

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

MAY 7, 2002

The meeting was called to order at 9:00 a.m. by Chairperson Wesley E. Johnson who led the Pledge of Allegiance. Commissioners Herb Baze and Bob Holter were in attendance.

APPROVAL OF MINUTES

Cmmr. Holter/Baze moved and seconded to approve the briefing minutes of April 1, 2, 9, 15, 16, and 23, 2002 and the regular meeting minutes of April 23, 2002. Motion carried unanimously. B-aye; J-aye; H-aye.

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

OVERTON & ASSOCIATES

A letter was received from the Overton family regarding the agreement with the County asking for a meeting.

VFW POST 1694

Received the list of officers for the Veterans of Foreign War Post 1694. Gene Speece, Commander; Larry Anderson, Adjutant; Lawrence Godwin, Quartermaster; and Paul M. Stephens, Service Officer.

SAN JUAN COUNTY

The San Juan County Commissioners asked that Mason County consider their location for future conferences.

ALLYN SUB -AREA PLANNING COMMITTEE

The Allyn Sub-Area Planning Committee requested to withdraw three open space maps for Belfair and Allyn.

WIRELESS E911 EXCISE TAX

Received a copy of House Bill 2595 relating to a state wireless enhanced 911 excise tax, which allows counties to increase the wireless excise tax from 25 cents to 50 cents per month.

LANDSLIDE HAZARD AREAS ORDINANCE; FREQUENTLY FLOODED AREAS & FLOOD DAMAGE PREVENTION; AND FISH AND WILDLIFE CONSERVATION HABITAT AREAS ORDINANCE AMENDEMENTS; DEVELOPMENT REGULATIONS

The State of Washington Office of Community Development expressed they have no major concerns about the adopted Landslide Hazard Areas Ordinance; Frequently Flood Areas and Flood Damage Prevention Ordinance; and Fish and Wildlife Conservation Habitat Areas Ordinance Amendments; or Development Regulations ordinances at this time.

SHORELINE VARIANCE – COUSINS

The Allyn Community Association expressed concern about the Shorelines Advisory Board's approval of the shoreline variance request sought by Harvey Cousins.

CHRIST LUTHERAN CHURCH CHILD CARE CENTER

The Christ Lutheran Child Care Center is asking the Commissioners to write a letter of acknowledgement by June 1, 2002 that they can increase their child care capacity from 65 to 88.

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

FPD #2 Primary Representative – Captain Aaron Espy
FPD #2 Alternate Representative – Mike Greene

B U S I N E S S

AGREEMENT – CYTO SPECIALTY LABORATORIES.

Steve Kutz, Health Services, presented a contract for laboratory services with Cyto Specialty Laboratories, Inc.

Cmmr. Baze/Holter moved and seconded to approve the contract for laboratory services between Mason County and Cyto Specialty Laboratories, Inc. for a one year contract from March 20, 2002 to March 19, 2003. Motion carried unanimously. B-aye; J-aye; H-aye.

AMENDMENT TO EXISTING AGREEMENT - TEAMSTERS PENSION TRUST

Skip Wright, Human Resources, requested the Board sign the interim agreement with the Teamsters Local 378/General Services to modify their current agreement which amends the July 1, 2002 wage appendix and adding

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 7, 2002 – PAGE 2 OF 9**

Cmmr. Holter read aloud the resolution.

Cmmr. Baze/Holter moved and seconded to approve the resolution for the Comprehensive Economic Development Strategy (CEDS) projects for 2002. Motion carried unanimously. B-aye; J-aye; H-aye. Resolution No. 40-02 (Exhibit A)

PLANNING COMMISSION

Robert J. Sund – Reapplication

Cmmr. Holter/Baze moved and seconded to reappoint Robert Sund of Hoodspport to the Planning Commission. Motion carried unanimously. B-aye; J-aye; H-aye.

