

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

FEBRUARY 26, 2002

The meeting was called to order at 6:00 p.m. by Chairperson Wesley E. Johnson. Commissioners Herb Baze and Bob Holter were in attendance.

APPROVAL OF MINUTES

Cmmr. Holter/Baze moved and seconded to approve the February 19, 2002 regular meeting minutes, the special meeting minutes of February 13, 2002 and the briefing meeting minutes of February 5, 2002 and February 20, 2002. Motion carried unanimously. B -aye; J -aye; H -aye.

Cmmr. Holter/Baze moved and seconded to approve the regular meeting minutes of February 5, 2002. Motion carried unanimously. B -aye; J -aye; H -aye.

C O R R E S P O N D E N C E

COMMUNITY ECONOMIC DEVELOPMENT STRATEGY/WASHINGTON COMMUNITY ECONOMIC REVITALIZATION TEAM (CEDS/WA-CERT) PROJECT LIST

The Economic Development Council of Mason County has asked for review of the projects list prior to the prioritization process. Copy referred to Budget & Finance and Utilities & Waste Management.

QUIT CLAIM PROPERTY

Karl Jahns is offering to quit claim a parcel of property (parcel number 12229 24 00070) that is located near Grapeview to Mason County.

DEPARTMENT OF NATURAL RESOURCES

DNR is asking for a letter of endorsement for their proposal for the Mason County Land Clearing and Residential Debris Disposal.

DEVELOPMENT REGULATIONS

Bart Robbins submitted comments on county regulations.
Comments received from the Office of Community Development.

CABLE FRANCHISE

Washington Alliance for Real Competition submitted language they are proposing be added to the AT&T franchise agreement.

PLANNING COMMISSION – APPLICANT

Lois Ellen Gold

B U S I N E S S

MASON COUNTY RODEO COURT

Cmmr. Baze introduced the Mason County Fair & Rodeo Court, Sunni Wood, Teddi Wood and Stacey Crowley. Queen Sunni stated the court will represent Mason County in various communities to attract visitors to the Mason County Fair and Rodeo.

RECESS

The Board recessed for 3 minutes.

CENTENNIAL CLEAN WATER FUND

Jerry Hauth, Public Works Director, on behalf of the Lower Hood Canal Watershed Implementation Committee and the Mason Conservation District, he requested a letter of support from the Board in support of the Centennial Clean Water Fund Grant application.

Cmmr. Baze/Holter moved and seconded to provide a letter in support of the Washington Department of Ecology Centennial Clean Water Fund Grant, as proposed by the Lower Hood Canal Watershed Implementation Committee and Mason Conservation District. Motion carried unanimously. B -aye; J -aye; H -aye.

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Cmmr. Holter/Baze moved and seconded to authorize the Department of Public Works to advertise for the manufacturing and stockpiling of mineral aggregate materials for 2002. Bid opening date/time is March 19, 2002 at 9:45 a.m. Motion carried unanimously. B-aye; J-aye; H-aye.

CRP 1717 – JOHNS PRAIRIE ROAD

Mr. Hauth requested the Board approve CRP 1717, Johns Prairie Road.

Cmmr. Holter/Baze moved and seconded to execute CRP 1717, Johns Prairie Road. Motion carried unanimously. B-aye; J-aye; H-aye. Resolution No. 15-02 (Exhibit A)

CRP 1718 – EVERS BRIDGE

Mr. Hauth presented CRP 1718, Shelton-Matlock-Brady Road (Evers Bridge deck repair) for approval.

Cmmr. Baze/Holter moved and seconded to execute CRP 1718, Shelton-Matlock-Brady Road (Evers Bridge Deck Repair). Motion carried unanimously. B-aye; J-aye; H-aye. Resolution No. 16-02 (Exhibit B)

Mr. Hauth then requested authorization to interview those consultants who have submitted Statements of Qualifications for design and construction services for the Evers Bridge.

Cmmr. Holter/Baze moved and seconded to authorize Public Works Department to interview those consultants who have submitted SOQ's on the Evers Bridge, and enter into contract with the one selected for design and construction services to repair or replace the bridge deck utilizing the fiber-reinforced polymer technology. Motion carried unanimously. B-aye; J-aye; H-aye.

LEASE AGREEMENT – NORTH MASON CHAMBER OF COMMERCE

Mike Rutter, Facilities & Grounds, requested the Board approve an amendment to lease agreement with the North Mason Chamber of Commerce which increases the rent to \$500 a month.

Cmmr. Baze/Holter moved and seconded to approve and sign the North Mason Chamber of Commerce lease agreement amendment. Motion carried unanimously. B-aye; J-aye; H-aye.

