

# MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes  
November 17, 2003**

(Note audio tape (#3) dated November 17, 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.

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

## **3. APPROVAL OF MINUTES**

The minutes from the October 20, 2003 meeting were approved as presented.

## **4. NEW BUSINESS**

(#0020) Herb Baze: I wanted to come by tonight and tell you how much we appreciate the work that you've done and the work that is ongoing that you're doing. Three years ago when Wes Johnson and I were elected to this office it was our number one priority to get GM in a situation where it was something that was palatable and something that we could get behind us. GM will never be behind us; it's a working document and it's something that you'll see come up time and time again. We know that and understand that and appreciate that. It didn't take either one of us very long to figure out that this process wasn't something that we were going to be able to tackle and handle overnight. It's a process that has been a long time coming. You've made some really hard decisions and we've made some really hard decisions. One of the first things we did when we started this process was we revamped our whole organization. We revamped our planning department, we hired an attorney to get through this process because we felt like it was imperative that we do so and as it turns out it was. We couldn't be happier with the outcome at this point and I believe it's not what you know but it's knowing where to find the answers and you guys have been a very major big part of that and I want you to give yourselves a hand for the countless hours and thankless hours that you've put in and from me and the rest of the BOCC we want to thank you for all you've done and we'd really appreciate it if you'd continue to do what you're doing. Thank you.

(#0135) Bill Dewey: For the benefit of the people in the room that are here tonight for the meeting, we aren't taking any public comment tonight; the public comment period is closed. We won't be taking any additional public testimony on any of these rezoning requests. You're welcome to stay and listen to our deliberations but

## Planning Advisory Commission Minutes, November 17, 2003

we won't be taking any additional comments. So as far as process goes, we've heard a lot of information. We've got some lengthy staff reports and lots of public testimony on these requests and we've got some additional comments that have come in just today that we haven't had a chance to read yet. We'll either have to take time out to read them tonight or what I'd like to suggest as an alternative is that we'll start in order and if we've got the complete record and we've all read it, we'll go ahead and consider each of these in order. As we come across ones where there are additional comments on that we haven't read yet we'll put that one off and continue to move through ones that we've read the complete record on and hopefully be in a position to make a recommendation on. We'll go through each of those and try to get a sense on where the PAC is at and if you're ready to make a recommendation. If we get through all of them that we have the information on then we'll go ahead and take a break and read the new comments that came in. What I don't want to do is take the additional time tonight to sit here and read and use up our valuable meeting time when we could do that at home. If we were to approve all the requests we wouldn't exceed the limits that we have. There's no reason to necessarily consider them all as a block. One thing we do need to keep in mind as we go through these is cumulative effect with the requests so as we go through them individually you do want to keep that in mind. Does that process sound like it would work?

(#0246) Diane Edgin: The only thing that I'm concerned about is that we have a couple of requests in the Lake Limerick area and a couple up in Tahuya and I think we should look at those as a block. One is going to affect the other.

(#0260) Bill Dewey: That's not a bad suggestion in that I don't know that we have to take them in order necessarily. We could jump around to accomplish that.

(#0265) Diane Edgin: I think the other thing that we've got to be aware of as we go through this list is are those letters anything that we're trying to make decisions on?

(#0275) Allan Borden: I was going to state what cases we've received comment letters on today that you haven't yet had an opportunity to read. I did want to say when we sent out the letters on Thursday I had a table that provided a column on the right hand side of the page. If you wanted to review the requests in numerical order you could use that to help organize yourself. There were six letters that were received today. We have a letter from Mr. O'berg for request 03-01, a letter from Glen Brown for request 03-01, a letter from Mike Huson for his request 02-09, a letter from Edith Edwards for her request 02-12, a letter from David Ward for his request 03-05, and a letter from Merrill Ring for their case 02-14. I will hand out these packets to you which include the six letters and my additional memorandum regarding guidelines.

(#0444) Bill Dewey: These guidelines for evaluations we haven't seen before so it would probably be worthwhile to take the time right now to read.

(#0450) Allan Borden: You've gone through the rezone criteria multiple times but you really haven't looked at the rezone characteristics which is the second half of the section on rezone criteria. The rezone characteristics talk about the limits of number of rezones, acreage and also talks about what kinds of rezone requests you would look at that would be included in the number of rezones that you're limited to.

(#0482) Wendy Ervin: Just scanning this it says that it should not exceed five per calendar year. We're dealing with three calendar years. Are we dealing with them as three calendar years?

(#0488) Allan Borden: No, they're put all together because this is the first time you've reviewed rezone requests no matter when the applications or letters were sent to the county. Next year in 2004 will be the second year you've dealt with these.

*Break in meeting for PAC to read memorandum on guidelines.*

(#0500) Bill Dewey: Allan, this is pretty confusing. Would it be helpful if Allan tried to explain this to us?

(#0525) Allan Borden: I can explain each of the paragraphs to you. The first paragraph talks about the table itself and how it's been reorganized from simply being in numerical order. On page 1, on the table the upper four are the only rezones that are going from either RR to a more intensive land use that is not residential, or

## Planning Advisory Commission Minutes, November 17, 2003

in the case of Citation, going from RI to RC3, which are equivalent in intensity but RI actually has less of a menu of kinds of uses that can take place.

(#0555) Wendy Ervin: You have the staff recommendations on the first three of these on page 1 of your resorted table and then the next one we might do as a corrective rezone. So if we did that as a corrective rezone and recommend that, then that wouldn't count at all under these characteristics, correct?

(#0572) Allan Borden: That correct. You simply go from what is now officially RR5 to RI that's a corrective.

(#0578) Wendy Ervin: Then the first three would count ...each one as one of the five? Then we could only do two others of the entire rest of the lot?

(#0588) Allan Borden: No. The only land use changes that you count in the numerical limit is explained in the first paragraph in the rezone characteristics. You go down to the sentence that states 'For the purposes of this section, the numeric limit shall apply to both direct rezones for RR to RC, RT, or RI'; so that's residential to either commercial, tourist, or industrial; 'and also for intervening rezones from RR to RT to RTC or RNR with subsequent rezone requests to RC or RI'.

(#0628) Terri Jeffreys: So changing the densities of RR do not count in the numeric limit?

(#0630) Allan Borden: That is correct.

(#0638) Wendy Ervin: So the fifty acre limit also only applies to these as well?

(#0640) Allan Borden: That is correct. That doesn't mean that you're not going to account for when you go from one RR to another RR you should be accounting for impacts that are listed under the criteria.

(#0658) Bill Dewey: My understanding is that if we approved all of the rezone requests we aren't going to exceed the limit of five or the fifty acre.

(#0662) Allan Borden: That is correct.

(#0670) Steve Clayton: On the second page, Allan, you've got an example on the RTC and you're lumping Sundstrom in with Borgert.

(#0676) Allan Borden: You'll notice that the last sentence in that paragraph says 'if each of the requests is recommended to be approved as the RTC zone'. Right now Borgert is recommended for just RT.

(#0682) Steve Clayton: Is that a zone change in staff recommendation or just an example?

(#0684) Allan Borden: It's just an example. I haven't changed the staff recommendation. So the second paragraph talks about the RTC designation and that it does not count in the acreage total but it will count as a rezone in the numeric number. In the third paragraph, in looking at this myself, I noticed that in the rezone characteristics I noticed that in the sentence that says that RC3 cannot be designated outside of the RAC or Hamlet. So the request from Citation, which is in the RR outside of the UGA, cannot be rezoned RC3.

(#0755) Bill Dewey: So this rezone characteristic saying that the RC3 can't be designated outside of the RAC or Hamlet, was that part of the staff report or is that something new you discovered recently?

(#0760) Allan Borden: I didn't put it in the staff report. When I was looking at this to prepare this I discovered it so that's a new piece of information.

(#0767) Bob Sund: But it could be classified as RC2 instead of RI, right?

(#0778) Allan Borden: I don't have the DR's with me but I don't think that self storage is an RC2 allowed land use. Paragraph 4 and 5 are referencing that you could group some of the requests in your consideration. So paragraph 4 says that VanBuskirk's request and John Huson's request for rezone either into or out of the

## Planning Advisory Commission Minutes, November 17, 2003

Belfair UGA could be considered together and the same with JHC Liquidation and Edith Edwards; they're both having to do with going into and out of the Shelton UGA.

(#0820) Bill Dewey: So considering those as pairs would be logical.

(#0822) Allan Borden: That's correct but in my staff report some of my conclusions restrict that from happening because of population allocations. Bob has brought to my attention that RC2 does have self storage as an allowed land use but it would require a SUP.

(#0850) Bob Fink: For explanation, if you did zone it RC2, which is not our recommendation, it would become a conforming use as if it had as SUP but future expansions might require a SUP to expand as a self storage building.

(#0868) Allan Borden: In the next paragraph I suggested grouping the areas around the Lake Limerick area because of the potential cumulative effect. When you look at each request, Davison & Peste, you might consider your evaluation differently knowing now that just to the east of that request is another rezone request for Merrill & Ring. Then when you look at Merrill & Ring you see that the request just to the east of that request is also another set of potential rezones. So that's why I say in the last sentence that you should take the combination of the requests into consideration in their evaluation of the requests, whether individually or somehow combined. Mr. Donald Huson has one part of his request that's just to the west of Tee Lake that, in fact, instead of having RR20, if the Manke, which is currently RR20 where the planning department is saying it's a corrective rezone, that might change your review knowing that on the south side of Huson's property is now RR5. It gets a little intermingled.

(#0950) Bob Sund: On the rezone characteristics you seem to be talking a lot about more intensive land use. There are a couple of requests that go the other way.

(#0965) Wendy Ervin: Does the rezone characteristics have any effect on those that are going to less intensive land use?

(#0975) Darren Nienaber: Those rezone characteristics don't apply to the RR. The characteristics were just developed as sprawl busting mechanisms to place some reasonable level of limits on development in the rural area that would pass the GMHB. That's the only reason why you look at them much more closely if there's limits under the rezone characteristics. There are no such limits when you're down zoning or switching from one RR to the other. You still have to apply the rezone criteria.

(#1010) Wendy Ervin: But if you're going to a less intensive use can that happen with very little or less consideration?

(#1016) Darren Nienaber: The rezone criteria still apply but the rezone characteristics don't. You don't even look at them; they're not relevant.

(#1030) Mark Drain: I'd like to ask a question regarding what we talked about in the beginning. Where it says 'For purposes of this section, numeric limit shall apply to both direct rezones for RR to RC, RT, or RI, and also intervening rezones' ..... What are intervening rezones?

(#1045) Allan Borden: Basically that's a two step ... you're going from RR to some intermediate zone and then turning around and ... let's say you go from RR to RTC and then you turn around to go from RTC to RC.

(#1065) Darren Nienaber: The intervening rezone clause won't apply to this first generation of rezones. It would only be relevant down the road. So you don't need to pay attention to the 'intervening'.

(#1078) Mark Drain: Except a rezone that we do tonight may be intervening if there is a request next year to do an even more intense use.

(#1080) Darren Nienaber: So next year you would take a look at it.

## Planning Advisory Commission Minutes, November 17, 2003

(#1084) Allan Borden: So you'd say that this parcel in 2003 was rezoned from RR20 to RTC and this year, 2004 - 2005, we have a subsequent request from the same property to another zone. What this is saying is that we're keeping track. The one point that does bring new information in that wasn't in the staff report is the one for Citation that says that RC3 can't occur except in RAC's and Hamlets.

(#1132) Bill Dewey: Let's start by using the new table that Allan did that is sorted for numeric limits.

