

MASON COUNTY PLANNING ADVISORY COMMISSION

**Minutes
October 16, 2006**

(Note audio tape (#3) dated October 16, 2006
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 Temporary Chair Diane Edgin at 6:00 p.m.

2. ROLL CALL

Members Present: Diane Edgin, Wendy Ervin, Terri Jeffreys and Jay Hupp. Bill Dewey and Tim Wing were excused.

Staff Present: Bob Fink, Allan Borden, Susie Ellingson, and T.J. Martin.

3. APPROVAL OF MINUTES

The minutes from the September 11, 2006 and September 18, 2006 meetings were approved as presented.

4. NEW BUSINESS

(#0200) Allan Borden opened the hearing on the Linda Christenson / Frank James rezone request. The applicant is requesting that one parcel be rezoned within the Rural Area from Rural Residential 5 zone to Rural Tourist Campground zone, for the purpose of providing 8 tourist cabins and one caretaker residence for the purpose of overnight stays in the Harstine Island areas. The property is a 2.5 acre parcel at the north end of Harstine Island. The property is located at the intersection of Harstine Island Road N, and North Island Drive. The property is across from the community hall on Harstine Island. Jarell's Cove State Park is 0.5 miles to the northeast and the Harstine Island Bridge is about 3.5 miles to the southwest. Adjacent land uses are rural residential, community center, and fire station. Under the RTC zone, land uses have to abide by floor area ratio and that ratio is 1:20. This property is 2.5 acres in size so that gives 5,600 sf of floor area. This is likely to control the size of the development. This proposal will be reviewed by county departments through a pre-application conference where a site plan will be agreed upon to be used as the site plan for development review. That development review will have to meet all of the departments; Public Works, Health

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Department, Planning, Building, and the Fire Marshall. Based upon the information submitted, staff recommends approval of the rezone request. Staff feels that issues of public health and safety can be addressed in the development review. It would not cause low density rural sprawl or affect services provided in the area. There are no critical areas on the property. It is anticipated that screening will be required as part of the permit review. It's not anticipated that changes in surrounding zoning would result if this rezone is approved. The staff report includes a vicinity map and an aerial photo of the vicinity, as well as the proposed site plan. Linda Schwartz sent a comment letter expressing great opposition of the request. Dan Kyler sent a letter opposing the request and expressed fear that the cabins would become long term residences. He also inquired what recreation is facilitated by the request, what are the capabilities of the site for the uses proposed, increased traffic, and suggested deed restriction on uses, such as length of stays, number of sites, availability of septic and water. Robert McKibbin is also listed on the comment letter. Ilene Meyer opposed the request as the island already has many campground and park facilities. She also states the rezone would open up the island to other exploits, and that the intersection is already congested.

(#0450) Diane Edgin disclosed that she knows many of the people that are here tonight to speak on this subject. She did state that she has no personal interest in the property or any of the others on the island except her own. She inquired if the PAC thought she should recuse herself.

(#0475) The PAC did not feel there was a conflict with Diane staying on for the hearing.

(#0488) Jay Hupp inquired about the seasonal creek on the west side of the property, and if there was a fish and wildlife buffer that goes along with that.

(#0500) Allan Borden responded that there wasn't. Allan stated that it truly is a seasonal runoff which is currently ditched. It just guides runoff from the county road and then off to the north.

(#0510) Diane Edgin opened up the hearing for public testimony.

(#0550) Linda Christenson testified first. She introduced her husband Frank James. Linda stated that her parents bought it about 15 or 20 years ago and always thought something special should go there. When her dad passed away, her mother gave her the property. We want to have a really nice bed and breakfast, very low key. My husband is a good builder with a good reputation in the community and he would build everything to the upmost qualifications. She stated she really wants to try to make sure that you can barely even see the cabins from the road. We do have one neighbor who is very supportive of this.

(#0600) Frank James stated that it would be completely fenced and landscaped and the cabins would be log. We're going to use way less than the 5,000 sf that we would be entitled to. People are always saying there's no place to stay on the island and we wanted to put it there because of the good location. As far as septic issues, I was told it would be okay because of the swale in the middle for the drainfield. We already have a well that is adequate. We're trying to do it upscale. There would be someone living there to watch over it.

(#0670) Terri Jeffreys inquired who told them the septic would probably work.

(#0675) Mike James responded a septic installer gave them that information. He was the same one who installed her mother's system. We will only be using 8% of the land for the cabins. We're not trying to max out the property. I thought it would bring up the character of the island. If the theater goes in, that would be right down the street.

(#0775) Janet Irving from Harstine Island testified next. She stated that her and her husband are close to this development. She referred to Mason County Comprehensive Plan, Harstine Island Sub-Area Plan. We don't think it should be done because it is zoned RR5 and this is a 2 ½ acre area that was grandfathered in. Going to more density per acre doesn't seem to be in the interest of Harstine Island. In the plan it says that this services the island population. She inquired if there was a need to service the island population. In the application that are numerous mentions of the need for this here. She called Harstine Point and asked if anyone had contacted them and they said no. She asked if they had a shortage of accommodations and they said no. She inquired if they had overnight accommodations and they said yes. She also called the State Park and inquired if they had been asked if it was necessary and they said the campground is only full 3

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weekends a year and they have had in their proposal for small cabins at the State Park and had been turned down by the state because of the lack of need. If there is no need and no one stays there what happens? Then you've got 8 cabins, financial input, and there they sit. Then they become rentals and that's the fear that we have. There are no tourist activities within easy walking distance of this parcel. Everything around it is residential. You have to walk across private property to get to the cove. The State Park is a mile by road. Another concern is that the developers want to keep the vegetation but most fire issues require that buildings have the vegetation removed in order to fight fire. We are protected by a volunteer fire department and they don't save your structure. She inquired how this differs from a motel. It offers places to stay with no activities. Then there's the trespass issues.

