

**GRANT COUNTY
PLANNING COMMISSION**

Chairman: Bill Bailey
Vice Chairman: Dale Walker
Board Members: Ollie Click, Terry Dorsing, Jim Fleming, Blair Fuglie, Lee Graham, Jon A. Hatt, and James Turner
Secretary: Doris Long

COMMISSIONERS' HEARING ROOM - GRANT COUNTY COURTHOUSE, EPHRATA, WASHINGTON

MAY 2, 2012 @ 7:00 P.M.

Members Present: Bill Bailey, Ollie Click, Jim Fleming, Blair Fuglie Lee Graham, Jon A. Hatt and Dale Walker

Members Absent: Terry Dorsing and James Turner

PUBLIC HEARING – Grant County, File # 12-5655, Unified Development Code Amendments – proposed procedural changes for Variances, Long Plats, Reasonable Use Exceptions, Appeal Bodies and Public Notice for Short Plats.

Board Action:

B. Bailey: Good evening. We would like to welcome everyone to the May 2nd, 2012 meeting of the Grant County Planning Commission.

Uh, Commissioners... I guess the minutes of the last meeting apparently don't have to be approved. Are they ready?

D. Walker: No, I already signed them. They were on the back of my form... (laughter-inaudible)

B. Bailey: Oh, okay. We probably might want to approve the..the April 4th minutes.

J. Hatt: I so move.

D. Walker: Second

B. Bailey: Okay. The..uh.. All those in favor signify by saying aye.
(All in unison)

D. Walker: Aye

J. Fleming: Aye

L. Graham: Aye

O. Click: Aye

J. Hatt: Aye

B. Fuglie: Aye

B. Bailey: Those opposed by the same sign. Okay, motion carried.

We're gonna bring an item off the table tonight that was tabled at the last meeting, which is the proposed procedural changes for Variances, Long Plats, Reasonable Use Exceptions, Appeal Bodies and Public Notice for Short Plats, uh, proposed procedural changes to the Unified Development Code. And uh, so Commissioners I have reviewed the minutes and the conversation of the last meeting and discussion of this item. Spent some time, uh, discussing with Mr. Golladay his comments. Uh, and he happened.. he and I happened to serve together on the same Committee that he referred to in.. at the meeting last time and uh, we talked about the comments he had made, and about some of the thoughts that I had had and the discussions that we had during those meetings and uh, his concurrence with my opinion was that... Number one we have some items that probably it's not a big problem to have a Hearings Examiner review and make decisions on. But in deed there are other types of actions that I still strongly believe need to be made by a body such as ours. We have public opinion. We have the opportunity to comment, and we have an opportunity, as a Board of volunteers, to make decisions. And, specifically, what I'm referring to is uh, things like Plats and Subdivisions. Many of us uh... And we are all volunteers from around various areas of the County, and so we have an opportunity to become very familiar sometimes with some of the actions and the areas where those actions are proposed. Uh, I personally believe that.. even.. we have rules.. And in those meetings, proposing changes for the uh, Unified Development Code one of the items that we continually discussed was number one we want to make these rules and regulations so that they fit our County, our community. So that they're good not only for all of the citi..citizens but also for those people that are wanting to take some action within those guidelines. And many instances, and many cases.. again my opinion is is.. what fits over here at Blair's particular seat may not fit at Jon's seat, and vice-versa. As a result even though there is a consistent and standard list of requirements, there are occasionally conditions, in a particular local, that may make something acceptable or non-acceptable in that particular location. Where as it wouldn't be the same in another location. And uh, as a matter of fact Mr. Golladay did agree with that particular item. And said that uh, he realizes now uh, that some of the things he said he..he believed but he also believes that the uh, local in put is critically important and would.. would agree with me now. Unfortunately he couldn't be here tonight. And uh, I'm not trying to put words in his mouth. If you would like to chat with him you certainly can. But.. I felt it important to talk to him uh, being as he's the person that made the majority of the comments here.

D. Walker: He was the only person here.

B. Bailey: Yeah, I gathered that. Um.... So anyway.. you know, those are my thoughts. I had conveyed those to Damien uh, sometime earlier. That..you know, I'm very much in favor of the changes that our Committees came up with for the Unified Development Code. But I know that in some instances the Committee and the uh, former Consultant that put some of the suggestions together, we weren't always a hundred percent in agreement. And... now you've heard my opinion. You know, as I look at this act, this item, and see that it was tabled rather than continued that would

indicate to me that its time to make a decision. And.. so.. knowing that number one that I would appreciate comments that other Commissioners may have about that particular proposal.

I. Fleming: One of my questions last time was to the Staff is to what this Hearing Examiner was going to cost us and nobody had a.. even a.. faint idea. And if I operated my business with that mentality I'd been broke a long time ago. That's my feelings. There's things in here that uh, are not specific as to what the Hearing Examiner will do. Its kind of broad and I..I guess I have a..a bad taste in my mouth sometimes when government, which we are part of it, gets their foot in the door you never know what's going to happen next. You guys have all been involved with agriculture and whatever and you know exactly what happens. That's my two cents worth. I'm not in favor of the Hearing Examiner myself. We've been up against this before and it didn't go. That's my two cents worth.

B. Bailey: I..I'd make a comment Jim along with that, and uh, you know, more and more our government, whether it's this government or clear to the presidency, is run by attorneys..lawyers. And lawyers don't deal very much in gray, they deal in black in white, and they deal..in fact lawyers don't really make decisions..they deal in precedence. What somebody did some place else before. And uh.. one of the factors that I believe has been very important in the proposed, and the changes we've made to the Unified Development Code, is that there is always some room for some objective calls. Some subjectivity where some particular circumstances are taken into account...normally an attorney won't do that. And it would be my opinion that a Hearings Examiner, obviously gonna be an attorney, you know, ninety-nine percent sure of that. Is gonna come probably from another County, and probably won't be very familiar with that local conditions, wherever this actions gonna take place. Will make a ruling based on the rules says, you know, it's either black or its white...period. Now that's my experience and my opinion. And I..I think this is one of those areas where I personally don't want to see that happen.

J. Fleming: I don't either.

B. Bailey: And the cost factor is... I don't know. I had that discussion also. I know what it cost to rent attorneys, and I know what it cost for em to travel. And uh.. the.. you know, the..the argument could be that between the dinners that the County buys, and the mileage that they pay for us, and the Staff time, you know, may or may not be more than what a Hearings Examiner cost. But it would be my understanding that the Staff time is not a sigti...significant issue because it's going to be involved with a Hearings Examiner, as well. I'm assuming the presentations are made to the Hearings Examiner. So that's basically a wash either way is my point. Uh.. So it's really a question of what it cost to rent the guy, or the gal, to come from Wenatchee, or wherever, pay travel time versus what it cost for this Board.

J. Fleming: I like the..the way this Board has been set up there's nine of us we're very well diversified. The whole County, which this is a big County, and we've got a lot of different things going on in it. Uh, I've been on the Board, probably to long, this uh (laughing) uh, I like the way it works. Some nights, yes, we don't have much to discuss, and then other nights I think there's things that go on that the Staff should have taken care of and not brought before us but the way the rules and regulations set that's the way its been. And I can see where there's some choice, or some area for change but I don't like the idea of taking it away from the citizenship of the County basically.

