

MASON COUNTY PLANNING ADVISORY COMMISSION

Minutes
February 9, 2004

(Note audio tape (#2) dated February 9, 2004
counter (#) for exact details of discussion)

(This document is not intended to be a verbatim transcript)

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1. CALL TO ORDER

The meeting was called to order by Vice-Chair Steve Clayton at 6:00 p.m.

2. ROLL CALL

Members Present: Diane Edgin, Steve Clayton, Mark Drain, Terri Jeffreys and Bob Sund. Bill Dewey and Wendy Ervin were excused.

Staff Present: Bob Fink, Allan Borden, Darren Nienaber, Susie Ellingson.

3. APPROVAL OF MINUTES

The minutes from the December 15, 2003 meeting were approved as presented.

4. NEW BUSINESS

(#0030) Steve Clayton: Tonight is a hearing on Comp Plan amendments. I'm sitting in as Vice-Chair. We elected Bill Dewey as Chair at the end of last meeting but didn't address the Vice-Chair position. Unless anybody would be opposed, how about we address that next meeting, which is our regular meeting, when everybody is here. Staff sent us out a second package of revisions. We need to figure out what we want to do to address tonight's meeting. Do we want to do a similar format of taking the people who are here to testify and proceeding with that? Okay, we'll start with the proposed standards for Fire Apparatus Access Roads. Allan, do you have anything new for us?

(#0120) Allan Borden: The Department received a letter late this afternoon from Advocates for Responsible Development. I'll hand you a copy of that. There are three topics that they have comments on; one is standards for Fire Apparatus Access Roads, another one is the proposed standards for connecting to sewer lines, and the third one is Exemptions for Environmental Permits. I also have some letters prepared by Rick Hirschberg from the Department of Public Works regarding the Resource Ordinance and Fish and Wildlife Habitat Conservation Areas for projects affiliated with road maintenance. We'll start with the standards for Fire Apparatus Access Road. Steve Swarhout has given me a more up to date version of the ordinance and in essence this does supercede the one that went out to you in your packets. Steve is here to explain the changes that were made based upon the comments from the January 26th meeting.

(#0300) Steve Swarhout: My name is Steve Swarhout and I'm the Mason County Fire Marshall. I apologize for the late addition. What happened was I made a few changes that you had suggested at the last meeting

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and went through my notes and realized that I didn't make all the changes that you wanted so what you have now is the last version. The numbers don't coincide because I added .010 as a new paragraph and so I started that there and changed the numbers all the way down.

(#0330) Terri Jeffreys: Considering .010, I'm wondering how you see that actually playing out? Will you be making an inventory of current access?

(#0336) Steve Swarthout: No, what will happen is mostly right now when I see something is if we have an established road and somebody wants to build at the end of that road, that's a time that I'll go out and I'll do an access review. We'll see what we can do to improve it; if they need to have a turn around, etc. I don't have the time nor the staff to go out and start inventorying the roads but if somebody calls up and has a concern then I go out and look at it. I know we had some concerns last meeting regarding existing roads; what were we going to do and so I tried to put something down in writing that would say that we're not really going to go after existing roads except if we have issues that come up and then we might have to go out and take a look to see if we could do something to update the road.

(#0372) Mark Drain: In the new paragraph, .010, in the first sentence, when it says 'ordinance to apply to existing'; should that be removed ... would it make more sense ... 'to apply fire apparatus access roads to existing structures.'

(#0390) Steve Swarthout: That would work.

(#0394) Terri Jeffreys: Where in here do you see a judgment call if a new development were to be proposed that asked for slightly more narrow roads to accommodate higher density? In here can you point to me where it gives that flexibility?

(#0412) Steve Swarthout: Sure, there are a couple of spots in there and some things that have been done in the county before for both access issues and for lack of fire flow. A good example is that we've talked to the contractors and the builders and what the solution has been is that they put in residential sprinkler systems in all the homes. What that was able to do was reduce the access requirements and higher density.

(#0430) Mark Drain: That's a considerable upgrade to a residence.

(#0434) Steve Swarthout: Actually, residential sprinkler systems go about \$.95 to about \$1.25 a square foot. So in a normal home it would probably be around \$3,000.00.

(#0440) Terri Jeffreys: And aesthetically they're ...

(#0442) Steve Swarthout: They look beautiful. A lot of them you can't even see because they have recessed heads. If you go to .150 that might have answered part of your question. I did make a change to that and I think it was a concern you had last meeting.

(#0462) Steve Clayton: Is that something that Darren's going to have trouble enforcing as far as it requires a good bit of judgment?

(#0466) Steve Swarthout: Actually, Darren helped me with this today and he's looked at it pretty thoroughly and he feels pretty comfortable with it.

(#0476) Diane Edgin: On the letter from Advocates for Responsible Development one of the things they're stating here is they're questioning whether it's desirable to give essentially unbounded discretion to the fire marshall as to whether roads are adequate. Then they're concerned about more land being taken from resource base and also increasing runoff, etc. They're recommending that the present proposal be tabled and asks to draft an alternative that better balances access needs with other desiderata for rural development. My feeling is you don't actually come into play until a piece of property is going to be developed.

(#0515) Steve Swarthout: Exactly.

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(#0518) Diane Edgin: So how do you write something that you don't know what's going to happen to it?

(#0520) Steve Swarthout: Right, and all this is ... when these issues come before me is when somebody wants to subdivide their property. They're got one road in there and they want to build 3 or 4 lots and we talk to them about the access standards and what needs to happen. In actuality, we've been using this standard for quite a few years in the county with success and haven't had a whole lot of problems. A lot of the issues you talked about are dealt with the planning department; we work on these things together. I am not for ruining streams, and I'm not for ... there's always ways to work around that. I'm working with a resident out off Agate Road right now and she's building down on the water ... where the desirable area is to do a turn around won't work we've come up with some alternative. There's trees and a culvert there and I don't want my people hitting trees and running off into the ditch any more than the residents do. I know the Advocates say in here that there's going to be some adverse affects. I've left it not vague but I've left it so there is some judgment; there's got to be some judgment. I think there's enough checks and balances between all the departments that are involved with any project whether it be a house or commercial.

(#0590) Diane Edgin: No two pieces of property are equal and I don't see how we can write something that would say yes or no when you have all these different divisions of government that have to come into play with this.

(#0598) Steve Swarthout: I agree.

(#0602) Steve Clayton: Has everybody had a chance to read the Advocates's response on the fire access roads? Let's take a minute to read that and see if we might have any more questions.

Break in meeting for PAC to read new materials handed out tonight.

(#0725) Constance Ibsen: My name is Constance Ibsen. I live at 6500 E State Route 106 in Union. Besides with agreeing with Advocates for Responsibility on this issue I have some additional concerns. First to staff: I'm unaware if there's any update of county road standards including standards for UGA's. Have they been upgraded?

(#0745) Allan Borden: No.

(#0748) Constance Ibsen: So we have some old ones. Then it's my understanding also that the Public Works Department has not adopted DOE's 2001 stormwater recommendations. Since we haven't done that we really don't have any standards for roads in UGA's at all.

(#0768) Bob Fink: We have the standards that we have.

(#0770) Constance Ibsen: So we're applying them but they may not necessarily meet the goals of what a UGA is and it's density. Would that be a fair statement?

(#0777) Bob Fink: I think it would be fair to say they haven't been updated but we haven't developed the sub-area plans for the urban areas which we are in the process of doing.

