

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes November 3, 2003

(Note audio tape (#3) dated November 3, 2003
counter (#) for exact details of discussion)

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

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1. CALL TO ORDER

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

2. ROLL CALL

Members Present: Bill Dewey, Diane Edgin, Steve Clayton, Mark Drain, Wendy Ervin, Terri Jeffreys, Bob Sund. Bob Sund was excused from the October 20, 2003 meeting.

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

3. APPROVAL OF MINUTES

The minutes from the September 22, 2003 and October 6, 2003 meetings were approved as presented with the following requested changes:

September 22, 2003 meeting: Under Item #1750 on page 7, it should read: '...please let us know'.

October 6, 2003 meeting: Under Item #2790 on page 9, it should read: 'That won't be brought before you this year'.

Under Item #3205 on page 10, it should read: 'When I first put this application in'

4. NEW BUSINESS

(#0020) Bill Dewey: Tonight we have some additional rezone requests. I have something that I need to raise myself as I learn how to work with our quasi-judicial responsibility I realize that I may have erred today and had a conversation with the representative of the Squaxin Tribe on rezone request 03-02 regarding Kim Delaney. The nature of the contact was to just make them aware of this rezone thinking that they would have similar concerns that Taylor would have regarding the shellfish adjacent in the bay. That may have been inappropriate on my part to do that so I wanted to disclose that I had that contact. With that we're ready to go on 02-04. Allan?

(#0185) Allan Borden: My name is Allan Borden and I am with the Department of Community Development.

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The first item tonight is request 02-04 that was continued from October 6th to tonight's date. The request actually was framed as two requests that Sarah Smyth McIntosh had submitted applications for. The first request has to do with the Hofert Family Trust. The second one has to do with JHC Liquidation. In order to make them entirely distinct, which they are, I'm recommending that we change the number for the request for the Hofert Family Trust to 02-15, which would make it a separate case following 02-14, Merrill and Ring. You received a letter that was with the materials for tonight's meeting from Sarah Smyth McIntosh on this request.

This request is to rezone a 57-lot existing plat, a plat called Clear Lake plat that was recorded in 1931. It's currently zoned RR20 and the request by the applicant is to be rezoned RR2.5. In the letter you received in your packet, they actually want to revise that request. So at the moment I will give you an idea and the people from the public in attendance some context to the request. This parcel is 81.65 acres and is located about a half mile north of the northern border of the Shelton UGA and west of Highway 101. It's currently an entirely undeveloped piece of property. It does have a couple of access roads through the middle of it. The surrounding properties are designated timberland or open space and timberland management and related activities are ongoing. Clear Lake is an open water wetland that's approximately 14.1 acres in size and it has perennial vegetation around it and has the proper soils and hydrology to be considered a Category I wetland. So any development would have to meet the Resource Ordinance standards for setback and vegetation buffer; typically a 125 foot buffer and 15 foot building setback. As it is right now each lot in the 57-lot plat is approximately 50 feet wide at the water and 90 feet wide at the most distant portion of each lot and each lot is about 1000 feet long. There is an access road that goes around accessing all of the properties and the current proposal has no actual location for water supply or sanitation treatment. As it was proposed for rezone to RR2.5 staff had recommended against that request because it failed to meet several of the standards. Staff actually recommended that that proposal of RR2.5 should not be allowed and that RR5 is a more appropriate zoning designation.

(#0400) Bill Dewey: Any questions for Allan?

(#0402) Terri Jeffreys: I have a question. Under criteria 3 in the last sentence you talk about the zoning change may be a basis for neighbors to propose more intense development. With RR20 and resource areas around that, could you explain how you foresee that happening?

(#0420) Allan Borden: It's not long term commercial forest; it's just commercial timberland, so there's no obligation to the county by the property owner to keep that property in timber management. Let's say this request goes to RR5 and it's far enough away from the UGA, there's no mechanism to not review a request for change in zoning on those RR20's.

(#0458) Bob Sund: The fact that it was an accepted plat in 1931. So you're going to make an adjustment based upon the fact that it was zoned incorrectly because it was already an accepted plat by the county in 1931. It seems to me that we should have to honor something pertaining to that 1931 whereas the adjacent property wouldn't have that type of grandfathering argument.

(#0480) Allan Borden: That's correct but I'm reviewing the request on the RR2.5 and what I'm establishing is information that states that RR2.5 is not consistent and that the RR5 is actually the greatest development density outside of the rural area and RAC's. That's why I didn't go into my staff report that much because the applicant has modified the request to RR5.

(#0510) Wendy Ervin: So the applicant is now currently asking for RR5 ...

(#0512) Sarah Smyth McIntosh: In other words, we're in agreement. The staff recommendation and the applicant are in agreement and I'll give you some background on that when I get my opportunity.

(#0518) Bill Dewey: If there's no other questions for Allan, we can let the applicant speak.

(#0525) Sarah Smyth McIntosh: Good evening, Sarah Smyth McIntosh. I'm here on behalf of the Hofert Family Trust. I see some friendly faces around the table and you are dedicated members. Some of you may be familiar with me because I've worked on issues out here for many, many years. My work with the Hofert Family Trust on this matter does go back quite a few years and the documentation in the record goes back to 1995. Unfortunately when the county consultant reviewed the record they failed to review the information that

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we had in the record about this vested plat so we view this as a technical correction. One of the reasons why we wanted to continue this rezone and have further discussion with staff is because there really isn't a proper zoning designation for this plat. It's a vested plat. The realistic developable densities are somewhere close to 1 to 1. The actual vested densities are 1.47 dwelling units to 1 acre. Now how marketable that is, how realistic that is but we were hoping to get the underlying zoning somewhere closer to the vested densities. Bob has correctly noted that this is unique to a vested plat so no other properties would qualify as we would qualify because of our already vested densities. What we discovered is that there is a bigger problem in the county that you don't have a zoning designation to recognize many of your vested plats that are either partially developed or completely undeveloped and most of them are kind of like 5% developed out. You do have a designation that's RR1 to 2.5 and it's a LAMIRD and it was really intended to only be used in RAC's. It states 'vested plats and developed'. What you do with the vested plats, which I've calculated there are close to 100 that are partially developed or undeveloped? You have to constitutionally recognize the vested rights and they do have the ability to develop out to the extent that they can comply with septic, water and federal and state and local regulations. You also want to provide incentives for some of these really old plats to be redeveloped and redesigned. So what we came up with is that the best we can do given the code is to go to 1.5. RR LAMIRD 1 to 2.5 doesn't apply to us because we aren't developed out. We really think we would like you to recognize the need in the county to research and have this committee recommend to the BOCC that there is a need to look at a new zone for vested but partially developed or completely undeveloped plats. The reason why it's in the county's best interest to look at this is because we're looking at lot aggregation; consolidate some lots, not creating greater densities but lower densities. I think you want to encourage property owners to do that otherwise they have to struggle with your existing regulations for lot consolidation and boundary line adjustments, which are less than desirable at this time to achieve the purpose of redesigning these old plats and making them more consistent with the Comp Plan goals. I think it's something that will benefit the county and will benefit property owners as they go to market these plats. Bottom line is that we are in agreement with the staff recommendation of going to 1 in 5; it's a corrective rezone because the information in the record was never properly considered and it's as close to the proper designation as we can get for now and then we'd be glad to work with the county in the next process and work with other property owners that are similarly situated. Remember, this doesn't raise another zoning designation that is denser than anybody could go into. It would only be a new designation for vested plats. All we're asking is for you to take a look at it and recommend to the BOCC to take a look at it not to take any action on it this cycle. So for this cycle we'd like to rezone to RR5 and we'd like the recommendation out of this committee to the BOCC to study a new designation for vested plats. Any questions?

(#0722) Bob Sund: The question I have in my mind is currently you have an accepted plat from 1931 and if those potential lot owners had to comply with current health regulations and so forth, they would have to have maybe 2 lots in order to accomplish the need for setbacks, drainfields, etc., so that would take maybe just a boundary line adjustment or people buying 2 or 3 adjacent lots.

(#0752) Sarah Smyth McIntosh: That's correct and we've looked at this plat and looked at the existing BLA and lot consolidation language and it's a plat that, depending on who the newer buyer would be and how they would look at the market, would need a little bit more adjustment than that. You certainly could do that but it doesn't make the best use of the land.

(#0775) Bob Sund: So what you would like to see happen is to rezone it as 1 to 5 with a recommendation that the BOCC will look at a particular then you would come back and maybe rezone on a particular rezone on a 1 to 2.5 and then replat the whole thing?

(#0788) Sarah Smyth McIntosh: No, what we're thinking is that if the county decides that there are many plats like us, then we wouldn't have to go through this rezone process again if we met the criteria of this new zone that was developed. It would be an option for us. The underlining zoning is exactly that; it's underlining. We still have our vested rights to the extent that we can use them under existing laws and the underlining zoning only affects us if we decide to replat. Then it does affect us a lot.

(#0816) Wendy Ervin: So what you're asking is to be accepted as a 1 to 5 with the stipulation that if a new regulation comes in and that you be grandfathered in under that new regulation.

(#0822) Sarah Smyth McIntosh: That we be considered and it would have to meet the criteria of that new

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zone. This just gets us closer to our vested densities from 1 to 20 to 1 to 5.

(#0848) Wendy Ervin: In your rezoning of this into 1 to 5 do you have any ideas ... these are 50 foot wide frontages on that water ...

(#0860) Sarah Smyth McIntosh: You can look at the plat and speculate pretty easy but what you would have to do ... this property has been in the Hofert family for many years and I don't think it's their intention to be developers but at some point in time they know there will be an interest in the property and a developer will come and look at it and ask what they can do with it. What is the existing underlining zoning? What do the codes say? They'll look at where the wetlands are delineated and the septic and how well the land perks and we know quite a lot about this property and what the realistic vested densities are and they are close to 1 to 1 but you have to tell me what the market is. Would you like to live on an acre lot or what?

(#0890) Wendy Ervin: I personally find the 50 foot wide to be impossibly slim and would want the minimum to be 75.

(#0896) Sarah Smyth McIntosh: That's going to be dictated by the market and the regulations at the time. What we're trying to do is position this plat and I think the Hofert's in taking the effort to bring this to your attention will help you look at all of these other vested plats that are out there and it was something that you might remember that the consultants at the time could not even start to spend the time to address this issue. This is an opportunity for you to go back and refine your Comp Plan in a way that starts to really address the county's needs.

