

MASON COUNTY PLANNING COMMISSION

January 22, 2018 - 6:00 p.m.
Mason County Building 1 - Commission Chambers

411 N. 5th Street, Shelton, WA 98584

1. **6:00pm - Call to Order**
Roll Call
Approval of Planning Commission Meeting Summary – December 18, 2018
Changes to Agenda by Commissioners or Staff
Conflict of Interest Inquiry
Next Planning Commission Meeting Date – February 12, 2018 or February 26, 2018
(to be determined at Jan 22nd meeting)
Committee / Staff Updates
Other Business
2. **6:15pm – Public Comment** on topics associated with the mission of the Planning Commission for which a public hearing is not being held. Please limit comments to 3 minutes.
3. **6:30pm – Briefing:** Water Adequacy Planning
4. **7:15pm – Briefing/Panel Discussion:** Stormwater – Low Impact Development
5. **8:15pm – Briefing:** Multi-Family Housing in Allyn and Mason County

What is the Planning Commission?

The Mason County Planning Commission is a citizen advisory commission that is appointed by and advisory to the Mason County Commission on the preparation and amendment of land use plans and implementing ordinances such as zoning.

- The actions tonight are not final decisions; they are Commission recommendations to the Board of County Commissioners who must ultimately make the final decision. If you have any questions or suggestions on ways the Planning Commission can serve you better, please contact the Planning Office at 360-427-9670

Americans with Disabilities Act (ADA) accommodations will be provided upon request, with reasonable, adequate notice.

Agendas are subject to change, please contact the Planning Office for the most recent version. This agenda was last printed on 1/12/2018 10:44 AM



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

Water Adequacy Update

Briefing Item# 3

January 22, 2018

Staff Contact

David Windom, Director, Community Services

Ext #286

Summary

Community Services is finishing the policy and process components of water/well management implementing the Comprehensive Plan. This reflects the Community Development desire to comply with the legal requirements resulting from the recent *Hirst v. Whatcom County* case while providing an assurance for builders. The attachments are being briefed with the Board of County Commissioners and are being implemented by Community Services staff including Planning, Building, and Public Health.

An Interim Ordinance adopting amendments to the Mason County Code Title 6.68 Water Adequacy Regulations.

AN ORDINANCE of the Mason County Board of Commissioners adopting interim procedures for determining water adequacy for building permits relying on individual water sources set to expire on December 31, 2018, unless superseded prior to this date.

WHEREAS, an October 6, 2016 Washington State Supreme Court decision (Whatcom County, Hirst vs. Western Washington Growth Management Hearings Board, No. 91475) found that Whatcom County's Development Regulations did not comply with the Growth Management Act (RCW 36.70A) requirements for protecting water resources; and

WHEREAS, RCW 19.27.097(1) states: "Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the Department of Ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply."; and

WHEREAS, RCW 19.27.095(1) states: "A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application."; and

WHEREAS, RCW 58.17.110(2) requires that "A proposed subdivision and dedication shall not be approved unless the...county legislative body makes written findings that...appropriate provisions are made for...potable water supplies..."; and

WHEREAS, RCW 58.17.170(2) states that lots in a long subdivision "shall be a valid land use notwithstanding any change in zoning laws or a period of seven years from the date of filing if the date of filing is on or before December 31, 2014, and for a period of five years from the date of filing if the date of filing is on or after January 1, 2015," and, "Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of ten years from the date of filing if the project is not subject to requirements adopted under RCW 90.58 and the date of filing is on or before December 31, 2007."; and

WHEREAS, Mason County Code, Title 6.68, Water Adequacy, specifies the information related to water adequacy required for a complete building permit application and/or subdivisions; and

WHEREAS, on December 12, 2017, the Mason County Board of Commissioners adopted an updated the Mason County Comprehensive Plan to meet the requirements of RCW 36.70A related to the protection of water quality and quantity; protecting critical areas; surface water and ground water resources; and

WHEREAS, the Commissioners find that it is in the public interest to continue to review and revise Mason County Code, Title 6.68, Water Adequacy, to define and clarify additional process steps required for building permits relying on individual water sources;

WHEREAS, the Commissioners find that it will be necessary to review and revise these revisions set forth in Mason County Code, Title 6.68, Water Adequacy, on or before December 31, 2018 in order to make additional process improvements.