(#0782) Constance Ibsen: Then we have also the issue that in many areas low impact development has been embraced and I was just at a whole workshop on this put on by the Puget Sound Action Team from the Governor's office and also for people from Tacoma where they have instituted this and I saw retrofits in subdivisions where they had a straight line grid and they went to this incredible expense to have curvy skinny roads with no parking except clustered parking areas and no big drainage stormwater areas and it was really quite attractive. The people liked it. The cars didn't speed anymore. There seems to be a lot of discretion in judgement which people all seem to want around here but then we get into an issue of 'well, he got it and I didn't' and it's unfair and public policy is always best if it's perceived as being fair and consistent. I think we need to look at this a little more holistically because the way I look at this now ... does this supercede anything in the county road standards?

(#0860) Darren Nienaber: No, not at all. This is only fire road standards. It has nothing to do with

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subdivision standards; it's all a separate issue.

(#0868) Constance Ibsen: So this won't apply to subdivision standards?

(#0870) Darren Nienaber: It will apply but it's not the road standards that you have. It's the minimum level of standard to ensure there's some protection for fire access. It's not intended to replace any subdivision road standards or any other road standards that Public Works would require.

(#0880) Constance Ibsen: I would just urge that this be tabled until it can be looked at a little more holistically so it isn't so much based on discretion. I just think it just needs to have a little bit more work done on it with more divergent viewpoints coming in. Also the environmental community is very concerned about stormwater runoff particularly in the Hood Canal area where I live and there's even talk of having it designated as an area of special concern and we know that stormwater is probably one of the major issues in the dissolved oxygen issue in Hood Canal which is probably more affected by stormwater than in failing septic systems.

(#0945) Terri King: Is this for forestry roads as well?

(#0950) Bob Fink: It may occasionally apply to forest roads when the forest roads provide access to private residences. If that's the fire access then it could apply to a road that's primarily intended to be a forest road.

(#1010) Steve Clayton: Under what appeals or sort of structure would somebody have that felt they were on the wrong end of the stick?

(#1015) Darren Nienaber: An appeal would go to the Hearing Examiner.

(#1018) Steve Clayton: So the Fire Marshall makes the determination of what's required and then if the owner didn't like it he would go to the Hearing Examiner and go up the system?

(#1022) Darren Nienaber: Right. It would be an appeal of an administrative decision and that goes to the Hearing Examiner.

(#1028) Diane Edgin: We do have some concerns about the stormwater and the drainage and which is going to come first? The Fire Marshall's approval or is it going to be the county planning department for access into a piece of property to build?

(#1055) Darren Nienaber: They're simultaneous requirements. The Fire Marshall is only bringing forward fire access standards for fires. Any road requirements pursuant to the Belfair plan or the Allyn plan, those are things that you'll hear at the time of the Allyn plan or the Belfair plan; those are separate standards.

(#1077) Diane Edgin: But this is where this drainage problem comes in. That's what they're asking that it be addressed. My thinking is that it is addressed through the planning department when they build the road. You've got to do something with that stormwater.

(#1090) Bob Fink: Diane, you have to break it out into different situations because how the regulations apply depend on what's going on. When you're talking about a subdivision where you're constructing roads then one of the requirements is going to be an engineered stormwater management plan and the critical areas regulations will also apply and then there's SEPA for environmental review would apply so you have the interaction and intersection of all those different types of regulations trying to control impacts to the environment; trying to protect the critical areas; trying to make sure that stormwater is managed in a safe way and in this case trying to make sure the fire access is adequate. You get a hint of this when you get a look at the approval recommendations for subdivisions.

(#1130) Diane Edgin: You've answered the point I'm trying to get across and that's why should we hold this up when those questions are answered? I'm trying to see if there's a really good reason to table this when those issues actually are taken care of in the planning process.

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(#1150) Terri Jeffreys: I have a question about ... wouldn't these standards be incorporated in road standards? Why is it a separate set of standards as opposed to being incorporated together?

(#1160) Bob Fink: In most cases where we're talking about a subdivision, the standards for subdivisions where you're creating new roads are equal or in excess of these standards. Where this becomes an issue is more in the case of dealing with existing roads or simply private driveways or private access ways that are not being created through a subdivision but are necessary to serve a residence being built or an additional residence on an already existing easement. So a lot of these roadways are actually private; they're not public. Any public roadway would probably well exceed these standards. You have to realize there are a number of situations where these are applying. Where these are going to be more critical is the case where you're dealing with private roads where you aren't considering a new subdivision but only creating an easement and building a road or building a road along an easement that had never been opened before there was any house.

(#1200) Diane Edgin: So there is a standard out there?

(#1202) Bob Fink: Right. There are standards out there and other restrictions out there. The purpose of this particular standard is only to address the adequacy for fire access for emergency vehicle access to make sure that minimum standards are met and to try to determine what are those minimum standards that should be met. Now that doesn't say that there aren't other regulations that should be applied to control the impact of, for instance, constructing those roads. If a bridge is needed it may need a shoreline permit, it may need a fish and wildlife permit, it may need an HPA from the state. All those things still come into play.

(#1230) Steve Clayton: Any other testimony on this?

(#1238) Constance Ibsen: Will this be applicable to county roads?

(#1240) Bob Fink: Theoretically, yes. As I said, the existing county roads would generally exceed or certainly meet what these standards are. I've never done a survey so I don't know for a fact that that's true but that would be my expectation.

(#1260) Constance Ibsen: I believe we don't have any road standards for subdivisions.

(#1268) Diane Edgin: My little four parcel subdivision has existed for at least over 25 or 30 years and it's got a 60' width coming into and that was built according to the standards at the time.

(#1278) Allan Borden: There are road standards in Title 16 for subdivisions.

(#1285) Steve Clayton: If no body is opposed, we'll close the public portion of the hearing.

(#1288) Bob Sund: Bob, it seems like maybe about ten years ago this group worked on a document for private roads, isn't that right?

(#1298) Bob Fink: I'm not sure. Roads have occasionally come up in the past.

(#1300) Bob Sund: We adopted a new ordinance for private roads and as I recall, in that ordinance we made a distinction between a private road and we talked about it and I remember the circumference of a cul-de-sac and so forth.

(#1320) Bob Fink: Bob Sund has been here longer than I have and that would probably be about right. Some of the road standards were adopted or updated in the early 90's which would be about ten years ago.

(#1330) Bob Sund: That's right and it seems like at that time that we made a distinction between a private road and a driveway in the definitions. I guess if you're talking about a private road with a cul-de-sac and it might have a long driveway of more than 150' ... but the turn around or the access onto the private road and the driveway, there was a distinction made at that time.

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(#1362) Bob Fink: Where this fire access road would come into play, for instance for a subdivision, they generally come into play providing for access to the lots. If you're creating lots that are 2 or 5 or 10 acres large obviously where they could build a house may well be quite a distance from where the access reaches the lot itself and in such a case the regulation doesn't address that driveway but the fire code would. The fire code would make sure that that house was either close enough to the access to be safely helped or that there was access to that house if it were in a remote part of the lot quite a distance from the access point.

(#1290) Diane Edgin: Steve, did we close the hearing?

(#1392) Steve Clayton: For public, yes.

(#1396) Diane Edgin: I have a question for Steve so I make a motion to reopen the public hearing portion. Steve, in adopting what you have here what would be the affect of it on insurance rates based on what was there prior to this time?

(#1410) Steve Swarhout: I don't have any idea but that's a good question. I do know the insurance rating bureau that's working in Washington State has been coming to the fire service and discussing how fire districts and how counties are being rated. There's been some upset people about the way they've been rated and the way ratings have been going. I would assume that access roads would be part of that as well as they look at fire hydrants and the type of apparatus the department will have. They look at inspection programs; it's all taken into consideration when they do an insurance rating. So I have to assume the apparatus access roads would be part of that.

(#1456) Terri Jeffreys: Do you know if these standards have been put up against certain low impact development recommendations by DOE?