(#1142) Bob Sund: I'd like to make a comment to Allan and the staff. This is a pretty overwhelming process for all of us to be involved in and many of us aren't as familiar with all the details of the process as you people that are working with it every day. I'm just wondering, as I read through all the applications, they were not exactly the same as far as the format. Some of the people had made a formal application and had their rationale and others did not. This seems to be a common fault and I think you magnified it a lot by when you went through the criteria and said that the criteria was not addressed or met, etc. It seems to me as I read those that if there was a form or application that each person had to fill out that would give all that data and would then go through each criteria and have the applicant write a statement of how they felt that their request would answer that criteria. If everybody had done it the same way like that and then when we read those things we would start to be able to see a particular logic and a flow of information through each applicant. I just would like to have you consider something like that.

(#1230) Allan Borden: I'd just like to say that a lot of the requests that came in, in fact, all the requests from 2002, came in one version or another. Some of them were merely letters of comment that came up in 2000 and early in 2002 that were not completely addressed at that time.

(#1245) Bob Sund: I recognize that, Allan, and I know this is a new process not only for us but for you as well and I think in the future when somebody does come in and wants to change their zoning you can give them the whole packet that will be consistent with everybody else.

(#1260) Allan Borden: I assure you that when we start accepting applications for 2004 there will be eight pages with the criteria on top of each page so they can fill out their responses and they will have to submit maps.

(#1282) Diane Edgin: I think we can probably start in discussing the campgrounds.

(#1378) Bill Dewey: Let's look at the request from Sundstrom 02-01.

(#1460) Wendy Ervin: The Sundstrom requests seems to be in keeping what the intentions are and I see no reason to question the change.

(#1478) Bill Dewey: So we're in general consensus on this?

(#1480) Bob Sund: I make a motion we approve this rezone request.

(#1482) Bill Dewey: To adopt the staff recommendation of RTC?

(#1484) Bob Sund: Yes.

(#1486) Diane Edgin: I think it might help if each one of us would say that we agree or disagree or add any comments because this is all things that we're going to have to rely on in the future in our decision making. We need to say why we agree or disagree.

(#1500) Mark Drain: Here we are voting and approving one where somewhere along the line we may want to consider more than one at a time so maybe at this time we just reach a preliminary consensus without voting.

(#1515) Steve Clayton: It appears the staff recommendation is an appropriate recommendation on this one.

(#1518) Mark Drain: I don't argue with that.

(#1522) Steve Clayton: I think we've come to a consensus that we agree that the staff recommendation for

## Planning Advisory Commission Minutes, November 17, 2003

Sundstrom is appropriate.

(#1528) Bill Dewey: Mark, are you suggesting that we go through all twenty? Because we're not going to have consensus on every one of these.

(#1533) Wendy Ervin: Do we pass a recommendation based upon a majority vote?

(#1535) Bill Dewey: Yes.

(#1540) Wendy Ervin: Is what you're saying that if we just start with one and approve or disapprove as we go along then at some point or another we're going to run into the characteristics thing and then have to start weighing and measuring?

(#1548) Mark Drain: Like Lake Limerick. If we approve one of those things there other significant proposals that are affected by it.

(#1555) Bill Dewey: I think in those situations that approach is appropriate. On these campgrounds I'm not sure that is the approach to take.

(#1598) Steve Clayton: So if we look at the first four because they're the only ones that apply to the numeric limit and get a consensus.

(#1625) *Miscellaneous discussion.*

(#1765) Darren Nienaber: Was Steve the only one who took himself out of one of the proposed rezones?

(#1765) Steve Clayton: Yes.

(#1767) Darren Nienaber: So when you get to the UGA proposed rezone then Steve should step outside on the VanBuskirk proposal and then you take your vote and then he comes back in and then assumes that that's true.

(#1800) Steve Clayton: So we have a consensus on Sundstrom.

(#1812) Bill Dewey: So is there a reason not to take an action on this?

(#1815) Diane Edgin: I think we could based on our previous discussion.

(#1822) Bill Dewey: We have a motion. Do we have a second?

(#1828) Diane Edgin: I second the motion.

(#1830) Bill Dewey: We have a motion and a second to adopt staff's recommendation that this rezone request be for RTC. Any further discussion? All in favor? Motion carries. Now we'll have 03-01 for John and Marylou Borgert. We have two new comment letters presented to us tonight. We'll take a break to read those letters.

*Break in meeting for PAC to read new comment letters for the Borgert request.*

(#2105) Bill Dewey: I don't know that during the public hearing there were comments opposed to it. That's something that's come in subsequent.

(#2115) Bob Sund: In a RR10 an RV park is permissible? So we have to rezone that parcel to RT?

(#2128) Bob Fink: In order to allow an RV park.

(#2135) Bill Dewey: We had some conversation at the time we heard this one about that perhaps RTC might

## Planning Advisory Commission Minutes, November 17, 2003

be more appropriate than RT.

(#2140) Terri Jeffreys: I don't remember why that would be more appropriate.

(#2148) Bill Dewey: It's more limiting.

(#2160) Wendy Ervin: The RT could be any of a number of activities; motels ...

(#2166) Terri Jeffreys: I'll read from the code: RT uses are marina sales service & storage, lodging facilities, including motel, RV park, campgrounds and bed and breakfasts, golf course, restaurant, retreat centers, outdoor recreation. RTC: lodging facilities including RV park and campgrounds, golf course, retreat centers, and outdoor recreation. Accessory uses: employee housing, motel and bed and breakfast, marina sales service and storage, retail, gas, self storage and restaurant.

(#2198) Bob Fink: Another significant point, the reason why the RTC was created was the floor area ratio which is the amount of building allowed on the site is four times as great in the RT than it is in the RTC. So it's 1 to 20 in RTC but it's only 1 to 5 in the RT.

(#2220) Wendy Ervin: So RTC was in an effort to limit the amount of development they would be allowed to do on this piece of property?

(#2226) Bob Fink: That's correct. When the zoning was originally done it was applied to all the larger sites that were in campground type activities. Anything larger than 10 acres. It's not an absolute criteria but it was why it was done that way.

(#2245) Diane Edgin: So going to the RT means they're going to be able to put more under roof if they so choose?

(#2248) Bob Fink: Right.

(#2250) Wendy Ervin: The letters from neighbors are very concerned about the number of people and the amount of traffic and I'm wondering about this RT. Is there a limitation that people can only stay for a certain period of time? Is this a year round activity allowed under this category?

(#2272) Terri Jeffreys: They can stay for 120 consecutive days and 180 days total in a 365 day period.

(#2282) Wendy Ervin: So one family or one RV could stay for six months and then leave for a couple of weeks and then come back for another six months.

(#2292) Terri Jeffreys: They could only come back for another 60 days.

(#2296) Wendy Ervin: So it could be used year round.

(#2298) Bob Fink: Yes, year round. I should also be clear that although they explained that they wanted a RV campground, they're not limited to that use. They could do a hotel, for instance, if that's what they wanted or they could do an outdoor recreational site.

(#2310) Wendy Ervin: But they would still need to get all their permits.

(#2312) Bob Fink: Right. They would need whatever appropriate permits went with that but as far as the uses allowed then they would be allowed all the uses permitted in that district.

(#2322) Diane Edgin: This is a classic example of where the castle ... everybody wants their little piece of the pie and their castle but this is where they collide.

(#2335) Bob Sund: This gets back to the whole thing of 'not in my back yard'.

(#2338) Diane Edgin: These people moved there because they wanted the rural atmosphere. The farm is

## Planning Advisory Commission Minutes, November 17, 2003

there because that's where you do farming in the rural atmosphere and we're saying that as RT it has to have something to attract it to an area and as one that has an RV and goes RV'ing and so forth they're talking about targeting the 55 age group and the company that we're involved with and the way they run them they're not a problem to the neighbors. The amount of dollars they bring into a community is tremendous.

(#2385) Steve Clayton: What amenities would this particular location have for that kind of clientele?

(#2388) Diane Edgin: It depends on what they want to put in it.

(#2395) Steve Clayton: With the Delaney property it's overlooking the water and there's convenience to the highway. Would the people that use these facilities use an isolated site?

(#2410) Bob Sund: A lot of times seniors enjoy getting off the beaten tracks and what a lot of those parks will do is they'll have maybe an arts and crafts center with woodworking tools and others might have a corner where women can go in and have a sewing center. Very often they have a facility that is hobby oriented to those people. A lot of the people that live in Arizona and in the south, they enjoy coming up here in the summer time but they want something to do and very often they'll put those facilities in to attract those people in.

(#2470) Diane Edgin: The type of parks that attract these people have what they call full facilities. You're going to have sewer connections, water, cable TV and usually something in their clubhouse for people to do. It depends on whether or not they're adjoining some type of recreational property.

(#2496) Mark Drain: What really strikes me is how easy it is to gain approval for RT in the rural area. How much of the rural area is RR10, 20 or whatever. How many of these could there be in the rural area? I can understand how the neighbors feel and I ask myself what gives me the authority to deny this proposal? But those letters from the neighbors do.

(#2526) Bill Dewey: The letters from neighbors do because it starts to get at the criteria. That's what I'm trying to do is look at the comments and the criteria together and I think the neighbors are concerned about trespass so does that start to get at the criteria?

(#2545) Bob Sund: Trespass happens any place.

(#2547) Mark Drain: But it's more likely to happen with the increase in population.

(#2550) Bill Dewey: I was reading the letters and rezone criteria 1 talks about that it will not damage public health, safety and welfare so I was thinking about the trespass concerns raised by the neighbors regarding that.

(#2566) Diane Edgin: I don't care where you live whether it's in the city or the county it doesn't matter; trespass is an issue everywhere and to say it's going to not occur whether you put something in or not I don't think that really is a question.

(#2582) Bill Dewey: The point is 35 RV spaces and nothing else around unless they put in a center like you're talking about to keep people's interest within the site.

(#2590) Bob Sund: He's also talking about kids and for the most part those people don't have kids.

(#2610) Bill Dewey: How about rezone criteria 4 that 'no rezone to more intensive land use shall be approved if, either by itself or together with other rezoning or development' etc....'would increase the demand for urban services, including but not limited to streets, parking, utilities, fire protection, police and schools'. If you've got 35 RV spaces on a rural road that has five residences on it and all of a sudden you're running campers up and down that road is that increasing public services needed for that road?

(#2635) Wendy Ervin: It certainly increases the wear and tear on that road and the other considerations of fire



## Planning Advisory Commission Minutes, November 17, 2003

and ambulance and if you're dealing with seniors, you're going to be dealing with medical emergencies.

(#2658) Steve Clayton: In Allan's staff report under Comp Plan Policy RU-216 it defines small scale recreational or tourist uses as 'those uses reliant upon the rural setting, incorporating the scenic and natural features of the land. These uses may include uses similar to campgrounds, fish ponds, hot springs, trails, boat launches docks'. This particular site doesn't have any of those. A little bit further down in RU-218 it says 'uses are compatible with rural character of adjacent lands'. As Mark is saying and the comment letters are saying is that perhaps this use isn't compatible with the rural character of 1 house in 25 acres to 30 or so RV's on a small lot. If we're looking to go specific to what the guidelines say ... In addition to the negative letters we got, there were also some people who signed off as positives.

(#2724) Wendy Ervin: The school wrote a letter saying that they found that it would be a compatible use and there was no interference with them.

(#2750) Bob Sund: Bob, we haven't identified any place in the county for RT or RTC, have we, in our zoning? Unless they're already in that designation.

(#2770) Bob Fink: If I understand correctly, the answer is you're correct. We haven't gone through a process of identifying potential areas where they should be.

(#2780) Bob Sund: If we're going to grow as a county and provide opportunities for people to develop property and to encourage people to come and spend some dollars in Mason County, then that's the only way that somebody is going to be able to do it. If they own some property they're going to have to apply for a rezone and if we're taking a position that we're not going to allow any rezones because of the neighbors saying they don't want it then we're kind of hamstringing ourselves.

(#2818) Bill Dewey: It's not just that the neighbors are saying that they don't want it there, they're offering reasons and we need to at least see how it fits with the rezone criteria that we're supposed to consider.

