

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
June 14, 2004

(Note audio tape (#3) dated June 14, 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, Allan Borden, Darren Nienaber.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0035) Bill Dewey: The first item on our agenda is a workshop on the Belfair Urban Growth Area plan.

(#0040) Steve Clayton: I see Bob has left us a SEPA here tonight and it's the first we've seen of it.

(#0042) Bob Fink: Yes, it was finished today. That's why it's the first you've seen it. You can read it at your leisure. I don't expect you to address it today. I did send out earlier in your packet a revised Belfair regulations plan. The primary reason for rewriting it was to recode it to the system like the Mason County Code, essentially Title 17; that is the title reserved for zoning. The system we have set up is for our urban areas, Belfair, Allyn and Shelton. They'll each have a certain number of chapters within Title 17 and we'll probably also move our existing DR's into Title 17 when we revise the code so they'll all be in Title 17 and codified. So because of the system it was necessary to recode the page. I do have a handout I can give you which is the key so you can refer to the old and new section numbers. This will make it a lot easier to review. There were some more changes made than just recoding it. Most of the text has been changed in small ways based on comments that have been received which are mostly clarifications or corrections and not intending to particularly change the substance.

(#0125) Bob Sund: Are the changes identified in here?

(#0127) Bob Fink: There are a lot of small changes and with the recoding a strike out version didn't come out

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very well. I could try to redo it but essentially I thought it would just be easier to do a run through once with the old code and the new code. None of the changes are intended to be substantive except for in one chapter which is the sign ordinance. Most of the sign standards were kept the same. The intent of the sign regulation is revised. It explains a little bit better what the intent is. It's important for the legal defensibility of the plan that we adequately explain what our purpose is. Some of the exemptions are drawn from the work we did in preparing the interim sign code. We wanted to not regulate certain things that could be signs and only regulate commercial speech. There was a lot of thought that went into trying to distinguish those things adequately. This has a section on exemptions of sign regulations which is new. The definition section has been expanded. The prohibited commercial signs are mostly the same as in the proposed code. There have been a few changes or rewording for clarity or simplicity so you should look through those but they're essentially the same as was in the previous draft. There's a section for prohibited non-commercial signs which is new. Some of the prohibited signs are since we divided our language to address commercial and non-commercial signs we have prohibited commercial signs and then we have prohibited non-commercial signs and the commercial signs are defined as 'A sign intended to attract attention, identify, advertise, and/or promote a business; goods sold, offered, traded, or manufactured; a service sold or offered; or professional, commercial or industrial gainful activity'. A lot of activity is done that doesn't meet that category and in the interest of protecting and not infringing on free speech we're principally trying to only regulate commercial speech. The exception to that is where the sign poses a hazard either because it has a flashing light or it's placed so that it blocks traffic or otherwise the structure itself poses a hazard. There are several commercial signs that are temporary in nature and are typically placed off premises. You might have a real estate sign on a piece of property that says it's for sale but you also often have directional signs so that people can find the property in question. So on a major street you'll see a for sale sign with an arrow; we wanted to permit those kinds of signs and similar garage sale signs, agricultural sale signs. So even those may be off premise signs we still wanted to continue to allow those signs. That's very much like the structure we have in the current interim ordinance.

Getting to the Design Guidelines those are basically the standards and I changed the wording to Design Guidelines because I didn't think the way these were phrased would be strictly enforceable. I think they were good guidance to give but if you are looking for an enforceable standard I think you need to be more specific than these standards are.

(#0350) Diane Edgin: This has been a pet peeve of mine for years that coming into a new area strip malls, etc., you will not find an address, a number, above the entrance to a building or even a series of doors that each one is a separate shop. A lot of times they'll have a sign out front that will list all of the businesses there but no address. Anymore the way traffic moves you're trying to find an address, a location, and there's nothing to guide you so you're creating a traffic hazard as you look. I think that if we can do that by requiring any commercial building to have some sort of address that is legible from the street I think we should.

(#0382) Mark Drain: Doesn't the fire code require that? I do agree with you.

(#0388) Bill Dewey: I have the same sentiment.

(#0400) Bob Fink: So you'd want to add some language that would require or at least suggest that addresses be highly visible?

(#0406) Diane Edgin: Yes, especially the number.

(#0430) Bob Sund: Is there a place in the code for that?

(#0440) Bob Fink: I would think it would be appropriate to put that in the Design Guidelines.

(#0450) Allan Borden: It's in the UBC that buildings have to have physical addresses.

(#0465) Darren Nienaber: Bob, are you recommending a phase out? That was recommended by 10 or 15 comment letters.

(#0475) Bob Fink: Right. I've got some draft language and it wasn't mailed out to you in the package but I've

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got it to distribute it to you. I was going to run through this restructuring first and then when I got to the end I was going to distribute the additional language that wasn't in this draft that was mailed out earlier.

(#0488) Bill Dewey: Are there other areas either within the sign ordinance section or in the total document where there are substantive changes that you need to call our attention to? I'm concerned both from our standpoint for review as well as people that have worked hard on the sub-area plan that the county is considering a new draft. If you're forced to go back and read the document side by side it's not very efficient use of anybody's time to do that. I can see the county getting some criticism for that.

(#0510) Bob Fink: The only other substantive change is in response to some comments that Steve Clayton made regarding the Theler Center and the Library. I added a couple of additional uses to the district they're in, which is Mixed Use. I added museums, libraries and educational facilities, other than public schools. Also, the allowed uses are realphabited.

(#0550) Mark Drain: Does this go back before the sub-area planning committee in Belfair?

(#0555) Bob Fink: No, that committee is disbanded. From you it goes to the BOCC in whatever form you recommend. I should have given you a marked up version but it's quite lengthy and messy. Essentially, things were moved around and renumbered and realphabited. There was some ambiguous language that was clarified and as I said earlier ... some of the language was simply not clear. The formatting had to fit the code format for Title 17. That and the sign ordinance were basically the only substantive change. However, if you clarify ambiguous language you're clarifying it in one direction so you do need to review it to see if it's consistent with your understanding of it. We could do a marked up version but it's just labor intensive.

(#0666) Bill Dewey: I hate to create work for you. I'm comfortable with you highlighting the subjects that were changed but I just worry that in the public process here this is something that's gone through a tremendous amount of effort and there's going to be citizens who have poured a lot of hours into this that are going to be curious to the changes the county made.

(#0680) Bob Fink: We can provide a marked up copy when people come in.

(#0690) Mark Drain: I'm concerned about the citizen input that may have been deleted or changed that's different from what they wanted.

(#0702) Terri Jeffreys: Did these get sent to the Belfair sub-area planning group?

(#0705) Bob Fink: The group no longer exists. It could be mailed to them but it was only available last week. I could go ahead and send copies to them. Let me see what I can do with the marked up version. I'll work out something to indicate where the changes are. Most of the changes are generally small. There were some places, for instance, like the design guidelines that I had to reformat significantly because it was difficult to follow what the requirements were.

(#0865) Bill Dewey: So you've modified the sign ordinance to bring the Theler Center and the Library into it?

(#0868) Bob Fink: Right. That's the only change I can remember other than some consistency. There were some renaming like what something was called was occasionally changed. It wasn't intended to change the substance of what was there. Permitted signs ... the neon signs are simplified basically allowing neon signs in windows. Those are the changes in the draft you got and then I have a new last page, page 60, which has a new section for non-conforming commercial signs. That is language I drafted up to address the idea of phasing out signs. Essentially there's two sections here. One to address signs that are in existence now or before the ordinance is adopted and another one for if there should be future amendments to the sign ordinance and those amendments make any signs non-conforming then there will be an additional five years for those signs. If those signs are already non-conforming and we amended it they wouldn't get an additional five years. The impression I had was a lot of people in the group would like to see a shorter time but five or seven years are pretty standard lengths of time to allow time for the recovery of the value sign by a business and for a business to make arrangements for a new signs.

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(#1035) Bill Dewey: I wonder if you might need some more specificity in that section. If you have billboards that are non-conforming, the nature of billboards is advertising and they're going to change on a periodic basis depending on who subscribes to the advertising on the billboard. Is that considered a change?

(#1050) Diane Edgin: I think you're looking more at the actual structure than the signage.

(#1055) Bob Fink: Do you want them to be able to change the text of signs from one business to another, for instance, without having to come into compliance?

(#1080) Steve Clayton: So instead of changed we would be looking for something like rebuilt, repaired so if the sign required repair ...

(#1090) Diane Edgin: I was thinking along those same lines because I didn't see the word damaged; it says changed or moved.

(#1105) Allan Borden: You want to distinguish between maintenance and repair?

(#1107) Diane Edgin: Yes.

(#1115) Wendy Ervin: How about structurally changed or structurally altered?

(#1122) Bob Sund: I don't think we want to allow someone not to make their sign look decent. If they're in that five year period they should be able to maintain and keep their sign aesthetically pleasing for five years.

