

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

FEBRUARY 24, 2004

1. Call to Order - The meeting was called to order by Chairperson Wesley E. Johnson.
2. Pledge of Allegiance - The flag salute was led by Chairperson Johnson.
3. Roll Call - Present: Cmmr. Dist. 1 - Herb Baze; Cmmr. Dist. 2 - Wesley E. Johnson; Cmmr. Dist. 3 - Jayni L. Kamin.
4. Approval of Minutes – Amended regular meeting minutes for January 13, 2004 and briefing minutes of February 2, 2004. **Cmmr. Kamin/Baze moved and seconded to approve the corrected minutes of January 13, 2004 (to include Ed Leaf as the citizen commenting). Motion carried unanimously. B-aye; J-aye; K-aye. Cmmr. Baze/Kamin moved and seconded to approve the briefing minutes of January 13, 2004. Motion carried unanimously. B-aye; J-abstain; K-aye.**
5. Board's Calendar – for week of February 24 – March 2, 2004.
6. Correspondence and Organizational Business
 - 6.1 Correspondence
 - 6.1.1 Application for the Mason County Housing Authority: Jerry R. Wedel
 - 6.1.2 Mason County Civil Service Commission requested an appointment be made as soon as possible to fill the vacancy on the Board so they can continue meeting as necessary.
 - 6.1.3 Letters were received from Catherine A. Wolf, CPA, Herman M. Petersen, Lowell Mahaugh, Lester & Betty Krueger, Dan Teeters, North Mason Food Bank; and Diane O'Neal urging the Board to adopt the proposed sign ordinance drafted by the Belfair Sub-Area Planning Committee.
 - 6.1.4 North Mason Rotary Club requested the County close Clifton Lane in Belfair on August 14, 2004 for their third annual Taste of Hood Canal. (Copy forwarded to Public Works)
 - 6.1.5 Applications for the Transportation Improvement Program-Citizens Advisory Program: Herb Brehmeyer, Robert R. Albaugh, Christopher Harper, Fred Yancey, Joseph Spaulding, Michael R. Brown, Leroy T. Valley (Copies forwarded to Public Works)
 - 6.2 Mason County Rodeo Committee: Julie Gray, Chairperson; Noel Galloway and Committee Director were present. Lissa McClanahan, 2004 Mason County Fair & Rodeo Queen, invited the Board to the First Annual Silent Auction & Shindig on Saturday, March 6th at 6:00 p.m. at the Fairgrounds/Building 17. The Board announced that they are all planning on attending and will be participating in the coronation event.
 - 6.3 Announcement that the Sheriff's Office has accepted a bid of \$7,050 plus tax, less a \$1,500 trade in allowance from Verle's Sport Center and Marine for the purchase of a new Suzuki 115 hp 4 cycle outboard motor. The post for quotes was authorized February 10, 2004.
 - 6.4 Press Release – It was announced that there is a vacancy on the Mason County Civil Service Commission. Applications are being accepted to fill this vacant position.
 - 6.5 Adoption of Proclamation for March as American Red Cross Month – Karen Cirrito, Mount Rainier Chapter Exec. Director, was present and read aloud the proposed proclamation for March as American Red Cross Month.

Cmmr. Baze/Kamin moved and seconded to adopt the proclamation and proclaim March as American Red Cross Month in Mason County. Motion carried unanimously. B-aye; J-aye; K-aye.
7. Open Forum for Citizen Input - No public comment.
8. Adoption of Agenda – **Cmmr. Kamin/Baze moved and seconded to adopt the agenda as presented. Motion carried unanimously. B-aye; J-aye; K-aye.**

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9. Approval of Consent Agenda:

- 9.1 Set a public hearing on March 16, 2004 at 9:30 a.m. to consider a supplemental appropriation to the Rustlewood Sewer Fund in the estimated amount of \$92,160. **Resolution No. 11-04 (Exhibit A)**
- 9.2 Appointment of Jack Miles to the Mason County Housing Authority Board of Commissioners.
- 9.3 Approval of five Teamsters labor agreements and subscription agreements for the period from January 1, 2004 through December 31, 2006 covering the General Services, Probation, Juvenile Detention, Personal Health and Appraisers bargaining units; and the Teamsters/Operating Engineers insurance agreement covering the Road Crew for 2004 approval of labor contracts.
- 9.4 Approval of agreements with Land Title Company, Mason County Title Company, First American Title Insurance Company, Shelton and First American Title Insurance Company, Tacoma for access to the IBM AS400 System. The title companies pay \$665 per year for this access.
- 9.5 Approval of Warrants

Claims Clearing Fund	67561-68358	\$1,343,392.63
Salary Clearing Fund	137049-137292	\$192,296.31

Cmmr. Baze/Kamin moved and seconded to approve the consent agenda as read. Motion carried unanimously. B-aye; J-aye; K-aye.

