

MASON COUNTY PLANNING ADVISORY COMMISSION

October 26, 2009

(Note audio tape (#3) dated October 26, 2009
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 at 6:00 pm by Chair Dennis Pickard.

2. ROLL CALL

Members Present: Bill Dewey, Dennis Pickard, Jim Reece, Debbie Jacobs, and Ken VanBuskirk.

Staff Present: Allan Borden.

3. APPROVAL OF MINUTES

None.

4. NEW BUSINESS

(#0055) Dennis Pickard opened the public hearing on the North Bay Trail Plan by inquiring what role the PAC will be playing in this particular matter. We need some understanding on what action we might be expected to take on this matter.

(#0070) Allan Borden of the Department of Community Development stated you are hearing this trail plan as a detailing of what was adopted in the Mason County Regional Trails Plan. John Keates of the Parks and Trails Department felt it was important to keep you up to date on the significance of this trail as it is a new endeavor and will provide a lot of opportunities for the North Bay Case Inlet area.

(#0115) Ken Wilcox of Skookum Peak, who is the consultant on the project, explained Mr. Keates would like a recommendation from the PAC to go forward with the plan to the BOCC for formal adoption. This is one of the priority projects that was identified in the Mason County Regional Trails Plan adopted about two years ago. This plan has been developed with the assistance of the Allyn Business Association, Cascade Land Conservancy, Mason County Parks and Trails Advisory Board, Port of Allyn, David Overton, and myself. The

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trail starts in Allyn at North Bay, goes to Coulter Creek and the Fish Hatchery, SR3 to Belfair. We're calling this a feasibility and design study so we're looking at conceptual design but also wanting to make sure this project is actually feasible. We've got some constraints along the route we have to explore further. The grand vision could be done for a little under \$1 million dollars. There is some phasing we can do to bite off pieces of that over time. The Port of Allyn is a great starting place, as there is ample parking and restrooms available. The Port of Allyn has been looking at some redevelopment like adding a stage for music in the summer, and would include new walkways through the area. The trail from there could be a fairly high standard facility with wheelchair access. It would extend along the shoulder of the junction of North Bay Road and SR3. The only place from there to put a trail in is along the county right-of-way. We have looked at the possibility of having an elevated boardwalk paralleling the road in areas where the shoulder is steep and wet. Ken put on a power point demonstration showing the areas of concern where these boardwalks may be needed, and or where fill may be needed. Ken explained the trail will end up at David Overton's 11-acre parcel, and he is very interested in supplying public access to this property, and ultimately the county may buy that property. The easements will all need to be worked out. We spent time looking at that property noticing the trees, elevations, and wetlands. It makes it interesting as a nature experience. We also discussed extending the trail out to the fish hatchery, but we will need to research that further. Getting across Coulter Creek would require a separate bridge or putting in a walkway. We talked to the Squaxin Tribe and they are also very interested in this project. There used to be an old Indian trail called the 'Portage' from the head of Case Inlet over to Hood Canal, so they liked the idea of re-establishing that connection. There is a whole range of possibilities for rest rooms. You can get the rest rooms for around \$15,000 to \$20,000. It's a pit toilet that gets pumped out. There is sewer out there, but I don't know of any public water available to the site.

(#1050) Ken VanBuskirk noted this facility and project would be managed and administrated by the county. He inquired if they have the capacity to administer that. I would think the BOCC would be interested in that.

(#1065) Ken Wilcox stated they discussed that in that plan, and you would want to identify the needs and the costs of how to cover that. If you build a nice facility, and not skimp too much, it will last longer. Volunteer work will play a big part in it, also. I told John to have an 'Adopt a Trail' arrangement in place before going ahead with a project like this.

(#1100) Ken VanBuskirk stated he is very familiar with the Theler Trails, and they have issues there with animals on the trail; they don't want animals on the trail because of the wildlife. He inquired if they had discussed that issue regarding this trail system.

