

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
October 6, 2003

(Note audio tape (#3) dated October 6, 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: Steve Clayton, Mark Drain, Wendy Ervin, Bob Sund, Diane Edgin, Terri Jeffreys. Bill Dewey was excused.

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

3. APPROVAL OF MINUTES

The minutes from the August 18, 2003 meeting were approved as presented.

4. NEW BUSINESS

(#0055) Steve Clayton: This is the first public hearing on rezone requests that the County has had under this format. Our typical hearing format is that we'll have staff do a staff report and address the committee. Often times the committee will have direct questions in response to the staff report and we'll open the comments to people on the attendance roster for each particular one. It's important that we get through these issues tonight so if we have a number of people to testify on a particular one, we have a timer and we'll do either a three or six minute time so that everyone gets a chance to comment on it. The committee often times will have questions for the person that testifies so besides your testimony we may have some questions. There's often interaction between the person testifying and the staff to do some justification with the staff report. We won't be making a decision on each proposal tonight. We need to pass two tests tonight. One is passing the quality of whether or not we agree that the action should be taken and we also have to ultimately consider whether all the proposals together would make an impact county wide. We'll be doing the decisions cumulative with all twenty of them, which won't be until November. I had a request by Applicant 'D', Sarah Smyth McIntosh, to have her particular requests postponed until November 3rd. Anybody here tonight, other than the applicant, to testify on these?

(#0145) Marv Faughender: I'm Marv Faughender, Port of Shelton Commissioner and Chairman of the Shelton Port Commission. I agree wholeheartedly with Sarah. We got this notification for this hearing two days ago and since we're a public body and we have all the rules of public meetings, we have not had a chance to even look at it. Our next meeting is next Wednesday night and it would be a matter of discussion then. We don't know whether we're in favor of it or against it but wish staff would have let us know sooner

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about this in time to get prepared for a hearing. We request for it to be postponed to have time to look at it.

(#0185) Steve Clayton: Am I correct in understanding, Mr. Fink, that the testimony will be continued until a later date and letters and response to particular applications the record will still be open?

(#0188) Bob Fink: That's right. The intention is to continue the public hearings so we can receive additional testimony, written or oral, up until the third hearing, which is November 3rd.

(#0195) Sarah Smyth McIntosh: And I'll make a commitment to sit down with Marv and go over our rezone request to facilitate any issues they may have.

(#0202) Steve Clayton: So Marv, you would still have a month from now to put in a response.

(#0220) Bob Sund: I make a motion to continue 'D' on our agenda until November 3rd.

(#0222) Wendy Ervin: I second the motion.

(#0224) Steve Clayton: We have a motion and a second. All in favor? Motion passed. Next up will be the application for Glen Sundstrom.

(#0250) Allan Borden: My name is Allan Borden and I'm with the Department of Community Development. I'll quickly go through the elements of the staff report. Each one of the requests that we'll be going through tonight will describe the applicant, the parcel location and size of the property, we'll look at site information relevant to the request, which will include features of the property, roads, zoning in the area and presence or absence of critical areas. Then the next part of each staff report goes to the applicable Comp Plan policies. There will then be a synopsis of the review and then I'll state the recommendation of staff. We'll start on request 02-01, Glen Sundstrom. It's a property in the southwest part of the county in Range 6 W, 19N, Section 2. It's a 17.39 acre piece of property and there's a map of it in the staff report. It's located along Bingham Creek, which is a tributary of Satsop River. The property is 7 miles south of Matlock and 10 miles north of the Grays Harbor - Mason County line on Satsop Matlock Road. The primary access is along Fish Hatchery Road. The existing improvements on the property are a vehicle park, bath house, and dump station. These improvements are located near the west bank of Bingham Creek. The improvements were made in 1971 through a county health permit and the activities have been conducted as a low intensity land use by the Sundstroms since then. Adjacent land uses to the north is the Ripplewood Subdivision and there are in-holding lands and long-term commercial forest to the west and to the east and ag lands owned by the state to the south. Type I Bingham Creek runs through the east side of the property. It's a Mason County Resource Ordinance and Shoreline Master Program water body and there is a Class IV Aquifer Recharge Area in the section which has a low susceptibility to impacting underground water sources. Going through the rezone criteria, having to do with potential damage to public health, safety and welfare the bath house and dump station were approved in 1971. It's not likely that potential impacts would occur between this land use and adjacent land uses but if there's any proposal in the future to add services, they'd have to go through public review process through an RV park permit and different elements of that proposal would have to be reviewed public. Under #2, the zone designation is consistent with the Comp Plan. I've listed the applicable Comp Plan policies having to do with non-residential rural tourist activities in the rural area. The applicant requests a Rural Tourist designation with his application and at the time of the application of March of 2002, this was the most appropriate zone. But in February of 2003 there was a zone of Rural Tourist Campground that was added to the county's DR's. This applies to parcels that are greater than 5 acres in size and the RTC zone would be the most consistent zone to request of this property. Under #3, having to do with whether the proposed rezone would cause sprawl or incompatible uses, this RV park is not an incompatible use with the property area. Much of the property is forested around the area and already provides a separation and vegetation buffers that aid to lessen any potential impacts to existing land uses in the vicinity. Criteria #4, does the land use create a demand for additional services? As I mentioned before, the improvements on the bath house and drainfield were approved by the county health department so continuing this use would not increase the demand for services that are already provided. #5, that the proposed land use doesn't interfere with encouraging development in the urban areas. Since this property is in an isolated location would never create a demand for urban level services in the area. #6, impacts to critical areas, open space, air and water quality, no further impacts to Bingham Creek, the aquifer or forest critical areas is expected. These values are an asset to the property and the RV park use. #7, does the

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rezone create pressure to change land use designations or cause population growth? The rezone should not cause added pressure to change other nearby land uses or affect anticipated growth in this part of Mason County. The predominate land use around the property is forest management so there is no anticipated pressure to change land uses. #8, has to do with meeting the criteria that the rezone request is correcting a zoning that was incorrectly done in the past. This request is not a corrective action to the existing in-holding lands designation. So as the findings for this case, Criteria 1 to 8 is met and the rezone from in-holding to RTC on the subject parcel meets the goals of the GMA. Staff recommends that this rezone request from in-holding lands to RTC zone be approved due to the existence of the facility since 1971.

(#0575) Diane Edgin: What is the size of the existing campground is as far as spaces and what the proposed addition will add to that.

(#0582) Wendy Ervin: Tagged onto that question is ... he now has sanitary facilities for the size of the campground and presumably as a dump for RV's. Is the septic and drainfield going to be able to take care of additional numbers of spaces or will that need to be increased if he gets all of the camp spaces he wants?

(#0600) Allan Borden: The issue we're discussing tonight is the change in zoning. Most of these requests you'll be hearing have no development proposed on them. So any development that is proposed will have to meet county health standards. There's not a request right now to increase it.

(#0615) Darren Nienaber: I think it's a relevant question to ask.

(#0620) Steve Clayton: So if the size of the campsite area is increased, is there a process that he has to go through the county to get that?

(#0624) Allan Borden: That's correct. He will have to apply for an RV park permit.

(#0645) Darren Nienaber: If it's reasonably foreseeable that there's going to be a much more intensive use on the septic then that certainly is a reasonable inquiry at the time of the rezone itself. It never hurts to have more information on the site conditions.

(#0660) Glen Sundstrom: My name is Glen Sundstrom and I was born and raised in Washington. All but two years in Grays Harbor and Mason Counties. Ladies and gentlemen of the Mason County Planning Advisory Commission. I'm not going to go over all the points; staff has done that and has agreed on this and I will make one comment on it when I'm finished. I'd like to give a little background that when my wife and I first found this property we always thought it should be preserved properly. It absolutely has a natural beauty. The history goes back to 1901 when it was federal land. In 1902 a man from Montesano was given a land grant by President Teddy Roosevelt. Four days later, he sold it to another man from Montesano for \$400.00 and a few days later he sold it to Port Blakely for \$700.00 so we had in those days 'timber hawks'. So from 1902 it went into Port Blakely and in 1906 Mr. John Gill who was superintendent of logging for Port Blakely retired at Matlock. When he retired, Port Blakely told him he could have any land in the entire Satsop Valley that they had already logged free of charge and he knew every inch of that river and this was the property he choose. So now we're at 1908 or 1910 and the Fish Hatchery Road is the old Satsop Railroad grade and Frank Smith was the engineer on the Satsop Railroad and he would make his regular run daily to Matlock full of logs and in the summertime his son Fred road the train with him and Frank Smith was a single father. He would always stop along the route to the different settlers and bring things from town and one summer day they stopped and talked with Mr. And Mrs. Gill. During that conversation Mrs. Gill asked the boy if he would like to stay there that summer with them. The boy and father were both enthusiastic about that and so young Fred Smith stayed and he never went back to his father. He stayed with the Gills. The first war came along and in the meantime, Mrs. Gill passes away and after the war there was prohibition and Mr. Gill started bootlegging. He was in the habit every morning of going to the basement and taking out a cup of mash ... what I'm getting at is that the property is a beauty and my wife and I have always wanted to preserve it as such. That's forward into the last 60's and real estate development on the Satsop River was developing rapidly. Taxes were going up so we searched a way for having some income out of that property to help pay the taxes. We didn't want to log it, we didn't want to break it up into lots and so we started a campground and our first receipt was in 1962 for a campground permit for \$1.00. In the meantime our five children were small and we continued on in improving the area

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and then finally it's documented we have the permit for a water system for a bath house and also a septic system, two septic tanks and a drainfield for a bath house and dump site. Raising five children and running them through college takes a lot of time and so time goes by and they're all out of school and then along comes GMA and so felt a little stymied about going ahead and developing the campground into a larger operation. I'd like to make a point that the dump station is all there but we have not completed a bath house but our intention is to keep this in it's pristine condition and this is the only way we would be able to generate enough revenue to preserve it. Mr. Fred Smith drives up about 1979 with his wife and he looks around and asks if it's the Gill place. Yes, it is. He came in and we had a long time interview and finally I went to his home and tape recorded stories of his encounter with others so there's some interesting history to this property.

(#0925) Steve Clayton: Did the committee have any questions for Mr. Sundstrom?

(#0930) Bob Sund: Mr. Sundstrom, do you live on the property.

(#0932) Glen Sundstrom: No, we thought we would retire there but we're getting up in years so we are living both in Grays Harbor and Hood Canal but we intend to move to Hood Canal as soon as our home in Grays Harbor is sold.

(#0944) Wendy Ervin: How many RV spaces to you have currently?

(#0946) Glen Sundstrom: Well, we put in the roads and what we were going to do is the next summer we were going to put in underground water and underground power and in the meantime the designated land bill was passed which reduced our need for revenue at the greatest amount because it lowered our taxes.

(#0970) Wendy Ervin: So you have the designation but you don't really have an RV park active now?

(#0972) Glen Sundstrom: We have rentals on the property now but as an RV park as such it was put on hold until the children were out of college. When they were out of college along came GMA and I foresaw a lot of problems so I have just held back on it. I wanted to emphasize our intent from all of our applications that it was always placed in there a campground and an RV park.

(#0990) Wendy Ervin: How many spaces do you propose to put in?

(#0992) Glen Sundstrom: We had cleared out about 40 spaces and of course things grow up pretty fast.

(#1004) Steve Clayton: Staff recommended RTC rather than your original application as RT. Do you have any trouble with that?

(#1010) Glen Sundstrom: That was the only classification they had was RT when I applied and so that's fine.

(#1014) Steve Clayton: The renters that you have on the property now are they long term rentals? As I understand it under the campground ordinance is that there's a limitation on the number of days ...

(#1028) Diane Edgin: Didn't we say something about being grandfathered?

(#1030) Bob Fink: There is a grandfather clause for existing.

(#1045) Steve Clayton: Any other questions for Mr. Sundstrom? Any other public testimony?

