

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes December 1, 2003

(Note audio tape (#3) dated December 1, 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, Allan Borden, Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes from the November 3, 2003 meeting were approved as presented with the following requested changes:

On page 7, last sentence under item #2182 at top of page, it should read: ...'some of that appetite' ...

On page, 7, under item #2324, it should read: ...'weren't known at the time they'...

4. NEW BUSINESS

(#0110) Bill Dewey: We'll pick up where we left off on the review of the rezone requests. Looking at the table that Allan gave us; we deferred some last time from the order which Allan proposed because we had new comments and some of them were fairly extensive so that gave us a chance to read them before this meeting. Assuming we've read those comments, I'd suggest that we go back and start with the Citation request 03-05. That was the first one we skipped because of the additional comments. Then we'll go on and pick 02-03 which was the next one we deferred. Allan, have we received any other comments? I know we're past the deadline but is there any other information we should have that didn't get mailed out to us?

(#0152) Allan Borden: No, nothing was either faxed or e-mailed or mailed to us.

(#0158) Bill Dewey: So let's take up 03-05. We've got the proposal as well as a fairly extensive letter from the representative at the law office of Landerholm, Memovich, Lansverk & Whitesides. The other piece of

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information we have to refer back to is the summary that Allan put together on each of these proposals. It might help you refresh your memory.

(#0275) Steve Clayton: I agree with staff's recommendation in the staff report. In Allan's summary I think there's one discrepancy in that he had denied as proposed the first two and then he had denied as proposed for the first one of the second and then a corrective rezone on the bottom. As I understand it, the intent was to do a corrective rezone on the latter two parcels. If he put a comma in there, I will agree with it. I think we should deny the initial two parcels and leave them RI and recommend a corrective rezone for the last two parcels for RI.

(#0298) Mark Drain: I'll second that motion.

(#0302) Steve Clayton: And that's for the various reasons that they stated.

(#0304) Wendy Ervin: It seems to be the best solution to what they need.

(#0308) Bill Dewey: So was that an official motion?

(#0315) Steve Clayton: No, I was basically just trying to get some discussion going.

(#0325) Wendy Ervin: I agree to go with that staff recommendation to leave the RI on the first two parcels and then convert the other two parcels from RR5 to RI.

(#0335) Bob Sund: Do you feel that the paper from the lawyer had any implication or any points to make on the changes?

(#0348) Steve Clayton: It addressed some good points but ... it's taking the planning department's viewpoint on several items as in item #5. 'Intensive land use would be to materially interfere with the GMA to encourage development in urban areas'. This isn't in the UGA; it's outside and it's my opinion that if we're adding a commercial district adjacent to a UGA then we're encouraging sprawl out of the UGA and that would be in conflict with what the GMA wants us to do. Keep the development inside where the utilities and infrastructure exist.

(#0378) Diane Edgin: My biggest concern is that it is in the wedge between two major state highways and ... it's already got a fair amount of traffic on it with the storage units there.

(#0388) Wendy Ervin: I think that changing the zoning from RR5 to RI is just simply altering the zoning to match the current use. Nobody is going to live on those parcels; they don't have any residential appeal. And they're already under use as a warehouse and storage unit.

(#0406) Diane Edgin: There's nothing to say that once the UGA of Belfair becomes established that in future years it might be taken into it.

(#0415) Wendy Ervin: It's logical. If you look at the size and shape of the UGA ... it's completely logical to expect that that area may be incorporated in.

(#0422) Diane Edgin: But I wouldn't push it now.

(#0425) Mark Drain: So if a motion is made, we'll make the distinction that this is a corrective rezone and therefore it won't be interpreted as being an interim. Next year they can come back for a rezone if they want to try again but this is not a rezone, it's a corrective rezone.

(#0450) Steve Clayton: I think our motion would have to be to actually deny the request. Then the second part of the motion would be to recommend that we do a corrective rezone to something different than what they requested.

(#0460) Terri Jeffreys: But I wonder if that's going to be corrective in that the current use is a self storage and

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in the regs a RI doesn't ... it would have to be a SUP ... there's not even an accessory use of a self storage in a RI. If the current use is a self storage unit and we're correcting it to a RI, but self storage is not a permitted use RI.

(#0478) Wendy Ervin: We discussed that last meeting and Allan explained that he thought that the RI did include self storage and that it was a mistake on a staffer's part telling these people that the use that they were putting the property to required an RC3. So they applied for that thinking they were out of compliance ...

(#0498) Terri Jeffreys: Well, I'm looking at the regs and it's not on here. Warehousing is but self storage falls under RC so it sounds like it's under a SUP that self storage is being allowed in the RI unless you're interpreting warehousing as self storage.

(#0510) Allan Borden: What I stated at the last meeting is that when all of the other self storage enterprises that existed in the county were zoned, they were zoned RI.

(#0518) Terri Jeffreys: So perhaps that should be on the list of things to change with the text changes we've got coming up.

(#0525) Steve Clayton: It's actually under a SUP under the RC3 also but it's not listed under RI and staff's testimony that it's included there could perhaps be clarified.

(#0534) Allan Borden: The intent was that it be included in the RI.

(#0540) Bob Sund: Should that be part of our motion for you to correct that?

(#0544) Allan Borden: I don't think you need to formalize it into a motion; in your discussion you could instruct staff to consider that in the Comp Plan amendments.

(#0552) Bill Dewey: Terri has already done that and I think that's a valuable one that we add to our considerations.

(#0555) Allan Borden: There was one other point that I wanted to bring to your attention that I stated at the last meeting and that was in my handout on the guidelines for evaluation I brought to your attention that under the rezone characteristics on the first page under B, the second paragraph 'RC3 shall not be allowed outside of RAC's and Hamlets'. I wanted to bring that point up because I really didn't bring that out in my staff report. It was when I was doing these guidelines that I realized that the zone of RC3 is limited to those areas. So basically RC3 can only go into a RAC or a Hamlet.

(#0615) Bill Dewey: So if we were going to make a motion to accept staff's recommendation we might also add that reason as to why.

(#0625) Allan Borden: That's correct.

(#0628) Bill Dewey: We've had discussion on this. Is there any new discussion or would someone like to make a motion?

(#0635) Diane Edgin: I think we're in agreement but not quite sure how to word it; in a batch or what?

(#0638) Bill Dewey: I think you could do it as a batch.

(#0645) Steve Clayton: I make a motion that we accept staff's recommendation to deny the proposal for all 4 rezones. We recommend a corrective rezone on the last two parcels to RI.

(#0660) Diane Edgin: I second the motion.

(#0668) Bill Dewey: So one comprehensive motion covers all the actions that were talked about here and that that additional reason be added that Allan pointed out that RC3 shall not be allowed outside of a RAC or

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Hamlet. So we have a motion and a second. Any further discussion? All in favor? Opposed? Motion passes. The next one will be the VanBuskirk 02-03 request.

(#0730) Steve Clayton: I will excuse myself for this one.

(#0740) Terri Jeffreys: We were waiting for information on the suitability of ag resource land designation ...

(#0747) Wendy Ervin: I had some questions on the taxing and how the taxes for ... and I talked to the people at the Assessor's office. This business here that you have these little parcels and he was wanting to move them outside of the UGA and I was concerned that the valuation of a piece of property inside the UGA would be higher than the evaluation outside of the UGA and they said that it was according to use. So if there's no house on the property it is vacant land whether it's sitting as vacant land in the country or vacant land in the city. Then if there's a house on it, it's viewed as a house of this size and whatever ... so they don't up the taxes just because it's within a UGA. They have no mechanism for recognizing that UGA boundary. Not to say that tomorrow they won't develop a mechanism for recognizing that but today they don't have it. It's the market value. If the market value goes up within the UGA then the taxes will go up ... the valuation will go up depending on what your neighbors do.

(#0820) Bob Sund: So a piece of property across the street sells as a UGA lot at a high price then that would impact them.

(#0880) Diane Edgin: He's made the statement if we can get this out of the UGA he wants to put it all together into a conservancy.

(#0890) Mark Drain: I don't know that there's anything keeping him from putting it into one now.

(#0895) Wendy Ervin: I don't think there's a limit to keep him from putting it in a conservancy inside the UGA and that would then be viewed ... then if he eliminated those boundaries and made one single large piece, that would cause his taxes to be diminished and that might be his best direction.

(#0910) Diane Edgin: The biggest factor here is the fact that if it's left in the UGA that is going to put untold pressure to operate it as a farm. Any farmer in the UGA has a rough time of it.

(#0935) Bob Sund: Allan, answer this question. He applied to go out of the UGA and into RR5 and paid \$600.00 to do that, is that right?

(#0948) Allan Borden: He only paid \$200.00 but he did pay the fee.

(#0955) Bob Sund: If this body decides to not go along with the request to a RR5, and maybe there might be another designation more appropriate, would he have to pay another \$200.00 or would that \$200.00 that he paid apply to another kind of rezone that might be appropriate?

(#0978) Allan Borden: If the PAC feels that another designation is more appropriate, like you did from RT to RTC, it doesn't require an additional fee but he would have to qualify for whatever that designation zone is.

(#0998) Bob Fink: One of the reasons you deferred action until this week was because the Belfair planning group was meeting the night after you met and this very issue was something that was discussed. Their recommendation, as I remember it for your information, was not to change the UGA boundary but to establish an agricultural zone within the urban area for this property and another property that is currently ARL.

(#1025) Bob Sund: So we would add another designation within a UGA?

(#1027) Bob Fink: It doesn't exist. That's why when we recommended this we recommended either denial or deferral and the reason we were recommending deferral was because we expected an area wide rezone based on the sub-area planning then underway. The sub-area planning group made their recommendation last week and their recommendation that they sent forward had a number of changes ... a whole new zoning

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plan for the Belfair area. For this particular site they were recommending an agricultural district that before that had not really been introduced so that's something that's being redrafted. I don't have the rewritten plan.

The consultant company, MAKERS, is currently incorporating those final decisions into a new final draft and that draft will be circulated and go through a public process and come back before you as a whole plan with all these districts in it in the next couple of months.

(#1085) Bob Sund: So do we feel that's appropriate to have an agricultural district within a UGA?

(#1088) Bob Fink: Yes, GMA not only allows agricultural districts within a UGA but it allows ARL in a UGA. You have to recognize that open space is a desirable commodity in an urban area.

(#1100) Wendy Ervin: The point of having a UGA is to centralize your growth and your industry and your residences and all the rest of that ... to me it's counterproductive to declare some of that concentrated area to be agricultural.

(#1114) Terri Jeffreys: Wendy, one of the sociological ways you can get away with increasing density is to make sure that you've got open spaces within your higher densities to break it up.

(#1122) Wendy Ervin: Open space to me means Kneeland Park. You've got an open space for kids to play, etc. Somebody's farm is not an open space open to the public to play in.

(#1135) Mark Drain: Maybe you can't tread on it but visually it lends something to the town. Economically there's produce and customers side by side and that's the greatest thing that can happen to a community.

(#1148) Diane Edgin: My preference would be to see it get out of the UGA so it can go into conservancy.

(#1155) Wendy Ervin: Can it go into conservancy within the UGA?

(#1158) Bob Fink: I don't know why not.

(#1162) Mark Drain: I think it's grand if the local people in that sub-area planning district are considering this issue and let them make the choice for their community.

(#1175) Diane Edgin: It's more or less a buffer for the Davis farm. If worse comes to worse if we have to do it in this manner to ... if we have to deny it because of the sub-area planning getting very tight on their lines then I think this agricultural zone is a good alternative.

(#1202) Bill Dewey: What I'm wondering is that an action that we want to take tonight or do we want to just defer until we have this Belfair sub-area planning committee information?

(#1210) Bob Fink: Whatever you do tonight will come back to you as part of an area wide rezone.

(#1222) Diane Edgin: With that then there would be also opportunity for more comment.

(#1224) Bob Fink: Yes.

(#1226) Allan Borden: Basically, the rezone is the adoption of districts that the sub-area planning group determined within the boundaries of the UGA and that will be part of both the PAC's and the BOCC's review of that sub-area plan and zoning strategy.

(#1240) Mark Drain: The sub-area plan considers a lot more than just the UGA, right?

(#1242) Bob Fink: It really doesn't go much beyond the UGA, if at all. It is essentially focused within the UGA boundary.

(#1250) Mark Drain: Remember our southeast one, that one was a watershed.

(#1255) Bob Fink: Right, that was a watershed plan prior to the GMA. In the Allyn UGA, they wanted a study

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area that was approximately a mile outside the UGA that they wanted to be able to consider and influence. So if they wanted to recommend a regulation, for instance, that would affect the appearance of their gateways; the entries to their community, then they could consider what regulation that might be even though it was outside of the UGA. It's all the same jurisdiction; it's all Mason County jurisdiction.

(#1285) Bob Sund: Is it safe to say that this group does think that some kind of rezone is appropriate for this property and do I hear the group saying that maybe we should defer this until the people in the area make a recommendation and then we act upon that recommendation or if we choose to change it, change it at that time?

(#1305) Mark Drain: I don't agree with the rezone, and if a rezone was to happen, I wish him all the luck with his neighbors in the UGA district. If they could consider a rezone and if they do it will be back to us.

(#1318) Bob Sund: So you're in favor of leaving it in the UGA?

(#1320) Mark Drain: Yes and let them deal with it. They might come up with something more appropriate than we do.

(#1325) Bob Sund: That's what I'm saying that we would defer it until that plan comes to us.

(#1330) Mark Drain: They might come up with safeguards and detail that we're not going to. They might work out something in writing that makes it possible for him to operate the way he wants to and receive some kind of protection from his neighbors but also works for the neighbors.

(#1348) Wendy Ervin: If it was designated agricultural resource ...

(#1355) Bill Dewey: But that has to go through a public process to be a formal recommendation.

(#1360) Bob Fink: The sub-area committee was a public process but it will go through public hearings before you and before the BOCC before anything is adopted. It also has to go through SEPA so we've got a couple of months of process and review before any decision is made on it.

(#1375) Bill Dewey: I'm trying to decide what the best recommendation by our body is whether it's to deny it as proposed or whether it's to defer and then we'll take action on it at the time we consider the sub-area plan.

