

MASON COUNTY PLANNING ADVISORY COMMISSION

June 15, 2009

(Note audio tape (#2) dated June 15, 2009
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 at 6:00 pm by Chair Dennis Pickard.

2. ROLL CALL

Members Present: Bill Dewey, Dennis Pickard, Jim Reece, Diane Edgin, and Don LeMaster. Debbie Jacobs was excused.

Staff Present: Barbara Adkins, Kell McAboy, and Susie Ellingson.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0030) Dennis Pickard opened the public hearing to consider adoption of the Belfair Future Roads Map into the Mason County Comprehensive Plan-Belfair SubArea Plan.

(#0040) Kell McAboy, Department of Community Development, stated the county received a grant last September from CTED to hire a transportation consultant to work with a local advisory group and aid in the development of a Future Roads Map for the Belfair Urban Growth Area. The consultants, Shea, Carr & Jewell of Olympia, worked with a six-member board appointed citizen advisory committee, plus representatives from WSDOT and county staff to develop the Belfair Future Roads Map. The map established future roadway connections, extensions and access to properties as development occurs in the Belfair UGA. Three access and circulation enhancement areas were also identified and mapped to highlight areas where improvements can be made that would clearly benefit circulation in the Belfair that don't depend on the bypass. Roads are aligned with future water and sewer lines and critical areas are avoided as much as possible in setting the proposed alignments. Some road locations consider places where access to the

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SR-3 bypass could be made and where viable connections back to downtown Belfair can be provided. The future roads as mapped are not exact locations, but are intended to show where connections need to be made and the types of roads that would be required. It isn't the goal of the map to tell property owners exactly where the roads will go. Construction of the roads will occur gradually over a lengthy period of time. Developers will design and construct the roads during the development process, consistent with the future roads map. Flexibility will be accommodated to suit developer's needs and to avoid critical areas including steep slopes, wetlands and streams while ensuring developments provide for future connections to other undeveloped properties.

(#0700) Dennis Pickard inquired how this integrates with the existing subarea plan transportation element.

(#0720) Kell McAboy responded it is consistent with the items listed in the Comp Plan. It would be an appendix to the Belfair Subarea Plan and it would be a policy document that would help the planner dealing with the development in the UGA when development occurs, which will direct road development.

(#0775) Dennis Pickard noted we've been discussing the Shelton UGA map and we were given the impression that map couldn't be amended until the Comp Plan amendments are presented in the fall. He inquired how this is different.

(#0800) Kell McAboy stated this is a map that goes into the Belfair Subarea Plan; it's not a land use Comp Plan amendment. The Shelton UGA map has a land use component that has to be consistent with the zoning.

(#0820) Jim Reece again called for a master land use plan, which would aid in laying out the ultimate density in the respective areas, and how do we know the road configuration being proposed will handle the traffic.

(#0830) Kell McAboy noted it shows the types of roads that may be require, however, things change over time. They could either be upgraded or downgraded at that time. The zoning for Belfair has been established with the densities that go along with that. That's in the zoning map for Belfair.

(#0845) Don LeMaster inquired if there could be an overlay done so the types of roads could be shown over the zoning.

(#0855) Kell McAboy stated that is possible, although we don't have our own GIS staff. The county has a GIS department, but I can't speak if we have the funding to do that.

(#0865) Bill Dewey noted it states a lot of the UGA is not buildable. He inquired if the roads were accessing areas of the UGA that aren't buildable.

(#0875) Don LeMaster also noted none of the critical areas are on the map.

(#0885) Kell McAboy responded the critical areas were considered in this analysis. However, this is a planning document and is not meant for laying out where we're going to start building roads tomorrow. It's not at a level where people are going to get out on the ground and start doing all of the environmental work. As the development occurs, they will have to do that anyway, regardless of the road plan.

(#0900) Don LeMaster inquired if this is more of a guidance document than it is a plan.

(#0910) Kell McAboy stated it is a guidance document for future development in Belfair, policy driven, so that as development occurs, you don't get development that has internal roads that ends up blocking off other development outside of that area.

(#0945) Don LeMaster inquired what the PAC is being asked to approve.