(#1072) Sue Patnude: My name is Sue Patnude and I live on West Fish Hatchery Road. I'm here to speak in support of the rezone request that Mr. Sundstrom has brought forth. I want to reenforce what he said about it's beauty and it's pristine nature. We really didn't know about this rezone request until about a week and a half ago and quite frankly didn't even know that the area down there was zoned for such a thing as an RV park. We're pretty satisfied with the fact that Mr. Sundstrom would be a good steward of this land should the RV park be allowed in the future. I agree with the staff report; I think Mr. Borden did a really good job with the staff report and I want to commend the county on their web site and their public access to information. It

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was really easy for me to get this information off the web site and that means a lot to me because I also work for the government. I do work for the Department of Fish and Wildlife and I want to make it clear that I'm here tonight as a landowner and a private citizen that lives on Fish Hatchery Road. If the Sundstroms do get the rezone and if they do end up putting an RV park in I wanted to really reenforce with the county that it's appropriate to require proper septic and fire protection. We have had arson fires up on the area before just last summer. Also, the protection of critical fish and wildlife habitat in that area. It's an incredible area and I think that there's a lot of pretty amazing spiritual qualities to that area so we're here just to support Mr. Sundstrom tonight.

(#1155) Steve Clayton: Any other testimony on this proposal? Then we'll continue it until November 3rd. Next up is Clifford Rice. Can we have the staff report?

(#1185) Allan Borden: The next case is 02-02, Clifford Rice is the applicant. The property is located in Range 3W, 20N, Section 11. The property is 36.72 acres in size and the request is to rezone from Agricultural Resource Land to Rural Residential 5. After going through the review of criteria, staff finds that the request does not meet criteria 2, 3, 5, 6, 7, which have to do with causing sprawl and causing incompatible uses, creating a demand for services, retaining open space, conserving critical areas. The rezone would create pressure to change use designations so in summary, the staff recommends that this rezone application be denied due to lack of justification to make the change from AG Resource Land to RR 5 density. If the rezone request were approved there's a potential in the future for sprawling residential development in an area of ag lands and stream and critical areas which would materially interfere with the goals of GMA. In addition, amendments to the Mason County Future Land Use Map would have to be part of this change in designation.

(#1300) Bob Sund: Agricultural Resource Lands are currently 1 per 10?

(#1302) Allan Borden: That is correct.

(#1304) Mark Drain: Is there a cluster option?

(#1306) Allan Borden: The DR's do allow for clustering where you would create 50% open space and 50% ...

(#1315) Bob Fink: If I could just correct that, Allan. The Agricultural Resource Lands allow clustering at a density of 1 house per 5 acres but it does require the preservation of the more valuable resource land; 75% of the area would have to be preserved as an agricultural lot and it would need to be at least 10 acres in size and the balance of the land could be used for lots at 1 house per 5 acres over the total acreage.

(#1334) Bob Sund: Historically, what has this land been used as?

(#1345) Clifford Rice: Historically, my dad bought it in late 1959 and pretty much had cows on it for most of his life until recently. I do not live on the property. It is pretty much abandoned and has been sitting empty. I read through the report and my goal actually sounds pretty compatible actually with what the county would like. My goal is actually to put a total of 7 home sites on the property but I was looking at putting the 6 or 7 homes on a fairly small area and leaving the rest of the chunk of the property intact so in reading through this and the suggestion that I should look at a cluster subdivision I think is actually fine. I didn't realize that that was the route I should have gone when I asked for the rezone to RR5 because I thought that was the way I needed to go to put a total of 7 homes on the 37 acres but I actually would like to do closer to ½ or 1 acre lots and then have the remainder of the property as one chunk and if we left that as ag that would be fine with me.

(#1400) Wendy Ervin: In your planning, these 7 people, were you wanting to have them holding the rest of the parcel as owners in common and then they ...

(#1406) Clifford Rice: No, a separate 30 acre parcel and then probably 6 acres that would be divided into 1 acre lots.

(#1415) Steve Clayton: How does the clustering work as far as what he's thinking and what you're thinking, Bob?

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(#1420) Bob Fink: I'd really need to look at the regulations as far as the minimum lot size.

(#1428) Clifford Rice: Whatever the county decides, I'm pretty flexible, and I'd be happy to work with the county to try to meet their requirements.

(#1435) Wendy Ervin: But there's no animals being run on it right now?

(#1437) Clifford Rice: No. The house has been abandoned for a number of years and needs to be demolished. The fields are just overgrown now and pretty much unuseable for anything right now.

(#1445) Steve Clayton: So you'd be amicable to withdrawing your request for the rezone?

(#1452) Clifford Rice: Yes, I would like to do something with the property involving the homesites but it doesn't apparently need to be RR5.

(#1468) Diane Edgin: If he wants to do something with the property I don't think he wants to withdraw; he may have to amend what he wants to do with the county and will that still fit into time frame and part of our group for this year.

(#1480) Bob Fink: It's a different process; going through the subdivision is a different process than going through the rezone. If you're going to continue this for further comment until November 3rd you can take whatever other testimony there is and that would give him more time for him to review what the regulations are and to see whether that would meet his needs and then he can decide whether he wanted to withdraw or to see what came out of the decision.

(#1496) Wendy Ervin: Can he amend his application to fit ...

(#1500) Bob Fink: There's no need for him to amend his application in order to do a clustered ag subdivision on his land which is already zoned for that.

(#1520) Bob Sund: What was the criteria in the first place to zone it as ag? When it wasn't currently being used as ag land?

(#1530) Clifford Rice: That was a surprise to me, too. There's a 40 acre parcel right adjacent to mine that's RR5 that's being used for virtually what my parents used this property for.

(#1546) Bob Fink: It's been a while since this was done. That was an issue that was remanded by the GMHB and the criteria looked at patterns of use, including historic use and not just current use as well as the soils that were present and the size of the parcel and if it was in a block of other ag land. There are actually several criteria and I couldn't tell you the exact criteria at this point. If this is still relevant, what we'll do is we can mail you what this criteria is to use in the review by the 3rd of November.

(#1610) Mark Matlack: My name is Mark Matlack and I live on Agate Loop Road directly across from the subject property. My major concern would be water runoff problem. There are two culverts that cross Agate Loop Road; one which enters my property and one which enters my neighbors property, Pat and John, who happen to live in Alaska and couldn't make the meeting tonight. We take on a lot of runoff off of Agate Loop Road itself and my concern would be the additional runoffs from any clearing of the property. We take a very large volume of water, which I was unaware of when we purchased the property directly off of Agate Loop Road.

(#1680) Steve Clayton: In the subdivision proposal it would have to address stormwater relevant to whatever was being done on the property?

(#1686) Mark Matlack: That is my major concern at this point. That's something that I would like to see at least a draft of regardless of it goes RR or remains in ag with the clustering. I would like to see how that's laid out and where that is going to empty because looking at a topographical map it all runs towards us.

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(#1706) Bob Sund: It looks like that road must go down the hill towards the creek so a good ditch would provide ...

(#1714) Mark Matlack: The road is a series of woop-de-doo's and the last woop-de-doo is a major one. My estimation is that you would need like a 12-foot deep ditch to get the water to continue down the road. I would love to see that because we take all the rain from the entire road from the property which makes approximately a third of our property unuseable. I would love to see an improvement on that at which point I would erase all objections at this point but I just don't see that happening and I would like to see the runoff situation addressed before any concrete changes were made.

(#1740) Steve Clayton: Does a cluster subdivision require posting on the property?

(#1744) Bob Fink: Right. There would public notice to the adjoining property owners within 300 feet and the property would be posted and storm drainage would be one of the issues addressed in the subdivision itself. That would be a requirement under either zoning. Stormwater has to be addressed.

(#1756) Mark Matlack: Without raising the dander of too many people in the room, we received notice Friday on this hearing, which is way short of the ten day ordinance so I would like to get a little bit more leeway next time in order to do some research.

(#1774) Steve Clayton: Not to make excuses but this is the first time we've gone through this process.

(#1782) Mark Matlack: The word did get out and I'm really not here to be critical of the notification process but I'm very, very concerned about the runoff problem.

(#1785) Steve Clayton: The subdivision process has existed for quite some time so it's well known.

(#1790) Bob Fink: Have you ever raised the issue with the Public Works Department?

(#1792) Mark Matlack: Not directly, no. We talked to the Conservation Corp and asked their recommendations on it. We had a little bit of a separate problem because this property had been logged many years before we purchased and has since overgrown and they basically destroyed the trench or ditch that was dug to handle this water and it comes in and spreads out so we weren't really sure who to approach in order to rectify that particular problem. At this point we're just dealing with it. This is something we are going to look into in the future but it just scared me to have a concept of more water.

(#1830) Bob Fink: Did I understand correctly that there was a ditch on your property?

(#1833) Mark Matlack: It's only my understand there was but it's never existed since we've been there.

(#1850) Clifford Rice: There is a tremendous amount of runoff off that property. A lot of it is just natural spring. Actually were I'm looking to develop is pretty much already cleared anyway so I don't think that would have really an increase in runoff. There's basically in the winter time almost a stream that is created through there and goes right into his property. I think probably a 10-foot ditch would probably take care of that instead of 12-foot. It's a natural spring that's in there in the winter time but it's the whole hillside and it flows downhill and the bottom of the property, including my property, is virtually unuseable in the winter time so it's not just his property. So it's a natural spring that feeds through that culvert that goes into his property. It's just part of mother natures route of getting rid of it.

(#1920) Mark Matlack: Actually the culvert you're talking about runs onto my neighbors property from the spring. I'm looking at the other one up at the other corner. It's at the southeast corner of your property. Right now the main water we're taking in is from the road. Although I will say that the piece is definitely mostly cleared but it's pretty much a proven fact that when you put in house sites that creates more runoff as opposed to absorption. Again, I just want to state this as a concern and not an objection. If I can see this dealt with I'll shut up and go away.

(#1972) Clifford Rice: I think all my building would be downhill from you so it wouldn't impact you that much.

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(#1990) Allan Borden: Since my phone number is on all the notices I get lots of phone calls. Today I received a call from Mr. Matlack, I received a call from John Vanderwahl who lives uphill from this and I also received a call from Roberta Simms whose husband is up in Alaska and she said that she wanted to write some written comments but her main concern was that if it was zoned RR5 that the potential land divisions would limit the ability to continue ag activities on their property. She's also concerned about the raising of taxes in the future. I just wanted to add that to the record.

(#2045) James Rogers: My name is James Rogers and I live on Agate Loop Road. They don't have 40 acres. They might have 36 acres but the rest of it is underneath the county road. There are two streams, both of which have salmon, trout, some steelhead and they have been negated for fishing for the last several years because of the way the planning department handles fishing rights there. There's also a mobile home, probably within 100 feet of the water on one stream at the present time. So this would also be a discussion point if they're going to develop that property. The clay in that particular hillside prevents very much of the water from soaking in. It really just runs off. If you put 5 houses up there pumping in 300 to 500 gallons of water a day for waste water, it would be a pretty tough shot downstream. It would be very hard to create such a condition that would contain this material for any length of time so they would have quite a problem with septic runoff. Other than that, the bottom several acres are wet, extremely wet.

(#2146) Bob Sund: My question is, listening to what these people are saying about soil types and how wet it is how did it get zoned as ag? Wet clay ground is not good farm ground.

(#2166) Clifford Rice: It's a combination. About half of it is on the hill and then it levels out and flattens out. The flattened area has a lot of clay but the upper area is not nearly as clay; it's more gravel. The lower area is very, very wet and unbuildable. Not good for much of anything.

(#2205) Dave Moore: My name is Dave Moore and I own the property across from Rices'. If there's rock in that ground I don't see it. If there's rock on my property I brought it in. It's clay; clay does not absorb water and I don't know what's going to happen with all this water runoff from septic systems into two fish bearing streams. I'd like to know what it's going to do to the taxes. Neighbors taxes. Is that going to happen? Would it change our taxes? Because of the way it's zoned?

(#2264) Wendy Ervin: My experience has been that whatever happens on your neighbor's property comes home to you in the form of a new bill. If there was 7, \$150,000 homes built on his property I'm saying that the people around there would find that their taxes would climb. We do live in the real world. But we're not the ones that levy your taxes.

(#2306) Dave Moore: Who levies my taxes?

(#2208) Bob Sund: The Assessor.

(#2312) Dave Moore: There must be something wrong because I don't have that kind of house there.

(#2316) Wendy Ervin: There's a basic problem with the tax structure; that's my personal opinion. That it's based on what your neighbor's property is worth and then that affects you. That does not seem to me to be proper but I don't do it.

