

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
February 17, 2005

(Note audio tape (#2) dated February 17, 2005
counter (#) for exact details of discussion)

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1. CALL TO ORDER

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

2. ROLL CALL

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

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

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(0050) Bill Dewey: We have two items on our agenda tonight. They are public hearings on some changes to the Development Regulations regarding Boundary Line Adjustments and some provisions for setbacks for signs in Rural Tourist zones and Rural Tourist Campground zones. We'll start out with the public on this provision to add a new section 5 to Chapter 1.03.032. Allan do you want to brief us?

(#0070) Allan Borden: Did you get any new material on this tonight? We have a couple of editing changes that are mainly for clarification. I'll point them out to you. The first item we have tonight is regarding changes to section 1.03.032, Development Densities and Dimensional Requirements regarding the group designing of old plats or a group of contiguous lots. This topic was covered in December at a workshop and from that workshop the Department of Community Development presented the Planning Advisory Commission with some text and from that workshop staff made some changes in that proposed text. Those changes are underlined on the proposed language. Upon further discussion some additional changes were done that are in italics and those are mainly in the middle of page 2 concerning criteria for the proposed lot design that are for lots less than 2 acres in size. For the most part I made some changes that Wendy suggested so that it reads clearer. There was some language that was presented earlier that was either redundant or confusing. Basically now under that second part 5.b, now reads 'Criteria for proposed lot design for lots less than 2 acres in size' now reads, 'the layout of lots that are less than 2 acres in size set forth in subsection (a) above should use the following standards. These lots needs to be clustered and separated by designated open space areas with a 40,000 minimum area'. Then it goes through the standards. Since the proposal is to facilitate the clustering of lots we borrowed some of the standards from clustered subdivisions in Title 16. Those

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additions to the text that are underlined make that reference. The staff report on the first page explains the reasoning for the changes that there are undeveloped plats out there in the county and this was brought out from a request in 2003 and 2004 on an old plat that has fairly narrow lots and has a lake as part of that approved land division. From that situation the BOCC asked the PAC and DCD to work out standards that would make these old plats which have small lots that the lots that result could meet the current development standards. So the proposed language is separated in two sections with the first one being how many lots will be involved in the redesign.

(#0312) Bill Dewey: I had a question on (b). The middle line says 'separated and designated open space areas with a 40,000 sf minimum area'. Is it intended to be one open space area or can it be multiple areas totaling that?

(#0332) Allan Borden: No. Open space area is between clusters. Let's say you're approved to do 15 lots. You could do 3 clusters of 5 lots with an open space of area of at least 40,000 sf between separating the clusters.

(#0348) Tim Wing: What does separating mean?

(#0350) Allan Borden: Separate means to divide apart.

(#0352) Tim Wing: I know what the word means. You have to have a 40,000 sf piece between each cluster or can the clusters be touching each other?

(#0362) Allan Borden: Right now we're leaving that specific design to the applicant. We currently have in the Comp Plan a policy that says that clustered lots should be at least 100 feet apart. The clusters should be separated 100 feet apart. We haven't specifically mentioned that here. That might be something that we could suggest.

(#0400) Tim Wing: I'm still concerned that this says these clusters will be separated by an open space of 40,000 sf minimum. So if you've got 5 clusters and you have a 40,000 sf open space in the center of it and the clusters are around it can the clusters touch each other in any way? My concern is that there's only one sentence here and if it's being interpreted by someone who wants to see tons of open space do you have to put a 40,000 sf open space between each cluster? That's not what this says or is it?

(#0450) Bob Fink: The 100 foot separations says that the clusters can't touch each other. The lots that make up the clusters have to be at least 100 feet from each other. That is a separation requirement. There are issues of how you measure that, which I think is what you're eluding to, because clusters aren't going to be rectangular and uniform and how do you calculate that? I can see that might be a problem with implementation. Whereas I can calculate the 100 feet of minimum separation. I don't know how you'd calculate the 40,000 sf in the open space. How much are you allowed to wrap around the cluster?

(#0498) Tim Wing: I think some of that implementation problem starts with the general shape of the plat to start with and what other features are in it.

(#0505) Wendy Ervin: Can the 40,000 sf be used to separate more than two clusters? So if you had a piece of property with a cluster on each corner and 40,000 sf and that separates them from each other is that legal?

(#0520) Mark Drain: I just think it's too ambiguous and I think the lineal measurement would work much better.

(#0525) Bob Fink: I wouldn't have any concern if you thought it should be removed. The 40,000 sf.

(#0535) Steve Clayton: An acre wouldn't be an unusual size for a lot, how do we cluster the lot ... say you have a bunch of 1 acre lots and you segregate an open space that each one of those lot owners contribute to and is a 1 unit on 1 acre an unusual density if it's ... it depends where on the parcel you put the particular parcel. How do you force clustering of 2 acre lots and open space around them?

(#0555) Wendy Ervin: You're already reconfiguring lots and you're going to get a certain number of units out

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of that reconfiguration and you're going to put them together in order to maintain ease of services and clustering. You still have this much land and you're putting houses on this much space automatically this becomes open space just by virtue of the fact that you can't put any further development on that so I don't know that that 40,000 sf is a relevant figure at all because when you replat and cluster you have a resulting cluster and open space on that original property.

(#0582) Mark Drain: I'm not sure about that because there are lots that are larger than 2 acres and those are going to be on the property so it's the lots that are less than 2 acres that must be clustered. What was the cluster size?

(#0600) Bob Fink: The largest cluster you could have would be 8 in a cluster.

(#0605) Mark Drain: Is that the way it is in our other clustering standards?

(#0608) Bob Fink: Right.

(#0610) Mark Drain: I didn't quite understand the rationale behind that if you're going to try to concentrate services, etc., ...

(#0615) Bob Fink: You're not only trying to get certain advantages, like with services, but you're also trying to preserve rural character and have the lots surrounded by open space.

(#0628) Steve Clayton: Why wouldn't it be better to address where on the building site you put the building and designate part of each lot to be open space?

(#0640) Bob Fink: The ordinance actually allows the open space to be on the lots and in that case some of the open space could be a part of each lot. The other option is to have the open space as a separate lot from all the other clustered lots. It's been done both ways in different developments. There's a lot of flexibility with the open space but the open space is an area that can't be built on.

(#0666) Wendy Ervin: In your example of the 2 ½ acre lot your house is going to take up so much room and then a garage and maybe a workshop and basically that's empty land so you have open space even if it's owned by one person and ...open space doesn't mean not mowed or not landscaped. It's just not built on.

(#0680) Tim Wing: Is that accurate?

(#0682) Bob Fink: That's right. That's one of the requirements that it not be built on. It doesn't have to be dedicated as natural although you can do that. It can also be resource land that can be used for timber or agricultural purposes. It can be used for playfields.

