

## **BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS**

**AUGUST 7, 2001**

The meeting was called to order at 9:03 a.m. by Chairperson Mary Jo Cady. Commissioner Wesley E. Johnson was in attendance, Commissioner Herb Baze was attending a conference.

### **APPROVAL OF MINUTES**

**Cmmr. Johnson/Cady moved and seconded to approve the July 24, 2001 meeting minutes as circulated. Motion carried unanimously. B-absent; J-aye; C-aye.**

### **CORRESPONDENCE**

#### **2002 LEVIES**

Received a copy of Fire Protection District No. 8's 2002 levy.

#### **MOTOR VEHICLE FUEL TAX ALLOCATION FACTORS**

Received the 2002 motor vehicle fuel tax allocation factors. The estimated motor vehicle fuel tax revenue for 2002 is \$2,029,500; and the estimated County Arterial Preservation Program revenue for 2002 is \$284,100.

#### **OFFICE OF TRADE AND ECONOMIC DEVELOPMENT**

The State of Washington Office of Trade and Economic Development has advised of funding opportunities up to \$58,000 per county for approved activities.

#### **MASON COUNTY FAIRGROUNDS**

Received a letter from the Washington State Department of Transportation regarding the Mason County Fairgrounds.

#### **COUNTY COMMISSIONER CANDIDATES**

The Mason County Republican Central Committee announced the three candidates for County Commissioner are: Bob Holter; Kurt Kingman; and Ed Moats.

#### **911 CONTRACT**

Received a copy of the letter finalizing Mason County's operations contract with the State 911 office.

#### **BELFAIR BYPASS/101 CONNECTOR STUDY**

The Mason County League of Women Voters submitted a letter asking for additional information regarding the Belfair Bypass/101 Connector Study.

### **BUSINESS**

#### **RSN MENTAL HEALTH ADVISORY BOARD - APPLICANT**

The RSN Mental Health Advisory Board recommended appointment of Skip Dane to represent Mason County on the RSN Mental Health Advisory Board.

**Cmmr. Johnson/Cady moved and seconded to appoint Skip Dane to represent Mason County on the RSN Mental Health Advisory Board. Motion carried unanimously. B-absent; J-aye; C-aye.**

#### **HOUSING AUTHORITY OF MASON COUNTY**

It is recommended Patricia Johnson be reappointed for another five-year term on the Mason County Housing Authority.

**Cmmr. Johnson/Cady moved and seconded that Patricia Johnson be reappointed to serve another five year term on the Mason County Housing authority. Motion carried unanimously. B-absent; J-aye; C-aye.**

#### **LODGING TAX COMMITTEE**

It is recommended the Board appoint Jacquie Alexander to the Lodging Tax Committee.

**Cmmr. Johnson/Cady moved and seconded to appoint Jacquie Alexander to the Lodging Tax Committee. Motion carried unanimously. B-absent; J-aye; C-aye.**

### **WASHINGTON STATE UNIVERSITY/COOPERATIVE EXTENSION – APPENDIX A**

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**Cmmr. Johnson/Cady moved and seconded there are no objections to the application submitted from Virgil & Margaret Hanson dba Grapeview Country Store for beer/wine. Motion carried unanimously. B-absent; J-aye; C-aye.**

**Cmmr. Johnson/Cady moved and seconded approve the amended new application for The Lucky Dog, applicants: Gary Peterson & Skokomish Indian Tribe; privileges applied for Tavern - beer/wine although the Board does not approve of the location due to the close proximity to the Hood Canal School. Motion carried unanimously. B-absent; J-aye; C-aye.**

**VETERANS ASSISTANCE APPLICATION**

Charles G. Robson – VFW 5372 – Housing \$400.00  
Mrs. John E. LaBresh – VFW 1694 – Utilities \$246.57  
Dennis D. Simpson – VFW 1694 – Utilities \$170.82  
Howard Pershall – VFW 1694 – Mileage Reimbursement - \$53.18  
Robert K. Arvine – VFW 1694 – Utilities \$261.03

The Veterans Assistance Screening Committee has recommended approval of the above listed applications totaling \$1,131.60.