(#1462) Steve Swarhout: No, I do know most of the standards you're seeing here have been around for a long time in the State of Washington. I didn't reinvent them. I took things from fire code, from other counties that are using it. I can't say that mine have been put up against that. I would like to say that I know that I have people out there now that are doing roads whatever way they want to. To me those are a lot more harmful to our environment; we have a bigger problem with those than not being able to at least regulate some and tell them what they can do. This regulation, like Bob was saying, goes in conjunction with all the other county departments. We all look at it; it's not just my thing.

(#1505) Bob Sund: I don't know if I had my question answered about the access road regarding the length of the driveway.

(#1520) Steve Swarhout: The length of the driveway is addressed and we look at it. It's 150' and if it's longer than 150' then we start looking at some of the regulations, i.e., maybe the driveway has to be 12' wide. Or build a turn around into the driveway area.

(#1595) Constance Ibsen: When somebody applies for construction, and I'm not talking about a subdivision, I'm talking about just a house or even a substantial remodel, do you get every single one of those to review?

(#1620) Steve Swarhout: No, but what happens is I'll work with the plan reviewers. The plan reviewers will look at those and they know what the access standards are that we're using and if they see something, they tell me and I make contact and go out and visit the site and we take a look at it.

(#1635) Constance Ibsen: But if it looks like it's okay and the site it built and it isn't the way it was on the plans then what happens?

(#1645) Steve Swarhout: We can mitigate that. There's usually things that we can do.

(#1650) Constance Ibsen: My hope is that if we have something like that this that it will be consistently applied and I would feel more comfortable if there was some kind of check off established for each permitted thing.

(#1675) Mark Drain: It's difficult for me to find any fault in this.

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(#1676) Diane Edgin: I think if I had any recommendation it would be to add another paragraph putting in that checklist.

(#1692) Steve Swarthout: In the plan review process, as we have it now, anything that's commercial I see automatically and these standards have been put into play for commercial structures for years and that's not the question here. What's going to happen with residential if we get this put into play there's going to be some changes in the way things go through the process but there are already checks and balances already built into the process for plan review. What will happen is when a person submits to build a home they will submit a site plan with that showing the access road. It will be just one more thing that we add to that and it will be part of the process. The access road will come to me to look at and then we'll go do a field visit if we have to or we'll take a look at it.

(#1730) Bob Sund: I think there needs to be some discretion.

(#1732) Diane Edgin: I think so, too, because the world is not made equal.

(#1740) Bob Sund: And if it isn't appropriate there should be some room for mitigation.

(#1742) Mark Drain: Right, and this provides for that. I think what Diane spoke of was if the person went through the building application process there might be a place where the Fire Marshall checked off on and I think that's going to be provided in here.

(#1800) Diane Edgin: I make a motion that we accept this.

(#1815) Mark Drain: I second the motion.

(#1820) Steve Clayton: We have a motion and a second. Any further discussion?

(#1822) Terri Jeffreys: Just because they've been around forever I don't necessarily think that's the best way to go and I don't know and I'm not convinced that some of the new ways of making these standards to meet the goals of low impact development have been matched up so I'm just not convinced that this is the most progressive way to look at those standards.

(#1840) Mark Drain: I think it's a minimal standard. I think that the alternatives could be provided for in the other road standards for development.

(#1852) Steve Clayton: Somewhere we need some sort of fire access control.

(#1855) Diane Edgin: And these things are going to come back before us again.

(#1858) Steve Clayton: And under .150 if somebody comes up with a better plan that behooves the property owner then they're going to be able to implement it. As long as the wording isn't such that you can get somebody to abuse it and then Darren can't defend it and Darren has said that he's reviewed it. As far as the low impact thing Terri is talking about, if I was a property owner and wanted a road and came up with an approved low impact thing that didn't meet these regs then I could go to .150 and go to Steve and ask him about it.

(#1900) Terri Jeffreys: But we're going to see more cluster development going on in the rural areas.

(#1904) Diane Edgin: But I don't think this is where it has to be applied. I think it has to be applied in the building standards through the planning department not through the fire standards.

(#1940) Mark Drain: Steve's concern is fire equipment access and another branch of the county's concern might be the environmental effects of any new road that's built so there are different concerns from different departments.

(#1970) Diane Edgin: I think you have to forget about all the outside stuff and focus on the fact that we're

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talking fire access only here; nothing else and nothing more. All of the other stuff is addressed elsewhere.

(#2000) Steve Clayton: All in favor of the motion to accept these fire access standards? Opposed. Let the record show that the motion passes with 3 yes's and 1 no. Miss Cooper, what was your particular item you wanted to discuss tonight?

(#2060) Diane Cooper: Regarding the shipping containers.

(#2100) Allan Borden: The revisions were directed at the issues regarding could the department provide information on how the county presently reviews shipping containers. We found out that the building department does require building permits with the attached standard listed. We did change the regulations so they are more generally applied; so that they apply to all zones. We tried to come up with some sort of size standard that we could work from. Originally these regulations were proposed because the department felt that shipping containers out in the rural area were getting to be contrary to what we envision for rural character. What it didn't take into account is that there are certain nonresidential land uses that do depend on storage containers to either operate or store during their day to day operations. As I expected I got a response from Bill Dewey and Diane Cooper is here to speak for Taylor United. He brought up several concerns that Taylor United had regarding the fact that they use refrigerated storage of containers for their operation whether they're onsite for several days or set permanently for storage so that they can use them to keep the product preserved so they can ship them out. I guess the bottom line is we probably need to prioritize if there is an issue outside of the RNR and RI land uses that actually use these structures. We didn't intend to micro manage those land uses. Especially as Bill mentioned having to get a building permit for a unit that might be there for only four days because it didn't meet the 2 day on a vehicle requirement.

(#2272) Bill Sund: Well, the Christmas tree industry would also feel pinched here, wouldn't they?

(#2274) Allan Borden: They would. There are several options. We can either exempt these standards for certain land uses and if we do that do we want to go further and say that on other properties, commercial or residential, do we want to restrict their placement of these structures? Right now I don't have any proposed revisions. Either modify or delete certain parts of the regulations as proposed.

(#2330) Bob Sund: Allan, what precipitated the whole section?

(#2334) Allan Borden: The idea that shipping containers out in the rural area probably not on commercial properties but on residential properties would get to look like a business out in the middle of nowhere and how well do these structures meet rural character.

(#2355) Bob Fink: We also had a problem with several of these being placed inside wetland buffers or other areas where they shouldn't have been put and when I brought this to you I wasn't aware that a building permit was required for these structures. Somehow I just never learned that and with the knowledge that a building permit is required, several of the concerns really are addressed through that process because that will ensure that these will not be placed in those sensitive places where they shouldn't be placed. So then you have the nature of the community you're in, the character of the rural area, the aesthetic and preservation of the aesthetics and values of the area. The question to the community is this something you want to regulate because if you want to regulate it you need to regulate it now because typically regulations act after the fact; they regulate new placement. They don't regulate the ones that are already there. So if this is an issue for the community then the community needs to get ahead of the curve before these become very common. If it's not an issue for the community then I think a lot of the other issues related to it, such as the environmental impacts, probably will be addressed because of the permit requirements.

(#2430) Terri Jeffreys: Is there a reasons why the 2 day parking limit was chosen?

(#2436) Bob Fink: It was really related to the issue of not needing a building permit. If it was our understanding that these didn't need a building permit, then the mechanism for that that permanent or long term placement of these on the ground was an issue that we were trying to control but we recognize that people use these for various purposes and legitimate purposes. We were just trying to address the issue of long term placement of these structures on site.

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(#2475) Terri Jeffreys: So 2 day was just determined because that would probably be the amount of time one would need to load it and moved on?

