

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

OCTOBER 12, 2004

1. Call to Order – The meeting was called to order at 9:00 a.m. by the Chairperson.
2. Pledge of Allegiance – Chairperson Johnson led the flag salute.
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 regular meeting minutes of September 28 and October 5, 2004. Motion carried unanimously. B-aye; H-aye; J-aye.**
5. Board's Calendar for week of October 12 – 19, 2004.
6. Correspondence and Organizational Business
  - 6.1 Correspondence
    - 6.1.1 The City of Shelton requested a letter of support for the Shelton Regional Water and Wastewater project.
    - 6.1.2 Received the third quarter report from the Economic Development Council of Mason County.
    - 6.1.3 E-mail was received from Ken VanBuskirk concerning the contract with Perteet for the SR3 improvement project.
    - 6.1.4 (It was noted that the Board has received quite a few emails from the Tahuya area concerning the Tahuya Port District and they will be entering them at a later date).
  - 6.2 Introduction of new Human Resources Director, Greg Hering -- County Administrator Ron Henrickson introduced Greg Hering who has been hired to fill the position of Human Resources Director when Skip Wright retires the end of October.
  - 6.3 Introduction of new WSU Extension employees -- Bob Simmons, WSU/Coop. Ext. Chair announced that the WSU/Coop. Ext. new employees are working and unable to be in attendance. Three employees are in AmeriCorps training and two of those are in partnership with SOCK: Alyssa Wight & Domenica Clark. They will be doing after school programming between 4-H and SOCK. Ashley Bowan will be working with the Master Gardners. Emily Piper was hired by WSU (1/5 time with HCSEG) to address dissolved oxygen issues. Theresa Gorman and Dena Wagner (1/3 time) nutrition educators with the schools.
  - 6.4 Press Release – Port of Tahuya Commissioner – Chairperson Johnson noted that as of 7/11/04 a Port of Tahuya Commissioner resigned and the Tahuya Port Commission had 90 days to fill the vacancy but the two commissioners were unable to agree on the appointment so it now is before the Mason County Commissioners for appointment. Letters of interest are being accepted until October 31, 2004.
  - 6.5 Press Release – Flu Vaccine -- Steve Kutz, Public Health Services Director, read aloud the press release concerning the flu vaccine shortage. Mason County Health Department is continuing to work with the rest of the public health community on the local, state, and federal level to help ensure that persons at highest risk for complications from influenza are able to receive the available flu vaccine. He also noted that the Health Department is offering Tetanus/Diphtheria immunizations at their community clinics as well as the Pneumococcal pneumonia vaccination.
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; H-aye; J-aye.**
9. Approval of Consent Agenda:
  - 9.1 Approval of Veterans Assistance Fund applications for: Alan D. Reynolds – food \$150.00; Maria C. Simcox – utilities \$108.95; Dexter (Mrs. Claudia) Ramey – housing \$250.00 for a total of \$508.95.

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- 9.2 Approval of Warrants:
- |                      |               |                |
|----------------------|---------------|----------------|
| Claims Clearing Fund | 78730-78874   | \$404,280.19   |
| Salary Clearing Fund | 142589-143073 | \$1,350,751.26 |
- 9.3 Approval to post-for-quotes to secure the purchase and installation of fencing for Walker Park at an estimated cost of \$6,000 to \$8,000.
- 9.4 Approval of a collective bargaining agreement between Mason County, the Mason County Prosecuting Attorney and Woodworkers Local lodge W38, I.A.M. covering the Deputy Prosecuting Attorneys.
- 9.5 Approval to post-for-quotes for financial analysis services to conduct a review of the North Bay Case Inlet Sewer System at an estimated cost of \$10,000 to \$15,000.
- 9.6 Approval of the ordinance setting the fees the Sheriff's office shall collect to cover the costs of administration and operation for the Sheriff's official services. **Ordinance No. 87-04 (Exhibit A)**
- 9.7 Approval to set a public hearing on Tuesday, October 26, 2004 at 6:30 p.m. to consider a supplemental appropriation to the 2004 budget for the Reserve for Technology Fund. **Resolution No. 88-04 (Exhibit B)**

Chairperson Johnson spoke to consent agenda item 9.6 concerning the ordinance setting the fees for the Sheriff's office and noted it has not been updated since 1992.