(#0690) Mark Drain: But it is not automatically open space because it's got to be on the deed that it can't be built on further. There are covenants involved.

(#0700) Bob Fink: If you don't create these open spaces then the area can be built on with the exception of whatever structure setbacks there might be from the property lines. We're not prepared to go back and revisit the whole issue of cluster subdivisions. You have to realize if you're talking about only a few lots there's a lot of flexibility in the BLA process that people can go through to make adjustments to where the property lines are and achieve many of these same purposes without any of the restrictions. All they have to do is make sure they don't end up with more lots than they started with and that each lot has a suitable building area on it. This process gives a lot more flexibility and allows people to essentially abandon their old configuration and reconfigure it extensively and use these standards to redesign it. The reason why the clustering is applied is because in the process of the county adopting its rural regulations clustering was the only way we could allow lots less than 2 acres. The minimum lot size we can allow even with clustering is 20,000 sf. That was the outcome of the petitions against the county and several series of hearings where this language was hammered out and eventually the county adopted a set of regulations that was acceptable. It doesn't mean those regulations are set in stone but there's a reason why they're written the way they're written. The clustered subdivision is to be screened to allow the landscape to be predominant

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which is one of the characters of rural landscape. This sets certain design criteria that is intended to protect that rural character.

(#0815) Tim Wing: I'd be in favor of removing the phrase 'with a 40,000 sf minimum area' so the sentence would say 'these lots need to be clustered and separated by designated open space' and then over on item (6) it does talk about a 100 foot minimum. Does that make sense?

(#0830) Bob Fink: That's fine. You might want to listen to the rest of the testimony before you put a motion on the table.

(#0834) Tim Wing: That's fine. I'm just saying I think that's what we need to do. My concern is that I think anybody that starts with an old plat already has a lot of problems and we need to give them as much flexibility as possible and still meet the needs of the current regulations.

(#0845) Bob Fink: The benefit that this provision gives with flexibility is that they get to preserve some of the grandfathering that goes with the existing lots that they have. There may be some reduction of overall number of lots because they may have very small lots but they get more lots than otherwise the minimum that they would get as a new division, which would be 5 acres or greater depending on what district they're in.

(#0865) Tim Wing: I want to make sure also that this does not have any impact on a plat where there's 20 or 30 little tiny lots and an owner of that property in the past has been able to gang those lots up. They're not really changing the shape of the plat but they're just saying maybe taking 6 of these lots and call it a parcel. Next door there would be 6 more lots and call it a parcel. They're not really redeveloping that plat they're just ganging small lots.

(#0888) Bob Fink: Right. That's a very typical pattern in this county and if they want to build near one of the property lines on one of those lots they'll often combine those lots legally through a BLA or a parcel combination.

(#0896) Tim Wing: That doesn't apply to this?

(#0898) Bob Fink: This doesn't change any of that capability. People will still be able to do that. They'll still be able to go through the typical BLA that we have now where you start with 5 lots and you end with 5 lots and as long as you meet all the other standards you have a fair amount of flexibility as to how that's reconfigured.

(#0910) Bill Dewey: So if there's no further questions ...

(#0925) Steve Clayton: We seem to be trying to copy here a bit out of the cluster subdivision section. Why don't we just refer it entirely to that?

(#0945) Bob Fink: The thinking was that not all of it was necessary but what we were trying to borrow from it were the design features that protected the rural character so that when these lots were reconfigured there would be guidelines that would lead to that.

(#0965) Steve Clayton: Looking through Title 16 we didn't include things such as a preliminary sketch plan required, although that would be required under this but it's inferred rather specifically listed. Secondary conservation areas are defined differently in what we're proposing here from what the cluster subdivision says. There's a few other things that really don't fit. The cluster subdivisions apply specifically to lots that are less than 2 acres and specifically for the reasons we're talking about it seems to be more applicable if we just referred to Chapter 16.023 in cluster subdivisions. Rather than trying to copy it over. My question is on the secondary conservation areas the last line says 'buildable area excludes Primary Conservation Areas, but includes Secondary Conservation Areas'. In the definition in Chapter 16 a Secondary Conservation Areas, some of what the definition of that is, is the floodplain, sites of historical cultural archeological significance ... so what we're saying here is we're allowing people to build in a floodplain, which is against growth management. We say specifically here that you can in (2) the buildable area includes Secondary

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Conservation Areas. So that means you can build in a floodplain and as I understand it, that's not permissible. Secondary Conservation Areas include buffers around wetlands, water bodies, ...

(#1040) Allan Borden: The floodplain is actually identified as a critical area in the Mason County Resource Ordinance.

(#1045) Steve Clayton: But what we're saying here is that we're allowing people to build there.

(#1048) Darren Nienaber: No you're not.

(#1050) Steve Clayton: Well, here we're saying they can build in Secondary Conservation Areas but in other areas of our ordinance we say they can't.

(#1055) Darren Nienaber: It doesn't say that overrides the other regulations; the other regulations are still in place and in full force.

(#1062) Bob Fink: It's not a correct statement to say that the current county flood regulations prohibit development, including building new houses, in the floodplain. There is an area of the county in the Skokomish Valley where that regulation does apply and in designated floodways building new residences is not permitted although building other structures can be permitted. So the floodplain is not an area where development is prohibited under the county regulations with the exception of a certain area in the Skok Valley.

(#1082) Darren Nienaber: Bob, Allan and I can agree that it's one of the only places in the country where building is virtually entirely prohibited. The rest you just have to flood proof it. So it's not a per se prohibition.

(#1094) Steve Clayton: Okay, but it just seems like we're allowing building in areas that we haven't previously and in our cluster subdivision ordinance it doesn't allow that so somehow the wording we attempted to copy from the subdivision ordinance into here changed to include building in critical areas.

(#1111) Darren Nienaber: They're concurrent requirements. They'd have to meet the requirements of this and still are subject to the critical areas regulations. It's not a conflict.

(#1128) Wendy Ervin: Allan, when you were introducing this, though, didn't you say that this was specifically to meet the situation where you had that section with the lake in the middle and all those little bitty lots all the way around it but it was undeveloped. Isn't that what you were referring to that this was essentially trying to help solve the problem of all those small lots?

(#1150) Allan Borden: That was primarily what it's directed at.

(#1152) Wendy Ervin: So is that why this includes the Secondary Conservation Areas because there's a lake in the middle of this and in order to accommodate allowing those people to come into this century with their platting there has to be some accommodation to the lake?

(#1165) Allan Borden: That's correct.

(#1167) Wendy Ervin: So is this then more of a specific purpose thing or is it applicable every place in the county? Even though it was drawn more to solve that problem ...