(#2482) Bob Fink: Right. It could be longer than that; it's a matter of judgment of what you think is appropriate.

(#2492) Bob Sund: A Christmas tree farmer may have two or three of four of these refrigerated units that they may use only seasonally and they store them on their property until the Christmas season comes along and then they use them readily for a couple of months. That's my concern. I don't think I want to restrict that industry at all.

(#2535) Diane Edgin: We have both resource based businesses and other out in the rural areas that have been there and there will probably be more coming in and one of the things we should look at is it used for product or for other storage? If it's other type of storage then I don't think they should be any different than anybody else as far as the building permit but if it's used for their product, either to move it or store it, I don't think we should require a permit out of those.

(#2615) Steve Clayton: Let's get public testimony and then come back to our discussion.

(#2622) Diane Cooper: My name is Diane Cooper, Taylor Shellfish. You received an e-mail from Bill Dewey and I think by your discussion you appreciate our problem. I appreciate the intent that the county is going through here in trying to protect the rural character and residential areas however, we in our business, use containers for shipping storage and we at any one time will have two dozen shipping containers on site. Some will be set aside for repairs, some will be held for storage; it's a constant turn over of containers. There would be no way for the county to enforce which ones are being stored for more then 2 days. The whole regulation, I think, should apply to residential areas and maybe that's the way you need to go. Look at some simple language changes or some clarification in the language. Exempt businesses and commercial purposes. It would clarify who has to get a building permit and I think it would go to meeting the intent of what the county is after in protecting the character of the rural areas. I think if you look at the standards here they obviously don't fit business and commercial purposes of shipping and storing in containers.

(#2740) Martin Zazueta: I'll hand out to you some specs on these containers. This was something that was brought up last time. It talks about how much they weigh and how much you can load. I'd like to know why the shipping container structure has to be screened from adjacent properties? If you're getting a building permit and if I build a garage I don't have to hide it and if I build a house I don't have to hide it. If I have a building that I have to buy a building permit for why do I have to hide it?

(#2792) Allan Borden: We just put that in because it's typically the same kind of standard for commercial and industrial structures.

(#2800) Martin Zazueta: But when it's on the property it's considered a building and it's not moving why would I need to hide it? I'm paying taxes on it.

(#2812) Allan Borden: So you're suggesting that that language not be in the standard? Okay, we're not hard and firm on this.

(#2822) Martin Zazueta: Then it talks about the square footage not to exceed 600 sf of the floor area. That's not even two containers. He also stated that there were maybe six of them that were hard wired and there permanently. He didn't even know he had to have a building permit for them. Should I ask the county for a refund or is he going to get building permits? I don't know.

(#2868) Steve Clayton: He may not be involved in that end of the business.

(#2872) Martin Zazueta: If you already abide by the floor area for a parcel why limit the amount of containers considering the letter that I got from Department of Community Development says it's 3,000 sf but since I have two pieces of property they county it as one ...

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(#2906) Steve Clayton: So the letter you got was in regards to the current container that you have?

(#2912) Martin Zazueta: No, it's for a shop I wanted to build and add two more containers and it actually says I can do it.

(#2918) Steve Clayton: So they responded to your inquiry about what you could put on your property given your floor area ration and they said you could cover this much square footage. And you're asking why are the containers segregated out at a smaller number than the buildings?

(#2935) Martin Zazueta: Correct. It says 2,178 sf for each acre of land. I requested a 4,000 sf building with two storage containers. It was doable. I don't know why you would limit these shipping containers. I was asking the Fire Marshall what his take was on it and he said since they're metal they're fire proof and they're in financial reach of Mason County residents. He even said they would actually rather have combustibles stored in there separate from a building. In my opinion you should just delete the whole section.

(#3022) Diane Cooper: Is this a common development reg in other rural counties? Or a common problem?

(#3038) Martin Zazueta: I only know about Thurston County and you don't need a permit there.

(#3050) Allan Borden: They've gotten popular outside of commercial or industrial uses.

(#3055) Steve Clayton: Any other testimony on this?

(#3065) Ken VanBuskirk: Ken VanBuskirk, Belfair UGA, NE 61 Davis Farm Road. I came to testify about something else but I saw this and I think you folks have a lot better things to do. I would just delete this.

(#3092) Terri King: My name is Terri King and I live at E 642 Pickering Road. If you do consider moving forward on this, there's a large number of people in this community that do humanitarian aid shipments and we get those boxes dropped and they last sometimes up to a month before we can get customs approval to get those containers re-picked up and get them through security to get them shipped to wherever it is. In the City of Shelton we have a relationship with Latvia and we send containers all the time and they're parked in areas that are outside the industrial and commercial areas.

(#3126) Terri Jeffreys: Are they generally in the Rural Residential districts?

(#3128) Terri King: Yes, with the knowledge and the welcome of all the neighbors who are helping to load and to get these forward and sometimes it's the Department of Defense that slows our process down in terms of getting the shipment off to Seattle or whatever port we're using.

(#3140) Terri Jeffreys: So they're in somebody's yard perhaps?

(#3144) Terri King: Correct; in someone's driveway. The other thing is being out at Pickering Road there's often times that long haul truck drivers leave their rigs at the Public Works park and ride for three days over a long haul weekend and I would much rather have it there than somewhere in a residential area. I don't know if the way this is currently written if that would be a problem for them. But it's a safer area for us as residents.

(#3180) Steve Clayton: Any other testimony on this? We'll now close the public portion of the hearing. So, what are our thoughts?

(#3188) Mark Drain: My thought is to delete it and what could stand some scrutiny is perhaps the building code that requires a permit for one and it might not discriminate between an industrial or commercial application versus out in the rural area. I don't know how they can discriminate between what Taylor United might be doing with their containers and what some homeowner is doing with one. I don't think there should be constraints put on industrial or commercial areas. Maybe there's already constraints for shielding some kind of buffers but otherwise as far as numbers and how long they can sit there and a permit for each one, that's something else.

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(#3274) Terri Jeffreys: Do you think there should be some restrictions in the rural area?

(#3280) Mark Drain: There's already the permit ...

(#3285) Bob Sund: Didn't you say that it you didn't think it would be fair to make a distinction between them, didn't you?

(#3292) Mark Drain: No, I think there should be a distinction made; right now, I don't think they are.

(#3296) Bob Sund: These people that testified regarding the humanitarian aid thing in a residential area makes a lot of sense. I don't know whether we should tie their hands.

(#3310) Mark Drain: But we already have. They're supposed to have a building permit. There are people here in the audience that have purchased a building permit for a container and others who haven't.

(#3325) Diane Edgin: It goes back to intent. The humanitarian aid ... even though it's there for an extended period of time it's still not a permanent thing. But if they were hard wired in for electricity that's another story. We do already have under the planning department how much square footage you can have on a certain lot size. If the neighbors don't like it, I don't think we're in here to start legislating aesthetics. If you're in a subdivision, you have subdivision rules and that's one thing. But if you buy a piece of property out in the rural area, you have bought rural.

(#3372) Bob Sund: A lot of developments will have some kind of guidelines like CC&R's and most of the ones that are being done right now do have some kind of CC&R's that forbid commercial trucks in those developments.

(#3400) Diane Edgin: If you're going to have one and it's going to be a permanent thing on your property, it just makes good sense to be a good neighbor and put some sort of screen up.

(#3414) Terri Jeffreys: I move that we deny the request to approve 1.03.027.

(#3425) Bob Sund: So your motion is to deny it as written?

(#3428) Terri Jeffreys: Yes.

(#3436) Steve Clayton: Do we have any recommendations for another rewrite or you're saying we should just disregard the entire subject?

(#3440) Terri Jeffreys: I'm saying just disregard it and if something wants to be presented to us later ...

(#3445) Bob Sund: I second the motion.

