

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

DECEMBER 11, 2001

Chairperson Herb Baze called the meeting to order at 9:00 a.m.. Commissioners Wesley E. Johnson and Bob Holter were in attendance.

**APPROVAL OF MINUTES:** Cmmr. Holter/Johnson moved and seconded to approve the briefing minutes of November 20, 2001; and regular meeting on October 16, 2001. Motion carried unanimously. B-aye; H-aye; J-aye.

### CORRESPONDENCE

#### **CABLE TV**

Notice was received that Charter Communications will be increasing the rates of services on the expanded basic level of service, effective January 1, 2002.

AT&T Broadband has announced of upcoming rate changes effective January 1, 2002.

#### **GROWTH MANAGEMENT ACT**

The Allyn Sub-Area Planning Committee recommends that Mason County designate the town of Allyn as an Urban Growth Area for the Growth Management Act.

#### **2002 BUDGET/LEVIES**

Copies of the 2002 budget and/or levies were received from the following: Fire Protection District No. 8 and No. 17.

#### **STORMWATER MANAGEMENT AND CONTROL**

The Lower Hood Canal Watershed Implementation Committee recommended that the design of stormwater management and control be conducted at the same time as the Belfair wastewater design and funding be obtained.

#### **AREA AGENCY ON AGING ADVISORY BOARD - APPLICANT**

Michelle Headding

### BUSINESS

#### **TIMBERLAND REGIONAL LIBRARY - TRUSTEE**

The Lewis County Commissioners are requesting confirmation of appointment of Edna Fund to the Timberland Regional Library Board through December 31, 2008.

**Cmmr. Johnson/Holter moved and seconded to confirm appointment of Edna Fund to the Timberland Regional Library Board through December 31, 2008, representing Lewis County. Motion carried unanimously. B-aye; H-aye; J-aye.**

#### **VETERANS ASSISTANCE APPLICATIONS**

Mrs. Charles Torstenson – VFW 1694 – Food \$200.00

Kelly G. Elkins – VFW 1694 – Utilities \$400.00

Mrs. Lloyd L. Berg – VFW 1694 – Housing \$100.00

Mrs. Frederick Grey – VFW 1694 – Utilities \$400.00

Ralph D. Stone – VFW 1694 – Housing \$400.00

The Veterans Assistance Screening Committee is recommending approval of the above listed applications totaling \$1500.

**Cmmr. Holter/Johnson moved and seconded to approve the veterans assistance applications for Mrs. Charles Torstenson – Food \$200.00; Kelly G. Elkins - Utilities \$400.00; Mrs. Lloyd L. Berg – Housing \$100.00; Mrs. Frederick Grey – Utilities \$400.00; and Ralph D. Stone – Housing \$400.00 as recommended by the Veterans Assistance Screening Committee. Motion carried unanimously. B-aye; H-aye; J-aye.**

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**BELFAIR BYPASS PROJECT**

The Board announced that they are stopping anything to do with the Belfair Bypass, with the possible exception of the hearing on Wednesday, which will be decided later in the day. The reason is there is a contractual matter that the Prosecuting Attorney is reviewing.

**HEARING SET - SUPPLEMENTAL APPROPRIATION**

Ione Siegler, Budget & Finance Director, recommended the Board set a hearing to consider a proposed supplemental appropriation to the 2001 Current Expense fund in the estimated amount of \$10,062. This is unanticipated revenue from a FEMA grant, field rentals and charges for goods and services. The revenue will be used for equipment in the Parks.

**Cmmr. Johnson/Holter moved and seconded the Board approve Resolution No. 134-01 and set a public hearing on December 28, 2001 at 9:15 am to consider a proposed supplemental appropriation to the 2001 Current Expense Fund budget in the estimated amount of \$10,062. Resolution No. 134-01 (Exhibit B)**

**AUTHORIZATION TO SOLICIT BIDS**

Jerry Hauth, Public Works Director, explained the Satsop Cloquallum Road is eroding. He asked for authority to solicit bids from three contractors on the Small Works Roster. The State Fish & Wildlife has issued an emergency hydraulic project approval (HPA) for the repair.