(#0930) Bill Dewey: Any other comments or questions?

(#0936) Sarah Smyth McIntosh: I should also let you know that because of the agenda and you have the JHC Liquidation matter under the same rezone number I just want to let you know I'm not going to be providing any oral testimony on that matter tonight and we'll stand on our written testimony. We understand that there is opposition from the city and the port so maybe the timing isn't the best for that request so I'll shorten your night and not make further comments on that matter.

(#0976) Bill Dewey: Any public testimony on 02-15, Hofert Family Trust? Are we going to take up 02-04?

(#0990) Steve Clayton: So are we going to continue this and leave it open for written comments for one week and then it will be reviewed in two weeks with the rest? Is that correct?

(#1002) Bob Fink: We could do that. In considering that the SEPA review was just released today so that means the comment period actually runs through the 17th. You may want to leave the written period open until the 17th.

(#1026) Steve Clayton: Does that apply to all things that we're hearing tonight?

(#1028) Bob Fink: It applies to all the rezones.

(#1040) Bob Sund: If they meet that deadline of the 17th then we won't have time to peruse them before the meeting.

(#1045) Bill Dewey: You have a deadline for SEPA so you have to leave that deadline open so the 17th is the soonest for that to close. Do we need to reschedule our meeting of the 17th so that you can consolidate the comments and we have a chance to read them?

(#1052) Bob Fink: We don't know that there will be that many comments submitted to read. If there's so much comment that you can't absorb it then you could always take a break for a half hour or so at the beginning of the meeting to read them if necessary. Then you could continue some decisions until the next meeting. The next meeting is something we'll need to talk about because it's tentatively scheduled for the first week in December. I think it's December 1st but whether we will need to do that or not depends on what happens on the 17th.

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(#1088) Bill Dewey: So I'll entertain a motion on 02-15 to leave the hearing open for written comment until November 17th. Motion made, seconded and passed. Now we'll have 02-14.

(#1120) Allan Borden: Before I start the review of the next case, on Friday and today we received six letters of comment on either cases you've heard previously or ones that you'll hear tonight. I have a comment on JHC Liquidation from the City of Shelton, a comment from the City of Shelton on Edith Edwards, a letter from Ken Martig on the request from Marlene Davidson/Peste Trust request, a letter from Don Taylor representing Fristoe, Taylor and Schultz on the same request, a letter of comment from the Squaxin Island Tribe on the Kim Delaney request, and a general comment from Advocates for Responsible Development, John Diehl, on general comments on the proposed rezoning. I have these to hand out to you now and you may review them at your leisure. Back to 02-04 and it's JHC Liquidation and it's a request to rezone the 304 acres of land from RR20 to the Shelton UGA. This property is on the south side of Highway 102 and it's about two-thirds of a mile west of the intersection with Highway 101. The property is currently designated RR20. It's east border is situated along the Shelton UGA and there's long term commercial forest land to the west and to the south and RR20 lands to the north of it. The property is located in a Class II Highly Susceptible critical aquifer recharge area and will need to meet the development standards for that critical area for any development that is proposed on that property. Generally speaking, the request fails to meet all of the rezone criteria. Primarily the department would recommend that this rezone be denied at this time because there's no change in the population allocation for the Shelton UGA. As I've mentioned in previous hearings, the UGA boundaries are established to contain a certain population allocation for residential and nonresidential land uses within that boundary and since a population allocation has not been done recently by either the city or the county we would request that this rezone be denied at this time. One of the comment letter you received in the packet is from the City of Shelton and they also request that the rezone be denied. There isn't a specific land use that's requested accompanying this rezone request of 304 acres. It is a large portion of land, although it is adjacent to the Washington State Patrol grounds which is actually previously part of the Port of Shelton land, there's no specific request to use this property as a justification for having it included within the Shelton UGA boundary.

(#1420) Bill Dewey: Any questions for Allan? Okay, we will now open it up for public comment. Anyone wish to comment? Hearing none, I will entertain a motion on 02-04 to leaving the hearing open for written comment until November 17th. Motion made, seconded and passed. Allan, 02-13 is next.

(#1460) Allan Borden: Request 02-13 is a request by Manke Lumber Company and Holly Manke White is the representative. The request is to rezone from RR20 to RR5 an area of 3,430 acres. This property was land in Range 3 W, Twn 22 N, Sections 1, 2, 3, 9, 10, 11, 12, 14, 15, 16, and 17. This property is south of Tee Lake primarily west of Belfair Tahuya Road about a mile and a half north of the Tahuya Hamlet at the mouth of the Tahuya River. These properties were part of a large lot subdivision that was recorded in November of 1990 and called the Tahuya Estates. This LLS was recorded with the Auditor's Office and was in their records but the Assessor's Office did not map the parcels on there as was platted on the LLS because all the land remained in one ownership and so none of the individual 5-acre lots were ever given individual parcel numbers. So when the consultant did the RR development densities for this part of the county they recognized large tracts of land and designated it RR20. There is a total of 639 lots and all but a few of them are 5-acre in size. Generally, there are wetlands throughout the area and Type 2, 3, 4 and 5 streams located on these properties. In reviewing the criteria this request meets all the criteria and is consistent with the RR5 zone designation. The request is a corrective rezoning of these sections of land due to the existing LLS recorded in November of 1990. So the recommendation is to approve the request to have these properties designated RR5. I will address request 'B' separately.

(#1690) Mark Drain: If this rezone is approved, do you foresee properties that are within the area and surrounded by the 1 to 5 be rezoned to 1 to 5?

(#1708) Allan Borden: That would have to be taken into consideration. It's entirely possible that that would happen because of the configuration of the lots. The property is right in the middle of large tracts of land that are not owned by Manke Lumber and the contrast is that since this LLS was approved in November of 1990 they basically have a vested claim to have those lots recognized. If they can have some flexibility in not increasing the number of lots but potentially changing the configuration so that it either meets critical areas, topography or even existing road networks that would be a plus but it wouldn't require a new subdivision.

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They could do it potentially through BLA's. So there will be some portions of land that will be next to configuration of 5-acre lots so we'll have to deal with that.

(#1800) Wendy Ervin: All the rest of the surrounding areas are RR20?

(#1802) Allan Borden: It pretty much is. There's a little bit of RR10 on one side. To the north there are a couple of half sections that are RR10.

(#1848) Steve Clayton: So all around Tee Lake is RR5?

(#1850) Allan Borden: Right. (*Allan shows on map*).

(#1900) Bill Dewey: Any other questions for Allan? Let's take public comment on 02-13, request 'A'. Okay, then why don't you continue with 'B'.

(#1925) Allan Borden: The second half of the proposal, 'B', is a request that includes properties that propose to go from RR10 to RR5, RR20 to RR5, and RR20 to RR10. The properties are situated in many locations throughout Mason County. To provide a fair review of the rezone request, as was done with the other 19 rezone requests, a staff report would be needed to be prepared for a grouping of subject parcels as presented by the applicant. To provide a similar staff report evaluation for these properties, more than fifteen staff reports would have to be composed using the format of site description, evaluation of rezone criteria, review of findings, and recommendation for each request. The scope of such a task, at this time, is beyond the expectation of timely evaluation by the Mason County Planning Advisory Commission. The applicant, Manke Lumber, has presented in their February 28, 2002 letter these listed properties for rezone and has accompanied the rezone requests with reduces versions of the county assessor maps to show the parcels of the subject properties. The request letter states the general development densities of the lands adjacent to the requested properties and states that critical areas will be considered in the division and development of these properties. Unlike the previous Manke request 'A', this list of requests does not provide new information or change in circumstances at the location of each request that would justify a support of the rezone request by county staff. The county must review the Comp Plan policies that would help to review the requested changed in RR zoning. Elements like lot size, past development build out, available infrastructure, resource land uses, and the presence of critical areas are appraised in determining the appropriateness of the RR development density for the subject properties. In the request letter, the applicant has not set forth some distinguishing characteristic of the subject properties that makes the property different from other properties in the county that have similar RR densities. Such characteristic could provide a justification by the county to rezone the subject properties. The county must review requests for rezones very narrowly in order to evaluate whether the change will result in low density sprawl, cause cumulative effects or changes in the rural area, or interfere with the goals of the GMA. Without such information, characteristic, or a distinguishing feature, Mason County cannot give merit to one rezone request over another one submitted by this applicant or submitted by other property owners. The staff would recommend that this set of rezone requests should be remanded to the future review of requested rezones and Comp Plan amendments. This recommendation is made due to the scope of the review, the amount of time by staff and the PAC to review and evaluate these requests, and due to the lack of new information, distinguishing characteristics or changes in circumstances at the location of each request that must be provided at the time of application of each request.

(#2170) Wendy Ervin: Since they've been in the profession of owning and managing land for some length of time, I'm sure they've got comprehensive maps of all of it including the wetlands, etc. Couldn't they be required to provide the same set of maps that you do for each one of them? That would make the task of doing it a lot easier.

(#2182) Allan Borden: Yes, that would help, but all the county received on this request is the letter of request. If I went ahead and prepared the staff reports and evaluated them, you would have the same amount of work that you've had in the last two and a half public hearing meetings. It's an extensive request. It's not that it's not merited but it's just a very elaborate request and since they have 639 lots that now would be recognized through the rezone, some of that appetite for land development of those lands could be provided.

(#2238) Mark Drain: Allan, the county received this letter in the beginning of 2002. If the county wanted more

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materials from the Manke's ... that wasn't passed to them? Were they given a form on which to make their request? How did they know specifically what the county required in an application? I don't understand why their's isn't addressed even though it might be a lengthy task?

(#2278) Allan Borden: There wasn't any additional information requested by me. That's possible that could have happened and I could have done that with every request but I really didn't do that. You will see that in the future.

(#2296) Mark Drain: There's some reasoning given in the letter as to why they think the zoning should change.

(#2306) Bob Fink: It goes back to the issue of the invalidity of our rezone criteria. These specific criteria that we are reviewing these under didn't exist when these people applied.

(#2318) Mark Drain: So their application is not in fault; they did what was thought to be right at the time.

