

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes July 18, 2005

(Note audio tape (#3) dated July 18, 2005
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, Tim Wing, Steve Clayton, Wendy Ervin, Mark Drain and Diane Edgin. Terri Jeffreys was excused. Bill Dewey and Diane Edgin were excused from the August 15th meeting. Wendy Ervin and Mark Drain were excused from the July 13th meeting.

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

3. APPROVAL OF MINUTES

The minutes from the May 16, 2005 and June 6, 2005 meetings were approved as presented.

4. NEW BUSINESS

(#0125) Bill Dewey: We'll start with the public hearings. We'll start first with the rezone request by the Minerva Beach Homeowners Association. Allan?

(#0140) Allan Borden: My name is Allan Borden and I am with the Department of Community Development. I have some staff report summaries here for you. This rezone request by the Minerva Beach Homeowners Association is three parcels, 16.55 acres, and currently zoned as Rural Tourist and the request is to have it rezoned Rural Multi Family. The hearing was held on May 16th, and it was continued to June 20th, and on that day the attorney for the homeowners association, John Woodring, faxed in a request for a continuance. His request was for July 11th but that was not a regularly scheduled meeting so the PAC agreed to hear this request on July 18th. On June 30th a letter was sent to the applicant, as well as to the other applicant here tonight, requesting any new information be received in our office by July 6th so that we could mail them out to the PAC by July 8th for the upcoming hearing. We did receive a letter by fax and by mail on July 6th from Mr. Woodring and I've given you a copy of that. The letter contains many references to the actual Mobile Home /

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Landlord Tenant Act that is a state law that defines mobile home parks. This applies to many of the residences on the Minerva Beach Resort area. I didn't really make any significant changes in the staff report and I haven't made any significant change in the recommendation. I viewed Mr. Woodring's letter as important information to consider but I did not view it as a change in their request so I see this request continuing to be a rezone from Rural Tourist Zone to Rural Multi Family. I'll read my staff recommendation into the record. 'The circumstances surrounding this proposal are unusual due to the fact that some portion of the existing development on these properties will not be conforming to either the current zoning or the proposed zoning. The zoning criteria appears to be complied with under either zone designation, and staff has no objection to the request. The main concern is, and this applies to the current zoning or the proposed zoning, existing development on Parcel 00026 and 00025 must meet the level of services as permitted by Mason County Department of Health Services for septic treatment and water service and Department of Community Development for mobile home and/or recreational vehicle park standards and for building permits.

The result of this rezone request review should arrive at a number of manufactured homes and sites for recreational vehicles and camping that is agreed upon by the applicant and Mason County departments so that development review can proceed in a knowledgeable manner. Staff would like to reiterate the fact that when the removal of a Rural Tourist or Rural Commercial zone is done through a rezone approval, the properties nearby the subject parcels become available for a commercial or tourist zone designation. This is because of a restriction that prevents a new tourist or commercial designation within ½ mile of an existing non-residential zone designation'. So your options tonight would be either to approve the property owners request to redesignate parcels 00026 and 00025 from Rural Tourist zone to Rural Multi Family zone, or approve a modified request involving only one parcel being rezoned, or you could deny the property owners request for a rezone. Basically staff believes there is no problem with going to Rural Multi Family as long as the applicant understands there are limits to that.

(#0400) Tim Wing: If I remember correctly, that seemed to be one of the problems was that there wasn't a clear number about residences or RV sites or campsites. Am I correct that you're saying that you don't have any problem with this as long as the number of those types are established?

(#0405) Allan Borden: That's correct.

(#0407) Tim Wing: Have we established that?

(#0410) Allan Borden: No, and I don't think that's in your venue to determine that. What I'm saying is that you might want to propose that a condition of a recommendation be that the applicant get with the county departments and come up with an agreed upon number of manufactured homes and RV sites so that when, in the future, they do ask for expansion of a camping site or an RV site, that there is a starting point to work from.

(#0435) Tim Wing: The last part in the staff recommendation talks about a parcel becoming available for a commercial or tourist zone designation. You say they're available for that. Would they actually be zoned that way?

(#0444) Allan Borden: What I mean by that is that if the rezone is approved, then the subject parcels are no longer zoned Rural Tourist; they become Rural Multi Family. That's a residential zone so a Rural Tourist or a Rural Commercial could occur in the vicinity as long as it meets the rezone criteria.

(#0462) Wendy Ervin: Under the Findings, #5 says that if this request is approved then no new manufactured home sites will be allowed on the properties. Then #7 says that if this request is denied no new manufactured home sites will be allowed. What are we accomplishing? The whole point of them coming in was because they wanted to put a manufactured home on a site and the county was stopping them and had told them that they had to go for a rezone request and you're saying whether we approve it or deny it, they're not going to get their manufactured home sites, so I'm not sure why we're here.

(#0485) Allan Borden: I don't know if you're correct in the statement that when they went for a building permit that staff ... if someone in the county said they can't process their permit ...

(#0490) Wendy Ervin: That's according to the minutes that I just finished reading of the last meeting where

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people were testifying.

(#0495) Allan Borden: I don't know who said that but I would doubt that it was a county staff member that testified to that.

(#0500) Wendy Ervin: What then is the inspiration for them to come in here and make this application? My understanding, from reading the minutes, was it was because they wanted to put a new modular home, a double wide, on a piece of property that was down in the portion closer to the water, and the county was refusing that because it was a Rural Tourist and this was a permanent site and they couldn't do it and so then they came to change their ... in reading those minutes I see there is a real problem. We get a subject, we discuss it, we come to some conclusions, we formulate those conclusion into what would appear to be a consensus of what we believe should happen, we send that on up the line, it goes to the BOCC, it goes to the Planning Department and then in the interpretation, things get changed. One of the things, in reading those minutes, I gave you an example of a situation in which on a private property within the boundary of the Skokomish Reservation there was a modular home being put on a piece of property and it was two inches too close to the line. The county person was all in a lather that this had to be moved; it had to be moved back two inches no matter whether the next door neighbor said yes or no. I asked you about this and you said on county property, the county law prevails. In that situation, when that person was in the discussion, somebody said it was within the boundary of the reservation but it's private property and when that county person heard 'within the boundary of the reservation' they stopped upholding the Mason County law and just left. That's completely contrary to what you said when I asked you that question in the meeting. You said the county law prevailed; they ignored the county law when they were told that this was private property within the boundary.

(#0585) Allan Borden: The county is trying to be consistent.

(#0587) Wendy Ervin: But the county isn't making that test and when I read over those minutes and listened to the people testifying, I've sat here thinking maybe I'm in a different world but this is all not making sense because these people are being told repeatedly ... the instigation for them coming in here and testifying and paying a considerable amount of money for this application, and the county employee giving them a directive that then wasn't necessary. So they went to all this effort, as I see it, for no reason.

(#0625) Larry Waters: I'm Larry Waters with the Building Department. In the past, the previous BOCC directed the Building Department to allow the Skokomish or even the Squaxin to regulate and issue their own permits within their own boundaries, whether it was county property or not and that we would still collect taxes on it. Since the new BOCC has been elected, they said 'no' to that and required them to start enforcing the laws as they stand, which is we do have jurisdiction over that property. So the employee who went out there was telling them what was in place policy wise prior to the new BOCC coming in. What the old BOCC was telling us was actually contrary to state law. So it is confusing.

(#0650) Wendy Ervin: Well, that clears that up.

(#0660) Allan Borden: Let me address your question on #5 and #7. Under the rezone to Rural Multi Family, that zone is for existing residential development, which means that no new residences, that's total number of residences, can be added those properties. You can replace them, or reconfigure, but you can't increase the number.

(#0685) Mark Drain: This talks about sites. If there is a vacant site, they can't add a dwelling to it?

(#0690) Allan Borden: That's the reason why we want the property owners to get with the county so that there is an agreement as to what 'sites' can have residences on them. Every six months it changes.

(#0700) Mark Drain: So if you have a finite number of sites that's worked out and services are available, there may be the opportunity for them to locate a new dwelling on that site.

(#0710) Allan Borden: There might be a situation like when something has recently become available that's currently vacant because someone has moved ...

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(#0716) Mark Drain: There's a debate as to whether that is an existing site or has been used and therefore it's not currently used so therefore it can't be used again.

(#0725) Bob Fink: My name is Bob Fink. My understanding of the situation on this property is that it was developed before we had the current zoning code and when the new zoning code went into place the existing activity on the property didn't really conform to any of the zones that were created. The zoning of Rural Tourist was placed on the property because of the way that the property was categorized by the tax assessor. When there are multiple uses on the property the assessor will list one use first and that's the use that gets picked up as information but that doesn't mean there aren't other activities on the property. In this case there were spaces for RV's, there were people residing on spaces with mobile homes on this on a permanent basis, there were other facilities on the site. So it was kind of a mixed use site. It doesn't comply, to my knowledge, with any of the current zoning that the county has for the site. So under the current zoning, or under the zoning that's proposed, part of the activity on the property will be nonconforming. There's a recognition of nonconforming activities and nonconforming activities are allowed to continue as long as they haven't been abandoned for two years. So presumably when someone has a nonconforming residence and they want to replace it with another residence, they can do that as long as they don't wait until the use is abandoned. In addition, the intention with a mobile home park or an RV park, both of which are recognized in the county ordinance, and both of which appear to exist on this property, the individual spaces would presumably, even though they're nonconforming now, be able to continue as spaces as long as they rented them on an occasional basis and kept them as spaces they could keep them. As long as they kept their operation, they could presumably keep their operation in the form that was originally permitted or in the form that it was grandfathered in. The issue in this particular case was exactly how many spaces are supposed to be RV spaces and how many spaces are supposed to be mobile home spaces, as we would recognize the current zoning or as we would recognize under the proposed zoning. There was an appointment made for county staff to go out to the site and do an inspection and then do further analysis on this issue and that inspection was cancelled by the applicant or representative. So we haven't really done that kind of review to tell them exactly what they would be grandfathered for; we haven't been able to go through that process. When this proposal was first brought to us, we recognized that was an issue in this case and in a sense it's not really a zoning issue. The zoning issue you need to look at is what is the appropriate zoning use of this? What's the future long range plan for this area? Is it going to be principally a residential community, or it going to be principally an RV community, or do they want to simply maintain, which they could do under either zoning, what they have now? If their purpose is to maintain what they have now, they could do that pretty much equally well under either zoning. So the county's position was that essentially we thought it would be fine if they wanted to rezone it but it really depends on their long range plans. If they want to be a mobile home park, we want it clear that they can't increase the number of units of residential development that they currently have because the intention of the mobile home park in the rural area is to recognize these nonconforming areas in the rural area that already have a higher density of residential development than would be permitted under the GMA. The Rural Multi Family zoning was an attempt to kind of legalize those so that they would be conforming within their own right but they would not necessarily be able to add new residential units to the site. If they want to be principally residential, then probably the proposed zoning is the better zoning. Rural Tourism zone is the zone in which they would be able to potentially expand their RV activity or do other commercial type activities. If the direction they want to head in is to do more commercial activity and more RV sites, then a Rural Tourism designation would potentially allow them to do that. They could keep the number of units that are residential that are legally grandfathered under our code. There's nothing in our code that requires them to remove them. If they abandon them, then they might lose that legal nonconforming status.

(#0932) Steve Clayton: Are we talking sites or residences?

(#0935) Bob Fink: Sites. It is an issue in determining just how many units there are and where those are. It is kind of a separate question than what you want the zoning or the future to be.

(#0950) Bill Dewey: So all of these questions relating from previous discussion regarding the water supply and septic system...

(#0955) Bob Fink: They're related questions. Obviously the ability for people to live there or camp there is

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dependent on having adequate potable water, having suitable septic and there wasn't a lot of documentation available to make sure that, at the proposed number of units, they had adequate capacity. So there was some questions about the services that would be needed to support even the existing development. Those are open questions and they weren't resolved.