(#1115) Ken Wilcox stated they have not discussed that issue in detail, however, the possibility of limiting access with pets was mentioned.

(#1130) Ken VanBuskirk stated he has concerns with the boardwalks in severe weather as they can ice up fairly easily and make it a real hazard. Also, he liked the idea of closing it down during high fire dangers.

(#1155) Ken Wilcox stated he hasn't seen that addressed specifically by the trails committee. I feel it's more like when it snows and the roads are icy, you are responsible for your own safety. If there's an unusual risk, that will be identified.

(#1230) Miscellaneous discussion regarding the projected costs and the grant funding.

(#1430) Bill Dewey inquired if there was any discussion with the Overtons regarding access to tidelands.

(#1440) Ken Wilcox stated his impression was he had an open mind to whatever would make sense. The main issue would be the environmental sensitivity.

(#1450) Bill Dewey inquired if there was any discussion about coming around the bay by the power lines to where they have the public access.

(#1460) Ken Wilcox responded you don't have a corridor other than the county right-of-way. Otherwise you'd

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just be walking on the shoulder of the road.

(#1500) Bill Dewey stated he is on the Allyn Community Association Business Committee and we've talked about the issues involved with this project. I'm with Taylor Shellfish Company. From Allyn north to the power lines, we own the tidelands and have commercial shellfish beds throughout that area. Our biggest concern that I've raised to the ACA is pet or human waste that might result from the increased use there. We've already got degraded water quality problems there so we want to be very certain about the issues. The shellfish beds there are some of the most exceptional in the state, we just want them protected.

(#1600) Debbie Jacobs noted that John Keates has talked about a bigger master trail plan connecting Belfair and Allyn, and inquired if that has been thought of in regards to this, and would this be part of connecting Belfair and Allyn with the trail system.

(#1650) Ken Wilcox explained that it will tie in at a future time. There is quite an elevation difference between the two, so there may eventually be a trail up through Lakeland Village. John has also been talking to people in Kitsap County about possibly a shared corridor with the rail line. It just depends on what the main connector will be over to Belfair.

(#1750) Debbie Jacobs inquired if there has been a discussion of connecting to Lakeland Village. Many Lakeland residents need walking trails. It's pretty dangerous to walk on the roads there sometimes. There's been some talk of a trail system and talked about this trail connecting more to Lakeland.

(#1775) Ken Wilcox stated it was noted in the plan as a need, however, this study focused on the basic trail for now. That was considered as a more regional connection for the future.

(#1800) Jim Reece inquired what the annual maintenance costs for the trail might be.

(#1810) Ken Wilcox responded it depended on the facilities. I don't think maintenance was considered as a difficult issue for John with this project. The more costly issues will be with repairs if we have severe storms. The costs will depend on the final design, as well as the usage.

(#1885) Bill Dewey stated he wants to underscore the concerns about the ongoing maintenance of the sanitary facilities along the shoreline. We're having an issue with the county now where they've pulled out facilities as several of our public access points. The shellfish industry has stepped forward to pay for the portable toilets to go in so our beds don't get contaminated by public use associated with those public accesses. It's not something that we take lightly.

(#1950) Dennis Pickard opened the public comment portion of the hearing.

(#1965) Robert Thorp stated he feels it is encouraging to see the county doing something like this long term. I know from doing trails plans that your estimates on porta potties is low by a significant number. We do think it's a great plan.

(#2000) Dennis Pickard closed the public comment portion of the hearing.

(#2020) Debbie Jacobs stated in theory she likes the plan, however, she stated she has concerns about the estimate of costs, as well as the ongoing maintenance, the shellfish industry and impacts. The budget part seems to be the most of concern to me to be able to recommend it in whole as it is without knowing what the costs are.

(#2060) Dennis Pickard stated before any plan is implemented those numbers would have to be hard wired in order for the BOCC to approve it. I share your concerns about those particular issues.

