

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JUNE 10, 2003

1. Call to Order – The meeting was called to order at 9:01 a.m.
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 regular meeting minutes of June 3, 2003 and the briefing meeting minutes of June 2 and June 3, 2003. Motion carried unanimously. B-aye; J-aye; K-aye.**
5. Board's Calendar for week of June 10 – June 17, 2003
6. Correspondence and Organizational Business
 - 6.1 Correspondence - None
 - 6.2 Announce the Post for Quotes award from the Sheriff's Department for a boat motor - Verle's Sports Center and Marine of Shelton were selected for the purchase of a new Suzuki 140 hp 4 cycle outboard motor in the amount of \$8,200.
 - 6.3 Press Release - Darren Nienaber, Deputy Prosecutor, read aloud the press release announcing that the Growth Management Hearings Board released orders on two of the County's GMA cases. The invalidity has been lifted. This is the first time in more than eight years. The County can begin building commercial structures in rural Mason County again. About two years ago, the county adopted a zoning designation for 175 individual parcels with businesses on them spread throughout the County. The businesses have been in existence for at least 13 years and the County felt it was important and necessary to the rural economy that they be allowed to change use. The County won on this issue. The Board commended the elected officials, staff, advisory committees and citizen petitioners for the hard work expended to bring the critical areas protection regulations into compliance.

Cmmr. Johnson noted that the cost of invalidity or noncompliance is far greater than the cost of compliance.
7. Open Forum for Citizen Input - David Frost stated that he recently bought a piece of property and put a house on an adjoining piece of property that was both conforming and non-conforming. He questioned if a conforming five-acre parcel could have adjustments made to solve an encroachment and boundary line dispute, which would bring the parcel below five acres. He was not clear if the regulations would allow it.

The Board questioned if he spoke with the Planning Department.

Mr. Frost explained he was having difficulty reaching a planner to talk with. He also questioned relating to a boundary line adjustment (BLA) if there is a maximum on how to bring a five-acre parcel under a five-acre minimum.

The board asked that Mr. Frost meet with the County Administrator after the meeting to discuss this further.
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 Approval of a grant application between the Mason County Sheriff's Office and the U.S. Department of Justice for the Homeland Security Overtime Program.
 - 9.2 Approval of Warrants:

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
JUNE 10, 2003 – PAGE 2**

- | | | | |
|--|----------------------|---------------|----------------|
| | Claims Clearing Fund | 56291-56444 | \$394,476.80 |
| | Salary Clearing Fund | 130622-131152 | \$1,178,227.80 |
- 9.3 Approval of Veterans Assistance Fund application for Leonard Wilford - housing \$350.00; (Mrs.) William J. Holbrook - burial \$300.00; and Michael D. Owens - housing \$400.00 = \$1,050.00.
- 9.4 Approval of the ER&R Manager to upgrade the Treasurer's financial software as a sole source procurement. Approximate cost is \$21,920 plus tax and travel expenses.

Cmmr. Johnson/Kamin moved and seconded to approve the Consent Agenda Items 9.1 - 9.4. Motion carried unanimously. B-aye; J-aye; K-aye.

Jan Alvord explained that Agenda Item 9.1 has federal funding for overtime that is necessary for training. The Sheriff's Department has plans for community outreach and education. There are some groups they would like to work with and train on terrorism.

10. Public Hearings and Items Set for a Certain Time

- 10.1 Public hearing to consider increased fees for the Rustlewood Sewer System connection fee and monthly assessments to begin on July 1, 2003. Gary Yando, Utilities & Waste Management Director, presented a proposed rate increase which has been discussed and worked out with the Rustlewood Association. There have been ongoing discussions with the Association since early 1990's. The last rate increase was in 1992.

A fee schedule beginning at \$48.50/mo. for lots with residences was proposed with increases every year through 2007 at \$70.00/mo.

Mr. Yando clarified it is their intent that the year 2006 they would sunset the rate of \$65.00 per month and work to see what adjustments could be made for the year 2007 and beyond. The required connection fee is proposed to be increased from \$1,000 to \$5,000.