RECESS

The Board recessed until 6:30 p.m. for the scheduled public hearing.

10. 6:30 p.m. Public Hearings and Items Set for a Certain Time

- 10.1 Public hearing to consider four requests to rezone properties in the Rural Area of Mason County. The rezone requests are from Sheldon Properties, JHC Liquidation, Edith Edwards and Robert & Carol Seymour.
 - 10.1.1 Sheldon Properties - Rezone Request No. 02-06 (Parcels 42215-14-00000, 42215-21-00000, 42215-22-00000, 42215-23-00000 from RR 10 to RR 5; 42215-31-00000, 42215-34-00000 from RR 20 to RR 10; 42215-32-00000, 42215-33-00000 from RR 20 to RR 5).

Alan Borden, Planner, explained that the rezone request is for eight 40-acre parcels in the Hoodspout area (four parcels from RR10 to RR5, two parcels from RR20 to RR10; and two parcels from RR20 to RR5). He displayed an enlarged exhibit provided by the applicant showing the location of the rezone requests and also described the current zoning in the vicinity.

Cmmr. Kamin asked if there can be development within the long-term commercial forest designation.

Mr. Borden stated that timber management is the primary use. A single-family residence at a density of 1 to 1 for 80 acres can be located within a long-term commercial forest.

The Planning staff did not believe the applicant provided information to state distinguishing characteristics, changes in the area, or demand that would merit the series of rezone requests which is the chief reason why this series of requests fails to meet the rezone criteria.

The Planning Advisory Commission (PAC) met on October 6 and December 1, 2003 and reviewed the requests and recommended approval of the RR10 to RR5.

The Planning staff does not concur with the recommendation of approval from RR10 to RR5.

Cmmr. Baze asked what the criteria was used when the property was originally zoned.

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Mr. Borden stated the planning staff had assistance from a consultant. In order to provide protection for the long-term commercial forest land there were two tiers of property zoned Rural Residential 20. Some of the other properties were already divided into smaller lots and designated RR5. There are some parcels that are far enough away from infrastructure/road access that it would meet criteria for RR10.

Cmmr. Kamin asked if the two RR5 parcels on the east side have any development at this time.

Mr. Borden stated there is a water tank that has been located there.

It was noted that if each parcel is 40-acre piece and it is zoned RR5 there can be eight homes on that 40-acre parcel.

The Board asked Mr. Fink to explain the transition between long term commercial forest and 1/20. What kind of impacts are they buffering.

Mr. Fink responded there is not an absolute requirement to have a RR20 next to a long-term commercial forest. The lower density designations help protect the long-term viability of the forest by eliminating the amount of houses nearby and providing an incentive for the developer of the property to cluster the development. When they cluster development, they are putting smaller developed lots in clusters of 4 - 7 houses each which could be on a half-acre lot each. The balance of the land could be kept as some other non-developed land. It could be in forestry use. When the land is clustered under the guidelines provided; the open space, undeveloped areas, are put next to the resource lands. They would also put additional protections to any sensitive or critical areas, which might be in the vicinity. Those provide an additional protection to the viability in the long-term commercial forestland. There is lower density or buffering effect of an open space. The clustering would provide so there would be lots with less than five acres. The incentive for clustering only applies to RR20 or RR10. The total amount of bonus you can get is up to a doubling of the density. The RR10 can develop at densities as high as 1 house per five acres on average. It would be developed in smaller lots in only a portion of the property.

Cmmr. Johnson asked when considering clustering arrangements should there be at least 75% of the land remain as a large lot.

