

# MASON COUNTY PLANNING ADVISORY COMMISSION

## Minutes September 6, 2005

(Note audio tape (#2) dated September 6, 2005 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, Tim Wing, Diane Edgin, Terri Jeffreys, Wendy Ervin, and Jay Hupp.

**Staff Present:** Bob Fink, Steve Goins, Allan Borden, TJ Martin and Susie Ellingson.

### 3. APPROVAL OF MINUTES

The minutes from the August 22, 2005 meeting were approved as presented with the following requested changes:

On page 7 under (#2100) it should read ... 'Tim brings and interesting perspective' ...  
On page 9 under (#2545) it should read ... 'Forty five percent is the number' ...

### 4. NEW BUSINESS

(#0055) Bill Dewey: The purpose of tonight's meeting is continue our workshops on the Mason County Comp Plan updates. Tonight we've got some Group 2 updates to review.

(#0080) Bob Fink: My name is Bob Fink and I'm the Planning Manager for the Department of Community Development. I'd like to address a few of the items on the agenda. We don't have drafts; we talked about having drafts for some of these things and they're not available yet, but I would like to give you an update of where we stand and what direction we're heading in on these issues.

The first one is changes to the Plan and Regulations Regarding Airports. What we're talking about here is DR's regarding airport compatibility for the land uses and activities near the airports that might be affected by the flights, or on the other hand, that might raise safety issues for the use of the airport. I have a memo that I want to pass out. The county has been working with the Port of Shelton, the City of Shelton, and the Washington Department of Transportation in their Aviation Division on scoping out what needs to be done to

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try to ensure that there's compatibility in the continued operation of Sanderson Field as a functioning airport. At this point, we haven't developed the draft. One of the principle things we're waiting for is what's called a Federal Aviation Regulation Part 77. It described what needs to be essentially a clear area for flights coming in or departing from the airport. We hope to get a digital version of that that we can use with our GIS system, which we do have developed for the Shelton vicinity, to do more detailed analysis. We would look at the compatibility of the existing land uses to look at what the height limitations are going to be at different places nearby the airport and just to generally develop the analysis further. That's really the principle part that we're waiting for. The Port of Shelton is supposed to get that to us and then we'll continue working with the city and the port. Another key element that we're waiting for is the City of Shelton ... obviously a lot of the area that's going to be affected by the presence of the airport is within the Shelton UGA. The City of Shelton is working to develop a zoning code for that area and they don't have a draft ready to go yet. A couple of weeks ago they held an open house and got a number of comments about their current materials and the direction they were heading in. This is a memo going over these points and attached is our existing goals. We do have a policy already adopted in the Comp Plan to implement this so we would be looking at DR's to implement this. The other attachments are from WSDOT that deal with their Aviation Land Use Compatibility Program. They give guidelines for what kinds of things to consider. When they talk about compatibility, they're talking about height hazards, which is air space obstruction. They're looking at noise where noise from the aircraft overhead may be objectionable to some land uses, or more so for some than others. Also safety; obviously height hazards are a safety issues, but they're really looking at accident occurrences and what the consequences are. This tells you where accidents have historically happened, if they've happened, and that includes emergency landings. One of the things you might not think of is it's also looking at trying to establish open spaces; larger, flat, unobstructed, unbuilt upon areas where, if there is an emergency landing required, there are places for the planes to land near the runway.

(#0255) Bill Dewey: Bob, are you aware of any new requirements that may have come down as a result of 911 with Homeland Security as far as buffers around the airport, or restrictions on the types of business, or any additional guidance that we maybe should be aware of?

(#0270) Bob Fink: We had a meeting in August and they didn't mention anything of that nature, and I really haven't heard of anything. Most of what we're talking about is off the airport site, and not necessarily a hazard.

(#0288) Terri Jeffreys: Are you anticipating any incompatible land uses that might be there?

(#0292) Bob Fink: One of the land uses that is called out for both safety and noise reasons are schools, assembly buildings. A lot of the most critical area, in my understanding, is in possession of the port. One of the things you want to not have is a chance for a real catastrophic incident. I don't know the exact extent of the affected area that's of most concern, and that's what we're waiting for. We're waiting for this Part 77 information that we can then overlay over our land use information. Most of this is not intended to directly affect any existing incompatibilities. So if you have some existing uses, you won't necessarily be able to ... even if you made them nonconforming, generally they're allowed to remain there and remain in business for an indefinite period of time. You could control their expansion. I've heard a lot of testimony over the last several years from many business people and people concerned about business growth that if a business is nonconforming, that does tend to inhibit their growth and their survival. The idea here is to preserve the operation of the airport for the indefinite future so it can continue operations and even grow and help with the economic growth of the area.

(#0390) Wendy Ervin: There currently is no question that the airport has operated properly with proper boundaries and cleared areas?

(#0398) Bob Fink: As far as I know, they're operating legally. I have the Sanderson Field Airport Master Plan that you can look at. They do have some things they want to address. This ordinance deals with prospective development and expansion.

(#0420) Jay Hupp: There really are no absolutes as far as the federal government is concerned and surrounding facilities around airports. There's a lot of things that they desire and it's kind of left up to the local community as to how closely they want to conform to FAA desires.

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(#0430) Bob Fink: Right. It's not a matter of law; it's a matter that in their experience and to their knowledge these are areas or activities of higher risk. So there's a balancing. Each community is left on their own to come up with that balance. The intention of the process is that the city and the port and the county will work together with their respective citizens and come up with something that works.

(#0455) Diane Edgin: I think that's been one of the problems with the Fairgrounds and its proximity to the runway. That was considered a safety hazard.

(#0462) Jay Hupp: The FAA is uncomfortable with that proximity but there's a lot of other places they're a lot more uncomfortable with things that still operate.

(#0468) Bob Fink: It is, to my understanding, one of the things in the Master Plan for the airport is that they would like to see it leave and that's why the port is simply reluctant to extend the lease.

(#0475) Terri Jeffreys: The Master Plan is currently being developed?

(#0480) Bob Fink: Apparently they're due to update their Master Plan next year. The current update of the Master Plan is 1997. Unfortunately they're updating it next year, otherwise they'd have even better and more current information to put in and be considered in this process. But as it is, a lot of this has been considered before; it's not new information.

(#0500) Bill Dewey: Does it make any sense to communicate to the port such that their Comp Plan updating is coordinated with the county's Comp Plan updating? So in the future if there are changes that we need to incorporate into the Comp Plan that it happens at a comparable time we have that information?

(#0510) Bob Fink: Yes, absolutely, there should be coordination of an ongoing sort. Coordination whenever either entity is going through a review or update of their plans that they consult with and have knowledge of what the other party is doing or planning. There are actually policies in the Comp Plan that indicate that's what should be done.

(#0530) Bill Dewey: My point is, if we're on a scheduled update of our Comp Plan every so many years, if those years are communicated to the port, then maybe they would coordinate their updates with those.

(#0542) Bob Fink: I could ask about it. I have an impression, but it's not a fact, that the federal government has set a schedule for when updates are necessary. We could certainly ask the port, and then the question is, who should update first, or should you do it at the same time, which can create uncertainties.

