

MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes
December 12, 2005**

(Note audio tape (#1) dated December 12, 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 and Jay Hupp. Terri Jeffreys and Wendy Ervin were excused.

Staff Present: Bob Fink, Allan Borden and Barbara Adkins.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0020) Bill Dewey: We are here tonight for a public hearing on the Forest Practices Ordinance. We will also need to talk about our upcoming meeting schedule.

(#0030) Barbara Adkins: Barbara Adkins with the Planning Division. What we're looking at is the Forest Practice Conversion Ordinance. This is on the 2005 work program. It's not a part of the GMA update but is something that is required for us to do by December 31st. RCW76.09.240 requires that local government entities assume jurisdiction over Class IV, Forest Practices. This ordinance was prepared to comply with that. I'll read from the staff report. The Department of Community Development staff worked with DNR and DOE to meet the requirements of RCW 76.09.240(1) by establishing minimum standards for Class IV forest practices, setting forth administrative provisions, and establishing procedures for collection and administration of forest practices and recording fees. Also to fulfill the requirements of RCW 76.09.240(3) by meeting or exceeding the policy standards set forth by the legislature in RCW 76.09.010 meeting the Forest Practices Board in Title 222 WAC to protect forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty. So what we have done is prepare this ordinance that is basically taking the issuance of Class IV Forest Practices Permits from DNR and moving it to the Mason County level. We worked with DNR to make sure that we had all the necessary regulations and ordinances in place under their requirements and we did with the exception of a couple of items that we had to address and they have been incorporated into the ordinance. There were three things that we did not have in place that had to be added.

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One of them being provision for notification. We needed to add notify parks and tribes so that sufficient notification goes out to everyone affected or potentially affected. We had to add fees. There was no fee structure for processing these permits. We also added the section on Forest Chemicals. The ordinance was already sent to DNR and DOE for their review and comments. I have given you a copy of the strike through ordinance showing some of the comments made by DOE. Most of them were just changes in the wording. Michael MacSems is here who does the forest practices for the county. You may have some questions for him.

(#0180) Jay Hupp: So does this move DNR completely out of the permit loop as far as forest practices are concerned?

(#0184) Bob Fink: No. This is only for forest practice conversions. It's for people who are no longer pursuing timber cutting and now they want to do agriculture or development activities. The whole thing is focused on addressing the forest practices in urban areas, which are assumed to be targeted for development, and certain platted lands after 1960, which is another category that already is considered a conversion. It's to transfer that jurisdiction for those types of permits to Mason County. DNR will still be issuing permits for Class II, Class III, and Class IV specials, which is where they're not converting.

(#0218) Diane Edgin: Do we have a Department of Archaeology and Historic Preservation?

(#0220) Bob Fink: That's the state.

(#0230) Bill Dewey: So this is a new ordinance?

(#0235) Bob Fink: Yes. All this language is new. We do have the existing chapter to remove moratoriums so if someone doesn't file for a conversion and they go through a Class III permit with DNR, then there's a moratorium imposed for six years. But if they say they're going to convert it, there's no moratorium and instead, they go through this process with the county.

(#0245) Diane Edgin: How do these fees compare to what the state normally charges?

(#0250) Bob Fink: The state charges \$500.00.

(#0255) Tim Wing: Are you saying that these rules only apply to lands that are inside UGA's?

(#0260) Bob Fink: They apply outside when conversions are filed; it's a Class IV general conversion. It's my understanding that we will now be issuing permits for all those types of forest practices that we've done SEPA on. The difference now is that the county rather than DNR will issue the actual permit subsequent to the SEPA.

(#0275) Diane Edgin: Has there been enough review to know that these fees are adequate?

(#0280) Bob Fink: We do a lot of this review because of the SEPA review so a lot of this is already done by the county. We will have additional paperwork in the process. We're not entirely sure they're adequate but they're certainly within the range of being reasonable. The only one that it may not be adequate is the conversion option harvest plan, which wouldn't normally trigger SEPA.