(#2100) Bill Dewey made a motion to recommend the plan to the BOCC with the addition of construction costs, as well as some estimate of ongoing maintenance costs associated with maintaining the trail on an annual basis, and incorporating into Section 4.5 environmental concerns regarding the discussion regarding potential impact to the shellfish resource both recreational, tribal, and commercial resources in the bay with potential impacts kept in mind of pet and human waste concerns.

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(#2150) Jim Reece stated he supports the motion and would like to add concerns about safety along the roadways.

(#2165) Bill Dewey accepted that as a friendly amendment to the motion. The vote was taken and the motion passed unanimously.

(#2200) Allan Borden opened the public hearing on the proposed rezone by Mel & Rita Armstrong to rezone one 20-acre parcel from RR20 to RR5 by handing out a document from Mr. Armstrong. The property is located 'west'. There are critical areas on the property, slopes in the west and central area, and a Type F stream in the northeast area. Certain development standards would apply to these critical areas for proposed development. The existing property has a single family residence on it with some outbuildings. The access is from Courtney Creek Lane on the northeast. To the north is RR5, south is RR20, east is RR20 and west is RR10. The Armstrongs' would like to subdivide the property, if approved, which would be more than afforded by the current zone. If approved, this would allow them to subdivide the property into four lots. Under criteria #1, public health, safety and welfare, any subdivision would have to meet the current development standards and critical area setbacks. There will be a concern for water supply availability to serve the new lots. Under criteria #2, matching the characteristics of the area, this area is west of the Union River and it has had in the past, already existing lots of five acres in size. There are also parcels of five acres or better, but less than ten, in this vicinity. The areas there were platted were done prior to the year 2000 and were designated RR5. If approved, this would extend the RR5 zone farther south than where it currently cuts off. Staff feels there really isn't low density, rural sprawl taking place with this property. Under criteria #6 having to do with conserving fish and wildlife habitat, the proposed development will still need to meet critical area setbacks. Under criteria #7, it is anticipated that rezoning the subject parcel would not materially increase the pressure for surrounding landowners to request rezones to higher densities. Criteria #8 does not apply. Staff would recommend approval that this request meets all of the criteria, and feels that the appropriate zone would be RR5.

(#2660) Dennis Pickard stated he was looking at the zoning of the surrounding properties, particularly to the east and southeast, and though the RR20 zone is applied to those parcels, it doesn't appear that it's necessarily the most appropriate zone for the adjoining existing parcels. He inquired how that area get zoned RR20 in the first place.

(#2700) Allan Borden responded the RR20 zone was adopted primarily to protect slope and stream critical areas in the area north of the Belfair UGA. When the Belfair UGA was being proposed, there was a thought to put the UGA on the west side of Old Belfair Highway. That became too extensive of an area. It didn't really provide adequate protection for the Union River and associated drainages and slopes. The RR20 also became a way to reserving and carefully reviewing future requests.

(#2080) Dennis Pickard noted the small parcels nearby, and inquired how those pre-existing parcels would be impacted by being zoned RR20 versus RR5 or 2.5.

(#2850) Allan Borden explained the only difference is that some of the parcels are not going to be further divided.

(#2875) Bill Dewey stated whether they were RR20 or RR5, it wouldn't make much difference as it wouldn't increase the density.

(#2900) Dennis Pickard noted looking at the adjoining pattern of existing parcels, that much of the area that is zoned RR20 isn't necessarily appropriately zoned RR20.

(#2925) Ken VanBuskirk stated he looks at it differently, especially with regard to criteria #7. Last year the PAC had a similar request for RR20 to RR5, and I think this would definitely set a precedent. In this particular rezone there's five other RR20 parcels within a mile of this one for 450 acres. There's eight RR10 parcels for 500 acres. Before GMA was adopted, people were given an option to go in and subdivide their property.

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(#2985) Dennis Pickard responded most of those divisions were done farther back than that. There were changes to the subdivision regulations back as far as 1991 and 1992.

(#3000) Ken VanBuskirk inquired about Courtney Creek Lane as an access and if it is a public road.

