

## DRAFT BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

DECEMBER 19, 2006

1. Call to Order – The regular meeting was called to order at 9:03 a.m. by the Chairperson.
2. Pledge of Allegiance – The chairperson led the flag salute.
3. Roll Call - Present: Cmmr. Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Jayni L. Kamin.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 The Washington State Liquor Control Board sent notice of liquor license application for Bayshore General Store, Shelton.
    - 4.1.2 Ronald Timlick expressed his concerns regarding Mason County Health Department regulations for commercial property, and is seeking mediation. (Copy to Environmental Health.)
    - 4.1.3 Harry Martin is seeking appointment to the TIPCAP.
    - 4.1.4 Arnie Schreiber expressed his concerns regarding proposed C5 zoning. (Copy to Planning.)
    - 4.1.5 The Washington State Auditors Office sent an Accountability Audit Report for Mason County. (On file with the Clerk of the Board.)
    - 4.1.6 Olympia Master Builders and Martig Engineering submitted written comments for the Critical Area Ordinance Updates. (Copies to Planning.)
    - 4.1.7 Jesse Sims is seeking appointment to the Mason County Trails Committee.
    - 4.1.8 Richard S. Vohs expressed his concerns regarding sewer rates for the North Bay Case Inlet Sewer System.
    - 4.1.9 The Office of the Mason County Treasurer listed their designated depositaries as required by RCW 36.48.010.
  - 4.2 Staff Appreciation Awards – The Board presented Sheriff Steve Whybark with a clock in appreciation for his services from 1970 – 2006; Cyndi Miller, Sheriff's Accountant, was also recognized for her years of service; Gary Crane, Undersheriff.
5. Open Forum for Citizen Input
  - 5.1 Matt Matyoshi, Director of Economic Development Council, stated there is a need in the Rural Activity Centers to review square footage limitations on commercial buildings. The needs of the community to facilitate commercial growth requires some adjustment occasionally. The only Rural Activity Center is in Hoodspport and it provides service to over 3,000 commercial lots around Lake Cushman. This is more lots than are in the City of Shelton. The limitations make it challenging to serve the community's needs as illustrated with the past week's storm. It may be difficult for people to travel outside of their immediate community for services such as groceries. The nearest grocery store is 14 miles away in Shelton. In order to promote a tourism community there is a need for services for people that come to hike and go to the mountains. He asked that in 2007 the Community Development Department review the square footage limitations on commercial buildings in Rural Activity Centers.
  - 5.2 Mike Purvis, Hood Canal Grocery, concurred that there is a public demand for services in Hoodspport. There are 1800 people that live in the Hoodspport area. They are requesting the Rural Activity Center to supply services to the local community. It is 86 miles round trip to town from the backside of Lake Cushman. The average person living there is 60 years old.

The Board questioned how long the square footage limitation has been in effect for commercial buildings.

Mr. Dobby stated that was since the updated Comprehensive Plan
  - 5.3 Laurie Brady, Mason County Assoc. of Realtors, stated the Critical Ordinance needs more set guidelines. The biggest struggle is what their property is worth. A pre-site inspection requires:

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variances from setbacks and buffers to the shoreline common line; a habitat management plan (need to hire a marine biologist); additional variances due to the streams on the landslide; wetland delineation; geotech needed because of slopes. It can take up to two years. That cannot be determined until the process is complete. She asked that there be some more set guidelines.

