

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes**  
**June 21, 2004**

(Note audio tape (#3) dated June 21, 2004  
counter (#) for exact details of discussion)

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

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## **1. CALL TO ORDER**

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

## **2. ROLL CALL**

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

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

## **3. APPROVAL OF MINUTES**

The minutes of the May 17, 2004 meeting were approved as presented with the following requested change:

On page 13 change the following under (#1330) to read 'The bypass is really what I want to talk ...

## **4. NEW BUSINESS**

(#0088) Bill Dewey: The first order of business is the public hearing on the Belfair Urban Growth Area Plan. We have a very full agenda tonight so I'd like to ask that we're going to open the public hearing and Bob Fink will give some introduction on it and I'll allow each of you a maximum of five minutes for public testimony and we'll get through the public comments and then close the public hearing.

(#0125) Bob Fink: Good evening. My name is Bob Fink and I'm the Planning Manager with the Mason County Department of Community Development. The PAC has been presented with proposed amendments to the Mason County Comprehensive Plan for the Belfair Urban Growth Area and a draft zoning code for that area. This proposal was prepared by the Belfair Sub-Area Planning Committee after considerable work and public outreach in the community. The charge for the PAC is to review that proposal in light of the testimony received in several public hearings, written comments and draft SEPA information and make a recommendation to the BOCC. This evening should be the last public hearing required for the PAC process. The BOCC will hold their own public hearings on the recommendation of the PAC. After closure of the hearing my recommendation would be the PAC should close the first hearing on the Belfair plan and then go to the remainder of the hearings that are scheduled for tonight that have been advertised. At the end of those

## Planning Advisory Commission Minutes, June 21, 2004

hearings then the PAC might want to begin their discussion of Belfair; whether they can approve the plan or not; whether they can approve the zoning code or not as it was presented, and if not what changes do they want to consider. If there's not time I would recommend the PAC schedule a special meeting before their next regular meeting on the third Monday so they can continue discussion and hopefully reach a resolution on the Belfair Plan and zoning code. I've attached a summary of what's in the plan and zoning code to help you organize your discussion on it as you go through it. I also presented to the PAC a number of comments that have just lately arrived and these are in the packet that was just distributed.

(#0200) Bill Dewey: With that we'll go ahead and open it up for public testimony.

(#0230) Bob Harris: I'm Bob Harris and I live in Belfair. I've lived in Belfair since 1969 and I've been in business there since 1982. I'm here representing 560 North Mason citizens who signed our petition. I'll turn those over to you tonight. We also have 14 testimony sheets that the public has filed out. The petition is based on the North Mason Chamber of Commerce Resolution of 2003. At that time the Chamber stated the importance of the Belfair Bypass or I'll call it the alternative route and the remodel of Highway 3. We took that Resolution and took it one step forward because I know my community and I know what's good for it and so far everyone has agreed. I prioritized it and said let's build the bypass first and then remodel Highway 3 as needed. That's what the first page of the handout is with the copy of the petition. The bottom part of it is since we're taxpayers we're asking for a vote of the people because in the North Mason community we're very frustrated with the fact that things are not going well there and that will show up in a couple of documents in the back. The second one is a testimony sheet which we handed out to people who came in our different businesses to sign this petition. We expect well over a thousand signatures on this by the summers end. I'll read you a couple of comments off them. This is from Carol Beard and she lives on State Highway 3. 'I find it hard to believe that we would even consider trying to remodel our downtown without dealing with the high traffic problem first. I feel we need a bypass constructed and in force before we remodel downtown area. It's kind of like having a heart transplant without unclogging the arteries'. If you read the testimony sheets they all are generally speaking of that and following the same trend. There's another one from Carrine Wood. That comment talked about the importance of both plans but it also says that both plans have some problems. The third thing is what we call questions. When people come in these businesses to pick up information and to sign the petition they're given one of these. These are questions that we know the answers to but we're trying to stimulate interest in the community as to what's going on. The 560 petitions that I turned over to you tonight don't represent everything that's out there. We suspect that we'll be in other stores soon. Nobody in Belfair has rejected the idea of signing this petition. As soon as you tell them what it's for they instantly sign the petition. We made no effort to go out and stand in front of Safeway. They came to us. Read the results of our town meeting; it's not too good for Mason County government. It's really important to look at those. The crux of what I think is important is that remodeling Highway 3 instead of building a bypass is the opposite of what the majority of the North Mason community wants. There's isn't anybody there that I met that thought that modifying Highway 3 by putting a center turn lane down the middle is going to do a thing for traffic congestion. I heard that conjecture here before that this is supposed to solve the problem. The problem is the volume and the type of traffic going through Belfair. The one thing that I thought was really important from our Belfair town meeting is that most of the people up there don't know what's within the Belfair Sub-Area Plan. What they wanted is they want an opportunity to provide input. What happened was in Belfair we didn't even know you guys were in Belfair a month and a half ago. They're asking for copies of this plan to be distributed. They're asking for you folks to come back up there and take comment on this. The sewer plan - nobody knows anything about that. The one thing I got from people is they want to know why this sewer system isn't being extended down the south shore and the north shore; why just in Belfair. The people in Allyn are upset because it's their sewer system and they don't to extend it to Belfair. Sign ordinances - they haven't got the foggiest clue of what's in there.

(#0490) Guy Townsend: My name is Guy Townsend and I'm a resident of Belfair on the South Shore Road. I'm a newcomer here; I've only lived in Belfair for three years and the thing is I plan on staying the rest of my life here. I love Belfair and I did not move to Belfair because of it's ease of access. I moved to Belfair because of it's serenity. If we go about with the first plan and have a three lane road through Belfair certainly that will alleviate the sewage problems; the only problem is no one is going to be going through Belfair at all until they're done. If we have a bypass first then people will be able to go through and around. In the first plan the three lane road plans on a bypass in ten years or so but the bypass was first promised to us in 1953. Do you think fifty years is long enough to wait? Well, I do. I know of only one other town in the state that this

## Planning Advisory Commission Minutes, June 21, 2004

really reminds me of. They were worried sick that the town would dry up if they took the highway out. It's name is North Bend. The property prices there are pretty high now. If we keep Belfair to be a beautiful Hood Canal place where people come to vacation and keep up on the hill the logging trucks and such and we don't have huge traffic jams ... people can go to Bellevue if they want traffic jams. I don't need traffic jams.

(#0570) Bruce Landram: My name is Bruce Landram and I'm a resident of the South Shore. I was born and raised there. My family moved there in 1945 when it was a gravel road through Belfair. I compliment the people who worked so long and hard for Belfair. It's a wonderful plan. What I want to focus on is the order of events and also request that you please recommend to the BOCC to pursue a focus of single funding and then the order of events of a bypass first. It makes no sense that people who really travel through Belfair need to continue to travel through Belfair during the time of construction. It's going to be debilitating for the business owners as it is. I need only mention as Guy did that Sequim, Poulsbo, Silverdale, Port Orchard, Purdy, Gig Harbor all were thriving little towns; all have bypasses and all are doing well. In fact all have crowded roads now through their town even with the bypass. So not only do I have no complaint about the plan for Belfair; I think it's a wonderful plan. But I'm asking you if you would pursue considering reaching for the political horse power to fund both situations at once. It's one of the biggest chips on the table for either side of the coin is if we fund one we won't have the money for the other. If you're going to drive from Bremerton to San Diego there would only be one place that you have crossing traffic and that's Burley-Olalla. They were putting off the Burley-Olalla overpass project for another ten years until someone stood up at the state and said we have to fix Burley-Olalla because we continue to kill people there. So I speak to you about the convenience, the safety of considering doing Highway 3 first. If you do the bypass first both the North Shore and the South Shore will have an alternative means to avoid the construction zone and as will the true bypass people will have a chance to bypass Belfair. It's still going to be a mess for two years but what I suggest is a four year plan funding both. The first year you do the bypass and the next two years you do all the facilities in the road on Highway 3 and the last year you talk about access.

(#0682) Steve Clayton: Living on South Shore is there any time during the normal work week, if the bypass was built, that you would use it?

(#0684) Bruce Landram: Yes. When I travel up to the high school to take my kids or see my kids then I would use that access. Additionally, during construction I guarantee you I would always use the bypass.

(#0690) Steve Clayton: Going from South Shore to the high school you'd be using Highway 3 not the bypass, correct?

(#0694) Bruce Landram: I would use Highway 3 from the 106 'Y' up the hill to where the bypass would connect in order to avoid the construction.

(#0700) Steve Clayton: The bypass starts at the high school so you wouldn't actually go on the bypass to get to the school. After a bypass is built would you ever use it? Where you live on South Shore is there any reason why you would go on the bypass?

(#0712) Bruce Landram: Except to avoid the construction, probably not. I would probably go through Belfair to get to Highway 3 on the north side of Belfair.

(#0718) Steve Clayton: So to go to Bremerton it's a lot more convenient even if the bypass were to be built from where you live to go through Belfair.

(#0730) Rob Drexler: My name is Rob Drexler and I live in Allyn. I'm here to support the alternate route around Belfair mainly for the construction and, Steve, I would use it every day. I sell real estate and I see people all the time. I'm working in my yard one day and my neighbor asked me about the bypass. She was astounded that we would tear up Highway 3 before we had another means to get through. My daughter came to visit us the last Easter before from Port Orchard and was backed up to the Bremerton Airport to come to my house in Allyn because of an Easter egg hunt at the Theler Center. That just doesn't speak to good logistics. We can't tear up Highway 3 without having provided an alternate means to get around.

(#0810) Wendy Ervin: Has anyone ever given you a schedule of construction or laid out how this

## Planning Advisory Commission Minutes, June 21, 2004

construction is to be accomplished for the sewer and the widening?

(#0818) Rob Drexler: No.

(#0820) Wendy Ervin: It's my understanding that it would be done in segments of several hundred feet and there would be through traffic at all times. It's not a matter of starting at one point and going to another and tearing up the entire thing and making it impassible.

(#0835) Rob Drexler: I understand that and I acknowledge that. I've been in construction for twenty years. We can say those things and the fact is, I haven't seen the plan and I venture to say there isn't anybody that has come up with something that will work yet.

(#0852) Wendy Ervin: Is there such a plan?

(#0855) Bob Fink: Do you want me to address that now?

(#0862) Bill Dewey: Let's work our way through the testimony and we'll have a discussion on that later.