(#2330) Dave Moore: I'm just going to testify that there's no rock on that ground. It is clay and water runs downhill and there is two major streams there with fish in them and I really don't want it to happen. I don't want my taxes going up because somebody else is making money.

(#2375) Erv Rosenberg: My name is Erv Rosenberg and I live on Mill Creek Road. My sister and I own the adjacent 40 acres. I just want to state that we have no objection to the subdivision. Our property is basically land locked and we have no intention of developing or doing anything but grow trees on it. Like the fellow said, the soil is mostly clay and it grows good trees. It is bisected by one-fourth of Uncle John Creek and I don't see our activities having any impact on Uncle John Creek.

(#2432) Bob Sund: You're zoned RR5?

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(#2434) Erv Rosenberg: Yes. But we don't plan on doing anything because it's land locked. We have no way of getting to it.

(#2448) Robert Bell: My name is Robert Bell. I'm kind of new to this. I moved onto E Daniels Road last January 26th. I was kind of concerned about moving to a RR5 because I would be opposed to raising the taxes. Our taxes just went up 2.10%. If it goes to a cluster I think I would really be opposed to it and this is why. It's a beautiful area down there and I moved away from the city so I could raise my kinds in the country. If I have to drive by that every day I think it would be more of a hindrance that what it possibly could be now. I understand that's your land and you've got to do what you've got to do with it but that's my whole thing. I think if you have 5 or 7 houses on that hill right before you go around the corner it would be too compact.

(#2500) Steve Clayton: Any other testimony? Then we'll continue this until November 3rd. Next we have Mr. VanBuskirk. I'm going to recuse myself from this as I am an adjacent property owner. So Diane will be our chairperson for this one.

(#2540) Diane Edgin: Steve Clayton has recused himself as he is a neighboring landowner. So we're now going to be hearing 02-03, Ken VanBuskirk.

(#2555) Allan Borden: The request is to rezone five parcels totaling 10.1 acres from the designated Belfair UGA to a RR5 zone. Going through all the rezone criteria, staff finds that criteria 1 and 2 are not met. Criteria 1 has to do with potential impacts to health, safety and welfare and criteria 2 has to do with the consistent Comp Plan zone designation. Because the Belfair UGA boundary was determined several years ago and is based on population allocations for the Belfair UGA, the county has not recalculated the population allocations for the Belfair UGA. The applicant has not provided any issues that would demand that the boundary be changed so the planning department staff would recommend the request be denied or at least deferred until relevant population allocation studies are completed. In addition, in order to change the UGA boundary you have to have an amendment to the future land use map of the county Comp Plan.

(#2685) Bob Sund: Allan, why do you feel that this would be damaging to the public health, safety or welfare?

(#2704) Allan Borden: As I've stated, there's really no justification by the applicant to state that there's a demand to change the lands of five parcels out of the UGA and put it in RR5 zone. The community right now is reviewing sewer and water provisions inside the Belfair UGA and it's hard to know how future development will take place in this area so it's hard to determine if damage will actually take place.

(#2774) Darren Nienaber: Bob, can you tell the PAC what the difference is between a Comp Plan map amendment and just a straight rezone?

(#2790) Bob Fink: The zoning changes that you're looking at are zoning changes to DR's. We have a DR map which shows the zoning designations and those have a different status in the law than the Comp Plan maps and Comp Plan policies and other guidance documents. There's a future land use map that is a part of the Comp Plan. That map shows, for instance, the boundaries between the rural areas and the urban areas. The request would require not just a rezone of the property under the DR's but also an amendment to that future land use map. The changes to the future land use map in the Comp Plan actually haven't been brought before you this year. You can only bring a Comp Plan amendment once a year. That won't be brought until November before the PAC. The actual review of the Belfair UGA is also in the process of review by the Belfair Sub-area planning committee, which is an appointed group located in Belfair where they've been planning for almost two years now for the future growth of Belfair. One of the issues that committee is considering is the UGA boundary and what happens inside the boundary. One of the reasons why concern was expressed about this rezone is because it's premature as far as the more comprehensive view. One of the important things about the Comp Plan is that it has certain overall guiding policies and you take a view of the entire growth area and you see what is the demand for land within that UGA based on projections of population allocation. Under the current plan and the current allocation the boundary is where it's supposed to be. If you change that boundary by either enlarging it or reducing it you have to balance that in some way or otherwise show that it doesn't change the supply of land compared to demand. The supply and demand of land over the planning horizon has to be equivalent under the GMA. What we're saying, essentially, is that when you consider a change to the UGA it's not just a simple rezone. It's also a change in

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the nature of the urban area that has to be balanced over the entire urban area and can't be considered in isolation. That's part of the concern. This particular property also, if it were rezoned, would be surrounded on three sides by urban area of a fairly high density. Assuming that the proposals under consideration by the sub-area planning committee go forward in the form that's currently drafted, you'd have relatively very intensive growth surrounding this fairly small pocket of rural growth. You'd also have disconnect between the urban areas for services.

(#3035) Darren Nienaber: The county is due in 2005 for a full review of everything, including the UGA boundaries and we'll see if the current boundaries are appropriate. The hangup is less of an issue of the rezone, although that's an issue, but the big issue is the moving of the boundary which requires a change in the map and you can't do that simply by a rezone.

(#3060) Mark Drain: Is that review before the state GMHB?

(#3065) Darren Nienaber: It's under the GMA itself.

(#3068) Bob Fink: The GMA requires periodic updates by all the jurisdictions and for Mason County our turn comes up in December of 2005.

(#3086) Diane Edgin: So if I'm understanding this correctly that any reviews for inclusion or exclusion are going to have to be considered on the whole as far as acreage and so forth?

(#3105) Bob Fink: Right. You have to maintain the supply and the demand for land within the UGA as a whole. The demand for land being driven by the allocation of population and the calculations of what that means as far as land demand.

(#3170) Darren Nienaber: Urban growth area land is a high value land and I'm sure in the grand scheme of things when it comes time to move the boundaries around I think somebody else would love to have an urban growth boundary around their land instead but you have to do that as part of a full scale study of all the areas and current population allocations.

(#3205) Ken VanBuskirk: My name is Ken VanBuskirk and I live on Davis Farm Road. I've got it all worked out; don't be alarmed. When I first put this application in, I was under the understand that it was an amendment to the Comp Plan so I'm a little confused. My wife and I didn't want this to be a long drawn process. This is very important to us. This is our home and our livelihood; this is where we live. When we started this process we paid a \$200.00 application fee. I thought I filled out the proper paperwork and figured it was a simple process to redraw a line on the map. The staff report says that our request could be denied. We are asking that you consider my testimony and make a recommendation to the BOCC to approve our request. If the request is not approved, please recommend deferral with no additional county staff fees for processing. I would also like to know what the appeal process is. After the last meeting that we had on the 22nd, I received a letter from Mr. Borden dated the 24th. It said I needed to review the rezone criteria and determine whether I should prepare additional material for inclusion in the staff report. I received the staff report the next day on the 25th. I wasn't too happy with it and obviously I didn't have time to submit any additional information. I'd like to present the material that I had prepared for the 22nd and then I'll share with you my rebuttal of the staff report.

We started this process over a year and a half ago. The GMA requires the state and local governments to manage our growth by identifying and protecting critical areas and natural resource lands. My wife and I are trying to do our part. Most proposals are generally to allow new development, expand existing development, or allow more intensive land use. Our rezone request is quite the opposite. I feel our application fits best under rezone criteria #8. 'These criteria shall not be construed to prevent corrective rezoning of land necessitated by clerical error or similar error of typography or topography committed in the original zoning of the land'. Depending on which map you look at the UGA lines are different. I believe there are several things that have come to light or were overlooked since the original UGA lines were drawn. *(Mr. Vanbuskirk indicates boundary of UGA drawn on map the Belfair Sub-area planning committee has been using).*

(#3475) Bob Fink: That's not a county prepared map.

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(#3478) Ken VanBuskirk: It's the map our committee has been using.

1. Currently the Comp Plan seeks to avoid development or expand existing development on steep slopes and in the Union River Valley. Our ten acres is in the Union River Valley and is currently being used as residential, ag, and open space.
2. The property sets on a Type II (highly susceptible) Critical Aquifer Recharge area by definition 'contaminants entering an underground source of drinking water can be expected to travel one mile between 6 months to a year'. We feel very strongly about preserving water quality through conservation. Too much urbanization and pavement threatens water quality.
3. There are two salmon bearing streams that were in the original Metsker maps but were overlooked when the UGA lines were drawn. One stream was physically rerouted in the late 60's or early 70's. I have been working with the DNR and Skokomish tribe to get these streams reclassified and into the state's GIS hydrology layer. (*Mr. VanBuskirk indicates on map*).
4. The Davis family farm of which we are members is now part of the Great Peninsula Conservancy that holds a conservation easement on it. This means it will remain open space, farmland and managed forest in perpetuity. At some point in time we plan to do the same conservation easement with our property. Currently we provide produce for three farmers markets. Our neighbors and adjoining landowners support our application and are interested in the outcome of these hearings.
5. The last draft of the consultant for the Belfair sub-area plan came in with a proposed zoning equating to 12,000 people. The group was originally chartered to plan for 4000 people. The UGA is 2500 acres, which is quite large. There is a 100-year flood plain just down the Old Belfair Highway from our property. There are several prohibited uses and uses requiring environmental permits that the county needs to enforce regarding the critical aquifer recharge areas. One of which is a gravel pit operation that is contiguous with the UGA.
6. For public record, I have enclosed the Belfair sub-area plan scope of work, Belfair sub-area planning committee meeting notes of July 15, 2003, and proposed zoning for Belfair sub-area plan with highlighted areas.

(#3865) Bob Sund: Why are you asking for RR5 rather than ag land?

(#3878) Ken VanBuskirk: I didn't know what else I could put it into.

(#3882) Bob Sund: If you're using it as ag land ...

(#3890) Ken VanBuskirk: There is two residences on it.

(#0118) Mark Drain: My question is why? What would the difference in zoning do for you? What are you trying to achieve? Preservation of your land or what?

(#0128) Ken VanBuskirk: I speak to this in the rebuttal but my wife and I have worked twenty-five years to buy this ten acres of property and our long term goal was to provide a buffer between urbanization and her mom and dad's family farm. Our goal at some point is that we don't want to be a part of the UGA because we don't want it to be paved over.

(#0145) Mark Drain: I don't see why you can't pursue those thoughts of maintaining the buffer no matter if it's zoned ag, RR5 or UGA. I don't see how that prohibits you from doing what you want to do.

(#0156) Ken VanBuskirk: You're right. It doesn't prohibit me from what I want to do but it sure makes it difficult. If you look at the one map there it's got RR10 right up against the bottom of us and that means 10 residential units to the acre because it's in a UGA. All I'm asking is that you consider my application and I would hope that you would approve taking our property out of the UGA. I will now hand out my rebuttal to the staff report. You may read it at your leisure. I would like to mention that I feel that I did meet the criteria for this. The county has had my application since June 2002 and I received the staff report just a week ago. I've been patient and I've done quite a bit of work on this and just as you folks have I've been a member of the Belfair Sub-area planning group and physically walked and identified a lot of those streams and wetlands as a volunteer. I haven't received a bill for the staff report yet but I'll gladly pay it when I get it. Sometimes I think it's easy for the county employees and staff to forget that they work for us, the taxpayer.

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(#0238) Wendy Ervin: You speak of two streams that go through. Do those streams not go through the UGA to the south of you? Both of them?

(#0245) Ken VanBuskirk: One goes to the south of me and the other one is north of me but not through my property. Just on the north side and the south side.

(#0278) Diane Edgin: You said that you were working with Fish and Wildlife and the Tribe to redesignate this?

(#0280) Ken VanBuskirk: The two streams.

(#0282) Diane Edgin: Do you have any idea where you are in that process?

(#0285) Ken VanBuskirk: The last I talked with the Skokomish Tribe was probably five or six months ago and he was still working on the application. It's been in his hands for well over a year.

(#0300) Darren Nienaber: Ken, what does RR5 get you that UGA doesn't?

(#0306) Ken VanBuskirk: It takes me out of the UGA.

(#0310) Darren Nienaber: And what does that get you?

(#0312) Ken VanBuskirk: Out of the UGA.