CHANGE ORDER – JAIL REMODEL PROJECT

Mr. Rutter then asked the Board to approve and sign change order #1 for the Mason County Jail Expansion and Remodel Project. This is a deduct of \$1,433.

Cmmr. Holter/Baze moved and seconded approve and sign change order #1 for the Mason County Jail Expansion and Remodel Project. Motion carried unanimously. B-aye; J-aye; H-aye.

LABOR AGREEMENTS

Skip Wright, Human Resources, requested the Board approve and sign the labor agreements for Teamsters/Operating Engineers – Public Works bargaining unit and Teamsters – General Services, Personal Health, Probation and Appraisers bargaining units.

Cmmr. Baze/Holter moved and seconded to approve the sign the following labor agreements: Teamsters/Operating Engineers – Public Works bargaining unit, January 1, 2002 through December 31, 2004 and Teamsters – General Services, Personal Health, Probation and Appraisers bargaining units, January 1, 2002 through December 31, 2002. Motion carried unanimously. B-aye; J-aye; H-aye.

INSURANCE AND PENSION AGREEMENTS

Mr. Wright then asked the Board to authorize the Chair to sign the insurance and pension agreements for employee coverage for Teamsters/Operating Engineers bargaining unit– Public Works and Teamsters – General Services, Personal Health, Probation and Appraisers bargaining units.

Cmmr. Holter/Baze moved and seconded to authorize the Chair to sign the insurance and pension agreements for employee coverage for the following bargaining units: Teamsters/Operating Engineers-Public Works bargaining unit and Teamsters—General Services, Personal Health, Probation and Appraisers bargaining units. Motion carried unanimously. B-aye; J-aye; H-aye.

RETRO POOL ANNUAL RENEWAL

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PLANNING COMMISSION

Cmmr. Holter/Baze moved and seconded to appoint Lois Ellen Gold to the Planning Commission. Motion carried unanimously. B -aye; J -aye; H -aye.

LIQUOR LICENSE APPLICATION

New Application – Tradename: McGavick Nanstad Winery; Location: 171 E. Okonek Road, Grapeview, WA; Applicants: McGavick Nanstad Winery, Phyllis A. McGavick, Robert L. Nanstad; Privileges Applied For: Domestic Winery < 250,000 liters.

The Board took no action at this time.

PERSONAL CELLULAR PHONE AGREEMENT

William Reed, Sheriff's Office

Cmmr. Baze/Holter moved and seconded to authorize the personal cellular phone agreement for William Reed. Motion carried unanimously. B -aye; J -aye; H -aye.

VETERANS' ASSISTANCE

Bruce Thompson, VFW 1694, \$336.48 utilities
Amber Lane (Alan Lane, deceased), VFW 1694, \$300 burial benefit
Ned Forrest, VFW 1694, \$127.24 utilities
Charles Robson, VFW 1694, \$400 utilities
Larry Godwin (Stella Godwin deceased), VFW 1694, \$300 burial benefit

Total of applications \$1,463.72

Cmmr. Holter/Baze moved and seconded to approve the Veterans' Assistance applications as submitted by the screening committee for Bruce Thompson, \$336.48 utilities; Alan Lane \$300 burial benefit; Ned Forrest \$127.24 utilities; Charles Robson \$400 utilities; and Larry Godwin \$300 burial benefit. Motion carried unanimously. B -aye; J -aye; H -aye.

HEARING (Cont. from 11/20/01) – Consider a variance from the density requirements of the Mason County Comprehensive Plan and Development Regulations for Mr. Mike Huson.

Bob Fink stated the variance request has to do with reducing the density of a rural property near the hamlet of Tahuya. The Planning Department has advised Mr. Huson that it could not support his variance request, but would consider endorsing a favorable rezone once the necessary clearances from the Western Washington Growth Management Hearings Board has been received. At this time, such approval from the Hearings Board is not expected before June 2002. For this reason, the Planning Department and Mr. Huson are requesting the hearing be continued until August 6, 2002.

Cmmr. Holter/Baze moved and seconded to continue the land use variance hearing for Michael Huson until 9:30 a.m. Tuesday, August 6, 2002. Motion carried unanimously. B -aye; J -aye; H -aye.

HEARING – Consider amendments to the Mason County Development Regulations and to the Mason County Comprehensive Plan regarding rural lands, open space planning, and development urban growth areas.

Allan Borden, Planner, presented the staff report. The Mason County Comprehensive Plan and Development Regulations were both amended on May 1, 2000 by the Board (Ordinance No. 36-00). They were subsequently reviewed in Case No. 96-2-0023c, by the Western Washington Growth Management Hearings Board (GMHB). The GMHB issued a Findings and Order for Invalidity on December 15, 2000 and a Findings and order for Non-Compliance on March 1, 2001 stating that Mason County was not in compliance with goals of the Growth Management Act (GMA).