He noted that the system was originally under an Order from the Washington State Department of Ecology (DOE) to clean up the infiltration and inflow that has caused problems to the system. The DOE provided a 20-year no interest loan to complete the work.

The majority of the property owners of Rustlewood Association on June 1, 2003 voted and accepted the proposed option by written vote of those present 51 - 6 for a sewer upgrade and maintenance.

Sharon Chase - 411 E Madrona Parkway (Rustlewood) - Newly elected member of the Rustlewood Board and Facilitator of the Rustlewood Committee for sewer services which enabled them to gather as a community and meet with County and State staff.

She voiced that the rates have been a concern for the community. They are facing a situation with a very antiquated sewer system. The hearing brings forward a lot of issues and concerns that they need to address. One point of community concern is the sewer rates will continue to be raised to operate and maintain the antiquated system. It is not working well and they are spending a lot of operating costs and maintenance rather than putting money into something to improve the community value and function of the facility.

They find that their economic base is not there for matching funds and grants because rates were not increased in the early 1990's. They are hoping that external funding through other grant options are available to them.

A second point of concern is the grants and loans could not be applied until the engineer's assessments and facility needs were completed. She was encouraged to learn the county is moving forward with

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
JUNE 10, 2003 – PAGE 3**

this process. Also she was happy that the sewer system could be repaired and upgraded without putting unnecessary financial burden on system users.

They hope the County will make every effort to secure funds through the sources identified by Mr. Meyer and Mr. Yando.

They also hope that the sewer rates will be kept at an amount that is reasonable, justified, necessary and equitable with other systems within the County. It appears that information seems to be going in that direction.

No further public comments were received.

Mr. Yando read aloud the proposed resolution for adoption and noted that this would supercede Resolution No. 113-92 and would be effective July 1, 2003.

Cmmr. Johnson/Kamin moved and seconded to accept the recommendations of the Director of Utilities & Waste Management and the Rustlewood Board and Committee and further shown on Resolution No. 58-03 with a correction on the heading. Motion carried unanimously. B-aye; J-aye; K-aye. Resolution No. 58-03 (Exhibit A)

- 10.2 Public hearing 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. Allan Borden, Community Development/Planner, explained that the proposal is due to state law changes on the licensing of geologists and engineering geologists in March 2002.

There are two levels of review: Geological assessments are for properties that have slopes between 15 - 40% and typically the assessments require some amount of detail but not as extensive as a geo-technical report. The new regulations are generated by the need to license the professionals in the state and they will be integrated into the local regulations.

The Board questioned if the County has an interim ordinance in place and if so, is the proposal any different.

Mr. Borden responded, there is an interim ordinance and the proposal is not different than the interim ordinance. The reason for the interim ordinance was the County wanted to implement the potential changes to be consistent with state law.

No public comments were received.

Cmmr. Johnson noted that essentially there is no change in the interim ordinance.

The Planning Advisory Commission reviewed the proposal in April 2003 and the next step is the public hearing before the County Commissioners.

It was the County's decision to place this ordinance on an interim basis until they could complete all of the public review. No revisions were made during the Planning Advisory Commission's review.

Cmmr. Kamin/Johnson moved and seconded that the Board of County Commissioners approves Ordinance No. 59-03 to revise the Mason County Resource Ordinance Chapter 17.01.110 E Qualification of Preparer, that addresses the responsibilities of preparing special studies in the landslide hazard areas, and I move that the chair sign the findings of fact on this decision. Motion carried unanimously. B-aye; J-aye; K-aye. Resolution No. 59-03 (Exhibit B)

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
JUNE 10, 2003 – PAGE 4**

- 10.3 Public hearing to review the proposed amendments to the Mason County Development Regulations adding new Section 1.03.105, standards on motor vehicle impound yards in urban growth areas. Allan Borden, Planner, explained that the proposal is an additional chapter in the Mason County Development Regulations. They are proposing permanent standards of review for motor vehicle impound yards which replaces the interim measures adopted in October 2002. When the regulations were reviewed at both the April and May Planning Commission meeting some changes were made in reference to the interim measure enacted in October and to end on July 1, 2003.

