

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
April 26, 2004

(Note audio tape (#3) dated April 26, 2004
counter (#) for exact details of discussion)

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

=====

1. CALL TO ORDER

The meeting was called to order by Chair Bill Dewey at 6:00 p.m.

2. ROLL CALL

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

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

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0025) Bill Dewey: On our agenda tonight is the review, discussion and recommendation of proposed revisions to Mason County Development Regulations, Resource Ordinance, Title 16 Plats and Subdivisions, Forest Practices Ordinance, and Title 15 Development Code. To make it short for the folks in the audience, could you indicate what items you're here for we could take up those items first. Let's start with q3) and q4) and then we'll go back up. Item q3) is in the fourth set on page 3.

(#0090) Allan Borden: My name is Allan Borden and I am with the Department of Community Development. I did get some comments from Steve Clayton on some of the revisions tonight. I could pass these out but neither q3) or q4) are on his list.

(#100) Bill Dewey: I had a question related to that. Steve is being sensitive to the quasi-judicial process here and when he circulates those he generally sends them to me and maybe one other PAC member and then to Allan. Is there any reason why he couldn't circulate those to the full PAC?

(#0112) Darren Nienaber: Yes. It would be an open meeting and you'd have to advertise to the newspaper and allow them to observe.

Planning Advisory Commission Minutes, April 26, 2004

(#0452) Bill Dewey: With that said, my recommendation for input like Steve has had would be to send it to Allan or Susie and have them distribute it to everybody and make sure we don't reply to it. Okay, we need a motion to excuse Diane from tonight's meeting. Motion was made and seconded and passed to excuse Diane. We'll start with q3).

(#0535) Allan Borden: This is new text in the RO and DR's to include the term appurtenant structures in the definition of residential development. In the previous PAC meeting staff had brought up these sets of definitions and the planning department staff have had some problems in the past with the general public understanding that typically with residential development there are other land uses that accompany on a typical and reasonable basis and we consider those appurtenant structures. That's how we have it defined here. 'A structure that is ordinarily connected to the use and enjoyment of a single family residence and those structures are typically a garage, deck, storage shed, woodshed, pump house, upland retaining wall and fence'. So the definition in both the DR's and the RO for residential development includes the term appurtenant structures. So it would read 'The development of land, or the construction or placement of dwelling units for residential occupancy or appurtenant structures and for accessory uses'. We've also included that 'this definition shall not be construed to authorize any use under the variance criteria'.

(#0620) Bob Sund: Give me an example of that last statement.

(#0622) Darren Nienaber: The variance criteria says that it's supposed to be the minimum necessary to accomplish reasonable use.

(#0650) Terri Jeffreys: Are you necessarily limiting it to these items there the items are listed? Is that meant to be a final list of items or should it say 'include but not limited to'?

(#0655) Allan Borden: It pretty much includes what a typical appurtenant structure are because you notice that the term under residential development includes accessory uses. So a storage or shop building is an accessory use; it's not an appurtenant structure.

(#0666) Mark Drain: Is a dog house or kennel an appurtenant structure?

(#0670) Allan Borden: Unless you have a very large dog house ...

(#0676) Bob Sund: Some people have a large structure for the dog to go into.

(#0682) Allan Borden: That's probably an accessory use.

(#0696) Bob Sund: Would it be appropriate to add the phrase that Terri's suggesting there?

(#0702) Terri Jeffreys: I was just wondering if you were limiting those structures to this list.

(#0704) Allan Borden: I don't think there was any intent to limit. This definition is pretty much like what's in the SMP.

(#0714) Bill Dewey: Allan, could you give us a list of things that are not appurtenant structures?

(#0725) Allan Borden: A personal rifle range.

(#0730) Steve Clayton: How about a building for a cottage industry.

(#0735) Allan Borden: That would be an accessory use.

(#0740) Bob Fink: Something like a chicken coop or a horse barn. In the rural area they'd be allowed because agricultural activities are allowed but it's not the normal residential use that might be allowed in the city so they're trying to consider appurtenances that are normal in all residential settings.

Planning Advisory Commission Minutes, April 26, 2004

(#0760) Bill Dewey: Any other questions for Allan?

(#0765) Wendy Ervin: Can you define the accessory uses of the residential development?

(#0768) Allan Borden: It's in each one of the DR's and RO. Each one has it's own definition. An accessory use is something that's generally subordinate to the primary use of the property.

(#0800) Bill Dewey: Any other questions for Allan? Is there any public testimony on this? Hearing none is there a direction that the PAC would like to recommend?

(#0815) Terri Jeffreys: I move that we accept the new text as proposed by staff for DR 1.06 and RO 17.01.240 with an amendment. Under the definition of appurtenant structure, after the word 'include' add the words 'but are not limited to'.

(#0836) Wendy Ervin: I second the motion.

(#0840) Bill Dewey: We have a motion and a second. Any further discussion?

(#0845) Steve Clayton: Would we have any trouble with enforcement on that?

(#0850) Darren Nienaber: No, that's standard.

(#0866) Bill Dewey: Any further discussion? All in favor? Opposed? Motion passes. On to q4) on pages 4 and 5 of the fourth set.

(#0875) Allan Borden: This is a proposed revision in each one of the residential zones in the DR's. Up to now within the development standards for side and rear yard setbacks was an exception that was allowed for the side yard standard and that exception was applied on a parcel with a lot width of up to 100 feet and a lot size of up to one acre. We've gotten feedback from staff planners and the public that there are a lot of lots in the county that can't meet this double qualifier so we're proposing this revision where we're adding the words 'at the building site' with a lot width standard so it reads 'On a parcel with a lot width up to 100 feet at the building site' and then we're deleting the lot size qualifier of one acre so the exception to side yard standards would apply only to rural residential lots up to 100 foot width at the building site. That is proposed for RR2.5, RR5, RR10, and RR20 development standards.

(#0930) Bob Sund: I think it's a good thing. When we first talked about it I brought up the fact that I was aware of a particular lot that was an 'L' shape and that you'd have trouble with it.

(#0980) Allan Borden: There are lots, especially on Mason Lake, that are not very deep but a considerable number of them that are 75 feet wide and 425 feet deep or even more and those lots would be greater than one acre in size.

(#1000) Wendy Ervin: I think this is a fine change but I just think you should have a period after 'at the building site'.

(#1008) Allan Borden: No, the exception is what follows after the colon.

(#1025) Bill Dewey: Any other questions for Allan? Any public testimony?

(#1030) Daniel Todd: My name is Daniel Todd. Our residence address is 2281 NE Tee Lake Road, Tahuya. We are one of the parcels that is exactly 100 feet wide by 800 feet deep. We want to build a home that is 66 feet wide. With the 20 foot setbacks we applied for the administrative variance. They were unable to grant us the full width of the variance we requested because they can only do 2% in an administrative variance and we would have had to go through the public variance process but instead we applied and approached this commission to change this ordinance from a 20 foot setback to a 10 foot setback. We feel and deem it necessary that this be changed and we're in support of this resolution and revision.