- 5.4 Willa Smith, Habitat for Humanity of Mason County, appealed to the Board for help. The current land use laws were enacted to prevent overpopulation of the county. One of the side effects makes it impossible for groups to find affordable properties in order to help to provide housing for families in need. Many states are making it necessary to address the homeless issue. They are helping people who live in deplorable home situations to live in a decent home and remain in the community. They want them to remain as productive citizens, raising their children in a desirable situation for the future of hope and commitment to Mason County. They are asking help in getting a means to breakdown some of the large property parcels, even those of five acres, into parcels where they can build single family homes, duplexes or even multi-family dwellings. There is a core group that has been working for 10 years beginning with one house and stretching to three houses built and a fourth began. They work for and with the families to enable them to have a productive life and a pleasant environment. They are asking help to find new ways to make their clients able and proud to live in Mason County.
  - 5.5 Larry Everlund also voiced support of Habitat for Humanity. He referred to the Growth Management Act and Bill 2984, which provides for affordable housing incentives. As the County zones property it gives the ability to purchase and build on property in an affordable manner. Bill 2984 allows municipalities to provide incentives for either density or bonuses as they try to work the developers into the County.
  - 5.6 Barb Meservey, Mason County Association of Realtors, was present to support affordable housing.
  - 5.7 Rik Fredrickson, Mason County Garbage, voiced support for the tipping fee increase for solid waste. They believe that the vision to address the future growth issues can be helped by the increased tipping fee.
6. Adoption of Agenda – **Cmmr. Sheldon/Kamin moved and seconded to adopt the agenda as published. Motion carried unanimously. K-aye; RE-aye; S-aye.**
  7. Approval of Minutes – **Cmmr. Kamin/Sheldon briefing meeting minutes for the weeks of October 16, 27, 30 and November 6, 13, 20 and 27, 2006 and regular meeting minutes for November 21, 28 and December 4, 2006 and June 27, 2006 meeting minutes for the Skokomish Flood Control Zone District meeting. Motion carried unanimously. K-aye; R-aye; S-aye.**
  8. Approval of Consent Agenda:
    - 8.1 Approval of a no-cost amendment and extension of WRIA 16 Watershed Planning Grant agreement No. G9900020, between Mason County and Washington State Department of Ecology.
    - 8.2 Approval of the 2006 refunds, numbering 360, in the amount of \$283,592.02 as recommended by the Mason County Treasurer.
    - 8.3 Approval of the Interlocal Agreement with the Port of Allyn relating to the construction of restroom facilities in Allyn, Washington and approve up to \$30,000 from the REET 2 funds and authorize the Chair to sign any necessary documents.
    - 8.4 Approval of Amendment Number 7 to the Professional Services Contract between Amelia Cobb and Mason County Department of Health Services.
    - 8.5 Approval of Amendment Number 2 to the Professional Services Contract between Eunice T. Santiago and Mason County Department of Health Services.
    - 8.6 Approval of Amendment Number 1 to DSHS Agreement Number 0563-75735 between the Department of Social & Health Services and Mason County Department of Health Services.
    - 8.7 Approval of Amendment Number 1 to the Interlocal Agreement for Health Officer Services between Thurston County and Mason County.

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- 8.8 Approval to set a public hearing on Tuesday, January 9, 2007 at 9:30 a.m. to review the request by John Hoff to rezone a 15.23-acre property north of Tahuya from Rural Residential 20 zone to Rural Residential 5 zone.
- 8.9 Approval of the bid for Towing Services for 2007, Auto/Light truck bid for all zones, Heavy Truck bid for all zones and Jump Start bid to Jim's Towing of Shelton.
- 8.10 Approval to accept all bids received to provide Mason County with Asphalt Concrete Class B and Class G, MC250 (cold mix) and/or CSS 1 (undiluted tack coat) for 2007. Mason County does not guarantee a minimum purchase of these materials.
- 8.11 Approval for the Deputy Director/County Road Engineer to execute the Local Agency Standard Consultant Agreement between Mason County and Imageware for roadway imaging services.
- 8.12 Approval to authorize the Chair to execute Supplemental Agreement No. 6 to Intergovernmental Agreement No. 5398, with Oregon Corrections Enterprises, providing additional mapping services.
- 8.13 Approval to authorize the Deputy Director/County Engineer to enter into Local Agency Standard Consultant Agreement with Integrity Structural Engineering for bridge consulting and on-call engineering services.
- 8.14 Approval to execute the Interlocal Agreement between the City of Shelton and Mason County for Geographic Information System Services Data Conversion.
- 8.15 Approval for the Equipment Rental & Revolving Fund Manager to purchase a new 2007 Cab and Chassis from the Washington State vehicle contracts and to utilize the post-for-quotes/telephone bid procedures to purchase a new service body to be installed on the vehicle. Approximate cost is \$45,000 plus tax.
- 8.16 Approval for the Equipment Rental & Revolving Fund Manager to call for bids to furnish Mason County with one new 2007 Cab and Chassis with Sewer Jet for Public Works. Date and time of bid opening to be January 17, 2007 at 9:00 a.m.
- 8.17 Approval to award Traffic Safety Supply Co., of Portland, OR the bid to furnish Mason County with two trailer-mounted message boards. Total cost for two units with tax: \$40,114.32
- 8.18 Approval of the Veterans Assistance Fund applications for: Joseph R. Thorne - housing \$500 and food \$100; George Valent - utilities \$82.23; George Roberts - food \$50.00; Sewell Donald Brackett - utilities \$86.97 and food \$100.00; Byron W. Smith - utilities \$337.42 and food \$262.58; and Joe Laudenbach - housing \$600.00 for a total of \$2119.20 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.19 Approval of Warrants:  
Claims Clearing Fund Warrant #s 115702-116021 \$533,207.43