L. Graham: I would have to agree with that last statement. This.. Where we're going with Examiners is much where the Board of Adjustment went. We're taking the citizen input out of these decisions

that are going to be made and they will be black and white decisions which, black and white decisions don't fit in a world of gray, I'm sorry.

J. Hatt: Um, at the risk of sounding like Newt Gingrich (inaudible) suspending his candidacy. (laughter) Um... all.. I wasn't here last meeting but reading through the minutes, and the publication I begin to wonder why do we need an Examiner. Another layer of management, if you will, when we got a Staff of professional people that could read through..develop..whatever, and..and..and create an agenda item of post reviews for this body to..to examine before we recommend. If..if I'm communicating correctly. It..it's.. To have the Staff build a program of these Administrative decisions, which then are post reviewed by the Planning Commission of..of course reserving the right that some of them may hit the wall. But to introduce another foreign body, if you will, uh, just doesn't make sense cost wise as well as... um well... You're not going to educate an attorney, he already knows what the hell he is gotta to do...you know. So, that..that's what occurred to me in reading this. I don't know whether the Staff is authorized to do that type of thing but it would seem to me it needs an appropriate airing by someone that could become a pretty powerful individual in the County. One that's gonna be appointed, he's not going to be an elected position, where you could thump him and get him out. But, you.. you're losing control as people have said. And uh... I guess I am not for an Examiner per se, enough said for me.

B. Bailey: Jon, one of the things again in these Committee meetings that we discussed and, if you'll recall, I think has happened in some of the UDC changes already is the Administrative Official who may be the..could be the Planning Director or could be the..what is..Community Development Director is that Dave's..yeah..is authorized to make some decisions that here before were, you know, either made by us or Board of Adjustment...

J. Hatt: Right

B. Bailey: ..or... or different things. With the idea that some of these things are issues that are pretty cut and dry, and there's no reason to believe that the people that we have in place that we've hired as professionals shouldn't be able to make these decisions, no reason why they can't. And that, you know, is one of the things that we all agreed on. There are areas where that could happen as..as well as there still is a need for a Body, such as this, in some instances. And uh...

J. Hatt: We..we don't always agree on everything..

B. Bailey: no

J. Hatt: but we can arrive at consensus.

B. Bailey: yeah

J. Hatt: Where as one individual is going to be, as you said, black or white.. and not always right.

B. Bailey: yeah

L. Graham: Right by law but not...

J. Hatt: yeah..... right

L. Graham: ..not by principle.

- J. Fleming: Yeah, but if you wanna go against what he says you gotta go to the Supreme Court. That's not cheap.
- J. Hatt: There's a...there's a means of uh, contesting any decision made that..that comes through. As long as you got that..as long as you got some oversight of the uh.. Planning uh.. Commission and or the recommended body of uh.. or Staff. To me it's pretty simple but I over simplify a lot of things.
- O. Click: Well I think my feelings are already a matter of minutes, and I agree with what..with what Bill says. That's..that's part of it, but in addition to that I think this Board acts as a, you might say, a sounding board. It's..it's a function between the public and the bureaucrats. Sorry guys. Um...an..and I think that's important and..and I.. my position has not changed. I'm still opposed to any changes of functions of the Planning Commission.
- L. Graham: In..in that right, I think that this Board acts, to a certain degree in support of our Staff. Because sometimes I'm sure that they pass things on that they know which way they should go, and they know, we know when we go that way. And we are taking the heat from some of the applicants who... The Staff shouldn't have to take heat but now that..now we're standing there for them. So, this Board is acting as a, kind of an authoritative body, as a buffer sometimes between the public and the administration of their programs. I..the..I..I see that some of this is really diluting the..the position and the..the function of this..this group of individuals. Some of the things in there...some of em are good. I agree that some of ..some of things that we do I think probably could be done by Staff. Maybe they don't want to and maybe sometime that I don't understand why. But I... The functioning and how we are functioning now, I think is much better than an administrative person up here deciding black and white issues, because this is what this rule says and that's what that rule says. And uh..I'm going through a situation now in my job that the saying fits that..chaos reigns when..when uh.. rules replace decency and common judgment.
- O. Click: Judgment goes out the window.
- L. Graham: I think we are decency and common judgment in this situation.
- D. Walker: I..I concur. That's all I can tell you is that uh.. I..I've always felt that this Planning Commission serves a purpose, and when we take that purpose, and cast it aside then I think it.. we create more problems than we solve. And so.. uh.. any change to the Unified Development Code that uh, takes that away. Uh..my..I..I..don't feel good about it and I won't vote for it.
- J. Fleming: Some situations in here where it says the Hearing Examiner will hold a public meeting, and I can just see an attorney sitting where Bill is. I'd much rather have Bill sitting there watching me make a decision than somebody that's gonna be black and white.
- D. Walker: yeah
- J. Fleming: I mean that's just... Bill's.. my opinion has got some common sense. And I've seen some attorneys that I doubt whether they have any sense period, common or otherwise. (laughter)
- B. Fuglie: It's hard to top that. (laughter) Uh... No, I..I have a tendency to agree with everything that's been said here this evening. I think it's..uh, my opinion it's..it's important that as a group of us with..with the numbers that even though we may not always all of us agree, but at the end there

is a consensus, and with a majority. And I think that with that majority..tendency..you know it..it makes for a decision that's..that's well received.

B. Bailey: Well and if we take..when you take that and combine that with the Staff, and I'll call it either advice or comments during any of these hearings where there might be some controversy we're generally steered towards making a decision that isn't illegal. And that..and I (inaudible) may not be what an attorney would do but it's legal, and uh, you know, mostly recommendations, but..but uh, that's an important thing that we do what is right. In addition as a group we have an ability to sometimes make some, I'll call em, adjustments to make whatever actions serve uh, for the certain situation or locality.

D. Walker: Now... Bill the issue was brought up at the last meeting, that over the course of the last eight years... ten years uh..uh..this Commission has made decisions passed em on to the County Commissioners and the two times that the County Commissioners have went against this Planning Commission they've lost those cases in court. So, I..I don't think that we can say that our decisions have been bad. We've made good decisions and, uh, when the Commissioners have decided to over rule us, and they have that right to do that, uh, they've been proven to be wrong. So..uh..it's pretty hard to uh..step up and say that the Planning Commission has made bad decisions. I don't think we have. So.....

B. Bailey: Damien would you care to make some comments?

D. Hooper: Yeah. um... Couple of things. One the..the Planning Commission should not take this as somebody saying the Planning Commission's not doing a good job. The Planning Commission makes recommendations to the Board. You know, you don't even have the luxury of making a decision per se. It's a recommendation. I think...I..I..want to touch on the..the finance part again (uh, because I think what I said last month was that I thought that the Hearing Examiner cost us between three and five hundred dollars per application. That's pretty accurate looking at the..the bills that we have had from him. Um... Our fee increase that happened two years ago contemplated the Hearing Examiner taking a lot of applications on. Uh...so we built in his cost to applications already. So it's paid by the people that use em. It's not borne by.... Essentially subsidized by folks who don't use the land use permit process. So, he's..he's paid for the permits that he processes out of the permit fees that are collected. Um... Outside of that you've got our recommendation. That comes to you from our UDC Committee, from Staff, from the Director of the Department. Whatever recommendation you guys make, whether it's to just flat deny all the changes that we've requested, or to modify what's going to happen, what's going to the Board of County Commissioners, or to approve it...plainly we are not heading down that road. Um...give us your recommendation. You know.. We..we kind want to land this plane. But we've got these things sittin out here. We've got other Code amendments that are in the wings waiting to come to you. You know...we'd like to get some of these rollin.