(#2828) Mark Drain: It seems incompatible to me. If you own ten acres there and have a nice home on it ...

(#2836) Bob Sund: I know that's true in one sense of the word but do I have the prerogative to dictate to my neighbor what he should do with his land? I may not be happy with it and if I'm unhappy enough maybe I'll go buy his property so that I don't have to look at an RV park.

(#2900) Wendy Ervin: This application is for a change in zoning but the 35 space RV park is not automatically approved? If we approve the change to RT for this piece of property does that automatically give them the ability to put in 35 spaces? Or do they need permits and plans, etc?

(#2942) Bob Sund: They have to build it according to the plan that we adopted in about 1990 or so. All we're doing is zoning and they still have to lay out their plan and abide by all the health regulations, size of the spaces; there's a whole document that's probably several pages long that govern the development of an RV park.

(#3000) Diane Edgin: Scarlett road accesses onto Agate Road which is a very wide road and easily accessible to highway 3. I don't think it would be too big of a problem. A lot of it is going to depend on the owners and the criteria they set up for governing their park.

(#3040) Bob Sund: We're just zoning it so they have that prerogative of developing it.

(#3046) Diane Edgin: In looking at their letter and why they want it, at least they sound like their rationale for doing it sounds pretty firm as far as the things that make them attractive neighbors.

(#3066) Terri Jeffreys: I think this area is very obviously a residential area and the proximity of the school is important and there's probably two or three more closely subdivided areas within five or six miles and gives it the character of the rural area and I don't think that an RV park is appropriate for rural residential area that doesn't have a striking amenity that would draw tourists there.

## Planning Advisory Commission Minutes, November 17, 2003

(#3115) Bob Sund: Anybody that's going to have to do this it has to be financially viable for them to do it. They're not going to run an RV park if it doesn't provide a profit for them. If individuals decide that they don't want to go there because it doesn't have any amenities what's going to happen to it? It's going to die. I just want to remind you people about the GMA. One of the goals is to protect property rights. We tend to ignore that. Here's an individual that would like to do something with his property. It's not going to contaminate the area; it's not really injurious. If a road doesn't carry the traffic that's on that road it behooves the county to widen it or surface it or whatever.

(#3205) Wendy Ervin: As far as there being striking amenities you've got public access to Spencer Lake, you've got Bayshore Golf Course, you've got the saltwater access at Harstine Island, you've got Mason Lake and public access there; within about five miles you've got all of that and people have to stay somewhere. It seems to me that one of the things the GMA is trying to accomplish is for us to preserve our scenic areas by having tourist activities and encouraging tourism to supplement some of the lost logging so as Bob says we've got to put our tourists someplace. You can't say we want tourism and then say but they can't stay here.

(#3328) Diane Edgin: They're buying gas, they're buying groceries; they're spending their sales tax dollars here and that's something we're very short on. I don't really see any criteria that makes us deny it.

(#3350) Bill Dewey: We've heard differing opinions and obviously we're not going to get a consensus on this but I would like to bring us to closure with a majority.

(#3365) Wendy Ervin: Don't they have an opportunity when they go to get permits, can they not put in there that we objected to 35 and we'd rather it be 20 and then we could live with that?

(#3375) Steve Clayton: If it was under a SUP but here we're granting them free reign.

(#3400) Mark Drain: There isn't a five or ten acre piece in Mason County that couldn't be rezoned to RT then. That's the way I look at it, too.

(#3445) Bill Dewey: We've got some additional comments in since the staff report that maybe shed some light on this as far as the criteria goes and we've had a lot of discussion here. I'm not hearing new information brought forward so I'd like to try to at least get a motion on the table. I'm sensing from the discussion that we may at least we have a three-three split. It looks like Diane and Wendy and Bob are maybe approving the staff recommendation or going with the RTC and I'm sensing Steve, Mark and Terri are not in support of the staff recommendation. I'm leaning towards not. I feel that with the new information we've gotten and I'm looking at some of the criteria here that it's not meeting some of the criteria in my opinion. I'm concerned about the additional public services out to this area, I'm concerned about criteria 2 where it talks about a use that is compatible with the rural ...

(#3652) Diane Edgin: Most campgrounds that have been put in in the last 10 years or so, very few of them can afford the bucks to put something on the mountain or on the water. They go close to those areas.

(#3664) Steve Clayton: Bob's concern is where would you put it? If this were on the corner of Scarlet and Agate Road I would say they were in a noise pollution corridor. You're not disrupting the rural area. You're along the main drag where adding 35 cars isn't significant. Adding 35 cars down that little road is going to be significant. Another observation brought up that we don't have any reasons here to deny it. The very first sentence under rezone characteristics is 'The burden of proof shall be on the applicant to show that the more intensive land use is warranted'. They need to prove to us that's it's warranted. We can't say we don't have reasons to deny it.

(#3728) Wendy Ervin: But in the staff report all the criteria were met so doesn't that constitute them having shown that they meet all the criteria? Everything is met except criteria 2 'when the RT zone is requested'. So they met all the criteria.

(#3752) Steve Clayton: But we had both public testimony and letter testimony post staff report.

## Planning Advisory Commission Minutes, November 17, 2003

(#3766) Diane Edgin: I'm really not one way or the other on this but I will throw out there what makes something viable or not viable and that's what I've been trying to do.

(#3778) Bill Dewey: I was just trying to get a sense of the consensus; I didn't mean to suppose your vote. I was just testing the water.

(#3790) Mark Drain: I would just like to add that there's probably not a piece of property in Mason County that isn't close to some kind of natural resource setting.

(#3798) Wendy Ervin: And they're all going to have neighbors, they're all going to be in a rural zone. You're not going to put your campground in an urban zone; nobody wants it there.

(#3825) Steve Clayton: I make a motion to deny the proposed rezone contrary to the staff recommendation.

(#3840) Terri Jeffreys: I second the motion.

(#3842) Bill Dewey: We have a motion and a second. Further discussion?

(#3850) Bob Sund: I'd just like to say I think the landowner has a good thing to say and I think we need to consider the landowner's request and try to protect private property rights.

(#3890) Terri Jeffreys: I agree but I think you could probably say that about every one of these requests. And I also think when you're envisioning how you want your community to grow you do kind of look at where certain things are going to happen and that's why I oppose it. I just don't think it's the appropriate place.

(#0115) Bob Sund: I don't know whether that's our job. We haven't identified where we want RV parks.

(#0122) Bill Dewey: We have good criteria in front of us that we're supposed to weigh each of these against.

(#0128) Bob Sund: As Wendy said, the criteria have all been met.

(#0130) Bill Dewey: That's according to the staff report. But we've got additional public testimony as Steve has pointed out that's helping the rest of form an opinions that maybe don't agree with the staff recommendation.

(#0135) Wendy Ervin: To me, GMA was that; growth management, not growth stifling. It's got to go somewhere and if we want to have tourists we're going to have to actually let them spend the night.

(#0155) Mark Drain: I appreciate Bob's concern for property rights and I wish things were more flexible and there were more options for the property owners. I'm also considering the neighboring property rights, too, and those people moved to the rural area for some seclusion and space. I think of where I live and the acreage around that and I wouldn't want this next to me. But at the same time I have acreage in the rural area that would make a great RT site.

(#0182) Wendy Ervin: But they don't own your acreage. So they want to do it on acreage that they already own.

(#0220) Bill Dewey: Let's try to stay on focus.

(#0225) Wendy Ervin: Can we make a compromise proposal that we would agree to RT or RTC at a lesser density than what they're applying for?

(#0238) Steve Clayton: We're doing zoning; we're not doing a site application.

(#0240) Mark Drain: Can we go to RTC?

(#0242) Steve Clayton: We could make a recommendation to RTC.

## Planning Advisory Commission Minutes, November 17, 2003

(#0244) Wendy Ervin: My preference would be the RTC instead of the RT and I think the neighbors would find that a more comfortable fit.

(#0250) Steve Clayton: It would still be a 35 space campground.

(#0252) Wendy Ervin: Would it still fit 35?

(#0254) Steve Clayton: Yes, although you have a floor area ratio, with RV's you don't have any floor.

(#0264) Bill Dewey: We have a motion to reject the staff report and deny this rezone request as well as a second. Hearing no further discussion, all those in favor of the motion? Those opposed? It is a 3-way tie and I'll break the tie in support of the motion and denying the request.

(#0295) Darren Nienaber: You will need to identify some specific things for staff to use in support of your motion as in specific criteria you didn't think were met.

(#0305) Bill Dewey: Specifically some of the things I'm hearing is that on criteria 2 as far as RU-218 that the uses be compatible with rural character of adjacent lands and this is primarily residential and RU-216 about having no outstanding amenities right in that area. Additional concern on criteria 4 related to the additional services that would be required of a 35 space site as far as police, fire, ambulance, potential road damage with RV's on this road. I think that pretty well captures what we've heard here. Is that sufficient, Allan? Okay, next we have 03-02 for Kim Delaney. This is one that we received new comment on from Kim Delaney. This is another one where staff has recommended approval. We had some concerns raised during the public hearing related to traffic. She has tried to address that in her reply here. DOT apparently has told her that this is not a high accident corridor between mile post 6 and 11.5, which I'm assuming encompasses the area adjacent to the property.

(#0435) Diane Edgin: The one thing I do see on this particular property is that with enough nagging on DOT that there is room for a turning lane, at least those coming from the north could pull to the side to get into this. From the south, that's another problem.

(#0460) Bob Sund: That would be a right hand turn and that doesn't create quite the problems that a left hand turn does.

(#0466) Diane Edgin: That's just one of my problems with the property. Though she has answered a lot of things and staff has recommended it, I am concerned about the septic because by the time you get to the highway and the water there's just nothing there so all the ground for the septic to perk through is on the up side of the highway.

(#0480) Wendy Ervin: But you have the whole highway width.

(#0484) Steve Clayton: But we're not engineers and there are engineers that are required to approve the septic before it's done.

(#0488) Diane Edgin: I'm just telling you I have that concern.

(#0490) Bill Dewey: I have that same concern. That's a problem up there already with water quality.

(#0492) Diane Edgin: I don't know how old that septic is there with the little house.

(#0496) Wendy Ervin: I don't think they're going to use that.

(#0498) Bill Dewey: In her letter she indicates that's one of the two systems they'll be using.

(#0505) Bob Sund: The health department is going to determine whether that's adequate or not and if it would fit the requirement.

(#0512) Bill Dewey: Rezone criteria 6 talks about conserving fish and wildlife habitat and generally to protect the environment, including air and water quality. That's a concern that we could consider. The other one for

## Planning Advisory Commission Minutes, November 17, 2003

me, and it came out in the meeting during public testimony, when the neighbor was complaining about Taylor's boats and their activity out there. That's an activity that we're permitted to do and he made the assertion that he's been there a lot longer than Taylor has been. That may be true but the oyster industry started in that bay in the late 1800's. That's a historic resource based use of that bay and so is his farm but if we've got fifteen new people that don't like the sound of our baskets on the aluminum decks or the bright lights because we're forced to work at night due to the tides, then we're not looking forward to fifteen new complaints besides this one.

(#0555) Bob Sund: You see, this is where our logic kind of starts to fall apart because in one sense we don't want to give the neighbors any say in what happens out there and in the other one we do want the neighbors a say what happens on adjacent property. You see the dilemma that we get into?

(#0575) Bill Dewey: I think it's a different criteria. It's supposed to be 'significantly increases uses incompatible with resource based uses in the vicinity'.

(#0580) Diane Edgin: A lot of times we do not know the impact of developing this land on septics and so forth until its twenty years down the road and then we've got a major problem. Now we're looking at sewers and that's so expensive. How do you afford sewers on 1 to 5 or 1 to 2.5?

(#0600) Wendy Ervin: That comes under the heading of 'stuff happens'.

