

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
January 22, 2007

(Note audio tape (#3) dated January 22, 2007
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, Wendy Ervin, Jay Hupp, Dennis Pickard, and Diane Edgin. Tim Wing and Terri Jeffreys were excused.

Staff Present: Emmett Dobe, Allan Borden, and Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes from the December 4, 2006 and December 18, 2006 meetings were approved as presented.

4. NEW BUSINESS

(#0075) Bill Dewey opened the floor for nominations for Chair and Vice-Chair for the upcoming year. After a brief discussion, Bill Dewey was nominated for Chair and Tim Wing was nominated for Vice-Chair. A vote was taken and the motion passed. We have two public hearings tonight for rezone requests and also we have the continuation of the hearing on the North Shore LAMIRD having to do with policies. We will take up the Christenson rezone request first.

(#0135) Allan Borden, Department of Community Development, presented the staff report for the

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Christenson rezone request. This is the second hearing on the request by Linda Christenson and Frank James. The original public hearing was on October 18th. A couple of weeks ago I completed supplemental evaluation information which we will go over. This is a request on a 2.57 acre piece of property on Harstine Island on the north end currently zoned Rural Residential 5 (RR5) and the requested zoning is for Rural Tourist Campground (RTC). The anticipated use of the property is for a series of 8 overnight cabins and 1 caretaker residence to serve visitors and tourists. The property is located on Harstine Island Road North and North Island Drive, across from the community hall. The current adjacent uses are rural residential with smaller properties. Under the proposed zone of RTC, there is still a floor area ratio of 1:20. For a 2.57 acre piece of property, the floor area ratio would limit the area of building to 5,600 sf. This request for such development would still be subject to a pre-application conference with several departments in the county. One of the comments that came up in the October 18th public hearing was a more thorough environmental review done by staff. The environmental review done previously was a programmatic environmental review for the 7 rezone requests that were being considered. I took it upon myself to actually do an addendum that's included in your supplemental evaluation. I created a table showing uses and potential impacts for the following: recreational vehicle park or campground with 35 to 40 spaces; small lodging for 20 or less visitors; a golf course with 9 holes; a retreat center for 30 individuals; and outdoor recreation site for paint ball or water feature park. This summary presents the anticipated scale of impacts by a land use type under each of the issues addressed in the SEPA review process. The applicant proposes a series of cabins for overnight stays. This would be similar to a small lodging facility. Due to the property size and the soils and the noted water runoff on the property, it would take careful site planning to take into consideration those aspects. I did have a phone conversation this morning with a septic system designer and installer who is working with Linda Christenson and Frank James on a possible septic system on their property. They also agreed that on the site plan that was originally proposed, the location of the drainfield itself is not a very good location. They are looking at an alternative site, possibly on the property to the north. They would have to obtain a drainage easement.

(#0495) Bill Dewey inquired if the drainfield was moved to an adjacent property, would it need to be included in the rezone as well.

(#0500) Allan Borden responded that it would not need to be included. The concern about traffic really involves the entrance onto the property. I did receive a letter from the applicant and the current request is not to have the entrance on Harstine Island Road North, but more on North Island Drive. I appreciate the information provided both by the applicant and the letters of comments and comments in the public hearing. However, many of the concerns can be addressed in the current development standards, including the health department for the septic system and well, and public works for stormwater. The request for RTC is an appropriate zone for the anticipated use. For that reason, staff still concludes that the proposed zone designation is still consistent with the Comp Plan and DR's.

(#0700) Bill Dewey inquired about the summary table of the environmental review, the RV campground list, it seems like health hazards, which says the capacity of the site is stressed with an extensive proposal, similar comment for noise, similar comment for aesthetics. It's the only place where you noted potentially significant affects. I'm guessing you still, after making your evaluation, don't feel like any of them were excessive enough.

(#0745) Allan Borden responded that with a land use like that on a lot that size, he would likely come to a different conclusion.

(#0755) Bill Dewey continued on saying what we're looking at is this list of things that can happen under this zoning criteria. It isn't just the cabins; it could be any of these uses.

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(#0765) Allan Borden stated that is correct. There's nothing binding them to do these cabins.

(#0780) Bill Dewey addressed the room by asking any and all questions be focused on the rezone criteria and also specific to Allan's staff report that would be greatly appreciated.

(#0785) Robert McKibbin stated a key point to recognize that the northern piece of property was recently put into the ownership of Christenson so they have just recently purchased that property. Now there's this parcel and the one immediately to the north. Earlier there was a question since the septic system would have to be located on this northern parcel shouldn't a rezoning request for that parcel also be included in this.

(#0800) Allan Borden responded that is a very good consideration, because the subject property is now not capable of supporting that service.

(#0815) Frank James, applicant, stated that is not true. He stated he met this morning with a septic designer and Cindy Waite, from Environmental Health, and we have to stay 150 feet from the well so what they were suggesting is the land is better and about 70% of the system would be on the property. About 30% of the drainfield would be on the northern piece. So it's not the entire system on that property. It would just have to be encumbered with an easement.

(#0860) Robert McKibbin inquired about the compatibility of these nine cabins with the other area. What about the compatibility of self-storage units, which is allowed under this rezone?

(#0880) Allan Borden responded that can't be the only land use on the property. Self-storage has to be an accessory use.

(#0890) Robert McKibbin inquired what if somebody put in one tourist cabin and nine storage units. It's hardly compatible with the area, nor is a gas station or a retail store.