**Cmmr. Sheldon/Kamin moved and seconded to approve the consent agenda as read. Motion carried unanimously. K-aye; RE-aye; S-aye.**

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time
- 9.1 Public hearing to consider the Parks and Recreation Comprehensive Plan.

John Keates, Parks Director, gave a staff report explaining the Parks and Recreation Plan has been a major work item. The project was done in house. They began in May with the appointment of a 9 member advisory committee. The committee was formed and they met a couple times a week through October. It consists of eleven chapters that include goals and objectives. They conducted a countywide survey and received 623 returned surveys. The information in the plan is based on the survey results and input from the Parks Advisory Committee and public meetings. The plan updates the existing 1996 Park Plan.

The IAC (Interagency Agency Committee for Outdoor Recreation) is a state agency that is a clearinghouse. They receive money from many sources and channel through multiple grant sources.

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Arvilla Ohlde expressed appreciation to the county staff. The County document is very comprehensive and well done. She recommended the Board adopt the Plan.

Oscar Larson commended the staff and felt it was a good Plan.

The Board noted this would be a valuable tool when we go to state or federal agencies or communities for support in developing and enhancing the amenities to the county. The plan enhances the needs and desires of the public. It raises the professional profile of the county.

**Cmmr. Sheldon/Kamin moved and seconded to continue the public hearing to December 27, 2006; accept written testimony on the Plan until close of business December 26, 2006, and table further consideration on these matters until the December 27 public hearing. Motion carried unanimously. K-aye; RE-aye; S-aye.**

- 9.2 Public hearing to consider building and planning permit fee increases as recommended by staff. The recommendation is a 10% increase in 2007 and a 3% fee increase in subsequent years.

Barbara Robinson, Deputy Director of Community Development, presented the recommended increase for adoption. The last permit fee increase was in January 2004. They tried to determine the least amount needed to raise the fees, based on the revenues they are projecting to keep the staff, and the ability to perform inspections and do the work they do at the present time.

It was questioned what the 3% fee increase in subsequent years meant.

Mrs. Robinson stated they determined that the cost of living raise was from 3 – 3.5 % per year. In order to keep up with the inflation rate they would increase the permit fees.

Roger Denny asked if the fees stay within the department or go to the general fund.

Mrs. Robinson stated the budget for the department is based on the fees that they collect and the revenue is based on those fees.

Ione Siegler, Budget & Finance Director, explained that the County operates the Department of Community Development like an enterprise department with the financial stability of the general fund. All the revenue is recorded in that department, and by having the Community Development as an enterprise fund, it gives financial stability to the general fund.

Brandon Housekeeper, Olympia Master Builders Government Affairs Director, stated they are not in support of the increase. They offered to work with the department to look at a cost recovery program similar to Thurston County to show the actual need.

Roger Denny, President of Mason County Homebuilders Association, stated they realize there needs to be fee increase. They would like to have further consideration with some tradeoffs.

Cmmr. Sheldon commented that most of the increases are small incremental increases.

Cmmr. Kamin voiced concern for lack of public participation in the process. Also, that it is important for departments to establish the trust with local organizations. She believed affordable housing is an issue.