B. Bailey: Damien, I'm sittin here lookin at the list of things and right of way there's a couple of things jumped out at me that aren't a..you know..I didn't think were a big problem during our meetings. One was the Reasonable Use Exemptions. You know, that one.. I think we all agreed was something that could be taken care of administratively.

D. Hooper: yeah

B. Bailey: Didn't even need a Hearings Examiner.

D. Hooper: And it wouldn't....

B. Bailey: yeah

D. Hooper: ..under this amendment. And Staff is willing to take those things on.

B. Bailey: yeah

D. Hooper: It's not a matter of us not wanting to.

B. Bailey: yeah

D. Hooper: It's just getting the Code changed so that those things that are appropriate for us to do, we can do.

B. Bailey: I think the Plats and the Subdivisions were the things that concerned me most, and uh... You know, those were the ones and Variances...I don't know...do we handle Variances any more...I don't.....

D. Hooper: The...the Board of Adjustment does.

B. Bailey: Yeah.... But..

D. Hooper: Yeah...

B. Bailey: ..not us.

D. Hooper: no...

B. Bailey: yeah..and uh...

D. Hooper: And the Hearing Examiner currently does Conditional Use Permits.

B. Bailey: right

B. Bailey: So, you know, with that in mind were my major concern happens to be with the Plats and Subdivisions and..I don't have all that stuff in front of me...it's not in here. (Inaudible) Yeah.

J. Hatt: With the exception of the Hearing Examiner Bill, I don't see a need for much change to the recommendations. That's where I (inaudible) I don't mean gutten the whole thing out. I just don't think he's necessary.

B. Bailey: Yeah. Well as Chairman you will recall I've never made a motion, and I don't intend to. You know, as I understand part of what, you know, where..wherever (inaudible) to go is that, uh, to eliminate basically the Board of Adjustment. Is that..that pretty much true?

D. Hooper: I don't know that it's an expressed intent, but it's consolidating....
(inaudible-D. Hooper and B. Bailey are speaking simultaneously.)

B. Bailey: ..but practically speaking that's what will happen.

D. Hooper: ...as a..yeah. If the recommendation goes forward as it's presented...

B. Bailey: yeah

D. Hooper: ...and you....yeah. The Board of Adjustment...

B. Bailey: The Board of Adjustment handles which actions?

D. Hooper: Variances

B. Bailey: yeah... (inaudible speaking in the background) You know, and since we're going to make a recommendation anyhow...is that right..

D. Hooper: yes

B. Bailey: ..to the Commissioners..uh..you know..the easy thing to do is to say okay boys and girls it's on you, but it's not our practice to do that. It's our practice to make a recommendation. I think we should, and if we wanna...

J. Hatt: I think.. Bill, I think the intent is to streamline the process...

B. Bailey: right

J. Hatt: ..and it's been a.. I can see, an onerous situation for these people who come before us one, two times, whatever and..you know..you throw the ball up til it comes down round. It's uh...

B. Bailey: One of the things Jon that has happened over the years the UDC became so complex...

J. Hatt: mm hmm

B. Bailey: ...that it just ran people away from Grant County at times.

J. Hatt: mm hmm

B. Bailey: And there was a..uh you know, whether it was a decision or a philosophy developed by the Commissioners several years ago that said look, you know, we need to make sure that when people want to come to Grant County that if it's realistic and reasonable for them to do so we oughta make a system that will work for them. That they don't need fourteen New York lawyers to decide whether or not they can develop in Grant County.

J. Hatt: mm hmm

B. Bailey: And so that was one of the major intents of the Committee meetings relative to the UDC was how do we make the system so that it's manageable. So that it's equitable for everyone. So that it protects the people and the County, while at the same time it gives people an opportunity to say okay, we can go into Grant County here's what we can do. It's pretty simple to decide. We got a Planning Department that we can visit with. They can help us through the process, and they don't need to go to fifteen sections of the UDC and other Comp Plans and whatever else to try and figure out if they can put a mailbox up. You know, it was almost as bad as that in some

instances. And..so.. the idea was to streamline the process, but at the same time try and keep it fair and equit...not try, absolutely keep it fair and equitable. Make it so that it works for everyone. And if the things not possible at the time, rather than have an attitude of having rules against everything, you know, say lets take a look and see if this will fit.

L. Graham: But does the insertion of a Hearings Examiner do that or are there other changes by giving Staff some more authority that could accomplish that goal without that black and white person there. And if...Staff when they get something that's not black and white...here we sit, and that..that's what we do....

Unidentified Speaker: right

B. Bailey: You know, and that very conversation was had during those meetings a number of times. You know, that there will be turned over to an Administrative Official a lot of decisions, but if that Official, whoever it happened to be was uncomfortable with making a particular decision it can..could come to something like the Planning Commission. I don't know if that's still the way some of the..the uh, changes could work but that was certainly one of the things that was discussed because there will be times, as we all know, and there's decisions that nobody wants to make.

J. Hatt: I think that should be an option of the Staff.

B. Bailey: Yeah...

Unidentified Speaker: mm hmm

B. Bailey: ..that's the way I feel. It's..at their prerogative.

O. Click: You'd like to have a motion....yet?

B. Bailey: I...If we are going to continue discussing I think that's fine..because..you know I...

B. Fuglie: Well, I just have one..one comment, uh, where I thought that.. like on the Reasonable Use Exemption, you know, I..we've heard Ollie, you know, several of us, you know, mention many times that that's, you know, that's a situation where, you know, Staff and... My..my question there is, if an individual submits an application for a Reasonable Use Exemption. That can take six weeks, two months, potentially to process, I am assuming, depending on the time of month they submit it, where it would actually come to us for..for a recommendation. The thought now with, say that going back say to Staff level, what do you feel like, would be the time frame that that decision would be able to be made through your Office?

D. Hooper: It would be consistent with the Discretionary Use Permit that we do in house right now. Um...there would still be a public comment period for something like that. I'm thinking, just on today's workload..we're probably..uh, SEPA's not required..um..for Reasonable Use Exceptions so we're..we're probably in the like thirty to forty-five days..really..to process it..in house. Versus a scenario where we come here..once it's set, and then wait to go to the Board of County Commissioners some two to four weeks later. Um...so things like that, it's gonna be expedited. Is it going to be over night...no....

B. Fuglie: no

D. Hooper: ...cause nothing here is. I mean that..that's..

B. Fuglie: no

D. Hooper: ..just the way this..

B. Fuglie: true

D. Hooper: ..process exists but..

B. Fuglie: true

D. Hooper: ..but it's quicker.

B. Fuglie: But it's quicker, but..you know, situations like that it just really makes sense to move from one governing Body, such as us, you know to Staff level. And, the same time just...you know, one individual could..cause most of em are typically Reasonable Use it's the..whether the lot was created prior to a date, you know....

D. Hooper: Really, at the end of the day that..that..that and then a statement from the Health District that it can support a well and septic on the same site. At the end of the day, those are the two critical findings there, and..

