

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
December 15, 2003

(Note audio tape (#3) dated December 15, 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 Vice-Chair Steve Clayton at 6:00 p.m.

2. ROLL CALL

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

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

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0040) Steve Clayton: On the agenda tonight we have the three rezone requests around Lake Limerick to do and the scheduling for the next couple of meetings as we have conflicts with holidays on the regular dates. What do you want to do first.

(#0050) Terri Jeffreys: Let's do the scheduling first.

(#0052) Bob Fink: What we were looking at is January 19th would be the normal meeting date. We're looking at scheduling on the 26th which is the fourth Monday of January. Then for February we were also looking at scheduling the regular meeting to the fourth Monday which is the 23rd of February.

(#0075) Bob Sund: I make a motion we reschedule those meeting to the stated dates.

(#0077) Terri Jeffreys: I second the motion.

(#0080) Steve Clayton: We have a motion and a second. All in favor? Opposed? Motion passed.

(#0082) Bob Fink: We also wanted to ask about the availability of meeting on February 9th which is the second Monday of February, if needed.

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(#0088) Terri Jeffreys: If needed meaning the text amendments ...

(#0090) Bob Fink: Right. We'll probably have the text starting in January and if they seem to be taking extra time then we would probably try to hold another meeting so they could be finished hopefully in February.

(#0110) Steve Clayton: We'll start with request 02-07 for Davison Peste Trustees. Do you have anything for us, Allan?

(#0112) Allan Borden: I have a few things I wanted to hand out to you that might help in your review tonight. At the last meeting on December 1st I handed out this map that shows the rezones in the Lake Limerick area. I've made additional copies and hopefully this will give you a better idea to visualize these requests. All I wanted to do was help direct your attention so that it's easier for you to move through these three requests. This one page with the table is a summary to show you ... it's the three requests you have to do tonight and the column in the middle is just the properties that are in the Lake Limerick area so when you look at the map you can see that ... as an example, for Peste, on the map are the lines that run east to west. The Stohr requests are the ones that run north and south and the Merrill and Ring requests run on a diagonal. If you want to run through them in order you would start with 02-07. I also want to bring to your attention that I put on here that there are other lands under Peste and Stohr and are part of the request that you still have not made a recommendation on. This is to give you a perspective of where the requests are in relation to each other so when you look at Peste you see that there are three requests; one down near the Shelton UGA, the one that's in the Lake Limerick area, and the one that's near Spencer Lake so that's 'a', 'b', and 'c'. The ones for the Douglas Tree Farm or Stohr which is case 02-08, she has three areas; the one just to the east of Lake Limerick itself which was a request to go from RR20 to RR5, and then the two requests here are the requests near Benson Lake which are RR5 to go to RR20 and the other cluster of three parcels that are RR10 proposed to go to RR20. On Merrill and Ring, the thing that came to light; the Merrill and Ring is around the north and east side of Lake Limerick. What came to light in the request by the two representatives from Merrill and Ring, there was actually an additional two parcels that lie on the east side of Lake Limerick (Allan shows on map) and they were actually in their request application; they didn't clearly indicate them because they didn't write a parcel number, but in their request material that they submitted on their map, they actually showed that they indeed did have that land in their request. That's the summary to give you the full perspective of their request. What happened was in their original request from earlier this year, they indicated that there were properties on this side of the road and when I looked in the Assessor's records, I looked at these four and said that they didn't own them anymore so I wasn't going to put them in the request because they can't rezone a piece of property they don't own. I guess I forgot to look at these other two and they indeed are under the company's ownership so they were correct in including them on this map that was reviewed October 20th. So I went ahead, when I made this map, and put them on the map.

(#0364) Terri Jeffreys: So this was not in the staff report, you're saying, so does that bump up this acreage amount?

(#0366) Allan Borden: I added the 80 acres into the table.

(#0405) Diane Edgin: Do you consider those 80 acres as part of the Lake Limerick area?

(#0410) Allan Borden: Yes. The only thing that's affected by my analysis, since they weren't really included in my staff report, is that most of those two properties are not in critical areas. There are no streams ... there is a pond as shown on their drawing. There's probably a wetland that they'll need to be set back from but it's really on the far southern part of that property.

(#0474) Steve Clayton: You have on here what appears to be a road almost dividing that piece of property; is that just a logging road or is that a public road?

(#0478) Allan Borden: On this Merrill and Ring map that they provided all these really dark lines away from Mason Lake Road and away from the roads in Lake Limerick are either forest management roads or they're all private or they're the road that accessed between and through Section 21 owned by the Peste's.

(#0525) Diane Edgin: Where it shows existing 1 to 5 down at the bottom, who's is that?

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(#0532) Allan Borden: That's owned by Merrill and Ring.

(#0545) Terri Jeffreys: And the Merrill and Ring properties that they're not asking for a change, do we know if that's currently being managed as timberland?

(#0550) Allan Borden: It is. I believe it's land use code 8800 which is designated timberland under commercial timber ownership and operation but it's not long term commercial forest.

(#0568) Steve Clayton: Would that be the same for the parcels they're asking for the rezone?

(#0570) Allan Borden: Right. All of their holdings are 80 acres with the designation of timberland.

(#0575) Bob Sund: How is Christmas tree land designated? Is that designated as forest land? A lot of this property originally was Christmas tree property.

(#0590) Allan Borden: Some of those Christmas tree operations may be considered ag open space. My recollection from looking at the Assessor's records is that the present land use code is designated timberland.

(#0606) Wendy Ervin: These two parcels 'k' and 'l' which are currently RR5, the whole request is take all of these others from RR20 to RR10. Are they also asking to take this RR5 to RR10? The little narrow piece.

(#0625) Terri Jeffreys: In their letter of November 13th it says 'our initial request included some lands that are currently zoned 1 to 5 and I have deleted those acres from this letter'. Does that mean they're deleting it from the request?

(#0632) Allan Borden: I would say 'yes'.

(#0635) Wendy Ervin: So we just ignore those two and don't need to do anything with them at all.

(#0640) Allan Borden: Right. In my staff report I stated that those two parcels fell into RR5 from the criteria. Merrill and Ring's request is to go from RR20 to RR10 and a lot of their information they submitted showed that they wanted RR10 as a transition. As you can see a decision on one may affect a decision on others.

(#0692) Diane Edgin: There's really only one that's up against Lake Limerick.

(#0695) Allan Borden: Right, and even to the west and southwest of Lake Limerick that's a large piece of property that's 640 acres and it's all under one ownership. It's being managed as a natural area and I don't believe there's any impending or even any thought of rezoning it. The lake itself is one of the few natural shoreline designations.

(#0740) Diane Edgin: This is all 1 to 5 in this area right here?

(#0750) Allan Borden: We're pointing to the Emerald Lake area; only this 80 acres right here. Only the plat of Emerald Lake is RR5. That plat is completely surrounded by RR20.

(#0780) Steve Clayton: As a direction to go being as there's the Lake Limerick parcels and then there are four parcels that aren't on Lake Limerick with two different owners, do we want to handle those four first being that there's not a cumulative effect with other Lake Limerick properties? In other words, do the Peste 'a' and 'c' and do the Stohr 'b' and 'c' and then come back and just address the Lake Limerick properties?

(#0800) PAC: That would be fine with us.

(#0802) Steve Clayton: So we'll start out with the Peste 02-07 parcel 'a'. It's right outside the Shelton UGA.

(#0815) Allan Borden: In addition to the staff reports, I did provide you some notes several meetings ago that summarized the rezone requests.

(#0840) Wendy Ervin: The staff recommendation is to deny all of it as proposed.

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(#0845) Allan Borden: What I'm referring to is this memo given to you that is a summary of all twenty requests.

(#0882) Steve Clayton: What Allan had on that synopsis for this particular property is that it could be considered from RR10. Outside Shelton UGA, it's along the Shelton-Allyn line. I'm assuming that's the railroad line.

(#0892) Allan Borden: That's correct.

(#0896) Steve Clayton: It's got a canyon on the east side and it's on a canyon to the south side. It doesn't have public road access. It's got RR20 on three sides.

(#0920) Diane Edgin: Did any of you bring that article that Bill e-mailed to us about ...

(#0925) Terri Jeffreys: About the forest land management?

(#0928) Bob Sund: From the newspaper?

(#0930) Terri Jeffreys: It was about clustering in forest lands.

(#0932) Bob Sund: That was only that one guy's opinion. He may or may not have many credentials to back that up.

(#0940) Steve Clayton: There's been quite a bit of controversy up in the Kitsap paper about what's going on up there.

(#0948) Diane Edgin: The point I was thinking about it is fire protection. That was one of the things I was thinking about protecting 1 in 20 or protecting clustering depending on the area. You have to weigh each one separately.