(#1385) Mark Drain: I would defer so we don't influence any decisions.

(#1395) Bob Sund: I make a motion to defer the decision on the request pending the recommendation from the Belfair UGA sub-area planning group.

(#1400) Mark Drain: I second that motion.

(#1405) Bill Dewey: We have a motion and a second. Further discussion?

(#1410) Wendy Ervin: We deferred it and kicked it over to Belfair. They came back and said ARL. Now we're deferring again until they what?

(#1415) Bob Sund: They haven't done it formally.

(#1418) Wendy Ervin: That was their recommendation.

(#1420) Bill Dewey: That proposal will be back in front of us formally in a public hearing setting before we make a final decision on their recommendation.

(#1425) Wendy Ervin: So Belfair is then going to make that proposal hard and fast then it comes back to us?

(#1428) Bill Dewey: Then it comes back to us and we have a public hearing on it and we'll deliberate on it at that point. We may adopt it or we may make changes.

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(#1456) Allan Borden: They're making a recommendation in the plan and my understanding is a zoning map within the UGA and each one of the zones they are described with development standards in each zone. It sounds like they may recommend an agricultural zone that may be very similar to the ARL designation that the county has.

(#1475) Bill Dewey: So even for us to take action and call it an ARL tonight may not be appropriate because they may not be the same as their ag zone in the sub-area plan.

(#1480) Allan Borden: Right. I haven't seen their description of the zone.

(#1482) Bob Fink: I would agree. We don't have an ag zone. The only ag zone we have is ARL which is not what they're recommending. Our recommendation all along is to consider it as part of the whole and not consider it in isolation. Since we didn't have that piece of the plan that the sub-area planning group just finished and it hasn't been compiled yet but they've finished it. So it's appropriate to wait until that comes and then there will be opportunity for new public testimony and additional testimony on the proposal as a whole and how this piece fits in the whole and then you can make your recommendation on the whole.

(#1510) Bill Dewey: If our action on this specific request is to refer it, how does that affect the overall package of rezone requests moving forward to the BOCC?

(#1525) Bob Fink: The only difference I can see is that it's probably that the BOCC would not act on it as an isolated proposal. But it would be our recommendation also to them that they wait until they get the Belfair sub-area plan as a whole so that they can consider everything in context. Theoretically whatever you zoned it now would be reconsidered based on the sub-area plan.

(#1555) Bill Dewey: My question is procedurally is there any issue with us taking a deferred action tonight?

(#1560) Bob Fink: No.

(#1562) Bill Dewey: Any further discussion? All in favor? Opposed? Motion passed. Action on 02-03 is deferred.

(#1580) Bob Sund: So none of these will go to the BOCC until all of them have been acted on by this group?

(#1590) Bob Fink: The ones that you've decided on that are counted among the five and fifty limit might be sent forward even if you didn't finish the rest. The reason for that is so they could be done this year rather than next year because we go by calendar year. Other than that we would want to wait for the entire package.

(#1602) Bob Sund: Specifically I asking about, for example, Potlatch Partners. Will that go to the BOCC before we're done with the whole package?

(#1615) Allan Borden: It's not part of the number limit because it's a rezone inside of a hamlet and is not counted.

(#1626) Bob Fink: Depending on how much time is available and how much is done and undone we might send it forward anyway but our key would be to focus on the ones that are within the limit of five so we wouldn't restrict the number next year.

(#1632) Bill Dewey: So should we prioritize those tonight?

(#1635) Bob Fink: They're all done.

(#1648) Bill Dewey: Okay. The next one on my list that we deferred action on from last meeting was 02-12 for Edith Edwards.

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(#1650) Terri Jeffreys: I forgot why we deferred her.

(#1655) Bill Dewey: I made the note that it was deferred for information regarding open space designations.

(#1660) Wendy Ervin: I was talking about the taxes.

(#1662) Bob Sund: We also wanted to know about the fire zone.

(#1666) Allan Borden: I'll answer that question first. All of the UGA is in the smoke management zone so it doesn't matter whether it's a single family house or an industrial development they have to comply with ...

(#1678) Bob Sund: So it doesn't matter whether she's in the city or the UGA?

(#1686) Allan Borden: That's correct.

(#1688) Bob Sund: But she gave that as a reason why she wanted to be out of the UGA. She said she wanted out of the UGA and into the rural area because she felt there was different fire regulations. Are we saying that UGA and rural area within the smoke management have the same rules?

(#1710) Allan Borden: The smoke management area map shows at least a mile distance from the UGA on almost every side so she falls well within that.

(#1718) Bob Sund: So her rationale would not apply.

(#1720) Allan Borden: That's how it appears. Am I correct, Bob?

(#1725) Bob Fink: I'm not sure. This map here that shows the smoke management area ... I don't know that that's in force at all times. I know there's a management area within the UGA that is in force at all times regarding burning. Then they have an additional area outside the UGA that can also be instituted. I actually didn't check on that.

(#1740) Bob Sund: That's part of her major reasoning.

(#1800) Bob Fink: I'm going to go see if I can get the answer on that for you.

(#1825) Diane Edgin: She mentions in her supplemental that she's currently applying to have her acreage placed back into designated timberland which is consistent with the property adjacent to her on two sides. Did she state that in her application?

(#1845) Mark Drain: They are not designated timberland on two sides of her. They're RR20.

(#1850) Allan Borden: But according to the Assessor's office they are designated 8800 which is the open space timberland designation.

(#1858) Mark Drain: But that's just for taxes.

(#1860) Allan Borden: That's right.

(#1862) Mark Drain: But they're not long term commercial forest land.

(#1864) Allan Borden: That is correct.

(#1920) Steve Clayton: My concern on this, Allan, was the committee that made up the Shelton UGA is that based on the city or open to the community? She is not represented by the city; she's outside the city limits but she's in the UGA. In Mr. VanBuskirk's case that committee was open to the community and the BOCC appointed members and if we are relying on the City of Shelton for a Shelton UGA then this person does not have representation to say that she wants it out and she doesn't have representation from her segment of the

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community.

(#1955) Allan Borden: But the City of Shelton did not determine the UGA boundaries. The UGA boundary was determined by an Ad-Hoc Advisory Committee preparing the Comp Plan in the mid 90's. One of the first major duties that they had was to distinguish urban areas from rural areas. There were several proposals and modifications of the boundary but it was a citizen committee.

(#1980) Steve Clayton: As I understood Bob mentioning before that the city and the county have a joint agreement on how to treat this no-man's-land in between which is outside the city but inside the UGA and it sounds like the county more or less goes along with what the city recommends and if that's the correct direction for this then we have a segment of the population that has no representation.

(#2010) Wendy Ervin: And we're deferring our responsibility by saying 'oh, you're in the urban' then they're left out in the cold.

(#2018) Steve Clayton: Whether they should be in or out, I feel, should be the responsibility of the UGA's.

(#2025) Diane Edgin: Back when we were on the Ad-Hoc Committee, we had a number of people who wanted out and we had a number of people who wanted in and it just kind of depended on where they came from and I honestly feel because ... since we don't have a daily newspaper here, and I don't even know if that would make a lot of difference, you'd be surprised the number of people who said they didn't know that was what was going to happen. But that is the responsibility of citizens to be informed.

(#2046) Wendy Ervin: But what I think he is saying is that this is not the only person who is inside the UGA and outside the city; they are in this sort of no-man's-land and somebody needs to step up to the plate and say that they are their representative body.

(#2062) Terri Jeffreys: I think a county commissioner would take offense or not approve of the statement that they're rubber stamping anything. An unincorporated UGA is under their jurisdiction and they probably take that pretty seriously.

(#2070) Wendy Ervin: But if the county is saying that they're going with the city's recommendation, and if the city is not allowing any input from these people who aren't in the city, ...

(#2080) Terri Jeffreys: I don't know that that's an accurate representation of what's going on. I don't think that the county gave blanket approval for all UGA decisions to the City of Shelton.

(#2090) Steve Clayton: I would assume that they aren't going to give it but I would assume that they're going to follow the direction that the city gives them and if the city develops a committee I would assume that our direction to the county is that there are county people entitled or directed to be on that committee to represent the people in no-man's-land.

(#2102) Allan Borden: That was one of the reasons why I recommended deferring the decision on this, first of all, because in 2004 and maybe into 2005, there is going to be a public effort to justify the boundaries whether it still meets the population allocations and the area for a mix of residential, commercial, and industrial uses and then also to establish some sort of zoning system like Belfair is doing and also Allyn is in the process of doing so that the county, when they get a request in the future in the UGA, they will know what land uses will be allowed and what land uses will require a special permit or what land uses would not be allowed in that zone. We haven't gotten that far and that's on our list to do.

(#2152) Diane Edgin: Now we have the decision of do we want to just deny it or do we want to defer it or say come back after the reports are done?

(#2162) Bill Dewey: I think, personally, to be consistent with what we just did with VanBuskirk, my recommendation would be to defer it.

(#2166) Terri Jeffreys: But this is a two year deferral because 2005 is when the UGA population allocations need to be considered.

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(#2176) Allan Borden: The county will have an updated background and preparation of the Comp Plan at the end of 2005.

(#2182) Wendy Ervin: Deferring is ... if she was wanting to cut this up into forty little pieces and parcel it out and we were stopping her from being able to do that, that would be an economic hardship on her in whatever she plans on doing with her property. What she wants to do with her property is leave her property exactly as it is and so by deferring we're not hurting her; there's no harm being done if we defer until the UGA boundaries are determined.

(#2210) Diane Edgin: And she's not one of the five.

(#2212) Allan Borden: No, she's not one of the five. Her recent letter of November 16th is framed in a way that says she wants to have her land assessed at timberland designation and she's using it as a justification to move out of the UGA and, in fact, there are several properties in the vicinity of Johns Prairie Road that are code 8800, timberland open space, that are inside the UGA.

(#2242) Wendy Ervin: So it's possible for her to continue moving towards that goal without any change at all in the boundary?

(#2246) Allan Borden: That's correct.

(#2248) Diane Edgin: I make a motion that we defer.

(#2250) Steve Clayton: Let's get an answer from Bob first.

(#2256) Allan Borden: Bob printed out the standards for smoke management zones. So DNR has designated certain areas as smoke management zones. The areas where land clearing burning permits can be issued. DNR restriction applies only to land clearing fires. Residential yard debris ...

(#2292) Bob Fink: Let me continue here. Essentially smoke management zones are areas where the large land clearing like timber burns are not permitted at any time. That only applies to land clearing fires. They have two other categories of fires. One is a residential outdoor yard debris fire and the other one is a recreational fire. The residential outdoor fire is for land clearing where there's a residence on the property and the owner is doing the burning or someone under their supervision and the fire can't be any bigger than 4 x 4. The recreational fires are not for burning yard debris but for recreation entertainment, ceremonial purposes, etc. Those are also limited to 4 x 4 but they're for a different purpose. So those are the two types of fires that are allowed in the smoke management zones. But in the UGA there's a statement that says 'open fires are prohibited within the Shelton UGA'. This only affects the Shelton UGA. This isn't a rule that appears to apply to Belfair or Allyn but it does apply to her. She wanted to have a residential yard debris fire ... I would like to get clarification from the Fire Marshall because it was my understanding that recreational fires were allowed inside the UGA.

(#2440) Bill Dewey: Regardless, I think it's all well and swell that we would like to help this lady with her issue but I'm concerned about not being consistent in what we're doing. In Belfair on the VanBuskirk request, we're deferring for a recommendation from the planning process there and then here ...

(#2458) Wendy Ervin: I think it's the correct thing to defer to the planning process in the Shelton UGA and to that planning process.

(#2472) Bob Sund: You mean in Belfair?

(#2475) Wendy Ervin: No, this is Shelton.

(#2477) Bob Sund: I see the two as different. In Belfair you have a group that's currently working on these very things. In Shelton they're not really ...

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(#2488) Bob Fink: But they are.

(#2490) Mark Drain: It could take two years or it could take five years but I still think it's good to defer it because she doesn't have to reapply and she will be kept on the agenda.

(#2498) Wendy Ervin: And it's not stopping her commercially from doing anything with her property. She's not losing money, she's not being damaged by us waiting.

(#3508) Steve Clayton: Bob, while you were out of the room, I asked Allan about the makeup of the committee that actually designates the UGA's and Allan stated that in the mid 90's when this particular UGA was made up it was an Ad-Hoc Committee and everyone was fairly well represented. Is the upcoming committee that's going to work on the Shelton UGA going to be made up of the city people or is that committee that's going to revise the Shelton UGA actually going to have the opportunity for the people who live in no-man's-land be represented on it?

(#2540) Bob Fink: It's my understanding the city doesn't have a standing committee and probably won't appoint a committee. In the agreement we have with the city, the city is going to be the lead entity for the public process but the process itself is not detailed out. What I presume is the critical difference between what they're doing now and in the adoption of their own plan and their own review is that they need to advertise to people so they're aware that the city and county are involved in zoning property or proposing to zone property outside the city limits so that the property owners that are going to be affected know that they could be affected. The public notice that they'll go through is going to be a lot different than what they've gone through in the past. I think they'll be very focused and we've asked them very much that one of the things we're going to look for in their proposal is that they've reached the owners or residents in the urban area outside the city and that they have gotten their comments and reflect their opinion in whatever they propose. We don't want a proposal coming to us after the city approves it that then we get 100 people coming and protesting because the city wasn't respecting their views.

(#2615) Steve Clayton: That was my concern. Thank you. We have a couple of different situations. The Belfair group as Mr. VanBuskirk mentioned, the BOCC appointed volunteers and took an overlying area of representation. The Shelton UGA we talked about. The Allyn UGA, which will come to us in the future, is a different scenario in that a specific group was self appointed and it's been more or less recognized and they've come forward with a plan so that will come to us later, whether or not that group is actually representative of the community.

(#2646) Bob Fink: Just to clarify a little bit. They're not self appointed. They were appointed by the Allyn Community Association which is a body that represents ... I'm not sure how big the group is ... it represents a large number of the people in the Allyn area generally. They've been told and encouraged to reach out to the community as much as possible because the strength of whatever they do is because it comes out of the community and only to the extent that what they do reflects the values and viewpoints of the community is going to stand when it reaches this level when it comes before the BOCC. If we get comment from the community that says these people haven't incorporated their concerns or address them or even inform them then they're not going to have the credibility and their plan isn't going to have the credibility and the weight it needs to move forward.

