

# MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes  
October 20, 2003

(Note audio tape (#3) dated October 20, 2003  
counter (#) for exact details of discussion)

*(This document is not intended to be a verbatim transcript)*

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## 1. CALL TO ORDER

The meeting was called to order by Chair Bill Dewey at 6:00 p.m.

## 2. ROLL CALL

**Members Present:** Bill Dewey, Diane Edgin, Steve Clayton, Mark Drain, Wendy Ervin, Terri Jeffreys. Bob Sund asked to be excused.

**Staff Present:** Bob Fink, Allan Borden.

## 3. APPROVAL OF MINUTES

None.

## 4. NEW BUSINESS

(#0020) Bill Dewey: The order of business tonight for the benefit of the audience here is that we have six different rezone requests to have public hearings on tonight. We'll proceed down through in order from 02-07 down through 02-12. We'll hear a staff report on each rezone request and then we'll open the public hearing for public comment on those requests. No decisions will be made tonight regarding the individual rezone requests. We have a number of these that we are considering and we have to hear all of them before we make a recommendation on any of them. What we'll do is entertain a motion after each of these is considered to continue the period for receiving public comment until November 3<sup>rd</sup> so after tonight if you have additional comments we will try to make that opportunity available. Allan, can we have the staff report for 02-07.

(#0065) Allan Borden: I'm Allan Borden with the Department of Community Development. The request 02-07 is for Marlene Davison and not Marilyn Davison, and the Peste Trustees. This request consists of three separate requests and I've lettered them 'A', 'B', and 'C'. Request 'A' is a request to rezone 39.53 acres of land from RR20 to RR5. This property is north of the Shelton UGA by about a half a mile, Johns Creek and the tributary of Johns Creek are just to the south of the property and on the east side of the property. The area in the vicinity of this property is designated as a Category II critical aquifer recharge area. There's a major power line that runs through the property on the northwest side. In reviewing the eight criteria, the request fails to meet all the criteria except for #1. In reviewing it, there's no justification for the request for a more intensive development and such development would need a proper infrastructure and would cause a demand for extra services in the area. Staff recommends denial of this request. You have a map in your

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staff report, Map 2, that shows the surrounding zoning and in this case, there's RR20 on the southeast and north side of the subject property and RR5 on the west side. Map 2 shows how close the UGA is. This request is to go from the current designation of RR20 to RR5.

(#0180) Bill Dewey: In the staff report under #3 it says from 2 to 8 residences?

(#0188) Allan Borden: It would actually be 7 because it's not 40 acres in size.

(#0215) Wendy Ervin: They're asking to go from RR20 to RR5. It seems to us that a compromise would be 10. Is that something we can do, after consideration, is to recommend that? Not specifically for this property but in general.

(#0238) Allan Borden: You could make that recommendation if you feel that the property meets that RR policy for RR10. That would be a consideration that you could make. You need to take into consideration that a decision that you make on any one of these cases could be a basis for other requests in the future.

(#0265) Steve Clayton: I believe last time around you actually had some changes in the recommendations from what they had requested when staff found another designation that would fit better, we did do that. RTC instead of RT, for instance.

(#0278) Allan Borden: I did have that on one of those requests because at the time of the application for the RT, the RTC didn't exist. I will continue on with 'B'. This request is to rezone these two properties at a total 556.6 acres from RR20 to RR5. The property is just to the northwest of the Lake Limerick subdivision and south of an area that already has 5 acre lots in it in the Sunny Woods area. There are wetlands and Type 5 streams on the property that need to be taken into consideration. In reviewing the criteria, this request fails to meet all criteria due to the fact that there are many critical areas to consider. There's no justification or distinguishing characteristics in the area to merit increasing the residential development density as requested. This increase of 27 dwelling units under the current RR20 to 111 under the requested RR5 would result in low density residential sprawl and a demand for infrastructure not yet available in the area. Staff recommends denial of this request.

(#0360) Terri Jeffreys: Allan, you said directly north are the five-acre parcel subdivision of Sunny Woods?

(#0365) Allan Borden: That's correct.

(#0367) Terri Jeffreys: What type of infrastructure is serving that area right now? Are there roads?

(#0370) Allan Borden: There's a road that cuts across the subject property which is an extension of Shetland Road that exits Lake Limerick and goes roughly in a northerly direction up to the middle of the section to the north.

(#0382) Terri Jeffreys: Approximately how many acres is the Sunny Woods development?

(#0388) Allan Borden: I would estimate about 320 acres; about a half a section.

(#0392) Terri Jeffreys: And how are they served by water? Are there individual wells?

(#0396) Allan Borden: I'm not sure if there's a community water system that they utilize. They're roughly 5-acre parcels and some of them have been split into smaller lots.

(#0415) Steve Clayton: So the road feeding through the applicant's property is a county maintained road? Or is it private?

(#0418) Allan Borden: It's a private road. When it leaves out of Lake Limerick it becomes a gravel road.

(#0422) Steve Clayton: Is it county maintained through Lake Limerick?

(#0425) Allan Borden: It's paved up to the edge of Lake Limerick.

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(#0432) Terri Jeffreys: Looking at Map 1, which section does the Sunny Woods property ...

(#0435) Allan Borden: It's in the southern half of section 16, just to the north.

(#0448) Terri Jeffreys: Is Lake Limerick served by county roads?

(#0452) Allan Borden: Yes, it is.

(#0464) Wendy Ervin: Map 3 appears to have all of the houses of Lake Limerick on it with little squares and Sunny Woods shows no indication of how many residences are in there? Do we know?

(#0475) Allan Borden: This topo map is probably from the early 70's and if we had a late 90's topo map there would probably be a lot more black squares in Lake Limerick and some would also be showing up in Sunny Woods. Now we'll move onto 'C'. This rezone request is for two parcels totalling 161.63 acres rezoning from the existing RR10 to proposed RR5. These properties are located west of Frederick Road, which is a private road serving 5-acre lots on the east side of Map 2. Map 2 shows Spencer Lake Road, which comes very close to the southern of the two properties that are under this review. You'll note that it's RR10 around the requested property on the east side and then southeast of both of the properties there are smaller lots that are designated RR5. The existing land uses are primarily timberland to the north, west, and south and residential uses on medium sized lots to the east and access by private roads, like Frederick Road. Frederick Road comes off of Spencer Lake Road as it heads north in one part of its road alignment as shown on Map 1. The review of the criteria, there are critical areas present. There are wetlands and Type 4 and Type 5 streams present on the properties as indicated on Map 3. There's no justification or unique characteristics to merit the request to increase the potential development density from 15 dwelling units as is currently zoned to 32 residential units when you move from RR10 to RR5. There is an expected sprawl of low density developments on those areas and there are no indications of what services are available or could be provided. Based upon the criteria, none of them are met and the request is denied by staff. There is a representative of Ms. Davison and Peste Trust here tonight and you could receive more information from them.

(#0660) Bill Dewey: If there are no questions for Allan, we're ready to open the public hearing on this request 02-07 and we'll take public comment on 'A', 'B', and 'C'.

(#0670) Don Taylor: My name is Don Taylor and I'm from Fristoe, Taylor & Schultz in Olympia. We represent the applicants. I will speak briefly to start out with and be followed by Ken Martig, our engineer, and Dan Holman will also speak. If anything more needs to be said by Senior Partner, Bob Fristoe, is here as well. We are both in our 70's so we probably won't talk very long. I have two exhibits I will give to you and I will explain them to you. This is exhibit 1 which pertains to #3 and I like to call it the Section 31 property. The top document is a plat that was proposed by Dan Holman in 1997 and nothing happened to it because of the moratorium. Attached to it is another map which shows where this property lies in relationship to Spencer Lake and the tract that Mr. Borden talked to you about. This is the existing plat. The road is along the west side of it and that goes into the property. I ask that you consider this along with everything else. I also have exhibit 2, which I call Section 21 property and it's the second property and it is the large tract that is in Section 21. The top document is a map that shows the Sunny Woods plat up here in Section 16 and then you come on down to Section 21 and you see the road that runs through it and then you see the Lake Limerick plat in the southeast corner. The second page is a letter from the Community Development Department to Mr. Dan Holman informing him that they had received his proposed plan and informing him that there was a moratorium in place. The third page is your Sunny Woods plat and as you can see it is a 5-acre plat with some of the lots having been broken up into smaller lots. That lies just to the north of the Peste tract. There is also a proposed subdivision for part of Section 21 submitted by Dan Holman. As I remember, Mason County was a county that had absolutely no zoning whatsoever for years and years and years and ultimately they started to engage in land use planning and apparently there was a period of time in which everyone thought that the general rural residential property would be 5 acre parcels. That was back about the time that the two proposed plats were submitted by Dan Holman were in existence. Then the Peste's never received any notice of a change to a different type of zoning but they did ultimately find out that their property is 1 unit per 20 acres and we are asking that you reestablish it back to 5 acres. Section 21; as you can see down in the southeast corner is Lake Limerick, which is a high density

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residential community. I have no idea how many lots there are there or what the sizes are but they are almost metropolitan lots of 100' wide and 200' long. You have mainly to the north of the Peste tract in Section 16 the Sunny Woods plat, which is a multiple residential plat. The two are connected by a road that apparently has been there for quite a while and apparently is used. There is electrical service that apparently runs between the two units and if we want to talk about police and fire and everything else I imagine that Sunny Woods and Lake Limerick has created the demand for the police and fire protection and all the other things that happen. But if you look at this you will see that actually Section 21 is a transitional section. It lies between the two highly developed urban areas in Section 16 and then in Section 22 to the south. One unit per 5 acres, we submit, is a reasonable development for this and what it will do is whether you use clustering or whether you use individual lots, people who will buy 5 acre lots are people that want two things. They want some space around them, some people might like to live close to a neighbor, but a lot of people who buy the 5 acre lots are people who like their privacy. So what we are proposing is that if this is zone RR5 at that point we could plan to put in a reasonable plat or plats for this recognizing all of the setbacks that would have to be there for any streams, lakes or wetlands, and submit to the county a good looking acceptable plat that everyone would be proud of. So we are asking that you change this one to this. Someone asked about compromising in these things and I hate to talk about compromise but there's always room for compromise. We would prefer to at least half of Section 21 to get a 5 acre zoning.

