

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes  
April 19, 2004**

(Note audio tape (#2) dated April 19, 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, Terri Jeffreys, and Mark Drain. Bob Sund was excused.

**Staff Present:** Bob Fink, Allan Borden, Darren Nienaber.

## **3. APPROVAL OF MINUTES**

None.

## **4. NEW BUSINESS**

(0066) Bill Dewey: On our agenda tonight we have a public hearing on the Belfair Urban Growth Area Plan and then some other work to do on amendment to the DR's. I'd like to open the public hearing on the Belfair Urban Growth Area Plan.

(#0098) Bob Fink: My name is Bob Fink and I'm the Planning Manager with the Mason County Department of Community Development. I want to thank you for coming here tonight. The purpose of the public hearing tonight is to give you an opportunity to address the draft sub-area plan for Belfair and draft development regulations that were developed over about a two year period by the Belfair Sub-Area Planning Group. The draft was issued in December. The zoning map that comes along with the draft regulations is posted here on the wall if you need to refer to it. I would like to tell you a little bit about the process of review. This is the first public hearing the PAC is holding and I expect they'll hold another public hearing. One of the steps in preparing and approving this plan is to do an environmental review. The environmental review hasn't been issued yet so until that environmental review is done we won't schedule the second hearing before the PAC. The PAC's job is to make recommendations to the BOCC. After they've had a chance to consider all the record they have before them along with your testimony they'll make that recommendation probably in about a month. That will then go before the BOCC for a public hearing. There's no specific time for that; probably sometime in June. That will also be advertised and you'll have an opportunity to come and remark on any of the material that's happened before and also comment on any modifications that might have been made to the current draft in the meantime. We have copies of the plan available for you here tonight. Also, on the

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back tables there are a number of maps that were prepared by the county and they show the current use, the proposed zoning, critical aquifer recharge areas, wellhead protection areas, steep slopes, wetlands and other factors that will be taken into consideration in this planning process.

(#0178) Bill Dewey: Thanks, Bob. I'd also like to acknowledge a couple of our elected officials in the audience. We have Commissioners Wes Johnson and Jayni Kamin and Senator Tim Sheldon.

(#0188) Terri Jeffreys: I'd like to make a public disclosure. I am employed by the Washington Association of Realtors as a government affairs director for five different local associations in four different counties. My position requires me to act as a resource in the political affairs of the local associations of realtors and to do policy analysis and act as a resource in government affairs. In my capacity with Mason County Association of Realtors I was asked to help prepare testimony that you will be hearing tonight. In my training in policy analysis I was taught how to analyze issues through the lenses of multiple stakeholders on any particular issue. I'm making this disclosure tonight in the context that I am prepared to carefully and independently listen to each of the testimonies tonight and to make my decisions independent of my position and independent of my involvement in the duties involved in my position. Thank you.

(#0215) Bill Dewey: With that, I'd like to open it up to public testimony. I noticed on the sign in sheet there actually isn't that many people that have signed up that they would like to testify. I'll ask you to come up one at a time and give your testimony. In being considerate of everyone's time please limit your comments to 5 to 7 minutes. Thank you.

(#0240) Allan Borden: My name is Allan Borden and I am a Long Range Planner with the Department of Community Development. I just wanted to introduce into this public hearing a letter submitted by Ken VanBuskirk. He lives at 61 NE Davis Farm Road in Belfair. I have supplied a copy of that letter to you and I just wanted to bring to your attention that he has some concerns about the planning effort including the UGA boundaries, aquifer recharge areas, population estimates in the plan and population levels that were discussed during the development of the plan. His concerns about open space and trail systems and the UGA and he has concerns about the population level that's stated in the plan and what he was under the impression of the population estimates. The population estimates are much lower in the present Comp Plan. The level at which population could grow inside the UGA is at a much higher level than what's presently in the Comp Plan. I just wanted to bring that forth in the public testimony.

(#0295) Steve Clayton: The sub-area group solicited comments from local agencies and I know at least the school district, Theler Center, and Mason County Transit sent in letters of comment. As far as I know, the PAC hasn't seen them yet. I don't know if others were issued so could we get those copies to us in order to incorporate those comments?

(#0308) Bob Fink: We haven't forwarded all the comments to the PAC so we'll do that. There were comments that came in towards the end of the sub-area group planning process on a draft that was essentially the same as what you have before you. There were comments that were received when the plan was distributed to the state and to various utilities and other stakeholders in the Belfair in January and they were asked to send comments in. I believe we got three or four comments back and those will be sent to you before we finish this process.

(#0344) Bill Dewey: So just for clarification, Bob, now that this plan has moved to the PAC level do those parties need to resubmit their comments directed to the PAC or will they be part of the record for our deliberations?

(#0352) Bob Fink: It's probably wise for any party that commented prior to the sub-area's approval of this proposed plan to consider whether their comments have changed or not. There were changes made to the plan in the last meeting to address some concerns, they would want to see whether those concerns have been addressed and see whether they need to resubmit comments. The people who have sent comments on the December draft don't need to resubmit those comments. Those comments will all be forwarded to the PAC prior to action.

(#0378) Steve Clayton: Also, the plan is available on the web at Makers website. The regs, the plan,

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transportation analysis ... they're all available at [www.makersarchitecture.com](http://www.makersarchitecture.com).

(#0392) Bill Dewey: Rob Drexler is the first person I have signed up who would like to testify.

