

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JUNE 22, 2004

1. Call to Order - The meeting was called to order at 9:00 a.m. by Chairperson Johnson.
2. Pledge of Allegiance – The flag salute was led by the Chairperson.
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 – **Cmmr. Kamin/Baze moved and seconded to approve the briefing minutes of May 27 and regular meeting minutes of June 15, 2004. Motion carried unanimously. B-aye; J-aye; K-aye.**
5. Board’s Calendar for week of June 22 – July 6.
6. Correspondence and Organizational Business
 - 6.1 Correspondence
 - 6.1.1 Mason County Fire District #3 Firefighters Association noted their thanks for Al Eaton and his crew for an outstanding job in restoring the community pathway between the fire station and the post office at Grapeview.
 - 6.1.2 Mason County Planning Advisory Commission applicant: Wendy I. Ervin; resignation: Bob Sund
 - 6.1.3 The Port of Bremerton extended an invitation to the Mason County Commissioners (Kamin) to attend a Port sponsored Transportation and Economic Development Summit on July 7, 2004 in Bremerton.
 - 6.1.4 Washington Public Ports Association announced that the Washington ports and the Washington State Department of Transportation has completed a study concerning the state’s economy on maritime trade.
 - 6.2 Press Release – Senate House Bill 2060 Funds Available for Low Income Housing Programs. Staff: Betty Wing
7. Open Forum for Citizen Input - None
8. Adoption of Agenda – **Cmmr. Baze/Kamin 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 to set a public hearing on Tuesday, July 6, 2004 at 9:30 a.m. to consider amendments to Title 14 Building and Construction Code.
 - 9.2 Approval to adopt a resolution to set a public hearing on Tuesday, July 27, 2004; 6:30 p.m. to consider Road Vacation File #329 to vacate all that portion of Moore Avenue, lying North of the South line of Block 5, Moore’s Addition to the City of Shelton, Volume 4 of Plats, Page 13, and Westerly of the Westerly Right of Way line of North Cliff Road. (Abutting Parcel Nos. 32018-52-01004; 32018-53-05001) as petitioned by Martin Greig. **Resolution No. 54-04 (Exhibit A)**
 - 9.3 Approval to adopt resolution to set a public hearing on Tuesday, July 27, 2004; 6:30 p.m. to consider Road Vacation File #330 to vacate all that portion of alley lying between Lots 1 & 2 and 7 & 8 in Block 15, Plat of Town of Arkada, as recorded in the Auditor’s office, Book of Plats, Volume 1, Page 6, filed on May 21, 1859. (Abutting Parcel No. 22028-50-15001) as petitioned by Samuel T & Lois G. Ross. **Resolution No. 55-04 (Exhibit B)**
 - 9.4 Approval of Warrants

Claims Clearing Fund	73322-73686	\$1,050,877.07
Salary Clearing Fund	140172-140416	\$191,301.16

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

RECESS

The Board recessed at 9:19 a.m. until 9:30 a.m.

9:30 a.m. Public Hearings and Items Set for a Certain Time

- 10.1 Public hearing to consider Road Vacation File #328, vacation of a portion of Springwood Lane right of way adjacent to 51 E Springwood Avenue as requested by William and Shelia Sharpe.

Mick Sprouffske, Right-of-Way Agent, explained that William & Shelia Sharpe have petitioned to vacate a 3' X 30' strip of right-of-way adjacent to 51 E Springwood Lane. At the time the property was purchased the eave was overhanging the right-of-way. The vacation would not adversely affect property maintenance of Springwood Lane, nor any future needs.

The Board questioned when the encroachment occurred.

Mr. Sprouffske responded he understood the encroachment occurred in the mid 1980's. It was brought to the attention of Public Works Department last year when the former owner had placed the house on the market. One of the prospective purchasers came to Public Works recognizing the possible encroachment of the carport's eave. The Sharpes had the property surveyed once they purchased it and clearly showed there was an encroachment.

The Board questioned what the road right-of-way width would be.

The vacation would reduce the 30' strip down to 27' in width. There is a 12' travelling surface with 10' of pavement and 2' of shoulder. It will leave enough to operate and maintain the road.

Cmmr. Johnson asked if this would impact the roadway.

Mr. Sprouffske responded it would not seriously impact the roadway.

William Sharpe, petitioner, was present and explained that he does not intend to build anything from the existing garage to the roadway. There is still 13 – 15' from the garage to the roadway.

The public hearing was closed due to no further comment.