(#0950) Kell McAboy stated the PAC is being asked to make a recommendation to the BOCC that will ultimately approve it as an addendum into the Belfair SubArea Plan. This would go along with the circulation and transportation sections that are already in there as a supplemental guiding policy for road development.

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(#0965) Bill Dewey noted there no effort by the committee to prioritize the roads in here.

(#0975) Kell McAboy responded not at this time. That could occur in the future using this map to do future planning.

(#0985) Bill Dewey stated it seems logical that a future roads plan should include that next step of circulation studies.

(#1005) Kell McAboy responded we are doing this one step at a time, and those are issues that our Public Works Director is aware of, as he was on this committee. He is working with DOT in trying to move this forward in regards to what elements can we pursue and what priorities exist out there.

(#1045) Dennis Pickard stated we've already got a transportation plan for Belfair and this, in some ways, alters some of those things, and some of those things have already been taken care of that were listed as priorities in the original plan. This is the opportune time to update that element and incorporate this map.

(#1060) Bill Dewey stated he is appreciative of the time spent by the committee in developing this plan, however, there are still a lot of questions that should be answered as well. He inquired if there has been discussions regarding the potential railroad crossings.

(#1100) Kell McAboy responded there has been some discussions by Public Works at the Newkirk Road area. It sounds like more of an underpass than an overpass.

(#1120) Bill Dewey noted that Mr. VanBuskirk has been conscientious in reminding us of the fact that much of Belfair is a critical aquifer recharge area. It seems that should be something that should be considered along with LID standards, which there's an ordinance for Belfair. He inquired if roads were exempt from LID ordinance.

(#1135) Kell McAboy explained she is not familiar with LID development. If it applies, it applies. That would be a question for Public Works. Unfortunately, we didn't have all the extra resources or time to do all the text amendments, however, in having this map and showing these priorities, it is a plan that will help us be able to do the next step. So maybe it's not everything, or the best case scenario, but it does get us still working towards the future of development in Belfair. It was brought up several times at the meetings that by showing the Belfair Bypass in the plan, that we see that as a priority rather than not having anything at all to point to for future grants or future work.

(#1235) Dennis Pickard opened up the public comment portion of the hearing.

(#1245) Ken VanBuskirk stated he was involved with the original Sub-Area planning group were we made these transportation recommendations before you. If you remember that Sub-Area plan was approved at a rather contentious meeting. Two lame duck commissioners voted for it, and one that voted against it. Mostly of contention focused around the transportation element. I became involved with this committee with Tim Gates asking me to become involved with it. He felt they needed more community representation on the group. I felt most of my suggestions about these future roads were listened to, and it is more focused than the original plan. I do have a few areas of concern still. The open house was attended by about 20 people, and most notable was the school district transportation director. They drive most of our roads more than anyone, and I think there suggestions of future road should be given significant weight. Myself and several of the community members at the open house felt that the critical areas and the critical aquifer recharge area should have been displayed on the transportation maps. I did ask for that to happen but the consultant was reluctant to do that. All that information is already available. It's important all those things be considered, as well as steep slopes. It's also important that Belfair's future roads be planned in conjunction with Kitsap County, especially as Kitsap has a UGA that borders the northeast corner of Belfair's UGA. As part of the subarea planning process, we did make priorities and timing, and I would like to suggest those be revisited. Recently the state completed a \$700,000 SR3 corridor study all the way from Shelton to Bremerton. The intent was to allow members to use the results to solicit and obtain funding from the state and federal lawmakers to bring recommended projects to reality. Of no surprise the Belfair Bypass was the top priority of the corridor from Shelton to Bremerton. This plan before you tonight needs to have those specific roads

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prioritized. When you forward this plan to the BOCC you could endorse that recent study from the state. In my opinion, for the Belfair community to prosper, and for these future roads to be successful, the Bypass needs to be built first.

(#1445) Matt Matayoshi of the Economic Development Council stated he had the opportunity to serve on this committee. A lot of your comments this evening are right on. This is just the beginning and there are several more steps that have to happen before roads are built. As far as the critical areas, the challenge with Belfair is that the GIS data that we have on wetlands, in particular, is extremely inaccurate. CH2M Hill has collected this data, and one of the points I've made is we can pull in that data update if consultants put in the format that can be used by our GIS department for future planning process. The challenge for all of this is funding.

