

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

APRIL 22, 2003

1. Call to Order - The regular meeting was called to order at 6:00 p.m. by Chairperson Herb Baze.
2. Pledge of Allegiance – Chairperson Herb Baze led the flag salute.
3. Roll Call - Attendance: Cmmr. Dist. 1, Herb Baze; Cmmr. Dist. 2, Wesley E. Johnson; Cmmr. Dist. 3, Jayni Kamin.
4. Approval of Minutes – **Cmmr. Johnson/Kamin moved and seconded to approve the briefing minutes of April 7 and April 14, 2003. Motion carried unanimously. B-aye; J-aye; K-aye.**
5. Board’s Calendar for week of April 22 through May 5, 2003.
6. Correspondence and Organizational Business
 - 5.1 Correspondence –
 - 5.1.1 Mason County Civil Service Commission is requesting an interim appointment of a third commissioner until Joe Mathews is able to return to his position.
 - 5.1.2 Transportation Improvement Program-Citizens Advisory Program Committee Application - Brian S. Petersen
 - 5.1.3 Washington State Dept. of Ecology announced that the Mason Lake Milfoil Eradication Project has been satisfactorily completed and the grant project has been closed out. Copy referred to Department of Public Health Services/Environmental Health Division.
 - 5.1.4 John C & Jeanne K. Story commented on the off-street parking ordinance. Copy referred to Department of Community Development/Planning Division.
 - 6.2 Bob Fink presented a press release regarding the meeting that has been scheduled for April 28th from 2:00 to 4:00 p.m. at the Shelton Civic Center to provide the community the opportunity to learn about the results for the Housing Needs Assessment.
7. Open Forum for Citizen Input - there were no comments.
8. Adoption of Agenda - **Cmmr. Kamin/Johnson moved and seconded to adopt the agenda as presented. Motion carried unanimously. B-aye; J-aye; K-aye.**
9. Approval of Consent Agenda – The Board read aloud the following items:

Cmmr. Baze presented Consent Agenda items 9.1 through 9.5; Cmmr. Kamin presented Consent Agenda items 9.6 through 9.10; Cmmr. Johnson presented Consent Agenda items 9.11 through 9.15

 - 9.1 Approval of Claims Clearing Fund & Salary Clearing Fund Warrant Nos.

Claims Clearing Fund	54309-54643	\$616,592.72
Salary Clearing Fund	129638-129891	\$198,471.91
 - 9.2 Approval of Veterans Assistance Fund application for Marlis L. Monger - mileage reimbursement \$34.56; James W. Rigney - housing \$400.00 for a total of \$434.56.
 - 9.3 Set date for closed record public meeting on Tuesday, May 6, 2003 at 1:30 p.m. to consider the Port of Allyn's appeal of Hearings Examiner decision concerning VAR 2002-00067 Harvey Cousins permit.
 - 9.4 Approval of a grant contract amendment to modify the scope of work for contract #s02-63000-105 between Mason County and the Washington Office of Community Development for growth management planning update review.

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- 9.5 Approval for Public Works to purchase 600 markers (“fish sticks”) from Carsonite International, Inc. of South Carolina, who is a sole source provider, in the approximate amount of \$6,000. These markers are used to mark sensitive areas.
- 9.6 Approval of Supplement Agreement #2 to the contract with Skillings-Connolly, Inc for right of way acquisition services on CRP 1380/1381 for Grapeview Loop Road.
- 9.7 Set a public hearing on May 20, 2003 at 9:30 a.m. to consider restricting parking along the eastern shoulder of Craig Road from milepost 0.14 to milepost 0.28.
- 9.8 Approval of the closing costs in the amount of approximately \$6,042.38 for the purchase of the Fred Hill property. This is for the purchase of 20 acres adjacent to the Belfair-Tahuya Road.
- 9.9 Approval of the revised CRP 1718, Shelton Matlock Brady Road/Evers Bridge Deck Repair, to include construction funds. The costs are \$60,000 for preliminary engineering and \$425,000 for construction costs. Resolution No. 45-03
- 9.10 Approval of amendment #2 to the Consolidated Contract between the Department of Health and the Mason County Department of Health Services. The contract amendment brings forward carryover money for the bioterrorism work method and has been budgeted.
- 9.11 No objection to the special occasion liquor license applications:
 - 1) Harstine Island Community Club; May 24, 2003; 4:00 pm - 7:30 p.m.; Community Hall, 3371 E Harstine Island Rd N., Shelton, WA
 - 2) Harmony Hill of Union; May 11, 2003; 11:00 am 4:30 pm; Harmony Hill Lodge, 7362 E State Route 106, Union, WA
 - 3) South Hood Canal Business Association; May 4, 2003; noon - 3 pm; Rest-A-While Marina, Enclosed Area, Hoodport WA
- 9.12 Approval of the contractual employment agreement for the Walker Park attendant position with Dale Munn and for the Phillips Lake gate person position with Lynn Sheridan.
- 9.13 Approval of the appointment of Donald Clark to the Board of Equalization effective July 1, 2003.
- 9.14 Approval of the appointment of citizens to the 2003 Transportation Improvement Program Citizens Advisory Program (TIP-CAP). The terms will expire on December 31, 2003.
- 9.15 Approval of the amendment to the White Shield contract, originally dated 12/05/00, to extend the duration from April 30, 2003 to June 30, 2003. This is for the GIS , parcel mapping and applications development. There is no additional cost.