Planning Advisory Commission Minutes, April 26, 2004

(#1085) Bill Dewey: Any other public testimony on this? Hearing no more indication of public testimony is there a direction that the PAC wants to go?

(#1090) Steve Clayton: I make a motion we accept staff's recommendation on item q4) as stated.

(#1092) Bob Sund: I second the motion.

(#1094) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes.

(#1150) Allan Borden: I'll now pass out to you Steve's letter and I'll bring them up one at a time. This issue was brought up last week at the Belfair meeting and you asked staff to go back and figure out what we were trying to describe. In talking with Michael MacSems, the person who applies the FPA moratorium ordinance, it was discovered that I misunderstood what he was trying to accomplish. I redid the whole ordinance. The changes that were made, there's still a change that the BOCC are no longer involved in the Type III review of moratorium; the HE does that. However, the waiver review is a Type II review and is done by staff as an administrative decision and it's the waiver review that we want to make the change in. We went back and added the definition of the HE and modified the existing definition for critical areas changing aquatic management areas an terrestrial management areas to fish and wildlife habitat conservation areas. That was one of the comments that Steve Clayton had made. Those two definitions are updated and corrected. On page 2 of the revision this is where the change is proposed. This lists all five of the standards for the waiving of moratoriums. They are as follows: 1) The development area shall be no larger than two acres in size; 2) this adds 'Excepting that portion of property subject to the waiver application'; typically these are not greater than two acres in size and the primary use of the waiver is to allow on a piece of property where a moratorium is filed the development of single family residence and it didn't make sense to make the person reforest the two acres or less that they want to apply for the waiver for so we've added that phrase. I've also added Title 15 under Development Code and I also used the most current county ordinance on the Environmental Policy Ordinance. That hasn't been updated since September of 1998. That's the intent of the change.

(#1440) Steve Clayton: With your experience, Mark, on 2) it seems like if you're going to waiver out to do residential is that something to be abused on the harvest aspect? Like doing damage to critical areas?

(#1458) Mark Drain: This prohibits damage to critical areas. The FPA itself wouldn't allow that and the FPA has to have been followed before you can get a waiver.

(#1472) Steve Clayton: But 2) seems to exempt that.

(#1475) Bill Dewey: As I was reading 2) I was wondering if really all you want to exempt is the reforestation. The harvest you actually want to follow the FPA.

(#1488) Steve Clayton: That was my question. So the FPA should be followed on the harvest but as far as the reforestation, we could live without that?

(#1515) Mark Drain: No, the reforestation is required under the FPA and that will have to go on. The only thing this addresses is the two acres that's going to be developed.

(#1520) Bill Dewey: That's what we're trying to say is that the harvest in that two acres should take place as per the FPA. The only thing we're really letting them off the hook for is the reforestation. Right now this is saying you can rape and pillage that two acres and not reforest it.

(#1550) Mark Drain: I can't image anybody trying to abuse a resource area and then try to build in it. That doesn't make much sense.

(#1570) Bill Dewey: Is the intention here to let them off the hook for reforesting on that two acres?

(#1575) Allan Borden: Right.

Planning Advisory Commission Minutes, April 26, 2004

(#1580) Mark Drain: The intent is to let them build before the moratorium is up. To give them some use of the land.

(#1586) Allan Borden: Right, but we're not requiring that they reforest it before they get a waiver.

(#1595) Bill Dewey: I was just trying to think of another way to say it.

(#1598) Allan Borden: You'd almost have to split it so it says 'The harvest of the property shall be completed as specified in the FPA notice. Reforestation ...

(#1605) Bill Dewey: You would start it 'The harvest and reforestation of the property shall be completed as specified in the approved FPA. The portion of the property subject to the waiver application is exempt from reforestation'.

(#1620) Wendy Ervin: That makes it a lot clearer.

(#1622) Allan Borden: Okay.

(#1700) Bill Dewey: So you like that change, Allan?

(#1705) Allan Borden: Yes, that's fine.

(#1730) Bill Dewey: Any other changes or comments?

(#1738) Darren Nienaber: I just wanted to make a clarification. Where it says 'County Ordinance No. 125-98', cross out all the way to the end of the sentence and put 'Chapters 8.04 through 8.40 of the Mason County Code.

(#1766) Wendy Ervin: I make a motion that we accept the change with the new wording that has been proposed and with the new citation of the Mason County Code in 5).

(#1778) Steve Clayton: I'll second the motion.

(#1782) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? All opposed? Motion passes. We'll move on to q1).

(#1805) Allan Borden: The department proposes additional text to the existing portion of the RO under 17.01.110 Fish and Wildlife habitat Conservation Areas. Under G) it has to do with activities requiring an MEP in either the critical areas or its buffers. On G 2) where HMP's will not be required as long as they comply with the development standards listed below. The current section G 2) has to do with marine activities and in that text it's everything that's not underlined. Staff proposes additional text changing the title of this section to Terrestrial and Nearshore Activities. What we're talking about is new residential construction and any new development that are appurtenant structures or accessory uses to the development. That is different than 17.01.110 F 1) which has to do with the remodel, repair or change of use of an existing building. This is where someone has proposed one of these appurtenant uses, such as pier/dock, boat ramp, boathouse, bulkhead, retaining walls, decks or balconies and stairs/stair tower. These kinds of activities currently don't have a development standard and so staff is proposing to add this particular wording to have these kinds of proposed construction or uses meet the Mason County SMP and other parts of the RO and other development ordinances.

(#1975) Bob Sund: My concern is that activities that may be harmful to eelgrass may not be a development activity. I want to make sure that eelgrass and kelp is protected from activities, not necessarily just development activities.

(#2005) Allan Borden: Since eelgrass is in saltwater and has to be covered by water, most likely F & W is going to cover habitat protection in the water. They typically do that currently through proposed mitigation. The only activity that I can think of that you're talking about is if somebody wanted to operate an eelgrass harvest operation they would have to do much more than county review to do something like that. If

Planning Advisory Commission Minutes, April 26, 2004

somebody innocently did something they're going to get into trouble from F & W.

(#2065) Bob Sund: What if somebody wanted to go and do goeduck harvest in the eelgrass and kelp area? That would probably be covered by Fisheries but what about a purse-seine net that comes in close to shore and drag it across an eelgrass and kelp bed? That area has been destroyed at our place by that very act and that's why I'm saying that I want to restrict all activities that's going to cause degradation to the eelgrass and kelp beds; not just a development activity. Those are activities the Fisheries should take care of but I'm trying to get a little more punch to it by putting it in the county ordinance as well.