(#1500) Dennis Pickard closed the public testimony portion of the hearing.

(#1515) Don LeMaster noted they accomplished as much as they could until they ran out of funding. They had the money to do the job, and they did the job to this point. Some of the comments I've heard tonight are of concern in recommending this, you also have to have a couple of other pieces of information in order to intelligently recommend it. The zoning overlay is one, and also critical areas overlay. Then you'd have a real true kind of view. I have a problem with recommending to the BOCC based on the fact that we don't have enough information.

(#1570) Dennis Pickard noted the same concern, stating he would like some more understanding of how we got to this point and why we're at the point, and only this point, it seem like we should be making a recommendation to the BOCC that we accept the map and that it not be incorporated until such time that they direct staff to come up with the appropriate context in terms of the existing Sub-Area plan. I'm suggesting the BOCC accept our recommendation, and that the BOCC direct staff to submit amendments to the Belfair Sub-Area Plan Transportation Element incorporating the Belfair Future Roads Map presented at this meeting.

(#1640) Miscellaneous discussion.

(#1850) Dennis Pickard stated he wants to emphasize the point that this is a big improvement, even though it's not as specific as we would like it to be, but for a planning document it is a huge improvement. It's a far more comprehensive look at the transportation needs of the area than we've had in the past. I do want to applaud the staff and committee members who worked on this for taking us a long ways forward from where we began this process.

(#1955) Bill Dewey made a motion, and it was seconded, that the PAC recommends the map be adopted to guide future road development in Belfair. The PAC recommends the BOCC direct staff to properly incorporate it into the Belfair UGA plan. As resources permit, the county should prepare zoning, CARA, and critical area overlays for the future roads map, and incorporate prioritization and timing that are aligned with the transportation element of the Belfair UGA plan. In addition, an effort should be made to coordinate with any road planning in the adjacent Kitsap UGA. The motion carried.

(#2100) Barbara Adkins, Department of Community Development, opened the public hearing on the request by Rod Powell to allow club motor sports facilities in Rural Residential (RR20) zone with a Special Use Permit. In order to accommodate this, we would have to amend two titles of the Mason County Code. Title 17, our zoning chapter, would have to be amended to include a new definition for club motor sports facilities. We would also need to amend Title 17 as a use permitted with a Special Use Permit: 'Club Motor Sports Facilities'. They would also like to add to MCC 17.04.247 'Special Provisions' a new paragraph F reading: 'A Club Motor Sports Facility shall be subject to the following specific standards'. They are listed on page two of the staff report. Item four is an amendment to Title 9, 9.36.10(8), which is part of the noise ordinance. Item five is to modify Title 17 regarding the size and height for building regulations, as defined by a Special Use Permit. Matt Matayoshi from the Economic Development Council is here, as well as the applicant, Rod Powell to provide some background. Allan Borden is also here from our staff to add some comments, as well.

(#2245) Dennis Pickard noted that this was not submitted with a recommendation to approve or deny from

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staff. He inquired if that was a new policy.

(#2255) Barbara Adkins stated we have received some direction from the BOCC suggesting that we allow the bodies put in place to make the decisions without a recommendation. We've had conversations internally and with the applicant about various different options that might be available to them as opposed to making code amendments. We take code amendments very seriously as we have put a lot of time and effort into creating zoning and what they're for.

(#2300) Bill Dewey inquired if there were any examples from other counties as to how they have dealt with the placement of these kinds of facilities.

(#2320) Barbara Adkins responded not for this particular one. There were a lot of issues with Nascar that went on a while ago. That, however, is a whole different project than this request.

(#2400) Dennis Pickard inquired if Allan's comments are part of the staff report.

(#2435) Barbara Adkins explained Allan is part of the staff and he would like to address the issue. We don't want to discourage economic development by bringing in issues like this that a lot of people would like to have and balance that to ensure we're not doing anything to harm the code that's already been established.