(#2324) Bob Fink: They presented what they presented. Obviously you could always provide additional information but the exact criteria for review weren't known at the time they originally applied. It wasn't known until August of this year at which time the county began reviewing these materials.

(#2345) Allan Borden: I did send a letter out on September 24th that included the rezone request criteria as we now implement them. A few of the applicants did contact me and did provide additional information but not every person.

(#2366) Mark Drain: I guess my concern is simply that each applicant is given the rules of the game up front and if they comply with them they should be given equal consideration by the county and our committee. Just because this is a big drawn out deal, I don't know that it should be set aside.

(#2398) Allan Borden: I didn't recommend denial; I just recommended remanding.

(#2404) Bill Dewey: In relation to that, we're extending the comment period for this to the 17th if they were to get this information together in each of these requests. Any other questions for Allan? Okay, we will now open the public hearing on 02-13 'B'.

(#2440) John McBride: My name is John McBride and I work for Manke Lumber Company. Unfortunately Holly Manke White could not be here tonight and she's the one that made the application and certainly more familiar with it than I am. I realize that staff had a lot to do and this was a big request and my understanding is that the request was made prior to these criteria being instituted and for whatever reasons I imagine the county received a lot of requests to beat the criteria. We did not subdivide it in the letter. It was written as one letter and one request. More information was given on the Tahuya Estates because there was a vesting issue. We appreciate the staff's recommendation to grant the rezone and urge you to make that recommendation to the BOCC. We feel there was some reasons given for the distinction and the request for 'B' and a lot of it had to do with the way the surrounding land was zoned around these particular Manke parcels. We certainly appreciate that staff didn't recommend denial, however, we feel that they've had this for a year and a half and in all fairness I don't know what correspondence went on between staff and Holly Manke on this. I have her file and I didn't see any request for additional information so certainly we could have provided more information if requested. We can work with staff to provide more information as necessary and I think we'll be turning in some written comment on this particular issue.

(#2558) Bob Sund: I think it's really helpful to have maps and have the area identified and the surrounding areas as to what the designations are currently with not only the area you're asking about but also the surrounding areas and what their designations are. It makes it a lot easier if you have a visual of what you're saying in the letter.

(#2588) John McBride: So noted. I will certainly will try to find some maps. We'll try to get them in before November 17th. I don't quite understand when they recommend for future rezones if then we can next year apply for another rezone under the new criteria and add new information or if we have to wait a certain amount of time.

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(#2620) Allan Borden: Right now this request is basically just an application and no fees were provided with the application so basically with you being here tonight is just a gratis review.

(#2636) Wendy Ervin: If he adds to his request and it still goes in under the same number?

(#2646) Allan Borden: Correct.

(#2648) Wendy Ervin: So he doesn't have to start from scratch?

(#2650) Allan Borden: They can focus on several of them or try to provide information generally on all of them.

(#2658) Bill Dewey: Any other public testimony on 02-13 either 'A' or 'B'? Hearing none I'd entertain a motion to extend the public hearing for written comments on 02-13 until November 17th. Motion made, seconded and passed. Allan, can we now hear 02-14 for Merrill and Ring?

(#2700) Allan Borden: Request 02-14 is for Merrill and Ring and Mark Willhite is the applicant. The request is to rezone twelve parcels totaling 447 acres from RR20 to RR10. The property is northeast and southeast of the Lake Limerick Subdivision. The land is currently designated timberland and zoned RR20, except for two of the tracts that I've identified as 'K' and 'L', which are RR5 and are immediately east of the Lake Limerick Subdivision. There are critical areas, wetlands and streams that occur on seven of the twelve tracts identified. Under review criteria, the proposal fails to meet all criteria. Some of the concerns are that the development consider critical areas, that the application doesn't provide the justification to modify the RR development densities from the year 2000 designation of RR20. Staff would recommend denial of the request due to inadequate justification of the rezone change and failure to meet the Comp Plan RR policies criteria for proper designation. Looking at Map 2 and it shows that it covers an extensive area. If you look at the map the northwest corner of the map has an entire section except for the southeast of the southeast and that's Section 21 that's designated RR20. Much of that property is currently under review under the Davison / Peste Trust request. They're requesting RR5. In the southeast portion of the same map there's twelve parcels that are not shaded in what would be Section 26 and nine of these tracts are under the Stohr / Douglas Tree Farm request that you heard last time as well. Those are currently RR20 and are under review to be RR5. So this request is a request to go from RR20 to RR10. I just wanted to point that out to you.

(#2925) Bill Dewey: Any questions for Allan? Hearing none, we'll open up the public hearing on 02-14.

(#2940) Mark Willhite: My name is Mark Willhite and I'm with Merrill and Ring and there's actually two of us here tonight. I do have maps and photos for you that we have prepared. What I thought I'd do is just briefly go over our original proposal. Merrill and Ring has approximately 3,300 acres in Mason County and we respect your efforts to reconcile all of this. Our purpose for coming here tonight is to try to get a better understanding of what we're trying to accomplish and maybe better understand your response to it as well. Our proposal calls for the rezone of Merrill and Ring land which is adjacent to high density property and has access to public utilities and roads. The reasons for this request are based on the following considerations. The land has over 2 miles of common boundary with Lake Limerick Subdivision which has very high densities. This property is located on Mason Lake Road and has utilities, phone, and access to a paved public road. Vehicular access, both legally and physically, is very good via Mason Lake Road and on our properties. The topography is gentle making the properties very conducive to building and road construction with the minimum of erosion or other disturbances. Merrill and Ring owns approximately an additional 640 acres contiguous to the area that is being proposed for rezone and this land would remain in the 1 to 20. As shown on the accompanying maps and photos, the land proposed for rezone would act as a transition zone between land at very high density and land currently zoned RR20. Additionally, the land is adjacent to Mason Lake Road, which is capable of handling additional traffic impacts. There are existing utilities and phone services on much of the property proposed for rezone. There are some environmentally critical areas that we have identified and they will be protected. These same areas have been reviewed and approved by the county when we applied for a Class IV General Forest Practices Permit in 1998. Development of the proposed rezone property will not damage public health, safety or welfare. Development of the land within the proposed rezone area is consistent with the GMA goal to encourage growth adjacent to areas where adequate public

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services and facilities exist or can be provided in an efficient manner.

(#3145) Norm Schaaf: My name is Norm Schaaf and I'm the timberlands manager for Merrill and Ring. I wanted to go through the points that were made in the staff report. The first rezone criteria is that development shall not damage public health, safety and welfare. I didn't really see anywhere in the staff report that there was any evidence that the proposal would create damage to public health, safety and welfare. I'm not sure exactly where the burden of proof lies but they certainly didn't point out any specific damage that would occur and I believe that the concerns that there might be regarding wetlands and streams will be dealt with adequately at such time as there's an actual development permit that would be submitted for this area. The second criteria is regarding the Mason County Comp Plan and the GMA and the fact that there is no other zoning that addresses this transition that should be allowed in an area such as this. The high density in Lake Limerick Subdivision is well over the RR5 that is actually zoned for that area. I would guess that it must be something at least 1 residence per acre and maybe it's more than that. And yet there's no transition zone between that high density residential area and the forestry zone which is right immediately adjacent. The criteria for land use designation of RR10 indicates that this is a proper zone when there is an area adjacent to a fully contained community. I would guess that Lake Limerick might meet the criteria for a fully contained community and we're certainly adjacent to it. We have houses within feet in the Lake Limerick Subdivision to our property line. It says that there should be county arterial roads capable of handling the traffic. We certainly have that. Electricity and school busses. There are residential type power lines right on Mason Lake Road. The timberland resource values that are noted in the staff report suggest that the timber resource values should be protected. This is what we would refer to as low sight timber growing quality land. It has a hard time growing trees because of the droughty type soil and it's some of the worst property we own in terms of tree growing capability. Yet what we have right next to it is a high density use and a lot of public impact on our property with things like motorcycle trails, tree houses; a lot of public use of the property that's unauthorized but spreads out from the high density residential area. We propose that a transition zone would help to minimize that impact on lands that we would intend to manage for long term forestry. In the staff report I'll just point out that the high density of Lake Limerick is incompatible with resource use and that this rezoning request provides a transition. Criteria 4 speaks to services that should be available and in fact, they are. We have a good county road running right through the property, we have a fire station less than a mile away, electricity and phone is available. We have, on a couple of adjacent lots that are not a part of this rezone; we've actually sold them recently and they have drilled wells and are providing adequate water for the residences. Criteria 5 has some conflict with the criteria in 2. The comment in the staff report says that the request would promote additional residential development next to lands that are already developed to urban intensities. We admit there are urban intensities there and in fact, the criteria in 2 says there should be a transition but the staff report is suggesting that this would not be appropriate through our rezone request. Criteria 6 refers to the protection of the streams and wetlands and I think these can adequately be dealt with in a development permit process. Criteria 7 makes a comment that we have failed to provide adequate information but we've not received any requests for additional information so I don't know exactly what may be defined as adequate information when in the couple year process that this has been going on we've not received any requests for additional information.

I'd like to make one other comment more for clarification and prevent a jeopardy situation here and in full disclosure to the PAC. The property that we're requesting this rezone for has recently had a transfer of ownership from the entity that owned it, Merrill and Ring Joint Venture. The properties have been distributed to the individual partners of Merrill and Ring Joint Venture. So most of this property is now held in a company called JLCJ, LLC. I can certainly give you more information about this. This has all happened in about the last two weeks and we were scheduled to have been before here this actually happened but that got postponed. I believe a portion of the property is in a company called Ring Family Limited Partnership. This was a partnership distribution of assets. It's still managed by myself, Mark and the same group of people but I want to make sure the request can move forward and not get held up by this change in ownership which is in our minds just a technicality. With that I'd entertain any questions.

(#3660) Wendy Ervin: You talk about the Mason Lake Road providing access, which it does, to some portion. Here in Lake Limerick you have a road that runs along here. Is it possible to get access to these properties here off of this road or are there houses on that side?

(#3685) Norm Schaaf: There are houses along that. It's physically possible. We don't have any vested rights

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to do that. There would have to be some sort of a purchase or condemnation proceedings or something that would allow that.

(#3702) Wendy Ervin: But this road is not running right on your property line?

(#3710) Norm Schaaf: It's very close.