(#0570) Bill Dewey: Since we're going first, we can just tell them that on the eastern border of the airport we're going to put in high rises.

(#0578) Bob Fink: This is a real problem for airports, and one of the examples they give, is the Port of Anacortes. There's been several fairly dense residential subdivisions all around the airport, which raises these compatibility issues as well as interfering with expansions of other activities, like industrial activities, that may be more compatible with the purpose and impact of the port. I would presume that's why the GMA was amended a few years ago to require the local communities address that compatibility issue with airports.

(#0625) Wendy Ervin: The area at the end of the runway that's that large fenced in area between 101 and the schools; it's a vacant area. I know you can't plant Christmas trees there, and I know you can't put any kind of buildings there. Is there any recreational use that that area could be put to? Like dirt bikes or horseback riding?

(#0642) Bob Fink: It would probably be better to defer that kind of discussion, but having reviewed some of the material, there's not a lot that you can't allow in these areas that are affected. I'm talking not about the immediate area at the end of the runway, but once you get out a certain distance, you're still in an area that's maybe influenced by height restrictions. There's a lot of opportunity to do other things, but certain things you may not want to do or encourage. So I think there's a fair amount of flexibility. You want to consider your

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benefits and your risks.

(#0675) Jay Hupp: The FAA actually bought that piece of property for the port as a clear zone.

(#0720) Bob Fink: Are there any other questions on this issue? Okay, we'll move on. The next two issues is the urban zoning changes and the essential public facility regulations. As part of the update, particularly with Allyn and Belfair, there was some intention to look at a zoning system for those two areas. Allyn has an interim adopted zoning change, and Steve will talk about that. They're working on the Shelton UGA and they're trying to decide exactly where to go and get it into a final draft form. As I understand it, the actual zones that they're looking at establishing would probably be the same as the zones that currently exist in the city. They would probably keep those same zones and extend them. They're also looking at taking a look at the population allocation and they have the tools to analyze what their capacity is.

(#0800) Wendy Ervin: You've got the Shelton city group who plans, and then you've got the city boundaries and the UGA boundaries, and they're not the same. So you've got the people that are working in the city and then do they affect the UGA planning?

(#0852) Bob Fink: The regulations for the area in the Shelton UGA outside the city will be the responsibility of Mason County. They are now, and presumably they will be in the future. The city and the county entered into a joint planning agreement, and the concept behind it was that all of this area might be annexed into the city; that the regulations and the zoning district should be consistent with what the city has, and it should try to make for a regular and rational growth of the city and development that is consistent with the goals of the city as a whole. The city, in this sense, is trying to address the concerns of property owners and citizens within the UGA outside the city, in a city / county process. So the outcome of this would be the city and the county would work together and put together a draft and the county would take that draft through a public process.

(#0900) Wendy Ervin: If something like sewer is put into an area of the UGA that's not within the city, then is that a trigger that that area will then be incorporated into the city? It seems to me that it would be uncomfortable operating a utility system outside the city boundaries and there would then be cross over between authority.

(#0930) Bob Fink: There's no legal requirement or GMA requirement that the city annex land that it serves with services, but it's my understanding that the city has been working on its policy of when they can provide service. At least what I understand, the city seems to be moving in the direction that they want to either annex property in order to provide services to it, or have some kind of binding agreement that it would be annexed in the future. How they achieve that and whether they adopt that in some official way, I can't really tell you.

(#0970) Bill Dewey: There's a comprehensive effort going on as far as planning wastewater expansion for the city, pulling in the port, and correction facilities, and I don't see that really referenced here that that's being brought into consideration.

(#0975) Bob Fink: The Regional Water / Sewer Plan is designed to serve the UGA. The presumption has always been, since the designation of the UGA, that the City of Shelton would service that area. There are certain guidelines adopted in the Comp Plan for how you develop land when those services aren't yet available.

(#1015) Bill Dewey: As I was reading about the Shelton UGA at the bottom of page 3 of the memo that was given to us last week, it seems like there would have been a reference to that regional water and sewer plan as it says 'The sub-area plan will address policies related to provision of service, timing of extensions, costs, capacity annexation approach, and cost recovery'.

(#1040) Steve Goins: That's a complex question but the answer is that the city is taking the lead on providing those types of urban services to those areas, and the city is not really at a point where they're created policies to address how annexation would occur, structuring for costs for hookups. What the county is anticipating doing is taking the lead from the city for the provisions of services. That's part of the memorandum of

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understanding the county and the city have. The city would be in the position of determining how the structure would work, where any subdivisions would be going in, which the county would be processing, and the process would be set up to do that where ultimately they would be considered for annexation, but the county wouldn't be providing those types of urban services; it would be the city.

(#1080) Terri Jeffreys: For instance, if the sub-area plan that is adopted comes out and says that if sewer services are available, any new development must hook up to that sewer service, as opposed to an onsite septic. Would the county then refer to that policy automatically and have a DR that said just that?

(#1120) Steve Goins: If I understand what you're saying correctly, if a subdivision is being considered in an area and the city is indicating that those units would be required to hook up to a sewer system that's made available as part of the conditions of approval, how would the county respond to that requirement?

(#1135) Steve Clayton: If the subdivision was outside the city but inside the UGA.

(#1140) Terri Jeffreys: Right, because obviously the DR would have to be sitting in the county ordinance to be implemented so if the sub-area plan says you have to hook up to sewer ...

(#1150) Bob Fink: The current provisions in the county Comp Plan is that a residential subdivision at urban densities can happen now even though public water or sewer is not available. There are a couple of approaches that are laid out to do that. One approach is to basically lay out all the small lots and group them according to however many lots you need to meet the water or septic requirements that you have to have for development now. Those lots lines would exist so that if someone wanted to develop on that site, they could put 1 house on that group of lots. They could put the house on 1 lot, the garage on another lot, and the septic system on the third lot, and if necessary, a well on a fourth lot. You can divide your land now through that mechanism or dividing a number of small lots and then keeping a larger tract that would be your area where you could put a community septic in, for instance, and then have your septic issues dealt with until such time as sewer was available. So those are potentials that are addressed. Of course, if the city wants to and can extend sewer or water, then that's allowed. The city may put conditions on doing that. There are conditions laid out in the Comp Plan policies, as well. That doesn't mean that people can't develop now within those parameters.

(#1240) Wendy Ervin: Can development, in the urban area that is outside the city, drive the city to provide sewer? Will that place a demand on the city to extend their sewer into that development?

(#1260) Bob Fink: There's a presumption on both the city and county that the city would provide urban services to the urban area. So then it really becomes a matter of cost and who pays the bill and what the timing is. The Regional Water and Sewer Plan is a process to figure out how to provide those services so that the city has a capacity to provide the water and sewer service outside the city limits, as well as areas currently not served inside the city limits. Sewer has always been an issue with the city because it does have limited capacity. It has major problems with infiltration of groundwater into their systems, which affects their capacity to serve. Although they spent millions of dollars to fix it, they still have a lot of issues with it. The regional plan they're developing will expand that capacity with sewer and water.

