

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
September 16, 2002

(Note audio tape (#4) dated September 16, 2002
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 Diane Edgin at 6:00 p.m.

2. ROLL CALL

Members Present: Bill Dewey, Diane Edgin, Steve Clayton, Irv Shotwell, Marilyn Johnston, Robert Sund; Theresa Kirkpatrick was excused.

Staff Present: Bob Fink, Darren Nienaber, Allan Borden, Rick Mraz, Grace Miller, Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes from the August 19, 2002 meeting were approved as presented.

4. NEW BUSINESS

(#0050) Diane Edgin: We're going to change the order on the agenda tonight. The first Resource Ordinance variance will be for the Keith and the second one will be the McFeeley's and then we will deal with the Powell variance. Then we will do the Lee project and the Card Room Ordinance.

(#0060) Rick Mraz: Madam Chairman, before I start I wanted to submit the Findings of Fact from last month's meeting for the Barbara Morris variance application. Based upon additional site visits, it was determined that the house could be repositioned and was repositioned but it was also determined that Ms. Morris's lot is significantly different than she thought. It's not 130 feet deep but is actually 97 feet deep. She owns a 75 foot by 97 foot piece of property and that was one of the reasons she kept having difficulty with the site plan to get her house to fit at the distances she believed it would be from the stream. That, along with the fact that we discovered some septic records from 1970 that showed the drainfield oriented in a T-shape so that the drainfield itself ran parallel with the road and was between the house and the road and that limited her ability to move forward a great deal. In fact, what we wound up doing was moving the house about two feet farther forward. She had already had it moved and had it staked out when I went out on site so we traced the drainfield and that's what we wound up with; a setback of about 41 feet from the creek.

In addition, I have an addendum for the HMP for the first variance tonight. This is from the biologist, Mr. Daley, and specifically references the well location, which came up as a question during the review process. A second question was raised about the labeling of the exhibits. Exhibit 1 was actually chopped off at the bottom of the page and that is the site plan that shows the house at diagonal to the Union River and 40 feet from the Type III stream. I have a request for a variance from the Resource Ordinance to emplace a manufactured home with septic system approximately 40 feet and 100 feet from Type 1 and Type 3 streams, respectively. Staff recommends approval with conditions based on satisfaction of the review criteria. No comments were received during the 28-day comment period. The applicants are Ted and Leanna Keith. The property is located at 1462 NE Old Belfair Highway, Belfair. *(Rick continues to read from staff report attached hereto).*

(#0372) Irv Shotwell: On the monitoring plan, where you have a biologist coming in, he's going to come in every year for three consecutive years?

(#0376) Rick Mraz: That's correct.

(#0377) Irv Shotwell: And that's just to see whether or not everything that they said they were going to do gets done?

(#0382) Rick Mraz: At that point he will essentially be addressing survivability. He'll go in to make sure that we have 90% survival of the planted species.

(#0386) Irv Shotwell: Is that paid for by the county or is that paid for the parties?

(#0388) Rick Mraz: That would be paid for by the applicant.

(#0394) Diane Edgin: On the restoration bond, it says 'the amount necessary to perform the restoration'. Do you trace that to make sure that that has occurred?

(#0396) Rick Mraz: The restoration bond is filed with the county and the bond is essentially a certificate of deposit in the name of the applicant and the county and if the actual restoration is not performed to the county's satisfaction, then the county could recover the bond and do the restoration work itself.

(#0430) Steve Clayton: The proposed well site; is that adequate distance from the uphill drainfield? Is it supposed to be 100 feet?

(#0445) Rick Mraz: It can be reduced through waivers through environmental health but the standard distance is 100 feet and beyond that it can be reduced down to 75 feet locally and down to 50 through a waiver through Dept. Of Health.

(#0468) Steve Clayton: Being that there was no previous septic system shown, how does it relate to where a previous septic system might have been?

(#0474) Rick Mraz: I'm going to let the applicant answer that; I'm not sure where the existing septic is.

(#0478) Steve Clayton: Do we have a necessity for abandonment of the previous septic tank and system?

(#0482) Rick Mraz: I believe that we do but that's an environmental health issue and would have been satisfied through the issuance of the original permit. I'm not sure what level of detail is necessary for abandonment. I'm finding that a lot of the questions that are being asked are almost better addressed to an environmental health specialist.

(#0495) Steve Clayton: Is it necessary to put a clause in that the previous residence is to be removed 'x' number of days after the current one is built?

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(#0500) Rick Mraz: It can be conditioned as part of the building permit and it would be required otherwise they would have to obtain an accessory dwelling permit, which would require a special use permit. It would have to be classified as an accessory dwelling; I believe it's oversized and would require a variance from the development regulations to even qualify as an accessory dwelling. The restoration area shows that the house will be removed and the site plan lists that the existing house will be removed. Since the HMP is to be enacted as one of the conditions of the permit approval and it states that the existing house is to be removed I think that would satisfy that provision.

(#0530) Steve Clayton: The applicant had requested a 5 foot setback from the drainfield, which is not per environmental health.

(#0534) Rick Mraz: That is correct and that probably will require some modification of the site plan. The perspective is flipped in that they have a 10 foot setback from their tank and a 5 foot setback from the drainfield when in fact they need the reverse. I believe the way this site plan is to be finished is to show something more along the lines of 65 feet from the Union River and 35 feet from the Type 3 stream because it will have to shift northwest to move the 5 closer to the tank but it will have to shift mostly west to move the 10 away from the drainfield. So it is likely to show those setbacks in final state.

(#0565) Irv Shotwell: I think it's significant that the Skok Tribe didn't respond to any of your comments. There was no reply at all.

(#0570) Rick Mraz: We did communicate about it and they stated in an e-mail that they were not going to respond.

(#0572) Irv Shotwell: That is a response.

(#0580) Diane Edgin: We will now open the public hearing. Do the Keith's want to speak?

(#0595) Ted Keith: On the second set of plans I drew myself and turned the house and pushed it up and I gained 30 feet from the river. I've been there 44 years and it's time to get away from the river. As far as Fisheries, I've always protected the river and the stream. I've put in plants and shaded what I could. When I raised my children I had a garden next to the river and I would like to replant that with natural habitat.

(#0620) Irv Shotwell: How soon do you plan to remove the original structure?

(#0624) Ted Keith: I think we had two years to get it torn down. The old septic system is from 1968 and I put it in myself. It ran 30 years before I had any trouble with it and that was because of a crushed drainfield. People came in twice with dye tests and it passed.

(#0646) Marilyn Johnston: Does the creek overflow?

(#0648) Ted Keith: Once in 44 years. The river gets really close to where I live now.

(#0655) Marilyn Johnston: So as far as where your proposed well is going to be as far as water it will be fine?

(#0660) Ted Keith: Yes, it will be fine. They put in a new culvert and the highest the creek got was last year. The Fish and Game have my verbal permission to park there.

(#0695) Steve Clayton: Where on the property was the septic system previously?

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(#0697) Ted Keith: It's between the river and the house. It's 1400 gallons and it's too close to the river. I put it in before there was any law on it. I built the place when I was 18 and the septic went in 10 years later. There's approximately 140 feet of drainfield which runs towards the new place that I want to put in.

(#0733) Bill Dewey: With your septic permits do you have provisions for abandoning that existing system?

(#0737) Ted Keith: No.

(#0740) Bill Dewey: So the tank is just going to stay in the ground?

(#0742) Ted Keith: I can bury it, I could have it pumped and bury it; it's pretty good size.

(#0754) Steve Clayton: Do you feel having to relocate to move away from the drainfield is going to be a problem?

(#0760) Ted Keith: I could go ahead and accept the other 5 feet and put it 10 feet from the drainfield. There's no problem there. I just thought I could gain that little more. I just wanted to get as far away from the river as I could.

(#0780) Steve Clayton: What are you going to do with the downspouts from the house?

(#0785) Ted Keith: Just beyond the drainfield that's there I have probably a 40 x 60 left over just west of the drainfield that we have planned.

(#0796) Steve Clayton: So you're just going to route the downspouts out that direction with some ditches?

(#0798) Ted Keith: Yes, there's plenty of field there.

(#0812) Diane Edgin: Okay, does anybody else wish to speak on this project? We will now close the public hearing.

(#0845) Steve Clayton: What would you all think of putting a condition on for abandonment of the septic?

(#0855) Bill Dewey: I have the same concern that you do, Steve. I don't expect him to remove that tank but I think that pumping and filling it might be a good idea as opposed to just leaving it sit full of sewage.

(#0870) Rick Mraz: I can certainly look into what is necessary and what the county's environmental health department requires when one constructs a new system of what happens to the old system.

(#0880) Steve Clayton: So we would conditionally approved based on the conditions that you stated and based on your research whether or not they could do a 5 foot setback from the drainfield and also whether or not terms are considered for abandonment of the existing septic.

(#0890) Rick Mraz: You could encompass that condition by saying that it satisfied the environmental health issues raised by the commission.

(#0905) Irv Shotwell: In that case, I move to conditionally approve the variance as specified in the staff report.

(#0908) Steve Clayton: I second the motion.

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(#0910) Diane Edgin: We have a motion and a second. All in favor? Motion passed unanimously. As I stated earlier, we're going to change the order tonight and do the McFeely variance next.

(#0925) Grace Miller: My name is Grace Miller and I'm with the Mason County Planning Department. The request by Fred and Amy McFeely is for the construction of a single family residence with a setback of 40 feet from a Type III stream, which has a 150 foot buffer and 165 foot building setback requirement. Applicants propose mitigation by removing invasive species and planting native vegetation to enhance the buffer. The staff recommendation is for approval with conditions based on satisfaction of the review criteria and review of the HMP and response to comments. To date, comments have been received from the Squaxin Island Tribe and WDF&W has no comments. (*Grace continues to read from staff report attached hereto*). I also have several photographs of the site for your review. The applicant is present if you have any questions for them.

(#1155) Bill Dewey: Looking at the photos here, Grace, there's bulkheads on both sides of the property. Are they proposing any bulkhead on theirs?

(#1160) Grace Miller: No, that isn't in the proposal at this time.

(#1162) Irv Shotwell: Grace, there's just no room on that lot to put that house anywhere else but there, is there?