(#2700) Bill Dewey: I'm hearing some consensus here. Does anyone want to put a motion on the table?

(#2705) Diane Edgin: I make a motion to defer it until such time as Shelton has the wherefor all to go forward with this. I just move that we defer it until such time as they get their UGA information.

(#2730) Wendy Ervin: I second the motion.

(#2732) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passed and proposal 02-12 is deferred. I think the next one is 02-06 for Sheldon Properties.

(#2900) Terri Jeffreys: I just have a general comment about all these RR rezones. Using the criteria put out by the BOCC regarding RR rezones, the first one that was repeatedly addressed in the staff

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recommendations that says 'no information by the applicant was provided to show a demand for residential development exceeding the present development densities'. Looking through the Countywide Planning Policies for Mason County rural development was recommended for areas that had already been replatted into smaller plats. I don't have those policies right now to quote them directly but that any increase in rural populations would be directed towards pre-existing plats. So it seems me to that if that is the Countywide Planning Policy regarding population increases in rural areas until all those plats have been exhausted or sold or just not available for sale, which is problematic in general in growth management, I don't know where we could possibly approve any increase in rural residential densities in rural areas. It just doesn't seem to match the Countywide Planning Policies.

(#3010) Bill Dewey: That's a good observation and a good comment.

(#3012) Terri Jeffreys: So it's really hard for me to look at these one by one and say if we have any way we can justify it.

(#3022) Bob Sund: I don't think the intent when they said that was ... the intent was to take large parcels and say they can't be subdivided into 5's or 10's or whatever. I don't feel that was the intent. I think the intent on that kind of statement was the fact that you can't divide them into urban sized lots and that's what was happening in the county.

(#3075) Mark Drain: What Terri said is that the applicant hasn't shown that the demand for additional lots above and beyond the 5 acre lots that already exist.

(#3098) Bob Sund: My understanding from real estate people is that they can't find enough 5 and 10 acre parcels.

(#3115) Mark Drain: If there could be theoretically 500 of them platted somewhere ... Our own company has 5 acre lots in volume platted but we just planted seedlings last year.

(#3130) Bob Sund: The market will determine if they saleable or not.

(#3132) Wendy Ervin: I don't think that saying that the existing platted but undeveloped lots in the county should be all used up before we do any other changing of zoning. The topography and the different variety that's available in Mason County is such that you can't say that every lot has to be sold and used before we can develop anything else because maybe you don't want to live where some of those vacant lots are. You may want to live someplace else. There's mountain, there's water, etc., and people should not be forced to live someplace that they don't want to.

(#3195) Bob Sund: I live in the Cushman area and I don't know how many lots there are up there but there's hundreds of lots and you might consider them as urban sized lots and they're pretty well bought up.

(#3250) Diane Edgin: I think you could almost break the county down into specific zones; not zoning but zones, and look at each zone as to what's there and what makes that attractive to people.

(#3262) Bob Sund: I think that when Mr. Sheldon gave his presentation I think some things that some of us liked about it was the fact that by doing those rezones then he would have enough building lots in a cluster development to make it worth while and he would be willing to commit all the rest of the acres to long term forest. The area that he is saying that he would try to put the clustered lots ... by giving him enough lot numbers it would make it worth while for him to do it that way. If you look at the property, that property pretty much has views of a portion of Hood Canal, it has views of Mt. Rainier and it might be a highly desirable area for a cluster development.

(#3333) Wendy Ervin: He also pointed out, or satisfied I thought, all of the questions about utilities and reaching it by road and all of those things that this is not isolated property; that there is a lot more access than Allan had information on when he made his staff report. I do remember when Mr. Sheldon was done Allan said 'I didn't have all that information.' I took from that that had he had that information his staff report would have possibly read differently than it did.

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(#3375) Steve Clayton: I didn't get that.

(#3382) Mark Drain: I can't quite understand our rationale to be providing lots for people in different parts of the county so they can have either mountain view or view of the water or whatever when we don't know what is available in those areas already or what isn't available. I guess in the back of my mind I wonder what makes his particular piece of property and his proposal different from 100 different pieces of property like that in the county.

(#3425) Bill Dewey: It's similar to what we're going to have to deal with here shortly with Lake Limerick. We're going to have to make the decisions again there.

(#3430) Mark Drain: I guess I wish I walked in the door and said that I could afford to build more roads and more houses and do a really nice job if you down zoned some of my timberland real dense. Where do you draw the line?

(#3454) Bob Sund: His property does fit in between much higher density property.

(#3460) Diane Edgin: It really does when you look here ... here you've got Lake Cushman ...

(#3466) Mark Drain: I understand his does but how many others do also.

(#3472) Steve Clayton: I think Terri's point, and I agree with her, is that it's up to the applicant to show us that there's a demand for the property. And because we've got density on each side ... if Mr. Sheldon would have come and said that here we have the Hoodsport RAC and it's currently at 86% built out, and we've got this Lake Cushman that's filled out at 75% and based on realtor's reports that there's actually a demand right in the Hoodsport area for this property, then he would have come closer to addressing what the county expects. As far as the utilities, I don't see them being addressed. We have specific requirements that there is a road on the property; that there's a county maintained arterial and there's not a county arterial on any of these properties.

(#3525) Wendy Ervin: But in his presentation that he gave he demonstrated ...

(#3533) Steve Clayton: That he could get an easement from somebody else and build a road but that's not the specific parameters that we were given ... that there is an arterial there. The water is below the elevation for the rest. The water is not there; it requires public infrastructure ...

(#3550) Wendy Ervin: The water is there.

(#3555) Steve Clayton: The water is there but that's lower than the rest of the development so you can pump it up but that requires public infrastructure and that's what we're looking at. The reason water is there is because Hoodsport is below it and water flows downhill ...

(#3568) Wendy Ervin: He's got a big well that is supplying this block of 1 to 5 up here off of State Route 19.

(#3580) Steve Clayton: Long term planning would see to me to say that once Hoodsport fills up and Lake Cushman fills up then his properties would be best in an expanded Hoodsport RAC. He wants the density along the highway; you want the density connecting it. Now if we zone at RR5 and then we want to put it in the RAC then we're going to downsize that zoning but people are already going to build out and have their homesteads on 1 to 5. That's one thought process for planning and thinking is that if we leave this area in between two dense areas and when these areas fill up then we can bring that into the RAC at an appropriate developable density.

(#3640) Wendy Ervin: What you were saying earlier ... it seems to me you were saying that he hasn't drawn the plat and drawn the lines and shown where these roads are coming in here and shown all of this stuff ... right now he has 40 acre square blocks with nothing showing on it. In his presentation he was saying that there were a lot of vacant lots right along his boundary line and he could buy those vacant lots and turn them

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into a road that would access all of these that he would like to have 1 to 5 along side Lake Cushman. All along there he could put roads in from the Lake Cushman development and it seems to me you were saying that he doesn't have the roads in there already and so ... it's like which is first, the chicken or the egg.

(#3715) Terri Jeffreys: Growth management says that the infrastructure needs to be there first.

(#3720) Steve Clayton: You build around your infrastructure.

(#3726) Wendy Ervin: But that's not always possible ... if you put in the infrastructure first, you're putting in a lot of little roads to fit the RR5 and then you go ask for zoning to fit the roads you already built? You've invested all this money and what if somebody says no?

(#3754) Terri Jeffreys: I apologize ... you wouldn't want to build ...

(#3758) Bob Sund: You couldn't go to all that expense and then ... if he does the kind of development that he's talking about doing, he has to have the ability to do that first. Then he has to lay out the infrastructure, the roads, water and show that and that has to come before the planning group again.

(#3790) Wendy Ervin: Right.

(#3792) Bob Sund: We have to approve that and say if it's adequate or not.

(#3798) Wendy Ervin: So just because we change the ... and I don't necessarily agree with all of his requests in here. But just because we change some of these 40 acre lots to some other designation doesn't automatically wack them up in nice, neat rectangular boundaries ... he has to come back with a plan to develop those properties along that guideline.

(#3830) Bob Sund: You could almost work that into the motion as to ... that we're changing the zone in order to create a capacity of the total package, however, a good proportion of that is going to remain in long term commercial forest.

(#0135) Bill Dewey: I'm not hearing a consensus and something I want us to keep in mind is that if we're going to go against the staff recommendation, on all eight criteria staff has found that they've not met the criteria so we're going to have to go through each one of these and justify that.

(#0148) Wendy Ervin: I would like to ask Allan if the staff's criteria were altered or if there was some change ... not criteria but if the staff's response to this request was changed by Tim Sheldon's presentation and the information that he gave you about, for instance, creeks that don't exist and areas of wetland and areas of water and accessibility of utilities and all of those things. Did that change your view of some of these requests?

(#0170) Allan Borden: It only changed in the sense that he had some strategy in which he wanted to approach developing the property. But even then he didn't have enough specifics to really have the PAC visualize exactly what the framework was of what he was planning to do. He did provide more information than was on the application.

(#0195) Wendy Ervin: And that additional information didn't ... did that modify your judgment at all?

(#0202) Allan Borden: Only in the sense that he sounded as if he could provide proper infrastructure of water and some idea about sanitation.

(#0208) Steve Clayton: How would you address item 3 on page 4? It says specifically that 'materially increasing sprawl, low density development in the vicinity' ... isn't this exactly what Allan ... just picking one out of the eight that they said 'no' on ... how would you give a good case that says this isn't increasing sprawl between the Hoodspout RAC and Lake Cushman? That's exactly what we're doing; we're drastically increasing density on those properties adjacent to the RAC, between the RAC and Lake Cushman.

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(#0230) Bob Sund: It does make some sense because it sits between two highly more dense areas. It's right in between.

(#0238) Terri Jeffreys: So kind of like an in-fill development.

(#0240) Bob Sund: Yes, and at the same time ...

(#0242) Steve Clayton: So you're sprawling between the two communities.

(#0244) Wendy Ervin: But you've got highly dense development here in Lake Cushman and highly dense development in the Hoodspout area and if we granted these changes, he's asking for several 1 to 5's and then some 1 to 10's; if he developed it exactly that way then you would have a controlled ... and not have turned this into this extremely dense development in this midpoint area. You would have a controlled number of people. It's not 50 to the acre; it's 1 to 5 and in that ... I don't know that that's not compatible with the goals. You've kept this from becoming densely developed by allowing a moderate development.

(#0278) Steve Clayton: The same argument could be said for Allyn and Belfair. They're two UGA's with rural area in between. Why not fill 'em up?

(#0282) Bob Sund: You're not really filling them up ...

(#0284) Steve Clayton: Neither Allyn or Belfair is full so why would you in-fill in between and a developer would probably say because the road is in between so fill it up. Neither has said that they're full. Here we have two communities; they haven't come to us and said that they're full or needing additional properties.

(#0295) Wendy Ervin: On the other hand, there are no real 5 acre tracts available in either of these two very densely developed areas and so if someone wanted to have 5 acres in that area then ...

(#0302) Terri Jeffreys: There's plenty of 5 acre zoning all along the Lake Cushman Road here.

(#0306) Steve Clayton: Now, if they would have come to us with a presentation that said there's a shortage of 5 acre zoning, then he would have addressed item 1.

(#0315) Diane Edgin: It's in his comments; he did put that in his comments. The main thing about sprawl is the cost of expanding services. He's got the water and if he put it in the subdivision that's his responsibility, there's telephone, power and fiber optics.

(#0333) Bob Sund: As he develops it, it's all the developer's cost. It's not relying on government to provide services.

(#0338) Steve Clayton: Where's the school; where's the fire station?

(#0340) Diane Edgin: The fire station is right next door.

(#0342) Steve Clayton: Right, but if you increase the density then you need more school, you need more fire.

(#0344) Terri Jeffreys: You'd need to increase the staffing to accommodate it.

(#0346) Steve Clayton: When you increase density on the road who is going to deal with that?

(#0348) Bob Sund: Remember this, people, that one of our criteria; one of our goals is to protect private property rights. Let's not

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forget that. We have a tendency to forget that whole thing. That the other things are more important than protecting private property rights.

(#0355) Terri Jeffreys: And my question is how do you balance the two?

(#0360) Bob Sund: What I'm saying is when a landowner comes in and has a decent plan we give him some kind of credence; we don't say "no" because he has some priority in this whole package. He has a goal that is just as valid as preventing urban sprawl. So let's not forget that.

(#0375) Wendy Ervin: And if while we're worried about this urban sprawl and density and worried about whether you're going to have creeping sprawl and whatever, remember, too, that the Indians are negotiating to buy some of that property. There's a possibility if he gets the 5 acre tracts, he will go that way. If he doesn't get it, it will likely go to the Indians and we'll get a Little Creek Casino and the hotel and all the rest of that built up here.

(#0392) Bob Sund: He did say that wasn't very likely but that is a possibility.

(#0394) Wendy Ervin: It is a possibility.

(#0398) Bob Sund: Then there wouldn't be control ...

(#0400) Wendy Ervin: Right. There wouldn't be any controls whatsoever on anything that went on on that property if it was sold to the Indians.

(#0402) Mark Drain: That's true of any piece of property.

(#0404) Wendy Ervin: That's true but not everybody holds these large tracts of land that could be ... not everybody has this much land to sell.

(#0408) Diane Edgin: I think one of the most attractive things about this is if he is allowed to do this subdividing as he has proposed that that lower half will be put in long term commercial forest forever. That is one of the goals of trying to preserve a wildlife corridor for the elk and the deer and how do you get it otherwise?

(#0425) Mark Drain: Well, if they wanted it they would have zoned it long term commercial forest from the get go but evidently it didn't meet some standards for that.

(#0428) Wendy Ervin: Well, maybe it wasn't necessary until push came to shove. As long as the trees were out there growing happily away there wasn't any necessity to label that.

(#0434) Mark Drain: No, growth management didn't require the necessity ...

