

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

MAY 27, 2003

1. Call to Order - The meeting was called to order at 6:00 p.m.
2. Pledge of Allegiance - The flag salute was led by Chairperson Herb Baze.
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 May 19, 2003. Motion carried unanimously. B-aye; J-aye; K-aye.**
5. Board's Calendar – Week of May 27 – June 3, 2003.
6. Correspondence and Organizational Business
 - 6.1 Correspondence
 - 6.1.1 Washington State Department of Ecology acknowledged certification of completion of water conservancy board training by John Noble and Reese Hastings. (Copy referred to Community Development/Planning)
7. Open Forum for Citizen Input

David Overton - Urged the Board to review the progress to date as it appears they are at a mid-point in their plans. They have identified a preferred alternative (three lanes through Belfair) and asked the Commissioners to review it to determine if there are any concerns with the steps in the plan. He understood the consultants conversation with DOT would only be allowed if the Bypass is constructed some point in the future. The concern is that the county would spend a great amount of money improving a state highway downtown through Belfair and not be able to afford later improvements to construct an alternative more south route, which is the Belfair Bypass. He did not want Belfair to be stuck with carrying the cost of that internally or DOT says the traffic situation is so bad they will tear out the improvements the County made, put a jersey barrier and limit left hand turns in the bypass. It would be a huge economic burden. He asked for coordinated check ins with the plan and make a formal stance.

In reviewing the six-year road plan, which just came out, he noticed the ranking criteria. Mason County is in a different position now in that there are two additional urban growth areas. The ranking matrix for the six-year road plan reflects a rural environment. The economic components for the roads in how they rank are very low. It doesn't reflect a strong economic development component. He questioned how any urban project in Allyn or Belfair would rank based on rural criteria. He recommended the Board direct the Community Development with developing an urban ranking criteria and rural ranking criteria.
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:
 - 9.1 Set a bid opening date on Friday, June 20, 2003 at 9:00 a.m. for the removal and disposal of tires from the Mason County Solid Waste Facility.
 - 9.2 Set a public hearing on June 10, 2003 at 9:30 a.m. to review the proposed revisions to the standards regarding the qualifications of preparers of special reports contained in Mason County Resource Ordinance Sec. 17.01.100 Landslide Hazard Areas.
 - 9.3 Set a public hearing on June 10, 2003 at 9:30 a.m. to review the proposed revisions that state the clear permit authority of the Hearing Examiner for certain permit types contained in Mason County Development Code Sec. 15.03.050 Hearing Examiner.

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- 9.4 Set a public hearing on June 10, 2003 at 9:30 a.m. to consider the proposed amendments adding new standards on motor vehicle impound yards in urban growth areas, as a new section in Mason County Development Regulations Sec. 1.03.105.
- 9.5 Set a public hearing on June 10, 2003 at 9:30 a.m. to consider the proposed revisions to boundary line adjustment standards contained in Mason County Development Regulations Sec. 1.03.032 Development Densities and sections of Title 16 Subdivisions and Plats.
- 9.6 Approval of Veterans Assistance Fund application for Ned O. Forrest - utilities \$ 108.32; Scott Kaylor - housing \$400.00; Anton M. Pugel, Jr. - utilities \$127.41 for a total of \$635.73.
- 9.7 Approval of Warrants
- | | | |
|----------------------|---------------|----------------|
| Claims Clearing Fund | 55804-56031 | \$1,113,980.23 |
| Salary Clearing Fund | 130604-130621 | \$287.00 |
- 9.8 Approval of an Agreement Modification to the 2002-2004 agreement between Mason County, Teamsters Local 378 and Operating Engineers Local 302 which adds a new position of Sign Shop Foreman and increases the salary of the positions of Sign Aide, Sign Technician and Traffic Foreman.
- 9.9 Approval of an amended interlocal agreement between Mason County, City of Shelton, Mason Matters and the Community Action Council of Lewis, Mason and Thurston Counties for the Mason County Housing Needs Assessment Community Development Block Grant to extend the date from 12/30/02 to 4/30/03.
- 9.10 Amend the bid opening date for CRP 1718, Shelton Matlock Brady Road (Evers Bridge Deck Repair), from June 13, 2003 to June 20, 2003 at 10:00 a.m. This is to meet the publication requirements.
- 9.11 Approval of Washington Counties Risk Pool Interlocal Agreement First Amendment.
- 9.12 Approval of the appointments to the Future Fairgrounds Advisory Committee - Roy Justice, Sr.; Bud Hays; Richard Byrd; Steve VanDenover; Mike Rutter; Gilford Palmer; L. Steve Edmondson; Billie Howard; Patricia Case; Sandy Hunter; Charles Speigle; Terri Jeffreys; Pat Gorman; Gary Oliver; Paula Henry; Bob Brown; Mary Chilton; Don Atkinson; Kasey Cronquist; Harry Martin; Gail Brewer; and Chairperson Gretchen Stewart.