(#0400) Rob Drexler: I'm Rob Drexler and I live in Allyn in Lakeland Village. I'm lucky enough to be the co-chair for the Mason County Association of Realtors so I appreciate the opportunity to come here today. I do have a prepared statement so I'll just go through it. I'm a realtor and a member of the Mason County Association of Realtors, a group of over 100 of your friends and neighbors committed to the protection and enhancement of the quality of life here in Mason County. We realtors live and work in Mason County listening to the needs of homeowners and home buyers. It is our job to understand the housing market and economy and the policies that affect the livability of our community. That's why I'm here tonight to offer our recommendations to you for this plan. I'll highlight our recommendations and at the end I'll direct you to written testimony and I have copies here for everyone. We appreciate the hard work and the many hours that went into developing the plan. The committee's vision for the future of Belfair is a good one and it's a reflection of what our area has to offer present and future residents here. However, we are concerned that the plan is not based on accurate or clear assumption of how much growth to reasonably expect in Belfair. Belfair is directly affected by things happening in Kitsap County. The population forecast that the plan is based on does not consider the strong job growth expected in South Kitsap Industrial Area nor does it consider the second Tacoma Narrows Bridge and perhaps most important, it does not take into consideration planning decisions being made in Kitsap County, which has the potential of restricting the supply of affordable housing in that county. County officials are responsible for choosing an appropriate population growth number and allocating portions of that growth to the UGA's. County officials have not updated forecasts since 1994. It seems the population assumptions for this plan were not developed in a coordinated and comprehensive manner. We urge the county planning staff to review population forecasts and clarify how much growth the Belfair UGA is expected to accommodate and show how that number was reached. RCW 36.70A.070(2) says 'Comprehensive Plans should identify the number of housing units necessary to manage projected growth'. To accurately do this you need to select a number that represents the average persons per household and divide it into the population. The plan and the market analysis do not identify this number. When you do the math, the number of housing units needed, as stated in the market analysis, assumes an average persons per household of 2.36. This is below what the state assumes, which is 2.44, and the current number is actually closer to 3. Knowing how many houses are needed is important to help balance the supply of homes with the demand helping to make housing more affordable. If enough affordable housing is not available in the UGA, more people will move out to the rural areas putting a strain on county resources and the environment and jeopardizing the goals of the GMA. Then once you know how many people to expect and houses to build you need to make sure there's enough land for all of this. We recommend the county make an inventory of available land. That inventory should take into consideration how much land is not developable because there was no infrastructure in place to support it. It should also take into account how much land cannot be built on due to critical areas and regulations in place. We have provided three documents in your package. Finally, I want to address the recommendations for transportation improvements. We all know that Highway 3 running through downtown Belfair is dangerous. Events are coming down the pike that will make traffic on this corridor even worse. Highway 3 will be the primary alternate route when the Hood Canal Bridge closes for reconstruction in 2007. Ongoing development in Allyn, a second Tacoma Narrows Bridge, and job growth in South Kitsap will all increase traffic. Installing sewer lines in Belfair will, at best, allow only one lane of traffic through town. It makes sense to mitigate all these impacts by constructing the alternate route on the plateau now. This is good planning. Additionally, to encourage growth in the UGA and limit growth in the rural areas, land on the plateau needs to be accessible for housing and commercial growth. The RR5 designation provides the most marketable and affordable housing lot size for rural counties. The planned alternate route will make these lands accessible and help ensure there is a variety of housing supply for all incomes within the UGA. Realtors strongly urge the county to place higher priority on the construction of an SR3 alternate route. The county should understand that this route will compliment plans for the downtown core and allow improvements to the current route to have the least amount of impact on orderly growth and development of the UGA and our quality of life. I thank you for your time.

(#0630) Rich Eger: My name is Rich Eger. I have a piece of property in the Belfair UGA. I've been to a number of the public meetings developing this plan and I think they did a really good job. I have a house at 13920 Highway 106. I have a question as to when the actual final stages of approval of this that may impact

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building?

(#0658) Bob Fink: That will happen after the zoning code becomes adopted and there will be a date set which may not be immediately on adoption but probably soon after. As I discussed at the beginning, my expectation is that probably it won't reach the BOCC until the beginning of June. At this point the major concern is to get the environmental analysis completed and released and then we can set our timelines a little bit more firmly. Also, before the BOCC can consider it the PAC needs to consider their review and I'm sure they'll give a lot of thought and discussion to their action before making their recommendation. I have no specific time when this will be complete but June or even July.

(#0698) Rich Eger: About eight or nine years ago I was the first one to go into the county with a pre-permit approval meeting and the fire marshall at the time ... actually the only one that had any issue with my project required me to put in a thousand foot eight inch water main which was uneconomical and unrealistic and stopped my project. I'm in the process right now of finishing that up with the current fire marshall so I'm just kind of holding my breath. I've tried to plan it very consistent with the plan; it may not actually be to you.

(#0732) Bob Fink: You want to apply under the current regulations.

(#0735) Rich Eger: Right. I'm a little concerned that the previous fire marshall actually allowed a number of other buildings in the same area to be constructed without an eight inch water main and I just want to make sure that something else like that doesn't happen before I finish my project. A lot of work has gone into this and I sat in on four or five of the meetings and I thought it was well thought out and there was a lot of input from people. Thank you.

(#0765) Arvilla Ohlde: My name is Arvilla Ohlde and I live at 15191 NE Highway 106 in Belfair. I would just like to comment on the plan. I've not been able to come to all the public meetings but I think that the written document and what it's saying is a really well thought out plan. Having this plan is really a critical thing to the future. Is this going to be an amendment to the county's Comp Plan and is it anticipated for this year's amendment that they'll complete it?

(#0792) Bob Fink: A sub-area planning document would be an amendment to the Comp Plan. We're anticipating to complete it this year.

(#0802) Arvilla Ohlde: I just want to say I think just seeing the huge signs that came to Belfair almost overnight I think it's really well written regarding the sign code.

(#0820) Steve Clayton: One of the things the group didn't do was restrict siting of adult business in the UGA. The Belfair planning committee asked the county to in some form address that so we would be the first step to send it onto the BOCC so I think we would like some input on where to put them. We can't totally, as I understand, exclude them totally from the UGA. Also, if you look through the DR's they're rather specific on what businesses are allowed in what zones and if you could in your spare time look through and see if they seem appropriate. There appears to be some things that are missed like there's no car sales anywhere in the UGA that are justified. In theory the expansion of the Theler Center would be considered a museum and it's not an approved use given these regulations. Self-storage aren't in the regulations, Post Office, and other such things. I sat on the Belfair sub-area committee and you look at the overall plan and it's super but now we have to get down to the detail work.