(#0310) Bill Dewey: This fee structure could be read two ways. One is that the application fee without SEPA review is \$300.00, and if you need a SEPA review it's an additional \$200.00...

(#0315) Bob Fink: That's right.

(#0320) Bill Dewey: But when I first read it, I read it to mean that if you need a SEPA review it's \$100.00 less.

(#0322) Diane Edgin: I read it that way, too.

(#0325) Bill Dewey: That should probably be made more clear.

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(#0350) Steve Clayton: In the latest draft in the index section, you appear to have duplicated section 11.05.080. Also, on page 5 under General Requirements, (#4), it appears to me to read that under a Class IV general practices we're only allowing a harvesting of 35% of the property. Is that correct? That seems to be a low number if we're converting it.

(#0400) Bob Fink: As far as I know, the original intent was to simply follow the state law and transfer the authority to the county for these conversion permits. In doing that, the model we used built in some standards that DNR normally wouldn't apply as part of their overall land management strategy. At this point, I would have to say that's a new requirement that doesn't otherwise exist. I don't know that we have really developed the rationale for doing that. It's in there primarily because it was borrowed, along with the rest of the structure, mainly from Pierce County so it's something that you may want to consider removing. It's not that this isn't a good idea, it's just that I don't think we have the record or rationale to put that standard in there.

(#0460) Steve Clayton: My concern is that I was looking at the WAC and under RCW 76.09 I didn't find any numbers that relate to that. I was just wondering where it came from. It also appears on page 8 under General Requirements (#7) and that number is 70% of the total number of trees.

(#0485) Bob Fink: You're right. That's also a standard that isn't required elsewhere and is not a typical condition by DNR. You may want to consider removing that, too. One of the things we'll investigate in 2006 is stormwater and drainage issues. We may end up putting something similar to this back in after we've done that investigation. Our original intent was to simply transfer the authority with similar standards to what DNR applies.

(#0550) Steve Clayton: We don't have any tracking here of what was transferred from DNR and what is new language.

(#0560) Tim Wing: I feel the same way. I'm looking at this and what has been borrowed from Pierce County and what is mandated by the state? If it's mandated by the state I don't see much use in arguing about it, but if it's borrowed from Pierce County I'd like to take a closer look at it.

(#0580) Bob Fink: I did miss some of these in my earlier review of this. There is a provision here on page 6 under 11.06.050, Class I Forest Practices. They have there where they're talking about open space areas or buffers, natural buffer areas, screening buffers, tree conservation areas, etc. I don't know where this would be a requirement that we control this. It's unclear as to how this would fit within our regulatory structure.

(#0630) Bill Dewey: Was there a template from DNR?

(#0650) Barbara Adkins: They gave us guidelines but no model to follow of theirs. We just put something together and had them review it to see if it met the requirements. So that's what we did.

(#0670) Bill Dewey: And DNR has managed conversions in the past?

(#0676) Bob Fink: Yes, but they don't have a lot of interest in them.

(#0680) Bill Dewey: I'm just trying to understand, along with Tim and Steve, what of this is DNR or Pierce County?

(#0685) Barbara Adkins: What I'm thinking is it may require another conference with them to go over what I put together and ask them to help me determine just exactly what has to be in there and what is just extras that don't need to be in there so that we're doing nothing but transferring exactly what they do from their office to our office.

(#0710) Diane Edgin: Is there any limitations on the number of conversions that can be within a years time?

(#0720) Bob Fink: No, there's nothing that would set a number or limit on it. It's just a matter of who wants to do conversions.

(#0730) Michael MacSems: When DNR is talking about conversions, they're talking about conversions under

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their own regulations. They consider all land in Washington to be forest land unless it doesn't meet the criteria. So it's not paralleled to our zoning or to what the Assessor considers as assessing as forest land. DNR collects fees every time they do a forest practice, and they also require replanting so when you declare that you're going to be converting property, that means that you're not going to replant to their specifications and you're not going to ever see them again for another permit so they charge \$500.00 to say that this is the last review since it's a conversion. Few counties actually do the review on this so we'll just sign it off and that's what we've been doing for the last ten years. The whole purpose of the conversion is for DNR to get it legally off their list of land that they're concerned about. It doesn't have anything to do with the actual use that's going to be on the land. That's already been taken care of through our zoning.