(#1140) Wendy Ervin: But if they're maintaining it as it was built that's not structurally altering it. That's just maintaining what was there.

(#1142) Bill Dewey: I think Wendy may be on to something.

(#1150) Steve Clayton: I think Bill has a good point in that billboards need to be able to change for five years and also the strip malls with their signs with several businesses. We could kick it back to Bob and Darren and have them come back to us with some revisions. Do we want to discuss five years as being an appropriate time frame? Or make it longer or shorter?

(#1192) Mark Drain: I wouldn't consider making it shorter. Five years comes pretty quick. I do like the change of wording with structurally changed or altered.

(#1210) Steve Clayton: Do we want to consider more time? Some people are upset by some of the signs in town but if you put out that kind of money can you recoup it in five years?

(#1225) Bill Dewey: I'm relying on Bob's advise here because I'd don't know what kind of investment is made in a billboard and what the advertising rates are and but you can expect to recover your investment.

(#1240) Diane Edgin: Let's say you have a 4 x 8 sign which is standard plywood and you have commercial signage done for it that alone is fairly expensive. Then you add what it takes to put it in the ground and mount it, etc., or if it's lighted. What's appropriate; five or seven years?

(#1258) Mark Drain: Why don't we just try five and see what the public testimony has to say about it.

(#1264) Wendy Ervin: If this is applying to that billboard, from some of the things I've read; apparently there is a billboard that's gone up relatively recently, that's a money making enterprise. This is a business in and of itself. There's quite a few costs involved in that and a billboard can be forever. There's some billboards that have been out there for years and years and years before they ever came down.

(#1300) Steve Clayton: There's two new billboards in town and that's a concern but I wouldn't rewrite the regs based on two new billboards. There are a lot of strip malls ...

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(#1308) Bill Dewey: I'm trying to understand the magnitude of investment people might have in their sign and then the five of seven year time frame. If these are billboards that someone has just spent \$15,000 or \$20,000 to put up versus a \$2,000 sign.

(#1325) Steve Clayton: These are pretty massive well anchored steel sign boards and they're rather recent but in addition to that we also have the Safeway complex which would no longer be conforming and we have several strip malls which actually have reasonably good signage but don't meet these standards. My thought is it isn't going to apply to the vast majority of businesses.

(#1345) Bob Fink: There are a lot of signs in Belfair that wouldn't comply with these standards that were recommended.

(#1350) Steve Clayton: I would guess it's around 80% of them.

(#1355) Bob Fink: There's been no actual evaluation.

(#1365) Wendy Ervin: A businessman has a right to advertise his business and if the sign regulation is so restrictive that the signs have to be so discreet that nobody can find anything I don't know that we've accomplished much.

(#1390) Bob Fink: These regulations, although many of the signs may not be in compliance, they're not so restrictive that the only thing you're going to see is the address of the business. At the scale of Belfair and the speed at which traffic goes and the nearness of the development to the road people have no trouble seeing these signs. Indeed, they'll be easier to spot when there's less clutter. Sign regulation is a difficult process because a lot of it is about educating the business community to what works and what doesn't work. Competitive sign situations where people put up bigger and gaudier signs to compete their sign stands out in the clutter but they're blocking each other and spending more money than they need to just trying to get attention among all the clutter. By having more uniform signs and less variety and more control large enough to be seen but not so large as to block other things it actually works to the benefit of the business community. There's been a lot of research on this and a lot of work done in a lot of communities and these sign controls generally work for the benefit of the business community. The main thing is that you need to make sure that the sign placement is such that it's visible and the sign is scaled properly to the speed and the characteristic of the traffic. The rest is just dealing with the change from what exists now to what will be in the future.

(#1510) Terri Jeffreys: I was looking for some direction or some philosophical thought the committee is coming from regarding this. There's a lot of emphasis on screening, parking, etc., 30' buffers in the Mixed Use area, 15' buffers in the Commercial Area and then height limits on signs and I'm wondering was the combination of the two an intention to perhaps lean more towards the monument signs as an identifier? The concern I had was if the type of signage that's allowed on the building itself was being restricted especially regarding lighting? You've got the screening that's required in front of the business especially if there's parking there. It kind of felt like reading through here that the emphasis should be on monument signs or did the two discussions happen at all? I just want to get a feel for the design character that the planning committee was looking for.

(#1555) Steve Clayton: I'm trying to step back and avoid speaking for the committee and I really can't speak for the committee. It's tough for me to say that this is the consensus of the group because that isn't fair because there are dissenting opinions. My impression, as an example, they show on page 59 that's a development that's in Gig Harbor with some signage that's based on the Home Depot and the small monument signs with setbacks away from the building. That's a real new development and perhaps that's the direction.

(#1580) Terri Jeffreys: Do the setbacks require landscaping such as these do here?

(#1586) Steve Clayton: We as a group did not really discuss in depth the signs and setbacks. It was presented to us in a sort of overall aspect and we had general discussions and some items were brought out but there was not a whole lot of discussion on a lot of materials that are presented here.

(#1600) Bill Dewey: Did you guys have any discussion on the phase out?

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(#1606) Steve Clayton: At our very last meeting we had ... originally early on in the process we discussed phasing out and then the Belfair group declined to do it. Then we got two new billboards in town and at the last meeting it was brought up and I think that's where a lot of the comments came from.

(#1628) Allan Borden: You're concern about screening and signage on buildings; those are two different elements of signage. The signs along the road with the buffers and landscaping is to address the street corridor. Once you pull into the shopping center then the signs on the buildings guide you to what part of the parking lot are you orienting to. The signs on the buildings unless they're right next to the road are not going to guide people very well.

(#1655) Bob Fink: I went and got the copy I have of the tourism study that was done in Belfair. It was an evaluation for purposes of economic development and tourism development by the consultant and three-quarters of the study had to do with signage and had a number of recommendations. Unfortunately, I loaned that copy out to have more copies made. I'll get more copies and get it out to you because it brings out a lot of these issues. It shows a lot of signs in Belfair; some that are effective and others that are not.

(#1795) Bill Dewey: I'd like to move us along here; we've spent a lot of time talking about the sign ordinance and I think we've got the gist of the issue. People need to think between now and next week whether that five year time period is appropriate and hopefully we'll be able to come to a recommendation next week.

(#1835) Diane Edgin: This is basically the Highway 3 corridor. Are there any plans for any side streets that will have traffic lights?

(#1850) Steve Clayton: At Highway 106 at the south end of the corridor is not scheduled but has been approved for a traffic light. In theory, if the bypass gets built and if Romance Hill hooks into the bypass and if traffic flows significantly, then that is a possible location.

(#1870) Diane Edgin: Did your committee ever talk about light standards? The types that they use. There's different types.

(#1885) Steve Clayton: No, we didn't discuss it.

(#1890) Bob Fink: There's a summary of the traffic recommendation in the plan on page 32. You may want to look at that.

(#1900) Terri Jeffreys: Looking at the buffers that are required to screen the plan indicates on Highway 3 south of the railroad in the General Commercial Area there will be a 15' buffer; north of the railroad in the General Commercial there will be a 30' buffer; and then a 30' buffer on Highway 3 in the Multi Use District. I'm just looking for some rationalization for those differences in the buffers.

(#1975) Steve Clayton: We didn't discuss it in detail as a planning group.

(#2000) Terri Jeffreys: I just see a disconnect where I see the Multi Use District as trying to be pedestrian friendly and it seems to me a 30' buffer is quite far from the sidewalk itself that kind of makes it feel further away.

(#2025) Bob Fink: I don't know that the Mixed Use District is intended to be as pedestrian friendly as the Festival Retail District or even the General Commercial District.

(#2035) Terri Jeffreys: I'm thinking of walkability for a person living in hopefully what would Multi Family developments cropping up there to shopping so they'll need to get from Multi Use District to Festival District and the various places if you're looking for a walkable community.

(#2050) Bob Fink: That's more a matter of distance from the road than it is buffer width. The Mixed Use District is mostly in the area running along Highway 3 south of the core area. It's going to be very hard for someone to walk the length of that Mixed Use District because it's a linear district basically running along

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Highway 3 and I think the intent behind that is that they were looking for more screening and more potential for screening in the auto oriented corridor than it was in the downtown core and even in the General Commercial Area nearby. That's principally why they have their standards a little bit higher because they expect more parking lots, more auto oriented businesses, less pedestrian ... it's not intended to be as pedestrian friendly in the sense that, yes, they will be providing sidewalks and hopefully it will be safe and attractive to walk along there but essentially it's the highway corridor portion and the businesses are different there. That's my understanding of it.

(#2138) Terri Jeffreys: And the 15' buffers were to ... what is the difference between a 15' and a 30' buffer? What does one create that the other one doesn't?

(#2145) Bob Fink: More screening; more green space.

(#2170) Terri Jeffreys: Would it disturb or change the visual effect that the planning committee was looking for if you were to just standardize it to 15'?