(#1035) Steve Clayton: Some of the things that we have to consider is that if it's bumped down to a 5 or a 10 that we have to establish that there's a county arterial road and electrical supply and the costs of infrastructure are an important concern.

(#1048) Don Taylor: I appreciate that but if we were to plat this we would be expected to dedicate that road that runs through there to the county appropriately improved.

(#1056) Steve Clayton: Are the attaching points already county maintained on that road?

(#1060) Don Taylor: I cannot tell you if the county does maintain it or not.

(#1062) Steve Clayton: That would be a concern, of course, and also the electrical supply.

(#1070) Don Taylor: I would expect the county to expect of us much what Thurston County expects of us and that is once something is put together the developer gets the job of putting it together and dedicating it to the county if it's not there already.

(#1082) Wendy Ervin: Mason Lake Road runs through 23, 27 and serves Lake Limerick. Does Sunny Woods also essentially get their services from Mason Lake Road through Lake Limerick, through the Peste property, to Sunny Woods? I'm not seeing another roadway on this vicinity map.

(#1102) Terri Jeffreys: I believe I've been on that road and I think that's it.

(#1104) Wendy Ervin: That's it. That's a long trek.

(#1106) Bill Dewey: So your impression is that utilities don't go up through that Section 21 road to Sunny Woods?

(#1110) Terri Jeffreys: I know that there's electricity in the Sunny Woods area.

(#1115) Steve Clayton: If the Sunny Woods development road network that they use is through the property is kind of the question.

(#1118) Wendy Ervin: Right. I'm looking at if you're coming off of Mason Lake Road and providing services for all of Lake Limerick, this new development that they're asking to put in and Sunny Woods ... that's very little access for a lot of development.

(#1165) Ken Martig: Good evening, my name is Ken Martig. I'm a professional civil engineer with specialties in environmental engineering and hydraulics and hydrology. There are a couple of things I'd like to address

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as it relates primarily to this property in Section 21. You've been given some maps and I'd like to set the stage for what I want to say. This is a typical plat map that's presented in compliance with an area constraint. In this case this one was prevented in '97 when the property in Section 21 was allowed to be built 1 unit per 5 acres. This was submitted to the county and the application was complete and it was put on hold because of the moratorium. I've been in this area and I went to Jr. High and High School right here in Shelton and I've been practicing engineering in Mason County for over three decades and I hate these because it's like the Philadelphia folks that did Seattle and they bought Yesler Way and they found they didn't match. They look at the criteria and they put something together that matches what you said you want. I would not be involved as an engineer on this site unless we change these lots substantially because I'm not a developer or engineer. I'm an environmental engineer; I work for the county. I have been the county's engineer on solving problems such as the ones George Heidgerken created by Alderbrook. As an engineer that has worked as the county engineer the things that I want to address as it relates to the building of residences in Section 21 is that we need a starting point. The starting point in '97 was 1 per 5 acres. We're here tonight, as I understand it, to get back to 1 per 5 acres, which somehow we got to 20. I don't know the process but we got here and all we're asking is to go back to 1 per 5. Now, why am I here? I'm here because I'm an engineer that would be dealing with responsible development. Responsible development starts with a density proclamation that gave us these rectangles that I just showed you that I hate and then we have the streams that have to be mapped better than what you have here. I heard someone mention that we've got the little dark squares that show residences; we need to know exactly what we've got there and the maps that we have today are only general. Everything that we're talking about tonight is general. I can't, as an engineer, give you specifics; I can't tell you the size of the power line that runs along Shetland Road, I can't tell you the details you'd like to know because we have not established a starting point. The starting point is the density. Once we have the density I can look and see if it's even feasible to put a residence on 5 acres. It may be that I can't do that but just because you've designated it as 1 to 5 doesn't mean that I can go the county and meet all the county criteria with 5 acres. If the wetlands and the streams dictate that I've got to have a 20 acre site to have one residence that's all I'm going to be able to submit to you even though you have given me the opportunity to try and get 1 in 5.

Now, at this particular site, we have Sunny Woods to the north, which has been platted consistent with what was available in '97 and that is 1 unit per 5. We have a road that services that road right now. It's the road that you see there that connects Lake Limerick to Sunny Woods. That's presently a private road but we have taxpayers in Sunny Woods that have services of fire, police and they have to get to and from their home and right now they're going back and forth on a private road that we don't even know who maintains. If this were to be back to where it was in '97, 1 per 5, and if then the owners decided that they wanted to go ahead and develop that, they would have to work with the county to assure that the water, sanitation, power, roads all met county standards; those standards exist. So whether I can stand here and tell you today that I can meet all those; I can't do that because I don't have a starting point yet. Once we agree that that land is transitional, that we've got high density in Lake Limerick and we've got to the north end of that road 1 per 5, it seems very reasonable that one of two things are going to happen at some point in time. Either they're going to try to work from Sunny Woods south at 1 per 5 or someone is going to work from Lake Limerick and try and get the densities going from south to north that they have in Lake Limerick. So what I'm arguing as an engineer is that 1 in 5 seems to be very reasonable in Section 21. If we get the opportunity to develop that at 1 to 5 then that's a reasonable enough rural type density that we then can get the tax base to put that road in to county standards and dedicate it to the county. The tax base will support the services that you've got a gap for right now. The county doesn't have enough revenue right now to fund Sunny Woods because you've got that big gap. When you look at the roads in Mason County and you look at what's attractive to Mason County we know from growth projections and in particular ones that the new bridge has put in across the Tacoma Narrows and that frees up the regional traffic patterns we will have more pressure here in Mason County for lots such as 1 to 5 and so I can't stand here today and go through the 8 and 9 checklist that you've got for the GMA criteria and say 'well, I just happen to have your justification for this number of lots and I've got these people signed up waiting to move in once I have their house built'. I can't tell you that but you're planning folks know that the pressure for this kind of lot size exists and by the time that we could do the engineering and get things done the demand will be there. No one is going to invest in something that doesn't have a chance of being sold. That's the process that makes things happen.

In terms of engineering, it's very feasible to develop that stretch in Section 21 the way it was intended in '97 and somehow got changed. You can look at what's happening there and see that you've already created a zone there that has pressure to be filled in. And it needs to be filled in at a reasonable rate or you can't

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afford the road that goes to Sunny Woods.

(#1600) Diane Edgin: There has been concern with the Lake Limerick folks about stormwater disposal. This is going to be part of the whole package when you get into developing it but I know that these people have concerns right now from what's happening to them from the Sunny Woods area.

(#1625) Ken Martig: I have recently driven that road during the rains that we have now and I have for several decades been the environmental engineer for the Lake Limerick community and I've been involved with the detention dam that was put in for the drainage for the problems that they've had at Lake Limerick related to the dam safety for the dam that actually forms Lake Limerick. The kind of drainage problems that we have there some of them have been taken care of but they're primarily the fact that we had a low grade stream and lots of wetlands and back in the '50's when they built the dam and flooded it to create that lake basically they flooded in a good portion of the wetlands. But surrounding it you still have several streams that come into the area and you have beaver dams and you have wetlands surrounding it and one of the project we did was the beavers kept making dams and then they would break and then that would send floodways down through a certain portion of the development so slowly those things are being taken care of in Lake Limerick but keep in mind we didn't have the engineering and development criteria when Lake Limerick was formed and they positioned that. We would probably not be able to do that today; we would not have that kind of development today given our knowledge of environmental protection requirements. That's precisely why I feel that if we get a reasonable density in there then we can afford to do these new developments that are coming along with the standards that Mr. Borden has to work with now so that these new developments don't have the same kind of drainage problems that you're hearing the folks at Lake Limerick complain about. There's no reason for me to believe that there are problems in Lake Limerick from Sunny Woods. With the exception of the fact that some of the drainage basins are at the southern part of that subdivision but by the time it gets really through that whole stretch there that I wouldn't see any direct relationship to problems from Sunny Woods but I will say that with what Mr. Borden has to work with now you're going to get the kind of development in there that will not have those problems.

(#1750) Wendy Ervin: We skimmed over 'C' over by Spencer Lake and you didn't address that at all but that development what you're asking for is to be changed from RR10 to RR5 but I see on each one of these that there's Spring Creek which appears to do a loop and come through the property in two areas and then there's this small lake. There's a considerable amount of water and stream and that kind of consideration in there and that appears to be much more difficult to put much in the way of residences in there unless they were done in a cluster.

(#1812) Ken Martin: I agree with you 100% on that and the only other thing that I would like to point out from my years of experience in looking at these things and you look at the different colored zones and looking at a request, I look to see how the colors are compared to what the request is. When we come out here and we get to Lake Limerick in Section 21 we've got quite a bit of pink there and so what we're talking about is really just filling this square into the pink. You know that over time the residential demand in Mason County is going to increase so you don't want random pinks. I am focusing on 21 mainly because this is a trust and therefore it's an investment and so they're wanting to do a responsible development as part of generating revenue for the trust and they're not going to do 'A', 'B', and 'C' at the same time and 'B' makes the most sense so I'm here tonight addressing 'B' because you can see the continuity of what you have here exists.