(#0775) Tim Wing: I remain concerned about the level of involvement that some of this describes. It says that tree cutting shall be limited to limbing and crown thinning, unless otherwise justified by the landowner's expert. We're going to have an expert now. It goes on to say that all vegetation cut shall remain within the open space or buffer, etc. You have to plant two trees for every tree cut down. There's a whole lot of this that doesn't look to me like Mason County at all. It looks to me like downtown Tacoma. I would really like to know what we have to do as a benchmark and then consider where we go from there.

(#0810) Bob Fink: That's why I'm suggesting you may want to recommending cutting out that whole subsection. This is a new experience for us with this new ordinance and the new authority, that we thought we were going to do what we thought was necessary. A Conversion Option Harvest Plan (COHP) is not necessary; it's not required that we provide that to the public as an option. It's something that's not mandated but something that is an option that's existed in the statute. Generally foresters are in favor of having that option.

(#0865) Michael MacSems: That's something that we don't offer right now.

(#0870) Bob Fink: Right, so this is something beyond what we have to do but might be to the benefit of the public. There is a standard under the COHP that not only do you have to leave all the trees in the buffers and wetlands, but you also have to cut not more than 70% of the total of the trees. That's a new standard. That's something that we got from the ordinance we borrowed. That may be a good idea, but I want you to be aware that it is something that's new. We would have DNR review all of these changes that may be proposed.

(#0925) Tim Wing: Why are we adding anything to what they said we were required to do?

(#0930) Bob Fink: The only thing we're really adding is the COHP.

(#0955) Tim Wing: So you said even the 70% isn't something we're required to do.

(#0958) Bob Fink: I don't believe that standard was one ... if you image that someone might want to cut through a regular permit, would DNR require that many trees to be left standing? As far as I know, they wouldn't.

(#0968) Tim Wing: Where did this 70% come from?

(#0972) Bob Fink: It came from Pierce County.

(#0975) Tim Wing: Where I am with this is I'd like to see what we have to do, and from there, if you guys want to propose that we do something beyond that, that's fine. But if it's stuff like we're going to leave 30% of all the trees on a piece of property, I think we need some public input about that and some advertising that we're about ready to tell people that they can only cut 70% of the trees on their property and give the public a chance to talk about it.

(#1000) Bob Fink: On page 7 under (B), this makes certain types of Class I forest practices subject to review as Class IV General. So they go through the same process and have to meet the same standards as the Class IV General. Class I forest practices don't need a permit from Mason County. There's just certain standards they have to follow. Those standards are principally that they're going to have to comply with the

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critical area ordinance and the shoreline restrictions that exist with regards to protecting buffers. So they need to comply with other county regulations but they don't need to apply for a permit to do that. This paragraph would change that for certain types of Class I permits. I also don't believe that's necessarily a provision that we need. It would require the property owner to get a permit from the county, and assuming that the 35% cut limit was left in the ordinance, then they would have to comply with that. So that's also a section that might be removed.

(#1080) Bill Dewey: If we leave that paragraph in, down at the bottom, the citation under 11.06.030 needs to be changed to 11.06.040.

(#1100) Steve Clayton: My concern along the lines of what Tim was saying, write it the way DNR requires it rather than ... I'd like to see the version of what DNR currently does rather than what they require.

(#1125) Bob Fink: What DNR currently does is a huge WAC about this big.

(#1130) Steve Clayton: If we're going to cut it down then we have a frame of reference of what we're going to cut rather than the minimum they require. Under the COHP it would seem like we would have one direction for properties inside the UGA's and one direction for the properties outside the UGA's. They shouldn't be treated the same.