(#2222) Steve Clayton: Bob, it says you need to be 30' from Highway 3. Is that from the roadway or is that from the accompanying sidewalk or is that from the accompanying water infiltration ditch that's required or is that from the easement? If it's 30' from the road then we're not talking a real big corridor.

(#2238) Bob Fink: The buffer is 30' from the ROW. There's an illustration on page 23 of the new draft.

(#2265) Mark Drain: I think Terri's concern is that is a large chunk of ground to give up to vegetation.

(#2275) Bill Dewey: If you think about it from a stormwater treatment standpoint it's nice to have that buffer at the edge of the parking but whether you need a 30' vegetative buffer or not it seems like that's a lot of property.

(#2285) Bob Fink: You can use that buffer for stormwater treatment like vegetative swales and other forms and they're low impact development. I can't tell you everything that went into crafting the buffers.

(#2330) Wendy Ervin: There's an ownership issue; if it can be used for stormwater from the state highway then that's part of the road easement and that's state highway responsibility to design and maintain that.

(#2350) Bill Dewey: So, Terri, are you thinking about suggesting something narrower?

(#2385) Terri Jeffreys: Standardize the 15' across the board and if somebody could tell me it should be different ... you had indicated that there wasn't an allowed use anywhere in the UGA for car lots and where they would be allowed.

(#2400) Steve Clayton: Or real estate offices or post offices.

(#2420) Wendy Ervin: Are they all missing out of the listing?

(#2425) Terri Jeffreys: There's a caveat in a lot of them that says 'and anything that's kind of like this'. Maybe it's not in the new draft.

(#2450) Bob Fink: Right, I took out the 'other uses as determined' language for legal reasons.

(#2465) Darren Nienaber: You should just have broad categories. If you use something like 'retail' it's a much bigger category than to say 'plumbing shop'.

(#2485) Bob Fink: For instance, they have a category that says 'general, retail commercial shops not otherwise named under 10,000 sf'. Any of the ones that are listed and are under 10,000 sf you could take out because they're basically covered under 'retail under 10,000 sf'. Professional offices is another general category.

(#2525) Steve Clayton: Would a gas station fit under a retail shop?

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(#2535) Terri Jeffreys: That isn't in here either.

(#2545) Bill Dewey: Bob, when you went through and you added 'museum' to cover the Theler Center was there a reason you didn't address these other things that Steve has pointed out specifically?

(#2562) Bob Fink: That was the only one I remembered when I was rewriting this. I didn't go through all the comments received but I knew those were pretty critical pieces of the community so I remembered those weren't addressed and added those. I wasn't really trying to make substantive changes. I made a few because I knew they were important but I wasn't really trying to totally change it. I was trying primarily to reformat it and clarify it and strengthen it legally. That's why I pointed out the changes I did make.

(#2600) Steve Clayton: So what we on the planning group had originally was a document that said 'and other similar uses'. And now we've taken that out and not informed the planning group that 'other similar uses' doesn't fit the matrix. You have one person here saying I think that and that and it's not fair for me to be able to stick stuff in because there was a whole group that did the planning but the planning group wasn't aware that 'other similar uses' is no longer an option.

(#2625) Bill Dewey: It looks like we're getting to a very specific list or we need to generalize it.

(#2635) Darren Nienaber: I don't see any uses similar to gas stations on here.

(#2644) Bob Fink: My impression is that they wouldn't have allowed those except in the Mixed Use Area. I don't know if they wanted to allow auto sales or not.

(#2655) Diane Edgin: You've got a boat dealer up there that is also sporting goods.

(#2660) Bob Fink: They've got auto dealers that were part of the community.

(#2666) Steve Clayton: Is real estate office a professional office?

(#2670) Darren Nienaber: Yes.

(#2672) Terri Jeffreys: It's a licensed profession.

(#2675) Steve Clayton: So is an auto repair person. So you could draw that category bigger. Or we can draw it narrower.

(#2685) Bob Fink: I think you have certified auto repair people. I don't think they're licensed.

(#2690) Terri Jeffreys: So those are three uses that need to be placed someplace.

(#2695) Bill Dewey: Which three?

(#2698) Terri Jeffreys: Car and boat lot sales, real estate offices and gas stations.

(#2705) Bob Fink: I don't think I've gotten any new public comment since your last meeting. There were some that came the day of the hearing and I think those were the last we received.

(#2720) Bill Dewey: What about these other ones that Steve has listed as far as the car wash, marine and motorcycle repair, vehicle towing?

(#2732) Steve Clayton: We do have a boat shop in town but we don't allow it anywhere in the UGA.

(#2738) Bob Fink: You could just say 'repair shops'.

(#2744) Steve Clayton: Then you have to look back at what was the intent of the group and it would be nice,

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in theory, if we could clean up and make a list of what we think is appropriate and send it back to them.

(#2755) Diane Edgin: My thought is if you don't put something in there and a fire happens and if it's not in there somebody could easily say this is nonconforming and we don't want it back there but yet you better allow for it. Darren, if somebody came in with a totally new type of business that we haven't even thought of that would be appropriate for a certain area are they going to have to wait a whole year until we stick it into the matrix or will it fit into some category?

(#2800) Darren Nienaber: You could do it on an interim basis if it was a certain kind of business. With an interim ordinance you don't need a public hearing (prior to adoption).

(#2850) Bob Sund: I think we should just have broader categories.

(#2875) Bill Dewey: What would be the option if they're not on the list?

(#2900) Darren Nienaber: Yes, broad categories.

(#2905) David Overton: There is another process you can go through as well which is instead of saying what is allowed you say what you don't want so everything is allowed but what you're really trying to get at is building size, it's position on the lot, and how it fits with its neighbors. So when you look at uses and you look at the list between General Commercial and Festival and Mixed Use the only difference is Mixed Use allows housing. Otherwise the categories are exactly the same. So instead of listing everything you can say that some of those general categories like all retail, all commercial business or public service uses are allowed in this district but no housing and that's General Commercial and in the Mixed Use you could say all uses except for these that are specifically the troublesome ones that you don't want in that area.

(#2950) Steve Clayton: Unfortunately it's not a short list, though. As the discussion in the planning group you have Festival Retail downtown which is quaint so you don't want an auto dealer there.

(#2980) David Overton: Instead of attacking the uses if you attack the uses you're attacking a business locating in an area if it's not specifically allowed. Rather, I think, it's more opening to say we should allow everything in these categories of business to come in rather than the specific use because you won't be able to write an inclusive list. It's impossible.

(#3000) Darren Nienaber: The broadest category would just be commercial.

(#3005) Steve Clayton: Which negates the difference between Festival Retail, Mixed Use, General Commercial.

(#3010) David Overton: It doesn't because the building location and the lot size and the connections and buffers are all different but if you look at the difference between General Commercial and Mixed Use the only thing is housing except for the things that Steve asked you to change over the last couple of weeks. That's because you don't want housing in that area. I would caution you to go back to those opening paragraphs that you read and read those for each use because those describe what they want to have happen in there and you're getting overly detailed for something that should be flexible for a rural environment. In a very urban environment you can afford some of those use restrictions because you're trying to get specific clusters of businesses. Here you're supposed to have all the community services in one area.

(#3060) Bill Dewey: So what's the rule of the PAC? To go to broader categories?

(#3065) Wendy Ervin: It seems to me that broad categories makes more sense because you're making a plan for 15 or 20 years and we don't know what kind of businesses will exist in 20 years. Look back 20 years and look at what was then and look at what we have now. There are whole categories of businesses that didn't exist.

(#3086) Bill Dewey: So is our guidance to staff between now and next week's meeting to revise this with these broader categories? Is everybody okay with that?

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(#3095) PAC: Yes.

(#3112) Terri Jeffreys: On page 5 under Bulk and dimensional standards it talks about the density credits for the LTA District. There's a receiving area identified in here for those transfer of density credits and I wonder if that's something that should be identified?

(#3128) Bob Fink: They identify within the developed area of the UGA.

(#3138) Terri Jeffreys: That's what I mean. Would it be within a certain residential district? I say there should be at least a list of zoning areas that you could transfer those density credits over to.

(#3156) Bob Fink: In General Commercial you're not allowed residential. In Mixed Use you're allowed residential but there aren't a specified number of units that you're allowed. It's more of a question of what you're limited to by the physical constraints of the property. The only place where it would make any sense would be the R-3, R-5 and R-10. It would make the most sense to put them in R-10 which is multi family and has a density specified.

(#3210) Terri Jeffreys: If you're going to allow transfer of density and allow clustering in the R-5's it seems to me that somebody would get a bonus and gets more houses on R-5.

(#3220) Bob Fink: R-5 would be okay because it does allow multi family.

(#3240) Steve Clayton: We have other transfer density rights from outside the UGA so what Bob's saying is that there's only 10 or 15 acres in the UGA that this applies to, the LTA. However, we have transfer of rights already in Title 16 for people outside the UGA who can transfer their development rights into the UGA. The question I think Terri is asking is where in the UGA these transfers could go?