(#3050) Allan Borden responded that it is not a public road.

(#3070) Ken VanBuskirk inquired if that should be looked at as a criteria for the requested rezone.

(#3080) Allan Borden stated it's a road that needed to be identified as it accesses more than four properties.

(#3100) Ken VanBuskirk stated the staff report notes that there are 17 acres as undeveloped open lands. He inquired if it was actually forested lands.

(#3150) Allan Borden stated it is forest land. Three acres are on the senior exemption. The open lands are actually classified as open space timberlands designation.

(#3200) Dennis Pickard opened the public comment portion of the hearing.

(#3220) Rita Armstrong, applicant, stated Courtney Creek Lane is a private road. We own it and the other people have access to it. We don't plan on developing the property at this time. We are requesting the rezone for possible development in the future for our children.

(#3280) Jack Johnson commented they have some similar circumstances on a rezone and inquired of Allan when he says how they zoned it, who is 'they'. Secondly, I'm familiar with the Belfair UGA and the development of the UGA, and the development that is going to occur in the Belfair UGA will be 5 units per acre minimum, and that's going to have lot sizes between 4,000 sf and 7,000 sf and not everyone wants to live on 4,000 sf in ways that we're being forced into. My feeling is it is reasonable to have this intermediate transition between the UGA and be thinking about more people who want to be living on 5 acres. It makes sense to have them closer to urban services.

(#3500) Allan Borden explained he had some history which he was not present for. In the late 1990's when the Belfair UGA was being evaluated there were several proposals. When it was decided that the Belfair UGA should be approximately where it is now mapped, that left areas in the Union River Valley that had to be evaluated as to what the appropriate zone would be. They were proposed by the Planning Department, and then the Hearings Board. The PAC recommended approval of certain versions of it and when the BOCC held their public hearings and determined it was appropriate, that determination about zoning did then go to the GMHB and it was found to be compliant. The strategy of creating a zone that had allowed some reserve would have some control as to how land could be developed so that it didn't interfere with the natural growth of the UGA boundary.

(#0090) Bill Dewey stated it's his understanding that the areas adjacent to the UGA should be RR20 or RR10 so that if the boundaries of the UGA needed to be expanded you'd have inventory available through those larger parcels.

(#0130) Allan Borden stated that is correct.

(#0145) Dennis Pickard closed the public comment portion of the hearing.

(#0155) Bill Dewey made a motion to recommend the rezone request, along with a second.

(#0170) Ken VanBuskirk disclosed the fact that he visited Mr. Armstrong and looked at the property a week before. He stated he would be a good steward whether it was rezoned or not. Ken VanBuskirk stated he does not agree the criteria regarding infrastructure is met. The property is on a private road. He also stated he disagrees with criteria #7 that it will create pressure for future rezone requests.

(#0200) The vote was taken and the motion passed 4 to 1.

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(#0220) Allan Borden opened the public hearing on the request by Peninsula Topsoil to rezone portions of two parcels totalling 50 acres from RR20 zone to RR10 zone. There is a matter we have to resolve before we start the public hearing. I received an email from Ken VanBuskirk who expressed that since he is a property owner of one property adjacent to the request he feels he needs to recuse himself from the discussion.

(#0255) Ken VanBuskirk stated he has changed his position on that. I didn't want to give you the impression I wanted to recuse myself. I testified before this commission last year and I would like my previous testimony considered on this case. I would also like to be involved with the discussion this evening. I don't have a financial interest in this rezone. I have a financial interest in the property next door to it.

(#0280) Dennis Pickard stated this situation has not come up since he came onto the PAC. This seems to be a potential grey area.

(#0290) Bill Dewey stated he does not believe it is up to the PAC to decide for Ken whether he needs to recuse himself. That would be between himself and the county's attorney.

(#0300) Dennis Pickard noted we don't have the attorney here to answer that question for us in terms of whether any action we take might be not deemed appropriate or valid.