(#3448) Mark Drain: Yes. I think there's a lot of things wrong with this and right now you have to get a permit and maybe there should be a different kind of permit for one you have for a month on your property. This is just wrong.

(#3468) Steve Clayton: Allan, you said that the 2 days was something that you put on it as far as a rough timeline. Is there a designation by the building department on when a container requires a permit and when it doesn't? If it's on wheels or off wheels or whether it's there for a month or six months? Where do they draw the line for needing a permit?

(#3495) Allan Borden: I'm not really sure. I think once you take it off the trailer it came in on it's sort of inherent that it's not going to be picked up within a few days. It's probably in place for a while.

(#3515) Steve Clayton: In the case of Taylor Shellfish or the Evergreen locations or even the humanitarian thing that might not be appropriate.

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(#3525) Mark Drain: Two days, you'd really be working to load one up.

(#3534) Allan Borden: Where I was coming from was if someone in your neighborhood takes a storage container off their truck where there's a residential home it's not there for just a short time.

(#3565) Steve Clayton: If I lived in a rural area and someone took one off on the neighboring property and it sat there for a week and I went and complained to the building department, we don't have an answer on whether the building department could go down and say you need a permit or you need to wait so long before you file a grievance ...

(#0005) Darren Nienaber: That's a separate issue. We're here as a matter of zoning; is this a proper function of zoning? The majority of the people that are here are testifying that we don't have a good enough record of saying it's a serious threat to the aesthetics of the Mason County rural area yet. You may in a few years but at any rate, whether or not it needs a building permit, that's a building department issue. That's not before you today and you'd spend a lot of time on it. It's worth maybe something to talk to Larry Waters about but you've got a big enough agenda already and many more to come.

(#0028) Steve Clayton: Okay, all in favor of disregarding 1.03.027? Opposed? Motion passes. Next we'll look at the sanitary sewer standards. Allan, do you want to cover this?

(#0085) Allan Borden: What is before you is some proposed revisions to the Capital Facilities Chapter of the Comp Plan and implementing regulations in the DR's on the topic of connection to a sewer line when it becomes available. As I mentioned in the staff analysis, there was a court case with Mason County involved and as a result of that court case ... the decision of the court case basically stated that Mason County didn't have clear policies in the Comp Plan for properties that have septic systems to connect to sewer lines when they become available. It's the kind of goal that would be an important element in the Comp Plan, especially in the aspect of Capital Facilities, that are calling for certain infrastructure improvements to be done as development proceeds in the county. One of the things that I tried to put in here as proposed language was not only to include single family residences but also nonresidential development and also to make it important that when systems are found to be deficient that they meet the current standards for health requirements for the septic system and if they're in an area that has been review for sewer line extension that they connect to the sewer line. In the Comp Plan policy I've added that language that expands from single family to nonresidential and also ties in the fact that it addresses deficient septic systems so that they meet current health standards and then if a sewer line is extended into that area that they connect at that time when it's available. Advocates for Responsible Development included that topic in their letter.

(#0195) Terri Jeffreys: If it's an operable septic system why would it be beneficial to hook up to the sewer rather than waiting until the septic system failed?

(#0202) Allan Borden: This standard is not a hammer; it's an opportunity to improve the situation when it presents itself. Take for instance; Hiawatha Park in the Shelton UGA. The health department starts doing tests and realizes that three out of seven properties have their septic systems starting to fail. Under these development regulations, would say that they would have to meet the present standards to improve their septic system and if the Capital Facilities Plan says that in the year 2008 there's going to be a sewer line that connects in the UGA there that they'll have to connect to that.

(#0238) Bob Sund: What about the other three that didn't fail?

(#0245) Allan Borden: Then it's assumed those are functioning properly.

(#0248) Bob Sund: And would there be a requirement for them if the sewer line goes by that they would have to tie into the sewer?

(#0250) Allan Borden: Yes.

(#0252) Terri Jeffreys: So you're saying that a new or improved septic system should not give you a caveat to not have to hook up to the system?

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(#0260) Allan Borden: It's intended that since the properties are in a UGA that they need to connect with the infrastructure.

(#0270) Diane Edgin: This isn't just the UGA because my understanding through a number of years back with other meetings that we have these little rural subdivisions and if they have mass failures they're required to have some sort of pumping station because a lot of these are down on the waters edge.

(#0296) Allan Borden: The regulations on page 2 say 'Regarding septic systems in an area identified for sewer line extension in the County's Capital Facilities Plan', so if it's in a community somewhere else that's not identified in the Capital Facilities Plan, they would probably have to develop a system that would have to meet current standards, but it may not be a sewer line. It may be a community septic system.

(#0315) Steve Clayton: One of the items Advocates brought up is the way you've currently written it, it doesn't apply to existing nonresidential facilities. It was either an oversight or you intended to and then if you intended to, why did you intend to not have the supply to existing nonresidential properties?

(#0333) Allan Borden: I guess it was an oversight. It should have probably been in #1.

(#0336) Bob Fink: The policy actually applies to both single family and nonresidential.

(#0345) Allan Borden: So in C.1., right after the word 'single family residential'; it should actually read 'for existing single family residential and nonresidential development'.

(#0358) Steve Clayton: How about just for existing construction, or existing septic users, and not even differentiate. Not even knowledge the difference.

(#0378) Darren Nienaber: You could just get rid of the whole first clause.

(#0382) Allan Borden: Right. Then it would read 'The county shall allow continuing use of existing septic systems that conform with present standards until the sewer line becomes available'.

(#0398) Steve Clayton: So under C.2. and C.3. you segregated between residential and non residential; as far as nonresidential, they have a year to hook up. Was that intentional?

(#0406) Allan Borden: Yes.

(#0410) Steve Clayton: Why is that?

(#0415) Allan Borden: They're probably more complicated systems to connect to sewer. Most of that language you see is not italicized; it's existing language.

(#0424) Mark Drain: The word 'deficient' seems kind of nebulous to me. On page 1, it says 'replace deficient septic systems'; are those septic systems that maybe weren't built to current standards or septic systems that are a threat to the public health, or what?

(#0446) Steve Clayton: That's a policy and not an enforcement section of the standards. That's a policy so that's not something you'd actually hammer somebody on; it needs to be in the DR's for that.

(#0450) Allan Borden: That's true. I think the intent in the Comp Plan Policy was basically saying replace old systems that don't meet current standards.

(#0462) Darren Nienaber: Did you mean failing? I don't think you mean old style systems; you probably mean failing systems, don't you?

(#0466) Allan Borden: That's probably what the intention was.

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(#0470) Diane Edgin: A deficient system doesn't necessarily mean that it's a totally failing system.

(#0472) Bob Fink: Allan, did you talk to the health department about this proposal?

(#0475) Allan Borden: Actually no, I didn't.

(#0477) Bob Fink: I would suggest that we go ahead and take testimony from people who have come here tonight and that we go back and talk to the health department about the exact language that would be appropriate here and then we'll come back to you and give you some additional information.

(#0488) Bob Sund: Allan, it seems to me that I've seen something like this in the past where by maybe somebody spends a lot of money updating their current septic system and down the pike a sewer system is going to come through. So if you're saying in your proposal that that person has to hook up to the sewer system is that appropriate? It seems like I've seen regulations that maybe give a caveat to the person that has that system. If you hook up to the sewer system at the time it goes through it costs this much money. If you want to hook up at a later time down the pike then it's going to cost more.

(#0538) Allan Borden: That situation may have happened in this legal case, Supino vs Mason County, because those property owners were part of the North Bay/Case Inlet sewer facility.

