

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
March 15, 2004

(Note audio tape (#3) dated March 15, 2004
counter (#) for exact details of discussion)

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

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1. CALL TO ORDER

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

2. ROLL CALL

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

Staff Present: Bob Fink, Allan Borden, Darren Nienaber, Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes from the January 26, 2004 and February 9, 2004 meetings were approved as presented with the following requested changes:

January 26, 2004:

On page 1 under (#0045) it should read: ...'and that's the Staff Report which is the summary document of each of the proposed revisions'.

On page 13 under (#3434) it should read: ... 'legitimate' ...

On page 13 under (#0078) it should read: ... 'because of their inability' ...

On page 22 under (#2540) it should read: ...'keeps things out of sight' ...

February 9, 2004:

On page 13 under (#0315) it should read: ...'to not have this apply' ...

On page 13 under (#0358) it should read: ...'Not even acknowledge' ...

On page 10 under (#2872) it should read: ...'pieces of property count' ...

On page 10 under (#2918) it should read: ...'floor area ratio' ...

On page 14 under (#0628) it should read: ...'which ensures' ...

4. NEW BUSINESS

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(#0030) Bill Dewey: Commissioner Johnson has joined us tonight.

(#0032) Commissioner Johnson: Thanks, Bill. I just wanted to come and thank all of you for the great job you're doing on the PAC. It's a big job; I'm sorry these other people are absent because I did want to express my thanks to them as well as to each one of you for the great job that you're doing. It's very obvious in reading through all of the transcript that there's a great deal of thought that goes into the decisions that you make. It's interesting to follow your thought patterns as they're reviewed. It's very obvious that you put a great deal of time and effort into the work that you've done. The transcript doesn't necessarily show the long hours but I hear from the staff about how late some of these meetings have gone. The rezones; we've been through four BOCC rezone hearings now and it's a big job. It's a big job for us, for you and the planning department to think through all of these. In the process there are some areas that I think probably could be looked at in terms of more clarification as far as the criteria are concerned. There are a couple of areas specifically that come to mind. One is there's no provision in the criteria now when a property owner might want to exchange an RR20 for an RR5 or visa versa. Another one is where you have an area of high density and one of lower density; there's no provision in the criteria for any sort of a transition zone between that high density and a lower density. It's my feeling, and I think the other Commissioners feel that same way, that that is something that is deserving of attention.

(#0120) Bill Dewey: We had quite a bit of debate about that, as well, and philosophy going both directions. If you've got an area adjacent to a UGA if you want to have an RR20 that would be available when you wanted to expand the UGA or if you wanted to be smaller to be a transition. We had a lot of discussion about that.

(#0134) Commissioner Johnson: Yes, I read your reasoning and I could follow it and I could see where you were going on it. It's very legitimate and significant questions that came up. Also, the applicants presented some very compelling reasons why it would be advantageous to have some sort of a transition zone. The question would be 'how wide should that zone be'? That's something that I feel we need to take a look at. Another one, for example, in the Hoffert Family Trust, here's this plat that's been there for seventy something years and there's other plats that have been there for a lower period of times that don't show up in maps. We don't really have criteria that deals with that sort of thing. Here are three areas and you may think of some others that you might want to take a look at to see if we can improve on them and make it such that two rational thinking people can come up with a similar conclusion when they read a particular criteria as to whether it was met or not. In fact, at our last board meeting we referred this very thing to the PAC via the planning department to take a look at to see if there's some fine tuning that we couldn't make now with the experience we've had behind us using that as a backdrop for moving forward on it.

(#0204) Steve Clayton: It appeared the planning staff came up with the criteria and were kind of pushed to get it out in order for us to review things.

(#0206) Commissioner Johnson: There were a lot of things that were done in a hurry because they were under the gun and didn't have the benefit of experience to look back on so I think we're wiser for what we know now than what we knew some years ago.

(#0218) Wendy Ervin: I think we've all learned a lot in the process; I know I have.

(#0225) Commissioner Johnson: So thanks for your great work and it's very much appreciated and not going unnoticed.

(#0228) Bill Dewey: Thanks for taking the time to come down and speak with us. The next item on our agenda is the election of a vice-chair. We dealt with the election of a chair but neglected to do the vice-chair.

(#0496) Steve Clayton: I did it last year. Anyone else want to volunteer?

(#0500) Wendy Ervin: I was going to defer to other people because I don't think I'm ready yet.

(#0505) Terri Jeffreys: Steve, do you feel like doing another term?

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(#0508) Steve Clayton: It doesn't matter to me.

(#0510) Terri Jeffreys: I nominate Steve Clayton for vice-chair.

(#0512) Wendy Ervin: I second that nomination.

(#0514) Bill Dewey: We have a nomination and a second for Steve. Steve are you willing?

(#0516) Steve Clayton: Sure.

(#0528) Terri Jeffreys: I move we close nominations for vice-chair.

(#0534) Bill Dewey: Nominations are closed. All those in favor? Opposed? Motion passes to elect Steve vice-chair. The next item on the agenda is a public hearing on the rezone request by Taylor Shellfish Company for whom I work therefore I will recuse myself. Steve can take over as chair and I'll go to the next room.

(#0595) Allan Borden: My name is Allan Borden and I am with the Department of Community Development. I've just handed out to you an addendum that's basically a revision of one of the sections of the staff report. It's the addition of about twenty words to the general site description. We have before us tonight rezone request 04-01. The applicant is Taylor Shellfish. There are three parcels involved in this request; a 40-acre parcel, a 16-acre parcel and a 64-acre parcel. The 40-acre parcel is immediately to the east of the current Taylor Shellfish processing facility. It has Lynch Road on the northern side. The 16-acre parcel is immediately to the south and then there's a 64-acre parcel in this request as well. The rezone is to go from RR5 zone to Rural Natural Resource zone. These three parcels are located just to the east and south of the intersection of US Highway 101 and Lynch Road and are situated just immediately south and east of the Taylor Towne RAC boundary. I wanted to include in my revision that staff looked at aerial photos of the vicinity and show that the parcels of the request are used for outside storage of materials from the adjacent property operations and that there's a cellular tower on the 40-acre parcel to the east and a shop located on the 16-acre parcel to the south. In the vicinity there are RR, RC, and RI uses affiliated with the Taylor Towne RAC. To the north, east and south are RR and timberland uses. You'll note on the maps there's a railroad right-of-way on the east side of the properties and US Highway 101 is on the west side. (*Allan shows PAC and describes parcels on maps*). There are no streams on the property. There are some slopes on the property very close to 15% and if there is development in those areas they'll have to follow the RO standards for landslide hazard areas. The staff reports continues the seven criteria. The applicant has shown that they are going to address issues of public health, safety and welfare through their State Health Ecology Wastewater Discharge Permit or through stormwater ... Diane, did you have to fill out an NPDES permit?

(#0865) Diane Cooper: That's required only when you're discharging to surface waters. We're discharging to the land application.

(#0874) Allan Borden: On to criteria 2 about whether the designation meets the characteristics of the area better than other zone designations. I've included the rural lands nonresidential policies and policies from the Southeast Mason County Subarea Plan which this is located in having to do with commercial and industrial uses. Staff would conclude that the designation for RNR is a consistent zone designation. In regards to not materially increasing sprawling, low density rural development, this property, since it's physically limited by roads and railroad, is not likely that there'll be any sprawling, low density development that would impact resource based uses. Staff feels that expansion of this development in this area is suitable and wouldn't cause low density sprawling of development. In criteria 4, the applicant is showing that they're providing adequate services and in fact, compared to potential RR land use there's likely to be less demand in the future and the applicant actually is providing services that would allow for expansion of their shellfish processing facility. Criteria 5; this is a resource based industry in a proposed resource based land use. It's not really going to affect the development in urban areas. Criteria 6 has to do with encouraging retention of open space, conserving fish and wildlife habitat, protecting the environment; the applicant has shown through these state permits that they have already provided for protecting water quality and the wastewater treatment facilities actually create open areas for wildlife habitat. In criteria 7 having to do with

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increasing pressure to change land use designations of other lands; this facility of expanding their shellfish processing operation would not create a change in zoning pressure. There shouldn't be a population increase because the land that's under review for rezoning will be used for natural resource related industrial operations. Criteria 8 talks about corrective rezones and this is not a corrective rezone. So in conclusion the staff would conclude that all 7 of the relevant criteria are met by the application and that RNR is the most consistent designation. I hadn't done this before on previous rezones but I added a page 6 regarding rezone characteristics. In the rezone characteristics in the DR's they talk about where certain land use zone changes can take place. I bolded this paragraph that states 'RNR, RR, RTC and MPR may occur anywhere in the rural area provided that the criteria above are satisfied. In the siting of new RNR districts, consideration must be given that current and potential future development on site will not, in combination with development on adjacent properties, create a pattern density sprawling development'. I state that this RNR zone does meet these characteristics. There is no restriction on separation from other land uses and the applicant has stated how these lands will be used for associated land uses and development with the existing shellfish processing facility and not for a cluster of other resource or industrial land uses. I wanted to note that the maps show that the site is outside of the stream and wetland areas marked on county maps.

(#1225) Terri Jeffreys: So the lands in question do not currently reside within the RAC?

(#1228) Allan Borden: That's correct. They're just to the outside and two of them are adjoining. There's 120 acres that's involved in this request. You can go with all three of the parcels, or two of the parcels or one of the parcels. I have a question for Diane. Do you have any idea what this unusual break in the canopy is in 1999?

(#1272) Diane Cooper: My name is Diane Cooper, Taylor Shellfish. It was probably a partial cut or a thinning of some sort. It's all working forest so it may be a second growth or a third growth by now.

(#1300) Allan Borden: As I noted there's a cell tower on this 40-acre piece that was put in in 2001 and this other building was built in 1997. This photo is from May of 1999.

(#1332) Terri Jeffreys: Is this rezone considered a more intensive land use than a RR5?

(#1336) Allan Borden: It would be.

(#1340) Terri Jeffreys: Is that because of the permitted uses on the property?

(#1345) Allan Borden: You would expect that an industrial use would be more intensive than a residential use.

(#1348) Wendy Ervin: But how could that be considered to be a more intensive use? It doesn't take the development, it doesn't take new roads, it doesn't take new fire or police activity, it doesn't take schools and all of those things and it is a natural resource use. It appears to me on the surface of it that this would be considered a less intensive use than a rural development.

(#1365) Allan Borden: It depends on how you define intense. There's the demand for services.

(#1372) Wendy Ervin: It seems to me that they would provide the services for their own activities so that they would put in a road if they needed a road and would not require the county helping them to put in a road for their business.

(#1380) Allan Borden: PUD would require a heads up if in the next five years they want to build 120,000 sf of building, a series of buildings; PUD would want to know that so they could provide accordingly. It's true that with this development, the applicant is responsible for the improvement made. You would have to say that the public would not chip in directly for the improvements that would result from any future development. Ideally this is more preferred than if another similar facility were duplicated somewhere where land was cheap and the applicant could start over again but it's not cost effective to do that. As I stated in the staff report it makes better efficient land use having a similar land use occurring in one area. The change in zoning from

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RR to RNR is going to alleviate potential conflicts if the land were to be developed for residential use. I'll step aside now and let the applicant provide additional information.

(#1480) Diane Cooper: Again, for the record, my name is Diane Cooper with Taylor Shellfish. First and foremost, I just want to thank the commission for hearing our rezone and considering it. I know you've had a lot of other work to do with county development regulations. Second, this proposed rezone request is consistent, we believe, with not only the historical use of this property but with the current use of this property, the future proposed use of this property and adjacent uses of this property. To just answer a couple of the questions that I heard; as far as if this is a more intense land development? In fact, it could be considered more intense in that the building sizes could be larger but that's it. There's only one building per 5 acre lot both in the RR and the RNR but what we propose is, even though they will be bigger, but they'll be clustered and preferred development is to have our clustering occur within the middle of the property so that we have really sufficient buffering. We need to have that because we have shell piles that may have an odor, we have lights, and we have trucks that run different times of the day so we just want to be good neighbors to the rest of the community. I think with full build out under the RR5 we would have 23 homes there plus you would have additional roads, electricity, and urban services that would be required with 23 homes. With the RNR use you wouldn't need those services. There wouldn't be additional roads so we really believe this is a consistent use not only with the area but also with the proposed future uses. So I think rather than go over any of the other aspects of it and reiterate with Allan said, I'll just make myself available for questions.

(#1580) Steve Clayton: Diane, you mentioned odor control. We've got RR to the northeast of you and prevailing wind from the southwest, I would guess, and in the DR's for RNR it lists that it needs to comply with Olympic Air Authority. Are you familiar with that?

(#1592) Diane Cooper: I am familiar with those regulations and they don't apply and the reason they don't apply to us is because those are for combustible type emissions and ours is just shells.

(#1605) Steve Clayton: It says in particular 'odor shall be controlled to comply with Olympic Air Pollution Control Authority'.

(#1608) Diane Cooper: Right, and that is for emissions. The shellfish are not under their authority and they're not considered an emission.

(#1620) Diane Edgin: I would think that any odor would fall just the same as under the right to farm.

