

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

July 10, 2012

1. Call to Order – The Chairperson called the regular meeting to order at 9:03 a.m.
2. Pledge of Allegiance – Commissioner Bloomfield led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 3 – Steve Bloomfield. Absent: Commissioner District 2 – Tim Sheldon
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 The Washington State Liquor Control Board sent notice of an application for added privilege for North Shore Place in Belfair.
 - 4.1.2 The Economic Development Council of Mason County provided their second quarter report.
 - 4.1.3 The Port of Shelton is seeking comments regarding their draft Fairground Future Use Plan.
 - 4.1.4 The Washington State Department of Transportation provided notice of the disposition of surplus property.
 - 4.1.5 The Loyal Order of Moose provided final notice of vacation of Memorial Hall.
 - 4.1.6 Patricia Vandehey is seeking appointment to the Planning Advisory Commission.
5. Open Forum for Citizen Input –
 - 5.1 Connelly Watson commented on a proposed land exchange for a state park on Harstine Island. He didn't feel that the properties proposed for exchange were of equal value.
 - 5.2 Patricia Vandehey commented on a recent lawsuit filed against the County. She stated that there weren't enough resources to constantly fight lawsuits and she thought the County should be more circumspect in its activities.

Cmmr. Bloomfield agreed that it was important for government to maintain transparency.

Cmmr. Ring Erickson explained that counties and cities are often sued because they do not have sovereign immunity in Washington State. There is insurance in place. It isn't necessarily about the County being reckless. It is the nature of doing business in local government.

Cmmr. Bloomfield added that it is a litigious society and lawsuits of a frivolous nature can make it difficult for the County to keep up with more important things.
 - 5.3 David Pifke, Shelton Cemetery Association, stated that the County Commissioners have failed to attend the Association's public meetings since the last election and he would like to see a County representative attend the next meeting.
6. Adoption of Agenda - **Cmmr. Bloomfield/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-absent; B-aye.**
7. Approval of Minutes – None
8. Approval of Action Agenda:
 - 8.1 Approval of the Washington State Department of Social & Health Services contract #1263-52716 for Alternative Response/Early Intervention Services to continue the Early Intervention Program in the amount of \$36,623.04.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
July 10, 2012 - PAGE 2

- 8.2 Approval of Washington State Department of Social & Health Services contract #1263-52713 for Alternative Response/Early Intervention Services to continue the Early Family Support Services program in the amount of \$16,384.78.
- 8.3 Approval of a contract with Inslee Best in the amount of \$46,030.94 for legal services related to property acquisition in conjunction with the Belfair sewer project.
- 8.4 Approval of the Veterans Assistance Fund application for: Douglas Hanson – Housing \$200.00 & Utilities \$45.45 for a total of \$245.45 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.5 Approval to authorize the Public Works Director to execute Supplemental Agreement No. 2 to Service Agreement No. 11-1829, with KPFF Consulting Engineers, to include additional Bridge Replacement Advisory Committee funding letter assistance, water line design for the Hunters Creek Bridge Project and additional bridge component designs not included in the original scope of work.

Cmmr. Bloomfield/Ring Erickson moved and seconded to approve Action items 8.1 through 8.5. Motion carried unanimously. RE-aye; S-absent; B-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time –
 - 9.1 Public hearing to consider amendments to Title 17, Section 17.03.030 of the Mason County Code allowing holding tanks as a possible exception to mandatory sewer connections for new development within the Belfair Urban Growth Area.

Barbara Adkins, Department of Community Development, provided a history of the proposed amendment. Title 13 was amended earlier in the year, which impacted Title 17. Originally, Title 13 contained language that limited new development in the Belfair UGA until sewer was available. There was similar language in Title 17 that prohibited the issuance of onsite permits in the Belfair UGA. Title 13 was amended to restrict the prohibition of development to only those properties within 500 feet of the sewer pipeline. When that amendment was adopted they attempted revise Title 17 so both codes reflected the same language. Public hearings were held and it was determined that it wasn't the best solution for the community. The amendment currently proposed would allow holding tanks. Originally, holding tanks were determined to be strictly prohibited through the Growth Management Act. Now that there is an adopted Belfair sewer plan, the holding tanks may be more palatable to the State agencies and Growth Management Hearings Board as an interim solution until sewer lines are available.

She stated that the proposed language allows holding tanks on property outside of 500 feet of the sewer line. The holding tanks must meet the eight conditions in the ordinance. She went over each of the eight criteria listed in the ordinance. She felt the proposal would meet the concurrency requirements and still allow some development to occur outside of the 500 foot requirement for the sewer connection.

There were no questions for staff.