(#3765) Steve Clayton: The guides on why to change it out of 20 and into 10 I was looking through and you appear to have ... one of the parameters of going to RR10 is being on the county arterial and you only have three particular lots, 'e', 'h', and 'g' that fit that parameter. 'H' is a real small lot so it doesn't apply there. 'K' is already an RR5 so it doesn't apply there so we're back to 'e' and 'g'. Other than that, none of them fits sitting on the county arterial. In the parameter of the RR20 we're trying not to open it up and one of the parameters is that if 75% are RR20 then basically the county doesn't want to change that particular one. That knocks out parcel 'e' from consideration. That's one of the three parcels that's on the main arterial. That's just my logic in going through this and see what you think. That only leave parcel 'g' that actually fits the change in parameter and actually on that one you have two major critical areas.

(#0126) Mark Willhite: We certainly have considered that as well. The fact that we have access at one point to the county road or could be multiple points gives us the opportunity to extend our road network with direct access to the county road without having to go through somebody else's private property and without having to worry about trying to purchase access. So while you're correct that the lot stretches out somewhat from the point of access it is a direct access as far as we're concerned and we can accommodate how we would build roads and provide access to lots that would be further back. It would all be through easements or potentially through the dedication of a public road at some point in time. As to the wetlands, we've also considered that and we look at the wetlands and particularly in the portion that's south of Mason Lake Road as providing a natural break between what we're hoping for as a higher density to lower density. We already have RR5 for a portion of that; the portion that's immediately east of the Lake Limerick Subdivision south of Mason Lake Road. We would extend that density designation essentially to that wetland edge which provides a very natural break. We're not going to be building roads across that or trying to stretch infrastructure across it. It's physically doesn't work.

(#0186) Steve Clayton: So some sort of clustering on that particular portion?

(#0188) Mark Willhite: I think that would be appropriate.

(#0192) Norm Schaaf: I'm pretty intimately familiar with those wetland areas having been all over them when we applied for the Forest Practices Application. They're extremely well defined and protected.

(#0202) Steve Clayton: Any development has to take the wetlands into consideration. The guidelines that they give us is 'why would we change the zoning on something'? It pretty much needs to fit the parameters that they give us and these are the particular parameters on your rezone that I'm bumping up against.

(#0210) Norm Schaaf: You would find if you were to go out there through much of that wetland area you just couldn't walk through it and be on one side of the other. You'd have to swim or have a boat. So it makes a nice break.

(#0225) Mark Willhite: I'll have to say that's the first time I've heard of that 75%.

(#0228) Steve Clayton: They have it in the staff review under the RR20. 'Single family plats with established pattern of similarly sized lots surrounding the area on 75% of it's boundaries'. That's one of the parameters they have on why something is ruled 20. It's to basically keep the RR20's in large blocks.

(#0245) Mark Willhite: I guess you wouldn't make 75% because you have the whole Lake Limerick that has essentially two miles of common boundary with this.

(#0248) Steve Clayton: Looking at each individual parcel of yours and looking at 75% on each parcel you don't have any that really ... Most of them fit in that 75% realm.

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(#0258) Mark Willhite: I'm not sure I understand that.

(#0260) Steve Clayton: Take 'a' as an example... 'a', 'b', 'c', 'd', 'f', 'e'; all of those over 75% of your parameter is in RR20.

(#0275) Mark Willhite: Under 'c' we would have well under 75% of RR20. Part of the confusion for me was we presented our proposal based on what we thought were the regulations or the criteria and the staff report presented a different set of criteria and we had trouble reconciling that.

(#0318) Wendy Ervin: I'm not getting any answers but over this discussion over the number of weeks it's gone on there's been two different views. One view is you have a very highly developed area and then you have buffers ... so you've got an urban area or in this case, a highly developed area and then you might have 5, 10 and 20. The other view is that you have your highly developed area and you've got 20 and that stops the spread and that's the intent of having the 20 right up against your developed area. The idea of a transition has been viewed by different people in different ways.

(#0352) Mark Willhite: I appreciate that. It looks to me like one is transition and one is not.

(#0362) Steve Clayton: There's also the thought that if we keep the RR20 up against divisions like this and as the divisions build out then you take the RR20 and knock it down to a RR2.5 or RR5 and you expand the small area with a lot of density.

(#0388) Bob Sund: The interpretation that I had about transition and on the former meeting we spent a lot of time talking about transitioning from urban densities to 20's that there would be a 5, and then a 10 and then a 20 as you progressed away from it. That was our interpretation of a transition.

(#0400) Diane Edgin: That was some interpretation. The other interpretation was that you needed those 20's, especially up against a UGA to really open it up in the future.

(#0408) Steve Clayton: I think Mr. Dawes in his testimony said we had it almost backwards in that you want to have your 20's and then your 10's and 5's to protect the 20's.

(#0420) Diane Edgin: With the thought about protection; what are you protecting? Are you protecting the UGA or are you protecting resource land?

(#0435) Mark Drain: I would presume the resource areas are not impacting the Lake Limerick area as much as the Lake Limerick densities is impacting what the resource land is trying to carry on with.

(#0475) Bill Dewey: Any specific questions for Mark or Norm?

(#0480) Steve Clayton: Allan, is Limerick a LAMIRD?

(#0482) Allan Borden: No, it's just part of the RR5 zone. There is one property that's an isolated commercial property.

(#0500) Bill Dewey: Any additional comment on request 02-14. Hearing none, I'd entertain a motion to extend the public hearing for written comment on 02-14 until November 17th. Motion made, seconded and passed. Allan, can we have 03-01? For the benefit of the folks in the audience who might be here to testify on those proposals other than what is on the agenda tonight, we will try to have an opportunity at the end after 03-05 for those oral comments. Also, do we want to continue those until November 17th as well? We can talk about that later.

(#0560) Allan Borden: This is rezone request 03-01. This is a request by John and Marylou Borgert. They want to rezone a 13.3 acre piece of property from RR10 to RT. The property is just east of Agate Road on Scarlet Road and just south of Pioneer School. The properties in the vicinity are currently RR10 with residences on some properties and timberland uses on others. Malaney Creek and wetlands lie to the south of the subject property. The intent with this rezone request to RT is that the Borgerts are interested in the

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future developing a recreational vehicle park and that can't be developed on a RR piece of property so they have submitted this request to be considered in the RT zone. In reviewing the review criteria, the request meets all the rezone criteria in consideration of the potential RT use as a recreational vehicle park. Staff will recommend that the request be approved as it meets all the goals of the GMA and is a consistent zone to permit review of a proposed RV park in the vicinity.

(#0620) Steve Clayton: I neglected to look up RTC; isn't that an RV park also?

(#0622) Allan Borden: RTC would allow an RV park as well.

(#0635) Steve Clayton: You made that recommendation on a previous rezone proposal so why did you pick RT rather than RTC on this one?

(#0648) Allan Borden: In RT the primary uses are lodging facilities including RV park, campground, golf course, retreat center, outdoor recreation. Why not RTC? We don't have it tracked very well but typically RTC was given to properties that were larger in size and fairly isolated locations.

(#0685) Steve Clayton: Well, this is fairly isolated. It just seems that it more narrowly fits their request.

(#0698) Bob Sund: I thought RT included motels and things like that as well as retail operations that are oriented to the tourist industry rather than RV parks or campgrounds.

(#0710) Steve Clayton: That was my impression and if they're talking about doing an RV park we should be zoning them for campground and it would seem to fit better.

(#0725) Bill Dewey: The application was specifically for RT even though they're saying clearly that they want an RV park.

(#0732) Wendy Ervin: The difference between RT and RTC, do both of them specifically refer to sleeping facilities as in motels or campgrounds or whatever or can RT mean some other form of business that is a tourist attraction? So if you have a paint ball park would that be an RT?

(#0755) Allan Borden: The DR's call out in the RTC basically that it's lodging facilities which would include an RV park or a campground and then there's golf course, retreat center, and outdoor recreation. The RT has a lot more diverse kinds of land uses that are tourist oriented; marinas, bed and breakfast, restaurants, etc. They overlap a lot.

(#0778) Bob Fink: The intensity of the development is one of the key differences between the RTC and the RT designation. It has to do with the floor area ratio. Much more of the lot is allowed to be developed as buildings in the RT and the main reason for developing the RTC is to make a less intensive recreational area which would still allow lodgings and retreats and so on but on larger lots at a less intensive level of development. I think your comment is a good one because generally the lots that we're looking at over 10 acres because of the amount of development that would be allowed on them, those were typically ones that were rezoned as RTC in order to prevent too intensive of a development in these isolated areas. There was a rezone earlier in this cycle that we did indeed make a recommendation to be RTC rather than RT because of the size of the property.

(#0836) Bill Dewey: Any other questions for Allan? Hearing none, we will open up the public hearing for comment. Any one wish to testify on 03-01? Hearing none, I'll entertain a motion to keep the record open for written comment until November 17th. Motion made, seconded and passed. Now we'll have rezone request 03-02.

(#0872) Allan Borden: Request 03-02 is a rezone request for Kim Delaney that a 4.0 acre piece of property be rezoned from RR5 to RT. The property is situated along SR3. It's about 3/4 of a mile west of the Bayshore Hamlet and one mile southwest of the Deer Creek Hamlet and 1/2 mile east of Mason Lake Road. The property has shoreline frontage on Oakland Bay and there are residences to the south and open space agriculture lands and residences to the west and north. All of the surrounding land is zoned RR5. This too is

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a request to be rezoned RT as the property owner in the future wishes to apply for an RV park. The request meets all the rezone criteria in consideration of the proposed RT zone and the potential use as an RV park. Staff would recommend approval of the request because it does meet the goals of GMA. One of the comment letters you received today in your packet is from the Squaxin Tribe. They have concerns about additional development for a septic system and it's potential impact on Oakland Bay. The applicant has provided what the existing site looks like and it has a road to the back of the property and the proposed site plan on map 6. There is a residence, a shed, a septic system and well improvements existing on the property.

(#1010) Bill Dewey: The application indicates 28 units. Your staff report indicated 15. The drawing on map 6 looks like 16.

(#1018) Allan Borden: The application was submitted in June and in the intervening time the applicant revised down the number of sites from 28 to 15 as a realistic potential development. The applicant is here if you need further clarification.