(#1150) Bob Fink: It really depends on the property. A number of different scenarios can take place inside or outside. For instance, you'll see ag in the rural area and that's also land conversion to go from forestry to ag. You might be doing other things that cover a large part of your lot or you might have a fairly small lot and you need to convert a large part of it. It's not clear that there's any direct action that's reliable between whether you're doing this inside or outside the UGA's. There was another change of a slightly different nature. On page 2, under Notification. One of the things we're required to do by law is to notify parks when the forest practice is taking place within 500 feet of the boundary of the park. I don't think we're required to and it's administratively impractical to notify them within two days of the receipt of the application. Our processing doesn't work that fast. I don't know that we want to be bound to that. I would recommend striking that out.

(#1220) Steve Clayton: A Class I can be processed within seven days of when someone files it.

(#1225) Bob Fink: Class I's are not required to be filed unless they're processed as Class IV's.

(#1235) Bill Dewey: Would it be appropriate to say something like 'prior to approval'?

(#1240) Bob Fink: Yes, that would be fine.

(#1250) Steve Clayton: How about 'five days prior to approval'?

(#1260) Bob Fink: I don't think that would be enough time for them to respond. If you wanted to put in that they'll receive notice fourteen days prior to approval, that would be fine. Most of these cases are going to have SEPA reviews, which have a fourteen day notice period. That wouldn't mean any lengthening of the process. The COHP's would be the principal ones where there wouldn't a SEPA done.

(#1290) Bill Dewey: Maybe just add on to that sentence 'A minimum of fourteen days prior to approval by the department'.

(#1300) Bob Fink: Yes. I think that would offer some assurance that the parks we sent this information to would have time to respond.

(#1310) Jay Hupp: Was there any opportunity to review, as a model ordinance, another rural county?

(#1315) Bob Fink: If you want to continue this to next Monday, which is your normal meeting date, we could certainly give you more information, including some other examples.

(#1325) Jay Hupp: I understand how we got into this time crunch, but it's more on top of more on top of more

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that appears... I don't see that this was ready for a public hearing tonight. I don't think the PAC had an adequate opportunity to really review this. I don't know, at least appearance wise, that it was thoroughly researched by the staff. I think we need to start working in the direction of getting control over this mass of information that is flowing through this county right now and is attempting to be brought into ordinances that are going to have far reaching, long lasting implications that are being implemented in a crush of time. If there's any opportunity to slow down a little bit on this and get a little bit more realistic look at it then I'd recommend that that be done.

(#1370) Bill Dewey: I'd suggest that we look at Skagit County's ordinance.

(#1375) Diane Edgin: I think that Pierce County is too urbanized to use as a comparison.

(#1380) Bill Dewey: Skagit County certainly is a county with a lot of forest land.

(#1388) Bob Fink: Barbara, do you know what counties you looked at?

(#1392) Barbara Adkins: Pierce, Thurston and Kitsap.

(#1398) Bob Fink: What did DNR recommend?

(#1402) Barbara Adkins: They didn't recommend any example to us.

(#1405) Bob Fink: Didn't they send us some examples?

(#1408) Barbara Adkins: Yes, and then they said to disregard them because what they were sending us was so incomprehensible and complicated that they scraped them. When I went through the examples, Pierce County was the only one that seemed to capture all the elements. Thurston County was all over the place.

(#1425) Bob Fink: I think we've identified most of the standards that are in the process. I don't think there's much here that is superfluous and not required, except for the COHP's, which are optional on the part of the county. I think they're a good idea. We could strike them for now and put them in later after further review. We haven't heard any testimony to that, though. I have heard comments from foresters in the past that they would really like to see the COHP available to them.

(#1475) Bill Dewey: In the COHP, section C.3., there's reference to a memorandum of agreement between the applicant and the county, but it doesn't specify what that memorandum of agreement is about or what its purpose is. If, on page 7, under 2.1., that 11.06.040 A.2.e., doesn't appear to exist in the ordinance that you're referencing. I'd like to get a more refined look at it before we take action on it. On page 9, under Additional Requirements Applicable to all Applications, there's this list of things that need to be on the site plans. I was taken by the fact that that list didn't include streams.

(#1542) Bob Fink: It includes critical areas; streams, wetlands, steep slopes. They do ask for topography as well.