(#0440) Wendy Ervin: The property owners felt no push to redistrict their land to long term commercial forest because there was nothing

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stopping them from growing trees and so they didn't have to worry about whether it was long term. They didn't have to declare their intent by designating it long term because they had complete control and so they just grew their trees and planned on doing that. Now it may be necessary and desirable and they are being forced into designating it long term but that doesn't change the actual use of the property. There's trees on that property, there have been trees on that property, and there will be trees.

(#0482) Bill Dewey: We've had a lot of good discussion on this proposal but I'm not sensing consensus.

(#0485) Wendy Ervin: My thought is that each one ... you cannot say "blanket" and let's do exactly what is said or let's not do any of this. I don't think you can have a single answer. I would prefer to deal with each of the requested changes as a single unit.

(#0500) Bob Sund: I agree with Diane in that I think this might be a pretty nice opportunity for something that could develop into something pretty nice.

(#0505) Diane Edgin: I look at it also from another standpoint. We have numerous property owners that do have tremendous property and when you think of the different things that the goals of the GMA is trying to do and what our own criteria is here for this county and here we've got a case ... we've got a parcel that's a mile on a side and we're talking about putting half of it into long term commercial forest and to show the rest of the county that this can be accomplished and can be accomplished in a responsible manner. Somebody has to show some leadership for these people because this is new to all of us. For the petitioners, for staff, for the state, for us.

(#0545) Mark Drain: Is there a provision in the Comp Plan for large scale developments? Planned communities?

(#0552) Bob Fink: That's an urban form. The fully contained community is an urban designation and would be different than what this is. There is no specific provision. It's up to the creativity of the property owner to design a good layout. One thing about clustered; when we say clustered, there are limits to how many units can be clustered. The limit is less than 40. Five clusters of 8 each that can be done as a single development. There's also the opportunity he would have would be to not do cluster in the way you might think of it but to have smaller lots in a given area, which might be 2 acre minimum lot size lots, that he could have grouped in one area, not an official cluster but a grouping, and then the larger tracts would be elsewhere. But he can do this at whatever density he's allowed. Under the current zoning he can still do that. He just wouldn't be entitled to as many lots.

(#0600) Steve Clayton: And it's not half of the property into long term commercial forest; it's a quarter of the section he didn't make a request to change.

(#0615) Bob Fink: Just for clarification, too, when this land

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division is proposed, it won't be coming back before the PAC. Those subdivisions now go before the Hearing Examiner so it wouldn't come back to you.

(#0632) Terri Jeffreys: I need to know what we would be considering a good criteria for increasing density on rural lands as we go through here. Is it that there's infrastructure there or siting or what?

(#0645) Wendy Ervin: It has to be a combination of all of those things. The whole point is not to force the county to be spending more money on putting in more water, etc., that there should be some accessibility and services to the properties that doesn't stress all of the fire and the ambulance and all of the rest. By the way, I just counted it up. If he was given everything he wanted there would be 80 residences in this entire block and there are more than 80 residences, if you look at the Lake Cushman, the upper right hand block right next to [A] so we're talking about for this entire area a smaller density than what is in this one block of Lake Cushman.

(#0685) Bob Sund: Furthermore, if they develop it the way it is zoned, the infrastructure would be spread out all over ... All over this 320 acres. So you'd have some dwellings spread out over 320 acres which makes it tough to put in the power, and for the fire department.

(#0705) Wendy Ervin: What he was talking about was clustering his development ... having the development up here off State Route 19 where the water and the roadway and all the services and accessibility is and having his development at a higher density there and no development in the other half of this block of this square mile. And even so the density would be far more relaxed than what is on either side.

(#0735) Bob Sund: He is surrounded by a great deal of RR5's anyway.

(#0738) Allan Borden: Lake Cushman is not a good example of ... it's a good example of nonconforming development under the current standards.

(#0760) Bob Sund: I just don't think we should micro manage and it looks like that's what we're trying to do.

(#0762) Diane Edgin: One of the main things you've got to keep in mind is that one of the biggest objections about sprawl is the cost of delivering services; it's not here and 80 houses, even if there were two kids per household, you're going to get them one way or the other. For the number of houses out there, I think there are actually less kids per household than most areas.

(#0786) Bob Sund: You talk about the Hoodspout RAC and you talk about whether it's full or not and those are not good places, anything that's available in that Hoodspout RAC, is not very acceptable as far as the soils. Up on top where he's talking about, the soils are great for drainage, etc., and those soils down in the RAC are clay. It's also very hilly and it's cut up by a lot of ravines and things like that and when you go up there, it makes a lot more sense for the

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development to take place there because that's where it levels off.

(#0820) Steve Clayton: I drove through the Suncrest development, which is adjacent to his property to the east, and it didn't look close to being filled out. As far as access to State Route 19, he does not have a current access there and that part that's near his parcels is an extremely steep part of 19 that would be difficult to get at. If you're heading eastbound you could make a turnout there but heading up the hill would be tough.

(#0835) Diane Edgin: That's still going to be his responsibility to put that in.

(#0837) Bob Sund: He has to meet the criteria as well as the engineer.

(#0840) Bill Dewey: What I'm troubled by is that we're sitting here trying to make a justification for him and it seems to me that we've not seen a comprehensive enough package with justification built into it. That's where I'm leaning. I'm not disagreeing with you. The points you're making are all good points but I'm troubled by the fact that we're trying to build that justification for the applicant.

(#0856) Mark Drain: We really didn't get any solid justification. A lot of people in the county would like to have a denser zoning for their property. Another thing that would bother me is the long term commercial forestry to the south ... hundreds of property owners would probably get zoned 1 in 20 as a buffer to those kinds of properties and all of a sudden he wants 1 in 5 and 1 in 10.

(#0874) Bob Sund: There's not much to the south, is there?

(#0876) Mark Drain: Long term commercial forestry.

(#0878) Bob Sund: That's all Simpson land.

(#0880) Mark Drain: Yes.

(#0882) Terri Jeffreys: G and H should stay 1 in 20 just to allow that buffer.

(#0885) Bob Sund: But that land is going to remain undeveloped. That's what he said; he could write that into the proposal.

(#0895) Terri Jeffreys: He requested rezones of them.

(#0897) Bob Sund: And the reason why he wanted those rezoned is so that he would have the building capacity of this whole thing, which he would put up here.

(#0900) Mark Drain: He wants the density.

(#0902) Bob Sund: He only wants the ability to put those places and make it worth while in a cluster and then that area that you're pointing out down there, he's willing to designate that as long term commercial forest. That could never be rezoned or tapped into the 1

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to 5 because he's already used that density someplace else.

(#0916) Wendy Ervin: And in this entire request from what sits there now to what he's requesting, it's only an addition of 16 units; 16 houses in the entire square mile, which doesn't seem to be a great deal of explosion.

(#0930) Mark Drain: I would agree with that.

(#0950) Bill Dewey: Let's try to move us forward to get some sort of action on these.

(#0965) Bob Sund: If you want more information and want him to answer those things then maybe we should defer it and have him come in a give us the rationale.

(#0970) Wendy Ervin: I though he's answered all the questions.

(#0972) Bob Sund: I thought he did, too.

(#0974) Mark Drain: What is the process if we were to zone this 1 in 5, 1 in 10, 1 in 20, and then he's got the density and then he comes back and says to zone it long term commercial forestry? I don't quite get what's going on here.

(#0980) Terri Jeffreys: He doesn't have a legal obligation and we don't get a legal guarantee that all this stuff is going to happen once it's rezoned.

(#0984) Mark Drain: That's right.

(#0986) Bob Sund: Can't we put that in a motion?

(#0988) Bob Fink: You can't require him to do that as a condition of the rezone. He could turn around tomorrow and sell it, and indeed he's considering selling it, and it may not be to the Indians; it may be somebody else. You can't restrict them; the zoning is the restriction. Whatever is allowed under the zoning, he could or some future owner could decide to do.

(#0998) Wendy Ervin: If he designated these 1 in 20's down here as long term commercial forest can he request that the residential density be transferred up so that he can have a cluster development?

(#1020) Bob Fink: First, let's differentiate between the county designation of long term commercial forest land, which is a specific resource land designation which a property owner can't do on their own; that's something the county runs through a process and develops. There the minimum lot size is 80 acres. And it's next to other long term commercial forest lands and there's a whole list of requirements to be designated long term commercial forest. What he can do is either group his smaller lots at one part of the development. He can join together contiguous property and do one development to develop it but if he's going to do that and he develops more than ... so he could take those two development rights of those 40 acre parcels and the 20 acre zoning and move those elsewhere on the adjoining land as

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part of the same proposal. The county doesn't require that you have that land as forestry but it would restrict it from development or further subdivision, at least until it was rezoned into a more intensive development.

(#1080) Bob Sund: So it might not be classified as long term commercial forest but it could be classified as a green belt.

(#1086) Bob Fink: Right, he could classify ...

(#1088) Bob Sund: And the development rights from that green belt area could be transferred ...

(#1090) Bob Fink: Would be on some other piece of property. But as I was saying, even though he may envision doing that, you can't commit him to it through the rezone process.

(#1098) Bob Sund: You would be able to because when he applied for a large lot or a subdivision, he'd have to go through the department and we'd say that we reached an agreement here in 2003 that that was designated as green belt.

(#1114) Bob Fink: I don't believe that you can do that. You simply can't bind them in that way.

(#1120) Mark Drain: That's outside of our jurisdiction. We're considering zoning and all of a sudden you want us to do land planning, too.

(#1128) Bob Sund: Bob, I just went through a short plat and I did that and you approved it.

(#1130) Bob Fink: As you go through the short plat, right, but not as a rezone; not as a condition of rezone did we put a requirement on you that you had to do a certain thing not otherwise required.

(#1135) Bob Sund: When I designated an area as green belt, I can't take it out of that green belt because it's tied to those lots and I have to have a 5 acre average and that green belt ...

(#1145) Bob Fink: Right, that's to get the approval of the subdivision under the subdivision codes and the densities that are allowed. What you're talking about now is a rezone. A rezone isn't a specific development proposal. It lays out the conditions under which the development proposal could come. Now, if he came to us with an application and in order for use to approve that application we had to rezone his property to a particular use, then you could do the whole thing as a package but he hasn't proposed a particular proposal. He could change his mind, he could lose the property for one reason or another, and then no future person would be bound to that. We can't legally, as far as I know, bind even him to that through the rezone process.

(#1175) Wendy Ervin: Unless he puts covenants on the property.

(#1177) Bob Fink: Right.

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(#1180) Wendy Ervin: But economically and feasibly he's going to want to develop ... he's going to want to put his development at the top half of this square mile. That's where his services and his water and all of those things are most convenient and the lower half, allowing that to be permanent forestry, ...

(#1198) Bill Dewey: I don't want to get caught in this situation where ... we're taking him at his word. We've done this several times. Your decision is being swayed because this person said that this is what they're going to do with their land but ... but if they sell that property, all that determines what happens with that in the future is the zoning that's on it.

(#1215) Wendy Ervin: There's very little impact in what he's asking, as a matter of fact, because all that it is is an increase of 16 units.

(#1222) Mark Drain: The argument could be made then to play it safe and honor the zoning that's already taken place, especially since we're probably not aware of all the criteria that was used to establish a zoning; leave it the way it is.

(#1235) Terri Jeffreys: If you look at other intense developments like Lake Limerick, they're surrounded by RR20's as a buffer.

(#1245) Diane Edgin: But you've got to remember that Lake Limerick is not a UGA; there's no requirement for a buffer there.

(#1250) Bob Fink: I don't know that it's a buffer. If you look at the criteria for establishing a 20 acre, it's normally because the land next to the smaller plats is in large blocks and because there are critical areas on it. And it may or may not be next to long term forest land or other resource land, depending on the situation.

(#1285) Steve Clayton: To move this along, I make the motion that we accept staff's recommendation to deny this request as proposed for all the parcels involved in 02-06 for Sheldon properties.

(#1300) Mark Drain: I second the motion.

(#1302) Bill Dewey: We have a motion and a second. Any further discussion?

(#1304) Diane Edgin: My question that I wanted to bring up was this would fall into one of the five rezones if it ... or, it would not. Okay, then can we give them the opportunity to come back with more information based on the criteria?

(#1325) Bob Fink: Since other parties need a chance to speak it would have to be readvertised. If you wanted to reopened testimony you would have to provide notice of that. Now, there will be another public hearing at the BOCC level and the applicant and anyone else who has other comments on the proposal would be able to make the testimony and comment on your recommendation. At this point whatever you decide to do, there will be a further opportunity for someone to

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comment on your decision. If you were do deny it for reason [a] and [b] then they could come to the BOCC and say they didn't know about this and they didn't know about that and try to address those issues.

(#1366) Bob Sund: Would it be prudent for us to defer then and open it up for him to come back with more complete rationale?

(#1375) Bob Fink: It would be an option for him.

(#1378) Bill Dewey: He could do that at the BOCC hearing.

(#1382) Bob Sund: We're kind of hoping that the BOCC will be in the habit of accepting our recommendations and so maybe we should gather more information before we make a hard and fast recommendation. Allan has already said that a lot of the information that Tim presented, he didn't have access to that information at the time he recommended the denial.

(#1400) Bill Dewey: You're right; he has brought forward a lot of new information and I'm at a little bit of a disadvantage because I wasn't here for the public hearing on this and so I've had to go back and read through all the materials and understand all that additional information but ...

(#1410) Bob Sund: Just to elaborate because you weren't here I was extremely impressed with the maps he brought and I really gained a tremendous understanding of the presentation because of the maps he had. It was the best presentation we had of all of them.

(#1424) Wendy Ervin: And some of the criteria that Allan was basing his judgment on, such as wetlands and Type 5 stream, there was a Type 5 stream that doesn't exist that Allan had on his maps so that was part of his judgment. There was a wetland that doesn't exist that Allan had on his maps and that was part of his judgment so there were considerations that were brought up in the public testimony that should have been used ...

(#1445) Bill Dewey: I understand that but where I was going with this is that for me personally it's not just additional information but it's that commitment of that whole package that Bob was talking about a little bit ago and that is if we had come in here with a development proposal that was comprehensive for this overall project and included in that all the infrastructure and addressed all these things we've been talking about tonight and then part of that was in order to do this I need this rezone ...

(#1470) Wendy Ervin: I think that's not fair to ask people to do all of the development on paper which is thousands of dollars before they get the density request granted.