(#0985) Bill Dewey: Are they germane to our decision tonight as far as zoning?

(#0987) Bob Fink: Not especially germane. It's hard for me to know there's an issue but the zoning would allow them the type of use. It doesn't necessarily determine, in this case, how many RV's there are or whatever. That is determined by the site and they would have to meet requirements for space, open space, roads, other facilities they might need under the code. They also have to have potable water and septic as appropriate for the type of activity that's proposed. The zoning really deals with the nature of the activity and which direction they're heading in the future.

(#1012) Wendy Ervin: I think that's one of the problems. When they were testifying in the previous meeting, it appeared to me, from what people were saying, that they came in here not because they had a plan for the future that they were wanting to enact, but because they were defending themselves against what they viewed as a threat to their existing way of life. So when we say ... basically what you're saying in the staff report is 'you can change that; it doesn't matter to us' and then there is that consideration that if you drop the Rural Tourist designation then other properties in the vicinity then have leeway to change their designation if they wish so that is a change. If they drop Rural Tourist, they can't expand that but it's a kind of a come see, come saw sort of an attitude and that doesn't mesh with the defensive feel that they had when they came in that they felt that they were being attacked.

(#1062) Bob Fink: I think the concern goes back to issues that they had in placing units on the property.

(#1075) Wendy Ervin: I think it was because a single wide modular was being replaced by a double wide modular.

(#1080) Bob Fink: I don't know the exact details. Larry, was the building placed before the permit was granted?

(#1090) Larry Waters: It's really a building enforcement issue. That was based on previous policies of the county about regarding whether it was Indian trust land or not.

(#1111) Bob Fink: This particular situation is complicated by being within the area of the reservation.

(#1122) Larry Waters: I'm not sure if it was the last BOCC or the previous one before that and the last BOCC just continued it. There was a lot of issues with enforcement within the reservation boundaries on non Indian trust land where on one Indian trust land some development was going on and that it would impact non Indian trust land. That's what happened. Since then that has changed and it's been changed just very recently about the time that they had applied for the permit. The staff member had gone out there and was just giving them information that they had at the time. The new BOCC told us to go by state law.

(#1165) Bob Fink: She never applied for the building permit, right?

(#1172) Larry Waters: I don't know.

(#1174) Bob Fink: Well, it sounds like an enforcement and that she had resisted applying for a building permit.

(#1177) Larry Waters: Based on the fact of the information we had at the time.

(#1180) Bob Fink: And there was no determination, that I can see, that she could or could not have been able to get a building permit. There were people who had expressed concern about being evicted and the issue of ... there is a law that was cited in the letter representing the applicant. There is a provision that allows for the termination of tenancy or occupancy, which is pursuant to the change of land use to uses other than mobile homes. This statute says that this shall regulate and determine legal rights and obligations arising from the

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agreement between the landlord and tenant regarding mobile home lots. We don't necessarily agree with some of the statements in the attorneys letter regarding the effect of this law. There may have been some concern from the group since the zoning was done as Rural Tourism that that would be the basis for starting eviction or denying renewal of the agreements between the landlord and the tenant.

(#1255) Wendy Ervin: My concern is if there's such conflicting information going out from the county and there was conflicting information when there was discussion here before in that what guarantee do we have when we put together a decision and we approve an application; what guarantee do we have that when it gets down to being enforced that things aren't going to change again?

(#1280) Bob Fink: There's no assurance things aren't going to change in the future.

(#1282) Wendy Ervin: I mean in the interpretation. What guarantee is there ... if people are being given all this conflicting information, it's frustrating to me that when you have gone through a discussion and have come to conclusion and a consensus that when that consensus decision is applied, suddenly we're back in the muck and the mire. If things are not applied according to what our consensus was, then how does anybody know anything? I would like to know there's some kind of surety because you're saying 'oh, it doesn't matter'.

(#1325) Bob Fink: I'm not saying at all that it doesn't matter. I'm just saying that because of the unique circumstances on this property ... they already have residences on the property that exceed what could be permitted in a rural area. They don't have, as far as I know, more RV spaces than could potentially be permitted if all they had was RV spaces. As far as the number of units they have that are residential units, they are allowed all they would be entitled to because it's a rural area under either zoning. It's not that we think it doesn't matter or it doesn't matter what zoning they're in, but because of the unique circumstances of this property, they've already put all the residences they could have under either zoning.

(#1360) Steve Clayton: You said residences. Previously you said sites. Vacant sites and developed residences are different issues.

(#1366) Bob Fink: I say residences and that would include sites that could legally be replaced with residences because I don't know that they have any or that they don't have any but at some point when they apply to put a new mobile home on the property there would be an evaluation whether that site was the site that was used for residences.

(#1385) Steve Clayton: So we haven't consulted with them about that yet, right?

(#1388) Bob Fink: Right. We had scheduled a site visit to sort through these issues and the meeting was cancelled.

(#1392) Wendy Ervin: When you say that it can be approved or not and that this essentially ... you're saying that the staff does ... Either way; the staff will accept either way as being an approved or proper zoning. Is that for the convenience of the county or is that to satisfy the needs and desires of the citizens?

(#1425) Bob Fink: We respect the desires of the citizens and the property owners but we're also trying to advance the purposes of the Comp Plan. This area is a rural area and the county encourages economic development and has a limited opportunity to provide Rural Tourist sites and one of the things that puts a limit on those opportunities is that these sites have to be isolated so they have to be spread out. So in that sense, if this site was made a residential site, then presumably another property owner who wanted to pursue a recreational site would be able to apply for zoning as Rural Tourist and the net affect on the county is that we would continue to have economic development and the potential development of Rural Tourism. Because of the necessity to disperse these sites then there's always that give and take and in the case of removing a Rural Tourist site, that opens opportunities for other property owners to come forward with their proposals. But overall in the rural part of the county, it's very limited where you can have these sites.

(#1500) Tim Wing: The concerns identified in the letter from the attorney speak several times about people being evicted and I'm hearing you say that no one will be evicted from that park, regardless of whether the

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rezone is approved or not. Is that the case?

(#1515) Bob Fink: That's really not our call. What I said is that I believe there may be a reason why people were concerned. When the county established the zoning where mobile home parks were a nonconforming use, that could have been taken by the operator of the park as a basis for evicting people. It's one of the provisions in RCW 59.20.080, which allows reasons by which a landlord can terminate the contract or fail to renew it and the changes in zoning to a use other than a mobile home park is one of those. So that would be a concern and that concern wouldn't exist under the zoning for the Multi Family housing, which allows mobile home parks. But there's no requirement, because of the zoning, that those units be evicted and there is no requirement for them to be terminated because they are allowed to continue as nonconforming uses.

(#1575) Tim Wing: Either way the county isn't going to be involved with any evictions?

(#1580) Bob Fink: Right. The zoning will change how the county looks at new development on the site and additional expansion of the number of RV sites, expansion of the number of mobile homes sites, expansion of the commercial activity; those are all going to be regulated differently, depending on whether it's a Multi Family designation or a Rural Tourist designation.

(#1598) Tim Wing: I have another question about the number of sites that are there for mobile home. There are apparently a number of sites there that are not occupied at the moment but they are fully serviced and so if you end up going out there and are able to keep an appointment to do that, how are you going to count things? The number of existing that are already there, or can you have empty sites that are already available if they're fully serviced?

(#1615) Bob Fink: That depends on the permit history. I'm not ready to say exactly what the resolution is going to be but I think the fact that a site is currently vacant is not necessarily determinative. I think we need more information on that. I think one of the principal things we'd look at is how many sites were in use at the time that the new zoning went into affect where these became nonconforming. What would also be very important is what was actually permitted by the county as far as the location and number of units.

(#1650) Tim Wing: These things are not going to be decided by this Board, right?

(#1652) Bob Fink: Right. It would be decided by the Planning Department. It would be our responsibility to administer the codes and one of those responsibilities would be with regard to making a determination when necessary regarding conformity. Generally we do that at the time they make an application to build something or change use. That doesn't mean that someone who had a situation where they thought they were nonconforming couldn't approach the county and seek an interpretation prior to actually applying for a permit.

(#1680) Tim Wing: Are they going to be more likely to have more sites approved if this zoning request is accepted and we change it to Rural Multi Family? Is it likely that they'll end up with more mobile home sites approved whether they have mobile homes on them or not?

(#1700) Bob Fink: I'm not sure why they would end up with more. Not having all the facts, it's hard to come to a conclusion. The conclusion that Allan is suggesting, and is basically reflected in the Findings of Fact, is that there's nothing in particular about the zoning that affects the issue of grandfathering. There may be an affect because the mobile home park ordinance had a certain point in time when it came into affect. The rural densities regulations came into affect at another point in time. The current zoning that was designated was in 2002. There may be a small difference or even a larger one based on what they're nonconforming with.

(#1730) Tim Wing: My concern is, if I remember the testimony correctly, the economic viability of the whole operation is, to some degree, dependent on having enough sites that there can be permanent residences on there. The zoning changed without their knowledge and without any input from them, if any, and they were unaware that they were putting themselves potentially in jeopardy by having vacant sites and now we're talking about doing something different and I'm concerned about the viability of the whole operation. If I'm remembering correctly, that was a key issue because it was the most effective income stream that the organization had; the permanent residences on those sites. Also, that they have a number of vacant sites that are fully services but perhaps won't meet your criteria.

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(#1765) Bob Fink: It's my understanding that they did, at one point, have some kind of permission for a mobile home park; actually, a combination mobile home park and RV park with a certain number of units. But I simply couldn't say what the conclusions would be because I don't have that information in hand and I haven't had a chance to review it and I don't know what the exact history is. So it's really not possible for me to say conclusively what the outcome would be of one versus the other whether they would end up with a few more units under one scenario versus the other scenario.

(#1800) Bill Dewey: Any other questions for staff before we open up the public hearing portion?

(#1802) Wendy Ervin: This application came about because of a will to move a double wide modular home onto an exiting site and that's what triggered this whole thing. Under which designation would that modular home be allowed to be sited there?

(#1814) Allan Borden: Probably both. One is a nonconforming and one is conforming.

(#1820) Bob Fink: An example is if you have a site that's been used for a residence for a considerable time, we would consider it grandfathered. It predated the ordinance; this is hypothetical but I'm sure there are many of them on this property. If they wanted to replace it under Rural Tourism, they could replace it as a nonconforming use. If the zoning was granted to Multi Family and they wanted to replace the unit, they could replace the unit and it would be a conforming use. It's grandfathered under one case and legal under the other. In the case of an RV space; RV spaces aren't necessarily limited in density by acreage, whereas the mobile home park would be. In the case of RV's, if they wanted to go in the direction of becoming entirely an RV park, then the Rural Tourism could potentially allow them to add a number of additional RV spaces if they could meet all the requirements.

(#1900) Steve Clayton: What would the difference in scenarios be that under the current Rural Tourist zoning, they have a vacant site that they call a permanent site, under the Rural Tourist, if they want to site a new RV on there permanently, they cannot do it. Under the Rural Multi Family, if you determined it was an existing site, they could do it. What we have is in 1988, they assigned something on the order of 45 spaces were permanent and now they're looking for 66 so they're looking for a 50% increase in the number of permanent sites. That would be accepted under the Multi Family that they would not get with their current zoning, right?

(#1934) Bob Fink: Right. There is another difference in the RV sites. RV's are not intended for residency; they're not intended for full time occupancy; year round occupancy; they're intended for temporary transient dwelling. The county, in order to establish some control over that, in the zones where RV's are permitted, adopted a time limit on how long an RV can stay at a given park. In each of the tourist zones in the county where they allow RV parks, they put that limit. They didn't put it in other areas where RV's might exist as nonconforming uses because it wasn't seen as being necessary; maybe we should have. And it only applies to the placement of new RV's; it doesn't apply to the existing RV's where the use was established before the adoption of that ordinance. That provision wasn't put in the Multi Family zoning district because it's not a zoning district where RV parks are a permitted use to be established.