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She stated she would like to remand back to staff to work with the building community and come back after the first of the year. She questioned how they support the department. It is a fee-supported department. She asked how they could do it smarter.

Cmmr. Ring Erickson encouraged the permit department to establish a group over time to work closely with the building association. She does not want to raise taxes to support a revenue activity. It is a concern when fees have not been raised for a long time. It appears the increase is consistent with the increase of the employees' salaries. She would like to see an enhanced public process and could review the rates again after 90 days.

**Cmmr. Sheldon/Kamin moved and seconded to table this for three weeks (1/9/07) and urge the department and building community to talk about outstanding issues. Motion carried. K-aye; RE-nay; S-aye.**

- 9.3 Public hearing to consider an increase to the Landfill Tipping Fees (Solid Waste Facility and Drop Box Stations). The recommendation is a 15% increase for 2007 and for each year thereafter, an increase by the amount of the October to October Consumer Price Index (CPI U) for the Olympia Metropolitan Area.

Ione Siegler, Budget Director explained she worked with Tom Moore, Utilities & Waste, and David Baker, Solid Waste Manager, to review fees and look at the financial situation. The Landfill Fund is an enterprise fund, which means accounting principles require it to have adequate revenue to pay the expenditures. The cost of operations has exceeded the annual revenue by an average of \$250,000 per year. The Landfill has not had a fee increase for approximately 12 years. They are asking for 15% increase to catch up. They are asking for an annual increase thereafter. They are using the October to October Consumer Price Index (CPI U) for the Olympia metropolitan area. This is what is being used for the unions. They are recommending tying increases to a direct cost of operations for the enterprise fund. The Mason County Solid Waste Advisory Committee has reviewed the proposal.

Tom Moore, Utilities & Waste, stated in 1993 they went from operating the landfill to exporting solid waste to Eastern Washington. They have experienced significant growth in Mason County. It has helped to move through the time period without a rate increase. Now the facilities are being taxed. It is the intent to build the cash balances so they can make improvements to the facilities to accommodate present and future growth.

David Baker, Solid Waste Manager, read a letter from the Solid Waste Advisory Committee in support of the proposed increase.

No public comments.

The Board stated that 12 years is a long time since the last increase and it is time to upgrade.

**Cmmr. Kamin/Sheldon moved and seconded to approve Resolution No. 128-06 to increase landfill tipping fees (solid waste facility and drop box station fees) by 15% for 2007, and to increase those fees each year thereafter by the amount of the October to October Consumer Price Index (CPI U) for the Olympia Metropolitan Area. Motion carried unanimously. K-aye; RE-aye; S-aye. Resolution No. 128-06 (Exhibit A)**

- 9.4 Public hearing to review the request to change the Comprehensive Plan designation of a 97-acre property south of Matlock from Long Term Commercial Forest to Inholdings Lands; the request is from the Shaw Family.

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Allan Borden, Planner, presented the staff report. The Planning Advisory Commission recommends approval and the Planning Staff recommended denial or modification to reduce the size of the property being changed in designation.

Cmmr. Kamin understood that the inholding lands surrounding the parcel were designated as inholding land because they were already somewhat developed. There was a house, shop or barn on the property. She questioned why the subject parcel was not included in the inholding designation to begin with.

Mr. Borden responded it makes a more complete lot. They are major size lots.

It was discussed that the long-term commercial forestry can be developed with only one house per 80 acres. Inholding lands is one house per five acres.

Mr. Borden stated the Comprehensive Plan policies do have responsibilities of property owners if they do successfully get a change in designation. They have to pay the back taxes and within three years move forward with a development proposal or it will revert back to long term commercial forest.

It was clarified the majority of the subject parcel is adjacent to inholding lands as opposed to adjacent to long term commercial forest.

The Planning Advisory Commission did not disagree with the basis of the Planning Staff's evaluation. They came to different conclusions with what they saw.

Cmmr. Kamin stated she looks at the value of the property based on the zoning. It could cut the value of the property in half by keeping it in long term commercial forest. The parcel has been recently logged it will be a long time before they would get any additional timber.

Mr. Borden interjected that it is an expected activity on long term commercial forest to have blocks of land harvested.