(#1622) Diane Cooper: Exactly; like fertilizers, and ours are just shells and they're really kind of degrading from the shell pile.

(#1625) Wendy Ervin: Is it also true ... you've got a lot of trees there in between.

(#1635) Diane Cooper: Yes, we keep it that way; it's very well surrounded.

(#1640) Wendy Ervin: Doesn't that catch an awful lot of odor in there in that foliage because the forest filters?

(#1644) Diane Cooper: Right. I have some pictures I'll hand out to you which shows the different parcels and the direction the picture is located so they might be interesting for you to take a look at. As you can see, the whole area is surrounded by working forest. You can see our shell piles here surrounded by trees. Another point I might add is that we're bound by development regulations that state that we cannot have a building larger than 10,000 sf, which is fairly small for industrial operations, so we would have to go through other kinds of permit processes in order to do more intensive development.

(#1752) Steve Clayton: Do we have any other public testimony on this?

(#1760) Ken VanBuskirk: My name is Ken VanBuskirk, NE 61 Davis Farm Road in Belfair. I think I walked in and Commissioner Johnson said something about they were going to send back the rezone criteria to you folks for review. Before you make your decision on this particular case you might want to consider if that's going to have an impact on your decision making process. It's something to think about. Thank you.

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(#1790) Steve Clayton: If there's no other testimony we'll now close the public part of the hearing. Any comments, questions or thoughts?

(#1798) Wendy Ervin: It seems pretty straight forward to me.

(#1802) Steve Clayton: On one hand it seems like we're kind of arbitrarily expanding the RAC to include industrial property next to it but RNR is a relatively low impact and access to the highway is real good.

(#1812) Wendy Ervin: The GMA is supposed to encourage this kind of activity, that's my understanding. Where else would you want it?

(#1822) Steve Clayton: My only concern is the shellfish piles being adjacent to RR property. If you bought property and you're going to build a house there and then all of a sudden ...

(#1830) Diane Edgin: The wind shifts? That's your problem; they were there first.

(#1832) Terri Jeffreys: That's an existing use anyway.

(#1835) Diane Edgin: Quite frankly, if you live on the waterfront you've got that same odor when the tide goes out.

(#1838) Steve Clayton: Right, but this isn't waterfront.

(#1840) Diane Edgin: I don't have waterfront and I smell it every time the fog comes in.

(#1844) Terri Jeffreys: I want to be clear that this does not change the boundaries of the RAC, is that correct?

(#1848) Allan Borden: That's correct. It does not change the boundaries of the RAC.

(#1850) Steve Clayton: And different than RI this is very limited on what they can do there.

(#1852) Terri Jeffreys: So you're just saying that it just seems like we're changing the boundaries of the RAC?

(#1855) Steve Clayton: Right, it seems like you're increasing the RAC size because you're allowing more industry next to the RAC but you're limiting the processes.

(#1862) Diane Edgin: And you're only talking about one industry.

(#1865) Terri Jeffreys: I think the planning polices that are listed on page 2 under RU-530 and RU-531 are well thought out and I think this meets that policy goal and for that reason alone I think it's a very good decision and I move that we accept staff's recommendation to permit the rezone request as applied for.

(#1882) Wendy Ervin: I second the motion.

(#1884) Steve Clayton: We have a motion and a second. Any further discussion? On Mr. VanBuskirk's comment; when Wes came in he had a couple of recommendations. He talked briefly about the rezone criteria coming back but he had some specific examples of things that they would like to see incorporated and those didn't appear to apply to this particular one regarding the specifics he mentioned.

(#1905) Diane Edgin: I think as far as this particular business is concerned it appears to me that they have done things that make them good neighbors.

(#1915) Steve Clayton: And there are some restrictions on noise, vibration, lights, etc., that are in the DR's for RNR and then as she mentions, 10,000 sf but they can expand that to a bigger size with a special use permit. Any further discussion? All in favor? Opposed? Motion passes for the Taylor Shellfish rezone request. [Bill Dewey returns].

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(#1992) Bill Dewey: So item 5 on our agenda is continuing our review, discussion and recommendation of proposed revisions to Mason County DR's, RO, Title 16 and Title 15. We're on item m) regarding the sewers.

(#2020) Steve Clayton: Does staff have anything new for us?

(#2028) Allan Borden: Nothing other than what I sent you in the mail.

(#2035) Bob Fink: We have people here from the Environmental Department who would like to address you.

(#2060) Bill Dewey: Allan, do you want to get us refocused here on where we need to be?

(#2080) Allan Borden: I'll keep my comments brief. I'm not sure that I handed out to you what was mailed recently. The discussion shifted from where it was going to more of a general idea about the requirement for properties to hook up to a sewer system when it became available.

(#2100) Susie Ellingson: Allan, I just wanted to let you know that that updated sewer information did not get mailed out to the PAC. We discussed waiting to hand that out until it could be reviewed by Environmental Health.

(#2108) Allan Borden: Okay. So the discussion from the PAC started to focus on the requirement about properties having to connect to a sewer system once it became available. So the topic was tabled in order to get more information from the county departments. Bob talked with Steve Kutz and invited him to come today and so he's here to make a brief presentation and then be available for questions.

(#2200) Steve Kutz: I'm Steve Kutz and I'm Health Department Director for Mason County Health Department. I'm also a resident of 622 E Cedar Street in Belfair. As we start looking at how sanitary sewers and wastewater treatment plants affect our development throughout the county, the Health Department has quite a bit of interest in these areas as these areas are coming under consideration for these type of projects. Many of those that we know that are potentially on the horizon, such as the Belfair area, such as Hoodspport, and other areas, are extremely problematic areas and critical areas and have been problems of concern to our department for quite a number of years. We feel that it's important that the regulation is clear on what the requirements are as these projects go forward. I saw in here where there's some question from a legal point of view where it's saying our regulation needs to be clearer and I'm sorry Darren isn't here to address that. I also brought Debbie Riley here tonight, who is my Environmental Health Manager, who can talk more specifically about some of the long term concerns that we have, specifically on the project that's probably the closest to happening which is the Belfair area. We are continuing to expand incredible amounts of resources and dollars trying to identify pollution problems in that area with somewhat little success in identifying where these come from so there's a lot of special circumstances involved here that make Belfair a problematic area. So Debbie can come up here and talk about some of those issues.

(#2315) Debbie Riley: I am Debbie Riley, Environmental Health Manager with Mason County. The Belfair area, in particular, has some unusual soils. They're a lot of things that make the area special and make the shellfish grow and make the wetlands as beautiful as they but a lot of the underlying soils are peats. They're wonderful for holding water but they don't do very well in treating sewage effluent. We have very intense development and Steve mentioned Hoodspport and everything I say here tonight about Belfair could transfer over to Hoodspport. In our state WAC, RCW 246.27.2, there is verbiage to address failing septic systems when there's a sewer available. So if a person's septic system fails and there's a sewer within 200 feet, they have to connect. That's all we have in the state sewage regulations as far as connection to public sewer or larger on site systems. We encountered some problems when the Allyn sewer went in and we hope to be part of this discussion and hope to make some recommendations for any new projects on the horizon. We didn't want to have a newer sewer go in and water quality not improve and then have to go back and hound the people who didn't hook up and dye test and retrace a lot of steps. We have development lot sizes for new construction that effect newly created lots. All of our existing lots in the downtown Belfair don't follow under our on site regulations. If they did they'd have to be at least an acre in size, depending on the soil type. They could go down to a half acre with really good soil and public water. Right now some of our lots

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are lucky to be 6,000 sf. So we have an abundance of sewage going into very small areas and as much as we'd like to see the area grow we have grave concerns about the amount of effluent going into Lynch Cove and the inability of the peat and the underlying layers to treat it before it gets there. It's a very good balancing act and we're glad to have you here to weigh the pros and cons. I'd be glad to answer any questions. Bob came to us and we worked over the wording just a little bit. With the conforming systems there are certain regulations in the state on site regulations that call it a 'Table 6 Repair'. It's not as good as what we would need for a new septic system that's going into the ground but it does allow houses or businesses that are already existing to put in the best they can with what they've got. These are the sorts of things we would use to band-aid business or homes until sewers become available into areas so people don't have to invest thousands of dollars in a septic system only to abandon it in a year or so when the sewer comes through. We did this several times in the Lakeland Village area and downtown Allyn. We just want to let you know that we are very cognizant of the financial impacts the sewerage can have on people who have put in systems and don't want to get rid of their new on site system because the sewer is coming in so we've been watching that and working with that and look forward to some really good new systems in the future.

(#2508) Bob Fink: One of the issues that came up was the issue of requiring hook up with the failure of a system rather than automatically having to hook up with the sewer was available and I think you wanted to address that as well.

(#251) Debbie Riley: Yes, thank you, Bob. There are several areas where a failing septic system is very obvious. In a tight soil where the sewage is coming to the top of the ground or backing up into the house; those are the easy ones. Unfortunately, where we have high water table, dense development and some of the other factors we see in the Belfair corridor area, it's really hard to tell who is failing or if the system is failing at all. We're supposed to have 1 foot of dry soil between the bottom of the drainfield area and any wetness in the restrictive layer. A lot of times during certain seasons of the year you see water that has come up and is sitting on the top of the ground in those areas. The lower loop at Belfair State Park is a prime example. The water table comes up to about plus 3 during the winter; 3 inches above ground level. There's standing water in that loop. The Belfair State Park has put in a really nice new system. They've retrofitted a lot of their piping but they're willing to be our partners in any sewer system that would become available in their area and I thought that was a really big thing to get the state to say that they would partner up and do their part.

(#2590) Wendy Ervin: I listened to a discussion here in this chamber regarding the Allyn and Lakeland Village area where a person had a failure and the sewer system was not in yet. The health department required them to put in a pressurized system and it cost them \$10,000 and then they were told that they had to abandon that and hook up to the sewer. This was an enormous hardship because it can't improve your property value; that's just money down a rathole or a septic hole.

(#2632) Debbie Riley: That's why we tried so many times when we knew the sewer was a reality and was going to happen to try and band-aid systems so that didn't happen.

(#2640) Wendy Ervin: So you are trying to prevent that kind of short sided order because it was the health department that gave them a short sided order that they had to put in this pressure system knowing that the sewer was going to be there.

(#2650) Debbie Riley: And unfortunately some times that's the cheapest thing we can get in there. With a pressure system, it doses the sewage so the whole drainfield is being used at once and then it rests. Then it's being used once again when it doses and then it rests. That would be where we wouldn't have enough separation or we don't have enough area to use other systems. I've heard people say that getting rid of my septic system doesn't increase the value of my property but the flip side of that is once you don't have to keep all that area open for your septic system, for your drainfield and for your replacement area, you can do things like putting up the garage or the shop or putting in a swimming pool or paving over for a pickle ball court. All those things that people keep trying to do over their drainfields that we have to deal with because the drainfield has to be able to breathe. So in essence, it gives them more usability of the property which may make it more valuable in the long run when you talk to realtors.

(#2715) Terri Jeffreys: You mentioned the WAC 246.272 that it also allowed you to require a hook up. It says

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'permit, repair, placement of on site sewage system only if the conforming system can be designed and installed' ... it's also implying that if you can create or repair your system to be conforming you wouldn't need to hook up.

(#2744) Debbie Riley: There's a place there that also says that if there's sewer within 200 feet you must connect.

(#2750) Bill Dewey: It says 'the local health officer may require hook up to public sewer'.

(#2765) Steve Kutz: Our local regulation, that supplements this, requires it.

(#2768) Bill Dewey: What was unclear to us, because we discussed this issue a couple of different times, as to whether that pertained just to North Bay or if that was county wide. The county regulation that was showed to us was titled 'North Bay'.

(#2788) Debbie Riley: When you look at #3 where it says 'the owner of a residence or other facility served by a Table 6 repair', and that's the band-aid I was talking about; they have to.

(#2805) Terri Jeffreys: So that means when somebody has a failed or deficient system, you can come in and you allow a Table 6 repair and those are the folks that then have to hook up.

(#2814) Debbie Riley: Yes.

(#2816) Wendy Ervin: Well, that makes sense.

(#2818) Debbie Riley: Anything that's less than standard.

(#2820) Terri Jeffreys: I'm just trying to get a feel for what type of system would be okayed under 1(B). Would a pressurized system now be a conforming system?

(#2835) Debbie Riley: If there's adequate gross land area and adequate vertical separation so that you can get a full size system in there. Quite often the lots are so small that we have to take certain reductions in order to physically fit them on the lot. Other times the soils are so shallow that we do things like granting waivers or variances by using what they call an 'attenuation zone' which is 50 feet downhill or down slope of that drainfield can't be used for anything so as that system starts to fail and the water moves down and there's nothing there, like a house foundation or a water line that might be a conduit, to make a path of least resistance.

(#2885) Terri Jeffreys: I'm assuming that if we have a caveat in there for somebody who has a conforming system as stated in this WAC, that the interpretation of conforming could probably be expanded to be as considered conforming by the initial designer when you're not making these variances.

(#2905) Steve Kutz: We make compromises under the regulations to allow repairs that we would not allow to occur in new construction. We have people that have all this money invested into their property and so we make compromises under the regulations that are allowed under the regulations that under the best of circumstances we wouldn't like to choose but you get to the point where you have to make a compromise or you're putting people out of their property and don't allow them to live there and sometimes that could occur.