(#0870) Ken VanBuskirk: My name is Ken VanBuskirk and I live at NE 61 Davis Farm Road in Belfair. I took a look at these maps and I just wanted to point out to you that these streams start but they don't finish; they are really there. The county needs to finish those off. The maps are a bit incomplete. I noticed today that the county is posting these up in Belfair at most of the businesses and it says 'Mason County invites you to attend Belfair Urban Improvements open house.' You folks haven't made your recommendations yet so these might be a little bit premature. As you know I was in the minority on the Belfair Sub-Area plan and there's some serious concerns with the transportation component that you've heard this evening. There's also some concerns with the zoning in the critical aquifer recharge area. There's also some concerns with the UGA boundary. The BOCC sent me a letter regarding some property that you folks know about that I've been trying to get rezoned and said that you would look at the UGA boundaries in your consideration on this plan. I don't know if that's on your agenda or not but I would sure like you to look at that. Right now the battle cry for the special interest groups in Belfair is sewer up, save the canal. That's fine. If we sewer the UGA it will likely solve some of the problems but I foresee it's going to create a lot more. The true urban development in the north end of the county is on the shores of the canal. It is wall to wall houses down the North and South Shores. If we sewer the critical aquifer recharge area and it gets paved over that's going to have a dramatic effect on our critical aquifer. I would also like to address the notion of Belfair of the core being a walkable community. I've lived half a mile from Belfair most of my life. Belfair is the cross roads of three state highways. Highway 300, Highway 3 and Highway 106. I run marathons but I refuse to walk to Belfair. The primary reason is the traffic. If you reroute the traffic it will make a difference but we still have a tremendous amount of traffic that travels the North Shore. I urge you to carefully consider these issues and make the appropriate recommendations to the BOCC.

(#0988) Terri Jeffreys: You talked about questioning the zoning in the critical aquifer area. What you recommend the zoning to be and what areas are you talking about?

(#0998) Ken VanBuskirk: I would recommend that in the critical aquifer recharge areas that we definitely don't have any R10. That's 10 units to the acre potentially. If we pave that all over and put a sewer in that's going to help some of it but if we pave it all over the recharge doesn't happen. It just runs off the pavement into the ground and who knows what goes in there.

(#1015) Terri Jeffreys: What density would you prefer to see?

(#1018) Ken VanBuskirk: A lot less. I actually think that that should probably not have been in the UGA.

(#1050) John Diehl: I'm here to speak for myself and for Advocates for Responsible Development. I submitted in writing some comments for you. I'll mention some of the high points. With respect to the overall plan it seems to me that a major concern here is to do whatever is necessary to get on with the sewerage of Belfair. That should be our #1 priority. I think there are legal problems as to whether you can adopt a sub-area plan at this time but there's nothing to prevent you from proceeding to develop a sewer. The further

## Planning Advisory Commission Minutes, June 21, 2004

along you are in the planning for a sewer the better you can approximate the appropriate size of the UGA. Maybe even an urban reserve. If you're uncertain about the future in terms of how far you can afford to extend the sewer but it seems likely at some point you're going to be able to then it makes a lot of sense to establish a ring around the UGA where you have an area of very low densities that is allowed for current development but where you will reserve that and make it much more feasible in the future to have high density development. I think that has great merit. With respect to the bypass we take no position on the bypass or alternate route except to say that it sounds like a good idea at some time in the future. The fundamental problem is that no one, including those that signed the petition, have gotten out their checkbooks to write a check to pay for it. It seems likely that's going to take substantial state assistance to get the job done. I don't think anyone seriously proposes to put everything in Belfair on hold until the check is written by the state. The bypass problem should not be allowed to hold up consideration of other issues. Another issue that should be considered very early on is the problem of open space and open space corridors. That's for the obvious reason that with any kind of development you are in danger of foreclosing opportunities for useful open space corridors if you don't have appropriate identification of those areas and appropriate regulations in place at an early stage.

(#1220) Bill Dewey: Are you speaking specifically within the UGA?

(#1222) John Diehl: Yes. I remind you there is a provision in the ACT that calls for open space corridors within and between UGA's. We had some issues with respect to between UGA's that went before the GMHB. Here we're talking about something within the UGA. You can go ahead and plan and should be planning and you should try to specifically identify those corridors and get on with the sewer planning but I don't think you need to rush into adopting a sub-area plan and, in fact, I think there's a legal obstacle in so far as you're limited, the county is limited, to one amendment of the Comp Plan in any year. The county, just last month, adopted amendments to the Comp Plan so I don't think that legally the county is going to legally be able to adopt new amendments in the form of revisions to the existing sub-area plan that's incorporated in the Comp Plan until next year. I would stress that it's far better to do it right than to do it quick.

(#1300) Jack McCullough: My name is Jack McCullough and I'm here tonight on behalf of the Overtons. We've supported the bypass for years but I'm not going to talk about that tonight. We started back in 1996 with the Overtons working on the compliance with the ACT with the county. For seven years thereafter we appeared at every GMHB proceeding. We filed briefs with the county arm and arm on every aspect of compliance particularly with respect to Belfair. I've had a great working relationship with the county and I think you have a fabulous Comp Plan. I'm here tonight to say that I think the process you have in front of you is backwards and I wanted to talk to you about why. I say backwards because the ordinary way that the county put it's Comp Plan together originally was get some alternatives together, do good environmental review and an EIS, adopt a Comp Plan and then after that, which includes capital facilities planning, and then work off onto your sub-area plans from that. What we have here is a sub-area plan for Belfair that is really free standing; it's been really developed by itself and without input from your existing Comp Plan. It's almost as if your existing Comp Plan did not exist. We have a SEIS that came out last week, months and months and months after really the committee had finished its deliberation and chosen a preferred alternative. That SEIS reads more as a sales document for the preferred plan you see in front of you rather than being a careful deliberate objective evaluation of what the impacts are. Look on page 9, 10, and 11 of the SEIS. It talks about the benefits of the preferred alternative. The SEPA regulations say you're not really supposed to do that. You're supposed to focus on what are the impacts and compare the existing to the future and not try to create an apology for the plan that's in front of you. It talks about the fact that one of the advantages of the recommended alternative is by zoning for industrial use we're going to better protect the critical aquifer recharge area. You see similar discussion of that in the benefits of zoning by types of use. It talks about water and having to do future study. It says 'the no action alternative demands the least amount of water'; that's your current Comp Plan and zoning. Whereas the recommended alternative that's in front you now requires the most pumping of water from the aquifer. Is there any discussion of how this is going to be done or what the impacts are? No. It says in order to really understand this the system needs further improvements and expansions that will be studied later. There may be ways to deal with this but you can't tell that from anything in the record in front of you. With respect to the Comp Plan, I encourage you to go back and look at the existing Comp Plan. The existing Comp Plan says that Belfair should be a village, SR3 should be a main street, that there should be an alternative road, and that there should be Mixed Use zoning throughout the better part of the Belfair UGA. That Comp Plan has not changed and it's not proposed to be

## Planning Advisory Commission Minutes, June 21, 2004

changed. What you're being asked to do is to vote to adopt a sub-area plan that is flatly inconsistent with your existing Comp Plan. Capital Facilities; your existing Comp Plan has capital facilities on stormwater treatment, on sanitary sewer, on domestic water, etc., now when you start changing densities and land use layout in Belfair you have to figure out how you're going to accomplish that. We'll know in December when the county hires Perteet to do what is really the Capital Facilities Plan. After this has all been adopted? All of that work should be done now. So we encourage you to take the time to really get things ordered correctly. I have some material here that was submitted in the record on the original Comp Plan on Belfair. The Belfair 1999 plan is adopted; it's part of your existing plan and what you're talking about adopting now is inconsistent with what's in your existing Comp Plan.

(#1575) David Overton: My name is David Overton, PO Box 1089, Belfair. I'd like to add some things to what Bob Harris said tonight. I attended last Wednesday's meeting and went there on my own and saw the handout that everyone else had and I was amazed to see 110 or 115 people there in the room have a very comprehensive discussion on this plan. It was a community gathering to talk about this. What concerned me was the PAC had a hearing up in the Belfair area and it's too bad those two things didn't marry up because it would have been wonderful for you to hear that input. I'm encouraging you to do that again but make one very different change. Don't simply promote your meeting by putting a notice in the paper or calling a few people. You really do need to engage the community actively because a lot of people don't read your public notices. You need to get the word out. I'm not recommending you send out mailings because I think budget for that is certainly an issue. The other thing that came up that struck me as somewhat awkward in Mason County is that the proponents now of the Belfair Bypass and Regional Transportation Planning are institutions outside of this county and you have a plan in front of you that denies those regional transportation connections and denies regional mobility for freight transit. So the people who are now taking up the issue of the bypass and the 101 corridor are the Port of Bremerton Commissioners because they recognize that in three years time the only non toll road will be Highway 3 from Kitsap and Jefferson Counties. That's a major concern for them. The other people are the Kitsap County Commissioners who are saying in our regional planning we have to look at our connections and one of the biggest issues there is the transportation bottleneck in Belfair and the connection down to 101. So these issues are not being brought up in this plan and being addressed in the same way that your neighbors would address them. So that appoints me to say why weren't those people included in planning and those are the people that you should reach out for comments on these documents. I would encourage you to contact Commissioner Bill Mahan at the Port of Bremerton and Commissioner Jan Angel of the Kitsap County Commissioners. I haven't spoken to them about this but I received a letter from Commissioner Mahan talking about regional planning and I know Jan Angel has been worried about the issues of planning going down in Mason County.