The current version of section 1.03.105 allows for the land use to occur in urban growth areas at locations designated for industrial or commercial industrial mixed uses. Adjacent land uses are protected by fencing along the property line or by a 20' wide buffer of either taller fence or denser vegetation plants. Standards were added as part of the review regulations on noise, odor, light and glare, that similar criteria or existing industrial uses.

Best management practices on addressing spills, treating stormwater and containing moderate risk waste and petroleum products are now part of the review standards. Also, adopted as part of the regulation was that the comprehensive plan future land use maps for Shelton serve as the guide for locating such land uses and when Allyn and Belfair adopt their future land use maps will serve as their guide for locating land uses.

The standards are established to enable the land uses to occur, serves a public purpose and be reviewed in consideration of adjacent land uses.

He noted that the May 12, 2003 Planning Advisory Commission draft was provided for review, along with the June 2, 2003 Board of county Commissioner review.

Cmmr. Baze asked if the interim ordinance is different than what the Board is currently looking at.

Mr. Borden responded the current proposal is different. The interim measure provided for a 20' wide vegetation buffer and fencing. During the Planning Advisory Commission they enhanced the amount of vegetation plantings either with an 8' fence or increased plantings to provide a view obscuring vegetation buffer within three growing seasons.

He restated that if an adjacent lot is not an industrial use or commercial industrial then there is a 20' wide buffer required. It can either be an 8' fence or more intensive buffer without the fence.

Cmmr. Johnson asked if the vegetation must reach a stipulated height within three years.

Mr. Borden responded, yes, it would be within three growing seasons.

Cmmr. Kamin asked if Section 3 is already done.

Mr. Borden stated that the reason for that provision is to be a link for the general public that they understand the future land use map from the City of Shelton fits into the regulation. Being in an urban growth area it is necessary to fit in with the future land uses of the community.

No further comments were received.

Cmmr. Kamin/Johnson moved and seconded that the Board of County Commissioners approve Ordinance No. 60-03 to revise the Mason County Development Regulations by adding Sec. 1.03.105, review standards on motor vehicle impound yards in urban growth areas and further

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
JUNE 10, 2003 – PAGE 5**

move that the chair sign the findings of fact on this decision. Motion carried unanimously. B-aye; J-aye; K-aye. Resolution No. 60-03 (Exhibit C)

- 10.4 Public hearing 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. Planner Allan Borden gave a staff report. He explained that the revisions are to Title 15 which is the Development Code on permit processing.

What is being proposed was enacted through an interim measure Ordinance No. 2-03 in January 2003. It went through the Planning Advisory Commission review with no changes. The proposed revisions are a clear listing of the kinds of cases the Hearings Examiner does review. It was a concern mainly from the Hearings Examiner that the cases, which were being sent, were not clearly listed in the regulations. When the Development Code was revised in November 2001 they did not clearly list the set of permits. There was no reference to final plats being heard by the Hearings Examiner and this was added for clarification.

Cmmr. Johnson stated that there was a reference to the Planning Commission and the Shoreline Advisory Board which are no longer in existence. The Planning Advisory Commission has taken their place. Also there was a comment on SEPA determination. He questioned why this was included.

Mr. Borden responded that a SEPA review is always done when a regulation is changed. SEPA review was not done for the interim measure as there was not adequate time for that. There were no comments received. Development Regulation review is not a categorical exemption from SEPA review. When they did SEPA review there were three sets of regulations, which were reviewed at the same time, so there would be some efficiency in review.

Cmmr. Johnson asked how much longer do they retain a title for a past board.

Bob Fink explained that the Planning Advisory Commission was established and assigned both the authority of the Shorelines Advisory Board and the Planning Commission. The Planning Commission is a statutory title.

No further public comments were received on the hearing.