(#0320) Discussion regarding getting hold of the county's attorney. It was decided that the PAC only makes a recommendation to the BOCC.

(#0335) Allan Borden stated he could ask the question if any of the PAC members have any financial interest towards the properties that are involved, or do they feel their deliberation might be biased by their relationship with the applicant. It's a matter of the appearance of fairness.

(#0350) Off the record discussion.

(#0410) Allan Borden stated that Jack Johnson does not have a problem with Mr. VanBuskirk sitting on the PAC.

(#0420) Dennis Pickard inquired of Jack Johnson if he would waive any objection to Mr. VanBuskirk deliberating on this matter as a member of the PAC.

(#0425) Jack Johnson stated that is correct. He stated he respects Mr. VanBuskirk's opinion and whatever he decides is Ken's decision. We feel there is no conflict of any kind.

(#0435) Debbie Jacobs stated that when we do have a vote that it should be in the record that Ken does own adjacent properties. That makes it a personal interest based on ownership in itself.

(#0450) Dennis Pickard noted that given Mr. Johnson has waived his objection to Mr. VanBuskirk deliberating on this matter as a member of the PAC I've decided we will go ahead and proceed as the whole PAC hearing this matter.

(#0460) Allan Borden handed out some telephone notes from people who contacted him regarding the rezone. The comments are from Christina White. She is not opposed to the proposed development. Laura Wood has concerns about road access and the strategy of having solid reasons for changing the zoning. Regarding the request, it is not for 50 acres, but is for 69.41 acres. The property is located west of Old Belfair Highway and the Belfair UGA boundary and 1.0 miles north of the intersection of State Route 300 and Clifton Rd. There is an existing sand and gravel operation on the property that is subject to DNR Surface Reclamation Permit. The property is accessed from the east from Old Belfair Highway by a 1 - 1 ½ lane road that crosses the Union River on an existing single lane bridge. The purpose of the rezone request is to propose a future subdivision of the property. Under both RR20 and RR10, a performance subdivision can be pursued. A performance subdivision lets you set aside critical areas, setbacks, and buffers and set aside open space as part of the proposed subdivision of property. Under the subdivision Title 16 you are granted certain bonuses with the maximum being doubling of the density. The rezone criteria as outlined in Mason County Development Code Section 1.05.080 are met. The proposal to rezone these two parcels to

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RR10 is consistent with the Comp Plan goals for protecting public health, safety and welfare, for appropriate zoning designation of RR10 zone, encouraging the provision of adequate public services, and consistent with the Comp Plan goals to encourage low-density residential development in rural areas while protecting natural values and rural character. The water supply availability will be a concern and may control the potential number of lots if water rights are not secured. This rezone request with these two properties was involved with a 2008 rezone request to go from RR20 to RR5. They differ in that there was a smaller amount of land involved in that 2008 request. Only the eastern half of parcel #1 was in that request. When the PAC met in November of 2008 the recommendation was to deny this request to go from RR20 to RR5. Prior to the BOCC having a hearing, the applicant withdrew their request. Criteria #2, this area has a wide range of lot sizes. To the north, west and south, the existing lots are between 20 and 100 acres in size. To the east the existing parcels are 1 to 5 acres in size and they are existing residences. Under the current proposed zones, critical area development standards and studies need to be completed for either the convention or performance subdivision proposed. For these reasons, the applicant feels the proposed RR10 zone would match the characteristics of the area. Criteria #3 talks about sprawling, low-density rural development. If the rezone is approved, the applicant can propose 16 residential lots as opposed to 10 lots under RR20. Criteria #4 talks about demand for urban services in rural areas. These demands will increase but not to urban levels. Criteria #5, adding new lots would not interfere with the provision of services to the Belfair UGA or direct growth away from this UGA. Criteria #6, subdividing the subject parcels will need to protect critical areas and provide for proper development standards. Criteria #7, no precedent is set to serve as reason to rezone other properties to other zoning designations. Staff recommends approval of this request to go from RR20 to RR10 through the subdivision process.

