

**MASON COUNTY
PLANNING ADVISORY COMMISSION**

May 21, 2012

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1. CALL TO ORDER

The meeting was called to order at 6:00 pm by Chair Randy Neatherlin.

2. ROLL CALL

Members Present: Randy Neatherlin, Bill Dewey, Jim Sims, Cathi Bright, and Kristy Buck. Dennis Pickard and Ken VanBuskirk were excused.

Staff Present: Barbara Adkins, Allan Borden, Rebecca Hersha, and Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes for the October 17, 2011, January 23, 2012, and February 13, 2012 were approved as presented.

4. NEW BUSINESS

The public hearing for the Landslide Hazard Areas was continued from April 16, 2012. Rebecca Hersha handed out a comment letter from John Diehl that just came by fax. We had some recommendations and changes requested. One of the issues was when someone wants to build in a LHA or buffer. Some people wanted us to notify more than just the people within 300 feet around the development. I found that difficult to change the wording given our Title 15 which outlines what adjacent means. It means 300 feet from the proposal. General wording was added to the document so that the planner can make an analysis of each project, as they are so different. It now reads 'The Department may expand the 300 foot notification (by mail) boundary to include other properties that may potentially be impacted'. John Diehl is still concerned about some of the danger tree language. He would like to see it go back to the way it was where it didn't necessarily require that the county review each proposal, but that the person removing the danger tree was responsible for maintaining the records and pictures of the removal. Jim Sims brought up the issue of liability. He noted the

liability should then shift to the arborist. John Diehl's proposal doesn't establish a clear cut idea of who is responsible and who is liable.

Kristy Buck noted the change the PAC requested on page 3 was not completed. Section (A)(v)(b) should read seepage; or ...She also noted at the bottom of page 5, 'drainage' should be included in the second to the last paragraph. Kristi Buck also noted a requested change not included was on page 7 regarding danger trees. It should read 'within a tree length and a half'.

Randy Neatherlin opened the public comment portion of the hearing.

Andrea Love from Union stated she lives in the Skokomish River area. She stated her house has been on the property for over 100 years. In 2007 she had a 1000 foot landslide and in 2010 another 700 yards, and it is directly related to building in the uplands. She handed out several pictures of before and after the landslides. She emphasized the importance of preparing this document. My property in question is 741 E Union Ridge Road, and up above that is a whole bunch of underdevelopment on Union Ridge. She described the development done up on the ridge. She stated she was not notified at all of the development. She inquired about the accountability and oversight of these kinds of activities. After two landslides another building permit was issued for the house on the ridge. She stated there was a geo report done for this development, but the geo report was done after all the work was done. The engineer mentioned many things as issues on this property and I want to know if any of the mitigation was done. Who is responsible to see if that was done. Also, the notification of adjacent property owners. I'm 350 feet straight down from the site. That has to change. There should never be any encroachments in a buffer zone. They're there for a reason. She noted on page 11 it should read 'The hazard area and buffer should be avoided (period). I'm less than a mile from a house that was knocked off of its foundation by a landslide due to building in the uplands.

Randy Neatherlin closed the public comment portion of the hearing.

Cathi Bright inquired if there is anything we can do to change these regulations that could have prevented Ms. Love's situation. Jim Sims stated that the difficulty that occurred on this property had to do with permitting. You can have the best regulation in the world but if permitting is allowed where it shouldn't be then the county should be held liable for the consequences thereof. Randy Neatherlin noted we are proposing these new amendments so that does not happen in the future. Kristi Buck stated these revised regulations makes this whole section more easier to follow and yet still is restrictive. I think we've struck a pretty good balance between not over regulating and still allowing development.

Jim Sims made a motion to approve the recommended changes on page 3, 5 & 7 to the BOCC. Kristy Buck seconded the motion. The vote was taken and the

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motion passed unanimously.

Allan Borden of the Department of Community Development opened the public hearing on the rezone request by Sherry Kapaun to rezone one parcel in the Rural Area from Rural Residential 5 zone to Rural Commercial 2 zone. Randy Neatherlin inquired of the PAC if there have been any communication with the applicants or anyone involved in this. None were disclosed. Allan Borden distributed a comment letter just submitted by Richard and Merrolynn Burleigh. The parcel is located in a rural area one half mile east of Dayton along the Shelton Matlock Road. This rezone, if approved, would enable the property owner or future property owner to develop a suitable commercial use on this piece of property, which has a cabinet shop on it for close to 20 years. The structures were proposed before zoning was adopted in 2002. The current configuration on the lot was finalized in 2003 so that there are only commercial buildings on the property. The back part of the property doesn't have a residence on it so basically it's non conforming in its current status for zoning. Allan described the conditions of the parcel as cleared of shrubs, and the lower areas has been ditched to control the level of water in the soils. The parcel has an easement point to the Shelton Matlock county road and can be accessed from an easement along the west property line.