(#0314) Darren Nienaber: How does that influence your land?

(#0318) Ken VanBuskirk: It's the isolation I seek.

(#0324) Darren Nienaber: Did you ever look at a land trust?

(#0326) Ken VanBuskirk: That's something that we're considering. But I thought I'd go this route first.

(#0330) Darren Nienaber: One of the hangups is going to be the small lots. It's hard to make an argument for a .45 RR5 acre lot.

(#0336) Ken VanBuskirk: Even if I own all the lots?

(#0340) Darren Nienaber: You could sell it. Or you could combine them.

(#0344) Ken VanBuskirk: We have done that with two of the lots and at some point we hope to do the same with the rest of it.

(#0352) Wendy Ervin: I have a question about providing UGA services and that this would cause a gap. These services; don't they run down Old Belfair Highway which is on the border of this property? Am I not correct that if you're offering sewer and water and whatever you're going to be offering it from the highway?

(#0365) Bob Fink: That's not been determined yet. The plans for sewer, any plans for sidewalk have not been made yet and that's one of the reasons for saying that this is premature. Making a decision on these couple of small properties when they are basically creating a gap in the UGA along side the road, does that mean you'll have to design the sewer so that it went on the other side of the road, for instance. I think there was a basis the determination is that there was a basis for denying it now. It would be even more reasonable to simply defer action until there's a chance to look at the larger picture. Until the planning work underway in detail in this area has a chance to come to fruition. The applicant wishes to remove his land from the UGA but that's an odd shape and gives an odd shapes and perhaps has unintended consequences which we can't fully determine at this time to the proper development of the urban area and the impact to adjoining properties.

(#0415) Diane Edgin: Bob, so he's in the UGA and he hasn't moved toward a conservancy but he's indicated

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they want to do that. Once that thing remains that long in the UGA, is it stuck there or can they even get a conservancy?

(#0432) Darren Nienaber: What are the standards for land trust I don't know but there is a land trust organization that operates around the peninsula.

(#0450) Celia Parrott: My name is Celia Parrott and I live on NE Gladwin Road and I am a member of the Great Peninsula Conservancy that gave the conservation easement on the Davis Farm. One of the complaints was that you don't like to have a small piece of the UGA surrounded by high density. This would not be the case with this piece because it abuts on something that is already conserved which is the Davis Farm. So it would maybe change that boundary a tiny bit but what it would do was enlarge the conservancy area if that is how they want to hold it as a conserved area it would about 140 acres which is already devoted in perpetuity to being open space or a working farm by the Davis family. So it would be an isolated pocket in the middle of urban growth and I just wanted to make that point.

(#0530) Gary Parrott: My name is Gary Parrott. When staff made their original comments they said that one of the main objections was that it was surrounded on three sides by the UGA completely overlooking the fact that it's adjacent to the Davis Farm; 140 acres that have been preserved for the good of the entire community. It's a huge resource in terms of water quality and in terms of wildlife habitat and it will remain that way for perpetuity. That's really important and this enhances what we've already got. Once this becomes developed, if it becomes developed, it's gone. And then you don't have that buffer. So what Mr. VanBuskirk is offering and the community is a gift free of charge. And as a member of this community I don't see any reason why not to accept that.

(#0570) Bob Sund: I don't see it as a gift so far, is it?

(#0574) Gary Parrott: It's a gift in terms of being open space, in terms of enhancing the water quality, in terms of being wildlife habitat, things that we're trying so hard in this area to provide for and here's somebody voluntarily offering to do that at no cost to the county and I certainly don't see any reason to turn that gift down. There was a question raised about why not just not develop it and leave it in open space and do it yourself? Well, in the real world if you're a rich man you could do that but if you're suddenly zoned for urban growth and there's high density development all around you and your taxes go up and the sewer comes and you're a man of small means, how do you do it? I certainly don't know. One way is to get it into a lesser development category and then it becomes feasible. I would certainly recommend if it need be to redraw that UGA line, then redraw it. That seems to be the only stumbling block here. And it looks to me like from the data the Mr. VanBuskirk presented the fact that we've overlooked streams out there, that we haven't taken into consideration some of the watershed issues, that the line was improperly drawn. We should rezone that as Mr. VanBuskirk recommends.

(#0630) Diane Edgin: Any other testimony on this proposal? Does staff have anything else they want to add?

(#0636) Bob Fink: We'll need to look at what was presented.

(#0642) Diane Edgin: We'll make a note that there was added material given tonight and staff will be reviewing that material so we'll remand that to November 3rd.

Break in meeting.

(#0668) Steve Clayton: We will now call the meeting back into session. Next we have Potlatch Partners.

(#0688) Allan Borden: The next request is 02-05, Potlatch Partners. The request is for four properties inside the Potlatch Hamlet and their request to rezone three properties within the hamlet from RR5 to RC2 and there was an additional 1 ½ acre property that's actually outside of the hamlet, RR20, and that was requested to be rezoned RC2. I'll start off by saying that that request for the one parcel that's 1 ½ acre in size that's outside of the hamlet boundary is intended to accommodate the expansion of PUD 1's operation but this area lies outside of the Potlatch Hamlet logical outer boundaries and would not qualify for consideration to be rezoned because it doesn't meet the rezone criteria of the property being located greater than ½ mile by road from any other designated RAC, Hamlet, ICIA. For that reason, that request would have

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had to modify the hamlet boundary which is a Comp Plan amendment change. Since it doesn't qualify it's not going to be considered. But on the other three, they are reviewed compared with the eight criteria. The criteria for one of the parcels, 42223-3400000, it's a 1 ½ acre piece of property and it's located just north of the current PUD and Hood Canal Women's Club property. That staff believes would recommend that it be rezoned from RR5 to RC2. It meets all the criteria. The other two, the 4.44 acre piece and the .32 acre piece, staff in their analysis, states that criteria 2 and 7 are not met. Criteria 2 being the consistent designation and criteria 7 being the pressure to change use designations in nearby areas. The reason for the request of the second two parcels should be denied because it doesn't have any of the support information to justify a local demand or need that can be addressed or supported in the rezone of these two properties. So the request to go from RC2, there isn't enough information for staff to review it to judge whether it meets those two criteria.

(#0900) Steve Clayton: Which property does the gravel pit sit behind?

(#0908) Allan Borden: The gravel it is in the NE of the SW section designated RR20.

(#0915) Tim Sheldon: There's actually two pits.

(#0918) Allan Borden: The DOT pit is in the lower parcel which is 42223-34-00000.

(#0935) Steve Clayton: So we're saying for a person to use his property is he wants to use it in a commercial use in the hamlet at first he has to find a willing buyer and then come to us with a zoning amendment and go through that process before he can sell it?

(#0950) Allan Borden: If we don't narrow the standard then anyone can come in for any request in a hamlet and on conjecture and say that they want it zoned commercial.

(#0962) Steve Clayton: In this particular case the applicant made comment and a site visit show that there appears to be a gravel quarry right behind it which wouldn't make it habitable for a house, at least on part of that parcel.

(#0972) Allan Borden: One of the intents of this hearing is to get public input, including from the applicant, who has information that the PAC can use in their review of this request and I don't have it right now.

(#0985) Steve Clayton: So the normal process is that if you find a parcel that isn't useable for residential and might be useable for commercial then he would need to find a willing buyer or user to fit that land use designation and come through the process. Is that the direction we're taking?

(#0995) Allan Borden: Yes, because we don't know what that commercial use is and we won't know whether that commercial use will result in an increase in services.

(#1004) Wendy Ervin: So in order to make any change out of RR5 into a RC you first have to know what that commercial use will be?

(#1014) Allan Borden: Yes, that's correct. You don't have to know the name of the company but you certainly have to know that it's going to be a retail store or a gas station or whatever.

(#1022) Steve Clayton: The contention made was that there are covenants in other parts of the hamlet that restrict what we currently have as RC zoning. I'm assuming that when we designed the hamlet that we designated, say 10% of it, as RC.

(#1036) Allan Borden: They put the logical outer boundaries around where the development was at the time of that designation. That would also include land that had residential on it at the time.

(#1046) Bob Fink: Actually the RC was designated on land that was in a commercial use already. That seems inconsistent with the statement that there was a viable covenant on the property that wouldn't be commercial but I don't know what the facts are regarding that are. There wasn't an analysis that said that we need 'x' acres of commercial land. Instead, the commercial land was limited to that already existing.

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(#1068) Steve Clayton: So we don't have a feel on how much commercial property and whether a RAC could actually handle it.

(#1072) Bob Fink: It was based on existing commercial.

(#1098) Steve Clayton: There was ex parte contact, actually Senator Tim Sheldon made comments at our meeting on September 16 as a committee as a whole regarding this rezone and also the Sheldon Properties rezone and I believe Susie has a transcript of that if anybody would like it. *(Transcript was available and passed out to the public).*

(#1115) Darren Nienaber: Steve, if you'll just briefly summarize it. It's really for everybody's protection.

(#1120) Steve Clayton: As I remember it the testimony went along the lines ...

(#1130) Susie Ellingson: Steve, it was actually in the August 18, 2003 minutes.

(#1132) Steve Clayton: Mr. Sheldon came before us with the request that we carry forward that he had made this proposal before the previous PC and they approved the proposal and passed it on to the BOCC. The BOCC, at that time, declined to rule on it. So the request was to have the PAC carry the proposal forward to the BOCC. After some review and discussion with Mr. Sheldon we're going through the process again.

(#1170) Darren Nienaber: Near the end of the discussion was when I brought up the idea that we should probably hold off on the discussion until the formal public hearing and to Mr. Sheldon's credit he said that was fine. It is just important for the Appearance of Fairness Doctrine. The purpose is that you announce all of those contacts prior to making a final decision on it.

(#1210) Tim Sheldon: Mr. Chairman and members of the Commission. Thanks for the opportunity to talk about Potlatch Partners rezone tonight. My name is Tim Sheldon. Potlatch Partners is the owner of the 1.5 acres and that is 34-00000. Potlatch Partners is also the owner of the property 43-00000 and Sheldon Properties is the owner of the small parcel up in the middle of the map with 43-00001. I'll tell you who Potlatch Partners and Sheldon Properties are; they're all family partnerships. Potlatch Partners is myself, Tim Sheldon, my sister, Toni Sheldon, and my brother Tom Sheldon and I'm the General Partner of that partnership. Sheldon Properties is myself, my brother, Tom Sheldon, my sister, Toni Sheldon, our children and there's eight of us in that family partnership and I'm also General Partner of Sheldon Properties. Potlatch Partners has a strip of property that runs along Highway 101 and it's 200 feet wide. We have some property on the east side of Highway 101, which is undeveloped and a couple of waterfront lots that are down in Potlatch. Sheldon Properties owns the 500 acres of timberland here and we've owned that since 1941 and we own this property, Section 15, which has no houses and that's the subject of the upcoming proposal and that's 640 acres. In August 26th I wrote a letter to the county and I'd like to read from that. I was writing to clarify several issues regarding the original rezone request that I had. I've talked about the fourth parcel and that's the one that Allan spoke about at the beginning of his presentation. It's parcel B1 and it is a 1.3 acre parcel and that's the parcel that PUD 1 is also considering buying and it's a portion of Tract 8 of the SESW of Section 23, Twn 22, Rng 4W. This land is adjacent to the Potlatch Hamlet, correct, and has been identified by PUD 1 as necessary to expand their service yard along with parcel B2 which is just below it. Mr. Dick Wilson, PUD 1 Manager, requested that this parcel be considered for rezone and be purchased by the PUD in letters to the county in February 26th of 2002 and March 26th of 2003. On April 10th of 2003 I also wrote to the county requesting that the 1.3 acre parcel be zoned RC2 and that parcel is owned by Sheldon Properties. PUD 1 is a public utility that desires to meet its rate payers needs. Sheldon Properties will sell B1 to PUD 1 and Potlatch Partners will sell B2 to PUD 1 to meet their urgent needs for additional space. I made that case to the PC by letter on February 7, 2002 and in person concerning the change to RC2 for parcels 34-00000, 43-00000, and 43-00001. On February 21, 2002 the PC voted unanimously to change all of these parcels to RC2. That was the previous PC. Staff seems to believe that these parcels are better suited for natural resource use. I disagree. Parcel 43-00000 is only 200 feet deep and parcel 43-00001 is so small, .32 acres, that its use should be the same as its adjoining parcel. The Potlatch Hamlet overlaps much of the Potlatch Beach Tracts filed by my grandfather Ernest Carlson in 1941. He purchased the entire townsite of Potlatch in 1941 from the Phoenix Logging Company. He came over on