(#2110) Allan Borden: I'm not sure that we can control fish harvesting but we can certainly control aquaculture. They would probably require a shoreline permit.

(#2155) Darren Nienaber: Bob, it's illegal to clear the vegetation up to the shoreline but what about clearing the vegetation in the shoreline?

(#2165) Bob Sund: With nearshore habitat our mentality is just thinking about upland but I'm convinced that mother nature will take care of that clear cut on the hillside faster than it will under the water.

(#2195) Darren Nienaber: Does it require a permit if someone harvests eelgrass?

(#2205) Bill Dewey: There's actually some interesting debate going on about it at the national level right now. The industry has been involved in talking to the COE about it. There is federal permitting right now that actually prohibits coverage for seeding shellfish in submerged aquatic vegetation. You used to be covered under a nationwide permit and in 1996 some language changes happened in that national permit and now you're no longer covered by that permit if you seed shellfish in that submerged aquatic vegetation. A lot of the industry actually works in submerged vegetation. What the science has come to show is that the shellfish themselves create the habitat and the ultimate ecosystem to make submerged aquatic vegetation proliferating. The shellfish filter the plankton and sediments that are in the water and clear the water up that lets the sunlight penetrate so you get better photosynthesis of your eelgrass and kelp. Shellfish also do what they call nutrient coupling where the nutrients are typically tied up in the phytoplankton in the water column and unavailable to the eelgrass. So a lot of times we go in and actually seed areas that don't have submerged aquatic vegetation and then it will come in around our crops. Then we're caught in a catch-22 because we're not allowed to impact it. So this is where we're working through the science with NMFS and COE.

(#2320) Bob Sund: Hood Canal is becoming even a critical issue because of the dissolved oxygen problem that's occurring. All that plant life is helping to put oxygen back in the water. What I'm saying is that I just want to make sure that the eelgrass is protected in some way and not just in the DR's.

(#2355) Bob Fink: I don't know what Bob is asking. The provision in here for eelgrass and submerged areas is not being changed. It says 'All activities in tidal/saltwater submerged lands shall avoid impacts to eelgrass and kelp beds to the maximum extent'.

(#2365) Darren Nienaber: That's in there.

(#2370) Bob Sund: I agree with that but what I'm saying is that statement is found only in the DR's.

(#2375) Darren Nienaber: It's the RO, isn't it?

(#2378) Allan Borden: Yes, it's in the RO.

(#2384) Bob Sund: Okay, fine.

(#2390) Wendy Ervin: Darren, do you remember the gentleman who wanted to build the dock and ramp and float extending out into Hood Canal where the river comes into the canal? He wasn't allowed to do that because this was the estuary area which presumably all that was eelgrass and kelp. So he was prevented because that was the type of area that flourishes in.

Planning Advisory Commission Minutes, April 26, 2004

(#2435) Darren Nienaber: It was also because of the threatened species there.

(#2440) Wendy Ervin: I'm just wondering how often somebody is going to get any kind of a permit to do a pier or dock or float where eelgrass is going.

(#2450) Darren Nienaber: His project wasn't shut down because of eelgrass impacts.

(#2458) Wendy Ervin: The fact that it was in an estuary and there was nothing like it in the area.

(#2464) Darren Nienaber: It was because the Skokomish River was 10 feet away at low tide made the key difference.

(#2472) Wendy Ervin: But he wasn't allowed also because that area had no other development similar to what he was asking and when I look at the area he was asking to put the dock in I see a great deal of the eelgrass because that's what grows in an estuary. I'm just thinking there isn't going to be very many permits for these developments in that kind of an area.

(#2500) Allan Borden: But this regulation is for everywhere that there's a F & W habitat area where the property owner asks for bulkhead protection.

(#2512) Bob Fink: Allan, isn't the reason for this amendment because when we adopted the RO or amended this section, we didn't directly address people building stairs down to the water; we didn't address docks; we didn't address other things that are permissible under the shorelines regulations and which there was every intention to continue to allow them to be permitted. Now we're trying to provide explicit guidance for the RO for allowing things like docks, bulkheads, walkways. Allan, you have decks and balconies listed here and boathouses. Do you think that decks and balconies were intended to be permitted in the buffer of the F & W area as opposed to access stairways?

(#2600) Allan Borden: Balconies are typically attached to buildings. Decks aren't necessarily attached to buildings.

(#2615) Bob Fink: Was it your intention to allow the building of decks in the buffer area by permit?

(#2635) Allan Borden: I guess I'd have to say yes.

(#2644) Bob Fink: Was it your intention to allow a new house to be built in the buffer area?

(#2646) Allan Borden: No.

(#2648) Bill Dewey: The way it reads it seems like you could.

(#2650) Bob Fink: Yes, it could.

(#2655) Bill Dewey: It seems contradictory. I was just looking at G c) in my RO and these are development and activities requiring an MEP. Then it says that an HMP shall be prepared for these activities and c) is new residential construction and major new development. You're saying it's required there and then you're going onto the list of things it's exempted from.

(#2682) Allan Borden: But you cut the sentence short; it says 'that are appurtenant structures or accessory uses'.

(#2692) Wendy Ervin: It also say an HMP will not be required except for new residential construction. It's written in the negative which is always more difficult to understand.

(#2718) Steve Clayton: So your intent is just appurtenant structures; somehow we need to word it for appurtenant structures and you want to exempt them from an HMP. So if that's the intent to just apply it to appurtenant structures and also to have it exempt from an HMP, my question is what do we lose in an HMP?

Planning Advisory Commission Minutes, April 26, 2004

(#2750) Darren Nienaber: I read it the way Wendy reads it but I think that might be different from the way Allan and Steve are going on it. To me it looks like you don't need an HMP except as specified. Except as specified as new residential construction so that means you do need it for new residential construction including the appurtenant structures and accessory uses so you would need an HMP for a pier, dock, float or ramp, etc. But if you're saying that doesn't require an HMP I think we're in big trouble and I don't think you understand what's happening if you adopt this because you might as well throw out a substantial amount of your environmental regulations at that point.

(#2800) Bob Fink: I would read it a little bit different because the section this is in, the way it actually works, if you look at another example, they'll typically have like for a bridge over a stream and if you can meet certain standards then an HMP isn't required but if you can't meet those standards then you need to do an HMP. Another example is drilling a well. As long as you're not encroaching more than 50 feet into the buffer then you don't have to do an HMP. Most of the other subsections of this section G) have certain standards that if you meet you don't need an HMP. That's what's meant by 'if required.' That's the context in which this is given. These are all activities that are regulated in the SMP and it was always the intention to allow them on the shoreline ...

(#2922) Darren Nienaber: So do these activities require an HMP or not?

(#2925) Bob Fink: As this is written, no.

(#2930) Darren Nienaber: That's a lack of a standard.