(#1100) Bill Dewey inquired about the previous rezone request from RR20 to RR5, and noted staff did not recommend approval of that request.

(#1130) Allan Borden explained that when you go to RR5 directly a performance subdivision is not an option. Also, under RR20 or RR10, you actually could create smaller lots (20,000 sf) which allows for clustering and keeping the area of development much smaller. Under RR5, there's a two acre lot minimum.

(#1200) Ken VanBuskirk stated he reviewed the staff report from the 2008 rezone request and in that report neither criteria 2, 3, or 7 were met. He noted criteria #7 the staff report indicated the rezone would serve as a precedent to future requests in the county and inquired if that has really changed with this request.

(#1250) Miscellaneous discussion.

(#1375) Dennis Pickard inquired if this whole process is going to get the applicant what they think they're getting.

(#1385) Allan Borden responded the examples they use in their application, the current area that's RR10 is 20 acres and under a performance subdivision they could get two times two lots, or four lots.

(#1400) Dennis Pickard explained he's looking at the parcel to the south that was part of the 2003 BLA that attached the RR10 section to the RR20 section. That's not being rezoned and how does that prior action under the RR20 impact the development potential of 1B and 1A.

(#1450) Allan Borden stated that if the rezone was approved, they could not use this small area to the south as part of the land that would be RR10.

(#1500) Dennis Pickard stated his understanding is that the development potential of RR20 is only one lot. The total that was part of this application did not exceed 60 acres in this area that would permit one lot and two lots.

(#1550) Miscellaneous discussion and clarification.

(#1700) Allan Borden stated that BLA met the test that you were not creating a lot less than 2 acres in size. If those properties consisted of a 20-acre parcel and a 47-acre parcel, even in a RR20 the minimum lot size you can create is 2 acres.

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(#1800) Dennis Pickard opened the public comment portion of the hearing.

(#1820) Robert Thorp, Planning Consultant stated for the record the 50 acres in the staff report was sent to staff with our information. There's actually 69.4 acres in this proposal. I do agree with the staff report, but would like to add some clarification. I feel you have set a precedent in the last decision and this case has similar characteristics. It was the intent of the Johnson's to do some sort of a cluster subdivision. Robert pointed out the current zoning as it exists. He stated he has never seen a land use transition work like this. You have 5 units per acre here, and there's 10 units per acre here, and 5 units per acre over here, and then in the middle is 20 units per acre. You always transition from higher to lower. This is an anomaly in the State of Washington. It doesn't make a lot of sense to have 20's next to 5 units per acre. So we're proposing to transition. The people who are concerned about this project are living on 4 or 5 acre parcels, which is the same thing this applicant is asking for. What you have now is a gravel extraction project. If this rezone is approved, it will probably push the development further and take the trucks out of the development, which is what those folks are objecting to. The GMA states you are supposed to take resource plans, take the resource off, and convert them to the use. That's what the Johnson's are doing. We think the goals and policies are met, as well as the criteria. We feel this rezone will not damage public safety and welfare. We do think the Timberland Dr. does serve the site, but would need to be upgraded. We do not believe there are cumulative effects in this area. We think this area is a good transition to the RR20 and RR5. We think this is very consistent with the GMA as far as the transitioning goes. We agree it would require preservation of open space and conservation and we think this is the way to do it. Some asked why it is different this time than last time and you are more likely to do a cluster subdivision here rather than a standard subdivision. We're asking you to fix what we think is an anomaly and we ask for an opportunity to transition this from gravel extraction to residential use and make it less impactfull on neighbors over time.

(#2175) Ken VanBuskirk noted the criteria states that the development requires crossing of the Union River to reach the parcels and is achievable. Ken stated there is a moratorium on development in the Union River floodplain.

(#2190) Robert Thorp explained you would have to get a JARPA permit. However, that would come at the development stage, not at the zoning stage. If there is a moratorium that would not permit you from rezoning the property. A future subdivision would require the same issues be addressed.