(#1475) Bob Sund: I don't think that's what you're saying, is it?

(#1478) Bill Dewey: I don't think it is.

(#1480) Wendy Ervin: You said a proposal and a proposal is going to be maps and drawings and roadways put in and all of this ... now he

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verbally gave the proposal that his plan was that he would have long term forest in some and a concentrated development in part of that package.

(#1495) Bill Dewey: What I'm trying to get at, Wendy, is that the outcome of that process would be the decision being made where the zoning request is approved along with the commitment so that we know that those properties will be developed as he's saying.

(#1510) Wendy Ervin: In this process here ... and he brought a complete proposal in with all the maps, etc., and gave it to us we still are only passing on the density request and that proposal ... we don't have the ability to nail that proposal onto that property so it's immaterial whether we have it on paper or not. He proposed it in a way that's practical; verbally. That's as good as it gets and at this point I think all we're doing is saying that we believe Tim Sheldon is an honorable man and he will do what he honorably says. If he came with it on paper we would still have to be believing he was a honorable man and would do that.

(#1550) Bob Fink: I was talking about an actual application to do the project.

(#1552) Wendy Ervin: But if he brought all that stuff here to this board to this table today it would not be an application ...

(#1555) Bob Fink: Right, however elaborate and wonderful the plans are it's all speculation at this point unless he's making an actual application.

(#1565) Bob Sund: It seems to me that years ago we used to have what we called a preliminary approval which didn't take the engineering and everything else ... come in with a plan. It could be a sketched plan and they could present a preliminary plan and if we liked it we could say to go ahead and do the engineering and then ...

(#1588) Bob Fink: Right. In our planning process, the applicant has an option of coming with a concept plan but that's unbinding. Then they have to come back with the actual preliminary plat which doesn't have a lot of the engineering required like for the final plat but it approves the number of lots, it approves the general layout of roads, etc., which then have to be engineered exactly and then they get a final plat approval. The final plat is approved under state law and county ordinance as long as they meet the conditions of preliminary plat. A preliminary plat is binding in that sense.

(#1625) Wendy Ervin: Is that process still available?

(#1628) Bob Fink: Yes, that's still the process but that requires a formal application. That's the only way I know to tie the two together otherwise you're just considering the rezone and you have to ask yourself what distinguishes this proposal and this area from other parts of the county where they might also want to request a higher density to increase their land value. That's where you go back to the criteria. Kind of what I'm hearing is you feel that some good arguments have been made and you do have the option of saying

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that you're real close to having a decision but there needs to be a little bit more documentation so we can really get at the criteria and you want to give Mr. Sheldon an opportunity to bolster his arguments because you think he might be able to make his case. That would be a justification for continuing it. He can do that at the BOCC level as well. That's up to you otherwise you could approve this motion the way it is without making additional findings. If you make the contrary motion to approve it then you need to lay out what findings you want to do. If you're not ready to do that then you need to probably continue it and give Mr. Sheldon a chance to come back.

(#1738) Wendy Ervin: We've got a motion on the table and a second to that motion. If we wanted to make a counter motion that we continue this and ask for some further details to be answered from Mr. Sheldon can we make that counter motion while this motion is still on the table?

(#1760) Bill Dewey: If we vote with the motion that's on the table then we're done and the issue is dispensed with. If she wants to do something different she would need to propose a substitute motion before we vote on that.

(#1768) Wendy Ervin: Then I make a substitute motion that we continue this request of Mr. Sheldon to clarify ...

(#1775) Steve Clayton: No, if my motion is affirmed then it is dispensed with. If my motion is denied then this has not been resolved and we need to continue until we resolve it in some manner.

(#1788) Mark Drain: Is there a possibility of Steve amending his motion?

(#1792) Bob Sund: Or withdraw it.

(#1794) Bob Fink: Our by-laws say we're not obligated to follow Robert's Rules. It's up to the chair to determine whether we need to vote on this motion or have the motion modified.

(#1800) Diane Edgin: That's different from what we've done in previous years.

(#1805) Bob Fink: What do you mean that's different.

(#1812) Diane Edgin: I've heard it stated so many times that we do not follow Robert's Rules.

(#1814) Bob Fink: That's not following Robert's Rules.

(#1820) Diane Edgin: Okay.

(#1824) Bill Dewey: I'm comfortable with that if that's the process that the commission has followed in the past. Based on the input I heard and the discussion here I'd like to vote on the motion on the table. But I'd also like to hear a response to your question to Bob is can we defer this and what would the action be?

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(#1840) Bob Sund: It would look to me like in one sense as Steve outlined, if you approve his motion then it's done and if we deny his motion we can take further action. If we want to continue this then I'm not comfortable with going with the motion.

(#1865) Diane Edgin: I would like to throw something out there and that's that you were talking about existing 1 and 5's and what there is out there and there is a map in here that says what is existing. He's not asking for everyone of those parcels to be rezoned because he's already got two that are 1 in 5's and these middle two right here are already 1 in 10 and he's not asking for them to be rezoned.

(#1890) Wendy Ervin: He's not asking for the 1 in 20's down in the lower portion.

(#1896) Diane Edgin: On this whole rezone we have him as this honorable man but it doesn't say that in the request.

(#1906) Wendy Ervin: There's four 1 in 20's that he's not asking to have rezoned. He's got four 1 in 20's that he's asking to be rezoned ...

(#1915) Terri Jeffreys: Do you have the map that has the parcels letter a, b, c,

(#1917) Wendy Ervin: And he's only asking for e, f, g and h of the 1 in 20's to be rezoned. He's not asking for the other 1 in 20's that are to the west of those to be rezoned. He's not asking for the world. He's asking for the ones that are the adjacent lots to the higher development to be put to 1 in 5's. That's his plan. The 1 in 5's are on the east and north perimeter of this square mile and d is adjacent to the higher development next to it. That's what he's asking for is to put a more dense development where the infrastructure is available.

(#1950) Steve Clayton: It's not available where it's planned to go.

(#1952) Wendy Ervin: Where it's planned to go it is adjacent and so therefore the availability is there.

(#1954) Steve Clayton: If we're planning to go for increased infrastructure there then we're planning for sprawl. If we're planning for sprawl then let's increase the size of the RAC and that way it's a deliberate planned growth management increase. Before we can increase the size of the RAC then he needs to come and prove that the RAC actually needs to be increased. He hasn't proved that there's a need for increased density.

(#1978) Diane Edgin: You mentioned sprawl and the reason they want to control sprawl is services and what services are there already exist and he would be the one to have to provide them. The public does not have to provide it.

(#1990) Steve Clayton: You have to provide fire, you have to provide

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schools, you have to provide ...

(#1992) Wendy Ervin: In sixteen houses how many more schools are you going to need?

(#2004) Bill Dewey: Okay, I'm still unclear if we were to defer as Bob was suggesting are we talking about renoticing, holding another public hearing on this specific rezone request and asking something very specific of Mr. Sheldon, which to me I don't know that he can bring us more information that's going to change my mind on it. What would change my mind would be if it were a linked package as we were talking about that included an application for this development and amongst that if it's a rezone request that's needed to do it. I'm not looking for more information as it relates to this rezone. I'm looking for something that links it so I don't have to trust Mr. Sheldon as an honorable man. I don't know that ...

(#2045) Wendy Ervin: You're not wanting a drawn up plat map and all the fancies ...

(#2048) Bill Dewey: Whatever Bob was talking about.

(#2055) Bob Fink: The requirements are fairly specific. It's not necessarily all engineered but it would have to have the preliminary surveys; it has to meet the standard requirements of an application and it has to include the application fees which are sizeable.

(#2070) Bob Sund: Even for a preliminary?

(#2074) Bob Fink: Right. Most of the work goes into the preliminary planning of the plat. That's assuming it will be a plat. If it's a large lot subdivision that's a different process. A large lot subdivision doesn't have a preliminary and a final; it simply has the one application.

(#2092) Bob Sund: Wouldn't there be a way that he could come in with a preliminary plan and we agree with his preliminary plan that if he follows that plan he could have the zoning?

(#2100) Bob Fink: It's my understanding that you can't bind him to that.

(#2112) Bob Sund: If we agree with his preliminary plan it seems like he would be bound to it. He couldn't do anything else other than what we agreed to.

(#2120) Bob Fink: Why not?

(#2122) Bob Sund: Because he'd have to come back and get approval and we'd say that's not what we agree with. Whatever he does he's going to have to get final approval from this group of the BOCC.

(#2135) Bob Fink: As far as I know you can't deny ... it's not legal for the county to put conditions on the rezone.

(#2142) Bob Sund: But with a preliminary plan that's essentially what you're doing.

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(#2150) Bill Dewey: This is a fundamentally important question to answer because we're going to be dealing with it in the future. I need to know for myself before I'm going to feel comfortable trusting whoever it is for their word I need to know there's a process that links the two.

(#2162) Wendy Ervin: They need to know there's a process that binds us because if he comes in with this preliminary plan and we say it will work just fine and then he comes back with his full plan and then if he's met with a different planning council and they say they're not going to give him those agreements ... we have to have some kind of way that we're both understanding that we are dealing with honorable people.

(#2182) Bob Sund: We did something with a preliminary plan before ...

(#2185) Bob Fink: The preliminary plat is a specific process authorized in statute and county ordinance and people make a full application. It's called a preliminary plat because, like the detailed engineering isn't done, but there is a preliminary survey and there's other fairly detailed ... SEPA has to be proposed. It's not as expensive as doing the final plat. It's a two stage process because of the typical complexity of a plat but for a short plat or a large plat there is no preliminary process. It's simply that you make an application and you either get approved or you don't.

(#2226) Wendy Ervin: So the large lot plat has no preliminary to it.

(#2230) Bob Fink: Right.

(#2232) Wendy Ervin: And what is the definition of a large lot plat?

(#2234) Bob Fink: A large lot plat is every lot is 5 acres or larger except that we've allowed density provisions for that so we've processed these large lots where some of the lots are smaller than 5 acres as long as the overall density is 5 acres.

(#2245) Wendy Ervin: That's basically what he's talking about doing.

(#2247) Bob Fink: So he could come in as a large lot.

(#2252) Diane Edgin: By deferring it I think it would give him an opportunity to put in a written proposal clarifying his intentions.

(#2262) Mark Drain: We still don't have the link. We're thinking of being part of that detailed planning process when that is the Hearing Examiner's job. All of a sudden you're back to this committee looking at roads, etc.

(#2277) Bob Fink: Right. That won't be this committee. The key point is I don't think it's legally binding either way. Just because he had a nice plan that you find attractive, he's not bound to that either personally or his heirs or assignees or whoever ends up with the property. We're not bound by that if there are changes to it. You can't do contract zoning, to my knowledge. Maybe we should check

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that to confirm it. There is a provision for development agreements to be drawn but we have very limited ... I don't have any experience with that.

(#2312) Bob Sund: Didn't you say that the preliminary plat had to be followed up on within three years?

(#2316) Bob Fink: Right, but that's a preliminary plat.

(#2318) Bob Sund: You're saying he's not bound to that if he presented it and we approved it?

(#2324) Bob Fink: Right, if he applies for a plat and the plat's approved then he has three years to meet the conditions of the plat. If he doesn't meet the conditions then the plat expires. But the rezone still exists.

(#2338) Bob Sund: We're not rezoning it. The rezone comes at the conclusion of his formal plan.

(#2345) Bob Fink: The rezone would have to be done prior to approval.

(#2350) Bob Sund: But what we're really saying is if you meet this criteria then we see that a rezone is feasible. So he goes ahead and does his development and if he doesn't do his development the way he says then we don't do the rezone.

(#2368) Bob Fink: This is a little bit beyond my expertise as to the technicalities of how binding and technical you can get.

(#2380) Bob Sund: If he's bound then we're bound.

(#2385) Mark Drain: For him to explain the need for more lots and that's a difficult thing for him to do.

(#2398) Wendy Ervin: If he doesn't have the lots how can he assess the need because there is no real estate market asking for those lots if they don't exist.

(#2405) Mark Drain: One example, though, was the lot we approved for Tim which was the PUD standing here with a written letter plus standing here and explaining in person their need for that ground. That was probably one of the best examples we'll ever have.

(#2420) Wendy Ervin: And probably one of the few examples of someone showing the need.

(#2422) Bob Sund: We went ahead and approved the other parcels that didn't have that criteria to it.

(#2424) Bob Fink: The need can be shown but I don't know that you need to feel that he has to show absolutely a need. I think overall in the county you need to consider the relative or the need for this type of property and whether this need is met or not. There is a lot of land in this county that's available.

(#2458) Diane Edgin: But is that where people want to go? We have

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distinct climate zones within this county and depending on what your personal wants are ... somebody want forest land, some people want view property, some people want waterfront.

(#2474) Wendy Ervin: You say climate; I used to live in a place where I could listen to the news and I would get 3/4 of an inch more rain than anyplace else.

(#2482) Bob Fink: We don't have any analysis to support that.

(#2486) Bob Sund: Why should we decide ...

(#2488) Bob Fink: The burden is on the applicant.

(#2490) Bob Sund: But why should he have to say ... does it make sense that an applicant is going to spend thousands of dollars to develop something if there's no market for it?

(#2500) Bob Fink: This is a hundreds of thousands dollars decision.

(#2505) Bob Sund: If there is no need and ...he's not very prudent to go ahead and spend hundreds of thousands of dollars to develop something if there's no need. In my mind that's not the American way. The American way is freedom.

(#2544) Steve Clayton: Just for clarification, on page 4, Allan added up the parcels and it's actually 32 additional units. As an example, where it's a 1 in 10 in a particular parcel that would take two in that section.

(#2558) Wendy Ervin: I was counting up all of the parcels in the square mile.

(#2566) Bill Dewey: Whether it's 16 or some higher number or some lower number; it's more. We don't have any criteria to say how much more is okay and how much more is not.

(#2576) Diane Edgin: What this is doing is putting us up against a wall until we get some questions answered.

(#2582) Wendy Ervin: Which we should have already had because we had the public comment and all the rest of that.

(#2592) Bill Dewey: This has all been good discussion.

(#2575) Wendy Ervin: I think the whole thing about which comes first the chicken or the egg is going to be a question we run into over and over and over.