(#0950) Janet Irving read into the record a letter from her neighbor Paul Embleton. The letter states that he is a property owner and part time resident and he is concerned that his property will be used to access the water and shoreline. There is no water or shoreline access to this parcel. His property adjoins the parcel in question and since he is only a part time resident he would not be there to police his property. He states he loves the very privacy and solitude that was the motivation for purchasing this land. The area is used as a nesting area for birds, spawning ground for salmon and shellfish reproduction. If this development is approved a fence would be necessary to prevent trespass onto his property by people and domestic animals. His concern is that a fence would have a detrimental impact on the movement of wildlife through natural corridors which is in opposition of the Harstine Island Plan. As a landowner he has relied on the zoning plan that has been in place and fits the area.

(#1035) Bob Lemon from Harstine Island testified next. When we buy a piece of property we depend on the protection of zoning of what's in place at that time and in order to change that there should be a compelling justification for that to be changed. There hasn't been any compelling justification in this case. There has been no evidence that even with the people that have been contacted at the State Park or community center that there is a need for this. The application was so brief that it didn't even seem credible. In approving this the staff has given due gravity to the zoning ordinance and hasn't protected the residents that have substantial investments here. Specifically rezone criteria #2 it states that the zone designation shall match the characteristics of the area to be rezoned better than any other zone designation. This zoning of this particular lot, as it exists, matches the zoning in the area perfectly. Any other zone designation is going to be a less perfect match. On that basis alone the rezone should be denied. For rezone criteria #3, #4, and #6 talks about potential development and if this rezone is approved it would be precedent setting. How could you approve this and then not one next door. Staff said no further rezoning is anticipated. It says that no rezone to more intensive land use shall be approved if, either by itself or together with other zoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to create pressure to change land use designations of other lands. It talks about sprawling, low-density urban development, demand for urban services, reduction of open space, and protection of fish and wildlife habitat. All of those are potentials on this parcel and any adjacent parcels for a rezone. Parcel #4190050, which is the adjacent parcel to this subject parcel, was just purchased by the applicant and it seems that if there is a parcel someone wants to develop and they buy the adjacent parcel, are we to assume there's no intention to develop that or doesn't in fact constitute it's own potential for redevelopment. The objections you're going to hear tonight and the documents you're going to receive constitute a very enthusiastic and unified objection to this rezone request. Some of the damages we might see as a result of this project would be incompatible land use to adjacent property, adding to periodic dangerous traffic congestion, uncontrolled runoff from substantially impervious surfaces into environmental sensitive areas, excessive reduction of vegetation. Now we're going to have another access onto that road from vehicles with nine new structures and potentially more. There's also aquifer depletion. Addition burdens for fire and police. There's a density dilemma. There will be 8 or 9 units in 2 ½ acres so how can staff justify increasing the density. Where is the fairness when the parcel across the street under 10 acres can't be subdivided into 2 living units, but a 2 acre parcel can be subdivided into 8 living units simply by using the word tourism. Are we to believe that someone is going to drive out to Mason County in the winter time and rent a cabin, drive over to the State Park, have a barbeque in the rain ... it just doesn't seem reasonable. There might be some use in the summer months for 3 months, but during the other months they are going to sit empty. With a substantial investment like they talked about what's going to make them pay. What's to prevent when the income isn't there from the applicant renting out the cabins for a longer term occupancy? Where's the protection for that? If the county isn't willing to or can't monitor and guarantee that this won't turn into a high density, low income, rental project tomorrow what then? Bob stated he talked to a county official to let him know what

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was happening and he stated that now the brush pickers won't even have to leave the island. That's the potential for tomorrow and that's what we'd like to eliminate today.

(#1625) The PAC agreed to put a 5-minute time limit on each person testifying.

(#1650) Jacqueline Baber of Harstine Island testified next. She stated she lives directly across the street from the subject property. She stated that she is opposed to this project because the entrance they have proposed is directly across the street from her property. She is concerned about that and presented pictures to describe the existing problem already. She is concerned about privacy and noise. You move to a rural area because you like your space so to feel like you're losing that is not what she wants. We can't control our neighbors but we're talking about people who are temporary tenants, tourists directly across the street. She stated that she travels a lot and you cannot control who or what is going on in a hotel, let alone cabins. They don't even know who they're renting to. While the Grange is great for our island, nobody is going to come to Harstine Island for a weekend Grange event.

(#1800) Basil Hammond stated that he came out to the island in 1969. He stated a fence isn't going to be a very attractive thing to look at in a buffer zone between me and them. He stated that his property drains through it and so does North Island Drive from the hillside down. The water doesn't run uphill.