B. Fuglie: Right

D. Hooper: ..yes, I am confident that we can handle that.

B. Fuglie: Yeah...exactly.

O. Click: Damien is..is extended family living arrangement a..a uh..Discretionary...

D. Hooper: yes

O. Click: ...procedure now?

D. Hooper: yes

O. Click: It used to be..It used to be a...Conditional..

D. Hooper: yes

O. Click: ..Use Permit.

D. Hooper: It's not a Discretionary permit. It's discretionary on Staff to approve it..to administrate it.

O. Click: Yeah...that..that's..that's what I mean.

D. Hooper: The same standards.....

- O Click: You used...used to have to go before the Board of Adjustment.
- D. Hooper: True, and the same standards that the Board of Adjustment used to either deny or approve those are the same, virtually, the same ones we use today. They still have to show evidence of need.
- O. Click: But that..that doesn't go before the Hearing Examiner then?
- D. Hooper: No...no
- B. Bailey: So, could Variances be done administratively?
- D. Hooper: Variances are..uh, a potentially tricky thing. I..I have seen a number of scenarios where there is a certain threshold allowable for an Administrative Variance.
- B. Bailey: mm hmm..
- D. Hooper: Somebody wants a...
- B. Bailey: It's a gray area..
- D. Hooper: ...twenty-five percent...
- B. Bailey: yeah
- D. Hooper:reduction in a setback.
- B. Bailey: yeah
- D. Hooper: You know.... Something where they're not asking for the whole world to go away. They want some relief. I've seen those things handled at the Staff level and it's..it's very easy to do. Um...Variances where, you know, somebody's looking to have a zero lot line setback, kind of thing, that should be vetted in a..a very public process, because that has a true and honest impact to the guy next door.
- B. Bailey: Sure
- D. Hooper: um....So..so there's scenarios to have Administrative Variances.
- J. Hatt: But Damien, to..to keep yourself comfortable in these, whether to bring it to the Board or the Planning Commission or not. It would seem to me a..an itemization again of the monthly activity be just presented. One paragraph commentary of what..what was done, and everybody's covered. We know about it. You..you've made the Administrative decisions, and that's fine. We're not rubber stamping anything; we are just sayin we're aware. And some...you just given an example of Variances. Some are easy, some aren't. So..but..to..to protect you, I would think, and Staff, from, uh, mis-stepping any of the..the Regs and coming back around to bite. Put it before this panel.
- T. Fleming: This is what I did. This is why I did it.
- J. Hatt: Yeah...there you go. It won't change anything, but it would...should keep you comfortable.

D. Hooper: Um...okay....

L. Graham: How much..how much...

D. Hooper: It's not a matter of..of comfort....

J. Hatt: Alright

D. Hooper: ...frankly. Just to be totally honest, it's not a matter of comfort.

L. Graham: How much of a workload will something like that put on you?
(inaudible background conversation)

D. Hooper: Well..for what..I guess..I mean

L. Graham: For a month.

D. Hooper: Well, but for what..what land use actions. Mean.. like if..if we created a scenario here where Variances, where we did this thing where we broke out, you know, you want a Minor Variance.

J. Hatt: How many activities do you have in this Administrative level per month...a dozen...two dozen?

D. Hooper: Uhhh...Dozens to hundreds.

J. Hatt: Hundreds?

D. Hooper: Sure

B. Bailey: Yeah...

D. Hooper: Time to time.

B. Bailey: ...what you're talking about is either contacts or..you know... Jon is that what you're referring to, or how many actions?

J. Hatt: How many actions did you....

B. Bailey: yeah

J. Hatt: ...yeah..not..not anybody who walks through the door, cause there's a lot...pitty patter of feet, but...

D. Hooper: I..we need to narrow the scope a bit...when...

J. Hatt: Alright..

D. Hooper: ..what do you mean? Land use apps that we do administratively?

B. Bailey: yeah

J. Hatt: Yeah, the actions that you do administrative. If it's not such a..a burden. But for you to decide which Variance comes before this panel and which doesn't is puttin you out on a..on a limb, I think.

D. Hooper: We..we don't currently do that. Just so you know...

J. Hatt: I know you don't...

D. Hooper: right now anybody wants....

J. Hatt:we don't know what Variances there are out there.

D. Hooper: ...so anybody wants any Variance to any numeric standard. Okay, that's the only thing you can get a Variance to...is...

J. Hatt: Alright.

D. Hooper: ...some numeric standard. So anybody that wants any deviation to a standard gets..goes through the Variance process through the Board of Adjustment, today.

J. Hatt: Okay... (Inaudible-B. Bailey and J. Hatt speaking simultaneously)

B. Bailey: Okay, so how many of those are there in a year...this last twelve months.

D. Hooper: uumm...Well, this last twelve months, less than twelve.

B. Bailey: yeah

D. Hooper: Less than twelve, and..and the range of what they were requesting, you know, I mean it could be...

B. Bailey: yeah

D. Hooper: We've had em down at Crescent Bar where there was a matter of inches and we've had em where it was a height standard that they needed some relief from. You know..if we wanted to do something different there, you set a standard, and say

B. Bailey: yeah

D. Hooper: ...if you wanna be within twenty-five percent of the minimum standard, go talk to the Planning Department and get an Administrative Variance. You want anything beyond that, asks for a Variance, and it goes to...

J. Hatt: Whatever works for you...

D. Hooper: ...the Board of Adjustment.

J. Hatt:I'm just saying...

B. Bailey: yeah

D. Hooper: yeah

J. Hatt: ...you know.

B. Bailey: See, that would seem to make sense to me.

J. Hatt: Right...right

B. Fuglie: mm hmm

B. Bailey: And uh..you know if it.... First of all any of these things that happen are always subject to change.

J. Hatt: Oh yeah

B. Bailey: Number one, we know that.

J. Hatt: yeah

B. Bailey: You do something and it doesn't work, why then you change it so that it does. But it sounds to me like we're saying is that, you know, number one we don't think there's a need for a Hearings Examiner for these matters. Number three..two we believe that, uh, more of this stuff should be handled at the Staff level than perhaps currently is, and that if that indeed does happen, as with Variances were a numerical, you know, there is a numerical change requested that some percentage be set up as the dividing line between it's administrative or whatever else it's going to be. There's no zoning Board of Adjustment then where does it go?

J. Hatt: mm hmm

B. Bailey: Where would it go?

D. Hooper: A Variance would it..it.. The way we're structured now has to be the Board of Adjustment.

B. Bailey: No, no.. If we said we, you know, we think that it ought, you know, at twenty-five percent or less numerical change ought to be handled by Administratively.

D. Hooper: yeah..yeah

B. Bailey: Is the only option then for the twenty-six percent or more to go to the Board of Adjustment, or is there a way to assign that to some..somebody else, some other entity if you will?

D. Hooper: It could go to the Board of Adjustment or it could go to the Hearing Examiner..for the beyond twenty-five percent reduction request.

B. Bailey: yeah

D. Hooper: yeah

B. Bailey: Yeah...and maybe in that particular case you wouldn't have a Hearings Examiner very often. You know..(inaudible-D. Hooper and B. Bailey speaking simultaneously)

D. Hooper: Not for that issue.

B. Bailey: Yeah, uh..you know, and most of the other issues are handled by us. Is that correct?

D. Hooper: You guys do Plats..

B. Bailey: yeah

D. Hooper: ..PUDs..

B. Bailey: yeah..yeah

D. Hooper: ..really, you know, the Comp Plan Amendments and the Rezones...

B. Bailey: yeah

D. Hooper: ..stays with the Planning Commission no matter what, but really it's Plats and PUDs... I mean, a..a ton of the land use permitting thats been done in Grant County in the last three years has been done at the Staff level. Its been Short Plats...