Constance Ibsen inquired about inholding land. When the family decided to keep the designation as inholding lands, even the part with the farm, buildings, etc. She questioned if that all is within inholding lands. She asked what the tax rate is on inholding lands, if it is much less.. Is it a significant tax abatement.

Mr. Borden stated the property would have to be in the timber tax assessment program. It doesn't have the commitment to timber management that long-term commercial forest would have.

Steve Whitehouse, Shaw Family's Attorney, stated the property is a 97-acre parcel that has been with the Shaw family for 95 years. They submitted an application, which was designed to have flexibility to it for the staff. The approach was not necessarily that they want everything they could get. They wanted to submit some alternatives to see what might be comfortable for the County to allow some development of the property. Also, to limit it to some extent and try to approach in compromising fashion. They are happy to have rural residential 10 or inholding lands, whatever the staff believes is more appropriate. The Shaw family is not trying to turn this into a big urban development. They are trying to accomplish something here. The staff report suggests there are some problems with some issues, it also talks about eliminating 35 acres because of the stream. If that were done, would the staff be willing to recommend inholding lands designation. The answer was yes, they explored the stream issue. The stream initially was designated a Class IV stream. The state, county and Quinault Tribe determined it was an unclassified stream and not a Class IV stream due to the fact it is seasonal and as it goes through the property and crosses the Matlock Brady Road and it goes underground. They have

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property that is within one mile from any classified water. The Planning Advisory Commission (PAC) did not have any problem with it being entirely in Inholding Lands. There would be some buffers already. Also, they don't know what water may be available to the project. It is difficult to get access to water. With an inholding designation, the applicant has to put together the development within three years and have it divided up and approved. If it is not done, it will revert back to long term commercial forest designation. It is impossible to get a water rights certificate within three years. At the PAC level there was no public opposition. Some of the neighbors were present, listened to testimony and did not object. Within approximately one mile of the project there are 59 parcels that were designated inholding. The Growth Management Act planning goals address aspects such as urban growth is to encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner; housing – encourages available affordable housing to all economic segments of the population of state, promote a variety of residential densities and housing types and encourage preservation of existing housing stock.

Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

He understood the reason the parcel was put into long term commercial forest designation had nothing to do with how it is located relative to other properties, but simply because it was a greater than 80 acre parcel.

They have submitted some numbers with regard to the economic effect of Growth Management on the Parcel. The numbers say that Growth Management even if this is approved, will cost the Shaw family a significant amount of money. They have said they are willing to live with the proposal. When this was done there was never any notice to individual property owners.

Public health and safety is a difficult criteria because it is in the eyes of the beholder. In the ordinance it imports something more than that, something substantial. There is nothing pointed to that this project would anyway detract from the public health, safety, and welfare other than generic comments.

He did not understand why staff disagrees with Criteria #2 . This is part of the corridor, it is around inholding lands. It is not property back from the corridor. Some of the properties that are back are Green Diamond Resource property. One of their employees is on the Planning Advisory Commission and he saw no difficulty with this. He questioned if it will materially increase spread over the years.

Demand for services for Mary M. Knight School was discussed by the Planning Advisory Commission. They felt there was more than adequate resources there. The only other resource affected is police and fire.

Nobody at the Planning Advisory Commission's hearing indicated there would be any difficulty providing services as required by GMA.

Open Space concern for Fish & Wildlife; the staff agrees that was met.

Cumulative impacts creating pressure to increase growth. That is difficult because an argument can be made on anything. They need to be realistic. If they were asking for something in the middle of agricultural lands away from any other inholding, that is probably a valid concern. In the material submitted he referred to a case that involved the Peste family. Mason County asserted that at this level it hadn't been informed there was a taking issue. The court of appeals declined to accept that. It is possibly an issue.

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There was an issue discussed with regards to taxes for the timber classification. It will have to be taken out of the classification and will have to pay some taxes. The house is not in the timber classification. He did some very rough calculations. If the property were developed to some level, the increase in revenue to the county would be approximately \$50,000 per year.

Advocates for Responsible Development was not represented at the Planning Advisory Commission meeting. A lot of their comments have nothing to do with what they are talking about.