(#2500) Matt Matayoshi stated he's not sure what Allan has to share, and he is surprised that staff has additional comments than what was in the staff report. Matt started his presentation by saying he has had the privilege to work with the principals of this project, the developers, Rod Powell, and Joe Manke. The applicant is asking for a code amendment, which is an opportunity to start the process. I want to differentiate between a specific project, and that this request is for language to allow someone to even apply. The tendency will be to get project specific, and I'll answer some project specific questions, but a lot of those answers will come through SEPA, and through building and grading permits. This code amendment is going to overlay across Mason County to all RR20 zones. The language is club motor sports facility, and this is different from any facility or project we've had. I had the opportunity to work on a previous track project and this project is nothing like projects we've seen in the recent past. There's no mechanism in Mason County code to allow the applicant to apply and see if this project can go forward. There is some discussion of doing an alternative, or going through a rezone, however, there are limitations in doing that. Mason County allows for a cap of 50 acres per year for a rezone, and what we're talking about is a facility that would be a minimum of 150 acres. That would mean it would take three years to get there. We want to make sure this facility is close to adequate transportation, state routes, as well as in a place that's distant enough from residential and that's a good fit. The commercial forest lands is a really good buffer. Doing a Special Use Permit means going in front of the Hearings Examiner, which is a quasi-judicial process, who would vet the entire project. Willows, California is an excellent example of a motor sports facility. Willows is a bit smaller than Shelton. They are located about 1 ½ hours from the Sacramento Airport in a very rural area. It is a 2 ½ mile track located outside of Willows, in ag land. Matt shows the layout of the facility, which includes the paddock, fueling facilities, storage areas, and a shop. The type of users you find on this track would be car clubs, motorcycle clubs, club racing events, and corporate events. The economic value of this with hotel stays, gasoline sales, merchandise, restaurants is \$8.6 million a year. Matt shows the potential areas in Mason County that could facilitate this, while staying within 2000 feet of a state highway.

(#3000) Rod Powell, applicant, stated this is a road course. Rod explained the users are clubs and not designed for professional spectator level events. Thunder Hill in Willows had grandstands for forty people. In Nascar all of the fans know the drivers, and in road racing all the drivers know the fans, as they are usually family. The primary use of the facility is not racing. It's actually the schools and corporate events. There might be a corvette club which will come out, rent the track, have instructors on board and learn how to drive their cars at a high speed in a safe environment. There will be open track days where anybody can come and drive anything they want, which is what actually supports the facility. We're not building seating for 50,000 people.

(#3100) Don LeMaster inquired about the change in the height restrictions, and square footage.

(#3125) Matt Matayoshi explained there is a limitation in that zone of 3,000 sf and that simply wouldn't fit with the space needed.

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(#3180) Don LeMaster inquired if this is SCCA (Sports Car Club of America) sanctioned.

(#3185) Rod Powell explained that it will be. They will certify the track, as being the dominant sports car body in the US. SCCA happens to own Thunder Hill in Willows. We want to model this off of Thunder Hill's success. Rod talked about the safety issues that will be incorporated into the track.

(#3300) Matt Matayoshi stated he went to Thunder Hill in March and spoke with hotel employees who stated that 80% of their occupancy comes from users of the track. I was very impressed by the facility and the type of people the sport attracts.

(#3500) Bill Dewey noted the impression you've given us is that it's not a large audience participation, and inquired about the criteria to locate near a state highway.

(#3550) Matt Matayoshi explained it's for transportation access to make it easier for towing vehicles in and out of the track.

(#3600) Bill Dewey inquired what would be the typical attendance on any one day.

(#3650) Rod Powell explained a school day, or lapping day, you're going to have probably 60 cars. Some people will bring their families, so typically about 70 to 80 people total. On a race weekend we might get 250 cars with two people in them so that could amount to 500 people total.

(#0155) Matt Matayoshi stated the site, if successful, will be within a few miles of the UGA.