(#1035) Steve Clayton: They show on the application 4.49 acres and you're showing 4.0 acres.

(#1044) Kim Delaney: It's 4.49 acres.

(#1048) Steve Clayton: Again, the question about RTC being the more appropriate?

(#1050) Allan Borden: RTC would keep the potential area of development limited.

(#1062) Wendy Ervin: In your definition of RT and RTC you had previously said that the RT allowed for more building out of the property than the RTC. Are you saying that the RTC designation would not allow 15

(#1072) Allan Borden: I'm not saying that. We created that zone actually for larger properties than 4.49 acres.

(#1082) Steve Clayton: Would her current proposal fit an RTC and would an RTC more narrowly limit future expansion of the property?

(#1086) Allan Borden: It would. RTC would only allow 1 to 20 floor area ratio. Basically 2000 sq ft of development on 40,000 sq ft. of parcel.

(#1100) Steve Clayton: The current proposal wouldn't work under RTC without her having to downgrade or modify?

(#1102) Allan Borden: That's right. She's not really proposing very many buildings; it's mostly a site and not really buildings.

(#1130) Bill Dewey: Allan, when you were considering this did you take into account the commercial shellfish industry in Oakland Bay? Water quality conditions there already being marginal. On the early warning list last year that area of Oakland Bay is designated as threatened by DOH so we've got water quality stations up in that area that are showing signs of trouble. From the shellfish industry side of it I'm concerned about that.

(#1160) Allan Borden: That's a consideration to take into account. This is the only request that we've had that's on the saltwater and the only other request we've had on Type 1 waters is Sundstroms proposal on Bingham Creek. Yes, that's a valid concern of anticipated impact.

(#1180) Bob Sund: How do you get access to these sites?

(#1184) Allan Borden: There's currently a driveway on the northern side of the road.

(#1205) Bill Dewey: Does the parcel also cross Highway 3? They show the gazebo out on the water side of Highway 3.

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(#1210) Allan Borden: Yes, that is part of this parcel.

(#1212) Wendy Ervin: That was my concern was the gazebo and the fact that Highway 3 is a major arterial and this is generating foot traffic across it.

(#1245) Terri Jeffreys: His staff report does make mention that that would be a consideration when the applicant goes to apply for the RV park permit.

(#1250) Wendy Ervin: As far as the shellfish industry's consideration for the water, each of these sites, could they not be ... I've seen in other places where you've got RV's up against the water, that each RV has this enormous plastic bag outside. The water from the RV does not go into the septic system. It is self contained and then dumped so that never would be any consideration in a septic field. So maybe in order to make sure that we ensure we're not adding something to the saltwater, maybe that could be one of the things in the development that they could do.

(#1280) Bill Dewey: There may be ways to mitigate it but we're not here to talk about that tonight. Any other questions for Allan? Okay, let's open up the public hearing for any comments.

(#1320) Bob Tarlton: My name is Bob Tarlton and I have the Oakland Bay Farm right next door. I wonder what side of the highway was this RV park going to go? Along side the water?

(#1328) Bill Dewey: On the other side from the water.

(#1338) Bob Tarlton: I know there will be some unhappy neighbors that just put in a big modular home right behind you. I can't imagine them wanting to look down on an RV park but that's not my problem. You did make mention of traffic. I can tell you after 31 years there, it's a killer. We had the store and we've had numerous cars rear end one another. We've had cars go in the bay. I lost count at 3. All my neighbors, both sides, have been hit. I've been hit. My wife has been hit and my granddaughter has been hit in three different vehicles. Unless you do something, or get the state to do something, and slow that traffic down there's going to be more accidents and the state doesn't want to slow it down. I sat in here with the Highway Patrol when they held a meeting several years ago and they just will not pull anyone over there. Their reason is there's no safe place to give citations so they just ignore it. It's 50 mph there and no one does 50 mph there except me. I'm all for business but there's some things to consider, especially traffic. That property right across from me has a septic tank and there was a mobile home there and if my memory is right, the county will not let that be occupied because of the tide that affects that septic system. So how many units will there be?

(#1425) Kim Delaney: According to the allowable number of units, you're allowed 7 units per acre, and because that's over 4 acres, that would be 28 units. In the meantime I reviewed it after I walked the property and really looked it over, with the required setback, etc., it really wasn't feasible. So I took the worse case scenario here and I extended the setbacks to the maximum and made my sites the maximum so it's very spacious for 15 units.

(#1455) Bob Tarlton: Right in behind here there's a ditch.

(#1460) Kim Delaney: Right, and it comes down here just the way I've drawn it.

(#1478) Bob Tarlton: I heard you make comment that Taylor United is concerned about the pollution they're getting there. I sure hope they're not saying it's coming from me because I don't believe so. That would concern me.

(#1515) Mark Drain: Do you have agricultural lands to the west of this property?

(#1524) Bob Tarlton: It's zoned cottage commercial or light industry but I also do farming. I do the hay fields.

(#1532) Bob Sund: So it's not zoned agricultural lands?

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(#1536) Bob Tarlton: Not all of it.

(#1545) Mark Drain: You didn't mention that this proposed development would affect you in any way.

(#1555) Bob Tarlton: Should I be concerned? Yes, then how will it affect me? Do you see where anything is going to affect me?

(#1572) Diane Edgin: I think in a rural setting there is always possibility for trespass and it exists even without the park there.

(#1585) Bob Tarlton: I will say this. I don't know if any of you live along the bay but at night at 2:00 or 3:00 in the morning Taylor United is out there lifting oyster baskets dropping them down on aluminum boats and if you don't know it sound just shoots across the water. Flood lights; I thought I was being invaded by someone from Mars. It lights up the whole inside of my house. That bothers me.

(#1614) Wendy Ervin: But that doesn't apply to this request.

(#1620) Bob Tarlton: But there would be more noise from the RV park and I wouldn't be happy with that either.

(#1622) Steve Carlton: Bob, the RV park that's being considered is not a long term RV park. There is a limit and I believe it's 180 days so it isn't an RV park where people would park there for a long period of time.

(#1630) Bob Tarlton: So that means that there will be people in and out all weekend.

(#1635) Kim Delaney: It will be typically people of a retirement status versus just a trailer park. I'd like to go ahead and address some of your questions. You talked about the traffic on the road and I happen to concur. That is an issue. There is an existing easement that belongs to DOT that is 120 feet from centerline on the west side of that property and then it decreased down to about 60 feet. I've had numerous conversations with DOT on this. They were at one time inquiring within their department to see if they wanted to sell that easement back to the contiguous property owner, which would have been me. They did not. They said they wanted to hold onto that property. I have also met with Grace Miller with the Planning Department in regards to the setback from the water, which is a 200 foot setback from Shorelines Management. Originally I had proposed putting some of the units down on the beach side and then that's when I found out about the easements. It was her recommendation that I stay outside of that 200 foot buffer to alleviate a lot of expense and reports that would be required. We were talking earlier about the creek and I've allowed for that setback because it is a Class 5 creek. I had originally applied for a 28 unit project but after reviewing the land I thought that was really not feasible so I made some changes to that. Regarding the gazebo, I really think that's a beautiful piece down there. I agree that the traffic there might not be conducive for the foot traffic going back and forth. I'd hate to see that piece of property not used for anything. When I was doing the review for the water requirements for this type of development I was told that because the use of an RV was far less than a home I'm guessing that the same falls true in regards to the septic system. I really haven't done the homework on that because of the expense of doing that until I get through this phase is my guess is the drainfield septic system is not nearly as extensive as if you have 15 homes in there. In fact, according to the water system, it equates to about 10 units for the water consumption. So your use of the septic system drainfield, it seems, would follow suit. I will investigate that when the time comes. I do know that if you're having trouble with leaching from the septic system it could be coming from far away as five miles up the mountain because water comes down sooner or later. I don't know how much authority Squaxin or Taylor has how far up they want to mandate no development. I know that I just developed another piece of property and because it was on substandard soils I had to have the drainfield inspected once a year. Those are my comments for now.

(#1920) Bill Dewey: Any other questions for Kim? Any other public testimony on this request? Okay, I'll entertain a motion to extend written comments on rezone request 03-02 until November 17th. Motion made, seconded and passed.

Break in meeting.

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(#2035) Allan Borden: This rezone request 03-03 is from Don Huson who wants to rezone three 40-acre parcels from the current designation of RR20 to RR10. Generally each of the requests is fairly close to an existing subdivision. Parcels 'A' and 'B' in Section 25 are just southwest of the Haven Lake Subdivision and parcel 'C' is just to the southwest of Tee Lake. The adjacent land ownership is private or state timberlands or it's RR parcels adjacent to these existing subdivisions. Streams occur in parcel 'B' and 'C'; they're both Type 5 streams. The DR's require proper buffer and setbacks for proposed development on these properties. In reviewing the criteria the request fails to meet a certain number of criteria. The critical areas will affect development. There's no distinguishing characteristics to merit the development density increase. The doubling of density encourages the demand for infrastructure in an area of unanticipated development. It could conflict with adjacent timberland land uses. Staff would recommend denial of this rezone request.

(#2142) Bill Dewey: Any questions for Allan?

(#2162) Steve Clayton: Does the Manke property butt up against this?

(#2165) Allan Borden: It does. It butts up to parcel 'C'.

(#2172) Steve Clayton: So after Manke butts up to parcel 'C' with RR20 underneath that RR20 in parcel 'C' will be surrounded by a 5, a 5, a 10 and on the top side it's listed as a 20 but it's actually a 15 acre parcel. So it would be an isolated 20 with no access.

(#2190) Allan Borden: That's correct. This is a good example of the cumulative effect of one request versus another. As I mentioned earlier this evening, that parcel that is south of parcel 'C' the staff recommends RR5 because it's already broken up into a configuration of 5 acre lots.

(#2234) Steve Clayton: On the west side of that parcel you show RR10. What size lots are those?

(#2250) Allan Borden: I'm afraid I don't know that.

(#2270) Steve Clayton: Some of the criteria we're supposed to review is not what it is zoned as but what the actual lot size is. The map here doesn't show what the size of those lots are.

(#2280) Allan Borden: I can provide you with that information.

(#2390) Bill Dewey: Any other questions for Allan? Okay, let's open up the public hearing for request 03-03.