(#1980) Dan Holman: My name is Dan Holman and I'm a land surveyor. I'd like to skip over 'A' simply because I've never had any involvement on that parcel so I don't have any information to add on that request. I think next I'll talk about 'C', which the Pestes referred to as Section 31 which is by the Spencer Lake area. One of the exhibits you have before you shows an 80 acre parcel which is roughly half of what the ownership was out there. In the mid to late 90's we submitted what you would call a traditional 5-acre tract layout for that parcel. Keep in mind in those days clustering was not an option. The development standards that you have today allow for clustering and for some things that are a lot more creative and help you deal with wetlands and streams a lot more responsibly. Quite frankly in those days it was felt that clustered lots probably wouldn't sell even if you did have them because people were getting out into the rural areas of Mason County because they wanted the space. There was a completed application for 80 acres of the 160 acres and at that point in time, 5 acres was the zoning that it was expected to be. It wasn't until quite some time later with the challenges to the Comp Plan that the GMHB indicated that a lower density was going to have to be established in the Comp Plan. So that brings me to 'B' which is Section 21. I'd like to

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point a couple of things out. It's been mentioned several times that the area of Sunny Woods, which is the area to the north, is a 5 acre area. That's not true; it's not a 5 acre area. Sunny Woods was an area that was 5 acre tracts when it started out. Since the time that that survey was recorded, there have been numerous short plats in the Sunny Woods area which brings you closer to about an overall density of something more like 2 acres because of the short plats with some being 1 1/4 acre lots. I want to point out again that that's not a 5 acre area; it's something quite a bit more dense than that. The next thing I want to mention is that in the staff report on at least two of the three proposals, 'B' and 'C' particularly, it was mentioned that there were critical areas primarily wetlands and streams and that was part of the reason why staff recommended denial. What I want to mention so that at least I feel you get a true picture of what we deal with on a daily basis here in Mason County is that as a surveyor I've been in the area a long time and since the moratorium has been lifted and we have been doing land divisions in the county of these submittals that I've turned in I would say I can only remember offhand one, only one, maybe out of fifteen in the last eighteen months or so, that didn't have some sort of a critical area either on site or immediately adjacent. So you can see what's happening today. If you go out and drive around the countryside and you look at a map and look at each parcel of land you will see that most parcels have some sort of a critical area either on site or adjacent. A critical area is either a wetland or a steep slope or a stream and a stream doesn't have to be very big. A small stream 3 or 4 feet wide that only runs half of the year has to be dealt with in terms of setbacks and everything else so my point is that I don't think it's fair to say that just because these parcels have critical areas on or near them that they're any different than any other parcels of land that already have 5 acre density. So we have critical areas. What do we do? We have to identify what they are, we have to turn in special reports by professionals and it's a pretty highly regulated situation. The stormwater is regulated just as closely if not more so if you've got wetlands in the area. So I don't think that's a fair comment to make about any lands.

On 'B' I have two or three more comments. One is again there was a completed application for 80 acres of this overall 500 and some acre site. There is more there than just power. You also have telephone that gets to Sunny Woods. Someone asked the question about the roads insofar as where was the connecting point? On the west side of the Plat of Lake Limerick the road is paved right up until you get to the property line in question. So it's paved all the way to there. Then the road is a gravel road that goes all the way to Sunny Woods and Sunny Woods is gravel too. I think Mr. Martig made a good point that if you have a starting point and you're able to be creative I think the opportunity exists here to get a paved road all the way to Sunny Woods whereas it won't happen any time soon otherwise so I think that even though there is not a paved road there today I think it's been mentioned and I think it's on the table that it would be a paved road and that it would meet all of your stormwater concerns and things like that.

Small point; in the 1970's map that has been discussed, there was a discussion of how many dots there were which represented homes. Lake Limerick has at least 1000 lots or very close to it. Lake Limerick has built out tremendously since the '70's and also I'd like to point out that Sunny Woods didn't even have a total somewhere around the mid '70's. It was a survey that was recorded which is the way things were done in those days and it was just 5 acre tracts and those tracts didn't start to get built out until quite some time after the '70's and now there's a number of homes out there.

I've heard numbers used here tonight. I think it was 28 units currently to 111 if it's developed. Here's what I want you to think about and I don't know if staff has talked to you about this in any other meetings but believe it or not, the density and how many tracts ends up on a piece of property anymore has more to do with water rights than it does with whether it's a 5, 10 or 20 acre area. I think you should investigate that. If you have a 40 acre parcel today you don't get 8, you just get 6 because of the water rights. I think it's fair to consider that you're probably not really going to go from 28 to 111.

(#2678) Bill Dewey: Just to clarify, Dan, that's if they're going on individual wells?

(#2682) Dan Holman: Right, but I like to be realistic. Mr. Martig mentioned that maybe Lake Limerick would participate somehow in the water but my experience is that they won't. I just don't think that will happen because it only takes a few people who say 'not in my back yard'. I think if you were to look at how much water rights they have versus how many remaining lots there are that don't have homes on them and pressures, etc., realistically it isn't going to happen. The Pestes are my clients and I wouldn't spend very long pushing them in that direction. The original submittal I made was based on not having the luxury or creativity to do clustering. Compromise; the Pestes have quite a bit of property. They've been hit pretty

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hard so I know the equity and fairness isn't listed in your area of criteria but if it came down to two pieces of land where you had to make a decision I think that one in which they've already worked with the county to the full extent that they were able to at that point in time I think is worthy of some consideration and also I think that whenever you have large landowners and something that is as large as this Section 21 parcel I think that some amount of compromise would be worthy of some discussion.

(#2828) Steve Clayton: Quadrupling a density here and maintaining an access through a development on somebody else's road. One of the criteria I mention earlier was access to a county road. As you said the road is paved it doesn't give you the right. If I bought into a development and I have a parcel there and it's a private development that pays to maintain that road and now you're going to say without authorization where somebody else is going to quadruple the traffic going past my door, that doesn't seem like the criteria that we have that says it's a county road.

(#2860) Dan Holman: I might agree with you but I'd like to point out that the statements that you made I don't think are accurate. First of all, I said why I don't think you're going to quadruple the density.

(#2876) Steve Clayton: Any use of the road that you aren't granted an easement to ...

(#2878) Dan Holman: Okay, but the road that goes through the site ...

(#2884) Steve Clayton: I'm talking about the road that goes through the Lake Limerick development.

(#2886) Dan Holman: That's a county road and the people in that development don't pay for that. They didn't pay for that road.

(#2900) Steve Clayton: That's my question.

(#2906) Wendy Ervin: In Sunny Woods, are those private roads or are those also county roads?

(#2908) Dan Holman: Those are not; those are totally private.

(#2912) Wendy Ervin: So the county road stops at Limerick.

(#2915) Dan Holman: Right, but as Mr. Martig said the opportunity here is for this to become a county road. That's being offered and that not only accommodates whatever new development there is but it gives the ability to bring a trunk road to the boundary of the Sunny Woods property.

(#2942) Steve Clayton: What density requirement does fire require that there's an alternate access to a development such as this?

(#2950) Dan Holman: My understanding of the fire marshal's regulations are that the fire marshal would have comments to make in any new proposed development and one of the main things that he'll look is turn arounds and access and so forth in rural type developments but I don't know whether the fire marshal would have a problem with going down there and making up more lots or not. One thing you've got to remember is that right now the fire trucks have to go over a dirt road which is probably flooded out today. If that trunk road is fixed then it's better for the fire marshal. Granted there are more houses down there but I guess you'd have to ask the fire marshal what he'd rather have. Would he rather have a paved road all the way and a few more houses to deal with or not.

(#3038) Bill Dewey: I should have said this before the public hearing but in respect for everybody here tonight and the fact that we've got to get through six of these zoning requests I ask people to keep your testimony as brief and concise as possible.

(3055) Bob Fristoe: My name is Bob Fristoe and I am an attorney from Olympia. Mr. Borden and his staff have constantly referred to our position in this matter as being a request for a rezone. We do not agree that we are a request for rezone. We took an appeal from the original action in fixing the density at 20 acres and that's the matter before you and the BOCC at this time. We make that point simply because the criteria for the application of a rezone which was referred to in some of the communications that came out from staff are



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not applicable to this matter. I just wanted to add that.

(#3115) Bill Dewey: Is there any other testimony for 02-07? I will entertain a motion to keep the public comments open until November 3<sup>rd</sup>.

(#3122) Steve Clayton: I make such a motion.

(#3126) Terri Jeffreys: I second the motion.

(#3128) Bill Dewey: We have a motion and a second. Any discussion? All in favor? Motion passed. Allan?

(#3155) Allan Borden: The second request tonight is 02-08 and it's from Douglas Fir Christmas Tree LLC and submitted by Joy Stohr who is the owner of the company. Once again we have three areas of request under this application. The first one is a request from RR20 to RR5. I want to bring your attention to the fact that the location of this request is on the east side of Lake Limerick just south of Mason Lake Road. The first request you heard was in Section 21 northwest of Lake Limerick. One aspect of this property is that there's a major power line running southwest and northeast across several of the tracts and there's a federal railroad running west to east or east to west in the southern three tracts. On map 3 there's an indication of wetlands being on the property. The wetlands are located on tracts 'D' and 'F' as I've shown on map 2 and there's a Type 3 stream on the southern part of Section 26. In reviewing the criteria the staff finds that they have failed to meet all the review criteria. There's no justification for intensive development that would increase the densities from the current 15 dwelling units on the 337 acres to 66 dwelling units as in the requested rezone. This would cause demand for services far greater than anticipated and this property doesn't have any road improvements per se except for timberland management located on the property. So that differs slightly from the request in Section 21. So as a result of that review staff would recommend denial of the rezone from RR20 to RR5.