(#1165) Grace Miller: No, that's the most logical place. It's the one existing cleared area. There wouldn't be any room on the other side and the access is already there.

(#1178) Steve Clayton: Did you visit the site, Grace.

(#1180) Grace Miller: Yes, a couple of times.

(#1182) Steve Clayton: When I went by there the other day it appeared that the whole upper area was fraught with blackberries, not just the small area that they spoke about.

(#1190) Grace Miller: There are a lot of blackberries there.

(#1192) Steve Clayton: It's quite a bit different than the report that Mr. Boad made.

(#1194) Grace Miller: They aren't really up in the trees.

(#1200) Steve Clayton: The actual culvert that the stream comes down, on both sides of the highway, has an extensive amount of blackberries.

(#1204) Grace Miller: Up by the paved road? Yes. But the stretch from where the alder tree is and then there's large trees, I don't think there's a lot of them there. They do start up and go out into the saltwater. (*Grace indicates on photos*).

(#1220) Steve Clayton: Being that we were told not to trespass on property, I was limited to view from the highway. Everything that I could see on the frontage on both sides of the road was fraught with blackberries. Did Mr. Boad do his examination in the winter time when they weren't there.

(#1235) Grace Miller: I only observed the blackberries right along the highway. (*Grace indicates on photos*). I didn't see blackberries in this area where the large trees are.

(#1260) Irv Shotwell: Steve, Is there something wrong with blackberries?

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(#1262) Steve Clayton: They're probably a good restoration to hold the banks together. In one part of Mr. Boad's report he said that all blackberries would be hand removed from the entire site and that would seem to be contrary to preservation of the stream banks. We're also looking at the reason why we want to do all this and not put the house in a better location further away is based on maintaining a 600 square foot area of blackberries.

(#1295) Grace Miller: I observed them out toward the saltwater; I didn't observe them in the large trees. I spent a great deal of time on the property and the report seemed accurate to me.

(#1328) Steve Clayton: The SMP said we need to address stormwater for the site. Do we have a stormwater report?

(#1340) Grace Miller: I didn't receive a stormwater plan as part of the proposal. I assume that the area around the home will be collected and probably discharged into the ground at that point. There isn't a slope for it to erode so it could be discharged in the area where the home is and it could percolate through there before it reached the beach.

(#1358) Steve Clayton: You also have a setback requirement from the saltwater that it be no closer than the adjacent homes are. Your site plan doesn't show the adjacent homes and at least from the roadward side it looks like it violates the person to the north.

(#1375) Grace Miller: When you're facing the water there is a home to the north on the right side that is closer to the water and then the owner owns the home that's further back than this is proposed but the shoreline curves at that point and if you stood in this area where they're proposing the home and you try to do it by eye, there isn't an obvious straight line there. They would be averaged at about the same setback if this home is proposed at 40 to 60 feet. I don't think that it will be blocking their view at all because of the width and the averaging used. I didn't find it to be in violation of the shoreline setbacks.

(#1416) Steve Clayton: Some of the other proposals we had last month, the Johnson property on the canal, gave us the actual buildings on the adjacent property and the SMP tells us where to draw the line on that.

(#1425) Bob Sund: The homes were a lot closer.

(#1435) Grace Miller: Where it's proposed it meets the shoreline setbacks for view retention. The way the shoreline is curved there, if you use the averaging of how close that one is on the north and where the McFeely residence is to the south, this will be an average with them.

(#1452) Steve Clayton: Are you aware if the homeowner intends to build?

(#1462) Grace Miller: My understanding is that the current owner intends to sell it to someone that would build and this is probably a contingency of the sale.

(#1468) Steve Clayton: Butch Boad is the realtor and Lee Boad is the person who did the HMP?

(#1470) Grace Miller: That is correct. The McFeelys who live next door are selling the property.

(#1480) Steve Clayton: If the house was moved 60 foot farther away from the shoreline it would approximately double the distance to the stream?

(#1500) Grace Miller: It would increase the distance to the stream but it would also impact that riparian area which is heavily treed right now. That's part of the mitigation to retain those trees because just above

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there where they have the home proposed is all forested now. If they were to move it they would be cutting those trees which is also the buffer. (*Grace indicates on map*).

(#1572) Steve Clayton: We've got a 40 x 60 foot residence; if it was rotated where the 40 foot was width wise that would make it 25 feet further away from the stream? We could increase the buffer from 40 to 65 feet. Is that reasonable?

(#1635) Grace Miller: It is possible.

(#1646) Diane Edgin: One thing we don't know is if they've already spent money on house plans for this proposed residence because switching it around might entail a considerable expense to them.

(#1665) Bob Sund: Science says that there should be no impacts, so are we saying there are some impacts so therefore we're going to change it around? The science we're basing our judgment on says that there shouldn't be any impact.

(#1678) Steve Clayton: What science? Do you mean the biologist?

(#1680) Bob Sund: Yes.

(#1684) Steve Clayton: The biologist is being paid by the people doing this and with the realtor having the same last name ... I'm not inferring there's a conflict but there's potential for conflict.

(#1715) Bill Dewey: Grace, is there any information provided on the driveway? Is it going to be impervious?

(#1718) Grace Miller: My understanding is that it would continue to be pervious; it would be rock.

(#1730) Diane Edgin: We will now open the public hearing. Do the McFeelys wish to speak?

(#1738) Butch Boad: My name is Butch Boad and I am here as Mr. McFeely's representative.

(#1757) Irv Shotwell: What do you think about rotating the house?

(#1762) Butch Boad: The prospective purchaser of this property oriented the property that way so that more of the home could take advantage of the view and waterfront. He does have preliminary plans to build a house in that configuration. The intent is not to have the house be 40 feet by 60 feet but to position that house within that parameter. There wouldn't be any benefit from a habitat prospective. We really did try to select that site to consider the riparian zone so there wouldn't be the necessity of removing any large trees.

(#1855) Bill Dewey: Is the distance from the trees there to accommodate parking in back or a driveway behind the house?

(#1854) Butch Boad: Not necessarily. That particular issue has not been addressed by the prospective purchaser for this property. They haven't decided what to do. They do understand that that mature zone is to be left all natural.

(#1872) Bill Dewey: My interest is to try to keep a significant marine buffer as you can. Is the distance there for the danger from falling trees?

(#1882) Butch Boad: It's mainly danger from the falling trees.

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(#1898) Bill Dewey: Do you know about any plans about the driveway?

(#1904) Butch Boad: Right now it's crushed rock but I don't know what the future owner is going to do. If that were a stipulation, this would be the time to do that but if the adjacent properties have paved driveways, which they do, I don't know that's a place you want to go.

(#1928) Steve Clayton: If we were to continue the hearing, would there be a means by which we could make a site visit and actually obtain access to the property and not interact with the McFeelys, because that would be a violation of what goes on, in order to get an understanding of the layout?

(#1938) Butch Boad: I can't answer that for you.

(#1946) Diane Edgin: What's your timeline on this?

(#1950) Butch Boad: About 45 days ago.

(#1952) Diane Edgin: That also costs money.

(#1955) Irv Shotwell: Steve, what's your concern?

(#1960) Steve Clayton: We're looking at reasonable use of the property and if reasonable use of the property ... it appears that to move the house back or reorient it to move it away from the stream would be better. The area is prone to infestation by blackberries. Not that big of deal; a great streambank stabilizer but not ... if we're within 40 feet of the streambank and we have a 10 foot buffer and then remove any hazardous trees which are over 50 feet then we have no trees on the streambank at all and we have essentially a streambank of blackberries that run up.

(#2008) Butch Boad: You're talking about taking trees down. There isn't any intent to take any trees down.

(#2010) Steve Clayton: There are trees along the stream, correct?

(#2014) Butch Boad: No, not in the area below. (*Butch indicates on map*). The plan has provisions for black cottonwood and bigleaf maple to be planted in that area.

(#2035) Irv Shotwell: Staff made a pretty thorough site study.

(#2130) Butch Boad: Regarding the blackberries, at the time Lee Boad did review that property it was early last spring before the blackberries had really taken off as they have now, so it does look a lot different right now. We don't like blackberries along the stream. They don't root well; they vine out but they don't hold very much soil. You're much better off to have a cottonwood or a dogwood. I'm involved with the Hood Canal Salmon Enhancement Group and I have been for about twelve years and habitat is a very important issue that I have a pretty significant awareness of.

(#2185) *Miscellaneous discussion.*

(#2318) Diane Edgin: Any other questions? We will now close the public hearing.

(#2348) Marilyn Johnston: What is the footage from the house up to the riparian area?

(#2370) Grace Miller: The dimension isn't given; I'd guess about 35 feet.

(#2400) Diane Edgin: Rick just measured it and it's 65 feet.

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(#2475) Marilyn Johnston: How many trees back there that are danger trees?

(#2495) Grace Miller: There's a lot of fir in that area. (*Grace indicates on map*).

(#2500) *Miscellaneous discussion.*

(#2710) Bill Dewey: I think you can get a sense by the questions that the interest in this is that the commission members are driving to achieve the greatest buffer and setback that we can. I'm looking to you, Grace, for your professional opinion. Do you feel like what they've drawn and what they're proposing is the best we can do or do you feel there's an opportunity to get more of a buffer there?

(#2733) Grace Miller: I feel with this site, given the mitigation they're proposing, that this is the best area for the home. It would be the least impact to what's there. It gives an enhancement to the marine shoreline also and a protection to the marine shoreline. I think it's the best spot for the home. I know you haven't had the opportunity to walk the site and it's hard to envision but that's what I feel.

(#2770) Diane Edgin: How high is the bank there?

(#2772) Grace Miller: There really isn't a bank; it's a very gradual slope. There's about a 10 foot drop into the creek but other than that you don't see any slopes.

(#2810) Bob Sund: I'd like to move it along so with Grace's final comments I'd like to make a motion to approve the variance request with the conditions as stated by staff.

(#2818) Irv Shotwell: I second that motion.

(#2820) Diane Edgin: We have a motion and a second. All in favor? Motion passed with Steve Clayton opposed.