(#1300) Tim Wing: Many of these policies, I think, actually slow development to some degree and the example is that if you have an area where there's probably going to be a sewer but there isn't one now, and you say to the developer that you have to put septic in now, but when there's a sewer, you're going to have to hook up and there's going to be a big fee attached. A lot of developers just want to wait until there is a sewer, and so you have situations where everything is bottled up and held back. Are they going to get the sewer in so we can develop, or are we going to put a bunch of houses there on septic first, which would give us a base of income when we do put a sewer in there?

(#1340) Wendy Ervin: There should be, as I see it, policies or cooperation so that it all flows together, so that you have the development planning and the sewer planning and it all comes together at the same time, rather than being a contentious issue.

(#1355) Bob Fink: It's not necessarily bad that development is delayed until sewer or water is available

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because if you, for instance, allow people to develop on septic systems, you have pollution issues that may be raised. Besides those issues, you have cost issues. If the public is going to pay for these services to extend it and then not have the customer base to support it, then they're not going to be able to extend it. So maybe that land shouldn't be developed until those services can be provided.

(#1390) Wendy Ervin: But the developer should have the means to cooperate with the county and the service provider as far as sewers, that, for instance, they bear part of the cost of installing the sewers. There should be a fluidity in the process.

(#1400) Tim Wing: Some of that was there in Allyn prior to the sewer coming in, but after it was clear that a sewer was coming, the county relaxed their septic requirements for new construction knowing that they were, first having to require a septic system, but it wasn't going to have to last more than about 3 or 4 years. So people were able to put in septic systems that didn't cost as much because they were going to have to abandon them in short order. The other thing that happens with developments, like with Iron Horse Crossing, for example, out of Belfair, which is up above the McDonalds, the plan there is to put a sewer collection system into the developed area, and have a common drainfield area, and then once sewer was put in, you disconnect the common drainfield and hook it to the sewer, then you develop the area where the common drainfield is. There's ways to work with the agencies about it, but the real development, as we've seen in the North Mason area comes when you put a sewer in place. All of a sudden everybody can operate and the same thing is true for the Belfair Bypass, that people who wanted to delay the Bypass because they thought that would help Belfair develop first. Well, it doesn't help Belfair to develop; it stalls Belfair because no one wants to invest in a place when they don't know if there's a road coming in or not, because the road makes a huge difference to traffic counts, and traffic counts is what it's all about if you're in retail. So it was foolhardy to do that, but that was a major argument about the Bypass.

(#1490) Terri Jeffreys: You said there was going to be an update on the GMHB challenge on the R3 zoning.

(#1500) Bob Fink: The update is that the brief from the county was due today and the hearing is in October. Also, there was a decision issued on the non Belfair issues on the challenge. There were a number of challenges that were grouped together by Mr. Diehl and the Overtons, and some of those issues dealt with the county's adoption of the Belfair sub-area plan and code. Some of the issues dealt with other amendments that the county made during the year, such as some of its critical area regulations. One was the provision that was recently adopted that would allow a community park to cover picnic tables without getting a variance, because the picnic area was too close to the water so it would have required a variance. We amended it to allow a very minimal amount of development, such as putting a cover over a picnic area in a developed area without a variance. Another one was the provision that allowed people with several buildings within the buffer area to combine the footprints of those buildings. That was another of the provisions that was challenged. Those provisions, the order of the GMHB, found entirely in the favor of the county. All of the challenges we have were dismissed or they found that the county took appropriate action and was correct in their adoption.

(#1585) Steve Clayton: As I understand it, the Overtons withdrew their ...

(#1594) T.J. Martin: The only party still remaining is Mr. Diehl.

(#1595) Wendy Ervin: And what is his challenge?

(#1600) T.J. Martin: It's about 11 different sub-parts and they deal with the same issues that were raised in the non Belfair issues, so there's a lot of repetition in what he brought up in the Belair issues that were addressed in the non Belfair issues, so I think a lot of those are going to be moot at this point. A lot of it is he alleges that the county didn't give enough consideration to endangered species in coming up with the draft EIS and that there wasn't enough public comment and that we weren't in compliance with SEPA in coming up with fully analyzing the environmental consequences. From my own perspective, I have somewhat of a bias. I feel very strongly that the county has a good case and we'll be able to present that October 15<sup>th</sup>.

(#1660) Bob Fink: Part of the update is the Essential Public Facilities. The Essential Public Facilities are facilities that are typically difficult to locate and they include such things as prisons, correction facilities, juvenile detention centers, wastewater/sanitary treatment facilities and systems, courthouses, solid waste

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facilities, airports and hospitals. Our treatment of essential public facilities is primarily in the context of the new zoning that is being established for the Shelton UGA. There needs to be a mutual agreement with the city as to how this affects the location of essential public facilities. Currently, the county allows them anywhere in any of the zoning districts of the county if they successfully go through a permit process that includes public notice and public hearing and meet the criteria that shows they're consistent with the Comp Plan. When we establish new codes for Shelton, there will be a revisiting of that issue within the UGA of Shelton. That's essentially the scope for what the review is. That's also pending the work on the Shelton UGA. I'll hand out this memo that goes over what I discussed.

The last issue I wanted to get into is the adoption of Local Rules for Forest Practices. Essentially this change is being proposed because of the changes in state law regarding forest practices. The county has already met some of the requirements of those change, but one thing we haven't done is to adopt an ordinance which sets standards for Class IV general forest practices to be regulated by the county by December 31, 2005. Those types of forest practices are when the land is being converted from forest use to some other activity. The county has met other requirements of the ACT, such as reestablishing a moratorium removal process. This is in Chapter 11.04 in the Mason County Code. We would look at adopting a new chapter in that title, Title 11, which would be called the Mason County Forest Practices Conversion Ordinance. We're currently working with DNR, which does have review authority over the adoption of this ordinance. We're looking at what other counties have adopted previously to come up with a draft for you. That should be probably a couple of weeks out. I've attached to this memo, that goes over what I summarized, a copy of RCW 76.09.240, which is the particular section of the law that deals with this requirement.

(#1835) Bill Dewey: Bob, as we cover these topics, there's a lot of information to be forthcoming on most of them. Will we have the opportunity as a PAC to come back together and deliberate them as we get that information, or will we get that information and then move right to public hearing mode and not have an opportunity as a PAC to discuss them?

(#1850) Bob Fink: Our current schedule doesn't have any workshops scheduled specifically on these issues; revisiting these issues prior to the public hearing. Almost every meeting with a public hearing, we have scheduled workshops after that so if that's something the PAC desires we could certainly schedule in a short workshop after you get the draft itself before the public hearing. Typically, the final public presentation drafts are prepared 2 weeks before the public hearing, and since we're meeting every week, to put that on the schedule.

(#1900) Bill Dewey: Typically, we have discussion on the issues at the public hearing, as well. I'm just curious how the rest of the PAC feels. We are being fed a limited amount of information now; I'm not seeing a lot of good discussion on the topics because we have such limited information, and I just want to make sure we have plenty of time to review it.