**Cmmr. Holter/Johnson moved and seconded the Board of County Commissioners authorize the Public Works Department to solicit bids and subsequently award a contract from the contractors currently on the Mason County's Small Works Roster to construct emergency bank protection and re-establish road shoulder for Satsop Cloquallum Road No. 0200, mp 7.71. Motion carried unanimously. B-aye; H-aye; J-aye.**

**MASTER GARDNERS; TIMBERLAKES**

Jack Springer thanked the Commissioners for considering the Washington State University/Cooperative Extension budget, which includes the Master Gardners program. Also, the Master Gardners are working at the Theler Center to be presentable for the Governor's visit.

The Master Gardners will be constructing a greenhouse at Hoodspert School. They volunteered their services of the Master Gardners if they are able.

He also noted that Timberlakes has a dog problem. The animal control person covers the whole county, but they need help. There are people that are afraid to walk around at Timberlakes because of the number and/or size of the dogs. He asked if the County would consider allowing them to hire the animal control staff person on an overtime basis or as needed basis to help resolve their problem.

The Board suggested that Mr. Springer talk with Undersheriff Crane.

**RECESS**

The Board recessed at 9:25 a.m. until 9:45 a.m.

**HEARING – SIX YEAR FOREST PRACTICES DEVELOPMENT MORATORIUM**

The Board held a public hearing to consider the application of Bill Valley et al to remove a six-year forest practices development moratorium from a 15-acre parcel.

Michael MacSems, Planner, presented the staff report and explained that the applicant, Bill Valley, was not able to be in attendance.

The Planning Staff recommended approval for the release of the site from the six year forest practices moratorium

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**Cmmr. Johnson/Holter moved and seconded to approve the application of Bill valley et al to remove a six-year forest practices development moratorium from the 15-acre parcel. Motion carried unanimously. B-aye; H-aye; J-aye.**

**RECESS**

The Board recessed at 9:53 a.m. until 10 a.m.

**HEARING – REMOVAL OF SIX-YEAR FOREST PRACTICES DEVELOPMENT MORATORIUM**

The Board held a public hearing to consider the application of Michael Roy to remove a six-year forest practices development moratorium from a 12.5-acre parcel.

Michael MacSems, Planner, presented the staff report. The Planning Staff recommended approval for the release of the site from the six-year forest practices development moratorium. Findings of Fact and conclusions of law were presented for the Board's consideration.

It was noted if Mr. Roy decided to divide his property he would have to pursue a variance.

If this is approved it would clear the way for Mr. Roy to apply for a building permit and accessory dwelling.

**Cmmr. Holter/Johnson moved and seconded to approve the application of Michael Roy to remove a six-year forest practices development moratorium from a 12.5-acre parcel. Motion carried unanimously. B-aye; H-aye; J-aye.**

**RECESS**

The Board recessed at 10:00 a.m. until 10:30 a.m.

**HEARING – REVISION TO MASON COUNTY RESOURCE ORDINANCE/LANDSLIDE HAZARD AREAS**

A public hearing was held to consider a revision to the Mason County Resource Ordinance Sec 17.01.100 Landslide Hazard Areas in response to the Findings & Order of the Western Washington Growth Management Hearings Board concerning the distance from a hazard when geologic studies are needed, the public review to determine that distance, and the protection of shoreline buffer values in landslide hazard areas.

A staff report was presented by Allan Borden, Planner and recommended for approval.

No public comment was received.

The Board noted there are references to the Fish & Wildlife Ordinance and questioned how they tie in to the Mason County Resource Ordinance revisions. Also, if one document is dependent on the other or if they could stand-alone.

Mr. Borden stated the subsections referred to in the Landslide Hazard Area are not proposed for revision in the Fish & Wildlife Habitat Conservation Areas. If necessary, the County would implement the current standards adopted in 2000.

Bob Fink, Lead Planner, interjected that when the Growth Management Hearings Board remanded the Geologically Hazardous Areas Ordinance they created a tie in between protecting the geologically hazardous areas and Fish & Wildlife Habitat areas. All the ordinances are part of the Critical Areas Resource Ordinance. The Planning Department has addressed in the proposed ordinance the important regulations for the geologically hazardous areas and the impacts it could have on the fish and wildlife areas directly.

A question was also raised if there are any examples of significant landslide hazard areas in the county.

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**Cmmr. Holter/Johnson moved and seconded to adopt the revisions to Mason County Resource Ordinance Sec. 17.01.100 Landslide Hazard Areas, as presented by staff. Motion carried unanimously. B-aye; H-aye; J-aye. Resolution No. 136-01 (Exhibit D)**

**Cmmr. Johnson/Holter moved and seconded the Board adopt and sign the Findings of Fact supporting the approval of the revisions to Mason County Resource Ordinance Sec. 17.01.100 Landslide Hazard Areas. Motion carried unanimously. B-aye; H-aye; J-aye.**

**RECESS**

The Board recessed at 10:48 a.m. until 11:00 a.m.