(#2860) Rick Mraz: Commission members, this next report evaluates a request for a variance from the Mason County Resource Ordinance to construct a residence of approximately 1500 square foot within a Type IV stream buffer. The applicant is Albert Powell and the location is 91 Webster Lane in the Triton Head subdivision. (*Rick continues to read from staff report attached hereto*). I have photos here for your review. I also have a site plan here for you to review. It's the same footprint as is proposed in the HMP but in a different spot. This was just prepared today.

(#3250) Irv Shotwell: Is this what you're recommending?

(#3255) Rick Mraz: It's not a recommendation; it is an alternative that exists and is just submitted as evidence that the proposal does not satisfy the minimum.

(#3306) Bob Sund: Isn't it better for the drainfield to be 100 feet than the house? Isn't there more potential degradation from the drainfield than there is from the house.

(#3322) Rick Mraz: That is an issue that is open to debate. I would suggest, and it seems reasonable, that a structure constitutes more of an imprint or footprint into the buffer than an open space. If the drainfield is a current drainfield that meets environmental health standards, then it should not adversely affect water quality in the stream.

(#2248) Bob Sund: It's been a regulation for a long time that a drainfield must be at least 100 feet from a stream or body of water.

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(#2256) Rick Mraz: You are allowed to reduce that per the provisions of the ordinance. You can't reduce it any more than 50 feet of the required distance without an HMP.

(#3390) Bob Sund: If an existing house had a drainfield that was 20 or 30 feet from a body of water and you were going to remodel your house and you were going to move that further away, you could be granted that but if you're going to build a new drainfield and a new house I was under the understanding that you had to abide by the 100 foot minimum.

(#3440) Rick Mraz: I know that the county health department will waiver to 75 feet locally.

(#3350) Bob Sund: You're saying that you would rather have a drainfield infringe on the buffer rather than a house infringe on that buffer. Is that correct?

(#3460) Rick Mraz: I'm saying that there are other possibilities that might include locating the drainfield more northerly. You could flip the drainfield and the house in the same way that they're drawn and the house would still be further back from the stream. In this proposal, the house is as close to the stream as it can be in it's current location unless you were to move it into the actual existing native vegetation.

(#3508) Bob Sund: Is this an intermittent stream?

(#3510) Rick Mraz: It's a Type 4 which is by definition a perennial. Type 5's are intermittent. It does not appear to be a fish bearing stream.

(#3550) Steve Clayton: So detrimental effects of placing close to this stream, we aren't concerned with salmon habitat?

(#3556) Rick Mraz: Just water temperature and water quality issues. I don't mean to suggest that my site plan is the alternative but I offered that as one option.

(#3622) Irv Shotwell: You're saying that you could actually be in better compliance with the rules and laws by moving that house back?

(#3636) Rick Mraz: That is correct.

(#3638) Irv Shotwell: And it's going to be still conducive by keeping the vegetation the way it is and actually enhancing it for this replanting area up here by the canal?

(#3652) Rick Mraz: That area is actually part of the HMP that was included in Robin Myers recent suggestion. The snag den was up closer to the road itself; it's a wildlife brush pile and it's disconnected to the other natural areas on site but it still might provide habitat.

(#3680) Bill Dewey: Rick, you basically outlined your decision for denying it as it's been applied for and you've offered an alternative that they may want to consider if they want to reapply. I would suggest if they were going to consider this that they also, from a septic standpoint, look specifically at the soils and any conditions that are there. It may be that one side or the other from the house may be better soils. That may be more important than distance to saltwater or the stream.

(#3720) Rick Mraz: Mr. Sund's comments are accurate in that it does require more review as to what is involved in placing the septic within 100 feet or less from the stream. I do believe that it's approval on a local level but it may require additional justification.

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(#3742) Marilyn Johnston: What is the footage between this and the adjacent house?

(#3755) Albert Powell: The adjacent house is 15 feet from the property line.

(#3785) Steve Clayton: Photographs infer that if it was in the southern part of the parcel that there's a little elevation change there. Does he have a view still if it's moved to the southern part?

(#3797) Rick Mraz: Probably not much.

(#3800) Steve Clayton: Is that based on trees?

(#3802) Rick Mraz: Trees and the orientation of the other house. I think from the upper level he'll see the roof of the neighboring residences and a partial view of the cove.

(#0108) Bob Sund: We've certainly approved some infringement on buffers that were greater than this. We just approved a buffer that was infringing on a Type 3 stream and a Type 1 stream tonight and the infringement in that case was a lot more than this one.

(#0125) Irv Shotwell: I think the reason we did that was because our inspection put on it by staff indicated that was really the only logical place you could have a building site and that seemed to be pretty firm. Whereas in this case it seems like there could be other building sites. I'd be interested to know how the owner feels about it.

(#0142) Bob Sund: The proposal here is swapping the two areas; the house and the septic.

(#0155) Bill Dewey: It seems like the reason the house is out as far as it is to gain the view.

(#0165) Diane Edgin: We will now open the public hearing portion. Mr. Powell?

(#0172) Albert Powell: I've written down some comments based upon the staff recommendation and I'd like to make those first and then I'll address some of the things you just brought up. The reason we're asking for a variance is so that we will have a reasonable use of our property. We bought a waterfront lot so that we would have beach access and a view. In order to have a view of the water it is necessary to get a variance. As I understand it, the HMP was to be the plan for us to mitigate any environmental damage that might be caused by building a house in the buffer. Our HMP does that. About two months ago, Robin Myers, who prepared our HMP, met with Mr. Mraz at the site. Mrs. Myers went over the details of our HMP with him. What neither Mrs. Myers nor I understand is why Mr. Mraz didn't bring up his concerns during this meeting. Neither did he raise them when he talked to her asking for the information in the amendment. The suggested building site in staff discussion #3 would have absolutely no view of the water or anything else. There's a dense stand of timber right in front of that site. The property slopes uphill from the water and then there's a bench on the top and where the septic system is proposed is on that bench. As it now stands, our septic designer, Bill Russell, says he can only put in a two bedroom system using every bit of the area marked out by staff as useful without a variance. If that same area was now used as the building site the septic system would now move into the buffer and need a variance. To my way of thinking, it would seem to be more desirable to have the septic system as far away as possible from the stream and for the building site to be in the buffer. Our proposed building site would require the removal of a few trees. Moving the septic system northward would require removing many trees. There are no more large, tall trees in the area of our proposed building site than there is on any other part of our lot. The property line to the west has tall timber all the way along it. In my opinion as a professional forester, there are no danger trees either on our property or on our neighbors on either side. That answers my rebuttal to staff's proposal.

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(#0280) Bob Sund: How old is that plat?

(#0282) Albert Powell: I believe about 1941 or 1942 was when the plat was done.

(#0284) Bob Sund: How long have you owned the property?

(#0286) Albert Powell: 30 years.

(#0290) Bob Sund: And you bought it with the intention of having waterfront?

(#0294) Albert Powell: That's correct.

(#0296) Steve Clayton: Is this intended to be a stick built?

(#0298) Albert Powell: We are intending to build a stick built.

(#0300) Steve Clayton: So based on the square footage of 1500 feet it's about less than 30 feet deep but 55 feet wide?

(#0302) Albert Powell: Something like that. We do not have a building plan as such; we're just trying to find out what we can do and what area we can work with.

(#0306) Irv Shotwell: Would it be possible to put out a building plan that would give you a little more footage away from the canal?

(#0315) Albert Powell: Moving it up the hill is possible; we could still have a view but it would require removing a lot of the trees to the south and it seems to me we're trying to get as much buffer there as we can. It had been a log dump and that's why the roads are in there and that's why we're trying to utilize where that road is as much as possible; the one that we want to abandon with the building site.

(#0352) Bill Dewey: If you were to move the house back to try to increase the buffer to the marine waterfront the trees that you're talking about that would have to be cleared are on the opposite side of the property from the stream?

(#0356) Albert Powell: That's correct.

(#0375) Steve Clayton: I believe we don't have a problem with the setback from the saltwater; the problem is the setback from the stream?

(#0375) Bob Sund: Why are we discerning between the two of them? The setback from the saltwater and the setback from the stream?

(#0384) Rick Mraz: As proposed, the house meets the saltwater setback.

(#0388) Irv Shotwell: The concern is the 36 feet away from the stream.

(#0390) Rick Mraz: That's correct; that's what the variance was described as.

(#0498) Bill Dewey: So the setback from saltwater is 75 feet plus 15 feet?

(#0400) Rick Mraz: It's the common line between the adjacent building. If there's no adjacent building, then you use the default of 90 and then complete the common line.

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(#0420) Bob Sund: The reasonable use of this property is that it was purchased as waterfront 30 years ago and it was platted as a building site 60 years ago. It's not a fish bearing stream and certainly the DFW nor the Tribe saw fit to answer.

(#0442) Irv Shotwell: I think that's significant in itself.

(#0445) Steve Clayton: The box that you've drawn on your plan it shows 55 feet as being square. That's roughly a 3000 foot square. Your plans say that you're looking for a 1500 square foot house. Could we do a narrower house against the property line and move yourself away from the stream and still leave you view property up front?

(#0460) Albert Powell: That's very possible.

(#0465) Steve Clayton: What is a reasonable size for you?

(#0474) Albert Powell: That's what is the proposed footprint on the site that Robin Myers came up with and the house could be on the far side of that. She said that that included the area around the house and everything else. She wasn't saying that the house was going to be taking that whole area.

(#0486) Bob Sund: That seemed to funny to me when I read this that this is the only variance that we've read that includes the surrounding area of the house, not just the footprint. 3,470; we've never dealt with that type of situation before; we've always dealt with just the house itself.

(#0498) Steve Clayton: I think it's a good educational thing that Rick gave us that we're not talking about; we're talking about the cleared area. He's out in the sticks and you've got fire considerations there that the previous applicant didn't have.

(#0515) Diane Edgin: Will there be a garage?

(#0517) Albert Powell: No, just a parking area to the south of the house.

(#0520) Bob Sund: When it's drawn like this and the 3400 square foot area is marked off and we start measuring the buffer from that, it distorts the whole picture as far as I'm concerned.

(#0538) Diane Edgin: Say the house is actually 1500 square foot under the roof and you want a 10 foot buffer around it, you're talking about another 500 square feet?

(#0560) Irv Shotwell: The point is if the house is 30 by 50 doesn't that add 15 feet to that 36? Doesn't that make it 50 feet from the stream?