(#2400) Don Huson: Did you say this was denied?

(#2410) Allan Borden: I'm recommending denial.

(#2414) Don Huson: I can't believe it. There's no reason at all to deny it. I've owned it for over 50 years and I wanted to break them into 10's because it's a lot better if you're going to sell it than if it's in 20's. I didn't want to go to 5's because I'm really not interested in putting in a development but I would like to be able to sell off 10 acre parcels. I've talked to real estate companies about this and in this particular area they decided maybe this is the way it should go. It lays good in 10 and that's developed all the way around these two pieces already on two sides. I'd like to be able to sell them as 10's to get some money. Those streams are nothing. We just had 12 inches of rain and there was no water in them today. They're just drainage ditches. Another thing, it doesn't show on the map but I have legal access to all those pieces from the highway. I own 19 acres on the east side of the 80 that goes clear back to Blacksmith Road. I bought that for access and I have an access through the state to the next highway. I also have a legal access out of the 40 at Tee Lake to the highway. I can't see why you would deny it.

(#2655) Allan Borden: I'll bring in that additional information for parcel 'C'.

(#2675) Ken VanBuskirk: My name is Ken Vanbuskirk. Did I understand earlier that Manke wasn't assessed a fee for their application?

(#2684) Allan Borden: That's correct.

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(#2686) Ken VanBuskirk: Apparently the fees for some of these applications were assessed and some were not? In Mr. Huson's case, he paid \$600.00 for his application and I think that should be one of the criteria that you folks look at when you make your recommendation to the BOCC.

(#2720) Bill Dewey: I'll entertain a motion to continue this for written comment until November 17th. Motion, made, seconded and passed. Now we'll have request 03-04.

(#2788) Allan Borden: Request 03-04 is from John and Margaret Huson and it is a request to rezone 11.35 acres from RR20 to within the Belfair UGA. There are many RR lots in the vicinity to the south and east. There's ag resource land to the southwest. The Union River is part of the western border of this 11.35 acre piece of property so the RO and Flood Plain Development Standards and the Shoreline Master Program would apply for the review of any development on the properties that are right along the Union River. Staff finds that there's no justification for the demand for new lots that would facilitate or support rezone to be included within the Belfair UGA. There is water available and that's part of the information that John Huson did supply to this request. The UGA boundary change has to be supported by a current population allocation and the need for modification in the UGA boundary. That population allocation has not been recently allocated so there isn't a need to modify the current boundaries as a result of that population allocation. Being included inside the UGA would be a more intensive land use and it would create a demand for some urban level services. Approval of this rezone could put pressure to rezone other nearby properties to a similar boundary in the UGA or a more denser RR density. So the recommendation for this request is to defer the request until a new population allocation is done or if you so choose, deny the request to be rezoned from RR20 to Belfair UGA.

(#2968) Wendy Ervin: These properties on Map 2, this appears to be 3.91 acres, 1.20, 1.0, 2.4, 1.35; I don't see in what you were just reading where this would put a demand to increase the density on these properties. It appears to me there's not a chance of increasing the density because you've already got it cut up into 1 acre and slightly over. I don't see how that's a consideration.

(#2998) Allan Borden: Other people could apply for a rezone to UGA.

(#3006) Steve Clayton: Inside the UGA we're looking at 5 to 9 units per acre.

(#3015) Wendy Ervin: But inside any UGA you're looking at housing and you're looking at industry. So not all of what you have in an urban area is residential units.

(#3042) Bob Sund: The double line is the current UGA boundary?

(#3045) Allan Borden: That's correct.

(#3047) Bob Sund: And currently it crosses the highway at the southern edge of the designated property?

(#3052) Allan Borden: That's correct.

(#3060) Bob Sund: Where does the VanBuskirk property lie in relationship to this property?

(#3068) Allan Borden: It's in the next section to the south and it's probably a 1/4 of a mile.

(#3085) Mark Drain: If it weren't urban growth area and it's rural I don't understand why ... You've got a parcel to the north that's less than 4 acres and you've got an RR20 designation. Why aren't those 1 per 5 ...

(#3108) Wendy Ervin: And there's the same situation down to the south.

(#3110) Mark Drain: Yes, it's surrounded by little parcels that are RR20.

(#3116) Allan Borden: This is an example that you mentioned earlier this evening that if you have a very low development density up against a UGA you preserve the ability to ... it lessens the chances that you'll have

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pre-emptive land divisions that will make the land that may come into the UGA in the future would already be divided to larger than UGA densities but lesser than ...

(#3150) Mark Drain: I understand that but to me there's not a logical progression from urban to UGA to a rural density.

(#3162) Allan Borden: There are a lot of critical areas in this location. We have flood plains, we have Type 1 stream, we have ag; they're all in this vicinity so they contribute to the designation of RR20 as well.

(#3180) Wendy Ervin: How many houses are there in these surrounding pieces of property?

(#3190) Allan Borden: The ones west of the river directly across from the subject property two of the three properties have houses on it and the one a little farther north on the west side also has a house on it with a bridge and as you go towards the south all but two of those properties have a house on it.

(#3220) Wendy Ervin: So you've already got density greater than RR20 in these areas. You've got much greater densities than 1 to 20.

(#3232) Mark Drain: This is like an anomaly. I could respect the opportunity for someone to carry on ag or forestry or whatever have a big piece of ground inside of urban density but I don't think that it can be zoned that. I don't understand the zoning that you've placed around it or on it.

(#3274) Bob Sund: One of the comments that I detected that you said at one time was that the UGA was approved by the GMHB and it couldn't be increased unless there was a population projection change.

(#3298) Allan Borden: A population allocation.

(#3300) Bob Sund: So putting a couple of these requests together we have somebody nearby that wanted to take their land out of the UGA and put it into ag or possibly into a land trust. It seems to me it was about 10 acres total and this parcel that we're looking at is 11.35 which is almost the same so is there a possibility that we could accommodate both people by letting somebody pull 10 acres out and put it into a trust situation and add this parcel that's nearby into the UGA? That way we could accommodate two people and the UGA would stay the same size.

(#3385) Diane Edgin: It may not be in this county, but I remember from my reading that this has been done more than once in other areas; it's a tradeoff.

(#3402) Bob Sund: I don't know if Warren Dawes showed up last meeting but his idea to tradeoff to increase our 1 to 20 allocations and he was talking about a tradeoff there.

(#3428) Diane Edgin: I don't know if he would like this one or not but it at least would accomplish something for both parties. It's something to keep in mind when we have our discussions.

(#3450) Wendy Ervin: This is 11 acres. Ignoring the UGA and the request for the UGA you've got a greater density than RR20 on these other properties. Does that mean that because of the densities there and because the designation is RR20 on those that this property here can never be built on?

(#3525) Allan Borden: The answer is no. It doesn't disallow ...

(#3530) Wendy Ervin: How can you get a permit to build on that under the zoning if everything else is RR20 and it's occupied?

(#3540) Allan Borden: Mr. Huson can put one residential unit on that one piece of property because it's legally existing.

(#3555) Wendy Ervin: Even if by putting a residence on it you're going over the RR20, you still can do it because the lines have been ...

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(#3562) Allan Borden: You have to remember the development densities is basically for dividing existing lots down to that development density.

(#3572) Bob Fink: There's a specific provision in the code that allows an existing lot to develop with one residence even if it's conforming with regard to size. Even if it's a 1/4 acre lot in a 10 acre area, they can still put one house on there if they can meet the other requirements.

(#3595) Allan Borden: I think what she's eluding to is there a population for the RR20 areas of the county? And I would say that no there isn't. His proposal is to go into the UGA. There are other potential zones that he could request but hasn't.

(#3630) Bill Dewey: If there are no other questions for Allan I will open up the public hearing on request 03-04. Any public comments?

(#3655) Ken VanBuskirk: My name is Ken VanBuskirk. I'd like to ask a question of county and staff. Just where is the UGA boundary? I showed this map to you last time. This is a map that the Belfair Sub-area planning group has been using and it shows the boundary right across from the McKnight Road where in your application it shows going right up against it. I would suggest that the county might want to put a legal description rather than draw a line on a map.

(#3730) Bill Dewey: Just for clarification, is it your point that as it relates to this parcel that the map that we have is not accurate ...

(#3738) Bob Fink: That map is not a county map. It was drawn by a private individual ...

(#3745) Ken VanBuskirk: But we have been using it at the Belfair Sub-area planning group meetings.

(#3752) Bob Fink: It has been shown but it's not a county map.

(#3758) Ken VanBuskirk: That's why I would suggest that the county put in a legal description where the actual boundary is rather than draw a line on a map.

(#3766) Bob Fink: What would that do with this map here?

(#3773) Ken VanBuskirk: I don't know what it would do.

(#3788) Bob Sund: I would think that the Belfair planning group should make a request of the county to get a county map.

(#3802) Bob Fink: We have maps from the county that are correct. Allan has it here to show you.

(#3825) Ken VanBuskirk: What is the current population allocation for the Belfair UGA that the sub-area planning group is using? We must have some sort of population allocation that we're using in our planning right now.

(#3845) Bob Fink: The allocation is still what it was and hasn't changed.

(#3850) Ken VanBuskirk: What is that?

(#3852) Bob Fink: I don't remember the exact amount but it's around 4,000.

(#3862) Ken VanBuskirk: Thank you. Staff did acknowledge that this property sits on a Type II critical aquifer recharge area. However, a portion of the property lies in the 100-year flood plain to the Union River. The Union River has a state listing for pollution right now. There's also an unnamed salmon bearing stream that runs east west through the property that's not on your map. The agricultural resource land listed on Map 2 in the application it should also be shown on property 4300040 and 3400020. That's also agricultural resource land. Finally, on page 4 of the staff report under #6, the last sentence makes no sense to me. Making more

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dense does not protect the resource land.

(#0160) Bill Dewey: Any other public comment on 03-04? Hearing none, I'll entertain a motion to keep the written record open until November 17th. Motion made, seconded and passed. Next we'll have 03-05.