(#0900) Allan Borden responded 'no'.

(#0910) Robert McKibbin stated if we approve the rezone here, those are allowed uses. I'd ask the committee members to take note of that.

(#0915) Allan Borden stated he would not respond to that conjecture.

(#0925) Robert McKibbin stated that Allan used the word conjecture. You need to separate your report from your opinion and your conjecture and your point that this is not going to lead to sprawl in the area. This is an opinion on your behalf.

(#0950) Della Rogers stated in his secondary report that was just issued, Allan is suggesting that the entry be moved to North Island Drive, which is a one lane road. Are you suggesting to add 20 trips a day, which you think will be generated by this project?

(#0975) Allan Borden stated the applicant wrote me a letter stating that's what they wanted to do.

(#0985) Frank James stated there was a mistake made. The entrance is on North Island Drive and because the man's driveway is directly across from the other legal entrance we have on Island Drive North, we decided to only have that a service entrance. The main entrance is on North Island Drive.

(#1000) Miscellaneous discussion.

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(#1050) Robert McKibbin stated you're asking for a change in zoning without actually having any proposed plan for the property. You said it could be this or that. You don't have a specific plan.

(#1075) Bill Dewey stated he did submit a specific plan with their rezone request. Our decision tonight is regarding the rezone, not regarding the specific project. Those other types of activities that are listed in the staff report are things that we need to consider while we're evaluating the appropriateness of the rezone that could also happen on that property.

(#1100) Allan Borden stated he was asked by people to do an evaluation on the potential uses. So that's what is in the staff report.

(#1120) Robert Lemon stated that in one of the criteria you said it would not contribute to sprawl. It says there shall be no rezone if it contributes for a potential sprawl, either by itself or a potential for sprawl on other properties. It's not just that this creates sprawl but it creates a potential in the future for sprawl.

(#1140) Wendy Ervin noted that in the past when we've had rezone requests, the rezone request is based on a plan but not necessarily a specific detailed plan. So is it not the case that you do not have to have an absolute plan when you ask for a rezone?

(#1165) Allan Borden stated that was correct.

(#1175) Diane Edgin inquired about the Harstine Island Subarea Plan and at one point we were talking about hamlets and LAMIRD's, and in both cases we had to designate areas for commercial growth. Where are we as far as what we had put in for that criteria, even if it never came to be?

(#1200) Allan Borden stated he did not recall. It was probably a community center like most of the hamlets would be.

(#1210) Bill Dewey stated the subarea plan was never adopted. It was worked on by the community but never moved through a public process for approval by the county. So it's not something that guides us on this issue. Allan, a lot of the concern is not necessarily with the cabins as proposed, but the other types of activities that could go on under this zoning. Bill inquired if there are any options for the applicant to offer further certainty to the community that this is actually what is going to happen.

(#1265) Allan Borden responded we cannot make that a condition of approval of the rezone request.

(#1285) Bill Dewey opened the public testimony portion of the hearing. I'd like to give the applicant an opportunity to lead off the testimony. Then we've got a letter from a group from the neighborhood who are organized in opposition to the rezone that have asked to testify in a certain order which might help us get through this efficiently tonight. I would ask your testimony be limited to no more than 3 minutes. Also, try not to repeat things other people have said.

(#1350) Frank James stated that he understands the language of the zoning is written wide open and that's why he submitted a very specific plan that I thought would be right for the location and would pass and fit. I think upscale lodging is always a good thing for a community, especially around here. I think there's a need for it. It's low impact. These are actual little log cabins. There will be 4,000 sf with the office, so I'm well under the requirements. We bought the north piece long after we submitted this request and it's just because it came up for sale; I didn't solicit the man. If I say this is what I'm going to do, then this is what I'm going to do. I wouldn't have gone through all this to get the zoning changed so I could throw it out the window and put in a gas station. If the

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zoning said that all it would allow is 8 cabins and an office, would there be nobody here protecting this? I'm trying to address every legitimate concern. That's what I've been trying to do. It's a really nice thing for the island. Right now as it stands with residential zoning, I can skim the whole thing bald and put up a fence or put an 8 bedroom house there so what's the difference of impact? It's just that you don't want it in your backyard.

(#1500) Robert McKibbin of Harstine Island Road North testified first. As a group, we are not opposed to compatible and conforming development, and we would not be opposed to this proposal if it met the rezoning criteria and was compatible with the surrounding neighborhood. Also, while the financial feasibility of the applicant's proposed vacation cabin rentals is beyond the scope of the rezoning approval criteria, it is highly unlikely that vacation cabins on this location would provide an acceptable financial return. Therefore, it is critical for the PAC members to understand that if the lucrative rezoning classification of RTC is approved, the applicants can change their plans and request more cabins, an RV park, a lodge, or any other use permitted under the new zoning classification, without further PAC or BOCC review or approval. The purchase of the adjacent property to the north changes a little bit of the scope insofar as that could become a property line adjustment or incorporated into their future plans. The following key points will be presented by our group this evening: 1) We will demonstrate that numerous errors and omissions are present in the applicant's information provided to the county. These errors and omissions are significant and misleading. This has resulted in the county staff report recommendations being based on errors and misrepresentations. We believe that the county would not have endorsed this proposal if the correct facts had been known, or if the county had adequate personnel and resources to investigate and verify the applicant's information and claims. 2) We will demonstrate the applicant's proposal fails to meet rezoning criteria and burden of proof requirements. 3) We will demonstrate that if approved, this rezoning will have present, and potentially, far reaching, negative impacts on the surrounding environment and neighborhood.