(#1178) Allan Borden: It could be applied across the county but it's primarily directed at plats that exist on paper but have never been developed with roads put in and services provided.

(#1190) Tim Wing: There actually are quite a few of those plats, correct?

(#1195) Allan Borden: Yes, there's probably 13 to 15 in the county according to the Assessor's Office.

(#1200) Bill Dewey: So if we're done with questions for Allan let's open it up for public testimony.

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(#1205) Darren Nienaber: I have one more clarifying remark. The stream buffers; it's true the general rule is that there's a 'no touch'. But variances are often allowed and the Hearings Examiner has consistently reviewed the variance criteria to allow reasonable use so the county is not taking a persons property without just compensation. The end result of that is usually quite a modest size house for the size of the lot so even with a variance they're subject to shorelines and stream buffers. So it's not fair to say that you can't build at all in any buffer in Mason County. It's just a lot stricter.

(#1235) Steve Clayton: But it would appear that currently if we have an area that's got a lot of stream buffers in it that it's essentially unbuildable other than with variances. Say you have a 20 acre parcel that 10 or 15 acres is encumbered now we're saying that through this ordinance ...

(#1245) Darren Nienaber: It doesn't override it. You can include that in your findings to make it perfectly clear but these are concurrent requirements.

(#1252) Steve Clayton: I mean, now that 20 acre parcel we can subdivide here and make into a number of parcels and then you get reasonable use exemption for each one of those parcels that wouldn't have been buildable on before.

(#1260) Allan Borden: If you have a 20 acre parcel then none of these clustering provisions apply. That lot is far greater than the 2 acre parcel.

(#1270) Steve Clayton: But if you had 20 acres and you had oodles of the small ones on it and basically a large number of those were unuseable ...

(#1275) Allan Borden: You would probably have to have some sort of suitability study on how much of the land is suitable for development.

(#1290) Bill Dewey: Okay, let's go ahead and open it up to public testimony.

(#1310) Lisa Hofert: My name is Lisa Hofert Kasimow and this is my father, John Hoffert, and we live in Los Angeles, California. We are the owners of Clear Lake Tracts. I will read this to you and you can follow along and we can also answer any questions you may have. We are the owners of the 57 undeveloped platted lots in the 81.65 acre plat of Clear Lake Tracts in Mason County. We are generally supportive of the proposed amendments to allow replatting of older plats but have reservations regarding the proposed criteria for lots less than 2 acres in size. When the Clear Lake Tracts were originally platted in 1931 the current development standards were not envisioned. Instead, the vested plat of these lots accommodated much greater density than currently zones. The changes proposed to Section 1.03.032 (5) are applicable to the Clear Lake Tracts and the limited number of other undeveloped vested plats in Mason County. Consideration of these new standards were initiated by the BOCC direction of March 9, 2004 to develop a review process to evaluate existing undeveloped plats to better meet current development standards while preserving as many of the development rights vested in the existing old plat as reasonable. One lot for 2.5 acres / one new lot for every four existing lots.

We support the proposed change that allows a replat of existing nonconforming lots to one lot for every four existing lots or one lot per 2.5 acres whichever is greater. Section 1.03.032 (5) (a) (1). We recognize the value for property owners and the county to be able to create and allow new lot layouts that meet contemporary development standards on these historic plats, even though we appreciate that under the proposed standards we would lose over half of our existing 57 lots. See suggested language below to clarify that criteria in Section 1.03.032(5)(b) only applies to lots less than 2 acres in size.

Lots less than 2 acres in size

We feel that the proposed criteria requiring clustered lots be separated by 40,000 sf of open space, which is .92% of an acre, is excessive and a disincentive to making small clusters of houses. For example, 3 clusters of 2 houses would require 80,000 sf or 1.84 acres, whereas, one cluster of 8 lots would only require 40,000 sf of open space adjacent to another cluster of 8 lots. Instead we suggest that only clusters of 4 or more lots be required to be separated by 20,000 sf. See suggested language below.

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In terms of the road standards if a landowner chooses to use the method replatting lots using 2.5 acres per new lot, we request the language be clarified to establish that in the acreage used to establish the number of lots is inclusive of any future roads to be dedicated to the public. For example, 20 acres of land would be allowed to be replatted into 8 lots of 2.5 acres each, with no deductions taken for the construction of future public roads to serve these lots.

(#1475) Tim Wing: I mentioned earlier that it might be better to just remove the 40,000 sf and simply have the 100 foot buffer as the rule. Is that in keeping with the direction you're going?

(#1485) Lisa Hofert Kasimow: I believe that would work. We have no problem with that.

(#1495) Steve Clayton: Are you familiar with the cluster subdivision ordinance that we have?

(#1500) Lisa Hofert Kasimow: I'm trying to understand it; it's very confusing. My father and I have sat and poured over this material and it's really hard to understand. We're just trying to do the best we can with the property we have and represent our family. When my grandfather purchased the property he platted it and we just want to move forward.

(#1525) Steve Clayton: You mentioned the road standards here. Where does that come from? I didn't see that in the staff report.

(#1532) Lisa Hofert Kasimow: We're just adding that to this because we're concerned in terms of once the property is developed and roads are established we want to make sure we're not gyped.

(#1542) Wendy Ervin: This is the piece of property that was brought to us a year ago for a rezone?

(#1550) Lisa Hofert Kasimow: Yes, that's correct.

(#1552) Wendy Ervin: I think there was a lake and then a fan of lots all around it and then there was a line ...

(#1560) Allan Borden: That was an access road.

(#1565) Tim Wing: Bob, can you explain how the road issue would apply if we just proceeded with this? Is it consistent with their request?

(#1572) Bob Fink: My understanding is as an incentive for avoidance of a disincentive to make a road a public road they would measure the lot size to the center of the road rather than the edge of the public right-of-way, which would normally be how to measure the road. If it were just an easement, which would be a private road, then we would consider the area of the road as part of the lot size when we were calculating that. I don't know that I have a distinct position on that but I understand the purpose behind it and I think that it is beneficial generally to the county to encourage public roads rather than private roads.

(#1610) Steve Clayton: But by doing this we're not saying the road has to be ... so we're taking it out of private ownership and saying it's no man's land because the county hasn't accepted it because it isn't up to road standards, so who owns it and maintains it because the property owners don't?

(#1622) Bob Fink: You can't create the road as a free standing right-of-way unless it's a county road. It wouldn't meet the requirements for a lot. When you measure a lot size and you do it for various purposes like for septic, for meeting the minimum requirements of 20,000 sf or 2 acres if you wanted to avoid cluster, their concern is being able to count that acreage that would lie under the road or road right-of-way even if it were a dedicated road. The advantages of a public road is that it's built to a higher standard and it's dedicated to the public and the public then maintains it and thus benefits the property owner. One of the large issues in the county is the maintenance of privately held roads, where the roads are shared by a number of people and even cases where there are maintenance agreements still it can often be an issue to maintain that road effectively.