(#3282) Bob Fink: Right. It wouldn't make any sense for someone with Mixed Use to purchase them or to transfer them because they're not really limited. In General Commercial they're not allowed so the only places these are going to go would be either R-3, R-5 or R-10.

(#3310) Wendy Ervin: And anytime this subject comes up there's going to be an application of a permit and so that would be taken care of at that time and it would be either an up or down decision as to whether somebody could make that change.

(#3325) Bob Fink: Right, so I guess the question is do you want to not allow transfer of density into the R-3 because it's typically the more sensitive areas or are you going to just let it go by site by site?

(#3340) Wendy Ervin: It could be denied if it's a sensitive area at the time of the application.

(#3348) Bob Fink: It would be as a right. The density you get, unless there's an actual physical constraint, is as a right so if you can figure out how to fit 10 units on that property then you have the right to 10 units. This would allow additional units assuming you can fit them on a property.

(#3380) Wendy Ervin: If you had your right to 10 and then you're wanting to add that's not a right; that's an addition to the basic right to 10.

(#3392) Bob Fink: I understand it to be the same as a right. Basically a person, or it could be the same person who owns both properties, that has the ag land would sell the right to some other party. That person would then have a right to the development assuming it fits on the subject lot where he wants to put it and assuming it's a permitted use. It would be permitted in the same way that someone has a right to a building permit for a permitted use. They have to build it according to code and it has to fit on the lot. The units transferred in would have the same status as the units here. We could change it to say that rights to additional dwellings are subject to these additional restrictions. You could put a higher level of review on it and imply that it's more discretionary or has to meet a certain higher standard to transfer in the rights.

(#3475) Wendy Ervin: You have a right to 10 and you buy the right for 5 more. You're only able to use 3 of

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those 5. Now you've got two rights that you can sell to somebody else and in that sense then if it's like monopoly money and you're moving things around and they can be comfortably built over here so you've got an asset; those rights are an asset. Whether those assets are attached to this piece of property or you sell them to somebody else it seems that that would take care of itself if the right were regarded as a saleable asset.

(#3530) Bob Fink: Right, but the reason they have value is because they're a right to build.

(#3540) Wendy Ervin: Right, but if the one who has rights to build would like to sell the one ag rights then those do not have to be attached to a specific land of the purchaser.

(#3564) Bob Fink: To transfer them I think legally they have to be attached to land. That doesn't mean they can't be retransferred as long as the receiving property is within the right area to receive those rights.

(#3580) Wendy Ervin: So it just seems to me that the whole subject can be taken care of with the laws of supply of demand.

(#3585) Bob Fink: Right, in fact ... and this can be done differently and it doesn't necessarily have to be attached immediately to other land. Some of the most successful programs in using transferrable development rights actually put a lot of effort into building a bank of rights and bank them until such time as they found a willing buyer. That was an investment that the community made. They would have to be attached to new land before you could build and the source would have to be known. There would have to be a paper trail of where they came from and where they went to.

(#3640) Diane Edgin: On those rights do they have any ... the land is forever and there's a right forever until you use it or can sell it?

(#3660) Bob Fink: It depends on how the regulations are written and rewritten. The land may be for a long time but the regulations change but if you assume the regulations are essentially the same then ... the programs that have been successful tend to have land banks so it makes the connection between seller and buyer easier to do. Those are held for a length of time, maybe years, before they're put to use. You could change the code that wouldn't allow them ... and you might get into issues of a taking if you actually got rid of them altogether because they are a right that you've created for a purpose.

(#3750) Bob Sund: Bob, you should send a letter to the people on that committee and tell them that you made an effort to codify their plan and for them to review your codified plan to make sure that everything is in there that they want in there and that we're going to have a hearing next week and for them to bring their suggestions.

(#3800) Terri Jeffreys: On page 33, G) it talks about the pedestrian oriented space . My question is, is the intention that this be in all development in the UGA or just the Festival Retail District? If the Mixed Use area is supposed to be auto oriented is that an appropriate to have pedestrian oriented space?

(#0125) Bob Fink: In Business Industrial it isn't required. It states that on page 28.

(#0135) Steve Clayton: On page 32 item F) says where it is required.

(#0142) Terri Jeffreys: It states that all commercial, office and mixed use developments. So everything except Business Industrial. I guess I just questioned that you would require pedestrian oriented space at that ratio in areas that are not intended to be pedestrian friendly.

(#0155) Darren Nienaber: Just to clarify, Bob, on page 32 under F) it says that development that is less than 30,000 sf are encouraged to provide pedestrian oriented spaces. Is that the goal you wanted?

(#0165) Terri Jeffreys: At the beginning it says Mason County, however, can make recommended action requirements for a particular development, so when you say encouraged ... that's on page 2 under Interpretation under C). It gives the ability for the county to mandate it.

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(#0195) Bill Dewey: There's some flexibility also provided in the beginning of that section on page 30 under 17.25.020 where it says that the Mason County Director of Community Development may waive one or more of these standards and then it goes into the list.

(#0212) Audience: Mr. Chair, just as a point of law in F) you cannot have the word 'shall' and so designate it as 'encourage' without inviting litigation.

(#0220) Bob Fink: You're not inviting litigation if you have 'shall' either. It's where you have ambiguity or too much administrative discretion is where you run into issues. I would say looking at this ... I think F) on page 32 it does say that commercial, office and mixed use developments shall provide pedestrian oriented space. Having said that, then exactly what goes into pedestrian oriented space is a matter of guidance. There are certain things you can't have and certain things that it must have but there are also things that it may have. So you have all three categories in that space. The mixed use is more auto oriented but are you trying to make it more friendly to pedestrians in providing this outdoor space? So I think the standard is that they shall have. We need to look a little bit more at that discretion in the statement under standards.

(#0278) Bill Dewey: So it looks like we may have an issue there and that the county staff should spend a little time looking at that.

(#0320) *Miscellaneous discussion regarding wellhead locations.*

(#0475) Bill Dewey: I'm just curious if there's been any effort or will there be an effort with stormwater planning for Belfair? Have we seen anything presented to us on comprehensive stormwater planning for Belfair?

(#0488) Darren Nienaber: There isn't anything in this plan that's coming before you today. We are working on and are in the early stages of a comprehensive Allyn stormwater plan a model of which could hopefully be transferred to the Belfair plan. That's a lot of money to do that.

(#0500) Bill Dewey: I realize it's a lot of money but I'm reluctant to, as a PAC member, recommend moving forward on a UGA development if that's not something that's specifically addressed. You've got this critical aquifer recharge area, Hood Canal with all the dissolved oxygen issues and to plan for this level of development without planning for stormwater disposal is irresponsible in my mind.

(#0515) Bob Fink: The Route 3 project, which is a multiple utility planning underway, is addressing most of the existing development along Route 3 and stormwater management is a key component of that. So that's something that's going to be looked at much more intensively soon. If you're asking about a comprehensive stormwater planning, that's not yet in the works but I believe it's something that was under consideration. Essentially this is a work in progress and you can't do very much transportation planning or stormwater management planning until you have zoning because the zoning affects the intensity of land use and where services need to be provided and the timing of those services. So getting the zoning established is really the first step to doing the kind of stormwater management planning you're talking about.

(#0575) Diane Edgin: Bill, this question came up maybe two or three years ago and Marilyn Johnston was talking about this as being a concern and if we didn't have the zoning we couldn't do it.

(#0585) Darren Nienaber: You might say that the alternative is worse for water quality; having no zoning at all.

(#0600) Terri Jeffreys: You might want to address that because it looks like they're talking about site by site here.

(#0602) Bob Fink: We have site by site protection now and actually a lot of the stormwater issues are based on development that already exists that was developed without those stormwater regulations in place. Even the ones we have in place now may be toughened. The stormwater management system is more of an urban feature. It's going to take time to set up. If you wanted to strengthen these recommendations then that would be one direction to head in but it's nothing that's going to happen overnight. For one thing, funding has to be found for it, and then the planning has to be done and having the zoning in place is a critical part of the

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planning.

(#0635) Bill Dewey: I understand all that but I also understand the condition of Hood Canal currently and if there's a way to strengthen it. Mason County hasn't even adopted the 2001 Stormwater Manual from DOE so you're working on antiquated stormwater guidance already and you're developing a UGA that's got a high percentage of critical aquifer recharge area which is a very valuable resource in the Hood Canal adjacent and I just think it's irresponsible not to have something strong in here at least directing it towards the 2001 DOE standards and / or maybe low impact development in the aquifer recharge area portion of the UGA so we're taking the extra steps to protect that area.

(#0670) Rick Mraz: I've had a chance to review it as it related to a few pilot projects. Simpson Community Credit Union came in for a pre-application conference and they're 18 months out with their proposal so I was able to give this a dry run on an actual proposal and there are a couple of others that Allan and I looked at and that was with regard to the intensity I take that to mean impervious surface coverage and there are no requirements for General Commercial and for Mixed Use and for Festival Retail. So basically that doesn't provide for stormwater management. So I just wanted to suggest that as a topic of discussion.