(#0980) Wendy Ervin: On map 1, there's a heavy black line that goes from the north side of that property but it appears that that is just a dotted line and it also appears like a road on map 1 but apparently that doesn't exist and that's not a road, is that correct?

(#0992) Allan Borden: That's correct. The dark line is just the edge of the map panel. I just wanted to clarify on map 2, Steve mentioned about the Shelton-Allyn line easement. That's a power line easement so it does have an unimproved maintenance easement on or near it. I think just to the west of that section, PUD might have a power station but it is a parcel that's not quite 40 acres in size. It does have Johns Creek to the south; it actually has a Type 2 tributary to Johns Creek running along the east boundary of this parcel.

(#1062) Steve Clayton: It doesn't seem like a good candidate for a down zone, what do you think?

(#1070) Wendy Ervin: It doesn't look like a good candidate for RR5.

(#1075) Bob Sund: Do you dispute the letter written by the attorney in 2001?

(#1120) Steve Clayton: Looking at Allan's map 2, the lawyer says 'a predominant pattern of 1 to 5's'; it sits in a 1 to 20. It's a 1 to 20 up above it to the north.

(#1135) Allan Borden: There's not a predominant pattern of 5 acre lots.

(#1138) Steve Clayton: That's what I mean; it doesn't appear to be based on your map. The second one he has is 'reasonable extension of the 1 to 5's immediately on the east, south and west'. The east is 1 to 20, the south is 1 to 20 and ...

(#1155) Bob Sund: So he's wrong in his statements, then. Is that what we're saying?

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(#1160) Steve Clayton: With the information that Allan's given us it appears that he's wrong. Given Allan's map, it shows 75% of 20's around it.

(#1175) Wendy Ervin: Yes, 75% of the surrounding properties is RR20 and only 25% is RR5.

(#1178) Steve Clayton: And given that maybe the reason why it was initially zoned by the people that preceded us at 20 is based on the ravine and the streams that apply to this and not to the parcels to the west.

(#1186) Terri Jeffreys: I move that we accept staff's recommendation on this parcel to deny the rezone request.

(#1194) Wendy Ervin: Staff's recommendation, according to the summary, your recommendation on that says 'a compromise residential density of RR10 could be proposed'.

(#1218) Allan Borden: That came up in your discussion. You had broached the subject of whether it was appropriate to ... instead of go from RR20 to RR5, whether it was appropriate to go to RR10.

(#1235) Steve Clayton: We have a motion. Do we have a second?

(#1238) Diane Edgin: I second the motion.

(#1240) Steve Clayton: We have a motion and a second. Any discussion?

(#1245) Diane Edgin: One thing we have to keep in mind is that the applicants have to put the burden of proof out there; we don't have to rationalize it. We just have to find out whether or not it meets the criteria.

(#1274) Wendy Ervin: Were you saying something about this particular piece of property and whether it met ...

(#1277) Diane Edgin: The 75%; I don't see anything there at this time that would allow us to change it.

(#1285) Wendy Ervin: The 75%; isn't the 75% ... that's not true in all of the RR5, RR10, RR20. The 75% ...

(#1296) Steve Clayton: On the third page of Allan's staff report it gives the criteria for RR5 and RR20 and yes you're right, they only use that particular aspect under RR20; I assume they want to keep the 20 acre pieces in blocks.

(#1308) Allan Borden: I believe that criteria is also applied in RR10 but not in RR5.

(#1312) Wendy Ervin: So the 75% test doesn't apply here.

(#1315) Steve Clayton: Yes, it does.

(#1318) Wendy Ervin: It does if you want to keep your ... I see. So it does surround it on 75%. So it does meet the criteria for remaining as a 20.

(#1335) Steve Clayton: We have guidelines that say if it's meets the criteria of a 10 to downsize it to a 10 but it also doesn't meet the criteria of a 10 because it meets the 20 a lot better based on the 75% and also the critical areas.

(#1345) Wendy Ervin: Well, yes, because in RR5 the criteria says there has to be an established pattern of lots five acres or smaller, generally built out. Well, there is no building out, it appears to me, of the surrounding areas.

(#1380) Diane Edgin: They're not asking for 1 in 10; they're asking for 1 in 5.

(#1388) Steve Clayton: Any further discussion on the motion? All in favor? Opposed? Motion passes.

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Three in favor with one abstention. Peste parcel 'c' is next. It's two 80 acre parcels in an area off of Highway 3 without direct access to Highway 3 or Spencer Lake Road. The request is to go from RR10 to RR5. Both parcels appear to be surrounded ... the first parcel to the west is surrounded entirely by RR10 and the parcel in the east is surrounded, except on one of the smaller sides, by RR10. The easterly parcel has a big wetland area. Under the criteria on page 13 of the staff report that Allan has given us, it doesn't appear to meet the designation of established pattern of similarly sized lots if we were to go to a 5.

(#1580) Wendy Ervin: This Spring Creek is just a winter creek, right?

(#1595) Allan Borden: No, it's not that seasonal. It's a Type 4 so it runs for a good amount of the year. This Spring Creek heads west and crosses under Agate Road about 1/10th of a mile south of Highway 3. Do you know where the business 'Wildlife Attractions' is? That's Spring Creek. It's a creek that probably as you get closer to the mouth of Deer Creek, it becomes even a Type 3 stream.

(#1650) Wendy Ervin: This is primarily, right now, forest?

(#1652) Allan Borden: Yes, it too is designated timberland.

(#1660) Diane Edgin: Where does that substation sit in comparison to these two parcels?

(#1665) Allan Borden: The substation on Highway 3?

(#1667) Diane Edgin: Yes.

(#1670) Allan Borden: It's actually in Section 30. If you look at map 1 which is the vicinity map I have the word 'site'. It's just directly east of there.

(#1705) Terri Jeffreys: I move that we accept staff's recommendation that this request be denied.

(#1710) Steve Clayton: Do we have a second?

(#1730) Bob Sund: In the future, Bob, do you anticipate that we'll be considering so many requests at one time?

(#1738) Bob Fink: Hopefully not so much acreage.

(#1740) Bob Sund: I find it kind of confusing to stir up the rationale and testimony even though I try to make notes but we're so far removed now from the original testimony it's a little bit difficult for me.

(#1755) Terri Jeffreys: One thing I do remember is that one of the persons who testified said that of these three requests that the one they would probably not do development on - the one we just voted on and this one - as quickly as they would do the Lake Limerick one. I have a note on that.

(#1784) Bob Sund: One of the things that's in my mind is these people with all this acreage are primarily Christmas tree people and they had large blocks of property in Christmas trees and it was a big business once upon a time. You used to go out Johns Prairie and that was tremendous thing as well as the Hofert and Armstrong lots here on Highway 101 and there were three or four huge Christmas tree lots out on Johns Prairie and they're not anymore. When they were raising and harvesting Christmas trees and had their property designated into some form to use them as Christmas tree land, it's not applicable anymore. I guess I don't want to lock them into the changing times. The Christmas tree industry has moved out of Mason County. Mason County used to be the premier Christmas tree producer in the west. We're not anymore; we're not even a drop in the bucket compared to what it was. So I guess that's my concern is that we ... Christmas tree land is not good timber producing land. The reason why Mason County was a big Christmas tree producer was because the soils were poor and the Christmas trees grew slowly so a natural tree was pretty full. That isn't the way it is anymore. The Christmas tree industry has moved to a sheared tree and they raise them on fertile soils and they shear them mechanically and the Christmas tree industry has shifted from the poor soils of Mason County to the more fertile valley soils south of there. If you ever go down

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Willamette Valley and out through McMinnville you'll see hundreds of acres of sheared Christmas trees. My concern is locking somebody into something that was appropriate at one time and is not appropriate now.

(#1905) Bob Fink: This isn't a question of resource land. These are already zoned for residential use. The issue is one of what is the most suitable land for rural residential use and what's the less suitable land. The county cannot designate all the rural residential as most suitable. Somehow we've got to distinguish those sites that are more remote from services, more remote from the county road; larger tracts and parts of larger tracts suitable for urbanization at such time as the UGA should expand. There's a number of considerations that are in the criteria and none of them have to do with the fact that the interim use is probably going to be forestry and it may not be good forest land but it's not ... if it were good forest land it would probably be long term forest land.

(#1945) Wendy Ervin: If these people came back ... they're not intending to do anything with this property right now. So if they came back, for instance, in ten years ... because of the wetlands consideration, the streams and that kind of consideration, the only kind of development really that can be well done is some sort of a clustering, I would think. So if they developed a plan that clustered at a density slightly higher than the RR10 but had a nicely developed cluster and came up with a plan, could they then, with a proposal, get a zoning change to fit that plan or proposal somewhere down the road?

(#1988) Allan Borden: They don't even have to request a zoning change. If they do a clustered development, they'll have a set aside and then the land that they don't set aside, they have a density bonus. If they do a performance subdivision, they have to set at least 50% aside for open space and then the 50% that they do want to subdivide they can double their density. So this is RR10 and it's 80 acres, they could potentially get eight lots but with a performance subdivision they could go as high as sixteen lots.