B. Bailey: sure

D. Hooper: ..its been Discretionary Use permits. You know, so the bulk of it is..is very much handled in house.

B. Bailey: yeah

B. Fuglie: yeah

D. Hooper: The few things..gravel pits..I mean..the Conditional Use permits. Those are the ones that end up at the Hearing Examiner, and that's..that's what he does the bulk of.

B. Bailey: yeah

D. Hooper: You know...and Variances I'm looking at the list from last year, an..an..and less than a dozen's true. They...

B. Bailey: yeah

D. Hooper: ..met five times.

B. Bailey: right

D. Hooper: So...very few things end up with them...right now, and its been a steady decline since '09.

J. Click: I have another question Damien. On the Con...On the uh, Reasonable Use Exception, where it allows for a structure to go in, that runs with the land...stays with the land...

D. Hooper: sure

O. Click: ..or just with the current owner?

D. Hooper: land

O. Click: Unlike..unlike, uh..the extended family living stays only with the owner.

D. Hooper: Yeah...and..and..it..it's tied directly to the person that needs to (inaudible)..

O. Click: yeah

D. Hooper: ..that needs the additional help.

O. Click: That's right.

D. Hooper: Uh...once that is over, so is that home.

O. Click: Well, you'd like to think it was.

D. Hooper: We've been pretty successful in taking care of em through Code Enforcement. There's a lot out there.

O. Click: I know there are...

D. Hooper: There's a lot.

O. Click: ..and once in awhile I run across one.

D. Hooper: But we...I mean...handle em through Code Enforcement regularly.

O. Click: (inaudible-J. Hatt and O. Click are conversing) ...doesn't get extinguished, they sell it. (Inaudible)

D. Walker: Well..look..looking that over, and not meaning to uh..uh..set it aside, but we're only gonna make a recommendation to the County Commissioners...

O. Click: that's right

D. Walker: ...for these changes. We don't like the changes that are in those documents. So.. I would make a motion to send that to the County Commissioners with a recommendation of denial.

O. Click: I can second that.

L. Graham: All of it?

O. Click: All of it.

J. Fleming: We can come back...

O. Click: yes

D. Walker: Now...

J. Fleming: ..and do some changes later, can't we?

B. Bailey: Okay....so, we have a motion and second. Doris do you have the motion? Okay, now do we want some more discussion?

L. Graham: My..my question, and I don't have my papers with me this week, are there portions of that though that are acceptable.

D. Walker: I think there're some portions of it that are, but...and..and my..my point is, is that that document is not acceptable, overall.

L. Graham: okay

B. Bailey: hmm

D. Walker: I think Damien has heard.. I think Bills on the UDC Committee..hes listened and heard, and if they want to take that to the County Commissioners, and say, you know, you guys can do what you want to, then they can override us and change it.

B. Bailey: Let me ask Damien a question. Damien did you put this together?

D. Hooper: Uh..Dorothy did the lion's share of the work, but...

B. Bailey: You guys...

D. Hooper: ..collaboratively, absolutely.

B. Bailey: ...yeah...you guys did.

D. Hooper: yes

B. Bailey: Now, you've listened to us for two meetings. I would guess that the County's either gonna say the hell with those guys we're gonna pass it.

D. Walker: yeah

B. Bailey: Or else they're gonna say, you know.. Damien and Dorothy did you guys listen to the Planning Commission and their discussions....yes.. you know, do you think that there's some changes that can be made that would...the Planning Commission might agree with. I'm gonna guess that they're gonna say, yeah I think that we know what they..they felt. And.. so if that..that's the case..

D. Walker: yeah

B. Bailey: ..we don't have to sit here and try and add a bunch of recommendations for changes..

D. Hooper: correct

B. Bailey: ..when we're recommending denial..

D. Hooper: correct

B. Bailey: ..assuming the motion passes. So..uh.. So, I'm comfortable with that.

L. Graham: To be heard as Staff...are you folks comfortable with that kind of an approach?

D. Hooper: Ca..can..can we...

B. Bailey: We can talk.

D. Hooper: I know everybody wants to go home. I get it, but can we run through this real quick..

B. Bailey: sure

D. Hooper: ..and I can put something on the table..

B. Bailey: yeah

D. Hooper: ..that might change your recommendation. Okay. Cause here's what we're...Here's what we're proposing, through the amendment, right, 101 version. Reasonable Use Exceptions go to Staff.

B. Bailey: yeah

D. Hooper: Plats go to the Hearing Examiner. PUDs go the Hearing Examiner. Variances go to the Hearing Examiner. That's the end of the Hearing changes. The other one is the notice requirements for Short Plats. Okay, it has nothing to do with Hearing Body...

B. Bailey: no

D. Hooper: ..or anything else. So, and what I'm hearing from the Planning Commission is Reasonable Use Exceptions, Staff can handle that. Plats and PUDs, we wanna keep that in the Planning Commission.

B. Bailey: yeah

D. Hooper: The thing I don't know, although I can guess, is Variances. I haven't heard just flat out absolutely no way Hearing Examiner's gonna hear Variances. I can infer it from a few. So, if..if the Planning Commission wants to recommend something to the Board of County Commissioners along the lines of, we like the Reasonable Use Exception part. We don't like the Plat and PUD part. We do, or don't like the Variance part, and we're just fine with the Short Plat notice requirements. That gives us exactly what we need to put together to send to them, that conveys what you want. I..I do not want to go there and represent that the Planning Commission said no, but they did like this, this and this. I don't think that's right...

B. Bailey: okay

D. Hooper: ..personally

D. Walker: And..and..uh... I don't think you're wrong, Damien, but I don't I..I... This document if..if..if we're voting on sending forward to the County Commissioners a recommendation, I don't think this document is acceptable to the Planning Commission. Parts of it are. Parts of it are not.

Unidentified Speaker: right

D. Walker: And, I..I don't have a problem if you wanna, uh...you and Dorothy want to re-write it from what we said up here. Uh...and bring it back to us, or whatever you wanna do is fine. I just..I wanted to make the motion to kinda get it so, uh.. dead center, and say, okay this is what we're gonna do. So... I..I don't have a problem with what you are saying. I..I don't like to make recommendations to the County Commissioners that are critical. I would rather work it out here and then send it forward, uh...whatever you wanna do.

L. Graham: Would you be acceptable to an amendment to your motion then that would specify those items, in that way that Damien listed? The Variances stay with the Examiner, the..yeah..

D. Walker: That's..

B. Bailey: Then lets.....

L. Graham: ..the Plats and that kind of...

D. Walker: That's fine with me.

L. Graham: ..in specific... We don't like the document in specific these items...

D. Walker: yeah

L. Graham: ..and let it go at that.

B. Bailey: But... Except for trying to help the County, which means the Board of Commissioners, the Planning Department, community, everybody, streamline the process. I think that if we're going to, you know, accept or agree with part of it and not part of it, that the Variance issue is certainly a major issue. That we oughta recommend in that same series that something like, and I'll use the twenty-five percent rule with Variances could be handled administratively at Staff level. Anything over that has to be somewhere else, which would be a Hearings Examiner, I'm assuming.