(#0200) Allan Borden, Department of Community Development spoke on the issue. He stated he would like to explain the staff report presented to you is neutral. Barbara Adkins wanted to have a dialog with the PAC, but I thought it would be important to vet this request in regard to the county's regulations. The request is primarily to create code for a land use that doesn't exist in the development regulations for Mason County. The way this is presented says the approach appears that the motor sports are using is to change a set of DR's under rural residential to match up with this nonresidential land use. I don't believe the group did an adequate amount of research on what the county's regulations are in submitting this code revision request. The history of this is much time and manpower was utilized to establish the Resource Lands, Rural Lands, and Urban Growth Area designations in Mason County as part of the Comp Plan update, as well as establishing residential development densities and zoning. Since 2003, the county has accepted requests to change the zoning of properties and following the public review process before the PAC and the BOCC. That's typically the way a land use is approached. My opinion is that this request to change the RR20 zone to match up with these development regulations is not necessary, nor is it justified, because club motor sports facilities land use is similar to that already addressed in existing motorized commercial outdoor recreation land use and which may be permitted in the Rural Tourist and Rural Tourist Campground zones. In addition, the applicant did not note that the RTC zone is not subject to the 50 total acreage standard under the rezone characteristics. The sports group didn't really provide compelling reasons why this code change should take place, especially why RR20 is the appropriate zone in which to make these changes occur. The RR20 zone lands were designated due to larger parcel sizes, are in areas where two critical areas exist, and are located adjacent to forest resource lands maintained under timber taxation programs. The types of uses currently allowed are residential, ag and resource based, community, church, and public service land uses. One of the important things to consider in this proposal to change RR20 zone to land uses that are not residential is that you will set a precedent. If this were to be approved, this technique would be applied not only to other RR20 areas in the county, but other proposals for other zones could also be modified to accommodate this kind of language. The county appreciates the fact that this kind of land use should be included in our DR's, but there is a place to put these regulations. I feel the PAC could review these standards as to whether they're suitable, but the idea of changing the code to accommodate these standards when you already have a zone that permits commercial motorized outdoor recreation is inappropriate. I'm not saying the county shouldn't accommodate this kind of request, just be accommodated under the appropriate zone, RT or RTC.

(#0500) Dennis Pickard stated there are differences of opinion between you and Matt regarding the 50 acre rezone issue.

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(#0535) Allan Borden responded they looked at the rezone criteria that talks about not seriously impacting the Comp Plan, and critical areas, etc. They failed to look at the rezone characteristics that talk about the number of requests that can be approved, the total acreage of those requests, and the constraints on the kind of land uses that are zoned that you can find in certain places. It specifically states 'the purpose of this section, the total acreage limit shall not include the acres of parcels rezoned to RTC or RNR. If you went to RT, you would be subject to the limit of 50 acres.

(#0575) Dennis Pickard inquired if both RT and RTC have an existing motorized commercial outdoor recreation land use.

(#0585) Allan Borden responded they do as a Special Use Permit.

(#0600) Matt Matayoshi stated he is extremely disappointed that Allan would take this opportunity to bring all this information forward. I would hope you would have called me to sit down and discuss it. We have been meeting with Barbara for several months to talk about the best possible way to work this through the process. You raised some questions last week, and judging from that conversation I felt those issues were addressed. We've not received your comments tonight until a few minutes ago, and it makes it extremely difficult to bring certainty to a process when we're blind sided by staff in the middle of a public hearing. It's extremely frustrating when that occurs because by doing that you are creating a lot of uncertainty for folks that have spent hours and hours of technical experience, a land use attorney, planning time, and engineer, and traveled to see this facility in California. In talking about seeking a rezone it was found in conclusion that the 50 acre rezone cap made it impossible to do that with some certainty. If you look at the RTC zoning, that has some limitations as well. I was in attendance when that language was revised and it's really not meant for this type of activity. The best mechanism we have was the code amendment. I worked closely with staff and with professional expertise, and I might add that this will be just the beginning. There will be plenty of time to work through the specific questions.

(#0700) Allan Borden stated he was not brought into the process. I'm one of the long range planners and no one approached me until I saw the staff report to even know the extent of the proposed regulations. I knew there was an inquiry, and it certainly got a fast track. So I didn't have the opportunity to comment. I didn't intend to blind side you, in fact, I tried to carefully explain in the last 15 minutes about this issue. I could suggest a lot of things for you to beef up your justification for the amendment. For me, it's not the correct process, especially since there is already another process.