The March 1, 2001 Findings and Order stated that Mason County must resolve the following five issues for GMA compliance:

1. Bring its matrix of permitted uses in the Rural Areas into compliance. Mason County has changed this matrix table to include only Resource Lands (Long-Term Commercial Forest and

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Mason County has proposed three new Comprehensive Plan planning policies in the Chapter III-6 subsection on parks and Trails which would address the use of railroad right-of-ways for trail corridors, an open space corridor designated between Belfair and Allyn or potential trail systems, and development of two properties in Mason County ownership as community parks or open space. Mr. Borden stated Mike Byrne, Mason County Parks Department, has submitted a listing of current undeveloped sites in the Mason County park system, current sites being considered for the parks system and areas of Mason County for future park site needs. He stated they are trying to indicate to the Hearings Board the County is moving on from general open space to more specific proposals for trails, open space and parks in the County.

4. Bring the DRs for the Allyn UGA into compliance.

Several references regarding the Allyn UGA have been added to the Mason County Development Regulations. There is now a specific statement that binding site plans are required in both Allyn and Belfair UGA's.

5. Delineate LAMIRDs and rural areas densities on a final map.

Mason County has prepared a set of maps showing future land use, illustrating the rural area development densities; Mason County Rural Activity Centers; Mason County Hamlets; Mason County Western ICIA (Isolated Commercial Industrial Area); and Mason County Eastern ICIA.

A Determination of Nonsignificance, accompanying the proposed revisions to the Comprehensive Plan and Development Regulations, was issued on February 14, 2002. The 14-day comment period ends on February 29, 2002. No specific comments have been received during the SEPA review but comments have been received during the process from Advocates for Responsible Development, Mason County Community Development Council, Dale & Rose Nye, three letters from Sarah Smyth McIntosh, Edith Edwards, two letters from Tim Sheldon, Ron Sagerson, Carol Bigham-Perez, Richard Galusha, Jonathan Katz for Zion's Camp, Linda Sund, a packet from Glen Jorges, letter from Robert Centeno.

Bob Fink, Planning Manager, presented his staff report. The January 31, 2002 draft of the development regulations was prepared by the department for public review to respond to the remand Order of the GMHB. The Planning Commission held a public hearing on the draft on February 21, 2002 and subsequently made a series of recommendations based on the comment received. A February 22, 2002 draft that includes changes based on the recommendations of the Planning Commission and public was circulated. The following areas were amended: special provisions for new industry in the rural areas, clarification of building size in resource based districts, building size in Rural Tourist districts, limits on time for recreation vehicles to be left in RV parks, employee housing as an accessory use, industrial access to railroad and airports, and adoption of rezoning criteria. Scattered throughout the revised proposal are a number of changes intended to clarify the language where problems have been identified.

The map has been changed per a request from Ray Duffy for a change from RR2.5 to Rural Industrial (RI) based on his existing business on the property.

The request from Tim Sheldon is for a change from RR5 to Rural Commercial 2 based on historic use of the property and the surrounding land uses. Staff visited the site to evaluate it, and the department recommendation is to not change it at this time.

The request received today from Robert Centeno is to designate the old Belfair Grocery Store as a commercial or industrial site. The department would like to inspect the site before making a recommendation. The recommendation will be available for public comment tomorrow before the end of the day.

Mr. Fink stated they have already made a number of updates to the most recent draft and they will have an updated draft ready by the end of the day on Wednesday. His recommendation is to close the public hearing at the end of today's testimony but continue to accept written public comment until March 4 at 5:00 p.m.. The Planning Department also recommends the Board schedule their consideration for action on this proposal on March 5, 2002.

Mike Byrne, Parks & Recreation, talked about future park sites in Mason County. He noted there are currently 12 parks in the County.

Drew Noble, Shelton, commented there are 40 acres on Razor Road that could be considered for the Parks Department. He then talked about special use permits for essential public utilities. He pointed out there are already several permits necessary for a public water system and adding more permits is not necessary. He believes water

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Glen Juges stated he submitted a permit application for a RV park in Grapeview and then told later it was no longer allowed. He made the following four recommendations: wording changes to Ordinance 82-96 for RC 3, Rural Tourism, and Master Planned Resort; correct the definition of recreational vehicle in Ordinance 118-91 "Mobile Home and Recreational Vehicle Parks; add "RV parks" to Ordinance 82-96 for RR5 under 1.04.22 "Permitted Uses" paragraph C and retain management control of local issues. He displayed maps of his property that he is trying to develop. He talked about his property in Grapeview that has 180 lots, it has Simpson property on one side, wetlands on another and Grapeview Loop Road on another. He said he has drilled two holes for wells on the property, has done engineering for roadwork, stormwater runoff, and septic systems. He developed some wetlands to mitigate for developing roads. He then discovered Public Works has plans to widen Grapeview Loop Road and they need to mitigate for wetlands and he is working with them on that project. He stated if he can't proceed with his RV park he doesn't know what he will do with the property. He wants to develop his property so it is good for the county and good for him.