(#1775) Bob Allen: Bob Allen from Grapeview and a business person in Belfair as well and I'm also a Port Commissioner in Grapeview. One of the things that we're talking about state wide with Growth Management is freight mobility. Rail and road. This county doesn't seem to understand its important role in freight mobility from Highway 101, Port of Aberdeen as well as the Ports of Jefferson County, Kitsap County, Port of Bremerton, as well as the Port of Allyn and the Port of Shelton. I've just come from the completed meeting of SR3 improvements which seems to contain some elements of the TIP-CAP committee. Also, one member of your PAC, Steve, Clayton, and I find that if this group is going to be looking at any element of SR3 those people should recuse themselves and withdraw from that particular committee. That committee seems to be on the path to make it happen regardless. Fortunately one of the members who just walked in behind me, Brian Petersen, who was not at this particular meeting with Perteet is that they recognize a lot of the frustration that many of us are holding to have a sewer system for Belfair only. Or what would be the problems of the Allyn system being used in Belfair. The conclusions aren't out there yet. The study to find the conclusions is just beginning so to approve this plan before any of the plans are imparted.... Even though the canal has its problems from a study standpoint we seem to have time to deliberate and calmly come to what is going to be best for Mason County. Is it going to be an Allyn link up or a free standing system for Belfair? Signage - the language is a little ambiguous. Ten feet from where; ten feet to where? If I assume it's from the ground level to the height of the sign or even the bottom of the sign every grocery store, every school, every bank, 75% of all businesses will have to resign in Belfair within whatever time period is chosen. In that time period almost 95% of Belfair is going to have to make changes in their signage to comply with what you have before you. I would urge you to do two things: take a look at the 1999 and 1996 plans and see what the intent of the people were. For those members here who have not visited Belfair or visited Belfair recently ... I've gotten the feeling that a few of the members do not know Belfair. They do not know where

## Planning Advisory Commission Minutes, June 21, 2004

some of these signs are. I would urge you to take a drive north and take a look at the community that exists and take a look at the past proposals and current proposals before you act on this.

(#2060) Brian Petersen: Dr. Brian Peterson, PO Box 370 in Belfair. I want to touch base on a few things to re-emphasize the vast public input that went into the Belfair plan, particularly the open public forums very well attended and the largest was 160 people. We sent out direct flyers to 10,000 homes each time for that and that has just not been done for public input anywhere else I know. We had posters, we had flyers throughout town, we had newspaper articles, we had websites, we had articles in the chamber newsletters, spoke to Kiwanis, Rotary, Lions, Mr. Fink came up and had another presentation as well. There has been a ton of public input that has gone into this over two and a half year process before we completed our work. I encourage you to consider that and then again if you want to look back at the 1999 and 1996 plan okay. The 1996 plan I think there was 25 to 30 people met twice. The 1999 plan was 9 people that met a couple of times and then it was adopted in the Comp Plan. There's a reason why this is getting some resistance from some of the people. In the 1996 and 1999 plan we didn't have a capital facilities plan there either but Mr. Overton didn't come with his attorney and present some opposition to the plan. This plan wasn't controlled by anyone; this plan was a public plan and it was a lot of public input from a lot of people involved. So there's a lot of reasons why you're seeing some opposition. The Belfair Bypass has been pushed for a long time and there are people very emotional about feeling that we need a bypass and I agree we need a true bypass in the future. There are also people pushing the bypass merely because it's about dollar bills and whether it's the landowner or the realtors or whether it's people who are investors in Allyn that see the bypass as their ticket to big dollars so you need to weigh out the intent of some of that testimony and then compare that. We're not comparing the bypass to SR3. You want to compare apples to apples and it's not really about SR3. Compare the bypass to the sewer project; the sewer project is the one that's most important. I brought some written testimony which includes an attachment which is a very strong endorsement for the SR3 and sewer project from the Washington State Puget Sound Water Quality Action Team. You need to read that and review that. They're very strong about what we should do and what we should do first. The fact that 3.4 million dollars of a little road widening is going to take place at the same time of sewer is not enough to compare that to a 20 plus million dollar bypass that is varied on its support. I saw the petitions that went around and had some issues with it. The characterization of the 'Petersen Plan' that was on there. There was a lot of misinformation put out with that, too. They got a lot of signatures and they worked hard on that and I commend them for being passionate about their efforts but a lot of that was misinformation. Lastly, I'll just ask you again I recommend that you move forward with adopting this plan. We can't continue to string this out forever. It's important to adopt zoning. There weren't zones adopted in those previous plans; it was very loose. We need to have orderly, smart growth take place and there was a lot of thought that went into these plans. We looked at critical areas and we looked at where the community wanted growth and a pedestrian friendly feel. I appreciate the time. I believe the last Belfair plan we agreed on a 15 foot height sign limit not 10 foot and there's very few businesses that would be affected by that. The only other businesses that would be affected by that would be the new restrictions on lining Highway 3 with 400 sandwich board signs. They would be allowed but they would need to be within 10 feet of the door of the business as opposed to businesses on off streets putting sandwich board signs along Highway 3.

(#2340) Pat McCullough: My name is Pat McCullough and I'm a professional environmental engineer. My firm, Contraco Engineers, when I was active in big city consulting was kind of the bypass king. When I first heard the talk about the bypass I thought it was a great idea and still think it is. The issue that came to light fifteen months ago when Bob Hager and Neil Werner and a bunch of us got together and started talking about how in the heck are we going to get the county off the dime. They're fighting with the Overtons; the Overtons are fighting with them. Belfair is going absolutely no where because all they're doing is fighting with each other. I grew up in Bremerton and was a city engineer in Bremerton in 1968. You saw how long it took Bremerton to get off the dime and actually start doing something. And they tried again and again and again to do that. So it seems logical that we need to do two things. We need to clean up our mess in Belfair and we need to have safe traffic. The quickest way to clean up our mess in Belfair is to put in a proper storm drain system, most of which I'm responsible for planning because I'm the project manager for the Lower Union River Water Control Study. And we need to have sewer. I was the preliminary design engineer for the sewer system in Lakeland Village. I'm the engineer for Lakeland Village. There's a lot of developments happening in Gorst that may change some of the sewer planning. They're talking about connecting the airport now to the plan in Port Orchard. Jan Angel is actively supporting sewer development which may extend out to the Port of Bremerton. So there are some issues that have developed. The other thing that's

## Planning Advisory Commission Minutes, June 21, 2004

developed is that DNR is now actively promoting the use of their land up on top of the hill for irrigation so that may change some of the planning issues with regard of going to Allyn. Right now the county has done a heck of a lot of work and spent a heck of a lot of money determining if Allyn can take the sewer and whether or not there's enough capacity in that system to do it and they've concluded they can. The issue is that we're going to be tearing the heck out of the town when we put in the storm sewer. We widen the road to three lanes; we have to keep two lanes open for traffic. Then put in the sidewalk, install the storm drain system and install the sewer system at the same time. It would be pretty stupid to come back five years later and build SR3 because you'd have one continuous patch from one end of Belfair to the other. So it seems logical to us when we got together and started talking about it we need to move this system on. So we started having meetings at Selah Inn, which I own, and we started talking about how do we move this system forward. The BOCC and other people said we can probably handle the funding on SR 3; with the sensitivity of the canal, with the help of Congressman Dicks, with the funds that we have we can probably put together a package to fund SR3 and that's where we started. Should we do the bypass? Absolutely we should to the bypass. Should the bypass be paid for by all of the public? I've never seen it done that way. But the bypass ought to be done. What has to be done to finance the bypass? We ought to look at what has to be done to the road that goes through the Overtons property and see what has to be done to that road to bring it up to arterial standards. We ought to pay for the part to do that and the Overtons ought to pay for the part for their development. That's normally the way it's done and I think that would be a fair way to do it. Not only that but it's constitutional. We can't gift public money to private businesses. Now they're going to contribute the right-of-way. The county was asking for 200 feet which I think is unreasonable. I think 100 feet makes a lot of sense and I think it makes a lot of sense to put in intersections for their property. I also think it makes a lot of sense that they pay for at least a fair portion of that project. But we're talking about a substantial investment that's going to take a long time to fund. We can, if we all work together. That's the key. We can put together the funding for the storm drainage and the sewer, and with the county's help the improvements on SR3. From a practical sense that's where we are. I don't blame people who would love to have the bypass; so would I. And it would reduce construction impacts, that's true. So those are the issues as I see them.

(#2598) Wendy Ervin: As you are talking about a bypass, are you talking about a roadway that has a 35 mph speed and has businesses along side or are you talking about a 60 mph road to get from here to there?

(#2610) Pat McCullough: That's an excellent question. I think given the fact that we're going through wonderful land up there that will be developed we have to provide for proper access and we're probably going to eventually have stop lights up there and I would say probably something like 45 mph would be a reasonable speed and I think they've kind of been planning on that in the future. But we're not going to have, from the standpoint of developing the plateau; unless we put in overpasses and some kind of interchanges, we're going to have to have access to that property.

(#2655) Wendy Ervin: The other towns that are used as an example of having a bypass, aren't their bypasses highways?

(#2662) Pat McCullough: When we did Waaga Way it was called the Bucklin Hill Bypass. We won a national award for community involvement in that project. We came up with three segments and we eventually came up with the final alternative of putting the three segments together. That bypass was primarily paid for for access to Trident. The criteria to begin with was limited access. Now they also told us not to build the interchange coming onto Clear Creek Road, which I think was a big mistake because now we're going to go back and spend 40 million dollars to build that interchange. In Port Orchard, that was never conceived as a totally limited access road. That was a way to get people around Bay Street, which was just absolutely jammed with traffic. But Bay Street was already approved; it wasn't a matter of approving Bay Street and then doing the Port Orchard Bypass, or what they call Tremont Street now. I just depends on the situation. I don't think it makes a lot of sense, given the wonderful property up there, to have restricted access to our alternate route. I would strongly advocate let's go ahead and build SR3 and the minute we get done with the last shovelful let's start building the bypass. It's not a matter of either or; we have to do both and what we need to do is sit down and quit arguing with each other and figure out how we can put together the funding for the two projects. If we keep arguing with each other we're never going to get the money. I've been funding for projects the last 30 years of my career and I'm doing it now. I've got several projects where I've raised millions of dollars on grants. One of the things that's essential is consensus and we don't have consensus.



## Planning Advisory Commission Minutes, June 21, 2004

(#2812) Diane Edgin: On this bypass dealing with the military element we have in Kitsap County and they were talking about the freight access wouldn't there be some sort of federal funds available for a bypass?

(#2825) Pat McCullough: I think we could. The thing that the federal government is going to have to see is they're going to have to be convinced that we're not building a road for the Overtons. That's the bottom line. The feds might come in, especially with Norm, and it might be likely that we get it for salmon. But we need to be practical about this. If that's a 20 million dollar project most of it would be in the interchange and I think we could phase that in. We were \$5,000 from publishing the NEPA statement on the bypass. I talked to Skillings and Connolly because I used all their GIS information to develop the storm drainage plan. The county did not finish that. Four million dollars worth of work went in the tank because they didn't finish the NEPA statement for the bypass. One of the things that that NEPA included was a thorough discussion of the SR3 project. Now that information is not available in report format to Pertee who are doing the study so we'll have to pay for a lot of the work all over again. That is really a shame that we didn't spend the extra money.