(#2938) Bill Dewey: If I could capture, for your benefit, some of the previous discussion we've had. The sense I've gotten from the PAC as we've discussed this is that there's a desire that if people have a property where they can have a conforming system that doesn't require a bunch of variances to fit it on the property or to keep it functioning and they've got an optimal situation for an on site septic yet coincidentally the sewer is coming by that I've gotten the sense that people here on the PAC that would prefer not to force that person to then have to incur the cost of hooking up to the sewer. My understanding is that they would incur the cost of the development of the sewer but not be required to hook in and start paying the monthly fee. We're trying to make a provision that as long as we have working conforming systems to allow those to continue until they fail.

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(#2998) Steve Kutz: What part of the problem is, and I'll use some examples. I don't necessarily want to point fingers but there are numerous, too numerous to count, systems in just the Belfair area that we believe ... they're permitted under the conditions and time that they were put into place and they're conforming now because they were allowed at that time, those things by definition now we would not allow in. By definition of just how they were put in are considered a failure. There is no way that we could go in, in many of these systems, now to prove that these systems are not contributing massive amounts of fecal chloroform into the water that's then getting into the bay and causing some of the pollution problems.

(#3048) Bill Dewey: I understand that but our point is ... and by definition we may deem those as necessary to connect into a sewer ... things that were pre-permit or pre-design ...

(#3060) Steve Kutz: No, they're permitted.

(#3065) Debbie Riley: If I might go ahead and point a finger here because they've been a partner with us and been very helpful. Belfair State Park; their old septic system was about a quarter of a mile from the water. It was permitted; it's sitting right on top of the water table. Back in the old days, out of sight and out of mind. If it wasn't surfacing, it was working. It passed the first sanitary survey in the early '90's. There was not dye found at the seeps. That's where we always placed out dye packets. That's where we looked for the dye that was put in the septic system. It almost wasn't dye tested because it was so far back from the shoreline that it couldn't be a problem. But the area has been closed for shellfish harvesting for thirteen years because of the high fecal counts. We had a person on staff who stepped out of the box and said that maybe it's getting out further than at the shoreline seeps. So we devised a tree that's a cinder block with a piece of PVC pipe and a float on top and we attached the dye packs and put it out at the DOH sampling stations where they take their water sample for the shellfish harvest. We put dye in Belfair State Park's septic system and got dye at the sampling stations a quarter of a mile offshore where they were getting the fecal counts. That's the problem that we would have in that whole Belfair area just because of the geology of the area. It might not be anything on the shoreline that's causing the problems in the marine waters. It might not be anything on the shores of Big or Little Mission Creek or the Union River that are causing the problems we're seeing and I guess that's why I was so adamant with Bob that we really take a strong look at this because to say that something is working is easy because it's disappearing like it should be but to prove that it's not the one that's causing that to happen a half mile away or a mile away, we can't.

(#3215) Bill Dewey: But you have, at least, from the Belfair State Park study ... that was a good documentation. That was one of the first that I've seen like that where they actually documented, because of the geology structure, that the contamination was going down and traveling subsurface and coming out deep in the hood canal.

(#3240) Debbie Riley: That's our problem and our concern with that whole area.

(#3242) Steve Kutz: Then in Belfair proper the other thing is there is so much water coming out of the hillsides and coming down into the canal and especially certain times of the year water is just everywhere and we're chasing high chloroform counts coming through the main part of Belfair proper that are feeding into these little streams down into the Union River and the counts are phenomenally high. There's so much of it we can't tell where it's coming from.

(#3275) Debbie Riley: It seems to be magically appearing under all that blacktop.

(#3278) Bill Dewey: I can sense that there may be a strong argument for a similar approach here in Belfair that was taken in Case Inlet / Allyn area in requiring those connections and I just wonder if you folks really feel that's generally going to be true everywhere we go in the county or do you feel like there may be areas where that won't be the situation and it may be not so pressing to require hook ups?

(#3305) Debbie Riley: I believe there are areas where it won't be quite as pressing. We'd have to look at the soil type, the geology of the area, the size of the lots. I came from the dry side of the state over here and everybody had at least an acre of land if you had a septic system. To come here and see what seems like six feet of shoulder with a house on it and a cliff on the other side of the road and I wondered where on earth are

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their septic systems?

(#3360) Steve Clayton: In the particular application for downtown Belfair it's all on a critical aquifer area.

(#3364) Debbie Riley: Yes.

(#3366) Steve Clayton: So if we put a restriction on our recommendations to the county that anything on a critical aquifer area or anything in a FWHCA and a few other conditions, could we put a reasonable set of limitations on those areas? That way we could give those few exceptional properties a break?

(#3415) Steve Kutz: When I sit here and I look on the horizon of what's going to happen with the sewage treatment plants and just looking at the sheer economics of things, the dollars are going to flow where the problems are because if everybody is looking at trying to get grants to help buy down the cost of these facilities the dollars are going to flow to take care of those problem areas. Unless you have a brand new area that you're planning on developing that you're going to put something in as an infrastructure to serve that area ... quite frankly, I don't see that we're going to be putting sewage treatment plants out in Matlock or other areas that aren't critical because the density isn't there and the critical impact to some of our shorelines are not there. I see as the county looks at where they're going to put their dollars and try and go and leverage dollars with grants, I think we're going to be chasing problem areas.

(#3498) Wendy Ervin: Do composting toilets have any part to play?

(#3500) Debbie Riley: They're good applications. What most people don't understand when they use a composting toilet is that you still need a septic system for the gray water. You can't just dispose of wash water and bath water onto the ground; it has to have a regular drainfield sized just a little smaller than it would if you had a toilet. Also, with composting or incinerating toilets they have to be used regularly and either the barrel has to be turned or the ash has to be taken care of. We have a lot of people who try to use them in a recreational setting and the use isn't sufficient to do what the device was designed for. It's not a way to get around having to have a septic system which many people hope they are when they come and talk to us. It just reduces the size a little. You're still getting fecal material from clothes washing and from bathing.

(#0005) Steve Kutz: I guess partly where the sewer line goes dictates where the connections are because there's a requirement to connect if you're within a certain distance and so as part of the design you're not going to design and send a sewer in to serve an area that doesn't have a need. There's some places, for example, in Allyn that I think should have been included in that. They have some homes there, I think, with some particularly troublesome areas but the sewer didn't go into that area and we can't require them to hook up because the sewer is too far away.

(#0025) Bill Dewey: You just identified a problem that this proposed language isn't going to fix, as I understand it.

(#0030) Steve Kutz: You're not going to make somebody run a sewer line a quarter of a mile just to serve their own property.

(#0035) Steve Clayton: What I researched in Port Orchard and what they do at the Karcher Creek facility is not to require everybody to hook up. For the various extensions they built a sewer plant back in the '80's and then they've done extension lines here and there and not required everybody to hook up and the way they finance that is everybody has to pay via the ULID so actually it's a benefit to the sewer district because they're collecting money but not having to provide any service. Actually, the health department has required properties outside of that ULID area to come in. Currently we mandate 200 feet in Allyn but it's not a county wide ordinance and that's where this came up to us was we need to fix the county wide thing. In the case of Belfair, instead of having a 200 foot wide corridor we could actually have a 300 or 400 foot corridor and if you have a conforming system you don't have to hook up and that way we could actually increase the revenues, increase the area for distribution, but not require everybody that's conforming to hook up, if we had provisions in there to fix the problem children.

(#0080) Debbie Riley: Walla Walla has a 300 foot length and anybody who wants a permit, if you want to

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remodel or add onto your home, you hook onto the utility before you get that permit.

(#0090) Steve Clayton: If language was incorporated to create our system once the sewer line is available then that's a nonconforming septic then that would be similar to what you're saying. If they're going to fix their two bedroom house and it's going to stay a two bedroom that's fine but if they're going to add or they're going to change use in a commercial application then instantly you could kick it over.

(#0100) Steve Kutz: They are conforming; they're just conforming under old rules and we can't require an old system that put in under the old rules that was conforming under that to now say 'I'm sorry; you have to now fall under the new rules' of which many of these systems would not be allowed under our current rules.

(#0115) Bill Dewey: What we're saying is that any change would make it a nonconforming system that would trigger them to have to hook up.

(#0118) Steve Kutz: So any and all change of use, any and all addition ... right now, if you have somebody that has an 800 sf cabin that they go out there and they utilize or a recreational home that they utilize on weekends and a little bit in the summer and during the winter it rests, and now they want to go in and they want to live in it full time and they want to remodel it and put a washer and dryer in it, we're stuck. Under the current guidelines, that would be considered ... you can't say you can only live in there part time because a new person bought it or the conditions changed or something like that, yet we know that ... that's what we all see in many of these critical areas is that the uses of the homes are significantly changing. I could show you places where there are huge numbers of people living in homes in the Belfair area that have to be totally overwhelming those systems and we can't do anything about it.

(#0160) Diane Edgin: Most homes are a three bedroom home. What is your occupancy?

(#0164) Debbie Riley: Six. Two people per bedroom. We size septic systems on the number of bedrooms because that indicates how many people could comfortably live there; bathrooms are a convenience.

(#0170) Diane Edgin: Out on Harstine there were a couple of times that the neighbors finally called the health department when he had fourteen double bunking in a 30 foot trailer. That does something to the septic in short order and these are problems. I can't remember if it was Pierce or Thurston that a school district ended coming into a sewer system that was like a half mile out but actually it worked out cheaper for them to come into the system that to upgrade their existing system.

(#0190) Debbie Riley: Unfortunately a lot of the older homes that can probably least afford it when their septic systems fail, without a public sewer as an option, are going to be looking at upwards of \$20,000 to upgrade their systems on a home that's probably not worth much more than that.

(#0204) Steve Clayton: So you inferred earlier that you had worked with Community Development for some proposed language?

(#0215) Debbie Riley: What you have before you, Bob brought that by and ran it by the field sanitarians.

(#0220) Steve Clayton: That one appears to give exclusions to where it doesn't apply to existing commercial systems, etc.

(#0225) Steve Kutz: That was actually one of the things I questioned in here is why you were requiring a home to hook up and you were going to give a commercial establishment a year. To me, some of the ...

(#0230) Steve Clayton: Actually that's a new commercial establishment. With an existing commercial establishment there's no requirement for them to hook up at all in that proposed language. You've worked with Allan to come up with some new ones. Has that come to fruition?

(#0240) Bob Fink: There is a draft dated February 23 and there's a version 1 and a version 2 language. There's a redraft that Allan prepared but I think he prepared it prior to talking with the Environmental Health Department. Is that correct, Allan?

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(#0250) Allan Borden: That's correct.

(#0252) Bob Fink: And you haven't prepared any later draft?

(#0255) Allan Borden: No, I haven't.

(#0258) Diane Edgin: With the state environmental health doing some rewrites on ground water, how is their new language going to affect things in the future? We know that a lot of our problems do come from existing properties.

(#0268) Steve Kutz: It's not going to help us in that area, I don't think. We have one of our staff who goes to some of the planning meetings for this and I don't believe ... many of the systems in the Belfair area were put in in the '60's under totally different regulations. Even some of the new systems now, just to try to keep them functional, have huge curtain drains around them trying to divert water away from the septic systems just to try and keep them dry enough to function and hope they're not going to fail.

(#0288) Debbie Riley: We will be seeing a final draft of the revised on site regulations soon. It's going before the board of health in May, I think.

(#0298) Bill Dewey: It went on March 10th. I don't know that it's out for public comment but it should be a public document now that it's been presented to the state board of health.

(#0315) Steve Kutz: As far as what we knew was being proposed we didn't see any potential to take care of these old existing systems that the new regulations could help us with, especially in our critical areas. For example, I really hate to harp on Belfair because it actually could be any of our critical waterfront areas throughout the area, the places where all these lots were put in and people were allowed to build a house to the best of their ability ...the failure rates that we're seeing. One would hope that people would do the right thing and come forward with their failures but it doesn't happen and they try to argue with you about it. Just to try to prove a failure with a dye test can cost us upwards of a \$1,000 or more dollars just to try to prove that. We're sending a lot of resources after that. It's a difficult decision that you have to make but we felt so strongly about Belfair that we had it declared a public health hazard and worked with DOH to declare it as that because we felt that the whole area was so critically involved. It's going to be the same thing with Hoodspout and those are the two nearest ones that I see have any hope of having any kind of funding.

(#0380) Steve Clayton: So as I understand it, the particular designation was on the North Shore ...

(#0386) Steve Kutz: It was actually for all of Belfair.

(#0390) Steve Clayton: Getting back to our proposed regulations where it isn't the mandatory hook up, if we inserted a clause where if it's designated as a public health hazard by you then that would avoid throwing the other babies out.

(#0400) Steve Kutz: How far back are you going back and consider that those people are impacting the area? Are you going to go back a mile or a quarter of a mile, 200 yard, 100 yards, 300 feet; do you see the arguments you could get into? It's all so varying based on the topography you have and the soil conditions, etc.