The only improvements other than the buildings there is a septic tank that runs to a drainfield on the property to the east, and water also provided by that property. A rezone request to a more intensive land use in the rural area must not occur within a half mile by road of any UGA, RAC, Hamlet, or LAMIRD. That criteria is met as the subject property is 7 tenths of a mile from the restaurant in Dayton. All of the rezone criteria has been met as analyzed by staff.

Cathi Bright inquired if the property is rezoned to the proposed zone, what types of activity would be allowed for the property. The suggestion by the Burleigh's to add a caveat or restriction to the rezoning instrument that limits commercial building and activities solely to that area on the north side of the unnamed creek. Such a caveat would recognize the shop as a commercial activity while still protecting our rural setting, property, and driveway. Allan Borden stated it may be possible to do that. Just because an entire property is rezoned doesn't mean it can be used for any activity. Bill Dewey noted that the applicant wants to rezone this property from potential residential land use to suitable commercial land use, and having just explained there isn't much room to expand, what is the purpose of this rezone? Allan Borden explained it would make it a conforming land use.

Cathi Bright noted it says the cabinet shop was operating until just recently. Allan

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Borden stated the building is still in good shape at this time. You can ask the applicant about that.

Sherry Kapaun stated she is the owner of Peterson Cabinets. We would like to rezone it so if we did sell the business the property could be used for some other business besides a cabinet shop. She understands that that kind of business could only exist there unless it was rezoned. The business is still in operation, but she is in the process of closing the business as I do not live here anymore.

The public comment portion of the hearing was opened and closed with no public comment.

Cathi Bright made a motion to recommend the proposed rezone to the BOCC and Jim Sims seconded the motion. The vote was taken and the motion passed unaminiously.

Barbara Adkins from the Department of Community Development opened the public hearing on the proposed amendments to Title 17 as it relates to the allowance of holding tanks withing the residential areas of Belfair. These are alternative revisions to the prior recommendations to amend the zoning portion that addresses required sewer hookups in Belfair. In January the BOCC adopted some revisions to the Belfair Zoning Code, Title 13, a part of the code that is implemented by the Utilities Department. There was some language added to that section of the code addressing mandatory hookups for sewer for properties located within 500 feet. That was new language than had not been previously in the document.

Thereby going by the assumption that anything beyond the 500 feet was not mandated to hook up and could potentially install septics. As Title 13 and Title 17 are tied together with zoning regulations and the utility regulations we now had two titles of our code that were in conflict with each other. We received direction from the BOCC to look into bringing Title 17 into alignment with Title 13. We did propose language to Title 17 which included the same 500 foot language with a little bit of additional language that required the property owner to hook up to sewer once it became available within 500 feet within one year. That proposed language went to the BOCC at two public hearings. There were a lot of concerns voiced by people that showed up and of particular interest were concerns expressed by DOE and Dept of Commerce. They reviewed what we are proposing tonight and they are here to answer any questions you may have. The changes we put forward were denied by the BOCC because of the concerns that were raised. We were asked to review the document and come up with alternative regulations. These regulations are before you tonight. The new language still contains the same prohibition on septics but allows holding tanks as

an exception along with eight conditions.

Bill Dewey inquired what the reasons were behind the BOCC not accepting our recommendations. Barbara Adkins responded it centered around allowing the septics. There were letters to the BOCC from DOE Commerce expressing some concerns regarding the continued installation of septics in the urban areas.

Kristy Buck inquired why other providers couldn't pump the holding tanks. Tom Moore explained the way for us to utilize holding tanks in the UGA was to incorporate them as part of the utility itself. Prior hearings board ruling disallowed holding tanks within the UGA but now that we have a sewer utility, we believe we can get that through if the county manages the program as part of a regular sewer utility and would be considered a rubber tire conveyance system for those properties that are beyond the 500 foot. Part of our requirement would be to have the tanks conform to the department of health regulations, and an automated notification of the tank being full and needing pumped. Tom Moore noted the fees and surcharge for the holding tanks was still being discussed. Randy Neatherlin inquired about the cost of purchasing a truck to pump the tanks. Tom Moore responded he wouldn't purchase a truck, but maybe could be a lease, or a skid that could be mounted on an existing flatbed truck. We're trying to alleviate the moratorium that is created by not having pipes in the UGA. Bill Dewey inquired why the county needs to do the hauling and not hiring a contractor. Tom Moore explained it's 10 cents a gallon and that can add up for the customer. Bill Dewey inquired about decommissioning of the holding tanks. Tom Moore explained the tanks are pumped and filled with pea gravel or some sort of fill. Randy Neatherlin inquired if something drastic happens and they can't get to the tank. Debbie Riley of the Department of Health explained there is redundancy built into it. The tank doesn't fill all the way up before it needs pumping.

Jim Sims inquired why the BOCC has asked for a resolution to this within 60 days. Barbara Adkins explained it was to keep the process moving as there maybe only one or maybe a handful of people who would like to take advantage of the fact that it's good building weather and they're being prohibited from that.