(#1925) Bob Fink: Right, you have a lot of the background information, but if you don't have the ordinance in front of you, you don't have the language to play with. Of course, the purpose of the public hearings is to get testimony on it and then we expect you to have deliberation on it after that. The purpose of the workshop is to explain it, but questions can be answered during the public hearing, as well. The public hearing just gives you a chance not only to internally discuss it between yourselves, but also to have heard the testimony and what the concerns are of the public. So it's really a more informed discussion in any case.

(#1960) Jay Hupp: I feel the same way. I think the whole thing is moving a lot faster than I'm comfortable with. I'm not sure that it can be really digested or have an opportunity to be digested even by the PAC or the public before it's forced to a decision. However, it's got to be done by the first of December ...

(#1978) Bob Fink: Right, any of the issues that are mandated need to be adopted by December 1<sup>st</sup>.

(#1982) Jay Hupp: So there's not a lot of choice. I'm not comfortable with it, but I just don't see any other choice.

(#1985) Bill Dewey: Well, I'm not rooting for any more meetings.

(#1990) PAC: Thank you.

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(#1992) Bob Fink: I understand. There is a lot of material to digest. You don't want to not give full consideration to anything that's on the table, but there are certain key decisions that are really critical. The Economic Development Element, which is a new element, and probably the decision of the Population Allocation. A lot of that has been pending our analysis. Every day we get closer, but it's still going to be a couple of weeks before we get that done. We have hired a temporary planner, who is a GIS specialist, to help us with our analysis and our presentation of information so that when we do get this stuff together, it will hopefully be presented in a more understandable fashion and more easily comprehended. Maps are very good at that.

(#2050) Terri Jeffreys: I think it might turn out that certain really complex issues will rise to the top to maybe need more discussion. It's going to be really hard to look at a really full agenda and be able to say maybe we're not comfortable to make a decision right now without more time. Perhaps having the ability to pull out a few things that may need a more intense discussion rather than planning a workshop and not knowing if it's really necessary.

(#2090) Wendy Ervin: Right, because as we feel our way through we'll see what the consensus is of what topic we may need more discussion on.

(#2100) Bob Fink: And there's flexibility to do that. The schedule is tight but the way it's scheduled out now, if there needs to be an additional week or two for discussion on some of these issues, there would be time to do that. Actually, a lot of these proposed changes aren't that substantial. A lot of these amendments are fairly minor in scope. There are some issues that are greater in scope and you know what those are. You want to lay the groundwork in the Economic Development Element that we fully expect to build on.

(#2160) Steve Clayton: As far as the forest practices, hopefully we'll have consistency with adjacent counties.

(#2170) Bob Fink: We are looking at Kitsap County, and we'll probably look at Thurston County, although I've heard some people express concern over it, and that it's a difficult ordinance. I haven't heard too much bad about Kitsap County's and it's been in place for a number of years so I think it's a pretty good example, and it would provide consistency; people used to working in Kitsap County would have no trouble here and visa versa.

(#2200) Diane Edgin: There's a meeting tonight in Kitsap about the proposed Nascar track. That's a conversion that's right on our border and if it happens, it will definitely impact us. There's pros and cons, but do we have anybody who is actually going up there and sitting in on those meetings?

(#2235) Bob Fink: I'm not sure if anyone is going up there to listen to Kitsap County's hearings. The BOCC actually had a presentation last week in Belfair. There was a presentation by ISC, and I know they've been following it pretty carefully. Obviously it has potential for having impacts here. There are a lot of issues that are unresolved, and the county is interested in coordinating how we would be impacted if it happens. It will go through an environmental process that Kitsap County would be responsible for. So there's an interest there, but it's really kind of preliminary, and in the early stages to know if anything is going to happen.

(#2285) Wendy Ervin: How close is that Nascar track to the Mason County line?

(#2300) Tim Wing: It's 600 feet.

(#2305) Allan Borden: It's on the south side of Lake Flora Road.

(#2312) Tim Wing: It's a situation where the two authority groups are Kitsap County and the state, and yet it's closer to Belfair and North Mason than any area in Kitsap County, and it will have much more impact on North Mason than it will on Kitsap County. People will pass through Kitsap County using the ferries and Highway 3, but the immediate impact of the traffic is going to impact Belfair more. There were people upset by that at that informational meeting and they failed to listen ... there was one after another wanting to voice their opinions about that, and that wasn't the purpose of the meeting at all. The purpose of the meeting was just to

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give people an opportunity to talk to the people from Kansas City who had gotten a track, and yet people had highly formed rigid opinions about everything from taxation to traffic when they had no knowledge yet whatsoever about how the plan would be to mitigate traffic or whether they'll have to pay any taxes to put that track in.

(#2375) Allan Borden: Doesn't Kitsap County have to rezone that property?

(#2378) Tim Wing: Yes, they do, but they seem to be willing to do that, at least at this point.

(#2392) Steve Clayton: It sits on a Mason County critical aquifer recharge wellhead protection area for Belfair Water District. Is that something that will come out in the SEPA process?

(#2400) Bob Fink: The scale of the project is such that probably everything you could imagine will come out.

(#2415) Jay Hupp: We had a presentation with the chambers that the EDC sponsored last week and one of the gals that came out from Kansas City, on that issue of noise, said that she lives a mile from that track and when I'm outside, if there's even one car running on the track, it sounds like the neighbor is running a vacuum cleaner. She said when there's a race going on over there you can't hear a thing because the bodies absorb the sound in the stadium.

(#2450) Steve Clayton: She actually said it sounds like the neighbor is mowing the lawn, which to me is a little different than a vacuum cleaner.

(#2455) Jay Hupp: The point was the absorption of sound by human bodies was an amazing comment.

(#2465) Wendy Ervin: There was a discussion on the radio and someone said that they live in the vicinity of a Nascar track and it makes very little difference to them during the year because there's only 2 races a year and so this is not a major impact on the lives of the people who live in the vicinity.

(#2485) Bob Fink: You have to remember, too, that when you have a track, especially issues like noise, you have some people who are sensitive to it and some people aren't bothered by it, and if you're starting up something new that's noisy then some people notice the change more. If you have an existing track, then people who aren't bothered by it are the ones that will snatch up those cheap houses of the people who fled.

(#2515) Steve Clayton: The gal from Kansas City made mention of the 2 function a year and you should stay away from the roads on those 2 days, but the goal of the track is to have 200 different activities a year.

(#2530) Bob Fink: At this point, I don't think any of this would be relevant to our work plan.

(#2540) Wendy Ervin: Does that affect the Belfair plan, because it would seem to me that if you're 600 feet from the Mason County line and Belfair is right there, that you're going to have to have an increased number of hotel rooms, etc., to service that track.