(#3382) Wendy Ervin: Because of the discussion previously where the gentleman was talking about once you've met all of the environmental regulations and requirements and determined how much water you can produce then at that point you know how many units will actually go on a particular piece of property. Are you in your determination saying when you're saying that it would go from 15 units to 66 units, are you just saying here's this many acres and that's the top number but it's not possible?

(#3435) Allan Borden: Not necessarily because in a development proposal you don't have to create a 5 acre piece of property. The minimum lot size is 2 acres so on 20 acres you could have 10 lots and have the rest of it open space. Maybe that 10 acres doesn't intrude on any of the critical areas on that property so in my analysis I have to assume or make my analysis based on the maximum possibility. Let's say the rezone is approved, the actual proposal, they may try to get 4 or 5 acre lots and that might not work.

(#3486) Bill Dewey: While we're on the subject and it's related to earlier testimony where they had submitted these plats and had the property divided out. I was getting the sense that they were feeling like they were stuck with those maps and the way it was platted and I'm under the impression that if the zoning is approved from RR20 to RR5 they would then have the liberty to replat that or do whatever like the clustering. Those options are open to them once that zoning has been approved, is it not?

(#3520) Allan Borden: That's correct. If they're successful in their rezone request they can either activate an old request that they made or they have the liberty to resubmit and do an analysis and let's say they have 80 acres but when you count in all the critical areas and buffers and existence of a power line it cuts down to 51 acres.

On the second request of Douglas Tree Farm for Joy Stohr ... I should preface the next two requests by saying that if you look at the second and third pages of the application from Douglas Tree Farm I wanted to bring your attention to the table and upper half is what we just reviewed and the lower part is a request is actually a request to go from RR10 to RR20 so in that case their request is less intense but in reviewing the first parcels in the second half of the table it was incorrectly identified as RR10. They're actually RR5 parcels. One is 0.4 of an acre and the other one is 28.84 acres and those are currently designated RR5. I just wanted to clarify that. So she is requesting the first half a more intensive development and the second half a less intensive development as a trade off and to consolidate some of her active operation as a

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Christmas tree farm.

So when we look at the second request that property is just to the southwest of the Benson Lake subdivision. The two properties are currently designated RR5. Her request is to go to RR20. As it is right now the property owner could create five properties from the 28.84 acre property. If it's rezoned to RR20 they will only get one residential unit on that property. The request is actually surrounded by RR10 on the south and west side, the subdivision of Benson Lake on the north and east side. Those lots are fairly small and if I'm not mistaken no more than 100 feet wide and some of the properties are 400 feet in depth.

(#0090) Bill Dewey: Allan, in your staff report on page 7 under the General Site Description, it says 'the subject properties are located immediately adjacent to and east of the Benson Lake Subdivision No. 2'. Are they west?

(#0098) Allan Borden: Yes, it's actually west. There are no critical areas known on the property although it does have some slopes. In reviewing the criteria the proposal calls for a less intensive development but it doesn't meet the Comp Plan policy of RU 521 for RR development densities. It meets it for RR5 but it does not meet it for RR20. The reason it doesn't meet it is because there are other parcels in the area in the subdivision that are very small in size, much less than even 2 acres. There is available infrastructure to continue the RR5 designation and there are no critical areas that would limit the development. For that reason staff recommends denial of the rezone from RR5 to RR20. When you look at the map 2 showing adjoining zoning there's no RR20 so it would create an inholding of RR20 in RR10 area adjacent to RR5.

Moving on to request 'C' and this is another one of the requests requesting to go from RR10 to RR20. It's 256 acres and if you look on map 2 they're basically in two locations. The northern one is north of Deer Creek and the railroad and there's a BPA power line in tract 'A'. The other three tracts are adjacent and very close to Mason Benson Road near the intersection with Highway 3. There's no critical areas in that area but there are zoning of RR densities of either RR10 to the east and the west and RR5 to the northwest of those lower tracts. The northern 3 tracts have critical areas. Deer Creek and the wetlands that are associated with Deer Creek in the vicinity of where Mason Benson Road crosses just to the south of the railroad. In that vicinity the adjacent properties are either RR10 or RR5. The Benson subdivision is just to the north of these properties. So in reviewing the criteria the request fails to meet criteria on proper RR development densities. A proposed development under the current designation of RR10 would typically meet the same standards that a RR20 would. Because there are no other RR20 in the vicinity these tracts are basically 40 acres in size the difference in potential development is only halved. So under RR10 it's 4 and under RR20 it's 2. As a summary staff recommends denial of this request to rezone from RR10 to RR20.

(#0285) Wendy Ervin: As I understand this application and especially since this spreadsheet was provided showing the exchange, what their philosophy was in making this application was basically you take away in this end and give on this end and the density roughly remains the same in the county as a whole. But you're saying that doesn't matter so we could leave this entire second section at 1 per 10 and only deal with the first section. The exchange is meaningless, is that what you're saying?

(#0320) Allan Borden: Once again in preparing my staff report I'm reviewing it with the narrowest of compliance with the Comp Plan policies. The increase in Section 26 is a fairly intensive development compared to what would have been if it remained as RR20. It would result in a low density urban sprawl in that area even though it's nearby Lake Limerick, it's surrounded by other timberlands that otherwise wouldn't be that intensive of a development like Limerick.

(#0366) Steve Clayton: On the spreadsheet they're talking 347 acres and 256 but you have to also look at the fact that there's a multiple of 4 at the top so actually you're looking at 1300 units whereas on the bottom what they're giving away is half so it's 500 units so you're more than doubling the number of units as far as intensity. Although acreage wise it more close to 25% but it's actually more than doubling the quantity of residences. That neglects the part about what the property is currently zoned at and whether that's an appropriate zoning for the location.

(#0400) Allan Borden: I'm through with my presentation. I don't think the applicant is here but someone else might be here to testify.

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(#0405) Bill Dewey: We will now open up this request 02-08 for public testimony.

(#0412) Bob Herr: My name is Bob Herr and I live on Catfish Lake Lane. My comments will be brief. Sitting back and listening to the earlier presentation which was excellent I did get the impression that we're trying to reinvent the wheel. As you people know the Comp Plan that we now have and the land use designations that we now have result in a decade long battle with the expenditure of great effort, time, expense and blood on the parts of a lot of people and what we have now is what we have. This is our Comp Plan and these are our land use designations and this is what is intended that we as citizens live by. It seems to me that a lot of these requests are based on what happened before the moratorium. That's history now. That's not what we're dealing with now. I own property adjacent to the parcel adjacent to 'A', the area east of Lake Limerick. If you look at map 2 Lake Limerick is over here, Mason Lake Road is here and mine is right here. I share about a 750 foot easement with them and a property line with them. I own 25 acres along Mason Lake Road. The reason I bought that property was because where I live now is over developed because of irresponsible land use and land planning that evolved prior to the moratorium. I feel very strongly that citizens have the right and deserve to expect regulatory certainty from our government. That means when a person is thinking about buying a piece of property goes through the effort to investigate what densities are allowed, talks to the county, etc. He should have a reasonable expectation that that's going to remain the same for a reasonable amount of time. Especially in the absence of any compelling reason why the land use designation should change. In this case, it's money. These people want to make more money ... I don't blame them and I don't blame them for asking but I as a taxpaying citizen of this county feel that when I'm told it's RR20 there's no real reason why it should change drastically in the future and I feel that a year later that shouldn't change. I'm very much opposed to governing by variances because then no citizen can count on anything. That's how I see this request. I urge all of you on this commission to take the sales pitch that development will be an economic benefit with a grain of salt. If any of you have done any research you'll know that residential development costs the government. For every dollar that the government receives from a private residence it costs anywhere from \$1.25 to \$1.50 depending on the jurisdiction but it costs that to provide the services that are necessary to maintain the private residence. In the case of businesses it's different. As I recall for every dollar the government receives it costs the government about \$.70 to provide services to the businesses so we make money. So when someone proposes a development and says this is great for fire, schools, roads because you have this increased revenue but that's not the case. What it really means is that it's causing us to go down the tank that much sooner. With your involvement with county government I'm sure that most of you realize that there are some real cuts in staffing levels in Mason County government and the primary reason for that is because of the great amount of residential development that we've had in this county without concurrent commercial development.

(#0592) Bill Dewey: Any more testimony on 02-08? Hearing none I'd entertain a motion to keep the public comments open until November 3<sup>rd</sup> on this request.

(#0598) Diane Edgin: So moved.

(#0600) Terri Jeffreys: I second the motion.

(#0602) Bill Dewey: We have a motion and a second. Any discussion? All in favor? Motion passed. Allan?