(#1555) Diane Edgin: On 11.06.080 on Time Limitations, who set the validity of the consecutive years?

(#1562) Bob Fink: It's similar to DNR's permitting. They're good for two years now. So this would be good for two years, but it could be good for longer if it were associated with a plat or short plat. They're good for five years.

(#1675) Bill Dewey: On that page you have two 11.06.080's. Any other comments or questions for staff? We'll go ahead and open it up for public testimony.

(#1630) Matt Matayoshi: For the record, my name is Matt Matayoshi. I'm with the Economic Development Council of Mason County. In looking at this from a property owner's standpoint with land designated as forest resource, I may clear cut it and put it into Christmas Trees, or I may thin some of it and wait for the rest of it to mature and then harvest it. There's talk about rolling back a lot of this, but if it's found that property doesn't

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have any streams or critical areas or steep slopes and then cutting or harvesting is limited to 70%, that's limiting peoples opportunities to 70% of their property. Considering that if there were critical areas then those would have to be addressed and setbacks and such should be met. As it's been mentioned earlier, I think there's a number of opportunities to look to other rural communities to see how they have addressed these issues. There are a number of community members and business people that would have an interest in working on this. Our environmental standards are very high and address a lot of the issues, and this would add some redundancy or maybe be more cumbersome to the property owner. In talking with one homeowner on Harstine Island, there on Harstine Point, their community association requires an arborist to come in if you want to thin or cut your trees or limb a tree and I think this draft ordinance is suggesting that a professional like an arborist come in and review that before a tree is cut. It seems like that adds an extra burden and extra costs onto a project for many people. We need to keep this simple and easy for property owners. I think you've done a good job in emphasizing environmental responsibility and setbacks, but as there becomes more layers of government, I think there's going to be significant concern from property owners.

(#1780) Bill Dewey: Matt is the only representative here from the public, so we'll go ahead and close the public hearing portion. Do we want to have staff come back with revisions next week?

(#1792) Bob Fink: We could make the revisions and email them to you tomorrow morning so you could have ample time to review them. That would give you a clean copy to review.

(#1815) PAC: That sounds good.

(#1832) Jay Hupp: If there has even been one rural county that has done this, I'd like to look at it as a model.

(#1850) Bob Fink: I don't think any county ... there are only a few counties that have gone through this process. That was one of the problems we had. They have not even gone all the way through approval to transfer authority. We'll consult DNR, but it's my impression that there aren't a lot of examples.

(#1875) Jay Hupp: If that's the case, what are we doing rushing through this?

(#1878) Bob Fink: It's mandated by law.

(#1880) Jay Hupp: Are all the counties in this crunch?

(#1882) Steve Clayton: There's a December 31st deadline.

(#1884) Jay Hupp: What happens if we don't?

(#1888) Matt Matayoshi: Bob, is there an opportunity to ask for an extension on this?

(#1890) Bob Fink: No. It's a legislative mandate. You asked what is going to happen as a practical matter. We'd be in violation of the law. DNR is going to retain authority until this is approved. Our direction is to do this.

(#1915) Jay Hupp: If we have to do this, I would like to see us do the absolute minimum if we're being forced into it because I don't think this has been well thought out.

(#1925) Steve Clayton: I think the COHP is a good idea, but perhaps we ought to bump it out and maybe add it in later on.

(#1935) Bob Fink: If you have concerns about that we can remove it.

(#1940) Steve Clayton: I think we should cut out the other sections we were talking about, too.

(#1950) Tim Wing: Is there any option of passing the center core of what's required and then make some indications that within the next six months we will address certain issues?

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(#1965) Bob Fink: The DNR intent was to adopt the minimum. The COHP is the only thing beyond the minimum that we intended to do. There have been a couple of standards that have crept into the language here, which I think we have pretty much identified. We just need to go through it and make sure it's readable and makes sense and then we'll have DNR review it. DNR has reviewed this already and said that this meets the minimum but they don't tell us anything else beyond the minimum.

(#2010) Bill Dewey: Were we not going to meet next week?