Mr. Fink responded, in agricultural resource land, which also has a similar clustering provision as a large lot, it is 75%, which must remain as a large lot. At least 10 acres in size must be preserved as open space for agricultural land. Of the developable land, at least 50% of the land has to be preserved as open space. If there is land in floodplain, steep slopes, or wetlands it must be set aside first, then the land that is not in the critical areas a minimum of 50% must be set aside. They also must have a design, which has requirements to protect the rural character of the area and protect the critical areas and resource lands in the vicinity.

Darren Nienaber clarified if there was testimony at the Planning Advisory Commission about the higher the density the more conflicts there may be between people who are living there and use of the roads by logging trucks. The homeowners objecting to logging operations. Was there also testimony that a higher density means a higher recreational use inadvertently on the timberlands. Perhaps, increased littering.

Mr. Fink stated that Simpson Timber Company has not testified in the current process. In the past ten years that the County has been involved in Growth Management Planning there has been a number of people testifying about the impacts of residential development, particularly the large number of units and higher density of residential development and the impacts it has on the

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management of the forest lands and their viability. Such things as dumping trash, trespass, encroachment, increased fire hazard and other issues.

One of the basis for asking the rezone request was these lands were currently enforced management. They were next to platted areas such as Lake Limerick. The property owner stated it was difficult to manage the lands because of the recreational use of the land, the casual use by the residents nearby. One of their theories of how they could better manage the lands was to set up their own buffer of partial developed land, which would be in private ownership and have residences on it. Those people would then resist the pressure of people encroaching onto the forestland. Their lands would have fewer residences close to them.

Tim Sheldon explained that he is a general partner for Sheldon Properties. Sheldon Properties is a family partnership. His parents acquired much of the property from his grandfather in 1941. They have approximately 1100 acres involved. They purchased Section 15 from Green Crow in 1997.

Mr. Sheldon gave a history of this rezone request beginning with the application made on June 26, 2002. In the process they have refined their application. They received the staff report in the mail on Friday, February 20, 2004.

He stated his brother's attorney is in Guam with the Air Force and had difficulty getting in contact with him. He did speak with his sister and look over the matter. He did not have the opportunity to talk with a professional planning person or any consultants.

He displayed a map of his rezone request using an overhead transparency.

He noted that their idea in purchasing property in 1997 was to have some younger timber. There is a water tank that PUD #1 has invested approximately \$5 million on a system at Hoodspout. It is completely rebuilt and a 75,000 gallon tank on their property from a well down by Schoolhouse Hill. PUD #1 would like to run up the easement and put another tank for increased fire flow for Hoodspout. Also, they have a proposal from Skokomish Indian Tribe that they were interested in 138 acres. They want to stay in the tree farming business.

He wanted to make a correction in the Planning Advisory Commission minutes. He referred to page 18 of the December 1, 2003. He referred to the second paragraph where reference is made to State Route 19, which should be SR 119. He stressed that they do have access to the property. They have a 60' wide easement.

They believe they have a unique piece of property coupled with the adjacent ownership. It has water and roads on the property. They have spent approximately \$30,000 on the roads; they spent \$10,000 worth of garbage pickup; \$10,000 - \$15,000 on roads. They got a permit from the county obtained in 1998 to bring dirt from the landslides of Highway 101 in Lilliwaup and deposited on their property.

He stated that they would accept the Planning Advisory Commission's proposal for Parcels A-D to go from RR10 to RR5.

He noted that the Planning Advisory Commission did not recommend approval of the RR20 be changed. They recommended the upper half of the property be approved from the RR10 to RR5.

There is a provision in the Comprehensive Plan for performance zoning to cluster the development and leave other area as open space. This seems to fit in adjacent to the other timberland. It makes a great wildlife corridor.

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Their proposal was to transition from densely forest to RR5 and then RR10.

Mr. Sheldon also questioned if they go from densely developed property to 1 in 20 as a buffer or go from the densely populated area to a 1 in 5, then 1 in 10 and then 1 in 20.

They worked with the Planning Advisory Commission for a proposal that was acceptable to them.

He noted if they took the entire property as it currently exists and added up the densities on all the 40-acre parcels there would be the ability without any clustering or performance zoning for 58 residences on 360 acres. What they are asking for in the first request to the Planning Advisory Commission (PAC) back in 2002 for an additional 32 residences. The PAC and Sheldon Properties worked through a proposal that was acceptable to add 16 more residences. The entire section would be 58 + 16 residences for a total of 74 residences. He felt that is a reasonable request and believed they met all eight criteria for the top half of their property.