Cmmr. Johnson/Kamin moved and seconded to approve the consent agenda items 9.1 - 9.12. Motion carried unanimously. B-aye; J-aye; K-aye.

RECESS

The Board recessed for ten minutes until 6:30 p.m.

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

- 10.1 Public hearing to review the proposed revisions to boundary line adjustment standards contained in Mason County Development Regulations Sec. 1.03.032 Development Densities. - Allan Borden, Planner, presented the staff report explaining that the Development Regulations adopted in March 2002 included standards on how the Standard Residential Density would be applied through all the development areas of the County and certain requirements in evaluating boundary line adjustments. There are two proposed text revisions which were submitted for the Board's consideration.

The first text change provides that, as roadways are made wider or moved and additional land is acquired for public right-of-way purposes; rural residential development density of a property would not be increased. Each lot remaining after right-of-way acquisition must contain adequate building area meeting the setback buffer and area standards or the lot would be identified as an out lot. Out lot(s) are limited to non-residential purposes. In addition, the revision clarifies that new road right-of-way easements acquired would not divide property that it crosses.

The second revision defines the term "out lot" as used in the first revision. The changes clarify the status of lots impacted by public acquisitions and that said acquisitions do not require subdivision or boundary line adjustments when following these standards.

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It was noted these changes provide that if a right-of-way goes through a piece of property, the number of residential units that could be built afterwards is no different than what could have been built previously.

Mr. Borden noted an out building could still be built on the out lot, whether a lot is a residential lot or an out lot. This would affect the value of the land that results from the acquisition of the road. In some cases if the lot is small it could be purchased by the public agency and then offered to adjacent property owners and they could purchase it.

The board questioned what is defined as "fee ownership."

Mr. Borden responded the land is purchased and not leased or not an easement secured. The land is owned by the public agency.

There are also other revisions to the Development Regulations standards regarding boundary line adjustments under review which will be brought to the Board in the future.

Cmmr. Johnson/Kamin moved and seconded to approve Ordinance No. 53-03 to revise the Mason County Development Regulations Sec. 1.03.032 concerning new public road alignments dividing existing lots and providing no additional lots and sufficient area and dimension to meet minimum requirements for a building site and move that the Chair sign the findings of fact on this decision. Motion carried unanimously. B-aye; J-aye; K-aye. Ordinance No. 53-03 (Exhibit A)

10.2 Public Hearing to review the proposed revisions to Mason County Development Regulations Sec. 1.04.200 and Sec. 1.05.034 concerning administrative variances for side yard setbacks for proposed development on parcels designated Rural Residential in Mason County. Allan Borden, Community Development/Planning, explained that they are proposing another revision to the Development Regulations in two different sections. He explained that when the Development Regulations were adopted in March 2002 certain development standards were set forth to review residential development proposals in the Rural Area. The side yard setback was established to locate new development in rural areas with adequate separation from adjacent properties and land uses and to maintain the nature of low intensity development away from the urban and more intensely developed areas of Mason County.

In applying the new Development Regulations standards a problem has arisen when new development such as a residence or accessory buildings is proposed on small and narrow properties and the property owners are unable to construct their proposed structures without first securing a standard variance from the Development Regulation side yard setback standard.

Community Development is proposing two sets of revisions to address this issue.

Revision A deals with establishing special sideyard setback standards on lots in the Rural Area designated RR2.5, RR5, RR10, RR20, where such a lot width at the front yard line of no more than 100 feet and lot size of no more than one acre. This change provides for a setback of 10% of the lot width.