**The Board recessed from 11:15 a.m. until 11:28 a.m.**

Janet Dawes stated this is an issue of the zoning of inholding lands. The application demonstrates the need for having to deal with it. A five-acre designation for inholding lands in the middle of timber holdings is not an appropriate use. Primarily the concern is for the precedent all over the county. She was concerned about preservation of resource lands.

Jeff Conklin, Real Estate Broker, was hired by the Shaw family to take a look at what the effects of being classified as long term commercial forest might have on their property. The Shaws do own a small piece and also a 37-acre piece, which was classified as inholding lands because it had a separate tax parcel and less than 80 acres. They did not ask for five acres. The precedent is a concern, but it also needs to be able to react to the things that change in the community. It is a logical transition and would be wise to consider making the change.

Christine Massey lives across the street from the project. She also has a stream that is seasonal that comes on her side of the property. There was some acreage on the south that had been clear-cut at the same time as the 97 acres was cleared. They cleared the front portion and made a building site for sale. They put a road from the back of the building site to the back of the property, which crossed the seasonal creek waters. They put culvert in the middle of the field, different from the existing natural streambed. The first flood redirected the waters all over the field and roadway. The logging also affected the volume of water that is going into that creek. Behind the logged off area is a steep hill with water making more of a volume. She has lived there since 1968 and has enjoyed the rural country life. This would affect the people of the community to have a real dense population where they were used to having it more of a rural setting, and not having a rural dense development. She has known the Shaws for many years and appreciated their farming and gardening. It will affect the wildlife in the area such as deer, elk and small habitat.

Cmmr. Kamin expressed concern about the disparity with the staff's recommendation and the Planning Advisory Commission's recommendation. She voiced concern about potential legal issues as it relates to property rights and potential takings. She would like to be able to have a few additional questions.

Cmmr. Sheldon stated that around 1993 the staff and Planning Advisory Commission were short of resources to analyze all the designations, which were made. Many of the properties were put in a designation that was not consistent with other surrounding properties. If it went to inholding lands the most it could be developed would be limited to five and with the steeper slopes and the stream it won't be developed that intensely. People are looking for larger parcels in the market today. He felt it would be consistent with the neighborhood. There is some concern about the development. The actual development on the property would be minimal and would be consistent with the other inholding lands adjacent.

Cmmr. Ring Erickson asked if this is part of the Comprehensive Plan update that should be done at a point in time. The appropriate motion would be to table for consideration on December 27, 2006.

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**Cmmr. Sheldon/Kamin made a motion, which was withdrawn to approve the request to change the resource lands designation from long term commercial forest to inholding lands.**

**Cmmr. Sheldon/Kamin moved and seconded to close public testimony and render the decision at a public hearing on Wednesday, December 27, 2006 at 9:30 a.m. Motion carried unanimously. K-aye; RE-aye; S-aye.**

- 9.5 Public hearing continued to consider amendments to the Mason County Resource Ordinance regarding Critical Areas: Wetlands, Frequently Flooded Areas, Critical Aquifer Recharge Areas, Geologically Hazardous Areas, and Fish and Wildlife Critical Habitat Areas.

Bob Fink, Planning Manager, explained the hearing is a continuation of a public hearing held on November 28, 2006. The hearing was a culmination of a public process that started in March 2006. They received comments from the public that feel they would like to see more public discussion and input before action by the Board. The County has a proposal before it that has some complex elements. Some of the changes that are proposed are fairly significant and are likely to have an impact to individual properties and people throughout the county. The Department of Community Development is recommending to the Board, after testimony, to table discussion of critical area update until a new public hearing can be scheduled in February. This would allow time for the department to go through additional public process and to address some of the issues, which have come up.

The Board questioned if they put this off for two more months, is that something that they were supposed to pass by the end of January.

Mr. Fink replied that the Growth Management Act requirement is that the County review and update its Critical Area Regulations by December 1<sup>st</sup> of 2006. They pushed hard to get a package together to bring to the Board in time for consideration. There are a number of open issues. They think the package is defensible and reasonable, but there are some issues that do concern them and merit further discussion. There is no one to ask for an extension of that timeline as it is a statutory timeline. Someone who is concerned that the County is not making a reasonable progress towards updating its regulations could bring an action before the State Growth Management Hearings Board for a failure to act. Many cities and counties have struggled with these issues over the past couple of years and are still struggling with the issues.