**Cmmr. Johnson/Cady moved and seconded to approve the Veterans' Assistance applications for Charles Robson, \$400 housing; Mrs. John LaBresh, \$246.57 utilities; Dennis Simpson, \$170.82 utilities; Howard Pershall, \$53.18 mileage reimbursement; Robert Arvine, \$261.03 utilities for a total of \$1,131.60. Motion carried unanimously. B-absent; J-aye; C-aye.**

**HEARING – Consider the removal of the utility easement between tax parcel numbers 32309-51-10028 and 32309-51-10029, lots 28 & 29, Block 10, Colony Surf Division 2.**

Kristen French, Planning, presented the resolution for the Board's approval for the alteration to Colony Surf, Division II as requested by Gerald Palmer, lots 28 and 29 for the purpose of combining the lots through a Declaration of Parcel Combination.

**Cmmr. Johnson/Cady moved and seconded to approve Resolution No. 76-01, alteration to Colony Surf Division II for Gerald Palmer owner lots 28 and 29 in Block 10, Colony Surf, Division 2. Motion carried unanimously. B-absent; J-aye; C-aye. Resolution No. 76-01 (Exhibit A)**

**FAIRGROUNDS**

Annette McGee extended her congratulations to the County on the fair for a job well done. She asked if the committee has met concerning the fairgrounds location.

Cmmr. Cady stated Cmmr. Baze is on that committee and she believes they have met but hasn't discussed it with him.

Ms. McGee stated there is a petition being circulated in the community that has close to 3,000 signatures that is asking the Port of Shelton, Mason County and the FAA to work together to keep the fairgrounds at the current location. She wants to be certain the FAA is aware there is a community concern.

**RECESS**

The Board recessed for 4 minutes.

**SHORELINE SUBSTANTIAL DEVELOPMENT/CONDITIONAL USE PERMIT – Proposal is construction to facilitate the operation of an on-going shellfish aquaculture business located at Arcadia Point. Steven & Vickie Wilson, Applicants**

Grace Miller, Planning, presented the staff report. The proposal includes three separate tasks, all necessary to facilitate the operation of an ongoing shellfish aquaculture business located at 240 SE Arcadia Point Rd, Shelton: 1) bulkhead modification 2) work platform 3) railway transport system.

No written comments were received by staff. The project meets the policies and use regulations of the Shoreline Master Program's Aquaculture and Piers and Docks chapter and staff recommends approval of the project with the

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Cmmr. Cady noted that only in the aquaculture business could a platform be allowed beyond the ordinary high water mark. She asked Mr. Wilson how he plans on moving the shellfish up the bank.

Mr. Wilson stated he currently has a staircase and he packs them up. He would like to have a boom installed some day.

**Cmmr. Johnson/Cady moved and seconded to approve the application for Substantial Development/Conditional Use permit for Steven Wilson SHR2001-00012 with the three conditions recommended by staff and approve the Findings of Fact for the Chair's signature. Motion carried unanimously. B-absent; J-aye; C-aye.**

**HEARING – Consider an amendment to Mason County Parking Ordinance 815 (Mason County Code 10.68.150) to make it more compatible with current Ecology requirements for stormwater runoff control.**

Jerry Hauth, Public Works Director, presented the staff report. With the County's adoption of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin in 1998, it is suggested that Section 10.02 of Mason County's Parking Ordinance (Mason County Code 10.68.150) be revised to read as follows:

"All public and private parking and loading areas shall be prepared in a manner to dispose of surface water runoff in compliance with Mason County's Stormwater Management Ordinance No. 144-97, and in compliance with the State Department of Transportation's requirements when abutting state highways."

Cmmr. Cady asked if this could be considered a "housekeeping" item since it is to make certain that what is in the Mason County Code is consistent with what is in the DOE Stormwater Management Manual for the Puget Sound Basin.

Mr. Hauth replied he would term it as "housekeeping" however he doesn't know if others would term it as that since the threshold in the current DOE manual is set at 5,000 square feet. The parking ordinance, as it is, would apply to anything because it says "all water". This leaves it up to staff to make a judgement call in all cases. His concern is to have it consistent and one uniform process for evaluation.