(#2955) Bob Sund: It seems like a lot of the testimony that we're listening to are concerned about SR3 and the problems with the traffic is there's no other alternative first for the traffic to bypass that construction area. How do you feel about that?

(#2975) Pat McCullough: I think in part they're right and if it was a perfect world and we could work together with the Overtons to get that road built it would be wonderful to have it done before we took on SR3 but let's be practical. The county has talked about a million and a half bucks into the SR3 which is a joke. They're going to have to put 3 or 3 ½ million dollars into the SR3 improvements as I see it even if we do get a lot of funding help. This is just common sense. They don't believe it because they haven't finished their study. That's what my experience tells me. The problem we have is 3 ½ million bucks right now given the estimates that we have for the bypass don't do anything. On a 20 million dollar project you're not even close. With the SR3 project if they put in 3 ½ million ... we've got a way to get the sewer funded, we've got a lot of ways to get the storm drainage funding from the standpoint of cleaning up the canal, we could probably raise 18 to 20 million to make the sewer and storm drainage and the road work. The county was going to go out and sell bonds to finance the 20 million dollars for the bypass. They were going to obligate future Mason County road funds for the next 20 years to pay off the bonds to build the bypass. I was amazed when I saw that. But the whole thing fell apart and I think it fell apart for two reasons. One, the county wanted 200 feet of right-of-way through the Overtons property and secondly, they wanted to restrict the access. Dave could get up and talk about that. It just got all locked up in grand ideas and didn't work. So you know where we were a year and a half ago; we were absolutely nowhere.

(#3130) Mark Drain: The sewer for Belfair and the road improvements they go hand in hand.

(#3144) Pat McCullough: The plan we developed at this point, and as you're going down through Belfair towards Allyn it would be on the left hand side and it would be in the new ... we'd have to take all those drainage ditches and extend out that direction but basically we can keep two lanes of traffic open. We did look extensively at running it down the interceptor line at the bottom of the hill and I don't think that's really dead yet. We did a boundary on the wetland down there with GPS to find out where the wetland was and to set up the boundary. My first proposal was to run the interceptor at the bottom of the hill which I think would be a practical way to do it and then use it as a trail that we desperately need. The Public Works Department didn't like that but I think it's a good idea which would possibly get the trunk sewer out of SR3. We still need interceptor sewer in SR3. We need to collect the houses from above and the businesses from above the road and bring it down to the road and then run it down to the bottom of the hill. We also have the problem with the storm drainage. The thing we're looking at now is to look at wetland treatment to remove nutrients. We have a five acre system down at Theler that exists but we can't put contaminated effluent into that from the storm drainage. What we have to do is clean it up first. So we're starting to talk to property owners because we need five acres.

(#3260) Mark Drain: So the sewer is separate from the stormwater drain?

(#3262) Pat McCullough: Yes, but they're both in the roadway and that's the problem. Typically the sewer is at the bottom so you start with the sewer then go to the storm drainage and then utilities. Another big issue

## Planning Advisory Commission Minutes, June 21, 2004

with that project is utility undergrounding. And the howl that they emitted when they came over to a meeting at our inn about the cost of utility undergrounding ... well, you could hear it all the way to town. But if the state tells them they have to fix those utilities then they'll have to fix those utilities. That's going to be a major planning issue in this project is whether we underground utilities. It's a big issue and it's going to cost somebody probably 5 or 6 million bucks to do it. Those are the kinds of things that need to be resolved as part of that planning process.

(#3318) Wendy Ervin: Is there a choice about whether or not to do sewer and stormwater runoff and utilities?

(#3325) Pat McCullough: No, maybe utilities. My opinion is the state has told us as a UGA if you're going to be a UGA you need sewer. They're saying we're going to have 9,600 people in Belfair we're going to have to put in infrastructure to deal with those people.

(#3405) Steve Clayton: We call it a bypass and we compare it to Waaga Way, Sequim and Purdy and those are all places where you have traffic coming from one end of town going to the other. That appears to me to be dramatically different than Belfair where the lowest number of traffic through that corridor comes out of Bremerton and goes to Shelton.

(#3430) Pat McCullough: What you will find if you build a bypass transportation infrastructure has a tremendous impact on where development goes and where it is. There are people in California who build freeways to develop land and it works like a charm. What you will find is that a bypass will be very substantially used.

(#3465) Steve Clayton: What you're saying is that it would be new traffic. What about the existing ... if the goal of this is to take traffic off the corridor we'll still have the 300 traffic and the 106 traffic which won't change.

(#3480) Pat McCullough: Unless we made it so slick for them to get out around and come back down. You might. I think if it was 60 mph they might do it. It's time. Everything is time. We are so sensitive to time. I've done time delay studies and people know in 30 seconds how long it takes them to get someplace. Another factor is safety. But time is the most critical element.

(#3510) Steve Clayton: So you're kind of more or less agreeing that building a bypass will reduce some of the cars through town but not dramatically?

(#3520) Pat McCullough: Oh, I think it will reduce a lot of it. For example, we're now planning Division 13 in Lakeland Village.

(#3525) Steve Clayton: But that's new traffic.

(#3528) Pat McCullough: That's new traffic but it's going to develop one way or another and we're talking about 400 units or so. We're going to build a lot of new units up there and another 9 holes of golf and the whole works. They've got sewer and water and everything. That traffic from Lakeland Village is going to come to and from Bremerton so it would take the new road. People in Allyn very strongly support a new road; they're tired of going through Belfair. The studies have indicated that it will reduce traffic. The problem is it's going to reduce traffic to ... what are we 18,000 cars a day now. It's going to reduce traffic to 14,000. Now we're going to have sewer in Belfair and a lot of nice facilities and those 9,600 people or whatever and businesses are going to start developing in Belfair. So within 5 years we're going to be right back where we were. Then we only have two lanes. This is not an either or; this is a both. I'd sure like to see it happen.

(#0002) David Overton: Diane, you asked a question about federal funding for the bypass. I'm the other signing party other than the BOCC to our development agreement. We partnered with the BOCC and worked through 95% of the issues that you have here. We worked through right-of-way issues to width, we worked through limited access issues, all of that was negotiated out with the Public Works Department in conjunction with the BOCC. Those are not the issues surrounding the bypass where we don't see differences there. The BOCC doesn't uphold an agreement they signed with us and they won't proceed with the project. About federal funding and the partnership we had with the county with the bypass included state funding around

## Planning Advisory Commission Minutes, June 21, 2004

\$600,000 that had been allocated to planning and there was a solid expectation that if the bypass did go forward there would be a significant state contribution because it would take traffic off of Highway 3 into a new corridor therefore the state could participate. The reason why you hear NEPA is because there was a commitment on our federal representatives to go out and lobby actively for that money. So there was a local, state and federal commitment to fund that project but to make sure the project could go forward the county allocated 100% of the funding for it with their budget so that they could back that down as additional funding came in.

(#0055) Wendy Ervin: Could the working between you and the county be facilitated if you both agreed to throw that contract out and start again?

(#0060) David Overton: In our development agreement, which was signed by the BOCC in 1996, the last section of that is an arbitration clause that says that if either party disagrees with the content or the intent we will go into binding arbitration with a neutral third party and work out all the issues. We've asked the county and we've said that we would go towards arbitration to resolve these issues and the county has said from their County Administrator tear it up or sue us. So they have not asked to go into arbitration on the contract to settle the issues.

(#0088) Bob Sund: Is it correct that in the agreement that you made it was requested or asked by the Overtons that in lieu of the easement for the road that you be able to develop the property under the current regulations that were in place at that time?

(#0096) David Overton: What we asked for in exchange for a right-of-way that we accommodated to the county for their design standards and when they upped their design standards we also went to their newer and higher design standards as well. So we went along with that. In exchange for that we asked for a vesting to intensity and use. So we asked for a right to develop our land. Our concern was that if this road is going to bisect our ownership you want to be able to use your land and not just have the impact and have issues with trespass or violations or theft or dumping without having some way to control it. So the development agreement does not take away fire regulations or any of the public safety issues and we've said to the county over and over again that we're willing to update to current standards and that was part of the package we put forward to the county two years ago when we tried to go into arbitration. After the negotiations failed we said we should go to a third party arbitrator they disagreed with that. My question has always been why is the county paying to rebuild a state highway and if you're taking about partnerships in the bypass we had state, federal, local and private contributions going into that. When you look at the current plan you have the county standing out there alone.

(#0170) Bill Dewey: We've had some good comments here tonight. I'd now like to ask if there's anybody that's not testified yet regarding the Belfair plan that would like to testify? Hearing none, I'd like to close the public hearing on the Belfair Sub-Area plan. There will be additional public hearing before the BOCC on this. There was a lot of good information that was provided on the bypass and the transportation issues but that's one small piece of our agenda on the Belfair Sub-Area plan. We have a lot of things to talk about. While I was interested in hearing and getting the public testimony before us I don't want us to be totally focused on the bypass and the transportation issues. I appreciate peoples cooperation to sticking to the time frames.

(#0228) Bob Sund: I request that we have some time to read what has been given to us here.

(#0230) Diane Edgin: I think it's very important because as a PAC we have gotten in trouble in the past going into discussion without reading these letters before hand. Especially when the proponents are here in the room.

(#0238) Bill Dewey: If you could hear me out. As far as process goes and what I heard Bob suggest earlier is that we've been provided a lot of material and we clearly haven't had a chance to read tonight. We need to consider it all and we will. We have another public hearing that was advertised that we need to continue tonight which we're going to go into next and if we have time when we're done with that the PAC will come back to discussion tonight on the Belfair Sub-Area plan and then per Bob's suggestion I recommend we have another special meeting once we've had a chance to review these materials.

## Planning Advisory Commission Minutes, June 21, 2004

(#0262) Bob Sund: I guess I see a value of reviewing this material while a lot of the testimony is still fresh in my mind.

(#0270) Bob Fink: I would suggest taking a break and give people a chance to look at the material while it's fresh in their mind and then we can pick up with the other hearing.

(#0250) Steve Clayton: I make a motion that we close the public hearing on the Belfair plan.

(#0255) Diane Edgin: I second the motion.

(#0260) Bill Dewey: We have a motion and a second to close the public hearing on the Belfair plan. Any discussion? Hearing none, all those in favor? Opposed? Motion carries.