(#2020) Bill Dewey: Okay, let's move on to public testimony and open the public hearing portion.

(#2045) John Woodring: Thank you Chair Dewey and members of the PAC. My name is John Woodring and I'm the attorney for the Minerva Beach Homeowners Association. I'm here to address this proposed rezone. I have a few handouts to give you. My job is to put things in prospective for you from our viewpoint and then tell you what we think will best solve the problem. We're all headed that way and that's what the land use process is about. This handout is a plot plan of the Minerva Beach Resort. Let me just say that the association supports the rezone and the reason they support the rezone is that, in my opinion, not withstanding the nonconforming use issue ... and by the way, nonconforming uses can be phased out over time according to Washington law. The existing mobile homes ... keep in mind that the mobile homes are owned by the individual and it's personal property in a mobile home park and they're put on land owned by a mobile home park owner. The existing mobile homes are not allowed there under the existing zoning because the Rural Tourist does not allow manufactured housing communities and a mobile home park is

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more than two mobile home lots and there's certainly more than two mobile home lots out there. Therefore, you've got a situation where you've got these mobile homes that are not allowed to be there and that's because of the zoning change to Rural Tourist so we've got to do something about it. Keeping that in mind, we've also got another use out there, which is recreational vehicle use. All of these uses have been longstanding going back to the 1970's. Ms. Cox provided you, at the last meeting, the history of Minerva Beach Resort and it establishes the various mobile home lots going back as far as the 1970's. What we need to have happen, from our prospective, is that this rezone goes through and then we deal with the nonconforming use issue as far as the RV's and we would like some kind of assurance that those RV's aren't going to be phased out over time because the economic viability ... keep in mind that this is thirteen families that live there that own this resort and the economic viability of the resort, to remain in existence and serve all the other tenants that are there, the economic viability depends upon this community being able to operate as projected here. So that's the reason that we're requesting that you support the rezone and we would like to see the RV lots come in as nonconforming uses and that we have some kind of assurances that it won't be phased out over time. Let me just show you this configuration. I believe the issue has gone to what's out there? We need to have a prospective on that. (*Mr. Woodring uses handout to show lot layouts*). On the east side of the highway, it's all manufactured or mobile homes, except for the portion up here, which is day, weekly, monthly, non permanent RV use. Across the road on the west side of the highway, the front part of the operation is an RV park. People come in there who are not permanent residents. There are hookups there for them to utilize. This area over here is all mobile home park, except for these lots which were formally tent spaces and have been developed into mobile home lots. What they've done is they've, for each two tent sites, made one mobile home lot and they've spent a considerable amount of money putting in the facilities to provide for these lots, including electrical and provisions for septic. Keep in mind that we're not proposing any development out there that's going to violate any of the health, safety, and welfare provisions of Mason County. We're geared towards complying with the law as far as putting manufactured homes on those lots. This area in the back is for tent use and it will continue as tent use. Under the proposed zoning, as we see it, all of the property would be rezoned to Rural Multi Family to allow for a mobile home park and make the existing use legal and not have these people have to leave because the landlords responsibility is if he has an illegal use out there, instead of the Mobile Home Landlord-Tenant Act is to evict the tenants. So the concept is to have all of this zoned as a mobile home park under the Rural Multi Family and then bring in the RV use, that are on a temporary basis, as the nonconforming uses. Now, the question here is, and the concern I have and that my client would have, is if we do that and go through the process and go to the county government and we start talking about the various lots and there's disagreement on the RV and mobile home lots, how are we going to deal with that? You might want to think about that. I've reviewed the record in regard to the approval of this use as a mobile home park and an RV park as mixed use and I think it's less than clear. We'd have to review the record on how and what was approved. I can tell you historically that these old manufactured housing communities were not approved based on a specific number of lots. They were approved for an area. Then you went in and developed the area and got your permits and made sure your lots met the setbacks and met all the other requirements. So my suspicions are that if we can't find the record on this of what was initially approved is that it wasn't approved for a specific number of lots. So the other questions is, 'what are the legal requirements as far as lots go'? We believe we have adequate resources existing now to treat septic for this proposal. We have adequate water for this proposal and we don't think there are any other adverse impacts that would prevent us from utilizing the lots as we propose here for manufactured homes and RV's. So that's what we would be asking the PAC to recommend to the BOCC in regard to this use. We've got existing lots that are vacant; we've got a number of those and for us to be economically viable we have to fill those with mobile homes and we've got these new lots that we put considerable amounts of money into where we've combined the two tent lots together and we're asking that these also be approved as manufactured homes lots as well.

(#2500) Bill Dewey: Mr. Woodring, just for clarification, what you presented verbally and what was presented in writing is consistent that you want the whole area rezoned from Rural Tourist to Rural Multi Family but the map you handed us shows these different areas and on the RV park and the tent area, there's a note that says Rural Tourist. Is there also a proposal to consider zoning that separately?

(#2520) John Woodring: No, let me clarify that. As Mr. Fink was pointing out, whether you want it to remain as the current zoning, Rural Tourist, or whether you want it to go to Rural Multi Family, depends on what the plan is for the development of the community. The plan for the development of the property is to emphasize the manufactured housing community side of it. That's what's happening. And the reason for that is the

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economic viability. That was a business decision made by the association. They may be wrong about that; they may not be able to fill up those lots but that's the way they're going. This is just a mistake; it shouldn't be construed that we want those RV's to be zone for Rural Tourist.

(#2590) Bill Dewey: I just wanted to clarify that for my own understanding and also for the record since you gave us copies of this map marked as such that that wasn't your intent.

(#2600) Wendy Ervin: Did I understand you to say that in the RV park area that you are going to eliminate that eventually, or was that just ... I didn't understand that.

(#2610) John Woodring: Yes, this area will remain the same; the current uses. The only other change are the tent spaces, that were formerly tent spaces, and there's ten of them that have been converted to mobile home lots.

(#2650) Wendy Ervin: As you're making changes to this you're long range plan is bringing it more in keeping with the modern county regulations. Apparently this #79; it appears that's two small spaces being made into one and #71 the same thing so that you are reducing the number of individual sites and upgrading the park as a whole.

(#2700) John Woodring: What's happened is, #74 A & B has a home on it already. That's a double wide.

(#2718) Bill Peters: At one point, we subdivided some of the mobile home lots to bring in and access these great big new motor homes that want 50 amp services and they needed a little more space. We tried to bring a couple of those sites on for that purpose but those are really mobile home sites that are all ready to go.

(#2745) Allan Borden: What you're showing on this map, I can see that you want the whole property Rural Multi Family but your testimony is more on the future planning or anticipated planning or believed planning of the property rather than the zoning. This forum is really only for the land use zoning not justification of what the current uses are. Do you understand that if you get an approval for Rural Multi Family, the property owners still have to stay in compliance with the mobile home and RV park ordinance that has been in existence since 1991 so that's the reason for my staff report to say that Rural Multi Family zone is not so much of a problem but the actual approval of what type and number of land uses needs to be agreed up on by the property owners and the departments.

(#2800) John Woodring: Let me ask you a question. What happens if there's disagreement on the number of mobile home lots out there on the property? That's an issue that was raised and from what I'm hearing is that was an issue raised by the PAC and that's an issue I'm raising.

(#2832) Bob Fink: I assume you mean the administrative decision maker, like myself, would say I've looked at your record and I determine that you have 25 units. And you say that's unacceptable. The interpretation that I would apply, if it were in enforcement context, would go to the Hearing Examiner as an enforcement case where you would get a fair hearing and say that we misapplied the code or whatever and you make your case there. If it's in the context if you ask for an official interpretation from the county of the number of units you have, and it's not an enforcement case, then that interpretation would be also appealable to the Hearing Examiner in a slightly different context where you would appeal our interpretation. From the Hearing Examiner, in either case, it would then go to court.

(#2890) Steve Clayton: Mr. Woodring stated that, as an example, spaces #59 through #67 where they consolidated tent sites, and they plan to make them RV sites, under either proposal that is not acceptable to the county because it was not an existing unit in the Rural Multi Family and under Rural Tourist, it would not be an acceptable use.

(#2910) John Woodring: Those are actually going to be converted to mobile home sites.

(#2915) Steve Clayton: So under either zoning that would not be an acceptable use.

(#2920) Bob Fink: I just don't know enough about the record or the number of units that they should have to really say.

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(#2925) Steve Clayton: Well, based on Mr. Woodring's testimony that it's currently tent sites ... if it was never there, it can't be there.

(#2940) Bob Fink: There's merit in what Mr. Woodring said that ... I don't know. This may have been approved for an area only. The only records I've seen of the approval actually identified numbers of units rather than spaces and whether we're going to end up making a decision based on specific locations or whether we make a decision based on the total number of units takes a further review of the record to see what they are reasonably entitled to. It's really too early to know because I don't know what the record is.

(#2985) Tim Wing: It says in the Findings under #5, in part, if this request is approved, no new manufactured home sites. Under #7, if this request is denied, no new manufactured home sites. These tent sites have not been manufactured home sites. You're speaking as if you're hoping that those are going to be manufactured home sites.

(#3005) John Woodring: Well, they are manufactured home sites. They've got electrical, septic, water for manufactured home sites.

(#3015) Tim Wing: You're saying they are now and you're wanting them grandfathered.

(#3020) John Woodring: We've taken two tent sites and converted that into a manufactured home site.

(#3028) Tim Wing: I think the bigger question in front of this group is how many sites are going to get approved. That's not something we're dealing with in this board. If we change the zoning as you requested, you've still got to deal with these guys about how many sites are going to get approved. We're not going to make that recommendation or decision.

(#3050) Allan Borden: Just as if you have a 36-acre vacant piece of property and you had it zoned to Rural Tourist Campground. It doesn't matter if you have 46 sites or 14 sites. It's a campground and that's really all they're concerned with.

(#3068) John Woodring: I understand that. I'm an advocate. I'm trying to point out for the PAC that we've hit the nail on the head and the nail on the head is to make it, for economical viability, what's going to be there. If we start saying that's not going to be there and that's not going to be there then the zoning is a moot issue because they won't be able to run their operation.

(#3090) Allan Borden: We can't make that determination in this forum and that's why I'm saying that possibly the PAC could make a recommendation in one direction or another but also say that they highly recommend that the applicants association get with the county departments and calculate what's approved, what's been done without approval, and how many sites are available for what land uses. That's done in a different forum.

(#3120) John Woodring: So am I correct in hearing that the PAC couldn't direct us to go out and have an on site meeting and look at what sites are out there and consider that?

(#3134) Tim Wing: I think you'd be correct that, as a group, we recognize that's got to be done but it's not in our jurisdiction to do it or to make a decision about zoning based on the result of that analysis.

(#3145) Steve Clayton: That was the recommendation and agreement from our previous hearings on this that that would occur.

(#3150) Tim Wing: And it didn't occur and it didn't occur because the association cancelled the meeting.

(#3160) John Woodring: This is the first I heard that we were having a meeting out on site so I'm not privy to any information that would lead me to believe that.

(#3175) Bill Peters: The answer to that is after we had our meeting and several contacts with the county, it was advised that we hire an attorney to represent us in this matter and so when we got a hold of Mr.

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Woodring it was recommended that we not continue dealing on a one on one basis with the county since we had an attorney to represent us.

(#3200) Bill Dewey: Are there any other people that would like to give public testimony on this rezone tonight?