Cmmr. Cady noted that DOE is currently rewriting their stormwater manual.

Bob Hager, Lower Hood Canal Watershed Implementation Committee, stated their concern is that the change not relax any current requirements of the parking ordinance for stormwater management. The Committee recommends the parking ordinance not be revised at this time. They also recommend a policy be established that commercial property development must include treatment of the water quality design (6 month) storm.

Warren Dawes, Southwest Puget Sound Watershed Council, echoed the same concerns submitted by the Lower Hood Canal Watershed Implementation Committee. They believe the regulation of stormwater runoff should be handled under the stormwater ordinance however the wording that would be taken out of the parking ordinance, appears to be the only real control for stormwater runoff for small parking areas. He understands from DOE staff that they are going to be looking at the smaller parcels, down to 2,000 square feet. The Southwest Puget Sound Watershed Council is recommending that the amendment not be adopted at this time. They also believe a policy is necessary to deal with a 6 month storm. He stressed that water quality is important to the economy and the liveability of Mason County. He has been in contact Taylor United Shellfish Company and they also have the same concerns with water quality.

Jeff Heinis, Habitat Biologist for Skokomish Tribe, stated the impervious surface issues are very important to the water quality. He stated that studies indicates that 5% of impervious surfaces in a watershed create problems in the streams and at 20% it is too late. He believes the tighter the restrictions, the better off for the long term.

Cmmr. Cady asked Mr. Hauth if there are specific problems that these amendments will resolve.

Mr. Hauth responded it has created discussion as far as interpretation. His hope was to quantify what is being talked about, such as the 6 month water quality design storm, and insert it within the existing ordinance.

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Scott Longanecker, Planning, presented the staff report. The proposal is a Fish & Wildlife buffer variance request for the development of a single family residence and garage with a two bedroom apartment within the 90 foot buffer and building setback of a type 5 stream. The property is located on the north shore of the Hood Canal at 481 NE Landon Road, Belfair and the applicant is Karl Crabs.

The applicant is in agreement to purchase this shoreline lot from the owner, with the condition that he is able to build a home on the shoreline portion of the lot. There is a type 5 stream that originates north of North Shore Road and enters a culvert that passes under the road, it then continues south, and passes under NE Landon Road continuing in a culvert under the property and through the bulkhead where it empties on the beach of Hood Canal. The culvert has been a barrier to fish and it's been determined by Department of Fish & Wildlife (DOFW) that the stream does not support critical habitat.

Under the current Mason County Resource Ordinance 77-93, a 90 foot buffer is required for a Type 5 stream. In May of 2000, the buffer was 65 feet. However, even with the less restrictive buffer the applicant didn't have sufficient room on the waterfront portion to build the proposed residence. It was determined that if the stream was moved closer to the west side of the property, he could substantially increase the stream buffer. The applicant was granted his Hydraulic Project Approval on November 21, 2000 to move the stream. It was then determined by Mason County Public Works that moving the stream could have the potential of destabilizing NE Landon Road. With the new stream setback (90 feet), even moving the stream west would not leave enough room to build the proposed home.

In March, 2001 the applicant requested to be vested under the 65 foot buffer which was in effect in July 2000 when he submitted his JARPA application to the DOFW. The request for vesting was granted by the Mason County Planning Department, pursuant to Mason County Resource Ordinance, Chapter 17.01.130, General Exemptions, section H. The effect of this vesting approval was that the proposed garage/accessory living area on the north side of Landon Road would no longer require a variance, as the 65 foot buffer/setback could be met. In addition, the variance request for the shoreline cabin would be to request a reduction in the type 5 stream buffer/setback from 65 feet down to a minimum of 35 feet, or 40 feet if the stream is moved.

There is the possible option of building elsewhere on the property further from the shoreline and stream, however this is not a desirable option for the applicant.