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the boat from Sweden and worked in the woods for Phoenix Logging Company. He bought the Potlatch Beach Tracts, 1 1/4 mile of beach front, and 500 acres. He cashed in all of his life insurance and borrowed everything he could do to stay in the superintendents house. The entire townsite of Potlatch was commercial and everyone who lived there resided in a company owned home. All of Potlatch was very much like Grizdale. The built environment is defined in SEPA and a vacant lot within a hamlet, I believe, is within the built environment. I do have a letter I got from Steve Wells who was head of the growth management division of the state for many years. I asked him a question about built environment and he wrote back "built environment is defined in SEPA. We choose to use the term in GMA because it had been used in the SEPA context for many years. A vacant lot within a UGA or rural area of more intense development would be within the built environment. The term built environment refers to the general characteristics of an area rather than a specific nature of one parcel". That letter was signed by him on February 22, 2002. I think that is relevant but I want to leave it on the record. Let's look at some of the specifics of this proposal. I don't believe that RR5 fits the characteristic of this narrow strip of parcels. Parcel 43-00000 owned by Potlatch Partners, lies between two parcels owned by Sheldon Properties. While these family partnerships are similar, they do not have identical partners. I think most importantly no one would want to live or reside on a narrow strip bordered by a busy state highway and an active gravel pit. RC2 better matches the narrow strip of land and the small lots less than 1/3 acre. This 1/3 acre, 00001, was purchased in 1988 from WSDOT. This parcel was surplus highway. It was certainly not suitable for residential. I went through the process to have it declared surplus by DOT back in 1988. When they finally sold it to us we paid the market value for the property never intending to use it for residential because it was a commercial piece of property that along side the right-of-way. The pit that you see here is owned by us and, I think, was the first gravel pit that was ever started in Mason County, in about 1890 for the Phoenix Logging Company. Later on the county used that pit, the county has stored material in that pit, they crushed rock in that pit. The state had a rock crusher on the very small parcel, the 00001 parcel, and the concrete abutments for that are still there. The railroad bisected the property and there was lots of commercial activity with the logging railroad. The property has never lent itself to be residential. The property across the highway the county has zoned it commercial and it is vacant. The parcel that is the long narrow one is not in timberland. We paying taxes on it as commercial property. I don't believe the rezone proposal will increase demand for urban services. The land is within the Potlatch Hamlet and has historically and actively been used as commercial property for over 100 years. An RC2 zone does not jeopardize public health, safety and welfare. The new zoning is consistent with similar zoning in the Potlatch Hamlet and also consistent with the Mason County Comp Plan Development Regulations and the GMA. No cumulative impacts will be felt; no urban services will be necessary because of this rezone. When Ernest Carlson, my grandfather, sold any lot in the Potlatch Beach Tracts, a covenant was recorded for the lot. Only a few commercial lots were created for purposes such as a bakery, a post office, and a service station. No commercial lot shall sell alcohol. In addition, all dancing is prohibited. Mason County apparently did not review these restrictive covenants when they created the initial zoning for the Potlatch Hamlet and several residential lots are designated as commercial, an obvious conflict with the restrictive covenant on those lots prohibiting commercial activity. I believe, therefore, granting this change requested to RC2 will be offset by the restrictive covenants that will negate the ability of several lots designed as commercial by Mason County from ever being developed. I think a lot of mistakes were made when GMA was put on the ground here in Mason County. The PAC approved this request on February 21, 2002 and I have a copy of those minutes I'll pass out to you. It was approved and voted on unanimously to make this change. The 200 foot strip of property that runs from the PUD all the way up, water is reserved to that strip by an agreement made by my grandfather and all the residents of Potlatch in 1947. He developed the water system that was developed by the logging company and it was inadequate to serve all the people. The lot owners of Potlatch wanted a mutual water company so he deeded the assets of the water company that he owned to the mutual company and all the lots in Potlatch are served by that water system that has two deep wells now and a storage tank on our property in our timberland. But he reserved that 200 foot strip for water just for the cost of the pumping to be done by whoever owned those lots. So it was his intention at that time to keep those lots as commercial viable lots that would be developed in the future. Those are the things that staff really couldn't know. You try to tell people about all these things but they've got a million things coming at them and they're trying to put a map together.

Let's go to the staff report. Page 1 of the staff report refers to a Type 3 stream just south of the Potlatch Cushman Road. First of all, there is no such thing as the Potlatch Cushman Road. The county in about 1980 started a program that they're going to name every road. It didn't work out too well because they put north in front of everything instead of the numbers in front of north. They call this road that runs all the way up to Lake Cushman Potlatch Cushman Road. That is actually the City of Tacoma Road and the Phoenix

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Logging Company retained that and gave the City of Tacoma an easement in 1924. They needed a way to get the heavy generators up to the dam. So the Phoenix Company built this road and allowed the city an easement. Now we still own the road because when grandpa bought the Phoenix Company he got the road and everything that they had. That road, according to the agreement, is for the joint operating purposes of the two companies and their assigns. So that road is for Phoenix Logging Company and now, for us, the assigns Sheldon Properties and for the City of Tacoma. That's a commercial road and not too long ago we gave an easement to DOT who wanted to have a little pit up there. I think that staff has been under the impression that that's a county road and it's not. I have gates on it so that the people from Lake Cushman couldn't come down there. The point is it's a commercial road and that lower parcel is a commercial parcel of property.

(#1940) Steve Clayton: Senator Sheldon, on the forest practices map, it looks like Allan's description of where the stream comes out doesn't appear the same.

(#1946) Tim Sheldon: That's correct. His determination on that map is that's a Class 3 stream and it's not. It's a Class 5 stream. I have for you a forest practices base map that shows it's a Class 5 stream. We've done thinning in there and some logging. There's never been a fish in that stream.

(#1994) Wendy Ervin: Could it be that this is actually a 5 and it was misread as a 3? It's very unclear how it reads.

(#2010) Tim Sheldon: It could but my point is there is no Class 3 stream on this application. There is a Class 5 stream that is adjacent to the City of Tacoma Road. Jerry Johnson with DNR changed the stream along the City of Tacoma Road to a Class 5. On page 4 of the staff report, there's a statement that the applicant has not presented information in his request to justify a future need that is addressed or supported in the request to rezone these two pieces of property. I don't think I could justify a future need. If we go through the process this way you would have to find a buyer for your property, they would have to commit to building say a copy shop, they would then have to make a tentative deal to buy the property, they'd have to get their financing, and two years later they might have it before the PAC to consider the change. No business would ever do that. On page 3 of the staff report it says that the three lots are currently zoned RR5 because each lot had no development on them. These lots have been developed. You can see where DOT had a pit, the railroad had gone down through there. They've had historic uses in Potlatch. The small lot still has the foundation of the rock crusher and I don't think I need to justify a future need because these properties have basically been commercial since 1895. All of Potlatch was commercial. I'd like to show you two maps here. One was drawn in 1922 by the engineer of Phoenix Logging Company and it's the plat of the town of Potlatch. It was completely self contained and the only way out of Potlatch was by steamer. Mr. Anderson owned the company. Earlier than this he had 265 men that lived in camp. He had no whiskey but he had a whorehouse. He also paid a payroll of \$6,000 a month. He didn't own the steamer that came to the dock but he let all the men go into Seattle on a weekend once a month. He paid \$6,000 in payroll and he got \$2,000 back over the bar on the steamer which he rented. The hotel, the store and office, and these residences along here all have numbers because they were owned by the company and individuals lived in those residences. In about 1924 my mom moved down to the superintendents house. But as you can see there wasn't any other houses along this road and there still aren't any houses along that road. There's three houses in a row here on that 200 foot strip otherwise that 200 foot strip continues and I'm sure that over the years someone would have thought about building a house there or asked us about building a house there but no one wants to live along that highway. Not now especially with almost 7,400 cars a day going by backed up against a gravel pit. The other map was drawn in 1932 and you can still see the same type of operation. So this property has always been commercial and I think it still should be considered commercial.

(#2418) Wendy Ervin: How steep is the grade on this band of property along the highway?

(#2424) Tim Sheldon: It's fairly level. Potlatch itself is fairly level and the reason is that there was a landslide about 1100 years ago that came down and formed the deposit. On page 4 of the staff report it says that if this application is approved it could lead to more intense development. More intense development would need the appropriate permits. Whatever proposal there would be would stand on its own merits, would have to go through SEPA review, review by county or whatever the process is for development. Staff has assumed that residential use of the land is appropriate and it's not. The three houses I mentioned on the west side of 101 were there in 1922, one was rebuilt after a fire, and in over 100 years all kinds of

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opportunities to build on the west side of the highway and no one has. Staff is envisioning a residential use that has never existed and will not exist. On page 4 of the staff report under #8, I think my letters refute the historic use of these lots. The gravel pit itself has been used by Wilson Construction. They laid all the fiber in Mason County. The brought in the fiber on big trucks, used a helicopter to take it up to the BPA lines and string it through while they were flying, they had used that piece of property and as I mentioned, the county has used it for gravel. Right now it's full of electric poles that the PUD is using on a job in Union and the PUD would like to buy that property that is just north of the City of Tacoma Road and move those poles onto that property. The PUD, and I'm sorry Dick Wilson, the manager of PUD is not here tonight, PUD in Mason County does all the water for the county. PUD 1 is a small utility but they service Union, Skokomish Valley, Hoodspont, up north of the canal and into Jefferson County. They do all the water for the whole county. PUD 3 is also electric provider but they do fiber optics again for the entire county. PUD 1 has 26 water systems. In 4 or 5 years they've acquired all these systems that have had troubles or some difficulty. Many on Harstine Island; they're all over the county. But for a small utility ... this utility started in 1934. It was the first PUD in the state and with that very small office and very small yard what they've tried to do is expand a little bit. They bought the Potlatch Womens Club that was next door. They'd like to buy this piece of property from us to have a yard that can grow with the needs that they have. We haven't signed a deal with them yet but I think it's better to go through the rezoning process and have the property zoned commercial and then sell it to them as zoned commercial. As you can see on the map there is a DOT lease up the City of Tacoma Road and we sold the DOT 1 acre in there. That was because they closed their yard on the reservation. These uses of the PUD and DOT are community uses. They're essential public facilities but we're choosing to go through this process and this is the second time I've gone through this and personally I feel it's double jeopardy. You get approval once and you come back and ask for approval again. It gets more complicated and time consuming and difficult each time we do it. I hope I haven't given you too much information but I think it's relevant to put on the record because I don't know where it's going from here. We just want to have that property commercial because it fits the commercial zone. Any questions?

(#2775) Wendy Ervin: Other than the plan for the PUD do you have commercial intent for the other two pieces?

(#2785) Tim Sheldon: Eventually. I don't have anything specific that I would say that would go in there now. I have thought about a couple of uses. We have a gravel pit there and lots of people call and ask if we sell gravel. We've sold a lot of gravel to Simpson, to City of Tacoma, probably sell some to Alderbrook to complete their project. We use a lot of it on our own forest roads. What people want is crushed rock and they want landscaping materials so in the future I could see an idea for a nursery or possibly be an area where someone would want to store boats because they go to Cushman and you can't leave your boat or RV out in the weather. We're not really interested in having a mini-mart or that kind of development there.

(#2845) Wendy Ervin: You did say you're paying commercial taxes.

(#2848) Tim Sheldon: Yes, we are. And we've been paying commercial taxes since those lots were platted and given to us by our grandfather probably in 1960.

(#2860) Wendy Ervin: Is the rural commercial property tax higher than residential tax?

(#2870) Tim Sheldon: The taxes would raise if there's some kind of development on it.

(#2877) Wendy Ervin: I'm just wondering if it has a tax impact on you or is it a wash?

(#2888) Tim Sheldon: No, it's a wash. We're still paying the higher taxes on it because we consider it commercial property.

(#2892) Wendy Ervin: So it is higher taxes.