Cmmr. Johnson/Kamin moved and seconded to approve Consent Agenda items 9.1 through 9.15. Motion carried unanimously. B-aye; J-aye; K-aye. Resolution No. 45-03 (Exhibit A)

11. Other Business (Department Heads and Elected Officials)

11.1 Bid Award for the 2003 AC Paving. The recommendation is to award to Ace Paving as apparent low bidder in the amount of \$429,320.48.

Jerry Hauth, Public Works Director, recommended the Board award the 2003 A/C Paving Program to Ace Paving in the amount of \$429,320.48. The bids were opened on April 18th.

Cmmr. Kamin/Johnson moved and seconded to award the bid for the 2003 A/C Paving Program to Ace Paving at their bid amount of \$429,320.48 and authorize the Board and/or Chairperson to execute all pertinent documentation. Motion carried unanimously. B-aye; J-aye; K-aye.

11.2 Approval of the resolution for an interfund loan from the Capital Improvement/REET 1 Fund to the Reserve for Rodeo Equipment Fund in the amount of \$12,000 for a three-year term.

Ione Siegler, Director of Budget & Finance, presented the resolution for the interfund loan from REET 1 Fund to the Reserve for Rodeo Equipment Fund.

Gretchen Stewart talked about the rodeo arena project. It was estimated the cost would be around \$75,000 for the rodeo arena but with the help of volunteers the actual cost will be around \$30,000. It is being built with the

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idea it may need to be moved if the fairgrounds is relocated. Simpson Timber Company did offer a challenge grant in the amount of \$7,500 which has been secured through fundraising efforts.

The Commissioners thanked all the volunteers who have contributed to this project.

Cmmr. Johnson/Kamin moved and seconded to adopt Resolution No. 46-03 for an interfund loan from the Capital Improvement/REET1 Fund to the Reserve for Rodeo Equipment fund in the amount of \$12,000 for a three-year term. Motion carried unanimously. B-aye; J-aye; K-aye. Resolution No. 46-03 (Exhibit B)

12. Administration

12.1 Approval of the settlement of the contract dispute with Granquist Construction, Inc. in the amount of \$79,800 for the Mason County Jail Remodel/Expansion project.

Ron Henrickson, County Administrator, explained that on the Mason County Jail/Expansion project the general contractor filed a request for \$120,724.24 for a contract dispute regarding a sub-contractor. They have agreed to settle at \$79,800.

Cmmr. Kamin/Johnson moved and seconded to approve the settlement of the contract dispute with Granquist Construction Company in the amount of \$79,800 for the Mason County Jail Remodel/Expansion project and sign any necessary paperwork. This is subject to receiving the signed release from Granquist Construction Company. Motion carried unanimously. B-aye; J-aye; K-aye.

10. 6:30 Public Hearings

10.1 Public Hearing to receive comment on the enactment of Ordinance No. 18-03, an interim measure adopted on March 4, 2003 that revises the Mason County Development Regulations Sec. 1.04.200 and Sec. 1.05.034 concerning administrative variances for side yard setbacks for development on parcels designated Rural Residential 10 and Rural Residential 20 in Mason County; and discuss extending the date in effect of this Ordinance from May 5, 2003 to June 3, 2003.