(#2924) Bob Fink: What you'd need is some standard like 'a stairway, provided that it amounts to no more than 5% of the area of the buffer' or something like that. Something that establishes a standard that we can say it doesn't have significant effect on the function and value of the buffer and then you could say that we don't need to do an HMP just for this type of minimal development. Shall we table this one and look at it again?

(#2978) Wendy Ervin: Am I understanding that these things do need a permit?

(#2980) Bob Fink: Yes.

(#2985) Wendy Ervin: Couldn't we simply change it to read 'An HMP will be required for the following activities:' then list them.

(#2992) Bill Dewey: No, because that's what in G 1). I don't feel comfortable with taking action on this with the level of confusion we've got here.

(#3100) Bob Sund: I make a motion that we table q1).

(#3125) Steve Clayton: I second the motion.

(#3140) Bill Dewey: We have a motion and a second to table q1). Any further discussion? All in favor? Opposed? Motion passes to table q1). On to q2).

(#3230) Allan Borden: This one has two parts. One is exempting government fish hatcheries and that's been placed in the general exemptions of the RO. I've only listed the new exemption. Other things that are in the general exemption categories are things like FPA's, utilities and existing areas of disturbance. Staff proposes to add this general exemption that says 'Construction and operation (including normal repair and maintenance) of government fish hatcheries'. I noted in my staff analysis that the state and federal fisheries programs have certain resource management guidelines that must be met when planning a fish hatchery that are located within or adjacent to FWHCA's. Due to this overlap of resource management responsibility, an activity exemption does not result in impacts to critical area protection. The second part of q2) has to do with proposed revision of a development that doesn't require an MEP. This section was revised by the PAC on April 5, 2004, but an accompanying issue is addressed in the additional text proposed. This has to do with proposed construction or change of use in a previously disturbed buffer area. Such proposed use is subject to a short review process that evaluates several issues as a way to minimize the occurrence of any further

Planning Advisory Commission Minutes, April 26, 2004

impacts to the buffer and critical area. Staff has experienced situations where a building is proposed where a parking area or driveway or uncovered deck now exists; impacts have already occurred and the use is not expected to cause further impacts. The additional text on the bottom of page 2 under D) talks about construction in or change of use in an already disturbed area.

(#3595) Bob Sund: Allan, at the bottom of page 2 where it says 'The construction or change of use in an already disturbed area predates the August 1993 adoption of this Ordinance', and you used an example of a proposed building where parking area or driveway or uncovered deck already exists may be approved within its existing footprint ... if you had a parking lot and a person is going to put a building in there what kind of a footprint could you use in that area?

(#3665) Steve Clayton: That's what he's proposing.

(#3668) Terri Jeffreys: You're changing pervious surfaces to impervious surfaces.

(#3680) Steve Clayton: It says intrusion into the FWHCA; it doesn't say impacts on it.

(#3698) Wendy Ervin: Presumably the parking area is paved then you have impacted that FWHCA so does it matter if there's solid pavement or a building? I don't think it matters.

(#3750) Terri Jeffreys: Is there a regular process of going through this review with the county, F & W and the tribes?

(#3790) Allan Borden: Typically people don't come out of the blue with this information in hand. Typically they will contact the county and ask what kinds of permits they need to do this. You'd more than likely have them do a pre-inspection. In Hoodspout you'd need to talk to the Skokomish Tribe; if it's down on Kamilchee Road you'd need to talk to the Squaxin Tribe. Basically part of the permit process is to submit the letter as stated on the top of page 3. They'd have to get a qualified F & W biologist to prepare that letter.

(#0135) Bill Dewey: Steve, I think you raised a good point that intrusion into it doesn't necessarily address the impact. I wonder to address that on the second sentence from the bottom you might want to say 'as long as the change of use does not increase any intrusion into or impact to'. Does that address the concern you raised, Steve?

(#0160) Steve Clayton: As long as we have some checks and balances. Is that along the lines you're thinking about, Terri, with the impervious surfaces? What Wendy is saying is if it's already a paved parking lot and you put a covered garage on it there's not a whole lot of difference. If we're in section F) and it doesn't require an MEP then we're losing some of the checks and balances.

(#0178) Terri Jeffreys: But it has to be reviewed by a lot of people.

(#0200) Steve Clayton: Would an MEP be reviewed by the tribe and everybody or is that just an administrative permit?

(#0206) Allan Borden: It depends on what's being proposed and where the impact is. On F & W we tend to contact the State F & W.

(#0215) Bob Sund: Would the county have the prerogative ... let's use the example of the parking lot. Maybe it's a really large parking lot and so therefore it could accommodate a really large building and immediately I'm thinking about the salmon center in Belfair and the proposal there. That building is going to go in a pretty large parking lot and it's going to be a pretty large building. So I guess the county would have the prerogative to say yes or no to the size of the building.

(#0250) Allan Borden: That's just one element of the whole proposal.

(#0265) Darren Nienaber: What happens if their qualified F & W professional says there's no impact but the department of F & W, the tribe and the county says that there is? That's probably not the intent. I think we need a more specific standard.

Planning Advisory Commission Minutes, April 26, 2004

(#0330) Allan Borden: Maybe standard C) should be changed to say something about based upon the information provided in the letter the county shall determine the impact.

(#0360) Bob Fink: This is an exemption from an MEP so what Darren was suggesting was a trigger that would make ... in other words, if a biologist prepares a report saying someone wants to build a garage on top of a gravelled parking area and it's within the buffer but it is already disturbed and there is no environmental impact or damage to the buffer and so he meets those tests that then is sent to the agencies and if the agencies have no comment on it and don't dispute the biologist's interpretation then no permit is required other than a building permit. If on the other hand one or more of the reviewing agencies with expertise say that there are environmental impacts then that would trigger a permit process and they would go through the HMP permit approval and it could be conditioned to ensure that those impacts were mitigated before it was approved.

(#0405) Steve Clayton: Wouldn't that be the same process of an MEP without an HMP?

(#0410) Bob Fink: It might require an HMP but it's an exemption essentially with documentation so when you apply for your building permit to build a structure you would supply the documentation saying that this does not create an adverse impact because it was previously disturbed. That is circulated before approval to the agencies and if there is concurrence and there's no objection then the building permit is simply issued. If there is a lack of concurrence then they have to apply for an MEP. That then goes through a more formal review process and there may be conditions placed on it or even denial.

(#0445) Steve Clayton: I was under the impression that an MEP wasn't a real heavy duty permit to do.

(#0448) Bob Fink: It's an administrative permit. There is public notice provided, however. Whereas normally for a building permit there is no public notice. The fees are different and the level of review is different. There's specific criteria for an MEP.

(#0490) Terri Jeffreys: How onerous is it to get a review from F & W? Are they set up with a customer counter?