A Habitat Management Plan (HMP) has been prepared and submitted by the applicant with the help of Jeff Davis, Area Freshwater Habitat Biologist with the DOFW and appears to meet the requirements as outlined in the Fish and Wildlife Habitat Conservation Areas Chapter of the Mason County Resource Ordinance.

The Mason County Planning Commission voted unanimously to approve the variance as conditioned by staff.

It is the recommendation of Planning staff that this variance be granted with the following conditions:

1. A title notification will be recorded with the Mason County Auditor to inform future owners of the Habitat Management Plan prepared for this property.
2. Danger trees that are removed will be replaced at a ratio of 10 three-year-old trees per tree removed.
3. All conservation and mitigation measures, monitoring and protection recommendations provided in the Habitat Management Plan provided for this project will be implemented.
4. All County, State and Federal permits that are required will be obtained prior to the start of any work.
5. Development shall be planned with minimum adverse environmental and visual impact.
6. Appropriate erosion control is required during construction. Removal of vegetation should be minimized and any areas disturbed should be restored to prevent erosion and other environmental impacts.
7. Debris or deleterious material resulting from construction shall be removed from the area and project site and shall not be allowed to enter waters of the State.

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Cmmr. Cady has concerns approving this request with just a verbal agreement. The Habitat Management Plan is assuming that the stream will be taken out of the culvert and onto the other person's property and the HMP for that stream involves a lot of work on somebody else's property.

Mr. Longanecker responded that he doesn't believe the stream has to necessarily go onto the other person's property.

Cmmr. Cady stated the sketch shows that and the conditions include the HMP.

Mr. Longanecker replied that he doesn't feel it is necessary to move the stream to approve the variance.

Cmmr. Cady responded that the variance has several conditions that refer to the HMP and the HMP deals with the stream being opened up and there is still a concern what that will do to Landon Road.

Mr. Longanecker stated the variance request to reduce the buffer down to 35 feet wouldn't require moving the stream and the HMP provided other mitigation than moving the stream. He still recommends approval, even if the stream wasn't moved.

Cmmr. Cady stated it appears to be two different issues. There is a variance request from the Type 5 stream that is contained in the culvert and the conditions for that part of it should not refer to the HMP. If the stream is exposed, the conditions then need to refer to the HMP. She doesn't have a problem with the proposal but would like this to be continued until there is something in writing from the other owner.

Cmmr. Johnson expressed concern with Public Works concerns on Landon Road. He would like that issue resolved.

**Cmmr. Johnson/Cady moved and seconded to continue the hearing to 8/21/01 at 10:00 a.m. Motion carried unanimously. B-absent; J-aye; C-aye.**

**RECESS**

The Board recessed for 5 minutes.

**HEARING – Take testimony on the extension of the moratorium on applications for land use permits as they relate to sexually oriented businesses.**

Bob Fink, Planning Manager, presented the staff report. The moratorium on applications for land use permits as they relate to sexually oriented business in the unincorporated area of Mason County has been in effect since January 13, 1998. The moratorium was last approved July 10, 2001, per Resolution No. 69-01. The purpose of this hearing is to allow public comment on the recent extension of the moratorium. To date, no written comment has been received.

Everett Hughes expressed support of the moratorium.

**Cmmr. Johnson/Cady moved and seconded to take no action at this time and allow the moratorium on sexually oriented businesses to remain in place as established by Resolution No. 69-01. Motion carried unanimously. B-absent; J-aye; C-aye.**

**BID OPENING – 2001 Asphalt Paving Program**

Jerry Hauth presented the four bids received.

Wilder Construction  
Olympia, WA  
\$538,134.70

Olympia Fuel & Asphalt  
Olympia, WA  
\$578,438.16

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Monday meetings. She stated two different citizens have told her they were asked to come in on Mondays to testify on two different subjects. She believes minutes would help the public to stay informed.

Cmmr. Cady pointed out there are briefings on Mondays and Tuesday afternoons. The Board has asked department heads to file an agenda stating the topics that were discussed although minutes are not taken. They have discussed having the briefing meetings recorded and having the tapes available.