Allan Borden presented the staff report for the extension of Ordinance No. 18-03, interim measure for side yard setbacks for development on parcels designated Rural Residential 10 and Rural Residential 20. He asked that the measure be extended from May 5, 2003 to June 3, 2003.

When new development, residences and their accessory buildings, have been proposed on these small and narrow parcels, the property owners are unable to site these proposed structures without first seeking a variance from the Development Regulations side yard setback standard. The proposed revisions would provide the review of an administrative variance during development review. This process would replace the standard variance process, which is reviewed before the Hearings Examiner and takes close to six weeks.

To provide for additional time to complete the public review for the formal revisions to the Mason County Development Regulations, staff is asking that this be extended to June 3, 2003.

There was no public comment.

Cmmr. Johnson/Kamin moved and seconded to approve the ordinance to extend the interim measure which revises the Mason County Development Regulations Sec. 1.04.200 and Sec. 1.05.034 concerning administrative variances for side yard setbacks for development on parcels designated Rural Residential 10 and Rural Residential 10 in Mason County. The interim measure would remain in effect to the date of June 3, 2003 to provide for public review of these revisions by the Planning Advisory Commission and Board of County Commissioners. Motion carried unanimously. B-aye; J-aye; K-aye. Ordinance 47-03 (Exhibit C)

10.2 Public hearing to review and accept public comments on the proposed off-street parking standards in Rural Residential zones and Inholding Lands in Mason County; the standards provide limits on the number of vehicles on parcels, provision for vehicles kept in buildings, and the definition of terms.

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Allan Borden presented the staff report regarding regulations proposed to limit the number of vehicles that may be parked outside of structures in Rural Residential areas and Inholding lands. These standards are proposed by staff to address potential conflicting and unsafe land uses on the Rural and Inholding Lands. Several public workshops were held in November and December 2002 to address issues and develop acceptable standards. The public comments at the March 2003 Planning Advisory Commission (PAC) meeting also helped to finalize the standards.

Over several years, Mason County departments have responded to complaints of vehicles accumulated on rural properties, with the primary concern that such vehicle storage and operations are incompatible with the character of the residential neighborhood and pose solid waste and safety problems that present hazards to county residents. The Health Department has taken action in regard to hulk vehicles, however there continues to be concerns about large accumulations of vehicles that do not fall under the Health Department's jurisdiction, but which may be an incompatible land use in rural residential areas.

If not controlled, increasing vehicle parking and storage can become the primary land use of the property, which is zoned for rural residential use. The goals of the Comprehensive Plan call for the natural environment or resource lands.

Based on discussion in workshops and consideration of the circumstances, screening these large accumulations of vehicles does not seem practical. The effectiveness of screening outdoor storage/parking is diminished by site topography, the difficulties with establishing and maintaining effective vegetated screens, the need for exceptionally high and expensive fences, and the view through open gates. The visual impact of the fences themselves can be as detrimental as the visual impact of the vehicles, especially for nearby residences, and their appearance can be contrary to preserving rural character. In addition, outdoor storage of vehicles does not address the issue of leaking and spills of fluids or the nature of the non-residential land use.

The Planning Advisory Commission's recommendations include allowing no more than three vehicles on a parcel without a residence, and no more than 10 vehicles on a parcel having a residence. Staff also included five other options for the Board to consider.

Mr. Borden noted that staff is recommending 1.03.040 (8) be amended to have an exception for farm equipment and implements that are used for on-going agricultural activities that are in Inholding or Rural Residential designated lands.

Staff asked the Board to approve the ordinance which amends the Mason County Development regulations Sec. 1.03.040 (off-street parking standards in Rural Residential zones in Inholding Lands in Mason County), as recommended by the Planning Advisory Commission and the Chair be authorized to sign the Findings of Fact.

Cmmr. Johnson asked how many members of the public were in attendance at the PAC.

Mr. Borden replied there were at least 20 people and there was testimony in excess of an hour. He explained that he came up with the various standard options from public comments prior to the PAC.

Cmmr. Johnson asked about historic vehicles.