(#3225) Bill Peters: You were talking about the eviction and in the past meeting people were concerned about that. In the documents we received, you remember it talked about 90 to 120 days is all that a unit could exist on a site and that was under the Rural Tourist zoning. If that went into effect, then some of the people that were in some of the smaller units would have to leave because they would not be conforming. One of the problems we had in dealing with the board before was when we talked about putting a new home into some of those sites we were getting all sorts of conflicting information that it could not exceed the footprint of the existing home that was one there previously. John brought up the point that basically the economic viability of our park does come from the long term permanent rentals. Not from the RV's.

(#3360) Bill Dewey: Mr. Peters, our minutes from the previous hearing indicated that you gave us a list of questions and I'm curious if you've received responses to those questions?

(#3375) Bill Peters: No, I haven't.

(#3385) Bill Dewey: Our minutes also reflect that we had questions regarding the water, sewer and conforming uses and nonconforming uses of which we have not received any additional information tonight but we've also been told that it's not necessarily germane to our discussion of the zoning request. My question, Mr. Peters, based on the legal council you've gotten, and even though you haven't received answers to your questions, are you still comfortable with your request and that you would like the PAC to recommend approval of your rezone request to Rural Multi Family?

(#3444) John Woodring: The position of the association is to approve that request with the understanding that the RV sites will be allowed as nonconforming uses. That's what I'm hearing from staff. That's our request to the PAC.

(#3470) Bill Dewey: Is there any additional public testimony on this rezone request? Seeing no hands, we'll close the public comment portion of the hearing and take up discussion by the PAC as to what we would like to do with this request.

(#3490) Mark Drain: I'm disappointed that they haven't come forward with information or gotten together with the county so I don't think I can approve it.

(#3500) Bill Dewey: I'm sort of understanding that the information requested, and I'm also disappointed it wasn't provided, but what I'm understanding is that it may not be relevant to our discussion regarding the zoning request.

(#3525) Steve Clayton: Under one of the criteria, it says it shall not damage public health, safety and welfare in the staff report. The staff report also says they question that because they don't have enough information either and if we do change the zoning it will change how many people are there long term. That's a given because there are undeveloped lots that will be developed; sites. So we don't know if it will damage it.

(#3564) Diane Edgin: Isn't that where the Health Department steps in and tells them they can't do it if it's not there; the infrastructure?

(#3572) Steve Clayton: Not necessarily because it's grandfathered in.

(#3585) Diane Edgin: But if you don't have the capacity, you can't add on. So they have to find out the capacity to even add just one more RV or manufactured home.

(#3600) Wendy Ervin: Right, because they're not going to get a permit if the septic and the water isn't adequate to supply it. I'm unhappy that there wasn't more information offered, but I think the fact is that we

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were biting off more than ... we were just getting more curious than was necessary and we need to scale back our decision to what zoning it should be and then let the other departments take care of their business. The only thing I think is that when they approached the county with some kind of a request, they've been given advise under a different interpretation of the law and now the regulations are being enforced. There should be some generosity in dealing with the fact that they were previously following what was given to them as the law and now it may not be but I would just hope that the county is a little understand there.

(#3700) Bill Dewey: Do we have a recommendation as to what we'd like to do here?

(#3710) Tim Wing: I would move that we approve the property owners request to redesignate the parcels ending in 00026 and 00025 from Rural Tourist zone to Rural Multi Family zone.

(#3725) Wendy Ervin: I second that motion.

(#3735) Bill Dewey: We have a motion and a second. Any further discussion?

(#3738) Steve Clayton: I think we're passing the buck onto the BOCC without adequate information. In 1988 they came before the Planning Commission and there were agreements on things to materialize and produce information and it wasn't done. They came before us here a month or so ago and there was supposed to be an exchange of information and it wasn't done. So now we're going to pass along a half done report to the BOCC and, sure we're volunteer and all that, but do we want to pass along half baked proposals to our BOCC?

(#3775) Mark Drain: There's nonconforming uses now and there will be nonconforming uses after we get through with this and I think in good faith that they should put their cards on the table and work it out with the county.

(#3800) Bill Dewey: So, Steve, do you feel like the information that we have not been provided that we were told we would be is germane to the rezone decision based on the environmental impact?

(#3828) Steve Clayton: Based on the very first criteria of the staff report it says we're supposed to review that it shall not damage public health, safety and welfare. The staff report says they don't have the information to give us an answer for that and they did have concerns about it and it appears to be very justified that we be concerned about public health, safety and welfare as the criteria for a rezone.

(#3555) Bill Dewey: As well as the criteria for if they got their permits, but it is a criteria for a rezone, you're right.

(#0118) Steve Clayton: It says specifically that it's criteria for a rezone; not just for permits.

(#0122) Mark Drain: It's all circumspect. Over the years it's hard to define exactly what's gone on there and, in fact, the map that's presented tonight is less than exact when we have to figure out here ourselves about adding to the tent sites to come up with a mobile home sites and figure all that out. I still think that if they got together with the county they could get some result and go forward.

(#0140) Wendy Ervin: The fact that we approve it or don't approve it tonight is not going to change tomorrow one bit what goes on there and only when an application is made to do something different is there any change going to be made so the public health, safety and welfare I don't think is altered at all by our approval or disapproval of this request.

(#0155) Diane Edgin: Quite frankly, if you put a larger home on any one of those lots it's still going to have to meet the current health code.

(#0158) Wendy Ervin: Right, and in order to put that larger home in, where they're combining lots ... every time you put in a larger home on the property as a whole you're reducing the number ... I see a continual reduction in the number of individual sites because they're combining things. That's going to make your systems more efficient rather than less.

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(#0178) Diane Edgin: Do we have any information about what class of septic they have on there now?

(#0180) Steve Clayton: It says specifically we don't have that information.

(#0182) Diane Edgin: A lot of this could trigger a very expensive upgrade on septic.

(#0200) Bill Dewey: Okay, do we have any further discussion on the motion? Before I call for a vote, I heard a fair amount of commotion when I closed the public testimony and I want to make sure I didn't exclude someone who wanted to make a public comment here.

(#0210) Gayleen Cox: My name is Gayleen Cox and I'm one of the owners of the resort. I wanted to bring up a point that is of great concern to us. One of the staff members actually told me that we could not replace any unit if it was over two years after the rezoning occurred and I want to clarify that. It's all in good that we have our zoning changed but if we go to the county and the rezoning was changed in August of 2003 can we put a new or replacement unit on any of these sites? I was told the grandfather issue was only two years.

(#0245) Allan Borden: First of all, when the zoning of the properties was done in March of 2002 that was the first zoning. No properties were rezoned at that time because the county did not have zoning before that. So the date in 2003 wouldn't apply. The property was zoned Rural Tourist ...

(#0265) Gayleen Cox: And when was it zoned Rural Tourist?

(#0268) Allan Borden: In March of 2002.

(#0270) Gayleen Cox: Okay, then I want to go on record as letting this commission know that Minerva Beach Resort was not aware that there was any zoning or rezoning done until September of 2003 when someone with a trailer went to the county to get a permit to put it there in one of our empty spots and they were denied a permit.

(#0284) Allan Borden: Probably the reason for that was that it was a mobile home on Rural Tourist property.

(#0286) Gayleen Cox: Right, and at that time I was told that when we had some other people in the park that wanted to upgrade their units, we were only grandfathered for two years. So I'm confused with the testimony that if you rezone us to this are we actually going to be able to put a replacement unit on a lot that currently has something on it, or are we going to be able to put a new used trailer on an empty vacant lot that we have?

(#0315) Allan Borden: My response to that is if you get approval for Rural Multi Family zoning then mobile homes would be allowed in the areas of the properties that are so designated. That's one of the reasons why we say that it's closely tied that if you get rezoned or don't get rezoned, you still need to go to the county and find out what uses are occurring where so that when you come in for a future building permit we know what areas are designated what.

(#0348) Gayleen Cox: Okay, I just want to go on record that the reason why we requested the change in the zone was because of the statement that if we stayed as Rural Tourist that we could not replace any existing unit in the park after two years after the rezone.

(#0360) John Woodring: That's my understanding, also, because if you stayed Rural Tourist the mobile home lots would be nonconforming uses. Non use for two years, it go out of existence. Am I correct in that statement? Rural Tourist, which does not allow mobile home parks, if you have a mobile home lot that is not used for two years as a mobile home lot, then it would go out of existence. One of the reasons why we are requesting that this be rezoned to Rural Multi Family is that it allows for a mobile home park. The problem you're going to have is the nonconforming uses, which are the RV lots, which are temporary uses anyway. So if you don't use those RV lots for two years, then you're going to lose that use.

(#0400) Allan Borden: You have to pay attention to the definition of Rural Multi Family under our code for existing residences. It doesn't say a residential area that residences can be sited. It is a zone for existing development density. If you've got 12 acres and you've got 20 mobile homes on there, you only can have 20

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mobile homes there.

(#0415) John Woodring: I understood Mr. Fink's testimony, because this was the basis for my testimony, is that if your use is allowed under the zoning designation, in this case a mobile home park, and you're got mobile home lots in a mobile home park and a mobile home moves out, you can replace that with another mobile home and there's no time limitation. Correct? Okay, the nonconforming uses in that designation, which would be the RV lots, if those are not used as an RV lot for two years, then it goes out of existence, correct?

(#0440) Bob Fink: That's not necessarily an unreasonable interpretation but I don't know that I would say that's how we would interpret it. We've never faced a situation of this type before. If you think of another type of business, they have a use established, they move things around within the building, they continue their operation, can they not return to part of the building because they just haven't had someone in that office for two years?

(#0466) John Woodring: That's actually a better interpretation than the lot situation. If their use remains the same then it doesn't really matter what's happening to the lots.

(#0474) Bob Fink: I'm not saying that's my interpretation, either. I'm saying I think there's two competing theories of interpretation and we would really need to consider that.

(#0480) John Woodring: But we're clear that if this is zoned Rural Multi Family, and mobile home parks are allowed under that zone, that we can replace mobile homes.

(#0488) Bob Fink: In the legal mobile home spaces.

(#0490) John Woodring: Okay, thank you.

(#0492) Bill Dewey: Anybody else wish to testify? I don't want to exclude anyone who might have public comment. Okay, we'll now reclose the public testimony portion. Do we have questions specific to the motion?

(#0500) Wendy Ervin: There was a statement about the footprint and enlarging the footprint that was thrown out but no one ever addressed it.

(#0510) Bob Fink: I don't understand the basis for that. I'm not sure why someone might have said that.

(#0515) Wendy Ervin: The only time I know that matters is if you're in a wetland buffer zone.

(#0518) Bob Fink: Right. That's where you have a residence inside a buffer area that's not supposed to be developed. In that case there's an allowance of up to 10%, but not more than 10%, expansion of the building without going through a variance process. In this case, there would be critical areas along the shoreline where that buffer would probably affect the first tier of lots. I really don't have any information about whether that was the issue or not.

(#0545) Steve Clayton: So under Rural Multi Family we're locking in the residences that were existing but not necessarily the footprint of the residences that were existing.

(#0550) Bob Fink: Right, outside the critical areas. That would probably be how I would look at it. That would be a reasonable interpretation that within the space ... in the spaces, too, the setbacks of property lines, those don't apply within the single property and within the lots of those spaces. We're not requiring setbacks from those property lines. So I'm not sure where the restriction might have come from if someone said that.

(#0580) Diane Edgin: On the lots that they've combined and put in the electrical, sewer, etc. ... To do that kind of work it usually takes permits. That's a problem, too, because what they proposed for that they would be increasing the density by 5 lots for manufactured homes there. I could approve the Rural Multi Family use, but I feel we still have some questions that need to be answered to make a good judgment call on this.