**Cmmr. Kamin/Baze moved and seconded to approve the consent agenda, Items 9.1 through 9.7. Motion carried unanimously. B-aye; H-aye; J-aye.**

10. 9:30 a.m. Public Hearings and Items Set for a Certain Time

- 10.1 Public hearing to review proposed revisions to development standards contained in the Mason County Development Regulations, Resource Ordinance, and Title 16 Plats and Subdivisions. Topics include: Resource Ordinance standards in fish and wildlife habitat conservation areas: development such as piers and docks, boat ramp, boat house, or stair towers; combining areas of existing development; and maintenance use in existing landscaped areas. Resource Ordinance standards in wetland areas: definition of Category 4 wetlands. Development Regulations standards on accessory dwelling units: change size to 80 percent of habitable area of primary residence appurtenant structures. Title 16 Plats and Subdivisions: changes to include review procedures consistent with Development Code, and the vesting of large lot and short subdivisions.

Allan Borden, Planner, presented three additional comment letters from the Advocates for Responsible Development. The public hearing is to review several sets of revisions. Some contained in the Mason County Resource Ordinance, the Mason County Development Regulations and Mason County Title 16, Plats & Subdivisions.

The Mason County Planning Advisory Commission held public hearings and recommended that the Board approve the proposed changes:

Resource Ordinance/Fish & Wildlife Habitat Conservation Areas – change the standards under the existing provision that permits remodel or a request for an existing structure residence located in the buffer that already provides for a 10% increase in the footprint.

The proposed change allows the consolidation of footprints of several existing structures within the buffer into one footprint and limits the remodeled or replaced residence to have 120% of the total square foot area of the combined structure. The provision encourages that the consolidated structure be the farthest away from the critical area.

There is a new provision that describes the uses and activities allowed in the buffer area without needing an environmental permit. Such activities as: landscape walls, small landfill and maintenance of vegetation would be allowed without need of an environmental permit.

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The third set of provision is a new set directed at appurtenant structures like decks and stairs in the buffer. Or accessory uses such as piers, docks, ramps, bulkheads and boathouses which need to meet the proper setback or secure a variance to the standards and review with the habitat management plan. There is also a provision that freshwater docks and boat ramps would not need to get a habitat management plan for their proposal.

These are structures which were not addressed in the Resource Ordinance previously. They are in the Shoreline Master Program fairly explicitly, but not integrated in the Resource Ordinance text. This is an attempt to make sure that on streams and lakes these are reviewed by both the Shoreline Master Program and the Resource Ordinance.

The Resource Ordinance is more restrictive on setbacks, typically. The proposed changes will add consistency and tie the two sets of regulations together.

The next proposed changes are under Title 16 – Plats & Subdivisions. It has not been updated significantly since 2000. The proposed changes are to make Title 16 consistent with the development review processes now contained in Title 15 which is the Permit Review Standards for the county.

Chairperson Johnson noted that under the Resource Ordinance there is a new Category IV – Wetlands.

Mr. Borden explained there is proposed text in the wetlands chapter of the Resource Ordinance which makes a clear definition of what Category IV wetlands are. This was not included in the 1999 update of the wetlands chapter.

Chairperson Johnson stated he understood that Category IV wetlands are those that are less than one acre in size. Previously, that category was included in Category III.

Mr. Borden stated that a wetland that qualifies in Category IV the staff can evaluate the area and require a smaller buffer than in Category III wetland.

The Board questioned how many Category IV wetlands there are in the county.

Mr. Borden noted that the predominate wetland that is regulated is Category III. There are areas that have low diversity of plant species where there is one or two plant species that dominate and would qualify as Category IV.

Category IV wetland has a 25' vegetation buffer plus 15' building setback. The category III wetland has a 50' buffer.

Title 16 is used to divide land either by plat, large lot subdivision, short plat or performance subdivision. There were a lot of changes made, primarily in the consistency for Title 15. Previously references were noted to review by the Planning Commission and County Commissioners. That review process is now before the Hearings Examiner. There is no change in the review process other than replacing the Planning Commission and County Commissioners with the Hearings Examiner. It simplifies the review.

A similar provision is proposed for large lot standards. Large lot standards now include the vesting of standards for a five-year period following the approval of the large lot subdivision. Both of the provisions of short plat or large lot subdivision there is a provision proposed that the existing short plat or large lots will have a five year vesting period starting one year from the adoption of the provision. It is sunsetting some of the old short plats and large lots that have not been developed and in some cases have been afforded different development standards than they would if they were proposed today.