D. Hooper: Or Board of Adjustment, if you don't wanna change that venue.

B. Bailey: yeah

D. Hooper: I...I don't wanna put words in the Planning Commission's mouth...

B. Bailey: yeah

D. Hooper: ..cause it's plainly not my place.

- B. Bailey: yeah
- O. Click: Damien don't we have Variances also for the difference in..in uh, zoning?
- D. Hooper: No, the only Variance...
- O. Click: use to
- D. Hooper: ..well..
- O. Click: I mean...if..if it didn't... They say it called for five acres, and there was only four and a half acres, that use to call for a..for a Variance.
- D. Hooper: Yeah...it..it use to and..and case law and legal opinions say that that's a Rezone. That's not a Variance. So, the only Variances you can get today, are to a numeric standard setback, height.. those kinds of things...can not get a Variance to lot size anymore.
- B. Fuglie: And the Variance is..
- O. Click: That's numeric.
- B. Fuglie: ..because, it's, you can say, a hardship on the property owner...technically?
- D. Hooper: It..it.. There use to be a hardship standard, and..and now it's things like topograghy, lot shape, lot size, um.. those type of..won't be detrimental to the public health, safety, welfare. I mean that (inaudible) one that's out there, you know, that protects a lot of things. Um..but it..it is suppose to be that you ended up with a piece of ground thats got slope and size and things that can't accommodate a normal setback, whatever the case might be. That's the hardship to the owner. It's what they have to work with.
- B. Bailey: Okay. So the problem right now is several fold. We have a motion on the floor, and I'm assuming that there must some sort of, perceived at least, critical time element involved with this recommendation. Is that right or wrong?
- D. Hooper: Uh..yeah, it' still subject to a decision being issued timely. It's no different than somebody else bringing an application to you...
- B. Bailey: yeah
- D. Hooper: ..basically is..is.. in a nutshell...there.
- D. Walker: Well, and..and I would like to move it along, but.. uh.. until those things that we don't agree with are taken out of that document then we can't send it forward, except with the recommendation of denial. I mean...now you're saying..
- D. Hooper: You can modify this.
- D. Walker: Huh?

- D. Hooper: You can modify this by your motion. If you want bits and pieces to go forward with the recommendation of approval, you can do that, and leave the rest as essentially a recommendation of denial. The Planning Commission has that authority.
- D. Walker: okay
- D. Hooper: So, you don't have to take the bad with the good, so to speak. You can separate those issues that you don't want. Basically, essentially where Lee was going.
- B. Bailey: Yeah, like we would do with a subdivision or anything else that we want some modification to it. You know, and as..as I understand Damien is not in his usual spot. He and Dorothy happen to represent the opposition at this time. (laughter)
- D. Walker: I think we all agree on everything except for the Variance issue. So, lets....
- B. Bailey: We agree on everything meaning, we agree on it staying with the Planning Commission.
- D. Walker: yeah
- B. Bailey: yeah..okay
- D. Walker: ..and..and the Variance issue is the only issue of question. So, if, uh, someone wants to now modify that Variance portion of that document, then that's what we'll do.
- J. Hatt: Dale aren't we splitting the role of the Hearing Examiner and giving him something to do that we..that the Planning Commission now does.
- B. Bailey: The Variance is the only thing that would go to the Hearing Examiner.
- J. Hatt: ... that's the only....that's the way you're speaking of now. Alright.
- D. Walker: Yeah...the..the... Right now Variances, beyond the percentage go to...
- J. Hatt: Go to the Hearing Examiner....
- D. Walker: ..the Hearing Examiner.
- J. Hatt: ..whoever it is.
- D. Hooper: All Variances today, go to the Hearing Examiner.
- B. Bailey: Yeah, but what we're saying is, no..and I don't know if twenty-five percent is the right number....
- J. Hatt: Yeah, some..some figure...
- B. Bailey: ..you know, we're all working for the same thing and that's to streamline the process, number one. Number two, if we can, save the County money.
- J. Hatt: right

B. Bailey: And it would seem that a twenty-five, or thirty, or fifty or twenty-one, whatever the number is, percent rule as a recommendation certainly is going to have someone at least looking at that..

J. Hatt: mm hmm

B. Bailey: ..and that's part of..

D. Walker: Staff..Staff..

B. Bailey: yeah

D. Walker: ..does that and beyond that it comes to us.

B. Bailey: It would go to a Hearings Examiner..the Variances.

J. Hatt: mm hmm

B. Bailey: That's..that's the only place Variances can go, apparently.

O. Click: Well, right now does the Hearing...I thought the Variances went to the Board of Adjustment.

D. Hooper: They currently do.

Unidentified Speaker: (inaudible-too many people talking simultaneously.)

B. Bailey: ..or and they still..I guess the point is they could still go to the Board of Adjustment.

O. Click: ...Board of Adjustment.

D. Hooper: yes

J. Hatt: or..or a Hearing Examiner..

B. Bailey: yeah

J. Hatt: ..whichever..

D. Hooper: yes

J. Hatt: ..survives the shake out.

D. Hooper: yes

B. Bailey: And the major point is that, you know, we think part of that could be handled administratively.

J. Hatt: right..right

B. Bailey: You know, some..some how pick some number. Whatever that is.

J. Hatt: Yeah, we shouldn't deny the applicant any timeline..

B. Bailey: yeah

J. Hatt: ..you know..on..

O. Click: Well the one thing..the one thing, uh, with the Board of Adjustment, those decisions are done when that action happens. So if they make a decision tonight, that's done. That doesn't have to go on to the Commissioners....right Dorothy?

D. Hooper: correct

D. Black: right

B. Fuglie: So that would follow under the same opus as the Hearing Examiner?

D. Hooper: correct

O. Click: I was under the impression, when the Hearing Examiner was first set up, that his decisions went to the..to the uh..Board of County Commissioners...originally, (inaudible) but I may be wrong cause I'm old. (inaudible conversation)

J. Hatt: ..appeals would go..

D. Hooper: Appeals of the Hearing Examiner decision go to Grant County Superior Court.

J. Hatt: okay

O. Click: yeah

J. Hatt: Okay..that...that's.. (inaudible)

B. Fuglie: How about the appeal to, say the Board of Adjustment?

O. Click: Goes to the Superior Court.

D. Hooper: Superior Court. Likewise anything that gets recommended through this Body to the Board, and the Board makes the decision on...Superior Court.

B. Fuglie: okay

D. Hooper: So, our Appeal Body generally is the same across the board. Except for shoreline issues, but those are handled at Staff (inaudible-O. Click and D. Hooper speaking simultaneously)

O. Click: So, if we're giving better service to the citizens of Grant County, as far as the Variances are concerned we better stay with either the Hearing Examiner or the Board of Adjustment, because it will be a speedier arrangement. Right?