(#1680) Wendy Ervin: As I read this proposed new language it seems to me that what this is saying is that the square footage of the road would be included ... so you have 20 acres of land that you're replatting and a

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certain amount, say 1 acre, is going to be road. So that 1 acre is included in the 20 acres to determine how many lots but not specifically ... that's just in the determination in the number of lots so now you've got 'x' number of building lots based upon the entire 20 acres; the road goes wherever the road goes.

(#1760) Bob Fink: You're right, Wendy. That's what they're saying.

(#1764) Wendy Ervin: Okay, so you get your 8 lots and you get your road but the road can go through open space or whatever?

(#1774) Bob Fink: Essentially if you're using the 2.5 acre standard per building lot then if you have 10 acres you'd have 4 lots and the fact that you have a road, public or private, that goes through part of that to serve those lots won't affect the number of lots. You don't lose the benefit of that acreage in the initial calculation of lots. That's how this language reads.

(#1800) Tim Wing: And that's a benefit to help incentivize people to go ahead and redo their plat and I see that as a benefit. My question is, can we do that?

(#1810) Bob Fink: I think it would certainly be legal to do and it's a question of is that what you want to do? I don't see any issue with it.

(#1818) Tim Wing: My answer would be yes.

(#1820) Bill Dewey: I'm trying to think of what the down side is and it's a situation where you're around a lake and in a sensitive area and you're potentially going to get a few more lots ...

(#1830) Bob Fink: Right-of-ways can be extensive particularly if you have to have cul-de-sacs or other features like that you can start using a fair amount of acreage up. I don't know that the sensitivity of the land necessarily is a factor in this calculation because you get the benefit of the land whether it's sensitive or not. The only thing we don't count is the area that's not land, which is lakes or tidelands. So all this is is preserving ... if you start with an overall acreage then whatever your particular layout for your road might be you're not losing lots because of having to have those roads.

(#1880) Wendy Ervin: I also think that makes it a whole lot easier to figure because if you have to go out laying out your roads first and then determine the square acreage of roads and then subtracting that out of it then determine the number of lots you're going at it backwards. It seems to me to be a lot more simple to do and analyze.

(#1900) Mark Drain: Especially when road standards could change and currently if you have lots and the county condemns the ground and comes through with a road you still maintain the lot size to the center of the road.

(#1920) Bob Fink: Right. When you lose part of your land through condemnation or voluntarily sell it for road purposes we actually have a special density provision that determines when that lot remains viable. As long as that lot remains buildable, even though it no longer meets the current standards, it's still buildable and if it becomes unbuildable then the county has to buy it outright. That doesn't really factor into this particular question.

(#1995) Tim Wing: My concern on this is that people who will want to do this are going to lose a lot of their numbers of lots and where there's 57 lots and they're going to end up with 20 or 30 lots they're going to have to have open space and the lots are going to be far better in every respect than the lots they have right now. So we should do everything we can to give them as much flexibility as possible so that they don't lose the value of their property and what the county gets back is a far better plat. The runoff is better and the pollution is better so I'm very much in favor of doing this unless you can see some problem that I'm not seeing.

(#2030) Bob Fink: As I said, I don't see a real issue with doing that.

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(#2038) Bill Dewey: We've gotten off our discussion here and I was in the middle of taking public testimony. Is there any additional public testimony specific to this issue? Hearing none, I'll go ahead and close the public comment on it. We've had some good suggestions for proposed amendments. Does anybody on the PAC care to make a motion?

(#2080) Allan Borden: I received a letter at 5:30 pm this afternoon from Advocates for Responsible Development. When it was faxed to me it was faxed defectively so I called John Diehl and he has a letter he wants to submit as testimony. He refaxed it and it didn't come in until 6:20 pm.

(#2120) Steve Clayton: So it's the same as if he were here.

(#2125) Bob Fink: Yes, and we should have presented it to you before you made a motion to close the testimony.

(#2130) Bill Dewey: I'd entertain a motion to reopen up the public hearing to accept this additional testimony.

(#2138) Steve Clayton: I'll make that motion.

(#3140) Wendy Ervin: I'll second that motion.

(#2142) Bill Dewey: We have a motion and a second. All in favor? Opposed? Motion passes to reopen public hearing to accept additional testimony. We'll need to take a recess to read this testimony.

Recess in meeting.

(#2164) Wendy Ervin: I have a question for Darren. Darren, in other letters from Advocates for Responsible Development he has quoted RCW's, appellant cases, etc., and when I have researched those cases I have found that his quotes have not been accurate. He's interpreting a remand of Diehl vs Western Washington Growth Management. Is his characterization of this case and the result accurate?

(#2195) Darren Nienaber: It's true that the Supreme Court remanded the summary dismissal of this case. So he lost to the GMHB and now he gets a chance to make his case in front of the courts. A lot of things have happened since then so a lot of things may be moot. But remember he's lost his argument to the GMHB and now he's going to try to pursue in court that the GMHB is wrong. So it's not like ...

(#2222) Wendy Ervin: Okay, so his interpretation is we should hang out and wait until he's finished with the courts.

(#2226) Darren Nienaber: That's his interpretation.

(#2233) Wendy Ervin: Well, I have researched the things he's stated and not found them accurate.

(#2235) Darren Nienaber: I came in right after his appeal was filed in Superior Court. Did he argue for forced lot combinations to the GMHB explicitly?

(#2248) Bob Fink: I couldn't say. It's been quite a few years ago.

(#2255) Tim Wing: I'm done with reading this and ready to go back to a meeting where we can make a decision.

(#2257) Wendy Ervin: Okay.

(#2260) Darren Nienaber: Also, members of the public were just provided a copy of it so I think it's appropriate to give them an opportunity to respond.

(#2270) Bill Dewey: Obviously Mr. Diehl isn't here to try to respond to this but perhaps staff can help with this. His preferred option here that he provides in the last paragraph on the first page is to provide incentive to

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owners of nonconforming lots to aggregate lots voluntarily into conforming lots in return for a transfer of development rights to urban growth areas. I'm trying to understand that.

(#2294) Steve Clayton: That exists in the language for cluster subdivisions. They call it transfer of density. That's already in the cluster subdivision ordinance.

(#2305) Bill Dewey: Can somebody walk me through an example of that?

(#2310) Bob Fink: Essentially what it's saying is that you can have a certain number of lots, like in a 1 in 5 area, and you have 20 acres so that's 4 lots you would normally be able to have under current regulations but you actually have twice that many lots, 8 lots. Mr. Diehl's suggestion is that those extra lots, the 4 in excess that would normally be allowed, could be transferred to an urban area and would allow you to have higher than the density that would be otherwise allowed in the urban area. So in the urban area by right you might be allowed 10 units an acre but by transferring in density you'd get 4 extra units. So if you applied that to a 1 acre development you could potentially have 14 units instead of 10 units.