(#2608) Bill Dewey: We have a motion and a second and what I'd like to do is proceed with a vote on that. That is to follow staff's report and deny the rezone request. If we get a majority on that we'll be done with it and that will be the action we take.

(#2666) Diane Edgin: I think you always have to keep in mind is that this is a new process. We've got our criteria but verbiage can be a

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big deal and not everybody is as adept at it as others and that as we're going through this we do see the need for additional information. Sometimes it comes from staff, sometimes it comes from map, etc., but whatever we do now also sets the tone for the future.

(#2705) Bill Dewey: I think staff has definitely gotten a sense from our discussion that we're floundering and we're going to flounder again so any direction we can get from staff as far as how to move forward.

(#2718) Bob Sund: Can't we amend the motion to continue it to another date?

(#2722) Terri Jeffreys: I'm still not clear what we can get out of Mr. Sheldon that would make things different.

(#2728) Bill Dewey: I agree.

(#2730) Terri Jeffreys: I think that your request if we could link this is not something Mr. Sheldon can provide for us. It has to be something that the system can provide for us. I hate to throw it back to Tim and say that we need more information.

(#2746) Bill Dewey: We have a motion and we have a second and I'm not hearing any new discussion so I'd like to call for the question. Everyone clear on the direction we're going with the motion? The motion is to accept staff's recommendation to deny the rezoning requests. If we get a majority that will be the action we take. If we don't, we'll consider another motion. All in favor? Opposed? Motion fails. We'll now consider another motion.

(#2788) Wendy Ervin: I make a motion that we continue on the Sheldon Properties and ask Tim Sheldon for some clarified information ...

(#2820) Bob Fink: There is a process in the courts that the judge basically directs one party to write the findings and the decision. If you're close to thinking this should be approved but you can't quite figure out how the criteria is justified, what the judge would do is put the burden on the prevailing party and say you write the draft order and give us a chance to look at it. We want to see how these criteria are met; we think they might be met but we think that you should take a shot at how to meet them. I just use that as an example of something you might want to consider.

(#2870) Bob Sund: Let's talk about the alternatives.

(#2876) Terri Jeffreys: I just want to ask ... are we convinced ... I'm not convinced that all of these 40 acre parcels need to be rezoned. I'm not adverse to rezoning probably a, b, c, and d .. But e, f, g, and h I don't see a need and it has nothing to do with his plan but I'm just looking at increasing densities in this area of the county. I'd like to make a motion that we consider just a partial approval.

(#2912) Wendy Ervin: Contemplating each individual request as

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separate requests? I proposed that earlier in the evening. I agree; I would be perfectly happy to go through [a], [b], [c], and [d] and accept the changes in those four and then with [e], [f], [g], and [h] to leave them as they are 1 in 20.

(#2955) Mark Drain: What's the rationale? To cut down on the ...

(#2960) Wendy Ervin: No, it just encourages him to do what he said he was going to do. Leaving the bottom 1 in 20 as long term commercial forest and doing all of his development in the top half. That's what he said he was going to do. He's only losing a little bit of density if we did that. We've got two 1 in 20's that would be going to 1 in 5's, and two 1 in 20's that would be going to 1 in 10's so he's not losing that much density and still able to develop the top.

(#3000) Diane Edgin: Are these actually three different proposals that we're looking at?

(#3008) Bob Fink: They're each individual properties.

(#3050) Steve Clayton: So to answer your question, Diane, (1) is all the parcels that are currently 10 acres that he's talking about going to 5's and that's the ones you're talking about?

(#3060) Diane Edgin: That's right.

(#3070) Wendy Ervin: All of them are currently 1 in 10's and he's asking for these to be 1 to 5's.

(#3130) Terri Jeffreys: So you're saying that corresponds with the current zoning in the area?

(#3140) Diane Edgin: Right. The most expensive infrastructure is getting roads and power and all those sorts of things.

(#3180) Wendy Ervin: Seems to me the most expensive infrastructure is to develop 1 in 20. You're putting two houses on that enormous square there and running an expensive road to access two houses where you could put four houses on it and divide the cost in four.

(#3210) Bob Sund: There's a lot of time involved if the motion was to bring Tim in to talk and maybe for the sake of time just say we haven't been able to reach a decision on this proposal so it can go to the BOCC. Rather than us having another public hearing and involving a lot of time we could refer it to the BOCC because there's going to be a public hearing anyway if it goes to the BOCC.

(#3266) Wendy Ervin: Or we could approve ...

(#3270) Bill Dewey: We have three different proposals. One is to defer it which would go to another public hearing ...

(#3274) Wendy Ervin: My alternate proposal is to accept [a], [b], [c], and [d] and then reject the other four or deny the other four. We can come back later if he wants to change that twenty years from now.

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(#3300) Bill Dewey: What I'm saying is that I was hearing three different things being discussed as options. One is taking [a], [b], [c], and [d] and accepting them. Another one is deferring it and having another public hearing and the other one is saying we can't decide and kicking it up to the BOCC.

(#3325) Mark Drain: What if we were to approve [a], [b], [c] and [d] and not be able to reach an agreement on the remainder and it would go before the BOCC and he can argue for those other properties.

(#3340) Terri Jeffreys: I like that.

(#3365) Wendy Ervin: I'd like to make a motion that we approve [a], [b], [c] and [d] and kick [e], [f], [g] and [h] up to the BOCC as undecided.

(#3390) Terri Jeffreys: I second that motion.

(#3400) Steve Clayton: We have eight different items on the staff report and we need to sit down and decide on each individual item why we disagree with staff's recommendation.

(#3415) Diane Edgin: We went through that earlier when we were talking about infrastructure, the availability of larger lots because there's a lot of places up there that takes more one lot to put a septic in, ... I disagree with your premise on sprawl because one of the things about sprawl is the cost of services and I think most of those services are already existing.

(#3458) Bob Sund: And the cost is on the landowner.

(#3464) Steve Clayton: So do we want to go down them one by one?

(#3470) Wendy Ervin: I think if the minutes are read we've answered those questions. Basically in our discussion we have addressed all of those points.

(#3480) Diane Edgin: Let's just go through them to make sure that we have. I think the biggest one is the rural residential changes. I think that falls back again on whether we're really creating urban sprawl that costs services and I don't think it does.

(#3515) Steve Clayton: I think in particular my objections to your motion are in #3 - cumulative impacts of such zoning would be to materially increase sprawling, and #4 - that the impacts of such zoning would be to materially increase demand for urban services in rural areas, including but not limited to streets, parking, utilities, fire protection, police, and schools. Mr. Sheldon had an ability to address those items.

(#3550) Terri Jeffreys: Can I just say that I don't think that the request that we are proposing to approve would materially increase sprawling. I think there's a small increase in density but it doesn't have a material impact.

(#3570) Steve Clayton: And the word could be interpreted as

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accumulative impacts so if we were to say it for every rezone request that's presented to us, that bumping from a 10 to a 5 won't have an impact ... there are other concerns that you've brought up but these are the particular items that we need to address and justify.

(#3610) Wendy Ervin: But you're talking about an area of 360 acres and the amount of additional residences proposed by these changes is extremely modest.

(#3636) Mark Drain: The surrounding zoning, I think, helps to justify the zoning he's proposed. Otherwise you wouldn't be able to upzone any parcel.

(#3654) Bob Sund: What is the synonym for "materially"?

(#3658) Terri Jeffreys: Substantially.

(#3660) Bob Sund: Substantially. Right. And I don't think it does that.

(#3668) Steve Clayton: #4 hasn't been answered.

(#3680) Wendy Ervin: All the services are available and the cost of those things is on his shoulders not the county's.

(#3695) Terri Jeffreys: I don't think you can accurately say that because included in here are fire protection, police, and schools.

(#3700) Wendy Ervin: The fire protection and all of that has to go to Suncrest and it already goes past this area that he would be potentially putting this in and he's not doing it tomorrow. It's already available in that area so I don't know there's a numbers thing but there's no mileage added.

(#3735) Bob Sund: I think you can get right back to the same thing; it doesn't say "materially".

(#3742) Diane Edgin: #5 is the same way because it talks about adequate public services, which can be provided in an efficient manner. By the clustering up in that area, which are a modest increase in density, they're going to put them in closer together than if you had them ...

(#3778) Wendy Ervin: And this said this would "materially interfere with the GMA goal to encourage development in urban areas". The fact of the matter is, if somebody is looking to buy a 5 acre piece of property and put a single house on it, they are not going to move in that urban area because they don't want to. So you have not interfered with the GMA goal by allowing them to have a 5 acre piece of property and put a house on it.

(#3810) Diane Edgin: Going on to #6, here we're talking about retention of open space, conserve fish and wildlife habitat, and if Mr. Sheldon follows through with what he's talking about in putting those other lots into long term commercial forestry, then you've got the corridor that's so badly needed.

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(#3830) Wendy Ervin: He was speaking about enhancing the elk habitat.

(#3836) Diane Edgin: Right, because down here on this other long term he said they've got trees that are anywhere from 200 to 600 years old.

(#3854) Steve Clayton: Then #7 is another one along the same lines of if we do this then where do we say this is the end? What other parcel in the county wouldn't it apply to?

(#3875) Wendy Ervin: This does not create pressure elsewhere in the county to change anything elsewhere in the county because this is this situation with a corridor in between two dense areas. You're not increasing substantially the impact here. You're actually maintaining the division of the two areas by allowing him this modest amount of density and development here. You're freezing that development at that point. He's going to have 1 to 5; he's not having 20 to 1.

(#0095) Steve Clayton: So in this corridor, because there's infrastructure running back and forth, the best use would be a higher density as in the RAC at 1 to 1, we're going to freeze it at 1 to 5.

(#0112) Bob Fink: There's one problem with your argument and that is you can't expand the RAC. The RAC is based on the logical outer boundaries as they existed as of 1990. These zones are all rural zones and not more intensive zones. You're never going to be able to zone this at 1 acre. You might be able to turn it into a UGA fifty years from now.

(#0128) Steve Clayton: So you can't expand RAC's and Hamlets?

(#0130) Bob Fink: No, the only way ... you might be able to do it at the margins where you had existing development that was there in 1990 and, of course, that's depending on not changing the GMA, too, which there are actually proposals coming up to allow the expansion of RAC's. So there's no telling what be possible in the future. But right now you can't expand a RAC with the minor exception of maybe if you had an adjoining already developed property you might be able to include it by going through the logical boundary and redrawing it. So you're not going to get the RAC density in these areas under current law.

(#0165) Bob Sund: Can the criteria be rewritten for a, b, c and d? The rationale ...

(#0175) Wendy Ervin: We just went over each item for our justification.

(#0180) Bob Sund: I just wanted to make sure that we've given Allan and the staff enough input to rewrite the criteria to say yes for a, b, c, and d?

(#0195) Bill Dewey: I think what we've explained are our findings and our justification for going against staff's recommendation. We still

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have not taken a vote on this. The motion that's on the floor is to approve the applicant's request on a, b, c, and d and follow staff's recommendations and send e, f, g, h up to the BOCC as being undecided. All in favor? Opposed? Motion passes.

Break in meeting.

(#0250) Bill Dewey: Let's now move on to 02-07 for Davison Peste Trustees.

(#0255) Steve Clayton: I have suggestion that we move on to the next one and keep all the Lake Limerick ones to complete as a block at our next meeting.

(#0260) Bill Dewey: That's a good suggestion since we probably won't be able to complete all of these tonight. So now we'll move on to 02-09 for Mike Huson.

Error in tape. Staff notes are as follows:

After a small discussion there was a motion made by Terri Jeffreys to accept this rezone request with staff's recommendations. There was a mutual second made by Mark Drain and Diane Edgin. PAC agreed that all criteria was met. Wendy talked about adequate water and the fact that there was a pattern of similarly sized lots surrounding the area on 75% of its boundaries. Bill Dewey asked for the question. All in favor? Opposed? Motion carried to accept staff's recommendation and approved this rezone request for Mike Huson. Next is rezone request 03-03 for Donald Huson.

(#0250) Steve Clayton: Let's look at c first then we'll go on to a and b. There's no transition between 5's and 20's because there's no 20's. It's not in a shoreline area. It's not adjacent to a county arterial.

(#0255) Wendy Ervin: It is adjacent to 5's and 20's. You've got 5 over here to the side and 20 below and 10 over here so that is a transition property, more or less.

(#0260) Steve Clayton: There's one 20 to the south.

(#0264) Wendy Ervin: And supposedly 20 to the north but that's cut in small parcels so it's hard to say that's really 20.

(#0270) Steve Clayton: It doesn't fit the RR20 designation because it doesn't have similarly sized lots around it by 75%. It hasn't been shown to hold critical areas.

(#0280) Terri Jeffreys: So it could be argued that rezoning it to an RR10 would match the surrounding densities.

(#0282) Wendy Ervin: Would it be more of a corrective rezone?

(#0286) Allan Borden: It's not a corrective rezone because these lots here are not considered long term commercial.

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(#0290) Steve Clayton: If the Manke was, then it would be a corrective rezone.

(#0292) Allan Borden: That's possible.

(#0294) Steve Clayton: So it has to stand on its own merits; not in combination with the Manke request?

(#0300) Allan Borden: That's correct.

(#0302) *Miscellaneous discussion with Allan showing PAC parcels on map.*

(#0320) Bob Sund: I think this guy was a Christmas tree grower, wasn't he?

(#0322) Allan Borden: Yes.

(#0324) Bob Sund: And Christmas trees, when he started out, was a pretty viable thing. The Christmas tree industry in that area is not viable any more so ...

(#0335) Steve Clayton: So under #2 we go either way ... that's not a big deal. Health, safety and welfare under #1 could go either way.

(#0350) Wendy Ervin: It's not going to materially increase sprawling because you've got 10's and 5's and it's actually nested into a lot of 5's. The 5's are surrounding it so I think in criteria #3 that that criteria is met.

(#0385) Bob Sund: He paid \$600.00 for this request?

(#0400) Allan Borden: Yes.

(#0415) Bill Dewey: Steve, you were suggesting that it may be okay on [c] but not on [a] and [b]?