Cmmr. Baze/Kamin moved and seconded that Road Vacation File No. 328 be approved as requested, subject to any existing easements of record and existing utilities. Motion carried unanimously. B-aye; J-aye; K-aye. Order of Vacation (Exhibit C)

- 10.2 Public hearing to consider Road Vacation File #329 to vacate all that portion of Moore Avenue, lying North of the South line of Lot 5, Moore's Addition to the City of Shelton, Volume 4 of Plats, Page 13, and Westerly of the Westerly Right of Way line of North Cliff Road. (Abutting Parcel Nos. 32018-52-01004; 32018-53-05001) as petitioned by Martin Greig. (Refer to Consent Agenda Item 9.2, this item is being rescheduled due to an incorrect legal description)

Mr. Sprouffske, Right-of-Way Agent, explained that an error in the legal description was found and it was recommended by the Prosecutor's office to correct the legal description to state "block" rather than "lot" with a new resolution and hearing.

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No further action is required by the Board as action was taken on Consent Agenda Item 9.2 to set hearing on July 27, 2004; 6:30 p.m.

10.3 Public hearing to consider revising the Mason County Development Regulations for the Allyn Urban Growth Area.

Bob Fink, Planning Manager, explained that before the Board is a proposal to adopt an Interim Zoning Code for the Allyn Urban Growth Area. The Zoning Code will guide and regulate the development in Allyn for the next year. This would allow for the completion of the detailed plan for Allyn.

The key elements of the vision for the Allyn community are: to protect and benefit from the beauty and natural resources of Allyn; to provide an attractive and safe environment with adequate services and facilities; to attract tourists for economic development; and to provide suitable areas for housing choices and family wage jobs.

The draft was developed by the Planning Staff working with the Allyn Community Association planning committee. It is felt that having some interim restrictions in place until the community develops standards for adoption is important to prevent inconsistent development that can not be easily changed.

The Planning Staff is recommending the Board continue the hearing until July 13 to allow time to evaluate comments received to date, both written and those at the hearing.

Ron Henrickson, County Administrator, expressed his appreciation to the citizens and members of the Allyn community which have served for a long time writing the plan.

The Board added they also commended the Allyn community for the work they have done and the documents before the Board for consideration.

Rick Anderson, President of Anderson Sons Inc. which is the developer of LakeLand Village and also a lifelong Allyn resident. He too thanked all those who worked on the Allyn plan. He stated that he watched the town of Allyn grow from a little tavern, gas station and a grocery store. He concurred with the Planning Staff that the Board not adopt the plan today. There are some people that received the pink postcard notice of hearing which were unaware of the zoning for Allyn. He felt there are a few errors in the map which needs revising. He was concerned that an R1 overlay be included on the map.

Ben Meserve noted he has been on the Planning Committee from its start eight years go. The Allyn community went as far as they could go without the help of the County; now they have help from the planning staff and appreciate it.

Rob Drexler, Representative of Mason County Association of Realtors, felt the committee did a fantastic job in putting together the Plan. He submitted a copy of his prepared statement outlining some suggested amendments within the following sections. 17.11.320; 17.11.420; 17.11.520; 17.11.500; 17.11.550; 17.12.100; and 17.12.120.

Keith McGregor, LakeLand Village resident, stated that he has reviewed the proposed plan and found that a number of the requirements included in the plan are in conflict with the requirements of the LakeLand Village Covenants, Conditions and Restrictions. The LakeLand Village covenants were developed around 1967. He questioned which would prevail. He submitted a list of 18 items that he was concerned with.

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Bob Fink, Planning Manager, responded that the regulations of the County will apply whether or not they are inconsistent with the covenants of a particular area. The covenants are a private agreement which are enforceable in court. Whichever requirements are more restrictive, the property owner would have to abide by those restrictions.

Darren Nienaber, Deputy Prosecutor, noted that the County's regulations and the covenants are concurrent requirements. The county requirements apply in terms of county requirements. The covenants also apply equally. The County is not in the business of enforcing private covenants.

The government can enforce covenants through the court system. They would need to be brought as a civil action.

Richard Bell, LakeLand Village and Board President of the Realtor Association, stated that he was one of the early members of the planning committee. They would like a little bit of delay in adopting the plan to protect LakeLand Village. He stated they have a problem with the interim zoning. He questioned if they will be able to change the interim zoning once it is in place. The realtors have been looking at land use issues statewide. They want to look at zoning as market driven but yet have flexibility in the multiple use.