(#1860) Roger McKibbin and his wife reside about .10 of a mile north of the subject property. He stated this response addresses the misrepresentations of the applicant and the erroneous conclusions reached by the county as a result of these misrepresentations. **Development allowed by the proposed rezone designation shall not damage public health, safety and welfare.** The county's response is in error in that the traffic created by the proposed rezone may cause a safety problem on Harstine Island Rd., in that this road is only 14 feet in width. Island Road N has no shoulder on either side. The applicant's cabins can also be defined a multi-family housing or a motel. The need for tourist cabins does not exist in this area. Toxins from numerous vehicles parked on the soil will cause toxins to seep into Jarrell Cove. **The zone designation shall be consistent with the Mason County Comprehensive Plan.** Limit rural services and rural facilities to those necessary to serve the recreational or tourist uses. What about low-density sprawl? What about compatible rural character? The county's response is inaccurate information submitted by the applicant. There are 3 State Parks available for use on the island and are rarely filled, with the exception of 3 or 4 holiday weekends. Additionally, there are no adjacent public foot trails, bike trails, or public saltwater access near the subject property. **No rezone shall be approved if by itself or together with other rezoning the cumulative impact of such zoning would be to materially increase sprawling or to significantly increase uses incompatible with the resource based uses in the vicinity.** The county's response is that tourist overnight cabins land use is compatible with the vicinity area. The 8 or 9 cabins on the proposed property can clearly be considered sprawling community development. **No rezone to more intensive land use shall be approved if the impacts of such zoning would be to materially increase the demand for services.** The county's response does not address the existing limited police protection. Long term police and school needs will increase if renters are permitted on a full time basis. **No zoning to more intensive land use shall be approved if such rezoning would be to materially interfere with the GMA goal.** The county fails to address that there are no overnight tourist facilities in this area because there is no material demand for such. In summary the following were noted:

A realistic safety problem would be created by this rezoning for pedestrian and vehicle traffic on both adjacent roads. Furthermore, high density dwellings on this parcel would cause a potential serious hazard to the marine environment in Jarrell Cove. The rezoning is not consistent with the Mason County Comp Plan and in clear violation of RU 217 and RU 218. Sprawling low density rural development is incompatible with the area. It could increase the demand for police activity. The proposed rezoning does not meet GMA goals of the retention of open space and the protection of the environment. It has the potential of increasing population growth and will increase pressure to rezone other adjacent parcels in this rural area. The staff evaluation is inaccurate as a result of misleading and inaccurate comments and information provided by the applicant. Rezoning of this parcel would not be in the interests of surrounding property owners or Mason County. The misleading comments provided by the applicant are clearly self serving and designed to enhance the value of the property at the expense of the neighborhood and the environment.

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(#2300) Oleg Pemberton from Harstine Island testified next. He stated they live right across the park and Jarrell's Cove. They have had trouble with trespassers coming directly from the park directly onto their property. He stated that he doesn't see this as being any different. The other problem is the parking. On the weekends when there is a community function there are people parking up and down the street and he can't get his boat down the street because there's not enough room. The trespassers leave trash and they camp out there. We've left our area fairly natural because of the wildlife. Safety is another big issue. We don't know these campers and who they are. At least I know my neighbors. What safety guarantees do we have as residents?

(#2400) Dan Kyler from Harstine Island testified next. Inquired about if there were going to be kitchens in the units and the applicants responded that there were not going to be kitchens in the units. The concern is that economically it doesn't seem to be feasible, other than it turning into high density housing on a long term basis. There's no tourist attractions in this area that are walkable. It's all private property with no water access. There's no sidewalks on any of the adjacent streets. It's fairly isolated on the north end of Harstine. Most of the people coming to the north end of the island are either living there or visiting people who do live there and staying at their homes. If the rezone is allowed, perhaps not for this owner, but if these units are constructed, the economic realities of them, the subsequent purchaser of them is going to be using them for temporary high density housing and it will completely change the character of this area.

(#2500) Nancy Schmidt lives on the north end of the island. She opposes the rezone for all the same reasons as everyone else does. She stated that she worries about safety, the aquifer, and the other people being able to rezone other properties in the area as well. To support this kind of thing other places will have to be rezoned in order to support it.

(#2565) Kerma Murphy stated that they have owned property on North Island Drive for 26 years. They plan to retire there and build a new house. Their concern is parking. She said the new owners have not dealt with the issue of trespass. The environment is very sensitive with salmon and there are a lot of birds that nest in the area.

(#2640) Gary Benz of Sea Breeze Lane on the island testified next. He stated he is worried about water consumption and quoted a report by Evergreen College that the tapped aquifer that is part of a sole source aquifer recharge area. With this in mind it is clear that adequate protection of the island's groundwater resources is of great importance to the residents. The property is in close proximity to the community hall. The community hall has a well across the street which has been established for a long time. It is used upon occasion when people are there. The proposed cabins may put a strain on the aquifer impacting ground wells. We only have the aquifer that is under the island; it is not connected to the aquifers of the mainland.

(#2700) Rose Benz continued on stating that the parties who want to put in the development stated that there are no rentals on the island. She stated she went on the internet and entered into the record 9 rental homes that are available on the island. All these homes have everything completely provided and all 9 have water access. There is adequate rental facility on the island for those who wish to have overnight or longer accommodations. They are available throughout the year.

(#2800) Diane Edgin closed the public portion of the hearing at this time. Diane stated that she does have concerns with the parking there because any time there are events there at the community hall the parking lot is filled to overflow on both sides and then down farther on Harstine Island Road North.