(#2014) Bob Fink: There was a possibility that we wouldn't meet next week. We have a new work program for next year. We have some policy changes to the floodplain regulations that we will be doing. There's nothing else on your agenda this year except to set your meeting dates for January and February because both of those meeting dates are holidays.

(#2050) Bill Dewey: Based on this discussion tonight I don't think anybody is particularly comfortable with taking action on this tonight. I would recommend that we continue the hearing until next Monday. If you can come up with an example from another rural county, that might be helpful.

(#2070) Jay Hupp: If we can't get another example from at least one other county, then I would recommend that we pare this down to the absolute minimum.

(#2080) Bill Dewey: That's the sense I get from the other members as well. We need a motion to continue the hearing until next week.

(#2088) Diane Edgin: I make a motion to continue this hearing until the 19th.

(#2090) Jay Hupp: I second that motion.

(#2092) Bill Dewey: We have a motion and a second to continue the public hearing on the forest practices ordinance until the 19th of December. All in favor? Opposed? Motion passes.

(#2100) Tim Wing: I want to make sure some of these items are reviewed. The 35% and the 70% that shows up later. Then almost the entire page 7. Those were the particular issues I was concerned about.

(#2130) Bob Fink: So that would include turning the Type I's into Type IV's. Do you want us to cut out the COHP? If we were to leave it we would probably cut out #3, which is the memorandum of agreement, and #7.

(#2200) Bill Dewey: Okay, dates for the January and February meetings. Normally it would be January 16th and that's Martin Luther King Day.

(#2220) Allan Borden: The option is either Tuesday of that week or the following Monday.

(#2225) PAC: Let's stay with Mondays.

(#2250) Diane Edgin: Are we going to have more than one meeting a month?

(#2255) Bob Fink: Not in January. But there's still a fair amount of work next year and what maybe pretty time intensive is the revisiting of the critical areas regulations. The flood ordinance is what will be on the horizon. It would probably be better to go to the 23rd of January.

(#2310) Bill Dewey: I can't make the 23rd. I'll need an excuse for that meeting.

(#2450) Steve Clayton: What do we want to do for February?

(#2475) Diane Edgin: What about the 13th?

(#2490) Bill Dewey: I can make the 27th but not the 13th.

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(#2500) Bob Fink: I think the 27th will work for staff.

(#2510) Steve Clayton: So the fourth Monday in each of those months instead of the 3rd.

(#2625) Jay Hupp: Before we adjourn, could you give us a short synopsis of what transpired after the airport overlay ordinance left this committee and how it was briefed to the BOCC and how it was changed and how it was adopted? The reason I ask the question is because there was a specific motion made by this body that Zone 6 be removed and that's the way it left this committee. When it went before the BOCC that zone was still there. It was highly modified.

(#2568) Bob Fink: We took it out and then WSDOT said we really needed to address certain facilities so there was a new definition created for that. The examples of that are: Schools, K-9, hospitals and nursing homes. Not including churches or business or assembly buildings.

(#2600) Jay Hupp: The thing that concerns me about that is we sat right here in this room with the head planner from the state asked twice if he had any problem with us removing that Zone 6 and he said no. Now he comes back and lays this on it. That disturbs me.

(#2620) Bob Fink: That was their recommendation to us. We made the changes that you had recommended. We sent the changes to WSDOT so they could review it and they came back with a few changes different than what you had done. We incorporated that into a draft so it would meet their requirements. We tried to respect your interests to the greatest extent we could in not restricting those areas any more than necessary. We then prepared a final draft for the BOCC for the hearing. WSDOT was there.

(#2662) Jay Hupp: What they've forced the county into was putting stipulations over city property.

(#2670) Bob Fink: The county doesn't have any jurisdiction over city property.

(#2675) Jay Hupp: I understand that. The ordinance that you passed dictates jurisdiction over the city property.

(#2680) Bob Fink: No.

(#2682) Jay Hupp: Then I misunderstand the county ordinance. I thought the county ordinance said is that you can't expand the use of schools inside that Zone 6.