**BUILDING PERMIT FEE SCHEDULE AND VALUATION CRITERIA**

The Board considered a proposed resolution amending the building permit fee schedule and valuation criteria.

Ron Henrickson, Community Development Director, submitted the proposed fee schedule and valuation criteria for the Mason County Building permits. The building fees will increase approximately 11% which is comparable to other counties. It was recommended the proposed rate schedule be effective January 1, 2002.

It was noted this more accurately reflects the amount of work the staff does in the process of handling the matters. The rate increase is to maintain or improve the service level to the residents and building contractors in 2002.

**Cmmr. Holter/Johnson moved and seconded the Board adopt Resolution No. 135-01 amending the Mason County Building Permit fee schedule and valuation criteria set out by staff. Motion carried unanimously. B-aye; H-aye; J-aye. Resolution No. 135-01 (Exhibit C)**

**RECESS**

The Board recessed at 11:08 a.m. until 11:15 a.m.

**HEARING – RESOURCE ORDINANCE REVISIONS**

A public hearing was held to consider revisions to the Mason County Resource Ordinance Sec. 17.01.110 Fish & Wildlife Habitat Conservation Areas in response to Findings and Orders of the Western Washington Growth Management Hearings Board concerning shoreline development buffers, public review, and environmental permit exemptions.

Allan Borden, Planner, presented the Planning Commission's recommendation (Draft dated December 3, 2001) and Bob Fink, Lead Planner, submitted the Community Development's recommendation (Draft dated December 5, 2001) on the revisions to the Mason County Resource Ordinance Sec. 17.01.110 Fish and Wildlife Habitat Conservation Areas.

It was noted that Section 17.01.110 was remanded to the County by the Western Washington Growth Management Hearings Board. There were three remaining issues to be addressed.

Page 3 – Table 2 – Remove table of priority species not Federally or State listed and not governed by this ordinance.

Page 4 (2) a – Reference of using a 35 foot standard shoreline buffer from 75-foot buffer.

Page 4 – There is no minimum shoreline buffer on the special provision for residential development.

Page 5 Table – Reflects the stream buffers Type I – V. Also changed the Type I saltwater and lake buffer to 35 feet.

Page 8 – Still contains lineout in number 3.

Page 10 F5 - Removal of danger trees.

Copies of comment letters were submitted to the Board: Petition with 15 signatures; Washington State Office of

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Page 5 D 2 a (4) – This is a new section similar to the procedure provided in the Shoreline Master Program to address an issue where there is a very curved shoreline either a lake, cove or point. This provision would allow the administrator to use an averaging process. Instead of drawing a line between the rooflines of the two adjoining houses they would measure the distance from the OHWM to each house and then average the distance for the setback.

Page 5 D 2 (b) – Language clarification with regard to water dependent uses. Water dependent uses are those uses that have to be on the water such as marinas. The intent is there is a minimum amount of incursion. The applicant would only eliminate the necessary buffer. If there is a lot 1000 feet wide and the development is only 500 feet wide. There would be buffer over the part of the lot that was not needed for the development.

Page 8 D4 – New subsection to address the issue that certain areas are subject to much faster erosion rates than other areas. Where the bluffs or shorelines contribute material to the near shore system where the material is distributed up and down the beach and form part of the habitat of these functions. Also, where there are feeder bluffs which are important for the near shore drift function; this provision would allow for that to be identified and an additional buffer required if necessary. It would go through a public hearing process. It would be done by the County as part of a review process.

Page 10 – F(5) – Removal of danger trees. One of the issues which has come up is who to listen to when determining a tree is a danger tree. This was an issue the Fish & Wildlife had. The language proposed would look for a member in good standing in the national forestry society as someone who would be qualified to listen to.