*Break in meeting.*

(#0300) Bill Dewey: Okay, let's begin the other public hearing. What are the majority of the people here for?

(#0304) John Diehl: The new standards with respect to piers, docks, bulkheads, etc.; the new text in the RO on exempting certain small projects; and to the extent that it's different the new text relating to the replacement of development and the exempting of certain park and community recreation land use development in previously disturbed areas, which also includes residential development. Also, the proposal to revise the standards relating to the accessory dwelling unit size. I will also have brief comments on the proposed removal of open space designation on certain lands near Coulter Creek.

(#0355) Bill Dewey: Let's go ahead and take up kk) initially. We discussed this when we had our work session on this.

(#0385) Bob Fink: This was discussed at the workshop last time. It's a consideration of a request from Overton and Associates to change the open space designation areas we have located between the UGA's of Allyn and Belfair. There are three fairly large areas between those two UGA's that were designated. David Overton had a chance to speak at the last meeting and one of the things that we had discussed was the possibility of removing two of the areas and keeping the Coulter Creek open space corridor areas and modifying at a future date the Devereaux Lake open space corridor to a smaller area. I do have an updated discussion that Allan prepared before he left to pass out. At this point the position of the county hasn't been substantially changed. One of the things I had discussed with David Overton regarding this was that in order for him to have adequate time to really prepare his arguments that if we couldn't reach agreement on his proposal, which I just cited to keep just the one designated area and review that over the next year, that he would need additional time to gather his resources and present his argument to you by continuing the hearing. So I think after you've given him his opportunity to speak and anyone else who wishes to address this that you might continue the hearing on this issue until your next regularly scheduled meeting. I'll pass out the updated staff report that includes some discussion of the alternatives that were discussed previously.

(#0470) Wendy Ervin: In the previous testimony and in the testimony that Mr. Overton gave a week ago the definition of open space, and this was one of his concerns, was that the public misunderstands the designation of open space to be everybody's play land so that misunderstanding of the definition of open space continues to be out there and I think before we make a decision one of the things we need to do is button down exactly what open space means and this is not public property this is private property or get rid of that designation or do something so that there's not the public perception that this is open play land.

(#0505) Bill Dewey: Maybe we should clarify something for the record that Wendy stated her comments by testimony that was given last week and it wasn't a public hearing; it was a work session. Those were comments that were offered and those comments are part of the record but it wasn't a public hearing specific to kk).

(#0515) Bob Fink: That's correct. Open space is a difficult concept because it really includes both public and private land and land that may be privately held but may be open to the public at the option of the property owner. If you think of timberlands, many of the logging companies actually make their lands available for recreational use on a limited basis and some don't. Open space is a term from the State Growth

## Planning Advisory Commission Minutes, June 21, 2004

Management Act. It is intentionally inclusive so that it includes park land, it includes recreational lands, it includes land that's not developed, ag land and forest land, are also considered open space. There is a discussion of this in the county Comp Plan which has a section dealing with open space and explains inclusive the term is but whatever we put in our Comp Plan doesn't necessarily change that public perception of that exists that open space is not necessarily public or accessible to the public. We can reiterate in secondary documents or other actions that we take so that people are constantly reminded as much as possible that that's the case. That's the nature of how it was conceived. It's not either one or the other; it is both that falls in that category.

(#0580) Bill Dewey: We'll now take public testimony on kk).

(#0585) Jack McCullough: My name is Jack McCullough on behalf of the Overtons. I wasn't at the last workshop but I did talk to David before hand and our thinking was consistent with what Bob Fink just mentioned that if agreement wasn't reached then we would make a more elaborate presentation. I didn't bring any of the maps here tonight to show you where these lie and what the lot configurations are near them so you can get a real sense and feel for these open spaces. So what we would request is that we come back next month and actually bring that to you.

(#0615) Terri Jeffreys: There's a recommendation by the staff that it could be worked on in the 2005 Comp Plan update.

(#0620) Jack McCullough: We had hoped that we could get this issue resolved this year. We think that it would merit some attention on the part of the commission and we've been looking at this issue for a couple of years. These are not even lands that are going to be subject to near term development but I think the Overtons wanted to try to clear that up.

(#0655) John Diehl: John Diehl for Advocates for Responsible Development. I think we're not too far from a consensus here in that the matter should at least be continued and the question is for how long. I would concur with staff that it would be appropriate to continue the matter until the 2005 update. The problem should be put in the context of the larger problem of securing open space areas in some fashion. When they were originally identified the county was very careful not to say that these were suddenly parks or public areas. These were deemed study areas and so they are today. It may well be that some of them can be shrunk and I hope others might be enlarged in the course of more careful examination. I would suggest to the Overtons that so far as their particular interests are involved is they've acknowledged they haven't any short term interest but to the extent they have long term interest and to the extent that they can see that there's going to be a need for some open space within their lands in the long term that they start looking at specific alternatives and not just move to exclude certain areas from further study but to come forward with more positive alternatives that would give not just identification of open space areas but would also maintain those areas in some fashion but they don't all have to be open to extensive public use. One of the functions of open space corridors is as wildlife corridors to allow migration and movement of wildlife and to avoid isolated sub-populations. So there are important functions of open space and particularly open space corridors that haven't anything to do with public use. I don't want to try to pre judge how large these need to be or where they need to be; I'm only saying that whether we're talking about the Overtons land or anyone else's that we need to look at this in the context of a network of such space throughout the county and that we need to provide not just remedies for people who feel they don't want this particular patch to be included but we need to provide alternatives if we're going to have a meaningful type of planning for open space.

(#0755) David Overton: On the rare occasion I can agree with Mr. Diehl I like to get up and do it. But I can only do it half heartedly. I would say that John's recommendation is a solid one and what the county initially should have done is taken up a community based effort, looked at how these open spaces are going to function and where they can be secured. What instead happened was that the county had a truncated public process to fit their needs and did not do it from any based decision here. Instead if we look at delaying this until 2005 I'm left with the entire burden of having the majority of this property in open space on our shoulders. We have loved to have been part of the community process but instead we were part of the county's decision instead. We talked to the county during the GMHB process and agreed not to pursue this action in front of the GMHB under the assumption that as soon as they allowed for Comp Plan changes they would accept one from us on this issue and we would work through it. They did not say to wait until 2005 when we're mandated

## Planning Advisory Commission Minutes, June 21, 2004

by law to update the Comp Plan. So we'd like you to continue the hearing so that we can present a more formal presentation to you.

(#0815) Bob Sund: So you did not make application to have it considered in 2004?

(#0817) David Overton: We made application to have this Comp Plan amendment as soon as the county opened the process. It was submitted in 2003.

(#0825) Bob Sund: So why wasn't it part of the list?

(#0827) Bob Fink: This is the 2003 amendments.

(#0830) David Overton: This is the last one. You did all those other ones before and then we got stuck at the end of the line.

(#0834) Wendy Ervin: How much of the discussion last week in the work session is considered on the table tonight?

(#0838) Bob Fink: It's all in the record. If you wanted to rely on it or if you wanted to ask a question regarding it you could certainly do that.

(#0844) Wendy Ervin: My personal opinion is based on the discussion last week and the maps that we looked at and the discussion that we had was not a public discussion; frankly, I would only repeat the things that I said last week. To me it seems like a given to alter that open space area and have it where it more likely was actually connecting the two UGA's of Allyn and Belfair and the other areas that did not tie those together ... it seemed to me not to fit the program. Frankly, I was convinced last week that the action should be taken that those areas should be not designated open space and that the Devereaux would be that single area and not to wait until 2005 for something that I'm personally convinced is a good thing to do today.

(#0888) Diane Edgin: We still have to have the next months meeting.

(#0890) Wendy Ervin: That's fine but not to wait until 2005.

(#0894) Bill Dewey: I'd like to hear some clarification from staff. Bob, what I heard you say in your opening comments was that it seemed like from your discussion with the Overtons that this was worth continuing the public hearing until the 19<sup>th</sup> and letting them have a more thoughtful presentation on it as opposed to ... but then you handed out a revised staff report that is contrary to that.

(#0910) Bob Fink: The issue there is before even the workshop when the Overtons had contacted us about the upcoming hearing and their application is that when we were working out what our recommendation was David Overton was concerned that he have adequate time to prepare a proper presentation. He felt that he hadn't got enough warning and wasn't able to arrange that at the time we had scheduled the hearing originally. So we talked about the fact that if that becomes necessary we would certainly not want to cut his presentation off or keep him from making his case so we would certainly support a continuation. When he came to the workshop and he had an opportunity to discuss it with the PAC at the workshop there was a proposal that came forward that we wanted to consider that he made and unfortunately we weren't able to make a decision on a change in our position in time for this hearing. Allan has reworded it but basically the conclusions are the same. He elaborated some from the information that came out in the discussion from the workshop but the county hasn't really changed it's position at this point. It might feel so persuaded later on potentially before this next hearing but as I advised the Overtons I would act on the presumption that the county won't change it's opinion without being persuaded further. So we'll wait for his full presentation to be persuaded at this point.

(#0995) Steve Clayton: At last weeks meeting that you're going to research and find out what went into designing these corridors and come back to us.

(#1000) Bob Fink: That's another reason to continue it; there simply wasn't time.

## Planning Advisory Commission Minutes, June 21, 2004

(#1004) Steve Clayton: Do we also have relevant open space and other planning for Kitsap and Pierce County which these two corridors abut to? Right now we're just looking at ...

(#1010) David Overton: That's not the issue on the table.

(#1012) Steve Clayton: Right now we're just looking at Mason County open space corridors between our UGA's. We have two corridors that abut adjacent counties. Do we have any indication whether or not the Allyn group, or whoever developed this plan, is looking at a corridor to connect also a UGA ...

(#1022) Bob Fink: Since I didn't have an opportunity to go back and find that information it's not fresh enough in my mind to really tell you what the rationale was. When the presentation was made originally several years ago to the county to adopt these corridors there was a rationale presented with it.

(#1040) Steve Clayton: Is that something that we as a county should be concerned with as far as open space between a UGA both within and out of the county? Do we take other county's corridors into consideration in developing ours?

(#1050) Bob Fink: You do take the planning in other counties into consideration but they often approach things differently. In fact, every county approaches things differently. I can't tell you to what degree this proposal addressed that issue. It is certainly one of the county's interests to coordinate its activities in ways in coordination with other governments on its boundaries and that's something that is a legitimate issue to look at if the need arises.