(#0608) Mark Drain: In the same breath, Diane, you could also say that we've learned from the last fifty years of improper installations and we do understand when ground will perk or won't perk and we do have designs that are much better engineered than before.

(#0630) Bob Sund: Like Mark is saying, the engineering has greatly improved and we have a much better criteria for what kinds of soils perk adequately enough. It used to be that the perk test was a lot more lenient than it is now.

(#0665) Bill Dewey: You're right, a lot of design criteria for septics has improved but where we've yet to catch up is we've got a lot of complex systems out there and we don't have effective operation and maintenance programs in the county. We have systems that will do it but if they're not maintained properly they don't and as yet the counties have not caught up with O&M programs to make sure these systems keep functioning.

(#0680) Wendy Ervin: You were commenting about the lights. It would seem to me most of the time when you're using the bright lights would be in the winter?

(#0688) Bill Dewey: Not always. We have to work at night in the summertime because the low tides are during the day in the summertime and that's when we're picking and then we're out at night in the evenings in the summertime at low tide quietly digging the clams or working the oyster beds and then at high tide in the summertime is in the dark and that's when we'll be in there with boats and lights.

(#0726) Steve Clayton: There will be some people who are attracted to that kind of entertainment and may want to stay there just for that reason.

(#0730) Bill Dewey: There are a number of people who would like to sit there and watch it but unfortunately there are also a number of people just like the gentleman the other night and as a company we have to deal with both. That's one of the issues when we start talking about incompatible uses with resource based uses in the area.

(#0744) Steve Clayton: We were talking about on the last one that we didn't want to put the RV park in a rural neighborhood where there's no action going on and disturb the neighborhood and that it belongs in a busy place.

(#0745) Wendy Ervin: And now we're saying we don't want it in busy place because there's other activities there.

## Planning Advisory Commission Minutes, November 17, 2003

(#0750) Steve Clayton: To maintain that consistency of thought that we voted we don't want it to set in a rural area at the end of the road and we said we wanted it in a busier area then this more or less fits that thought in a way.

(#0775) Wendy Ervin: When I brought up the subject of traffic, they drew on a proposed site plan they've got across the highway a gazebo and recreational area. I'm not as worried about cars hitting each other as cars hitting people. I didn't see ...

(#0788) Diane Edgin: She admitted that even DOT had told her it probably wasn't a good idea.

(#0745) Bob Sund: That's not part of our review.

(#0800) Bill Dewey: Allan, is it a 28 spaces or 15 spaces proposal?

(#0804) Allan Borden: When she was here last time she explained it was for 15 spaces.

(#0806) Bob Sund: But she still has to meet the requirements of the RV ordinance. I should have asked her if she actually mapped those spaces out because the new RV ordinance that was adopted a number of years ago has the space size and it's really large.

(#0830) Steve Clayton: When she gets serious about it she's got to do perk tests and soils tests to say where she can put an access road ...

(#0838) Bob Fink: The RV space shall be 1,000 sq ft.

(#0840) Allan Borden: She has 1,800 sq ft. That's 30 x 60 for each space.

(#0850) Bill Dewey: I'm not hearing any new issues on the table ...

(#0854) Steve Clayton: A new issue would be to make it more limiting by recommending RTC. If we approved it under RT she could literally put a gas station in there. She could also put in a restaurant or a motel. All these things could bring higher traffic. RTC more narrowly defines an RV park and would keep to a minimum the size of structures there. There was talk by staff about it being designated for 10 acres or more and I couldn't find that anywhere in either of the DR's or in the planning regs.

(#0895) Bob Fink: I said it wasn't a rule; I just said that all the ones with at least 10 acres we designated as RTC rather than RT. There is no standard that's in the code anywhere

(#0910) Diane Edgin: I make a motion that we approve this as RTC.

(#0914) Wendy Ervin: I second that.

(#0916) Bill Dewey: We have a motion and a second to approve it as an RTC. Any further discussion? Hearing none, all those in favor? Opposed? 1 member abstained and there was 1 no. Motion passes.

(#0932) Bob Sund: If we approve an RTC this year then another year she could come back for an RT.

(#0936) Wendy Ervin: And she could be refused. I'm not sure trying to second guess people's future moves is something we we're supposed to be doing tonight.

(#0945) Bob Sund: You're right.

(#0950) Bill Dewey: Allan, do you need justification for why we're suggesting RTC versus RT?

(#0952) Wendy Ervin: It's more limiting.

(#0954) Allan Borden: If that's the basis of your decision.

## Planning Advisory Commission Minutes, November 17, 2003

(#0956) Bill Dewey: That's pretty much what I heard.

(#0966) Darren Nienaber: On that last one, is it also the position of the PAC that since RT you can allow things like a restaurant which are much more intensive uses like Steve called, that although she's claiming it as an RV park, I think you have to reasonably foresee that other uses within that zone may be allowed in the foreseeable time frame so it's the PAC position that those more intense uses might not necessarily be compatible with the area.

(#0990) Terri Jeffreys: Can you explain to me what an accessory use is? Does that have to be special permitted?

(#0994) Allan Borden: It means that the ones that are listed as permitted have to be the primary use and the other ones can only be there unless the primary use is there. If there's an RV park it's possible that some of the accessory uses could be allowed.

(#1014) Darren Nienaber: For future reference you might keep a checklist as we're working through these rezones if we see there's a better classification for some of these we might make a note of that for future discussion. Like maybe there's a zone that would work better in some of these circumstances than what we've got now.

(#1032) Steve Clayton: So we'll skip Citation and go on to Potlatch Partners?

(#1055) Bill Dewey: There wasn't any additional testimony.

(#1075) Steve Clayton: It's a tough one for me because inside a hamlet you think you should be able to have some business and he brought up the concerns that some of the things that are designed commercial are not available because of the covenants. Then who's properties that's inside that hamlet do you change to commercial? The first guy that jumps on board? In the UGA's we have planning processes where the community gets together and says this will be this and this will be this and you discuss it. I don't know how to address it in an area as a hamlet.

(#1105) Wendy Ervin: I think you have a historical design and a historical use or historical intent that was overlaid by the zoning that was put on it in the RR5 and it seems to me that if you just look at it on the map it's quite apparent that there was an intent. You don't draw a long thin piece of property along side a highway for no reason. There was an intent that that would be a part of the Potlatch development on the other side and it just hasn't happened yet.

(#1132) Bill Dewey: Wasn't that surplus highway property that they purchased?

(#1135) Steve Clayton: The half acre piece was.

(#1140) Wendy Ervin: I think these were lines that his grandfather drew or great grandfather drew and this was his grandfather's whole development here all in Potlatch and he had a plan and he went to all the work and thought process of putting that plan down on paper registering it with the county and then the county went and made a change. I don't think people should be punished because a plan and an intention has gotten to a certain point of development but not been finished. There are places ... some of the things we're looking at are tracts of multiple pieces of property that have never been sold and so then the county comes back and says all these little chunks of land that are one and a half acres that we're going to make this RR20 just because it's not being used the way you planned to use it. So I personally in this case and in another one that we'll look at that goes around a lake, there was already registered intentions.

(#1188) Mark Drain: I just think it fits the location. I'm sorry to see that there's a hamlet rule that disqualifies it. Right along the state highway would be great.

(#1195) Diane Edgin: We passed it one time.

## Planning Advisory Commission Minutes, November 17, 2003

(#1197) Bob Sund: Let's remember that, that this passed unanimously by a bigger board than what we have right here. It was recommended to go to the BOCC.

(#1200) Bill Dewey: We've got new criteria that we need to evaluate now.

(#1208) Diane Edgin: The PUD has indicated they want to purchase another parcel, too.

(#1222) Terri Jeffreys: It's this other little 1.3 acres that's not even in the proposal they'd like to purchase and make a pole yard out of it.

(#1228) Bill Dewey: Didn't staff say that for technical reasons it couldn't be considered.

(#1232) Wendy Ervin: The staff report says that there was no need to change the zoning and that it could be used for that purpose under the zoning it currently holds.

(#1242) Steve Clayton: First of all, there's no reason to change it because PUD could use it and secondly, you cannot change it because we cannot change properties within a half mile of the hamlet to a commercial use.

(#1270) Bob Sund: I think the historical implication here should have some bearing. Most of you people do not know the community status of Potlatch historically. Historically it was a much more of a viable community than it is today and during that time the county wasn't really into zoning but the landowner who owned that whole thing laid it aside and said it should be commercial. He zoned it himself. The fact that he could be termed as a farsighted individual to do that for his community that he was close to and I think that has some bearing to it that we should consider.

(#1310) Bill Dewey: Are we at a point where we would entertain a motion on this?

(#1315) Mark Drain: I make a motion that these three parcels be approved as RC2.

(#1322) Wendy Ervin: I second that motion.

(#1330) Steve Clayton: Not that I don't agree with it but under what Comp Plan items are we going against staff's recommendations? What is our justification?

(#1340) Bob Sund: Historical implication.

(#1342) Wendy Ervin: And corrective.

(#1344) Steve Clayton: I can't find that in the Comp Plan.

(#1346) Wendy Ervin: It could be corrective; that this was the historical intention for the use for these properties.

(#1350) Bob Sund: And that it was zoned inappropriately and so we're correcting the zoning.

(#1355) Darren Nienaber: What's the current use on it? I can tell you right now that corrective zoning won't work. If there's just trees on the lot ...

(#1366) Bob Sund: It's zoned RR5 right now.

(#1385) Bob Fink: The issue of calling it corrective rezone is simply that it's not in commercial use. That would be the concern with regard to that. I would acknowledge that might have been the intent of the property owner for decades to do that at some point but that doesn't mean that it was an error. What we're looking for is there are several criteria that the county found not in compliance; criteria given our interpretation of what the situation is so you basically need to reverse each of those criteria and find that it complies with all the criteria for a rezone. I think the historical basis is certainly a factor to consider in weighing and making your



## Planning Advisory Commission Minutes, November 17, 2003

judgments. I wouldn't dispute that, but you need to look at each criteria that we objected to and say there's something different about it based on the issue.

(#1445) Bob Sund: So criteria 2 and 7 are met. Is that what you want?

(#1452) Bob Fink: Right, and why? Just briefly, what do you think is significant about the testimony you heard or other facts?

(#1462) Wendy Ervin: Under 2, that the designation shall match the characteristics of the area to be rezoned better than any other zone. I think that making that RC2 matches what is all of the adjacent property on the other side of the highway and so I would say that.

(#1476) Bob Sund: That's true and as far as number 7 is, the cumulative impacts of such zoning would be to create pressure to change land use designations of other lands in the area. I don't think that it would.

(#1488) Bob Fink: Because it's in the hamlet?

(#1490) Bob Sund: Right, because it's in the hamlet and because of the historical identification of that historically. The other people around that area don't have that history.

(#1500) Diane Edgin: I'll refer you back to the October 6<sup>th</sup> minutes on page 15 and 16 you can read Tim Sheldon's comments. 'The parcel 4300000 is only 200 feet deep and that the Potlatch Hamlet overlaps much of the Potlatch Beach Tracts filed by my grandfather'.

(#1530) Mark Drain: It's contiguous with commercial to the south and it's adjacent to a state highway and I think those are good.

(#1540) Steve Clayton: I think Tim Sheldon made a good presentation that the depth of the property really isn't good for residential. So for number 2 I think we more or less agree that as a commercial it would fit better than a residential application based on the testimony that was given to us and 200 feet on a main highway isn't a good place to build a house. Then we need to look at number 7 and figure out why we disagree with the county's position.

(#1585) Wendy Ervin: It's not going to create cumulative impacts to create pressure to change land use designations of other lands or to increase population growth. If you're changing this to a commercial there's not going to be an impact to try to push commercial back up into the land behind which is RR20. That's not going to be a pressure. The property on the other side of the highway is already commercial so this is not going to really create any disturbance to the plan.