(#0575) Steve Clayton: We're not talking apples and apples with the previous request. The previous request talked about house size; this request is including the 10 foot buffer around the house.

(#0578) Bob Sund: So if we took the 10 feet off on the one side we're talking 46 feet instead of 36 feet and it's possible that we could even crowd that even further because it only has to have a 5 foot strip between his house and the property line. So if you went that far you wouldn't be having that extra land on the one side; it would be all on the side towards the stream. So it's conceivable without doing a lot that you're going to end up with 56 feet instead of 36 feet.

(#0615) Irv Shotwell: Mr. Powell, would you be willing to work with Rick on that?

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(#0617) Albert Powell: Absolutely. That was always our intention to be as far to the east as we could with the house.

(#0625) Irv Shotwell: Rick, could we formulate a condition to be put into this the way we discussed it?

(#0628) Steve Clayton: Something along the lines that the house is to be 60 feet from the Class 4 stream?

(#0636) Rick Mraz: That's something that you will have to do as a commission. You can recommend approval subject to the conditions that you create.

(#0650) Bob Sund: What would be appropriate?

(#0652) Rick Mraz: Staff would like an opportunity to speak after Mr. Powell.

(#0658) Diane Edgin: Mr. Powell, I assume this is a retirement residence?

(#0660) Albert Powell: Primarily, yes.

(#0662) Diane Edgin: So a second story is not exactly something you want to deal with.

(#0664) Albert Powell: No, we want one floor with a daylight basement. The lay of the land would lend to that; we would not utilize the daylight basement for our living area because neither my wife or myself are in the best of health.

(#0678) Rick Mraz: Just in an attempt to respond to some of the issues addressed by Mr. Powell, specifically in the hopes that staff does not seem arbitrary or noncommunicative in the case. The actual initial resource lands inspection on the property was done in 2000 by Jason Manassee. At that time it was conveyed to Mr. Powell that the proposal of constructing the home much similar to what is seen on the site plan here was difficult and would require a variance and that that variance must constitute the minimum necessary. It was unclear at that time how much of the stream buffer encroached into the property. Through repeated communications with three different environmental consultants working for Mr. Powell, staff reiterated that it was important to identify what portions of the property were not within the stream buffer and those communications began in 2000 with Mr. Manassee and continued with myself when I took over the case in March of 2001. We met in Commissioner Wes Johnson's office and I and Mr. Manassee and Mr and Mrs. Powell discussed this issue again and went over the fact that there would need to be demonstrated in the application for any variance that the location of the home constituted the minimum necessary variance. With regards to meetings on site with Robin Myers, who did the HMP, staff was not in a position to say that a proposal will meet with approval or denial. We're not allowed to and we don't have that authority. When the plan is proposed it's even often an awkward situation to suggest that it may meet with approval or denial. Staff simply states that the proposal needs to go before the PAC and the BOCC and that was what was relayed to Mrs. Myers on site. Staff asked for additional information when the concern came up through review of the proposal that the footprint of the homesite might be larger than the homesite itself and that's what created the addendum. With regards to hazard trees, staff defers to Mr. Powell given the fact that he's a professional forester on the fact that there may be no hazard trees on site; however, it seems, based on the site plan and walking the site, that there are a number of large trees that would be closer to the home as it's proposed than if it were moved to the southeast and staff's experience on some of these projects is that trees, hazardous or not, closer to the house create circumstances whereby owners get nervous. It may be that there are no hazard trees and it is important to recognize that any tree removal would require documented proof by a forester that the tree was dangerous and would require replacement. Staff also responds to the tree removal issue with regard to placement and repositioning of the house by saying that those trees are essentially young and it is a tree area.

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(#0825) Diane Edgin: Any more testimony? We will now close the public hearing.

(#0828) Darren Nienaber: Mr. Powell gets a chance to respond.

(#0830) Albert Powell: I have no more comments.

(#0832) Bill Dewey: We're guided by the language that says that the granting of the variance must be necessary for the reasonable use of the land and that it should be the minimum variance as shall accomplish this purpose. If Mr. Powell owns a piece of view property ... if he can still build a home on there but he doesn't have a view is that reasonable use? Or is that view part of that reasonable use?

(#0855) Darren Nienaber: That's something for you to debate and come to a conclusion as to what you think it is. That's the appropriate role of the PAC. If there was a clear cut case that came directly down on that issue I would tell you as a matter of law.

(#0875) Bob Sund: Bill brings up a good point. If you buy something as view property and then suddenly because of some restriction you have to build around the hill instead of on top of the hill or something like that. In this case, a person buys a piece of waterfront and because of regulations we relegate it to upland property. If he buys it as waterfront property they should be able to make use of some of that waterfront.

(#0902) Irv Shotwell: Did I hear earlier that there's no fish going down this stream? So what is the problem?

(#0915) Darren Nienaber: The two main questions are is it essential to reasonable use? Is it the minimum? That's for you to figure out.

(#0920) Rick Mraz: For clarification, I'm not making direct assertion that the project will have detrimental effect to the environment. That was not my intent. My intent was the way the language in the variance criteria reads whether it met the minimum criteria.

(#0945) Steve Clayton: We're setting a precedent as we go along here. The previous owner had an opportunity to build further back from the stream and have less impact and we denied the staff's recommendation and now we have a less important stream and we're maintaining that this person should be held to a tighter standard.

(#0962) Bob Sund: That bothered me when I read it.

(#0974) Marilyn Johnston: What about the idea that was brought up earlier that this is not the house size but it is the footprint and if it were able to be less as Bob was saying by gaining a few feet and Mr. Powell is interested in working with the county on, what does that do as far as one considering the fact that this was purchased as waterfront property but that Mr. Powell says that he is willing to make some adjustment over so that we get the wider area?

(#1014) Irv Shotwell: I think that's very viable mitigation for this case.

(#1028) Bob Sund: The other thought by looking at this is if we were able to increase that stream buffer by 20 feet would it be appropriate to include an additional replanting area along 10 feet of the stream? That would help the temperature.

(#1045) Rick Mraz: The stream itself is well buffered.

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(#1060) Steve Clayton: I wouldn't be opposed to that 36 number be changed to 60 to the structure.

(#1065) Bill Dewey: I'm inclined to do the same. One thing that concerns me in previous proposals with the staff report comes a variety of conditions that talk about adhering to the HMP, etc., we don't have that with this staff report because we have a recommendation for denial. So can we craft adequate conditions in a motion that would include 60 feet to the structure?

(#1084) Steve Clayton: There is mitigation in the HMP.

(#1090) Rick Mraz: 60 feet distance from the home; that would create a 25 foot wide home meeting the 5-foot sideyard setbacks.

(#1100) Irv Shotwell: Another approach would be for Mr. Powell to back to the drawing board and come back next month and present a layout.

(#1115) Rick Mraz: We would just change the orientation to 30 by 50 instead of 50 by 30. He would meet 60 feet assuming he had no other real change.

(#1170) Bob Sund: If Mr. Powell understood our concern and that we're trying to preserve as much buffer there as possible that he understand that and we could go ahead and grant final approval at such time as he presented the house drawing?

(#1186) Steve Clayton: Or we could do as we said that we would do it conditional on the house not being closer than 60 feet to the Class 4 stream and then he can build a 10 foot wide house or a 30 foot wide house.

(#1210) Irv Shotwell: Is timing that critical or could he go back and present a layout showing what he can live with?

(#1218) Steve Clayton: I think that if we put a number on it and he went away and it didn't work he could come back to us but if we put a number on it and it did work then he's done with us.

(#1226) Irv Shotwell: That's a good point.

(#1265) Diane Edgin: We should discuss that by doing this what's your feeling on the reasonable use?

(#1268) Rick Mraz: The staff doesn't read variance criteria into the record. We reference it. #3 states "The granting of the variance must be necessary for the reasonable use of the land or building and the variance as granted by the county is the minimum variance that shall accomplish this purpose. The findings shall fully set forth the circumstances by which this chapter would deprive the applicant of a reasonable use of his land. Mere loss in value shall not justify a variation."

(#1320) Steve Clayton: The view is an important concept for use of the property. So for reasonable use of the land we're agreeing that it needs to be located in the lower portion of the property to be reasonable. Reasonable use of the land is to build a home with a view.

(#1332) Irv Shotwell: I would agree and I think the tax assessor agrees, too.

(#1365) Bill Dewey: If you look back on the Keith's proposal, there were nine different conditions that went with that that included erosion control, native vegetative buffer undisturbed during construction, HMP, etc., and because the staff report came as a recommendation for denial we don't have that same list of thorough conditions that would probably be appropriate to include.

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(#1398) Steve Clayton: My response is that there is a HMP in there as far as the plantings.

(#1420) Bob Sund: Let's say that we will approve this variance according to the conditions as set forth in the HMP and further provided that the building is not to be less than 60 feet from the Type 4 stream.

(#1470) Marilyn Johnston: I second that motion.

(#1474) Diane Edgin: We have a motion and a second. Any further discussion? All in favor? Motion passed. Next we have the Myong Lee Shoreline Substantial Development and Conditional Use Permit.

(#1555) Allan Borden: My name is Allan Borden with the Department of Community Development. Before I start my staff report I wanted to acquaint you with the site with some photographs. (*Allan shows and explains photos*). The applicant has proposed a 38 room hotel and 1,821 sq ft retail land use that is suitable for an UGA and consistent with the needs of the Town of Allyn. With the proposed 50-foot setback and landscaping in the buffer replaced with native vegetation, the proposed use will not interfere with the public use of the shoreline and a boardwalk provides access to the shore through the hotel. The hotel is compatible with existing land uses along State Route 3. The proposed hotel and retail complement the existing port pier and waterfront park north of the subject property. No adverse impacts to the shoreline are anticipated. The public interest in the shoreline suffers no detrimental effect as shoreline access and shoreline views are part of the hotel and retail proposed land use. Staff recommendation is approval with seven conditions based upon consistency with Mason County SMP Substantial Development and Conditional Use Permit standards. The applicant is Kee Won and Myong Lee. The former representative was Lloyd Baker of GGLO and they are now represented by Tom Sheldon from GGLO and he will provide you with details if you want. (*Allan continues to read from staff report attached hereto*).