(#1745) Della Rogers of Baldwin Lane testified next. The Mason County rezone criteria requires the burden of proof shall be on the applicant to provide information if a change to a more intensive land use is warranted. Proof has not been provided in this application; only unsubstantiated misleading and often incorrect statements. I would like to draw your attention to some of them. There are three Washington State Parks within one mile. Rezone is compatible for this site because of the rural tourism nature. There is already a substantial amount of tourist activities nearby. Our request for rural tourism is the best appropriate choice. We disagree. The facts are the three parks are marine parks. Harstine Island is not appropriate for tourism as it lacks recreational facilities for visitors. There is no public boat ramp, no available moorage at the marina, no hiking, except for the short trail at Jarrell Cove Marine Park. There is very limited public beach access. No restaurant, no grocery store, and our roads are too narrow for cycling. The application states the point housing development at the north end of the island and the community needs overnight accommodation. We disagree. Our investigation reveals just the opposite. The point reports that homes and condos there on the vacation rental market are never full. Harstine Island homes on the vacation rental internet site show about 90% vacancy. The campground at Jarrell Cove is full only three weekends a year. The application states this project matches the characters of the nearby area and fits in well. We disagree. A glance shows the site is surrounded by miles of rural residential zoning and this would be the only high density zoning in the area. The application states the zoning would not cause sprawling community development, create pressure to change land use of other lands or increase population growth of abutting parcels, and that this particular parcel is the only parcel in the area that is appropriate for this type of development. We disagree. We can find nothing unique about this site compared to acres of surrounding undeveloped inland parcels. Thus the result of the requested rezoning has the potential to open the door for high density development island wide, which is inconsistent with GMA. The county plan requires zoning designation match the characteristics of the area better than any other designation.

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(#1900) Robert Lemon of Harstine Island Road North testified next. I will address criteria #2. Criteria #2 says that for a lot under consideration for rezone, the zoning designation is required to match the characteristics of the area. It has to be a best fit. It doesn't say we'd like it to be a best match or it would be nice if it was the best match. It says it is required. What are the facts here? The lot in question is a residentially zoned lot in a residential area. Secondly, it's undersized even for one residence. Thirdly, it is an environmentally sensitive lot. How do we evaluate the rezone application? Is it a best fit for an undersized, environmentally sensitive residential lot? Increase the density by a factor of 18. Nine living units on 2.5 acres is 18 times the zoning that's currently allowable. If you agree that the residential zone in a residential area is the best fit, which I think it's self evident that it is, then you agree with the original zone designation.

(#2075) Gary Benz of Sea Breeze Lane testified next. RU 217 says to limit rural services and rural facilities to those necessary to serve the recreational or tourist uses and provide in a manner that does not permit low density sprawl. The recreational opportunities are very limited for people who come by road to Harstine Island. Harstine Island is neither a resort area nor a vacation destination. It is a quiet community comprised of sparse residents and summer homes owing to its remote location in this far reach of south Puget Sound. There is no bike or equestrian trails, golf courses, water slide parks, or year round store. Jarrell Cove State Park is less than half a mile from the rezone request and sufficiently supplies recreational opportunity for those that venture onto the island. Jarrell Cove State Park is a marine park on the Cascade Marine Trail. The park has 14 mooring buoys, 2 floats, 20 campsites, picnic area, trail, and the park officials have said it is only full to capacity 3 weekends a year. According to park officials, the request for funds was recently done to determine if small cabins could be added to the park. The proposal was turned down by the state park system because they determined the need could not be justified because of low usage. At the October 16th meeting the PAC was provided with information citing recreational housing opportunities available on the island. There are 9 year round full service rental homes featuring all amenities, including water access. Currently only 1 of these homes has summer bookings. A recreational guide book states 'The island shorelines is totally private'. With the exception of a few isolated DNR beaches, these beaches are surrounded by private land; access is from the water. As the RR 5 zoning indicates, features of the rural landscape should be dominate. We have shown that the assets in place sufficiently accommodate those seeking recreational opportunity on Harstine Island. The rezone would be nothing more than permitting low density sprawl that would compromise the island character and community identity. The burden of proof that the rezone is a better fit of use than the current zoning is the responsibility of the applicant.

(#2250) Basil Hammond of Harstine Island Road North testified next. I'm actually one of the long term residents. I have a 30 year old mobile home with the potential of my house being needed to be moved, it's going to sit approximately 50 feet from the rear entrance to the site of this proposal. I would probably have to move my house onto somewhere else on the property and start over. I think if it becomes that it would potentially make my piece of property one of the biggest potentials for an increase of getting rezones done out there. I recently put a new drainfield onto my piece and it has almost 300 feet of laterals in it and my designation is only for a 3 bedroom house. I don't understand where they're coming up with the numbers for the size of their drainfield for 9 units.

(#2350) Bill Dewey inquired of Mr. Hammond why this rezone would require him to move his house.

(#2375) Basil Hammond stated it's not that it would require me to do it, but in order for me to put a new house where my house is sitting now, I can see all the way through to the proposed rezone site and it would be a big mistake financially for me to place a new home in the existing site.