NOW THEREFORE, BE IT HEREBY ORDAINED, by the Board of Commissioners of Mason County that:

An Interim Ordinance is adopted that revises and clarifies procedures for determining water adequacy for building permits relying on individual water sources, and will expire on December 31, 2018, if not superseded prior to this date.

DATED this ____ day of _____ 2018.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:

Melissa Drewry, Clerk of the Board

Kevin Shutty, Commissioner

APPROVED AS TO FORM:

Terri Jeffreys, Commissioner

Tim Whitehead, Chief DPA

Randy Neatherlin, Chair

Chapter 6.68 – MASON COUNTY WATER ADEQUACY REGULATIONS

Sections:

6.68.010 - Purpose.

6.68.020 - Scope of coverage.

6.68.030 - Definitions.

6.68.040 - Determination of adequacy for building permits.

6.68.050 - Determination of adequacy for division of land.

6.68.060 - Waiver of regulations.

6.68.070 - Appeals.

6.68.010 - Purpose.

- (a) The purpose of these rules is to define basic water adequacy in accordance with the Growth Management Act (RCW 36.70A) for new construction and to each lot in a proposed subdivision or a short subdivision prior to approval.
- (b) It is the express purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

6.68.020 - Scope of coverage.

- (a) The provisions of this chapter shall apply to all territories contained within the jurisdictional boundaries of the Mason County department of health services. The provisions of these rules and regulations shall apply to all new residences, places of business, or other buildings or places where persons congregate, reside or are employed which requires potable water and to land segregation regulated under Title 16 of this code.
- (b) Any building necessitating potable water shall provide proof of potable water as delineated in this code and approved the health services director or designee(s) prior to issuance of the permit. Exemptions to this code are listed as follows:
 - (1) Buildings identified by the building official which do not require potable water facilities;
 - (2) Improvements, replacement structures, or additions to buildings which already contain potable water and will not result in increased water usage;

6.68.030 - Definitions.

The definitions of terms in WAC 246-290, WAC 246-291, RCW 90.03, RCW 90.44, and Title 16 of this code are adopted and incorporated by reference.

6.68.040 - Determination of adequacy for building permits.

(a) Group B or Two-Party Public Water Systems.

- (1) Prior to issuance of a building permit, the water system manager provides, in writing, verification that the water system is able and willing to provide water to the new connection and that doing so will not exceed limits imposed upon the system by any state and local regulation. Verification in writing will be accomplished by signing a statement on an application form; and
- (2) Upon receipt of the application, the Group B public water system file is reviewed for the following:
 - (A) Quality.
 - (i) Public water sources must meet all the standards set forth by state regulation and be current on monitoring requirements.
 - (ii) In areas of water quality concern, water quality may be required to be further evaluated for any or all of the following:
 - A. Primary contaminants,
 - B. Secondary contaminants,
 - C. Volatile organic compounds (VOC), and/or
 - D. Synthetic organic compounds (SOC).
 - (B) Quantity. The minimum quantity of available water supply shall be ~~eight~~ five hundred gallons per connection per day and a pumping rate of one gallon per minute per connection.
 - (C) Compliance.
 - (i) Water systems must be in compliance with state and local design and construction requirements and with on-going requirements set forth by state regulation.
 - (ii) Source wells must be constructed according to the requirements set forth by WAC 173-160. Proper permitting and notification to state and local departments shall be adhered to.
 - (iii) A water right permit, or certificate of surface water right shall be obtained from the Washington State Department of Ecology where required by RCW 90.03 and 90.44.

(b) Group A Public Water Systems.

- (1) Prior to issuance of a building permit, the water system manager provides, in writing, verification that the water system is able and willing to provide water to the new connection and that doing so will not exceed limits imposed upon the system by any state and local regulation. Verification in writing will be accomplished by signing a statement on an application form; and
- (2) Upon receipt of the application form, the Washington State Department of Health is consulted, and the Washington State Department of Health determines that the water system is adequate.

(c) Individual Sources.

- (1) Prior to issuance of the building permit, a copy of the water well report, a satisfactory bacteriological report, and a capacity test is attached to the application; and
- (2) Upon receipt of the application, documentation will be reviewed for the following:
 - (A) Quality.
 - (i) A satisfactory bacteriological analysis is required.