(#0892) Brian Peterson: My name is Brian Peterson. I, too, served on the Belfair planning committee and I have written down some comments for you. I want to emphasize the amount of public input that has gone into the documents before you. Not only were we able to get some really quality consultants but we've had several community forums and a lot of them were the largest we've ever seen in North Mason. The last one had 160 people attending that looked at all the facets of this plan including transportation. The SR3 project was the number one supported project in that public forum. The other things that were supported significantly including the sign ordinance. I would personally hope that you would recommend to the BOCC the adoption of an amortization to get those noncompliant signs into compliance after adopting the sign ordinance that's listed in the master plan. Some of the other things I'm hoping are supported without change are some of the heights we've included in the plan. We've made a conscious effort with the urban planners to increase some

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of the density in and around the existing downtown Belfair. We did that in a way that was conscientious of the environment and also a way that wouldn't preclude investors to come in and develop a project. It's kind of a win, win, win for the developer, the community and the county. We've put in some incentives for added open space and public use to gain an extra story so we went above the existing county's 35 foot level. In some areas four stories are allowed and in some areas five stories are allowed. We're hoping that you support those. That's a real wonderful way to give us a sense of place in our community, build density in a walkable community and you can also allow the developer to gain his density on a smaller footprint which is less impact on the environment. Beyond that I just want to say we've had a ton of public input in all of these documents so I'm hoping there's little or no amendments. Thanks for your time.

(#0995) Bill Dewey: Any further comments? Hearing none, we'll close the public hearing.

(#1002) Steve Clayton: Can we continue it?

(#1004) Bob Fink: You need a date and time certain to continue it so I would recommend that you just close it and we'll readvertise it when it's scheduled.

(#1010) Bill Dewey: I know you're waiting on the environmental review to be done on that, Bob. Do you have an idea date wise how you projecting it out to one of our meetings in the future that's going to be appropriate?

(#1017) Bob Fink: The best guess I have at this point is perhaps in May at your regular meeting to have another hearing.

(#1026) Steve Clayton: I was under the impression that the May meeting wasn't going to happen.

(#1028) Bob Fink: We were trying to arrange your schedule so that you wouldn't need to meet on your regular meeting date but it looks like that's probably going to have to happen.

(#1045) Bill Dewey: We're done on the Belfair issue and will be moving on to the DR amendments. The first one on the agenda is kk) Revise internal road system requirement for large lot subdivisions. First we'll take a short break.

*Break in meeting.*

(#1120) Allan Borden: The proposed change to kk) would provide some relief to applicants proposing road access to planned large lot subdivisions. Under the revision, the Public Works Director would have some discretion in reviewing the access to a county road by a large lot subdivision where conditions of traffic, critical areas, or physical constraints of the location may allow for the modification of the internal road requirement. The Public Works Director could conclude that provision of more than one access may have greater public benefit by protecting critical areas present and by maintaining safety along the county arterial road. This is one of the first revisions to Title 16 that you've had to review; Title 16 being Plats and Subdivisions standards. Title 16 establishes processes for everything from BLA's, Large Lots, Short Plats, and Subdivisions. There's generally a provision that access, when you're dividing land, there's an attempt to limit the amount of accesses to county arterial roads in order for safety purposes. This proposed revision will add some flexibility where there are situations where a large lot subdivision is proposed and an internal road provides access to all of the lots could force the applicant ... because of critical areas and limited access they may not be able to get as many lots they want to propose. If the situation merits because of things like the arterial road with a high traffic count ... there's a situation that comes to mind where a large lot subdivision is being proposed and it's on a curved part of a major road in the southern part of the county. Because of the critical areas there, streams and buffers, if a person had to do an internal road and avoid all of the critical areas the road would be located in an unsafe location. This proposed revision allows some flexibility to provide a road with potentially one more access point.

(#1275) Terri Jeffreys: Do you envision that the additional access being a community access there are situations where one or two lots would need to have a different access than what the rest of the subdivision is using?

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(#1290) Allan Borden: There's no unique solution to a situation like that. The one I'm thinking of has seven lots that are proposed; four lots would be accessed by one road and three by another.

(#1305) Terri Jeffreys: The original regulation was written so that any subdivision would have one way in and one way out to limit the number of turns-ins?

(#1315) Allan Borden: That's right.

(#1318) Mark Drain: So the underlying statement above still limits the access to the large lot development to only one except when you feel it's appropriate for another access.

(#1325) Bob Fink: That's correct.

(#1328) Mark Drain: Then if you have like a forty with a county road through it traditionally you would have entrances and accesses between each five acre lot off of the county road. So will this top sentence require you to provide one access and your own road system besides the county road to access the lots?

(#1345) Bob Fink: What the current regulation requires is that there would be one access point for the subdivision. In the case where the subdivision actually straddles the county road you obviously need two access points; one for each side of the road. They'd also have to have an internal roadway system from that access point to serve how ever many lots there are. One of the reasons for that in the past ...

(#1365) Mark Drain: I can understand the reasoning but I think it's a big deal. If there was a county road, you'd have to build a road on one side and another road on the other side of your own to access those lots.

(#1382) Bob Fink: There are places where it's important to limit the number of accesses where you have curves or other restrictions and so you simply can't provide an access for each lot. What this provision really is intended to do is simply to provide flexibility that doesn't exist now when there is a specific safety reason or to avoid a critical area to allow multiple access points.

(#1410) Mark Drain: It says that in the second underline but in the first sentence it's restricted because it limits you to one access point.

(#1420) Bob Fink: I think you misunderstand because they added an explanatory clause that they underlined but the existing language says 'all lots shall be serviced with an internal roadway system when located adjacent to arterial and collector roads'. That's the current language that says that you have to have an internal roadway system with one access point. The clause just says that there are exceptions for that.

(#1445) Steve Clayton: If a developer wanted to couldn't he apply for a variance currently?

(#1450) Bob Fink: He can apply for a variance but this simplifies the ability of him to address these issues by simply documenting his case rather than having to go through a variance process. It's intended to make it easier for him to go through and make adjustments rather than having to go through a variance process.

(#1475) Steve Clayton: If you read our transportation report going through Belfair we have lots of problems with lots of driveways and lots of accesses. Based on Helfron's report they're recommending that we restrict the number of access from what's already granted so to give the Public Works Director authority to, without public process,; i.e., the neighbors that this comes out in front of, without traffic counts, if we had a fifty lot subdivision and it's coming out at one access point then the developer needs to see that access is controlled there. If he has two or four or five then the requirements for traffic control are dramatically less.