(#2390) Steve Meacham of Wilson Road testified next. I'd like to address the growth management and environmental impacts of this proposal. I take exception to some of the information that's been given to you. In the staff report it talks about a moderate drainage and that the well and septic issues are taken care of with

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good design. The Conservation Service lists that area and the area to the north as being Sinclair soils. They rank every soil type for a number of uses. The septic tank absorption fields are very limited, picnic areas are very limited, camping area is very limited, small commercial building construction is very limited. According to the Service, very limited indicates the soils have one or more features that are unfavorable for the specific use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. They rate soils for limitation from .01, which is the best, to 1.0, which is the worst. The Sinclair soil there is rated 1.0. I talked to a state health official, and they said with the exception of wetlands, Sinclair soils are the worst soils in this county. According to the plan that was distributed, that use requires a Class B water system. The office and 2 cabins and the edge of the drainfield and the parking will all be within 100 feet of the well, as it is drawn. That's not an allowable use for a Class B water system within 100 feet of the well. I was not allowed to share my water with my neighbor as it the well was too close to my house. There's a culvert that comes across North Island Drive that runs water during wet times and that has been diverted away from its natural course. As of Friday there was a perk hole in the swale that was full to the top. There's evidence of water running down the swale. Below the area there's a defined stream channel. Each inch of rain on the .7 acres of disturbed area that is mapped on the sketch would produce 19,000 gallons of rain that would have to be absorbed. Where are you going to retain the water? It's not going to soak into that kind of soil. In terms of the 8 cabins, one of our rain events that had 4 inches of rain on those 500 sf cabins would be just about 10,000 gallons of additional runoff created by the roof of the cabins. Where are you going to put the stormwater retention? In terms of GMA, the reasons we have large lots in GMA where there aren't services is to mitigate the impacts of intense development by spreading it out. Trying to shoehorn 18 times the zone density into a very questionable lot soil and topography wise is not in keeping with GMA or your own ordinances.

(#2636) Jim Irving of North Island Drive testified next. In Criteria #6 it states 'if the proposed rezone has the actual or potential to interfere with the goals of GMA to encourage retention of open space, to conserve fish and wildlife habitat, and generally to protect the environment' then it should be denied. The supplemental staff report with the table indicates for all of the projects that listed species are not present. I'd like to see the backup information that says there aren't any listed species on that property. If surveys were not done, then I feel the application should be denied because the potential is there to jeopardize listed species. It fails to meet the standards that were set forth in Criteria #6. The table also indicates the land clearing would be moderate and development would promote native vegetation. Substantial land clearing has already occurred on the site with virtually all of the understory species removed. What has happened is the site has been invaded by scotch broom, Canadian thistle, and also Himalayan blackberry, all invasive species. Looking at this criteria the result is that those non-native species will invade a site and will limit the growth of native species. The rezone application must be denied as it does not conform to Criteria #6 and retain the native species. The risk from approving a rezone based on future unknown mitigation measures goes against Criteria #6 because this project alone has the potential to interfere with GMA goal to protect environment.

(#2800) Bill Bush of Wilson Road testified next. RU 218a allowed for siting new recreational vehicle parks in the rural area, which we discussed cabins versus RV's. In the Bayshore submittal in 2005 it made a comment about 120 consecutive days and not to exceed 180 in a 360-day period and that records must be kept and available by the county. What is listed for the RU 218a is the 180 days, which is different from the Bayshore submittal. It seems to open it up a bit. We have heard that the county doesn't have the personnel to check on these things anyway so it becomes a moot point. We wonder how that's going to play out. On #7 it says no rezone of more intensive land use shall be approved if, either by itself or other rezoning and/or development, the cumulative impacts of such zoning would be to create pressure to change other land use designations of other lands, or to increase population growth in rural areas. We heard tonight the adjacent 2.5 acres is also owned by the applicant. The potential for expansion to this other property is out there. Once the door is

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open, here we go. We don't want the Bayshore Hamlet scenario on Harstine Island. Please consider these comments when you make your decision.

(#3000) Jan Irving of North Island Drive testified next. You've heard evidence from a number of speakers opposing this; please remember the burden of proof is on the applicant. If they can't show this is a better use, then it shouldn't be changed. They want to make a change that affects everyone around them. Other people in the area have asked for allowances and have been denied. Now you're asking them to tolerate an intensive development on a 2.5 acre piece when they couldn't even put even much intense things on theirs. A zone change is a really big deal, and should require convincing evidence. We're fighting to preserve a unique area. Its rural residential; that's why we live here. There is no shopping; if you want anything you go to Shelton or Belfair.

(#3200) Dudley Panchot of Smith Cove Way testified next. Zoning is a very serious matter and should be considered that way. It's a matter of great gravity to change zoning. I think our concern needs to be for the burden on the land. I'm amazed at the testimony that has been given that indicates the fragility of this land and those of us who live on Harstine Island. Our very concern about water flow, water pollution, and I greatly respect the entrepreneurship that goes into this. This does not sound to me like a change that is going to be good for the land or good for the community and I think it should be rejected.

(#3300) Linda Christenson, applicant, stated she knows there are a lot of people against it and a lot of people for it, because I've spoke to a lot of them. The whole idea of doing this is to do a low impact project and to do something that is good for the community. My husband will do anything that is requested of him and it will be all above board. I just wanted the PAC to know that we are doing it with good intent. I hate to see this denied because there's going to be something on that corner some day, and this would be really beautiful.

(#3400) Bill Dewey closed the public comment portion of the hearing and asked for discussion from the PAC.