(#0545) Steve Clayton: We need to fund the sewer facilities; you need to collect the money. A thought is, can we develop a sewer district, i.e., down Highway 3, people with existing systems that work you don't require them to hook up but that part of their normal monthly payment that goes for establishing the system they still have to pay. That's similar to what Allyn does if you have a vacant parcel in Lakeland Village; you have to pay part of the system development fee.

(#0570) Diane Edgin: I've seen this scenario with Capital Facilities in other states and I have yet to see any place that does not require you to hook up within a reasonable amount of time if it comes to your door. It's part of sharing the cost.

(#0628) Constance Ibsen: My name is Constance Ibsen. I'm glad Allan clarified that this is applying to both residential and nonresidential property. I was particularly concerned with the last sentence where it says 'new development' means any development which requires wastewater/sanitary sewer provisions which cannot be met with an existing system. I get stuck on words; 'conforms', 'present'. So we have in the audience Teri King who works with Sea Grant and the University of Washington and I would like to ask her to quickly say what this is. I also had a question about 'deficient'. I think we want to know that septic systems are adequately treating the wastewater. I just submitted today my application to be on the onsite septic/sewage advisory commission and I would suggest that not only health but that committee look at the language. I'll go ahead and read from the state WAC Chapter 246-027: Conforming system means any onsite sewage system except an experimental system meeting any of the following criteria: systems in full compliance with new construction requirements under this chapter, or systems improved, installed and operating in accordance with requirements of previous additions of this chapter, systems or repairs permitted through departmental concurrence by the waiver process which ensure public health protection by higher treatment performance of other standards. Does this mean that the word conforming mean a state requirement? I think we really need to look at that. The office septic regulations, as I understand it, are being worked on to be redone and it says in the WAC that any county can have higher standards. I think that way I wanted something like 'present standards' rather than 'conforming'.

(#0738) Allan Borden: The word 'conforming' is a verb in this sentence. It means to meet standards.

(#0745) Teri King: How do I know as a property owner if my system that was just repaired for \$25,000 is a conforming or nonconforming repair?

(#0760) Constance Ibsen: So maybe we could work on this wording after you've talked to the health department.

(#0785) Ken VanBuskirk: Ken VanBuskirk, NE 61 Davis Farm Road. Reading the staff analysis, I'm guessing that the county must have lost that lawsuit?

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(#0795) Darren Nienaber: No, we won.

(#0800) Ken VanBuskirk: You folks on the PAC know me, and I don't know any of you other than Steve, and I'm curious how many of you live in a UGA? I'm hoping that Steve won't recuse himself from this decision; it's going to have a definite impact on him as well as a lot of others. A lot of them have the misfortune of being within a UGA. Like Diane said, when those UGA lines were drawn some of them weren't right. So you've heard me talk about UGA boundaries before and you realize that some of those aren't correct. Now you're being asked to put a developmental regulation in place regarding hooking up to a sewer when it's available.

(#0832) Darren Nienaber: It's actually already in place. Mandatory hookups have been in place for a number of years. This is actually just changing the Comp Policy to reflect that.

(#0840) Ken VanBuskirk: I thought it said here in the staff analysis that when sewer lines are available people would be required to connect to it. They're being asked to put this developmental regulation in place. Belfair is a UGA and the Belfair sewer hasn't been built yet. Don't get me wrong, I feel we need a sewer badly. I was out doing water quality sampling today on Belfair Creek right below businesses and there's a failing system there that the county knows about. You can even smell it down there. It's been there for quite some time and it's not being corrected. A sewer has to be built for the right reasons and it has to be affordable to the county residents, or the UGA residents. There's a sewer advisory report that was put together and it recommended 11-0 that it be put to a vote of the residents of the UGA for the sewer. Our commissioners have already approved the Highway 3 sewer project in Belfair in UGA. It seems that they want you folks to rubber stamp their decision. The county has yet to tell residents yet what it's going to cost for that sewer. Is it going to be based on an acreage amount or is going to be based on a single hookup or whatever? It was pointed out that businesses weren't addressed in the DR's. This county has a black eye in the north end and it needs to listen to what the people are saying. Do what you think is right; maybe you might want to defer your decision until you hear from the Belfair planning group.

(#0928) Anita Latch: My name is Anita Latch and I live at 311 E Mason Lake Drive East in Grapeview. On page 2 under #1 you took out single family residential so that all existing construction needs to hookup. Is that correct?

(#0950) Terri Jeffreys: We haven't actually done anything yet. That was just discussion.

(#0955) Anita Latch: So it's my anticipation that perhaps you're going to reword it or Allan is going to put under #3 I'm still not clear whether all new development, single family and otherwise, will be obligated to hookup to the sewer; that it's not quite clear to me. I hope when you finish your actions tonight you're able to articulate that.

(#0975) Steve Clayton: I believe Darren's already articulated that it's a requirement via previous court cases...

(#0978) Anita Latch: Well, I understood that for residential and I understood it was Lakeland, correct?

(#0984) Darren Nienaber: The plaintiff's were mostly from Lakeland but applicability is throughout all of Allyn and the current county regulations require hookup. The reason why this came about is there was a persuasively written dissenting opinion in that court case that said there seems to be some inconsistency between the regulations and the Comp Plan and the Comp Plan seems to say that septic systems should be encouraged to continue on. I looked at that and Bob Fink looked at that and we said we have to read the Comp Plan Policies within the whole broader context and so that judge was wrong. In order to give greater clarity we just thought that bringing the Comp Plan up made sense. It didn't relate to the SR3 expansion; there's no sudden hidden meaning here. It was only in reference to that court case just to make things a little bit more legally clear. That was the only overall purpose for this.

(#1035) Anita Latch: Well, in #3 where it says 'new development' means any development which requires sanitary provisions which cannot be met with an existing system. That's where I'm not clear. If there is an existing system then there are ... what you're saying here is that everybody, residential, commercial, churches, etc., all have to hookup?

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(#1065) Darren Nienaber: That's the intent, yes.

(#1075) Constance Ibsen: Maybe we wouldn't even have to define deficient because it doesn't make any difference. You have in here replace deficient septic systems in a timely fashion with septic systems that conform with present standards until the sewer line becomes available. So then you're going to define that. It just seems to me that we could make this clearer. Maybe within one year everybody has to hook up to the sewer line; that sound more clear to me.

(#1108) Steve Clayton: So we're going to have Allan wordsmith this back to us? Do we want to propose a direction for him? It seems like he has a direction to do it.

(#1115) Bob Sund: And also to work out something with the health department, too.

(#1120) Diane Edgin: I make a motion we continue this until Allan brings us back some new wording.

(#1122) Terri Jeffreys: I second the motion.

(#1124) Steve Clayton: We have a motion and a second. All in favor? Opposed? Motion passes.

Break in meeting.

(#1210) Steve Clayton: Next we'll do item (o). Allan?

(#1218) Allan Borden: This proposed revision is part of the Resource Ordinance from the standards of the Fish and Wildlife Habitat Conservation Areas. There's two proposals; the first proposal is to allow Public Works to use a submitted Biological Assessment or Biological Evaluation instead of a Habitat Management Plan in reviewing certain required permits. Public Works, in following the RO, has to submit for environmental permits for certain projects and some of the projects involved the Corp of Engineers review. In that Corp of Engineers review both the state and federal agencies require the completion of a BA or BE as part of the Corp of Engineers permit review. The proposal here is to allow Public Works to use the BA or BE in place of the HMP in situations where they have to undergo this COE permit review. If there is a proposed maintenance project or a road project that requires an environmental permit but doesn't necessarily require the Corp of Engineers review then they will need to submit that HMP as the regulations now require. The proposed revision is in 17.01.110 section (J) HMP Requirements and the recommended revision is to allow the sentence at the end of the introductory paragraph to that section which talks about the need to complete an HMP and have it reviewed by state fisheries and tribal natural resource scientists to include this sentence 'For those projects requiring the preparation of a BA or BE as part of the application for a Corp of Engineers permit, the approved BA or BE meets the requirements of an HMP, and the contents of the BA or BE meet the standards listed in J.2.' J.2. is the list of contents in the HMP. The intent here is that these BA or BE are very detailed documents and are equivalent to an HMP. They're also reviewed by the agencies prior to the COE's approving their permit and basically approving the adequacy of the BA or BE. The second half of this has to do with an additional general exemption that would allow Public Works to be exempt for RO provisions for the maintenance of public roads performed using certain BMP's adopted by a Regional Road Maintenance Program. Rick Hirschberg from Public Works can provide you with more information. My analysis basically says that this maintenance program has been adopted by 27 city and county government agencies after extensive scientific review and it's also been approved by NOAA Fisheries and is close to being approved by US Fish and Wildlife. This general exemption revision would basically allow Public Works to not be required to meet the RO standards if they follow this Regional Maintenance Program BMP's.

