have that light pollution.

(#2940) Wendy Ervin: You're moving from Belfair which has all kinds of signs and all over the place to something that is going to be considerably less and I think that if this these monument signs are just internally lit I think the fact is the light pollution problem is going to be so mitigated by the rest of everything that's happening that this is not going to be a big deal.

(#2970) Steve Clayton: There's a particular one in East Bremerton if you drive the Warren Avenue Bridge that is gaudy. It's back-lit bright white with black letters; it's worse than going by a Jack-in-the-Box with a low level light. That's the kind of lighting we're talking about is a Jack-in-the-Box sign. That's what we're trying to get away from.

(#3000) Mark Drain: So you're in favor of monument signs but they should only be lit from the outside?

(#3025) Bill Dewey: I support leaving as it's worded, personally.

(#3050) Miscellaneous discussion.

(#3100) Bob Sund: Steve's concern about the one he sees in East Bremerton, I guess what you're saying is that the background has dominant lighting over the letters, right?

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(#3125) Steve Clayton: Right.

(#3128) Bob Sund: Why can't we mitigate that situation by saying 'the light with the lettering must be dominant over the background'.

(#3138) Steve Clayton: But there again we're back to having light inside facing out toward the public and the way this is worded is the predominant light is from the outside facing the sign.

(#3150) Bob Sund: If you've got a monument and you have a spot light that's on the front of that sign a car coming from the other direction is looking at that bright spot light.

(#3175) Steve Clayton: There are other limitations in here regarding light cast out onto the highway.

(#3205) Bill Dewey: Terri, do you want to take a stab at a motion?

(#3208) Terri Jeffreys: I move that F) be amended to read 'Monument signs may be internally lit or illuminated from the front'.

(#3245) Wendy Ervin: I second the motion.

(#3250) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes with one 'no'.

(#3300) Steve Clayton: The Belfair Plan of 1996 and 1999 are still incorporated in the Comp Plan. We talked about that this should supercede the 1996 and 1999 plans. I make a motion that the Belfair Plan we approved last time and associated regulations supercedes other previous Belfair plans.

(#3350) Wendy Ervin: I second that motion.

(#3375) Bill Dewey: We have a motion and a second. Any further discussion?

(#3400) Bob Fink: You should say that it's your intent the plan that you're recommending replaces and supercedes the previous plans. I think that's consistent because they could have gone back and amended the old plan. This is a new plan that basically replaces it.

(#3450) Terri Jeffreys: There's a list of required elements in a Comp Plan for UGA's and county Comp Plans and I don't think all the elements are included in this.

(#3475) Darren Nienaber: This is a sub-area plan.

(#3490) Bill Dewey: Okay, we have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes.

(#3515) Steve Clayton: The last one is adult businesses. It was asked at the last meeting by unanimous vote on the Belfair group to have the county do something with adult businesses. As I understand it we have to allow them somewhere in the UGA.

(#3535) Darren Nienaber: At this point if your recommendation was to prohibit them Belfair wide I think the county is at this point still in a legally defensible position.

(#3575) Bill Dewey: Steve, was this discussed by the Belfair group?

(#3600) Steve Clayton: Very briefly. It's a hot potato and nobody wanted to address it.

(#3640) Darren Nienaber: You could put them in industrial areas and 200 feet from any school or church.

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(#3650) Diane Edgin: I had to deal with this a long time ago on the PC and we were proposing it because we had to but we kept passing the buck. I sent in a whole stack of stuff for staff that I'd come up about different things, like where you don't want them, like schools, daycare centers, churches, arcades; any place where children would normally frequent. A lot of times they would usually put them out in the industrial area.

(#3700) Bill Dewey: What's the current status county wide on siting adult businesses?

(#3725) Bob Fink: Shelton allows them in certain locations.

(#3730) Bill Dewey: And the county doesn't have any regulations regarding them?

(#3735) Allan Borden: They're prohibited in the rural area but not in the UGA's.

(#3740) Steve Clayton: Thought being that they shouldn't be next to residential and schools or school bus stops so we would write a limitation on ... I would say the MU district allows housing so we'd keep it out of MU and that leaves FR and GC and BI and I would say put it as a Special Use Permit in those areas and put a limitation of at least 300 feet from parcels that have residential, churches, schools, school bus stops.

(#3800) Bob Fink: It would be difficult to track school bus stops because they change frequently. Child care centers are another issue. Family daycare centers can be in any residence and we don't even require a permit for them so we would have difficulty tracking them. FR allows residential so that leaves GC and BI would be the two districts.

(#0105) Steve Clayton: Right, and put some sort of foot limit from residential and schools.

(#0110) Diane Edgin: Special Use Permit as to where it has to have public notice?

(#0114) Steve Clayton: Yes, if you put in Special Use Permit then it has to have public notice to meet some criteria and at least that way we've got something on the books. If the BOCC doesn't like it then they can kick it out but at least we've gone down the road to identify something to pass onto them.