(#3410) Wendy Ervin stated she thinks there's some misunderstandings here. It's not up to the PAC to set the standards for septic tanks and drainfields. That has to be through a design that the health department approves. If it's not adequate then the design has to be changed to be adequate for whatever the plan is. Nobody said the sketch was drawn absolutely to scale. If the well is closer than 100 feet in the sketch that doesn't mean the final installation will be closer than 100 feet because the health department won't allow that. Someone else said something about Bayshore. Bayshore had the golf course, the country club, the store, etc., already there when the zoning came in. It was zoned as RTC because of that. There was a little house that was residential and was incompatible with what existed when the zoning came in and that was the correction. It was complete incompatibility. This is not the same thing. Someone else was worried about additional runoff from roofs of cabins. The rainwater that comes down is going to be redirected but there's not going to be additional runoff. The same amount of rain is going to fall from the sky and go on that property and go into whatever ditches there are but the fact of cabins isn't going to increase the amount of rain. One of the goals in GMA is to promote tourism and small business where it is appropriate. The determination is not whether it's in keeping with the GMA but whether it's appropriate at this location. As far as sprawl, I personally don't see this causes sprawl. Sprawl is creating smaller parcels, infilling, and this is a business of an isolated nature. Just because there would be cabins doesn't necessarily mean that is going to create pressure for a boat repair facility next door. The fact that the worry that there would be RV pads or additional cabins, those are limited by the measurement that Allan gave where there can only be 5600 sf of building developed on this property. I think a lot of the comments have been based on some misunderstanding of GMA and maybe a certain amount of hysteria. I'm leaning to approval. It means a lot to me that the Harstine Point organization approves of it and Avery Township feel this

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would be a very appropriate addition to the island. It also means a lot to me that there isn't anyplace for anybody to spend the night in between Allyn and Shelton.

(#0125) Dennis Pickard stated an important issue is that it's not as though the property is not subject to any development as is. Presently it's subject to residential development. The clearing that was discussed occurred under the current zoning designation; not under the rezone. The proposed rezone and project certainly is not so far different in its impact on the property as might be created by a single family residence of 3000 or 4000 sq, 4 bedrooms, a couple of teenagers with their friends coming in and out. I don't see the impact to be so drastically different from the existing potential uses of the property under the current zoning. It was mentioned gas stations and storage units as accessory uses under the zoning designation. That's an important differentiation from the primary uses. So this rezone, if approved, would not permit a stand alone gas station. Some of those concerns are probably unwarranted. In general, my principal is I'm not inclined to take away somebody's right to use their property as they see fit without a demonstrated negative impact on surrounding uses. I haven't necessarily seen sufficient evidence in the presentation that this rezone would have those negative impacts. So my inclination at this time is to recommend approval of the rezone request.

(#0250) Jay Hupp stated he has never known a business he didn't like and I like this one, but I think it's in the wrong place. I see absolutely no compelling reason to change what is obviously a well established rural residential neighborhood and plop a business down right in the middle of it.

(#0265) Diane Edgin stated she likes the concept but like Jay, she feels it is the wrong area simply because the congestion at the corner every time we have an event at the community hall is just horrific. That needs to be a four way stop with speed bumps and flashing lights. The biggest problem I have with that whole area is the idea that they might have to extend the drainfield over into the other lot they own. This also could open up an area that feasibility could be to add on more cabins at a later date. When you take the 2.5 acres with a caretaker house and 8 cabins, you're talking about 16 to 18 people on that acreage even though it's only for a short period of time. Septics, even though they meet the design criteria for today, we all know there are other issues besides fecal coliform. I think this would just exacerbate it. I don't look at this as a tourist use as it is an adjacent use for existing islanders' visitors. Many of the homes on the waterfront are basically still cabins. Just exactly what are the legalities regarding the septic? Is it going to force a combination of the two lots?

(#0355) Dennis Pickard explained that you can establish an easement over property lines without transferring any other property rights. An easement is simply a right to use land for a specific purpose.

(#0365) Diane Edgin stated that you've also got to be able to take that to the bank.

(#0375) Dennis Pickard added that he's worked in the real estate business for almost 25 years now working on just those sorts of things so that's an area that I'm highly confident in discussing the nature and ramifications of that. That should be entirely separate from all of the regulatory approvals that would be necessary to get off the ground even if the rezone is approved. They will still have to establish the suitable provision for septic, reserve, and water supply.

(#0395) Diane Edgin stated that her whole point is I want to see what's going to happen in writing right now. For that reason I can't approve it.

(#0400) Bill Dewey stated that's the challenge we have with a rezone. We understand that the intentions of the applicant are honorable and they indicated what they want to do with it. We have to consider the other uses as well. That's what is weighing on me personally. We heard most of the

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other recreational uses on the island are water access and this is different. Say it is successful, you may have other people on the island saying if that works maybe an RV park would work and maybe they've got a little more property. So all of a sudden they've got 40 or 80 campsites and now they need a retail store, and a gas station to service that. If we say yes now, then we're going to be pressured to say yes in the future if that's a trend that starts.

(#0430) Wendy Ervin noted that what they're proposing is not necessarily tourism as it is guest housing for people who live on the island. This provides overflow bedding.

(#0455) Bill Dewey stated that if we rezoned this to RTC now, then we would be just as obligated to say yes to an RTC rezone request for an RV park.

(#0465) Wendy Ervin stated she doesn't think we would. I don't think changing the designation on this one piece of property forces us to agree to an RV park or anything else. Every decision has to be taken as a separate issue.