(#2240) Ken VanBuskirk noted one of the issues last year with the other rezone wasn't necessarily the size of the lots but it was the access. When I read last year's minutes, Commissioner Wing inquired about access to the property, and I don't know that that's really changed.

(#2265) Robert Thorp responded that rezone was withdrawn, so what you have before you this evening is what is on the record; not what happened at the last hearing. I would suggest to you, in the sense of the appearance of fairness, you need to leave that old record there and act on the record before you tonight. As you can see, there is no one here tonight objecting to this application as was the case a year ago.

(#2320) Dennis Pickard noted the minutes from the hearing of last year were included with the staff report for this proposal. So it is a part of the record before us this evening.

(#2350) Ken VanBuskirk inquired if the rationale for the rezone is a reclamation so that the gravel operation can be discontinued.

(#2365) Robert Thorp explained you would finish taking the gravel off, reclaim it, and then begin the process to complete the reclamation which would be a lake which would be an amenity for the subdivision.

(#2385) Ken VanBuskirk stated Mr. Borden the outcome of this rezone tonight could influence how the reclamation is implemented. I obtained a copy of the Reclamation Plan from DNR and in the application the applicant acknowledged that RR20 was the subsequent use for this property.

(#2415) Robert Thorp explained you would just inform DNR that the use is now for RR10 and modify the application, but you can't do that until you have the decision from the BOCC.

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(#2500) Jack Johnson, applicant, spoke to the Reclamation Plan. The reclamation you see in the permit, the operator was Scarcella Brothers, so they have to bond off their reclamation plan and in order for them to be relieved as the operator, they had to reclaim an area of the pit. DNR did inspect that area and did approve that area and then the operator was transferred from Scarcella Brothers to Peninsula Topsoil. Peninsula Topsoil then had to pay its own reclamation and mining plan that gets submitted and those can be amended. We have to show how we're going to reclaim and bond off the disturbed area. We are currently still mining in that locations and there is quite a bit of reserve still there. The unique aspect is that Peninsula Topsoil has another pit on Bear Creek that has a lot of reserves and it probably doesn't need to continue to mine in Pit #1 because of the pit on Bear Creek. This would give us a viable conclusion to the mining operation there. It's currently mining 250,000 to 300,000 tons per year. The access there has been established, and with those figures, there is a lot of traffic there now. However, the access is adequate for whatever residential development we propose. We don't have any intention to build in any critical areas or even close to them. My goal would be to do something special with the property. It was my recommendation to hire Robert Thorp to help us with that because this business can be very complicated. I feel this property should not be in the UGA, and also feel there is too much property in the UGA. If the UGA does get larger, it will get larger in a different direction. I don't think this will set a precedence, as the PAC should make it's decision on a case-by-case manner.

(#2800) Discussion about the John Huson family properties and bringing them into the UGA.

(#2900) Dennis Pickard closed the public comment portion of the hearing. Dennis Pickard noted the current zoning is RR20, but the current use is presumably a pre-existing, non-conforming use and inquired how any alteration to the zoning going to impact their ability to use the property in the interim stage under that non-conforming use.

(#2975) Allan Borden explained it won't affect it as long as they don't expand the area of permitted use.

(#3010) Jim Reece made a motion for approval to RR10, and Debbie Jacobs seconded it.

(#3045) Discussion regarding the BLA and how that would be reviewed. It shouldn't impact the rezone request, but could impact the subdivision process.

(#3150) Ken VanBuskirk reiterated that he believes this will establish a precedent for more to come before us.

(#3180) Bill Dewey stated based on our decision a year ago, we're having a problem with criteria #7. A year ago we said it didn't meet criteria #7, and now we're saying it does.