(#2560) Bob Fink: I guess that's something that will be developed, but if you know it's going to happen, or you simply want to be prepared in case it happens, it does change your expectations in the same way as we discussed earlier. For instance, currently you've got so much growth in Belfair and so much growth in the county, you might change your expectations. Right now we're on growth for an intermediate range for the OFM. That may be one of the reasons why you decide the population projection that you want to start planning for is higher than the current rate of growth. You have the new bridge coming in, growth in Kitsap County in their major industrial center, and now you have the track. Eventually they'll probably tell you in the EIS how many hotel rooms they expect to be supported by this activity. So we have to wait until we have that kind of information to take it into account. That's one of the reasons why we can change our plan every year.

I've gone through the issues I have. Steve gave you some information on Allyn and you have an opportunity to ask any questions on that. Then Allan will talk about ag lands.

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(#2675) Bill Dewey: So are there questions for Steve on the zoning regs for Allyn?

(#2688) Steve Clayton: On the ACA letter that came in dated April 29<sup>th</sup>, talking about the boundaries. So far, we haven't seen any proposed boundary map. As far as I know, their proposal hasn't been presented to the public.

(#2705) Steve Goins: That's correct. The ACA prepared a couple of different revised UGA boundary concepts for consideration, and out of that spurred one of the alternatives that we were discussing during the population allocation discussion about the 'Big Allyn' discussion, but until we really have all the population data for you, it's really difficult to analyze that right now. Those haven't been made public; we're anticipating that will happen soon.

(#2750) Steve Clayton: Being that it appears you have the 'Big Allyn', if the UGA is looking at annexing any area, it seems like the public comment period is going to be minute to say the least. This letter is addressed and it's from the planning committee of the ACA. We ran into troubles before your time with the planning committee of the ACA presenting an open space corridor between Belfair and Allyn that was subsequently quite heated of a hearing and ultimately rejected. This gives the impression that the ACA group has not been presented this other than the people on the planning committee. So there again, the concern about public exposure, and last but not least, is the question does the ACA represent the community? As I understand reviewing their roster, more than 30% of the people on the ACA don't live in the community. It's more of a chamber of commerce kind of thing. If you whittle it down 100 to 150 people are in the ACA of approximately 1500 voters in the Victor /Allyn community. Given that we aren't giving a public process for it, or a very limited one, I'm concerned about making changes to the UGA boundary on the spur of the moment without public process that involves the majority of the community.

(#2840) Steve Goins: There's 2 different steps that are occurring that we're working with the Allyn group on. Taking just the UGA boundary, there really hasn't been a public dialog about that at all, but to step back from that for a minute, the committee is working with staff to finalize their sub-area plan and the sub-area plan would evaluate the compatible land uses in the UGA, consider what kind of reserve areas there might be for future expansion of the UGA, and that process has been open to the public. There has been some public participation in that process, and that's an ongoing process. That's part of the reason this is concurrently happening, but that process is open to the public. The comment isn't specific to the boundary, but in the larger context of what's happening in Allyn and the future planning for Allyn, there has been public dialog.

(#2900) Steve Clayton: Living inside the community or outside the community it appears that some of the proposed annex areas actually have Belfair addresses, as in Trails End Lake, etc., and if I have a Belfair address, and consider myself outside of Allyn, why would I participate in a relatively closed meeting of an Allyn planning committee?

(#2925) Steve Goins: The amount of participation it gets is another issue, and it's hard to corral people and drag them into these meetings, but they are open to the public and we have used different avenues to invite people to try to engage the public.

(#2935) Steve Clayton: Back to the original question, it says that the map was presented, perhaps if we started making the public aware of what is being talked about, then you might get public comment by a larger group of citizens than the smaller group that's currently giving us this information.

(#2955) Tim Wing: That organization meets on a monthly basis and it's open to anybody and they had maps at Allyn Days. Everybody that walked around or sat had a chance to see them. There were probably 3,000 people there and most of them were from the area. So I wouldn't call the group too small or restrictive or in any way closed. At the same time, I do agree with you that there should be a map on the table if we're going to talk about it, and some of Steve's points about Belfair addresses, I saw the map and I said 'Oh, really'. If we take a look at Belfair and Allyn and say that you should be in the UGA to have a say about it, that doesn't work, and it particularly doesn't work in Belfair. There's only 900 people that live inside the UGA and as I've said about 50 times in public meetings, no one ever moved to Mason County to live in a city.

(#3025) Bob Fink: It's my understanding that there's going to be some public hearings held before it ever

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comes to the PAC.

(#3035) Steve Goins: We've had 1 workshop with the community and we should have 2 more before it comes to this body. We're fast tracking that with everything else here that we're moving on a pretty tight schedule but that's ongoing. I did attend the Allyn Days event. I was actually there for a few hours just to answer questions the public would have about those maps and there was a lot of interest in the maps and they were available.

(#3065) Tim Wing: I want to say another thing about Allyn. It's pretty easy for us that live in Allyn or outside of Allyn or in North Mason to haul out a map and say we'll make Allyn this big. That's not the problem in Allyn. The problem in Allyn is roads, and water. So I would hope that any discussion that we have about enlarging UGA's has big red letters and bold print that the problem in Belfair and Allyn is infrastructure. We've got the water in Belfair and they've got the sewer in Allyn. They both need roads, and 1 needs a sewer and the other one needs water and really that's more important to their immediate future than expanding the boundaries. If you expand the boundaries then you can't do anything with the land unless you have roads to the properties and water and sewer.

(#3125) Steve Goins: There is an expectation that you would be able to meet the concurrency requirements to provide those services in a timely fashion as you have urban type of development occur.

(#3145) Steve Clayton: So can we get copies of the proposed maps by next week?

(#3152) Steve Goins: I'll get them to you. Jeff, can I get them from you?

(#3160) Jeff Carey: You made the last revision.

(#3165) Steve Goins: Our GIS department may be able to reproduce those.

(#3174) Jeff Carey: If we get in a jam, I can bring the one option in for you, but that's been revised.

(#3178) Steve Goins: If all else fails, I can bring in 1 big map that we'd have to leave here but it would show you what's been brought forward.

(#3185) Terri Jeffreys: We require that anyone that wants to rezone property notify the surrounding neighbors. I know that GMA doesn't have that requirement. Does LUPA have some sort of requirement?

(#3200) Bob Fink: It's a public decision made in a public forum with public comment, but there's no requirement that individual property owners be individually notified of area wide rezones that are a part of the Comp Plan amendment. Site specific rezones, there is public notice required to the adjoining property owners.

(#3235) Jay Hupp: In fact, that's been a bit of a bone of contention in the past where folks have wanted to expand the UGA and the county has required that you get concurrence from contingent property owners. I remember when we went through that exercise up on Johns Prairie a couple of years ago. It was a very difficult process just to expand the boundaries just a little bit, but it seems like when the county decides that they're going to expand the boundaries, they just wave a wand and it's done.