(#0185) Allan Borden: Rezone request 03-05 is for Citation, Inc. They are proposing two rezones. They have four parcels that are involved. There is a rezone of two parcels from Rural Industrial to Rural Commercial 3 and then there's a rezone request for two parcels that are currently RR5 and the request is to go to Rural Commercial 3. The parcels are located on the south side of State Route 106 at the intersection with State Route 3, just south of the Belfair UGA boundary. The land use is self storage and it was zoned in March of 2002 as RI because RI included self storage and warehouse. Much of the other similar land uses around the county are so designated. The property has steep slopes but is nearly completed developed with the self storage units. The surrounding land uses are residential or vacant lands. Staff has reviewed the criteria and finds that the request fails to meet criteria to be rezoned to RC3. RI has a limited set of possible land uses but the RC3 zone has a wide list of potential land uses that could lead to sprawl next to the UGA boundary and result in expansion of service demands and potential for additional rezone requests. Request 'B' should be corrected to the RI zone but RC3 is not consistent with the Comp Plan zoning criteria. So the recommendation of staff is that request 'B' parcel should be rezoned to RI as it is a consistent zone and permits continuing and/or expanding self storage land uses.

(#0300) Bob Sund: What are you saying parcel 'A' should be?

(#0302) Allan Borden: Parcel 'A' should be denied and remain as RI.

(#0325) Bill Dewey: Any questions for Allan?

(#0330) Steve Clayton: I sent him an e-mail and that was that the applicant asked for an RC3 and I went back and pulled up the RC3's that we did a few months ago and then I went to look at the county's plan on the web and they're different as far as what we submitted from the PAC and what's on the web. The difference is that we recommended that a lot of the uses we were concerned about expanding into the area were uses with a Special Use Permit; that's what we recommended. If they wanted to put in an AM/PM there then they'd have to go through a process. But what actually came up on the web as to what actually got approved is that now that's an automatic use; it's not under a SUP. So I was asking Allan which one was correct. We also came up with a sign ordinance and that was changed at the hearing and there was concern because that didn't go through a public process but it came through the PAC.

(#0388) Darren Nienaber: The PAC doesn't have to hear the final recommendation that's brought to the BOCC. The PAC is here to flush out all the major issues hopefully and buff it out as much as possible and send it off to the BOCC and then they have a go at it.

(#0402) Steve Clayton: And the sign one came out as being a discrepancy between what was recommended and what eventually came out because it was brought up in that forum.

(#0410) Bob Fink: The BOCC holds their own public hearing and takes their own testimony and makes their choice. At the end of the process we did send to the PAC copies of what was done so that you would have a chance to review it. I know that was a concern that you had expressed with the issue of the sign ordinance is that you weren't sent a copy of what ended up being approved so we made an effort to send you what was changed.

(#0438) Steve Clayton: Concern being that public process generally goes through us here and the public is allowed an opportunity to comment on it and then it goes to the BOCC and they're allowed to comment again.

(#0440) Darren Nienaber: And they did have an opportunity to comment on the SUP issue.

(#0445) Steve Clayton: It went through here that there wasn't a concern from the county or anyone else that that was a direct application. Then this particular application with Citation, if it was approved then Allan's concerns or the county's current concerns with an RC3 would be less if it was under a SUP process.

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(#0460) Darren Nienaber: It's a tradeoff. I think the theory of the BOCC at that time was in favor of less regulations on rural businesses rather than more and if you permit something as an automatic use or just allowed it than if you did it by SUP the costs to the person who has the businesses many thousands of dollars and potentially several months of review. Anytime you want to change a use, also. So it's a significant hurdle for rural development. There are things where you might want to mitigate the impacts through a SUP but that's the tradeoff. I don't know what the perfect answer is.

(#0492) Bob Fink: There's also the uncertainty if you have to go through a SUP as opposed to being permitted by right. So it's not only the cost and delay but also the uncertainty.

(#0498) Steve Clayton: It also gives you the opportunity to tailor particular parcels to the benefit of an applicant as in this parcel that's adjacent to the UGA. It does have some applications here that would fit really well in addition to or in place of the self storage. But if we're going to zone him RI, it limits his ability to use his property. We shouldn't really go into this but I was just concerned that the process didn't go through.

(#0515) Bill Dewey: Any other questions for Allan specific to this proposal?

(#0520) Diane Edgin: One of my concerns because of the location of this property is that it's at the junction of two state highways and that has traffic flow. If it's zoned that way would it be something that would cause more congestion that could be a huge potential for a real bottleneck for the whole community.

(#0535) Wendy Ervin: So you're saying it shouldn't be rural commercial but rural industrial like he's recommending?

(#0540) Diane Edgin: Yes, and what I'm looking at here in the criteria one of the things it says is that the change for use in existing isolated rural business and that it does not result in an average increase of more than 10% in vehicle trips per day. Depending on what uses ... if you put in that it could expand into different business then that's a criteria that the impact could really be severe. I always look at what the traffic flow is.

(#0570) Mark Drain: You can't get access to the state highway without their input. They govern that and they can restrict you to no business access off the state highway if they want.

(#0575) Allan Borden: In particular reference to this property maybe I didn't communicate a thought that I just had and that is that the 3.45 and 1.67 acre parcels under 'B' have been developed as the self storage units a lot longer than the parcels under 'A' that currently have self storage units as well. The Assessor's Office had miscoded those two properties to have vacant residential land use code and that's one of the reasons why they didn't get picked up as a nonresidential land use whether it was rural commercial or rural industrial. That's why they were designated RR5. So this request is actually a request for corrective action because they put the wrong land use code on it and now has corrected it. That's the reason why I'm saying that it should be zoned the same as the other parcels which are currently RI.

(#0635) Wendy Ervin: So what you're saying is that the self storage is already developed. So unless there's a tax consequence, it doesn't seem to me to make any difference in how these people use their land because they're already using it that way. So an RI zoning ...

(#0652) Bob Sund: It was an error and that's what we're trying to do is to correct the designation and I guess it's important if they go to sell and the designations remain the way they are here, even though they're using it that way, it may come down inappropriate.

(#0666) Wendy Ervin: I'm not disputing that the RR should be changed; I'm just saying that the difference between making this RI or making it RC3, unless it was sold and redeveloped under a RC, as far as these people and the way they're using it right now, keeping it all RI right now I don't think hinders them in any way because they've got their business now.

(#0690) Bill Dewey: If we don't have any more questions, I'll go ahead and invite the applicant to come up and address us.

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(#0698) David Ward: My name is David Ward and I'm with the Landerholm Law Firm in Vancouver. To start with, I think Allan has done a pretty good job in covering our request but again, the property is right outside the UGA. Two of the parcels are RR5 and two of the parcels are RI. We are requesting to go to RC3 with everything. I will note if there's an opportunity for this property to come into the UGA based on some shrinkage of the UGA someplace else, that's definitely something we'd be open to. Sounds like it might be a better fit for the UGA than the other parcel we were just talking about that sounded like it might have some environmental constraints. As Allan said, this is a corrective zoning. Let me speak about why we're requesting the RC3 zone. If you go into the development code and take a look at the permitted uses in the RI zone and the RC3 zone, you see under MCDR 1.04.402 and it says that the permitted uses in the RI zone are manufacturing, warehousing, truck yards and contractor yards. Then if you look at what the permitted uses in the RC3 zone are, which is under 1.04.342, there's a whole laundry list and I agree with you that there's a lot more uses there and some of them are more intense than the RI uses although if manufacturing is allowed and warehousing is allowed then maybe that isn't more or less intense depending on which use you're talking about. One of the uses specifically listed in the RC2 zone is self storage. So what precipitated our request was that we wanted to do some internal changes to the building. What we've got now is basically a bunch of large boxes inside and we want to take that and make that a bunch of small boxes. I went and had a pre-application conference with planning staff to talk about what the process was going to be to get this done if any process at all. Planning staff's conclusion was that we are a nonconforming use because self storage, since it's specifically cited in the RC3 zone, and it's not specifically mentioned in the RI zone therefore it's not an allowed use in the RI zone, so therefore you're a nonconforming use. Now staff went on to conclude that by taking a bunch of large boxes and making them little boxes that we weren't changing or intensifying our use so there really was no development review process that we needed to go through. So that is why we decided to do this. We don't know what our plans are for this property but we know now it's a self storage use. Some of the buildings are old and some of them have been there since 1988. They may need work, they may need replacement and there's some real questions as to whether or not you can do that if you're a nonconforming use. If you are already an existing use and a zone changes to something else you can stay put but you can't expand or intensify your use. So in a situation where we're just making big boxes into little boxes we're not really intensifying our use so staff said we can just go ahead and do it. A situation where maybe we're completely flattening a building and putting up a new building there's a real question as to whether you may or may not be able to do that. A couple of different ways in my mind that you could resolve this would be to rezone everything RC3 and that would alleviate the concern. You also had a discussion about specially permitted uses. Did the BOCC decide not to do that?

(#0850) Steve Clayton: Well, actually self storage under RC3 is still with a SUP. That's one of the few uses that is under a SUP rather than under a general use.