(#1515) Bob Fink: There would be public notice of the land division itself and there would be public notice of the form of the land division and the plans available to the public to review and comment on but there wouldn't need to be a separate process just to be able to have more than one access.

(#1535) Bill Dewey: Are there any more questions from the PAC at this point? We can take public comment on all of the things on the agenda tonight, right?

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(#1540) Bob Fink: You closed the public hearing last time. These are all advertised at the last PAC meeting.

(#1552) Bill Dewey: So these agenda items were not advertised as a part of tonight's public hearing?

(#1555) Bob Fink: Right. These were unfinished business from your last meeting when they were advertised for public hearing.

(#1565) Bill Dewey: Since I wasn't there last time, the public hearing was opened and closed on these items?

(#1570) Steve Clayton: We allow testimony on these because we didn't address them; we didn't get to them so it was never open as per say.

(#1578) Bob Fink: I thought you had opened it on all the issues. There actually was no public there last time ...

(#1584) Darren Nienaber: I think you went through each agenda item and opened it up for testimony and then closed it on each one ...

(#1588) Steve Clayton: I don't believe so. I believe we just went down the list and then didn't finish all the items.

(#1594) Bob Fink: It may not have been as clear as it should have been. There was no public to testify on any of the issues. There wasn't an effort to list all of the issues and ask if there was testimony on it. There was just a recognition that there was no public to testify.

(#1610) Steve Clayton: Is there a problem with taking public input at this point?

(#1618) Bob Fink: I don't see that there's a real problem with just seeing if someone wants to make a comment.

(#1625) Bill Dewey: Okay, I was just trying to get clarification on that.

(#1628) Darren Nienaber: I think in light of the ambiguity we can invite public comment.

(#1650) Constance Ibsen: My name is Constance Ibsen and if we're having disclosure tonight I am a candidate for County Commissioner in District 2. I'm here as a citizen, though. This is the first year since the inception of the TIP-CAP (Transportation Improvement Program Citizens Committee) that I am not sitting on that committee but Mr. Wilson just came in and he is sitting on that committee and did last year. One of the issues that we did talk about in TIP-CAP last year was the need to look at the way we're doing roads and what our priorities are. Mr. Wilson was particularly concerned about economic development considerations but I was also concerned about the fact that we're going along and we have never had an update on the road standards for subdivisions. So when I look at this it looks like it's somewhat piece meal but I'm also concerned ... I just said to Darren and Mr. Borden earlier is this even necessary because it's my understanding that when a large lot subdivision comes before the planning committee that many of these issues ... many of those large lot subdivisions take months to get through the planning department so you'd think that this issue would come up there and could be addressed there. I wonder why this is necessary? Also, if we take out what we added it says 'all lots shall be serviced with an internal roadway system when located adjacent to arterial and collector roads'. In there it doesn't say that it's limited to one. So because we don't really have subdivision transportation road regs then I don't have anything to put this into context with. That's what I think has been missing and I really would hope that the public works department could get working on those. This has been going on for quite some time because different people will come in and some will want a 20' wide road, some will want a wider one than that, some are going to want parking on the side, some don't want parking on the side. It's a real issue as to why we don't have any standards for subdivisions. I think this can be resolved without this paper. I think it's normally resolved when you go through the planning process already. I hate to see us start adding verbiage in another regulation and then we forget what it's about. I would be in favor of allowing flexibility that we now have when people come in for

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a large lot subdivision. I just don't understand what this is for.

(#1824) Bill Dewey: Any other public comments on this particular item? We'll close public testimony on kk). Further discussion from the PAC? Any recommendations?

(#1838) Mark Drain: I make a motion that we pass the recommendations to 16.38.022 as written by county staff.

(#1845) Terri Jeffreys: I second the motion.

(#1850) Bill Dewey: We have a motion and a second. Bob, if you just had the beginning of the paragraph without the added language beginning with 'all lots shall be serviced with an internal roadway system' ... does that preclude more than one access?

(#1870) Bob Fink: Allan, is that exactly the way the current language reads?

(#1874) Allan Borden: Yes.

(#1876) Bob Fink: Yes, that's the way it's been interpreted by the public works department and the planning department. We have a case in front of us now for a large lot subdivision where this is an issue. That's one of the reasons why we're bringing it forward at this time.

(#1888) Steve Clayton: I'd be disappointed to see it go based on ... I believe the public process should be followed when you're affecting the public in such a dramatic way. There is a process for the developer to go through and get multiple access points and ...

(#1900) Bill Dewey: That's the variance process you mentioned earlier?

(#1902) Steve Clayton: Right, and there's an appeal process there and community development has sat in and is aware of the Belfair plan and the various planning policies ... You're now saying that the Public Works Director should be up to date on all these planning policies and the different UGA's and the future thoughts of what's going on. That's not his area; that's what Community Development is all about and that's what the public process is about.

(#1925) Diane Edgin: It seems to me putting this in here it firms the flexibility and the right to have the flexibility from the Director.

(#1932) Steve Clayton: Right, but it also takes it out of the public pervue. As in the case of the Belfair accesses here it does harm to the community. We're trying to work backwards based on what's gone on with multiple accesses along the highway.

(#1950) Wendy Ervin: You're going to present proposals and look for permits; is there a point at which when those things are advertised that the community can come in and ... that it doesn't just go through the Director. In the permitting process of the large lot subdivision when that is proposed then the community has input, right? Before they're approved.

(#1978) Bob Fink: That's correct. In this case there would be advertisements, direct mailing to people having property within 300 feet of the proposed site, plus posting of the site. There may not be a public hearing on the land division itself but there's notice to the public of what's happening so that they can review it and comment on it.

(#2010) Bill Dewey: If the language stayed as it was as Steve is suggesting and it was required by the developer to get a variance how would that public process be different?

(#2020) Bob Fink: It would either be included in the public notice whether ... in other words, in the beginning if they do this if it's necessary then it could be done with one advertisement. If it were developed later in the initial application then there may be a second notice made. Also, for a variance there would be an

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advertisement in the paper.

(#2038) Wendy Ervin: So the variance would add one more advertisement.