(#3275) Jeff Carey: Jeff Carey, President of the Allyn Community Association. At least since the beginning of this year the ACA produces a monthly news letter that is mailed to roughly 3800 homes in the area from just on the north edge of Mason Lake down to just north of Krabbenhoft, Grapeview, Victor, Trails End Lake and all those immediate areas. There's been at least 4 or as many as 6 different articles or discussions of things that are happening in the area of planning presented in that paper. On the one hand, you have 8 citizens that have been in that planning stage in Allyn, and if you look at it, if they weren't there, it wouldn't be happening. So you kind of have a problem either way. On the one hand, if you get 8 people saying we want this, no, that obviously doesn't reflect everybody in the community, but on the other hand, if you just sit there and let it happen to you, that doesn't reflect what everybody wants in the community either. So we assumed the proactive role and have presented things and while it hasn't been called official county meetings, there has

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been public meetings and our general membership meetings. It's not a picture perfect way. In one concept we were addressing boundaries based upon what was happening with population. We had no other criteria, and we had a cut off date of May 1<sup>st</sup> and no discussion, then you get further down the road and now you say you need all these things. You need infrastructure, you need this and that, then why do this thing with the boundaries without the other part? We took the lead because we didn't want it to happen to us. It's never going to be perfect, but somebody has to look at it. The reasons we looked at north, south, and west relative to Allyn is commercial lands, where that might occur because you'll see in one of the letters from Frank Day, they're upset because the commercial manufacturing is too close to them. So there's concerns there. The ACA has been able to work with each different faction and at least come to some agreement in concert with the county. Our commitment is still to do that, no matter what the boundaries are. If you didn't add another person out there, there was nobody in that land out to the west and made the boundaries, we're still twice as dense in people as Belfair. We're still as dense as Ocean Shores. We're trying to look at say that if you really want people to go there and we have a good environment there in Allyn, and you have people coming in there, let's make it so it can handle it.

(#3570) Tim Wing: Jeff, I want to commend you and your organization for the way you handle this and other issues in that community. When you contrast with what seems to go on in Belfair too much, Allyn is a place where people do get together and talk calmly about issues and come to a conclusion together. I think it's been done very well and I like what you've done.

(#3610) Steve Clayton: Tim mentioned about your meetings. Their monthly meetings do exist; they're Thursday mornings at 8:00 and that's generally a time when the general public can't attend.

(#3662) Jeff Carey: Steve, you're giving it a taint that you know better. You know the public meetings are advertised in that paper and that community knows that twice a month we have planning meetings. In March and April, we had meetings every week and it was mentioned in the paper so give it fair press.

(#3700) Steve Clayton: Show us the map so people can find out whether or not they're in, and we'll get a response.

(#3702) Jeff Carey: I can hand it out anytime, but the county gets a little edgy when I start handing out maps when they haven't worked it out yet.

(#3720) Bill Dewey: Let's move on to our final item, Accessory Uses on Ag Lands.

(#3730) Allan Borden: Allan Borden with the Department of Community Development. One of the items on the work program for the county's Comp Plan update was to address a change in the GMA under ag lands that was passed in early 2005 that dealt with accessory uses. In my staff report, I've included the codified section of RCW 36.70A.177. The intent of the state law was to enable ag resource based economy to exist in support of such designated ag resource lands that are typically located in the rural areas of Washington counties. The law further emphasizes the importance of the GMA goal of maintaining and protecting the designated ag resource lands. By providing for accessory uses, it enables the economy to diversify. So I reviewed this to see how we could integrate this law into the county's DR's. The county does have the Resource Ordinance and it addresses the designations and land uses of certain resource lands in the county. Long term Commercial Forest, Mineral lands, and Agricultural Resource lands. So I thought it would be appropriate since the development standards and the listing of land uses that are permitted in those designated lands is in the RO, it would be appropriate to add those standards to the RO, Section 17.01.061, Agricultural Resource Lands, and if you look at the proposed text that's attached, there was already an existing section on land uses and all it said was that the activities that were allowed in the ag resource lands and adjacent lands are specified in the DR's. So I expanded and spelled out accessory uses that would be allowed on ag resource lands. What I've included here underlined, is what was in the law itself. I've also added development standards having to do with physical setbacks, floor area ratio, size of buildings, height of buildings so that it's consistent with the other zones that are set forth in the DR's.

As a cross check, I've also proposed that if the rural economic land use is an accessory use to the ag resource land uses, that they also meet the review standards of the DR's dealing with home occupations and cottage industries. So if you have a land use that, for instance, is a 2,000 sf building that's selling ag

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produces; apples, corn, hay, that if it's ag resource lands, that it should meet the DR standards having to do with an accessory land use or home occupation or cottage industry that's associated with that farm. You'd look at standards like parking, traffic, noise, outdoor storage, things like that that are already in the DR's.

(#0265) Jay Hupp: Wouldn't that be automatically be reviewed as a rural business anyway?

(#0270) Bob Fink: It's a resource area. The ag lands are resource lands and not rural lands.

(#0276) Jay Hupp: But they're all in rural areas.

(#0280) Allan Borden: It wouldn't be zoned for a convenience farm economic store on this piece of property.

(#0288) Jay Hupp: What you're saying now is that on ag resource lands there can be no other businesses except farms.

(#0295) Bill Dewey: We're just trying to make changes to our regs and our zoning to accommodate this recent change in state law that allows you to have farm related businesses.

(#0300) Allan Borden: It's likely you could have an onsite sale of corn, but the guy down the street who has greenhouses with tomatoes in it, says why don't you sell my produce; I know I live 6 miles away, but this isn't really conveniently located.

(#0315) Jay Hupp: So my question is, are you trying to make it easier for folks to do retail business on ag lands?

(#0318) Allan Borden: Yes.

(#0322) Tim Wing: Can he sell wreaths at Christmas?

(#0326) Allan Borden: I would think so.

(#0328) Diane Edgin: It's interesting that the brush that we pick here in this county is considered an ag product so I would assume that would be. We've had a couple of small implement dealers in the area that are out in the rural area and this actually is a very compatible use for somebody who does have land in farming. Would that pose a problem?

(#0352) Allan Borden: You might consider it a support service of the production and marketing and distribution of ag products.

(#0370) Jay Hupp: There's a difference between something being allowed on agricultural significant land, which is what we're talking about, as opposed to a rural area.

(#0385) Terri Jeffreys: In this document you handed us with proposed language under land uses, (ii) where it talks about production of value-added agricultural products, and then in respect to (4) under development standards where it talks about the square footage maximum, would any building that needed to be built to, say for canning cherries onsite, would that be considered an ag building, which wouldn't need to fall under these development standards? It's my understanding that ag buildings do not fall under these standards.

(#0420) Bill Dewey: So your question is, if it was a processing plant doing value-added canning of cherries, would it fall under this?

(#0435) Allan Borden: What you're talking about is a processing business ...

(#0440) Bill Dewey: Stretch Island Fruit is a good example, and to come back to Terri's question; let's say Stretch Island Fruit was on ag land, would they be limited to 3,000 sf as a value-added ag facility, or would they fall under the ag building criteria, which could be any size?

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(#0460) Allan Borden: Actually, rural natural resources is a processing. That's sort of the industrial land use zone that we have for processing, storing, warehouse. It's possible that a person, if they wanted to open a plant like that, might be better suited to be rural natural resources.