(#0860) David Ward: Has everybody had a chance to review my application? Okay, the first criteria on the staff report is that the rezone doesn't damage public health, safety and welfare. One of the things in particular about the self storage use is that it is subject to that SUP so you're going to have to have a hearings examiner that's going to conclude that this particular use is not significantly or detrimental to the public health, safety and general welfare. Those findings are going to be made on a site specific basis as opposed to sort of looking at something and saying what might go here and how does that fit in. Staff has concluded that RC3 uses might be detrimental. I kind of have a hard time with that because if you follow that reasoning then basically every RC3 use is somehow detrimental. I can't really reconcile those two things. Moving on, the next criteria talks about consistency with the Comp Plan and GMA. This goes back to the discussion we just had about where the uses are permitted and basically what staff has said is that RI is the right zone for this type of use, essentially following the analysis that it's warehousing and that self storage and warehousing are basically the same thing, which is what I tried to convince Mr. Mraz of Community Development about and he wasn't in agreement with me. So I think that the RC3 zone does make this property more consistent with the Comp Plan because it recognizes what the existing use of the property is. The next criteria is an interesting one that talks about that it won't materially increase sprawling, low-density rural development. It's interesting the discussion here that somehow rezoning this property is going to contribute to sprawl. It's fully developed already so it's already sort of responding to whatever market demand there is for self storage. The second one is that typically market dynamics dictate that commercial development is driven by residential so if you've got a 300-lot subdivision that goes in ... bang, there's some commercial that responds to it. It's typically not the other way around. The next one that talks about the materially increasing demand for urban services in

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rural areas. Again, I think you need to look at the criteria there with materially increase ... some of the uses in the RC3 zone are subject to the SUP and the rest of them are just subject to just normal development review process. If those services are not available you get denied. The next criteria has to do with materially interfering with GMA goals to encourage development in urban areas. Again, we're up against a UGA and there's an existing business there that's fully developed so I don't see how that would necessarily interfere with urban growth. Interestingly enough I was just discussing with Allan how the Belfair UGA works and that it's going through the sub-area planning process. If you keep us as an industrial zone there's some potential for it to interfere with urban growth because when Belfair does annex this property or expand their UGA into this area, they might look at it and say it's industrial land and zone it accordingly. Now whether or not Belfair is going to come up with their own DR's my guess is that they are. I suppose they could incorporate the self storage into industrial designation but it's really a commercial property so I think zoning it as such is a better likelihood than when it gets absorbed into the Belfair UGA that it continues with the commercial designation. There was not disagreement with criteria 7. There's really no environmental issues with this property. It's fully developed. There is a slope but it's being dealt with pretty easily at this point. This is one of the topics you've been talking about tonight and I think it's pretty interesting criteria. The issue to create pressure to change land use designations of other lands or increase population growth in the rural areas. I'm not altogether sure how to respond to that. I don't think that in the case of this property that that is going to happen. That if somehow you zone this property that the properties that are adjacent to it ... it's right next to the UGA so there's a bunch of urban level zoning next to it anyway. I don't think it's likely that's going to happen. It's a fairly intensive use as it is so I don't think that there's going to really be any change in how the surrounding properties would react to this property all of a sudden going from RI or RR5 to RC3 because what happens on the ground there's not going to be any change. Also note that the RC3 development standards are fairly restrictive in the size and type of buildings you can have so it's really not an intensive commercial development zone. The final criteria talks about the corrective zoning and that the goals are to make the zoning consistent with what's on the ground. I think staff and I kind of differ as to whether or not self storage is a permitted use in the RI zone. I suppose that's another way to deal with this issue and I don't know if this is necessarily the appropriate form for it but that would be to recommend to the BOCC that they add that use to the RI zone. That would take care of the concern as well but as it stands current planning's take on this issue is that self storage is not a permitted use in the RI zone and that's how we got to where we're at. Any questions?

(#1138) Bob Sund: Are you saying that if we make storage units as a conforming item under RI then it would suffice?

(#1146) David Ward: Yes, I am. I think that would do it. The only thing would be stuck as a nonconforming use. That's what prompted this whole thing.

(#1156) Steve Clayton: Floor area ratio is different between them and it's less intense in the RI. Does the 1 to 5 suite you okay? It's 1 to 5 in an industrial and 1 to 3 in the commercial.

(#1174) David Ward: I don't know what the floor area ratios are there now.

(#1176) Steve Clayton: There are other differences but that might seem to be the only big one.

(#1186) David Ward: I think again from our prospective at some point we view this as probably coming within the UGA. Obviously a population allocation has to be made in order for that to happen. When exactly that's going to happen who knows but we'd rather not have to wait.

(#1235) Bill Dewey: Any other questions for Mr. Ward?

(#1238) Wendy Ervin: I'd like to ask Darren can the RI zone be adjusted to include warehousing and self storage?

(#1245) Darren Nienaber: Eventually, but not for the purposes of this rezoning.

(#1248) Wendy Ervin: I don't mean just for this rezoning. But that would put self storage in two different categories. Would that work?

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(#1252) Darren Nienaber: It's more of a policy matter than for the PAC or the BOCC. I don't see that there's anything that GMA would inherently prohibit that. Allan, how would the half mile separator affect this?

(#1275) Allan Borden: First of all, the two parcels that were RR5 were incorrectly designated so ...

(#1284) Darren Nienaber: Then your only analysis would be #8 really.

(#1288) Allan Borden: Right. The rest of my staff report says the same that RI is better than RC3.

(#1296) Bob Fink: Do you know if self storage warehousing is different than warehousing generally? It's not allowed in the RI zone?

(#1305) Allan Borden: I wouldn't come to that conclusion. I would say that warehousing and self storage are included in RI because that's what we did with every other existing self storage operation in the county.

(#1315) Bob Fink: And you were the person who identified those properties and the uses there and then the zoning appropriate to it?

(#1320) Allan Borden: Yes. It's possible that Rick Mraz narrowly interpreted what is allowed in the RI zone. It didn't say self storage so it must not be allowed.

(#1350) David Ward: What I did when I was talking to him about it was I went into the NAICS and pulled out the definition and it included self storage so I thought we were home free. He says if it says it in commercial and it's silent somewhere else then it's only allowed in the commercial zone.

(#1372) Bob Fink: The argument could also be raised in the industrial zone you allow warehousing generally with all it's variety whereas in the commercial zone you only want the self storage warehousing and you don't want the general warehousing. That's why it's distinguished that way.

(#1385) David Ward: Is there a process, like a text amendment procedure, that we could initiate that would allow you guys to take out the review of that issue?

(#1392) Bob Fink: We do take suggestions for amendments. We have a whole docket of ideas some of which came from the public. I don't know if it's too late to do it this year. We do an annual update.

(#1415) Bill Dewey: Hearing no additional testimony on this I will entertain a motion to continue this open for written comment until November 17th. Motion made, seconded and passed. Before we adjourn we accept any additional oral comments on the rezone requests that we have previously heard.

(#1460) Dick Wilson: My name is Dick Wilson and I'm the Manager of PUD #1 in Potlatch. We made application trying to get some rezoning done on some property adjacent and contiguous to the PUD. PUD #1 is a fast growing PUD because we've added another utility to it. We're a water utility now and basically we're just running out of room. There's two pieces of property right adjacent to us that we would like to get rezoned so that we can incorporate it within our facility area. We desperately need the warehousing space and the land for our pole yard. It would make a real nice piece of property for us to operate out of. That's what I'm here for tonight is just to try to get you folks to help us get that rezoned so we can purchase that property.

(#1570) Ken VanBuskirk: My name is Ken VanBuskirk. Here is some additional information and comment on the VanBuskirk request 02-03. Visiting with my immediate neighbors, Mason County Fire District #2 right across the street from us, were not notified of our request and part of the original decision to move the fire department from downtown was to avoid traffic associated with urban development. I will give you a copy of the petition signed by over 100 people supporting our rezone application and quite a number of my immediate neighbors signed that and they would also like to, at some point down the road, put in an application to put their properties out of the UGA. There's a copy of the resolution that is signed by forty members of the Chamber of Commerce and current members of the Belfair Sub-area planning group regarding the environmentally sensitive wetland and river areas restricting growth potential. There's also a copy from Mr.

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Borden requesting I complete an application and pay a required fee. It makes no mention of the Belfair Sub-area planning group or Mason County needing to complete any relevant studies prior to changing boundaries.

The staff report said my application would cause an irregular boundary and I ask that you look at the Shelton UGA boundary to see if that argument is relevant. In conclusion, Darren, asked me at the hearing a month ago what was in it for me and he caught me off guard but I just got an assessment from the county assessor on one of our parcels that we put into open space and they've assessed it at \$30,000 per acre. Like I said before, we don't plan to develop that and I would hope that what was in it for me would be a drop in my property taxes and I would also like to reiterate that we're trying to protect the Davis Farm and the critical aquifer recharge area. I would ask that you please recommend approval of our request to the BOCC.

(#1756) Diane Edgin: I'd like to make a comment. Two weeks ago when we had the rainy day and I stopped by to see if we were going to have a meeting. I went on back looking for one of the staff and I found Allan. One of the things I didn't realize is that we have become so restrictive in this building that there is no public access to the Planning Department anymore. I've heard this from a couple of people that you used to be able to go in the back door and see someone and it doesn't exist anymore. You've got to come through the front and then they have to call back and find a staff member and maybe they're available and maybe they're not. Quite frankly I don't know when this changed but as a member of the public I think that stinks.

(#1804) Darren Nienaber: For what it's worth it one of Ron's highest priorities was to get planning, building, and environmental health all in one building but there's just never been the money.

(#1816) Allan Borden: We have the Permit Assistance Center.

(#1818) Bob Fink: We don't have a receptionist to greet people and there's still nobody back there. We were a larger department and we had three clerical people who could rotate so one of them was available to receive people as they came in the door. We don't have that any more.

(#1835) Diane Edgin: Valuations go up, we pay more taxes, and there's more property being developed so the tax base is increasing and at some point somebody has to keep things on pace so the public is being served. I know it's a money thing but there has to be priorities.

(#1852) Bob Fink: There's a Permit Assistance Center which is the point of first contact to answer general questions. There's two permit technicians that have basic training in planning. If you come here to the receptionist it's no different if you come to the back door to the receptionist. If no one is available, then no one is available. All you're adding is another receptionist; you're not adding another planner to answer your questions. We have considered trying to add a dilemma staff; someone who is there but not in the field and not otherwise committed and even if you can't talk to them immediately you may have to wait to see them. We haven't switched to that yet because we've had a position vacant and people in training for the last considerable time and as soon as we're up to staff and have that staff training where they're able to answer questions then that's one of the things we considering doing.

(#1935) Steve Clayton: Did Citation pay a fee for a corrective rezone?

(#1937) Allan Borden: Yes, \$600.00, but he also asked for the RI zone.

(#1960) Bill Dewey: Is there a way that we can be preparing for the 17th?

(#1965) Terri Jeffreys: I wondered if I can get information on the population allocations for the UGA's? Or what the policies are?

(#1982) Bob Fink: It's a page or two out of the Comp Plan and we can certainly get you a copy of that.

(#1988) Wendy Ervin: I would like to have all of the requests on a single map. These little black and white maps get pretty confusing. Some of these are related to each other and it would be helpful to have that.

(#2018) Bob Sund: Would it help to have all the corrective rezones categorized into one group and the other rezones in another group?

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(#2028) Mark Drain: I think the Tahuya properties were adjacent to put those together and the ones around Lake Limerick together. Then the UGA in Belfair together because they're contingent on each other.

(#2072) Allan Borden: Last week I created a little table that had the request number, applicant, what their request was and a column that said what staff recommended. I will get those out to you.

Meeting adjourned.