(#1075) Bob Sund: Bob, I concur with what Wendy was saying. It doesn't seem to me the two areas fit the criteria the way we're supposed to identify open space, unless it's what Steve was talking about in connection with adjoining counties. I would very definitely, if there's going to be a hearing on this, like to be knowledgeable of the rationale that went into including those two other parcels. I understand the rationale for the Devereaux area but I don't understand the rationale for the other two parcels.

(#1125) Bill Dewey: Hearing the discussion, I would entertain a motion to continue the public hearing on kk) to our next regularly scheduled PAC meeting on July 19<sup>th</sup> per the request of the county to bring information on the justification for the establishment of those open space areas originally and also to bring any information regarding open space areas in Kitsap.

(#1145) Diane Edgin: I make that motion.

(#1148) Terri Jeffreys: I second the motion.

(#1150) Bill Dewey: We have a motion and a second. Any further discussion?

(#1152) Mark Drain: I think it should also include that Devereaux open space and it being similar to the Shelton to Allyn.

(#1166) Bill Dewey: We can discuss that at the public hearing. Is there anything specific you need from staff on that?

(#1170) Mark Drain: No, just as long as the two are compared.

(#1182) Bill Dewey: Any further discussion? Hearing none, all in favor? Opposed? Motion carries to continue kk) until July 19<sup>th</sup>. We'll move back to q 1).

(#1222) Bob Fink: I've got updated language based on our last discussion to hand out. This is q 1) and q 2). I would suggest that you take a few minutes to review this edition and see if it caught the changes that were suggested the last time and that you open the hearing for public testimony. The underlined language is the new language and then the italicized and underlined would be revised language from the previous edition.

## Planning Advisory Commission Minutes, June 21, 2004

(#1330) Terri Jeffreys: It does say 'footprint of existing structures approved by permit' instead of 'existing permitted structures'.

(#1334) Steve Clayton: On the second page we changed from 'no comments' to 'concerns'. Under #7 'associated with residential use'.

(#1355) Bill Dewey: Those were the ones we talked about. Does that capture what we asked Allan to change?

(#1366) Terri Jeffreys: I like it.

(#1372) Steve Clayton: I had a question down at the bottom of the first page under #2 in the second paragraph 'to qualify for permit exemption applicant shall provide a letter prepared by a qualified biologist'. I would think instead of 'to qualify for' I think it should be 'to be considered for a permit exemption'.

(#1392) Wendy Ervin: Right, because the language there implies the qualification is automatic.

(#1412) Steve Clayton: Under #2 above we're talking about proposals for development that occur in the FWHCA; that whole section is for new development, right?

(#1428) Bob Fink: Right; it could be changes to existing development. It wouldn't have to be an entirely new development.

(#1435) Mark Drain: Under 1 d) 'included in this type of development'. Shouldn't that be up somewhere else?

(#1480) Bob Fink: I think it refers back to something about ...I think they're trying to define residential ... the kind of development they're talking about that is allowed within the buffer to the extent they're not otherwise prohibited. So the first paragraph under f) it says it doesn't require an MEP so in d) it really doesn't need to say 'included in this of development'. It should really begin with 'appurtenant structures'. They're trying to include appurtenant structures and include them as uses that are allowed within the impacted footprint or that are exempt. I believe the intent here was actually to exempt these appurtenant structures and accessory uses that meet the condition with f 1 a) or f 1 c).

(#1572) Wendy Ervin: Isn't this saying that you don't need an MEP to repair appurtenant structures, such as pier, dock, float, ramp, boathouse, etc.?

(#1580) Bob Fink: I believe that was the intent. So it probably should begin with Remodel, repair as an exemption because these are activities that don't require an MEP. It was always the intent that people can repair their stairs, their boat ramps and floats or repair their docks, etc. That should be made a little clearer.

(#1620) Terri Jeffreys: Under d) strike out 'included in this type of development are' and replace with 'Remodel or repair of' and then continue on.

(#1640) Diane Edgin: When you're saying 'remodel or repair' one of the problems we have with things on shorelines is materials that leach and we're talking about things that do not require an MEP. I'm wondering if that is wise because one of the things we're trying to get away from is the use of certain materials.

(#1660) Wendy Ervin: But aren't they going to be required to get a building permit for the repair or remodel? That building permit is going to list the materials you're going to use and you're going to be stopped at that level from putting wrong materials in.

(#1685) Bill Dewey: Do we have any other clarifying questions for staff at this point? If not, I'd like to open this for public testimony.

(#1700) John Diehl: John Diehl, Advocates for Responsible Development. Let me begin with the question Ms. Ervin raised. It's my understanding that the building department does not have pervue over such questions as whether you would use creosote piles; that's not part of the building code but it is an



## Planning Advisory Commission Minutes, June 21, 2004

environmental concern and I think you raise a good question, Diane, in terms of whether you want to maintain some sort of control over this. The second point goes back to a fundamental procedural problem. This was advertised in legal notices as new standards for development. I think the only new standards in all of this is reference to the existing standards in the SMP that are now being incorporated into the RO. There was no mention in the legal notice of any exemptions for reconstruction of such structures so I think the legal notice was inadequate and so it would be improper for you to act without having preceded it with the proper legal notice. I have a couple of other points on this subject. First, keep in mind that the SMP was adopted in the early '70's. I don't believe it's been revised since. It's well overdue and it's been promised as something that is needed but it's not a source to turn to for adequate standards for anything these days so while I applaud an effort to develop some standards appropriate to on the water construction I don't think that one should simply take over something from this 30 years old document without real scrutiny of the SMP as far as the process. The question of the ambiguity of the draft in front of you has already been raised and I think is significant. I think there are real problems in terms of what is intended as to whether this sort of development would somehow be traded off against increased size elsewhere. If it's only intended as an exemption for reconstruction of existing water side development that is one thing but it doesn't then belong in the same set of standards and especially when it's clearly not limited to that in that you're trying to, for the first time, apply the SMP standards to what is part of the RO. There's a major problem here in clarifying what is even intended by this never mind whether what's intended makes good planning sense.

(#1880) Tom Hamilton: I'm Tom Hamilton and a resident of the Allyn area. I happen to have a bulkhead and I happen to have a boat ramp and I would hope that the confusion that I have myself and the confusion I perceive everybody in the room, including staff has, as to the apparent intent of this is taken care of before you make a recommendation on it. My concern would be that both of those structures for me are concrete and I would hope that I would not have to file for an MEP to fix a crack or a hole in my bulkhead. If I read this here I think you're trying to exempt these things. However, if you want to get into the details of the materials I'm not sure where that's going to lead you. I don't believe that if I fixed a crack or a hole in my boat ramp that I would have to file for a permit to the county unless it exceeded a certain amount of concrete.

(#1948) Wendy Ervin: Before we continue could we ask Darren for a legal opinion on what Mr. Diehl brought up asking about the public notice and advertising this as new standards.

(#1970) Steve Clayton: Secondary to that it seems that it needs some significant rewording.

(#1975) Darren Nienaber: Bob, Wendy asked me about Diehl's objection regarding the public notice. Given that, is there any problem with just readvertising it?

(#1985) Bob Fink: No, I think that would be fine. I don't think we'll resolve it tonight and if there were rescheduled to the next regular meeting then there would be plenty of time to advertise it.

(#1998) Bill Dewey: There seems to be some confusion on the issue as far as potential formatting problems and some other good points that have been raised here tonight and also the question of the adequacy of the legal notice that was provided on this specific issue so hearing that discussion I would entertain a motion that we continue the public hearing on q1) and q 2) to our next regularly scheduled PAC meeting on July 19<sup>th</sup>.

(#2020) Bob Sund: So moved.

(#2025) Terri Jeffreys: I second the motion.

(#2027) Bill Dewey: We have a motion and a second. Any further discussion?

(#2030) Wendy Ervin: If you moved d) up and made it b) right under the a) the whole thing would make more sense.

(#2038) Steve Clayton: Along those lines, what if we changed a) to 'The remodel and repair and change of use of an existing structure' and delete d)? And add the last sentence referring to a).

(#2055) Mark Drain: Yes, but there might the question of repair to a bulkhead and that could become an

## Planning Advisory Commission Minutes, June 21, 2004

extensive project. You could have the whole bank slide down. I don't know if there has to be some kind of limits or not.

(#2100) Bill Dewey: We've had some good discussion here. Steve you had some good suggestions. Anything else?

(#2105) Steve Clayton: We'd have to define structure and I think Mark and Bob have a good idea that maybe bulkheads and retaining walls really don't deserve to be there under no permit.

(#2118) Terri Jeffreys: I like the idea of a monetary limit. I don't think they should be taken out entirely.

(#2128) Bill Dewey: Let's see if we can give staff some clear direction so they can come back with this next month.

(#2155) Diane Edgin: I think if we put in 'nonappropriate materials' versus 'appropriate' it would be better.

(#2175) Wendy Ervin: Isn't there something in the RO that says what you can and can't use?

(#2180) Bob Fink: Right now there's a shoreline exemption for repair and maintenance of docks and replacing a pier, for instance, is considered normal maintenance of a dock. However, in order to get the exemption under shorelines you have to actually get a shoreline exemption which requires you to go through a JARPA process and contact other agencies and you need an HPA and what they normally do is they require you to change materials. If you have creosote pilings you can't replace them with creosote pilings. It requires replacement with approved materials. That's the matter of course now with these maintenance activities.

(#2232) Wendy Ervin: So that list of materials exists?

(#2236) Bob Fink: I don't know if it amounts to a list or not. Since I don't process these permits I'm not entirely sure. There probably is something like a list.

(#2275) John Diehl: I think you're on to something but it shouldn't be construed narrowly as materials. There are fairly standard conditions that are being attached to permits for construction of new docks and I think reconstruction of docks, too. They derive from recommendations from the state so that the state tends to produce sort of boiler plate comments on this sort of thing and then they get incorporated by staff in conditions that are attached. It might be beneficial to give notice to applicants to put these boiler plate items into your ordinance.

(#2375) Bob Fink: I think the objective, as I understood it, was to try to remove redundancy in these things that go through shoreline approval. These things are treated in a certain way under the existing regulations primarily under the SMP and the related processes that the state applies because any work in the water triggers their review as well. The intent was to rely on those existing processes rather than have new provisions or different provisions in the RO because they're exempt there.

(#2445) Bill Dewey: We have a motion on the floor to bring this back before us. Is there any further discussion on the motion? All in favor? Opposed? Motion carries to continue q 1) and q 2) until July 19<sup>th</sup>.