(#0615) Allan Borden: Rezone request 02-09 is a rezone of a 9.36 acre parcel from RR5 to RR2.5. This parcel is located north and east of the Tahuya Hamlet at the mouth of the Tahuya River and along North Shore Road. When you look at the map I provided you can see where the hamlet exists has bold lines around it. The subject property is the property that wraps around the east and north side of the hamlet. *Allan shows on map.* The applicant provided a map that shows how he anticipates he will divide the property if granted this request. So there would be three lots where there is now only one. The existing land uses are basically RR5 on the east, north and west side of the subject property. The Tahuya Hamlet with it's mixture of commercial and residential lots inside of the hamlet. There are some steep slopes on the property in the northern part of the subject parcel. In reviewing the criteria the critical criteria is actually #2 which has to do with rural residential density. The property was designated in the year 2000 as RR5 but in that criteria for RR2.5 on page 2 of the staff report they are as follows: 'Located in a limited and well defined area where land is already platted and developed at this or higher density', and the second criteria is 'Individual undeveloped properties of 20 acres or less in size may be included if at least 75% of their boundary includes land platted and developed at higher densities'. So that is the mechanism where the actual critical part of

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Mr. Huson's request is that he provided a map which turns out to be map 3 in the staff report indicating that 22% of his property boundary is on lots greater than 2.5 acres in size and 78% of the boundary borders lots that are less than 2.5 acres in size. He feels that would verify that he meets the criteria 2 request. In going through the other criteria staff comes to the conclusion that the same kind of development standards would be used in reviewing RR5 or RR2.5. Staff would conclude that the applicant has met all of the criteria and recommends approval of the request to have his 9.36 acres be rezoned from RR5 to RR2.5.

(#0890) Steve Clayton: The short plat that was done before that created this larger parcel where do we stop bumping down on the replats? I'm assuming it was a 1 in 5 before and broke it up into four parcels with one being larger and then you reduced the larger ...

(#0902) Allan Borden: The previous short plat was done before 1995 so it was before zoning took place. There were no development standards for land divisions prior to that. It's my understanding that when he submitted that whole short plat he had intended to subsequently divide the property close to what he's now proposing to divide the lot into. That request, the second short plat, was not processed because of the moratorium on the processing of land divisions.

(#0935) Steve Clayton: So it was originally submitted at that point when you could break it into four parcels, not any more than that?

(#0938) Allan Borden: Right, because it was a short plat.

(#0942) Steve Clayton: So he broke it into four and then after a certain amount of time then you take it and rebreak again and the attempted rebreak didn't occur because we were in noncompliance?

(#0948) Allan Borden: That's right.

(#0950) Steve Clayton: And the boundary line adjustment on the lower parcel on North Shore Road, was that segregating that parcel? I can ask the applicant that question. So staff's contention that in any hamlet or whatnot we can pretty much have 2.5 acre parcels around it? In other reports you gave us you noted that we need to find a use for it; there needs to be a reason for it to be done. Here we're just subdividing based on a request by the applicant and not showing a need for it.

(#0988) Allan Borden: Well, if he's not granted the rezone then he can develop one dwelling unit on that piece of property so he still has reasonable use like he has on the other properties. Since it's adjacent to the hamlet and meets the criteria 2 standards for RR2.5 staff feels that there's no anticipated negative impact from granting the rezone. He will be able to create two additional lots that he would not have been able to create if he's not granted the rezone. It's in an area that already has close by infrastructure.

(#1035) Bill Dewey: At this point we'll open it up for public testimony.

(#1038) Mike Huson: My name is Mike Huson. It's all been engineered and it was designed to short plat twice. I've gone to a lot of expense. In hindsight it probably wasn't the way to do it. The fourth and fifth lot that I want to put here ... these three lots already exist and it shows here the future pads for the fourth and fifth lots. Everything is in but I haven't put power in because I don't know how many lots we're going to have yet. The whole thing has been engineered, I have an agreement with the Shorebrook water system for five hookups so I have the water issue solved. The other problem is when we did this I didn't know they were going to go out there and change all this but my home is on this little triangle here and this is a flat piece of property across from my home and then this is a road easement. So in effect I have my house here, this piece of property, and then an easement and then another piece of property. It was separated so that we could divide it again. Right now I'm stuck with my house here and this separate piece of property because it was designed to short plat in half to get two more lots. That's why the odd shaped piece of property. Spar Tree Drive is all developed. The whole town is developed.

(#1138) Steve Clayton: Did the boundary line adjustment create the property that you're on for the house?

(#1140) Mike Huson: My father lives next to me and that was to give me more property.

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(#1142) Steve Clayton: The odd shaped lot is to give you 2.5 acres because you need that to do the breakup?

(#1148) Mike Huson: It's all one piece of property.

(#1162) Wendy Ervin: When you refer to pads, are you talking about home sites or business sites?

(#1164) Mike Huson: They're building sites for homes. I think that's consistent with the whole area. Meeting a 78% boundary line requirement is not an easy thing to do. You talk about government doing what they're supposed to and I do meet the requirement set in by the GMA and that's not easy to do.

(#1190) Bill Dewey: Any other testimony on 02-09? Hearing none, I'll entertain a motion to keep the public testimony open until November 3<sup>rd</sup>.

(#1194) Wendy Ervin: I make the motion.

(#1196) Steve Clayton: I second the motion.

(#1198) Bill Dewey: We have a motion and a second. Any discussion? All in favor? Motion passed.

*Break in meeting.*

(#1232) Bill Dewey: We will now hear 02-10, Paradise View Heights.

(#1235) Allan Borden: I have a request from the applicants for 02-11, Mr. And Mrs. Seymour and they would like to go first before 02-10. We'll hear Paradise View Heights after that. So this is rezone 02-11 for Robert and Carol Seymour. It is a request to rezone 23.80 acres of land from RR20 to RR5. The property is on the south side of Deegan Road about 1.4 miles south of the Shelton Matlock Road. Surrounding land use is Agricultural Resource land on the north side and RR20 to the east. There are some steep slopes that occur on the north end of the property but the property otherwise is low sloped. In reviewing the request staff finds that the applicant fails to meet most of the criteria. There's no justification provided to merit the rezone or change the RR densities. Most of the lots in the area exceed 10 to 20 acres and the steep slopes on the north side of the subject property could limit development there. For those reasons, staff recommends denial of this request. There are no critical areas except for the slopes on the northern side of the property.

(#1320) Bill Dewey: You were good to point this out in previous ones but you didn't state if this would effectively allow it to go from 1 dwelling unit to 4 dwelling units?

(#1326) Allan Borden: That's correct. If this rezone request were approved the 23.80 acres could be divided into 4 residential lots. As it is right now under RR20 they can only have 1 dwelling unit on the property.

(#1345) Diane Edgin: I'm looking here at map 2 and it shows the proposed site and over on one side it says RR20 but they don't appear to be 20 acre lots. Then on the other side it shows RR20 and they don't appear to be 20 acre lots.

(#1350) Wendy Ervin: I thought the same thing.

(#1368) Steve Clayton: Under our criteria it doesn't say that the adjacent property be zoned the same. It says an established pattern of similarly sized lots. That's the question I had. If we go via the criteria that you've done in RU 521 to be zoned in RR20, at the bottom of the page it says 75% of the boundaries would need to be on a similarly sized lots surrounding on 75% of it. It doesn't say similarly zoning. This doesn't appear to come close to 75% of the lots being 20 acres or larger. If you bump up to what appears to fit better would be RR10 because it does have an established pattern of similar lots.

(#1428) Bill Dewey: You've raised a good question. I don't know if staff can provide that clarification tonight or if Darren has to clarify that for us. What you pointed out, Steve, is 'what is it'?

(#1442) Wendy Ervin: You've got RR20 in these little 1490080, 1490070, 1490060, 1490050; so are these

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useless lots? They're very small; they can't possibly have 1 residence per 20 acres in that. It's not possible. There's a designation there that can't be done.

(#1465) Diane Edgin: I'd like to know if there's any residential units on these lots?

(#1468) Robert Seymour: No. They're vacant.

(#1470) Bill Dewey: Bob, can you shed some light on this for us?

(#1472) Bob Fink: There's a couple of different questions that you raised. One is, what difference does the surrounding zoning make? If you look at this particular general area on the zoning map you'll see that this is a fairly large tract of about three sections of RR20 with some ag and some long term commercial forest so it's part of a larger block so everywhere that you go in the county you'll find a lot or a short plat or something where there's small lots, 1 ½ acre lots, 2 acre lots, 5 acre lots. The other question is what's most appropriate here? It's difficult to justify a RR5 but you ask what about RR10? Actually looking at this area that might be a reasonable designation. It might be reasonable for actually that area south of the road. That area north of the road is ARL so it's an area that you want to protect from too intense of a development.

(#1532) Bill Dewey: What is the ag use there now? Is it Christmas tree or what?

(#1536) Robert Seymour: It's pasture.

(#1538) Mark Drain: Is agriculture typically buffered by 1 per 20?

(#1545) Bob Fink: I can only look at the map and tell you that I wouldn't say it was typically one way or another. You have to recognize that most of the 5 acre designations are based on existing platting patterns. In other words, it's 5 acres because most of the lots are already 5 acres and usually considerably smaller than 5 acres. So if you look at how things stand now it's a little bit distorting. Is there a policy in the Comp Plan that says that you would use 20 acres to buffer an ag area? I would have to say no. It's not necessarily required to be 20 acres simply because there's an ag area there. I think that's something you take into consideration if you consider increasing the density. In this area where this lot is if the density were increased from 20 to 10 there wouldn't be a large number of additional lots created in the immediate vicinity because in the immediate vicinity there's actually a few small lots. To the south there is a very large parcel. To the north you have the ag land which has been broken up into smaller parcels usually greater than 10 acres. I don't know that 10 acres would be deemed inconsistent as an adjoining use with the ag land.

(#1618) Steve Clayton: Based on the criteria of lot size and on the section map that Allan has given us the 10 seems to fit but we have a pretty limited section size. As far as to meet that criteria or deny it we would perhaps have to look a little bit more to the south and to the east to see what parcel sizes are actually in there. Based on just the number you have given us the 10 seems to meet the criteria.

(#1640) Allan Borden: I believe the entire southern half of Section 35 is owned by Simpson.

(#1648) Diane Edgin: You said ag land across the road and now we're to the south of Deegan Road and is this timberland and what is the approximate age of the timber?