(#2894) Tim Sheldon: Oh, yes. It's much higher.

(#2896) Wendy Ervin: That's what I was asking.

(#2898) Tim Sheldon: This 200 foot strip is over 20 acres in area so we could have, many years ago, put it into forest land and paid a much lower tax. We pay probably \$2,500 a year in taxes on it.

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(#2942) Mark Drain: This .32 acres that's on the staff's write up; is that 43-00001?

(#2948) Tim Sheldon: Yes.

(#2950) Mark Drain: The rezone of 1.5 acres they speak of is the 1.3 acres that you call B1?

(#2956) Tim Sheldon: B2 is the 1.5 acre. They're recommending the B2 be approved. They're recommending where it says Govt Lot 4 down to the line to the north that that be not approved and the 43-00001 that not be approved. And what I'm saying is the 1.3 acres that is B1 should be considered even though it's outside of the hamlet it will be used for a public benefit and it makes sense to put B1 and B2 together because that makes the yard the size that they need and it also borders a gravel road.

(#3005) Mark Drain: Is B1 a parcel now?

(#3008) Tim Sheldon: It is not. And neither did the DOT parcel where it says 1 acre. That was just carved out by DOT and the county. What I'm saying if you can do it once why can't you continue to do that same process.

(#3034) Wendy Ervin: So you have it short platted to make it B1 and the DOT purchase or the DOT lease?

(#3036) Tim Sheldon: No, we have no short plat. It was really done in the same way that PUD would do it under threat of condemnation. DOT wrote us a letter and said that they would like to acquire and would you negotiate with us to acquire this. The PUD did the same thing. The PUD passed resolution asking us to sell this property B1 and B2 under threat of condemnation. We would like to go through the regular channels of making that commercial property before it's sold because I think that's the right way to go.

(#3175) Bob Sund: If the PC has already approved those three we have to undue what they did.

(#3188) Diane Edgin: That's true but whatever we think and whatever we decide we don't do it at this point in time.

(#3196) Terri Jeffreys: Allan, can you repeat the reason we're not considering the other request for the 1.3 acres?

(#3202) Allan Borden: The 1.3 acres is outside of the hamlet. The request to go from RR to RC does not meet the rezone criteria. It's too near to the hamlet so it wouldn't meet the qualifications to be considered.

(#3228) Steve Clayton: So we could either redraw the hamlet map or we could zone it RC and the only limitations on a RC parcel is that it that it has to be ½ mile from the hamlet.

(#3250) Diane Edgin: This is a friendly transfer of land but if they had wanted to go to condemnation proceedings they could take that 1.3 and include it in there, right?

(#3265) Allan Borden: That's correct plus property owners can use their rural residential properties according to the DR's. There's no need to change the zoning. So even the properties inside the hamlet do not have to be rezoned to be used for a public utility.

(#3290) Wendy Ervin: How can you charge commercial taxes on something that you're wanting to designate as residential?

(#3296) Steve Clayton: It's not commercial taxes; it's just not open space or forest land taxes. I think that's what Tim is meaning. Open space taxes are roughly \$1.75 an acre; other than that, vacant land you pay market rate. Not commercial per say but market rate.

(#3333) Allan Borden: More than likely the land use code for the Assessor's Office is vacant land and they have certain multipliers based upon the size of the property.

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(#3355) Bob Sund: One of the things that we are to consider is when things are miszoned and if something has always been commercial and it's zoned something else, I think we've got to consider that as commercial property. I know that when the county was involved in trying to do this it was hurry, hurry, hurry and they didn't have time to look at a lot of things because they knew there was going to be a review process to try to correct the errors and this seems like an out and out bonafide error.

(#3399) Wendy Ervin: It seems to me that the shape of this property; long and narrow and running right along the highway that the intent in drawing the parcels that way was that be commercial property.

(#3450) Steve Clayton: Any other testimony on this proposal?

(#3510) Tom Yark: My name is Tom Yark and my business is at 22090 N Highway 101. Right where it says RC2. It's a gas station, service station, car wash, etc., and I see no reason to object to Tim's wishes. I think a little more commercial property in the area would suit the area just fine. It's not that big of an area and I don't image anything that big can be built there anyway.

(#3546) Wendy Ervin: There's not much left in Potlatch. I drive through Potlatch and I can't remember what's there. What other commercial buildings are there?

(#3575) Tom Yark: My property is right here (*shows on map*) and I have a home right here and I have a car wash up the hill on 101 and a garage repair shop and the gas station.

(#3592) Wendy Ervin: So are you pretty much Potlatch?

(#3596) Tom Yark: Right. I'm all Potlatch.

(#3602) Donna Rissen: My name is Donna Rissen and we are at 22040 Highway 101. We'd like to see Mr. Sheldon to succeed what he's hoping for but I hope the PUD can do some landscaping out there so it can look nice and pretty.

(#3675) Steve Clayton: Any other comments on Potlatch Partners? Okay, we carry this hearing over to November 3rd. Next, we have Sheldon Properties.

(#3710) Allan Borden: This is request 02-06, Sheldon Properties. It involves eight 40-acre parcels in Section 15 of Range 4W, 22N. (*Allan shows on map*). If you look at the map in the staff report the parcels that are proposed for rezone are two that are up here, one here, and one next to the RAC, and there's one here, and one here, and one here, and one here. That gives you an idea about what's being proposed. In my staff report I lettered them so eight of the sixteen tracts there are under review. I lettered them from 'a' to 'h'. The adjacent land uses are Lake Cushman subdivision, and a major power line running north and south, and then there's the west part of the RAC up here so adjacent land uses are basically long term commercial forest, and there's a variety of 5 and 10 acre density lots. I attempted to review all of the eight requests. I should point out that the current zone for the two forties right here are 1 to 5. And the two forties here and the four forties that complete the northern half are 1 to 10 and the southern half is all RR20. Those portions of Section 15 were reviewed in 1999 and 2000 and met the Comp Plan RR policies. In reviewing these requests the request does not provide adequate justification or distinguishing characteristics to adjust these RR development densities and for that reason the county cannot justify that any of the criteria are met in the review of the eight tracts that are being reviewed. For that reason the staff recommends that the series of rezone requests be denied due a lack of justification and it fails to meet the Comp Plan RR policy RU-521, standards for designating RR densities and because of that it will materially interfere with the goals of the GMA. Although there's water provided by a water tank, there's no current infrastructure.

(#0240) Wendy Ervin: This is a zoning change that is being requested. If there was then a building plan permit process would that include making sure the infrastructure was there to support that house or whatever the plan was? There may not be the infrastructure there but if you're going to build properties you're going to then have to provide the infrastructure so that goes along with the process. Is that correct?

(#0258) Allan Borden: That's correct.

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(#0260) Wendy Ervin: Okay, so that's not an impediment to changing the designation just because there is not currently an infrastructure to support that because right now that's vacant land.

(#0270) Allan Borden: Staff has to review each one of these requests because we have millions of acres of land and if the applicant doesn't provide reasons for either a demand or distinguishing change in the area or shows that the current zoning in the RR20 and RR10 doesn't meet the criteria that was designated by then the burden is on the applicant not on the county.

(#0294) Bob Sund: Allan, isn't it true that a lot of the interpretation of whether the criteria is met or not is quite subjective?

(#0298) Allan Borden: No.

(#0302) Bob Sund: I thought as I read this it could be pretty subjective.

(#0308) Allan Borden: A lot of these properties are affected by critical areas, either streams or wetland areas in the center of the property. The current zoning creates a transition between the intensely developed residences on either side and from the state highway so that this long term commercial forest land is protected by the transition from 20 to 10 to 5.

(#0336) Bob Sund: What about the transition from the Lake Cushman development inward toward the property? In the Cushman development essentially you have an urban development, right or wrong, and if you're going to transition from that urban development ...

(#0353) Allan Borden: The wetland in this corner of the property is a critical area that meets at minimum RR10.

(#0366) Steve Clayton: Aren't we looking for transitions between RAC's and hamlets and existing development isn't a necessary ... if we allow an intensive development next to each development that already exists we get sprawl. I was under the impression that our criteria is based on a transition from the RAC's and hamlets because we've already decided RAC's and hamlets and UGA's is where our growth is going to be and we have some transition zones. And these independent areas, such as Lake Cushman Estates, don't get the buffers because we don't want any more growth there. Those areas are outside of where we're designating our growth. That's the way it appears to be written but it's kind of contradicting in your evaluation. Am I interpreting that as far as what we want to do with the GMA? Give buffers around UGA's, RAC's and hamlets, but existing intensive developments are not given that buffer status. I would see a buffer around Hoodspout that those should be dropped into the 5, 10 and 20, but a buffer around the Lake Cushman Estates is not a justification for that because it's a nonconforming development.

(#0425) Diane Edgin: We discussed this a long time ago when they asked for a mix of sizes in the rural area. Then we got the mix and it was basically 5, 10 and 20 and I look at this and I see that corner that is the wetland has the largest size designation which probably is appropriate.

(#0456) Allan Borden: The transition currently exists of 1 to 5 here, 1 to 10 here, and 1 to 20 here. With these changes, it shifts everything farther east and everything pretty much farther south.

(#0466) Steve Clayton: With the exception of parcel 'd'; I'd asked about that. That actually butts up against the RAC.

(#0470) Allan Borden: The only access here is a road easement from one property just east to one property to the west.

(#0477) Wendy Ervin: But if you were breaking that into five acre parcels you would be providing a road so the fact that there's no road there now ...

(#0482) Allan Borden: Not on this site here.

(#0484) Wendy Ervin: You have to. You cannot sell a land locked property.

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(#0486) Allan Borden: These properties are already broken down.

(#0488) Wendy Ervin: Those properties are but over here in 'd' if you're breaking 'd' up into 5 acre parcels you have to provide a road so the fact that there's no road there is not an impediment to ...

(#0496) Allan Borden: Access would have to come from the north or the west.

(#0498) Wendy Ervin: But access would have to be provided by the person who owns it and is cutting it up into parcels and selling it.

(#0500) Bob Fink: What you're saying is true in the sense that it's always possible to provide services assuming it's economic but if the criteria for designating these areas does include whether services are provided or not, not just whether they could be provided, and these areas are a 1/4 mile, 1/2 mile, or almost a mile from the county road.

(#0515) Wendy Ervin: But these designations were made without there being roads in there and so the fact of not having services ...

(#0520) Bob Fink: It's the criteria.

(#0522) Wendy Ervin: But it wasn't a criteria before they put the lines on there. You're saying that the 1 to 10 in this band across from 'c' through 'd' and 1 to 10 up there, there doesn't seem to be a concern with whether or not there was water and roads when you said there was to be 1 person on every 10 acres. So that was not a criteria when these designations were made so I think it should not be a criteria for changing the designation.

(#0546) Bob Fink: The criteria you're looking at were the criteria used in designating these originally. The criteria, which includes the existing facilities, is one of the criteria; it's not the only criteria but one of the criteria to consider in setting these designations and those criteria that you're looking at when you review these were written and were already there when they created these designations.

(#0566) Wendy Ervin: But he was just saying that in parcel 'd' that there is no road access for parcel 'd'. That's what he said. Well, if there's no road access for making it 1 to 5 then there's no road access for having it already be 1 to 10; if there's no road, there's no road. Am I wrong?

(#0578) Bob Fink: Right, but it's also the location and the nearness to other facilities and it's the transition from 5 to 10. When you look at this criteria the issue came up as to whether they are subjective. They have to be weighed and some of them are more objective than others and some of them are a matter of using judgment and using the evidence that's presented to you. Generally there's a weighing of those different criteria as they apply in a given case. Already there's a transition from the road side where there's more development and existing road access to the more distant parts of the property where obviously you don't have that kind of either density or road access.

(#0612) Bob Sund: Bob, I think Wendy is making a good point. The fact that the rationale said that the fact that there's no road is one of the reasons why there is an objection to the rezone. Well, let's just take the one reason and I think that's what Wendy is arguing about is the one reason. It doesn't make any difference if we can allow 4 dwellings on that 40 acres or whether we can allow 10 dwellings on that 40 acres. There's no road for 4 dwellings, there's no road for 10 dwellings; if there's no road, there's no road.