- (ii) In areas of water quality concern, the same requirements apply as described in subsection (a)(2)(A)(ii) of this section.
- (B) Quantity. The same requirements apply as described in subsection (a)(2)(B) with the exception that appropriate conservation in conjunction with adequate storage measures may be used to justify a daily volume of less than eight-five hundred gallons.
- (C) Compliance. The same requirements apply as described in subsections (a)(2)(C)(i) and (ii) and assurance that the water source will not interfere with existing water rights;
 - (i) Documentation that the well site is located outside a zone of the County requiring mitigation as determined by the Water Planning Map on Mason County website: <https://gis.co.mason.wa.us/planning/>
 - (ii) A study prepared by a qualified hydrogeologist licensed in the State of Washington demonstrating a proposed groundwater withdrawal would not impair a senior water right, including instream flows established in Chapter 173-501 WAC where applicable, in accordance with current statutes and case law. Such documentation must be verified by the County. The County may require a third-party review by an independent qualified hydrogeologist if the county determines additional technical expertise is needed. The cost of the third-party review shall be borne by the County; or
 - (iii) A mitigation plan prepared by a qualified hydrogeologist licensed in the State of Washington, and approved by Mason County. The plan shall include:
 - (a) Evidence that the proposed withdrawal within mitigation in place will not impair a senior water right, including instream flows established in Chapter 173-501 WAC where applicable, in accordance with current statutes and case law. Such documentation must be verified by the County. The County may require a third-party review by an independent qualified hydrogeologist if the County determines additional technical expertise is needed. The cost of the third-party review shall be borne by the County.
 - (b) A monitoring and reporting plan, including a quality assurance/quality control plan.
 - (c) Financial assurance to ensure mitigation measures for the duration of the water use, and prohibit water provided for the purpose of mitigation from appropriation for any other purpose.
- (3) A surface water source will be determined to be adequate or issuance of a building permit upon receipt of a copy of the certificate of surface water right and evidence of an appropriate disinfection method is attached to the application.

6.68.050 - Determination of adequacy for division of land.

- (a) Group B or Two-Party Public Water Systems.
 - (1) New Water System.
 - (A) The water system is completely installed and meets all state and local regulations; or
 - (B) Moneys, under the name of Mason County health services, totaling one hundred thirty-five percent of a bid obtained from an appropriate contractor for the entire cost of drilling the well, obtaining approvals, and installing the system, is placed either into an escrow account or a bond to secure completion of the work after the well site location is passed.
 - (2) Existing Water System. The same requirements apply as described in subsection 6.68.040(a).
- (b) Group A Public Water System. The same requirements apply as described in subsection 6.68.040(b).

(c) Individual Water Sources.

- (1) Individual water sources will be adequate for land division when the lots meet the sizing criteria in WAC 246-272-20501. The following disclaimer shall be placed on the face of the plat when potable water is not available for each parcel at the time of subdivision approval:

"The lots, parcels or tracts contained within this land segregation have been created after establishing a potable water supply meeting all state and local regulations."

- (2) In areas where a water quantity or quality problem may exist, the following may be required:
 - (A) Well logs of adjacent properties;
 - (B) One or more well drilled;
 - (C) Water study by a qualified hydrogeologist.

6.68.070 - Appeals.

Decisions of the director of health services may be appealed to the Mason County board of health. Appeals must be made in writing within twenty working days of the decision which is being disputed. A hearing date shall be scheduled with the board for their next regular meeting. All appeals shall be sent to the board in writing via certified mail with return receipt requested.



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

415 N 6th Street, Bldg 8, Shelton WA 98584,
Shelton: (360) 427-9670 ext 400 ❖ Belfair: (360) 275-4467 ext 400 ❖ Elma: (360) 482-5269 ext 400
FAX (360) 427-7787

Application for Determination of Water Adequacy

Instructions

1. Complete Part 1. No determination can be made until Part 1 is fully completed.
2. Complete only the portion of Part 2 applying to the type of water connection utilized.
3. Submit completed application, with any required attachments for review.
4. An approved building site plan must accompany this application.