(#0700) David Overton: My biggest concern about this plan and going forward is that you're changing all the uses from mixed use now, which is a form of zoning, and there's a certain intensity. That was all supported by the GMHB and we can deal with that. Now you're changing it to higher and more intense uses without first studying what stormwater is going to look like, what sewer is going to look, and costs and the infrastructure; all those capital facilities elements. You're hearing from the county that they're studying those but logic would follow that you would do those plans and have them approved and go out for the funding before you would change the zoning. I say the county is going to provide sewer so I'm going to go ahead and start my project if the zoning gets changed and yet the county doesn't know what the cost of that is so I think you're setting a strange precedent to go out and change all the zoning before you know what the cost is to the community because that cost factor will largely drive what the plan looks like.

(#0770) Bob Allen: I attended a fairly recent seminar with land use attorneys and one land use attorney who specializes in stormwater and the new regulations still coming down the pike and he said basically for all our best intentions doing the right thing that it is so convoluted right now and so expensive a permit process and an engineering process that you're better off leaving it alone and letting the state dictate whether or not anything that might happen to SR3 dictate whether or not that the UGA go forward through that process on stormwater runoff. We do have a filter system already in place in Belfair for stormwater runoff and it's a natural one. If SR3 changes then it's time to address it. A recommendation for your consideration is that it's all well intended perhaps leaving stormwater alone at this moment and worry about the other development regulations. Then let SR3 take care of itself and stormwater at the same time.

(#0838) Steve Clayton: So, Rick, you're saying that there's no requirement currently for stormwater to be treated as of the current manual?

(#0845) Rick Mraz: No, currently any project that is created with more than 5,000 sf of new impervious surface has to create a stormwater plan. What I noticed was in the mixed use district as far as intensity and in all the commercial districts it states no requirements so I take that to mean essentially the amount of impervious surface could be 100%. So you could in essence pave or modify the site within the limits of the square footage of the building as well but you certainly could develop the site. I'm just not certain how much different the impervious surface is going to look once this plan is fully implemented and the areas built out.

(#0874) Steve Clayton: So they could pave the whole thing but they'd still have to treat the water somehow.

(#0876) Bob Fink: They need that 30 foot buffer. The current trends in stormwater management as I understand them are to focus on onsite mitigation because what they've learned is areas built out if any of the water isn't dealt with adequately onsite there ends up being too much water downstream. So the focus is all on not building big storm sewers or big capital improvements like that but putting the obligation on the developer to deal with stormwater onsite. That's why you're not necessarily looking at big capital projects in dealing with stormwater management under modern concepts. There's an exception to that in Belfair that needs to be addressed and that's on the existing development that hasn't been addressed onsite and in some

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cases can't be addressed onsite easily or economically. There you may have to look at other ways to deal with stormwater. A large part of the project as I understand it in the Route 3 corridor is to deal with stormwater from the road itself which is one of the major sources of stormwater in this area. Not only dealing with the stormwater that comes off the road but separating the natural sources of stormwater that are not necessarily polluted from the runoff from the road until such time as the runoff from the road can be adequately treated and go back into the natural system. So that's something that will be looked at in the current project that Perteet is looking at. They're supposed to finish their work by the end of the year and come up with those cost estimates. So the county is spending tens of thousands of dollars to try to address those questions and another six months of work.

(#0966) Wendy Ervin: Until that work is done there is no estimation of how much percentage of the stormwater of the UGA will be solved with the Route 3 reconfiguration?

(#0978) Bob Fink: There may be an estimation of that because there's been a study underway of stormwater in the Belfair area that was under the sponsorship of the Conservation District and the Salmon Enhancement Group for that area has been working on that and they've been collecting information and doing analysis on existing conditions of stormwater for probably a year now. I don't know what their findings are. I haven't heard or seen anything published by them. Presumably they'll be a source of information for the project that's underway now.

(#1015) Ken VanBuskirk: I serve as a volunteer on that group that's sampling and they don't know where all the sources are. They know where a few of them are. I wanted to comment on Mr. Dewey's comment that it is irresponsible. If you look at this map here all this R-10 and Festival Retail ... look at how close that is to the canal. This is all critical aquifer recharge area. I don't think I have to say anymore.

(#1040) Bill Dewey: This has been a good discussion but we need to shift gears and leave our discussion on the Belfair Sub-Area Plan and get on to the other stuff on the agenda. Let's take a short break first.

Break in meeting.

(#1050) Bill Dewey: Let's go to our next agenda item which is review, discussion and recommendation of proposed revisions to the RO, Title 16 and Title 15.

(#1090) Bob Allen: I just had one more comment on the Belfair Plan. On page 57 under Garage Sale Signs and Agricultural Signs might I suggest that you take a look at the City of Spokane Ordinances to those two issues and just for your information they basically allow these things on ROW's but they have to be removable signs. You can put up a sale sign and they have to be removed and they're registered with the city but they're not on posts. That's the direction I'm trying to send you.

(#1130) Wendy Ervin: The idea of registering these things with the city creates paperwork that we taxpayers have to pay for.

(#1150) Bill Dewey: Let's take up kk) first since this involves the Overton request and David's here. Allan, do you want to speak on this?

(#1265) Allan Borden: This item was a request from Overton and Associates. They submitted an application at the end of June 2003 as part of the Comp Plan map changes and rezone requests that were received by the county. The request is to have the county and PAC reconsider and possibly modify open space lands designations on the Comp Plan maps. These are the three open space maps that were adopted in 2002. They're separated into three areas to highlight the area of coverage. The Devereaux Lake open space area, the Coulter Creek area and the Fern Lake area. So we're talking about the north end of North Bay, south of the Belfair UGA with the railroad and Highway 3 basically running in the same alignment on each map. There is certain acreage that is actually owned by Overton and Associates that they want to have reconsidered.

(#1400) Mark Drain: It's written that staff thinks this could be addressed better at a later date. So are we going to spend time on it now?

(#1412) Allan Borden: I just wanted to get you familiar with these open space areas between Belfair and Allyn.

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(#1420) Bob Sund: Is the Fern Lake region at least partially in common with the Coulter Creek area?

(#1430) Allan Borden: Yes. There's open space areas that come all the way across here. (Allan shows on map).

(#1436) Mark Drain: Where does the northeast line go to?

(#1442) Allan Borden: It goes up to Pierce County. There is an area that is in between the southern border of Belfair and the open space area and the northern border of the Allyn UGA and open space corridor. They're between but not necessarily adjoining.

(#1550) Bob Fink: Essentially there was a letter that came at the time that we were trying to respond to the GMHB's order to designate open space. They proposed these three areas in 1998 ...

(#1575) David Overton: When these were proposed by Jeff Carey?

(#1578) Bob Fink: Yes.

(#1580) David Overton: They were proposed in 2002.

(#1585) Bob Fink: He did provide rationale for why he propose these. One obviously follows Coulter Creek water shed. The other one was intended to go over and follow another drainage and reach over to the Hood Canal so that you had the opportunity to go from the Allyn area up to the Hood Canal. The Fern Lake region, other than being a sensitive area, I'm not sure exactly why they had selected that as one of the water sheds but these other two are related to drainages and getting over to the Hood Canal.

(#1615) Bob Sund: When you talk about 'they selected', who is they?

(#1620) Bob Fink: The recommendation was made by Jeff Carey ...

(#1624) David Overton: And everyone assumed it was from the Allyn Community Association. He made these recommendations as a private citizen and they were adopted as if they came from the Allyn Community Association and then we provided letters to show after the fact that the Allyn Community Association did not recommend this; it was simply one man acting on his own. So now I'm in the position of dealing with these that are put on top of our property. My frustration is that we've had to wait a year to be heard and then to be told that we'll get around to it in 2005. Now tonight to be given since last Thursday's notice that you're going to start working on this. I've been waiting for a year and now just found out from the paper I'm to deal with this. I've actually spent a lot of time going through this building up a public document and going through this and talking to other people whose property was affected; it's not just mine. It's a whole community of Coulter Creek and everyone was pretty outraged that they did not receive public notice that their property was being converted to open space.

(#1715) Bob Sund: Do you feel having the designation of open space that your property is encumbered?

(#1725) David Overton: First of all I understand that you have to have corridors between UGA's and we tried to be involved in that process but they didn't want to open it up after this went in and there was a rush to get into compliance. We talked with Darren and we tried to work with that but they asked us not to impose it at the GMHB level because I wanted to see the Comp Plan get into compliance just like everyone else so we've stayed on the side with the understanding that the county would work on it. So we filed an amendment change and a year later we're finding out they want us to wait until 2005. I understand the work needs to be done and we don't want to open this up to a lawsuit. What I'm concerned about is from a commercial forestry standpoint having an open space map in the county that says this is designated open space gets into the mind of any public looking out there that this is open land and it's not. With insurance issues and if it's open space designated by the county even though it may have no regulatory effect there is a public perception that happens. It shows up on maps and people start thinking about it and it does limit your use in the future if it's not dealt with. If there was a reason for these; a fundamental reason to have these up here I would agree

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with it as long as I was involved in the public process and we came to figure out where open space needed to be. This was one side of the argument out there and this did not go through the public process. There were hearings but we didn't know about the notification for this. We only came in at the tail end and saw this and we didn't want to jump in and have this part remanded.