In Revision B, if a proposed residential development is on a small lot or is proposed where existing improvements or physical features on the property already encumber an available area, a property owner could apply for an administrative variance to the side yard setback as long as the setback was not reduced to less than 5 feet. This would replace the standard variance process, which is reviewed before the County Commissioners. The decision is then made a part of the county record.

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It was noted that Jerry Reid, Bulldog Associates, submitted letters concerning Lakewood Plat in which lots were reconfigured in 1994 to create the Belwood Development. The lots are still fairly small. They are concerned about development standards on side yard setbacks. The setback required under the standard would be 10% of the lot width in this case. The sideyard setback cannot be less than five feet. If a lot is 90' wide the sideyard setback would be 9' on each side leaving 82' of lot width for development of structures. If this is not an adequate allowance, because of constraint on the site, an administrative variance can be requested.

Cmmr. Johnson questioned how narrow a lot could be.

Mr. Borden responded it does not address the width of a lot.

Len Perry, Bulldog Associates Representative, stated the plat of Belwood is located just north of the Mormon Church. They have 65 homesites of which 30 have been built on. Back in the early '90's and finally approved in 1994, they took Lakewood Plat I which was 25' X 100' lots and combined them through a series of lot combinations and boundary line adjustments to come up with the 65 lots. They were constrained at that time by the stormwater drainage plan and new and tighter septic system requirements. They sized the lots based on a 3 - 4 bedroom home with a 5' easement on both sides of each property line for the stormwater drainage system and the requirement for a much larger septic system. All of this was approved in 1994 and as they started to get builders, all of the building permits were approved for single-family residential plat lots. They already had problems under those standards getting a modern house on a 75' wide lot. Most houses have to have two or more garages and are on the front road. They get into a width problem, particularly when they have to worry about where the septic system will be placed. If they are constrained by a 10% sideyard setback on a 75' wide lot there would be a 5' easement required for stormwater drainage control and now a 7.5' setback by the new 10% standards which takes 25' out of a 75' lot. It is not possible to get a 2 or 3 bedroom house and two garages on a 50' building lot. The 1994 predates the Growth Management Plan. He stated he was not aware how they got rural residential 10 acre zoning over the top of approved plats that had smaller than 1/3 acre lots. Now they will need to change the setback requirements on that particular plat.

If they get into a cookie cutter solution and using percentages of lot size. They are not really looking at what the conditions are in each of the plats when they were originally approved. He stated the new standards will have a significant impact on them because it will restrict the size of the house. They have approximately 30 lots left.

Darren Nienaber stated that if there are homes already built they have the right to continue. He understood the Planning Department's proposal is to increase the flexibility of an applicant and what they can do with their land. Currently, there are bigger setbacks and the new proposal allows for smaller setbacks.

Mr. Perry commented that there is flexibility for a larger piece of property. The building permits were using a 5' sideyard setback. The only reason they discovered they were in a 10 acre zone through the county was when they had a question about a builder violating what they thought was a standard setback for front yard. This is less flexible for their development. The county is increasing their sideyard setback from what they were two months ago.

Cmmr. Baze interjected that the county is proposing to decrease the sideyard setback from what they currently are. It was questioned if the developments are already platted and if so how the proposal would affect them.

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Bob Fink, Planning Manager, clarified that the County measures the building setback from the property line and not from the edge of a drainage easement. Instead of being 5' plus 7.5' for a 75' lot it would be 5' plus 2.5' for a total of 7.5'. In the example of a 75' wide lot there would be 60' available for building structures. The drainfield could be in the setback and also the driveway could be in the setback as they are not prohibited.

Also, the current proposal and one of the things the Planning Advisory Commission changed was they decided on the smaller zone districts, 2.5 and 5 acre districts, that they wanted an increase to the setback. If the proposal would be adopted, then rezoning the properties to 2.5 acres or 5 acres would not change the setback requirement at all. They would still need to setback the same amount in each zone. They apply the same sliding scale to the small lots that are existing. The larger lots which are in the areas; for example 2-acre lot which is rectangular could easily be 208' wide and 416' deep. The minimum lot size in the rural area is two acres. That is the kind of new lot, which could be seen. The Planning Advisory Commission thought it was appropriate that the new lots of that size have those kind of building setbacks. They recognize that scattered throughout the county either isolated single lots of very small size or small groups of lots, which are in plats, or short plats would be inappropriate to rezone. The other problem with rezoning and not adopting these changes is that until there is a decision from the Growth Management Hearings Board which, at the earliest, would be August 2003; the County will not be able to rezone the properties. With rezoning, there is nothing that the County could do to address the issue mentioned by Mr. Perry.