Regarding the request from the League of Women Voters, Cmmr. Cady stated there have been more public meetings and community outreach on that project (Belfair Bypass), than on anything that has been done since she has been in office. Many of the questions are redundant and don't make sense for the topics that are being discussed. Another letter has been received requesting material that they already have.

Cmmr. Cady stated that they have scheduled people to come in and talk to the Board on Mondays.

Ms. McGee asked the Board to obtain an opinion from the Prosecuting Attorney's office.

**Request for Exemption Pursuant to Resource Ordinance 77-93 and Interim Amendment to Resource Ordinance 58-01 – Applicant: South Puget Sound Salmon Enhancement Group; Project proposal to replace existing fish passage barrier on Anderson Lake Creek.**

Rick Mraz, Planner, presented the staff report. Pursuant to the Mason County Resource Ordinance No. 77-93 and the Interim Amendment to the Mason County Resource Ordinance No. 58-01, the South Puget Sound Salmon Enhancement Group requests an exemption for a project designed to enhance the critical habitat of endangered and/or threatened fish species.

The project proposal is replacement of an existing fish passage barrier on Anderson Lake Creek with a "bottomless" structure, or box culvert (concrete).

The Washington Department of Fish and Wildlife has issued a Hydraulic Project Approval.

Planning staff recommends granting the exemption.

**Cmmr. Johnson/Cady moved and seconded approve exemption "J", to the Mason County Resource Ord. 77-93 and the Interim Amendment to the Mason County Resource Ordinance No. 58-01. This is for the South Puget Sound Salmon Enhancement Group for a replacement of an existing fish passage barrier on Anderson Lake Creek. Motion carried unanimously. B-absent; J-aye; C-aye.**

**SURPLUS OF EQUIPMENT**

Dave Loser, ER&R, requested the Board surplus the list of vehicles, miscellaneous computer equipment and machinery as submitted.

**Cmmr. Johnson/Cady moved and seconded to authorize the surplus of the listed vehicles, machinery and computer equipment. Motion carried unanimously. B-absent; J-aye; C-aye.**

**ROAD SUPERVISOR PICKUPS**

Mr. Loser requested permission to purchase three new, year 2002, 3/4 ton pickups to replace three Road Supervisor pickups.

**Cmmr. Johnson/Cady moved and seconded to authorize Equipment Rental & Revolving Fund Manager to purchase three new, year 2002, 3/4 ton pickups utilizing the Washington State contract for the Department of Public Works. Motion carried unanimously. B-absent; J-aye; C-aye.**

**TRANSIT ELECTION**

Al Brotche, Auditor, requested the Board authorize the Primary Election be conducted by an all-mail ballot. The Mason County Transit Board is placing a county-wide issue regarding an additional sales and use tax. He believes an all-mail ballot will have a significant savings. This Primary Election is authorized by law to be an all-mail ballot because it is an odd-year election and there is no partisan race on the ballot.

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**AMENDMENT - DSHS CONTRACT**

Debbie Riley, Environmental Health, requested the Board authorize the Chair to sign Amendment No. 5 to DSHS Contract #21648.

**Cmmr. Johnson/Cady moved and seconded to approve and authorize the Chair to sign amendment #5 to Contract #21648 between DSHS and Mason County Department of Health Services. The agreement extends the current Early Intervention Program contract from July 1, 2001 to September 30, 2001 and increases the amount by \$3,536 for a new total maximum of \$31,547. Motion carried unanimously. B-absent; J-aye; C-aye.**

**AMENDMENT - DEPARTMENT OF HEALTH CONTRACT**

Ms. Riley requested the Board authorize the Chair to sign amendment #1 to Contract #N07166 between WA State Department of Health and Mason County Department of Health Services. This is to perform 3rd party sanitary surveys on Group A water systems.

**Cmmr. Johnson/Cady moved and seconded to approve and authorize the chair to sign amendment #1 to Contract #N07166 between DOH and Mason County Department of Health Services. The agreement delegates the authority to perform 3rd party sanitary surveys on Group A water systems. Motion carried unanimously. B-absent; J-aye; C-aye.**

**BID AWARD - 2001 ASPHALT PAVING PROGRAM**

Mr. Hauth recommend the bid be awarded to Ace Paving of Bremerton.