(#0490) Bill Dewey reiterated his point is that there's nothing that binds them to do what they're proposing on that property. They could put an RV park on there. Or someone could tear down the cabins and put in an RV park.

(#0500) Miscellaneous discussion.

(#0600) Jay Hupp made a motion that we recommend denial of the rezone application based on no compelling reason to change the zoning.

(#0605) Diane Edgin seconded the motion.

(#0610) Bill Dewey stated we have a motion and a second. Any further discussion? The vote was taken and the tie was broken by the Chair also voting no. Motion to deny the rezone application was passed.

(#0650) Allan Borden opened the second hearing on the Bayshore Sand and Gravel rezone request. The applicant is requesting that three parcels be rezoned: two parcels from Rural Residential 5 zone to Rural Natural Resources zone; and one parcel from Rural Residential 20 zone to Rural Natural Resources. There are 80 acres in the RR 5 zone and 69.9 acres in the RR 20 zone. (*Allan indicates location of parcels on map*).

(#0680) Miscellaneous interaction regarding location of parcel on map by PAC and Glenda McLucas, Geologist, and Bruce Robinson, consultant from Skillings and Connolly.

(#0800) Allan Borden stated the subject parcels are located to the north of State Route 3 adjacent to the Bayshore Hamlet, 3 miles north of Shelton. These parcels will have direct access to State Route 3 to the south and Mason Lake Road to the north. The existing sand and gravel operation adjacent to the three subject parcels has been an enterprise for about 35 years and has mined gravel materials in the vicinity of Johns Creek and Oakland Bay. The adjacent properties are used for residential or commercial development on some lots, or timber operations on large sized parcels. The applicants are making this request to enable the possible expansion of an of an existing sand and gravel operation on the subject properties in the future. The applicants understand that the properties must be correctly zoned for their intended use and that they must apply and receive approval for the request rezone prior to securing state approvals for the expanded sand and gravel operation. The applicants did not submit specific plans on the configuration of site activity areas during that operation. The operations will be managed through a Surface Reclamation Permit issued by DNR. Local review will include the county doing SEPA notification and review, as well as

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going through a Special Use Permit in front of the county Hearing Examiner. Certain state permits will be needed as a part of the DNR permit and those are either state highway access, or DOE has a stormwater permit that's part of the National Pollution Discharge Elimination System. Based on the application and information supplied to the county, staff would recommend approval of the proposed zone designation as 6 of the 7 criteria are met. The proposed use will not encourage low sprawling density development. There are adequate public services already provided to the site through the existing operation. The proposed zone will be located in the vicinity of the Shelton UGA.

RNR zones can be located anywhere in the county. Criteria #1 is currently not met, but the concerns with traffic distribution can be addressed by the application through WSDOT access permit. It's my understanding that the current access will continue to be used. For these reasons, staff recommends approval of the request. The applicants provided some information in response to the criterion that is part of their rezone application and will be providing the necessary buffer areas adjacent to Johns Creek.

(#1030) Wendy Ervin stated it was her understanding that they're not increasing the rate of work, but just move on to each specified area and work at the same rate, so you're not increasing your productivity, correct?

(#1045) The applicant responded that was correct.

(#1060) Jay Hupp inquired what made WSDOT think the traffic was going to increase on Highway 3.

(#1065) Allan Borden responded basically they didn't understand the eventual proposal. They just knew there was a request to go from RR 5 and 20 to RNR and they did not understand the scope of the proposal.

(#1080) Jay Hupp stated the project fits 6 of the 7 criteria and it would fit the 7th if WSDOT understood that there's not going to be a traffic increase on Highway 3.

(#1090) Allan Borden responded that was correct.

(#1100) Bill Dewey inquired about the applicant's response to Criteria #6 where it talks about establishing a 200 to 250 foot wide conservation setback on Johns Creek, and also the 50 foot setback on the mining property boundary.

(#1135) Glenda McLucas, registered geologist in the State of Washington, specializing in surface mining, explained the 50 foot setback has nothing to do with the setback from the stream. In the mine, as they progress, when they're approaching the exhaustion of the mine, they have to leave a reclamation setback from the property line. DNR requires 30 feet and we propose 50 feet. (*Glenda indicates location of 200 to 250 foot setback between the proposed mine expansion area and Johns Creek on the map and discussion of the actual proposed expansion mine area location*). The Kadoun Family has done a very responsible job managing their mine. I don't always see that. They've done a good job to prevent pollution of Johns Creek and the whole area.

The mining operation started in 1926 and the area is all exhausted and they need to advance to a new area. The mine and aggregate mining operations will not change the historic operations. They're not increasing production. Principally they mine to supply their own concrete batching plant. They really want to preserve their reserves so the family can continue to make a living out of this mine. The plant will stay in the same location along the highway. The only difference I see is the mine will just expand into these new areas to the north. The Bayshore mine has been in existence since 1926 under several different ownerships, including operation by WSDOT. In the 1940's, a water right for withdrawal of 2.5 cubic feet of surface water from Johns Creek was issued for the historic mining and aggregate processing operation. That water right is still valid and operating.