(#0418) Steve Clayton: Right. I figure we ought to do [c] first and then deal with [a] and [b]. I thought [c] would be a slam dunk because the Manke was changed on the property below it and you'd have a stand alone RR20. Now you've got an RR20 with an adjacent RR20.

(#0425) Bob Sund: We've already changed that Manke property?

(#0428) Steve Clayton: It was the corrective rezone that we already did.

(#0436) Terri Jeffreys: We've got that huge corrective rezone that's going to substantially increase density in that area; that's 3,000 acres.

(#0445) Diane Edgin: That's not something we can deal with.

(#0450) Mark Drain: For [c], he wants to go from 20 to 10.

(#0452) Bob Sund: I make a motion that we accept [c].

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(#0456) Wendy Ervin: I second the motion.

(#0458) Steve Clayton: That we go contrary to staff's recommendation and accept the [b]?

(#0460) Bob Sund: Right.

(#0462) Bill Dewey: We have a motion and a second. Any discussion?

(#0464) Diane Edgin: I think we have to justify it.

(#0466) Wendy Ervin: I think going through criteria #1 that it will not damage public health, safety and welfare. There's no indication ...

(#0468) Bob Sund: Steve already went through the criteria.

(#0470) Steve Clayton: I think our overriding principal is that a stand alone RR20 doesn't meet ... it isn't something ... as we went through this, it doesn't stand the test on many of the things a single break up doesn't do it and then there's also a policy in the Comp Plan that says that if it meets standards we can drop it from a 20 to a 10 and we feel that it suits a 10 better than a 20.

(#0510) Wendy Ervin: One of the criteria talks about similarly sized lots surrounding the area on 75% of its boundaries which this absolutely does not have.

(#0515) Steve Clayton: It only has a 25% coverage. I think we'll come up to that later where we have 60% coverage and I would think that with 55% or 60% we probably shouldn't change it but on a 25% coverage ...

(#0525) Bill Dewey: Any further discussion? All in favor? Opposed? Motion passes. We recommend that parcel [b] be rezoned from RR20 to RR10. So what about parcels [a] and [b]?

(#0546) Steve Clayton: My thoughts on [a] and [b] is that they don't appear to be good candidates for a rezone. It's not on a road; it's got RR 20's and long term forest around the sides of it.

(#0555) Bill Dewey: You do have RR5's up one side. Is the one where he was making the case that he could get the road access through those ...

(#0564) Wendy Ervin: Through the state land. There was a road access. The access road is in this odd shaped one off of Tahuya-Blacksmith Road.

(#0585) Steve Clayton: We don't have similarly sized lots around it; we've got 75% coverage with RR20 which is what the standards say.

(#0590) Bill Dewey: Any recommendation?

(#0596) Steve Clayton: I make a motion that we approve staff's

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recommendation on parcels [a] and [b] to deny the proposed rezone.

(#0600) Diane Edgin: I second the motion.

(#0602) Bill Dewey: We have a motion and a second to accept staff's recommendation and deny the rezone request on [a] and [b]. Further discussion? All in favor? Opposed? Motion passes. Next we'll move on to 02-13 for Manke. We've dealt with the first part and this is the second part of the rezone request. We had deferred these to the next meeting so we had a chance to do what Wendy indicated she did and that was to actually dig back through and read what information Manke had provided to see if it was adequate to review the rezone request.

(#0656) Wendy Ervin: The notes I wrote to myself are that there is not enough information here. They have not supplied the parcel numbers so we don't know what properties they are referring to. The gravel pit one is probably the only one we can work on. They do not understand the theory or rationale for different densities because their explanation of the densities is contrary ... their reasons for wanting to change the densities is actually contrary to what I understand the philosophy of the GMA and their reasoning is backwards of what the ACT's purpose is.

(#0690) Bob Sund: The staff recommended to remand it for future review.

(#0692) Steve Clayton: That's what they're recommending.

(#0694) Wendy Ervin: And I'm saying that even with future review ... they haven't given us enough information here even if we add some information to it, we still don't have enough. They need to come back and make a complete new proposal.

(#0700) Bob Sund: That's what the staff is saying when they're saying to remand for future review.

(#0702) Steve Clayton: I think on page 6 of the presentation it says [please note: this letter is accompanied by 72 pages containing the map coverage of the lands noted.]

(#0710) Bob Sund: Didn't Allan say that he didn't have time to go through all that for an appropriate evaluation?

(#0715) Allan Borden: Basically I said that it would have taken an equivalent amount of time to do those as all of the other requests.

(#0720) Bob Sund: So that's why they remanded it for the future.

(#0722) Mark Drain: What does that mean [remanded to the future].

(#0724) Allan Borden: Basically the request would be considered in the future with future requests.

(#0730) Mark Drain: So you're not expecting them to present that at the BOCC hearing for rezoning ... do you mean that a year from now it

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would come forward?

(#0738) Allan Borden: I don't have a definite date other than this time next year.

(#0744) Diane Edgin: I was thinking in my mind that they didn't pay any fees, is that correct?

(#0746) Allan Borden: That's correct, they didn't. They submitted a letter of comment during the Comp Plan review process.

(#0760) Diane Edgin: If you have to go back in and during the remand and work all this information up, is that going to require a fee? You're going to have to put forth a lot of work on your part.

(#0768) Allan Borden: They wouldn't have to pay up-front money but they most likely would have to pay the per hour fee to do the research.

(#0780) Diane Edgin: I just wanted that clarified.

(#0784) Wendy Ervin: Maybe it would have been possible if we would have had the 72 pages of maps, etc, that was stated in the body of the letter but without those maps ...what they've presented here, I thought, was inadequate information to really go on.

(#0815) Bill Dewey: This is a tough one for me. We've talked about this before; they made the application just like everybody else did and, yes, it's huge but is that a justification for not acting on it and not having the staff work done on it? If I was the Mankes I think I would be arguing that, yes, it's big but we provided the information the same as the rest of the applicants did and why wasn't ours considered? I'm having trouble with the justification saying ...

(#0844) Allan Borden: They didn't respond to my letter of September 24, which I sent to all applicants which had the rezone criteria and did they want to provide additional information to help with the staff reports and I didn't get a response to that. We had the public hearing and we also said that they would have the opportunity to submit additional information up until November 17th and they ...

(#0860) Wendy Ervin: And I specifically asked them to give more information ... asked for specific information from them.

(#0872) Diane Edgin: John McBride was here for the hearing and he said that he would try to submit information and maps to supplement this request which have not come in.

(#0885) Bill Dewey: Sounds good and that was the discussion I wanted to have on the record as to why we're dealing with it this way.

(#0890) Wendy Ervin: We don't know anything about the wetlands in this area, the streams, etc., so basically they're asking us to fly blind in huge parcels.

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(#0900) Diane Edgin: They may have the justification but they've got to lay it out on the table for us. I make a motion that we remand part B of the Manke request to the future.

(#0915) Bob Sund: I second the motion.

(#0920) Wendy Ervin: Do we need to remand it to a specific future?

(#0924) Mark Drain: Pending more information. It's their burden.

(#0926) Diane Ervin: The staff will have to work it into the pipeline and then they'll bring it back to us.

(#0934) Bill Dewey: We have a motion and a second. Further discussion? All in favor? Opposed? Motion passed. Next is 02-15 from Hoffert Family Trust.

(#1000) Wendy Ervin: In our discussion of this, she agreed to amend the request to RR5 instead of the RR2.5 that she had originally stated.

(#1020) Steve Clayton: So the county and the applicant are in agreement.

(#1024) Wendy Ervin: Yes.

(#1026) Bob Sund: I don't understand what she's really saying. If we adopt RR5 can they go ahead and replat the lots that are 2 or 3 acres?

(#1035) Bob Fink: No, this site is where the existing lots are 1 to 2 acres and those are existing lots and they're not configured very well but if they wanted to abandon the existing plat and replat they wouldn't be able to get very many lots out of it. They would lose so much from replatting it ...

(#1058) Bob Sund: I don't understand why she's in agreement to go to RR5 ...

(#1060) Bob Fink: Because the criteria for RR2.5 if you look at it is really for a built out area. This area is basically nothing but a paper plat. Other than logging access roads, there's nothing there. That's not what the criteria for RR2.5 is. The 5 acre is the appropriate designation for a platted but undeveloped area. That's consistent with the other areas in the county and it's a consistent designation and she's willing to agree to that rezone. She also wanted to get the county to consider addressing the issue of these vested lots in some way that would allow her and other people similarly situated to replat it in a more rational way.

(#1098) Bob Sund: How would we do that?

(#1104) Bob Fink: What she's recommending to the county is an ordinance or regulation change that would say if you have these vested lots and you want to replat them according to these criteria then you have special density requirements. Rather than having the zoning that's there now you could have a density closer to that than

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what you would be vested for by your existing development. Her concern is that if she simply abandons the existing plat and replats, the new codes would require them to do 1 to 5 or 1 to 20 which means four lots. Even at 1 to 5 they think they could justify more. The argument is that it's to the county's and public's benefit to encourage people to reconfigure these plats in a way that makes better sense. That the lots are more marketable and that they are better designed more consistent with health codes. It's better to allow them to redesign and give them a higher density.

(#1166) Bob Sund: It would seem to me that that type of ordinance needs to be in place before we rezone to a 1 to 5.

(#1172) Bob Fink: No, 1 to 5 ... she's requested that. At a minimum she wants some of the value protected and if for some reason they decide to sell it's better to have it 1 to 5 instead of 1 to 20.

(#1188) Bob Sund: If they replat ...

(#1190) Bob Fink: They would lose all of those vested lots so whatever zoning is applied they would have that. At 1 to 5 they'd still have 16 lots.

(#1200) Bob Sund: How many does she have now?

(#1205) Bob Fink: She has 57 lots now.

(#1210) Mark Drain: They're around that lake and they probably wouldn't meet septic standards.

(#1212) Bob Fink: What they could do under current code is do some BLA's which would allow for a limited configuration but it still wouldn't necessarily be the best configuration possible. The zoning would be irrelevant. If all she's doing is selling lots or doing a BLA between lots where she's combining lots then the zoning is going to be irrelevant. But as far as a resale value, as far as replatting then it would probably be to her advantage to have a greater density.

(#1250) Bob Sund: I had the feeling what she wanted to do was to replat because she recognized that 50 foot lots on the water are not really appropriate in this day and age and it wasn't really all that conducive to doing BLA's or make one lot out of two so she wanted to replat. I thought in my mind what she really wanted to do was make those 2.5 or 3.0 acre lots but it would seem like if we rezone it to 5 acre lots then any new plat would have to meet that criteria and I think that's working against what she really wants to do. She wants the county to address the fact that there is a vested interest in old lots, old plats that were established before 1990 and this goes back to 1931.

(#1324) Bob Fink: The way Sarah understands it and the way I understand it is that they applied for 2.5 and that was the best they could get in the rural area with the intention that they thought it was preferable to replat it than to try to plat with the vested lots. The problem with the 2.5 was they don't meet the criteria for a 2.5

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because it's an undeveloped plat. So being in that position, she's agreeable to going with a 5 which is doable now and meets the criteria and is appropriate. Then next year encourage the county to try to go through the process to address her and other similarly situated plats around the county so that people have an incentive to replat these properties as she would like to do and other people should be encouraged to do. It's to the public's benefit. Rather than to not do anything, she would rather have the 5 and the 5 is appropriate.

(#1384) Bill Dewey: That's what I'm thinking. If she gets the 5 acre, it's up to her whether she wants to replat and potentially lose that vesting or not. If she sees the county moving ahead on a process, she doesn't have to replat and at a later time when the county adopts something that will protect that vesting ...

(#1398) Wendy Ervin: She wants to protect her interest by getting away from the 1 in 20 ...

(#1400) Bob Sund: But she doesn't have 1 to 20.

(#1402) Wendy Ervin: Yes, she does.

(#1404) Bob Fink: That's what it is right now.

(#1406) Bob Sund: It's zoned that way but she could fall back on her vested, accepted plat.

(#1408) Diane Edgin: I think it would be more expensive doing it that way.

(#1410) Bob Fink: Bob, this is what she's asked for is the 5 and that's what she wants.

(#1414) Wendy Ervin: But can't she fall back on that vested plat?

(#1416) Bob Sund: Yes, she can but somebody may have to take 3 or 5 lots to meet the health standards.

(#1420) Bob Fink: But even if she takes 5 lots she's back to the 10 acres.

(#1425) Wendy Ervin: She was perfectly happy with the idea of 1 to 5 and I thought that was a good compromise because that's what the staff recommended was the best thing for this property and she accepted that and seemed to accept it happily so I don't have a problem with going with staff's recommendation.

(#1440) Bill Dewey: Is that a motion, Wendy?

(#1442) Wendy Ervin: Yes, that's a motion.

(#1444) Bill Dewey: Do I hear a second?

(#1446) Diane Edgin: I'll second the motion.

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(#1448) Bob Sund: In my mind I'm wondering if she's asking to go along to the RR5 but also put a writer in there that we recognize that there is a vested interest and that she has the right ...

(#1460) Wendy Ervin: She's got that anyway. It says in the whole criteria that this is a recorded plat in 1931 so she's got that.

(#1470) Bill Dewey: Bob, do you agree with her recommendation that this is something the county should take up and that there is public benefit to be gained by ...

(#1474) Bob Fink: What I said is that we would ... as a department, I can't speak for the county on this, but that we would propose that or we would try to incorporate that into things that we'd look at and that goes through a review process by the Administrator and the BOCC to see if they want to address it. That's all we can agree to.

(#1492) Bill Dewey: If in discussion here, the PAC agrees with staff and sees that there is public benefit, we could perhaps bolster the county's decision by saying that the PAC would think that would be a good thing for the county to take up.

(#1500) Terri Jeffreys: I would want to know how many cases there are like this.

(#1505) Bob Fink: She's working on the documentation to make the case. Theoretically I can understand the argument where reconfiguring these old plats can probably be done in a beneficial way. Well, how do you write the regulation to make sure it happens in a beneficial way and that's what she has to work on and she says she'll work on that and assist the county to go through this process. I told her that I understand the potential merit of a proposal like this. She understands that this will be a consideration and that she has a responsibility to bring forward her arguments and the facts regarding these other plats and basically help make the case to say that this is a reasonable thing to do.