Allan Borden talked about exempting historic vehicles and the ramifications. One of the problems is that County staff would have to enter the property to verify that those vehicles are licensed and would have to rely on the property owner for the information. Staff felt that was too discretionary and time consuming. He stated they would like standards that are easy to view from the edge of the property.

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Cmmr. Johnson asked if there was any indication from those who testified whether these historic vehicles were housed in buildings or were they out in the open.

Mr. Borden responded that some of the vehicles, and maybe a lot of them, are not in structures and may be covered by tarps.

Bob Fink added that his perception with regard to historic cars and not limiting the number, many of the issues have to do with the sheer number of them. It is not just a question of verifying them, it's a question of if you have 50 cars, even though they may be historic cars, there are 50 cars on your parcel and the impacts associated with them is what we are trying to address. It is difficult to say this is an appropriate regulation and yet exempt many of these vehicles that would then create the same situation.

Cmmr. Johnson talked about other historic vehicles such as tractors and other such equipment that is never licensed.

Mr. Fink noted that tractors are included in this regulation, even though they may have never been licensed for the road. He talked about the process that was followed to develop this ordinance. There was a large amount of people that were involved and they held two workshops to try to reach an agreement with the public.

Cmmr. Kamin asked how the current regulation reads.

Mr. Fink there is no provision in the current ordinance that says how many vehicles can be parked in a rural residential area. This is a new provision in an existing ordinance. The county does have regulations that address hulk vehicles that is enforced through the Health Department. The problem is that if the vehicle is operating, it is not a junk vehicle. Also, if they are not in public view, they can have as many vehicles as they want. He gave an example of as a person in Mason County who has been collecting vehicles for a long time, most of which are inoperable, and then they cut down the trees that were screening them from the public, revealing this large collection. There was no real agreement from those people who have large amounts of cars, they believe these regulations are not necessary.

Mr. Borden read the version DCD is asking to be adopted: Mason County Development Regulations 1.03.040 (B) In all Rural Residential zones and Inholding Lands: 1)no parcel without a residence shall have more than 3 vehicles located on the parcel. 2) no parcel having a residence shall have more than 10 vehicles located on the parcel. 3) the limits of criteria 1) and 2) above apply regardless of the specific vehicles on the parcel or whether the vehicles are moved around on the parcel. 4) vehicles contained in permitted residential garages or enclosed buildings approved for occupancy Group U-1 (motor vehicle storage) and having a complete floor surface and floor drainage that contains any fluids from infiltrating into the ground, shall not be counted or included in the limits of criteria 1) and 2) above. 5) all vehicle accumulations on a parcel made non-conforming by these regulations shall be removed from the parcel by July 1, 2004. 6) these limits shall apply to vehicles located on a parcel for more than seven (7) days. 7) a residence is defined in this section as a site-built, manufactured, or modular home permanently installed on the parcel. 8) vehicles in this section include, but are not limited to, cars, trucks, vans, buses, recreational vehicles, trailers, all-terrain vehicles, motorcycles, watercraft, airplanes, tractors (except for farm equipment and implements that are used for on-going agricultural activities), and earthmoving, logging, or construction equipment. 9) adjoining parcels of common ownership (not separated by state or county road) shall be considered part of the same parcel for the purposes of this section.

Darren Nienaber, Deputy Prosecuting Attorney, asked Allan to explain the areas these regulations would not apply to.

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Mr. Borden responded that these regulations would not apply to resource designated lands which is long-term commercial forest and agricultural resource lands but they do apply to Inholding lands. He explained that Inholding lands are lands that are completely surrounded by long-term commercial forest and are of a size that they do not qualify for long-term commercial forest even though they might be used for timber practices. They are typically used for residential or farming. The standards also don't apply to the UGA's of Shelton, Allyn and Belfair, nor to properties that are zoned rural commercial, rural industrial, rural tourist or rural natural resources. They mainly apply to Rural Residential.