(#2210) Bob Sund: What's the difference between a motel and a hotel? You've used each one of those words in this report.

(#2214) Allan Borden: It should be hotel.

(#2235) Bob Sund: Is the height 25 feet or 35 feet?

(#2238) Allan Borden: The Mason County Development Regulations in the Town of Allyn north of Lakeland Drive north to Drum street, there's a 25 foot height limit. Everywhere else in the county it's 35 feet.

(#2266) Bob Sund: On page 2 it talks about 35 feet in height.

(#2268) Allan Borden: That's the Mason County SMP standards. We have a more restrictive standard in the Development Regulations for Allyn.

(#2285) Bob Sund: What do the owners plan on doing with parking of their cars? You have 38 hotel rooms and 38 vehicle parking spaces.

(#2295) Allan Borden: The parking ordinance states that there's no requirement to provide for employees on a hotel. There's one parking space for every guest room. There's 38 guest rooms and one of them is occupied by the owner.

(#2352) Bill Dewey: The retail doesn't dictate any additional parking?

(#2355) Allan Borden: That was brought to my attention. There are two kinds of land uses that should have been addressed. The parking ordinance standard for retail says that for retail stores there should be one parking stall for 300 sq ft of net floor area. So if they have 1821 sq ft of retail they would have to

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provide six spaces. I did overlook that.

(#2412) Bill Dewey: Are there any provisions for handicap parking?

(#2414) Allan Borden: The parking ordinance states that there has to be one handicap space per 50 spaces. On the site plan it's not indicated that there's a handicap spot and the most logical one is the one nearest the lobby entrance.

(#2540) Bob Sund: We just submitted a 75-foot saltwater buffer to the GMHB and it was rejected. Does this have an implication here?

(#2555) Allan Borden: This application was submitted before the regulations changed on June 1. So this project is being reviewed under the standards that were in effect at the end of May. It's commercial development in a UGA which is not affected by the order of invalidity.

(#2740) Bill Dewey: I don't see any details on stormwater being dealt with.

(#2760) Allan Borden: They did submit a separate stormwater plan and it's been reviewed by the public works engineer and I have his comment sheet here. *(Allan submits comment sheet to PAC and into the record).*

(#2864) Marilyn Johnston: Is there a stormwater plan for Allyn?

(#2872) Allan Borden: I'm not aware of one.

(#2912) Steve Clayton: As I read this it doesn't say that it's going to treat any stormwater other than during construction?

(#2915) Allan Borden: All the stormwater apparently is not going to Highway 3 at all; it's going to be treated on site and treated by stormwater ordinance standards.

(#2930) Steve Clayton: It says "The SSP contains a Temporary Erosion and Sediment Control plan"; note the word temporary. It doesn't say we have a plan for water that rains on the roof and goes into the bay. Am I missing something?

(#2950) Allan Borden: I can show you the plans that shows catch basins, pipes, and vegetated swales in which the water is being treated.

(#2860) Steve Clayton: Okay.

(#2968) Diane Edgin: We will now open the public hearing portion.

(#2975) Allan Borden: I have a letter here I'd like to read into the record. It's addressed to the Planning Commission: "My name is Jennifer Harper. I'm the owner of the Allyn Shopping Center and the Post Office in Allyn, Washington. I'd like to express my strong support of the proposed hotel on the Lee's property. I believe the hotel, as proposed, would be an asset to the Town of Allyn. It would specifically help the merchants of my shopping center. I'm sure that it would also be helpful to the golf course at Lakeland Village. The hotel as planned also supports the goals of the Allyn Subarea Group. Again, I strongly support the Lee's proposal, the proposed hotel project."

(#2045) Tom Sheldon: Thank you very much for having me here. My name is Tom Sheldon and I am a principle at GGLO Architects in Seattle. I thought maybe I'd tell you a little bit about our firm. We do a lot of hotel work; a lot of hotel work on waterfronts. We do retail, housing, mixed use, landscaping and interior

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design. The Lee's came to our firm four or five years ago and we had looked at various ways of developments on the site from single use residential to mixed use residential and retail. The Lee's own and operate hotels in Eastern Washington so they have experience with that. We really didn't know if one would work here so we talked to the community here for a couple of years in working this out and we came to conclusion after reading the Comp Plan the Port of Allyn had put together that a hotel would be the best use there. We talked to Fisheries, the Tribe, the community; everyone, just to make sure we're doing this right. This is right in the middle of the town and it could make or break that intersection and the town so we want to do it right. It fits with the Comp Plan and their goals. One of those goals was to provide commercial lodging for visitors coming to the area for recreation. We're feeling pretty good that the community wants this. So now the next step was the design and being that it's on the waterfront there are a lot of regulations. We did a project in Eastern Washington and all it took was to get a building permit and it took two weeks. This is a lengthy process. I've been through this before and we've assured the Lees that you have to go through this. *(Tom shows site plan and reviews with PAC)*. We've had this surveyed by a Licensed Surveyor, we have a civil and structural engineer, we've actually had a geo-tech engineer to check for soils conditions for wetlands. We have walked the site with Fisheries to determine where existing vegetation is, where the MHW mark and where the 50-foot setback is and that has actually been surveyed. We have basically three buildings and the way it's set up is this area is seasonal for lodging and during the summer both buildings would be utilized but during the winter when there's not much lodging they can actually shut down a portion of the building to save cost and energy. Also, one of the goals is to actually break up the buildings into smaller buildings. We also have a small cottage that has retail on the ground level and a unit above. The way we set this up is it's a single loaded hotel because the view is out here so we have walkways on the west side and all the units along the waterfront. We're also going to have small meeting spaces. We didn't provide a restaurant because there's already two restaurants in the area. We have an entrance coming into through the easement, ingress and egress, and then we're coming out the easement onto the road. Because of the size you need primarily two ways in and two ways out for the fire truck access and emergency vehicles. We have loading off Evans and some parking off Evans Ave. There's a 25 foot height limit so that's two stories. There's no elevator. All sloped roofs to ease the height of the building on the view side. Parking - hotels and retail are perfect shared parking uses. When the housekeepers come, that's when the people that are staying there are gone. So you're not going to have housekeepers and 38 people full at the same time. Employees won't be there when the tenants are there. The retail is pedestrian based; people aren't going to drive and park and shop here.

(#0070) Tom Sheldon: We're proposing landscaping to hide the parking lot and street trees. We are breaking up the elevations with commercial grade siding. Because it's on saltwater there are serious maintenance issues that have to be addressed. What we're doing on the beach is that we're leaving it alone. We've talked to Fisheries several times and we're going to bring it back to it's natural state. It not only benefits the fisheries and wildlife but it benefits the tourists as well. They want to experience natural waterfront views.

If you look at the zoning summary you will notice that we are meeting or exceeding almost everything. For example, under shorelines requirements of only three canopy trees we are providing ten. That gives you an example of some of the things that we are doing. This to not only benefit the community but it is to benefit the owner because they want this to be successful and the only way to do that is to provide a good quality inn. The difference between a hotel and a motel is that motels are primarily what you would put around airports and things like that where people come in and spend the night and leave. Hotels are where it's more tourist based; a destination. The next step is the size and we're really calling it an 'inn' and an 'inn' gives it a smaller, more quaint feeling. We're actually involved in marketing this as well. As far as treating the water, we have a civil engineer that did that and all the water the state said cannot go anywhere off the site. We're taking all the water that's on our site and treating it along the sides in a bio treatment system that is built and maintained.

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(#0272) Diane Edgin: Is there any provisions for paving Evans Street?

(#0278) Tom Sheldon: It's state right-of-way so we have no jurisdiction over it. If it's required we'll have to do it. Normally if it's required we'd only do half of the road but we haven't been asked to do that.

(#0288) Diane Edgin: Knowing that area right there is used as a parking lot for the restaurant and all of a sudden we have a hotel next door and the parking spaces and those people are going to have to back out there and I'm just concerned where they're going to be parking.

(#0304) Tom Sheldon: This is right of way and people are parking on it and I don't know if they're allowed to but they do anyway. Because of the width there's more than enough room.

(#0335) Marilyn Johnston: I think we need to have a discussion relative to WSDOT and the issue of the transportation and the access. They don't mention but you had talked about that your retail was to be pedestrian. What provisions to you see making for crossing if I'm going to park my car away and I'm going to walk and if you've been in that area that's a busy area. Have you done a traffic analysis?

(#0375) Tom Sheldon: Regarding the parking and access on Highway 3, the letter is frankly a boiler plate letter. I see them all the time and the first thing they do is they say right-in and right-out only with one access. What we will do is talk to them in person and find out what their real issues are and then we work that out. Certainly we wouldn't do anything that isn't required. They have to approve that.

(#0400) Marilyn Johnston: Going further on, this is from DOT: "We anticipate allowing one access with right-in and right-out only, etc". So what you're saying to me is that at this point in time you haven't had that conversation with WSDOT?

(#0420) Tom Sheldon: That's correct.

(#0422) Bob Sund: Down below it says "applicant shall provide proper egress and ingress from the proposed land use and secure the proper road traffic access permits from the WSDOT". So it refers them back to the WSDOT.

(#0434) Marilyn Johnston: I understand that but I think we need to have some conversation as long as you're laying this all out with regard to the traffic and to pedestrians.

(#0445) Tom Sheldon: There is a crosswalk there. Being that it's in the state right of way we can't do anything about that. We can't do anything in the right of way. If they require it we'll have to do it but normally that's something that the state would take care of. As far as pedestrian oriented, I meant primarily for the area by the retail. If people want to park on the other side and crossing the street, which is what we want to encourage, that's a whole other planning process with the town. We're primarily pedestrian oriented at the hotel.

(#0488) Marilyn Johnston: When you talked about wanting to make sure that this was an inviting place to come to if crossing the street poses a problem I'm probably not going to cross the street.

(#0504) Tom Sheldon: It's in the street right of way so we can't do anything unless state allowed us.

(#0530) Marilyn Johnston: You say you've contacted everybody; all of the neighbors around and all of the people have been in support of this?

(#0535) Tom Sheldon: Yes, and I'm only one of many that will talk here. We've contacted everyone within 300 feet, talked to the Port, talked to business people, Fisheries.

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(#0550) Marilyn Johnston: Allan mentioned the old well and that it probably isn't adequate; can you discuss that?