(#2024) Bob Fink: Which would be the same as they could get under RR5.

(#2026) Wendy Ervin: I would suggest that we deny this and inform them that there is this alternative that when they plan on developing it that that's what they could do.

(#2050) Diane Edgin: In our discussion we need to be bringing these things out because this is new to them.

(#2056) Bob Sund: I'm sure that they're thinking that if they have 80 acres and they're zoned RR20 they would figure that's only four building sites and ... it makes a lot more sense instead of having 1, 20 acres and one 20 acres ... having those houses spread out.

(#2072) Diane Edgin: It depends on where you are and what the pressures are around you. I'd hate to be living back on a 1 in 20 boxed in by a big subdivision with all the pressures of it.

(#2085) Wendy Ervin: And the one person who's property was across from Mason Lake and he said it's very difficult to keep the motorized vehicles out of his forest and I think when you have that density and you have that activity and then there's this forest land right up next to it that is this big empty forest land you've not only got a problem maintaining your forest land but you've got a dangerous situation where you could get people with vehicles, etc.

(#2108) Bob Sund: With Merrill and Ring that was their problem.

(#2112) Diane Edgin: We're still hanging around here for that second, and I'll second it to deny it. There are some good alternatives for them.

(#2135) Wendy Ervin: I think some people got their land use designation zoning and then hit the panic button.

(#2142) Allan Borden: Some property owners don't understand that there is an already existing mechanism to plan out the development of their property without having to go through a rezone.

(#2154) Steve Clayton: Any further discussion on this one?

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(#2156) Terri Jeffreys: I'd like to call for the question.

(#2158) Steve Clayton: All in favor of accepting staff's recommendation to deny Parcel 'c'? Opposed? Motion passes. Next up is the Stohr request 02-08. If we do the 'b' and 'c' then we'll do the stuff that's not on Limerick and come back to the Peste. It also says Douglas Fir Christmas Tree on the staff report for 02-08.

(#2215) Wendy Ervin: You were saying about the poor soils so are the soils okay for growing commercial trees?

(#2220) Bob Sund: No necessarily. It's a very poor site for growing timber.

(#2242) Terri Jeffreys: Does anybody remember what the justification for the request on parcel 'b' changing from RR5 to RR20?

(#2250) Wendy Ervin: They were trying to balance requests from RR20 to RR5 and requests from RR5 to RR20 figuring that there was a balance in the overall request and maintaining the density of the county.

(#2272) Terri Jeffreys: So the 30's acres is going to balance it out?

(#2275) Wendy Ervin: You have to remember that there's this other one. It was 347 acres asking to go from RR20 to RR5 and then 256 from RR10 to RR20 they were increasing the density on nearly half and decreasing it on the other. But I think that that was based on an unclear understanding of what the densities were and what they were for.

(#2320) Steve Clayton: Before page 11 on the staff report, we've got Benson Lake appears to have a road that runs around it and we're talking about the parcel on the southwest side of the lake and it's adjacent to the road that runs around it.

(#2350) Allan Borden: The applicant thought that that property on the southwest of Benson Lake was RR10 and in fact it's RR5.

(#2364) Wendy Ervin: So what we're talking about is this crescent around the base of Benson Lake?

(#2372) Allan Borden: That's correct.

(#2375) Bob Sund: What's their rationale for moving that from RR5 to RR20?

(#2388) Steve Clayton: The density is part of it so they can look better in the Limerick Lake change over. Seems like on a road around a lake isn't an appropriate place to have an RR5.

(#2415) Bob Sund: So it's RR5 all the way around the lake?

(#2420) Steve Clayton: Right.

(#2422) Bob Sund: And then the marked area that's in discussion was RR20?

(#2428) Terri Jeffreys: No, it's RR5. He wants to move it to RR20.

(#2442) Bob Sund: I don't understand why? And then he puts an RR20 between an RR5 and an RR10.

(#2450) Diane Edgin: Would that fall in if he wanted to cluster because of the wetlands or something like that in there?

(#2452) Allan Borden: As far as I know there are no critical areas there. There's a cut bank by the road just to put the road in.

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(#2457) Bob Sund: That's would make it more difficult to cluster going the way he's going.

(#2462) Steve Clayton: If you take an initial pass at the acreages like Wendy was saying, parcel 'a' is 337 acres, and then you've got what 28 and 256 so it appears to be making a tradeoff. What you have to look at when we're looking at that tradeoff is going from an RR20 to an RR5 is four times the volume.

(#2486) Wendy Ervin: What he's doing is going from RR20 to RR5 and from RR10 to RR20 so in a smaller number of acres ... the volume balance test doesn't work, I don't think.

(#2502) Steve Clayton: We've got to look at appropriateness of each individual rezone and RR20 is definitely not it for this. Would a ten fit? If it's on the road ...

(#2515) Terri Jeffreys: I move that we accept staff's recommendation that we deny the requested RR5 to RR20.

(#2525) Wendy Ervin: Right, because they can cluster two RR5's together and sell it like that as a single piece.

(#2545) Steve Clayton: We have a motion. Do we have a second?

(#2550) Wendy Ervin: I second it.

(#2556) Steve Clayton: We have a motion and a second. Any further discussion?

(#2562) Bob Sund: My only discussion is I just don't think they were very adequate in going through the rationale. I'm not very comfortable with that. I would hope that in the future we can have our stuff closer together so we can really dig into it. I have a feeling we're just kind of moving stuff through.

(#2588) Wendy Ervin: Except that I did make, as I was reading and while I was listening to people's comments, notes on these things and I've made my mind up closer to the time we heard the testimony and discussion and so I don't feel quite so out of sink.

(#2635) Steve Clayton: If we reformatted it to have testimony and presentation and then two weeks later had the discussion on it ... but Mr. Fink made a comment that it wouldn't be a good presentation because then we couldn't do the cumulative effect.

(#2662) Wendy Ervin: In the future when someone is asking for this kind of thing and they've got plots that are clustered together that should go on one request. If they've got plots that are spread all over the county as we're dealing with tonight, I think that's three requests as in this particular one. Then we wouldn't have this problem like right now we're trying to deal with three requests in a couple of places.

(#2700) Bob Sund: And they're not adjoining lands. So there could be a whole different rationale for each site.

(#2710) Wendy Ervin: Right. We can't make a single decision on these things that way and we can't satisfy the need to discuss all of the ones that are in the same place when we have these others and they change the way that we have to approach it.

(#2730) Steve Clayton: That's what we're doing tonight.

(#2732) Wendy Ervin: I know that's what we're doing tonight but I'm saying that if these had been separate requests Bob's problem would not be the same; we would be tackling it in a little bit more ...

(#2740) Steve Clayton: We'd still have the county wide cumulative effect to address, which we have done based on Allan's summary sheet. He rearranged the sequence based on what things we were addressing.

(#2758) Diane Edgin: One thing that bothers me about the fact that these are several large request and we've

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got literally different types of zones within this county that I think we have to keep in the back of our mind as the inventory that's available in those areas as versus the total. It would be very easy if we got a request like this one and stick it all right here and is that fair? I don't think that it is. Not everybody is going to want to go right here.

(#2800) Steve Clayton: We have a motion and a second. Any further discussion? All in favor of accepting staff's recommendation to deny the rezone on parcel 'b' for Douglas Fir? Opposed? Motion passes. Also on the Stohr request we have parcel 'c', which is also a request for a rezone from an RR10 to an RR20.

(#2858) Terri Jeffreys: Again, there just isn't any justification or any comments made by the owners of why they want this done. It really was difficult to second guess them. During testimony there was not any comment made on that for this particular request. I don't think we have anything to go on except the staff's recommendation.

(#2885) Steve Clayton: The concept of density tradeoffs by a landowner I think is a good idea if the parcels match up if it's the correct direction to go. We'd have to sort through the technicalities on it but this particular parcel that they're looking to tradeoff we need to justify why we'd go from a 10 to a 20 and vice versa for the densities and this doesn't seem to fit.

(#2910) Wendy Ervin: I don't think the concept of trading off densities works at all because a few landowners are going to have enough ... few people who wish to have a zoning change are going to have enough property that they can say that on this half they'll do this and on the other half do this. Most people are going to have one parcel and they're going to want to change that one parcel. So we can't look at this as a tradeoff; we have to look at these three requests and how they affect the county rather than looking at the fact that they're trading off twenty acres here and twenty acres there. Each of them has to be dealt with as individuals.

(#2956) Bob Sund: Her rationale ... this is what I was kind of getting at. Her rationale in the letter she wrote on May 7th of 2001, says 'Douglas Fir Christmas Tree, LLC has had a plan to slowly develop older, non-productive Christmas tree fields into developments and long term timber management zones'. So it sounds to me like she wants to take the more productive soils and increase them to long term timber and the stuff that's non-productive is moving it into development.