The Planning Department staff recommendation is different than what the Planning Advisory Commission reached. The staff's opinion is that the existing densities were established using the RU-521 criteria for the Comprehensive Plan, as the most consistent zone designation.

Sheldon Properties believes this demonstrates give and take with the PAC. They received a lot of new information that the Planning Department staff did not have. Originally, the Planning staff classified some streams as Class V streams. After information was submitted from Department of Natural Resources showing the redesignation of streams and taken off the maps. The wetlands of the property are almost exclusively underneath the power lines. That land will certainly never be developed. The northern part of the property to the west is generally flat and has excellent view to the mountains, good road access and utilities.

The Board questioned if the applicant would be better off with a RR10 classification or clustering opportunity with the power lines going through the parcel.

Mr. Sheldon stated he was uncertain. He thought it might be better off with a clustering opportunity. They would combine their 500-acre parcels with 600-acre parcels.

Cmmr. Baze noted that the RR5 densities would not give the opportunity for clustering but an RR10 designation would provide the clustering opportunity.

Mr. Sheldon concluded that they have a modest proposal given the amount of land. The wildlife corridor is something that the Planning Advisory Commission listened to carefully. It is a unique proposal to retain lands in timberlands and provide habitat in the future. The goals of the GMA are to preserve the environment and also create affordable housing. He felt that affordable housing should go in where there is infrastructure, which prevents sprawl. If the homes are clustered, utilities are maximized, and sprawl will be limited, the public services will be concentrated.

Cmmr. Johnson asked if the response would be the same to Parcel D that is designated as RR10 on the east side adjacent to the Rural Activity Center.

Mr. Sheldon stated under the PAC proposal all the criteria was met to change that to RR5.

Cmmr. Johnson also noted that if the designation is RR5 there is not the clustering opportunity.

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Mr. Sheldon noted that the designation for Parcel C would probably be better as RR5 and the parcel to the north as RR5. He believed that with that designation they would get more densities and combining with the other parcel they may find if they can cluster it tighter together and closer to the road. He noted that to change their proposal in mid stream he is uncertain of the consequences without getting professional advice.

Cmmr. Kamin asked if she understood correctly that Sheldon Properties is going after densities. They would move from 58 potential homes to 74 potential homes if all four parcels were designated as RR5.

Mr. Sheldon responded, yes.

Cmmr. Kamin questioned what constitutes a performance development. If it represents one large cluster.

Mr. Sheldon stated it could be one large cluster. He did not believe they could be less than 2 acres.

Bob Fink stated if a developer is not using a performance cluster then just grouping them the RR lots could go down to 2 acres if the overall density is a permitted density.

Mr. Sheldon added they would rather concentrate it in one area and leave the rest of the property as open space and timberland.

Cmmr. Baze stated the Board has reviewed the PAC minutes and record for this case. In light of the testimony

Cmmr. Baze/Kamin moved and seconded to approve the rezone Parcel No. 42215-22-00000 and 42215-21-00000 (Parcels A & B) from RR10 to RR5 and deny the remaining parcels in Rezone Request No. 02-06 this finding is based on the facts that despite providing additional information the applicant has not met the burden of proof as required for the rezone as stated in the staff report. Also, move the chair sign the findings of fact to this decision in light of the whole record including the record before the PAC. This should substantially increase the number of residential lots for the applicant in these two sections. They are very much closer to existing roads and the infrastructure than the other parcels.

Cmmr. Baze stated that it appears the RR5 designation up by the road there is water, road infrastructure. The other parcels they could get the same densities as RR5, but would need to cluster to accomplish it. It would fit with the testimony they would like to keep it in timberland.

Cmmr. Johnson stated there has been a lot of testimony consideration for this whole request. There are a number of pages of transcript from the PAC that he read. He also supports this because this demonstrates a thorough review on the entire situation. It may not be what the applicant has desired, but it does provide opportunity for additional housing units.

Mr. Sheldon stated this is disappointing. They went through the process for two years and worked with the citizens group to find something that is acceptable to them and the to applicant and met the criteria of the Planning Advisory Commission. It appears the Board's decision has already been made before they heard the testimony.

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It is difficult for someone to understand how the process works for someone who is not a planner or well versed in land use but wants to use their property in the best way possible for the community.