Jeanette Moore concerned about the length of time it has taken to adopt the Allyn plan. They have worked on the plan for 8 years. She briefly explained the background of what has occurred. She noted her graduate work was in planning at the University of Washington; however, she did not do this type of land use planning. It has been a phenomena for a community of this size to accomplish what it has done. The last ten years the Allyn Association has taken hold through the leadership. The group was a very creative force in the community. They have a newsletter that goes out to over 3,000 recipients. The communication within the organization is excellent. Allyn in the last few years has grown to 1500 people. Allyn was platted in 1889 and does not have an adequate street system. One of the drivers, in getting the interim zoning adopted, is to allow the county to have the information needed to look at the kind of roads and drainage. She asked that the Board pass the ordinance, except the Lakeland Village issues. She thanked the county staff for all the help involved on this plan.

Gerrit Moore pointed out that the land use plan forms the framework on which the fabric of the community takes its shape. It provides predictability for the real estate market and provides stability in the community. The plan was developed by some talented people. They have had the best amateur work they could have on the plan. He urged the Board to adopt the plan that exists independently of the Lakeland Village.

Bonnie Knight, Planning Committee Member and lived in Allyn for 7 – 8 years, noted that it has been a labor of love for her to become involved. They realized there were needs and in response to the Growth Management Act, the Allyn group pulled together and started the plan. There have been numerous hours put into it. She voiced her strong support for LakeLand Village and urged the Board to adopt the plan. She felt they could work with the community and resolve issues, which may come up.

Giles Swanson, LakeLand Village Board of Trustees and President of Community Club, applauded the planning group, which has worked together for eight years. Their purpose is to make the town of Allyn a nice place architecturally. They are concerned that some of the covenants prevail over what is printed in the R1single family residential district. One of the primary purposes of the Community Club is to enforce the covenants.

Tom Hamilton, Allyn View Partners, urged the Board to not pass this plan today because there are a lot of people that have not seen what is in the plan. They own 2.2 acres at 61 E Wheelwright Street North in the proposed Allyn UGA. It appears that the preliminary zoning is R2. If this is adopted they would

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only be able to put eight units on their property. They were initially going to be the location of the water tank for this proposed system in Allyn. They are requesting a denser zoning level to at least an R3 or multiple family level.

Steve Osguthorpe is a planner with the city of Gig Harbor since 1991. He has a lot of interest in urban planning and design and moved to Allyn because of the character. There is a strong city edge and he hopes to retain that. He felt encouraged by the proposal. Allyn needs flexibility, but protection as well. He stated he likes the "village" concept. He has concerns over the 0 setbacks in the village portion. It works provided there is not asphalt up to the building edge with parking in front. If the buildings come up to the front setback line or that it be provided with landscape and plaza areas up to the street. They avoid the expansive asphalt look and provide architectural presence at the street face. He likes the zones, which require the setback areas be landscaped. He recommended that any provision for auto dealers be stricken. He is concerned about commercial manufacturing designation on the north side of town. He hoped they would develop some strong guidelines in terms of landscaping, design control. He is concerned about the highway commercial designation. The area is isolated and the community at large will not be benefited. They need flexibility in a predictable fashion in Allyn.

Richard Knight, Allyn resident, stated he has worked on the planning committee because of his concerns about the community. The Urban Growth Area provided the best opportunity for predictability. He commended the county for sending out the public notice to the property owners. He would like to see the plan adopted as soon as possible.

Jeff Carey, President of the Allyn Community Association and Secretary of the Planning Committee. He has been involved with the project since March 1997 and zoning since last May. Their organization wants to work with the different governmental agencies and association groups in the community. He stressed there will never be a single map that is totally accurate. The proposal is an interim provision. He encouraged the Board adopt the Allyn Interim Zoning Code as soon as possible.

Terri Jeffreys stressed they need to keep in mind one of the major differences between pre-GMA and post-GMA planning is that small businesses are now forced into the UGA's or LAMIRD's. The importance of the UGA's to facilitate commercial development is paramount. There is no place else to go.

Public testimony was closed as there was no more comments.

Cmmr. Baze expressed appreciation for all the input and urgency of having to adopt the code. It is important that the Board consider the testimony and other input. The items, which were brought up, could be addressed in the very near future. He suggested the Board continue the hearing in the Allyn area.

Bonnie Knight requested that Steve Osguthorp, Terri Jeffreys, Bob Fink and some of others could get together to work these ideas through.

The Board stated that can be worked out.

The Board expressed this has been a very good session, an open sharing of facts and an orderly presentation of information.

Cmmr. Baze/Kamin moved and seconded to continue the hearing to Monday, July 12, 2004; 6:00 p.m. at the Lakeland Clubhouse or Port of Allyn. Motion carried unanimously. B-aye; J-aye; K;-aye.

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11. Other Business (Department Heads and Elected Officials)
12. Administration - None
13. Adjournment - The meeting adjourned at 10:43 a.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