(#0638) Bob Fink: So you would recommend down zoning it, then? I'm not saying it's the only consideration but I'm saying that it is relevant because it's one of the criteria that you need to consider when you consider whether to rezone or not.

(#0648) Wendy Ervin: I'm just saying there's a leap of logic here because what I'm understanding you to say is ... I'm looking at just 'd'. So before 'd' can be changed over from whatever it is to something else, if it is a more intense development, that the whole design of the roads and everything would have to go in for platting that has not yet been made and then you can get the designation changed and then you can go ahead and it

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seems to me that that ... if I'm understanding what you're saying, that's putting the cart before the horse.

(#0675) Bob Fink: No, I don't believe that was the intention of what the criteria is. I think the intention of the criteria is part of the assessment in making your judgment and whether there are adequate road services. It's one of the things you look for. If you're making a more intensive use then you'd want better access to roads. What does that mean? Does it mean the entire property has to be served by roads? Does that mean the road has to be within 100 feet of the property?

(#0700) Wendy Ervin: But you're asking for a great deal of money to be spent either in drawings or in bulldozing because you don't know when you're bulldozing that road through if you're going to get the opportunity to change the designation to be able to do the development that you're thinking of doing.

(#0712) Allan Borden: We're not asking for that level of commitment. What we want is what is driving the applicant to say that this is better as 5 instead of 10. What is doing that? Why is this better as 10 instead of 20?

(#0725) Bob Fink: How do you distinguish this property at 1 per 10 acres or 1 per 20 acres from the other 40,000 acres that are 1 per 10 or 1 per 20? If it's a mile from the nearest county road there's a lot of land that would fall into that category and you can't rezone all of it. How do you distinguish this property and the request you have before you from other potentially similarly situated properties?

(#0742) Tim Sheldon: I can answer that.

(#0745) Bob Fink: And that would be good because that's the kind of answer you need to provide so that you can make that distinction because otherwise you have a cumulative impact where the county would not be able to deny someone else's request because you couldn't distinguish that from the one we have before us and as Diane was very correct in pointing out one of the reasons why these decisions have been delayed for years is because the county was out of compliance because it didn't have this mix of 5, 10 and 20 acre areas that is determined to be necessary to comply with the GMA. The staff report was done with the information that we had available at the time from the application. The very criteria themselves weren't written, I don't believe, at the time that these were applied. And they weren't approved until August so we need to give the applicant time to reply to the criteria and to make his case because the burden is his to carry. If someone was to challenge the action and he hasn't met that burden and the county in making its findings to approve this hasn't met the burden of that criteria then the rezone will fail.

(#0800) Wendy Ervin: Another question I have is the four down at the bottom corner that are all 1 to 20. What is the lay of the land in that area? What kind of land is that? You said that the western side had some lowland and some wetland.

(#0818) Allan Borden: There's a ravine and it makes a depression where the stream comes out here. So that's a critical area.

(#0828) Steve Clayton: Let's move on and hear from Mr. Sheldon.

(#0834) Tim Sheldon: For the record, I'm Tim Sheldon and I'm General Partner of Sheldon Properties. That consists of my sister, my brother and our families. Allan correctly identified the boundaries of the property. This is section 15 and it was owned by Hoffert for many, many years and in 1997 Sheldon Properties purchased the entire section and I told you about my grandfather making that investment and I can tell you I had a lot of sleepless nights from borrowing a lot of money to buy a whole section. What our intent was with our tree farm is a mix of older timber. We have two million feet on our tree farm that's over 200 years old. We have some trees that are over 500 and 600 years old. It was the first piece logged by Phoenix Logging Company and they left a lot of big timber. My objective was to buy timberland in different age classes to continue as Sheldon Properties and pass it down to our kids and their kids and if you have something with uneven age classifications you can continue to harvest and work the property when it's not all in one age. Some of this property had been cut in the early 90's and cut again in 1997. There is no residential development on the property but as Allan mentioned there is this water tank that sits right here. There's 75,000 gallons of water and that's an easement that we have with the PUD; it's their tank. It services Hoodspout and there are plans on PUD for another tank to sit right here and serve Mountainview. First of all, there's a description that was made in the staff report that there's a Category I wetland of 20 to 25 acres. I'm

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not sure what wetland that would be. There is, in my estimation, not much wet property up there. Although underneath the power lines there is some wet land as you go down this area and, of course, you wouldn't be developing under a power line anyway. This one up here is a prime piece of timberland and one to keep in 20 for that piece of property. The property drops off to Hoodspout but almost all of this up on top is flat. If you were driving up the highway and you went past the road that goes to the transfer station and as you get up to the other little bit of hill it all starts to flatten out and goes out to the Cushman Development of Divisions 12 and 16.

Map 5 in your packet is inaccurate. Just to the right of where the 15 section is, there is not a wetland there. And the wetland that's drawn just below 'g' in the southwest 40, that would be over to the west more and underneath the power line. I want to pass out this to you. There's two maps that DNR does for you. They give you the base map and the resources map. On Map 5 that I mentioned ... it's actually Map 6, the stream type map that the county has distributed. The Class 5 stream that's in the center of the property does not exist.

(#1088) Diane Edgin: I know this is a dry year but even ten years ago it didn't exist?

(#1090) Tim Sheldon: It did exist in 1999 and then DNR came up, Jerry Johnson, and took it off the map. He took it off the map because there's no channel, there's no defined channel, and this is the map he gave us in response to our challenge that that did not have water in it. He came out on site and looked for a stream type justification. As you can see in his decision made 'the stream shown on the base map does not exist. I will submit a water type change form to correct the map. I will also forward a copy of the correction to Mason County'. That was done in July 2, of 1999. You can see on the work map he designates that stream as nonexistent. So just for the record I wanted to clear that up.

(#1148) Allan Borden: He didn't change the downstream stream from a 4 to a 5?

(#1152) Tim Sheldon: All I cared about was what was on Section 15; I wasn't asking him to go down into Hoodspout and do anything. That wasn't my issue. Let's go to the criteria. On the criteria under the first one. We talked about the 20 or 25 acre wetland. I don't think that that is 25 acres; I dispute that. But under #1 it says 'no information by the applicant was provided to show a demand for residential development exceeding the present residential development densities'. We've been approached by the Skokomish Indian Tribe to purchase 130 acres and to also option another 268 acres of that property and the idea was that they can't build on the reservation because the flood plain has risen so much so we entered into some discussions with them about this piece of property in the northeast corner of the property. I can't say that we're going to sell it to them and if somebody asked me today and would probably say 'no' because I don't think that they're willing to pay what the property is worth right now but we're still negotiating about that. They have done a lot of investigation and they've spent a lot of money on water site plans, Indian Health Services has done the septic tank designations and dug over ten test pits. PUD is considering another 75,000 tank and the federal government is considering a grant to the tribe for a distribution center, a system of water on Section 15 so there is some plan for development but I can't tell say that that development will take place but if it doesn't take place the fact of the matter is the tank that sits on this corner of the property has enough water rights for 228 acre feet and that was just granted by DOE. At 228 acre feet you take about a half acre foot per residence per year. That would be 556 residences but Hoodspout already has a little over a hundred and some connections so there is just a lot of residential water available in Hoodspout because of that water rights decision. You mentioned about roads, in the map that you were looking at that shows that some of these Lake Cushman properties have a green belt before they get to Section 15 and some do not. I can buy many of these lots at a tax sale and I can drive my car, and whoever I sell my property to, can drive right onto this property. So what I'm proposing is that the densities go to the sides and not from the north as staff is talking about. I could also buy these lots in Suncrest and access the property. There are many lots that have access to the property so the 40 acre parcels that are now designated 10, I would like to have as 5 because they have direct access from the sides of the property. What we would like to do is keep the lower part of the property, the southern part, in 20 acre densities and basically manage that for forest land. The county has a process of bonus densities, and to tell you frankly, if we could get enough density and maybe you don't approve all of these requests, what I would do if I could raise the density in the entire section I would concentrate the density around the water. So you'd have all the densities on 1100 acres and I would put it all in this area here and dedicate all the rest of the property to perpetuity to forest land because we're tree farmers. So getting enough density, the 1 in 20 doesn't get you much density, but if something was 1 in

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5 we probably wouldn't even build on it. But apply that density in a bonus situation to the property that's best served by the infrastructure. Again, the process is fairly flawed because it asks you to bring forward the need and then go to the change and if you get the change then you can justify the need. So we've kind of got a backwards situation.

What best illustrates this situation is on this map here where it shows this section 15 is just adjacent to a tremendously intense development with Lake Cushman Division 16 and Division 12, the Mountainview piece and the Suncrest piece. We're going to stay in forestry here and this piece here is owned by Jim Goodpaster with Mt. Washington tree farm and he wants to keep it in forest land as well. So it's going to be a big forest block and provide a big corridor for wildlife. We've had a lot of cutting around here. Just last year Simpson bought a lot of gravel and brought it up the City of Tacoma Road, graveled this 119 acres and slicked this whole thing off. What's left right now is just that little piece because it's all been cut so there is a natural corridor. We've seen a tremendous abundance of wildlife around our property because of the logging that's driven it down into the higher timber. To me a performance subdivision makes sense if you could use the densities to combine it.

Let's go back to criteria #2. I think this rezone is consistent with the Mason County Comp Plan. I wrote a letter to the county on June 26, 2002 and in that letter I highlighted the planning policies that the Comp Plan had. For example, 'encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types and encourage preservation of existing housing stock'. So I think our application does promote a variety of residential densities and it will obviously be directed towards the affordable housing. CWPP 6.3 reads in part, 'it is recognized that the techniques for encouraging affordable housing will differ in rural and urban areas'. I like the idea of performance bonuses; that's a different approach and that would be applicable here. Last, the criteria for RR5 includes 'single family plats with an established pattern of lots five acres or smaller, generally built out. Lots of five acres or smaller adjacent to RAC's and hamlets'. Again, I think the 1 and 5 should be adjacent to the Lake Cushman development and the 1 and 5 should be adjacent to Suncrest and adjacent to Mountainview to the north because those are a pattern of very intense development.

A portion of Division 16 down here is already adjacent to this long term forestry but I don't think that anyone can prove that keeping RR20 in 'g' and 'h' provides a needed transition to the operations of these long term commercial forest lands. I'm not sure that that means they're going to stay in commercial forest lands any longer than they are or be not developed some day, too. Under criteria #3 what the staff has written is really opinion. I think we need that transition from the other three developments that I mentioned that are around the property. In criteria #4, I think there is adequate water, power and sanitation. They're not on the lots yet but certainly 150,000 gallons of water and water rights for 500 and some homes is certainly adequate for that and certainly the key to any kind of development now. Nobody would provide that kind of water if you didn't have the densities to support it. You need the higher densities because the infrastructure won't be built first without it. The fire protection is available; it's all a rural fire district. There's telephone to the north property lines and both east and west. Fiber runs not only to the edges but runs through the property on the BPA line and there's cable television on all three sides, as well. There's a lot of opinion here but a lot of mistakes were made in 2000 and 2002. When the first map came out, the entire section was mapped 1 in 20 and I object to that when I saw it because there was some 1 and 5's and some 1 in 10's. The error was brought to staffs attention and I appreciate their making this change. I think the consultants at that time, Mary Lynn Evans and Michael Davolio, the staff and the BOCC all said 'don't worry; changes will be made'. I think one of the difficulties that you're dealing with is that a lot of these mistakes were made and they didn't realize about the developments on the side, the water and those kinds of things. It was really nobody's fault; it just couldn't be dealt with at the time because of the volume. That's why I believe it should be changed and made right. Of course, the development will comply with all the RO's. That's a given because we want to protect the property. There's a demand for larger lots than Cushman. Right now if you buy a lot at Cushman you're probably going to have to buy two and maybe three to get a septic permit. You're restricted by a lot of covenants there that you don't have on other properties.

In conclusion, the \$200.00 application fee didn't really buy me much analysis. I don't say that in a very critical way; I'm not critical of your abilities, I'm just saying that you didn't have all the information that I had that I tried to bring in an collect over the years. I think sometimes the staff has substituted just their ideas of what they'd like to see and it's different standing on the other side of the counter. Any questions?

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(#1800) Wendy Ervin: Mr. Sheldon said that he has been negotiating with the tribe to buy so that they can expand and build. If he sells, then automatically there is no control. Isn't that correct?