(#2006) Diane Edgin: Should they be saying that's what they want to do with those parcels rather than letting us second guess them.

(#3012) Wendy Ervin: Right. Couldn't she instead designate specific areas that those are the ones they wish to designate as long term timber? When we were discussing the UGA at last meeting, apparently you can have long term timber within a UGA and so there's nothing to stop somebody from getting that designation. You don't have to worry about the density. You can have an ag land or a long term timber even within a growth area and so certainly you can have it in a rural area rather than fooling with the density. Let them go ahead and determine which ones they wanted to use as long term timber and then have it designated that.

(#3065) Steve Clayton: They can have a long term designated timber, I believe, on an RR5 or an RR10. It doesn't have to be a 20.

(#3075) Wendy Ervin: That's not going to change the density?

(#3080) Bob Fink: You have to separate the tax programs from the county's long term commercial forest lands. The county, when it designated long term commercial forest lands, restricted it to not only the most productive lands but also tracts 80 acres or larger and blocks of tracts, 5000 acres or larger. So unless they were adjacent to one of those tracts it would probably be difficult for them to qualify as long term commercial forest lands. On the other hand, if they're simply interested in the current use taxation program and they want to operate their forestry, they can get the tax benefits regardless of what the zoning is and as long as they hold the lands in larger parcels and qualify for the tax program then they wouldn't be under any pressure to sell because the taxes they paid would be based on current use. The county hasn't identified these lands as being urgent to preserve and if they did decide to convert it at some point in the future then they wouldn't need to rezone it; it would already be zoned. In the meantime they have the tax benefits.

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(#3162) Wendy Ervin: These parcels are roughly forty acres apiece but they are adjacent and if that's what they wanted ...

(#3180) Steve Clayton: Right, but you've also got reasons for RR20 and you have some criteria for that and these don't appear to meet it. They're not amongst other RR20's, they have major roads going through them, and they have smaller parcels next to them.

(#3202) Wendy Ervin: I'm thinking because they were trying to do a tradeoff they were afraid that if they asked to change the 20 to 5 over here by Limerick that in order to sweeten the deal, they offered up this other land which actually is better designated as the RR10 that it already is. They were figuring we were going to look at all of their requests as a whole package and they just sacrificed this section in favor of what they thought they could get more money and more development over here by Lake Limerick. I don't think it's necessary for them to sacrifice; the county has already said this is more properly RR10.

(#3260) Diane Edgin: I'm inclined to leave it.

(#3266) Wendy Ervin: And we'll just deal with the Lake Limerick as a separate thing.

(#3268) Steve Clayton: Is that a motion, Diane?

(#3270) Diane Edgin: Yes, I make a motion that we accept staff's report to deny.

(#3275) Terri Jeffreys: I second the motion.

(#3282) Steve Clayton: We have a motion and a second. Any further discussion? All in favor to agree with staff's recommendation on parcel 'c' of the Douglas Fir? Opposed? Motion passes.

(#3330) Terri Jeffreys: Before we move on I have a question for staff. Allan, on the Peste report of 02-07 on page 9 under criteria 4. The second to the last sentence were it says 'more intensive development proposals will increase the service demand. The submitted rezoned request encourages the extension of government services to areas not anticipated for such dense development.' My question is, I'm assuming that there is no plan by the county in the Comp Plan to increase development around the Lake Limerick area. That that is not an area targeted for increase in rural population. If not, is there a place that has been targeted for an increase for future rural population allocations?

(#3422) Allan Borden: The county has generally allocated populations for the rural area. They haven't proposed that a certain area take in 25% of that rural population increase.

(#3446) Terri Jeffreys: So there are no county future plans to increase government services in any area?

(#3455) Bob Fink: The county did do an analysis based on watersheds. The county is divided into seven watersheds. Each one has a population forecast. You have the west hood canal, the north shore and each watershed has certain projections but within that watershed there's no analysis supporting rural residential growth in any particular subarea within that area. The services the county provide rather limited and other than roads; the roads are an adequate service throughout the system. All county roads, with the possible exception of some intersections in Belfair, are at acceptable standards that will be for the life of the plan. The water and the sewer that the county provides are all in defined areas. There aren't any other government services that the county provides. The sheriff's office is always mobile; they have an office in Belfair and an office in Shelton. You can see where the two headquarters are so development near those areas would be more easily serviced and have quicker response times. There aren't many services that the county provides as far as public services. The schools provide services; the fire districts provide services. They typically respond to demand and they have forecasts for what that demand will be. When a fire district development reaches a certain point in a fire district then they start looking for substations where they can store equipment or otherwise be ready. School districts have fewer facilities. They're mainly interested in the capacity of their central services. When they grow large enough they might put in second schools for each grade level.

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(#3634) Terri Jeffreys: So would it be accurate to summarize the Comp Plan's for residential rural areas of Mason County are that they shall grow with the densities that they're currently zoned for? That when they were zoned that that was the plan and these are the densities and the population allocations ...

(#3660) Bob Fink: Right, there's more than adequate capacity in the existing zoning for the projected growth. That was one of the intentions of keeping ... so probably the answer is yes. There are other things in the works. I mentioned water sheds earlier. There's also a watershed resource inventory areas (WRIA) under a state program that the county is involved in and they're doing reviews for the Tahuya Peninsula WRIA 15, the Oakland Bay WRIA 14, the Skokomish and north for WRIA 16 and then out in the Matlock area with the WRIA 22, the Chehalis Basin and it's tributaries so there may be more landscape level recommendations coming out of that process. I know that water resource issues are an issue with WRIA 14 in particular because of closed streams. At the same time those watersheds and the way they seem to be shaping up is that they're looking more towards not necessarily having water demand drive land use planning but having water demand being addressed by the reductions of impacts and other things rather than saying we can't allow any growth here because we don't have any water but looking at it as how do we deal with this issue of not having water and there are a variety of ways besides putting any restrictions on growth. They don't want the tail of water supply wagging the dog of the county land use and growth in general.

(#3825) Steve Clayton: So we're left with the three different requests for the Lake Limerick area summarized on the big map. Peste is the first one up and that's the horizontal lines east to west.

(#3842) Wendy Ervin: And they're wanting to go from RR20 to RR5.

(#0120) Steve Clayton: Primarily they're the section between Lake Limerick development and Sunnywoods. Let's talk about parcel 'b' first. It's the one that the testimony was that the county road came up to the parcel in the southeast corner and that it's privately maintained through the middle of the parcel and did not have an outlet.

(#0150) Terri Jeffreys: My initial thought when I first saw this request in the very beginning was that looked like a natural infill but it's pretty clear through the staff report and what Bob just told me that the county does not intend to increase densities around Lake Limerick. So I don't know if there's enough justification otherwise.

(#0166) Bob Sund: I think the county has just classified all rural areas as rural areas and they haven't made any direction in any one or more areas. Rural areas are all lumped together, aren't they Bob?

(#0176) Bob Fink: There are distinctions between the different rural residential zones. Setting aside for the moment the commercial zones ...

(#0185) Bob Sund: I guess what we're saying is that you haven't directed any potential growth to Agate or Limerick or Union or anything ... all rural areas of the county are considered the same.

(#0196) Terri Jeffreys: The densities that have been assigned them apparently reflect what the county's desires are for densities and growth for rural areas.

(#0200) Bob Fink: I think you can make the assumption that generally it's better for development to go in areas that are already developed in the rural areas and those that are near the roads, those that are near existing development. That's why there's a RR10, which is seen as a kind of transitional area between RR5 and RR20. It's not necessarily always appropriate but it is something that could certainly be examined more. I think one difference between RR20 and RR10 is the suitability of the land for development. It's partly the ability to provide services. That's built into the criteria for designating RR10, and RR5 and RR20. So to the extent that there's a policy that the county has, the policy is stated in the Comp Plan and has guided the development of those criteria. So you need to look at the criteria and decide which criteria meets best. That's the guidance that the land gives.

(#0258) Steve Clayton: The road that bisects the property. The county was to start maintaining it. Normally a developer would be required to bring it up to county standards and then they could request that the county

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take it over from there.

(#0272) Bob Fink: Right. If they want the county to take over a road it's almost always required that it be improved to the current county road standards.

(#0276) Steve Clayton: The question in the application such as this where there's already a development that uses the road it would be tough to get the people who currently use the road to anti up to improve the road to county standards or is there a mechanism for that?

(#0285) Bob Fink: There are mechanisms for doing assessments when improvements are to serve certain properties. They're not necessarily easy to apply particularly in the rural area, particularly for roads that don't have formal agreements for maintenance which many of the older private roads don't have. It's difficult to get the maintenance done and since many of the people aren't necessarily responsible for maintenance it's difficult to get them to agree to pay for improvements to the road that would improve it to county standards so that then the county would take over the maintenance because they basically don't have to pay for the maintenance anyway. So they don't necessarily want to be charged for the cost of those improvements.