Cmmr. Baze stated the Board wasn't able to act on the applications until the last several months and they are trying to go through them as best as they can. The criteria the Board used was if they were to change the other parcels it would change the whole aspect of the property and it would allow the others to be changed as a domino effect. They would be surrounded by different densities than they currently have.

Mr. Sheldon replied that he did not believe it would be possible, because they have an isolated parcel under one ownership. They are only asking the ability to develop the property in an environmentally friendly way, economically viable to place some residences up towards the road. He understood that every criterion was met with the PAC and this is the difficult part.

Deputy Prosecutor Darren Nienaber recommended the Board close the public hearing and continue the decision for one week to allow a chance to consider all the additional comments and evidence and develop rationale for a decision.

Cmmr. Kamin stated this is the fifth rezone request the board has had before them for a decision. The County has been in compliance for just a few months. She questioned if people fully understand the GMA within the whole state of Washington. In looking at the Sheldon property it has opened up questions the County has as far as what does it mean to extend an urban growth boundary. What does it mean to reduce sprawl. They were faced with looking at the county as a whole and saying what does it mean. Personally, in keeping those two side issues she was not sure what effect it would have on the property and how they are interpreting it. All throughout the state they will have to be answering these questions. She felt by putting the top two parcels in RR5 and keeping the others in RR10 they may be reducing the overall ability to build out to 74 lots. She felt that is a safe way to go at this time when there are a lot of unanswered questions. The county is trying to do what is best and to start building and setting standards and precedence for further rezone requests.

Cmmr. Johnson noted that the County has a backlog. The decision is based on the criteria established. They are not 100% satisfied with the criteria. When they get through this set of rezone requests after tonight they will be half way through. The County wants to take another look at the criteria and see if there is someplace where they could be improved and have a basis of decision which is equitable that could be applied in other parcels around the county.

Cmmr. Baze withdrew previous motion. Motion carried unanimously. B-aye; J-aye; K-aye.

Cmmr. Johnson concluded the nature of the discussion is typical of what the Planning Advisory Commission has been going through for a long period of time. Given additional time they will give the Board further opportunity to analyze all factors.

Cmmr. Baze/Kamin moved and seconded to close the public hearing and render a decision on March 2, 2004; 9:30 a.m. for Rezone Request No. 02-06. Motion carried unanimously. B-aye; J-aye; K-aye.

RECESS

The Board recessed at 7:32 p.m. for three minutes until 7:35 p.m.

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10.1.2 JHC Liquidation – The letter from Sarah Smyth McIntosh was read into the record withdrawing their rezone request.

Planner Allan Borden presented the Board with a letter from JHC Liquidation, Sarah Smyth McIntosh, Representative, withdrawing their Rezone Request No. 02-04.

Cmmr. Kamin/Baze moved and seconded to accept the request of JHC Liquidation for withdrawal of Rezone Request No. 02-04. Motion carried unanimously. B-aye; J-aye; K-aye.

10.1.3 Edith Edwards – Rezone Request No. 02-12

Allan Borden, Planner, stated that the request of Edith Edwards is to rezone a 9-acre piece of property from the Shelton Urban Growth Area to RR5. He referred to a map showing adjoining zoning of the area. The boundary of the UGA is on the west and north side of the applicant's property. In the rural area outside of the UGA is zoned RR20 on large properties under timberland management. South of the applicant's property is a mobile home park; there is also a subdivision called Rae Lakes close by.

The applicant has stated the rezone request will enable her to burn debris fires as part of maintaining her property. Within the UGA only recreational fires and not debris fires are allowed and the size of the fire is limited. The staff report review concludes that the request fails to meet all rezone criteria, primarily from the need to modify the UGA boundaries must be supported by the City and County population and land use studies which have not been completed. The Planning staff concurs with the Planning Advisory Commission's recommendation that the request be denied or deferred until the relevant studies are completed.

Cmmr. Kamin asked if the study is going on right now looking at the UGA boundary.

Mr. Borden replied the study is planned, but is not currently started.

Cmmr. Kamin questioned what is involved in the study.

Mr. Borden commented they will look at how the land uses will be distributed in the UGA and whether there are any changes from the last UGA delineation which would merit shifting or increasing the boundaries. The UGA boundaries try to accommodate an area for 20 years growth and the plan for a mix of both residential and commercial industrial. They need to see if in the last 9 - 10 years if there have been changes in how the land in the UGA is developed.