(#3000) Terri Jeffreys inquired if it could be assumed that onsite parking would be required as part of the proposal.

(#3020) Allan Borden responded that would be a correct assumption. Parking has to be on the subject parcel.

(#3070) Terri Jeffreys inquired about the hillside drainage and slopes.

(#3090) Allan Borden responded that there is very little slope to the property. Through the center is the lowest part of the property and it slopes from east to west and from north to the center and from the south to the center. Most of the drainage is through the center of the property.

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(#3150) Terri Jeffreys stated that it is clearly controversial to the neighbors who have shown up and sent in testimony. She stated she can appreciate that, however, looking at how it complements and / or meets the criteria of the Comp Plan it seems to do that. Tourism is an economic development goal of the Economic Development Element. Tourism is suitable for rural communities. For these reasons, Terri Jeffreys made a motion to approve this rezone request.

(#3200) Wendy Ervin stated that when she read it through it seemed like a really effective plan and she was floored at the amount of discussion and dissension. One of the key thing, though, is that these don't have kitchens; this is apparently just a bedroom and a bathroom arrangement rather than a living arrangement. Wendy did second the motion.

(#3250) Jay Hupp stated that he never saw a business he didn't like but this one in its current location makes me uncomfortable because there are no clear and compelling reasons to disturb the existing environment of the residents to the degree that it apparently is going to impact.

(#3290) Diane Edgin stated that the Harstine Island Sub-Areas Plan does not exist. It never reached finalization. Elements of it were incorporated in the Comp Plan so a lot of things you thought might have happened didn't happen. We are under the county plan. To say that this is not a tourist based area, there is an element there because of all the events that are held there at the community hall. People do have to have temporary housing for one or two days. That doesn't exist right now. If it doesn't go here somebody else will do it. To think that we're isolated out there, we're not. We all want our little island to stay the same and you all know that things will change. She did state that she is concerned about the density of the traffic and the parking there. Based on that alone she stated that she would be opposed to it. Diane continued on by calling for the vote. The motion is to approve staff's recommendation to recommend to the BOCC the approval of the rezone.

(#3495) Wendy Ervin stated that she would like some additional time to review the documents and testimony that was presented tonight.

(#3515) The motion failed with one yes, one no, and two abstentions. Public testimony has been closed. The rezone request For Linda Christenson will be continued until November 20th with the PAC discussion.

(#3650) Terri Jeffreys stated that she will have to recuse herself from the consideration of the next rezone request for Gary Gribble as she was instrumental in helping prepare the documentation for the hearing. Terri Jeffreys was excused from the meeting for this hearing.

(#0075) Jay Hupp inquired if there's not a quorum available to hear this request will it just be continued.

(#0085) Susie Ellingson responded that testimony and discussion could occur tonight but no action could be taken tonight.

(#0115) Allan Borden opened the public hearing on the Gary Gribble rezone request. The property is 6.82 acres and the request is to go from Rural Residential 5 zone to Rural Tourist Campground zone. The anticipated use of the property is for a Recreational Vehicle Park, open storage and facilities for trailers, motorhomes and boats. The property is located along US Highway 101 in Potlatch. Potlatch State Park is a 1/4 mile to the south and Hoodspout Rural Activity Center is about 2 miles to the north. On the west is Green Diamond Timber Company with Long Term Commercial Forest lands. The development standards for RTC zone call for a floor area ratio of 1:20. The maximum building size could be 5,000 sf. This proposal would be reviewed by an RV park permit, which is a public review process heard by the Hearing Examiner. One of the problems with this request is there is limited information available on what is intended for this use. We know in speaking with the applicant that these land uses of RV park and open storage are anticipated but there's no way to know the scope of the proposal. When the criteria was reviewed the assumption was made that if the applicant wishes to open an RV park on this property he has to get the appropriate zoning and the RTC zoning would be the more appropriate zoning compared to either commercial, natural resources or rural tourist uses. The public health, safety and welfare standards will need to be met as part of the park review permit process. Low density sprawl is not anticipated. It is not anticipated these spaces would be occupied

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by long term residencies. There are already recreational land uses in the area. There are steep slopes at the rear of the property and they will need to be addressed with an assessment or geotechnical report. There needs to be control of the seepage in the area through a stormwater management plan. Staff would anticipate very little likelihood if this rezone were approved that there would be expected subsequent rezones in the vicinity. A lot of the adjacent land uses are already existing with commercial, RV parks, waterfront access.

We received comments from three neighbors. Ken Drecksel, who lives to the south, is concerned about requiring adequate buffer along the south property line and needing to keep the development outside of his 100-foot well radius.

Ruth Peterson, who is a neighbor to the south, has an art gallery on her property and her concerns are on area seepage, possible erosion and landslides from slopes, and potential problems with septic systems.

Allan stated that he received a telecom from Toshi Moriguchi, who is the owner of a time share residence across US Highway 101 and he is concerned with trespassing and prior incidents of crime.

Melody McCutchen, who is an attorney with Hillis, Clark, Martin & Peterson, has sent a couple of letters, one of which has just arrived this afternoon. Her main concern is meeting the legal notification of the rezone request. She may not be aware but all property owners were contacted by mail by October 6th. There are several other means of public notice. When SEPA is done there is a 15-day review period. That SEPA review is typically for site specific SEPA review where you want the environmental review to be closely enacted and you want to receive public comment on the potential project. The SEPA that was released is actually non-project SEPA so all 7 rezone requests were included in that SEPA review. Her request is that this request should be withdrawn from tonight's PAC meeting so that the period for SEPA review can continue and be closed. By that time it was too late to notify affected parties.