(#1658) Robert Seymour: Across the road?

(#1662) Diane Edgin: Your parcel and the neighboring parcel.

(#1664) Robert Seymour: The neighboring parcel across the road, his timber is probably between 40 and 50 years old.

(#1668) Diane Edgin: On the ag land?

(#1679) Robert Seymour: Yes.

(#1682) Wendy Ervin: So your property is timber?

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(#1684) Robert Seymour: No, my parcel has been clear cut. I bought it through a bankruptcy court. The neighbor across the street is all timberland. The next piece down the road raise cattle.

(#1705) Steve Clayton: The staff report infers that there's a pretty good grade up to some plateau?

(#1707) Robert Seymour: Yes, it's probably 2:1 from the road to the top.

(#1712) Steve Clayton: So most of the building would be up on the top of the parcel?

(#1714) Robert Seymour: Yes, there would be nothing on the slopes. They will stay the same. I don't want this for my development. I'm just doing this for my kids for later on.

(#1745) Bill Dewey: Any other questions?

(#1752) Wendy Ervin: Would it be useful to you to have it as 1 per 10 rather than 1 per 5?

(#1756) Robert Seymour: Could be, sure. I'm in the process of building a home up there right now on the front.

(#1768) Bill Dewey: Hearing no additional comments I would entertain a motion to keep the public comment period open until November 3<sup>rd</sup>.

(#1772) Diane Edgin: I make the motion.

(#1776) Wendy Ervin: I second the motion.

(#1778) Bill Dewey: We have a motion and a second. Any discussion? All in favor? Motion passed.

(#1786) Steve Clayton: Before you leave, we had talked generally, about leaving this open until November 3<sup>rd</sup> but we're actually going to do the final hearing on this on November 17<sup>th</sup>, right?

(#1795) Allan Borden: To be realistic, yes.

(#1796) Bob Fink: I think the final hearing will be November 3<sup>rd</sup>.

(#1805) Steve Clayton: So we have to do eight of these on the 3<sup>rd</sup>?

(#1807) Bob Fink: That's correct. Most of these we don't expect a lot of follow up comment or presentation. I did expect that this would continue until the 17<sup>th</sup> but I wouldn't tell someone not to come on the 3<sup>rd</sup> and expect it to be on the 17<sup>th</sup>. I think it would be better if the PAC could end the public testimony on the 3<sup>rd</sup> so they could begin deliberations on the 17<sup>th</sup>.

(#1834) Steve Clayton: So we're talking about ending public testimony on the 3<sup>rd</sup>?

(#1836) Bob Fink: Probably, but you'll have to see at 10:00 on the 3<sup>rd</sup> whether you want to continue to the 17<sup>th</sup> or not.

(#1842) Steve Clayton: We're already going to continue these until the 3<sup>rd</sup> and I would expect all that we've heard that the 3<sup>rd</sup> is the deadline. And the ones that we hear on the 3<sup>rd</sup> may be continued a little bit further.

(#1852) Bob Fink: That's always a possibility. It's hard to know until you hear what's happening.

(#1874) Allan Borden: We will now hear the 02-10 request from Paradise View Heights. The first thing I want to mention is on the staff report for the parcels involved, Tract 'B' is identified as the 42124-32-02010 and it should be 42124-42-02010 to match the map that's attached to the staff report. There's two tracts and Tract 'A' is currently designated as RR20 and Tract 'B' along Webb Hill Road is currently designated RR5. The application that we received back in 2002 I had thought was RR20 but it's RR5.

(#1945) Wendy Ervin: So we don't have to do anything with that one because that's what they wanted it as

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was RR5?

(#1948) Allan Borden: Right. So as we get to the end you'll see that I only recommended on Tract 'A'.

(#1962) Steve Clayton: So on the staff report under #1 it talks about Tract 'A' as RR5 and it should actually be RR20?

(#1964) Allan Borden: That's correct. Each of these properties do have wetlands located on them as shown on map 3. Tract 'B' is located next to Webb Hill Road; Tract 'A' is a little bit more isolated and it's at the end of Marisa Place, which is not a county road. Future development, whether it's under RR5 or RR20 will be affected by the current development standards in the Resource Ordinance for buffers and setbacks from wetlands and streams. In reviewing the criteria staff finds that all the criteria are not met. There's no justification for changing the RR densities from RR20 to RR5. The lands that are in the vicinity that are already RR5 are where past land divisions occurred. All other land in the vicinity is otherwise RR20 to maintain the timberland uses that occur to the north and to the west. There's a portion of land below Tract 'A' to the south that's also timberland. So for these reasons staff would recommend denial of the request of Tract 'A' to be rezoned from RR20 to RR5 because it fails to meet the criteria and would add to further development intensities in that area of RR20 that surrounds the properties.

(#2090) Bill Dewey: Just to be clear, Tract 'B' is already RR5 so we're really just talking about Tract 'A'.

(#2096) Allan Borden: Right. If you look on map 2 there's a tract of land that's RR5 between Tract 'A' and Tract 'B'. It actually straddles the western corner of that parcel. So part of that tract is RR5 and part of that tract is RR20. That happened primarily through boundary line adjustments.

(#2150) Diane Edgin: What are these little parcels over here; the 02 and the 03?

(#2155) Allan Borden: These were existing small lots that were created in a short plat.

(#2160) Wendy Ervin: And they're zoned what?

(#2162) Allan Borden: RR20.

(#2166) Audience: What is the dotted line? I see the seasonal creek comes through there but that creek doesn't go that direction.

(#2172) Allan Borden: The Assessor's Office left the old short plat lines on there when they did boundary line adjustment.

(#2230) Wendy Ervin: So RR5 goes half way through this one and down here and then it goes over to the road?

(#2240) Allan Borden: Correct.

(#2260) Wendy Ervin: On map 3 showing the wetlands, what do the codes mean shown there?

(#2265) Allan Borden: This is from the National Wetlands Map. The first letter 'P' stands for palustrine, which is not a lake upland. The SS is shrub scrub and the F is forest.

(#2290) Audience: There is a pond of water that is not seasonal; it is year round.

(#2308) Bill Dewey: Sir, could I get you to identify yourself.

(#2314) Wendy Ervin: For the minutes you need to identify yourself.

(#2328) Allan Borden: I used this map because the other county map had streams and wetlands on it without any codes on it. So it shows you that there's a lot of wetlands in the vicinity.



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(#2355) Wendy Ervin: This is the subject property here and the fact that there's wetlands over here seems to me meaningless. That's a long distance away. To me the only wetlands that mean anything are the ones that are in and around that piece of property.

(#2368) Audience: They butt up against that wetland. They abut right to the east side of that property.

(#2400) Allan Borden: According to map 2 the runoff starts from the northwest and heads southeast through Tract 'A'.

(#2415) Wendy Ervin: Following the seasonal creek?

(#2418) Allan Borden: Right. And there's also seasonal runoff that runs through Tract 'B' that runs from northeast to southwest.

(#2430) Audience: But this whole area right here is one big bog swamp.

(#2442) Bill Dewey: Sir, I'm very much interested in the information that you have but I'm just asking for the record that we need to know your name.

(#2450) Dennis Grady: My name is Dennis Grady and I live at E 391 Webb Hill Road which is north of this subject property.

(#2463) Bill Dewey: Thank you. You've got local knowledge that's valuable. I'm not trying to discourage your input.

(#2470) Dennis Grady: I've lived there for 25 years and this has my interest.

(#2475) Wendy Ervin: We can assume that seasonal creek has water in it now, right?

(#2480) Dennis Grady: I would imagine but I haven't been over there to look at the project.

(#2490) Bill Dewey: Okay, so we'll keep the public comments open until November 3<sup>rd</sup>.

(#2495) Steve Clayton: I make a motion to leave this open for comments until November 3<sup>rd</sup>.

(#2497) Mark Drain: I second the motion.

(#2499) Bill Dewey: We have a motion and a second. Any discussion? All in favor? Motion passed. Allan?

(#2515) Allan Borden: This rezone request 02-12 by Edith Edwards is a request of 9.0 acres to go from Shelton UGA to RR5. The adjacent land uses are vacant timberland to the west and north and mobile homes ...

(#2535) Terri Jeffreys: Before you go on, I don't have an application for this request in my packet.

(#2540) Allan Borden: Yes, I'll pass them out now.

(#2565) Steve Clayton: Allan, can we have a few minutes to read this?

(#2582) Allan Borden: Sure.

*Break in meeting for PAC to read rezone application for Edith Edwards.*

(#2645) Allan Borden: I'll show you the Shelton UGA map to show you a better perspective. The mobile home park is to the south and the Rae Lake subdivision further to the east. The property is located in the area of a Category II aquifer recharge area so any development of the property would have to meet the standards of development in an aquifer recharge area. Just as in the other previous requests for urban growth boundary changes there's no justification for changing the boundary in Mrs. Edward's request and

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typically the county and the city incorporated area would have to do a population allocation for the area within the UGA boundaries. That population allocation has not been done, especially for the Shelton UGA. Because there's a population allocation that they've already gaged commercial and residential development within the boundaries of the UGA, there's no recalculation of that allocation. In order to do the boundary change, that would require a Comp Plan amendment to change urban area boundaries from rural area boundaries. The city and the county won't be doing that until they finish those studies. That was the chief reason for stating that this request does not meet the rezone criteria. Certain future development may not have any deleterious effect on growth or demand for services if it were in the rural area versus in the UGA. However, because the boundary of the UGA is not proposed to be changed through the normal process of review, staff is recommending that the request either be denied or deferred to a future date when those relevant population allocations can be completed. In regard to Mrs. Edward's request of her ability to burn debris burns; she is correct. If it's in the UGA, she's limited on the size of the fire that she can burn and it's prohibited to do debris burns within the UGA. If she's in the rural area then she would have slightly more liberal standards but she's still in the smoke management area of the Shelton UGA. She would likely have to follow precautions from the fire district for burning debris.