(#0318) Wendy Ervin: Is this road that goes from Lake Limerick on Shetland Road and then connects up to Sunnywoods, is that the only road access to Sunnywoods?

(#0330) Allan Borden: That is correct.

(#0335) Wendy Ervin: How built is Sunnywoods?

(#0337) Allan Borden: It's probably as much as 60% of the lots have houses on them.

(#0342) Wendy Ervin: So you have some considerable traffic going on this road.

(#0344) Allan Borden: Right, and as far as I know, I'm not aware of any agreement with the Peste's to maintain the road. It would be up to the Peste's to do some maintenance on that road.

(#0350) Wendy Ervin: The county doesn't maintain this?

(#0352) Allan Borden: The county doesn't maintain that road and unless Sunnywood property owners have some kind of agreement with Peste, it's the only way that road is maintained because they don't own that road.

(#0358) Wendy Ervin: Is it dirt or pavement?

(#0360) Allan Borden: It's dirt. Merrill and Ring use that road to access their property as well. It's an access road for a considerable amount of that area.

(#0373) Bob Fink: Allan, have you been on that road recently?

(#0375) Allan Borden: Yes, I have.

(#0377) Bob Fink: What's the condition of it?

(#0380) Allan Borden: It is full of potholes. It's probably about 30 feet wide primarily because when a pothole develops, a person moves to the left or the right side of it. It does have berms on the side so it's easy to park on the either shoulder of the road and have two cars pass. It's on occasion maintained because it isn't so bad that you couldn't travel on it. In the summer it's really dusty and in the winter it collects water.

(#0408) Steve Clayton: Any idea if there's school bus service up there?

(#0410) Allan Borden: My understanding is the school district goes to the edge paved part of Shetland Road. The kids have to get carted by their parents to meet the bus at the end of Shetland Road.

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(#0420) Wendy Ervin: So the same is for trash service?

(#0422) Allan Borden: As far as I know the trash gets picked by property. The road running through a portion of Lake Limerick and onto Sunnywoods is all called Shetland Road.

(#0432) Wendy Ervin: So Shetland Road is a county maintained road?

(#0435) Allan Borden: Only up to the western edge of Lake Limerick and then it ends as a county road. It's just named for addressing and emergency response purposes.

(#0444) Wendy Ervin: So is this also named Shetland Road as you go through ...

(#0446) Allan Borden: The road that bisects Section 21 is Shetland Road.

(#0422) Wendy Ervin: On this large map here it shows four pieces ...

(#0475) Allan Borden: The Assessor's office has only two parcel numbers to go with those four tracts.

(#0478) Wendy Ervin: So these lower divisions here, on this large map, there's 32.8 acres and 38.8 acres and then ...

(#0490) Allan Borden: The northwest of the northwest is 37.8 acres and along with the northeast of the northwest which is 38.8 acres is added to the largest parcel number ...

(#0500) Wendy Ervin: To the 436 acres ...

(#0502) Allan Borden: All of them in totality is 436 acres. Generally the information provided at the public hearing by the applicant and engineer and surveyor, they mainly communicated that the applicant was willing to consider constraints from critical areas and provision of roads and services in any development that is proposed on that property.

(#0552) Steve Clayton: It doesn't appear it fits as an RR5 and my question is whether or not RR10 would be good as a transition between the two developments. If we have a transition between the two developments and if they put a development in that means they have to do a road to county standards. That could be a condition under a larger development if they didn't just cut it up.

(#0572) Wendy Ervin: If we ever want this road to come to county standards then I would think that a dirt road connecting up Lake Limerick with Sunnywoods is not an ideal situation but the county is not going to come in and fix it as long as it is not a county road. Peste has no incentive to deed that over as a county road unless they are developing along side it. So if we ever want that to get that to be an improved road, and for all these people here they need the services of an improved road and if we ever want it to get to be that way then it would seem to me that Peste needs to be given the ability to develop it in some meaningful fashion so that they then would improve the road and then could deed it over to the county and everybody could have what they want. As long as they are prevented from developing that property then that road is going to stay dirt forever and I don't think that is an ideal situation.

(#0620) Diane Edgin: That's the only road in and out of that subdivision?

(#0622) Wendy Ervin: That's what I asked and that's was what I was told that that's the way you get in there.

(#0624) Allan Borden: Right.

(#0628) Wendy Ervin: That's a pretty sorry situation, frankly.

(#0632) Allan Borden: The Peste Trust does have ... with the current regulations could propose some performance subdivision, a clustered development on either side of that road. They could take the zoning of RR20 and with a performance subdivision could come up with a development density of RR10. Out of 556

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acres at 1 to 20 is something like 27 lots. They could double that with a performance subdivision. They'd have to have half of the area for open space. One of the constraints they're going to have, isn't this true, Bob, is that if they have critical areas they have to exclude the critical areas before they divide for open space. They have to set aside 50% of the developable area.

(#0695) Bob Fink: Right. The way it works is that essentially you take certain critical areas and you set those aside and then the remaining upland area, 50% of that developable area has to be preserved as open space as well. And the other 50% is available for cluster development. The cluster development, if you go that way, allows lots as small as 20,000 sq ft, which is essentially half an acre, rather than the 2 acres that would otherwise be required in a rural area.

(#0722) Diane Edgin: They'll really like hearing that; not just this group but others as well. I really don't think people know what they can do with their property.

(#0728) Allan Borden: One of the problems with even going from RR20 even to RR10 is it's not likely they'll be able to do a cluster subdivision if they're RR10 trying to go into something else. When you look at the map of this parcel and it shows all the critical areas you'll see that there's a considerable amount of land that's discounted from the uplands.

(#0752) Bob Fink: The density you're allowed isn't based on the uplands. Even though you're not counting that area towards the 50% open space, you still get the density. So if you have 40 acres in a 10 acre area and you want the bonus down to 5, you would get the bonus down to 5 or 8 lots even though you might have 10 or 20 acres of wetlands or stream buffers. You do it on the gross acreage before you set that land aside.

(#0790) Diane Edgin: So actually by denying a 1 in 5 then they have an advantage for this performance subdivision which will actually give them a much higher density.

(#0800) Bob Fink: It wouldn't give them a higher density; they can cluster under 1 in 20 and they would get a density of one lot per 10 acres using a clustered subdivision at the RR20. If you change the zoning to RR10 they could get a 1 to 5 density overall but they would have to cluster to do that and that's an incentive that the county provides in return for the clustering because there are many advantages to the environment and to other goals and policies of the county to have people cluster development rather than divide it into 5 acre rectangles which is the typical pattern people do when they don't have ... it's easy to survey, it's easy to sell and it's less confusing whereas clustered subdivisions are more difficult for people to deal with and they need an incentive to do that but if they do that there are advantages to the county and advantages generally to the public.

(#0848) Diane Edgin: One of the reasons I like the clusters is if you're going to build in the rural area you're going to have to have insurance. Just getting the roads and power in, I would think, is cheaper nowadays to cluster it and I think that would be offset by what it would cost to survey.

(#0870) Steve Clayton: With a clustered subdivision you have to go through a process and in that process it would be mandated to bring the road up to standards?

(#0880) Bob Fink: Any subdivision is going to have to provide adequate access.

(#0884) Steve Clayton: Right, but if we rezone this to RR10 then they could cut it up and there would be no requirements for that and under a clustered subdivision ...

(#0890) Bob Fink: I don't know that the plat even requires public roads. I think the current regulations in the county do not require public dedication of the roads. They do have to build them to certain standards depending on the type of development and the number of lots served. Even if they're private roads the standards that they have to build them to is higher under some circumstances.

(#0912) Bob Sund: Basically, didn't we pretty well follow the county regulations on that for private roads? We developed the private road documents here a few years and I thought we increased the requirements so that when the county was requested to take over the roads that there would be enough easement, etc., for the

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road.

(#0930) Bob Fink: As far as easement goes the standards for easements are higher because at some future point if it were to become a public road there would be enough room ... in other words, the easement is wide enough for adequate service. But that doesn't mean the road itself has to be constructed to the public road standards. There's a number of levels of improvement depending on the number of lots served essentially.

(#0955) Diane Edgin: I think as far as our discussion on this, the request is from 1 in 20 to 1 in 5 and my idea from our talk about it is that we don't think that fits here at this time in place.

(#0970) Bob Sund: I missed the meeting when the testimony was given on this but I'm holding a letter from Martig Engineering and he says in it 'this property was RR5 when the owners started making development plans for it. The submittal of a large lot subdivision was made and the application accepting by Mason County in 1997.'