(#2690) Bob Fink: Only within county jurisdiction. It does restrict the establishment of new schools in Zone 6. Plus it doesn't prevent the expansion of schools in Zone 6. It doesn't apply to the schools that are in the city, in any case.

(#2735) Barbara Adkins: The only thing Zone 6 does is prevent construction of any new type of zoning that has people in it that can't get out of harms way. Hospitals, nursing homes, daycare centers; it's not targeted necessarily at large groups of people, but people that can't be evacuated quickly.

(#2755) Jay Hupp: I was under the impression that it specifically stated that expansion of those facilities that house people that can't get out of the way, including schools, the use of schools cannot be expanded.

(#2777) Barbara Adkins: It may have said that originally but it doesn't now.

(#2800) Bob Fink: We don't have any jurisdiction over regulations in the city.

(#2802) Jay Hupp: Okay, I see where you're coming from. So this only speaks to Zone 6 that the county has jurisdiction over.

(#2805) Bob Fink: Right.

(#2825) Jay Hupp: But it doesn't say that in this ordinance.

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(#2830) Bob Fink: It doesn't matter. We don't have jurisdiction.

(#2835) Jay Hupp: Alright.

(#2840) Tim Wing: I wanted to bring up our Transportation Element. That went before the BOCC and if I hadn't come down here and Terri wasn't here ... the staff stood up and said that they didn't think anything that the PAC recommended ought to be adopted. Not these people, but the engineers. They gave me plenty of time to talk about it and they are going to adopt county standards for roads inside UGA's and they're asking for a plan for roads developed inside UGA's. Those two things were going to be completely ignored by the staff that produced that document. They were going to adopt it the way it was proposed to us in the first place, regardless of anything we said. I wasn't very happy about that. I don't quite understand what our role is if we make recommendations to staff and they totally ignore them. That would have meant that that document had been part of our Comp Plan and not a single word in it about UGA's. There's nothing on the five year or twenty five year plan about roads inside the UGA's.

(#2920) Steve Clayton: Did they present our proposal to the BOCC?

(#2925) Tim Wing: It had been handed to the BOCC. They went through it and asked why we aren't doing anything on that. I was not very pleased.

(#2932) Bill Dewey: This was the public works staff.

(#2934) Tim Wing: Yes, not this staff. This staff is pretty good. At least they listen and I feel like I'm doing something when I'm down here talking about stuff because someone is paying attention but I wasn't very pleased with that group.

(#2955) Bill Dewey: It's good that you and Terri took the initiative and came down for the hearing. I just think the BOCC's response is encouraging. That was part of the reason why I think they had us meet earlier with the TIPCAP group is to start that education process.

(#2980) Diane Edgin: How do the other counties deal with this very same issue?

(#2985) Jay Hupp: I can tell you what's going on down in Lewis County. They're wrestling with the same kind of thing. The planning commission down there feels like they spend a whole lot of time in trying to address issues and trying to represent citizens opinions and views on input to regulatory issues and they're being totally ignored. I think that's pretty universal across the planning commission down in Lewis County. They're new, like this one. They went through the same kind of upheaval that this one went through even more recently down there. They're all citizens that have time obligations and qualifications and they feel like their time is being wasted. They feel like they are being dealt with in a manner that's not really appropriate, if you go back and read the spirit of the creation of the planning commissions under the Planning Enabling Act back in the 1950's. That comes from three of the planning commission members in Lewis County that I've spoken to more than once on this subject personally.

(#3080) Tim Wing: Part of the result of this experience these last few months here, with the Transportation Element in particular, tells me that we need to feel a little bit more in the leadership role; not just the response role. If we're going to be a planning commission representing the citizens of this county and advising the BOCC, we have to do something other than just respond to written information from staff, do a bunch of wordsmithing and send it out. I didn't really sign up to do that. Some of that needs to be done but I think that we need to talk to the BOCC and make sure that they cause the transportation people to call a joint meeting and we need to go to a joint meeting with the TIPCAP group. We need to exercise our influence or I don't think we're really doing much. I don't want to be a Commissioner. That's their job and I don't want to tell them everything that they should do and expect that they're going to do everything. I tell them because I'm on this committee. That, I think, is where some people in the past may have gotten themselves in trouble in these roles. But I do expect people to want to hear from you about what the county ought to be doing down the road. I think that's our role and we have to take that role outside of these meetings in order for our role to be fulfilled.