(#1565) Bill Dewey: We have a motion and a second. Further discussion?

(#1588) Bob Sund: I'd like to have something included about vested interests.

(#1590) Bob Fink: You might want to make a separate motion.

(#1592) Wendy Ervin: Yes, I think a separate motion. Let's do my motion for the RR5 and then have a separate motion for the working on adjusting these plats and vested interests.

(#1600) Diane Edgin: Before we call for the vote I'd like to get one thing clear in my mind that I noticed under our staff recommendation we're talking about this is a corrective rezone. Do we want to use that kind of verbiage?

(#1618) Wendy Ervin: I see, because right now it's RR20 and it was done that way because ...

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(#1622) Diane Edgin: I think the point needs to be made that this is from RR20 to RR5.

(#1628) Steve Clayton: By going from the RR20 to RR5 and doing a corrective rezone we're acknowledging that there's an existing plat there. That's the only way we could do a corrective rezone is if there was an error previous.

(#1650) Bill Dewey: Any further discussion? All in favor? Opposed? Motion passed.

(#1654) Bob Sund: So the feeling is that we don't have to say anything about the vested interest?

(#1658) Terri Jeffreys: As a separate motion.

(#1662) Bob Sund: I think the motion could be something like [this rezone is in recognition of the fact that there is a vested interest of a previous plat that could be considered for future platting for this area].

(#1685) Bill Dewey: I'm wondering about is where you're trying to go. Was it with Sarah Smyth's recommendation?

(#1692) Bob Sund: Right.

(#1694) Wendy Ervin: Her recommendation to work with the county?

(#1698) Diane Edgin: I think you need to put that in there.

(#1700) Wendy Ervin: How about [That existing plats need to be recognized and that the vested interest that exists in an existing plat needs to be recognized and that there needs to be a system or structure worked out so that these things can be developed in a more environmentally responsible way for public benefit.]

(#1768) Bill Dewey: We have a motion made by Bob Sund and a second by Wendy Ervin. Any further discussion? All in favor? Opposed? Motion passed. Next is 02-10 for Paradise View Heights.

(#1822) Steve Clayton: This is the one on Webb Hill where one of them is already RR5 that she asked for, the one next to the road, and then there's another site sitting off the road, and the parcel farther away from the road is an RR20 and it does have 75% of the surrounding properties that appear to be RR20. It doesn't have access, it does have a lot of RR20 around it and on the map that was provided it shows several wet areas. Allan put on page 2 of the staff report what RR5's have and what RR20's have and it doesn't seem to fit RR5 and it does seem to fit right in with RR20.

(#1930) Bill Dewey: So [b] is basically off the table because it's already an RR5. So we're really only talking about [a] and it doesn't appear to be a very good fit.

(#2000) Bob Sund: I don't see any kind of a road into that 27.2

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acres. I'm wondering how you get there.

(#2040) Allan Borden: There is a private easement that comes up from ... where it divides RR5's from the RR20's.

(#2070) Wendy Ervin: Their justification is that they're private landowners and feel the density of this property should have initially been 1 per 5. That's not a justification; I just want it.

(#2150) Bill Dewey: Do we have a recommendation?

(#2160) Terri Jeffreys: I make a recommendation that we accept staff's recommendation that this application for rezoning parcel 'a' be denied and that parcel 'b' is already zoned RR5.

(#2165) Steve Clayton: I second the motion.

(#2170) Bill Dewey: We have a motion and a second. Any further discussion? All in favor? Opposed? Motion passed. Next on to 02-11 for Robert and Carol Seymour.

(#2205) Wendy Ervin: In the discussion, Mr. or Mrs. Seymour said that they would accept RR10 instead of the RR5 that they had requested.

(#2230) Steve Clayton: On map 2 where it shows the parcel sizes the adjacent parcels that shows the parcels zoned RR20', they're actually 5's and 10's so under our guidelines we're looking at similarly sized lots not similar zoning. So it would appear, based on that, that the RR10 would be a good fit. Lots surrounding the area are not 75%. Under requisites for RR10 is county arterial roads which this has. We have the Comp Plan policy RU-521B which says if it meets 'consider redesignation of rural lands from 1 in 20 to 1 in 10 if the 1 in 10 stuff meets. This appears to be a good fit for 1 in 10.

(#2312) Terri Jeffreys: I agree.

(#2325) Steve Clayton: I make a motion to recommend approval of rezoning to an RR10.

(#2355) Wendy Ervin: I second the motion.

(#2357) Bill Dewey: We have a motion and a second to approve 02-11 at an RR10 not an RR5 as requested.

(#2372) Bob Fink: What about the criteria 1 through 3 and 5 through 7? You've covered criteria 2.

(#2395) Diane Edgin: I don't think it's going to do anything for low density rural sprawl. It's not a more intensive land use and it won't materially increase demand for urban services.

(#2408) Wendy Ervin: It's a 23.80 acre site and if it's zoned RR10 they can only get two residential sites out of it.

(#2420) Terri Jeffreys: Under 7 it says that it will be surrounded by

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similarly or smaller lots that you're going to create pressure for additional rezones in the vicinity but the criteria of being surrounded by similarly sized lots is a good criteria for rezoning.

(#2500) Steve Clayton: Under 3 we're talking cumulatively and you all considered cumulative not to be county wide; it was more on a parcel basis.

(#2520) Diane Edgin: Materially was the word. Depending on where you are and whether you're looking at a retirement community or whether you're looking at ag or something close to ag, I can see more intense family use next to ag type use than I would on the retirement end.

(#2550) Steve Clayton: Under 3 we're looking at actual uses that are resource based and they're saying that basically the RR5 isn't a problem and we're going to RR10 instead of RR5 which is less dense. Staff agreed number 4 was met. Number 5 ...

(#2575) Mark Drain: The topography dictates that the development will probably happen away from the resource land.

(#2590) Bob Sund: I'm looking at number 5 right after the underlined portion. As noted above, small lots are scattered throughout the rural area and their presence is not sufficient to justify a more intensive RR5 designation. We're doing an RR10 and I guess I would say that if you took out the word "not" you could accept the statement; because small lots are scattered around it and we said that was justification to go with the RR10.

(#2640) Diane Edgin: In number 6 it talks about "materially"; and I don't think it would.

(#2650) Bob Sund: It doesn't materially interfere because there are already small lots around it.

(#2662) Wendy Ervin: And I don't think this creates pressure to change land use designations. It's compatible with all the land use in the area so there's no pressure to change anything. I think we've got it.

(#2685) Bill Dewey: We have a motion on the table and a second.

(#2692) Diane Edgin: I want to say that we still need to answer number 7.

(#2700) Wendy Ervin: I just did; that it would not create pressure to change land use designations because it is compatible with the sizes of lot adjacent to it.

(#2720) Bill Dewey: Is everyone clear on the motion? That we're recommending going to RR10. All in favor? Opposed? Motion passed. Next let's do 02-02 for Clifford Rice and then we'll only have the Lake Limerick area requests for next meeting.

(#2755) Steve Clayton: He came in and found out that he could do a cluster development and went away.

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(#2766) Terri Jeffreys: So we could just take staff's recommendation, couldn't we?

(#2770) Bob Sund: I have a different slant on that. I feel that parcel is misdesignated. It's designated as ARL and it's not currently being used as ag, the soils don't warrant it being classified as ag land ...

(#2800) Bob Fink: That's not true. It has ag soils on it; otherwise it wouldn't have been designated as such.

(#2805) Bob Sund: They said that it was predominately clay soils.

(#2808) Bob Fink: There's a difference between having soils and being predominately ...

(#2810) Bob Sund: Well, clay soils certainly aren't ag, unless you want to raise hay or pasture. They said there was gravel on the hill. That certainly isn't ag land. It's not being used currently as ag land. He said his father ran a few cows on it years ago.

(#2840) Bob Fink: That's about the only ag land you'll find in this county.

(#2850) Bob Sund: The adjacent parcels are not really ag either.

(#2855) Wendy Ervin: He's got two salmon streams on it.

(#2860) Steve Clayton: Well, two streams.

(#2862) Wendy Ervin: He says there's salmon in them. Although I think someone else said there was no salmon there.

(#2872) Bob Sund: That doesn't make it ag land.

(#2875) Wendy Ervin: No, it doesn't make it ag land; it just changes what you can do with it because of the salmon.

(#2882) Bob Sund: Right, but that comes down the pike. When he wants to build or anything else, then he's got to contend with the streams and the drainage. There was a drainage problem but if he's going to do anything on the land, he's got to take care of the drainage.

(#2905) Wendy Ervin: I don't think that the fact that it needs to have a culvert and drainage has any bearing on the zoning because all of that would be taken care of down the road in the development.

(#2918) Bill Dewey: What came out in the hearing on this is basically under ARL he can put seven homes there now.

(#2930) Terri Jeffreys: Plus there would be an open space requirement which would probably be better environmentally wise. Keeping it ARL and then putting in a subdivision in that's allowed under code which he'd be required to have some open space on it that RR5 would not require.

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(#2960) Bob Sund: He can only have three dwellings on that 36 acres.

(#2962) Bob Fink: Not if he clusters. If he clusters the development, he preserves 75% of where the prime farm soil is and it's farmland for ag use and he's allowed to develop the remaining site at a 5 acre density.

(#2984) Wendy Ervin: His view was that that would then take care of the area that needed to stay open anyway because of the topography and the creeks, etc., so I think he was happy with basically leaving it as ARL.

(#3000) Bob Fink: That was my understanding.

(#3003) Bob Sund: What are you saying? That if he left it at ARL and if he clusters he can do what?

(#3008) Bob Fink: He can do 1 to 5. The total density he gets as a clustered subdivision in ag land is 1 to 5.

(#3020) Bob Sund: I thought it was 1 to 10.

(#3022) Bob Fink: 1 to 10 is the density. If he clusters he can go 1 to 5. With his acreage he could get 7 dwelling units.

(#3052) Terri Jeffreys: But there's a chance he won't get that many anyway because of the setbacks, drainage issues, etc.

(#3055) Bob Fink: Right. He'd have to meet all those codes.

(#3060) Wendy Ervin: But the drainage and runoff issues are in the area that he was going to leave open anyway.

(#3064) Terri Jeffreys: Right, but I'm just saying that there's a chance he won't get that many houses in there anyway after following all the regulations.

(#3070) Bill Dewey: This really didn't come out in the public hearing but that's a problem area for water quality for our shellfish beds in Chapman's Cove. With all that clay soil that's up there it's a problem for runoff. I'm not sure what is better; ag or houses.

(#3090) Bob Sund: Well, Bob is saying that it's not clay soils.

(#3094) Bob Fink: I'm saying that there are prime farmland soils on the property and that's why it's ag.

(#3098) Bob Sund: As to what percentage?

(#3102) Bob Fink: You'd have to go back and look at what it was. That's one of the necessary criteria for ag.

(#3106) Bob Sund: The people testified, even the neighbors testified and said that was not quality soil.

(#3115) Wendy Ervin: And he said it wasn't quality soil.

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(#3120) Bob Sund: He said it was basically clay except for the nob that was primarily gravel, which would be inappropriate for drainfields and things like that.

(#3130) Diane Edgin: The thing to keep in mind here is that he did find out that he could divide the land into one large agricultural lot and six residential lots. So he is aware of that and even if we did nothing he has that.

(#3155) Bill Dewey: It sounds like we've got a little more environmentally responsible development with the open space area.

(#3165) Wendy Ervin: The building plan would take care of the runoff issues. He has got to design the water and I suppose in that area you would have a hydraulic person helping with making sure the water is in the right place.

(#3190) Bob Fink: You'd need a storm water plan for the subdivision. That's done by an engineer.

(#3192) Steve Clayton: Maybe back to Bob's concern about pulling it out of ag and putting it into rural residential, as Mr. Fink was saying there were documented soils there for this designation. Before we pull it out of ag land, I would think we would need some sort of formal documentation that says that's not correct.

(#3210) Diane Edgin: I would not pull it out of ag land because the petitioners who have aggravated us to no end on this GMA plan would have a conniption fit if we took anything out of ag land.

(#3225) Wendy Ervin: I would make a motion to leave this as ag land with the understanding that Mr. Rice knows that he can put in a cluster development and leave the rest ag land. So we have the best of both worlds. It's a win, win situation.

(#3245) Steve Clayton: So you agree with staff's recommendation to leave it as ag land and to deny the proposal?

(#3250) Wendy Ervin: Yes, that basically denies the proposal to change it to RR5 but with the understanding that he now knows that he can put in a small cluster development on that land.

(#3268) Steve Clayton: You were here; we were all here. He knows it.

(#3278) Bob Sund: I just want to make this comment. I agree with you, however, my understanding is that the burden of proof is on them to prove that that is ag land.

(#3288) Bob Fink: We're not changing it.

(#3290) Bob Sund: I'm saying if we did change it, the burden of proof would be on the petitioners to prove that we're wrong.

(#3295) Bob Fink: That's correct.

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(#3300) Bill Dewey: Before we proceed with the discussion, do we have a second on the motion?

(#3308) Terri Jeffreys: I second the motion.

(#3310) Diane Edgin: One thing you have to remember ...so he does a cluster and he has open space and then they decide to put horses on there. There's nothing more detrimental for runoff than horses.

(#3333) Mark Drain: Well, anybody could complain and he'll have to have some kind of buffers. It's against the law to pollute the streams.

(#3358) Bob Fink: For your information, there is a planning process underway that's evaluating water quality and habitat along streams as part of the WRIA 14 planning process.

(#3382) Bill Dewey: Hearing no further discussion, all in favor? Opposed? Motion passed. December 15th we've got a meeting to finish up these rezone requests. The scheduled meetings for January and February, as they sit, fall on holidays. So we're going to shift the January and February meetings and planning staff will come up with some possible dates to discuss at the next meeting. I won't be here at the next meeting on December 15th.

(#3500) Wendy Ervin: I just want to let you know that I can't make a Wednesday meeting.

(#3515) Bob Sund: I'd like to be excused on the January meeting date because I'll be out of town all through January.

(#3530) Motion made, seconded and passed to excuse Bill Dewey from the December 15th meeting and Bob Sund from the January meeting.

Meeting adjourned.