Public Testimony

Brian Matthews, Public Works, suggested adding the language "or its successors" after Mason County Utilities and Waste Management for clarification in the event that the ownership of the utility should change.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
July 10, 2012 - PAGE 3

Leonard Bower, Washington State Department of Commerce, felt the amendment provided a good option for existing property owners to use their property during the transition to urban services. He commended staff for their work and recommend adoption.

Tom Moore, Utilities and Waste Management, emphasized that it would be an interim solution to a problem. Continuing to address sewer expansion in the UGA would be vital to the financial stability of the utility. It wouldn't be a workable solution to install holding tanks at all of the 163 existing lots.

Cmmr. Bloomfield thought it was step in the right direction to allow some flexibility.

Cmmr. Ring Erickson stated that it had been a difficult journey for Belfair. The discussion had been going on since at least 1991. The reality seven years ago was that Belfair was looking at a moratorium on building. They had to look at options for the Growth Management Hearings Board to get away from that moratorium. The Commissioners were required to plan for a sewer for the whole Urban Growth Area. She still didn't want to see a of moratorium for the people who want to build. The Commissioners were told that there could not be holding tanks before but it has now been shown that the sewer is going forward and the holding tanks would also be run by the utility.

Cmmr. Bloomfield/Ring Erickson moved and seconded to adopt the amendments to Section 17.03.030 of the Mason County Code to allow holding tanks in the Belfair UGA on an interim basis for future residential development. Motion carried unanimously. RE-aye; S-absent; B-aye. Ordinance No. 55-12 (Exhibit A)

10. Other Business (Department Heads and Elected Officials) –

10.1 Debbie Riley, Public Health, read a media release from Craft 3 regarding summer rates for septic loans.

10.2 Bob Simmons, WSU Extension, announced the release of the 2011 Oakland Bay Progress Report. He provided summary of the report.

11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.

12. Adjournment – The meeting adjourned at 9:52 a.m.

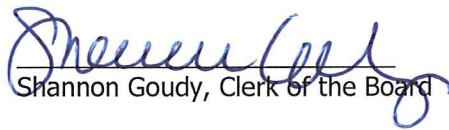
BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
July 10, 2012 - PAGE 4

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chair

ATTEST:


Tim Sheldon, Commissioner


Shannon Goudy, Clerk of the Board


Steve Bloomfield, Commissioner

ORDINANCE NUMBER 55-12

**AN ORDINANCE AMENDING TITLE 17, SECTION 17.03.030
MASON COUNTY ZONING CODE FOR THE ALLOWANCE OF HOLDING TANKS**

AN ORDINANCE amending Title 17 (Zoning), Section 17.03.030 (Development Requirements and Performance Standards) of the Mason County Code under the authority of Chapter 36.70 and 36.70A RCW.

WHEREAS, on January 10, 2012 the Mason County Board of County Commissioners ("Commissioners") approved a Resolution amending Title 13, Section 13.31 ("Sewer Code") relating to mandatory connections to public sewer for all new development within the Belfair Urban Growth Area (Resolution 04-12); and

WHEREAS, the Sewer Code is implemented through the Mason County Department of Utilities and Waste Management and provides regulations for the provision of sanitary sewer in the Belfair Urban Growth Area ("Belfair"); and

WHEREAS, the revisions as adopted in the Sewer Code include new language limiting the requirement of sewer connections for new development to only those properties whose property line is within five hundred (500) feet of the public sewer pipeline; and

WHEREAS, portions of the Sewer Code reference Title 17 (Zoning Code), implemented through the Mason County Department of Community Development, with respect to new and existing development, and the requirement of such development to connect to public sewers when available; and

WHEREAS, revisions to the Sewer Code created an inconsistency with the Zoning Code that does not limit mandatory sewer connection to properties within five hundred (500) feet of the pipeline. As adopted, the Zoning Code requires connection for *all* new development; and

WHEREAS, similar amendments to the Zoning Code were proposed for consideration and ultimately denied in response to concerns it could be construed as allowing rural services (septic tanks) in an urban area. The revisions would not specifically mandate connection to sewer to all new development and therefore could be interpreted as allowing septic tanks until such time as sewer became available; and

WHEREAS, revisions to Title 17, as attached to this Ordinance, are intended to continue mandatory connection for property within five hundred (500) feet of the pipeline, but would now permit holding tanks, under certain criteria, for those properties beyond five hundred (500) feet; and

WHEREAS, these revisions allow for a holding tanks for temporary on site sewage disposal under certain criteria and restrictions; and

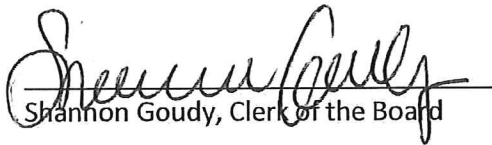
WHEREAS, while septic tanks are long term sewage treatment facilities, holding tanks are temporary in nature and will be maintained by Mason County. All property owners installing holding tanks will be subject to policies and regulations of the Mason County Department of Utilities and the Mason County Department of Public Health and Human Services and will be decommissioned when sewer is available.