Darren Nienaber, Deputy Prosecutor, questioned when the 10-acre zoning was adopted.

Mr. Fink responded the 2.5, 5, 10, 20-acre zoning and the setbacks which went with those that the County is currently proposing for amendments was adopted in 2002. The 5, 10, 20 acre densities were adopted in 2000. The setbacks were adopted in 2002. This was part of a response to the Growth Management Hearings Board.

Cmmr. Kamin asked if new lots it is only a 5' setback with administrative variance.

Mr. Fink replied there is a separate provision, which was adopted by the County as first response to this issue of small lots and not being able to fit a house onto them. The first response was to provide for an administrative variance on an interim basis. It would need to sunset or the County would need to adopt it permanently. It gave some relief to the public in the sense they could apply for an administrative variance which is much lower in cost, and with a faster review time because it doesn't have to go through a public hearing. An applicant could have the setbacks adjusted as necessary to be able to fit the house on the lot. That was the County's first response. The County's current proposal makes permanent the change. It will still be an option, because there may be factors on the property, which may be unique to the property. There may be a wet area that influences where they build or physical structures or some other factor that would require an adjustment to the setback in order to reasonably develop the property. With some standard conditions, the county has kept that as an administrative variance providing, however, the setback could not be reduced to less than five feet.

Len Perry stated that if he understands Mr. Fink correctly, he has become an avid supporter of the proposal instead of an opponent. However, he pointed out on page 2 where the proposed wording "easement equal to 10% of the lot width but in no case shall be less than five feet from the property line or easement boundary." He felt that needs to be clarified. If what he is presently doing is reducing his requirement from 10' to 7.5' he would be happy.

Mr. Fink commented they could probably strike "or easement boundary" as it does not necessarily add anything to the statement. It would be deleted from each of the densities 2.5, 5, 10, 20.

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Cmmr. Johnson asked why the language was placed in the language originally.

Allan Borden responded that he was thinking it could have been a road easement.

Mr. Fink added they do measure front yards from road easements and they would have to recognize that often private roads actually exist only as easements on the property. There would be a 25' or 30' wide easement for road access across the property. The setback has to be measured from the side of the road easement rather than from the property line. If it is a side yard it means they do not have that road access easement. The setback is then measured from the property line in all cases for a side or rear yard rather than from the easement.

Mr. Perry noted there are two unimproved county rights-of-way going through their development. One is 25' wide, which is not big enough for a road, and the other is 12.5' wide, which is half of a 25' easement. To go through the building permit process if you are on two rights of way you have to have two front yard setbacks 25' on both sides. With a 75' lot that is very restrictive. Hopefully it could be covered under the variance procedure.

Bob Fink said that the example mentioned earlier where there is a particular location which is required for the septic system or some other unique physical character of the site that limits the area for development, that is when it is appropriate to seek a variance. The proposal states that when lots are less than 100' wide there is a sliding scale in all cases for what the setback requirement is. Variances are beyond that situation. If there is a drainfield that needed to be accommodated they could go through an administrative variance provided they did not need more than down to 5' or through a regular variance if they needed a further reduction.

Cmmr. Johnson/Kamin moved and seconded that the Board of County Commissioners approve Ordinance No. 54-03 to revise the Mason County Development Regulations Section 1.04.200 and Section 1.05.034 concerning administrative variances for side yard setbacks for development on parcels designated Rural Residential 2.5, 5, 10, and 20 in Mason County; except striking the words "or easement boundary" from 1.04.213D; 1.04.223D; 1.04.233D; 1.04.243D; and 1.05.034D and that the chair sign the findings of fact on this decision. Motion carried unanimously. B-aye; J-aye; K-aye. Ordinance No. 54-03 (Exhibit B)

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

12. Administration - None

13. Adjournment - The meeting adjourned at 7:18 p.m.

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BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Herb Baze, Chairperson

ATTEST:

Wesley E. Johnson, Commissioner

Rebecca S. Rogers, Clerk of the Board

Jayni L. Kamin, Commissioner