(#1515) Bob Sund: So I guess what you're saying is that if Public Works has a BMP practice that that would be acceptable rather than doing a whole HMP.

(#1530) Allan Borden: No, don't confuse the two changes. These are two separate changes. One of them has to do with allow the BA and BE to be used instead of the required HMP and the other requested revision is to allow Public Works to do certain road maintenance projects even outside of the right-of-way or previously disturbed areas of the road right-of-way as long as they proceed using these BMP's that have been accepted

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by a multitude of agencies. They still need to confer with the county that they're going to do these work activities; they just don't have to get an Environmental Permit. It's not a carte blanche exception; it is limited.

(#1570) Bob Sund: Are county roads and state roads different? Does the state road maintenance people have the same prerogative as the county road people are asking for?

(#1582) Allan Borden: Rick might be able to answer that question for you. The way it is written it doesn't specifically say county public works; it talks generally about proposed road work

(#1600) Bob Fink: This would apply to DOT as well as the county.

(#1614) Bob Sund: Where you may have a small creek or spring draining into a highway ditch and it follows the highway ditch for a while and then is culverted through the highway. Would a hydraulics permit be required or are they saying any cleanup portion of the ditch, or are they saying we will follow BMP's when we clean the ditches?

(#1642) Bob Fink: We don't have any control over hydraulics permits, which are state permits. What this says is if they're doing actions that are consistent with the BMP's which have been approved by the federal government, then after consultation they would be able to go ahead, as far as county permitting goes, and do the work. That wouldn't exempt them from any state or federal permit they might otherwise need. That would apply to either the state or the county doing work in or out of the right-of-way as part of the public works project.

(#1672) Allan Borden: It sounds like what you were describing may have even qualified for a previously disturbed area anyway.

(#1674) Bob Fink: Right. Maintaining a culvert would be maintaining a previously disturbed area.

(#1720) Rick Hirschberg: My name is Rick Hirschberg and I'm the Environmental Services Manager for the Public Works Department. It sounds like there's a little confusion here. We've got two separate parts of the RO that we've propose some changes to but the motivation is pretty much similar in both cases. Maybe going to the second item first, under the existing RO any road maintenance activity that is conducted would end at the original footprint previously disturbed area of the road, maintenance of the road is exempt right now under the RO. All we're asking is that if you are signatory to a programmatic approach to protect endangered species, which is what this Regional Road Maintenance forum is all about, that that same exemption apply to road maintenance activities that may be outside the existing disturbed area; still all connected with road maintenance. You would be signed on as a member of this programmatic approach to protecting endangered species as well as other species that happen to be in the area. So it's an extension of the philosophy you already have in place for working within the right-of-way or the disturbed area and just extending that to still only road maintenance. It may require an HMP, it might require a Corp permit, it may require a lot of other permits but just an extension of that philosophy in return for saying we've got a procedure in place that we've committed to in terms of BMP's to conduct those activities. We can stop here and talk about this one and then we can go to the HMP.

(#1790) Bob Fink: Rick, would you describe briefly the science that went into developing these practices?

(#1794) Rick Hirschberg: The 27 entities that made up this group was spearheaded by the WSDOT but a lot of counties and cities signed onto the same process and basically it's a response to ESA requirements related to road maintenance activities. There's a lot of activities that are reoccurring same type of thing day after day that everybody is doing and rather than processing all kinds of individual permits the federal agencies, particularly NOAA Fisheries and US Fish and Wildlife, agreed to the concept and they've done other types of activities where you set up the conditions in terms of the types of activity that you want to conduct and the process and practices that you will use to protect endangered species and the resources in these cases. We will review it and tell you whether or not we would agree to that and they have agreed to that. NOAA Fisheries has signed off officially; Mason County has formally applied; each of those 27 entities applies as an individual group to get coverage under this program. Mason County has done that and we're expecting the approval from US Fish and Wildlife sometime this year and that's the second step in that process so they

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have really been the ones that have reviewed the scientific credibility of the proposal. There's a very detailed process that you go through in terms of identifying the resource you're trying to protect, the type of activity you want to conduct and then a list of options you can choose that would be most appropriate for that particular situation. We have monthly road maintenance meetings. We have to document all of these activities, send in annual reports to US Fish and Wildlife and NOAA Fisheries so it's a very refined, well thought out process.

(#1870) Terri Jeffreys: This is for road maintenance only?

(#1872) Rick Hirschberg: Yes, only for road maintenance. It has nothing to do with road construction or any other kinds of projects. The programmatic approach has been used by the Corps and by the services in other types of activities and basically they were getting buried in paperwork by all the individual permits.

(#1898) Bob Sund: There's other roads besides state and county roads. There are forest service roads, park service roads, tree farm roads, etc. Is there a different criteria for all of those people or are we asking the county to get preferential treatment when it comes to the existing roads that are maybe in the forest service or state forest land or tree farm roads?

(#1938) Rick Hirschberg: I heard two questions there. In terms of what steps are taken, the BMP's are fairly standard. It doesn't matter if you're talking so much about a forest road or a county road; ditch cleaning activities, when you're around streams, there are certain things you need to do. Everybody is doing the same types of things to protect those resources. The vehicle that causes that to happen varies with the type of road you're talking about. Most forest roads, I believe, are covered under the Forest Practices Act, and I'm not quite sure the relationship in terms of the ESA ... the Forest Practices Act is a state act and it's federal legislation but that's how they get into the process.

(#1970) Bob Sund: I guess I have a concern whether it be a county road or a forest service road or a tree farm road that maybe there's a particular situation where there's maybe a log jam or something like that that's going to do a lot of damage unless we do something right now and I think we need to have that ability to do something right now rather than go through a big permitting process.

(#1995) Rick Hirschberg: Actually, what you just described probably fits under the emergency portion of the ordinance right now, but keep in mind what we've proposed here only applies to activities outside the existing prism road footprint. They're already exempt within that. So it's more of an extension of a philosophy. If we do maintenance work inside the existing road footprint we still go through the same process that's outlined here with the Regional Road Maintenance guidelines.

(#2038) Darren Nienaber: Rick, can you venture a guess as to how much this might save the county?

(#2048) Rick Hirschberg: It's kind of hard to say until a situation develops but aside the dollar costs you've got environmental damage, too. If you can prevent a road washout or a culvert failure those kinds of dollars are hard to calculate. I don't really have a figure in terms of dollars but timeliness is definitely an important factor.

(#2065) Steve Clayton: Any more questions for Rick on the second part of this proposal?

(#2080) Diane Edgin: This isn't giving you any additional powers than what you have now it's just streamlining it.