Martin Zaswetta, Snowcrest Lane, testified that when Thurston County passed their regulations on cars, they allowed four years to comply. He doesn't think one year is adequate. He asked why special use permits are absent from this proposal. He believes vehicles put behind screening should be exempt. He believes that licensed vehicles shouldn't be counted in the amount allowed. He noted there should be grandfathering exemptions for existing collections. He was told it would be impossible to become a business because of non-compliance with GMA nor was he allowed to build a garage on his vacant land in the past. Now legally he could, but financially he cannot. He asked how separate parcels could be considered as one, when each has their own address. He stated fluids from vehicles can be captured by using drip pans or oil absorbing blankets. He stated existing buildings should be exempted from complying with the standards. He believes the Board should take no action. He quoted Cmmr. Baze from *The Journal*, dated November 14, "we've got an awful lot of collectors in Mason County that have more than 10 cars and there has to be a way for them and the Zaswetta's or anybody to get a permit for that". He stated that citizens not breaking any laws should not be penalized, this law would penalize them.

Jim Killian, Snowcrest Lane, stated his neighbor has collected more than 40 vehicles on their property. He supports the ordinance as recommended by staff. He believes these large collections are a detriment to the personal property and the quality of life. He referred to the RCW regulations for a collectible vehicle license plate which includes that it must be at least 30 years old and in operable condition. He believes it would be an astronomical task for the county to undertake to determine if cars are actually collectible vehicles. In his situation, a lot of the vehicles do have collectible plates but are non-operable. He doesn't support grandfathering existing collections. He urged the Board to adopt the ordinance as recommended by the Planning Commission or something more stringent. He noted Thurston and Kitsap Counties are more stringent.

Eric Jarstad, Arcadia area, stated he is concerned that these regulations would eliminate the collectible cars. He agreed there are areas that need to be cleaned up. He believes there needs to be language that discerns between collectible vehicles and junk. He has concerns with stepping on the rights of those who really have collectible cars. He asked the Board to consider the vintage cars, that are fully functional and have collector plates, and to consider carports.

Cmmr. Johnson asked if Mr. Jarstad has a regulation preference.

Mr. Jarstad replied he would like the 30 year old plate exemption, vintage tractor exemption and consideration for carports.

Cmmr. Johnson asked about tractors that have never been licensed.

Mr. Jarstad stated most the tractors he is aware of, are either in storage or are well kept and in neat order.

Cmmr. Johnson summarized that Mr. Jarstad would place antique tractors in the same category as cars that are more than 30 years old.

Cmmr. Kamin pointed out this proposal allows up to 10 cars. She asked Mr. Jarstad if he believes there is a certain number of vehicles that should be limited.

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Mr. Jarstad believes this proposal wouldn't be necessary if the county health laws were well enforced, he understands it is difficult in the prosecution area. If everything is clean and orderly, he doesn't believe a limit is necessary.

Deborah Lund, Snowcrest Lane, stated she has attended the past meetings. She supports the ordinance as read by Mr. Borden. She stated they own almost 10 vehicles and this is expensive to maintain. She believes any number beyond that is probably not a legitimate car collector. She believes most true collectible cars are kept in storage and are well maintained. She believes the compliance time is adequate. She stated surrounding counties are much more restrictive. She believes allowing parcels to store more vehicles is a detriment to property values.

Renee Zaswetta, Snowcrest Lane, disagreed with the testimony. She stated Thurston County allows you to keep all licensed vehicles. She stated their vehicles are not on blocks. She feels she has been poorly treated. They are willing to build a garage, but need more time.

Louis Cofoni gave handouts to the Board which included photos and information from Kitsap and Thurston Counties (the handout was returned to Mr. Cofoni after the Commissioners reviewed the information). He is afraid if Mason County's restrictions are less stringent than surrounding counties, we will become the dumping ground. He is very disturbed by his neighbor's large collection of vehicles, which continues to grow. He moved to a rural residential area for the quiet surroundings. He has concerns with the runoff from the rusting vehicles and what it could do to the community well. He supports the ordinance as recommended by the PAC.

Cmmr. Baze closed the public testimony.

Cmmr. Johnson stated he would like additional time to consider the testimony.

Cmmr. Johnson/Kamin moved and seconded to continue the hearing and defer a decision until May 13th at 9:30 a.m. and to accept written comments only until May 12th at 5:00 p.m. Motion carried unanimously. B-aye; J-aye; K-aye.

13. Adjournment - The meeting adjourned at 8:02 p.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Herb Baze, Chairperson

Wesley E. Johnson, Commissioner

Jayni L. Kamin, Commissioner

ATTEST:

Rebecca S. Rogers, Clerk of the Board