Cmmr. Johnson/Kamin moved and seconded that the Board of County Commissioners Ordinance No. 61-03 to revise the Mason County Development Code Title 15; 15.03.050 Hearing Examiner, that state the clear permit authority of the Hearing Examiner for certain permit types and further move that the Chair sign the findings of fact on this decision. Motion carried unanimously. B-aye; J-aye; K-aye. Ordinance No. 61-03 (Exhibit D)

- 10.5 Public hearing to review the proposed revisions to boundary line adjustment standards contained in Mason County Development Regulations Sec. 1.03.032 Development Densities and Dimensional Requirements and Section 1.04.200 Rural Residential Development Standards, and to Title 16 (Plats and Subdivisions), Chapter 16.40.040. The Board heard the staff report by Allan Borden, Planner. It was proposed to allow some flexibility in the Development Standards regarding the review of boundary line adjustments. The changes proposed involve both rural residential lots that are already below two acre minimum lot size and those that are proposed to reduce lots currently two acres or larger in size below the minimum lot size.

When an issue of encroachment is to be resolved and the proposal is the minimum to resolve the issue, the resulting lot must have sufficient lot size and dimension to meet the requirements for development and meet the proper setback buffer and open space requirements to locate all improvements.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
JUNE 10, 2003 – PAGE 6**

In addition, regulations on the requirement of a 1 to 3 width to length ratio on lots is removed from the rural residential zone section of the Development Regulations when creating new lot configurations or creating new lots. In title 16 the Plats and Subdivisions Ordinance boundary line adjustment (BLA) standards now include language that aids the administrator in determining a sufficient area in dimension to meet adequate standards of development which include proper setback buffer and open space requirements when taken into account.

The BLA may provide for "out lots." The revisions are in response to concerns in the development community and add to the flexibility in reviewing BLAs, especially resolving past encroachment problems. The County now has clearer standards by which applicants can submit proposed BLA's and assure that lots with new configurations allow adequate area for development. There is new text on pages 2 and 3 under Boundary Line Adjustments that previously did not appear in the language.

There has been concern from surveyors about the mechanism for resolving encroachments and how that affects lots that are already below the two-acre minimum lot size. The main emphasis is when lot configurations are adjusted there is still adequate area for development on those lots. They want to make sure that when creating lots it is not necessary to get a variance years down the road in order to reasonably develop the property.

The board questioned what happens when a right-of-way is widened and has to encroach on a lot.

Mr. Borden stated that was addressed previously. If there are lots which are affected by public acquisition or a road, the lots would either be considered an out lot (if they don't meet development standards for setbacks) or the adjustment of the alignment are allowed so there are lots which remain that have adequate buffer. He referred to 3.d. on page 3 that addresses this issue.

The objective of the proposed regulations is to make sure that lots have adequate area for future development. There will be situations where variances may have to be secured. The proposed regulations would minimize those situations.

David Frost, 300 W Fredson Road, asked if a conforming five-acre parcel can have adjustments made to resolve encroachments and boundary line disputes, which would bring the parcel below five acres. He asked for clarification on how a five-acre parcel is addressed. Also, if there is a division of a parcel to less than five acres would a variance be required to develop the property.

Bob Fink, Planning Manager, noted that he spoke with Mr. Frost earlier. He understood that Mr. Frost has a parcel over five acres existing where there is an encroachment. One way to resolve the encroachment in agreement with the neighbor would result in the reduction of Mr. Frost's property below five acres. The current regulations, as they exist, do not allow the reduction in a rural residential five area below five acres. One of the purposes is to allow a limited chance to reduce lots which are over two acres could be reduced below two acres only to resolve an encroachment issue. Also, a lot currently under two acres could be reduced in size further to resolve an encroachment issue and still be a buildable lot. The question of the rural residential five area was never really discussed in addressing encroachment issues. The Board could have the option of remanding Mr. Frost's situation to the Planning Advisory Commission or continue the hearing for a couple of weeks to revise the draft and make it available to the public.

Cmmr. Baze asked if there is an urgency to approve this as it stands.

Mr. Fink stated that he understood that there is no immediate case that the proposal would not need to be acted on immediately.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
JUNE 10, 2003 – PAGE 7**

Terry Shaw referred to 1.03.032.3.c (2) and asked why there is a threshold of 20%. It seems that there is a lot of discretion left to the administrator. He asked that this threshold be taken out. This seems to be further complicating the procedure where it could be done administratively.