Allan stated he did receive comment from WSDOT about securing proper ingress and egress from the state highway.

(#0500) Jay Hupp inquired if this was fee simple land within the confines of the reservation.

(#0510) Allan Borden responded that it is. The other comment letter we received this afternoon was from the Skokomish Tribe. They asked us to read the letter into the record as the author, Keith Dublanica, could not be here tonight. The following is their letter:

"On behalf of the Skokomish Indian Tribe and its Natural Resources Department, I respectfully request your attention to the reference rezone request. It is my understanding you will accept this fax of comments and request it be read into the record.

The property in question is located totally within the exterior boundaries of the Skokomish Indian Reservation, not at the north end of the Reservation as indicated in your report. Neither the Tribe, nor certain property owners who are members of the Skokomish Tribe in proximity to the property were contacted directly by the applicant. The property is a former allotment, established when the Reservation was created in the 1870's, two decades before Washington statehood. The property is fee simple. The applicants states the rezone request is to modify the one parcel of 6.82 acres to be rezoned from RR5 to RTC.

There are a number of issues of concern the Skokomish Tribe has with the request. The first and foremost is that Mason County has routinely deferred to the Skokomish Tribe in matters involving land use practices and permitting within the Skokomish Reservation. There is an excellent reason for such deference and the Tribe is of the opinion that practice should continue. No government-to-government consultation has occurred and it is the Tribe's belief that such collaborative processes are both desirable and necessary in matters involving land use within the Reservation.

As described below, the Tribe has significant treaty resources on the Reservation and in its usual and accustomed grounds and stations in the vicinity of the land subject to the request immediately off the

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Reservation. The Tribe's treaty resources are currently being subject to adverse environmental impacts from existing land use practices in the vicinity of the subject property. The Tribe is very concerned that those impacts will be further exacerbated if this request is granted. It is unclear whether the county has carefully evaluated current zoning and land use activities in the vicinity of the subject property and made a determination whether granting the request will constitute illegal spot zoning.

It is unclear how the property owner will address stormwater, drinking water, or septic needs of the development. The Tribe questions whether the landowner will be able to successfully secure a water right for this property.

The Tribe is currently engaged with both Mason County and PUD #1 on a wastewater investigation. The three parties signed an MOU this summer for that investigation. These investigations of regional wastewater opportunities are attempting to address cumulative impacts and effects from failing systems and addressing alternatives in technology and management. Such a proposal as the rezone would need to be addressed in the regional review, but it may also hinder or thwart such a regional effort. The area is also in close proximity to Potlatch State Park, where the Tribe is involved in a complex interaction and anticipated transaction related to a tribal housing project.

There are shellfish beds in Hood Canal and near-shore environs that provide refuge for certain ESA listed salmon all down stream. Dissolved oxygen levels in Hood Canal have been attributed to certain upland activities and recent fish die-offs are of dire concern to the Tribe. The State of Washington and the Tribe co-manage both the fisheries resources and their habitats.

The surrounding area currently suffers from stormwater runoff from the State Highway 101. Access to the property from the highway directly would require certain WSDOT permits for access and egress, and may contribute to safety concerns. Hurley Hill Road may be able to accommodate all the perceived increased traffic congestion, however, certain contacts with neither the Tribe, nor Tribal members, have taken place.

Mason County has been put on previous notice that there may be undocumented cultural sites in the area that follow the Tribe's cultural sensitivity model. Much of Hood Canal's near-shore environs have been identified as areas of certain cultural utilization by the predecessors of the Skokomish Indian Tribe. There are registered sites within close proximity and with certain similar landscape characteristics that may expose inadvertent discovery during any project development. Both the Tribal Historic Preservation Office and the Washington State Reservation Office would be party to any such activities that may threaten sites, or inadvertently uncover artifacts of cultural patrimony, funerary objects, human remains or other such cultural legacies.

Again, without the ability to review conceptual plans, layouts and site treatments, and due to the particular concerns of this project, potential of negative cumulative impacts, the Skokomish Tribe requests a denial of the rezone application".

(#0766) Wendy Ervin inquired about Minerva Terrace (Beach Resort) and the project that was worked on last year and the proximity to that.

(#0775) Allan Borden responded that it was about a 1/4 mile from the proposed site.

(#0785) Jay Hupp inquired about the original zoning of RR5 and if that was established in concurrence with the Tribe.

(#0800) Bob Fink responded that when the current zoning was adopted the actual area of the Reservation was not intended to be zoned. Most of the areas in the Reservation are designated 'Reservation' and there's no regulation written specifically for that designation. The county does have jurisdiction over lands that are fee simple by non Tribal members. Bob inquired of Allan what the circumstances was regarding that designation.

(0830) Allan Borden responded that's how it's mapped on our county map. The actual northern end of the Reservation is colored on our map and ends at Potlatch State Park.

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(#0840) Bob Fink stated that essentially the intent was to not zone land inside the Reservation, this particular property was zoned as rural residential, which sounds generally appropriate for the area. It wasn't recognized to be inside the Reservation area.