Part 1: Applicant/ Parcel Identification

Name on Applicant: _____ Date: _____
 Mailing Address: _____ Phone:: _____
 Parcel Number:: _____

Type of Water System

- Public/Community Water System (2 or more connections)
- Individual water source (one connection),
 - Well
 - Spring/surface water
- Other (explain) _____

If you have more than one residence connected to this well, check the Public/Community Water System box.

Reason for Application

- Building permit
- Division of land:
of Parcels? _____ SPL _____
- Boundary line adjustment
- Other (explain) _____
- Replacement or Remodel (please indicate name of water system below if applicable – no signature required)

Part 2: Water Connection Information

Complete the section appropriate for the type of water connection being evaluated:

Public Water System

Name of Water System: _____

Water Facility Inventory (WFI) Number: _____
(write "none" for two-party)

- I am the manager of this water system. The water system has been approved for _____ services. There are presently _____ connection(s) in use. This will be the _____ connection.
- I am the manager of this system. This connection will be to upgrade or change the use of an existing connection on this system (i.e.: recreational to full time). Please indicate on the following line the nature of this change: _____

This water system is able and willing to provide water to this (these) connection(s) without exceeding the limits of the water system or any limits set by state and local regulation.

Signature of Water System Manager _____ Date _____

Individual Water Well

- Water well report (attached to application). Depth _____ ft.
- Well capacity Test (attached to application) _____ gpm _____ gpd.

The well driller often performs well capacity tests at the time the well is constructed. Results from these tests are noted on the water well report. Results from these tests will be accepted. If the water well report cannot be located by the applicant or if the water well report does not have a capacity test, a well capacity test, which provides stabilization of draw-down and recovery data, must be performed by a licensed contractor.

- Satisfactory bacteriological test (attach to application).

Water Availability

Within Mitigation Zone http://gis.co.mason.wa.us/planning	No _____	Yes _____	Maybe _____
Licensed Hydrogeologist Report (attach to application).....	N/A _____	Yes _____	
Mitigation Plan Proposed (attach to application).....	N/A _____	Yes _____	
• WSDOE determination.....	N/A _____	Yes _____	
• County Planning determination.....	N/A _____	Yes _____	
• Third-party determination.....	N/A _____	Yes _____	
Monitoring Plan required and attached.....	N/A _____	Yes _____	
Water use or limitation bond attached.....	N/A _____	Yes _____	

Individual Spring/Surface Water

- WDOE permit (attach to application)
- Method of disinfection _____

- I have reason to believe that this water source can provide at least 800 gallons per day; and/or provides water at a rate of 2 gallons per minute based on the following observations.

Author of Statement _____ **Date** _____

Relationship to Applicant _____

Part 3: Mason County Community Services Evaluation (staff use only)

Satisfactory Determination:

This determination does not address adequacy of the distribution system, guarantee an adequate supply of water indefinitely in the future, or guarantee compliance with all applicable WDOE water resource regulations. Recommended approval indicates requirements of Sanitary Code, Title 6, Chapter 6.68.040-Determination of Adequacy for Building Permits are satisfied. Additional Growth Management requirements may apply. Chapter 36.70A RCW.

Unsatisfactory Determination:

Applicant's water supply does not appear adequate to meet the needs of its intended use for the following reason(s). _____

Reviewer's Signatures:

Planning: _____ Date _____

Environ. Health: _____ Date _____

Building: _____ Date _____



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

Stormwater – Low Impact Development (LID)

Briefing Item# 4

January 22, 2018

Staff Contact

Paula Reeves, AICP CTP

Ext #286

Summary

Mason Counties Comprehensive Plan included adoption of the current Stormwater Manual for Western Washington (2012, with 2014 amendments) as part of Development Regulations, specifically the Critical Areas Ordinance and Shoreline Master Program. Future development proposals will be subject to SEPA individually as well as development permit reviews which include measures to reduce or control surface, ground and runoff water impacts.

Mason County Code includes a number of provisions to reduce or control surface, ground or storm water runoff impacts of future site-specific development including:

- Mason County Plan Environmental Goals, Mason County Comprehensive Plan, Chapter 2
- Mason County Code, Chapter 14.22 Flood Damage Prevention
- Mason County Shoreline Master Program and Critical Areas Ordinance, Chapter 8.52 and Title 17 Zoning

Mason County Code, Chapter 14.48 Storm Water Management is being revised to address the goals in the Comprehensive Plan.