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Short plats done in 1999 the five-year vesting period would start one year from the adoption and go for five years.

The last proposed change is in the accessory dwelling unit standard contained in the Development Regulations. This change permits a proposed accessory dwelling unit to be 80% of the primary residence or 1,000 sq. ft. in area whichever is smaller. The current standard is 50% sq. ft. of the primary residence. This will add some flexibility in the consideration of affordable housing in the County while still keeping residences to a limited size.

The board questioned if affordable housing was the primary consideration in proposing the change.

Mr. Borden responded, yes it was. They received comments that accessory dwelling units were a way that the County can provide moderate sized affordable housing in the county.

The Board questioned in practice if this has been a problem.

Mr. Borden replied that it hasn't been a problem, but there have been some situations. He sited a situation where the owner had a 1280 sq. ft. home and with the 50% rule he would only be able to build a 640 sq. ft. accessory dwelling unit. The smallest home his builder would build is a 900 sq. ft. home.

Three letters were submitted to the Board from Advocates for Responsible Development which were submitted on Monday and Tuesday. John Diehl is a representative of this organization. He entered into the record that the County is not using scientific based information in making recommended development standards, especially in the Fish & Wildlife Habitat Areas.

The Board stated they would be interested in knowing the membership of this organization. The only membership they are acquainted with is John Diehl or former members.

Mr. Borden added that Mr. Diehl also mentions in his letter about expansion of non-conforming uses. It appears his point is the provisions, especially under the Resource Ordinance and Fish & Wildlife, they are standards for existing development, which may be inside of a buffer distance. If the property was vacant today the residents wouldn't be as close to the critical area. His concern is if there are provisions that allow for further expansion it could have a negative impact on the buffer area habitat and species.

Mr. Borden stated the provisions the County is currently proposing try to address development which has occurred in the past that would not meet current standards, if proposed as new. Technically they are non-conforming and would not meet current standards. The regulations allow for some flexibility. With the consolidation of footprints they are hoping that is an encouragement to get a lot of small buildings which may be closer to the critical area (stream or lake) to move them back and take that sq. ft. which is already there. It could provide incentive for a property owner.

Darren Nienaber, Deputy Prosecutor, stated that a couple of months ago there was an article from a former member of the Central Puget Sound Hearings Board which talked about the easiest way for local governments to get tripped up was if they rush things without giving consideration to the full record and comments submitted to them. He didn't think they received any new comments on the Title 16 proposal and would be safe to say they are straightforward and not controversial. He recommended closing the record on that portion. He recommended keeping the public comment portion of the hearing open with respect to the other changes in the Resource Ordinance and Accessory Dwelling Units for at least four weeks. He has a number of tight deadlines coming up in the next few weeks.

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The board questioned if the issues being raised, in the letters today, were different than issues raised before the Planning Advisory Commission.

Mr. Nienaber felt they were somewhat different. There were a lot of issues that were worked out before the Planning Advisory Commission. Some of those issues were worked out even between the people that were commenting to the Planning Advisory Commission. It was the impression from the Planning Department that a lot of the issues were worked out, but it is apparent they were not. He stated they should be given special consideration.

Jay Hupp, Economic Development Council, questioned in reference to maintenance of vegetation areas and wetlands. He asked if that would include danger trees.

Mr. Borden responded that danger trees are already in the standards.

Mr. Hupp asked if danger trees would not be included in the general comment of maintenance of vegetation within wetlands.

Mr. Borden stated that danger trees would be a separate category.

No further comments were received.

The Board discussed continuing the hearing four weeks out as recommended by the legal advice but close the comment on Title 16.

**Cmmr. Baze/Kamin moved and seconded to close the public comment on proposed revisions to development standards contained in Title 16, and continue the public hearing with respect to the proposed revisions to development standards contained in the Mason County Development Regulations and Resource Ordinance to Tuesday, November 9, 2004; 9:30 a.m. 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 10:09 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Wesley E. Johnson, Chairperson

ATTEST:

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Jayni L. Kamin, Commissioner

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Rebecca S. Rogers, Clerk of the Board

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Herb Baze, Commissioner