(#2042) Bob Fink: If there's more than four lots involved in a large lot there's also a SEPA review which has the same public notice requirements. So any interested party can ask about the plans, make comment on it, and if they make comment on it they become a party of record and they also receive notice when the action is taken and they have the right to appeal it.

(#2064) Steve Clayton: But the appeal process and some of that doesn't apply if this goes through.

(#2070) Bob Fink: Well, the administrative decision is still appealable. Hypothetically, if this were done and they disagreed with the decision to allow two access points then they could appeal the administrative decision. Those appeals go to the HE.

(#2092) Steve Clayton: So in a case where, like in the UGA we have multiple access points ... in a previous scenario where there's a single access point ...

(#2100) Bob Fink: Where the issue is in the Belfair area with multiple access points, those access points wouldn't have been permitted under these types of controls. From what I understand, it would require a separation. The problem in Belfair is there are properties that have virtually unlimited access and because of that the flow of traffic isn't controlled and that poses safety problems.

(#2145) Wendy Ervin: Like the old Belfair Café which is something else now where you can park all along the front of the building?

(#2155) Bob Fink: Right. You can not only park but you can pull out of the parking area at any point along the front. What they have now is standards that would limit the width of that access.

(#2186) Steve Clayton: Regarding projected traffic counts; you could take those and you'd have to put in a, given a 100-lot subdivision, a turn lane or traffic light. If we allow multiple access points is that a way to circumvent the needs for that?

(#2204) Bob Fink: This is large lot subdivisions. That means the lots are 5 acres and it's most likely taking place in the rural area. A larger subdivision, maybe 50 lots off an access point, those would trigger SEPA and one of the things they'd be looking at would be traffic. Most of the rural roads in the county don't have flow problems. The problems they have are related to turn radius width and other obstructions and safety issues. Even if they allowed more than one they would still limit the access points and ensure that they were safely separated and they look for a certain minimum separation standard. This would only be approved if it were done safely. In some circumstances it may be safer to have two than one.

(#2280) Steve Clayton: You were saying that large lot subdivisions are typically 5 acres?

(#2290) Bob Fink: By definition a large lot is 5 acre divisions so all the lots are 5 acres or larger. There is an exception in the county code that allows for smaller lots provided the average acreage is at least 5 acres.

(#2325) Bill Dewey: We have a motion and a second. Motion is on the table to accept this amendment as proposed for kk). Any further discussion? All in favor? Opposed? Motion passes. On to dd/ee) which is on page 17 of the third set. This is minor revisions to the definitions in Telecommunications Antennas and Towers and Forest Practices Moratorium Ordinance.

(#2380) Allan Borden: The Telecommunications Antennas and Towers Ordinance passed in 1998. When it was passed there were a couple of definitions, particularly Hamlet, that didn't exist in 1998 and also proposed, at this time, are a clear indication of what Urban and Rural Areas are as a definition. So these were added on page 17 and 18 and placed in the text in alphabetical order. The definition of Pre-Existing Tower is 'any tower or antenna existing prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance'. You may ask 'why is there an existing tower and why is there a pre-existing tower'?

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Existing towers are ones that now exist that were adopted when this ordinance was passed meeting the current regulations. What I did on pages 17 and 18 is the definitions from f) to m) was relisted them.

(#2535) Wendy Ervin: You had sent an email earlier and suggested that maybe there was some miswording in 'Existing Tower' so that should be 'before the adoption of this ordinance' rather than 'after'?

(#2542) Steve Clayton: No, actually 'after' is the correct word.

(#2545) Allan Borden: It's before the ordinance. Existing is at the ordinance and after.

(#2560) Wendy Ervin: Okay.

(#2570) Allan Borden: Let's say you have a tower built in 1995 under a building permit on Simpson land and somebody comes in from Verizon and wants to put an antenna on that 1995 tower, that's a pre-existing tower. If somebody wanted to put an antenna on one of the new ones on State Route 3, near Pickering, that's an existing tower.

(#2592) Wendy Ervin: So the difference between these is that the pre-existing may not have been built to the current regulations but the existing one was built to those current regulations, right?

(#2605) Allan Borden: That's right. You have to look at the whole ordinance because it describes how the county processes requests. You might have something that is on an existing structure built prior to 1998 and that might require some certain special review whereas if you had a proposal on a tower that was built after the ordinance it might now require any special review. Moving on past the definitions, on page 18 there are a couple of additions and deletions. Under 4.b) we're adding Inholding Lands to the place where a tower can be located. Since there are parcels in the county designated Long Term Commercial Forest and then there are actual lands that are completely surrounded by Long Term Commercial Forest and those are Inholding Lands. They're technically in the RO; they're not Rural Lands. So we're proposing to add Inholding Lands as another place where a tower can be located. Then 5.b) is actually a correction. The county no longer has a designation called Rural Community Center; it was renamed a Hamlet. That's why we added Hamlet to the definitions. That's the extent of the changes proposed.

(#2755) Wendy Ervin: I'd like to make a suggestion for clarification on the language. On the Hamlet definition, I think it should say 'serving' instead of 'that serve'.

(#2768) Allan Borden: That's easy to do.

(#2780) Bill Dewey: Any other questions for Allan or any discussion?

(#2785) Diane Edgin: This seems pretty simple. I make a motion that we accept the changes for dd) with the one minor change suggested by Wendy.

(#2805) Wendy Ervin: I second the motion.

(#2810) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes for dd). On to ee) for proposed changes to the Forest Practice Moratorium Ordinance.

(#2840) Allan Borden: The changes proposed are merited from problems that have been encountered in applying some of these regulations that have been in existence for a while. Under 11.04.230, Administration of the Moratorium, this review is done by the HE and not by the BOCC so that's the reason for that correction. Because HE now appears in the text, we have to define it in the set of definitions so that's included under 11.04.120, Definitions. What's proposed under 11.04.420, Moratorium Removal Process, there's additional text added under the standards and findings required to remove the moratorium. The additional language under C.2) is 'or the specifications of the original forest practices application/notices shall have otherwise been met, before the waiver can be granted'. In my staff analysis I wrote 'a provision in the ordinance is needed that if the restoration of an area impacted by the harvest is completed and meets the specifications of the FPA, a development moratorium waiver may be processed and granted'.