(#0125) Wendy Ervin: Darren said we could just eliminate them altogether.

(#0130) Darren Nienaber: Steve is right. That's just passing the buck.

(#0132) Bill Dewey: I think Steve's onto something.

(#0134) Steve Clayton: We have adult retail and we have adult entertainment. They will need to be identified separately.

(#0140) Diane Edgin: We did have some language from before on this. Where did it go?

(#0145) Bob Fink: We have a moratorium on it. The language did define what it was that we were regulating.

(#0150) Steve Clayton: Okay, we can define where it goes and staff can come up with a definition and the language.

(#0155) Wendy Ervin: I would propose that it goes in GC and BI with a Special Use Permit.

(#0160) Steve Clayton: So it would be on page 25 section 17.24.140 Special Uses for the GC district and add in both sections adult retail and adult entertainment at least 300 feet from parcels with or allowing residential use, schools or churches. Why I say parcels with or allowing is although it is a GC district there are some currently existing residences. Same thing on page 21 under the MU district we allow retail but my thought is to prohibit the adult entertainment and adult retail so we would add a new section there 'Prohibited Uses' in the MU district. Also in the FR we would put it under Special Use because there's no place to actually say not within 300 feet of a residence so we have to go in each district. We automatically kicked out the

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residential districts because there's no retail or entertainment allowed. So we need to address all the commercial districts. We have commercial districts, both the MU and FR that allow residences so we put it under Special Use in the FR and put a limitation of not within 300 feet.

(#0235) Mark Drain: If it fits in the FR and someone comes along and wants to build some residential; they're the odd person out.

(#0245) Steve Clayton: I guess it should just be a prohibited use in the FR. So under the FR district we create another section that had 'Prohibited Uses' and include adult retail and adult entertainment. The same for the MU district. The only place in the UGA that it would be allowed would be in the GC with a Special Use Permit.

(#0268) Wendy Ervin: How about in the industrial area? I don't see any reason why it couldn't go in there, also.

(#0280) Steve Clayton: We could put it in BI, also.

(#0285) Bob Fink: I would point out the GC does allow churches and child care centers.

(#0288) Steve Clayton: And I put a reference in there adding in a section 'at least 300 feet from parcels allowing residential, schools and churches.

(#0295) Bob Fink: But parcels allowing churches and schools would include the GC. That means every parcel in GC allows churches.

(#0300) Bill Dewey: Should we say 'with existing residential, schools and churches'?

(#0306) Wendy Ervin: Yes, because if a church decides to move next to an adult retail or adult entertainment then that's their choice.

(#0308) Steve Clayton: Okay, I can live with that.

(#0310) Bill Dewey: So do we have all that in the form of a motion?

(#0314) Bob Fink: I think it should say 'at least 300 feet from the nearest district allowing residential uses'. So that way it wouldn't be close to the FR or the MU or the residences.

(#0320) Bill Dewey: Have we captured enough of that to say that's a motion?

(#0328) Staff: Yes.

(#0330) Wendy Ervin: I'll second that motion.

(#0332) Bill Dewey: Okay, we have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes. On page 5 under 17.21.300, Accessory uses under Agriculture. We talked about adding regional ag product retail sales, small scale retail associated with an allowed use. I don't know if we passed a motion or did anything about it.

(#0365) Steve Clayton: It's on my list but not checked off so we didn't. Good catch, Bill.

(#0390) Diane Edgin: You're talking on-site retail sales of the farm?

(#0392) Bill Dewey: Retail sales of the farm and associated products. So your produce stand might sell tomatoes and it might sell a paring knife to cut the tomatoes.

(#0402) Terri Jeffreys: I move that we add in section 17.21.300 under Accessory uses, small scale retail associated with allowed uses.

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(#0415) Bob Sund: I second the motion.

(#0418) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed?  
Motion passes.

(#0475) Steve Clayton: On page 28 under BI does anybody have a problem with adding impound yard and towing services in the industrial district? So I'd like to add impound yard, towing services and fuel depot. That's under 17.24.220, Allowed uses. That's my motion.

(#0494) Diane Edgin: I'll second the motion.

(#0496) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed?  
Motion passes.

(#0500) Wendy Ervin: I'll make a motion to pass Appendix 1, Belfair Subarea Planning Committee Draft with all the changes as discussed and incorporated.

(#0515) Bob Sund: I'll second that motion.

(#0520) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed?  
Motion passes. We'll need to continue w), ll), mm) and nn) until next month's meeting.

(#0550) Terri Jeffreys: I'll make that motion to continue those items.

(#0552) Wendy Ervin: I second the motion.

(#0555) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed?  
Motion passes. This is Bob Sund's last meeting so on behalf of the PAC I'd like to formally acknowledge your many years of dedicated service. Your participation has been invaluable to us and we thank you for all of that.

Meeting adjourned.