Cmmr. Sheldon asked if a 60-day extension would be an adequate time to have more public input on some of the issues.

Mr. Fink stated in the next couple of weeks the county could lay out a mini outreach program to get public comment. In February they wouldn't close the process, but would report back to the Board and indicate the process is ready to set a hearing. The hearing might be later than February. They think they can get good results from additional public process. They do not anticipate reaching total consensus on the complex issues. There are legitimate questions raised that would benefit further research.

Cmmr. Ring Erickson stated her concern is there has been a great deal of time and energy and the Planning Advisory Commission doesn't want it to be delayed. She would be interested in a compressed process to make a decision in a timely manner. She felt the County is defensible in gathering additional public information because this is something important to the community. She asked what the process would be and can it be compressed so it is thorough but does not extend out.

Mr. Fink stated he would be glad to bring back a schedule to the Board. It would be layed out over a couple months in detail. The issues are still up for discussion. Many of the critical areas do not have

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outstanding issues. The major issues are those related to the wetlands regulations which are being substantially changed because of new guidance issued by Department of Ecology. There are some other issues but a limited extent related to Fish & Wildlife.

The Board questioned how quickly they could expect to review a process proposal.

Mr. Fink suggested it could be the first week in January.

Cmmr. Kamin voiced concern that February is being ambitious by having the public comment. There are still studies out that the PAC has not had a chance to review. She felt it would be wise to have some type of public process in the community. She would like to see this extended to March before setting hearings again. There was a concern they had not done any type of assessment of wetlands regulations. She questioned if two months sufficient time to do an assessment.

Mr. Fink replied there are a couple issues they can look at. There is a review of the wetland permits and the violations that the County pursued. The County is actually pursuing twice as many violations as permits for wetland activity. It also gives an idea of the scope of the permitting. In the last six years only 6/10 of an acre of wetlands have actually been impacted under the permits that the County has issued. They can analyze the scope and nature of the current process, but to understand that in a larger sense, to establish new science of what that means to the survival is something beyond the scope of what they are proposing to do now. It is something that would be difficult to evaluate. They are very small projects and are scattered.

Cmmr. Kamin asked if the regulations they have now appear to be doing a good job of protecting the wetlands.

Mr. Fink answered the regulations are doing what they were designed to do. They limit the amount of impact to wetlands. They require mitigation for wetlands for those 6/10 of an acre of wetlands that were impacted. They were three times that number of acres of wetlands created. The basis for changing the regulations was because they were not applying them right, but due to scientific review that was done by the Department of Ecology. They compiled a very broad ranging analysis of scientific information available and came out with recommendations that say in their analysis this level of mitigation is not adequate. They have been implementing the regulations they have well, the scale of impact to wetlands has been very limited. That basis on the proposed changes is that wetlands need more protection than the regulations grant.

Cmmr. Sheldon stated he has concerns. They started the development of the Critical Areas Ordinance as a top priority. They had a deadline they had to meet by the end of December. Now they want to delay the decision. That puts the County at risk with the Growth Management Hearings Board because the deadline is not met. They may face, in two or three months, traditional regulations that Department of Ecology or the State would impose on the County to adopt. He asked if they could approve the proposal today if they took public testimony.

Mr. Fink stated they could approve it. The proposal that was developed the Department of Community Development generally supports. There are a couple issues that they did not agree with. They wonder if they adequately explained what their positions are to the extent that some are being questioned.

The Board discussed the fact that by passing the ordinance they could also open themselves up to a challenge on issues.

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Ken Martig, Civil Engineer, noted the area of concern is in the critical areas associated with the geotechnical reports. There is one specific area that he has sent information in writing that involves mathematical calculations associated with slope stability. His background is he has been working with soil stability since 1963. He received a master's degree in hydraulics and geohydrology in 1968. The County hired him on numerous occasions to correct problems of soil stability at Union. It is important to recognize the difference between erosion and landslide. If they have a slope greater than 40% it has to go through a 10-step analysis to make sure if they get close to the area they will not aggravate it and become unstable. None of the slides he has investigated have been associated with slope instability.