(#0855) Wendy Ervin stated that there's no site map that shows what the intent is as far as how the land is going to be used or what the plan is. We could make the decision without that but it would be better to have that information.

(#0890) Public testimony was opened up for the Gribble rezone request.

(#0900) Gary Gribble, owner of the property in question testified. The reason why we didn't submit any information is I went to the building department and spoke with them before we bought the property and told them I wanted to have an RV park and overflow area and they said I couldn't submit any plans for the property until it was zoned appropriately. He stated he owns the Hoodspout Marina and Eatery and has dealt with the county before and was just going by their procedures. He stated he doesn't know what the density will be until it is rezoned and the plans drawn up. Gary stated that it's not going to be very dense because of the septic situation, and the water situation. There's two easements across the property for electrical power lines so that diminishes it. It was mentioned that no one was notified. According to the Planning Department's procedures, we had to notify anyone within a 300-foot distance and we have ten names of all the notices that were sent out. People called me and I met with them on the site so that's not true what was said there.

(#1085) Faith Noble testified next. With Mason County deferring to the Tribe, that is true. She stated she had an easement issue and Mason County did defer that decision to the Tribe. She has several concerns. She described a 5-car pileup in front of her driveway. It was tied up for hours. There is a blind curve right where the entrance would be to his property. There are cars that park on 101 and that is another safety issue. The water runoff is a problem. She stated that her property already floods in the winter time because of the runoff from Highway 101. People have had to build berms to stop water from running onto their property. WSDOT needs will have to be met.

(#1150) Doug Palmer testified next. He inquired about the SEPA appeal process and if there was an administrative appeal process.

(#1250) Bob Fink stated that it was changed to specifically allow an appeal to the Hearing Examiner administratively. You don't appeal during the comment period. You wait until after the comment period and if the county doesn't change the determination then it can be appealed.

(#1275) Doug Palmer stated that the rezone analysis in the staff report assumes that the property will be used for an RV park. Once the rezone occurs there's nothing that prevents the future owner from using any stated use. It seems the analysis should address all the possible uses that could be undertaken with that zoning. One of the criteria for granting the rezone is that the proposed zone designation is a better fit with the property in the vicinity. The rationale given in the staff report is that the RTC zone is the best zoning for an RV park. With respect, I would suggest that's the reverse of what is necessary. Is an RV park a better use of that area than the current zoning? I would say that it's not. Most of the property around there is residential. We think the current zoning of RR5 is the most appropriate. If a rezone is to be considered in view of the fact that there aren't any real plans, it's impossible to make comments on what the real impacts might be. It should be done in the form of a contract rezone where there's a specific plan put forward and the rezone is conditional on a specific plan that the impact can be evaluated.

(#1400) Jack Turner of the Skokomish Tribe testified next. Jack stated he came here to request a postponement of any decision being made tonight. There is ambiguities in this rezone request. If there is an environmental review to be done, that actually falls under the Tribe's jurisdiction. The Tribe and the county are working under several processes that have been cooperative and collaborative and such good faith as that and with the Tribe having not been notified we actually just saw this on the agenda and it wasn't until October 12th that we saw any information on this rezone. To postpone it will give the Tribe the opportunity to have a government-to-government with the county and see how both the entities should proceed. We encourage more information and that the county and the Tribe have an opportunity to talk on how to proceed.

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(#1500) Marilyn Duran testified that she is adjacent to the subject property. This is our retirement home. It is rural residential. Mr. Gribble said that all the members were notified. Ruth Peterson, who is right below me, received no notification. She stated that her concern is that it's her home and there's been no decision on what will go there. We take our lives in our hands every time we pull out on that road. It's very dangerous, especially in the summertime. The density there; Hood Canal is on worldwide watch on the nightly news about what's going on with the Canal. If this is to be rezoned, it's just like throwing up a red flag. It was mentioned they didn't know when they zoned it that it was Tribal land. PUD #1 is a ½ mile up the road. That's where the end of the Tribal land is. That's quite a bit inland on the Tribal lands. It was mentioned about wetlands. People who live here know that we've had three of the driest years on record. On the lower half of my property it's running water constantly. We had to have ditches put in. Tacoma City Light had a tremendous slide there and he's right in the middle.

(#1700) The PAC had a discussion regarding leaving the public testimony portion of the hearing open until the November 20th continuance since there is no quorum and the other PAC members could then have a chance to hear additional testimony as well as being able to read the minutes from the meeting. There was a motion, a second and motion passed to continue the Gribble hearing until November 20th.

(#1750) Jay Hupp inquired of T.J. Martin, our Prosecuting Attorney, if he could research where the county stands in relationship to the Tribe on making this kind of a decision before the next meeting on November 20th.

(#1800) T.J. responded that he would be happy to look into the issues pertaining to this particularly in light of some of the issue that have been raised regarding the classification of this property so we can have a more comprehensive response to the PAC.

(#1840) Audience inquired if they could testify again on November 20th.

(#1850) Diane Edgin responded they could as the public testimony portion of the hearing will remain open.