It is anticipated that by the end of 2005, the County will have completed the Comprehensive Plan update, which will include validation of the UGA boundaries.

Edith Edwards, Applicant, noted that she has 10 acres (9 acres in forestland; 1 acre under sr. citizen discount). The land only has one public access (Blevins Rd). She did not see why it could not be taken out of the UGA area to manage her timber.

Cmmr. Johnson how could you manage your timber better outside of the UGA.

Mrs. Edwards stated she cannot clean it up within the UGA and she cannot afford to have the debris hauled off. The only fire allowed within the UGA is a barbecue.

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She questioned if her taxes will be higher if put in an UGA area. Also, she asked if she is taken out of an UGA will her taxes be less than.

The Board stated they did not believe it would have any immediate impact.

Cmmr. Kamin asked how Mrs. Edwards would know when it is time to present a request before the county.

Mr. Borden stated the county and city are going to have joint public meetings to discuss planning in the UGA. That would be the time to make suggestions whether the boundary line should remain where it is located.

Darren Nienaber, Deputy Prosecutor, asked if that will be the time when the county and city are fully evaluating the justification for the UGA boundaries in a comprehensive realistic manner.

Mr. Borden responded, that is right. They will be looking at the entire UGA.

Cmmr. Baze asked if any changes made before the 2005 update would impact the current situation regarding the Comprehensive Plan.

Mr. Borden stated if there is a proposed change it will not be based upon the same analysis that the remainder of the UGA will be subject to in the near future. As the Deputy Prosecutor mentioned when they look at the entirety there will be opportunity to make adjustments if necessary.

Mr. Nienaber stated UGA is typically much higher value land to people who own it. If that area is taken out someone else, in the future, may really want UGA because of the high value. He asked because there hasn't been any justification or studies the county is not revisiting the urban growth boundaries.

Mr. Borden stated the study would be more like the end of 2004.

Mr. Nienaber asked if the timeframe is quicker than 20 months.

Bob Fink, Planning Manager, stated the intention is to address the zoning within the UGA before the end of the year. The last estimate he received from the City of Shelton is they would be into the planning process by September of this year. He expected they would revisit the issue of the UGA boundary.

Candy Ranney, property owner adjacent to Mrs. Edwards, stated that she and her father, John Macrae, are in support of the rezone request. She concurred that it is nice to have a transition between higher density development and lower density. They are abutted up against development. Mrs. Edwards property does not cut off further utility development along Blevins Road. They border her property on two sides. The issue of burning is important because it is difficult to manage the timber if they can only have a recreational size fire. She does occasional thinning and clean up on her property when she is managing it.

Cmmr. Johnson stated there is another component of the burning issue; smoke management zone.

Ken VanBuskirk commented on the population allocations that staff said they would complete and how that determines the UGA boundary. There is now another UGA (Allyn) since the population allocations were first put out. He believed that to expand does not make much sense. If anything they need to shrink the size of the UGA boundaries.

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He understood when the Edwards application was put in 2 - 3 years ago it was for an amendment to the Comprehensive Plan. He felt that changing the UGA boundary is an amendment to the Comprehensive Plan.

The Board clarified that the current application before the Board is a rezone request.

Cmmr. Kamin asked when the application was submitted.

Mrs. Edwards responded it was April 28, 2001. She added that she would prefer the Board approve or defer this matter until later.

Cmmr. Baze asked what the reasoning would be for not deferring action.

Mr. Fink noted that the idea is Mrs. Edwards would not have to make another application. It would be an area wide rezone. Because it affects multiple properties it is not the responsibility of any one property owner to apply for the designation they want. They can come and request it during a public hearing or send written comment. It is not treated within the same quasi-judicial format. The process is different.

Cmmr. Baze asked if the Board left this matter open and Mrs. Edwards applied to have the UGA change with the City and County when that is done, would she still have to change the density.

Mr. Fink noted that some density would have to be established. It would be done in the same action as changing the UGA boundary. Currently the urban area is one type of district that is urban and the rural area has zoning into different rural categories (RR5, RR10, RR20). At some point a decision has to be made what designation to put her in. If she is not in the urban area, does she remain in the urban area and receive one of the urban zones which is one of the concepts being addressed in the process with the City. If they change the urban area she would be outside the UGA and would have to be assigned to one of the rural zoning districts because they couldn't have unzoned land

The Board asked if they were to deny this proposal what would keep it in the process.