(#2362) Wendy Ervin: It would only seem useful, to me, if that person owned lots in the rural area and lots in the urban area because in order to take advantage of the increased density in the urban area you've got to go find a piece of property and buy it ...

(#2375) Bill Dewey: Or continually sell those development rights to somebody else.

(#2382) Darren Nienaber: I have a question for you, Tim, since you're involved in the real estate business. Are rural lot prices going up over the last few years in Mason County?

(#2388) Tim Wing: Yes, all lot prices are going up.

(#2392) Darren Nienaber: Faster than inflation?

(#2394) Tim Wing: Yes. It's mentioned in here about there being 20,000 lots available and an awful lot of them are useless; they're way too small to develop or they're under a swamp or on a cliff or out in the boonies so far no one wants them. People have been throwing those numbers around for years claiming we've got all these lots and we shouldn't allow any new ones. If you go talk to the building department people are increasingly coming in with very difficult lots to develop because it's the only thing left. Difficult means there's runoff problems, there's sewage problems; there's all kinds of reasons why we shouldn't want to develop on those lots in some cases.

(#2435) Darren Nienaber: What might be a typical lot price for a 5 acre lot today?

(#2438) Tim Wing: For a 5 acre lot in the North Mason area that's on a paved road that is relatively flat could easily go for \$55,000 to \$65,000 with no view and no waterfront.

(#2445) Darren Nienaber: What was it say 5 years ago?

(#2450) Tim Wing: \$35,000.

(#2452) Darren Nienaber: Is there a difference between 5 years ago and 10 years ago?

(#2454) Tim Wing: \$25,000. The same piece of property in Dewatto, though, would be \$35,000 to \$40,000 now and it hasn't gone up as fast as closer in lots.

(#2465) Darren Nienaber: The reason why I'm asking is because it is one of the goals of Growth Management that we provide affordable housing.

(#2473) Tim Wing: Growth Management, in my opinion, is a disaster in terms of providing affordable housing because it has pushed the cost of property through the roof and it has not met its goal, in my opinion, in any way, shape or form in the area of affordable housing.

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(#2488) Darren Nienaber: How long have you been in the real estate business?

(#2490) Tim Wing: About 10 years. Primarily residential but I do represent a number of builders so spend a lot of time trying to find land for builders to build on. It's very difficult right now.

(#2505) Wendy Ervin: You said that the 20,000 lot number has been thrown around for years. What is an accurate number of available building lots? If this 20,000 primarily represents useless lots then what is a reasonable number of useful lots?

(#2525) Tim Wing: First, useless lots is an overstatement because many of them could be built on. The lots that people want to build on, though, tend to be closer into services, schools, churches, to jobs, to stores and if you look at those lots in the North Mason area, I have a feeling it's similar down here, there are almost none available. I've got builders coming in to see me every couple of weeks who are saying they need more lots and I'm looking and there aren't any. These lots are not desirable lots. They're not desirable because they are useless but in other cases because they're too far out. They're not to commute to work from, they're 12 miles from the nearest power, the wells are \$20,000 and those kinds of things.

(#2575) Wendy Ervin: Would their 57 platted but not developed lots be included in that 20,000 figure?

(#2580) Tim Wing: Yes.

(#2582) Wendy Ervin: So just because it's on the rolls of the county that includes it in that 20,000 figure?

(#2588) Tim Wing: Yes. I'm working on a transaction right now that's right up near Bellwood between Belfair and Allyn. The lots are 25 feet wide and 100 feet long. That's the example that I was asking about earlier. If you take that property and gang up 6 of those so you have 75 feet by 200 lot that's a good building lot size. It's suitable for a septic and there's a water system there and that works fine. I didn't want anything we're doing here to interfere with that because those lots work well when ganged up that way. Those little tiny lots are part of this 20,000 and you might be amazed at how many hundreds of those there are in the North Mason area. If you don't mind the history, in the 20's people took big maps out of Mason County and drew roads and alleys and they divided it into these little tiny lots and they sold it all to a marketing company. If you bought a set of encyclopedias most of the people lived on the east coast and you've got this little lot out in the State of Washington. Some of them are under swamps, steep hillsides, the roads were never put in so where we can find those properties, where we can put roads and gang up the lots into useable parcels we've made some nice little developments in rural areas.

(#2668) Allan Borden: It's Lakewood Plat 'A' to 'J'.

(#2674) Bill Dewey: Darren, you're suggesting that we offer the opportunity to anyone here tonight to just be able to respond to this since it just came in?

(#2682) Darren Nienaber: Yes.

(#2684) Bill Dewey: Is there anybody in the public that would like to respond to this testimony? No, okay.

(#2690) Steve Clayton: I move we close the public comment.

(#2692) Tim Wing: I second that motion.

(#2694) Bill Dewey: We have a motion and a second to close public comment. All in favor? Opposed? Motion carries.

(#2700) Steve Clayton: What would you guys think of as far as addressing the Hoferts concern? I think the road thing wouldn't hurt at all. It would appear to be best under 1.03.032 (5) (a) (1) and then a subsection (a) were added onto that. Would that work for you, Bob?

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(#2720) Mark Drain: I think it's fair and makes sense.

(#2725) Steve Clayton: So it wouldn't apply to conforming lots under the (5) (a) (2) so it would just be under (5) (a) (1) either by incorporation with that sentence or as a subsection (a). Then I think on consensus we were talking about the 40,000 sf and I don't think anybody really thinks that's a good idea.

(#2745) Wendy Ervin: I don't.

(#2748) Steve Clayton: As a thought on the very last page it says residential lots need to be 100 feet between clusters. That seems to address some of the concerns.

(#2755) Wendy Ervin: Yes, because if you've got a cluster to the east and west and a cluster to the north and south you're going to put 100 feet in between each of them.

(#2762) Steve Clayton: And to address some of the Advocates comments, the transfer of density sounds like a good idea. If we go back to an original thought, I had the thought under (5) (b), instead of having the language listed here just refer it to the cluster subdivision ordinance. Just say instead of rewriting history, this is what applies. Also, what they've included with Primary and Secondary Conservation areas and what staff has here on page 3 with preservation of site features, etc., is already established in the county ordinances.

(#2808) Tim Wing: Are you suggesting that rather than what staff has proposed that we actually go to a much expanded option with the transfer of densities and other things?

(#2820) Steve Clayton: Sort of. Instead of trying to identify particulars say for lots less than 2 acres use Mason County cluster subdivision ordinance no. 'xxx'.