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Somebody made the comment that there was some misconception that they would go out East Mason Lake Road, but they're not going to use that road. The original mine extended south of the creek and then the center of the creek was designated the property line for the mine ownership to the north. That southern parcel was sold to somebody else and Dietz Kadoun bought the northern portion of it in 2003. Dietz first became involved with the mine in 1965 as an employee of Bayshore, Inc. Then he purchased the business and property in 2003. Bayshore's anticipated future annual production for outside sales is approximately 180,000 cy., plus the sand and gravel used for their own asphalt and concrete batching. This mining rate will result in exhaustion of approximately ½ acre a year. The company also produces approximately 15,000 cy of ready mix concrete, all of which is sold in the local Shelton market. Mason County has recommended that Bayshore request a rezone to RNR, which will allow the surface mining operation as a permitted use. Both of the parcels are in a Class II critical aquifer recharge area (CARA). As a result of that, a Mason County Environmental Permit is required for mining operations per Mason County Resource Ordinance. All of the expansion parcels are near the Shelton UGA. The zoning on the existing operation is zoned Rural Industrial.

(#2000) Wendy Ervin inquired if they were blowing up big chunks of rock or are they just digging up loose gravel.

(#2050) Mr. Kadoun responded it just falls to you as you're progressing in the mine. It's not like a crushed pit.

(#2075) Glenda McLucas continued on there was a cultural site that was listed downhill from the original mine on Oakland Bay. We know the Native Americans were there. Part of the mitigation for this includes this 200 to 250 foot wide setback from Johns Creek, especially down where the old mine was.

(#2175) Bill Dewey inquired if there were any cultural sites on the property.

(#2200) Glenda McLucas responded at this point there is no evidence that they have been found, but if they encounter anything like that, I know they will report it. In general erosion will be minimal due to the flat nature of the land. No impervious surfaces will be created through the process of the mining.

(#2235) Jay Hupp inquired if all the wash water is taken out of Johns Creek.

(#2245) Mr. Kadoun responded it's all out of the creek.

(#2260) Jay Hupp inquired about an old fish hatchery upstream.

(#2270) Mr. Kadoun responded that it actually is a separate parcel. The fish hatchery is in limbo right now. It was abandoned 27 years ago by Fisheries.

(#2300) Wendy Ervin inquired if it was a cliff or a slope.

(#2335) Bruce Robinson responded it is actually a 2:1 slope, which means for every 2 feet horizontal you have 1 foot vertical. That's not a very steep slope.

(#2380) Bill Dewey inquired about it being on a CARA and Johns Creek is a salmon bearing stream so what role does the aquifer have in recharging Johns Creek. As that gravel sits unmined it holds water and it would be metered into Johns Creek and once that gravel is gone you've lost that.

(#2400) Glenda McLucas stated the water will get to the water table sooner and we have employed the

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services of Mike Cowcraler, who is our groundwater geologist. He did a complete evaluation of the groundwater and we've included that in the application.

(#2450) Jay Hupp inquired if she was sure the site sits on a CARA because the original maps of the CARA's stop at the railroad tracks, and did not include the Manke mine. Jay inquired why the CARA would go north of Johns Prairie Road. It would be to your benefit if the CARA doesn't cover your mine any more than it covers Manke's.

(#2515) Bill Dewey stated Criteria #6 says we've got to conserve fish and wildlife habitat. With Johns Creek being a fish bearing stream would there be an affect on the instream flow.

(#2535) Glenda McLucas stated that was addressed in the groundwater report but that she did not bring that along for tonight's meeting. Skillings and Connolly also did a preliminary drainage report, which I have here.

(#2575) Bill Dewey noted he is not a hydrogeologist but my perception would be that as that gravel sits unmined, it's a reservoir for water; it holds water. Once you've mined it and you've got the hole, you have less storage and that water is going directly into Johns Creek more quickly so you don't have a metered flow so maybe in the dryer months instead of having a reservoir that's percolating slowly into the stream, during the wet months it's going right into the stream. That's why I'm curious to see that assessment. It's also important to the Tribes from a fish standpoint.

(#2640) Glenda McLucas stated that Mr. Kadoun met with one of the Tribes.

(#2645) Mr. Kadoun stated their only concern was on the 69 acre parcel there's a stream that goes up there that's 400 yards long and it has a cold water outflow that comes into there. It's at the very end of that parcel.

(#2695) Bill Dewey stated the hydrology is of interest to him because we have the shellfish beds at the mouth of Johns Creek. It's a challenge for us because we're having to maintain the stream channels as it comes across the tide flats and there are a lot gravel resources that come down with that stream flow that we're constantly having to get permits to dredge the channel and maintain it open. We had a failure above the fish hatchery that put a lot of gravel down in one event and it cost us several hundred thousand dollars loss in clams during a particular flood event because of that. I'm sensitive to what's going on upstream. It sounds like it's being addressed.

(#2845) Jay Hupp stated he is comfortable with the subject of the rezone at this point. I move that we recommend approval of the rezone.

(#2860) Wendy Ervin seconded the motion.

(#2865) Bill Dewey stated he just wants to emphasize his concern regarding potential affects to the instream flow as it might apply to rezone criteria #7.

(#2884) Jay Hupp stated that will all come into play in the actual permitting and review.

(#2900) Bill Dewey called for further discussion. Hearing none, the vote was called for. Motion passes to recommend approval of the Bayshore Sand and Gravel rezone request.

(#2930) Break in meeting.

(#3030) Bill Dewey introduced the next item on the agenda, which is the continuation of the discussion on establishing policies in the North Shore LAMIRD. Let the record reflect that Jay Hupp has recused himself from this discussion.