He referred to 1.03.032.3.d and noted that there is reference to an easement and road right-of-way and that they are one and the same. It should be clarified if no easement is to be able to make another parcel. He felt that communications could be better. The proposed ordinance has been going on for a long time. It went back to the Planning Advisory Commission and it was not clear when it was going and what was being presented by staff. He suggested that the County email information.

It was noted that the Planning Advisory Commission meeting agendas are put on the website, no sooner than two weeks. They do have mailing lists so information is mailed to individuals.

Cmmr. Johnson referred to page 1 of the Development Regulations 1.03.032.B.1 " . . . For example, in the Rural Area a Standard Residential Density is one dwelling unit per five acres. . ." He felt that this is not totally accurate. If there is an RR10 area then there is a standard residential density of one dwelling per ten acres. It needs more clarification. Also under 1.03.032 B.3.a " . . . For Example, in the rural Area, the Standard Residential Density is one dwelling unit per five acres. . . "

Also, on 1.03.032 B.3.b. is not clear what it is saying. There appears to be a sentence that ends right in the middle at the bottom of the page on 1.03.032.B.3.c(2)(ii)

Cmmr. Johnson/Kamin moved and seconded to continue the hearing to 9:30 a.m. on July 1, 2003. Motion carried unanimously. B-aye; J-aye; K-aye.

11. Other Business (Department Heads and Elected Officials)

- 11.1 Bid award for the remodel of Mason County Building 8. Jerry Hauth, Public Works Department, announced they received five bids for the remodel project of Building 8. He recommended the board award to Christensen, Inc. of Olympia with a base bid of \$374,850.00 plus the inclusion of Alternate No. 1 for \$4,300.

Cmmr. Johnson/Kamin moved and seconded to award the contract to the apparent low bidder to Christensen, Inc. in the amount of \$374,850 plus the alternate No. 1 for \$4,300. Motion carried unanimously. B-aye; J-aye; K-aye.

- 11.2 Approval for the Chairperson to execute the Local Agency Standard Consultant Agreement with GeoEngineers, Inc., in the amount of \$176,367.64 for consultant services on the proposed shoreline erosion repairs along North Shore Road. Public Works Director Jerry Hauth explained the agreement is for the slide repairs on North Shore Road. There are 17 slides which have been identified from approx. milepost 6 to milepost 15. The Public Works Department is advocating a proactive approach. In the last five years there were two failures. One of the failures resulted in a road closure in the range of six or more months; the other failure was a couple of years ago and the closure was possibly 30 days. He noted they need to do some exploratory boring.

There was discussion about previous slides and the work associated with it. The areas they have identified are major problem areas or have a strong potential to become a major problem. The work will begin after the permits are secured and it is anticipated to be sometime next summer. The permitting requirements at times force the County back to redesign and re-estimating the scope and cost of the project.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
JUNE 10, 2003 – PAGE 8**

Cmmr. Kamin/Johnson moved and seconded the Board authorize the chairperson to execute the local agency standard consultant agreement with Geo Engineers, Inc. in the amount of \$176,367.64 for consultant services on the proposed shoreline erosion repairs along North Shore Road. Motion carried unanimously. B-aye; J-aye; K-aye.

12. Administration

- 12.1 Approval of the resolution to create a Reserve for Accrued Leave Fund, #131-000-000, for the purpose of receiving funds and paying costs of accrued leave for employees, within the Current Expense budget, who retire or otherwise cease employment with the county.

Ron Henrickson, County Administrator, recommended the Board adopt a resolution which creates a reserve for the accrued leave fund. Currently, under the Current Expense budget money is accrued for employees who have sick leave, vacation, holiday pay, etc. The total amount accrued as of December 31 in the Current Expense Fund is over \$2 million. The purpose of the reserve is to set up a fund that over time would be available to pay as employees leave the service of the County through retirement or other causes. What the actual fund sets up is a schedule over the next twelve years to eventually set aside 100% for this.

Cmmr. Kamin/Johnson moved and seconded to approve the resolution that establishes the Reserve for Accrued Leave Fund, #131-000-000. Motion carried unanimously. B-aye; J-aye; K-aye. Resolution No. 62-03 (Exhibit E)

13. Adjournment - 11:07 a.m.

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