(#2840) Mark Drain: I'm not a fan on that transfer density. It's an option; it's not required in the clustering section. I just think it's kind of a moot point right now. There has to be a demand for it in the urban area and it's a complex thing and it's something that's going to be 10 or 20 years down the road before it's a viable process, I think.

(#2868) Bill Dewey: But why exclude it as an option?

(#2870) Mark Drain: Well, I guess you could put it in there.

(#2875) Steve Clayton: In one place the Secondary Conservation Areas definition isn't quite the same as another. A sketch plan is required in the cluster subdivision ordinance and I think that's an important thing that staff didn't include in the proposal here. It isn't that big a section. It wouldn't appear to be needed to copied; it's just that we're going to refer to it. Just say that if you're under 2 acres refer to the cluster subdivision and those regulations apply.

(#2905) Wendy Ervin: Under (3) you have open space, preservation of site features, direct access, etc., those are all applied in there.

(#2922) Steve Clayton: Yes.

(#2925) Wendy Ervin: So what you're proposing is just to minimize the amount of words and refer to another section that says it all.

(#2935) Steve Clayton: Yes. It is slightly different. We're saying you need a sketch plan, minimum lot size is 20,000 sf in either one, open space, etc., most of it has been cut and pasted. The only thing we would have to add is the very last item on page 3 of the staff report (6); that is not included in the current cluster subdivision ordinance.

(#2980) Bob Fink: Actually, that's in the definition of what a cluster is.

(#2985) Steve Clayton: Oh, it is?

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(#2988) Bob Fink: Admittedly it is kind of buried. But that's where it comes from and since we weren't lifting the ordinance as a whole by reference then we included that specifically in here. It probably should be explicit in the ordinance because that would be better instead of in the definition of what makes a cluster and the separation. The separation is part of what makes the cluster.

(#3015) Steve Clayton: So if we agreed that the cluster subdivision would apply and then we went back in our Comp Plan update and changed the cluster subdivision to add (6) then it would catch both ends of it. What do you think?

(#3035) Bob Fink: The only other difference, at least as far as the standards go, is partially as an incentive for this type of development we reduced the amount of open space that was required from 50% of the buildable area down to 10% of the buildable area. I think that's a significant difference in the design requirements. Mr. Diehl points out why it's important to preserve the rural character; that's what the cluster ... if you're going to create smaller lots then you need to do something to protect that rural character and that's one of his objections to taking this approach. What we're proposing does provide that; cluster subdivisions does provide that rural character.

(#3100) Wendy Ervin: Under (4) where it talks about the interruption of scenic views, construction on hilltops, direct lot access, open space; that all protects the rural character.

(#3120) Bob Fink: Right. That's what they're designed for.

(#3130) Steve Clayton: You were talking about the set aside of 10% for open space. I see that in what staff has proposed tonight. That doesn't exist in the cluster subdivision?

(#3138) Bob Fink: The cluster subdivision requires a 50% set aside for open space.

(#3145) Steve Clayton: Where does it say that?

(#3150) Bob Fink: It's under 16.22.034, Secondary Conservation Areas. 'The minimum threshold for qualification in the performance subdivision is at least 50% of the buildable area of the property be set aside as permanent open space'.

(#3180) Steve Clayton: That's for performance subdivisions; I was looking at cluster subdivisions.

(#3184) Bob Fink: Cluster subdivisions actually are designed for clusters in resource lands and not for rural area clusters.

(#3192) Steve Clayton: But we can still use the standards.

(#3195) Bob Fink: They're very similar but they're a little bit different because one of the intents is to preserve the value of the resource land so there's a few differences. The purpose in the rural area is specifically to preserve the rural character while allowing the smaller lots. The purpose in the cluster subdivision is to concentrate into smaller lots and preserve as much of the functioning resource land as possible. They are very similar but they are very different and what would normally be applied in a rural residential property is the performance subdivision and not the cluster subdivision.

(#3240) Steve Clayton: Well, the cluster subdivision ordinance says it's specifically applied to long term forest, mineral resource, and ag lands which appears to be rural to me.

(#3255) Tim Wing: I think you could easily get them confused. If it's not a resource land and if you start using rules that were developed to protect resource lands you're going to run into other problems, I think. Personally, I'm in favor of going with the way we have it here. It seems to meet the needs of these plats with the maximum amount of flexibility.

(#3275) Mark Drain: I think it's pretty clean; I like it.

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(#3282) Wendy Ervin: You're reading out of the code that's already in force. There's a word here that at least 10% of the buildable area of the property should be set aside as permanent open space. Well, you've already got unbuildable area that is open space. They've got a lake in the middle of their property so you've got a chunk of water there that's not buildable. Then you've got whatever streams and tributaries that come out; we're not going to build on that either so then you're going to take out of the little bit that's left as buildable area then you've got to take 10% more of that buildable area and turn it into permanent open space?

(#3333) Tim Wing: Why is that?

(#3338) Bob Fink: It's what we discussed before. You get credit as open space for land that has to be open space anyway because it's critical area. If you have 2 properties that are adjacent to each other and this one is all wet and the rest is all upland and this guy, 50% of his property wouldn't even cover all the wetland. This guy would then have to take 50% of his upland in order to meet the requirements and allow clustering and set that aside as open space. So this person here gets the density bonus for doing nothing; that land is already protected whereas this person gives up 50% of his land to get the same density this guy over here does. So the way the regulation is written it says this wetland area is already set aside. So 50% of this over here has to be open space. In this case if he's entitled to 20 lots and he can only fit 10 lots on there then he can transfer the rest to the urban area because he land is so encumbered.

(#3430) Wendy Ervin: But he didn't pay as much for it as the other guy.

(#3440) Bob Fink: But you're giving him just as many rights to build as this guy over here.

(#3445) Wendy Ervin: Well, he shouldn't because the guy on the right paid more for his property.

(#3448) Bob Fink: That's why it has an affect that he has this wetland on here. So this guy doesn't get as much buildable area as this guy does ...

(#3460) Wendy Ervin: But per lot this guy pays more for his property so at per lot they're paying roughly the same in a market place.

(#3475) Tim Wing: Is this 10% required?

(#3485) Bob Fink: The existing standards were developed through a series of iterations to come into compliance with GMA. In order to allow any lots less than 2 acres we had to restrict the clustering of subdivisions and the way to create open space. You don't have clusters if the clusters are all next to each other. You'd have a suburban urban form. The reason why you have the separation between the developed areas is to not have an urban form. You can't create an urban character development in the rural area. That's what is forbidden by GMA. By separating the clusters, having small clusters, having a limited number of clusters, and having those clusters separated sufficiently then you've preserved that rural character sufficiently to allow that development under GMA in the rural area. If you aren't separating those clusters, if you aren't limiting the number of them you can't have those small lots in the rural area at all because you'd have an urban form.