Cmmr. Johnson closed the public hearing.

Cmmr. Holter/Baze moved and seconded to close the public hearing but to accept written comment until March 4, 2002 at 5 p.m. Further moved to schedule consideration of action on this proposal for March 5, 2002 at 9:45 a.m. Motion carried unanimously. B-aye; J-aye; H-aye.

Consider action on proposed changes to the Mason County Resource Ordinance regarding Fish and Wildlife critical areas (Written comment closed at 5:00 p.m. on February 25, 2002).

Cmmr. Johnson noted that the public hearing has been closed on this subject and written comment was accepted until 5:00 p.m. on February 25, 2002.

Bob Fink, Planning Manager, presented the staff report. He stated what is being considered tonight is what is called Alternative C for the Fish and Wildlife Habitat Conservation Area Amendments. One of the principal questions is the establishment of setbacks along freshwater lakes in excess of 20 acres and saltwater shorelines. In most areas, the proposed regulations would establish a 75 foot natural vegetative buffer setback coupled with the 15 foot building setback, providing a total of 90 feet of separation. Along less developed and more sensitive shorelines, which are designated as Conservancy Environment in the Shoreline Master Program, the vegetated buffer would be 100 feet and there would be an additional 15 feet of setback. Staff believes the proposal is appropriate to Mason County for a number of reasons:

- 1) The proposed setback standards can be effectively implemented and administered.
- 2) A standard setback affords more overall environmental protection of the resource.
- 3) The proposed setback and building buffer falls within the range of best available science (BAS).
- 4) The proposed setback is supported by the recent decision of the Western Board and the BAS that went into that decision.
- 5) Where the regulation is applied to feeder bluff areas, the regulations provide for additional buffer and setback requirements.
- 6) The proposal addresses the specific concerns expressed by the WDFW in their December 10, 2001 letter.
- 7) The proposed regulations significantly protect the functions and values of the resource, while permitting reasonable private property development and acknowledging property rights.

Mr. Fink noted there was no written comment received on Alternative C.

He requested the Board adopt the amendments to fish and wildlife critical area regulations as proposed in the DCD Draft Alternative C.

Cmmr. Johnson stated that he understands that in Thurston County 50 feet is satisfactory for a shoreline buffer.

Mr. Fink responded there are certain areas in Thurston County, which are very low bank, where 50 feet plus a few feet meet their buffer requirements. One distinction in Thurston County is that in their marine buffer area, they are crafted in a different way and are more restrictive in some ways than Mason County regulations for marine lots. He pointed out the width of the buffer is not the only thing that matters, it is also the nature of the area and slope. A comment made by a biologist is the ideal solution would be to evaluate every property which would be very costly for the applicants and the county.

Cmmr. Johnson then referred to Clallam County where there are 50 foot buffers on Type 4 and 5 streams.

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Mr. Fink stated the time he is referring to, is the time it takes put together a record that would withstand the recommendations of Fish & Wildlife with their expertise and their knowledge of BAS, and be accepted by the Hearings Board.

Cmmr. Baze/Holter moved and seconded to adopt the revisions to the Mason County Resource Ordinance Section 17.01.110 Fish and Wildlife Habitat Conservation Areas, as presented by the Department of Community Development be adopted and the Chair be authorized to sign the findings of fact. Motion carried unanimously. B-aye; J-aye; H-aye. Resolution No. 17-02 (Exhibit C)

Mr. Fink stated there is an Order of Invalidity and those areas that are invalid do not go into effect, in some circumstances, until the Hearings Board approves them under GMA. For the ease of the implementation and to allow those who are applying for permits, he asked the Board to defer the effective date.

Cmmr. Holter/Baze moved and seconded these regulation will not be effective date until June 1, 2002. Motion carried unanimously. B-aye; J-aye; H-aye.

PAYMENT OF VOUCHERS

FUND NAME	WARRANT NUMBER	AMOUNT
Claims Clearing	35998-36146	94,081.10

ADJOURN

The meeting adjourned at 8:27 p.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Wesley E. Johnson, Chairperson

Bob Holter, Commissioner

Herb Baze, Commissioner

ATTEST:

Rebecca S. Rogers, Clerk of the Board