(#0494) Bob Fink: You probably want to include language similar to what's in the HMP language which is to say that there's a specified review period. At the end of that review period you could take action. That gives you a timeline to take action. You send it to F & W and they have 28 days to respond. Failure to respond is taken to be no objection and that's always the case so you need that same kind of provision in here because you need to know what your timelines are. The main difference is that the permit costs would be lower because the review is somewhat less. The professional's cost would be lower because they wouldn't need to do a full blown HMP. They simply do an evaluation of the site to identify if there are impacts related to that specific development. Given this example of a garage, this provision as it probably needs to be recrafted a little better, we're saying that this garage may be on the far side of the building from the water on an existing gravel surface or even paved surface and now they're building a garage the biologist could say there's no impact from that, there's no MEP required, there's no public notice required; there is a review by agencies to make sure they have concurrence and that would be the only extra step. Otherwise it would be like any other building permit.

(#0600) Terri Jeffreys: What would the cost of that report add to the project?

(#0610) Bob Fink: I'm not sure. By the time you hire a professional to come and visit the site then you're into several dollars of cost even if they don't have to do a full HMP.

(#0625) Bill Dewey: Would it be less expensive to put it in G 2)?

(#0628) Allan Borden: If you put it in G 2) it's still going to require an MEP.

(#0640) Bob Sund: Maybe we should table this and let them rework it.

(#0642) Allan Borden: The alternative is the person would have to get a variance from the HE. It costs

Planning Advisory Commission Minutes, April 26, 2004

\$350.00 and that's just for the HE hearing.

(#0656) Darren Nienaber: By the time you get through the process I think your total cost is several thousand dollars.

(#0660) Steve Clayton: But the MEP is a step in between.

(#0662) Allan Borden: Yes.

(#0665) Bob Fink: If the MEP is done with another permit, like a building permit, it's \$350.00. If it were done on its own it's substantially more.

(#0680) Bill Dewey: Are we ready to take action on this?

(#0682) Steve Clayton: It sounds like we need to give some direction to staff. From my point of view I'd like to see it shifted into an MEP which covers the public and potential impacts and it's already in described procedures.

(#0700) Allan Borden: So your recommendation from where it starts with D) to take that and move that to MEP. I was just trying to find a place where this kind of review could place and be put in a set of regulations.

(#0720) Terri Jeffreys: I don't know that the process is easier one way or the other. They both sound equally onerous and neither of them is going to make it easier or be less difficult to do a simple change of use.

(#0730) Allan Borden: Well, right now there is no standard. They just have to go and get a variance.

(#0734) Terri Jeffreys: Right, and I understand that. Of the two options which one is less work and which one costs less for a simple change of use.

(#0755) Bill Dewey: Allan, do you need more directions to make the changes?

(#0778) Steve Clayton: The MEP process would be less than the variance process. And the original proposal here would have been less than the MEP process.

(#0795) Darren Nienaber: But if you're not doing the MEP you still need the letter from the biologist so you have the same costs and the only difference is you wouldn't have the MEP fee.

(#0800) *Miscellaneous discussion.*

(#0875) Wendy Ervin: I would just like to make a comment that the wording of everything down to the Additional Text is much smoother reading and better than when we looked at it last week.

(#0895) Bill Dewey: I'm still confused on C). Essentially you're making provisions here to rebuild ... A), B), and C) you're making these provisions to rebuild in the impacted area but it's within the FWHCA that you're allowing that to happen and when you read C) are you saying that you're going to allow them to rebuild in the FWHCA but you want to combine the structures into one footprint as far away from the habitat within that FWHCA or do you want them to get out of the FWHCA altogether. I thought you were allowing them to rebuild within the conservation area and the way it reads now ...

(#0930) Wendy Ervin: What it says is that it can be built within the buffer but you want ...

(#0934) Bill Dewey: But C 1) says that the combined footprint proposed shall be located in the site of the existing structure most distant from ...

(#0942) Wendy Ervin: So you've got several buildings within that buffer area so you want to combine everything within one spot ...

(#0948) Bill Dewey: Within the FWHCA?

Planning Advisory Commission Minutes, April 26, 2004

(#0950) Wendy Ervin: If it's already in the buffer then you want it in the most outlining area from the conservation area.

(#0955) Bill Dewey: But that's not what it says.

(#0976) Steve Clayton: Instead of using FWHCA just put critical area.

(#0985) Mark Drain: And leave out the word buffer.

(#1000) Bill Dewey: You want to replace FWHCA with critical area.

(#1010) Darren Nienaber: Why? It's the same thing. The stream is the critical area and the FWHCA; the buffer is what extends beyond the stream or the wetland. The FWHCA is the critical area itself.

(#1034) Allan Borden: The buffer is from the edge of the critical area.

(#1040) Darren Nienaber: FWHCA is a term we've used through all of our GMA litigations for about nine years now.

(#1045) Bill Dewey: What's confusing to me is the terminology. You're saying if the stream is the FWHCA you're saying you're going to rebuild your structures in the stream.

(#1065) Terri Jeffreys: No, if you know the FWHCA is the stream then it's 'most distant from the stream'.

(#1075) Steve Clayton: But under C) it says 'the footprint of the existing structures within the FWHCA or it's buffer'. If you're using FWHCA as synonymous with stream none of the structures are in the stream.

(#1086) Darren Nienaber: That's not true. There are some that are in the critical area itself. It's not often but it does happen.

(#1125) Bill Dewey: Under C 1) you're saying that reads right? You don't want it to say 'most distant from the critical area'?

(#1170) Terri Jeffreys: The FWHCA is the critical area.

(#1190) Allan Borden: Under C 2) I tried to make that distinguishing because that's confusing ...

(#1200) Darren Nienaber: Critical area is a broader term because it includes landslide hazard areas, etc., so this is specific to F & W buffer.

(#1208) Wendy Ervin: I think C 2) is far more understandable than what you had last week.

(#1214) Allan Borden: We're talking about the square footage area of the structure as opposed to the footprint.

(#1218) Mark Drain: Under C 2) I thought we had talked about would you be increasing it 20%? It could be increased towards the critical area; there's nothing that specifies that the addition has to be on the side away from the critical area.

(#1235) Wendy Ervin: But it has to be on the same site.

(#1252) Allan Borden: 1 A and B) are general. They apply to more general things. B) is when you have reconstruction because it was damaged or destroyed. A) is your proposed change of use or remodel and it specifically says there as long as the modification does not increase any intrusion into the FWHCA. Then C) is a further incentive to get noncompliant development out of the buffer.

(#1280) Steve Clayton: I still have heartburn on C), even though we approved it, and after seeing Allan's new

Planning Advisory Commission Minutes, April 26, 2004

D) where he put a sunset clause in it, I think in C) we should have some sort of date even if it's today's date. We should have some date that an existing structure was started so that we don't continue to bring carports into the FWHCA and then use them to add to the building for decades to come

(#1305) Wendy Ervin: But they're not going to get a permit to put a carport in a buffer area because that's an additional structure.