(#0750) Miscellaneous discussion regarding the rezone processes.

(#0975) Sam Barer of Olympia testified he is an automotive journalist and he has been involved in tracking this project. He stated the crux of the argument is that if they go for the code amendment change, it's a slippery slope argument that you're forcing something to change to be abused later, but by the same token, your suggestion is to use the RTC, which was not intended for that, and appears to me, would provide for the slippery slope argument of if you tried to put in a sports motor club facility into that, that opens up so that anybody else can go in there and use it to pour a go cart track or anything else when that was not it's original intent. It seems to me that specifically the way that the developers are asking for specific changes are doing so in a way that would actually protect for noise, environmental issues, etc., such that this type of thing wouldn't be abused in the future.

(#1030) Allan Borden stated all the standards that were presented today can be placed in the RTC zone as special provisions for this club motor sport kind of land use, which is similar to the motorized commercial outdoor recreation use that's currently allowed by Special Use Permit under that zone.

(#1055) Sam Barer inquired where down the line, if the zone was changed and they went in under RTC, you could say this is not the intention of this zone, and \$8.5 million potential revenue comes to a grinding halt because someone says campground and motorized sports, that's an RV park with people on quads not a club racing facility. Who has that opportunity to slam that down rather than having an opportunity to take care of this in a more certain sense?

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(#1125) Allan Borden responded at the proposal that you have right now with changing the code, you could go with a special use permit and you could get 27 people showing up saying they don't want this club sports facility, or it could happen at the rezone hearing as well. There's no 100% assurance either way.

(#1150) Sam Barer stated based on what he knows about the slippery slope argument it seems to me there's actually less slippery slope in this than what you're suggesting trying to fit this into another mold. What the developer is actually suggesting is specifically protect against the slippery slope.

(#1200) Allan Borden stated working with the Comp Plan since it's inception, a property that is zoned RR20 was done so for a purpose. When we developed the kinds of land uses that could take place under RR20 we thought what's going to maintain the characteristics of this RR20 property. It's for low intensity types of land uses. To introduce a kind of land use that has no other similar kind of land use in any other residential zone, the request has no compelling reason to make this big jump from the low intensity type of uses to something that's very unresidential.

(#1300) Rod Powell stated what I think you're saying is the current RR20 zoning that exists within the county, the county would wish that to remain thus. If we had already decided a project, we can't even make it a campground; you want it a RR20. Is that correct?

(#1335) Allan Borden responded 'that is correct'.

(#1340) Rod Powell said 'there you go'.

(#1345) Allan Borden stated even if you applied for a rezone you would have to show this piece of property simply does not meet the characteristics of that zone, and this zone I am applying for is more appropriate.

(#1355) Matt Matayoshi stated what it comes down to is there's no perfect zone for this type of project, whether it be campground or tourism or rural residential. By allowing for a Special Use Permit you have a hearing examiner that serves in a quasi-judicial role that will hear all the information. We have no permits completed so to get specific and address as far as surrounding uses, all of those things will be carefully considered. All we're asking for is an opportunity to work through a process. If I had known there were several concerns I would have sat down with Allan and looked at this other option very carefully. We did speak in passing and considering some other issues, it was decided to move forward in this direction. You understand that so let me say the site we're looking at is surrounded by a prison, WSP and a garbage dump and timberland.

(#1430) Bill Dewey stated he is disappointed in the county tonight. We've gone in a different direction now by not getting staff recommendations. That's discouraging to me. I feel like we're advisors to the county; we're not professional planners, and we don't have the training that staff has. I value staff's council because of that training. I don't like that we seem to be having conflicting information from the county tonight. If I was the proponent, I would be irate at what just happened here tonight. I just want to go on record by saying I'm disappointed. That said, I think some good points have been raised. It's unfortunate they weren't raised before the hearing tonight. From a planning standpoint, I don't necessarily agree with amending code to try to make a project fit. I think that should be done through a rezone request, and as I was reviewing this before the hearing tonight, I didn't feel like this type of activity was a fit for RR20. I tend to agree now with this information that to rezone to RTC is a better fit and an easier tweak. Bill then apologized to the proponent on behalf of the county.