J. Hooper: Yeah, and our recommendation would be that it goes to the Hearing Examiner as..

- O. Click: I realize that.
- D. Hooper: ..opposed... The only other option, I think, that should be considered is that it stays with the Plan..or the Board of Adjustment.
- O. Click: Damien I..I just want you to know, I don't really have anything really personal against Hearing Examiner, except it's an attorney and that's another layer. That's what I don't really like about the Hearings Examiner situation...another layer of bureaucracy of somebody that really doesn't understand. Even though you probably gets some pretty good decisions out of him, but..that's a personal opinion.
- D. Hooper: From the Staff level it's a Hearing Body, whether I..
- O. Click: I under..I understand..I understand that.
- D. Hooper: ..was going to the Board of Adjustment, or I was going to the Hearing Examiner..
- O. Click: I understand that.
- D. Hooper: ..it's a Hearing Body, and I'm expecting either of them are equally independent about what's going on.
- O. Click: Hope so.
- B. Fuglie: How many people sit on the Board of Adjustment?
- D. Hooper: It's currently seven.
- B. Fuglie: seven
- O Click: I think that's right.
- D. Hooper: yeah
- B. Bailey: What was the Appeal Body?
- D. Walker: What's that again?
- O. Click: The..The one advantage to..for..for the Commissioners, or for you guys is trying to figure out who's going to be on these Boards. Is of course, um, the Hearing Examiner, you can hire somebody for that. Where you gotta go search the County for volunteers, and that gets to be a little tough sometimes.
- L. Graham: It's getting harder and harder.
- O Click: Yeah, it is. I understand that.
- L. Graham: inaudible
- O. Click: That's right.

J. Fleming: Some of us are older than others.

D. Click: Some of us are.

B. Bailey: So where is the appeals section?

D. Hooper: Um...if you look at...

B. Bailey: What page?

D. Hooper: If you look at uh..there's a table here that... It's in the Staff Report that I think is pretty..pretty easy to look at what the bulk of the changes are. And it..it's this table here. It's labeled as page four.

B. Bailey: Oh..okay.

D. Hooper: And I don't think that... It's not page four of the actual Staff Report, but.... If you get to this table...

D. Walker: yeah

B. Bailey: Yeah...page

D. Hooper: Across they top...

B. Bailey: Yeah...I got it.

D. Hooper: ..it's type one, two..

B. Bailey: yep, yep, yep

D. Hooper: ..and three....right.

B. Bailey: yep, yep

D. Hooper: So.... Type two we have the Reasonable Use Exceptions listed as a Type Two Administrative Action, similar to Discretionary Uses. That's the proposed change there.

B. Bailey: mm hmm

D. Hooper: The next column to the right is Type Three Quasi Judicial, and we've lumped, of course, Variances, Preliminary Subdivisions and PUDs into that, and you can see where it was stricken from the next column over to the right. This really embodies the changes that are proposed here. Um...we changed nothing with the Appeal Bodies, cause those all currently still go to Superior Court. What we've changed there is the Hearing Body, the decision maker from Board of Adjustment to Hearing Examiner. Then we've moved the Subdivisions and PUDs over to that column as well.

- B. Bailey: You know, what..what we have discussed here tonight is that we are, you know, would..were we to make a recommendation, if I'm correct, we would recommend that Variances exceeding twenty-five percent of the standards go to the.. back to the Board of Adjustment. Uh, Variances for twenty-five or less percent, uh, to be handled by our Administrative Official. The Public Notice of Short Plats section be approved. The Reasonable Use Exception, uh, by Administrative Official, is it..you know, recommend that. Uh, the Appeal Bodies remain the same. And that's really it, isn't it?
- D. Hooper: Yeah, and then...
- B. Bailey: If we don't address Preliminary Subdivisions and PUD's for example then they wouldn't..the change wouldn't be approved. Or we won't recommend that that change be made.
- D. Hooper: Do you wanna specify?
- B. Bailey: The change...yeah, the changes we recommend are to the Variance sta..issue and not exactly sending them all to the..to the uh, Hearings Examiner. That the ones exceeding twenty-five percent go to the..we'll say the Board of Adjustment and if the County wants to make it a Hearings Examiner that's fine. You know, we won't argue that anymore than we already have. The issue of Public Notice for Short Plats, that sections okay. The, uh, you know, we are in concurrence of Reason..Reasonable Use Exemptions be handled by our Administrative Official and that the Appeal Bodies section remain the..the same. Meaning the same as whatever is recommended.
- D. Hooper: Now, just point of clarification, the Appeal Bodies discussion if..if we're talking about the Building Board of Appeals section.
- B. Bailey: The which one?
- D. Hooper: If you look at the front page of the Staff Report. The third one down there is removal of Building Board of Appeals and insertion of other appropriate Appeal Body as specified in Grant County Code.
- B. Bailey: yeah...well yeah
- D. Hooper: That..that's a again an unrelated to this Hearing Body discussion we've had...
- B. Bailey: yeah
- D. Hooper: ..about a land use permits, but that's another one that is part of this package here tonight too.
- B. Bailey: right
- D. Hooper: okay
- B. Bailey: And that..what I said we wouldn't contest that particular one.
- D. Hooper: Got it.
- B. Bailey: Is that... is that what we said?

- D. Hooper: That is now clear.
- B. Bailey: Yeah. So, there's a motion on the floor to deny or to recommend...not recommend approval of the...do we call it a recommendation.
- D. Walker: Document or..
- B. Bailey: Document..the proposal. That motion has been made. That is seconded. So, the choices are going to be as follows. We go ahead and approve that recommendation, or that motion, or deny it. We can then make a second motion that would include these items that I wrote down, and we can reiterate again. Uh, or we can make another motion, a different motion to approve of the proposal with the following conditions or changes. So, those..those are the three options we have. If we choose number two or three we will need to act or remove from the table, withdraw the original motion to recommend..uh, to not recommend approval.
- D. Walker: Okay, I'll, uh, withdraw my motion from the floor.
- B. Bailey: The second...
- O. Click: I'll withdraw my second.
- B. Bailey: Okay. Now, where do we..which scenario do we want to take?
- O. Click: I think number two sounded the best.
- B. Bailey: Okay, what was that?
- O. Click: You don't remember? (all laughing)
- L. Graham: (inaudible)...we would accept..we..we accept the document as presented with the exception of those three items that we object to.
- B. Bailey: We would..we would recommend approval of the proposal with the following...not conditions, but changes. And those changes are, number one, regarding Variances that, uh, Variances exceeding twenty-five percent of the standard be handled at the Board of Adjustment level. Those requesting twenty-five or less change handled by our Administrative Official. The Reasonable Use Exceptions be handled by our Administrative Official, which is really not a change. Isn't it already in there like that?
- D. Hooper: That's our proposal.
- B. Bailey: So we don't need...
- D. Walker: Don't need that...
- B. Bailey: We don't need to even mention that. Uh..Public Notice of Short Plats is already in there, so we don't need that. And, uh, we don't need the thing relative to the Appeal Bodies. I think we probably do need to reinforce that the Preliminary Subdivisions and PUDs, uh, remain, well that's...

O. Click: With the Planning Commission.

B. Bailey: ..remain with the Planning Commission. So, there's actually two items, Variances.. (

L. Graham: (speaking, but is inaudible)

B. Bailey: The Variances, which would be twenty-five percent or less handled administratively, exceeding Twenty-five percent by the Board of Adjustment, and that the, uh, PUD's and Preliminary Subdivisions continue to be handled by the Planning Commission.