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(#3185) Bob Fink: We scheduled some joint meetings with the BOCC as well as with TIPCAP. It's often valuable to talk face to face as well. So maybe this would be one of the issues where we schedule another joint meeting and you can hear with the BOCC's concerns are and how they look at things as well as voicing your own concerns and how you're looking at things. Is that something you'd be in favor of?

(#3225) Tim Wing: I would be. Even the one meeting we had with TIPCAP ... it looked to me like that wasn't any preparatory work done there.

(#3240) Bob Fink: I was talking about a BOCC / PAC meeting, not necessarily with TIPCAP at this point.

(#3244) Tim Wing: Yes, I would be in favor of that.

(#3250) Bob Fink: What was adopted for Zone 6 was a prohibition on the special function land uses. Those were the uses we were talking about. It says that new special function uses are prohibited, however, expansion of existing uses are conditioned upon review of impacts to the airport. Expansion is not outright prohibited but it is subject to review.

(#3280) Jay Hupp: I have a hard time understanding how the county can issue an ordinance and put out a map that overlays city property and put restrictions within that area that is mapped and then say we're not doing anything.

(#3300) Bob Fink: We map the tribal lands but we don't have jurisdiction over most of them. Whether we have jurisdiction or not depends on who owns the land, in the case of tribal lands. If a tribal member owns the land, we have no jurisdiction. If they sell it to a nontribal member we have jurisdiction. The fact that we map it doesn't necessarily mean that we have jurisdiction to regulate it.

(#3342) Jay Hupp: It bothers me greatly to know that there's a county ordinance that's in place that depicts a map that overlays part of the city and it dictates what can be done and what can't be done on that land within the city with no jurisdiction. Apparently there wasn't a whole lot of coordination between the city and the county before the county did this. When I talked to the planner and I talked to the three city commissioners, they had no grasp of what was going on.

(#3365) Bob Fink: There was coordination with Steve Osguthorpe.

(#3375) Jay Hupp: Let me tell you, Bob, I called him two days after the meeting that was held here recommending Zone 6 and he had not read it.

(#3388) Bob Fink: That doesn't mean we didn't give it to him. We had two meetings with him, including a meeting on the first draft.

(#3400) Jay Hupp: All I'm saying is that on the commissioner level there was no grasp of what was going on here.

(#3480) Bob Fink: We did make an effort to coordinate with the city. We thought we had succeeded in doing that. A lot of the activity is still going to continue because what's going on within the UGA boundary and within the city's jurisdiction. We will be developing zoning and zoning patterns with the city. We will be working on that next year. That may or may not result in a change in this ordinance even within county jurisdiction. We had hoped six months ago that we would have that zoning in place and we would be able to look at that zoning when we developed this ordinance and that didn't happen.

(#3555) Jay Hupp: My point is what came from WSDOT aviation division had no more authority than what came from this table right here; it was advisory. Yet what came from that body, even though the head planner stood there and said it twice, wound up in the ordinance and it wound up now between the county and the city where there's questions as to whether the county can do with this Zone 6 overlay. And it wasn't necessary. What we recommended here that Zone 6 not be addressed; that it be completely removed from the ordinance until such time as there could be coordination.

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(#3605) Bob Fink: Your recommendation was to remove it. We felt that we had to defer to the expertise of WSDOT and that's what the BOCC did.

(#3622) Jay Hupp: Because they were briefed that way. It really speaks to the same point of where you're coming from, Tim, what sit here and put a whole lot of time and effort and energy and some expertise into deliberations and then wind up in a position where it's as if nothing happened. It's more than a little bit irritating. As you say, I didn't come onto this commission to be ignored. I don't think any of the rest of us did either.

Meeting adjourned.