(#0554) Tom Sheldon: It is adequate but it's right in the middle of the site so we can't just move the well and there are certain setbacks from it so basically if you used the well you couldn't develop the site. What we're hoping is to, through talking with the health department, is to use the well for possible irrigation rather than just abandoning it. Otherwise, right now it would be abandoned. There is a water system in the street.

(#0590) Steve Clayton: You made a presentation at the Port of Allyn last month that I attended. Couple of the primary problems I have with it is no access off of Evans Street and the long term build out of the town and the traffic increases and ultimately that should be a controlled intersection. You're saying that the largest development in town is not accessible through a traffic light. WSDOT states in their letter that there will be no left-turn in from southbound traffic so you're having people loop around town in order to safely get into your complex. So people on the state highway that want to turn into the complex need to bring the state highway traffic to a stop to wait for access.

(#0620) Tom Sheldon: We're not saying that; the state is saying that. The next stage is to meet with the state.

(#0626) Steve Clayton: Even if the state says that you can have two in and out, as per the community plan of being pedestrian friendly as what would be common sense is that you want your biggest development accessible by side streets. That's why WSDOT says that.

(#0642) Tom Sheldon: This development has setbacks and height restrictions and we have a lot going on on this small piece of property. Everything has to be balanced. If we only talk about access something else will be compromised. If we only talk about height restrictions something else will be compromised. If we only talk about retail something else will be compromised. Primarily our biggest thing is where do you have your loading area? You're not going to have it on the street. You're not going to have your trucks delivering off of this street. The entrance off of Highway 3 is not going to go away. You've got to have a way in and a way out for fire truck access. You're right; eventually this intersection needs to be treated like a town intersection. We're hoping it will get that way.

(#0795) Bill Dewey: You're encouraging public access to the facility and onto your lawn and waterfront?

(#0806) Tom Sheldon: Yes. What we would like is that to happen. We have to work with Fisheries and we've listed a series of plants for that area but our next stage in this development process this is the first of many approvals that we have to get. The idea is that people can wander through and enjoy the view.

(#0845) Bill Dewey: You're proposing potentially a dock?

(#0847) Tom Sheldon: It's a dream that we want. I have no idea if it's even allowed. We also talked about having a boardwalk to the Port but there are a lot of properties in between us.

(#0862) Irv Shotwell: How many jobs does this bring to Allyn?

(#0868) Tom Sheldon: That's not my expertise but I do know that certainly housekeeping would be 5 or 6, the retail would ... I would suspect approximately 12 or 15 people.

(#0915) Steve Clayton: Sorry if I came off as opposing the project. Personally, I think a hotel in Allyn is a good idea. I just have safety questions and considerations regarding the Allyn plan. There's a 25 foot height limit from average grade so it would be about 20 foot over the road. What about satellite dishes or

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facades?

(#0932) Tom Sheldon: Everywhere else it is 35 feet and even if we had a 35 foot limit here, we'd probably still do two stories because once you get to three stories you have to throw in an elevator which puts in \$150,000.00 to \$200,000.00 right into the construction cost and the project is not big enough to handle an elevator. The last one we did for the Lees was a two story. So the 25 feet automatically makes it a flat roof and then you're going to have small mechanical equipment in there. It's not going to have huge fluid coolers because we're not going to have a restaurant. It would be primarily you'd have plumbing pipes and then maybe a small air conditioning unit. We will have to meet code no matter what.

(#1008) Diane Edgin: What are the height expectations for the trees that you're planting on the road?

(#1012) Tom Sheldon: Depending on species we will provide a landscape plan and what we would like to do is put in canopy trees; trees that grow wide and you actually drive under.

(#1038) Diane Edgin: You have the Allyn Inn across the street and you have Leonard K's and when they remodeled Leonard K's one of the things I remember them doing is putting this great big huge inflatable beer can on top of the roof and it really got the people's attention across the road because it effectively blocked the view of the water so the heights of the trees is going to be important.

(#1050) Tom Sheldon: It's really up to the town; you have to balance what you want your town to look like. We'll ask the town what they want there.

(#1080) Marilyn Johnston: Are the sewer and water lines already in to and across the street? Where is the water point for this particular project?

(#1092) Audience: Both sewer and water lines are in at Leonard K's and they will go down from there. The water could also continue along the waterfront from the Port if they choose to use that system.

(#1120) Steve Clayton: Does either one of those water companies have water rights to support this system?

(#1127) Tom Sheldon: We're actually in discussion with both of them. We've gotten nods and that will be a condition for approval.

(#1170) Bill Dewey: I'd like to clarify my interests and my questions relating to stormwater. The commercial shellfish in the bay has been dealing with water quality problems. We're very excited to see a sewer system go in and see upgrades coming to the shellfish growing area. We're also very concerned that that sewerage is going to provide for development and with that development comes stormwater runoff which turns back around.

(#1194) Tom Sheldon: We have two professionals looking at it and we're talking to the tribes and they're concerned about the wildlife in the water and then we have a civil engineer who is designing it so he has a stamp and a requirement to meet his profession.

(#1214) Bill Dewey: The State Department of Health shellfish program spends a lot of time on the waterfront sampling water and you may want to talk to them, too.

(#1222) Tom Sheldon: We want to do it right because the environment is why the people are coming to the hotel.

(#1272) Richard Knight: My name is Richard Knight. When we moved into Allyn in 1943 there was a hotel

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there. We had dances there and we had boxing matches there and that hotel was up into the Korean War era when it was converted into a nursing home. I hauled many patients out of that nursing home some of which were able to come back. Eventually the sewer system failed. When it was a hotel I was one of them that got hired more than once to go in and dig into that septic system and repair it. When they took it over for a nursing home they rebuilt it but eventually it failed to the point where the health department would not let them repair it anymore and that's when they closed the nursing home. Our fire department burned it down. We now have a sewer system in Allyn and the Lees have been waiting for that sewer system now for many years. This is their opportunity to use that property. They're going to meet all the necessary requirements. My primary objective in painting this little picture is to back up the statement that I wholly support this project and I think it would be excellent for the community and for the county. We need quality development in Mason County in the north end. The only issue I've seen in any of this is their request to exceed the 10,000 sq ft, which I don't think is an environmental issue - I think it's a fire safety issue and I'm confident that we in the fire service will see to it that there will be steps taken to address the fire safety issues.

(#1365) Bonnie Knight: My name is Bonnie Knight and I'm the Executive Director of the Port of Allyn and I've also been on the Allyn planning committee for the last 5 ½ years. I'm also a resident of Allyn. First, I want to address the water issue. We have been working very hard. We do have water rights for 14 acre feed per year. It's a matter of process to be able to add them to our system if that's the way it ends up. We could do it that way or Washington Water Services could use our water and they could do the actual hook up. That's a detail that hasn't been worked out yet. One of the things that was talked about was the pedestrian friendly thing. That was a direct result of a lot of the planning that we went through. One of the first things we identified was an upgraded water system and that's how I got involved. We talked about a pedestrian friendly community and one of the things the Port has is a dock out there and we have a lot of people come into town and they walk along the waterfront. We're having a lot more boats come in since we replaced the dock two years ago. We have a lot of people come in asking for a hotel; a place to stay. There's no place to stay. There really aren't any meeting spaces either. This is one of the things that we hear as a community need. The pedestrian friendly is another. These are all needs that the community has seen and we've been working on for years. The Lees reached out and made the effort to come to Allyn and ask what we want. They have worked really hard and put a lot of money into this project. This plan is what they came up with. The Allyn Community Association is in support of it, the Chamber of Commerce is supportive of it and it's not likely we'll get anything else like this.

(#1666) Steve Clayton: In developing your Allyn plan there's some conflicts between the Allyn plan and this proposal. What was the intent when it says 'individual commercial establishments east of the highway cannot be larger than 10,000 sq ft'. The county has an ordinance that it can go up to 20,000 and Chief Knight mentioned that it was a fire concern. Was that the intent of the Allyn Community Association or because they didn't want real large structures?

(#1695) Bonnie Knight: One of the things you have to understand is that the Allyn planning committee have been volunteers. We did not have any money because Allyn is not a city. This has been from private donations. We're citizens and we were doing our best. One thing we did look at was that 25 foot height restriction because we saw Leonard K's and we saw how it impacted the Allyn Inn and the uphill people and we were trying to make sure that Allyn didn't end up just one big long building. In fact, we may have done it differently if we had had the money to hire professionals. Some of these things may be revised on the line but when we did this 10,000 it seemed like a good idea at the time. The Allyn Community Association, I know, has written a letter of support for this project. Along with that, we talked about the stormwater plan. Allyn hasn't had the money to do their own and that's been an identified need. I think we're going to come to the county and ask for some planning money; we have limited resources. Belfair is doing theirs and they're getting a \$60,000.00 grant from the state; we haven't had anything like that so if there are technical errors we did the best we could.

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(#1915) Tom Hamilton: My name is Tom Hamilton and I'm an Allyn resident and also the owner of the property to the west of this behind the Coffee Reader up on the hill. I have no problem at all with this. Considering the envelope that these guys have had to work in I think they have done a great job and should be very proud of themselves. This will not only be an asset to Allyn but it will be a corner stone for the next quantum leap that Allyn will take to be a destination area, both from the water and golf and all the other things that we have to offer. In my past life working with a company where we would have sales meetings that would require accommodations for 50 or 60 people we were always looking for some place where we could go and have a quiet hotel where we could recreate and this would be an ideal location for something like that. So I give it my wholehearted support. Thank you.

(#1975) Brian McLellan: My name is Brian McLellan and I am a Belfair resident and I wish that Belfair would do something like this. I applaud the people who would come up here and spend their money because it is very spendy. To spend their money and put this all together and make Allyn a better place. I applaud Allyn for having the ability and the guts to come out and do something like this and to have the people who own the property that would actually go and spend their money to do it themselves. Thank you.