**Cmmr. Johnson/Cady moved and seconded to award the 2001 Asphalt Paving Program to Ace Paving Co., Inc. of Bremerton, for their bid price of \$522,644.60. Motion carried unanimously. B-absent; J-aye; C-aye.**

**CABLE REMOVAL - SKOKOMISH RIVER**

Mr. Hauth reported that Public Works will award a contract to remove the cable from the Skokomish River Bank Protection Project located at approximate river mile 2.25. The award is to Legacy Construction L.L.C. in the amount of \$10,520.25.

**SCHUMOCHER CREEK BRIDGE PLANS**

Mr. Hauth requested the Chair be authorized to sign the plans for the Schumocher Creek Bridge replacement submitted by Sargent Engineers.

**Cmmr. Johnson/Cady moved and seconded to authorize the Chair to sign the Plan Sheets for the Schumocher Creek Bridge, County Road Project 1630, Mason Lake Drive West. Motion carried unanimously. B-absent; J-aye; C-aye.**

**PURDY CUT-OFF ROAD CULVERT**

Mr. Hauth announced Public Works has ordered a culvert from Contech Construction Products, Inc of Edmonds in the amount of \$19,800 for replacement of a culvert under Purdy Cut-off Road.

**ROAD CLOSURE - PURDY CUT-OFF ROAD**

Mr. Hauth requested the Board authorize the closure of Purdy Cut-Off Road to facilitate the replacement of an existing culvert. Closure will begin 8:00 a.m. Tuesday, September 4, 2001 and will end 5:00 p.m. Friday, September 21, 2001.

**Cmmr. Johnson/Cady moved and seconded to approve Resolution No. 78-01 for the closure of Purdy Cut-Off Road, County Road No. 41780, from 8:00 a.m. September 4 to 5:00 p.m. September 21, 2001. Motion carried unanimously. B-absent; J-aye; C-aye. Resolution NO. 78-01 (Exhibit C)**

**HARSTINE ISLAND BRIDGE REPAIRS**

Mr. Hauth requested the Chair be authorized to sign the Local Agency Agreement Supplement for the construction phase for the Harsstine Island Bridge emergency repair. This is for repair work to the west end of the Hartstine Island Bridge caused by the February earthquake.

**Cmmr. Johnson/Cady moved and seconded to authorize the Chair to sign the Local Agency Agreement**

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by Mason County Public Works and/or for rental of county equipment.

**Cmmr. Johnson/Cady moved and seconded to execute the interlocal agreement between Mason County and Kitsap County for reimbursable work performed by Mason County Public Works and/or for rental of Mason County equipment. Motion carried unanimously. B-absent; J-aye; C-aye.**

**INTERGOVERNMENTAL AGREEMENT - FPD #9**

Mr. Hauth requested the Chair be authorized to sign the intergovernmental agreement with Fire District No. 9 to allow them to use the Mason County Small Works Roster.

**Cmmr. Johnson/Cady moved and seconded to authorize the Chair to execute the inter-governmental agreement with Fire District No. 9 authorizing the Fire District to use the Mason County Small Works Roster. Motion carried unanimously. B-absent; J-aye; C-aye.**

**LEAGUE OF WOMEN VOTERS REQUEST**

Cmmr. Cady referred to the supplemental request made by the League. She noted they already have the documents except Item 3, reimbursements to date from the state (regarding the Belfair Bypass). She asked Mr. Hauth to mail that information to Ms. Johnston.

**APPROVAL OF WARRANTS**

<b>FUND NAME</b>	<b>WARRANT NUMBER</b>	<b>AMOUNT</b>
Claims Clearing	27356	\$248.66
	27357-27409	\$53,081.29
	27410-27781	\$687,408.32
	27782-27918	\$308,954.73
Salary Clearing	114395-114838	\$1,013,744.03
	114839-114846	\$17,085.08

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

\_\_\_\_\_  
Mary Jo Cady, Chairperson

Absent

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Herb Baze, Commissioner

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Wesley E. Johnson, Commissioner