(#0990) Bob Fink: Because of the order of invalidity under GMA they have no vesting to those regulations and the order of invalidity was because the county was allowing too much density in the rural area. So until the county reduced the densities to 5, 10 and 20 acre parcels the county's codes were not valid and they couldn't develop them to any standard. Now they had to wait until the new standard was approved by the state and that standard now under those conditions gave them a lower density than 1 to 5. That's true for everyone; everyone had 1 to 5 in 1996 when the county first adopted it's plan.

(#1025) Darren Nienaber: Martig is in someways maybe correct but someways incorrect because we were legally incapable of accepting a complete application for 5 acre zoning at that time because that zoning was invalid for the very reason that we're discussing here. That if you have no rhyme or reason and you just allow any density, that's exactly what happened because we couldn't process any subdivisions anywhere in a rural area.

(#1045) Bob Sund: Diane, were you trying to make the point that if we allowed this request to RR5 that we'd stand a better chance for development and development of a better road and everything else into ...

(#1058) Diane Edgin: Not in 1 in 5's.

(#1060) Wendy Ervin: That was me, I think, that was trying to make those sorts of points and I'm inclined to think this should go to an RR10.

(#1068) Bob Sund: But we can't change it; they'd have to change their request.

(#1070) Wendy Ervin: But we can make a recommendation that they request 1 to 10. The wetlands and that sort of thing are going to force them to do a certain amount of clustering anyway. If they want to use this property to its best use they're going to have to put the houses ... and since they have such large parcels they can put ...

(#1085) Bob Sund: If we're going to make the recommendation to them to do 1 in 10 then I would like to maybe add that they, at that time, review the county regulations for clustering.

(#1094) Wendy Ervin: Right, and that they be encouraged to do a development that clusters and that improves the road and I think that would provide ... to have these people served by a dirt road and as many building lots as there are out here and have them served by a dirt road is just wrong. We should do something to encourage that not to be.

(#1115) Diane Edgin: In other words, basically we're going to have to deny the request and for them to take a look at our suggestions.

(#1120) Steve Clayton: We've done it for other requests; to make a recommendation. We could make a recommendation to deny it at RR5 and recommend that it be approved at RR10.

(#1130) Bob Sund: Right. RR10 and with a look at the clustering regulations and those advantages.

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(#1138) Wendy Ervin: Right. They don't have to reapply for the RR10.

(#1150) Bob Fink: We haven't made recommendations different than that requested.

(#1156) Wendy Ervin: The one where we recommended that instead of RT that went to RTC and that was done without asking for a reapplication.

(#1160) Steve Clayton: It all depends on what the BOCC wants to do. If they look at it and they say RR10 is okay and if they kick both of them out then it's ...

(#1168) Diane Edgin: Okay, I make a motion to deny it at the current level and recommend that they look at 1 in 10 with clustering and improving the road.

(#1178) Wendy Ervin: I second that motion.

(#1180) Steve Clayton: We should skim down the rezone criteria.

(#1195) Terri Jeffreys: Since we're agreeing with staff report then we need to look at the criteria for RR10.

(#1198) Steve Clayton: Actually, would Diane mind if did this in two separate motions?

(#1200) Diane Edgin: That would be fine.

(#1202) Steve Clayton: So you first motion ...

(#1204) Diane Edgin: My first motion is to recommend that we accept staff's proposal to deny the RR5 zoning.

(#1210) Wendy Ervin: And I seconded that.

(#1212) Steve Clayton: Any further discussion? All in favor? Opposed? Motion passes.

(#1216) Wendy Ervin: And I make a motion that we recommend that this rezone be at an RR10 level with the encouragement that the clustering be used and that this road be included in the planning.

(#1230) Steve Clayton: I believe all we can do is recommend the RR10 zoning.

(#1238) Bob Sund: I think the reason why Wendy probably wants to include the fact of clustering is because they don't really realize what clustering will do for them and clustering will give them the density they're asking for.

(#1248) Wendy Ervin: Right. In order to encourage the amount of development that will make it cost effective ...

(#1255) Steve Clayton: It's a limitation we can't put on them. It's out of our purview; I agree, it's a good idea.

(#1260) Wendy Ervin: We could put the thought in their heads. We're making a recommendation; we're not making a requirement.

(#1265) Steve Clayton: Right. It's a recommendation for RR10 and if they want to find out our justification then read the minutes.

(#1280) Bob Sund: I'll second Wendy's motion.

(#1285) Steve Clayton: The rezone criteria is on page 7 of Allan's staff report and we also have a letter from the applicant from Martig Engineering and he addresses the first one about not damaging public safety, health

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and welfare. He says the criteria needs to be met whether it's an RR2 or an RR20.

(#1300) Wendy Ervin: He's also recognizing all the buffers and things.

(#1310) Steve Clayton: Under the second one of applicable criteria. Whether it fits a 20, a 10, or a 5 best. On page 13 under the RR10, similarly sized lots adjacent to UGA's and fully contained communities; it doesn't fit that. Transition between 1 and 5 and 1 in 20; it could fit that one. Adjacent county arterial capable of handling traffic; that's kind of a gray area. It would fit as a transition property and that's what the applicant stated. Under three, low density sprawl.

(#1360) Wendy Ervin: As far as low density sprawl, one of the problems that they're trying to eliminate with sprawl is the lack of services and the lack of accessibility and I think that what we're doing ... if they found what I see as a potential for developing this, they're solving a sprawl problem rather than creating it because they're going to make Sunnywoods have their roadway to access that and therefore give those people better potential services.

(#1388) Diane Edgin: I agree because that's one of the things we were talking about up at Lake Cushman by the clustering up there was because the services were adjacent rather than trying to reach out to them.

(#1400) Steve Clayton: Under four, demand for urban services in rural areas.

(#1405) Wendy Ervin: You've got that demand at Sunnywoods and all you're doing is ...

(#1408) Steve Clayton: I think what we used previously as in Mr. Sheldon's application was that we don't consider this to be a material increase.

(#1415) Diane Edgin: Right. I think it's one of those things that we talked about was infill.

(#1430) Steve Clayton: Under five with clustering the applicant states that two isolated non-conforming areas clustering them together makes it better.

(#1460) Wendy Ervin: Under 6, it won't materially interfere with the GMA goals, etc., because this clustering development will be respectful of all the fish streams and wetlands, etc.

(#1482) Terri Jeffreys: I want to talk about number 7. I think that if we okay a change on RR20 we're going to have some pressure to change designations in the others.

(#1494) Wendy Ervin: How is that? This request is a piece of property that ties two developed areas together and the others are to the outside of it.

(#1510) Terri Jeffreys: Rural development patterns ... you don't need to have infill development. It's a natural thing to have an open area between two ...

(#1520) Wendy Ervin: I agree with that but what I'm saying is that the circumstances of this piece of property are different from the circumstances of the other pieces of property so the same rationale does not apply to the one we're dealing with now. You can't use the same rationale on the other two requests in terms of pressure to change land use designations because I think there is pressure right now just because you've got this dirt road going through this property. I think that alone creates the pressure and it exists and it's a situation that we're trying to salvage.

(#1550) Steve Clayton: I'd like to see this at a higher density but one of the problems she's saying is that if this were changed to an RR10 then the parcels directly to the west that are currently RR20 to that other development, there will be pressure to change those to 5's or 10's so you can gain access there and it's a justifiable reason to gain access there. Also, if we change this to an RR10 then the surrounding parcels on the west and also to the east will no longer fit the 75% rule for maintaining those as RR20.

(#1578) Bob Fink: It's the cumulative effect.

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(#1580) Steve Clayton: Right. Cumulative effect as it trickles out.

(#1582) Wendy Ervin: The only one on the east who's 75% rule will be altered is the one that's sort of an inholding. That one is an RR20 which would then be 75% RR10 around it. The others directly to the east are RR20; because they're cut up into smaller areas ... the top one would be RR20, 75% around; the next one down would be at least 50% depending on what we do with the lower one. So I'm not too sure that it's going to change those RR20 designations that much.

(#1616) Bob Sund: The fact that they made a request for this back in '97, should that have any bearing on it?

(#1625) Bob Fink: No.

(#1628) Bob Sund: It would seem to me that people that made a request several years ago would be in a better position than the people that are going to make it currently.

(#1640) Diane Edgin: I don't know that that's true. I think this is testing the waters to see what they really can do.

(#1645) Bob Sund: Well, if it was currently proposed at this time I would agree with you but the fact that they applied for 5 acres ...

(#1655) Diane Edgin: I think they applied for 5 acres because they thought they could do 5 acres at that time.

(#1665) Wendy Ervin: Didn't Allan just say that the whole county had been 5 acres; so they didn't have to apply for it ... or did they?

(#1668) Bob Fink: When the plan was adopted the entire rural area, not counting the RAC's, it was basically RR5. That was what was invalidated. By the time they applied for the subdivision that was already invalid otherwise the subdivision would have been processed; this would have been already decided.