(#0410) Bill Dewey: I get the sense from both of you that you feel your recommendation essentially is that these properties be required to hook up regardless of whether they currently have a conforming system or not.

(#0425) Steve Kutz: I know what we went through in Allyn and all of the problems that we were having there and all of these people complaining that they had perfectly good systems when we suspected that they weren't and then they wouldn't cooperate with us and how are you going to prove that some of them are not failing. Prove to me it's not failing but no you can't come on and dye test my property. Then we have to have probable cause with all kinds of proof we can take to the judge to get an administrative search warrant even to

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go on and do a dye test and it just becomes a nightmare to administrate it.

(#0448) Wendy Ervin: I have no problem with people who never had their system tested and who don't smell anything so they say it's working fine; saying this system has been there for 15 or 20 years and there's a sewer coming so I think they need to hook up. I just have a problem with somebody being made to put in a new system and then made to abandon that system. It seems to me there could have been and should be something ... the band-aid solution should not be that someone must install a new pressurized system ...

(#0468) Debbie Riley: Do you remember who that was, Wendy, so I can look that up?

(#0470) Wendy Ervin: It was a lady who lived in Lakeland Village. She was of modest income. She had put this money into putting in the pressurized system and then thinking that this would be a permanent system for her property. Then the sewer came in and she was being required to hook up and the hook up was, because she had fought it because she was tardy, going to be \$1,800. She explained that her monthly income was \$900 and Gary Yando, very graciously, said she could make that \$1,800 charge in two payments. I thought that was really nice of him to say that he was really going to suck up her entire income for two months in order to hook up to a sewer system that she didn't need.

(#-502) Debbie Riley: The reason I asked is because since Steve took over the department and I've been Environmental Health Manager we tried to make sure that didn't happen. We did have some people who wanted to build in Lakeland Village and we told them they had to put in a septic system if you want to build now. If you want to wait until the sewer comes through you'll just be hooking into the sewer and we made that abundantly clear to them. We let them put in some things that were less than what they should have had just to get them through and then when the sewer came through they wanted to fight it. I didn't know if this was one of those cases.

(#0522) Wendy Ervin: It may be. If Darren were here he could probably tell you who it was. It wound up in a lawsuit ... this discussion was in keeping with the lawsuit.

(#0530) Steve Kutz: Some of the people might have put in ... some things were probably put in ... I say probably because I was not in charge of the department prior to '99 ... although I know that even prior to '99 there were some compromises being made on systems there but there was a period of time that they were planning for a sewer but they didn't have everything lined up and I know people were doing some things up there, too. Whether they put it in in that period of time ... because the regulations have changed and a \$10,000 system, even if it was a repair, is probably, in some of these critical areas, getting by fairly cheap.

(#0554) Debbie Riley: A gravity system is about \$6,000 now.

(#0560) Steve Kutz: We just have concerns where we see sewers on the horizon in the county in these critical areas around our waterfront believing that people ought to the right thing and be required to hook up. That's because it's going to be hard to prove that some of these systems are actually failing and if there's language in there that says you can't require me to hook up unless it's failing, it's going to be virtually impossible to prove they're failing.

(#0575) Wendy Ervin: Maybe what we could say is that a system that is less than five years old, or have some time limit on it, that that system may or may not be required to hook up but a system older than that would be required to hook up.

(#0592) Diane Edgin: Steve, it's my understand that this whole system up in the Belfair area is basically going to be done in stages. Let's say you're going to do the main corridor first and then move out from there. As you do that we're talking more than 200 or 300 feet and I'm sure that you're probably going to go for the high density areas first.

(#0608) Steve Clayton: The initial sewer plan is to go up the highway and a little bit up Old Belfair Highway and I believe out to the State Park to fix the problem area out there.

(#0612) Diane Edgin: If we could figure out how to write some criteria that would accentuate these areas that if you have the core area first and then start doing the laterals and make it mandatory that they come in. It is

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a nightmare and it is a health issue.

(#0628) Steve Clayton: We had Edith Edwards with her rezone with 9 acres in the corner of the UGA and not in the UGA process because she's in the county and not in the city and it's kind of a never never land. A single lady living on 9 acres and now you're going to present her with a \$20,000 bill for a sewer system. Or you've got a guy up in the Belfair UGA that's got three houses on a 10 acre parcel.

(#0645) Diane Edgin: It's unfortunate but sewers and water systems in a dense area is just an expense of living. It has to be a shared cost or otherwise it's not affordable for anybody. We do have people of various levels of income trying to bring them into a system and I don't know how far you want to go on your policy making. Let's say to hook up to the sewer is \$5,000. So maybe they can't afford that but I know where one place where we lived that on a water system we had a number of people that weren't going to pay for it but they got charged interest yearly that was tacked onto their property bill and it just keep riding until such time as the property was sold.

(#0676) Steve Clayton: My understanding in other areas that don't require a hook up is that they have to pay an assessment on their property. It won't be as much as somebody that actually hooks into the system because they don't have to buy a grinder pump, doesn't have to run the pipe to the house and doesn't have to pay that extra \$20 a month but they pay a part of the development of the system to actually bring the pipe to town and establish the sewer plant.

(#0695) Steve Kutz: There's actually one thing that I want to say is that we by no means believe that sewer systems are the best for development. We believe that properly sited septic systems can be better than that. The key is having it in large enough parcels with proper setbacks and proper conditions. Those are probably invariable going to work better than a sewer system. We don't believe that a sewer system is a magic band-aid that should be going everywhere because we don't. Wherever you're going to have sewer systems you're going to have denser development and then you're going to have all the other conditions that go along with it so we're kind of reluctant some times to see this except in some of the most severe areas. We would prefer to have larger parcels with plenty of room for septic systems ... see what I'm saying? That's kind of what you guys are wrestling with right now as we go forward with the development plans.

(#0738) Terri Jeffreys: A UGA by definition needs to have a sewer system.

(#0740) Steve Kutz: Correct, but what we're talking about is development starts happening throughout the county ... you're right; you're supposed to have denser conditions there but a lot of times these things start happening well in advance of these other things occurring. I just want to say that we know septic systems work given the right conditions.

(#0754) Bob Fink: Just for clarify, the GMA prohibits the extension of sewer outside of an UGA with the exception where there is a public health threat.

(#0765) Bill Dewey: But in those situations it can only accommodate the existing development. It can't provide for growth.

(#0768) Bob Fink: Right.

(#0770) Steve Clayton: What about essential public services? North Mason School is in nowhere land.

(#0772) Bob Fink: Everyone, rural and urban, needs school service. It's not an urban service. There is a provision where there was a letter from the State Community Trade and Economic Development office and they said it would be possible to extend sewer to serve essential public facilities that are located outside of the urban area and they specifically noted the Correctional Facility could be served with sewer.

(#0820) Bill Dewey: Allan, is there alternative language we should be looking at tonight on this particular issue?

(#0825) Bob Fink: Allan has some alternative language but the health department hasn't really had a chance to review it and comment on it. I also wanted to let you know that I did talk to Tom Moore of the county

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utilities and he had another commitment tonight and he was also really not ready to make comment on some of the questions that have come up regarding the impacts of financing and what all options there might be. As you probably are aware the county's consultants for the Belfair area are just coming on board and they're not really ready to get into those kinds of details at this point.

(#0855) Bill Dewey: It sounds like we're not in a position for us to make a decision tonight but there may be folks here in the audience that would like to comment that came specifically for this issue. I'd like to offer you that opportunity at this point.

(#0885) Jeff Carey: My name is Jeff Carey and my address is PO Box 480, Allyn WA 98524. I'm the secretary with the Allyn Subarea Planning Committee and I'm also the president of the Allyn Community Association. I'm also a resident of Allyn, own a business in Allyn and I own property in Allyn. I've seen what's happened with Allyn through this process and I think there needs to be clarification. Listening to tonight's debate and interchange of ideas I really appreciate hearing that because it gives you new thoughts about it. I think as much as anything one thing that comes through loud and clear, is whatever your policy is it, has to be adjusted in the sense of what's going on with the soils, with the environment, with whatever is there because you have such a diverse area even in Belfair. So to put a one size fits all in that community, just like one size fits all in Allyn, we need the rules and the different things and it's fascinating how that changed in the process. I'll give an example of the implications. With my residence, initially where it was going to be was about 600 feet from Lakeland, the closest point of Lakeland where there's a sewer line, but it was way above me, and originally 600 feet, although that got down to 330 feet from the lower side coming off Highway 3, about 1200 feet to the south and nothing to the north. So you get an idea that I'm in this gray area. It worked out to be better than it started out. Things have come up; for example, I made a judgment call with Gary Yando as to whether to just buy in, put in \$2,000, and just have it wait there and some day tie in or wait as pricing went up and as we needed it, put it in. John Bolender was the commissioner at the time in my area and with Gary Yando and Harry Sellers, the consultant, the number was roughly going to be \$1,800 to \$2,000 to connect and sometime, roughly three years down the road, it would go to \$3,600 and in time go up with inflation and cost. Well, that went to \$5,000. Another thing was, the grinder pump was \$3,300 and other things, and it's kind of interesting how it starts off one way and then becomes wholly a different thing. Along the way you have adjacent owners. Well, the adjacent owners want to put in something fairly dense. Well then solid waste is telling me that when they put in that line you're going to have to connect. Not only do we have these other fees I told you about but the fellow who is going to bring the line by my place, I have to also contribute to that line and all that kind of thing. I think you have to look at this and recognize there are past, present and future type problems here. We have to look at these different issues. On top of everything else, in the plat of Allyn we've got a whole bunch of right-of-way issues. The county ... we basically signed an easement to let them put the pressure transmission line through us. Does that mean if we don't give them a line they can't bring it to us? Probably not. So then we get into this problem with adjacent neighbors battling with the neighbors. That's a mistake, in my judgment, that the county made in issuing building permits. When I bought the house ... you look at the title and you can't tell that you don't have right-of-way to the road until it's really pushed all the way through. So I guess what I'm saying is given all these types of things you're going to have to create some decent criteria to make this work because in Union, I'm sure in Hoodspport, you're going to have other easement issues; I'm sure in Belfair there's going to be easement issues. Another condition that's driving some of the people in our community nuts about the sewer system is the fact that we paid and we've got it going and yet the mouth of Sherwood Creek going out and out to the dock; I understand why the dock would be tagged red by the state because they have a pump out there for boats so that makes sense but the mouth of Sherwood Creek ... Our community is concerned about ... we're trying to clean up the bay with our sewer system. We don't feel we're there yet. How do we get there? Just like you're working with Belfair, you have the Union River. You have stuff coming down from near the Port of Bremerton. You work your butts off and get it set up and all fixed and it's still messing up the water quality. I don't know where you start and stop with the connections but there has to be some, from my community, workability and judgment to work it through because it's still not clear whether we connect or don't connect. In my mind, whether we agree or disagree, I'd like to at least see the code consistent with the state, whatever that means.

(#1172) Bill Dewey: Just for clarification, the state rule language is in the process of being revised. Whether it's changing in this specific section I don't recall. Once the state regulation is revised and becomes finalized by the state board of health then the counties will have a grace period to get their program set up.

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(#1185) Jeff Carey: I don't know which way it's going whether it's being loosened or tightened but all I'm saying is it should be consistent with that.

(#1198) Bill Dewey: Could you clarify something for me? You raised Sherwood Creek and as it relates specifically to this issue of requiring hook up or not. I'm not sure I caught the link on that. The Allyn sewer didn't extend up Sherwood Creek.

(#1205) Jeff Carey: It went past Sherwood Creek.

(#1208) Bill Dewey: It went past but did it go up to the watershed at all?

(#1210) Jeff Carey: It went up ten homes past the first culvert you go across. It didn't go up on top.

(#1220) Bill Dewey: So it did pick up most of the development on Sherwood Creek.

(#1222) Jeff Carey: Yes.

(#1224) Steve Kutz: I think part of the problem is the Department of Health Shellfish has been having some bad sampling stations going on out there that's really been problematic and we've spent literally thousands of dollars chasing our tails out there trying to figure it out and we may have some of it nailed down but it's been incredibly frustrating because people thought that magically when the sewer came in that everything was going to all of a sudden get perfectly okay. I think some bad decisions were made on how the system was put in. I'll just give you an example. People were allowed to keep their old septic tanks in place if they wanted to because they remember this power outage in '97 and '98 and these things were leaky and so it was another source of continual pollution. Or they hooked up to old pipes and we believe that they should have a clean connection all the way to the foundation now; that it ought to be new all the way to the foundation because all this mass that nobody knows what's hidden and how many bootlegged systems they had in there that people bought and didn't know they had. All of these things have continued to contribute to that and we're hoping that we see some of the betterment that you're talking about along Sherwood Creek. I don't know if we will with all the farm stuff going on up there.

(#1278) Jeff Carey: I don't know if that's really the source or not. You have all of Mason Lake. You have Trails End Lake. These all drain out that same way.

(#1290) Bill Dewey: Let's keep the comments focused specifically on the connection issue if we can. We're dragging on probably way too long on this issue as it stands right now but it is good input. It's going to be a challenging one for the PAC to come to a recommendation on so I appreciate your input.