(#1310) Steve Clayton: We were told before that you don't need a permit for many of the covered structures that would count for this.

(#1315) Bob Fink: That doesn't include carports. That includes things like sheds under 120 sq ft that don't require permits. Maybe the better way to address it is to only include structures that would require building permits.

(#1330) Wendy Ervin: Right, then that stops the proliferation problem that he's talking about.

(#1355) Steve Clayton: So instead of just saying 'the footprint of existing structures' you would say 'the footprint of existing permitted structures'.

(#1362) Wendy Ervin: Right.

(#1378) Terri Jeffreys: Can we make a motion to approve all of it except for D)?

(#1385) Bill Dewey: What about the changes that need to be made there?

(#1388) Allan Borden: There's only one change and that was what we just mentioned.

(#1400) Bob Sund: I'd like to make that motion.

(#1402) Terri Jeffreys: I second that motion.

(#1404) Bill Dewey: We have a motion and a second. Further discussion? All in favor? Opposed? Motion passes. What do we want to do about D)?

(#1408) Steve Clayton: I make a motion that we send D) back to the planning department and bring it back to us based on what we talked about.

(#1415) Wendy Ervin: I second that motion.

(#1418) Bill Dewey: We have a motion and a second. Further discussion? All in favor? Opposed? Motion passes. On to q 5).

(#1475) Allan Borden: These standards start on page 5 of the fourth set. In the staff analysis we are proposing additional changes to standards that address the need for special use permits that were evaluated and revised by the PAC in February, 2004. The staff had some discussions and we concluded that certain information about the proposed uses must be provided by the applicant so that the project will be evaluated more completely and necessary conditions of approval can be issued with the permit decision. The proposed addition of text provides the needed information for adequate review. On page 5 there's a special use permit required use for cemeteries and for government daycare centers, essential public facilities, churches and community centers and schools for exceed 3,000 sq ft. This additional language is pretty much the same as listed in each of the categories. It's consistently provided so that when the county does prepare for a public hearing we do have information available. Steve Clayton asked that on the RR special provisions that additional language be added.

(#1600) Steve Clayton: So as to match the provisions in RT, RTC, etc.

(#1604) Allan Borden: That added language that appears in RT, RTC and RI on page 8 and 9 is those pieces

Planning Advisory Commission Minutes, April 26, 2004

of information that we want to have provided should also have the words 'including but not limited to' and then at the end 'grading proposed; stormwater and erosion control plans; sanitation and support services provided; and traffic studies from activities proposed'. Those attributes should be added to this provision under special use permits in the RR2.5, RR5, RR10, and RR20.

(#1670) Steve Clayton: The reason I requested that these other stormwater and sanitation was included in the RR is because we've added churches and group homes over 3,000 sq ft. We need to be considering the sanitation and in the case where we were looking at the RTC for our rezone, the one that was on a dead end road with traffic of ten cars a day we declined and the one that was one the main highway with traffic we approved. That might be the same sort of thing; traffic survey on a large church might be a consideration based on where it's located and that's why I tried to match the language.

(#1710) What's a dimensional standard?

(#1718) Allan Borden: It would be either square footage of a building, a sign standard, setbacks, height standards and floor area ratio. Performance standards would be like hours of operation, noise attenuation, odors. These are all standard revisions to each one of the cases where a special use permit is required. So your choice is to either edit ones where it wasn't appropriate or look at them in their entirety.

(#1880) Steve Clayton: So if that's the only thing we have to do I could make the request that the wording on page 8 in C), which is RT under other needed uses, that wording is used for all residential and RT, RTC, and RI. Would that be adequate for you, Allan?

(#1900) Allan Borden: Yes.

(#1905) Steve Clayton: Then I make that a motion that we approve staff's recommendation for q 5) with the exception that we use the language on page 8 under item C) in all the rural zones.

(#1925) Wendy Ervin: I second the motion.

(#1925) Bill Dewey: We have a motion and a second. Further discussion?

(#1940) Terri Jeffreys: So this is information required from the applicant for you to make the analysis before you'll okay a special use permit. Not the building permit but just the special use permit. It seems like you're going to have to be doing all this other stuff for the permit itself, like the stormwater and erosion control plans, etc., and they have to submit all of that and go to all that expense to get that taken care of and then get denied the request. It seems like some of that could wait until you go into the building permit process. I wonder if this stuff is helpful in deciding whether the special use ought to be permitted in that area.

(#2000) Wendy Ervin: Didn't we suggest that it was up to the petitioner to provide this information ... or am I remembering a different set of discussions?

(#2020) Allan Borden: This kind of information like on parking, stormwater, potential impacts has to be provided at the special use review.

(#2032) Wendy Ervin: Can that same information be used when they go to get the building permit?

(#2038) Allan Borden: Yes, all you're applying for at that time is the actual construction permit.

(#2045) Terri Jeffreys: It just seems like stormwater and erosion control and grading have more to do with the construction as opposed to ...

(#2052) Allan Borden: If you apply for a mobile home park or an RV park you don't have that information that's similar to what's listed here.

(#2062) Terri Jeffreys: Let's say I want to put a cemetery in and whether that will be approved conditional on how I'm going to grade the property, etc.?

Planning Advisory Commission Minutes, April 26, 2004

(#2075) Allan Borden: Depending on the scope of what's being proposed there may be elements that you don't provide very much information for.

(#2092) Bill Dewey: It would be good to have some idea on these questions for the special use permit. I think of the campground on Oakland Bay. We talked about sanitation and we just dismissed it saying they've still got to get the permit and if they can't get it too bad but you've rezoned it to allow that use. I think it would have been helpful to have some information up front to know whether it was even achievable.

(#2120) Allan Borden: The same thing goes for a subdivision.

(#2125) Bob Sund: It's really up to the applicant to know that before they come and ask for a rezone.

(#2130) Terri Jeffreys: Through our process we figured out that they're going to have to hit that wall when they go up for the permit. We're just looking at the rezone.

(#2140) Bob Sund: That's all our task is.

(#2142) Bill Dewey: So you're saying, Terri, that it shouldn't be applicative here. You're thinking they're going to have to cross that bridge eventually so you don't make it part of the special use deliberation?

(#2155) Terri Jeffreys: I think it has more to do with long range planning as opposed to is this a site specific good use for this because of the topography, etc.

(#2172) Steve Clayton: But if you're talking about air transportation then what you cut and fill on a hillside and how it affects surrounding properties is an important consideration.

(#2185) Mark Drain: That comes under the clearing and grading ordinance.

(#2188) Terri Jeffreys: That is a site specific building construction development review process as opposed to how do you want this community to grow.

(#2195) Wendy Ervin: So she's looking at the map of Mason County and we have these cemeteries over here and is there one necessary in this area.