(#0475) Terri Jeffreys: It seems to me 3,000 sf is a pretty limited size. Even if it was John Doe doing something very simple.

(#0485) Bill Dewey: You even see produce stands that are bigger than 3,000 sf. I'm agreeing with you, Terri, that 3,000 sf may be too small for these accessory uses. Just because the change in GMA says 3,000 sf, does that limit us in our county?

(#0500) Allan Borden: It's not a provision in the law.

(#0502) Terri Jeffreys: So you're just trying to be consistent with the other allowances?

(#0505) Allan Borden: Right. This is very similar to the in-holding land development standards, which are also surrounded by long-term commercial forest, and the idea is to limit the scale of that development so that it's not intrusive.

(#0515) Wendy Ervin: Would increasing the size of the square feet be consistent with the discussion we had the other night about enhancing the rural character? Not developing everything in the urban area, allowing the rural area to have appropriate businesses and heading in that direction?

(#0540) Jay Hupp: My argument would be to take all the restrictions off them, but I don't think we're going to get there.

(#0545) Allan Borden: Then you would have commercial / industrial uses everywhere.

(#0550) Jay Hupp: I don't agree with that. If that were the case, you would have them everywhere now, and that's not true.

(#0550) Wendy Ervin: It takes money and the availability of land.

(#0560) Allan Borden: We could put a provision in here to keep it at 3,000 sf, but you could go up to a 7,500 sf building with a special use permit. Then you'd have a public review process that those neighbors in the area would have an opportunity to comment on it.

(#0580) Diane Edgin: We have found ourselves here in Washington State as being one of the premier wine growing grape areas in the world, and because of that, there are more and more small wineries. We have 2 that I know of in this county. There's one in Port Angeles that doesn't grow their own grapes; they import them from Eastern Washington; that's still an ag use within the region.

(#0600) Tim Wing: I have a question about shellfish. If I have a beach, can I sell shellfish at a stand by the road?

(#0610) Jay Hupp: That's not on ag land.

(#0614) Allan Borden: They're actually addressed in the rural residential aquaculture allowed uses.

(#0620) Diane Edgin: Is horticulture considered a part of ag? They're 2 different definitions. I'm talking about nurseries.

(#0635) Allan Borden: I don't have the RO here, but we can check on that.

(#0640) Wendy Ervin: But nurseries are an ag use.

(#0650) Allan Borden: There's a great number of activities that are defined under agricultural.

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(#0655) Tim Wing: So I have a nursery with a 3,000 sf building. Can I also have 5 or 8 more acres outside of that? Is there any limitation on the size of the property these buildings can be on?

(#0666) Allan Borden: Not really. Take, for instance, tree farms. Those are considered ag in nature.

(#0675) Tim Wing: Allan, I like the comment you made a few minutes ago about special use permit; that the building could be expanded if there was a special use permit. It strikes a good balance between somebody being able to do this because it's in the regs, and if they want to do it bigger, the neighbors get a chance to talk about it.

(#0690) Allan Borden: I discovered that if it's not spelled out in the regulations, someone might be tempted to tell an applicant that they have to apply for a variance. I think that would at least provide some flexibility.

(#0705) Tim Wing: I'd like to see that here.

(#0707) Wendy Ervin: I agree.

(#0712) Bob Fink: You asked the question what agricultural is. 'Agricultural land means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or berries, grain, hay, straw, turf, seed, Christmas trees not subject to excise tax, or livestock'. The distinguishing feature of an accessory is that it's subordinate to the principle use of the property. That's one of the key elements of what accessory means.

(#0765) Wendy Ervin: You were saying that somebody might be tempted to tell someone that they would have to have a variance. Am I correct that a variance costs money? You'd have to apply for and pay for the variance procedure. Does the special use permit have a fee?

(#0785) Allan Borden: A special use permit does cost a fee. It's a public review process, but it has different criteria for review. Mainly, is it compatible and does it affect surrounding properties, does it demand additional services. A variance has more of a burden of proof on the applicant that says am I requesting something that's not a similar use. A special use permit goes to the Hearing Examiner.

(#0805) Bob Fink: Yes, it goes to the Hearing Examiner and the cost is very similar between a variance and a special use permit, but most of these accessory uses are allowed by right and don't require a special permit. So what happens when someone applies for a building and they say they want to use it to sell goods, that's fine as long as they fall within this criteria of the type of activity you're doing there. That's what this would define.

(#0875) Terri Jeffreys: Given the process that's involved with a special use permit, is anybody agreeable to upping this maximum square feet a little bit more so that the trigger doesn't happen for a special use until they do something a little more major. I'm thinking to go to 5,000 sf.

(#0900) Tim Wing: You're thinking 5,000 sf and then a special use permit to go larger? I don't have a problem with that. I don't think 3,000 sf is very big at all.

(#0915) Bob Fink: There was a review done of the size of buildings in the rural area and 3,000 sf seemed to come up as the size of most of these buildings. There were only a few exceptions. Now in the rural area itself, that's an important consideration where one of your priorities is to preserve rural character. But this is a resource land and your primary purpose there is to preserve the agricultural use of the land and it's functioning. There the 3,000 sf isn't as relevant as it would be elsewhere in the rural area.

(#0965) Tim Wing: So you don't see a problem with 5,000 sf?

(#0968) Bob Fink: Nothing really pops up. It would still need to be accessory, which means subordinate and smaller in size but within the scale of a large ag operation.

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(#0975) Bill Dewey: Just so I'm clear in my mind, Allan, it says that accessory commercial and retail uses shall offer for sale predominantly products or services produced on site. But above that it says that they shall produce, store or sell regionally produced ag products from one or more producers. So you could sell the tomatoes from the guy down the street.

(#0995) Allan Borden: Right.

(#0998) Tim Wing: What about the wine from Yakima?

(#1000) Jay Hupp: I just have a real problem with telling a farmer how he's going to make a living. It just rubs me the wrong way.

(#1015) Allan Borden: Wine is part of the production, sale and marketing of value-added ag products derived from the region. Grapes are grown in the regions and they're produced into wine.

(#1030) Jay Hupp: This really is a serious issue. Folks that have made a living in the past from a piece of ground, we've maneuvered them into a position where, once we designate those grounds as long term ag significance, they can do nothing more with that land, and if they can't make a living on that land, they can't sell it either. All they get to do is pay taxes on it. If we continue to move things in this direction against this population, this GMA is going to blow up in Washington State's face just like it did in Oregon.

(#1055) Allan Borden: This certainly adds flexibility as far as I'm concerned, because right now, no one has any idea of what they can do in ag resource lands.

(#1065) Bill Dewey: This change to the law came about as a result of an issue up in Skagit County where there was a pickle processor putting brining tanks on his ag property and it was raised up as an issue by the neighbors and it resulted in this law.

(#1075) Bob Fink: I'm sure that was part of it. But there was actually a work group of people, state agencies and nonprofit agencies and interest groups, that looked over the GMA over the last couple of years to try to come up with a consensus for amendments and there were certain things they were able to reach a consensus on and this was one of the amendments that they were able to push forward. But it's my understanding that the Governor still has on her agenda revisiting specifically this issue as one of the 6 issues that she wants to look in the GMA.