(#1298) Jeff Carey: I guess there's a confusion in here to me when I read this in that there's a lot of referencing to the Capital Facilities Plan ... I'm not aware of one that exists for Allyn. If there is, I need to be aware of it as one that is involved with the planning committee up there. Under 'C' it says 'in an area identified for sewer line extension in the County's Capital Facilities Plan' ... I am aware of no plan in Allyn or anything related to a Capital Facilities Plan, other than the sewer that went in so far. But no future plans.

(#1325) Bob Fink: That was a project under the Capital Facilities Plan.

(#1332) Jeff Carey: Then that plan only went to so far. Let's say the last 300 feet to me; it didn't include that, right?

(#1340) Steve Clayton: That would be in the Allyn urban plan you're working on, right?

(#1344) Jeff Carey: I guess. I'm just trying to figure out which way this is going. I read this and it looks like there's supposed to be a facilities plan and if it's just referencing the past, that's fine, but ...

(#1348) Bill Dewey: It sounds like that's something that needs to be updated.

(#1352) Jeff Carey: I don't know. It's talking about the sewer line extensions and that would be anything that's

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after the time it was completed. So if that's something that has to come back to us and we have to start busting our tails to get it to you ... Those are my concerns.

(#1385) Ken VanBuskirk: My name is Ken VanBuskirk. I live at NE 61 Davis Farm Road in Belfair. First off, I would like to say that I don't think that a UGA designation requires a sewer. That's a misconception.

(#1400) Bob Fink: I don't believe that's true, in my opinion.

(#1404) Ken VanBuskirk: Okay, that's Bob's opinion. Secondly, the cabin example Mr. Kutz gave sounds more like the shoreline of Hood Canal than the Belfair UGA, to me. There's 6,000 houses along the north and south shore of the Hood Canal. That's urban density. The UGA in Belfair is not urban density, currently. Last week the BOCC approved hiring a sewer consultant for the Belfair UGA. There's no dollars attached to it. We don't know how much it's going to cost us and now they're asking you to approve an ordinance to cover their decision. The Belfair area is problematic because it was built on top of a wetland. I would ask that you defer this action until 1) you consider the Belfair Subarea plan, and 2) there's increased densities along with that plan that are very, very dense in the very sensitive areas that we're talking about and 3) the county staff is supposed to be giving you updated population allocations about the UGA's along with that plan so I would ask that you consider those before you make a decision about this particular ordinance.

(#1470) Bill Dewey: Any other questions?

(#1475) Diane Edgin: You mentioned that in the Allyn area that very possibly ... you were talking about requiring a straight shot system into a house. In other words, bypassing any other systems that might exist.

(#1485) Steve Kutz: Or older pipes.

(#1488) Diane Edgin: Isn't that something that you can require ...

(#1492) Steve Kutz: It's not going to require anything from you. It was just a partial explanation I was trying to give as to why we believe some of the ongoing problems that occurred in the sensitive areas that have contributed to Mr. Carey's concern that water quality conditions haven't improved to the extent that people expected after hooking up to a sewer system.

(#1506) Diane Edgin: That statement surprised me that it wasn't required.

(#1515) Bill Dewey: I don't think we're quite there on this one and it sounds like we need some more information from utilities. So we're waiting on input from Tom Moore. At least we can get the public comment version that's out on the state rule revision just to see if there's anything relative to this being proposed for changes in that state rule. To me, it seems like a common problem that is faced in developed areas and there's got to be other examples for us to review. Steve has found one for us and that was a non-mandatory. Does CTED in the GMA planning give any guidance to this particular issue or is there anywhere else we can look to for help on this?

(#1580) Bob Fink: There was some discussion of having someone from the WDOH come and address this issue. Would that be something that would be reasonable to try to do?

(#1590) Debbie Riley: They usually don't deal with the utilities as such. They're looking at the on site systems and then the larger on site systems in the rural development more so than what a city should do or a UGA should do as far as a utility being installed. They really don't do much with the utility end of it.

(#1608) Steve Clayton: I don't know how prevalent it is to have our mandatory hook up versus non-mandatory and maybe have some interaction between the two folks to get some more information.

(#1618) Terri Jeffreys: Maybe if we found some association or utility employees who might have done some kind of research about what the standard is out there for regs on mandatory hook up or not. I'd be happy to look it up to see if there's some other model policies out there.

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(#1632) Bill Dewey: I'll enquire with the Puget Sound Action Team and see if they've got knowledge of other examples around the Puget Sound area where this issue has been dealt with.

(#1642) Steve Clayton: Debbie and Steve obviously have concerns and if they can't be addressed in a reasonable manner ...

(#1646) Terri Jeffreys: And what we're looking for is ways to make this a not so expensive for owners process ...

(#1655) Bill Dewey: What I've been hearing is that if there's an opportunity where you've got soils and appropriate setbacks and can put conforming systems in, and if the sewer is going by, is there a way to make a provision of how these systems can be accommodated until such time as they fail or become non conforming and they are required to hook up.

(#1676) Wendy Ervin: I'm just looking for reasonableness that we not be arbitrary with no basis.

(#1682) Bill Dewey: Steve said himself that with all of those right conditions, an on site sewage system can actually perform better than a sewer system so if you've got all those conditions why take that away.

(#1695) Steve Kutz: I'd like to throw something else out there that might lead us in a different direction. Let's just use Hood Canal as a situation right now that we're having this dissolved oxygen problem which comes from nutrients. If we put pretreatment devices in that, or disinfection devices, that kill bacteria, which is what some of these repairs allow us to do to take care of the fecal chloroform situation, it doesn't necessarily take care of the nutrient situation. So maybe there's no longer fecal chloroform but the nutrients aren't being treated.

(#1742) Diane Edgin: I recently met a gentleman that retired from around the San Francisco Bay area and he was a municipal employee and one of the things he said regarding the problems at Harstine Point was he said what he couldn't believe that was going on was the fact that they treated the water but why they didn't put a purification system in as the very cheapest alternative available because the water coming out of it is drinking quality. They could actually do that at a much less cost than what they're trying to propose right now which is this millions of dollars to move pipes and everything else. I thought is this something that nobody is willing to pursue because nobody just knows a whole lot about it and I guess there's grant money to do these sorts of things and this is an issue even for Allyn and Belfair is this nutrient level. This is going to remove it.

(#1796) Steve Clayton: Two different things we'd talked about and you mentioned that the one idea I had was to let the few properties that would have conforming systems it would allow those people not to sue the county or not to pursue the BOCC and knock on people's doors. It also gives us an opportunity to draw a bigger service area which means more property owners contribute to the system which reduces the cost for each property owner. If we reduce the cost for the property owners and you have extra money in the pot then we can extend that line further and pick up more problem areas because you have more money in the pot.

(#1820) Bill Dewey: As long as you have the critical mass you need to pay the operating costs of that system. You can't let so many people off the hook that all of a sudden you don't have enough money to operate the system.

(#1825) Steve Clayton: Right. The plant is existing and it's going to be expanded as customers come on board so in this particular example it works extremely well because we're just going to basically put a pipe in. You pay for the pipe and part of the plant but you don't have to reach that critical mass for the plant. From the economics point of view it appears to a lay person to be more economically promising as far as buildability because we need to get it outside the UGA and actually pick up the Belfair State Park and run up and down north shore and south shore eventually by whatever means we get it designated but that would give us the ability to fix more of the crucial areas.

(#1860) Terri Jeffreys: So do we have a mandatory service area or how do you determine the areas?

(#1862) Steve Clayton: As in this process I would expect they'll run the distribution pipe down into Belfair and

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create a ULID. That's one of the proposed financing options now. You create a ULID for it and the ULID is up to whoever makes it as far as what area you cover; be it 200 feet or 300 feet or up whatever road. You can build the ULID based on whoever makes it so that it covers a certain area.

(#1888) Terri Jeffreys: Whatever legislative body makes it.

(#1890) Steve Clayton: Right, and eventually the BOCC approve it.

(#1895) Diane Edgin: So you're just proposing sewer; you're not proposing water?

(#1900) Steve Clayton: That's correct.

(#1902) Diane Edgin: What would be an average new system out in that area for a septic?

(#1908) Steve Clayton: I don't know but we would have mandatory hook up for any new development.

(#1910) Diane Edgin: I was just thinking with a \$10,000 system based on a twenty year life that's approximately \$40.00 a month and when you look at what you're going to pay for sewer in most municipalities most of them are getting up there.

(#1935) Steve Clayton: It depends. What's normally done, and what's done in Allyn and Shelton, is the operation and maintenance cost is linked in with the long term cost of building the plant so that's where you get your \$45.00 and \$55.00 a month rates. Looking into Port Orchard last month, they're in the \$20.00 range. It's the same expenses but they did it via a ULID basis and in the \$20.00 range is actually their month to month operations and maintenance and they paid the construction costs in a lump sum in the beginning.

(#1970) Bill Dewey: As the state rules evolve you're going to start to see more systems come in under operations and maintenance requirements. Let's go ahead and wrap up our discussion on this for tonight.

(#2000) Steve Clayton: I move that we continue this until next meeting so staff can get back to us with some proposed language.

(#2010) Allan Borden: Actually, you have to listen to the utilities information first.

(#2018) Bob Fink: I think you should table it for an indefinite period until we can actually get you the information you need to make a decision.

(#2028) Terri Jeffreys: I second that motion.

(#2030) Bill Dewey: We have a motion and a second to table this. Any further discussion? All in favor? Opposed? Motion passes.

Break in meeting.

(#2078) Bill Dewey: Next on the agenda is item g) which is revise standards in DR's for airports. We had some revised information sent out to us. Allan?

(#2125) Allan Borden: On our last meeting on the 23rd we discussed what were g) and h); g) being DR's for airports and h) for outdoor recreational land uses. In your discussion you came up with some edits so I just recomposed each one of those sections with the edits. In your discussion of RT land uses we focused on the potential use of someone with a float plane on Hood Canal and wanting it to be considered an RT land use so I put air transportation in there. Maybe I took the liberty of putting it in RTC also so Steve had a comment about whether we wanted to do that. We did make an edit in RT and RTC about special provision C). Steve had a concern under RTC whether we wanted to introduce, as a special use required permitted use, Air Transportation. The question is, is that an appropriate kind of use on those such zoned properties, which tend to be large acreage properties or ones that are related.

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(#2255) Steve Clayton: What I brought up was under item D) under g) on the first page, you didn't include RTC but you did include it under RTC, so we just need consistency either way. My tentative thinking is not to put it under RTC but we can discuss that and figure out which way we want to go to have consistency.

(#2280) Bill Dewey: So if the activity we were wanting to allow would be float planes on Hood Canal or on Spencer Lake, it's my understanding from a comment that Bob made the county hasn't zoned water. So if you haven't zoned the Hood Canal water how could you ...

(#2302) Diane Edgin: Isn't the saltwater out of our jurisdiction?

(#2306) Allan Borden: It's not the water use; it's the land associated use of the water based activity. You have these people who have jet skis, etc., there may be businesses that rent or service them on the water so the same thing would be related to float planes.

(#2334) Diane Edgin: One thing I have seen on the water, not in this county, is a fairly good sized yacht with a sea plane on it's roof with seadoos attached to it and towing a boat and a lot of places they have small harbors and these people literally use those small harbors as campgrounds and their planes are part of that and I think we've got to be careful, especially with an asset like Hood Canal, not to exclude them, especially with Alderbrook.

(#2362) Allan Borden: You have that with houseboats that refuse to leave an area and they could just be offshore there month after month after month.

(#2375) Bill Dewey: That's an interesting issue because I've had people call me because I'm on the Puget Sound Council on how to deal with this where they have a boat moored and they know there's a toilet facility on that boat and they can't get anyone to accept jurisdiction, whether it be DNR, the county, or WDOH to make sure that the wastes are being disposed properly.

(#2395) Wendy Ervin: I used to work at a destination resort that was a marina, a golf course, a restaurant, a motel and when it was originally built it was only accessible by air and so all of their guests came to their private airport because there was no road. You either came by boat or you came by air and it was a very popular, prestigious kind of place and I think that air transportation is entirely compatible with both RT and RTC so my opinion is that should be included.

(#2432) Bill Dewey: Steve, what was your thinking for not doing it with RTC?

(#2435) Steve Clayton: I'm trying to make RTC an easier thing for people to get; an easier zoning designation for campgrounds or even for boy scouts and RT which has more impact to the adjoining properties is a zoning designation that's a little tougher to get; a little bit more stringent on the standards. A campground doesn't affect the adjacent properties ... my thought of a campground doesn't affect adjacent properties dramatically. An airport or a sea plane operation affects adjacent properties.

(#2500) Terri Jeffreys: So you're saying that if sat down here maybe a couple of years from now and somebody wanted to rezone to RTC we would say that those airplanes might make it not such a great place to do and that person may not get that zoning.

(#2525) Steve Clayton: We just did a rezone up by North Bay where she's going to do the RV park up on the hill. We did it RTC because we didn't want to do RT because we've got traffic impacts, etc., but a campground was okay. Now by the same token we could now say that she could run a charter plane service out of the little tiny spot.

(#2555) Diane Edgin: I don't think it's saying that.

(#2558) Steve Clayton: Well, if we approve it for RTC, that would not be a good application.