(#2208) Terri Jeffreys: Or is RR2.5 an okay place to put a cemetery as opposed to is this particular piece of land a good place to put a cemetery.

(#2250) Allan Borden: You have to remember that in the DR's we've established the provision for special use permit review and it has to do with the nature of the activity, it's intensity, something particular about it's use or intensity, impacts on adjacent property, how it fits in with the Comp Plan. By having these particular elements revealed by the applicant it makes it straight forward when the HE hears it staff has the information in front of them to prepare a staff report and then the staff report conveys any of the concerns and how the applicant is addressing those concerns. Right now when you look at the DR special use review it's not as specific as it should be. By spelling this out you provide a set of blanks to fill in so everyone is providing that same information. It's true that if you're reviewing a cemetery as opposed to a charter flight land use on Hood Canal they're going to be entirely different.

(#2385) Bill Dewey: So we have a motion and a second. Further discussion? All in favor? Opposed? Motion passes. On to q 6).

(#2420) Allan Borden: This is an addition in Title 15 Development Code. The department proposes a needed text addition that provides a timeline for action when decisions are rendered and permits are issued by county departments. The proposed language has a process for extending the effective date of the approved permit or a way of determining whether a permit is terminated. This process is set forth to provide a consistent process in making these determinations for the various permits that are reviewed under Title 15 by the different county departments. Construction or further development authorized by permit or exemption shall be

Planning Advisory Commission Minutes, April 26, 2004

completed by five years of authorization. Steve had a comment where he thought it should say 'shall be completed within five years of authorization'.

(#2500) Steve Clayton: Also, in the sixth line down 'initial two year period by permit' I just deleted the words 'period and by' and put a comma in there. 'May extend the initial two year permit for one year provided' ... It just seems to read cleaner. The very last line just insert a comma after 'two years'.

(#2532) Allan Borden: The reason for this is that there are some permits that do not have expressed expiration dates so we want to keep people, once they get permits, to act on them.

(#2560) Wendy Ervin: The first line where it says 'shall be completed within five years'; does that change if you get an extension on the beginning ... if you haven't started the project and you get an extension is it still a five year complete date?

(#2595) Allan Borden: If people are making progress and they're on a project that takes a long time to accomplish ...

(#2604) Wendy Ervin: So if they're making an honest effort to get everything done then there's some leniency.

(#2610) Allan Borden: The main concern is getting started on a project not really completing it.

(#2618) Mark Drain: 'Upon a showing of good cause may extend the initial two year period by permit for one year'. Maybe 'from year to year' should be in there. It sounds as if you have a two year period and they'll extend it for one more year but you'll really extend it for three more years from year to year. So it should say 'extend the initial two year permit by permit for one year from year to year'.

(#2670) Darren Nienaber: Actual construction has to have been started within the two years but then the construction has to be finished within five years.

(#2680) Wendy Ervin: Right. The last line says 'If the start of construction is not made within two years or extended as above, the permit shall terminate'. So I think he's only saying that you can have one, one year extension. You have two years to get started on the project and one, one year extension allowed, so you've got effectively three years to get started and then you've got to have it done by five.

(#2720) Bill Dewey: Allan, does this contradict any other language that's in the county code now?

(#2730) Allan Borden: This is much like the substantial development permit which is typically good for five years but you have to start within two years.

(#2740) Bill Dewey: It would seem like if the intent of this section is to do the same thing that's in the SMP we should probably have the same language in both. We have a goal here with trying to get the SMP consistent with the Comp Plan.

(#2780) Mark Drain: This is the same as current regulations except that you have the five year timeline.

(#2788) Allan Borden: The problem we have right now is people have different ways of approaching their development. Sometimes they'll come in and get an MEP for construction they haven't even applied for yet and that's troublesome. I know of one person who is just hanging on as long as he can before he has to apply for his building permit. That's a good example of this situation where if he hasn't started to do something with an approved permit he needs to either ...

(#2835) Mark Drain: You're saying that the environmental permit has a time limit?

(#2840) Allan Borden: It currently has no expiration date.

(#2842) Mark Drain: So this would cover not only construction permits but also other permits?

Planning Advisory Commission Minutes, April 26, 2004

(#2848) Allan Borden: Right.

(#2850) Mark Drain: But the environmental permit might be less expensive than the building permit and it may have helped him make the decision about whether or not he could build, right?

(#2860) Allan Borden: Right. When an environmental permit process was established there was intent that specific development would be proposed.

(#2875) Mark Drain: Why do you issue environmental permits without a building permit in hand first?

(#2882) Allan Borden: That's a good question. We're being generous.

(#2890) Darren Nienaber: The question is why would we issue a building permit prior to getting a variance.

(#2920) Bob Fink: They wouldn't issue a building permit unless the other permits were in place.

(#2928) Allan Borden: The situation I'm thinking of the person has a building footprint that they're going to build in and they just haven't proposed a specific structure that's going in that footprint.

(#3000) Darren Nienaber: This doesn't apply to building permits.

(#3050) Terri Jeffreys: What permits does this apply to then?

(#3098) Darren Nienaber: Most of the planning permits like variances, shoreline substantial development permit, shoreline conditional permit, special use permit. Building permits have their own provisions within their own code.

(#3120) Bill Dewey: Would you agree, Darren, that it should be consistent with the SMP? I have the language here and they're similar but they're not identical.

(#3150) Bob Fink: This is how it reads. It says 'no permit or exemption authorizing construction shall extend for a term of more than five years. If actual construction of the development for which the permit has been granted has not been done within two years after the approval, the HE or review authority, shall review the permit and upon a showing of good cause may extend the initial two year period by permit for one year otherwise the permit terminates. Provided that no permit shall be extended unless the applicant has requested such review an extension before the HE prior to expiration date'.

(#3200) Bill Dewey: It seems to me that it should read the same in all three places; it's similar but it's not the same. It should be just like the SMP ...

(#3210) Bob Fink: It's not in the SMP any more. That section was moved into Title 15. It is part of the SMP but it's no longer in that document.

(#3224) Wendy Ervin: So is this the only place that this language appears now?

(#3228) Bob Fink: That's correct.

(#3232) Mark Drain: The language that Bob read spells it out a little better.

(#3250) Bill Dewey: So can we take that language that Bob read from Title 15?

(#3255) Wendy Ervin: Is there anything different or missing in this language here that is not in the language that Bob just read?

(#3266) Allan Borden: I don't think so. I think it's all there but it's just written slightly different.

(#3294) Bill Dewey: I'm confused. Bob, you read that from Title 15? But that's what we're talking about amending.

Planning Advisory Commission Minutes, April 26, 2004

(#3305) Bob Fink: This section was written to apply to the shoreline permitting.

(#3310) Bill Dewey: So can we have the citation in that section and we'll make a motion to adopt that language?

(#3330) Bob Fink: It's 15.09.055.