(#1730) Wendy Ervin: We've got two applications, VanBuskirk and Edwards, to take their properties out of the UGA. How does that affect the UGA's?

(#1740) Bob Fink: That's a very minor change.

(#1744) Wendy Ervin: But the UGA ... what is it, 42 per acre.

(#1750) Bob Fink: It's 4 units per acre.

(#1768) Steve Clayton: So we have Wendy's motion to recommend that we approve it at an RR10. The only problem I have is that I have trouble with rezone criteria 7; it does appear it will provide pressure for surrounding properties to change. I agree with the concept to change it to RR10 and let the BOCC handle it from there. Any further discussion? All in favor? Opposed. Motion passes.

Break in meeting.

(#1855) Steve Clayton: Next we have Douglas Fir Christmas Tree LLC, 02-08. We have parcel 'a' which is the property surrounding Lake Limerick. They don't have a publicly maintained road going through it.

(#1888) Diane Edgin: They have two wetlands. There's a Type 3 stream ...

(#1916) Wendy Ervin: Cranberry Creek is off of this property to the southeast side.

(#1930) Allan Borden: It's a tributary of Cranberry Creek heading from north to south.

(#1935) Diane Edgin: I don't see this property going down to RR5.

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(#1938) Steve Clayton: I don't see it going down to RR10; it's surrounded 100% by RR20 with no county access.

(#1960) Wendy Ervin: Are these dirt roads here?

(#1970) Allan Borden: They're all dirt roads; there are no county roads. They're private in the sense that they're forest management roads, i.e., logging roads. They drive on them to replant and burn slash.

(#2000) Diane Edgin: I make a motion that we accept staff's proposal to deny.

(#2010) Terri Jeffreys: I second the motion.

(#2020) Steve Clayton: We have a motion and a second to agree with staff and deny parcel 'a' as proposed. Any further discussion? All in favor? Opposed? Motion passes. Next is 02-14 for Merrill and Ring.

(#2055) Diane Edgin: The only reason I'm slightly in favor is because I do see this one as being a good transition an urban density area and commercial forest.

(#2075) Wendy Ervin: And it would serve to limit densities rather than encouraging it because once you've developed that at an R10 then you're not going to be cutting it up further to go down to smaller parcels where if you have it in an RR20 then there's always pressure to change that to something smaller.

(#2112) Diane Edgin: They have quite a bit of wetland on it so they might not do it.

(#2115) Wendy Ervin: At an RR10 they'll have to develop carefully.

(#2125) Steve Clayton: We can do it parcel specific. To me parcels 'a', 'b', 'c', 'd', an 'f' don't have access to them so we're drawing a long road down to access those.

(#2135) Diane Edgin: Which would be at their expense.

(#2140) Steve Clayton: Right, but one of the criteria we have is in downgrading to an RR10 is if it's located in areas adjacent to county arterial roads and also with other services available. To begin with, they're not near a road, they're not near power ...

(#2172) Diane Edgin: How far away does access to a public road have to be? You're probably talking about a mile and a half here?

(#2190) Steve Clayton: If we're managing our growth in the county and we're attempting to send our population into urban areas, which is what they made these maps up for, now what we're going through is finding particular parcels that we feel would grow better and I think the thought might be that if there's already a road there then there's not more services needed and it would be a good place perhaps to build a house. But if you have to build a road then all of a sudden you're not managing your growth.

(#2215) Diane Edgin: But who has to build the road? That's the other side of the coin.

(#2270) Steve Clayton: Back to our criteria on RR20 regarding the 75% rule and if it fits. You have critical areas on some of the parcels ...

(#2300) Diane Edgin: If you look at these different ones probably some of them may be better off left at RR20 whereas the ones that are on the road access could have higher density.

(#2315) Terri Jeffreys: I move that we accept staff's opinion to deny the request on parcels 'a', 'b', 'c', 'd', and 'f'.

(#2330) Wendy Ervin: Parcel 'a' has some streams or slopes but it doesn't seem to have any real wetland that needs to be considered. Parcel 'd' has only in a corner and then streams. So both of those two, it appears to

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me, have better potential development. Parcels 'b' and 'c' are about half and half. Parcel 'f' looks like a disaster.

(#2360) Steve Clayton: Parcel 'f' is the only one with the logging road on it. Parcels 'a', 'b', 'c', 'd' don't have any ...

(#2368) Wendy Ervin: Except that they have Lake Limerick as their ... the Lake Limerick Road and it's possible to ...

(#2378) Steve Clayton: You're going to take a development and go through the development and make a spur road out ...

(#2385) Wendy Ervin: As Tim Sheldon explained when he was talking about another piece of property, he could buy one lot and turn that lot into a road that would give them access from the county road in the development to his development and there's nothing illegal about buying a piece of property.

(#2415) Darren Nienaber: I've had easement holders threaten the county for the very same reason. If the county somehow assisted in that by approving a BLA which would allow an easement that somebody could use ... is it legal, I don't know.

(#2436) Bob Sund: What was his rationale when he came the other day and said ... he had something to say about the people intruding into that area anyway.

(#2448) Wendy Ervin: Right now he's got timber on it and ... he's got timber on his property and because this is so built up people are using it for recreation so they're driving their four wheel drives or their three wheels or whatever.

(#2464) Bob Sund: So how is his request going to change that?

(#2468) Wendy Ervin: Because right now it's uninhabited timberland that is attractive to kids and others driving through there. If you developed it as 1 to 10, which is what he's asking for, then you would have people over there that would control the recreational use and keep the recreational use within the Lake Limerick area and would protect the forest land out to the outside of that. This is their forest land that they don't want trails cut through and so by having homes here that would buffer their forest land.

(#2508) Bob Sund: Would 1 dwelling per 10 accomplish that?

(#2512) Diane Edgin: If you go back to his letter of November 13th, he talks about in here that they have a rezone of approximately 488 acres and he talks about that the initial request includes some land that is currently zoned 1 to 5 and I have deleted those acres from this letter. Then he goes on to talk about the services, etc. As you go on down under the rezone criteria evaluation he's talking about 36 parcels on 483 acres. Is that sprawl?

(#2550) Allan Borden: That's additional parcels. You have to add the 12 ...

(#2558) Diane Edgin: Still, 36 and 12 so we're talking 48 parcels on 483 acres so that's 1 in 10 but given the wetlands I wonder if that's feasible.

(#2585) Wendy Ervin: You're going to have to account for the wetlands so you're going to be putting those houses where they can be put and using the density to create open space which would protect it.

(#2600) Steve Clayton: It's tough looking at the wetlands map ... on parcels 'b' and 'c' which you originally made a motion you've got big wetlands and the road access would go right through the wetlands. It's going to be tough to build anything on the west side of that and that's the access for parcel 'a'. With the pipe line and the wetlands there ...

(#2640) Diane Edgin: Even with these maps it's still very difficult to say that is actually what could occur. Of

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course the pipe line takes a chunk out of it because that's an easement.

(#2652) Wendy Ervin: Parcels 'b' and 'c' are half wetlands and then there's the pipe line. You've got very little left.

(#2658) Bob Sund: We don't have to worry about it because he's the one who has to worry about it and no matter how we zone it he still has to have the necessary setbacks from the pipe line and the wetlands, etc.

(#2675) Steve Clayton: That goes for zoning across the entire county, though. So somewhere you have to draw the line and ask what is the best designation for that parcel.

(#2682) Bob Sund: But our decision should not be we don't think there's enough room to put something in there because of the pipe line, etc. That's not our decision.

(#2695) Steve Clayton: That might be part of the decision of the original people who developed the zoning regulations attributed that these parcels were best suited for RR20. Now we're going back and saying that that wasn't the right decision. So why are we reversing that decision?

(#2710) Bob Sund: I don't know that there was that much logic ...

(#2712) Steve Clayton: I don't know either but that's the ground rules that exist and we need some rationale on why should we reverse it. The applicant is supposed to provide it.

(#2790) Bob Sund: We need to make a decision on this. I guess there is a rationale that could be set down as it's a transition area between 5's and 20's.

(#2800) Steve Clayton: Right, but on the reverse side a good reason for it to be retained as a 20 is that 75% of the boundary is with RR20.

Miscellaneous discussion.

(#2896) Diane Edgin: I honestly feel he's going to have to have some kind of buffer between him and Lake Limerick.

(#2920) Bob Sund: So he has those RR20's to the north?

(#2922) Allan Borden: That's right.

(#2928) Bob Sund: I'm just thinking that if any of us were sitting in there we'd try to build a case for that, wouldn't we, saying there should be a buffer to go from 5, to 10, to 20. That was the original plan, I think. When we talked about having the 5's closer to the developed areas and the 20's furthest away and the 10's in between.