(#3550) Tim Wing: Is this 10% required?

(#3558) Bob Fink: The 10% was what we suggested as a compromise. It's less than the 50% that would be required in a normal performance subdivision. We're moving from the situation where we've got all these 25 foot wide lots into a situation where we're trying to design a better subdivision; better for marketing of the lots, better for the preservation of the rural character and we thought that perhaps 10% would allow greater flexibility and would probably be adequate. We're looking at some way to provide some encouragement and some incentives. The property owner needs some incentive if they're going to use this tool in a way that designs a better development and better in preserving rural character, which is to everyone's benefit. The draft was 10%, which is a different standard than in the standard performance subdivision, and the standard was relaxed slightly. If you go to simply adopting by reference and saying if you have these lots that are smaller you have to go through the performance subdivision standards as the provisions are allowed ...

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(#3725) Steve Clayton: I brought up the cluster subdivision because it doesn't have any. The performance subdivision has a number of more restrictions on it.

(#3750) Bob Fink: Well, it's a totally different situation because when you're doing a cluster subdivision on a resource land you're dealing with 1 house per 80 acres. The standards require you to have a lot that's a maximum of 2 acres or a minimum of 20,000 sf. It also requires in the case of ag land, that 75% of the land be open space. So it's not 10% or 50% it's actually 75% on the ag land. But on the forest land it's 1 house per 80 acres so if you have a maximum size 2 acre lot that means you have 78 acres that are in your open space forest land. So that's almost no impact. It's just a different situation under different standards and you're right, it doesn't have the 10% or the 50% it has 75% or almost about 95% open space required.

(#3840) Tim Wing: Functionally I don't think it will make a whole lot of difference. If a redeveloper knows that rule is there on the way in they can create a lot that has ample building space on it even though 10% of that isn't going to be used. I'm not hearing you say this but it seems to me that part of the reason this is in here is so that you can have something to argue that we're maintaining the rural character.

(#0130) Bob Fink: I hope I'm saying that not only can we argue we're preserving rural character but we are preserving rural character.

(#0138) Wendy Ervin: We have another thing here, too; 'Primary Conservation Areas shall be included in the calculation of both standard and maximum density'. Then the Assessor can charge them the full density tax and then you cut ...

(#0145) Bob Fink: The full density means the number of lots you get. If you're in a 10 acre area and you want to do a performance subdivision, you can get 1 house per 5 acres.

(#0155) Wendy Ervin: Right. So you have your total number of houses that are allowed on that chunk of acreage and then you have to cut out of that the Primary Conservation Area because that has to be open space and then you want to avoid the Secondary Conservation Area because that's not a good thing to build on if you can avoid it and then 10% of the buildable area so you've got this little sliver of land left that you can put houses on and now you've got them too close together but by golly we can tax them on the full thing.

(#0175) Bob Fink: Once they develop it they can't. In this case, where you can only actually fit 10 lots on this. What they know and what the tax assessor ... we actually provide a copy of our regulations to the tax assessors annually as required by law because they're supposed to be using this information in assessing your tax. So if they had a site here and they knew this was 90% wetland they shouldn't be taxing this property this same as this one. They could say that they could put 20 lots on here, and if they were the property owner could say that I can't put that many on there because if I'm only allowed to divide this area and I set aside 50% of this area over here and I have to have lots that are no smaller than 20,000 sf and with no more than 6 or 8 lots in a cluster and with a 100 foot separation from each of these ... the end result is they can only get 10 lots so you can't tax me as if I could get 20. He may need to know a fair amount about his property to argue that and the assessor may not know all that about his property and may misassess them because of that. It is a complicated system but it's a complicated system that allows for 20,000 sf lots in the rural area that otherwise would be impossible.

(#0255) Bill Dewey: Steve, you were on your way to making a motion.

(#0260) Steve Clayton: Right. I was just trying to clear up some things. I think the consensus are what a proposal would be is the road thing and then delete the line that says 'these lots need to be clustered and separated by designated open space'. Just delete that line in it's entirety.

(#0270) Bill Dewey: Tim had suggested just deleting the 40,000 sf reference at the end of that.

(#0274) Steve Clayton: We already say on the next page that they have to be clustered.

(#0280) Tim Wing: Which sentence were you going to take out?

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(#0284) Bill Dewey: Under (b) 'these lots need to be clustered and separated by designated open space areas with a 40,000 sf minimum area'.

(#0292) Tim Wing: So if we take the whole thing out where else does it say that in here?

(#0294) Steve Clayton: Under (6) on page 3.

(#0296) Tim Wing: Okay, I don't have any problem with that.

(#0298) Steve Clayton: Then two other things to toss around were both in cluster and performance subdivision they require a sketch plan. And that says you have to provide a sketch plan with Primary and Secondary Conservation Areas and it also has a public hearing and public comment at this stage is intended to minimize the need for significant plan changes. I thought we could add that in. Also, the very last one, under performance and cluster subdivisions is transfer density, which Diehl's group said. I'm thinking we could actually add that in as a benefit that people could sell off their lost development rights. As Mark is saying, right now there's no market for it but somewhere down the line why not?

(#0325) Bill Dewey: There's no harm in having that option in there. It encourages development.

(#0330) Steve Clayton: It's going along the lines of taking density out of the rural and pushing it into the urban.

(#0332) Bob Fink: So you would add language that would say that when you're going from having very small lots and this would entitle you to 1 new lot for every 4 old lots. You'd take those 3 lots that you lost when you do this configuration and you'd have transferable rights and if you could find a property to apply them to in the urban area then they would be transferrable then to the urban area.

(#0345) Wendy Ervin: That seems fair. So they don't lose any ...

(#0350) Steve Clayton: Just to cut and paste the language we have in both the cluster and performance subdivisions, as in 16.23.070 as transfer density. Would that be something that we could ...

(#0355) Bob Fink: It would be incentive.

(#0358) Steve Clayton: And also as in 16.23.020 the sketch plan required which requires materials to be presented at a public hearing. That's something you didn't cut and paste in. Is that not a good idea?

(#0372) Bob Fink: The idea was to get a preliminary ... it's not a bad idea with our experience with these it seems like an extra step that the developer would have to go through.

(#0375) Steve Clayton: Rarely do public comment on it?

(#0377) Bob Fink: Right.

(#0380) Wendy Ervin: Your criteria for proposed lot design for lots less than ... You're not going to have a design without having put some figures or graphic display of what that design is on paper so it goes without saying that you've got a sketch of whatever of what your plan is.

(#0390) Steve Clayton: This is nice in that it lays out exactly what you have to have.

(#0392) Wendy Ervin: But I'm not sure that ... when you already own the property and ... I'm not sure the public hearing is ... if you've met all the things and jumped through all the hoops it seems to me that a person should be able to draw up what they want to do and take it and see if it conforms.