(#3004) Terri Jeffreys: For example, size of fire no more than 4 feet in diameter.

(#3006) Mark Drain: Did you say she was prohibited in the UGA?

(#3010) Allan Borden: From having large debris fires.

(#3014) Mark Drain: But she can have a fire of a certain size?

(#3018) Allan Borden: Right, but it has to be less than 4 feet or less in diameter and it's typically for recreation purposes.

(#3024) Wendy Ervin: In the UGA she can have a fire of 4 feet or less, or in the rural area she can have a fire of 4 feet or less?

(#3030) Allan Borden: The more restrictive is in the UGA.

(#3032) Wendy Ervin: Can she have a fire at all in the UGA?

(#3034) Allan Borden: She can; a recreation fire.

(#3046) Terri Jeffreys: Because of the 2001 request date, was this \$250.00 charge for putting her request on the docket in place at that point?

(#3055) Allan Borden: She didn't pay anything. There were five or six requests that were carried over from reviews in 2001 and 2002. They were just carried over and put into these rezone requests.

(#3080) Steve Clayton: Are there urban services, sewer and water, to her currently?

(#3084) Allan Borden: Yes, I believe that there are.

(#3088) Wendy Ervin: Sewer, too?

(#3095) Allan Borden: That I don't know. With having a mobile home park there, an old mobile home park, they may have gotten sewer out there. I'd have to check into that and see. I could just go to the city and find out if they have sewer and city water.

(#3125) Wendy Ervin: Did she have any control over whether her property was included in the area or not before the line was drawn?

(#3136) Allan Borden: She actually requested to be excluded ...

(#3142) Bob Fink: She had as much right to comment on it as any other citizen. It was drawn in mass ... in

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other words, it was drawn all at once and then there was some major adjustments made at the request of citizens. She was included in the original drawing of the UGA and the individual property owners weren't consulted but it was advertised in the papers and anyone had the right to come up and state their concerns. Of course, the concern she expressed, I don't think, was in place until after the UGA boundary was drawn and then DOE came forward with a law stating that within the UGA you couldn't have those land clearing fires.

(#3196) Allan Borden: Those smoke management areas were established in November of 2001.

(#3200) Steve Clayton: The other concern she brought up was property taxes. I'm assuming that the value of the property ultimately is more inside the UGA than outside?

(#3212) Allan Borden: Most likely it is.

(#3215) Wendy Ervin: You talked about population studies and balances of population but her 10 acres, as it appears from her application, has a population of 1. How great an effect can that have on the UGA?

(#3244) Allan Borden: We have to look into the future, too.

(#3248) Wendy Ervin: But she says that she is older and retired or something and I don't think she's going to be procreating.

(#3255) Diane Edgin: She could die tomorrow and then her heirs would have it and then what do you have?

(#3258) Steve Clayton: They do the population basis on what the property will hold and not what is current and so if you're saying 9 acres and you zoned 3 to 5 dwelling units per acre ...

(#3266) Wendy Ervin: You could go 1 to 10 and then it stays the same.

(#3272) Steve Clayton: You don't have any control over your own zoning inside the UGA ...

(#3274) Wendy Ervin: I'm saying that if you moved it out and made it 1 to 20 you have only 1 dwelling.

(#3288) Allan Borden: At any RR density, she'd only be able to put 1 dwelling unit on there; be it 5, 10 or 20. She doesn't have enough land to split into two lots under RR5. Her request is actually for a less intensive use.

(#3310) Bill Dewey: It's also on a highly susceptible critical aquifer recharge area.

(#3315) Wendy Ervin: So it's not useful as a commercial; this is not necessarily useful to put a commercial property on?

(#3326) Steve Clayton: Do we have the current zoning for that?

(#3328) Bob Fink: There is no zoning except urban. We're not done with our discussion but one of the things I might add is that the City of Shelton has a draft plan for the city and they also examined the Shelton UGA as a whole and their conclusion and recommendation at this point is not to expand the UGA; they don't think there's any demand. The capacity within the existing boundaries is adequate and appropriate so they're not in favor of either expanding or reducing the UGA. We had a briefing with the BOCC this morning regarding changes. There are a couple of requests that require changes to the UGA boundary in order to approve them. When they were asked what their general response was regarding the rezones, they also weren't sure what the justification was for changing them at this time considering that we will be addressing the entire UGA in a very short term probably in the next year. There's certainly a proposal to establish zoning throughout the UGA and not just within the city. So all these issues will be revisited but in a comprehensive way. They are concerned about changing just one or two parcels in the urban boundary when the analysis hasn't been done. This particular proposal is pretty minimal in its effect; it's one parcel not quite 10 acres so obviously it's not going to make a big impact one way or the other but it would be a change and it's one that's not been really accounted for in the larger picture.

(#3464) Diane Edgin: The one criteria that she's saying that she wants to burn her debris but because where

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she is and because of the densities located next her she's very likely to find herself in one of these smoke management things the first time somebody complains.

(#3488) Steve Clayton: If we were to follow through with a recommendation of granting her request and then it went to the BOCC level and, of course we're not going to act on it now, and when we do come up to Comp Plan amendment time and she was able to carry forward as Mr. Sheldon did with the recommendation from the PC, that she wouldn't have to jump through this hurdle again. Is that an accurate portrayal of perhaps the way it might go.

(#3515) Bob Fink: The BOCC obviously makes the final decision to defer action or take action, and if it's not denied then it would be basically tabled until it's turn came up in a comprehensive fashion to be considered. If it were simply denied then she would have to reapply and whatever fees were in effect, if any, would be applied to the request. That's another consideration. It doesn't change the nature of the request; it doesn't change the pros and cons of the case. If it was simply denied then she would have to reapply and if it were tabled then it could be reconsidered at such time as they looked at the entire area and came to a whole new set of decisions based on new information and new analysis.

(#3582) Diane Edgin: And if it were tabled she wouldn't be paying another fee, or her first fee.

(#3592) Wendy Ervin: There was another request last meeting, was that also taking out of the UGA?

(#3602) Bob Fink: No, that was to be added. There was two requests up in the Belfair UGA and two down in Shelton. One of each is to be added to the UGA and one is be removed. The other request dealing with Shelton was a request to be added and it was for about 204 acres to be added, which obviously isn't an offsetting change.

(#3640) Steve Clayton: In looking at some of our criteria for buffers for a UGA, we've got a UGA bumped up against some 20's, so in theory some justification could be given for having a 5 or 10 in between.

(#3652) Bob Fink: Actually, there's reason not to do that. In the experience of Oregon where they have been using these urban areas for some time, they found that those land divisions next to the limits of the urban areas means that people start creating these small lots that constrict the expansion of the urban area in the future. In fact, one of the considerations in establishing the RR20 in land adjoining the urban area is that it acts to preserve that area for future urban development and to not constrict urban development from being able to expand in a logical way.

(#3698) Diane Edgin: It brings up an interesting point that if you have that reserve for land, one of the things that's really getting under people's hides clear across this nation is rezones based on tax classification and how much tax that land can generate, like for malls, etc., that are for the private good and not the public good but because of the tax dollars they generate people are finding themselves booted out of their homes. I think something like this, if the land is available for large development then you tend to avoid that.

(#3740) Bob Fink: People aren't booted out of their homes for rezones. You may be thinking of the fact that for economic development there are communities that are condemning property and if you're not a willing seller they are condemning property and using that property by either transferring it to a nonprofit development firm or a for profit corporation that's pledged to develop it in a certain way.

(#3768) Diane Edgin: But they're still having to be uprooted; that's the point.

(#3778) Bob Fink: But it's really not related to the zoning at all; that has to do with using the power of condemnation and whether that's appropriate to do simply because you're getting more high value property in the community.

(#3798) Diane Edgin: I'm fully aware of that but my point is that by having the large acreage buffer around a community ... if it's there and it's available it makes a good place to put in the malls, etc.

(#3825) Bob Fink: Right, and that's the idea of keeping it in larger tracts of land because then you don't have to condemn these developments that happen in the meantime.

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(#0070) Ken VanBuskirk: My name is Ken VanBuskirk and I live on Davis Farm Road in Belfair. You did hear a case similar to Mrs. Edwards and that was my case but right now I'd like to comment on her particular application. Did I understand that this lady didn't pay anything for this application?

(#0090) Bob Fink: Right, it was applied for a couple of years ago when we didn't have a fee schedule for this.

(#0094) Ken VanBuskirk: Okay, I applied a couple of years ago, too, and I paid a fee so I was just curious. So who does the population allocations for the UGA?

(#0110) Bob Fink: The county actually adopts the allocation after negotiations with the city.

(#0112) Ken VanBuskirk: These allocations you're talking about, when are they expected to be done?

(#0115) Bob Fink: They'll probably be revisited within the next year or maybe two years.

(#0118) Ken VanBuskirk: And do I understand that we have three UGA's in the county?

(#0120) Bob Fink: That's correct.

(#0122) Ken VanBuskirk: So that's Shelton, Allyn and Belfair?

(#0124) Bob Fink: That's correct.