(#1535) Dennis Pickard stated obviously the proponent and certainly us probably could have done a better job in preparing for this meeting had we had a full understanding of the possible alternatives as the county saw them. Even if it's not in the form of a recommendation from the county, a discussion of the issue in the staff report would be very helpful to us in order to be prepared to look at all the alternatives. We've had this discussion at any number of occasions with various rezone requests that these are exactly the sort of projects that, it seems like, our existing zoning regulations haven't done an adequate job of anticipating in a way that makes the process more user friendly for the proponent so they have more certainty. Mason County has large swaths of undeveloped properties and there should be opportunities for pockets of that to be developed in responsible ways. A project like this seems like the sort of project that would fit well in a rural community and that we should be able to give the developer some opportunity to do the work to make sure they have the

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site and limitations and restrictions to make it a good project. On the other hand, my impression of the proposal that is presented before us tonight, is that RR20 and the proposed code amendments don't seem like a very good fit at all.

(#1700) Diane Edgin noted a long time ago when we were talking about the RT and RTC zones the discussion between the two of having a Rural Tourist Activity Center and that phraseology is not gone. The fact that the word 'campground' is in there, it almost needs to be a subtitle under RAC, which does not mean residential but it gives it a broader scope. Matt talked about where they were particularly talking about placing this, when you stop to think about it, how many people really want residential in that particular area.

(#1750) Bill Dewey stated his inclination is to suggest the proponent work with staff to figure out what the best way forward is. It seems as though we're thinking encouraging a rezone approach and also a code amendment to clarify RTC that we make it clear that it includes club motor sports. It sounds like there is some agreement that that's a better fit and a better place to try to accommodate this than RR20. In light of the unfortunate way this has been handled I would say by the county trying to expedite the rezone request or perhaps waive rezone fees in fairness to them for what they've been through so far would be the right thing.

(#1850) Dennis Pickard also noted it might include a corrective rezone.

(#1875) Miscellaneous discussion involving public notice, and expediting this process. There is a 10-day public hearing notice, as well as notifying the surrounding property owners

(#1975) Don LeMaster noted no one anticipated this kind of a business to come in and have the kind of requirements that it has. I really would like to see something like this in our county for a lot of different reasons. I'm for moving to the point where we can identify an alternative that's viable for both the proponent and us so we can make some kind of recommendation. It seems to me the only thing available to us is the RTC zone.

(#2050) Barbara Adkins apologized to the PAC for finding themselves in the quandary that you're in tonight. Matt, Rod, the attorney and I have been going through all these issues and thought we had gotten to a point where we had all of this covered, and that he was proceeding in the best way. My thinking on this specific one is that the code amendments that they proposed were so tight that basically you're not going to be having race tracks all over the county because they wrote it in such a way that it's really only going to fit in a couple of spots. The county does provide applications for code amendments so that application process is there for just that reason that not everything is going to fit. We could certainly try to push through a rezone hearing, and at the same time, whatever text amendments need to be made to allow that. You can do them simultaneously.

(#2200) Matt Matayoshi noted even if you look at RTC, there's no real zone that fits perfectly. I remember being at the RTC hearings to establish that zone and it was more of ATV's as an accessory use, rather than the primary use. In going through the different options, that's why this one stuck out. It's not circumventing a process because you still will have the Hearing Examiner who will have to decide on those very site specific issues that I mentioned.

(#2235) Rod Powell stated we are also working with a land use attorney and we didn't pursue the RTC zoning is the heading of the zone. We felt that this was so completely out of that zone and it wasn't worth asking for. Secondly, within the codes it does say you will only rezone once a year in October. What makes this project so economically viable today is this recession we're in. We felt we could not wait another year for a zone request. If you watch the price of oil, you will see the viability of the project change. Ultimately what we did not want to do is to create unnecessary opposition. So for instance, we're putting in a track in a campground zone and there are a lot of arguments that can be made against that, not the least of which is there's not a campground there.