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(#3060) Emmett Dobey stated this is a continuation of the discussion concerning the LAMIRD and specifically the policies. At the conclusion of the last meeting, the commission had issues about sewerage the area, the impacts associated with impervious surfaces being developed in the area, and we were asked to incorporate the comments we received from Tim Gates from CTED into the text. What you have in front of you are the responses from those inquiries. The BOCC is conducting a public hearing tomorrow evening to discuss this matter and they would like to have comments included in the discussion, so it's imperative that you act on these policy considerations. Staff still remains concerned there is still an issue with water quality in Hood Canal and we are making recommendations that will be contrary to yours with the policy direction you gave us at the last meeting. The motion you passed was to adopt LAMIRD boundaries as proposed with the exception of including the property that was suggested by the Parks Department and then to exclude a 4 ½ acre, which we have done. Then you suggested you wanted to review the policies, in particular the sewerage issues, the impervious surface issues, and the comments that CTED made. Also, there was a recommendation made of not sewerage the area.

(#3200) Wendy Ervin reiterated that we would draw the LAMIRD boundaries, but not sewerage the area.

(#3210) Diane Edgin stated that would allow us to go in there with sewers at a later time.

(#3215) Emmett Dobey stated that needs to be clarified if that's the intent. We need to make that more clear. Under RU-121c, we changed the text to read 'Urban sewer service should be extended to Area A of the North Shore LAIRD from the Belfair UGA urban sewer system provided adequate funds are identified in the capital facilities plan'. If you want that to be more specific, we will need to change that language.

(#3275) Wendy Ervin stated we were concerned about the justification for sewerage that area.

(#3300) Bill Dewey stated his recollection was to form a LAMIRD but not to recommend the sewer.

(#3320) Wendy Ervin stated that you're saying it was a funding question, but we were saying it was a justification question.

(#3325) Emmett Dobey stated so it's based on water quality monitoring.

(#3360) Wendy Ervin stated that was correct because so many of the individual septic systems have been improved.

(#3375) Dennis Pickard stated they can be underperforming and not necessarily failing so there is potential issues there that may need to be addressed by establishing this LAMIRD to facilitate that in the future.

(#3400) Wendy Ervin stated it is as important to deal with the surface water as it is to deal with the septic failures.

(#3465) Emmett Dobey stated that is addressed in RU-121e, which changes the word 'should evaluate' to 'shall evaluate', and this requires LID in these particular areas.

(#3520) Bill Dewey stated he has the sense from the discussion and decision that we felt there was enough doubt cast on the specific project and the health implications currently based on some of the data we saw and trends that we felt we could put the structure in place but we need to learn more. I almost say that 121c would be deleted, and that 121d would be edited to include Area A and Area B. The county should conduct a program of additional monitoring or testing of

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existing septic systems in Area A and Area B before moving ahead with sewerage. That would be more reflective of our discussion. So 121d has language regarding decommissioning. It makes more sense that 121d should be amended to include both areas.

(#3600) Diane Edgin noted 'should' should be changed to 'shall' in the last sentence of RU-121d.

(#3650) Dennis Pickard stated if we haven't committed to the sewer I find that sentence inappropriate so it needs to be deleted as there is no alternative at this point. 'Temporary' could be forever.

(#3700) Diane Edgin stated there are self-contained systems.

(#3720) Wendy Ervin stated there are digesting systems, like composting systems.

(#3735) Bill Dewey inquired what are we doing by taking that sentence out. We are allowing for repairs.

(#3745) Dennis Pickard explained we have no alternative at this time. Maybe add 'until such time as a sewer may be added'.

(#3790) Bill Dewey inquired about the 4 ½ acre parcel that Emmett described and stated that was not part of the original motion. I heard you talk about that but I actually don't think that was part of our motion. It was part of our discussion. I know we captured it on the map. If someone would like to affirm that with a motion now, let's do that.

(#0155) Wendy Ervin made a motion that the diamond shaped, 4 ½ acre section be out of the LAMIRD.

(#0165) Bill Dewey stated there was a motion and a second. The motion passes, just so that's clear.

(#0195) Wendy Ervin stated on page 4, under new bullet added, the sentence should stop after 'Lynch Cove and Hood Canal' as there are other issues involved with the water quality problem other than just failing residential septic systems in this RRAC area.

(#0200) PAC agreed.

(#0240) Dennis Pickard noted there was a similar notation in the first paragraph of the RRAC definition. In my comments, I reworded it to say 'for which studies indicate that the extension of urban services, including sewer, may be necessary to address the impacts of an existing public health, safety, or environmental problem'. I was just trying to generalize the issue.

(#0300) Emmett Dobey restated the sentence as'in order to address community issues associated with public health, safety, or the environment'.

(#0325) PAC agreed.

(#0375) Emmett Dobey characterized the PAC's recommendations. No changes to page 1, on page 2, we're going to delete RU-121c, we're going to change RU-121d to include Areas A and B, we're going to strike the last sentence in that particular section, but we will add a sentence that talks about using composting and non-water bearing systems to be encouraged, no changes to page 3, change the 'should' to 'shall', on page 4, we change the first one to end with 'water quality problems in Lynch Cove and Hood Canal', and drop the last part, we put a comma after designations, and add 'in order to address community issues associated with public health, safety, or the environment', and no changes on page 5.

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(#0500) PAC was in agreement. There was a motion and second to recommend approval of the Comp Plan amendments as discussed. Motion passed.

Meeting adjourned.