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(#3010) Bill Dewey: Allan, in 11.04.420 is that list all inclusive; do they have to meet each of the criteria in there?

(#2030) Allan Borden: It's a five step process.

(#3035) Bill Dewey: And they have to meet all five of the criteria?

(#3040) Allan Borden: Yes. Under #3, it says there shall be no damage to critical area or associated vegetation area nor to the shoreline area or that any damage to those critical areas is repairable with restoration. Under #4, it says the proposed development shall be consistent with county plan and development regulations. Under #5, it says litigation shall be required for impacts to critical areas, stormwater and shorelines. Other mitigation shall be required to prevent significant adverse environmental impacts pursuant to the Environmental Policy Ordinance.

(#3088) Bill Dewey: I was just curious if the wording was correct there. Should it say 'all of the following standards and findings are required for removing the moratorium' ... just for clarity.

(#3120) Allan Borden: It's listed in a common format that when someone is reviewing something and it has standards you have to make the findings of whatever number of standards there are.

(#3138) Mark Drain: Allan, in the first part it mentions 'removal' but in the last sentence you say 'waiver'. How long is the moratorium for? Six years?

(#3150) Allan Borden: Yes.

(#3154) Mark Drain: The moratorium cannot be lifted before that six years, correct?

(#3160) Bob Fink: The moratorium can be lifted. Essentially, the moratorium is imposed when a forest practice is applied for. It's not a Type IV general conversion. Then there's automatically a forest practice moratorium for six years. The county's role in that is, first, not to issue permits where there's a moratorium, second, to offer processes by which people can modify by waiving or removing that moratorium. This is a process that either waives or removes the moratorium so that some development can happen. A waiver allows single family development only and removal could allow any permissible development.

(#0135) Mark Drain: A person could, in theory apply for a Class III and sign your name to a six year moratorium, conduct your harvest practice, and within six months, get a waiver and begin development. It seems like a way to circumvent the Class IV application.

(#0148) Bob Fink: What you find in almost all cases is one of two situations. One situation is the property after it's been cut will be sold to someone who didn't understand what the restrictions were. That's why the notice is tied to the title. But just because a title report shows it doesn't mean the people necessarily understand what they see. Another case is it's the same owner but they've had a change in plans or circumstances and so now they want to develop it or develop parts of it. Those are the two most common things you run into.

(#0185) Mark Drain: So they could preclude a more expensive forest practice application and preclude SEPA checklist?

(#0190) Bob Fink: Right. What's required is full mitigation. If they were trying to use this method to sidestep environmental review what would happen if they applied for this one of the requirements is that they mitigate any damages they did ...

(#0202) Mark Drain: Let's say there was no damage. I just want to save myself \$500.00 in having to go through ...

(#0205) Bob Fink: This costs over \$1,000.00 so if you're trying to save money this is more expensive than

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going through a Type IV permit process and SEPA. The total cost of this is more expensive than if you had gone through a conversion process initially. That doesn't mean that people won't try to abuse it but we've tried to build safeguards into it to keep people from using this to simply sidestep the conversion process.

(#0228) Steve Clayton: We used to listen to moratoriums as planning commissioners and I pulled out an old one and the five steps that Allan identified were there and we came to the general idea that the first one that Allan listed as far as they did not attempt to avoid county review is pretty much not an enforceable sort of thing. The second one came up in a couple of cases where there were questions on whether reforestation was done or not. It appeared to be, from an outsiders point of view, an attempt to make a conversion and not go for a IV.

(#0250) Mark Drain: You have three years to plant so maybe they approached you before the three years were up.

(#0252) Steve Clayton: And that's my question is the only item out of the five that we're addressing tonight appears to be to eliminate the need to reforest. The harvest is obvious and the requirement that the property has gone through reforestation. Now you've added some ambiguous language but the only thing that particular line addresses is harvesting and reforestation. So somehow that ambiguous language appears to be a way to avoid the requirement that it was reforested. Is that an accurate portrayal? As Mark is saying maybe they hadn't replanted in the three years and they still want the forest practices removal.

(#0280) Allan Borden: In talking to the planner who implements the forest practices moratorium ordinance and basically he gave the example that DNR comes in and cites the person doing the harvest for certain violations of the forest practices act. Not cutting as indicated, etc. If the application had conditions of approval on it the property owner could implement those conditions that would lessen the impact that they caused when they did the harvest, such as doing restoration of a buffer area. I believe that's what he's trying to accomplish there is that maybe the harvest isn't completely done before the property owner is cited for a violation.

(#0335) Steve Clayton: So how does the new language avoid that? 'Specifications of the original FPA shall have otherwise been met'... So you're saying they didn't meet it but this language doesn't address the didn't meet it.

(#0345) Mark Drain: You want to make sure that they met the DNR forest practices; you don't want the county to assume the responsibility of righting an error that took place under DNR forest practices.

(#0362) Bob Fink: It might be best to table this amendment because Michael MacSems is the planner who deals with these most and who proposed this amendment. It's hard for us to really explain it to you and give you some examples of what prompted this proposal.

(#0382) Allan Borden: Why don't I take this back to the planner and either see if the language is exactly how he wanted to phrase it and also if there are some examples to illustrate so you can understand how this proposed revision applies.

(#0392) Bob Fink: Also, I'd like to point out that the state statute that created this moratorium process required the county to adopt a moratorium removal process.

(#0405) Mark Drain: I can understand a removal at the end of six years but here a removal can happen at any time.

(#0410) Bob Fink: There's no removal process at the end of six years. It simply expires. This is a moratorium removal prior to expiration. It's in the statute both the waiver process for single family and the moratorium removal process for other types of development.

(#0422) Wendy Ervin: As you're speaking you're defining waiver and removal as being two different things. Shouldn't this say 'before the waiver or removal can be granted'..

(#0430) Bob Fink: I'm not sure that's true but I think your point about there being two processes is true and it actually should say 'removal' rather than 'waiver'. The processes are separate.

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(#0440) Steve Clayton: I make the motion that we table this and leave public comment open until the next meeting.

(#0444) Diane Edgin: I second the motion.

(#0446) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes to table ee) until April 26<sup>th</sup>. Next on to hh).