(#0400) Steve Clayton: We reviewed a rezone last year for up in Tahuya for the several hundred parcels there that were 5 acres on an old plat and some of the Tahuya people hit the wall and that got dropped. That would be one place where public comment might be important.

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(#0415) Tim Wing: Doesn't the county have an opportunity to have public hearings if they decide it might be beneficial or there is controversy? Can the BOCC decide to do that?

(#0428) Bob Fink: Permits are classed in different types. Plats, which are land divisions larger than 5 parcels, are required to have public hearings. The only process that wouldn't be required to have a public hearing is a short plat, which is 4 lots or fewer. They could probably deal with the issues they have with the site questions through a simple boundary line adjustment so you're probably not going to see any short plats going through this process. The advantage of the preliminary site plan was seen as one where before there was a lot of surveying or engineering expense put into the design and layout there was a chance for review by the Planning Commission and now the Hearing Examiner including getting public comment. I left it out of this draft principally because there hasn't been really any public comment on any of the few permits of this type that we've done. And also in trying to encourage this we're trying to simplify the process for them and shorten the time frame.

(#0485) Tim Wing: I'm not in favor of requiring a public hearing unless it's required because people have the right to come and talk to the BOCC any time they want and when you add another step you have to advertise it and you're slowing down progress. People should be allowed to just move ahead through the process. If somebody really doesn't want to see it happen or to comment there is a way to do that.

(#0500) Bob Fink: In this case there would be 2 public hearings because the plat itself would require a hearing.

(#0535) Steve Clayton: Okay, then I don't have a problem with not requiring a sketch plan then but just include the transfer density wording.

(#0540) Bill Dewey: I think that's a good idea.

(#0544) Tim Wing: That's fine with me.

(#0547) Bill Dewey: So I think we're close to a motion.

(#0550) Mark Drain: We though we would also include the public roads.

(#0552) Bill Dewey: Right.

(#0554) Steve Clayton: I make a motion that in 5(a)(1) we add the section the Hoferts had talked about on roads. Under (5)(b) we're going to delete 'These lots need to be clustered and separated by designated open space areas with a 40,000 sf minimum area'. Add on (7) on the last page with language that matched 16.23.070, transfer of density rights.

(#0588) Wendy Ervin: I'll second that motion.

(#0590) Bill Dewey: We have a motion and a second. Further discussion? All in favor? Opposed? Motion passes. Allan?

(#0625) Allan Borden: The next staff report has two separate elements. The first one deals with Boundary Line Adjustments involving nonconforming sized lots. The situation has come up a time or two and once again we're trying to add some flexibility for development in the rural land areas. This would actually apply anywhere in the county. The proposal is reviewing a BLA where there's several adjacent lots involved and at least one of the lots is conforming in size and when the BLA is completed the resulting lots do not create a lot less than the nonconforming size of the original lots involved. I have shown an example and Bob has shown us an example as well. In my example we've got 2 1-acre lots and 1 5-acre lot. What would be resulting would be a 4.5-acre lot, a 1.5-acre lot and a 1.0-acre lot. Suppose you have a stream that runs through your lot. In this case you could convert it so that now this lot line is moved over and you wind up with a buffer on all the property lines so you have area available to build on both of these lots and this one over here is much larger than it used to be. So there's a certain amount of flexibility having to do with conditions or ...

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(#0744) Tim Wing: Is this new flexibility?

(#0746) Allan Borden: Yes.

(#0748) Tim Wing: Why couldn't you do that before?

(#0752) Wendy Ervin: Yes, what makes this different from the BLA's that we discussed a year ago or so?

(#0755) Allan Borden: We're creating a standard to bring forth something that we can actually apply and don't have to interpret.

(#0760) Mark Drain: I don't think we ever discussed a nonconforming lot. So you've created a nonconforming lot there.

(#0768) Allan Borden: We actually have. The idea is that it isn't any more nonconforming than it was previously.

(#0775) Mark Drain: And you'll allow it to be built on?

(#0777) Allan Borden: Yes.

(#0780) Wendy Ervin: In the original 1 acre, 1 acre and 5 acres, these are nonconforming lots but it is permissible to build one residence on each of the 1 acre lots and 1 on the 5 so you have 3 buildable sites and now you're just moving those buildable sites so that the configuration of the land and the configuration of the lot lines works with how many buildings you can put on there.

(#0795) Allan Borden: Right, so you still wind up with 3 building sites.

(#0800) Wendy Ervin: So you've made really no change except in ...

(#0802) Tim Wing: Well, you've ended up with three nonconforming lots and previously you had only two.

(#0805) Allan Borden: You have two nonconforming lots because 2 acres is the minimum lot size.

(#0808) Tim Wing: Where does it say that.

(#0810) Allan Borden: It's in the DR's.

(#0812) Tim Wing: I thought 5 acres was the minimum lot size.

(#0814) Allan Borden: No, it's 2 acres.

(#0816) Steve Clayton: It depends on the zone.

(#0818) Allan Borden: The zones are the density; they're not the lot size.

(#0820) Tim Wing: Well, I'm not seeing any problem with this.

(#0822) Wendy Ervin: I don't see any problem with this.

(#0825) Steve Clayton: Is there a provision that you can't make a nonconforming lot or a non buildable lot?

(#0830) Allan Borden: The reason for this provision is that this previously conforming lot has been into a nonconforming lot but it involves adjacent lots where there's still 2 nonconforming lots and 1 conforming lot.

(#0850) Tim Wing: So this is creating more flexibility?

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(#0852) Allan Borden: Yes.

(#0860) Bill Dewey: Okay, let's hear about the signs and then we'll open up the public testimony.

(#0866) Allan Borden: This is a proposed provision basically addressing an oversight in the sense that in these two zones where you typically have businesses that require advertising signs. The county's development standards saying that a sign is a structure. The front yard setbacks for structures is 30 feet.

(#0888) Wendy Ervin: This provision sounds reasonable to me.

(#0892) Bill Dewey: We'll open it up for public testimony on either of these issues, the BLA's and the signs. Anyone here interested in giving public testimony? Hearing none we'll close public testimony and entertain a motion.

(#0915) Tim Wing: I move we accept both of these recommendations.

(#0918) Mark Drain: I second the motion.

(#0920) Bill Dewey: We have a motion and a second. Any further discussion? Hearing none, all in favor? Opposed? Motion passes.

(#0950) Miscellaneous discussion of upcoming meeting dates.

(#1000) Steve Clayton: Okay, so far all we know we have scheduled is the third Monday in March and the third Monday in April?

(#1010) Bob Fink: That's correct. We'll let you know when the additional meeting are scheduled.

Meeting adjourned.