(#2562) Diane Edgin: But it's going to be site specific.

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(#2564) Wendy Ervin: Right, and in either case it requires a special use permit and so if the traffic impact, or whatever, is going to be too great in that specific location then they're not getting that special permit so I don't think it hurts to have the possibility that it can go in.

(#2590) Steve Clayton: The special use permit is a good process. I think the impacts, as an example, on that particular parcel to have a sea plane would be pretty poor but in order to reject that you'd have to have adjacent property owners come in and testify and say it's really not good whereas we could pretty much almost rubber stamp that proposal to go RTC because it's a low impact use. I'm seeing air transport as being a higher impact use that would be more appropriate towards a RT application or zoning. If you had a campground and you wanted to run a sea plane service or an airport you can always come in and get a zoning change.

(#2646) Bill Dewey: That's a good point, Steve. Keep the distinction between RT and RTC there.

(#2655) Diane Edgin: One thing in the RTC is that it already refers to 'marina'.

(#2675) Steve Clayton: Marinas are relatively low impact.

(#2682) Wendy Ervin: What are you talking about as the impact? Are you talking about noise, or pollution, or activity?

(#2688) Steve Clayton: I'm thinking the noise.

(#2692) Wendy Ervin: Houseboats can make plenty of noise and so can ski doos.

(#2698) Terri Jeffreys: Boats generally have it knocked down to 10 mph ...

(#2702) Wendy Ervin: Not if they're pulling their friends on a rubber tire or something.

(#2720) Bill Dewey: Are we close to a motion on this?

(#2730) Steve Clayton: It really doesn't matter a whole lot; it's kind of like where to do we want to go from here?

(#2748) Diane Edgin: Based on a special use permit and say we're providing for air transportation and we're talking about the services connected with it... Quite frankly, that's probably going to be extremely limited because of the cost of putting in separate tanks for air fuel.

(#2768) Wendy Ervin: And the way it's drawn here, your RT, Special Permit Required Uses: Air Transportation. Since the marina says marina - sales, service and storage; that's a full service marina in both of these and it's not saying full service air transportation, hanger, gas, etc.

(#2790) Diane Edgin: I think in my mind the connection here is that allowing somebody that has a campground to be able to advertise that maybe they have a power hook up for a plane that comes in. Maybe not so much fuel, but once you start advertising something then people start coming out of the woodwork saying they don't like that here.

(#2818) Steve Clayton: I think we're talking about a commercial use of the airport rather than ...

(#2822) Wendy Ervin: I'm not talking about commercial use. I'm just talking about my friend who goes to lunch at the Bremerton Airport on a lark; people who own their own plane and they want to go camping or they want to go play a round of golf and then take off again. This is not a commercial where we rent planes by the hour. Just increasing the number of facilities that those people can use who own their own planes.

(#2860) Steve Clayton: That's not what we're talking about here. We're talking here about commercial and industrial uses; we're not talking about ... as I understand it, if you want to take your personal plane to a campground, it doesn't apply here. We're talking about somebody who wants to run float plane trips.

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(#2878) Wendy Ervin: Okay, then you're talking about something entirely different from me. I'm talking about a spot that a plane can pull up to a dock; they've landed ... a private plane that can pull up to a dock or even a private plane that you have a short landing strip for them at a campground. I'm not talking about a business.

(#2908) Terri Jeffreys: In the previous discussion we talked about that business as being an amenity for a tourist attraction.

(#2915) Wendy Ervin: To me that's separate from RT or RTC. In that case then you've got that business going on in the urban section at the airport.

(#2925) Terri Jeffreys: We talked about having that service available to tourists coming to this area.

(#2928) Bill Dewey: I had checked off on my list that we've done this one.

(#2932) Allan Borden: Yes.

(#2949) Wendy Ervin: And we're returning to it. The words don't say 'an air transportation, full service business', etc. It just says air transportation.

(#2955) Steve Clayton: Clarify it for me. Somebody's got a campground along the shoreline and somebody wants to take their personal plane from Seattle to the campground. Is that applying here?

(#2970) Bob Fink: Probably not. Unless it provided specific docking services then it might apply. The idea is that they're running a business from the location and also there was concern about people flying in on a regular basis. People from a float plane can land offshore anywhere and with a boat they can come and pick them up and bring the people in.

(#3025) Steve Clayton: I'm having trouble differentiating between providing a space on a dock at the marina for somebody to tie up their own plane and running a charter service off that dock.

(#3035) Bob Fink: A charter service is presumably a several times daily event ... the number of times that someone may fly into a restaurant I think is a pretty rare event.

(#3055) Diane Edgin: I've seen three or four in one day out there at Spencer Lake.

(#3062) Steve Clayton: Do these provisions for air transportation apply to the restaurant as a dock?

(#3066) Bob Fink: I noticed we didn't define air transportation.

(#3070) Wendy Ervin: Right, and marina is defined. Marina is defined as sales, service and storage. If an airplane related business is allowed under RT or RTC it needs to be defined as air transportation - sales, service, and storage, etc., but as it is isolated air transportation appears to me to just be that you've got a campground and you've got a dock that sticks out in the water and somebody can fly their plane there, hop off and go play there. If it means business, it needs to be spelled out that this is a business related to air.

(#3140) Bill Dewey: Is the way to resolve that just to put the word 'commercial' in front of air transportation?

(#3142) Allan Borden: You could say either by charter or service provided on site.

(#3164) Diane Edgin: Or just say 'commercial air services'. My whole thought behind doing something like this is that we have very limited resources that attract people here and by putting these words in this document it helps people to know that some things may be feasible.

(#3205) Wendy Ervin: By putting a charter service under RT or RTC I think that completely changes the complexion of what the RT or the RTC is supposed to be and it puts that in competition with the purposes of an airport. The purposes of an airport, that's where you put your charter service, your sales, service and

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facilities.

(#3232) Diane Edgin: What about the float planes?

(#3234) Wendy Ervin: Well, then you have a float plane airport ... you have a commercial service business for float planes that is in a waterside industrial area ... I don't think it's necessarily in an RT or an RTC. I agree that you have to have a place ...

(#3255) Steve Clayton: What do we do in Hoodspout? It's not an urban so we need to rural it something. When we get out away from the Shelton Airport and the Bremerton Airport ... the commercial aspect I'm thinking in an RT where you could literally charter a plane off a float dock and in a campground application that's not a commercial service but that's where somebody can pull their own private plane up to a marina dock or up to the campsite.

(#3300) Allan Borden: Can I propose a revision? I'm taking Air Transportation out of RTC, changing Air Transportation to Commercial Air Transport Service (Charter and/or docking facilities) and that just remains in the RT. We don't have to change the provisions for airports because it only calls for the RT zone and that way, as Steve mentioned, if somebody wants to go the extra mile and have a piece of property that has a campground on it they'd have to have it rezoned to RT.

(#3354) Wendy Ervin: And then we could just leave RTC with the ability to land the plane.

(#3360) Allan Borden: You don't have to put anything in there because that's just like a boat; it's a means of transportation just like a truck or car. So I can delete on page 2 under 1.04.612 C) air transportation. Then leave it in RT under section 1.04.602. I wanted to mention changing the term 'air transportation' to 'commercial air transport service (charter and/or docking facilities)'.

(#3440) Steve Clayton: I'll make a motion to take Allan's verbiage.

(#3445) Diane Edgin: I second the motion.

(#3448) Bill Dewey: We have a motion and a second. Does this include the previous changes Allan has made from our previous recommended changes?

(#3550) Wendy Ervin: I thought we were just going to vote on that and then go back to the previous changes. I had a couple of little editing suggestions to make the sentences read more fluently, if that's okay. Under Special Provisions on page 1 where it says 'Application requires applicant to provide' and it says 'such information;', etc. What I am suggesting is taking out the word 'such' so that it would read 'Application requires applicant to provide information on:' and then the list. The second change in that list 'how is proposed use related' should read 'how proposed use is related'. The same suggestions apply to the Special Provisions under 1.04.617.

(#3625) Allan Borden: Also, under 1.04.617 we should change 'RT uses' to 'RTC uses'.

(#3638) Wendy Ervin: Under .617 under A) I'd like to propose the following changes 'how proposed use is related to recreational and tourist activities, to commercial services to tourists and adjacent to adjacent rural populations.' I just put a couple of commas in there and struck out the 'and/or'. A third change down under C) you've got 'additional information' and I inserted the word 'required' ... 'for motorized commercial outdoor recreation' and then struck out 'shall be provided'. So it would read 'Additional information required for motorized commercial outdoor recreation, including but not limited to'... etc.

(#0030) Diane Edgin: That reads better.

(#0032) Wendy Irvin: Then under RI I don't know why the words 'primarily existing' are in there. They don't seem to have a purpose.

(#0035) Bill Dewey: I wonder under C) the way you changed it if you need to start the sentence by saying 'The

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following additional information' ... As you've got it right now you're just 'Additional information required for motorized commercial outdoor recreation, including but not limited to' but you're not saying it should be provided.

(#0055) Wendy Ervin: Okay.

(#0058) Allan Borden: So now it reads 'The following additional information is required for motorized commercial outdoor recreation'...

(#0080) Terri Jeffreys: Under RI, that designation was designed to address things that existed already and not necessarily that you're going to allow new industrial in those areas.

(#0088) Wendy Ervin: That's my question. Can an area that is currently a corn field be declared RI because somebody wants to build a business there ... under this wording, you can't have anything designated RI unless it already exists and I'm not sure that's functional.

(#0100) Terri Jeffreys: The process to put industrial in the rural areas is outlined in another section of the RCW's ...

(#0110) Wendy Ervin: It begins to negate that process because it's requiring that something be existing before it can be label RI.

(#0115) Bob Fink: I think the reason why it says 'primarily existing' is it qualifies existing as primarily existing because the intent of the RI was to identify all those existing sites and to allow some additional sites. The number of RI sites you can zone is limited in any given year to less than five and can only be five if you didn't rezone any of the other categories. I think that's why they used that language because it was primarily intended to recognize existing RI sites and to allow a few additional sites to be created.

(#0145) Wendy Ervin: It just was a curiosity to me why that wording was there because it seemed to cancel out any ...

(#0150) Steve Clayton: It intentionally restricts the ability to go in RI.

(#0154) Wendy Ervin: Okay, so that's intended and so that's why the language is there.

(#0158) Bill Dewey: So no changes ...

(#0160) Diane Edgin: Let's on down to C) under 1.04.402. We're saying 'Special Permit Required Uses: Air Transportation'. For continuity do we want to use the same verbiage as we did as commercial air transport services?

(#0170) Steve Clayton: We don't want commercial air transport services in industrial.

(#0175) Wendy Ervin: Doesn't air transportation in that case mean a helistop?

(#0178) Diane Edgin: Maybe we're talking more for private use.

(#0180) Wendy Ervin: You have goods and services that are sometimes delivered to an area.

(#0188) Diane Edgin: I'm thinking now that when we said that is was more like for the helistop or a private industry.

(#0192) Bill Dewey: So it is probably appropriate just to leave it as 'air transportation'.

(#0195) Diane Edgin: It might be wise to somehow put in there 'private air transportation services'.

(#0204) Wendy Ervin: How about 'related air transportation services'?

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(#0206) Allan Borden: Why don't you just say 'airplane landing strips and helistops'.

(#0208) Bob Fink: Would you want 'accessory air transportation services'? The idea is the air transportation is intended to be an accessory use.

(#0218) Wendy Ervin: Right. You don't have an air transportation business; you have something that is servicing your manufacturing, warehouse, etc.

(#0220) Bill Dewey: So is 'accessory' a good planning word to use there?

(#0222) Bob Fink: Yes.

(#0224) Steve Clayton: Are you talking about putting it in section B) or are you talking about putting it in C)?

(#0226) Bob Fink: The idea being that not only does it have to be an accessory to the principal use but it has to be approved by a special use.

(#0232) Bill Dewey: We had a motion ...

(#0235) Steve Clayton: I would accept all of those as friendly amendments.

(#0240) Allan Borden: I've noted them down as you've gone over them.

(#0242) Bill Dewey: Any further discussion? All in favor? Opposed? Motion passes.

(#0264) Allan Borden: The next item on the agenda is Standard Variance Requirements or Provisions. The county has at least three variance provisions. One in the RO, one in the SMP, and one in the DR's. They're different in each one of these sections of regulations. The proposal is to adopt a more uniform standard that is primarily formatted under the SMP's variance criteria. That's under WAC 173.27.270. The proposed variance criteria 1 to 5 are pretty much the same as the SMP. We've added a 6th one to make sure that the variance criteria are consistent with current regulations in the GMA and to potentially reduce growth management litigation liability. It's hoped by having the criteria the same that applicants and all parties will be less confused by the meaning and application of these regulations. Simplicity is the primary goal here.

(#0350) Bob Fink: I'd also like to note that sometimes the applicants may need variances in more than one code at the same so by having similar standards that will simplify for everyone the review process.