(#1796) Wendy Ervin: Are you saying that the public perceives open space to be synonymous with park land?

(#1804) David Overton: Yes, as open to the public.

(#1808) Wendy Ervin: Can anyone give me the legal meaning for open space?

(#1815) Bob Fink: It's described in our Comp Plan and basically we consider open space as being land that's not intensely developed. Examples of open space that are listed are: agricultural land, forest land, the buffers of streams, the water bodies; those are all open space.

(#1834) David Overton: Under those definitions if I was looking at it without a big intent behind my actions I think these show very strong intent to lock up a large corridor between Allyn and Belfair and I understand the reason behind that. This is to lock up Fern Lake or Collins Lake; this one is to preserve Coulter Creek. I understand the intent that's there but the working action that comes out of it or what's placed on top of me is very one sided because we weren't allowed enough process to work through it. If I was to look at this I would say where is Hood Canal and North Bay and let's connect those two bodies because you've got two large bodies of open water and let's connect the two. I would run it through a community program and ask how do we get workable open space? How do we help determine this with the community's input from both sides. If you're trying to preserve forest land there's other ways to do it. If you just slap open space on top of it we should do that for the whole county; anything that's designated forest land. I think you understand what would happen in the community if we did.

(#1894) Bob Fink: Our open space map actually shows those areas as open space.

(#1898) David Overton: All commercially designated forest land?

(#1900) Bob Fink: Yes, all commercially designated forest land. It's says it right in the Comp Plan.

(#1902) David Overton: Then why is this here?

(#1904) Bob Fink: Because the GMHB did not accept the other and this was proposed as a way to address the GMHB's concern and the GMHB accepted it. I think of this as a study area.

(#1910) David Overton: You shouldn't call it a study area.

(#1912) Bob Fink: But it still has to be designated as open space to comply with the ACT.

(#1915) David Overton: Then why didn't we designate everything as open space?

(#1917) Bob Fink: We did. We designated all the long term forest land, all the long term agricultural land, all the county parks, all the stream corridors; we also designated the railroad corridor. We designated them all and not with the intention of preserving every bit of it.

(#1935) David Overton: That's not your current intention. What I'm concerned about is as things get worked on, as staff turns over, as commissioners turn over I'm the one who gets to deal with that. We look at all these long term plans like the Belfair Bypass those people get fired, they move on, they retire and we have to deal with other people interpreting this. So I have to look at a long term vision here. I have to preserve my right for commercial forestry. This is my most productive timberland that the state is already limiting not in the gross way that was done here but in a much more comprehensive way. We have to type the streams and go out and do it. I understand that all of that is designated as open space throughout the county but why this? Just on me and why just here? I've got to deal with that.

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(#1968) Bob Fink: You've already said that it's more than just your property that's designated.

(#1978) Wendy Ervin: There's a number of smaller lots obvious there. There's a number of very small lots right there by the number 8; that's very urban looking. So what I'm saying is the designations for the various areas have to be RR5, RR2.5, RR10, RR20 and forest. It has to be a variety of designations, doesn't it?

(#2000) Bob Fink: Yes. The regulations that apply are the zoning regulations so this land is RR10 or RR5.

(#2008) Wendy Ervin: So the designation of open space as we're seeing it on this map here basically it's not a zoning it's just a determination that you will not connect the two urban areas into a mega urban area.

(#2030) Bob Fink: Probably a good part of the intent is to show that intent and I think the process is a process that was intended to go forward although I'm sure David had no idea of the times involved. As you go through the process if you don't have limited resources and limited time you designate a fairly broad area and then you refine that based on what are your actual opportunities for establishing actual buffers or development areas or restrictions. You want to use this space for trails, for parks and in some cases it's going to entail government ownership and in some cases it will entail working in partnership with the property owners. Now, a lot of these areas will never be developed and since the law that requires us to designate open space says that we can't designate open space solely to preserve these lands. Personally I don't really understand why designating an area as RR20 or RR5 or forest land doesn't preserve it as open space in the sense of a separator between urban areas but that's not the answer that the GMHB took. It wasn't enough that we designate these areas and zone them as very low density rural areas or resource lands. That wasn't an adequate response. This was a response that worked.

(#2100) David Overton: My recommendation was to drop these two and let's keep this one and work on it in 2005. The thing that really angers me about this is if you look at connecting North Bay and Hood Canal there is no way with this one open space area that you would ever be able to connect the two UGA's. The reason given was there might be a UGA at some point in Pierce County that we have to protect against and we all know that's not going to happen. Gig Harbor isn't going to grow out 15 miles. These were the types of things I had to deal with in looking at this. This one does it; why were these other two added on? I know the county was responding to the GMHB but I have to deal with the person that created this and it wasn't a public body and I wasn't even involved in it.

(#2162) Steve Clayton: I have background knowledge on this. I joined the Belfair Sub-Area planning group and I was working with Jeff Carey back in 2000 and 2001 and the Allyn community group on the open space. I was looking back through the e-mails and I did see these maps in the Allyn Community Association meetings and in the Port of Allyn meetings. I agree with you that the public process ...

(#2180) David Overton: The landowners were never involved. This is not just an Allyn issue; it's separating the two UGA's.

(#2186) Steve Clayton: The public process, I agree, was not what I would consider to be ...

(#2195) David Overton: You had hearings on it but everyone knows the timeline. It was very, very short notice.

(#2204) Steve Clayton: David, you're addressing this to Jeff Carey and it was not just Jeff Carey. Jeff was the head of that sub-committee but ...

(#2208) David Overton: It did not come from the Allyn Community Association.

(#2210) Steve Clayton: Yes, it did. I was there personally and I personally saw a number of members of the Allyn Community Association that was involved in it.

(#2215) David Overton: There's an official letter from the Community Association saying exactly the opposite.

(#2222) Steve Clayton: I have personal knowledge sitting in the meetings seeing the maps discussed.

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(#2226) David Overton: I understand the maps were discussed but it was not an official recommendation. I talked with most of the people that were at the meeting and they said they did not recommend this to the county level and they said it was not their intent. So now it's very frustrating for me to deal with these issues because I understand what we were trying to do and the intent here but ... This is a different intent and I'm the only one in the county that's left to deal with this.

(#2266) Wendy Ervin: Do you think it's personal?

(#2268) David Overton: Yes. It doesn't address the issue of separating the two UGA's.

(#2282) Bob Sund: You said that the GMHB did not accept the fact that you listed all commercial long term forest as open space, right?

(#2294) Bob Fink: Right.

(#2300) Bob Sund: David eluded to the fact that in essence the county asked him to lay low as far as the GMHB was concerned so that it would go through. Is that true?

(#2310) Darren Nienaber: I think that's a fair characterization. I don't know that it was an explicit request but it was ...

(#2315) David Overton: When I became aware of this I went to the county when they were in the hearings and I said we've got to work on this and there was an understanding that we were going to come back and look at this ...

(#2325) Bob Sund: And Darren has indicated that. I think personally then the county is obligated to work with him at this time. I understand his frustration that the county is saying they're going to do it better in 2005. I think with the water that has gone under the bridge I think the county is obligated to address his concern at this time.

(#2348) Diane Edgin: Bob, there was a period of time for a number of meetings that you missed and I was present for and the rest were not here and I can remember Bob Fink standing here and telling us the urgency of getting the corridor and open space in front of the GMHB and the time limit they put on us and it was always our understanding in that group that we were going to be coming back and revisiting it not even that year but possibly two or three years out and that's been at least two years ago so we're probably just about where they were talking about in 2005. We knew there had to be a lot of work done on it. What I hear David talking about here is he's willing to move this over until next year where we can do the public process.

(#2392) David Overton: What I'm saying on this one that one solves the intent of the law and that one does separate the two UGA's so I tried to come up with a response saying that we needed to work on this one but the other two don't do it and they don't separate the two UGA's because you've got two bodies of water and this connects the two and there's no way to get around that so why do we have those other two there.

(#2410) Wendy Ervin: So you're saying this one here satisfies the law but was the requirement from the GMHB that there be a certain number of acres or an amount?

(#2425) Darren Nienaber: No.

(#2427) Wendy Ervin: Oh, just that there be a break between the two UGA's.

(#2430) Darren Nienaber: Let's cut to the chase. I don't have a problem doing it we just have to do it right. In terms of getting a map I would like to see before the GMHB that shows that area at the top of Belfair and the bottom of Allyn and have open space like what they accepted last time which was the utility corridors. I would also recommend keeping, as David has suggested, a substantial portion of the Devereaux corridor because the GMHB never actually told us or decided the issue of what does 'corridors between' mean? Does it mean buffering the two UGA's or linking the two UGA's. They've almost suggested it means both but if you link them with the utility corridors and the Devereaux Lake corridor I think you're probably 95% of the way there.