(#1615) Terri Jeffreys: But number 7 is saying that you'd be setting a precedence for other residential designations in hamlets.

(#1618) Wendy Ervin: Right, that other hamlets have activity on both sides of the highway which I don't think is a bad precedent.

(#1624) Bob Sund: And they may not have a history.

(#1625) Steve Clayton: That's what they call sprawl.

(#1627) Wendy Ervin: On both sides of the highway? No, it's confined into a certain area on the highway. I think both 2 and 7 are met.

(#1650) Steve Clayton: Number 7 is a little bit of a gray area. It means that anything along the road ...

(#1660) Wendy Ervin: This is a specific strip along the road. Other places you're going to have, like Oakland Bay Farm, it's sitting there as a large piece of land on Highway 3. Just because you're talking about a small commercial campground in front of it does not necessarily mean that they're going to want to put a shopping

## Planning Advisory Commission Minutes, November 17, 2003

center on their property.

(#1678) Bob Sund: How many hamlets have the historical significance of Potlatch?

(#1686) Wendy Ervin: And in this area, how many hamlets have the ability to grow on both sides of the highway?

(#1695) Diane Edgin: Keep in mind that Tim Sheldon said they've been paying commercial taxes on those plots since 1960.

(#1700) Steve Clayton: They just haven't been getting the property tax exemption for timberland.

(#1702) Allan Borden: They're paying taxes on undeveloped vacant land, just like everyone else does.

(#1706) Bob Sund: But they didn't have it in timber resource.

(#1710) Allan Borden: I know, but it's not recognized by the Assessor's office as commercial use. It's just vacant land.

(#1715) Bill Dewey: So we have a motion and a second to accept this as RC2.

(#1722) Steve Clayton: Does RC2 fit best or does RC1 or RC3 fit better?

(#1730) Terri Jeffreys: In RC1, the permitted uses with special permit are convenience or general store, gas, restaurant, bed and breakfast, laundry. RC2 okayed uses are store, retail, restaurant, small office, laundry, professional services, public meeting space, nursery, post office, fire station, church, local community recreational center, commercial government operated daycare, single family residential. RC3 has a huge list.

(#1762) Steve Clayton: If we were to consider recommending this for approval to RC does 2 fit the best from the county's viewpoint?

(#1770) Bob Fink: I would think that was consistent with the way that the original zoning was done. The RC3 was really intended for Hoodspout and Union. RC2's were usually applied to hamlets and commercial properties inside hamlets. There were some exceptions to that just because there were already established uses that we didn't want to be applied generally in hamlets but was already existing and therefore they were designated as RC3 for instance. RC1's primarily are isolated sites scattered throughout the county.

(#1815) Bill Dewey: So we have a motion and a second to approve the request on all three of these to RC2. Is there further discussion? Hearing none, all in favor? Motion passed.

*Break in meeting.*

(#1855) Bill Dewey: We will now start back up with 02-03 for Ken VanBuskirk. Steve Clayton has excused himself from this deliberation. The comment we received is from Mr. VanBuskirk but it was directed at the 03-04 Huson request. It's somewhat relevant in that when we were discussing both the Huson and the VanBuskirk requests there was some discussion that you could do one and the other one would offset each other. Mr. VanBuskirk weighing in that he doesn't feel that's appropriate and that he wants to be evaluated independently.

(#1930) Diane Edgin: The request for being put back out in the rural area to an RR5 I think has a great deal of merit when you understand how the UGA lines were drawn originally. I was part of the group that did it and quite frankly when it was drawn, it was drawn not with a mind of what was on the ground. Of the four of us that were standing around the table doing this, two of us had never seen the Union Valley and never been in it. We were going based on size and what we thought might be the UGA.

(#1966) Wendy Ervin: For the right number of population?

(#1968) Diane Edgin: Just acreage; not so much what was there. I always felt that it could be tweaked here

## Planning Advisory Commission Minutes, November 17, 2003

and there but when Irene Davis was arguing to get her farm out of there, she was arguing that that area probably should be considered totally out of the UGA. By that time it was out of our hands. They finally got that farm out of it but now we have an opportunity to add acreage to that ground and from my standpoint it's not just here in Mason County but it all over this nation that we are losing prime agricultural land.

(#2005) Bob Sund: We're not really adding to the farm, are we?

(#2008) Diane Edgin: No, we're adding to the area.

(#2012) Terri Jeffreys: If we're going RR5 then it won't be farmland.

(#2016) Wendy Ervin: His expressed intention was to provide this as a corridor buffer to the farm.

(#2020) Terri Jeffreys: We can't talk about peoples intentions.

(#2024) Diane Edgin: This is true but somewhere in here there was even a petition and I have a feeling that Mr. VanBuskirk and his family would probably even put it in writing that intention as time and money would allow to do it. I would not like us to miss an opportunity to do this. I just feel it shouldn't have been in there in the first place.

(#2045) Wendy Ervin: And there are other people who would probably like to put their property into the UGA. The opportunity is there to maintain the size or whatever of the UGA and have it go in a direction where people want it and where it's more appropriate. Having this river area inside a UGA I don't think is as appropriate as having it in an area that doesn't have any ...

(#2068) Bob Sund: There was some discussion ... would it be more appropriate to go with an ag land designation?

(#2080) Wendy Ervin: There was a suggestion that it be a nature conservancy.

(#2085) Bob Sund: If it was ag lands it would adjoin the farm and the trust lands and would that be a value? Staff has denied this as proposed so if it was proposed as ARL lands would that have changed staff's recommendation?

(#2114) Mark Drain: In considering him being out of the UGA are we also going to consider the Huson proposal?

(#2120) Diane Edgin: No, he wants to be done separately.

(#2140) Mark Drain: There is a population projected for the UGA and considering his, if we're going to do away with some of it, then it seems like we need to increase it somewhere else.

(#2150) Diane Edgin: That possibly could be the end result. I know the UGA areas like well defined lines and this does have merit for laying of water and sewer lines and sidewalks and so forth. But in all respect, we're probably talking twenty years out and having that little piece of parcel in the UGA I don't think attributes a lot to the UGA where it would contribute a lot to being adjacent to the ag land.

(#2198) Bob Sund: You mentioned something about sidewalks; that would have an implication if you left him out and the sewer line or water line went past the property ... and then the sidewalks would come up to it and pick up on the other side of it ...

(#2222) Mark Drain: Diane, If it was out of the UGA what would it contribute to the ag lands?

(#2228) Diane Edgin: It would be additional ag land, a buffer, and it's a critical area.

(#2232) Mark Drain: Why can't it be a buffer the way it is? You can fence it off; he could restore it to it's native state; he could put it in trust to remain that way ...

## Planning Advisory Commission Minutes, November 17, 2003

(#2248) Wendy Ervin: He has to pay taxes like there's forty people on there or will at some point. Rather than paying taxes for RR5, so for a potential for two residences on this, what is the UGA population allocation? The acre in the UGA is worth more than the acre outside of a UGA and you're going to pay taxes on that.

(#2272) Mark Drain: Does he make that argument?

(#2278) Terri Jeffreys: He did make an argument about that in one of his letters. Letter dated 11/03 'In conclusion, Mr. Nienaber asked me at my hearing what was in it for me? I just got an assessment from the County's Assessor's office for one of the parcels that we put into open space. \$30,000.00 per one acre. Like I said before, we don't plan to develop this and I would hope that the value of my property taxes would drop'.

(#2305) Bob Fink: As an open space assessment the assessed value ... it doesn't matter what the zoning is. It only matters what the use of the property is.

(#2312) Terri Jeffreys: You mean like if it was in a land trust?

(#2315) Bob Fink: Right. It's the current use valuation ... they do a market valuation and then they do a current use evaluation. Whatever the zoning is doesn't matter as what the current use is.

(#2345) Bob Sund: There is, within these ten acres, a parcel that is approximately one acre. Let's say it has a house on it. That parcel and the house is evaluated at say \$30,000.00. So it doesn't make any difference whether it's zoned RR5 or the current use. It would be that parcel and the house ... the tax would be the same? Correct?

(#2374) Bob Fink: That would be my understanding. When you go to a current use program then it's based on the use not what the zoning might allow. The market value is different.

(#2390) Mark Drain: If there is sewer or water or sidewalks in the UGA it could happen there. At the same time I can see where being right along the highway and the highway is within the UGA it makes sense that his property is in the UGA. It's tough.

(#2415) Bob Sund: It really is tough and the fact that he's adjoining the farm, that makes sense to tie it into the farm. If he wants to continue ...

(#2422) Mark Drain: But he can continue as it is; he can turn all of the ground into ag.

(#2450) Diane Edgin: It states here that he has two salmon bearing streams that are not noted on the zoning map. I know that salmon bearing streams were not taken into consideration when the first lines on that UGA were drawn.

(#2472) Wendy Ervin: For me I think the most compelling comments were what Diane said to start with. That the lines were not drawn necessarily ... they were trying to draw it to accomplish the number of people and draw boundaries that would give that population and not all of the criteria was looked at.

(#2488) Diane Edgin: I think it's been sized down from the original.

(#2500) Bob Fink: There was an issue with the original sizing of the UGA. The land demand for population was based on household size as typical of the area. The argument was that it's not typical of Belfair. The area actually has 1.7 people per household because the area larger than the UGA included a lot of recreational property and summer homes so the actual population was much lower. That was specifically pulled out as an issue and partly on the basis of that issue and on the basis of questions that were raised about the environmental sensitivity of the Union River floodplain and wetland area. There was no determination that you can't have environmental sensitive areas within a UGA but just as part of the overall consideration, that was also taken into account and because of that most of the Union River was removed. So the boundaries were reduced according to the revised land demand analysis based on the per household size. It was revised up to 2.5 people per household, which is essentially the current census number. So all that was done and it was done as part of the compliance efforts of the county to comply with the orders of the

## Planning Advisory Commission Minutes, November 17, 2003

GMHB.

(#2598) Diane Edgin: We talked about when you want to put in all the amenities of your city and so forth and you've got to remember that there's two sides to every street. Not everything goes up one side. So it's very feasible to run your lines on the opposite side.

(#2618) Wendy Ervin: You're going to be running them up one side of the street and t-ing off to go to the other side. You're not going to run utilities up both sides of any street anywhere.

(#2625) Mark Drain: But if we eliminate that piece of property you've given up the option of either side of the road.

(#2634) Wendy Ervin: I don't think so because he could grant an easement if the UGA wanted to run their utilities, which looks like not the most practical place.

(#2655) Bob Sund: But he doesn't own the road if they want to go down the road.

(#2658) Wendy Ervin: If they want to go down the road then nobody has a problem.

(#2665) Bob Sund: But if most of the UGA is on the other side of the street it would make more sense to take the utilities all down there and they wouldn't have to go across the road all the time.

(#2670) Bill Dewey: Let's try to get focused on an action here. Staff has given us a few recommendations. Either denial or deferral until the relevant studies are completed. If we're going to go against the staff recommendations, let's be thinking specifically about how we're going to address criteria 1 and 2.

(#2690) Bob Sund: Number 1, 'the rezone shall not damage public health, safety or welfare' and I don't know how our change would damage public health, safety and welfare. I think you can make a case the other way because it's protecting the streams and the aquifer.

(#2710) Wendy Ervin: I agree.

(#2716) Bob Sund: I don't know about number 2.

(#2750) Wendy Ervin: It says 'the zone designation shall be consistent with the Mason County Comp Plan, DR's and other county ordinances and with the GMA and shall match the characteristics of the area.' I don't see any conflict with that.

(#2768) Bob Sund: Except how many more RR5's are in the area? Allan, if we were going to change something would it fit more RR5 or would it fit ag?

(#2810) Allan Borden: That's a tough call. I'm not sure if the individual parcel would qualify for consideration for ag use lands. There might be suitable soils but it may not be large enough.