(#2475) John Diehl: You said q 2); if you meant q 2) then I'm confused because it seems to me what we've been discussing are q 1) and maybe w).

(#2492) Bob Fink: We didn't really get into much discussion of q 2) but q 2) is in the same section.

(#2498) John Diehl: I understand that but if it's your intent to hear some testimony on q 2) then I haven't given any yet and I would like to. It's specifically described in your agenda for this evening that it's for certain small projects or development in previously disturbed areas. And yes, it does have that combining business about what percent you can increase the size but it also just exempts certain project from needing an MEP. That's separate from the docks and bulkheads.

(#2550) Bob Fink: Right. It has to do with areas that are previously disturbed and what kind of changes can

## Planning Advisory Commission Minutes, June 21, 2004

be allowed on those previously disturbed areas under what conditions; that's q 2).

(#2575) Bill Dewey: Is this another example of where the SMP review is going to pick it up and that's why you're proposing that it be exempt from ...

(#2588) Bob Fink: My understanding is this would normally have the most effect not on marine shorelines but on rivers and actually this is intended to address areas that are already heavy impacted.

(#2614) Bill Dewey: Let's go ahead and open public testimony on this.

(#2618) John Diehl: Again, I'm speaking for myself and Advocates for Responsible Development. I am at a disadvantage because I'm looking at text which has changed since the text that Allan Borden sent me representing the most recent revisions. First, with respect to the provisions that relate to increase in size or combining to obtain a 20% increase I actually find myself in agreement with a complaint that was included in your packet from a citizen who said that this isn't fair to gauge it in percentages. If you gauge it by percentage terms then you're saying the haves get more than the have nots because they have more to begin with. I don't see that as fair; I don't see it as having any valid purpose in terms of environmental protection or any other public interest that you should be concerned with. It seems to me we ought to be thinking more in terms of certain square footage increases that would be allowed as reasonable without regard to the size of some existing structure so I make that point for discussion. The second point relating more directly to the matter of an exemption for disturbed areas is that I don't think we have an adequate definition here of what a disturbed area is and I think that ambiguity will invite future controversy and probably future litigation and there's no need for it. If I understand the intent as limited to areas that are now graveled and have been graveled since 1993 without vegetation or to paved areas, that's one thing. We can deal with that. If you talk about disturbed areas and then just give an example of a graveled area that leaves the door open for a clever lawyer to say 'ours doesn't have any gravel but it was disturbed; it's been farmed for years'. Or it's been logged; that's a disturbed area. If you mean to craft a narrow exemption for development that extends into an existing driveway then say so but don't use the broader language and then illustrate it with something that is representative of your intent but which then because of the broader language invites all kinds of confusion and evasion of the intent.

(#2830) Steve Clayton: Could you send Bob a draft of some better language because he's going to be reviewing it.

(#2838) John Diehl: I would hope this would be continued to another public hearing so that we would all have a draft to say what comes out of staff but I would be more than happy to offer some specific suggestions to staff. The intent is to focus on certain kinds of specific existing development and those that were enumerated were existing graveled areas that remain graveled and not revegetated. If there are other areas you want to consider exempting that's fine; we can look at them and examine them individually.

(#2935) Bill Dewey: I get a sense that the PAC would like it tightened up a little bit with specific examples.

(#2952) Steve Clayton: What would you recommend instead of the percentage increases? An actual square footage?

(#2960) John Diehl: Yes, and I would also recommend some rethinking of having two separate provisions because I don't see the point here. What is it that makes sense to restrict the guy that only has one structure to a 10% increase but the guy who has two structures to a 20% increase if he regards them as combined. While we're at it, let me throw something else on the table. I've followed and participated in a number of variance hearings and often these involve this question of building in FWHCA and I think you need to get back to the reasons why we have the ordinance. We need some ordinance to protect these sensitive areas. It's clear that with the cumulative effects of higher densities generally that we get all kinds of problems. These densities are generally associated with increased size. When you talk about increasing the numbers of people in a place then you're talking about increased habitat impacts of the significant kind. What you need to be looking at is how to handle this in a way that has something meaningful as output. At the moment you can double the size of your place by adding a second story. You retain the same footprint and you have a much larger house. That makes no sense from an environmental standpoint because you're greatly

## Planning Advisory Commission Minutes, June 21, 2004

increasing the potential impact on the area because the impacts don't have so much to do with the footprint as with the level of human use. Whether it's affluent that goes into a septic system and ultimately into nearby water or whether you're talking about the impact of simply household use and household behavior. I brought some items I wanted to introduce into the record. It's important for you to recognize that one of the big impacts of people is the pets they bring with them. Probably the most injurious to surrounding areas are cats. I wanted you to have as part of your record some BAS on this and I've made some copies for you. It doesn't answer the question of how much additional development you allow but I hope it gets you to refocus on the question of the fundamental issue being human density of population; not the size of the footprint.

(#3190) Terri Jeffreys: Constance Ibsen came and spoke on behalf of your association in regard to this and we made changes in response to that going over square footage as opposed to the increase in footprint. Then the question came of what would be an adequate number and we came up with 20% increase.

(#3250) John Diehl: My point never mind the history; it's where do we go from here.

(#3270) Terri Jeffreys: That's what I'm saying. We're responding to your request for a square footage minimum as opposed to a footprint minimum. So we did that so it sounds like you want to go away from taking a percentage and having a flat square footage minimum?

(#3290) John Diehl: I think that would be a sensible direction.

(#3292) Terri Jeffreys: And what would that number be that you'd recommend?

(#3295) John Diehl: That depends on the location among other things. Let me remind you that we've got a body of water that's deemed in a crisis condition at the moment; Hood Canal. We heard earlier this evening discussion about this was attracting a lot of federal money but the money is not going to clean up the problem of low dissolved oxygen levels by itself. We're going to have to bite the bullet and face some needs for extraordinary measures there. So what I would say is one of the things that ought to determine what additional development is allowed, whether exempted or not, would be the locale. I think it would be appropriate for there to be some sort of temporary moratorium on expansion of size; not reconstruction. But expansion of size of structures on sub-sized parcels adjoining Hood Canal. What's going on there is a gradual conversion of weekend shacks into full time residences and in the process we're going to create many more impacts on the canal. That sort of conversion may be fairly benign in other locations but I don't think it can be said to be in the case of Hood Canal. You might want to consider something that distinguishes geographically what could be done without any special permit in certain areas as opposed to some other critical areas or areas of special concern. That would make more environmental sense than trying to simply use square footage or percentage numbers. You need to start looking at how close you are to a body of water and what kind of availability of space you have for leach fields, etc.

(#3450) Mark Drain: John, this does address proximity to that habitat area but we're trying to give some kind of an incentive for a person to remove some kind of minor structure in that habitat area. What can you offer as an incentive?

(#3488) John Diehl: You raise a good point and there might be some legitimation purpose served by that. I think it should be in terms of square feet and I also think that if it's done you should have an eye to the geography. What I'm telling you and what I think you know in your bones to be true is that some of these are more critical and more sensitive at times than others and to be sure if you adopted some special measures you shouldn't think of them as eternal because we would like to see the day when Hood Canal wasn't in such a crisis mode. Let me remind you that this should be construed as part of the general ongoing review that's mandated under the ACT to reconsider what you're doing in light of new evidence. The new evidence is pretty overwhelming that we've got an increased problem that was not identified in the early 90's of low dissolved oxygen in Hood Canal, for example. At some point you're going to need to go in the direction of less leniency instead of more leniency with respect to those areas where new evidence suggests that the existing regulations are not adequate to do the job. You could forbid having livestock in the Hood Canal basin. I don't think you want to do that but if you don't then you should go very cautiously in terms of creating greater areas of leniency in existing regulations because it's going to come back and smack you when you have to face up to the fact that you're losing ground in these areas and what are you doing to get some adequate

## Planning Advisory Commission Minutes, June 21, 2004

environmental protection.

(#3628) Mark Drain: We understand there's always tradeoffs but what we're trying to do here is to provide a tradeoff that will benefit the environment; that's what we're trying to do.

(#3640) Wendy Ervin: Right.

(#3642) Mark Drain: Whether a 10% increase in square footage is a reasonable incentive to further protect the critical area, we're just trying to get there.

(#3665) John Diehl: I agree there's some room for some further craftsmanship here and if I have a chance to have a little dialog either with you or with staff on this maybe we can work something out.

(#3675) Mark Drain: I think we're about there.

(#3678) John Diehl: I would suggest if you're going to try to provide incentives let's make sure that the incentives that are in areas that are helpful because if you're talking about the total ownership of a parcel what we're really most concerned about pulling ...

(#3695) Wendy Ervin: This was the whole point of this. The whole point was the carrot on the stick is you can take the combined total of all of your outbuildings and your residence and you move it to the area that is furthest from the critical area. Get rid of all of this and you're moving it all to one place and the carrot on the stick is you get to increase by 20%. It's not a fairness issue; it's an environmental issue. Frankly, I don't think we should draw our ordinances to say that this guy doesn't have as much money so he doesn't get as much as this guy so we should somehow try to balance it. That's not what we're trying to do. We're trying to remove the outbuildings from near the water and move them back and eliminate outbuildings. If you have a chicken house that is 10 feet from the water that's not particularly a good thing so we're trying to get the square footage of that chicken house and the square footage of the house combined and get rid of the chicken house and the carrot on the stick is the 20%.

(#3782) John Diehl: I hear you and I agree with you largely on that point although I'm sure that I'd go with percentages as the bonus but I don't think that what's in the current draft exactly handles that because it doesn't deal with just the outbuilding that are closer to the water it includes all of the outbuildings on the parcel.

(#3810) Wendy Ervin: No, it is only within the protected buffer area.

(#3814) Bob Fink: Also, the area you expand has to be the furthest from the water.

(#3820) Wendy Ervin: It does not include structures elsewhere on the parcel; this only regards the FWHCA and it's buffer. That's the only thing that it covers.

(#3848) John Diehl: I'm happier with that even if it were expressed in percentage than what you had to begin with which was the 10% thing which applied only to the footprint which means that they could double the size of their house by adding a second story. Use that if you like as something you do want to include but you need to review the package to try to achieve your purposes.

(#0100) Bill Dewey: If I could interject as Chairman, I'd like to close discussion on this. You've got some additional information for us?