(#0365) Allan Borden: Each one of these variances requires a hearing before the Hearing Examiner. Primarily these have to do with application of performance standards, whether the granting of the variance is related to the property or unique conditions of the lot, or compatibility with other permitted activities in the area, that the variance authorized doesn't constitute a grant of special privilege not enjoyed by other property owners, that the public interest will suffer no substantial detrimental effect from the approval of the variance or the activity itself, and that the variance granted must be necessary for the owner to have any reasonable use of the land and shall be consistent with the Comp Plan and DR's, RO, and other county ordinances and with the GMA. Mere loss in value shall not justify a variance.

(#0425) Bill Dewey: So 1 to 5 are defined by state rule.

(#0428) Allan Borden: Yes. They're just taking the existing standards that are used for SMP variances.

(#0442) Bill Dewey: Wendy, did you have some proposed changes?

(#0444) Wendy Ervin: In the first paragraph under the heading, the second sentence reads 'The county must document compliance or noncompliance with the variance criteria with written findings'. I would just move the clause 'with written findings' and put it after 'document' so it would read 'The county must document with written findings compliance or noncompliance' ...

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(#0460) Steve Clayton: However, if he's cut and pasted this from the SMP and the RO maybe we don't want to ... does it fundamentally change the impact of it?

(#0468) Wendy Ervin: No, it just reads better.

(#0482) Darren Nienaber: That's fine.

(#0484) Wendy Ervin: The other thing is actually changing the meaning a little bit. In #6 'Any variance granted must be necessary for the owner to have' ... and I would strike out the word 'any' so that it reads 'the owner to have reasonable use of the land' ... That does change the meaning of that sentence. Also, at the end of this where it says 'mere loss in value shall not justify a variance'. I would suggest that it should be a major factor.

(#0505) Darren Nienaber: That wording comes from the current RO variance criteria and it's also basically case law from the Shoreline Hearing Board case. It's helpful for analyzing variances because the fact that your property value might go down a \$1,000.00, that alone shouldn't be the reason. There's got to be more analysis than just that. You have to meet all the other variance criteria.

(#0528) Wendy Ervin: If the property value is going down \$1,000.00, that's a minor loss in value. If the property value is going down \$50,000.00, that's a big deal. So there's a difference between losing \$1,000.00 on a \$175,000.00; that's a lot different from a substantial loss. I want to recognize that a substantial loss needs to be looked at as a major factor.

(#0545) Darren Nienaber: I think the case law says that. 'Mere loss in value shall not justify a variance'. I think that's what the courts generally hold that you can't look at that alone.

(#0552) Wendy Ervin: Is that looking at the word 'mere' as meaning minor or as meaning an insubstantial loss of value?

(#0560) Allan Borden: The meaning of the word 'mere' in this case means 'simply a loss in value shall not justify'.

(#0565) Wendy Ervin: So that says that you can lose \$50,000.00 value on your property and somebody can say that's just a mere thing.

(#0570) Diane Edgin: One thing you have to remember is this all goes back and tangles up in tax law, also. You've got a willing seller and a willing buyer and an agreed upon price then money exchanges hands and everybody is okay. You can offer a price for a piece of property but it doesn't mean you're going to get it.

(#0584) Wendy Ervin: Your property isn't valued until it's sold.

(#0586) Darren Nienaber: In a way it might be kind of redundant because the first 5 criteria aren't just economic justification criteria. They're something more so in a sense that sentence is redundant because you do have 5 other criteria. A loss in value is not the only criteria.

(#0604) Diane Edgin: Going back to where she was talking about striking out 'any'; under some of our past discussions over the years is that when somebody cannot have reasonable use of their property that is when the county could be put in a position that they would have to pay but that word 'any' doesn't really need to be there.

(#0620) Darren Nienaber: Do you have an alternative you might put forth?

(#0630) Allan Borden: I'll hand out some new wording for you here.

(#0630) Diane Edgin: 'Unless the owner otherwise lacks reasonable use of the land'. That reads a lot better.

(#0638) Wendy Ervin: Emphasizing the word 'only' also works. I'm fine with the new language on #6. So I

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remove any comments and just suggest that that one clause be put where it belongs.

(#0650) Diane Edgin: Allan wasn't in the room when you made that suggestion.

(#0654) Wendy Ervin: I'm suggesting that the clause 'with written findings' be moved so that it reads 'The county must document with written findings compliance or noncompliance with the variance criteria'.

(#0666) Allan Borden: Okay.

(#0680) Bill Dewey: So the other deletions proposed here are just taking it out of sections where it shouldn't belong and simplifying it and putting it all under one section?

(#0686) Allan Borden: Yes. Under the RO you would have the title 17.01.150(E) Review Standards and then you go to the end of the paragraph and it says 'See Mason County Code 15.09.057'. Then under DR's section 1.05.035 Findings Required for Approval of a Variance, all that is struck out and 'See Mason County Code 15.09.057' is placed there. The 15.09.057 would actually be added to the Development Code.

(#0715) Bill Dewey: I think I'm hearing consensus in the room here. Do we have a motion?

(#0718) Diane Edgin: I make a motion that we accept staff's recommendations for these changes.

(#0720) Terri Jeffreys: I second the motion.

(#0722) Bill Dewey: We have a motion and a second. Any further discussion? We just had the one minor edit suggested by Wendy that will be incorporated into the motion. All in favor? Opposed? Motion passes.

(#0765) Allan Borden: On to gg) Rear Yard Setback. Basically what this is proposing is some people in subdivisions requested a similar administrative variance that we offer for front yard and side yard to be applied to rear yard. By adding this flexibility it reduces time spent and cost and it comes up with a reasonable proposal. It was brought to my attention by one of the other planners that the proposed language here on page 8 it says 'The rear yard setback shall be the minimum necessary to accommodate a reasonable development proposal, but not less than 5 feet distance from the property line'. The planner that actually initiated this from several people he had conferred with, actually wanted that to be 10 feet distance from the property. So it would be much like the front yard setback. The idea is that we're talking about residential development in the rural area and there's still a certain amount of physical separation that you want to accommodate.

(#0832) Diane Edgin: That 10 feet would probably not be a bad idea because if somebody builds something out there and who is to say what that area is going to look like 20 or 40 years from now with houses and garages and if they get too close together you might have a fire issue.

(#0842) Allan Borden: If someone wants to get less than 10 feet they would apply for a regular variance.

(#0855) Bob Fink: In all these cases the existing standard would be 20 feet?

(#0858) Allan Borden: That's correct.

(#0860) Bob Fink: So it would be reducing it to half through an administrative process and if they needed to reduce it further then they would have to go through a variance process.

(#0865) Diane Edgin: So we would take the 5 feet and make it 10 feet.

(#0868) Allan Borden: That's right.

(#0870) Steve Clayton: What about easement boundary ... you have it from the easement boundary on the front yard setback but not on the rear yard setback?

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(#0878) Allan Borden: My thought is that there's not very many rear yards that have easements on them unless they're a planned subdivision that has an alley running along common property lines. In that case it may be interpreted as the second front yard.

(#0890) Bob Fink: If there's an access easement that's a front yard it's not a rear yard.

(#0895) Allan Borden: In that case it might have a front yard along the road and a front yard along the side ...

(#0900) Wendy Ervin: An access easement is at the front of the property.

(#0910) Steve Clayton: In part, we could eliminate that italicized line and just change the line above it from 'front yard setback' to front and rear yard setback but it does change the content in that it does require it from the easement and the other version doesn't.

(#0928) Wendy Ervin: It says 'property line or any easement boundary' so it's an either / or so it doesn't change it.

(#0935) Terri Jeffreys: Allan, how do you feel about that?

(#0938) Allan Borden: It would work because it's not likely you're going to encounter an easement unless it's a utility easement.

(#0940) Bob Fink: Right. It's only the road easement. The reason for having easements is when they had the language regarding the front yards. We don't actually require setbacks from other types of easements, like a utility easement or a drainage easement. Only in the case of where the easement is actually the road access do we require setbacks to be measured from that road. If you think of a 60 foot wide road access, you'd have 30 feet of road access on the property and if you measured 25 foot setback you'd end up building in the road so you have to measure that distance from the access easement. It was never intended that the setback be from the easement unless it's a road easement in which case it's not a rear yard.

(#0978) Allan Borden: So we could eliminate the whole sentence and say 'front yard or rear yard setback' and then maybe add the words 'road easement' or 'access easement'.

(#0990) Bob Fink: You ran into the problem when you added the rear yard to the front yard language. Probably if you said 'road access easement' that would probably cover it and that would exclude other types of easements.

(#1005) Steve Clayton: So you're recommending changing the existing language rather than the italicized?

(#1008) Bob Fink: Right.

(#1010) Terri Jeffreys: So it would read 'The front yard or rear yard setback shall be the minimum necessary to accommodate a reasonable development proposal, but not less than 10 feet distance from the property line or any road access easement boundary'.

(#1020) Steve Clayton: Is that what you're looking at, Bob?

(#1024) Bob Fink: Yes.

(#1026) Steve Clayton: Then we're deleting the italicized line after that?

(#1028) PAC: Right.

(#1030) Allan Borden: Okay.

(#1035) Terri Jeffreys: I make a motion we approve the revisions to item gg) with the changes noted previously.

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(#1038) Wendy Ervin: I second the motion.

(#1045) Bill Dewey: We have a motion and a second to accept these edited revisions to gg). Any further discussion? All in favor? Opposed? Motion passes.

(#1070) Allan Borden: The next item on the agenda is n) regarding Inholding Lands. The primary purpose of these proposed changes is inholding lands don't really have very many development standards; in fact, they only have one specific one. There are standards on the number of lots you can create but there's no other development standard on setbacks or floor area ratio or size of building or height of building so these proposed standards are essentially the same as RR5. Basically you've got in the west side of the county huge acres of long term commercial forest and lands that didn't meet those requirements were pretty much designated in the RO as inholding lands. Those lands are smaller lots; most of them are being used for farms or residences so they don't have the typical development standards you might encounter in a RR zone. This is trying to provide those standards so when somebody applies for a building permit for a residence or accessory building or a shop there will be standards to go by.

(#1154) Bill Dewey: Under #5 is it appropriate to say 'cell towers' or does it need to say 'cellular phone towers'?

(#1158) Bob Fink: 'Telecommunication towers' is probably more appropriate.

(#1170) Allan Borden: In the DR's it refers to 'cell towers'.

(#1190) Terri Jeffreys: In the DR's it refers to 'cell towers' and 'telecommunication towers'.

(#1200) Diane Edgin: Cell towers are specific.

(#1205) Wendy Ervin: Here it says 'cell towers' and 'antennas'; does the antennas cover the other?

(#1212) Allan Borden: They're both included in the telecommunication tower ordinance.

(#1218) Bill Dewey: So you feel it's adequate that way it's worded, Allan?

(#1222) Allan Borden: Yes, I do.

(#1226) Diane Edgin: I make a motion to accept staff's recommendations on inholding lands.

(#1228) Terri Jeffreys: I second the motion.

(#1245) Allan Borden: In the RR zones, there's an exception that I didn't put in inholding lands. I think it's rarely going to come up because it has to do with lot widths of 100 feet or up to a lot size of one acre. Most of the properties are much bigger than that.

(#1274) Bill Dewey: Allan, do you think it's important enough to include?

(#1278) Wendy Ervin: Who is going to know? If somebody puts their house right on the property line and there's nothing but woods behind there, who is going to care?

(#1288) Terri Jeffreys: So you're talking about 'Front yard or side yard setbacks may be reduced as provided for in section 105.034'?

(#1298) Allan Borden: No, I'm talking about this exception here about the exception to the side yard setback.

(#1302) Wendy Ervin: He could knock out all of those setbacks and just start down with #3: Floor area ratio, size and height, which may be all the regulations necessary for those inholding lands because they are isolated.

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(#1312) Allan Borden: But they're not by themselves.

(#1318) Bill Dewey: So you do need to have that in there, Allan?

(#1320) Allan Borden: Yes, you need to have the distance between individual properties within that cluster of inholding properties. I don't think the exception for the side yard is going to apply very much in inholding lands.

(#1335) Bill Dewey: So we have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes

(#1350) Allan Borden: The next item is on page 6 of the second set, Development in Buffer. Under the RO, FWHCA, we try to get development to be located outside of the buffer. There are some cases where existing development has already been constructed in the buffer. We presently have a provision under Activities which do not require a MEP, that allows for the remodel, repair, or change of use of an existing building within its existing footprint, plus or minus 10%, provided the expansion does not increase any intrusion into the FWHCA or its buffer. The current planners had suggested there was a problem with that because sometimes people have outbuildings, like greenhouses, storage buildings, built in the buffer and they wanted some flexibility to maybe even encourage those property owners to consolidate the footprint into the residence and take those structures out of the buffer. That's what the provision in italics says 'To reduce the impacts of existing development, the footprint of existing structures in place within the FWHCA or its buffer may be combined into one footprint area equal to or lesser than the area within the FWHCA or its buffer of the separate structures'.

(#1468) Wendy Ervin: So if you have a couple of scattered buildings and say one is 100 sq ft and another one is 100 sq ft and another one is 200 sq ft so you're saying you could put it together and make a 400 sq ft building.

(#1475) Allan Borden: Either that or add it to the house.