(#1812) Bob Fink: It's not automatic. If the tribe buys it they can apply to make it Trust Land. If it becomes federal trust land then it's removed from the jurisdiction of the county.

(#1820) Wendy Ervin: Right, so then the whole discussion is moot. I'm watching a four story garage being built and ...

(#1834) Bob Fink: That's what would happen if the tribe bought it and the tribe moved it into federal trust status and then the county would have no jurisdiction over it.

(#1842) Bob Sund: They could make it into an industrial area, couldn't they?

(#1844) Tim Sheldon: Not under this proposal because the monies would come from HUD and it would have to be used for housing and one of their plans is for a senior center or a housing development, or playgrounds. But we don't know if the deal will happen.

(#1900) Wendy Ervin: You have said that you would like to have the greatest amount of development up in the top two pink ones and down below that a little bit and then leave the rest of it. Do the rules allow him to do what he was suggesting; that he would put all of his development up there and the rest of it would be very little development or forest land. But he's asking for some of these 40 acre parcels changed to 1 to 5, some of them 1 to 10 and yet what you were talking about was putting all the housing up at the top but I don't think you can transfer that way, or can you?

(#1938) Bob Fink: Our regulations allow for different size properties so that there's a minimum lot size in the rural area of 2 acres. If the density is five acres and you had 20 acres, that would be four lots, you could have three lots of 2 acres each, that's only six acres, and the balance, which would be 14 acres, would be 1 property. That's in a sense a type of clustering if all the small lots were in one area.

(#1964) Wendy Ervin: But that's within a lot designation not within a section. Is that not correct?

(#1970) Bob Fink: The county has always provided for people owning adjoining land to treat all their adjoining land as a single proposal. I don't know, by the time he applies for that, what the regulations will be but assuming they're not changed, then there is that capability of considering several individual ownerships as a single development.

(#1986) Wendy Ervin: So he could put in a plan that took into effect all of 15 and put everybody up into the two pink areas and maybe a little bit down below that and that could be an acceptable plan?

(#1998) Bob Fink: Right, and I think that's intentional and I think the idea that that would preserve larger tracts of open area and be able to adjust to critical areas that may exist on the properties and for reasons like that it is desirable.

(#2012) Diane Edgin: To my knowledge, Sheldon Properties is the first one to actually come forth that said that they would actually be willing to do something like this. Not this size.

(#2025) Bob Fink: No, the only thing that we have of this size was in an urban area. We have had developments that have had substantial wetlands on them that kept the bulk of the wetlands, that were over 60% or 70% of the property, in a single parcel and then concentrated their development in the more buildable area of the property.

(#2100) Tim Sheldon: If we had this proposal what we would be willing to do is dedicate basically 80% or 90% of the 1100 acres to forestry forever if we could concentrate the development where the infrastructure is but what it will take that some of these parcels will have to be changed from 1 in 20 or 1 in 5 or 1 in 10; we probably wouldn't build on them but it would give us enough density here to make it work. As Bob says, though, the lots still couldn't be less than 2 acres. Any other questions? You've spent a lot of time with me and I sure appreciate it.

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(#2175) Steve Clayton: The road access; Suncrest and through the lake properties; is that public road or is that development or county maintained?

(#2186) Tim Sheldon: Lake Cushman Development Company maintains the roads.

(#2222) Steve Clayton: The water tank isn't on a high portion of the property there?

(#2232) Tim Sheldon: No, the water tank is on one of the lower pieces of property and what the proposal is from PUD was to run up here through the easement so it could go up and service this area. That is preferable than to go up the highway.

(#2320) Allan Borden: I certainly didn't have all the information you've given tonight for the staff report.

(#2328) Tim Sheldon: Right.

(#2335) Steve Clayton: Any other testimony?

(#2346) Warren Dawes: My name is Warren Dawes. I should start off by saying that my comments are not on this application per se but on the accumulative effects of all the applications that you are considering and I also want to point out a zoning inconsistency. So as such it really isn't relevant except in total of all the applications. I offer that only because the lateness of the hour and I would be willing to come back if you would grant me access early in the evening at your next hearing but if you're willing to stay and hear me now fine. First I want to comment about multiple zoning, multiple acreage; 1 to 5, 1 to 10 and 1 to 20. It's true that the GMHB was asking for a variety of zoning in the rural area and the county did do that and apply criteria but the criteria they used as far as buffering, first of all, was to provide buffering on resource lands and there is really no reason to have buffering on the UGA's, for instance. In fact, if you think about it, you probably don't want to have your real dense density right up against a UGA because you feel that the UGA will eventually expand out and it's much easier to convert a less dense area into urban densities than something that might be built out. That's just a point in passing based upon what you were saying. The existing plan deals with a variety of densities and you have a couple of things that I think are really good in terms of dealing with resource lands. One is in your rezone criteria, #3, you say that no rezone shall be approved if ... it would significantly increase uses incompatible with resource based uses in the vicinity. What you're saying there is if you've got long term commercial forestry you would not want to put your more dense area up against long term commercial forestry and as such, if you look at how it has been done, you would see that it was mostly the 1 for 20's that were put up against long term commercial forestry. Then it came back from there. You even addressed that in your rural residential designations when you talk about RR20 it says in here that there are lands affected by these two critical areas, lands adjacent to forest resource lands. So that was a criteria that was used when the planning group was putting together the densities in the rural areas and it was coming out that the 1 to 20's were going up against long term commercial forest lands. Now, that's great because you want to protect that long term commercial forestry. Simpson has testified about the difficulty in maintaining long term commercial forestry when you have density butting up against it. They were concerned about the 1 to 5 and that they would much rather have the 1 to 20. So the inconsistency that I wanted to tell you about was with the inholding lands and they are also 1 to 5. So you've got long term commercial forestry and you put your 1 to 20's up against them to buffer that then you have allowed, through an oversight I believe, the inholding lands to be 1 to 5. The second reason for selecting how you do your multiple densities in the rural area is the provision of services. As a taxpayer I appreciate that you would be putting your densities, like your 1 to 5's, close to roads; close to infrastructure so that county costs would not rise in order to service that land. Inholding lands, much of which is in forestry designation by the owners, but not long term commercial forestry because it didn't come under the 5,000 acreage ownership rule. Much of these lands are only accessible via logging roads. That is not helping the surrounding long term commercial forestry land. I would ask, at some point in this process, that you would be looking at that in terms of the rationale for leaving that at 1 to 5. Maybe you have other areas in the county where the 1 to 5 would be a better use for you.

That brings me to the point about the cumulative effects. The cumulative effects of going in and changing zoning, some lands that are going from 1 to 20 to 1 to 5, or 1 to 20 to 1 to 10, you will be creating additional lots in the rural area and depending upon how much of that you are going to be doing, you need to justify,

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under GMA, that the growth is needed, that you have the growth coming for that creation of those additional lots. You can't rezone the rural area to make it more dense in many areas and thereby take density away from what would be going into the urban area. Under GMA the law is that we try to move as much as we can into more urbanized areas and we get the benefit of paying less as taxpayers for the services for those types of developments than we would for the sprawl that would occur if we allowed it all over the county. So what I'm saying is that if you would consider looking at your inholding lands and the densities you're putting on that and putting them in a more protective density for the long term commercial forestry lands and have an offsetting mitigating factor for any zoning changes that you might be making. I think you would be in a much better position of justifying making your changes. Have I made my point here?

(#2766) Steve Clayton: So you're saying there's an acreage limitation on the inholding lands to where they cannot be designated as long term commercial forest?

(#2772) Warren Dawes: Yes, the criteria for long term commercial lands is 5,000 acres contiguous.

(#2778) Bob Fink: Not in ownership. It's more the issue of the lot size. Most of the inholding lands are based on the quality of soils or on the lot size, which had to be 80 acres in a single ownership. They're all continuous but the block of land that's designated, where the 5,000 acres comes from. So it's actually the lot size of the individual existing parcels is primarily the reason why the inholding lands are not designated as timberland.

(#2814) Warren Dawes: You have things like Merrill-Ring has a 320 acre piece in there and there are other pieces but you do bring up a point. It isn't consistent to have 1 in 5 density up against a long term commercial forestry that could be in a 1 to 80 designation. What I'm pointing out to you is a real inconsistency in your resource land area. Land that we should all want to keep into long term commercial forestry because it's part of our economic situation but it's also expensive land to service if you want to develop it.

(#2860) Steve Clayton: So your thought on the fix for that is to reduce the acreage required?

(#2866) Warren Dawes: My thought on that would be to reevaluate the inholding land density.

(#2872) Bob Sund: So you're saying go to 1 in 10 or 1 in 20?

(#2874) Warren Dawes: Yes, because you've taken that sort of approach by putting your 1 to 20's up against the long term commercial forestry in order to provide that buffer. Why didn't you make it 1 to 20 on the inholding? There's an inconsistency there, I think.

(#2900) Bob Sund: So you think it would look better to the GMHB to be able to say that we've gone from 'x' number of acres of 1 to 5 and put them into 1 to 10 or 1 to 20 and we've also taken some 1 to 10 some 1 to 20 out?

(#2920) Warren Dawes: It certainly would be a balancing effect and it would certainly be something that I think you would want to do. The county has had a large number of platted lots in the rural area and this has been something we've talked about before the GMHB for a long time; some 20,000 platted lots, which is a great excess number of lots. Now, of course, many of them would have to be combined in order to build on them because of septic system requirements, etc., but a great deal of lots are available for rural residences and if you're going to create more rural lots by changing densities from 1 to 20 to 1 to 10 or 1 to 5 you need the justification for this based upon how you see the county growing, otherwise you're open to challenge.

(#2984) Wendy Ervin: If those inholding lands were changed to a 1 to 20 would that really have any real impact on the people who own those properties because they probably are isolated ownership so you've only got a couple of people on each of the inholding lands, is that not correct?

(#3008) Warren Dawes: If at all. I would image that some of those are just held by people for timber purposes or whatever. What do you think, Bob?

(#3022) Bob Fink: I've never done a study on them and they predate my involvement but when I've looked up individual properties on request what I remember is that most of the properties are smaller properties and

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there may be a few larger properties but by far the majority of them that I've seen are typically five acres or even 2 acre parcels.

(#3045) Wendy Ervin: If the long term timber does not have any residential property ...

(#3060) Bob Fink: Most likely; there might be a few caretaker residences or something like that.

(#3070) Wendy Ervin: So if you change those inholding lands into 1 to 20 it probably would not have any real effect on the use of those properties because if you're saying that the properties adjacent ... that your use of your property you can meld the adjacent uses and densities so that you can concentrate on one place and then take the densities from surrounding properties to compensate for having an extra house over here ... that is a way to juggle the ball of density if we needed to have a higher density someplace that could be changed with no real effect except in the numbers.

(#3140) Bob Fink: We should probably pick this up another day.

(#3145) Warren Dawes: What I'm trying to do is support you in what I think you're trying to do and that is to plan for growth in this county and not allow it to happen just scattered all across the county but have some rationale based upon what it would cost to service that growth. You would want to do it to protect your existing industry like your long term commercial forestry and the like. We've gotten to a point where we have zoning now and I think that would do a lot to help move the growth into the areas where services can be provided. Thank you for letting me share that with you.

(#3192) Steve Clayton: Any other comments on Sheldon Properties?

(#3210) Audience: You mentioned the lumber companies have a problem with small acreage adjoining their property. What are some of their problems?

(#3220) Warren Dawes: This was coming up when we were doing GMA planning and we were working on the forestry subcommittee and the representative from Simpson was talking about the problems of having small lots adjacent to their timber and they said they run into situations where we want to do a logging operation and they start objecting because it's right next to their home. Or we get into difficulties because their house is located close to the boundary and we're more liable if one of the trees falls over. It's also the fact that if you get a lot of higher density up against long term commercial forest the people who come and live there tend to use the forestry area as their recreational area. It's really better if you do buffer away from it.

(#3320) Bob Sund: Bear in mind that a lot of the purpose of GMA was to try to preserve resources.

(#3330) Warren Dawes: That's right.

(#3340) Steve Clayton: Okay, the next meeting is October 20th. That's our regularly scheduled meeting. We'll be presenting the next six zoning requests.

Meeting adjourned.