(#3200) Dennis Pickard stated he was adamant in opposing last year's request as the applicant didn't give us any good reason to approve it. That was a part of the issue at the time. Having taken more time to research it in more depth I would look more closely at surrounding areas. The conclusion that one of the parcels is already partially in an RR10 designation, to me, merits some consideration of it being a more appropriate zone for the parcel that includes an area that is already RR10. Coincidentally that the other previous rezone application before us happened to be literally in the same section of land and so I happen to see the pattern of existing lot sizes in the vicinity of both sites would speak to a zoning of other than RR20 as being appropriate for that area in general. There are still issues that would have to be addressed for any future development proposal whatever the zoning might be at that time; access issues and environmental issues. Those are going to be there in both cases and because the existing pattern of subdivision in the surrounding property doesn't suggest that RR20 is the appropriate zone for the vicinity. That would make me more inclined to support a rezone to RR10 to be consistent with the larger parcels adjoining to the west, farther from the UGA.

(#3400) Bill Dewey noted we have the Union River floodplain as part of our consideration, and he inquired if that was a consideration in the prior rezone request.

(#3420) Allan Borden explained the Armstrong rezone request was different.

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(#3500) Miscellaneous discussion regarding potential pattern of development. Ken VanBuskirk noted another parcel in the vicinity that is 40 acres in size zoned RR20 is currently being surveyed.

(#3700) Dennis Pickard noted the motion and second on the table, and called for the question. There were two nay and two yea votes, and the deciding vote was cast by the Chair in favor of the motion. The motion carries.

(#0045) Allan Borden opened the public hearing on the rezone request by Port of Grapeview (Bob Allen) to rezone a 1.74-acre piece of property currently zoned RR5 to Rural Commercial 2 or 3 zone. This property is located in Grapeview Hamlet in the southeast corner of Grapeview Loop Rd and Okonek Rd, adjacent to the post office, fire station, and community center. This request was brought to my attention that the Port of Grapeview had bought this property in January of 1990 and in their Port Comprehensive Plan of 1992 had indicated that this property was to be for future development, either commercial or industrial. When the Comprehensive Plan was adopted in 2000 it did include this property in the Grapeview Hamlet. The department did not indicate this property should be zoned anything other than residential as it was not developed at that time. When the letter was received by our department requesting the maps be corrected, staff processed it as a corrective rezone. We only used two criteria in this case; criteria #2 (what is the appropriate zone designation), and criteria #8 (if a map error is claimed, what is the basis of that map error). This property is located at a very busy intersection in the hamlet, and it would be suitable for potential development as long as development standards are met. Since this is in a hamlet, zoning to RC3 could give wider potential uses that the Port could seek in developing this property. When the county designated boundaries of hamlets, it was anticipated that properties would change zoning, and since Grapeview is in a relatively isolated location, this would be appropriate for a service center. Criteria #8 on corrective rezoning, the Port has provided letters and pages from their Comp Plan to show that, in fact, this property was intended to be for non-residential purposes and would agree it's appropriate to change the zoning on this piece of property as a map correction.

(#0200) Dennis Pickard opened the public comment portion of the hearing.

(#0205) Bob Allen, Commissioner Port of Grapeview, stated the Port of Grapeview is a non-staffed Port District and I have the authorization of the Board to address this body as well as the BOCC. If there is a question of why we haven't developed the property is one of our board members was authorized to get a DNR fire permit but did not follow up on, and also, there was a change in leadership at the Port for some time. There was also some clean up of ditches on Okonek Rd., as well as some wetland issues. We have some planning for a new boat launch facility, so our plan is to divert some funds we would have used to clear that property.

(#0325) Ken VanBuskirk inquired since this is a corrective rezone is the Port of Grapeview required to pay the usual rezone request fee.

(#0330) Allan Borden stated they did have to pay for the corrective rezone.

(#0335) Dennis Pickard closed the public comment portion of the hearing. There was a motion and a second to recommend approval of the corrective rezone. Dennis Pickard asked for a clarification regarding the proposed commercial rezone aspect. Staff suggested RR3 to be the most consistent designation. He accepted a friendly amendment to the motion and second, and the motion carried.

(#0400) Meeting adjourned.