(#1900) Allan Borden opened up the public hearing on the Gregg Paisley rezone request. There are four parcels totaling 50.24 acres requesting to go from Rural Residential 5 zone to Rural Tourist Campground zone. The anticipated use of the property is for a tourist destination land use composing of outdoor recreation activities, a small scale entertainment area, and a camping area for visitors and residents of Mason County. The property is located along State Route 3 between Mason Lake Road and Deer Creek Hamlet, which would be where Deer Creek crosses Highway 3. Downtown Shelton is a little over 4 miles to the south. Immediate land uses are Rural Residential. There is a property well over 1,000 feet south that was rezoned in 2003 to RTC and it fronts on Highway 3. This property is only accessed by a driveway to Highway 3. The floor area ratio for this RTC zone is 1:20. The proposal will be reviewed at a pre-application conference with county departments. A site plan for development will then be reviewed through the county's RV park permit process, which is a public review held by the Hearing Examiner. There will be a small scale entertainment area in the form of a jewel house for parties and festivals and Avery Green, which is a collection of buildings that face a 1 acre green that will have a theater, retail, farm and craft outlets and small shops and food services. There will be an open area for other outdoor recreational opportunities. Camping will be provided on the north and west side of the property. The idea is to provide parking off the highway adjacent to the subject property and have camping amenities accessible by foot. There is farming in the vicinity and the property that is yet to be developed that is RTC. In order to proceed further with the proposal it would required the recommendation of the appropriate zone, which would be RTC. Public health, safety and traffic issues will have to be addressed. Low density rural development will not occur or affect services provided in the area. Water, septic and stormwater design will help protect the stream that's on the property as well as the slopes that occur to the north and west. Due to this rezone, it is not anticipated that there will be additional pressures to change other nearby land designations or affect the anticipated growth of this area of Mason County. Allan did receive one comment from Mike Banner who lives to the north. He stated he is in total support of the request and feels the proposal is the best thing going for the area.

(#2275) Jay Hupp asked Allan to speak to the adequacy of access and egress on Highway 3 in that driveway.

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(#2300) Allan Borden responded that currently it is for single-family residential. The site plan shows what his plans are for that as well as parking and access and a wider shoulder to provide access into the driveway. WSDOT discusses that in their comment letter.

(#2400) Diane Edgin opened up the public testimony portion of the hearing.

(#2450) Greg Paisley, applicant, testified first. He talked about the economic element and how tourism should be brought to the rural area. He discussed different areas like Seattle, Portland where tourists drive a long way to experience the tourism in rural areas like Leavenworth. This idea came to me 20 - 25 years ago and now I can do it. I bought this property in 2002 and have developed this dream. One of the things about tourism as a form of economic development is it has countless facets. With a project like this there's almost no limit for opportunities for local people in Mason County. Four months ago I sent every one of my neighbors the same information you have. I sent all the revisions to them last week and invited them to this hearing. This isn't just family tourism. The University of Washington and Evergreen professors want to partner with me to build this project. One of the most prestigious and best known music camps wants to host their month long camp on my property. One lady from WSU came out and viewed the property for a permanent farmers market. Someone on this board mentioned that everybody wants economic development but nobody wants it in their back yard. I've got 50 acres with 13 neighbors touching me. I've discussed concerns with my neighbors and we have been very cooperative to make the neighbors comfortable with this project. The secret to happy neighbors is not the zoning itself but communication and cooperation. We've called this project Avery Township. People need to come to this place and be happy because it makes people happy to see their kids discover old time farm life, Shakespear under the stars, and to learn things. He stated he's not going to build happiness on the back of other people's unhappiness, mainly my neighbors. I will have open houses every month and I will post employment opportunities on the website. I will give everyone of my neighbors a permanent all access pass to any event that occurs there. It makes people feel involved. So far people have not mentioned much to me but what they have mentioned I have dealt with immediately.

(#2950) Wendy Ervin inquired how many jobs would be available and if these would be family wage jobs.

(#3000) Greg Paisley responded that a lot of the jobs to build it will be trade level jobs. Bear in mind this is seasonal and it's more operations jobs. I need a lot of young people on horses to patrol the place because no motorized vehicles will be allowed. I really don't know how much I would pay them. There's a whole range of things that I would need done. I am also very concerned with the environment and there's a lot of infrastructure, such as sanitation that will require some engineering jobs that will pay quite well. This a small business, however, this is a place where contractors and vendors of all descriptions, family farm, who have no conduit to the major markets will be able to come. I will contract with other farms in Mason County to raise animals, grow food to my specifications. I can only produce 5% or 10% of the products that I need to serve the people that I anticipate coming there. It's all over the map as far as wage scales but it could mean the difference between viability and failure for a large number of people.

(#3175) Janis Snoey lives on State Highway 3. She stated that Mr. Paisley has been wonderful in all of this process. He's come to my house and others and I like the idea that he's promoting. I've expressed my concern to him that this is his view of what he wants to do but with all due respect that's not the decision you're making here this evening. The decision is to rezone from rural residential to zoning it to RTC. What he's proposing is some campground on the site but the staff report doesn't give me any indication of what happens if Mr. Paisley sells the property tomorrow and goes away. We would then be left with 50 acres zoned RTC. There's nothing in the staff report that says what the density of that campground is. So I looked it up. We heard that it's 1:20 for the floor coverage. I know whoever may own it next will have to go through the permit process to determine what that would be but right now we're looking at the rezone. We're looking at a pig and a poke because the staff report does not analyze the improvement of the site once you approve the rezone. There's no binding site plan here or any guarantee that this is going to happen so when you're making your decision you need all the facts before you. I would like you to defer your decision tonight until you get a full explanation from the staff on exactly the full impact of this project.