(#2008) Richard Bell: My name is Richard Bell and I live in Allyn in Lakeland Village. I'm past president of the Allyn Association, past president of the North Mason Chamber and sit on other committees so I know what you're going through. I also operate the business just to the north at the real estate office. I also represent the golf course ownership and I can tell you that the Anderson family supports this project. We've always looked at that piece of property as their neighbors and Bonnie has said everything that I wanted to say tonight. We encourage you to approve this permit and let's move forward. These people have done a stellar job to get to this point. Allyn has always embraced the tourism concept and we've also embraced smart growth. We are going to return to the height restriction to come up with some concept to allow them to put some kind of pitch to that. I know some of us would rather see a pitched roof on there. We look forward to having this because it is going to be our centerpiece for our community. When it comes to the DOT issues believe me, I'm the one who has been talking to DOT and until we get someone killed out there on Highway 3 they're not going to do much of anything. That's what we were told because I have spoke to them on numerous occasions. We've also talked to DOT about beautification along our highway but that's a budget issue. This project is a go and I encourage you to give them the green light.

(#2112) Diane Edgin: Any other comments? We will now close the public hearing. Any discussion?

(#2125) Bill Dewey: I make a motion that we recommend approval of Shoreline Substantial Development and Conditional Use Permit SHR2002-00016 with the seven conditions outlined in the staff report.

(#2132) Irv Shotwell: I second the motion.

(#2135) Diane Edgin: We have a motion and a second to approve this with the conditions outlined in the staff report. Any discussion?

(#2140) Marilyn Johnston: I don't have any negative thoughts about this. I think it's a great opportunity to have a very charming village. However, I do have concerns at this point in time until some of these questions that you are going to be addressing are answered, I'd like to continue this and have you come back and give us the resolution to the issues we've talked about; transportation, as one example. My vote tonight would be to continue this based on the fact that it still have issues that need to be brought together. It's not that I oppose the project; it's just that I'm not ready to move forward unconditionally. We've been through this before; an example would be Iron Horse Crossing. When that was brought to us there were things just similar to what you have here and they accepted that and came back to us and answered those questions and we moved on.

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(#2210) Diane Edgin: Specifically, can you narrow down what questions you have.

(#2212) Marilyn Johnston: The traffic is a big concern that I have and until that is answered, and based on what WSDOT has said, there needs to be, in my opinion, my clarification with them about that. I still have a concern about the stormwater but mainly my concern is about the safety issue with the traffic.

(#2262) Steve Clayton: Part of what we have to do here is agree on some things. "The proposed use will cause no unreasonable adverse effects to the shoreline environment." We discussed a stormwater plan but we haven't seen it. It has come to my attention that the county has been over riding the SMA by giving variances grandfathering in previous septic systems, which seems contrary to the wording of the SMA. Before I can say that there will be no adverse effects to the shoreline, I'm sorry, I need to see that plan. Secondly, "That the public interest suffers no substantial detrimental effect." I find not having access off of Evans Street to be a safety issue and that's a detrimental effect for the community. I support the hotel and I think it's a good idea but they need to tweak it so we can get people in and out off of Evans. We're talking about the traffic volume in the future. I feel the public would suffer a detrimental effect by not having an access to the complex.

(#2350) Bob Sund: I don't think that we can do anything about the highway. We as a group here cannot dictate to the DOT.

(#2360) Steve Clayton: But we can dictate that the design of the complex doesn't preclude any future access from Evans.

(#2368) Irv Shotwell: The design of the complex; it's got to be made profitable or you will not have a complex that satisfies what's required unless it's profitable.

(#2375) Steve Clayton: I disagree with the concept that it can't be designed that way. The last part of the substantial detrimental effect is the lack of adequate parking for the facility. Parking does not meet the current codes. Their engineering has not designated adequate parking.

(#2400) Bob Sund: Steve, they have to meet the code.

(#2404) Steve Clayton: And as I pointed out in our experience from the last months meetings, code has been tweaked and ignored so part of what the plan says is that they need to present it. Come back to us and fill in the holes.

(#2415) Irv Shotwell: Time is somewhat of the essence here. I think we could make that a condition.

(#2425) Steve Clayton: Time was of the essence to get in under the June 1 deadline for SMP. Yes, the longer you put it out the more expensive it is.

(#2442) Irv Shotwell: How could we handle that if we added an additional condition? How about the safety issue?

(#2452) Diane Edgin: I think that one is very important but as Mr. Bell stated until more than one body lays out in the street they're not going to do anything.

(#2470) Steve Clayton: But after there's five bodies out there on the street, they can never put an access off of Evans for this complex the way that it's designed.

(#2505) Bob Sund: You've got an experienced architect that has weighed many problems who can put it

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all together.

(#2510) Irv Shotwell: I think the most important thing is that you've got the entire Town of Allyn behind it.

(#2515) Steve Clayton: As far as I know there has been no published meeting in the Town of Allyn to review this plan. I went to the Port meeting and it came up on the agenda but it was not a published item. Do we have any letters of support for this?

(#2530) Allan Borden indicates he has not received any letter of support from the Allyn Association.

(#2540) Audience: The Allyn Association made a motion to send letter of support to BOCC. The Allyn Community Association made a decision to have the presentation at the Port meeting and they did that in conjunction with the Port. That was announced at the Allyn Association meeting.

(#2555) Steve Clayton: And the Allyn Association meets on Thursday mornings at 9:00. Is that indicative of fair representation of the community that shows up there?

(#2565) Audience: It's actually 7:30 and yes that is a tough time. 7:00 in the evening is a lot better time for the community.

(#2580) Irv Shotwell: I think in a case like this, Steve, opportunities come and go and this is a fantastic opportunity for this village and if somehow we can put into the conditions that are outlined here your and Marilyn's conditions into this this would be a real positive act to keep the momentum going.

(#2606) Bill Dewey: Condition #4 as worded doesn't address the transportation issues that Steve and Marilyn have?

(#2616) Steve Clayton: I have questions about the stormwater as I think everybody did.

(#2626) Diane Edgin: Do any of us have the expertise to look at that plan and really know that that is a viable plan?

(#2632) Steve Clayton: It would be a start to have it submitted.

(#2640) Bill Dewey: They seem very interested in going above and beyond whatever is necessary to get the project sited and perhaps striving to meet provisions in the August 2001 Ecology stormwater manual as opposed to what would be required now would be the 1992 manual. The new stormwater requirements have enhanced treatment standards and increased flow control requirements that weren't there in the 1992 manual.

(#2705) Tom Sheldon: I'm not a civil engineer but I know it is engineered so it will meet all the standards and requirements. We're not asking for anything out of the unusual stormwater. We're not breaking any laws and we're not going to violate any land use codes. It is submitted and you can review that. One thing I want to address regarding any major changes to the plan could kill the project because of our setback requirements and our vesting rights that we have today. If we were to create some access off of Evans then we would have to redesign this and our setbacks would change and we wouldn't have a project.

(#2820) Darren Nienaber: What if your recommendation gives a condition that says that we would recommend approval on the condition that a detailed stormwater plan is submitted to the county and to the BOCC prior to approval.

(#2848) Audience: I'd like to make a comment. Evans Street is not a street; it's right of way. To require

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them to come off of Evans Street would require the county to make it a street. It's just a right of way on a map. It's not improved and it's not on the county road plan.

(#2872) Bill Dewey: Steve and Marilyn; based on the language that's there in Condition #4 regarding the transportation issues, would that language in there and with the language that Darren has suggested on the stormwater would you be more supportive?

(#2888) Marilyn Johnston: We could look at that.

(#2894) Steve Clayton: I'm going to dig in my heels on Evans Street; they have to have an access because it's a safety issue.

(#2918) Tom Sheldon: Is it to the point where you'd want it to be to the point where you won't have a project?

(#2925) *Miscellaneous discussion.*

(#2970) Bob Sund: I move that we adopt an amendment that would include Darren's condition to address the stormwater.

(#2980) Steve Clayton: Would you be open to adjusting your amendment along the lines of the 2001 stormwater standards instead of something that's a decade old?

(#2998) Bill Dewey: I would like to see that. I don't know that abiding by the 2001 stormwater guidelines would require you to do any design change as far as the facility goes but perhaps the treatment of water.

(#3028) Marilyn Johnston: What would happen if you submitted your plan with the right of way clearly shown and showing that it's not being used as a parking lot? Would that present a problem for you?

(#2046) Tom Sheldon: That's not the Lees property.

(#3090) Marilyn Johnston: Clearly the ingress and egress is a concern.

(#3098) Tom Sheldon: In what way?

(#3100) Marilyn Johnston: You can't make a left turn into that area; you've got to make the loop.

(#3115) Audience: People make left turns there every day.

(#3118) Tom Sheldon: Actually, there will be less parking off there than presently used today so there will actually be less traffic than Evans. Right now people pull in there and park on the Lees property and that's all going away. Actually the traffic will go down on Evans by the number of parking stalls.

(#3155) Marilyn Johnston: What would happen if when you're talking with WSDOT they would say you have to do this in order for us to approve?

(#3162) Tom Sheldon: Then we'd have to do that; it's one of the conditions.

(#3168) Marilyn Johnston: I understand that but I'm trying to get a clarification to say that you would do it.

(#3172) Tom Sheldon: We'd have to.

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(#3174) Marilyn Johnston: You'd have to do whatever WSDOT says?

(#3178) Tom Sheldon: Yes, that's part of the approval process.

(#3182) Marilyn Johnston: I guess I misunderstood you; I thought you were saying that if you had to do that it would scrap the project.

(#3190) Tom Sheldon: What I understand is that someone wants the access off of Evans.

(#3194) Marilyn Johnston: I wasn't talking about Evans.

(#3218) Bob Sund: If we have a stormwater plan that has an engineers stamp on it that meets the current county code, I'm comfortable with that.

(#3244) Irv Shotwell: I'm comfortable with that, too.

(#3246) Bob Sund: I think that is what Darren is suggesting that we put that in as one of the conditions so that's what I'm proposing as Condition #8.

(#3262) Darren Nienaber: I would move to approve on the condition that the applicants submit a detailed stormwater management plan to the county prior to approval and that that plan also be submitted to interested parties within the shellfish industry and the tribes for comment prior to approval.

(#3310) Bill Dewey: I would accept what Darren said as an amendment to my original motion.

(#3315) Diane Edgin: We have an amendment to the motion. Do we have a second?

(#3318) Irv Shotwell: I second the amendment.