(#2835) Diane Edgin: As time goes on, if we get it to RR5 and they wanted to rezone to ag to get it into conservancy or whatever, that's an option. With those little tiny parcels, I remember him saying in his testimony, that they wanted to go through the process to remove those property lines to make the BLA's to make them larger parcels. As you look at the total it comes up right to 10 acres.

(#2877) Bill Dewey: Is there a major downside to going with the staff recommendation to defer until the studies are complete on this?

(#2890) Darren Nienaber: When is the Belfair plans slotted to come to the PAC?

(#2900) Bob Fink: The Belfair plan is just about ready to be sent forward for comment. I don't see it being scheduled before March to come back before the PAC. That is subject to change. We haven't really worked that out and actually, there are a number of things going on right now. If this action were deferred, the PAC will probably be still meeting on the amendments in January.

## Planning Advisory Commission Minutes, November 17, 2003

(#2955) Diane Edgin: These that we're setting aside, they would not be considered as part of the new group of five?

(#2965) Bob Fink: This isn't one of the five that's limited by the more intensive rural development. I would point out, and the question came up, of whether you could designate this ag land. The only designation we have for ag land at this point is Agricultural Resource Land. The standard definitions are that the property has an existing commercial ag use or historical use and it goes on to say that the property has to have a minimum of 10 acre size and the property has prime farmland soils or the property is surrounded by lands such as the above. But there's also a provision that property owners may apply to have their land designated as ARL upon a showing that the property is eligible for and participates in the open space ag property tax classification program pursuant to Chapter 84.34 and that upon showing that either the property has prime farmland soils or that in some other fashion the ag use has a long term commercial significance.

(#3060) Bob Sund: I hear everything you're saying and can link it to the 10 acres there but in my mind it's clouded because of the other parcels that are within that. Is that a legitimate concern?

(#3072) Bob Fink: All I could say at this point is that it's not surrounded by ARL that meet the criteria. What I would have to do is get further information on whether the current use tax is ag current use; whether there is prime farmland soils on the property; or probably there would have to be new testimony available regarding .... or maybe the existing testimony is enough to show that it has long term ag significance.

(#3118) Bob Sund: It was testified that much of it is being currently used for ag purposes. They're raising things for the farmers market and things like this.

(#3132) Bob Fink: I don't have enough information to say at this point that it would qualify as ARL. If you're not going to finish tonight if you wanted to simply defer this item to your next meeting we could probably get that basic information to you and then you could make a choice. Otherwise, the RR5 is the same as the surrounding ...

(#3190) Bob Sund: If we went with RR5 then down the pike, especially if there's some BLA's made, then it would maybe qualify for the intervening rezone?

(#3222) Bob Fink: He could apply if he met the criteria.

(#3238) Diane Edgin: One of the things we talked about is that he worked 25 years to buy this property so it sounds like to me he had to buy it piece meal anyway. It states in the minutes that they provide produce for three farmers markets. That's consistent ag.

(#3285) Bob Sund: You could probably do a soils analysis but if he's in the flat part at the bottom he would probably qualify.

(#3290) Wendy Ervin: If he's already producing then the soil has been tested.

(#3305) Bob Sund: So are we going to delay this until Bob can get the information regarding the ag lands?

(#3312) Mark Drain: The way I look at it is, he could have proposed that himself. He wants RR5; I would vote for it knowing no good reason to do it other than I'm a proponent of ag and he seems to be and if it affords some protection for ag I'm all for that and it's for a lesser use.

(#3340) Wendy Ervin: It seems to be consistent with everything we're supposed to be accomplishing.

(#3355) Terri Jeffreys: I'm just really nervous about playing around with UGA boundaries. I just feel it's something you have to do very carefully. Can I ask for some kind of legal advise?

(#3372) Darren Nienaber: I think that's why staff came up with the recommendation that they did. Deferment allows you to absorb the process and I think you'll get a much better feel for the Belfair plan and then you'll

## Planning Advisory Commission Minutes, November 17, 2003

have a much better working knowledge of this area and you can make a much more reasonable decision on it. Seeing everything as a whole. You can even see if the Belfair people are proposing an amendment to the boundary at that location.

(#3414) Bill Dewey: I'm just not seeing a compelling reason to race forward on it myself. I would just as soon ...

(#3424) Diane Edgin: I would defer it until we had more information; I just want to see this ground protected.

(#3430) Bill Dewey: I think Mr. VanBuskirk has presented some great arguments; I don't disagree with that at all but I'm more concerned about the broader planning effort that's going on there and not wanting to do something that's second guessing what's going to come to us here in just a few months time. I just think that would be more responsible.

(#3456) Wendy Ervin: Can we send a message to the Belfair planning group that we have this request and we're in favor of this request and we're deferring judgment so that they can ...

(#3480) Bob Sund: I don't know that we should delegate the decision to them; I think it's our responsibility.

(#3486) Bob Fink: It's not so much that you're relegating the decision to them. The problem is you don't have the full context of the decision and you can weigh it on it's own merits or you could wait until you have a larger context and then weigh it within that larger context.

(#3505) Diane Edgin: I'm not against doing that either ... waiting until that comes in because we still have the same options available to us then as we would now.

(#3520) Bob Sund: If you look at the map of the Belfair UGA and if you excluded these things you would have to go up, over, up, over rather than having a straight line. I guess I would want to know the UGA parcel that's about the same size immediately towards to top of the page. Is that going to cause that parcel ... that parcel also borders the farm to the same degree ... are those people going to ... is it going to set up a precedence changing those parcels?

(#3592) Diane Edgin: I don't know about them but at least the VanBuskirks are part of the Davis family and that carries some weight, too.

(#3604) Bill Dewey: Would it be out of line to defer action and actually specifically ask the sub-area planning group to provide us some guidance on this specific request?

(#3620) Darren Nienaber: Their plan is their context.

(#3630) Bob Sund: I move that we delay it until next meeting to give Bob time to research for the ag land.

(#3640) Terri Jeffreys: I second the motion.

(#3642) Bill Dewey: I'd like some clarification on the motion. Are you saying not deferring it until the sub-area group plan and studies are complete and those recommendations come forward but you're saying delay it for Bob to get some additional information for our next meeting?

(#3658) Bob Sund: That's what I said.

(#3664) Diane Edgin: It wouldn't hurt for him to bring us that information. We could still end up delaying it until the sub-area plan comes through.

(#3670) Bob Sund: I agree with that.

(#3675) Wendy Ervin: Let's delay it until our next meeting and we can always delay it again.

## Planning Advisory Commission Minutes, November 17, 2003

- (#3680) Bill Dewey: The additional information you want Bob to get, what is that?
- (#3682) Terri Jeffreys: My reasoning to defer it would be to get the Belfair sub-area group plan in.
- (#3690) Bill Dewey: So you're withdrawing your second?
- (#3692) Terri Jeffreys: Yes.
- (#3694) Wendy Ervin: Then I'll second his motion.
- (#3696) Bill Dewey: We have a motion and a second for Bob to bring what information to the next meeting?
- (#3705) Bob Fink: I assume he meant the ARL information just to see if it would qualify.
- (#3715) Bill Dewey: So the motion is to defer this until the next meeting for staff to bring information as to whether it would qualify for ARL. Any further discussion on the motion?
- (#3732) Mark Drain: I would rather have a motion to delay it until we see the sub-area plan.
- (#3745) Terri Jeffreys: I agree with Mark.
- (#3778) Bill Dewey: Any additional discussion on the motion?
- (#3780) Wendy Ervin: Is there an actual schedule for the sub-area plan?
- (#3786) Bob Fink: The meeting is tomorrow night. The committee may well send the draft forward to the county for the beginning of the review. We've discussed having the committee meet once again in February to be able to review any comments that come in and then make any changes they wish to their final recommendation. Then at that point it would be brought to you probably in March. That's the tentative schedule. It's not set in stone and as you may have appreciated from our experience here these schedules can shift. Maybe the sub-area committee won't decide to send it forward yet. That's going to be their decision as to whether they're ready to do that or not. My perception is that they would be ready to send it forward but until it happens I don't know that's what they'll do.
- (#0100) Bill Dewey: We have a motion and a second. All in favor? Opposed? Motion passes. Next we'll have JHC Liquidation 02-04.
- (#0200) Bob Sund: The staff has said that all the criteria are not met and Shelton is saying they don't think it would be appropriate to add that to the UGA. I don't think there's very much rationale given for why it should be in the UGA at this time. Just because it's not in the UGA at this time doesn't mean that at some future time it can't be in the UGA. If a potential buyer sees it as potentially UGA they may pay more for it but it seems to me it needs to happen at that time down the pike. So I make a motion that we go along with the staff report for denial on this rezone request.
- (#0240) Steve Clayton: I second the motion.
- (#0240) Bill Dewey: We have a motion and a second to support staff's recommendation to deny this rezone request for 02-04. Any further discussion?
- (#0248) Wendy Ervin: This seems inappropriate in a UGA. It says access to the property is by unimproved forest management roads from the highway. Rather than asking to incorporate something that's already pretty well defined within a boundary this is asking to really stretch the boundaries out and it's not practical.
- (#0264) Mark Drain: It does have the Dayton Airport Road along the north side.
- (#0278) Bill Dewey: The question has been called. All those in favor? Opposed? Motion passes. I guess the justification would be that we support staff's recommendation on the eight different criteria. The next one



## Planning Advisory Commission Minutes, November 17, 2003

is for Edith Edwards 02-12. We received a letter tonight from Edith Edwards regarding her request. Let's read that now.

*Break in meeting for PAC to read letter submitted by Edith Edwards today.*

(#0435) Wendy Ervin: Since I'm somewhat familiar with this area, if you take her section out you actually make the services for the UGA easier to accomplish rather than harder. If you have to service this entire 10 acres all of those services would have to come off Blevins Road. It just seems to me that it is actually more efficient to remove her from the UGA for that purpose.

(#0460) Diane Edgin: I'm not all that familiar with the Forest Practices Act and she talks about applying to put the property back designated timberland which is consistent with the property adjacent to her. Would they do that for such a small parcel?

(#0480) Mark Drain: I think it's the tax designation she's looking at which is open space taxation that she wants.

(#0482) Wendy Ervin: That's different from timberland?

(#0484) Mark Drain: Not the taxation; I think it's the same thing. Timberland might be a little bit different and I think you are taxed on some kind of value on your timberland.

(#0502) Diane Edgin: If she doesn't get a rezone and she has to stay in the UGA, I imagine that would sink it for her.

(#0506) Wendy Ervin: That would eventually force her to sell in order to survive the high taxes.

(#0510) Mark Drain: No, we just had that discussion where she's taxed on the current use.

(#0514) Wendy Ervin: But the current use ... I've lived here long enough and paid taxes long enough that I can see that if you have a current use of one residence on 9 acres inside a UGA, that's going to be taxed differently from 1 residence on 9 acres outside of a UGA. Nobody can tell me that they're not going to charge her more because they want every dollar they can get.

(#0532) Steve Clayton: Wouldn't the exception to that be if they granted her an open space tax deduction and I don't know if they do that currently inside a UGA.

(#0538) Wendy Ervin: But VanBuskirk said that he was charged \$30,000.00 for one acre of open space.

(#0544) Steve Clayton: I have property close to that and I have 1 acre inside the UGA and it is assessed at \$30,000.00 just for the property.

(#0546) Wendy Ervin: So 9 times \$30,000.00 of valuation is what this lady is looking at and then the price of her house on top of that.

(#0550) Steve Clayton: Unless she gets an open space designation.

(#0555) Wendy Ervin: He was saying that for one acre of open space he was taxed on \$30,000.00.

(#0557) Steve Clayton: And some other open space designated parcels that are in the UGA that owned by the Overtons, they pay about \$2.00 an acre per year. Now whether that got grandfathered in or whether current standards are to allow more open space designations inside the UGA's ...