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(#0630) Tim Wing: It says in the staff report that urban levels of services are not being provided to the site and will not be required for consideration of this proposal. Under #12, it says that any significant new development on the site will be evaluated during the permitting process. Those things, I think, state pretty clearly that whatever zoning you have, those issues are going to be dealt with in other theaters within the county. Mr. Fink talked about the fact that a decision might be best focused on what the overall future of the park would be. Mr. Woodring also said that's the primary purpose of their request because that's what they want to do. Wendy pointed out that the more consolidation you do of these lots there will be fewer people there. It seems to me, although some things are a little bit foggy, that everything seems to point towards approving this, so that's why I believe we ought to go ahead with it.

(#0670) Bill Dewey: Is there any further discussion? Hearing none, I'll call for the question. All in favor? Opposed?

(#0680) Steve Clayton: Bill, it's up to you. We have three for and two against.

Miscellaneous discussion on quorum of vote.

(#0815) Bill Dewey: So in reading our bylaws, the vote is decided by a majority of the quorum present. I think Steve is right in his assessment. We have three for and two against. I am, unfortunately, going to vote against it, which creates a tie, which means that there is no action on the motion. So we either need to craft another motion or we continue it to get the information we requested.

(#0845) Mark Drain: If we do that, let's not provide for the hearing unless the information is provided.

(#0855) Wendy Ervin: Could we create a motion that is 'that this would be approved to be sent to the BOCC providing the requested information accompanied it'? Or would that load the BOCC with more work than is necessary?

(#0868) Bill Dewey: I think that passes our assigned duty on. I think if we're provided the information, I think we should be able to make a decision. The reason I'm voting against the motion is I feel we haven't been provided adequate information to base the decision on criteria #1.

(#0875) Wendy Ervin: Should we just abstain from making a decision tonight and give them a date certain to have the requested information?

(#0880) Bill Dewey: That's what I was suggesting ... to continue the hearing until we get that information.

(#0885) Wendy Ervin: I think that's the best thing.

(#0888) Tim Wing: So what specific piece of information would we be receiving to make that decision?

(#0895) Steve Clayton: We could look back into the minutes from our original meeting as to what the county was going to do to meet with the homeowners as far as the 1988 case and the agreements regarding the problems with the water lines next to the sewer line. There's no evidence that's been resolved. There's no water or septic adequacy stated.

(#0912) Diane Edgin: That's outside of our jurisdiction.

(#0915) Bill Dewey: It is and it isn't. It is specific to this criteria #1 and there was a list of questions on page 12 of the May 16th minutes at (#3072) where Emmett Dobey summarizes the questions that we were asking for answers on. Further down on that page at (#3294 and #3420) reflect these questions that Mr. Peters has provided that apparently he's not received responses to that may or may not be relevant to this outstanding question of criteria #1. The information I'd like to get back in order for me to make a decision on this rezone is targeted at criteria #1.

(#0945) Steve Clayton: Yes, 'Development allowed by the proposed rezone designation shall not damage

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public health, safety and welfare'. That's, in my opinion, based on how many units there are allowed in the zone designation. Also, what is the existing density and if we rezone it what would the new density be? We're talking about unused sites that we're going to allow for residential use.

(#0978) Bill Dewey: So does anybody have a new motion?

(#0984) Wendy Ervin: We were discussing a couple of meetings back regarding the Rural Tourist RV park that was going to be put in at the end of Anthony Road on Highway 3 and one of the questions I asked was 'how many units were they proposing'? I was told that wasn't relevant to the decision to make this a Rural Tourist. So how is it not relevant to ask how many units are going in on that project and then it's relevant here?

(#1000) Mark Drain: I think it's because they're already established but to what extent, we don't know.

(#1005) Wendy Ervin: But the number of units is fluctuating according to the demands of the health department and other criteria. As they're describing it, the number of units is being reduced.

(#1015) Mark Drain: I understand that but that doesn't necessarily mean the amount of usage, I don't think. If you have a whole bunch of units that are for tents that are only used once in a weekend, it might not add up to as much as a full time residence.

(#1025) Steve Clayton: That's a good example. If you're taking out 16 tent sites and you're adding 8 full time residences, who puts out more effluent?

(#1032) Bill Dewey: Okay, let's see if we can get a motion on the floor.

(#1055) Tim Wing: I question whether you're even going to get answers to those questions. They came back and said there was going to be 62 units. How would you know if that will have an adverse impact on the environment or not. What if they came back and said they were only going to have 32 units? You're still not going to know. You're only going to know if you find out how many units they're supposedly going to be able to have and then do a complete analysis on their septic system and a complete analysis on their water system. We're talking about a year. That's why I'm saying that this isn't an issue that this commission should take on and it says right in the staff report that it's not germane to us and that it will be handled in the permit process. Even if you come to an agreement about how many sites there are going to be, you're not going to know if that's going to have an adverse impact on the environment or not. They may be having an adverse impact right now and we're not going to know just because we know the number.

(#1100) Wendy Ervin: One thing we do accomplish by turning this into Multi Family is we put the majority of this in a conforming use where currently the majority of it is nonconforming and only a little is conforming at tourist but we will convert that ... so it seems to me that the regulations are easier to work with if you're in a conforming use. If something needs to be upgraded and improved, if you're conforming, then you conform. If all of these are in a nonconforming use and they say the septic system starts to fail, you don't have the regulations to work within to bring that into conformation.

(#1135) Tim Wing: I agree.

(#1140) Diane Edgin: I think staff needs to go back into the records and see where the allowed lots exist.

(#1148) Wendy Ervin: But because it was within the bounds of the reservation, if there wasn't any control put on that, then those records don't exist because they never were created.

(#1155) Larry Waters: That's not true. They were created and in the midst of applying the regulations, the BOCC at the time said to stop applying them.

(#1162) Wendy Ervin: So the records do exist.

(#1164) Larry Waters: If it was done legally at that time. The regulations, whether we enforce codes or not enforce codes on the reservation, have been there forever. The county has been enforcing since 1975 and

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records have been kept. So it's not like it never existed.

(#1192) Bill Dewey: Specific to this first rezone criteria 'Development allowed by the proposed rezone designation shall not damage public health, safety and welfare'. In the original staff report, Allan, your comment to that was 'Rezoning of the properties will not allow additional long-term residential sites or short-term camping sites. Therefore, there is no evidence or reason to believe that the rezone will damage public health, safety or welfare'. Do you stand behind that currently?

(#1212) Steve Clayton: I believe he said that some other staff member wrote that.

(#1215) Allan Borden: For the most part.

(#1218) Bill Dewey: I had the impression that either way we go we're looking at a similar number of units. It's just a question of what you call nonconforming, which ever way you go. We're not going to necessarily change the density so if there's a public health, safety or welfare issue out there now, we're not going to worsen it no matter what our rezone decision. That's the impression I'm getting.

(#1230) Allan Borden: That's right. Meeting either on site or in the office, we should be able to come up with an idea of what they're permitted to do from the past and what they have there now. It almost sounds as if recently they've been putting a lot of improvements in there and I'm not sure if they actually got permits to do so.

(#1256) Bill Dewey: But the rezoning isn't going to change the public health, safety and welfare situation that exists.

(#1266) Allan Borden: Probably not.

(#1268) Steve Clayton: Under Rural Tourist they can't put a new trailer on an empty parcel but under the Rural Multi Family they could say that was a designated parcel for that.

(#1278) Tim Wing: Only if they agree that's a designated parcel.

(#1282) Steve Clayton: We have no base line number to agree on how many units are there. If we had a base line number then we could come to an agreement. By saying it's Rural Multi Family, those empty parcels filling up, and as an example, the tent sites, changing from short-term summer tents to full time permanent residences.

(#1300) Tim Wing: I believe you're taking the position that somehow you already know what the environmental impact will be of filling those sites up. I don't think anybody here does and I think in order to determine that, you get a permit to install one mobile home and the county departments will, as Allan says here, have that responsibility to make that determination one at a time if there's any allowable expansion at all. For us to decide that is beyond what we're supposed to do.

(#1320) Wendy Ervin: And beyond our ability.

(#1324) Tim Wing: We're not going to be able to do it no matter how much information we have or that I think we're going to get. This information is going to come in one permit at a time.

(#1340) Bill Dewey: So I think I've changed my mind. And I think we can get a majority on your original motion if you want to try it again.

(#1345) Tim Wing: I move again to approve the property owners request to redesignate parcels ending 00025 and 00026 from Rural Tourist to Rural Multi Family.

(#1360) Wendy Ervin: I second the motion.

(#1362) Bill Dewey: Any further discussion? All in favor? Opposed? Motion passes with two dissenting votes.

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(#1370) *Break in meeting.*

(#1390) Bill Dewey: I'd like to reconvene the July 18th PAC meeting to take up our second agenda item which is the rezone by Claudia Douglas. Allan?

(#1405) Allan Borden: I'm Allan Borden with the Department of Community Development. Once again this hearing is a continued hearing and the original hearing was on June 20th. John Bonin, the attorney representing Claudia Douglas, requested a continuance on this. The request has been that there are three properties totally 120 acres. They're currently zoned RR20 and they're located on Brockdale Road about a mile east of Highway 101. The proposal is to go from RR20 to RR5. I sent out a letter to John Bonin that if he had additional information they had until Wednesday, July 6th, to get information to me so that it could be mailed out to you on July 8th. I did receive a fax with information that was prepared by Sid Bechtolt analyzing scenarios of land division for these three properties. Going through the merits of a performance subdivision, which permits an increased development density if a person sets aside open space areas on the property, Mr. Bechtolt concludes that that technique of a performance subdivision has limited application, particularly when dealing with large parcels of property, in that people tend to want larger sized lots when they're out in the rural area so he felt that the best alternative was to continue to request a rezone to RR5. I've talked to Mr. Bonin today and basically, since the request has not been modified, we still would recommend denial going from RR20 to RR5 for all three parcels. There is one note in the Finding #4; 'Large Lot Exemption was executed in 2005 to split parcel B into two lots'. One 10.42 acre lot and one 31.85 acre lot. That approved land division included a five year moratorium on further land divisions on the face of the plat. That smaller new lot is to remain in the family ownership; it's not to be sold. So that tends to limit what could be proposed on that parcel B, which was formerly more than 41 acres. Formerly parcel B was 43.67 acres and it's been split into those two lots so there's a limit on what can be done on that property. The presence of the wetland does occupy a pretty good percentage. The wetland in the associated buffer; that would be 140 foot buffer with a 15 foot setback on a category I wetland so that not only occupies land but it also makes a portion of the property completely on the south side of the wetland. So that's basically what my staff report is. Mr. Bonin is here and the applicant is here to answer any questions on this request.

(#1635) Bill Dewey: So could you clarify again on Finding #4; you're saying parcel B is split into two lots and that the 10.42 acre parcel has a provision on it that was executed that says that has to stay in the family?

(#1652) Allan Borden: Yes. It's a Large Lot Exemption so there's some restrictions on what you can do with that property that you create. The newly created lot has to remain in family ownership.

(#1662) Bill Dewey: And that's a restriction you can actually put on the map?

(#1665) Allan Borden: Yes. For five years.

(#1668) Tim Wing: How far are we into that?

(#1670) Allan Borden: Four months. The reason why I bring this up is that Large Lot Exemption was not perfected at the time of application and, in fact, I don't even think it was applied for at the time of this rezone application so that's sort of a change in conditions.

(#1685) Bill Dewey: Any other questions for Allan?

(#1688) Tim Wing: Under Finding #6, it says that this isn't consistent with the GMA. It says that it increases sprawling types of development. Are you saying that 5-acre lots are sprawling types of development?

(#1698) Allan Borden: No, but 1 to 5 density is sprawling type of development.

(#1700) Tim Wing: But they're asking to create 5-acre lots, aren't they?

(#1704) Allan Borden: Not necessarily. They could, but they're not limited to that.

(#1706) Tim Wing: Maybe I misunderstand this. I thought that they were asking to rezone this to create 5-

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acre lots.