Mr. Fink stated an applicant would need to engage in the process and in writing or in person to make the request known in the process.

Cmmr. Kamin asked how are residents notified of the opportunity to participate or give testimony. Also, she questioned if there is a list of people to be notified when the new process comes up.

Mr. Fink stated that typically there was an effort made to notify parties of the process underway; always they put legal notices in the newspaper and on the radio. In small area, we notify property owners directly.

If they kept Mrs. Edwards file semi-active could it be on top of the notification list.

Mr. Fink responded they could put her on the top of the list for notification.

Chairperson Johnson stated that if Mrs. Edwards request were granted the County would be changing from the urban growth boundary. That is something that must be determined jointly between the County and City.

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Mr. Fink responded there is a process outlined in the Growth Management Act for setting and changing the UGA. It would require an effort to get agreement between the County and any cities before they set those boundaries. It is the County's responsibility to determine the boundary and the city has the opportunity to appeal that decision to the Growth Management Hearings Board for review. In this particular case the City of Shelton has already objected to the change in the boundary. As more information is developed and the analysis is done on a larger scale and the rezoning is complete the City's position may change.

Chairperson stated it appears to be obvious that it is more than just the county involved in any realignment of the urban growth boundaries.

Deputy Prosecutor Darren Nienaber clarified that the applicant has stated that deferral is preferred to denial.

Cmmr. Baze/Kamin moved and seconded to table this action on the Edith Edwards Rezone Request No. 02-12. Motion carried unanimously. B-aye; J-aye; K-aye.

10.1.4 Robert & Carol Seymour – Rezone Request 02-11.

Allan Borden, Planner, noted that the request is to rezone 23.80 acres of property from RR20 to RR5 zone.

The property is located on the south side of Deegan Road west. It is surrounded on three sides with RR20. A lot of the parcels vary from 2.5 acres to 10 acres.

Chairperson Johnson questioned how the parcels in a RR20 could be less than 20 acres in size.

Mr. Borden stated that in 1999 and 2000 when there was zoning they looked at the distribution of lots.

Mr. Fink added the review was based on Comprehensive Plan policies; RU-521 which was developed in setting the rural densities in the rural area. The consultants were looking at larger areas of the county. There was an expectation that within an area there would be smaller lots. It is a typical pattern in the county. When they found small areas of smaller lots they looked more toward what the predominating pattern is for establishing the zoning. They also looked at the surrounding land whether there was long-term forestland. They looked at the size of the parcels. They tried to establish the overall pattern for the county. Tried to get a distribution of 20, 10 and 5 acre lots that would meet the goals of the Growth Management Act and provide for a variety of densities in the rural area.

Chairperson Johnson again questioned why the area around Edith Edwards is zoned RR20 if there are already small lots present.

Mr. Fink responded there are adjacent parcels. He referred to the zoning map of the county. If you look at Section 35 in context north of the section is RR20, east is RR20 and west is the long-term commercial forestland. There is an area zoned as RR5, but typically that was done where there was a very strong pattern of lots smaller than 5 acres.

Cmmr. Johnson questioned if the RR20 will stay even though there are smaller lots within it.

Mr. Fink commented that RR20 is in context. It is a reasonable call.

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Cmmr. Johnson stated the Planning Advisory Commission looked at the lots in the general area and RR10 was compatible with what was present.

It was noted the applicant seemed to be acceptable of RR10 rather than the RR5 he had requested.

No public comment was received.

Cmmr. Baze/Kamin moved and seconded to approve Rezone Request No. 02-11 - Parcel # 32011-34-00000 from RR 20 to RR 10 based on the finding that the RR 10 zone is the most consistent designation for the subject parcel (criteria 2) and authorize the chair to sign the findings of fact in support of the rezone in light of all of the record. Motion carried unanimously. B-aye; J-aye; K-aye.

11. Other Business (Department Heads and Elected Officials) - None

12. Administration - None

13. Adjournment - The meeting adjourned at 8:18 P.M.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Wesley E. Johnson, Chairperson

ATTEST:

Jayni L. Kamin, Commissioner

Rebecca S. Rogers, Clerk of the Board

Herb Baze, Commissioner