This briefing has been scheduled as part of the Planning Commission's requested education series to help inform Mason County policies, processes, and procedures. A panel including: Loretta Swanson, Mason County Public Works; Karin Stelioff, Mason County Conservation District; and Ben Thompson, Washington State Department of Natural Resources.



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

Multi-Family Housing – Mason County and Urban Growth Areas

Briefing Item# 5
January 22, 2018

Staff Contact

Paula Reeves, AICP CTP
Ext #286

Summary

GMA encourages the availability of affordable housing to all economic segments of the population, promotes a variety of residential densities and housing types, and encourages preservation of existing the housing stock.

Mason County's Comprehensive Plan contains goals and policies to encourage affordable housing through innovative land use techniques including infill housing incentives, smaller urban lots in urban areas, mixed use, multifamily units, density bonuses for affordable units.

Residential districts in the County's Urban Growth Areas provide several options to meet the housing needs of Mason County. They permit single dwelling units, multi-family units, accessory dwelling units, assisted living facilities, day cares, and group homes as well as the necessary schools, churches, and community centers to support those residents.

Currently, "multi-family" housing in Mason County is limited to four or more joined dwelling units, commonly known as a four plex. This presents a challenge for lots that are not large enough to accommodate four joined units resulting in multi-family being excluded from zones where it was intended to be a building option. See Figure 1. for a case study explaining this circumstance.

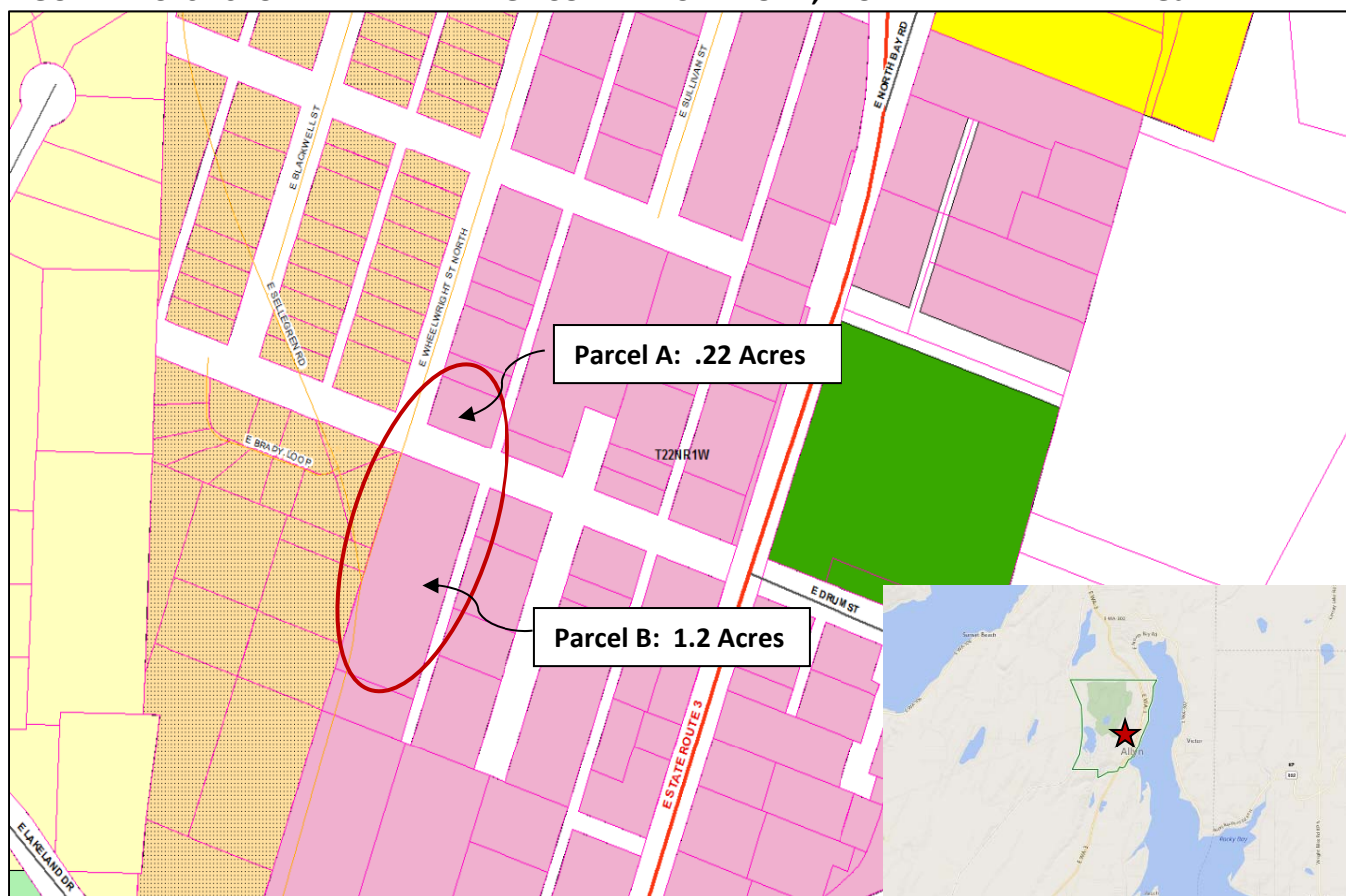
To better sync the definition of multi-family with the updated goals and policies outlined in Mason County's Comprehensive Plan, a broader definition of multi-family housing is proposed that will enable a range of options to be determined by lot size and density. An avoiding any circumstance that could be interpreted as exclusionary zoning.