(#1710) Allan Borden: They could do that but they're requesting the development density be changed for 1 unit per 20 acres to 1 unit per 5 acres. You can create lots down to 2 acres in size.

(#1720) Tim Wing: Aren't they requesting to create lots 5 acres in size? Isn't that the minimum size they're asking about?

(#1728) Allan Borden: Development Regulations across the county permit you to create a 2-acre lot under standard subdivision processes. The development density has to be what's called for on that property. So let's look at parcel A. It's 40 acres in size. If you go from 1 unit per 20 acres to 1 unit per 5 acres, under 1 to 20, they can only create two lots; one can be a 2-acre lot and one can be a 38-acre lot. But they don't have anymore development density. That 38-acre lot can't be further subdivided.

(#1772) Tim Wing: Okay, so the density is still 2 units in 20 acres?

(#1775) Allan Borden: It's 2 units in 40 acres.

(#1780) Tim Wing: What I'm getting at is this increasing sprawling types of development. Do you really think that what they're requesting is going to increase sprawl? I think of sprawl as Highway 99 in North Seattle. I know that's an exaggerated example but I just object to using the GMA about sprawl to describe what I think they're trying to do which doesn't sound like sprawl to me. In the second half of your sentence there you go on to say that this might encourage further growth in the rural areas. Does the GMA discourage growth in the rural areas? Are we supposed to discourage growth in the rural areas?

(#1825) Allan Borden: We're supposed to discourage intensive development so right now the intensity of development on this property is 1 unit per 20 acres and the proposal is to quadruple that density.

(#1840) Wendy Ervin: On her application for requested rezone, it says that the current owner would like to be able to give 5-acre parcels to her heirs. Current zoning prevents this. Now, you're talking about encouraging sprawl and 2-acre lots and all the rest of that. That's not what this woman wants to do. She wants to give 5-acre lots.

(#1858) Allan Borden: She actually could create a 5-acre lot and she'd have a 15-acre lot or a 35-acre lot, depending on the size of the property.

(#1864) Wendy Ervin: Tim was saying you're referring to this as sprawl and that she could have 2-acre lots, but must we apply that language to something where she specifically is saying she wants 5-acre lots? Why do we have to apply the most restrictive or the most abusive language to her plan? Do you have to universally apply that language, no matter what the person wants, or can we look at what her individual request is?

(#1900) Allan Borden: We're looking at the impact of what she's requesting, not specifically what she's requesting.

(#1902) Wendy Ervin: Right, and what she's requesting is that she give her children each 5-acre lots and I don't know how many children ...

(#1906) Allan Borden: Well, that's the question, too, and that isn't specified.

(#1915) Diane Edgin: I've sat through so many hours listening to John Diehl talk about transition lots and having the mix within the county ... he was saying that, first, you didn't want to create all 5's, especially up against the city because it wouldn't leave the city any room to expand, but then he also talked about having the mix of lots and right across the road from this we have 1-acre lots and then she has the three fairly large parcels ... we don't see any of the intermediate lots here so if we were to grant this, we would be creating some intermediate lots, which are being snapped up so fast in this county. We just went to this meeting the other night about talking about how to move the traffic and where is the future growth going to go? Well, they've got Brockdale Road and we listened to them talk about what the carrying capacity was on a road and

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from what I understand from Mr. Bullock, we don't have that in the rural area yet where it would require an upgrade.

(#1980) Mark Drain: What lies on the south side of these properties?

(#1984) Allan Borden: Directly south there is 640-acre parcel owned by Green Diamond. To the southwest, is a 320-acre piece of property, and if you go farther south, you get similarly large parcels.

(#2000) Mark Drain: And those are zone RR20?

(#2002) Allan Borden: Yes, 1 to 20. They're not long term commercial forest but they're forest lands that are RR20.

(#2020) Wendy Ervin: The map we have does show some RR10's and an RR5 around there so there are varying zoning there.

(#2040) Allan Borden: I would encourage you to listen to the applicant because there was a reason why they made a request for continuance tonight.

(#2050) Bill Dewey: Any additional questions for Allan?

(#2060) Bob Fink: I'll show you this zoning map. When you're considering what's being done with this rezone request, you need to consider it within the larger context of the goals of the county and the reasons why there are 5, 10, and 20 acre rural residential districts. The county, when it originally adopted its Comp Plan, adopted a 5-acre density throughout the rural area. That was found invalid and noncompliant with state law and remanded to the county to fix. It took the county approximately seven years to come up with a program to fix that. The program was one that divided the rural residential areas of the county into those five different zones with a mix of densities and it's approximately 40% of RR20, approximately 45% of RR5 and then there's some RR10's in some transitional areas or where there's a real mix of lot sizes. Where the zoning is RR5, if you look at that, the average lot size in those areas is 2.5 acres. If you look at the pattern in most of those areas, the pattern that you'll find is a large number of small lots and very few larger acreage tracts. On the other hand, if you look at the 20-acre lots, you'll find a lot of what you have in this case, where you have 80 acres or larger chunks that haven't been divided further. The proponent had just divided very recently an 80-acre tract into two 40-acre tracts, which doesn't require a land division to be approved by the county. It's something you can apply for and get segregated out into two different parcels and the zoning allows it.

Right now the county has kind of a balance. The GMHB, which is the body that interprets the GMA, has said that you need a mix of densities and implied that the density you're looking for is about 1 house per 10 acres in order to protect rural character. It's not just a question of sprawl; it's the protection of preserving rural character. The county, in its original action, hadn't necessarily taken that viewpoint. But this is the viewpoint that eventually was adopted in getting the county into compliance with the ACT. One of the issues that came up, when the county looked at rezones last time, is that the BOCC at the time wasn't able to approve some of the rezones that had been sent forward by the PAC because they felt there were not conditions present that uniquely differentiated those parcels. One of the things they would look for is how is this rezone from RR20 different from other lands? One thing you know you can't do is you can't rezone all the land to RR5. So one of the points of this is you need to figure out, if you want to consider increasing the density, is how is this property distinguishable from other properties? That's what the criteria about leading to other rezones is; cumulative effect.

(#2315) Bill Dewey: Let's go ahead and open up the public comment period of our public hearing.

(#2320) John Bonin: My name is John Bonin and I will offer some brief comments and then let Mr. Bechtolt give you some more detail. When I last came here, there was a lot of discussion about things that we needed to do. There were a lot of questions pertaining to water and sewer and septic and all of those things boil down to hiring experts and getting determinations. I talked to people about these issues but the bottom line is she can't get there from here. One of the things I would point out to you is that when we're dealing with those types of issues, perhaps what we ought to look at is in terms of the people that are going to be getting these properties and the people who are going to be getting those having the combined ability to either pool their

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resources or address those issues in other forms. Mr. Fink raised the issue that I think is really important and that is distinguishing characteristics of the property and the hardship issues and I'll get to those in a minute. One of the things I wanted to talk about is the fact that I have, and Ms. Douglas has, attempted very hard to come up with resolutions that would not result in bothering you. We were trying to figure out how to help Claudia given her unique characteristics of her land and that goes to the differences. You've got marsh land on this property. You've got landlocked areas on this property. You've got the history of this property. Her father was the groundskeeper for a retired judge and her father obtained this as a gift in this person's will. She has family members and she wants to give those family members parcels and she wants these people to have something and she also needs to have her own place to live and an ability to survive. My client is a part-time lunch lady who has significant health issues, particularly with her knees. Those are things that are all things that ... like I said last time, she's the poorest, rich person I ever met. She wants to pass these things down from generation to generation and I think it's an admirable and a decent thing.

One of the things I was really concerned about is an issue of hardship and Mr. Borden and I talked a lot about hardship issue and one of the things that came up was the issue of the landlocked nature of parcel C. Mr. Borden said we'd have to explain to the board what our plan is for the landlocked parcel. I thought about that and I wondered what the plan was? Is it going to be landlocked at RR20 or landlocked at RR5? It's still landlocked. Now here's the thing. If you have the ability to divide that up, the law in the State of Washington, favors unlocking landlocked land. We don't like landlocked parcels. So if you have the ability to divide that further, you're going to have the ability to spread the cost of what the court is ultimately going to allow and that's the opening of an access road. I can tell you that there are two neighbors and one of them is more than willing and the other one probably would once they found out that there is some type of a resource and they don't have to have their street paved in gold. In terms of the hardship issue and the ability to use land, that one issue there is a hardship. You've got a marsh going right down the middle of it and no access. That is a hardship that goes beyond finances. I think you folks are doing an admirable job. I was very impressed in what I was hearing from you. The fact you disclosed you were volunteers and it's just amazing the thought level you put into these things. Mr. Bechtolt has some really good ideas and some good plans and the things he discusses are over my head when it comes to these issues. I'd like Mr. Bechtolt to come up and express his plans and views and he has spent many years trying to help Claudia through these issues.

(#2750) Sid Bechtolt: My name is Sid Bechtolt and I'm a local land surveyor. Some of the issues that I've identified with this property are consistency of the use, consistency with properties surrounding it, the transitional nature of the area as it stands right now, and the proximity to the UGA. I wanted to start out just talking about the existing land use patterns around there. This has already been somewhat touched upon this evening and I'll show you this Assessor's map. This is an area to the north of Brockdale Road, which is primarily encompassed by 1 1/4 acre lots. This is Ms. Douglas' property here which is all zoned RR 20. Directly to the east of her is a 30-acre parcel that's zoned RR20. There is a parcel adjacent over here which is RR20 on the south side of the road and RR5 on the north side of the road; it has dual designations. As we go to the west, we've got RR10's down here and the parcel adjoining Ms. Douglas' on the southwest is owned by Green Diamond and is an 80-acre parcel and is zoned RR10. To the south is basically forest land which is owned by Green Diamond and is RR20. The discussion has been made that Brockdale Road seems to be a logical boundary between the RR5 and RR20 but I submit that it's not and, in fact, it really isn't being used in that affect currently and that's evidenced by the RR10 designation we have to the west and also by the fact that when these parcels to the north (1 1/4-acre lots) were designed, their area was calculated to the center of Brockdale Road. Likewise if Ms. Douglas were to proceed with any type of subdivision action on her property, she would be allowed to include the area to the center of Brockdale Road within her area calculation so I submit that it's really not a buffer at all. Looking at what would be a logical margin, it seems to me the section line would be a much more logical position to have a boundary between the areas transitioning from smaller lots to the larger lots to the south. The transitional nature of these properties has already been discussed so I feel designations of RR5 on Ms. Douglas' properties would lend themselves very nicely to a transitional nature that we've been discussing. With regards to the UGA, it's currently located about a mile to the south of there and having done a considerable amount of work within the UGA around Shelton, the current state of it is that it's been very much underutilized and there's many years ahead of us before the existing UGA every even comes close to its development potential. There are no urban services available in any parts of the current UGA but eventually those will occur and urban services will move in that direction but I submit that that is going to be a very long time. There is a Category I wetland that does subdivide the property and as Mr. Bonin was taking about, the landlocked nature of the southwesterly portion of Ms. Douglas' property. At one

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time many years ago, we looked at trying to gain access to the property to the southwest side of the wetland through a crossing with a bridge or a culvert but it really doesn't lend itself to that and Fisheries was not supportive of that idea. There is a potential route on the west side coming in through this other area of developed lots and cutting across the corner of the Green Diamond property that would get us around the wetland. The problem with that is it is economically not feasible because the people involved are requiring some type of compensation and with the current designation of RR20 on that parcel, the resources are not available to access it. I also wanted to address the Findings. In the Findings, it is discussed that the rezone proposal does not meet criteria 2, 3, 4, or 7 so I wanted to look at those specifically. Criteria #2 says that the zone designation should be consistent with the Mason County Comp Plan, Development Regulations, and other county ordinances and with the GMA and that that designation shall match the characteristics of the area to be rezoned better than any other zone designation. When I read through here, I noticed that the response from the Planning Department starts out saying that the proposed action is consistent with the Mason County Comp Plan, the Development Regulations, other county ordinances, and with the GMA. Then it goes on to list the Comp Plan policies that would apply to this proposal. It then goes through a definition of all the different residential classifications. Then concludes that the rezone proposal does not match the characteristics of the area to be rezoned better than any other zone designation. When I look at the current land use patterns, the concentrated development to the north and then a pattern of varying density types surrounding the property, it seems to me that a RR5 classification would fit the ordinance well.