(#3350) Bill Dewey: So I'd entertain a motion that we adopt the language on 15.09.055 under F 4) to be substituted for staff's recommendation here for 15.09.100.

(#3375) Bob Sund: I'll make that motion.

(#3377) Wendy Ervin: I'll second that motion.

(#3380) Bill Dewey: We have a motion and a second. Further discussion? All in favor? Opposed? Motion passes.

(#3388) Susie Ellingson: There was an original motion by Steve was to include his new language and Wendy seconded it. Do you want that included as well?

(#3400) Wendy Ervin: We didn't vote on that and now we've replaced it. Maybe the better thing for him to do is withdraw his motion.

(#3432) Steve Clayton: Okay. I'll withdraw my motion.

(#3434) Bill Dewey: Wendy, do you agree to withdraw your second on that motion?

(#3436) Wendy Ervin: Yes.

(#3452) Bob Fink: There is one issue here in adopting this language. This time limit applies to permits including MEP's that are issued administratively. MEP's aren't an exemption; they're a permit. By this language then the HE would have to issue an extension even for an MEP which is an administrative approval. If that wasn't your intention then you may want to reconsider that language.

(#3494) Wendy Ervin: It says 'the review authority'; if the authority granting it was administrative then it would seem to me the review authority should be administrative.

(#3505) Bob Fink: The review authority is administrative but it says 'or review authority in the case of an exemption'. In the shoreline regulations we issue shoreline exemptions and we issue shoreline permits and conditional uses. The shoreline substantial development permits go to the HE. Other county permits that go through the planning department, such as MEP's, are actually issued administratively by staff and would be appealed to someone else. This language, as I read it, only provides for exemptions to be approved by the review authority which includes staff. Otherwise it would have to go before the HE for approval. That's consistent with the way it's initially approved in the case of shoreline permits only but it's not consistent with the way it's initially approved for other permits like the MEP's. Variances and special use permits are approved by the HE anyway so those are okay. It's only that one class of permits that would have to go for extension to the HE even though their initial approval is done by staff which is the review authority.

(#3626) Bob Sund: So you're recommending an amendment to cover your concerns?

(#3636) Bob Fink: I would do two things. One, where it says 'or review authority in the case of an exemption' I would add 'or a MEP'. Then in the last sentence 'no permit shall be extended unless the applicant has requested such review and extension prior to the expiration date'.

(#3675) Terri Jeffreys: As the ordinance is now, a special use permit and a variance to get an extension of those you have to go to the HE?

Planning Advisory Commission Minutes, April 26, 2004

(#3686) Bob Fink: Right now unless an expiration date is set during the review process the permits don't expire. Even though they may not build the building it's good indefinitely.

(#3710) Bill Dewey: So we need to reconsider and make these changes?

(#3714) Terri Jeffreys: I think so.

(#3718) Bill Dewey: So I'd entertain a motion to reconsider.

(#3720) Steve Clayton: So your recommendation is just to change it in 15.09.100 the final decision not in the existing or did you want to change it in both.

(#3730) Bob Fink: I'm not sure what you mean by in the existing. You adopted the existing language for 4) and that only applies to shoreline permitting. Within that context it's correct so you don't want to amend the existing language for shorelines. It's only when you're applying the same language to other cases and then the only one I can think of is the MEP's. Those MEP's are approved administratively and adopting this language would require the HE to approve the extension which is a higher level of review for the extension than it was for the original permit. I had two changes suggested to this paragraph.

(#3810) Terri Jeffreys: I make a motion to reconsider.

(#3812) Steve Clayton: I second the motion.

(#3814) Bill Dewey: We have a motion and a second. All in favor? Opposed? We are now up for further discussion. Is there a motion?

(#3820) Steve Clayton: I'd like to propose that we accept the wording in 15.09.055 F 4) as it's stated with the exception that in line five within the parentheses after the word 'exemption', we put 'or MEP' and in the last two lines eliminate 'before the HE'.

(#0085) Bob Sund: I second the motion.

(#0088) Darren Nienaber: Allan, did you mean for this to apply to building permits, too?

(#0100) Bob Fink: Are you thinking, Darren, that we might add just a clause saying 'unless otherwise provided'?

(#0105) Darren Nienaber: We can either have it explicitly not apply or you can say that we'd like to cut building permits ultimately short and we're not sure how to do that but we'll defer to the planning department to send that thought forward to the BOCC or we could simply bring it back to you again. I have a feeling that if you make this apply to the building department without their consultation they might have something to say about it.

(#0120) Bob Fink: I don't think the intention was to change their timelines anyway which are part of the UBC.

(#0126) Darren Nienaber: You might want to have a sentence in there that says this does not apply to building permits.

(#0130) Bob Fink: The other issue is the septic approvals by the health department. Those timelines are determined by the state WAC's and as adopted by the county. So they should be clearly excepted and so the question is do you want to specify these two that we can think of now or do you want us to put in some other words like 'when not otherwise provided in the relevant title no permit or exemption authorizing construction shall be'.

(#0160) Steve Clayton: Would you be receptive to us approving it as we stated and then chew on it and bring it back to us.

Planning Advisory Commission Minutes, April 26, 2004

(#0166) Darren Nienaber: How about 'when not otherwise provided by law'.

(#0168) Bill Dewey: That's pretty simple. Just adding it to the front of the section.

(#0172) Bob Fink: That would work.

(#0174) Wendy Ervin: I'll make the friendly amendment that the words 'when not otherwise provided by law' are inserted in the beginning.

(#0180) Bill Dewey: Bob, as the second do you agree?

(#0182) Bob Sund: I agree.

(#0184) Bill Dewey: So we have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes. On to q 7). If we get through q 7) and q 8) we don't have to meet next Monday.

(#0192) Terri Jeffreys: It's a tremendously long list.

(#0194) Steve Clayton: We can't do q 8) because we don't have the information on it.

(#0198) Bill Dewey: We're talking about at our regularly scheduled meeting in May we'll be talking about Belfair and we could reserve two hours to talk about Belfair and at the end of the meeting take up the rest of these issues rather than have a whole other meeting next week. What's the will of the committee?

(#0210) Terri Jeffreys: I don't feel that I've had enough time to review all of Steve's comments and there's some pretty substantial changes.

(#0218) Steve Clayton: It would be nice if Allan got a chance to incorporate the obvious ones and then we could just narrow it down to what the changes are.

(#0222) Allan Borden: Right.

(#0226) Bob Fink: So for Q 7) you feel like you haven't been able to absorb it?

(#0228) Terri Jeffreys: Yes.

(#0232) Allan Borden: If you consider these three items on the 17th I'll likely get them to you by the end of next week.

(#0265) Bob Fink: It would probably be better to delay it later than one week out to give Allan plenty of time to make sure he's gotten you the best revisions he can.

Meeting adjourned.