(#0568) Bob Fink: My understanding is that it's a building lot. His lot in question has a building on it and residence and that's why it's not assessed like vacant land.

(#0578) Wendy Ervin: He said it was open space. You can't have a building on an open space designated piece of property. It's either open space or it's residential.

## Planning Advisory Commission Minutes, November 17, 2003

(#0582) Bob Sund: No, you can have a residence on open space. They'll take 1 acre out for your residence and they'll tax that and if you have 5 acres remaining you can have that in open space.

(#0596) Wendy Ervin: So for \$30,000.00 on 1 acre of open space you can have a dog house that's being taxed because I don't know any house that's going to be under \$30,000.00.

(#0602) Bob Fink: That's not counting the house.

(#0604) Wendy Ervin: Well, see, it's not counting the house. It's an acre at \$30,000.00 of open space in a UGA.

(#0610) Bob Sund: But if she can get open space in a UGA ... and I don't know that ...

(#0612) Wendy Ervin: She's going to be charged \$30,000.00 for every 1 acre ...

(#0616) Bob Sund: If she can get it designated as open space that open space ... she has 8 remaining acres and those 8 remaining acres will be taxed at open space ... if, I'm correct that open space in the UGA is the same as in the rural area.

(#0630) Bob Fink: That's my understanding but the price of the property depends on the location not necessarily on the zoning ... when you talk about current use taxation the zoning doesn't matter but the location may still matter.

(#0638) Bob Sund: How could we find out if acreage within a UGA is eligible for open space?

(#0648) Bob Fink: I could find out for you.

(#0650) Bob Sund: Then we should delay this until we can find that out.

(#0652) Mark Drain: It's one of the questions but for her, also, it's just being able to manage it as timberland and she has constraints being within a UGA; she can't burn the debris, etc., so that's a big thing for her.

(#0664) Diane Edgin: She states that as a big thing, but as Bob previously stated, because of being right up against the UGA she's in what they call a smoke management zone so she's going to probably have to have the same criteria as people in the city which means no burning.

(#0672) Bob Sund: If you're in a rural county in a smoke management zone I think you can have a 4 x 4.

(#0676) Mark Drain: Not within a UGA.

(#0678) Bob Sund: Maybe not within a UGA but in the rural area she could.

(#0680) Wendy Ervin: Unless you're in an area that's designated as a smoke management area then in that case 'no'. If there's a certain number of residences within a certain number of feet of your fire, you can't have it.

(#0686) Steve Clayton: To be realistic, if you lived on a 10 acre parcel and are managing it year round, you can buy a chipper. Does anybody else here live in a UGA? Sewer assessment predicted for my 1 acre parcel is \$20,000.00 over ten years ... for 1 acre.

(#0716) Diane Edgin: You've got to weight that against the fact that you might have to replace your septic.

(#0724) Steve Clayton: That's for 1 acre, and I'm not sure of her situation, for a 9 acre parcel it's based on value and if it was built out and you put 5 units to an acre, literally a sewer assessment would put her ...

(#0730) Wendy Ervin: They're going to assess her to the potential of that piece of property according to the UGA rules and then expect her to cough it up and she will be forced to sell and chop that thing up into little,

## Planning Advisory Commission Minutes, November 17, 2003

bitty pieces and hand it out to 25 different people.

(#0740) Steve Clayton: You heard Herb Baze say here that there are hard decisions to be made. Here we have an individual on a 9 acre parcel that's theoretically in a good place in the UGA and long term 50 years from now that's maybe where the UGA wants to go and we have the decision to perhaps force her out in her lifetime if those assessments come on but long term planning in order to finance the sewer system you need customers for it and if you take out everybody that doesn't want to be on it then everybody else's prices go up and then you can't build the sewer. Close to a critical area then comes the question in the critical area ... no this one doesn't have a critical area. What's the best protection for the aquifer? If you want to live on your property and want it remote then great, get it outside of the UGA but with long term planning it gets to be a harder decision.

(#0780) Mark Drain: She could provide a nice buffer between RR20 and the UGA.

(#0785) Diane Edgin: Bob and I were here when the UGA was proposed for Shelton and there was a certain period of time that people could come forth and ask to be included or removed. We pretty much accommodated every body that asked one way or another. Most of them wanted to be in it. But I think that at least in the beginning stages, there's a lot of people that didn't know how this was going to affect them or that would even apply to them. This person is right on the edge, up against timber, and I think ... I do feel like it's not that we don't have other lands elsewhere that ... it's going to be years before they get that sewer system done in this county.

(#0820) Bob Sund: This isn't etched in concrete. Her descendants may want that in the city at some time but if we granted what she's asking for with RR5 she can only have the 1 house on 9 acres. That's all. So we could grant that and you might say ... here you have a 9 acre parcel some day that is a big parcel that is available as a reserve for the UGA. It would be very easy to exclude that parcel from the UGA.

(#0870) Bill Dewey: We're back to the same discussion as well though as with VanBuskirk's property is that there are studies we're waiting on and recommendations. On page 3 it says that the City of Shelton and Mason County have not yet completed relevant studies to determine changes to existing UGA boundaries and applicable population allocations for the Shelton UGA.

(#0888) Diane Edgin: One thing I don't know by looking at this is if Mrs. Edwards has applied to the City of Shelton to be excluded. She's come to the county because we're in the process of it but outside of her wishes being known to us maybe the argument should be made there too.

(#0905) Steve Clayton: Is this in the Shelton city limits?

(#0907) Bob Fink: No, it's not in the city limits. If it were it wouldn't be here. The city has to agree to the UGA boundary.

(#0915) Darren Nienaber: The city is in a planning process and initiating a sub-area planning group for that UGA.

(#0920) Bill Dewey: The city's comment letter says that the applicant's property is included in the new calculations for land use needs within the city based on the population projections provided by the state. It says that the proposal is not consistent with the Shelton Comp Plan or GMA.

(#0935) Diane Edgin: Some people want in and some people want out of it and at some point in time I think we ought to try to accommodate them before we lose the ability to do it altogether.

(#0940) Bill Dewey: Is there going to be additional information coming to us that would help us make this decision? Are there studies underway by City of Shelton or is there sub-area planning that's going to come our way that will help guide us like with VanBuskirk's?

(#0952) Bob Fink: There's two things. What will happen next year is the city will act as lead in proposing zoning within the UGA so this area would be proposed for some kind of zoning and with the zoning would

## Planning Advisory Commission Minutes, November 17, 2003

come a calculation of what the land demands are. They might need more land, they might less land depending on the intensity of the development so there's a lot of unknowns at this point. As to whether it would change that recommendation ... the city just finished updating their own Comp Plan and they did look at the UGA land demand as a whole. I'm not sure exactly what assumptions they made in calculating the land demand but until they establish what the zoning is in the UGA they don't really know for sure what the land demand will be.

(#0992) Bob Sund: Nine acres isn't going to impact it very much one way or the other.

(#0995) Bob Fink: You can argue 9 acres is not very significant but ... as I said I'm not sure where that balance is going to come. It may be the last straw that broke that camel's back or it may not matter or they may even want to get rid of some land when they find out what densities are appropriate.

(#1015) Terri Jeffreys: Your comment about when the UGA lines were drawn you sounded like you were implying it was a little bit arbitrary ... that you were looking at acreage and not necessarily some other factors.

(#1020) Diane Edgin: There were certain factors around it but ... like up on Johns Prairie Road; there were a whole number of parcels that the people said they wanted to be a part of it and we literally voted to put them into the UGA. I do feel that especially on the smaller landowners that are right around the edges ... they said that if they had known and had any indication ... this is such a new process for this area ... it didn't even occur to them that they can no longer do what they want to do.

(#1045) Terri Jeffreys: You're saying that the Shelton Planning Commission has re-reviewed the UGA boundaries?

(#1050) Bob Fink: As I understand what they did, as explained to me by Barb Robinson who is the Director of Community Development, they just looked at updating the city plan and coming up with a new population allocation and land demand, and they believe at this time that the size of the UGA is appropriate for the demand for land based on population and other land uses that they need. What I suggested is that they will study this in more detail when they establish a zoning pattern for the area outside the city. Maybe areas they look at as residential will become industrial or something else, or maybe there will be more residential land than they expected and that means that when you try to bring the balance between land demand and supply perhaps they don't need as much land as they think they need, or perhaps they'll need more. It's similar to the case in Belfair ... it's a more comprehensive review about what are we doing with the UGA as a whole. What's around it, what areas are better in the UGA, what areas are better out of the UGA ... it's going to be looking at the larger picture rather than looking at a particular site.

(#1110) Terri Jeffreys: That's what I'm trying to get at.

(#1114) Bob Fink: That should be done next year but I don't have a schedule for that and the city will be the lead entity for that.

(#1120) Terri Jeffreys: So the lines are being reviewed ... I just wanted to make sure that's clear.

(#1126) Wendy Ervin: You comment a few minutes ago ... if they're changing the zoning within the UGA that they could become rural probably isn't going to happen because it's within the UGA.

(#1150) Bill Dewey: So what would the PAC like to do on this one?

(#1152) Diane Edgin: I think that if we wanted some consistency then we probably should wait until we have further information with the sub-area plan or the city comp plan and see what they want to do. My personal feelings is that I'd like to be able to exclude them but with Shelton not seeming to be that willing to do so at this time ...

(#1168) Mark Drain: I don't know that we know that.

(#1172) Bill Dewey: They said so in their comment letter. But just for consistency here we were prepared to

## Planning Advisory Commission Minutes, November 17, 2003

defer VanBuskirks and we even have a letter from the city saying it's not appropriate at this time.

(#1190) Diane Edgin: Even if we have an opinion, just for consistency I think we need to defer it.

(#1198) Bob Sund: I'd almost like to have the gal from the city ... I'd like to see whether she wrote this letter as just standard to be against the change or whether she really felt the changes would hamper the UGA. It would almost be a security for the city to have the 9 acres there that cannot have another house put on it or anything else. Then we want to know if she can have open space within the UGA.

(#1230) Terri Jeffreys: I'm going to try to speak for Ms. Robinson; the more secure to her is to know that she's got enough land probably more than the buffer.

(#1235) Diane Edgin: I think they're going to have more than enough land and they're going to have a hard time coming up with the money that it's going to take to bring all that sewer, sidewalks, and everything else in there.

(#1245) Bob Sund: Bob am I correct in reading this map ... this UGA goes out and then comes down along 101 to the Spring Road and at that junction it goes up along the mobile home park that's there and takes in her property and then cuts over here and makes a jog here and then kind of follows the creek over here and then goes way over here someplace. It includes Island Lake in the UGA, is that true?

(#1270) Bob Fink: Island lake is in the city limits ...

(#1275) Bob Sund: There's so much land in that area that she's going to have way more than enough. This would just be a sliver of land.

(#1285) Wendy Ervin: This is all based on anticipated population growth, and topographical constraints and all of the rest of that but if they were really worried about providing all of this consistency they'd have run the line straight over across there and not have this funny little jog and all that.

(#1300) Bill Dewey: You know, we're trying to second guess the sub-area planning process that's yet to happen. I'm not comfortable jumping out ahead of that process and saying that we should be recommending carving this out until they've been through their process.

(#1312) Diane Edgin: As much as I would like to say let's go with it I think we have to have that consistency.

(#1318) Bob Sund: I make a motion that we defer this for additional information.

(#1324) Steve Clayton: I'll second it.

(#1326) Bill Dewey: We have a motion and a second.

(#1328) Terri Jeffreys: Is that clear enough? What kind of information are we looking for?

(#1335) Bob Sund: One of the things we need to know is whether this woman can apply for open space within a UGA. The other thing is it would have to come from Barbara Robinson as to how she feels it might really impact her. I kind of look at her letter as ... looking at the letter I kind of felt like it was a form letter. I don't have the method of quizzing her.