With regard to #3, it says that no rezone shall be approved if it would materially increase sprawling, low-density rural development. We've already talked about that and we don't feel that 1 unit per 5 acres constitutes a sprawling land pattern use. It also goes on to discuss Brockdale Road as a logical buffer and I do disagree with that. I think there are two more logical buffers that would apply. Either the wetland itself or the south section line, which is where we would like to propose it because of the problems in accessing the property to the south side of the wetland. Under #4, it says that no rezone shall increase demand for urban services in rural areas. I submit that there are not urban services available in that vicinity at all and that the low number of increased parcels that we would be creating would not make for a significant impact on the usage of Brockdale Road. In the response, there is an analysis that additional population of 62.5 people, based on 2.5 people per parcel, could be expected and based on an average of 9.5 traffic trips per day would result in an additional 237 trips per day on Brockdale Road. If you were to examine average daily traffic counts on Brockdale Road, I think you would find them to be in the 2,000 - 3,000 trips per day range so I wouldn't see that as a significant increase. Under #7, it says no rezone to a more intensive land use shall be approved if it will increase the pressure to rezone adjacent or surrounding parcels. I don't see how that can be controlled by the applicant but what the impact is of this on surrounding parcels ... as you can see, the current designation of the surrounding parcels is already generally quite a bit smaller than what Ms. Douglas has and from that standpoint I don't anticipate a significant increase around it. That's all I have for now unless you have any questions.

(#3500) Bill Dewey: On that last point, if as you suggest the section line is the more logical boundary, what would be our argument if we're trying to discourage further rezone requests that are going to reduce the parcel sizes and increase densities in these areas? What rationale could we give Simpson on that parcel to the west or the RR20 on the parcel to the east that they couldn't be RR5 also if they came in and requested it?

(#3550) Sid Bechtolt: I would suggest the parcel to the east, it's proximity to Brockdale Road, would actually make it a likely candidate. The parcels to the south, are very limited as to access. All of that property, at one time, was owned by DNR and Simpson acquired it in a large land trade where DNR and Simpson, I should say Green Diamond, were attempting to block up their holdings for the purpose of long term forest planning. That was the reason why that exchange was made and looking at the history of both of those organizations, I believe they would be focused on long term forest management rather than residential development.

(#3620) Diane Edgin: You said the build out for the UGA ... you say a very long time. Are you talking 5, 10, or 20?

(#3638) Sid Bechtolt: If I were to make an estimate, I would say 30 to 50 years. There are many, many parcels that do not have urban services available to them, or even within an economically feasible proximity to them that are currently within the UGA. The UGA is quite large; it goes all the way to Johns Prairie Road and

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beyond and encompasses the entire Port of Shelton. When I say urban services, I'm talking about sewer, city water; the things that are required to meet the densities that are being encouraged in those areas, which is 4 DU per acre. This is the reason why I say this development is such a long time out because those urban densities are unachievable with those services being unavailable. For instance, the minimum lot size for an individual septic system is 1 acre and individual wells, or even Class B well systems are currently restricted to 5,000 gallons a day per individual project so those are very limiting factors right there which will prevent the urban densities that are being sought after from developing in the very near future.

(#3755) Bill Dewey: Is there anyone else that would like to offer public testimony regarding this rezone request? Hearing none, I'd like to close the public comment portion of the public hearing and move to discussion by the PAC as to how we'd like to address this request.

(#3800) Tim Wing: I wanted to comment that I think that the current zoning is not appropriate and it is not better than any other designation. I think the designation being requested is far more appropriate. It seems to me, that from a transportation standpoint, we need to provide smaller lots near roads. We can't afford to build roads as it is and this property is right adjacent to a very good road that leads directly out to the highway and that comes directly to Shelton and that's where we ought to have smaller lots. I don't mean 1/4- acre lots, but 5-acre lots, to me, are not small. I also think that the adjacent density, and the comments Mr. Bechtolt made about the transitional nature of the location, makes sense to me. The extension of infrastructure, I think that also makes sense and the roads is the main part of that. So overall, I think that this request should be approved and I expect that any redrawing of the map showing the smaller lots, 5-acre lots, will take into consideration the significant setbacks that will have to be dealt with with wetlands because I know that's a big issue. However, I don't think that's insurmountable and they won't be able to create a lot that doesn't deal with that appropriately.

(#0175) Steve Clayton: If we look at the criteria that staff has on page 4 of the staff report, under RU 521, it shows what determination for the land use designation shows. The parcels B and C, to me, there's no question that 20 acres fits. Critical areas, parcel B is 100% surrounded by RR20; parcel C is more than 75% surrounded by RR20. It doesn't seem that there should be any question about B and C. Parcel A, adjacent to Brockdale, if we want to rewrite and expand what is on the county map, you're expanding the RR5 area out to the center core.

(#0225) Tim Wing: I don't accept the idea of RR20 right up to the road. Across the street you've got 1 1/4-acre lots. That's not, in my mind, a transition at all.

(#0235) Bill Dewey: I think what Steve is saying is that parcel may be appropriate for the rezone.

(#0238) Steve Clayton: If we just wanted to talk about parcel A in particular as that probably as an RR10 because that's what RR10 is designated as is a transition. Then we have one of the aspects that staff brought up was that anybody where we have higher densities in the county people can come up to us and say they want higher densities.

(#0255) Mark Drain: That might not be fair to say. They're not asking for a similar density. There's such a drastic difference between the densities that you would think that there is no transition area and maybe there should be or could be.

(#0270) Diane Edgin: When you think about the meeting we went to the other night, it was spelled out there that one of the things that we as a PAC have to look at is where is future growth going and where are we going to put the roads and as Tim said, roads are very expensive to build. So it makes more sense to try to put the growth where the roads are but you still have to keep the transition.

(#0282) Wendy Ervin: I was really dismayed at what Mr. Bechtolt said about the length of time that the UGA will be not appropriate for development if we cannot, because there is no sewer or water, what we're being forced to develop in the UGA, and we cannot cut the county lots down to 5 acres to allow people to move there, where in the world are people going to live? Everybody keeps saying the GMA is so we can preserve our rural nature; no, I don't believe that's what the GMA is. The GMA is determined ... the whole point of it is to shove more and more people into a UGA and frankly I think a lot of those people are people who need their

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space and so what you're going to do is have a crime concentration.

(#0335) Bill Dewey: We're not here tonight to debate the GMA.

(#0340) Wendy Ervin: Well, I was really upset when he was talking about that developing this area is going to be almost impossible to meet the goals of piling people higher and deeper, and now we're stretching what's out in the county so what do we want?

(#0355) Steve Clayton: On #3, if we're going to accept the thought that anywhere in the county we can put RR10 next to an RR5 and look at the sprawling affect with all the pink that we already have on the map and we're going to put RR10 next to all that. I call it sprawling but it's also taking back to what Mr. Fink said earlier about what was acceptable to the GMHB about the density in the county. If we're going to accept the premise that around a road and around RR5's we should have RR10's everywhere, then we should do it for everybody, not just for those that come before us with money for a rezone.

(#0390) Tim Wing: I don't agree with you at all because part of my criteria for why this one makes more sense than most of the other ones on that map is because it's one mile from a UGA; it's two miles from the school; it's a mile and a half from grocery shopping. I'm a realtor and people come and say they don't want to be out that far and the cost of driving today and do you want people driving long distances? I don't and so the vast majority of those 10 acre things, I think, are very different than this one in regard to how close it is to the UGA and where the density should be in the county. If you want to call 5 acres as being dense, then it should be as close to services as possible to minimize pollution, to minimize services, to minimize driving time and expenses to citizens who don't want to live out in the real rural areas.

(#0425) Diane Edgin: We need to develop properties that are already on arterials before we start branching out to other areas.

(#0445) Wendy Ervin: And this area is relatively flat. It doesn't have enormous hills.

(#0455) Diane Edgin: I think one of the things I always think about GMA is that we do need to protect the environment and reading back over the history of it, it was to try to figure out how to control costs.

(#0462) Steve Clayton: In criteria #3, it talks about the cumulative impact. It's my vision that if we make this change in our policies, that's what they're talking about is the cumulative impact.

(#0475) Diane Edgin: We don't want to be in the position of buying land because they can't develop it. We have a little different situation under this development. I don't know where we are nowadays compared to ten years ago that I knew you could leave things to your heirs by will saying you will get this 5 acres and you will get this 5 acres. I don't think it had to be subdivided. You just had to identify it.

(#0492) Wendy Ervin: Once the will was probated, that then became the subdivision.

(#0505) Steve Clayton: Criteria #3 and #7 are similar.

(#0510) Mark Drain: A lot of thought has gone into this map and we do have a couple of RR20's adjacent so those people should be in here next year asking for the same thing if we were to down zone this tonight. Perhaps a compromise would be to go to RR10 for parcels B and C, and RR5 for parcel A.

(#0535) Steve Clayton: But parcel B is 100% surrounded by RR20.

(#0545) Tim Wing: One of the problems is we're trying to do this in a vacuum with knowledge about what the very, very limited inventory is of 5-acre lots. In the last two years, in the North Mason area, and I think it's the same down here, they've been flying out the window; there's just aren't enough of them. The price has gone from what was about four years ago for a decent lot of about \$35,000 and it's \$75,000 - \$80,000 now and the reason is there is no where near enough of them. One of my responses to you is when these people come in and want to rezone we may want to consider that. I think these 5-acre lots that are close to the UGA makes sense. People do want to live in the rural areas. No one ever moved to this county to live inside the City of Shelton or Belfair. In fact, the City of Shelton lost four people in the last ten-year census.

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(#0588) Diane Edgin: We've got to keep in mind that we don't want to create 5-acre lots right up against the UGA. At some point in time, things might actually happen for Shelton and they've got to have some ability to expand.

(#0600) *Miscellaneous discussion.*

(#0700) Bill Dewey: So we need a motion and if we're going to go contrary to staff's recommendations we need to think through justification for doing that. We've got to provide alternative Findings to support that.

(#0740) Diane Edgin: It was brought up by one of the commissioners at the meeting the other night that that was one of our duties under GMA to find places for roads and arterials for future growth. It's all part of the puzzle we're facing.

(#0760) Mark Drain: For as many reasons you can give to change the zoning there are probably as many to preserve it the way it is. Parcel A would be pretty easy to justify that because of the zoning to the north and the location along side the road.

(#0780) Steve Clayton: Parcel A could fit the criteria as transitional adjacent to the public road. There are a couple of other issues that it doesn't quite fit.

(#0800) Tim Wing: I move that to improve the transition between 1.25-acre lots and RR20's, and to utilize existing roadways effectively, and to provide additional 5-acre lots within short distances from schools and services, we recommend approval of the applicant's zoning change request.

(#0830) Diane Edgin: I second the motion.

(#0832) Bill Dewey: We have a motion and a second. Further discussion?

(#0835) Steve Clayton: Parcels B and C are not adjacent to the highway and they are not adjacent to the 1 1/4-acre lots.

(#0842) Diane Edgin: I would say that also on Parcels A and C have minor impact as far as the wetlands and parcel B does, that to give them some utilization does make sense to go to RR5. Then just leave parcel B alone.