(#2960) Diane Edgin: That brings up an interesting point. I've probably heard one of the petitioners a lot more than you folks have about why we want a varied inventory within the county was for some of those very reasons; for the buffers between different uses, different densities, etc.

(#2985) Bob Sund: Has anybody done a study on the total number of acres that are zoned in 10's, zoned in 20 and in 5?

(#3000) Bob Fink: We have the acreage. It was done when these were designated; we did a tally.

(#3010) Bob Sund: You don't recall what the 10's and 20's offhand are, Bob?

(#3014) Bob Fink: I don't remember the exact numbers. The 5's and 20's are the two most frequent. The 10's are much less common.

(#3025) Bob Sund: That's my impression as I look at this stuff.

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(#3027) Wendy Ervin: At the end of the day in comparing changes in density if we go to a 10 here then that is likely to have less ... because there's not that many of them then it's mitigated by the other densities?

(#3050) Bob Fink: One of the comments made by Warren Dawes you may remember is that when you consider the issues of the overall effect of what you're doing is if you're increasing density somewhere you may want to look at decreasing it somewhere else. He's looking for a balance. The current densities aren't based on the place in the rural area filling up within our planning horizon. There's more than enough existing lots much less the number of lots that could be created through land divisions to deal with the demand for land. So there's a surplus of land available, although some people argue about how available some of that land is because you don't always have a seller.

(#3098) Bob Sund: Didn't he say that the easy way to do was to classify all the inholding lands as RR20?

(#3106) Bob Fink: I don't remember if he said RR20 ...

(#3110) Wendy Ervin: That was one of his points in that was the easy place to get your balance back would be to change those ...

(#3125) Bob Sund: He said that most of the inholding lands were RR5 and he said you could categorize those ...

(#3134) Wendy Ervin: He was pointing at all these red spots.

(#3138) Bob Fink: They're 5 acre density.

(#3140) Wendy Ervin: Right, but the fact is that ... those could be ... without any effect on those plots could be turned into RR20's, could they not? Because the amount of green surrounding them would cushion that change. So if you change it to RR20 you'd still be able to have the same number of residences in those red spots but their densities would be spread over ...

(#3180) Bob Fink: Well, RR20 would be ... it depends on the pattern of the platting of the existing lots what the effect would be but if you had 20 acres in inholding land and if you rezoned it RR20 then you'd only have one lot ... maybe if you did a performance subdivision you might get two. If would currently be allowed to have four and if you zoned it RR10 then it would be two, possibly getting four as a small cluster. It would impact the development potential unless it was already divided land.

(#3228) Steve Clayton: So those red spots are a lot bigger than 5 acre spots.

(#3230) Wendy Ervin: It looks like there's some 80 acre pieces there.

(#3235) Bob Fink: What the inholding lands are is lands entirely surrounded by long term forest land where the total of acreage in the whole group of adjacent lands is less than 640 acres.

(#3250) Wendy Ervin: And that's 1 per 80?

(#3254) Bob Fink: Right. Long term forest is 1 per 80 but the inholding lands don't qualify as long term commercial forest land either because of soils or because of lot size; usually lot size.

(#3270) Wendy Ervin: I was seeing what that gentleman was saying that night about the red inholding lands was that by making them 20 and then you have the inholding 80 density and then you change this to a 20 is that you now have it as RR5 by changing it to 20. You just kind of use the 80 ... that uninhabited forest land to create by defacto a cluster.

(#3315) Allan Borden: The direction he was going in was that by having this at potential RR5 density you're creating a situation where there's going to be incompatibility. So if you say that the development density should be increased to 10 or 20 then you lessen that chance and you protect the resource land by not introducing ...

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(#3340) Wendy Ervin: But what I was taking him to say also is there is a resource there ... if those RR5's were changed to 20's then that would balance having ...but if you change the density on those red inholding lands then that would balance the increases we made elsewhere in the county. I don't think it would actually affect the lives and property values of the people who are using that inholding land. That's what I took from what he was saying.

(#3395) Diane Edgin: This actually has to do with a piece we already voted on but I think it might be important to bring up and that is the transmission line that runs through that property, wasn't the transmission corridor also our open space corridor?

(#3414) Bob Fink: Some of the major transmission lines are designated as open space. The major BPA transmission between Shelton and Belfair which runs near Lake Limerick is designated as open space.

(#3435) Diane Edgin: That bisects that one big piece there, too, so that's also another reason to leave it alone at this time. I may be wrong but I don't think they're going to get 48 pieces out of that property.

(#3452) Wendy Ervin: No, they're not but they have the option.

(#3458) Diane Edgin: Because Lake Limerick is really an urban density we're not creating a UGA but I think we're trying to protect the other land.

(#3495) Wendy Ervin: My thought is to give them the 1 in 10's on the two sides and then ...

(#3505) Terri Jeffreys: Could you do that listing by letter?

(#3508) Wendy Ervin: Okay. 1 to 10 on 'a', 'b', 'c', 'd', 'e', 'f', 'g', 'h', 'i' and 'j' and then on the two unlettered parcels that are off to the east on the other side of the road to deny those two; leave them as 1 to 20.

(#3580) Bob Sund: Is that a motion?

(#3582) Wendy Ervin: That's a motion.

(#3585) Steve Clayton: Parcels 'k' and 'l', although they're 1 to 5's, Merrill and Ring could cut them up to make their own buffers so if they're looking for a buffer for their property they're already in control of their own density for the parcels 'g', 'j', and 'l'. Parcel 'h' is very environmentally constrained.

(#3615) Wendy Ervin: Parcel 'h' is a tiny little one ...

(#3617) Steve Clayton: You're right; it's 'g' is environmentally constrained.

(#3632) Allan Borden: Parcels 'l' and 'j' don't have very good access anyway.

(#3640) Wendy Ervin: Yes, but if they are developing 'l' and 'k' and they give access to 'l' ...oh, that's not a road. Mason Lake Road cuts through the border between 'h' and 'g' so they ... 'k' goes right up to Mason Lake Road so they can make their own access to those properties as they wish off of Mason Lake Road. The wetlands are their problems. They're not going to get a building permit or a development permit for something that interferes with the wetlands so I don't think we need to worry about the wetlands.

(#3715) Allan Borden: Remember that on 'k' and 'l' can only get 14 lots on 73 acres. They're not going to develop a road network in 'k' and 'l' to provide much access to 'j' and 'l'. Parcel 'k' is 33.6 acres and 'l' is 40 acres.

(#3760) Steve Clayton: Parcel 'e' also shows wetlands and it's also 85% or 90% surrounded by RR20 which goes directly contrary to our zoning criteria.

(#3782) Wendy Ervin: No, it's the RR20 that has to be surrounded by RR20. That criteria isn't required for RR5 and RR10.

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(#3800) Steve Clayton: No it's not required; it's what zoning does this parcel best suit and if it's surrounded by 75% RR20, and this is more than 75%, then the best zoning that fits that, in addition to being heavily impacted by critical area ...

(#3835) Wendy Ervin: There is almost no area of this whole zoning request that isn't impacted by critical area.

(#3860) Diane Edgin: I seconded Wendy's motion.

Error on tape #3. Continues on as follows:

(#0005) Bob Sund: Allan, I think what we were saying on several of those points that they used the word 'materially' and we're saying that it does not materially change because we interpret materially to be substantially, those being synonyms, and so it doesn't really substantially interfere, as in criteria 5.

(#0020) Wendy Ervin: Right, and that in the RR10 criteria is that that be a transition between 1 to 5 and 1 to 20 which this provides, so that meets that criteria.

(#0040) Steve Clayton: In summary, in case the tape didn't catch it, under request 02-07 for the Peste Trust, Parcel 'a' we agreed with staff to deny it. Under 02-07 for the Peste Trust, Parcel 'b' we agreed with staff to deny the proposal but we did make a recommendation to approve the proposal at RR10. Under Parcel 'c' for the Peste Trust, we agreed with staff to deny the proposal for the rezone. Request 02-08 was the Douglas Fir Christmas Tree/Joy Stohr proposal and under Parcel 'a' we agreed with staff to deny the proposal. Under Parcel 'b' we agreed with staff to deny the proposal and under Parcel 'c' we agreed with staff to deny the proposal to rezone. Under rezone request 02-14 for Merrill and Ring PAC made the recommendation to disagree with staff's recommendation to deny the proposal and PAC voted three in favor and one opposed to approve the applicants request to rezone it RR10 for parcels 'a', 'b', 'c', 'd', 'e', 'f', 'g', 'h', 'i', 'j' and the two unnumbered parcels PAC recommended to agree with staff's recommendation to deny the proposal on those two parcels.

(#0115) Diane Edgin: I'd also like to make mention for the record that this Lake Limerick development ... it may be RR5 but these parcels are probably more like .5; the density is definitely urban.

(#0125) Allan Borden: It's existing, non-conforming.

Meeting adjourned.