(#2375) Allan Borden stated the code doesn't make you put a campground in because as you see in that code, it says special permit required uses. That means this motorized commercial outdoor recreation can be the primary use. It doesn't have to have a campground with a race track over here.

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(#2400) Rod Powell questioned if you don't have to put in a campground, why is that in the zoning language at all.

(#2425) Bill Dewey inquired if we did pursue the rezone option, what is the soonest they could have that processed.

(#2440) Allan Borden stated it is too late for the July meeting, but we could schedule something in early August. If you had an early August meeting, approved it, and sent it on to the BOCC, you're still looking at a BOCC meeting in the middle of September due to the notification to the BOCC and setting the hearing.

(#2455) Don LeMaster inquired if we could do a late meeting in July.

(#2485) Allan Borden responded it has to do with the notification process. On a rezone you have to notify surrounding property owners of the application.

(#2530) Bill Dewey inquired if the July 27th date would work.

(#2550) Allan Borden said he could take on the project on that date along with all the other things I have to do.

(#2565) Bill Dewey stated he thinks what happened to the proponent here tonight is really unfortunate, and I think the county owes it to them to bend over backwards here to try to right this issue. It's really unfortunate that all of this didn't come to light sooner. I sense this is the direction we're thinking about going as a lot of us are uncomfortable with going with this RR20.

(#2590) Dennis Pickard added it just occurred to me even if we sent it to the BOCC with a recommendation to approve it, they could just as easily have the same concerns and public testimony there could be just the same and shoot it down anyway. My sense, from what we've seen over the last year or two with the BOCC, is that they tend to be a little more conservative about those sorts of issues than we've been in terms of not trying to rock the boat.

(#2655) Bill Dewey made a motion to recommend to the BOCC to deny the proposed code amendment, and that they direct staff to prepare a code amendment to revise RTC to specify club motor sports with appropriate development standards as a permitted use with a Special Use Permit. The PAC also recommends the county assist the proponent with preparation of an expedited rezone request and waive fees in lieu of misdirection from county to date and both be brought before the PAC at the earliest possible date.

(#2685) Jim Reece inquired why we can't just table this request and then revise it and bring it back.

(#2700) Dennis Pickard explained whatever we do, it would be a new hearing with a new request. It is different than what was presented to us and what the public has been advised about. There's a motion on the floor. The motion is seconded, and now we'll have discussion.

(#2720) Matt Matayoshi explained this isn't the way we thought we had done several months of work to get here. We haven't had a good chance to look at RTC, so maybe moving forward with no recommendation this evening may also be an option.

(#2750) Bill Dewey stated the motion is fairly specific with direction, and maybe if RTC is not the appropriate alternative, and additional review finds a better solution, maybe a simpler motion is in order that just says 'The PAC recommends denying the proposed code amendment. Also recommend whatever appropriate alternative approach is agreed to is brought before us at the earliest possible date'.

(#2775) Miscellaneous discussion about the possibility of continuing this hearing and bringing back an alternative to take forward to the BOCC.

(#2820) Dennis Pickard stated he would prefer to send this recommend to the BOCC and give them the opportunity, with our recommendation, to act how they determine to act understanding that they'll have the minutes of our discussion and understanding our concerns, they may decide that they wish to proceed with

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approval the proposal against our recommendation. We are effectively stopping the process if we just table this request. If we forward it with a recommendation, it allows the process to continue at that level while we're also forwarding the rest of our recommendation.

(#2900) Bill Dewey noted all of us are in agreement that RR20 is not a fit for this, so a motion to deny the proposed code amendment is appropriate.

(#2940) Diane Edgin seconded the amended motion, and stated she would like to see this project happen.

(#2955) Dennis Pickard added he's tired of having proposals for what seem like excellent projects that we should be encouraging having to have them beat their head up against a brick wall to see them not get done or maybe get done.

(#2995) The vote was taken on the amended motion, and it passed unanimously. It was noted that Diane Edgin's and Debbie Jacob's terms will be up as of July 31, 2009. Also, on the BOCC's consent agenda tomorrow is the approval to appoint Ken VanBuskirk to fill a vacant position on the PAC.

Meeting adjourned.