Discussion of problems that could arise with these systems. Tom Moore stated they are looking into other areas that do this and what they do and that information is being gathered. Randy Neatherlin stated if the idea is to get them hooked up we know that septic systems do work and even if they do a septic system they don't have to hook up so what's the difference? Tom Moore explained that septic systems may prevent the development at the densities that we're trying to achieve in a particular area. It would also add considerably to the cost of the disposal system at a point where it's temporary and then you have to

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have a septic tank design and an area for drainfield and reserve. What we're trying to do is try to mitigate some of those costs by creating an opportunity for a system that is contained and doesn't require a designer or an engineer or a lot of land. If I had twenty people on septic systems out there, there's really no incentive to extend that line to that area. Tom Moore noted that Romance Hill was not in Phase I and stated he believes it's because all those septic tanks were relatively new and that community was vehemently opposed to extending the sewer up there.

Greg Zetner from DOE opened the public comment period by stating their agency is one of several agencies that have provided funding for the collection system and the treatment plant. Some of that funding is through grants and some of that money is through low interest loans. There's a tremendous amount of grant funding in this project, more than we've seen for probably any other project. Through this funding package, all of the agencies felt that the county made commitments about sewerage new development in this area and getting people away from septic systems because of the historic impacts they have in this area. We were frankly shocked to see this proposal and felt like the county wasn't carrying through on commitments made to acquire the funding. That's why we registered some fairly strong objections and asked to have some dialogue and find some alternatives that would meet everybody's needs. We also heard concerns from the Department of Commerce regarding whether the proposal for septic would really fly if someone appealed it to the GMHB. That was the type of proposal that hadn't flown before the GMHB and we were seeing the county go down a path it had already gone down. Greg Zetner stated they have not registered an opinion on the holding tanks but Debbie Riley from the Health Department is here to explain more about them.

Debbie Riley of the Mason County Health Department explained they work with the state health on the issue of holding tanks for residential customers. The onsite WAC is for residential onsite septic systems. Under the WAC there is an allowance for holding tanks for commercial systems that aren't full time. Using them for residential system would require a waiver from the state health department. Greg Zetner noted having to deal with the state on this issue also keeps the lid on the number that can be installed.

Leonard Bauer with from Department of Commerce stated he manages the growth management services program which provides advice and consultation to cities and counties. We had concerns as it did seem to go back pretty close to the approach that hadn't gone through the GMHB the first time. This area is planned to be urban and according to the statute it will need to have urban services like sewer. If it creates more than just isolated pockets then that could become an impediment to eventually providing that urban service in the long run.

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There have been GMHB rulings that have allowed for isolated pockets of some other way of dealing with this, or a transition plan, which is what this is, where the sewer isn't there yet, you have a plan to get there, in the mean time this is allowing some kind of use of existing lots.

Public comment period was closed.

Jim Sims stated the public comments by DOE and Commerce cleared up a lot of questions he had. Bill Dewey stated the issue of allowing septic systems has troubled him; once people have them they are reluctant to hook up to the sewer. There's no point in going back 20 years and saying that the GMA was not appropriate because it's the law of the land in our state. A few years ago the GMHB made it pretty clear there was no compliance and I don't think we should put those three commissioners into the same position again. I do agree that those providing the grants have a reasonable expectation of compliance. Bill Dewey continued stating that it's a good alternative and it gives people an option to use that property; and the county is assisting them in that process, and that you are going to be hooking up to the sewer as soon as it's available.

Randy Neatherlin noted that Ken VanBuskirk had a written comment regarding the Belfair sewer and he's suggesting tabling it as the the Belfair Advisory Committee is going to consider downsizing the Belfair UGA. Jim Sims stated the comment Barbara Adkins made as to the requirement of the report by the BOCC mitigates that. Barbara Adkins explained the reality of considering reducing the UGA boundary is not something that's going to happen right now. That is a 12 - 18 month process just to go through the evaluation. I can understand his comments about getting the committee together to review this, but that's going to put it into 2014.

Jim Sims made a motion to recommend sending the proposal onto the BOCC. Bill Dewey seconded the motion. Bill Dewey noted that Ken VanBuskirk also raises the point that he maintains that until an existing residential septic system fails they should not have to hook up to the sewer. Barbara Adkins responded by saying that is a policy amendment in the Comp Plan and that's not on the table right now. Randy Neatherlin stated that the Belfair Advisory Committee will try to change the boundaries because there's a whole group up there in Phase 2 that absolutely wants nothing to do the sewer system. They want out and to get out they need to get out of the UGA and it's not going to happen. It actually was a shock to their system as they did not even know they were in the UGA. Cathi Bright stated this is a reasonable solution and it's probably without bugs but we have to trust that they have the capability to resolve individual circumstances as they arise. People need to be able to move forward, but we need to remember

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that we're meeting the obligation that we made in order get the money to start the process in the first place. The vote was taken and the motion passed unaminiously.

Meeting adjourned.