(#3325) Diane Edgin: We have a motion that we accept the amendment to add Condition #8 to the conditions. All in favor? Amendment has passed. Now for the motion. All in favor? Motion passed with Steve voting no and Marilyn abstaining.

(#3445) Marilyn Johnston: I want to suggest that for the agenda next time that we've dealt with enough of the variances and some of the things we're not quite sure whether we've been consistent in what we're going, I'd like staff to bring us a summary of what we have done so we can look at it and use it as future reference because it's hard to keep it all together. Also, if there needs to be some clarification or we need to have something pointed out to us, would you please do that, too.

(#3525) Bob Fink: For the next item, the hearing has been advertised so to avoid paying a lot of money readvertising the hearing, I suggest you start the hearing and then continue it if that's what your choice is. I also want to talk to you about the fact there are a lot of things on your plate coming this way quickly so anything you defer just means that you're going to have more work to do later.

(#3590) Allan Borden: In order to be brief, has everyone read the staff report? What we're proposing here is an additional chapter to Title 5, which is Business Licenses and Regulations. We want to add a chapter called "Gambling and Cardroom Activities" and basically it would prohibit the conducting of social card games in the unincorporated areas of the county but still would allow card games that are regulated by the state gambling condition that are related to nonprofit and charitable organizations. The idea is that if in the future a UGA wants this kind of land use to occur they could request from the county to add to this Title an area of exemption.

(#3705) Bob Fink: Essentially the county currently has a moratorium; it's had a moratorium for a couple of

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years. The county would like to replace the moratorium with a prohibition with the expectation that if the urban areas decide that such an activity is appropriate within the urban area then as part of the detailed planning of those urban areas they could amend this regulation the future. This is not intended to be a regulation that would necessarily stand forever. It would be something that would be possibly changed as the urban growth areas are planned in detail.

(#3752) Bob Sund: Are we getting some pressure to have these things in the county?

(#3760) Bob Fink: We've had a moratorium and we haven't had a lot of interest. They would only be allowed, at this point, in urban areas. If it weren't for the moratorium they would be allowed. They're regulated by the state and the only decision the county has is whether or not to permit them or what area of the county to permit them in. We can't otherwise regulate their operation.

(#3790) Bob Sund: Growth management says that those businesses couldn't exist in rural areas and all areas in the county are rural except the UGA's.

(#3802) Bob Fink: Potentially in a commercially zoned rural area they could be permitted. Whether that's appropriate or not is a more detailed question.

(#3828) Allan Borden: There's a business in Belfair; Hank's County Inn that started off as a restaurant and over a progression of years, it's turned into a casino. So you could theocratically take any commercially zoned property that has a restaurant on it and do that.

(#0130) Bob Sund: So what we do tonight will not effect the Country Inn in Belfair.

(#0136) Bob Fink: No, there's no intention that this would effect any existing business. It would prohibit the establishment of a new business within the county jurisdiction until such time as it was changed.

(#0145) Bob Sund: Does the Country Inn lay within the county jurisdiction?

(#0147) Bob Fink: Yes.

(#0149) Bob Sund: Because they're not really a UGA yet?

(#0152) Bob Fink: They are in the UGA.

(#0154) Allan Borden: There's no regulations set up within the UGA that would allow it; the county reviews all permits.

(#0170) Steve Clayton: I didn't know anything about this until I got this information in the mail and Hank's Country Inn is there and I've never been in there I investigated. According to the owner, Steve Wybark gives him very high marks as far as troubles with the casino. I've been there three times lately and he's always got a security guy and it's a controlled environment. He showed me his employee list; he has 51 employees. Do we really want to chase that kind of business out of town? They're eagerly awaiting the slot machines. In the Shelton area we have the two tribal casinos. Based on this is what Bob is saying is that we're only going to allow them in incorporated cities? GMA says it can be in any of the UGA's. The BOCC have shown us through their actions with the Belfair Bypass that they're really not into giving preferential treatment to different land owners. That would be preferential treatment, in my view, to say there's no requirement that we can't put it in Belfair or Allyn. I have the Allyn plan here and it says there is only a very small part of the area that this business could even be considered.

(#0225) Bob Fink: That hasn't been submitted yet.

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(#0227) Steve Clayton: It's gone through the public process.

(#0230) Bob Fink: It's not gone through the county review process.

(#0232) Steve Clayton: As far as zoning wise the contention that it could be built anywhere is maybe not as accurate as it could be.

(#0238) Bob Fink: That doesn't apply; that map that you have has no legal standing at all. The idea being that at such time as that map is adopted there will be a decision made whether they do indeed want to allow these types of facilities in the commercial or maybe in the industrial area; at that time they can do that and make those recommendations and the county will make that decision but until we have the zones established in Belfair and Allyn and in the unincorporated areas of Shelton if we don't have this regulation that means that anyone could come in anywhere within the UGA and apply to do one of these businesses.

(#0260) Steve Clayton: I read the development standards and there was a rather lengthy list of different things that could be in it; casinos and cardrooms was not included. So as the development standards currently stand, it would have to go to the county right now. Part of the concern, too, is Hanks also has an application in for Port Orchard to move out of town and take his jobs with him. If Hank dies or someone wants to take over the business, is the current license inheritable? Or can he sell it? So we're degrading the ability of this business owner to continue to do business.

(#0285) Allan Borden: That's the state's decision; it's up to the gambling commission to say whether that permit is transferrable.

(#0290) Steve Clayton: So if it's transferrable but the county says that it's a new business because for whatever reasons ...

(#0295) Allan Borden: We don't do that when someone buys a restaurant and even changes it from Italian to Asian.

(#0302) Steve Clayton: If you wanted to change it to an Asian but the county said you couldn't have an Asian there, that would be the question.

(#0306) Allan Borden: A physical building that has a casino in it also has a restaurant or a bar and those are allowed still.

(#0315) Steve Clayton: So my contentions being a representative of the north end and after talking to the guy it seems swayed toward the Native American population but basically growth management doesn't say we need to initiate this and exclude the UGA's. Rather than forcing the UGA's to come back later and say we want it, the county could do better at writing an ordinance that says it's available in UGA's and assign it a particular zoning value and then when Allyn comes through with their plan and Belfair comes through with their plan then they can decide whether or not to put them in but I think the burden should not be forced on the business person and the UGA to say that they want it. I think the county should be the intermediary and say it's regulated by the state and the feds, growth management says you can have it in your UGA and you just figure out where you want to do it; local discretion. Instead the UGA has to say that they want it and come to the county to beg to have it wherever we want it. If Bob says he can be grandfather in ... I'm just concerned about long term viability for businesses and resellability affecting the business in the community.

(#0375) Bob Fink: I might suggest that if the PAC is not ready to take a vote because of the lateness of the day, that they continue the hearing to another date and we'll try to address the concerns that have come up. I'm not trying to over ride your concerns and if you're ready to make a decision that certainly would be

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fine.

(#0420) Diane Edgin: I don't have any concerns having this hearing tabled for another date.

(#0430) Bob Fink: This is a public hearing; let the record show that there's no public here to speak. You can close the public hearing portion and simply table it to another time.

(#0465) Irv Shotwell: Down below here it says "Other city and county jurisdictions have passed ordinances restricting the establishment and permitting of these social card rooms". These are other than Mason County?

(#0475) Allan Borden: Yes; Thurston County, Gig Harbor.

(#0482) Irv Shotwell: And the reason we're interested in having something similar passed in Mason County is because all those guys from Thurston are coming over here?

(#0487) Bob Fink: As I understand it the original source of the moratorium was when the types of activities was broadened; the types of activities and gambling that were permissible was broadened. Now the county cannot say that you can't do any type of gambling that's permitted under the law; we can't regulate the type of activity. All we can do is regulate the location. Because of the concern that there may be some people who think the location of these things ought to be regulated in Mason County, there was a moratorium imposed until a more detailed set of regulations could be developed for those urban areas where this activity could be allowed. Because of the GMA findings and orders causing the county to redirect its activity to revisiting many critical areas issues and other rural issues, the county has not been able to follow up with groups like the Allyn community or the Belfair community and put resources to zoning those areas if indeed zoning was what was desired by the population. For that reason we've never lifted the moratorium because we were still concerned about the location of the businesses but we didn't have a plan to say where those businesses should be allowed to locate more specific than the UGA. So rather than simply allowing them anywhere in the UGA we've maintained a moratorium so that we could control where they could locate. It may be possible that in your view it doesn't matter where they locate; they're good guys, they're good businesses and they're good neighbors or you may say that we need to regulate where they locate and we need to pick areas within the urban area where they are appropriate. In order to do that that's something that we would rather leave for the planning processes that are currently underway and in the case of Allyn fairly close to a completion. In the case of Belfair just really getting rolling and hopefully complete in under a year. Those processes will presumably identify areas that will be appropriate for these gambling facilities.

(#0582) Steve Clayton: We have no testimony that there is anybody concerned about where they're located in a UGA. We have no input from the public; we have no letters saying we don't want it here to there.

(#0592) Diane Edgin: I need to close the public hearing so we can make a motion to continue it.

(#0600) Bob Sund: When Gary Yando was the director, didn't he do an ordinance pertaining to this and didn't that include sexual businesses?

(#0610) Bob Fink: No, that was a separate issue. We can't regulate the activity; we can only regulate the location.

(#0615) Bob Sund: Is the sexual explicit issue going to get into this?

(#0617) Bob Fink: No, it's an unrelated issue. It is also an urban area issue.

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(#0635) Bob Sund: I make a motion to continue this until the next meeting.

(#0637) Bill Dewey: I second the motion.

(#0640) Diane Edgin: We have a motion and a second. All in favor? Motion to continue hearing until the next regularly scheduled meeting passed.

(#0650) Bob Fink: I want to talk to you about the possibility of holding a special meeting on October 7 and the reason would be is to have workshops on our response to the GMHB orders and on our annual update to the Comp Plan and also to hold hearings on changes to Title 15 with regard to the Hearing Examiner and perhaps with the SMP regulations. So we will be holding two hearings and a workshop. There will be no permits scheduled for that day. I just wanted to make sure that if we did that you don't have serious objection so that we could manage a quorum on that date. Hearing no concerns then we will go ahead and schedule that meeting date. If you can't come, please let Susie know if that is a conflict with your schedule.

Meeting adjourned.