(#0866) Steve Clayton: Why parcel C that has no access?

(#0868) Diane Edgin: Because that's not going to be an issue. If people really want that and they get the RR5's and under the current economic situation I don't think it's ... it's not going to be a county cost to put that road in.

(#0875) Bill Dewey: But you'll have RR5's sitting out there in the middle of RR10's and RR20's.

(#0877) Diane Edgin: There's your transition. It will give us the inventory in this county that we need.

(#0900) Steve Clayton: So one of the criteria that we're having to rewrite is the RU 521, which is county criteria. This doesn't meet that criteria so your justifying it based on new criteria.

(#0910) Diane Edgin: I'm looking at it from a transportation element because I listened at that meeting the other night where they talked about figuring out where to put people and be cost effective.

(#0918) Wendy Ervin: And if they can't be stuffed into the UGA because of other problems with using the designation ... if you've got to have room enough for a septic tank and drainfield, you can't put four people on an acre.

(#0950) Tim Wing: I think Mark's comment was well said that we could come up with all kinds of arguments

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any direction you want about this buffer zone or is it surrounded by RR20's, but on the other side of the road are 1.25 acres. If 5-acre lots aren't a transition, I don't know what is. We can argue it multiple ways.

(#0966) Bill Dewey: Just listening to the discussion here, there's obviously varied opinions and while we can work with majorities, it's nice to have as close to a consensus as we can, so I'm hoping we're keeping open minds and listening to each others opinions and working towards a compromise that might be closer to a uniform vote amongst us here. We do have a motion on the floor to accept the proposal and go to RR5's on all three parcels.

(#0990) Mark Drain: As a large landowner, I'd love to be able to come in here and do that to my land, but also as a large landowner, I would hate to see anymore people next to properties that we own. So it's a tough one.

(#1000) Tim Wing: If you're going to create RR5's anywhere, where would you put them better than this?

(#1005) Wendy Ervin: Right, because if you stick them out in an area that doesn't have any development you could say you're not creating sprawl because it's all surrounded by RR20's but there's no road, there's none of the services. This has got everything that needs to be there; schools, nice road, fire system.

(#1030) Bill Dewey: So, Steve, which criteria are you wrestling with? Is it #7?

(#1040) Steve Clayton: Under #2, where we have specific criteria; under RU 521, where it says what we'll do for this and what we'll do for that and it doesn't fit. As a small property owner, an important aspect is consistency in regulations. I like to know what's going on next to me when I buy a house or a piece of property and if we change willy / nilly without following the regulations, following what the county has adopted through the years, that's not consistency.

(#1085) Diane Edgin: You weren't present for the argument for the mixed sizes and one of our greatest opponents about what we have done and argued in front of the GMHB, is the one who argued for the mixed sizes.

(#1094) Steve Clayton: It would seem that if we're going to make changes then we should change our Comp Plan to update it to what our philosophy is so that people on the outside know what's going on.

(#1105) Diane Edgin: At the other meeting we were talking about the transportation element that we have to deal with within the county and yet, when we look at the overall picture ...

(#1115) Tim Wing: I want to go back to two things. The inventory is low, the prices are going through the roof. If you are never going to change that map ever, I can understand not making this decision. But if we're ever going to change that map and create more 5-acre lots, show me a place on that map that makes more sense than this. If you can't find one, then we're never going to change the map and that's not the way we ought to go into the future. This whole thing, even GMA says, you're supposed to adjust it all the time to meet current needs. I think 5-acre lots close to schools, close to services, close to a good road makes a lot of sense.

(#1145) Bill Dewey: In a side bar with Bob Fink, as far as getting a handle on the county's inventory of 5-acre parcels that are available to build, we won't know for a couple of weeks the status of that so it doesn't help us tonight for our discussion, although, Tim, I value your opinion as a realtor, you'd certainly know what's going on out there.

(#1165) Tim Wing: I could do a market search and see what's on the market, too. We ran out of things on paved roads about two years ago. Once in a while we get one but they're \$85,000 or more. If they're on a paved road and they're in, they're snapped up right now.

(#1180) Bill Dewey: So we've had a lot of discussion on the motion so we'll see where we're at with Tim's motion. All in favor? Opposed? Motion does not pass.

(#1200) Diane Edgin: I'm coming strictly from two points. Transition and that road.

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(#1210) Bill Dewey: I agree with all of that but I don't buy it on parcels B and C. I could go to RR5 on parcel A but I don't feel like it's justified on parcels B and C.

(#1222) Diane Edgin: I think parcel B should be left alone and parcels A and C go to RR5.

(#1230) Wendy Ervin: I would agree with that.

(#1235) Steve Clayton: What if we leave parcels B and C alone and we go to RR10? With A, it fits the criteria.

(#1240) Wendy Ervin: I think that Tim's statement that parcel C is the most developable of those lots. From his area of expertise, I think we should pay attention to that.

(#1260) Steve Clayton: It's encumbered by wetlands, surrounded on three sides by RR20's ... then on the fourth side is Simpson's property.

(#1275) Tim Wing: Show me a place on the map that is a better place to build 5-acre lots.

(#1277) Steve Clayton: Anywhere along the major arterials.

(#1280) Tim Wing: You go a mile away from the UGA and you're further away from services.

(#1284) Mark Drain: I think there's some validity to what Tim said ... the only thing is the surrounding properties.

(#1290) Diane Edgin: I said RR5 because there is a protection element against a high density area because a high density area tends to have fireworks, etc., and this being the most developable because it's not impacted as much by wetlands and the fact that this other one to the north has a mixed use.

(#1305) Steve Clayton: Well, actually, if we're looking at the established criteria, parcel A would fit well in the RR10.

(#1320) Tim Wing: Isn't that a lot of the same criteria for RR5? Next to an arterial, close in ...

(#1335) Diane Edgin: My thought is the lot that is bisected by Brockdale, because of it's mixed designation, how could we deny that lot ...

(#1340) *Miscellaneous discussion.*

(#1380) Tim Wing: You're reading the RR10's and saying this is the criteria, well, I'm reading RR5's and I'm saying it's the same criteria. It fits.

(#1390) Diane Edgin: When we look at growth management, we have to look at the overall picture.

(#1400) Mark Drain: I just know that I would vote to do something else besides leave this ground the way it is now.

(#1425) Bill Dewey: Mark, would you like to make that in the form of a motion?

(#1435) Mark Drain: I make the motion that parcel A be changed to RR5 and that both parcels B and C remain as they are.

(#1445) Steve Clayton: I second the motion.

(#1450) Bill Dewey: We have a motion and a second. Any further discussion?

(#1452) Wendy Ervin: I agree with parcel A going to RR5 and I think parcel C should also go to RR5. Then

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leave parcel B at RR20.

(#1470) Tim Wing: Is it an option to postpone the decision until the next meeting so we've got some inventory numbers to look at?

(#1495) Wendy Ervin: The discussion of whether we should do it there or somewhere else, if you look at all of your major roadways, this is one of the very few areas that you have RR20 right up to an arterial. Everywhere else that's where your development is.

(#1515) Bill Dewey: Well, we're working through a compromise here. At least we've got a proposal that puts parcel A at RR5.

(#1535) Mark Drain: I think eight lots would sure be nicer than one. Then you still have some ground that can be rezoned on some other day.

(#1550) Wendy Ervin: But we're talking about a lady that is not high on resources and she's paid for this hearing; she's paid for us to apply ourselves to this.

(#1560) Steve Clayton: We're also talking about land division which will never be changed back and it's good for generations forever; if we change this, it's permanent.

(#1570) Wendy Ervin: I'm saying this person made an application to change three separate parcels. We've got one application and an application fee to change three separate parcels. If we only change one of them and she has to come back and pay again for us to apply to the other two parcels, I think that's wrong and I think that's wrong for anybody.

(#1590) Bill Dewey: That shouldn't be a basis for our decision. We've got the information before us to make a decision tonight and I don't think we should put it off. I personally am wrestling with parcel C because of the 10's and 20's around it. It just isn't a fit to go to 5's, I feel. I'm okay with parcel A but the back two parcels I'm not. So I'm not hearing any new information on the motion. Any further discussion on the motion?

(#1630) Wendy Ervin: Which motion?

(#1635) Bill Dewey: The motion that Mark has made with going with parcel A to 5's. All in favor? Opposed? Motion passes.

(#1640) Steve Clayton: The motion was to go with 5's on parcel A and leave B and C as is.

(#1645) Wendy Ervin: No, parcels B and C weren't in that motion.

(#1648) Bill Dewey: It is. The motion was to change parcel A to 5's and leave parcels B and C as 20's.

(#1652) Wendy Ervin: I didn't understand that. I understood ...

(#1655) Bill Dewey: That was the motion. We'll now revote on the motion. To be clear, the motion on the floor is for parcel A to go to RR5 and parcels B and C to stay at RR20. All in favor? Opposed? Motion passes. Bob, did you have something else for us?

(#1665) Diane Edgin: I will need to be excused for the August 15th meeting. *Motion passes to excuse Diane.*

(#1750) Bob Fink: Here is a handout that defines the groups that will be presented to you during the upcoming hearings. This plan here is an alternative to what we gave you and you approved previously in the sense that there were a few items that were cut out of the work program in order to spend more time on some of the remaining issues and to try to make sure that we're going to get the mandated things done. So some of the non-mandated things were bumped back into 2006 over concern that perhaps we were trying to accomplish too much. The work program and the update review and the establishment of the work program will be heard before the BOCC tomorrow morning. What we tried to do was establish a detailed schedule of

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when particular items would come up so people can start figuring out when they will have an opportunity to make public comment. We have an additional sheet here with an even more detailed type schedule which shows when we will have drafts available, when comments are due, when public hearings will be held, etc., for use both internally and by you and the general public.

The first meeting on August 15th is on the Economic Development element where there will be a presentation and a chance for comment and you'll have time to digest that. There will be a similar meeting on population allocations. There's essentially four big topics that we're still trying to get done, even with this reduced program this year. There's the Allyn plan and zoning, the Shelton plan and zoning, the new Economic Development element, and the population allocation. When we move our plan to 2025, then we have a lot more people to allocate and you have to decide how to allocate them. Then we'll go into the first group.

(#2000) Wendy Ervin: By group, do you mean group of people or group of activities?

(#2010) Bob Fink: The group of issues; all three groups.

(#2050) Steve Clayton: So, to be clear, you're expecting our meetings to be the three Mondays in August, then the 6th, 19th, and 26th of September, and then the first Monday in October.

(#2100) Bob Fink: That's right. And there's one fairly large item that's not on here that we might want to schedule for its own meeting which is the Shelton UGA zoning. If that gets prepared in time, it's probably a big enough topic that it's something that deserves its own meeting and discussion. So that would be one day we might need to add to the schedule, but we're not sure yet when that information will be available from the city and when it's really going to be ready for the work.

(#2150) Susie Ellingson: Does anyone know of any meetings at this time that they will not be able to attend?

(#2160) Bill Dewey: I will not be able to attend the September 26th meeting.

(#2170) Susie Ellingson: We just want to make sure that we will have a quorum at these meetings.

(#2180) Bob Fink: Right. If there's one of these nights when we don't have a quorum we may consider rescheduling it to another night. I was looking in the bylaws when the question came up on voting, and it says you can't make a decision without a quorum. It doesn't necessarily say that we couldn't hold the meeting without a quorum.

(#2200) Steve Clayton: If people aren't here, it makes it pretty tough to have the presentation and then would have to be here to make a decision, but the minutes don't come in that close a time frame.

(#2215) Bob Fink: We'll probably try to make special arrangements in order to get the minutes out every week. Susie may need assistance on that.

(#2250) Bill Dewey: The other item of business tonight is to thank Mark for his dedicated service and input here with the PAC.

Meeting adjourned.