(#1480) Steve Clayton: The way it reads, though, is if you had a couple of outbuildings that were closer to the shore and you had damage to the house you could actually transfer all your building rights to the outbuilding, which could be a worse impact being closer to the shore.

(#1492) Wendy Ervin: But I don't think you'd get a permit for that.

(#1494) Steve Clayton: That's what we're talking about here is the permit. Under section F) it does not require an environmental permit. I agree that there are cases that it would be very appropriate. If we shifted it to section G) instead of F) then it requires a permit but it's an administrative review process rather than a full blown permit. It would seem like you should have some sort of oversight on it because it is open to abuse.

(#1520) Wendy Ervin: But all of the structures that they're talking about are all within this FWHCA or buffer and so it doesn't matter if it's a chicken house or the main structure or the barn they're all in that area because you can't take something out of the buffer and combine it into this one footprint so it really is not going to have any actual impact on the FWHCA or the buffer; it actually will have less. Even if you're putting that close to the shore it's going to have less than having three things in that area because now you've reduced it to one. It's larger but it's ...

(#1555) Steve Clayton: But what if you have a shed to park your lawn mower that's within 10 feet of the stream and you have your house that's 90 feet from the stream on a dry area but the stream has a better view of the saltwater ...

(#1574) Allan Borden: My impression was that almost exclusively the planners were thinking of residences not of garages and sheds and things like that. Maybe we could add more clarifying language to say that 'the footprint of existing structures in place within the FWHCA or its buffer may be combined into one footprint area of the residence equal or less than the area within the FWHCA or its buffer of the separate structures'.

(#1598) Wendy Ervin: Or 'of the main primary building of the primary footprint'.

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(#1605) Steve Clayton: Here again, if we have some flexibility the administrative review process in section G) is not a real long or expensive process, is it? That way there's at least some oversight and it might actually be better to put it where the lawn mower shack was but at least it gives some ability to look at it.

(#1635) Bob Fink: Section G) is where permits or an HMP are required.

(#1662) Steve Clayton: Right, and that's what we're talking about right now of not having to get a permit, right?

(#1668) Allan Borden: Right. Section G) is where a permit is required.

(#1672) Steve Clayton: But it's using an administrative review process.

(#1685) Bob Fink: You're right; it is an administrative process. It doesn't require a public hearing but it will get notice to the adjoining property owners.

(#1696) Steve Clayton: So it's a relatively inexpensive and easy process. Do you see my contention in that if we don't have any review process at all it limits us a little bit and increases exposure. If we shift it into that section ...

(#1750) Allan Borden: One of the things is on February 9th you hadn't actually reviewed it but it was available to be reviewed on February 9th. Advocates for Responsible Development sent in a comment that was mainly focused on the fact that the county should not be concentrating on footprint area but should be concentrating on square foot area of the development.

(#1780) Wendy Ervin: It's essentially the same thing.

(#1782) Allan Borden: No, it's not. Footprint you only step on once; but it's got two floors; it's got twice as much square footage.

(#1788) Wendy Ervin: And how does twice as much square footage affect the ...

(#1792) Allan Borden: Their contention is that if you have additional floor area you're going to increase potential impacts. They say the reason is simple 'The primary impact on FWHCA from typical construction come not from the increase in the size of the footprint but from the increase in the use by people and their pets, that is associated with increased size of habitable structures'.

(#1815) Wendy Ervin: I have a solution for that. It says 'The remodel, repair, or change of use of an existing building within its existing footprint, plus or minus 10%' ... so you're allowing a 10% expansion ... 'provided such expansion does not increase any intrusion into the FWHCA or its buffer'. Then I would suggest that in the italics 'To reduce the impacts of existing development, the footprint of existing structures within the FWHCA or its buffer may be combined into one footprint area equal to or lesser than the area of the separate structures providing that the resulting building is no more than 10% increase'. So you can bump it out a little bit but you can't add a whole floor to it.

(#1880) Bill Dewey: Isn't that somewhat what Diehl was getting at with his language?

(#1885) Wendy Ervin: What they're saying is that if you're just sticking to footprint as being your criteria then you can add two or three structures up because the footprint is the same.

(#1895) Bill Dewey: They changed the verbiage to square footage. I had trouble following it but I think it gets at what you were trying to do. Does everyone have Diehl's letter?

(# 1925) Steve Clayton: The two different concepts we're looking at is perhaps changing it to the square footage, which is probably a good idea. My contention is that it should be shifted into needing a Mason Environmental Permit and that gives more opportunity for the homeowner to do something better and also puts a few more restrictions on it for somebody else to at least get a chance to look at it.

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(#1960) Wendy Ervin: How much is involved in a Mason Environmental Permit? Is this one of these stacks of paper that's two inches thick?

(#1968) Bob Fink: Part of it depends on whether you put it in a class that needs an HMP or doesn't need an HMP. The HMP has a 28 day comment period, it has to be prepared by a biologist or other qualified professional so that in itself is a fairly significant requirement. Now, you can have it as a permit without an HMP, which would get rid of those requirements.

(#1990) Diane Edgin: I almost feel we'd have to do that because if we put that other layer that Steve is suggesting on there on a property that is already developed, then we're getting into some murky waters.

(#2000) Steve Clayton: What Bob is talking about isn't in section G) so they don't have to do an HMP.

(#2005) Bob Fink: It depends on where you put it. It actually is in section G); it's under G.2). G.1) is for those that don't require an HMP.

(#2015) Steve Clayton: Then we should probably go with G.1). I'm trying to keep it limited but flexible.

(#2022) Bill Dewey: Bob, it's actually backwards of what you said. 1 is where you need an HMP and 2 is where you don't.

(#2026) Bob Fink: Oh, you're right.

(#2028) Wendy Ervin: To me the footprint of an existing structure is you have a structure that's 30 feet by 40 feet and that is its footprint; size and shape. They're altering that to square footage so you can change it to a square or a long thin thing as long as it's the same number of square feet. If you take this building and you put it 2 foot wide and however long you want and I think you have built a dike and called it a house. This doesn't require a permit so their square footage thing could be completely ...

(#2075) Steve Clayton: It says 'existing building within its existing footprint' so the long building would not fit.

(#2080) Bob Fink: Our planners were concerned that the footprint ... they disagreed with the analysis that Diehl presented. They're concerned about the footprint and the amount of land available that's impervious ... in other words, you go to a second story and you haven't increased the impervious surface, you haven't removed vegetation, you haven't displaced habitat; they're looking at those issues. They're not looking at the number of people. If you wanted to control the number of people maybe you should look at the number of bedrooms and say if there's not an increase in bedrooms then you can increase the floor area. One of the reasons for the 10% increase, or allowing some increase without having to do through an elaborate process, is because often people need to make some adjustment to these structures that are often functionally obsolete. They need to add room for a laundry room or they need to add room for a half bath, and you can just squeeze only so much in many of these small cabins whereas if you could expand the footprint even slightly you can often get those more modern functionality that people need.

(#2145) Bill Dewey: Both of those examples you gave would increase the impact.

(#2148) Bob Fink: No, the bathroom doesn't increase the impact. A laundry room may or may not increase the impact.

(#2152) Wendy Ervin: According to the sanitary people they count the number of bedrooms.

(#2154) Bob Fink: That's what I'm saying.

(#2156) Bill Dewey: If you had a cabin that didn't have room for a laundry room previously and they were going to a laundromat and now they're doing it at home ...

(#2162) Bob Fink: I was just using that as an example as being fairly small. People often rebuild these cabins

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from the inside and in laying out the inside this gives them some flexibility to what they can do and yet still keeps the additional impact minimal.

(#2182) Wendy Ervin: I still thought footprint was specifically just that; it doesn't matter how much square footage there is; you can't change a footprint.

(#2190) Bob Fink: Right, and this is plus 10%.

(#2194) Wendy Ervin: But they're changing the criteria to square footage and ...

(#2200) Bob Fink: Right, and that would allow someone with two floors to go to a single floor on a larger footprint.

(#2205) Wendy Ervin: Right, and that is not necessarily what you want.

(#2210) Diane Edgin: That would be the reverse because if you've got all of these outbuildings and maybe you do have a two story right now but maybe that's one of the things you want to replace so now because of your age you're wanting to spread out everything on one floor.

(#2222) Wendy Ervin: Right, and to me that changes the footprint of that house. It can be the exact same square footage but the affect on the landscape has been altered completed because now you've knocked out five trees to get this enormous rambling structure out there.

(#2234) Steve Clayton: So some sort of combination of perhaps using the county's wording and adding in there maybe a 25% square footage increase is allowed?

(#2245) Wendy Ervin: Right, just limiting it. You're allowing them to combine the footprint of three buildings; you've got a garage, a house and a barn. The house is two floors and the barn is two stories so if you're going by square footage you can have triple the size of that building. If you're going by footprint then you've got a specific footprint for that barn, a specific footprint for the house and the garage and you cannot have more square feet than the footprint of the three combined.

(#2280) Darren Nienaber: You could add two stories.

(#2282) Wendy Ervin: No, because it limits you to 10%; this language here ...

(#2288) Darren Nienaber: Diehl's language does.

(#2290) Bob Fink: But it allows you to expand the footprint.

(#2320) Steve Clayton: I agree with you that I think we need to address the footprint.

(#2334) Terri Jeffreys: So are you suggesting that we talk about square footage?

(#2338) Steve Clayton: If we come to the consensus that footprint is a good idea, different than Diehl's, do we want to look at Diehl's proposal to also limit square footage increase? We could do that by using DCD's verbiage and adding in a provision for square footage increase.

(#2355) Allan Borden: Maybe no more than 'x%' of square feet.

(#2365) Wendy Ervin: The whole point is not to have an increase in the effect.

(#2374) Terri Jeffreys: I don't know that if we pull a number out for the square footage that it will be based on anything.

(#2420) Bill Dewey: My question is could these peripheral buildings be non permitted structures that people are just using to gain the extra square footage for their main building?

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(#2430) Steve Clayton: That gains permitted square footage and it also gains site location because we haven't restricted site location.

(#2438) Bill Dewey: I was looking at the county language and thought 'existing permitted structures'. It's an out for people who have unpermitted structures under building to get them consolidated into permitted square footage without going through a review that they might otherwise have to if they were actually going to get those structures permitted. If they're existing and they're nonconforming maybe you want to encourage them to get out of those sensitive areas.

(#2468) Diane Edgin: My feeling is the only time this is going to happen is if those buildings are in some manner destroyed, whether it be by termites or wind or fire or whatever.

(#2480) Bob Fink: This issue comes up when people try to remodel and so they have buildings that aren't necessarily destroyed or worn out but they're willing to invest the money in remodeling something that has more function to it. So they're looking to try to get a reasonable size structure and in two of these cases where it came up as an issue one was a mobile home and the other one was like a shed and they were trying to get the extra square footage to have a larger mobile home and in another case there was actually two different residences on the property and they wanted to combine those two into a larger residence.

(#2532) Wendy Ervin: In those two examples did you see that what they wanted to do was compatible with the idea of not having any greater impact on the FWHCA?

(#2542) Bob Fink: The one with the shed was a very small lot and a strip of land that was highly developed and wouldn't probably have made a significance difference one way or the other. In the case where there was two residences in the property; they were fairly far apart on a larger piece of property and indeed it was seen that it could well be an improvement environmentally to combine the footprint from those two residences. In this case he was willing to keep the one that was further away from the water, which is another provision you might consider if you were trying to fine tune this. This was seen as something that would be good for the environment but we couldn't give them that credit because of the lack of this provision.

(#2600) Steve Clayton: So rather than trying to micro manage which one is nearer or further wouldn't under a Mason County Environmental Permit that doesn't require an HMP give you the latitude for that?

(#2620) Bob Fink: Only if you write it in there. This person was willing to do that and someone else might not be and unless you put that requirement in there then we couldn't require it ...if you required it as part of an MEP and there's criteria in there that might allow us to require that because one of the requirements of issuing the MEP is that it has to be an improvement and to have the larger building closer rather than further away then you're not going to be able to meet the test that you need to be for an MEP but for an exemption you're not looking at that test because it's not written into the exemption. If you're going to leave it as an exemption you've got to clarify that some how. If you want that to be a requirement that if you have two structures that the further structure be the one that's expanded and not expanded in the direction of the resource then you need to have that specific language. If you make it an MEP you might not actually need that language but it would actually provide better direction.

(#2700) Steve Clayton: So you think it's reasonable for us to sit and do that or would you like to do it and come back to us? Is that something you find of value?

(#2705) Bob Fink: We are interested in trying to come up with solutions that work for the environment and the people that are involved. It seems like there's actually two or three different issues floating around in this one change. Maybe this is one that we take and bring back to you next time.

(#2744) Diane Edgin: I think there are probably some things that need to be rewritten.

(#2752) Steve Clayton: We have an ability to do some good things for people.

(#2755) Bill Dewey: I think so, too. So we'll table this one until staff gets back to us.

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(#2795) Bob Fink: What I had talked to Bill about earlier was to schedule a special meeting for April 5th. We have a lot of work that we still need to get to. We're going to bring a new set of amendments to you that will probably be the last set. The 19th of April we're looking at trying to do Belfair. We've actually reserved the Theler Center for a public hearing on the Belfair plan.

Meeting adjourned.