(#2085) Rick Hirschberg: Part of my responsibility is the permitting for activities and right now the way the ordinance is written I have to take a close look at whether road maintenance work that's being proposed is inside or outside of the right-of-way or the existing footprint and this makes that administrative burden a little bit easier if the philosophy that's already in place for road maintenance work inside the footprint is extended to outside in terms of the exemption provision. The types of BMP's that we're using would be the same that currently are allowed under the exemption for work inside the existing footprint. Now onto the first part of the proposal. Allan did a good job of summarizing it. There are more than a few cases where we have a project that requires both an MEP and a Corps permit. The standard provision of Corps permit is that you submit a BA and rather than having to submit two separate documents each that would have to be written for essentially for same purpose, one to the county and one to the Corps, we propose that the BA, when it is

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required, be allowed to meet the requirements of the HMP under the RO. In those cases where no BA is required, we still write the HMP.

(#2175) Diane Edgin: I'm happy.

(#2180) Mark Drain: I am, too. I guess I'm more familiar with standards and requirements for forest roads and they're extensive and there BMP's involved there and anything that would make his job easier without any adverse affects to the environment I'm voting for it.

(#2200) Bob Sund: I guess I'm just wondering if they're asking for something that they're not granting to someone else.

(#2208) Bob Fink: Forest Practices roads are exempt from county regulations; federal highway forest roads are exempt from county regulations and national park roads are exempt from county regulations.

(#2215) Bob Sund: Okay.

(#2225) Allan Borden: Timber operations fall into the Forest Practices Act of Washington.

(#2245) Constance Ibsen: My name is Constance Ibsen. I just really have some questions. On the first one, this means that you're not going to submit paperwork to the county, just to the Corps?

(#2254) Rick Hirschberg: We'd just make another copy of the BA and instead of turning in an HMP with our MEP application, we'd turn in a copy of the BA.

(#2268) Constance Ibsen: On the second one, I would probably feel a lot more comfortable about this if the county had adopted the DOE's 2001 stormwater plan. I'm also questioning ... this seems premature for me if I was reviewing it because I don't have a copy of this Regional Road Maintenance guideline program. It hasn't been approved by F & W and I've had several experiences with the Department of Public Works putting forth issues that are premature before all the information is in. I also am very concerned about the current practices for the county when it's doing it's maintenance because this whole idea of digging out and chipping away at the banks and along side the roads to clean out ditches is really not following any BMP's. It's not allowing the little bit of vegetation to be in there to clean the water that percolates down. You're just making the bank fall down sooner and we just get a bigger ditch and then more land falls down so you get more disturbed area continually. It seems to me a lot of this is self reporting and self regulating ... when you write it down would you say ... we followed it pretty good; we followed most of the regulations. Is there an appeal process if we feel it's not working? Would it be to the group? What if they make changes? Is it going to allow for low impact development and some changes in how you treat stormwater? For me this just brings back a lot of questions. I really would like to see this Regional Road Maintenance and I will be at meetings with US Fish & Wildlife and I'd just like to know more about the program and how you're going to follow it. Sometimes we have these 'lost and found roads' in Mason County like Razor Road. First it wasn't there and then it was and now apparently we're going to be putting a sewer line along Razor Road, so then will you be exempt from all this stuff for a project like that because you're going to be bringing it up to county standards?

(#2412) Rick Hirschberg: The sewer line has nothing to do with road maintenance.

(#2414) Constance Ibsen: But if you then decided that Razor Road was really a county road would this exempt you from permitting because you just found out it was a county road and you're just going to improve it?

(#2425) Rick Hirschberg: This would only apply to maintenance activities.

(#2430) Bob Sund: They're doing a BA which seems like that is a safeguard in there with BMP's. They're just not going to go do it because they still have to submit the BA.

(#2445) Constance Ibsen: It's interesting to me going back and forth on these BMP's. Here I'm questioning what they are because I don't have a copy of them and most of the time, Mr. Sund, you're on the other side saying we're special and we can't be cookie cutter and what was BAS then is not now, etc. I would feel a lot

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better if I knew what this document said.

(#2470) Steve Clayton: Unlike the 2001 stormwater plan which we haven't adopted, we haven't put a particular date on this Regional Road Maintenance plan so I'm assuming that by not being dated it keeps current with whatever the current plan is. That seems to be in the best interest of the county.

(#2484) Constance Ibsen: So is it already adopted? If Fish and Wildlife hasn't signed off on it ...

(#2488) Rick Hirschberg: Fish and Wildlife have said they will approve it. They have not formally signed it yet. If they don't that whole proposal becomes moot.

(#2495) Constance Ibsen: So again I said I thought that it was premature and I've been down this road before with Public Works.

(#2500) Rick Hirschberg: I'd like to make one other comment. In terms of the documentation, there's a very specific procedure that's been outlined in terms of what is done in terms of activities and we will be audited on that reporting by the services; NOAA Fisheries and US Fish and Wildlife.

(#2525) Steve Clayton: Any other testimony on this? We'll close the public testimony and open it up for our discussion.

(#2532) Terri Jeffreys: I move that we accept the proposed revision to the Resource Ordinance 17.01.110.

(#2542) Mark Drain: I second the motion.

(#2544) Steve Clayton: We have a motion and a second. All in favor? Opposed? Motion passes.

(#2550) Terri Jeffreys: I move that we accept the revisions to the Resource Ordinance 17.01.130.

(#2560) Mark Drain: I second the motion.

(#2562) Steve Clayton: We have a motion and a second. All in favor? Opposed? Motion passes. What's next on the agenda, Allan?

(#2600) Allan Borden: There are several more items on the agenda for you to review.

(#2635) Bob Fink: You might want to ask if there's any more public comment from people who came here tonight for any of the other topics on the agenda.

(#2640) Constance Ibsen: I have comments for exemptions from the MEP for existing footprints, 17.01.110. I had spoken on many variances that have been under the RO and what we find is people are keeping somewhat within the footprint and maybe adding the 10% and then if it's a remodel then the county has said automatically then can put on a second floor. We're getting just huge residences and after that we know there will be problems with more impervious surfaces and they don't even have to upgrade their septic. I really think it's more appropriate to go for the square footage rather than this existing footprint and the building up because it's just more use. They go from cabin and minimal use to big huge houses with lots of people.

(#2780) Steve Clayton: Any other comments on any other pending items?

(#2790) Terri Jeffreys: I move we close all the public hearings on all listed items on our agenda.

(#2805) Darren Nienaber: Actually, unless you decide on them I don't know that you want to officially close the public items. I suggest anything that's still on the agenda that you continue until next time so you wouldn't be closing the public hearing.

(#2855) Terri Jeffreys: I think the point is that there's been two calls for public hearings on these and I think we've exhausted the public hearing and the folks that want to come and make testimony and I'm not sure ...

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(#2865) Darren Nienaber: If you want to go that route you can.

(#2868) Steve Clayton: One thought is we haven't had two calls on the second set and then we have rewording to be done by Allan on at least one of the proposals so that will be up fresh again.

(#2880) Diane Edgin: Let's be sure we know which ones we haven't covered yet.

(#2892) Steve Clayton: We have finished item ('i') regarding the cemeteries; we finished ('k') regarding the shipping containers; ('m') regarding the sewers was continued; ('o') was the last one we did; we also finished with ('aa') and ('bb').

(#2940) Terri Jeffreys: Similar Uses. That was continued, also.

(#2960) Susie Ellingson: So you're saying you want to close all the public testimony that we haven't gotten through for items 1 - 8 that were from the first set?

(#2975) Terri Jeffreys: I'm going to withdraw my motion.

(#2977) Steve Clayton: We could use the time more aggressively next time around based on the fact that it's been open twice. We did get some good input. Okay, so Terri withdrew her motion and Bob earlier had a motion to adjourn and Mark seconded it. Opposed? Meeting adjourned.