D. Walker: So moved.

L. Graham: Seconded

B. Bailey: Okay then, Doris do you have that, or would you like me to write it up (inaudible, several talking at once)

O. Click: No, you're..you're fine.

D. Long: ..but, Dale made the motion and Ollie seconded it?

B. Bailey: yep

O. Click: I didn't second the second motion. Lee did. (laughter)

D. Long: (inaudible)..oh Lee did? (

L. Graham: I'm hiding over here Doris.

D. Long: okay

B. Bailey: But he might have given the chance.

O. Click: I would, but Lee beat me.

J. Fleming: Put both of their names in there.

B. Bailey: Okay, now is that clear?

O. Click: yes

B. Bailey: Okay, so what we're basically recommending is that the Variances, as we've stated, the twenty-five percent administratively, over that goes to the Board of Adjustment, knowing that if the County Commission doesn't feel that the Board of Adjustment is necessary they can do something else...

O. Click: That's true. (

B. Bailey: ..it's not our decision.

- L. Graham: That's their problem.
- O. Click: That's right.
- B. Bailey: Uh, we don't have any disagreement with the Public Notice regarding Short Plats. We don't have any disagreement with the Reasonable Use Exception being handled administratively, and we don't have any, uh, problem with the Appeal Bodies section. And we very specifically wanna make sure that we are on record saying that we believe the PUD's and the Sub..Preliminary Subdivisions need to be handled at our level. Ollie..
- O. Click: I have a question on the..to go along with what Jon was saying, I think it would be..I think the Planning Commission should have a handle of some type on how many Reasonable Exceptions are being granted by the Administrative...
- B. Bailey: Well, I think they'd be more than happy to give us a report.
- O. Click: I think that would be.. It doesn't have to be in typing. I mean just a...
- B. Bailey: Or is that a secret thing that...secret...okay.. (laughing)
- Unidentified Speaker: It's a secret. (laughing)
- D. Hooper: No problem. No problem whatsoever.
- U. Hatt: Transparency (inaudible)
- B. Bailey: yeah
- D. Hooper: It's all public record.
- O. Click: Yeah, uh, I know, but...
- D. Hooper: So, yes. We can tell you how...
- J. Hatt: but..
- L. Graham: You need eyes in the side of your head to really understand what we were saying. (laughing)
- B. Bailey: Now, do you understand what we're recommending?
- D. Hooper: Crystal clear.
- B. Bailey: Okay, Dorothy...
- D. Black: mm hmm
- B. Bailey: Okay. Anymore comments? Okay, all those in favor of the motion signify by saying aye.
(All in unison)

D. Walker: Aye

J. Fleming: Aye

L. Graham: Aye

O. Click: Aye

J. Hatt: Aye

B. Fuglie: Aye

B. Bailey: Those opposed by the same sign. Okay, motion carried. Do you want some Findings?

D. Walker: Can you..can..can you notify me as to when this is going to come before the County Commissioners?

D. Hooper: sure

D. Walker: okay

B. Bailey: Okay what are the condi..the Finding? I got one best interest of the people of Grant County.

J. Fleming: Where are they here?

B. Bailey: Oh, are there actually some here?

J. Fleming: I think there is in there.

D. Hooper: We have four proposed.

B. Bailey: Let me see if I agree with em. (inaudible)

D. Hooper: You may wanna add some.

B. Bailey: Criteria of approval, Findings of Fact. Okay, number one adequate accommodations have been made for agencies, individuals, and interest groups to be heard and the Planning Commission has thoroughly considered the testimony and the record. Two, the proposed amendments are consistent with the adopted Comprehensive Plan goals, objectives and policies, and do not create adverse impacts to offsite properties and do not...and do promote flexibility of property use. Three, the proposed amendments do conform to the general intent and purpose of the Comprehensive Plan. Four, the public interest will be served by the proposed amendments. So that takes care of...

O. Click: That requirement.

B. Bailey: ..that particular requirement relative... Are there any other Findings that we feel are important? I do, and I..I think that local testimony and the input can continue to be considered in decisions made by the various Bodies.

O. Click: I was thinking the same thing.

B. Fuglie: mm hmm

O. Click: That's a good Finding of Fact.

B. Bailey: Do you got that?

D. Long: (inaudible)

B. Bailey: My short term memory isn't so good.

D. Long: It's, uh..it should be, um, recorded.

B. Bailey: It sounded good though. (laughter)

L. Graham: It sounded really good.

D. Long: (inaudible)

B. Fuglie: Damien is the (inaudible) in front of the County Commissioners is that open public or is it closed?

D. Hooper: It's open.

B. Fuglie: It is open? (inaudible)

L. Graham: local..local

B. Bailey: input

L. Graham: ..will be..will be..will be considered.

B. Bailey: Yes, local input and conditions will be considered.

D. Long: So that was Finding of Fact number 5.
(inaudible background conversation)

O. Click: yes

B. Bailey: Yes. Will continue to be considered.

L. Graham: yes

B. Bailey: Yeah, local input and conditions will be considered..will continue to be considered in decisions made by the governing Bodies. Okay, anything else? Damien, do you want to have a..note paper here that..workshop after the meeting adjourns.

ACTION: DALE WALKER MAKES A MOTION TO APPROVE THE GRANT COUNTY UNIFIED DEVELOPMENT CODE AMENDMENTS, FILE #12-5655 AS FOLLOWS:

PROCEDURAL AMENDMENTS TO THE REASONABLE USE EXCEPTIONS ARE APPROVED AS PROPOSED.

PROCEDURAL AMENDMENTS TO THE APPEAL BODIES ARE APPROVED AS PROPOSED.

PROCEDURAL AMENDMENTS TO PUBLIC NOTICE FOR SHORT PLATS ARE APPROVED AS PROPOSED.

PROCEDURAL AMENDMENTS TO VARIANCES ARE DENIED AS PROPOSED AND AMENDED AS FOLLOWS:

EXCEEDING TWENTY-FIVE PERCENT OF THE STANDARD WILL BE HEARD BY THE BOARD OF ADJUSTMENT. THOSE REQUESTING TWENTY-FIVE PERCENT OR LESS WILL BE PROCESSED ADMINISTRATIVELY.

PROCEDURAL AMENDMENTS TO PRELIMINARY SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS ARE DENIED AS PROPOSED AND AMENDED AS FOLLOWS: *PRELIMINARY SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS SHOULD CONTINUE TO BE HEARD BY THE PLANNING COMMISSION.*

LEE GRAHAM SECONDS THE MOTION.

VOTED ON AND PASSES UNANIMOUSLY.

THE FOUR PROPOSED FINDINGS OF FACT IN THE AFFIRMATIVE WITH THE ADDITION OF FINDINGS OF FACT NUMBER FIVE STATING:

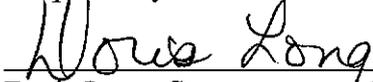
LOCAL INPUT AND CONDITIONS WILL CONTINUE TO BE CONSIDERED IN DECISIONS MADE BY THE GOVERNING BODIES.

Planning Manager, Damien Hooper, explains that there is nothing new on the Shorelines update to report.

The regular July Planning Commission meeting would fall on the fourth so an alternative date of June 27th is set as a replacement date, which will also be the Hearing date for the 2012 Comp Plan Amendments.

Meeting adjourned at 8:17 PM.

Respectfully submitted:



Doris Long, Secretary

Approved by:



Bill Bailey, Chairman