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So I don't have a problem with that; the problem is just getting it on a map and bringing it back through the public process.

(#2485) Bob Fink: Let me see if I understand your position, David. Is it your suggestion or your request that the Devereaux Lake region be retained but addressed as soon as possible to narrow it while the other two, Coulter Creek and Fern Lake region can be removed now because whatever the future fate of Devereaux it is now adequate and can be retained as adequate to address the separation issue between the two UGA's.

(#2508) David Overton: Yes, and I would be willing to work on the 2005 update to look at this corridor and work with the county and the community to make sure that it's useable and it meets the letter of the law at that point. I think it needs to be resized as Darren eluded to is the issue of does it need to connect and also separate the UGA's.

(#2528) Darren Nienaber: You'd have the Devereaux corridor which buffers both of them and links two critical areas. Then you have the utility corridors which are more of a future potential for trails and such. Those you don't need nearly as big of a corridor.

(#2535) Mark Drain: So do we need to make a motion on this?

(#2600) Bill Dewey: I'd just as soon not take action tonight. Let's save our motions for next week. It does sound like we're leaning towards a consensus if we could give staff some direction.

(#2608) Steve Clayton: Would it be better to address this rather than as a Comp Plan amendment to address it because we have interim zoning regulations in Allyn coming up and we have to do the final within a year? We're also doing Belfair and if we end up doing an interim Belfair and we have a year for that we could actually address that map rather than waiting for the Comp Plan cycle. That would bump it up a little quicker and have public process with the affected communities.

(#2635) Bob Fink: By a year from now there should be drafts of what's being proposed for changes for 2005 so even though the adoption deadline is December 1st obviously it takes time to go through this process. That's the goal so a year from now we'll have drafts of all the updates for 2005. It's not a lot of difference as far as timing goes. What we should do is go back to the original proposal and see what the rationale was and see if we agree that it's still viable and necessary and then present that information to you so that when you have your public testimony next week you'll have a firmer foundation on which to make a decision.

(#2800) Bill Dewey: It sounds like staff has some direction to come back to us with next week on this. Let's take up q 1).

(#2830) Mark Drain: Is staff going to propose a corridor that resembles Coulter to the south that goes to Shelton? Are we going to come back and still hash over this map here or will there be alternatives?

(#2845) Bob Fink: That corridor is designated by the right-of-ways and the easements for the utilities and the railroad. Those go from Allyn to Belfair as well as from Allyn to Shelton. They're continuous from Shelton to Belfair. Then there's also a designated area between Allyn and Belfair which crosses from the Hood Canal over to Case Inlet over in the area of Grapeview so basically it runs from Grapeview over to the north end of Mason Lake and then north from there to Hood Canal. That's also a very broad area and possibly a whole mile wide and intentionally wide because we don't have the data or the research to say what areas are suitable and appropriate for trail development, etc.

(#2915) David Overton: So is the staff recommendation going to be rewritten to take these two off and work on this one in 2005?

(#2922) Bob Fink: I'm not going to say that's our recommendation but now that we understand your request we'll examine that and see if we can concur.

(#2932) David Overton: If that is not the staff request just to let you know next Monday I will request that the hearing be continued for another month to be able to respond to that.

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(#2968) Bob Fink: We'll know our recommendation as soon as we have a chance to review the material in the next couple of days.

(#2972) David Overton: I'm saying if the recommendation stays the same I'll request additional time.

(#2976) Bob Fink: Right, and that's fair.

(#3000) Bill Dewey: Let's move on to q 1).

(#3055) Allan Borden: Back in April we discussed about the provision of Fish and Wildlife Conservation Areas on activities that don't require any MEP and we were focusing in on #1 in section F) about remodeling, repair, change of use and we made several changes in that and basically converted it into three paragraphs A, B, and C. When we discussed this version on April 26th you asked me to rework it because it didn't work out very well. I came out with this May 17th version that we never got to on May 17th. The standard was to come up with review standards for pier, dock, boat ramp, boathouse, bulkhead, etc., and I first attempted to put it under G) which would require an MEP but not an HMP. It got to be awkward and part of your discussion was why does it even need an MEP? So what I did was I proposed to add the provision discussing the development of piers, docks, floats, boat ramps, retaining walls, and steps and stairs to put that under the activities that are similar to remodeling or repair an existing building because very rarely is a shoreline stairs, bulkhead, boathouse, pier and dock allowed without an already existing residence on the property.

(#3300) Steve Clayton: Under #2 you're not saying that. It says they can do it if it's a disturbed area.

(#3350) Rick Mraz: Q 2) is something we were going to suggest you disregard tonight. It's needs to be fine tuned. The intent with q 2) springs from actual individual cases that the planners have had to handle that resulted in the need for variances from the RO. On sites where the variance request seemed a little bit absurd to take someone through the process. I can give you three examples. One is a piece of property off Dayton Road and he had a house with an existing paved parking pad next to his house. He was about 50 feet from a Type II stream and in order to cover that carport with a roofed structure he needed a RO variance and an HMP to address the impact to the resource of him covering his concrete pad. Another similar example was a gentleman out in Lake Cushman and he was about 120 feet from a Type III stream. He had a gravelled parking area next to his house and had been using it for 10 years as a parking area and he wanted to enclose it as a carport. He needed a RO variance and an HMP to address the habitat impact on the gravelled parking area. Most recently a couple out on North Bay Road wanted to realign the front portion of their house. They were going to create a covered front porch over an existing concrete pad. That constituted expansion within the shoreline buffer; they had a default 100 foot shoreline setback. Their house existed at about 93 feet from the shoreline so any expansion larger than 10% and their porch was about an 18% expansion over this existing concrete area needed a variance. In order to get that variance they had to produce an HMP that addressed the impact to the resource and that being the concrete pad. So what we were after with q 2) is to address somehow those disturbed areas where someone wants a small expansion but it doesn't constitute critical habitat. We've talked about it at staff meeting and the idea may be simply solved by waiving the HMP requirement and then looking at it from the setbacks. The way it's written now would still trigger a variance unless it was a deck that didn't require a building permit because at this point what triggers a variance is a building permit in the buffer. That's where we're going with this and there were some issues brought up at the staff meeting relating to common line and shoreline setbacks because we don't want to promote those kinds of expansions even onto paved areas.

(#3595) Allan Borden: Some of the RO regulations came into effect at different times. Regulations have changed since 1993 and someone who might have complied with the regulations in 1997 wouldn't comply with that same activity today because the regulation might have extended out the buffer but that person had a legally permitted activity.

(#3645) Bill Dewey: So you're going to come back with a new recommendation next week on q 2).

(#3652) Allan Borden: Yes.

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(#3655) Bill Dewey: So is there any discussion on q 1)?

(#3660) Allan Borden: The proposal here is to include it as an activity that doesn't require an MEP but has to comply with SMP standards and other RO standards for the setbacks, etc.

(#3684) Steve Clayton: Under 1 c) we have permitted structures. It says 'footprint of existing permitted structures'. I take that as a connotation of permitted meaning building permit or it could mean it's an existing development or it could mean they went to Costco and bought a covered carport which doesn't need a permit so now we're having a non-permitted structure but it is a permitted use so they're gaining ... my concern is somebody going to Costco and buying covered carports and adding two or three to the property and saying it's a permitted use and now they want to use that square footage to expand the building.

(#3725) Bob Fink: You need to specify that by permitted ... what was intended there was a building permit required.

(#3732) Steve Clayton: That's my concern. There are a number of permitted uses that don't require a building permit that somebody can add on.

(#3760) Rick Mraz: What would you say to a permit required or a permit approved structure?

(#3775) Allan Borden: How about existing structure approved by permit?

(#3782) Bill Dewey: I like that.

(#3788) Allan Borden: And that would account for the ones that don't require a permit.

(#3798) Rick Mraz: They don't necessarily get credit for the 10 x 12 sheds that don't require permits, either. Again, these are by-products of specific cases the planners have had to review. We had an individual that had three manufactured homes on site and they were all within the stream buffer and he wanted to remove all three and replace the one residence that he was going to live in with a larger double wide. They were all single wides and older. He couldn't do the 10% expansion because the way the 10% expansion rules reads right now is it's structure for structure so all we could do is look at the biggest one on site and give him 110% of that. He was willing to move all three of them out of the stream buffer and we couldn't approve it. That's where this comes from.

(#0088) Steve Clayton: Then under item d) you're saying no longer are we going to require an MEP. Do we lose anything there? Does the SMP cover everything?

(#0092) Rick Mraz: This is essentially a redundant review except that the RO doesn't have dimensional performance standards on piers, docks, bulkheads, retaining walls, etc. We go to the SMP to get those standards now.