(#0475) Allan Borden: In the rural areas outside of the UGA's there is a minimum front yard setback but when you go into the UGA's there is no minimum setback because currently everything is done by buffering; buffering new land uses from existing land uses. What I've proposed here is in the DR's at the very end of the buffer and landscape requirements is to add a provision that states that the front yard setback shall not be less than 10 feet except by the granting of a variance. The reason why we want to make it entirely clear is some people might ... through buffering you need to have a separation distance from your property line to your development that has vegetation in it. In some cases when you look at development along a road you often have a common land use across the street and sometimes that calls for a 5 foot buffer. This would supercede that saying that on a road you need to be at least 10 feet back and if you need to be less than that then you have to apply for a variance.

(#0588) Diane Edgin: You don't want it any closer to a road because roads have a tendency to be widened for numerous reasons.

(#0600) Terri Jeffreys: How do sidewalks fit in?

(#0602) Wendy Ervin: Are sidewalks part of the 10 feet?

(#0606) Allan Borden: Most property owners don't want to put sidewalks on their property. You have to remember that buffers are not a solid screen of vegetation. Our buffer standards are on the liberal side.

(#0618) Bob Fink: You can think of them as landscaping requirements. They require a certain amount of trees and bushes every so many feet.

(#0625) Wendy Ervin: If you're in an urban area isn't one of the things you need is a sidewalk along your road?

(#0632) Bob Fink: Urban areas do have sidewalk standard requirements but typically sidewalks go in the right of way or the easement.

(#0650) Steve Clayton: So this applies to urban areas?

(#0652) Bob Fink: This only applies to urban areas. This used to apply county wide but when the rural zoning districts were adopted instead of using this buffer yard approach ... the buffer yard is a variable width and variable planning schedule that's supposed to separate different types of uses. What the county did in the rural area was adopt a series of standard setbacks for structures. We don't have anymore landscaping requirements in the rural area. In the urban area the only example we have is the Belfair draft. There they'll have landscaping requirements as well as building setback requirements. In the meantime before we adopt that we have in place the buffer yard requirements which are a combination of setback and landscaping. This proposes to have the buffer width, which is also the setback in the urban areas now, to be at least 10 feet. Ultimately this will be superceded in each of the urban areas by standards specific to that urban area and this will just disappear.

(#0735) Steve Clayton: So the individual urban area regs would take precedence over this?

(#0737) Bob Fink: Right.

(#0740) Steve Clayton: As in the festival retail that we're looking at in the Belfair plan there is no setback.

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(#0742) Bob Fink: This would not apply in Belfair when the new Belfair regulations are adopted.

(#0744) Steve Clayton: An example of zero setback would be like Railroad Avenue in Shelton where you've got businesses built on the sidewalk.

(#0750) Bob Fink: Right, in a commercial area you would do that. When you start zoning uses so that they're together you have specific standards for that type of use that's appropriate to that area and so then you can have zero setbacks.

(#0760) Wendy Ervin: Using that case, if you wanted to put in a business area now does everyone of those have to have a variance all the way down in order to put that building where it is?

(#0770) Bob Fink: Let's take the example of Belfair. In Belfair, if you adopted this, and someone came in with their redevelopment plan where they wanted to develop a commercial area then people coming in for a building permit after this is adopted they would have to apply for a variance if they wanted that zero setback.

(#0800) Steve Clayton: Unless they were in a district that had a zero setback.

(#0802) Bob Fink: Right, but right now we don't have sidewalks. We don't have standards that require building sidewalks. By the time we do have standards that require building setbacks and capital improvements to build sidewalks then we'll also have a zoning code that has different standards to allow zero setback when those circumstances are appropriate.

(#0845) Steve Clayton: In the festival retail here in Belfair there are no setbacks required so we aren't even requiring a setback for a sidewalk in front of these places.

(#0852) Bob Fink: Right, what you're requiring instead is open space.

(#0900) Terri Jeffreys: Would the variance be granted through the HE process or through an administrative decision?

(#0935) Allan Borden: Section 1.05.030 is a HE decision on a variance.

(#0945) Terri Jeffreys: What is the criteria to allow for a variance?

(#0955) Allan Borden: You adopted new variance criteria two meetings ago. It's the standard variance criteria.

(#0982) Bob Fink: It is a hurdle that you have to clear that relies on certain conditions on your property to get a variance. It does cost additional money to get that variance so it's not something you want to pose lightly. In most cases it's appropriate that you set back buildings at least 10 feet from the easements and right of ways and that's what's proposed here.

(#1030) Bill Dewey: While Terri is looking for the criteria is there any desire to put a motion on the table.

(#1035) Mark Drain: It seems to me that we weren't timid when we came up with setbacks in the rural area so why are we hesitating now?

(#1042) Terri Jeffreys: I hesitate because the use of a variance can be overused for the simple reason that you're adding to the process, adding to the cost of development; infill development is going to be more and more required in urban areas where you don't have your choice of lots available to do your development on so you have to take what's there.

(#1064) Mark Drain: So you're thinking that rather than encumber the property with a 10 foot setback ...

(#1068) Bill Dewey: Are you saying we shouldn't have a setback in an urban area?

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(#1075) Bob Fink: If you think of the old downtown main street that's where you really don't have setbacks. Typically in other areas than urban you do have setbacks. In industrial areas and residential areas you do have setbacks and you often have setbacks on other than the front street.

(#1105) Wendy Ervin: The businessman is not going to want to put his business up so close that it blocks the foot traffic. There's a certain amount of commercial common sense that when a person decides to build a business he's going to do it ... he doesn't really have to be told or have requirements in order to use common sense. I'm not sure why it's necessary in an urban environment to make this requirement that only makes commercial sense.

(#1135) Bob Fink: Allan, do you know exactly why this language was proposed?

(#1145) Allan Borden: I think it was mainly to be similar to what we had done in the rural area and the potential problems that could occur of having a buffer that was less than 10 feet from the road that at least would provide some potential for landscaping between the edge of the property and the building. In the next year and a half or two years the other two UGA's will have their plans and DR's and this will mostly likely disappear because it won't apply.

(#1188) Wendy Ervin: When the front yard setbacks and the setbacks on all four sides were discussed for the rural area it was more for the visual of the property. In an urban setting it's an entirely different thing. You're talking about commercial applications and you've got to have pedestrian access to these things.