Jack Turner, Skokomish Indian Tribe, noted they have already provided comments through Marty Ereth. He offered support in extending a decision for 60 – 90 days. He is aware in Jefferson County their Critical Area Ordinance public process is quite involved. Taking a little bit of extra time to involve the public, including the Tribe, might reduce risk of not being in compliance.

Glen Jurgens stated he would like to work with the staff and see how they will take the existing wetlands, the buffers established by the current Critical Area Ordinance, and how they will work those. The buffers wipe out half of his property. He recommends extending the decision to get more input.

Jim Hunter addressed the variance provisions. His house under the old ordinance was barely out of the 150'. Now his whole house would be inside the variance. He would like to add a downstairs bedroom to his house. In talking with the staff they did not think there was a case of variance in the Flood Prevention Ordinance, maybe there is in the Resource Ordinance. He wants to make sure there is room for variances. There is a stream that goes through the farm. There are two houses on the whole length of the stream that probably under the 200' would be within the area. He did not see why they have to take the integrity of the house away by adding one bedroom. He did not see the scientific information and how it would affect the stream. It is a designated farmland and they should be able to live and be comfortable. The house is going on 100 years. The farm has been operating for five generations. He proposed that variances be included.

Constance Ibsen questioned if the Frequently Flooded Ordinance is part of the Critical Areas Ordinance that should have been done by December 1<sup>st</sup>.

Mr. Fink responded the Frequently Flooded Areas Ordinance incorporates the Flood Damage Prevention Ordinance as part of the Frequently Flooded Areas regulations. The Flood Damage Prevention Ordinance follows the model provided by the state and federal government for eligibility for flood insurance programs.

Laurie Brady, Mason County Assoc. of Realtors, went on record that the realtors are behind extending the deadline. They would like process more streamlined.

Barb Meservey, Representative of the Realtors, understood the County was granting a lot of variances. She felt this ordinance needs to be refined.

Mr. Hunter recommended continuing the Flood Damage Prevention Ordinance adoption.

Cmmr. Sheldon questioned staff about the variance discussed by Mr. Hunter in building an extra bedroom. He asked if there is a provision in the proposed ordinance for that type of variance.

Mr. Fink responded there are variance provisions. It depends on what they need a variance from and how that would be affected. The principal problem is under the current Flood Damage Prevention Ordinance in the Skokomish Valley. There is a no new footprint regulation that prevents the expansion of existing houses and other structures in the Valley. There is no variance process. The

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test is not driven by personal hardship. The criteria is more directly related to the property and things that run the property rather than the occupants of the property.

There was discussion that they could consider further modifications in the future and the staff recommendation is to adopt those changes in the flood damage prevention ordinance that apply countywide. The changes that would apply to Skokomish Valley would be left for consideration at a later time.

Depending on the circumstance, if they were 150' within the buffer of a stream or creek and that is the restriction on the land, one of the proposals is to define the minimum reasonable use for a residential use as a dwelling of 2550 sq ft. If the dwelling were smaller than that, the owner would be able to apply for a variance for minimum reasonable use. They are trying to address the issue of how big of a house they can build.

It was noted that Jefferson and Thurston counties were supposed to adopt their regulations last year and have not.

**Cmmr. Sheldon/Ring Erickson moved and seconded to table this until December 27, 2006 for further consideration. K-nay; RE-aye; S-aye. Motion passes.**

10. Other Business (Department Heads and Elected Officials)
11. Board's Reports and Calendar – The Board reported on meetings attended the past week and announced upcoming calendar items for the next week.
12. Adjournment – The meeting adjourned at 12:52 p.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

\_\_\_\_\_  
Lynda Ring Erickson, Chair

\_\_\_\_\_  
Tim Sheldon, Commissioner

ATTEST:

\_\_\_\_\_  
Rebecca S. Rogers, Clerk of the Board

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Jayni L. Kamin, Commissioner