The Board opened up the hearing for public comment:

Ken VanBuskirk, Belfair Subarea Planning Committee Member, felt the Board has received a recommendation from the Planning Staff to approve an ordinance that does not have a good foundation of the natural resource inventory nor the critical areas inventories. He stated there needs to be ground work and GIS layers to be completed. An example is in the heart of the proposed Belfair urban growth area there are two salmon bearing streams over a mile in length that neither the state nor County GIS systems have a record of unless GIS becomes a budgetary priority. He asked that on page 8 of the draft, section F (3) the exemption for existing and ongoing agriculture activities be maintained and not stricken. Whether it is growing Christmas trees or a field of corn, too much farmland has already been lost to development. The small farmers and hobby farmers of the county cannot afford to loose more of this ground.

Jim Hunter expressed he lives in a home that is approximately 90' from a stream, which is approximately four miles long. There are five generations that have lived in the house. He did not believe the 100' buffer is necessary on Hunter Creek. He recalled there was a fisheries expert in the early stages of the planning that said intrusions into the buffer wasn't that offensive. Some building along streams was fine.

Jim Fraser, Asst. Regional Habitat Program Manager, Region 6, Department of Fish & Wildlife, referred to his letter dated December 10, 2001.

He noted that they commended the county on the improvement in the most recent draft ordinance in incorporating a significant percentage of the width of riparian buffers that WDFW had previously recommended for streams, lakes, and marine shorelines to protect the fish and wildlife and habitat resources of Mason County. They believe that their recommendations are supported by the best available science and urge the County to reconsider adopting them, but they acknowledge that the County's riparian buffer width improvements will provide significant fish and wildlife

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The Board asked what the definition of “best available science” is.

Mr. Fraser stated there is a definition in the Growth Management Act. It has to pass the research completed on an issue and also pass a peer review. He stated he would pursue the definition to determine what is used.

The Board expressed appreciation for responding quickly and in person to the material given the Washington State Department of Fish & Wildlife.

Mr. Fraser stated they must be responsive to the public, but their primary responsibility is to the resource and there is a public process in all this. He wanted to emphasize they are not blind to individuals desires for aesthetics along streams, lakes, and marine shorelines. That is why the educational material is real important over time. They realize that if people are along a marine shoreline they want to see through it. They are hoping that by the provisions in the ordinance that allow for some limb trimming and tree removal will still get substantial riparian trees standing and people can still have their views and be able to walk down the beach and enjoy their beach.

Keith Dublanica, Skokomish Indian Tribe, presented a letter dated December 10, 2001 to the Board.

Jerry Heading questioned if Island County’s buffer is just in critical areas or is a blanket buffer.

Mr. Fink, Planning Manager, responded it refers to the shorelines adjacent to the near shore critical areas.

Mr. Heading asked if Thurston County has a 35’ saltwater setback.

Mr. Fink replied he did not believe it was. He understood the version recommended by Fish & Wildlife and adopted by Thurston County requires that the setback go from the OHWM to the top of the marine slope. There is a 50’ setback beyond the top of the slope. There would be low bank areas with setbacks in the neighborhood of 60’. The majority of the shoreline would be much greater.

Mr. Heading referred to a fish biologist that commented at a previous hearing and noted he had walked all the streams in Mason County and his feelings were that 35’ in some areas would be fine and 150’ in other areas was not adequate. It was questioned what would happen upstream if there is an area 300’ and it destroys things downstream.

Michelle Heading stated that Gary Hanson of the Shorelines Advisory Board did not know of anyone that belonged to a professional society of the foresters. Now she understands the language should be included.

Jean Springer expressed appreciation about the comments from the Hood Canal Salmon group. It was pointed out that one size fits all should not be applied around the waterways. Each waterway is different and has different problems due to terrain, temperature and vegetation. It was pointed out that as years go by things change and there will be a review within five years. She suggested starting with the smaller buffers which are put forth by the advisory Planning Commission and in five years they could be changed.

She referred to Skagit County who has put off a decision until May 2002 because “best available science” has not been absolutely determined. There is litigation going on in Thurston County, which may affect what is done. There are new pressures being put on the legislature to do things to change the Growth Management Act. She felt the Commissioners could hold off until making this decision. If the County is out of compliance for a few months, then

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**Cmmr. Johnson/Holter moved and seconded to continue the hearing to Tuesday, December 18 at 11 am to allow additional time for the public to review and comment on the draft proposal before the Board. Motion carried unanimously. B-aye; H-aye; J-aye.**

**ADJOURNED**

The meeting adjourned at 12:32 p.m. due to no further business.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Herb Baze, Chairperson

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Wesley E. Johnson, Commissioner

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Bob Holter, Commissioner

ATTEST:

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Rebecca S. Rogers, Clerk of the Board