(#0126) Ken VanBuskirk: Okay. Like it's noted, Mrs. Edwards submitted her application quite a while ago in April of 2001 and I didn't see a copy of her application in the staff report but I have a copy of mine and I pulled a copy of Mr. Huson's out here and right on the top of the application 'application for amendment to the Comp Plan future land use map or development area maps'. This is the application that people had to fill out when they submitted their requests. When you look at page 3 of Mrs. Edward's staff report right above #3 there it says 'The proposal is not consistent with the Comp Plan or GMA because the rezone would require a change of boundary in the UGA (a map amendment) and the county is not ready at this time for a map amendment'. I'm asking, why did we even fill out these applications, that's what they said they were for was a map amendment? What's going on?

(#0182) Bill Dewey: Is there any other public comment on Mrs. Edwards request, 02-12? Hearing none I'd entertain a motion to keep the public comment open on this until November 3<sup>rd</sup>.

(#0192) Terri Jeffreys: I will make that motion.

(#0194) Steve Clayton: I second the motion.

(#0196) Bill Dewey: We have a motion and second. Any discussion? All in favor? Motion passed. That's all that we have for tonight.

(#0200) Steve Clayton: So to clarify, Allan, we have eight on the agenda for two weeks from now and that's the original seven minus the Overton proposal plus the one we postponed from last time?

(#0210) Allan Borden: That's correct.

(#0212) Bill Dewey: Mr. VanBuskirk, did you say earlier that you had additional information that you'd like to offer on your proposal?

(#0218) Bob Fink: His hearing was tabled until November 3<sup>rd</sup>. Can you wait until then? I think it would be better if you did because that's what the motion was for.

(#0225) Ken VanBuskirk: Sure, I can wait until then. I do have a question, though. If I have petitions or anything like that, can I bring them to this commission or would it be better to give it to the BOCC?

(#0235) Bob Fink: The record will still be open so you can bring here.

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(#0250) Diane Edgin: I have a comment to make about the application process and from what he said. It bothers me that one has an application and one doesn't; one paid and one didn't. I think maybe it might help as far as staff goes to clarify that for people.

(#0262) Bill Dewey: He raised a good question tonight and I didn't get an explanation.

(#0266) Terri Jeffreys: I think that Mr. VanBuskirk had a good point that if the application that a person is putting in ... if the title of the application indicates that it's a consideration in changing the map and then we're just not going to consider changing the map outright just because ... I think there's a false promise being made to an applicant.

(#0277) Wendy Ervin: I think there's another thing that I'm upset ... or not upset about but these people are making an application to change a boundary and then they're being told, basically, because they may want to do ... because they haven't handed out a complete plan for what they're going to do with the property, then it won't be considered but they can't make the complete plan until it's considered and they are caught between a rock and a hard place, I feel, and I'm hearing this over and over that, basically, it seem to me that we kind of have the cart before the horse or something ...

(#0302) Bill Dewey: That's what planning and growth management is about.

(#0304) Mark Drain: That's right and it's a difficult thing and it will always encumber someone with thoughts of developing any piece of property. Maybe they don't want to spend five years before committees and put in so much money without even knowing from the get go whether it's possible to proceed. But that's the way it is and that's what growth management does and it's an extremely difficult process.

(#0320) Diane Edgin: And I think one of the things we have to understand is that we're just the beginning of this process and once we work our way through this and people begin to understand what is necessary to go to the next step and the word gets around it will make it easier for those that follow.

(#0330) Mark Drain: But it won't change, though.

(#0333) Wendy Ervin: It would seem to me ... the environmental engineer said that he didn't like these 5 acre plots. So he had a chunk of property that had been cut into 5 acre plots just very mechanically on a piece of paper. It would seem to me that he could have just ... we should be able to consider a proposal that is not engineered out but is roughly drawn. Certainly we're looking at maps that are very roughly drawn with a magic marker ... here's this aquifer area. Well, that's not real accurate, frankly. We're not looking at accurate information and data when we're judging this so they should be able to come with .... here's the tract and we know that this is going to be 40 acres or 80 acres so it's going to be a rectangle. He should be able to say that he'd like to put a road roughly in here and 5 houses roughly there and just do a rough plan.

(#0372) Mark Drain: No, that's detail and as far as we're concerned it's conjecture until ... we're looking at other criteria. We're not looking at his plan; we're looking at other criteria when considering zoning. That's all we're considering and then if the zoning ... say it doesn't change at all and he's still 1 in 20 well then he can come before the county with his detailed map and see what he can do.

(#0388) Wendy Ervin: But if he is kept at 1 in 20 and what he actually ... in 80 acres that would be 4 and he wanted to put 5 so he's kept from doing 5 but if he came and said he's like to 5 and here it is then it would seem to me that we could easily consider it ...

(#0405) Bob Fink: It's conjecture. If it were rezoned, he could turn around and sell it to someone else or develop it himself by any manner he wished to that complies with the code requirements. He wouldn't be obligated to follow his proposal because his proposal has no binding effect on him.

(#0420) Steve Clayton: I think at this level we're just talking about that 40 acre parcel that we believe, or the county believes, he should be able to fit 5 houses on it. How you do it is up to the guys with the details later on to work around wetlands, etc. We don't need to see how you're going to fit around wetlands ...

(#0434) Mark Drain: We've seen that the maps aren't correct and until you get on the ground and deal with

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the Corp of Engineers and they will then make a final delineation.

(#0448) Diane Edgin: Even if the request is denied this year it doesn't mean that even next year or five years down the road that circumstances change and based on the population influx that his criteria will change.

(#0452) Bill Dewey: Does a proponent have an opportunity to come in here with a full proposal and say they'd like this rezone from RR20 to RR5 and here's how I'm going to provide the services, etc?

(#0462) Bob Fink: They could come in potentially with a .... I really don't know for sure.

(#0468) Bill Dewey: If they bring in a proposal and show how they're going to address each of these impacts ...

(#0472) Mark Drain: It's just a proposal.

(#0474) Wendy Ervin: But last meeting we were asking people how they were going to provide ... Tim Sheldon. Tim Sheldon 'how are you going to provide the power, and water, etc.' and he was pointing out where the water was, where this was and where that was, and so tonight we're saying that we don't expect these people to show that. Last week we were asking him just how he was going to get his power and water to the place. I don't think we're consistent.

(#0495) Steve Clayton: The specific criteria asks if it's on a county road. And Tim last week basically said 'no'. And that was the question I brought up tonight and I was told that it's a paved road up to the property. Well, that doesn't answer the question. It asks specifically if it's on a county arterial. Rather than saying where is your water, let's address the criteria specifically. My thought is let's see just how that criteria applies.

(#0518) Wendy Ervin: It wasn't me that was asking about the power and water; it was in Allan's recommendation that there was no power or water and then Tim Sheldon said 'no, here it is'. So it was Allan's staff report that was bringing those subjects up; it wasn't me.

(#0532) Diane Edgin: The staff report says they haven't met the criteria or they've only met some and they're trying to show that they have met the criteria. That's where Tim came in with his. He came in with a world of evidence to say why it should be and that's what these people have to do. It's not up to the staff. Staff is given the criteria and if staff feels they haven't met the criteria then it's up to them, the petitioner, to prove it.

(#0555) Steve Clayton: That was my thought tonight where if he documented that that road coming through Lake Limerick is a county road, and it has the capacity to handle the quadrupling of traffic through there, then we've met the criteria, at least part of the criteria for that. Then that means that we, the taxpayers, won't have to subsidize building the road up there.

(#0566) Diane Edgin: You know we ask all these questions but yet, at the same time, rather than what we're having to actually look at and meet.

(#0575) Mark Drain: It's so precedent setting and it's more than ... it's like a domino effect. You see that one little area and you may say we could go 1 to 5 for that person. If we go 1 to 5 for that person it could continue up into the next section. It's more than that. Once the domino tips another one right there it's going to happen all over the county.

(#0598) Steve Clayton: Along the line of what Mr. Herr was talking about tonight 'I bought the property and it was vacant around me and it's 1 in 20 and now you're saying it's going to change a year later'.

(#0625) Allan Borden: In your deliberations you're going to have to look at 20 requests and you'll have to look at cumulative effect of approval of them.

(#0630) Bob Fink: You need to look not only at the cumulative effect of what you're actually approving but also how you would distinguish this approval from the 500 people who might come in with the same request. What makes them different from their neighbors and the people down the street? How is everyone in the

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county with a RR20 different from this person and his request?

(#0656) Allan Borden: You will have a request in the next group that ties Peste and Stohr together.

(#0666) Mark Drain: The question about the mapping. Is it kind of nomenclature we're fooling with here when we will change the map as far as zoning goes but we won't change boundary lines for urban areas?

(#0680) Bob Fink: It's not that there's a decision made that we will not change the UGA boundary period; that decision has not been made. In the discussion with both the city and county commission is that they're reluctant to change that boundary except in a comprehensive fashion and they don't see a need for and they don't see the public purpose in it. They see it as a risky thing to do and would open the urban area to appeal as a whole. It's not that there's been a decision that we won't do this sometime.

(#0712) Terri Jeffreys: So shouldn't there be some sort of change in the amendment process to not allow or to identify the fact that changing the UGA boundaries is probably not going to happen?

(#0718) Bob Fink: I didn't know that. We've changed it before up until 2000. That was the last time it was changed. Belfair was changed several times; mostly in direct response to GMHB orders. Actually, the Shelton UGA was changed in response to the GMHB orders. In addition, there were people volunteering both to get in and out that were taken into consideration and that's why it was changed because we were ordered to change it. We were ordered to change Allyn so each of those changes, although certain requests were able to be incorporated, they were done at the orders of the GMHB. I also wanted to say that Mr. VanBuskirk did apply in April of 2002, Edith Edwards applied in 2001. It was a year before his and then in the meantime we adopted a new fee ordinance.

*Meeting adjourned.*