(#1245) Bob Fink: Is your main concern the commercial?

(#1248) Terri Jeffreys: Even in residential if you get to the point where there's infill development and there's no raw land left and your lot size precludes much of a yard perhaps privacy would make a person desire that whatever space they had to be in the back as opposed to on the street and if you've got this 10 foot setback then you're reducing the size of the house and you're doing all these other things and restricting a persons privacy in an area that is intended to be a high dense development anyway so I think the aesthetic value of that has to come from someplace else and not on the backs of every property owner.

(#1280) Steve Clayton: One plat that we looked at and testified on several years ago it was designed where there was a sidewalk only on one side of the street through the development and it wasn't continuous; it would be on one side then the other side. I grew up with sidewalks and basically had a community because the kids could play together and Wendy's saying they'll do what's common sense but here was an example of noncommon sense sort of stuff to break up the development to keep the community segmented. The 10 foot setback allows for sidewalks and walkways to maintain a community rather than independent houses where you don't relate with your neighbors.

(#1305) Wendy Ervin: But your sidewalk is part of the street not part of the setback.

(#1308) Steve Clayton: Is it?

(#1312) Terri Jeffreys: If you were to go in later and put in sidewalks would ... the county easement probably doesn't include enough land for a sidewalk?

(#1320) Bob Fink: What sometimes happens and what may happen at times in Belfair in the Route 3 improvements is that the county may have to acquire easements from some of the property owners for the sidewalks or other enhancements. It would not be built entirely on existing right of way but would require a public easement because sidewalks are public ways. Sometimes the developer ... you might have seen the little cornerstone markings at some public courtyards saying that this is private property and the property owner reserves the right to restrict access. Sometimes sidewalks or courtyards are part of actually private property. Sidewalks can be widened or even built on private property with only an easement or permission from the property owner. The typical situation and usual situation is where you've got raw ground and you have the room is to put the sidewalk within the right of way.

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(#1375) Wendy Ervin: You've just said that it has to meet the needs of the community so these things ... if you have commercial needs or whatever in your urban area these things are going to be planned so that all the needs are met which means you're not going to stick your building right out to the street.

(#1390) Bob Fink: In Allyn someone built a two story garage on Route 3, 5 feet from the right of way within the last year. That's one of the concerns that if that had simply a little bit further back it wouldn't appear to be quite so encroaching on the right of way. That's a consideration given our situation in the fact that there you won't have room for a sidewalk or even get an easement for a sidewalk. That's another reason for requiring larger setbacks on roadways. To my mind we don't really have all the circumstances in place for the type of intensive development that we're moving toward that this is going to happen in the next year.

(#1480) Wendy Ervin: How did he get a permit to build that within 5 feet of the roadway when the front yard setback is ...

(#1490) Bob Fink: It is 5 feet in the urban area and we're increasing it to 10 feet; that's what this proposal is. If this proposal had been in place that would have been build 10 feet back.

(#1500) Wendy Ervin: My objection is not the 10 feet because that just seems like common sense ...

(#1515) Steve Clayton: I make a motion to approve item hh) with staff's recommendation as worded.

(#1522) Diane Edgin: I'll second the motion.

(#1525) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes. Item ii) is next.

(#1558) Allan Borden: This proposed change has to do with changing the standard for accessory dwelling units. The proposal is to increase it from 900 sf to 1000 sf. 'The ADU shall not exceed 50% of the square footage of the habitable area of the primary residence or 1000 feet, whichever is smallest'. This is so it is consistent with the SMP's ADU standard.

(#1582) Wendy Ervin: I make a motion that we accept staff's recommendation on this.

(#1588) Terri Jeffreys: I second the motion.

(#1590) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes.

(#1615) Allan Borden: The next proposed change is in the RO under the FWHCA's. The proposed changes would allow the review of certain habitat enhancement projects to proceed ... in order to encourage habitat enhancement projects to take place, and some of these projects are done by nonprofit organizations and community organizations, and it would provide an incentive to have enhancement projects accomplished so we've proposed some new language here that was suggested by several of the current planners. The first one is under Stewardship Options and Incentives was to add Enhancement as an incentive and the proposed language states that property owners are encouraged to enhance critical areas and buffers that have been degraded by past land clearing and site modifications or replaced by noxious vegetation. 'Critical area enhancement project shall require staff review and needed approvals. Mason County shall waive review fees for enhancement projects that meet several criteria. A sponsored project from an agency or community conservation organization, or vegetation planting/removal'. These are ones where we're taking non-native species and enhancing the critical area or buffer. The second part of the revision is cross-references to this enhancement incentive by doing it under several of the activities that do not require an MEP. Ones where you're removing from buffer areas not just weeds or planting indigenous vegetation. We're adding another activity that doesn't require an MEP and that's a habitat enhancement project that has minimum county review and is subject to the review and approval by a governmental agency, tribal agency, or fish and wildlife habitat enhancement group utilizing the process stated in RCW 77.55.290, which has to do with HPA's. They're the exempt projects that the legislature passes about five years ago and the review process that would be followed is listed under RCW 77.55.290. The Hood Canal Enhancement Group has done probably

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thirty five projects by taking advantage of this process and what we're trying to do is just plainly list it as an exempt activity and one that doesn't require an MEP. The last change on page 22 is another cross reference; it's an existing portion of activities that require an MEP and also an HMP. Conservation projects that protect functions and values of critical areas so it's mainly a cross reference to this new enhancement incentive.

(#1852) Bill Dewey: Were there any public comments on this one, Allan?

(#1860) Allan Borden: No, this is one of the proposed changes that was feedback from the current planners.

(#1915) Bill Dewey: As I read the staff analysis you're exempt from county permits.

(#1922) Allan Borden: A lot of what's noted here is not really structures that would enhance access to critical areas but actual work in the critical areas to change vegetation.

(#1942) Wendy Ervin: On page 21 under Enhancement I think it would sound better to say if it's been degraded by past land clearing and site modification or noxious vegetation. Take the word 'replaced' out. So I make a motion that we accept the change in language under jj).

(#2000) Steve Clayton: I second the motion.

(#2020) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes. So that's it for tonight.

Meeting adjourned.