(#0112) Allan Borden: As Rick mentioned it's somewhat redundant but at least it's a cross reference to a person who gets the F & W standards in the mail and doesn't realize that there are other provisions that they need to follow on development.

(#0120) Rick Mraz: We need to say something about that. It's always been an open question what do we do about piers and docks? The regulations appear to reference them in some way as any development in or adjacent to FWHCA's shall get an MEP but then it doesn't go on to say on long or how wide it can be.

(#0138) Bill Dewey: So it sounds like the PAC might be comfortable with the staff recommendation on q 1) and we'll wait for an updated one on q 2) for next week by adding the existing structure approved by permit.

(#0152) Steve Clayton: Look at 1) and 2) on the next page under item 7). We have trails no wider than 3 feet. As an example, Theler Wetlands trails are bigger than 3 feet; 3 feet isn't an adequate size for a trail. Is that something that we would like to look at and address?

(#0164) Wendy Ervin: It does say unless additional width is necessary for safety but that's still not wide

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enough.

(#0166) Bob Fink: An educational institution or someone building a trail for public use, the exemption for the trails of 3 feet is intended for personal use.

(#0195) Diane Edgin: I would like to make a suggestion that on 7) to make the connection with residential use just as a clarification.

(#0200) Allan Borden: You could say construction of trails associated with residential development.

(#0212) Rick Mraz: The 3 foot width I'm not sure there's a benefit in explicitly limiting it to residential use. If an interpretative facility simply wanted to establish a 3 foot wide trail we would limit them by just having this clause in here.

(#0218) Diane Edgin: Then I would say we would limit a residential use trail to 3 feet.

(#0222) Rick Mraz: Anything wider than this exemption now needs an MEP. It's in G 1 h) Outdoor recreation educational trails. If anybody goes wider than 3 feet they need an MEP and an HMP.

(#0240) Bill Dewey: If you've got somebody going like Theler even if it's a 3 foot trail I think it deserves an MEP because the level of usage of that 3 foot trail is going to have an impact on just the width of the trail. I like the language that Allan suggested to be originally associated for residential and limiting it to that.

(#0315) Mark Drain: Under 3) when you said that agriculture is required to have a plan that conforms with the standards and specifications of the Natural Resource Conservation Service. I don't remember the rest of that language being in there.

(#0340) Rick Mraz: That's old language. So basically they have to show the plan to the county.

(#0350) Mark Drain: The conservation people stood there and said they don't want to write all those plans. I thought the intent was to work to those standards but you didn't need a plan.

(#0365) Bob Fink: This is an exemption. The issue was we needed to regulate existing agriculture. We had exempted existing agriculture in the buffer. If you're outside the buffer then you're exempt. That was found noncompliant with the GMA. This was the language that was eventually worked out.

(#0385) Mark Drain: If you read the first part of it it says complying with and I understand that. But I didn't know you had to have an actual plan. We talked about that. Truck farmers; everybody has to have a plan?

(#0398) Wendy Ervin: This creates paperwork that's not necessary. I think that if you comply with the current standards and specification of the Conservation Service then that's it; they are just required to comply. They don't need to submit a plan. If they're not in compliance then they're going to get spanked.

(#0422) Bill Dewey: This is something that we did take up in some detail as we tried to get the Comp Plan into compliance for the GMHB but Mark raises a point that this may not actually have done what we recommended.

(#0445) Darren Nienaber: That's not a proposed change. That's not one of the items that's been advertised.

(#0450) Bob Fink: He thinks it's an error.

(#0460) Steve Clayton: Rick, have you actually seen any of these plans?

(#0464) Rick Mraz: No, but there has been one issue related to a code enforcement action whereby we asked someone to produce a plan and they did. So it was necessary to review that plan to determine if the activity that we thought was enforceable was in compliance.

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(#0485) Bill Dewey: Since you're going to be working on q 2) I forget to mention above #3 in #2 it says if the review agencies have no comment the MEP is not required. If the review agencies have comments then it is required. What if they take the time to comment in the positive and it's not necessarily a concern?

(#0505) Rick Mraz: How about substantive comments?

(#0510) Wendy Ervin: What about negative comments?

(#0515) Steve Clayton: Concerns might be a good word.

(#0520) Bill Dewey: Okay, on to q 7). It's the revision to Title 16 to be consistent with Title 15. Allan has given us a staff analysis and a table that summarizes all the changes and then the larger document.

(#0600) Steve Clayton: On page 19, Development Pursuant to Final Plat, and it applies to both final plats, short plats and large lot subdivisions. We're saying after 5 years the vesting expires. Do we want to say 5 years from approval? Or final approval or is that a concern? It doesn't say when the 5 year clock starts ticking.

(#0625) Allan Borden: It says an approved final plat so the date of the approval of the plat is when the 5 years start. The whole chapter 16.020 is the standards and information and format of a plat. Basically what I tried to do is Title 16 had not been changed for 4 years. A complete review of consistency with the Development Code had not been done since the Development Code was approved even in 1998. Staff had not gone through and corrected the improper references to review entities plus Title 15 has been changed since 2000 and a proposal that formerly went to the PAC and BOCC now does not go to either one of those review entities but to the HE. It's that kind of consistency that was not in Title 16 that I've tried to go through and catch up with. There were a couple of things that were added and Steve already brought up that there is a ...

(#0722) Darren Nienaber: Allan, actually when I proposed this I intended it to apply to short plats. Final plats are already vested by statute and so it's redundant and potentially conflicts with state law. Short plats don't have a specific vesting provision. I think the case law indicates that they are entitled to some vested rights. So I think this has to be brought back and essentially cut and paste from the final plat section which is already governed by statute and insert it into the short plat.

(#0777) Allan Borden: It's already in the short plat one.

(#0780) Bob Fink: It's 16.36.036.

(#0782) Allan Borden: On page 33 of that text.

(#0785) Darren Nienaber: So you're proposing that, too?

(#0788) Allan Borden: Yes, in fact, it's also in the large lots.

(#0792) Bob Fink: Large lots are divided between short plats and plats depending on the number of lots. Based on the concern that Darren had, with large lots you'd want to be specific that you're talking about large lots of 4 or fewer lots shall be governed by the following regulations.

(#0808) Darren Nienaber: I didn't realize that you were making that vesting provision applicable to all the different chapters in the subdivision title. So I would just cross it out on the final plat but keep it in the short plat section and in the large lot section as it applies to short subdivisions.

(#0825) Bill Dewey: So you're saying on page 19 cross out the proposed change?

(#0828) Darren Nienaber: Yes.

(#0830) Allan Borden: So 16.20.110 should be crossed out and then on page 33 on the same subject. On page 41, 16.38.057 will have to be edited; Large lot subdivisions involving 4 or fewer lots.

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(#0900) Steve Clayton: On page 44 16.44.030 should also be reworded and Darren can clean it up.

(#0918) Wendy Ervin: Under BLA's 16.40.040 the last section e) a boundary line adjustment application shall expire if additional information is requested by the county that is necessary. I would prefer that to read may expire because there may be some reason why the person has not been able to get the additional information.

(#0940) Mark Drain: I would agree.

(#0945) Allan Borden: Actually that provision is in Title 15 under a complete application if information is asked by the county and the applicant doesn't provide it within 180 days or give reason for not providing it.

(#0965) Darren Nienaber: If it's already governed by Title 15 does this get you anything extra that Title 15 doesn't?

(#0975) Allan Borden: Not really.

(#0977) Rick Mraz: If it's not a complete application the planners will send a letter of incompleteness and on that letter pursuant to Title 15 you have 180 days to respond.

(#0990) Wendy Ervin: But we're listening to Mr. Overton with the problem you're saying needs to be taken care of in 2005. That's outside of 180 days. It's that kind of thing this doesn't allow for when you have shall instead of may.

(#0998) Allan Borden: That's not a good example because his application request is not subject to the 180 day clause.

(#1005) Bob Fink: We haven't requested information from him. The way this works practically is that we make a request and the applicant provides some information. That information is then reviewed to see whether it's adequate or not. If it's not adequate we make a new request and a new 180 day clock starts.

(#1025) Wendy Ervin: What does it hurt to say may instead of shall.

(#1028) Darren Nienaber: Could we just take it out?

(#1030) Bob Fink: We could take it out but the other option is to amend it to say if a response is not provided within 180 days the permit shall expire.

(#1060) Bill Dewey: I think Bob's suggestion is a nice compromise saying that the person still wants it and is considering it and they may not get you the information but they provide a response saying that. So what Bob is suggesting is leaving in shall but on the next line down to process the application and a response instead of such information is not provided to the county ...

(#1085) Darren Nienaber: If it's already governed by Title 15 aren't you setting yourself up because you've got possibly conflicting titles?

(#1105) Bob Fink: You're right. The best thing to do would be to strike it.

(#1115) Darren Nienaber: Just as a clarification, under 16.40.020 the proper citation would be 15.11 of the Mason County Code.

(#1140) Bill Dewey: Anything else on Title 16? So the changes will be made and presented to us another night.

Meeting adjourned.