(#1374) Bill Dewey: I don't know that we can do that because this came in as public comment and the public hearing is closed.

(#1380) Darren Nienaber: Bob, I remember seeing City of Shelton's name on some of the early GMA cases. Were we co-defendants or adversaries?

(#1385) Bob Fink: Adversaries.

## Planning Advisory Commission Minutes, November 17, 2003

(#1388) Darren Nienaber: It's interesting to note just as kind of a side issue ... quite often around the Puget Sound, cities will fight with the counties; cities wanting a boundary but the counties don't. Usually they want more boundaries.

(#1400) Terri Jeffreys: Some of the cities that don't want to lose their character, don't want to get overcrowded and want to stay small and ask the counties to put their population out in the rural.

(#1410) Steve Clayton: Usually you set up your UGA's to be more or less self sufficient and independent, although this particular parcel lays outside of the City of Shelton but with the co-planning process ...

(#1422) Bob Fink: The issue with the city had to do with the RAC that's Taylor Towne. They felt it came too close to the boundary of the UGA and it was too large in general. That's what their objection was. Actually the boundary between the urban area has always been a matter of agreement between the city and the county

(#1442) Bill Dewey: So we have a motion and a second. Do we have enough clarification on the motion? Are we deferring for information to be brought back to the next meeting or are we deferring for ... deferring for the sub-area planning process?

(#1455) Steve Clayton: Bob made the motion. What did you mean, Bob?

(#1458) Bob Sund: I'd like to get the information pertaining to open space within a UGA as well as the overall...

(#1464) Wendy Ervin: And information as to taxation in a UGA as opposed to taxation for the same plot description outside.

(#1472) Terri Jeffreys: I don't think that should be part of our consideration.

(#1480) Bob Sund: I think that will tell us something in the taxation if Bob finds out whether open space is appropriate within a UGA.

(#1492) Steve Clayton: That would make an easy decision to fix her problem if it's available for open space. If it's not available for open space then it's a tougher decision.

(#1496) Diane Edgin: Then we could just defer it until we find out something.

(#1498) Bob Sund: We'll continue to defer it until we get the new data pertaining to UGA's and the new population allocation.

(#1510) Steve Clayton: So we're looking at deferring it until the next meeting?

(#1512) Bill Dewey: Yes.

(#1515) Steve Clayton: Based on staff researching tax issues.

(#1518) Bill Dewey: I think so and then at the next meeting we would decide if we were going to defer it to a later date. Any further discussion? All in favor? Motion passed. Next on to 03-04 for John and Margaret Huson.

(#1620) Diane Edgin: I think one of the things that would be very to do with this one is that we're going to have to defer it also for consistency sake.

(#1635) Steve Clayton: The other two you deferred were to take properties out of the UGA. We had one other to put into a UGA and we denied that so this is another one to put into a UGA.

(#1640) Bob Sund: One of the reasons why we deferred to other one in Belfair was to get the results of their study.

## Planning Advisory Commission Minutes, November 17, 2003

(#1650) Diane Edgin: I think once we got that then we can go forward.

(#1652) Steve Clayton: Let's discuss this one. We have a letter from VanBuskirk on this one.

(#1675) Bob Sund: VanBuskirk says he doesn't want to be considered with the one.

(#1678) Wendy Ervin: He gave considerations on their property and he's got some legidiment concerns.

(#1700) Terri Jeffreys: This is bordering right on the Union River, is that correct?

(#1710) Wendy Ervin: About 250 feet of it. It's 11.35 acres but it looks like 250 feet is on the Union River. Everything around it is RR20.

(#1734) Steve Clayton: It was mentioned that the UGA boundaries were drawn ...this parcel used to be in the UGA before they redrew the boundaries. They had to do that because it was in the flood plain and adjacent to the river so they drew the boundaries in further. It's also on the critical aquifer recharge area. That limits the density of housing to 1 unit per acre which in the UGA they're looking at 3 to 5 units per acre eventually in the zoning. But our critical resource ordinance says they can only develop 1 unit per acre because they're not on sewer. The initial plan for sewer is five years out is not to go that far up the Old Belfair Highway. In my opinion, if the sewer was eventually up the road on that east side then that might be the time you consider that high ground for residences but being that the planning horizon for sewers for that property is at least a decade out and they have the opportunity to reapply for a rezone every year then we should wait until it's sewer. We have planning policies that say flat lands, flood plains, ag lands along rivers is not where we want to build.

(#1810) Wendy Ervin: And to be consistent we were saying that we thought VanBuskirk's property was an appropriate removal from the UGA because of the creeks, rivers, etc., and to be consistent we should use the same criteria.

(#1845) Steve Clayton: This lies on a river and in a flood plain and VanBuskirk's does not.

(#1847) Wendy Ervin: But VanBuskirk's has two salmon creeks.

(#1850) Bob Sund: I guess the reason why we didn't put it in UGA to begin with are because of the reasons you gave. I don't see how we could go against those things.

(#1870) Diane Edgin: I agree. I would make a motion that we accept staff's recommendation of denial.

(#1890) Mark Drain: I second the motion.

(#1892) Bill Dewey: We have a motion and a second. Any further discussion? Hearing none, all those in favor of the motion? Motion passed. Next we'll go on to Manke Lumber Company for the corrective rezone 02-13, 'A'.

(#1952) Bob Sund: The staff approves that as proposed for a corrective rezone because of the Tahuya Estates and the rest of them are remanded to future review.

(#1970) Terri Jeffreys: I was in agreement about what was said in the hearing that to just push this off just because there wasn't time for reviewing it seemed a little unfair.

(#1982) Wendy Ervin: In the discussion we had I had suggested that Manke provide some maps because the Section B we did not have enough information. I think the process can be smoother if Manke provides a lot of the information that we need.

(#2000) Bob Sund: When it's remanded for future review they should provide us with additional information. It's their burden and as far as ...

## Planning Advisory Commission Minutes, November 17, 2003

(#2010) Steve Clayton: Not necessarily. It hasn't happened in other cases it's just that they pay the county to do it. That's what everybody did was pay the county to do it. It's a big burden on the county and the county didn't have time so we're stuck with remanding it.

(#2024) Wendy Ervin: They have those maps; they can't manage this property without maps.

(#2050) Mark Drain: What does 'remand to future review' mean?

(#2058) Bob Sund: To delay it for a future review.

(#2072) Darren Nienaber: Usually you remand for specific reasons. A higher court could remand to a lower court reversing or asking for additional evidence. It can mean a variety of things.

(#2086) Bob Sund: What is the staff really saying here?

(#2090) Darren Nienaber: Remand in the case of sub-area planning would mean until the planning is complete but I don't know what the context is here.

(#2105) Wendy Ervin: Didn't you say that you did not have the time and the manpower to prepare all the information you would need to have on these six chunks of land so I then said to let them do it.

(#2125) Allan Borden: That's right.

(#2127) Steve Clayton: Have you been in contact with them on this proposal?

(#2130) Allan Borden: They haven't contact me.

(#2132) Steve Clayton: Are they aware that you recommended putting it off until a future date?

(#2140) Allan Borden: Yes. They looked at the staff report.

(#2143) Steve Clayton: So as I understand it your proposal is a corrective rezone on the first part and the rest of it will be delayed until next years cycle?

(#2147) Allan Borden: Yes. Your other choice is to act in a similar manner in some of the other requests for greater density. Some of the other requests to go from RR20 to RR5, they didn't really provide a justification except that they just said they want to divide it from RR20 to RR5. They made no reason for it. So in this case we said denial because they weren't justified.

(#2196) Bob Fink: The burden is on them to show they meet the criteria. If they haven't shown that then it should simply be denied because ...

(#2208) Bill Dewey: Should we remand it or should we deny it?

(#2212) Wendy Ervin: Do they have the opportunity before we're done with this process to provide us with the study materials necessary or does it have to be remanded to a year from now?

(#2222) Bill Dewey: The public hearing is closed.

(#2224) Wendy Ervin: So we could put it off or basically deny it. Deny all of 'B' due to lack of information.

(#2233) Bob Fink: They can bring that information to the BOCC and ask them to not follow your recommendation because now they have all this new information. So that's where their new opportunity would come.

(#2245) Wendy Ervin: So does the BOCC then hand it back to us or do they make a decision?



## Planning Advisory Commission Minutes, November 17, 2003

(#2247) Darren Nienaber: They make a decision.

(#2250) Bob Fink: Since they hold their own public hearing they'd normally would make their decision. They could remand it to you saying there's new information provided so please give us a new recommendation. They could do that but I suspect they won't but it will be their decision.

(#2270) Wendy Ervin: Remand it to future review basically is saying denied.

(#2275) Darren Nienaber: Denied means they would fill out a new application and pay a fee that's realistically fair, they have to give a full rationalization. Defer is vague in what it means.

(#2300) Diane Edgin: Have they paid a fee to date?

(#2305) Allan Borden: No.

(#2308) Diane Edgin: Out of fairness, I would deny it.

(#2312) Darren Nienaber: The fee shouldn't be your justification. The justification is that there's no information to support an affirmative finding for the rezone criteria.

(#2323) Bill Dewey: So the justification may be that the applicant has not ...

(#2326) Wendy Ervin: Met the burden of information ...

(#2328) Bill Dewey: Met the burden of proof to show justification of the criteria information.

(#2332) Steve Clayton: On page 3 it says there's a permitted gravel mine on the property yet it's designated RR5. If there's a gravel mine there it should be zoned resource.

(#2365) Bob Fink: But they didn't request resource. Maybe it's justification to rezone it resource,

(#2372) Darren Nienaber: Maybe it's a new gravel pit.

(#2374) Bob Fink: Or it's not active anymore.

(#2376) Steve Clayton: It says it's a permitted gravel mine that's been designated RR5.

(#2378) Bob Fink: Then actually the appropriate zone would be Rural Natural Resource but did they ask for that?

(#2384) Steve Clayton: No, so in theory what you're saying is that we should go through each one of these and look at them to see if there's not enough information there to draw a conclusion from.

(#2400) Bob Fink: I think that's a reasonable approach. To the extent they're distinct and to the extent the record for each one may be different ... maybe there is sufficient information to show in that case that it's a corrective rezone.

(#2420) Wendy Ervin: I have a note here from the previous meeting. 'The application was proper at the time it was made and the criteria for review were not in place until 2003'. That is one of the explanations for them being short on information or short on response to the criteria for review. Maybe we should just defer this part of it until the next meeting.

(#2448) Bob Fink: The problem with you deferring it is that they can't provide new testimony now to address these issues to you because you've closed the public testimony. They could provide the information to the BOCC without having to reapply. If they fail to provide that information then the BOCC would probably reach the same conclusion you did that there's not sufficient justification to authorize the rezone.

## Planning Advisory Commission Minutes, November 17, 2003

(#2475) Wendy Ervin: I was suggesting that we defer this discussion and vote until next time due to the hour and if we need to go through these and compare them do that rather than taking until midnight to go through that. We could just make a decision on 'A' and defer 'B' until next time and then we would have a chance to review the information in more depth. I make a motion that we approve 'A' as a corrective rezone as recommended by the staff and defer a decision on 'B' until our next meeting.

(#2555) Steve Clayton: I second the motion.

(#2557) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Motion passed.

(#2585) Steve Clayton: Bob, regarding our timeline. We have December 1<sup>st</sup> for our next meeting and we have to eventually make a decision and the BOCC has to make a decision before December 31<sup>st</sup>?

(#2596) Bob Fink: The critical ones to make a decision on are the ones that affect the number that can be approved next year. If the rezones that are under the five limit are done then they won't affect any decisions next year. The other cases, like RR20 to RR5 for instance, those don't matter if they're approved this year or next year.

Meeting adjourned.