Current Multi-Family Definition:

"Multifamily" as "a structure containing four or more, joined dwelling units." (MCC 17.06.010)

Proposed Multi-Family Definition:

"Multifamily" as "A building or structure that is designed to house several different families in separate housing units. The most common type of multifamily housing is an apartment building. Duplexes, quadruplexes, and townhomes also qualify as multifamily housing. The entire building or structure may be owned by an individual, an entity, or, as is the case with condominiums, by individuals who have purchased units."

FIGURE 1. CASE STUDY - ALLYN VILLAGE COMMERCIAL ZONE, MULTI-FAMILY DWELLINGS

Case Study

Under the current Development Regulations for Allyn (MCC 17.10-17.17), multi-family dwelling units are permitted in the Village Commercial Zone. A multi-family dwelling unit is defined as “a structure containing four or more, joined dwelling units.”

This current definition of multi-family makes development of this type of housing infeasible on many parcels due to parcel size. Many smaller parcels are not large enough to build a structure containing four joined units and meet setback, parking and other requirements.

By broadening the definition of multi-family and observing minimum densities and other development regulations in each Zone, for example: “4 units per acre”, the Development Regulations will better match the goals of the Comprehensive Plan, property owners will have more flexibility, and the vision for the urban growth areas will be realized sooner.

Recommendation

Staff recommend the Planning Commission select one of the following three (3) options for revising the Mason County Code or develop an alternative code revision to address multi-family housing. After review and consideration, conduct a public hearing to recommend a proposed change.

- 1) Revise the definition of Multi-Family Housing countywide to include a broader set of building options that would be regulated by development standards specified for each Zone.

OR

- 2) Revise the definition of Multi-Family Housing in Allyn, the only UGA that does not currently have a specific definition. Current definitions are as follows:

Shelton UGA: "Multifamily" as "a structure containing four or more, joined dwelling units."
(MCC 17.06.010)

Belfair UGA: "Multi-family dwelling units" includes any structure that contains more than three dwelling units.

Rural County: Rural Multi-Family Zone: Multi-family residences, duplexes, mobile home parks.

OR

- 3) The Allyn Village Commercial Zone that was amended as recommended by the Planning Commission in 2017 to incorporate "Multi-family dwelling units (minimum four units)" MCC 17.12.120. Staff recommend striking this recently adopted language and replacing it with "Residential dwelling units to exclude Single Family (minimum 4 units per acre)".

MCC 17.12.110 – Purpose. The village commercial district is a pedestrian and transit oriented mixed use district primarily designed as a location for neighborhood, community wide and tourist retail, office, restaurant, entertainment, service uses, including transient accommodations, and residential uses. The district will provide opportunities for transit routes and stops and to provide shared parking opportunities. Physically the district will retain the pedestrian oriented scale and intensity of use of the rest of the village core area. Because of its nature the village commercial district zone may only be located in the village center.