(#0105) John Diehl: I don't expect you to take time to read it now but it should be part of the record in case we ever have to discuss what compromises BAS on this.

(#0115) Bill Dewey: We're glad to have the information because it's a message that I come in contact with on a regular basis with water quality forums.

(#0120) John Diehl: And it's also a good reminder of the fact that there might be ideal solutions that are not politically feasible so you're stuck with those that are politically feasible.

## Planning Advisory Commission Minutes, June 21, 2004

(#0140) Bill Dewey: So we've actually passed a motion on this issue. Let's move on to q 7).

(#0185) Mark Drain: I've got a recommendation for it. It starts out saying that the time limit is 5 years when it should start out by saying that the time limit is 2 years but with a written excuse for not making that time limit it could be extended year by year until 5 years is reached. It starts out by saying there's a 5 year limit and a person might think they have 5 years but they really only have 2.

(#0215) Darren Nienaber: That goes to the validity of a permit, like a variance or special use permit; the 5 year is streamline analogy because final plats are given 5 years vesting and for short plats the legislature dodged the political issue of how long do you vest for short plats.

(#0235) Mark Drain: So then it can't expire in two years like it says in your write up here.

(#0238) Darren Nienaber: That's right. The only change that Allan was going to do was to get rid of the 5 year vesting provision from final plats.

(#0270) Bob Fink: Allan has another handout here for you.

(#0272) Darren Nienaber: There were some simply consistency changes with Title 15.

(#0294) Bob Fink: This revision is in the final plat section which is chapter 16.020 and there's a revision to chapter 16.040 which is modification of appeals. Plus he has a tracking document to show where the subject of each change is.

(#0335) Darren Nienaber: On page 19, last time when Allan handed out this version I noticed that he had written in our code the vesting provision for final plats which was not the intent because there is an RCW that specifically says 5 year vesting for final plats. Fortunately there is a ruling from the legislature on one subject and that's vesting for final plats. But there is not for the short plats so that's the reason for the strike out version that Allan has on page 19.

(#0400) Mark Drain: So to get back to my concern I did misspeak when I mentioned the time was up in 2 years; it's really 5 years but it's 5 years if you have provided good reason to extend it past 2.

(#0420) Darren Nienaber: You're thinking of development permits. You did recommend adoption of that specific provision that you have to act on it for 2 years and you can extend that to a couple more years. That just keeps people moving on their specifically contemplated projects.

(#0438) Mark Drain: That's what we're talking about tonight.

(#0440) Darren Nienaber: This adopts the vesting rule that the courts have taken from final plats and then drafted on short plats and they say counties are free to regulate vesting where legislature has chosen not to. That's essentially what we did is take the vesting rule from final plats and apply it to short plats just so that there's less room for confusion to the public.

(#0465) Wendy Ervin: This language here says it has to be completed by 5 years but if it hasn't begun ...

(#0488) Darren Nienaber: It applies to construction and development.

(#0490) Wendy Ervin: It says 'shall be completed by 5 years' and if it has not been begun by 2 years ...

(#0500) Darren Nienaber: Subdivisions do not necessary contemplate any specific development.

(#0505) Bob Fink: Vesting is different than a permit. The vesting that goes with the plat protects subsequent development. Some classic cases are where people had applied to divide land in order to build duplexes. The county in question rezoned the property not to allow duplexes and they were challenged on that and it was determined that the subdivider of the land was vested for the duplexes because of the short plat he did.

## Planning Advisory Commission Minutes, June 21, 2004

So vesting has to do with the application for subsequent approvals. The other provision that you have to begin construction within 2 years and complete construction within 5 years is for development permits such as building a house or building a pier or building a hospital; whatever it might be that required that particular permit has to be completed by 5 years. The RO would be MEP's or variances. The SMP is already covered by the 2 and 5 year limit provision under the SMP so that already applies. That's where we got this idea from. You're concerned that simply the wording isn't clear and it misguides the reader.

(#0565) Mark Drain: Right.

(#0575) Bob Fink: So what it should probably say is that after issuance of a permit construction must begin within 2 years for the permit to remain valid unless a request for an extension is made before expiration. The administrator can extend it for 1 year upon request for reasonable cause and then all construction shall be completed within 5 years.

(#0590) Mark Drain: That's what I wanted to make clear.

(#0600) Bill Dewey: So have we captured that change?

(#0605) Wendy Ervin: He just wants it rewritten so it says that you must begin by 2 years and can be extended for 1 more year and it has to be completed by 5 years.

(#0625) Darren Nienaber: Oh, I see. Put the 2 year rule on the top and then put the 5 year rule at the bottom.

(#0628) Bob Fink: Bill, this is a public hearing. We may want to take some testimony.

(#0630) John Diehl: I don't need to speak to the point Mr. Drain raised; I think you got that straightened out. I think much of what has been proposed is harmless and certainly was intended to be harmless but there are some problems in clarity and whether those can be resolved tonight I don't know. The specific point I was going to call to your attention is on page 41 which represents revisions that were just handed out and which is on the third or fourth page of that handout. I'm referring to 'Development Pursuant to Large Lot Subdivision'. You've already touched upon it because there was some discussion on the provisions there relating for vesting for a period of 5 years. The part that concerns me is the final line 'Development must conform to current septic, sewer, fire, etc'. The word 'current' is ambiguous in that context. I think what's intended is, although you may be vested, if the building code changes prior to your getting a building permit, you've got to comply with the building code that exists at the time you seek that permit. If that's the intent it needs to be spelled out a little more clearly.

(#0688) Darren Nienaber: How about 'Development must conform to septic, sewer, building, fire, etc., and any other building codes applicable at the time of submission of the development permit'.

(#0695) John Diehl: No, that's what I think you don't want. I think you want to allow of vesting of fundamental rights but not vesting as to details of the building permit.

(#0705) Darren Nienaber: Why doesn't what I said do that?

(#0708) John Diehl: You were talking about a development permit and maybe there is an ambiguity there. I thought a development permit was when you got your major plat.

(#0720) Bob Sund: Would that be necessarily fair if a person built something within the code, say 2 years, then had to have an application to go for another year and then if new codes came in he'd have to undo what he already had done.

(#0735) Darren Nienaber: Under state law when you submit a building permit you conform to those building codes that are applicable to that building permit at the time you submitted.

(#0745) John Diehl: That's what I'm saying, too; don't confuse the vested rights relating the subdivision with the subsequent building permits which might be years later. You would want the guy that's later building to

## Planning Advisory Commission Minutes, June 21, 2004

conform to the building codes as of that later time not the time when the subdivision was approved.

(#0765) Wendy Ervin: I think that's what it says. You're not going to get building permits to build anything on that subdivision ... when those building permits are applied they will have to conform to the codes on the day that you applied for that building permit for that house. If the subdivision was 20 years ago and today I want to build a house I'm going to have to build it according to the permitting process and requirements of today, not 20 years ago.

(#0800) John Diehl: Someone else might argue that 'current' meant current as of the time of vesting.

(#0805) Darren Nienaber: How about this. 'Development must conform to septic, sewer, building, etc., and any other building codes applicable to the time of submission of a building permit'.

(#0814) PAC: Sounds great.

(#0825) Wendy Ervin: But the easiest solution us to just take it out.

(#0830) Darren Nienaber: This is not a building permit title. It's a subdivision title.

(#0832) Terri Jeffreys: And it's all covered in the third paragraph.

(#0834) Wendy Ervin: I make a motion we take that last line out.

(#0850) Diane Edgin: I second her motion.

(#0854) Bill Dewey: We have a motion and a second on this specific issue. Any further discussion?

(#0865) Steve Clayton: I think we have the same wording in short subdivision, large lots and final plats.

(#0868) Wendy Ervin: Let's take it out of all of them.

(#0870) Darren Nienaber: Yes, we'll take it out of all of them.

(#0900) Bill Dewey: Wendy, do you accept those as friendly amendments?

(#0925) Wendy Ervin: I certainly do.

(#0945) Diane Edgin: I second the friendly amendments.

(#0955) Bill Dewey: So at this point we're just asking not about the whole q 7) issue but about these specific changes.

(#0958) Wendy Ervin: Yes.

(#0960) Bill Dewey: Any further discussion? All in favor? Opposed? Motion carries specific to that language.

(#0970) Bob Fink: Do you want to move on Mark's issue?

(#0972) Wendy Ervin: To reorder that paragraph so that the time lines make sense.

(#0975) Mark Drain: Yes. I'll move on that.

(#0980) Diane Edgin: I'll second the motion.

(#0982) Bill Dewey: We have a motion and a second. Bob will come up with the wording. Any further discussion? All in favor? Opposed? Motion carries. Any other issues on Title 16 tonight?

(#1005) Wendy Ervin: I make a motion that we are done with q 7). I make the motion to approve the



## Planning Advisory Commission Minutes, June 21, 2004

recommendations of staff.

(#1015) Bob Sund: I second the motion.

(#1018) Bill Dewey: We have a motion and a second. On discussion we just want to be clear that that motion includes these other changes. All in favor? Opposed? Motion carries. What's the will of the PAC for the special meeting on the Belfair plan? It's not a public hearing; it's just our discussion.

(#1055) Terri Jeffreys: For the record we should make a recommendation that the BOCC hold their public hearing on the Belfair plan in Belfair.

(#1080) Bill Dewey: Let's try to have our special meeting on the Belfair plan on the 6<sup>th</sup> of July for the Belfair plan.

(#1050) John Diehl: The only thing that we didn't discuss in any explicit way was the matter of the accessory building size. I eluded to that very briefly. I think that deserves a little more attention but I do put it in the context of this overall need to ask yourself what are we accomplishing with this? If we use some different numbers do they have a useful environmental purpose? We talked about situations where it makes sense to try to reward behavior that reduces impacts but the accessory building thing doesn't create any rewards and it's increasing density in a significant way. Somebody starts off with a building that's going to house the mother-in-law. The basic family gets divorced and the wife lives in one place and the husband in another and of course they don't want to own the same property and they have to split it up and all sorts of things develop out of accessory buildings that really require some serious thought. I think if anything we might want to go in the opposite direction of reducing the accessory buildings.

(#1200) Bill Dewey: John, if you can't make it on the 19<sup>th</sup> could you provide us with some written comments?

(#1205) John Diehl: I will try to do so and maybe I could get together with staff on some of these things. So I'll certainly have some dialog with staff on it.

Meeting adjourned.