(#3400) Joanne Conrad lives on Highway 3 also. She stated there was a response to a letter written by Dona Moran and Mr. Paisley included it in your packet regarding the customer volume. Mr. Paisley stated there

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would be approximately 2,000 customers over 20 weekends, which equals 50 people per day. She inquired why he responded there will be 1,296 + potential parking places. The answer is clear; this is a very ambitious project and many visitors are expected and anticipated and parking needs to be provided for them which means access from Highway 3 also needs to be considered. Highway 3 is a very scary spot there and a very busy corridor. The discrepancy between the explanation of 50 customers per day and what appears to be quite a great deal more than that along with staff, etc., is going to seriously impact traffic. She also said she didn't see any designated parking for travel trailers or RV camping and inquired if that will that be provided. What about the sanitary hookups for these customers? These are questions that need to be answered. What about trespassing? Janis stated it well when she inquired what will happen if this business plan doesn't pan out.

(#3700) Dana Normoyle, who resides in Olympia, but has purchased property on State Highway 3, which is the other property zoned RTC testified next. He stated that he has been clearing out the underbrush and the purpose for doing that is to see what I have. It's a challenging piece of property to develop because of the slopes. He stated he bought the property because he fell in love with the property and location. He stated he is an investor and his attitude is to size down now that he has investigated the property because of the serious traffic problem on Highway 3. He stated he has talked to the state to perhaps put a blinking light there and they have said they can't because they want to try to restrict those type of things because of the commercial transportation going on. He stated he is pro business and pro tourism but he is very concerned about what's going to happen with the traffic. He questioned the economical feasibility of the venture. What about the idea of bussing people to the property? The way the zoning is set up nothing precludes him from selling the property in 3 years and we end up with a whole different situation there that's not going to be an advantage to the neighbors. We all have investments to protect. Those are the concern I have.

(#0200) Diane Edgin closed the public testimony portion of the hearing and asked for discussion.

(#0225) Wendy Ervin talked that there were concerns about what if it were sold and became a different use. Wendy stated that they need to understand that anything that goes in has to be permitted and so if it's not going to work it won't get a permit. If somebody changes the use the neighbors will be notified if there is a permit applied for. It's not just a given that anybody can do anything within their zoning that they want to do.

(#0240) Allan Borden added that an RV park or campground would require a public review permit. A retreat center might not trip that threshold, though.

(#0250) Wendy Ervin stated that it would seem reasonable to consider a third lane in this area. In order to allow that many people to come and go from this property, you've got to have a provision for the traffic. The widened shoulder isn't just the answer. You have to at least have a turn lane.

(#0275) Jay Hupp stated that would become part of the permitting process.

(#0280) Diane Edgin stated you can't put these things in an industrial area; they've got to go where you have some space. Even a farmers market out in the middle of the country has a huge impact on their neighbors, but it's something everybody wants. There's a lot of things here that have an appeal and a lot of the concerns have already been addressed.

(#0325) Jay Hupp stated he has concerns about the highway and traffic and depending on what the actual business is that you want to go into then those are stipulations that are either satisfied or not satisfied depending on how the actual business comes together. This is as appropriate as the rezone of the Bronze Works.

(#0350) Wendy Ervin stated the Bronze Works has better traffic access than this does. This is just two lanes with no division or wide shoulders.

(#0380) Jay Hupp made a motion to accept staff's recommendation and forward this to the BOCC with a recommendation of approval.

(#0400) Wendy Ervin seconded the motion.

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(#0405) Diane Edgin stated we have a motion and a second and called for any further discussion. Diane called for the question and the motion passed.

(#0450) Bob Fink opened the public hearing on the proposed changes to the Resource Ordinance pertaining to variances and appeals. Bob Fink stated that in lieu of the late hour, he would waive presenting the staff reports and be available for any questions.

(#0500) Wendy Ervin inquired about the setback requirements under Applicability.

(#0525) Bob Fink responded the reason they don't apply is because that's actually the permit process. The standard for getting a permit is that you have to encroach on the wetland and the wetland buffer and that's the same kind of standard that you go through for a variance process. It was written as a permit rather than a variance following the Army Corp of Engineers approach to permitting in the wetlands. The reason this is proposed is to try to define, in the case of a residential, which are most of the variance applications we get, how much development people can really expect. Right now the process is people can't determine how much extra they can get and it's been hard to answer. They decide on what to do and take it before the Hearing Examiner. People are encouraged to be modest in their applications in order to be more likely to be approved. It's certainly better for us to have some kind of a standard so people have good expectations and predictability for the outcome. That's what we're trying to establish here. What we propose as a reasonable minimum use is the average size in the sense that 50% of the houses are bigger and 50% of the houses are smaller. We're trying to define this so that the whole process works better so they know they meet the criteria.

(#0750) Miscellaneous discussion.

(#0800) Jay Hupp stated that this makes it easier for staff to operate. Jay stated that it moves in the direction of more predictability and more easily dealt with. Jay made a motion to accept staff recommendations and forward them on to the BOCC for both variances and appeals.

(#0810) Terri Jeffreys seconded the motion.

(#0820) Diane Edgin stated there was a motion and a second and inquired if there was any more discussion. The vote was taken and the motion passes.

Meeting adjourned.