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends Title 17 (Zoning), Section 17.03.030 of the Mason County Code. (See Attachment A)

DATED this 10th day of ~~June~~ JULY 2012.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

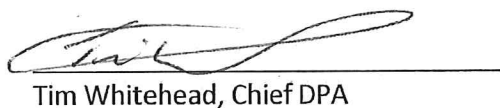
ATTEST:


Shannon Goudy, Clerk of the Board


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:

ABSENT
Tim Sheldon, Commissioner


Tim Whitehead, Chief DPA


Steve Bloomfield, Commissioner

ATTACHMENT "A"

17.03.030 DEVELOPMENT REQUIREMENTS AND PERFORMANCE STANDARDS

The following development requirements and performance standards apply to all property proposed for development, which is within the boundary of Mason County's Urban Growth Areas (UGA). No development approval shall be given, and no building permit shall be issued, unless the proposed development complies with the provisions of this chapter.

- (1) New Lots.
 - (a) No new lots will be created within the boundaries of the Belfair and Allyn UGAs, which employ individual or community/group on-site sewage disposal systems.
 - (b) All residential subdivisions created after the adoption of this chapter, shall have a residential urban density of at least four units/acre.
 - (c) Location of sewer lines will be pre-located and easements established in conformance with the Sewer Analysis Plan and as illustrated on the Belfair UGA Build-Out Sewer Connection Map.

- (2) Existing Lots of Record.
 - (a) No new development or redevelopment on existing lots of record in the Belfair UGA shall be allowed using individual or community/group on-site septic systems except that:
 - (i) New development or redevelopment using an existing (as of April 8, 2008) approved on-site or community/group system may be allowed provided that no expansion of the capacity of on-site system is needed to serve the redevelopment and provided that the public sewer system has not been extended to within five hundred feet of the property line; and
 - (ii) New development or redevelopment of lots, within the Belfair UGA, existing as of August 2, 2011 wherein sewer has not been extended to within five hundred (500) feet of the property line may seek approval for holding tanks¹ when:
 - (1) It complies with all requirements and specifications of the Mason County Department of Public Health and Human Services, Mason County Department of Community Development, and the Mason County Department of Utilities and Waste Management, and
 - (2) A binding site plan is submitted which provides for future sewer pipelines and other utilities in accordance with the Belfair UGA Build-Out Sewer Connection Map, and

¹ WAC 246-272A-0010 "Holding tank sewage system" means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the offsite treatment and disposal of the sewage generated.

- (3) Demonstrates that development at the minimum density allowed within the zone could be achieved once public sewer and/or water would be available to serve the project site, and
- (4) Development of the site shall be consistent with the approved site plan. The director may allow minor modification to the site plan, provided that all other regulations and conditions placed on the approval are met, and
- (5) Allows as needed pumping services to be provided by the Mason County Department of Utilities and Waste Management, and
- (6) Agreement of payment of monthly fees as established by the Mason County Department of Utilities and Waste Management, and
- (7) Payment of the Belfair sewer Capital Facilities Charge (CFC) in effect at the time of commencement of utilization of the holding tank(s), and
- (8) Agreement to decommission the tank and connect to public sewer within ninety (90) days of the public sewer system extending to within five hundred (500) feet of the subject property's nearest property line. The cost of any connection/extension required will be borne by the property owners. The developer of an extension may collect latecomer's fees for off-site improvements.

- (b) All residential, industrial and commercial, currently using on-site disposal systems, will be required to connect to public sewers once a public system is extended to within five hundred feet of the closest property line regardless of the timing of the original on-site installation. The cost of any extension required will be borne by the property owners. The developer of an extension may collect latecomer's fees for off-site improvements.
- (c) All existing permits for the installation of on-site systems, which have been approved but have not been installed, shall be declared void at such time the sewer is within five hundred feet of the closest property line.

(3) Existing Lot Consolidation or Boundary Adjustment. Within the Belfair and Allyn UGA, consolidation of existing residential lots to form a single lot greater than eight thousand square feet, will not be allowed except to the extent that site conditions and site constraints impede the individual development of the lots combined by the consolidation, in accordance with subsection (2) above.