(#1120) Diane Edgin: I mentioned the horticulture business. You see acres under cover and these are definitely buildings that are ...

(#1128) Allan Borden: Greenhouses are ag buildings.

(#1130) Diane Edgin: What I wanted to make sure of the fact that if you literally covered a 5-acre plot, you could literally cover it with greenhouses. Is that an issue?

(#1145) Bob Fink: Let us think about that.

(#1150) Diane Edgin: I think it's something that if we write it up it should be spelled out that if somebody wanted to move into this county for a nursery business, we need to clearly identify how much they can put under cover on that specific sized piece of property.

(#1165) Allan Borden: The land has to be at least 10 acres in size and have the proper soils, right?

(#1170) Bob Fink: There are parcels smaller than 10 acres that are surrounded by ag resource land that are included as agriculture, so it's quite possible for someone to find one.

(#1180) Diane Edgin: You have to remember that this type of horticulture does not depend on what kind of ground it's put on because that's not the issue. Most of them do not raise things in the ground.

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(#1185) Bob Fink: I agree with you and I have an example. There's a large nursery that's been operating in Thurston County for many years and they're converting their old farm area to an urban village, but in preparation for that, they bought land in Grays Harbor County and they started transferring some of their operations there. One of the first things they did was to bulldoze most of the topsoil off where they were going to grow their plants in pots and they mounded the dirt all around in a berm because they wanted to get down to the gravel. They didn't want to plant plants in the dirt; they wanted a nice well drained area in which to grow plants in pots.

(#1235) Diane Edgin: If something is spelled out in the regs that something would be allowed you'd have an opportunity to invite that type of business into the county.

(#1240) Tim Wing: What do we need to do to change the 3,000 sf to 5,000 sf and add a provision for a special use permit? Do we need to make a decision on that?

(#1245) Bill Dewey: This isn't a public hearing; it's just a workshop.

(#1248) Allan Borden: This is just a discussion.

(#1250) Bob Fink: We're listening to your comments and suggestions for the public hearing.

(#1256) Tim Wing: Have we had requests to build anything that had been turned down because we didn't have these rules in place?

(#1275) Bob Fink: There haven't been a lot of attempts to build this kind of activity. I don't remember that there were any decisions that had to be made for starting up a store on ag resource lands. I think we do allow accessory uses in ag lands. The issue is that the state defined what acceptable accessory uses are under the GMA, whereas we didn't have the limitations or clearly allowed those things. You have more clarity with what the GMA is providing. It will provide better guidance as to what is allowed.

(#1310) Jay Hupp: Wasn't there an issue with that produce stand that somebody tried to start at the intersection of Purdy Cutoff and 101 about 3 or 4 years ago where they actually got it started and then got shut down. What was the issue?

(#1320) Bob Fink: I really couldn't say at this point. It was several years ago and I wouldn't want to misrepresent it. One difference between that example and what we're talking about here is that I do remember that there was no other activity on that property. There were also issue with wetlands, health codes, access. It was also during the period of invalidity when the regulations were invalidated.

(#1355) Bill Dewey: Any other questions or comments on this?

(#1360) Wendy Ervin: You said these regulations came up to ease up some problems and you said if we don't make some changes, we're going to get squashed by the GMA and it will have the disastrous affect that it did in Oregon. I'd just like to say that when I was going through the Economic Development Element, one of the changes that I felt was a good idea was there was a thing to go get creative ideas from government and something and business, and business was the last place listed to look for creative ideas. In my experience, and I think the experience of a lot of people, is that you don't get creative ideas from government. You should look to the business community first for your creative ideas and then see what you can do to work with it. Your creation is with the people who are entrepreneurs, not the people who are bureaucrats.

(#1400) Jay Hupp: I think that's an outstanding orientation.

(#1415) Allan Borden: I'm pretty sure that the discussion that's attached to the law legislation probably brought all parties into the discussion.

(#1420) Wendy Ervin: It did but my suggestion to list the business first if you're looking for creativity.

(#1440) Bill Dewey: We have a couple of folks in the audience. Does anyone have any questions or comments?

## Planning Advisory Commission Minutes, September 6, 2005

(#1450) Louis Cofoni: My name is Louis Cofoni and I have a question about your forest practice conversion one. I'm planning on buying about 17 acres to build a house on. They advertised that it has commercial lumber, which I imagine I could do some kind of a deal where I could sell it but here it says the property owner wishes to preserve an option to develop the property before the moratorium on development would otherwise expire. The moratorium is a statutory requirement that continues for 6 years. Maybe I'm reading this wrong, but is there already a moratorium in place right now where I can't take any of these trees out that I want to sell for money?

(#1495) Bob Fink: It goes back to detail. When you do a forest practice and you don't go through a process that declares that you're converting the land to another use, the state law provides that there's automatically a moratorium for the issuance of development permits that's imposed on that land. If you want to develop the land, you can go through the General Type IV process, and the rules are a little bit different when you do that, and then there is no moratorium on the property. An alternative that some people do is that the moratorium can also be specific to an area of the property so if the land where you're going to develop is already cleared, for instance, but you want to cut land that's away from that, you can also go through a non conversion permit in order to harvest the timber on the land and then the moratorium would be on only part of the property. Many people do that because the building site is already developed and if you have enough room, you can do that. But if you're going to harvest where your building is, then you need to go through a conversion process, otherwise you have a moratorium. The difference really between what the rules are now and what the rules would be with the county, is that instead of the approving authority for the cutting permit being DNR, it would be Mason County. Mason County would actually issue the permit and DNR would no longer be involved in those permits for a conversion. DNR would still do permitting for non conversions for forest practices harvest.

(#1585) Louis Cofoni: Where I'm looking at, it's already zoned rural residential.

(#1587) Bob Fink: The zoning doesn't matter.

(#1590) Louis Cofoni: The entire 17 acres is pure woods. I just want to go out and take out to put a house in. I'm not going to clear cut. Do I need a special permit to go through ...

(#1605) Bob Fink: The answer depends on what the harvest is going to be like. There's certain thresholds of harvest that you have to exceed in order to require a permit. If you don't require a permit, then there's no moratorium. We do have an informational brochure and DNR has information that you can get from them.

(#1675) Steve Goins: I wanted to hand out to you this revised Economic Development Element that we'll use for the public hearing next week.

(#1700) Allan Borden: I've already handed out to you the staff report on height limits on industrial activities. One of the things we have to do this year is review 9 rezones so I have here a table that has 9 requests on them and I've copied the maps that go with each one of them and we'll be reviewing these at the workshop next week. I also have a rough county map that shows you where all of them are located.

(#1755) Terri Jeffreys: There are 2 rezone applications that I have been a party to helping prepare and I will have to recuse myself for those. I just wanted to make that announcement.

(#1800) Bill Dewey: With that we'll adjourn for the night.

Meeting adjourned.