LIQUOR LICENSE APPLICATION

- 1) Corrected New Application – Tradename: Alderbrook Golf & Yacht Club; Applicants: Alderbrook Golf & Yacht Club; Privileges Applied For: Private club – Spirits/Beer/Wine
- 2) Assumption – From: Judy G. Woodford dba Belfair Café; Applicants: Rose S Eberhard; Tradename: Belfair Café; Privileges Applied For: Spirits Beer/Wine Restaurant Lounge +

Cmmr. Baze/Holter moved and seconded there are no objections to the corrected new application for Alderbrook Golf & Yacht Club, privileges applied for: private club – spirits/beer/wine. Motion carried unanimously. B-aye; J-aye; H-aye.

Cmmr. Holter/Baze moved and seconded there are no objections to the liquor license for the Belfair Café previously owned by Judy Woodford, new applicant is Rose Eberhard, privileges applied for are spirits beer/wine restaurant lounge. Motion carried unanimously. B-aye; J-aye; H-aye.

VETERANS ASSISTANCE APPLICATIONS

- 1) Van. W. Bird – VFW 1694 – Burial Benefit \$300.00
- 2) Donald L. Cole – VFW 1694 – Burial Benefits \$300.00
- 3) Ronald S. Sherman – VFW 1694 – Utilities \$154.93
- 4) Charles L. manning – Housing \$300.00
- 5) Dennis M. Beavers – Utilities \$259.96
- 6) Ricky L. Wood – VFW 1694 – Utilities \$173.94
- 7) George D. Hawkes – VFW 1694 – Burial Benefit \$300.00

The Veterans Assistance Screening Committee is recommending approval of the above listed applications totaling \$1,788.83.

Cmmr. Baze/Holter moved and seconded to approve Veterans Assistance applications as presented and recommended by the Screening Committee. Motion carried unanimously. B-aye; J-aye; H-aye.

PROSECUTOR'S 2002 SALARY

It is recommended the Board adopt a resolution certifying the Prosecutor's 2002 salary as required by the Washington State Treasurer.

Cmmr. Holter/Baze moved and seconded to approve Resolution No. 41-02 certifying the Prosecutor's 2002 salary as read by the clerk. Motion carried unanimously. B-aye; J-aye; H-aye. Resolution No. 41-02 (Exhibit B)

AMENDING MASON COUNTY CODE

Ione Siegler, Budget & Finance Director, submitted a draft resolution for amending the Mason County Code Chapter 2.02 relating to Emergency Management Department functions.

Cmmr. Baze/Holter moved and seconded to approve Resolution No. 42-02 amending Resolution No. 97-00, Mason County Code Chapter 2.02 relating to Emergency Management Department functions. Motion carried unanimously. B-aye; J-aye; H-aye. Resolution No. 42-02 (Exhibit C)

PETITION FOR ROAD VACATION – FILE NO. 317 – ALLEY IN ALLYN

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 7, 2002 – PAGE 3 OF 9**

Cmmr. Holter/Baze moved and seconded to send a letter to the Kitsap County Consolidated Housing Authority for the Self-Help Program. Motion carried unanimously. B-aye; J-aye; H-aye.

SANDER PURCHASE

Dave Loser, ER&R, informed the Board a self-powered Highway Model MP 10' Sand Spreader was purchased in the amount of \$4,478.21 from Western Power & Equipment of Auburn, WA in accordance with the post-for-quotes process.

CALL FOR BIDS – CUTBACK ASPHALT

Mr. Loser requested a bid opening be set on June 4, 2002 for Cutback Asphalt and/or Emulsified Asphalt for 2002.

Cmmr. Baze/Holter moved and seconded to authorize the Equipment Rental and Revolving Fund to advertise for opening of bids on June 4, 2002 at 9:45 a.m. for the supply contract for Cutback Asphalt and/or Emulsified Asphalt for calendar year 2002. Motion carried unanimously. B-aye; J-aye; H-aye.

Revision to Shoreline Substantial Development/Conditional Use Permit for a permanent creek crossing to be located where East Mason Lake Drive crosses over Schumocher Creek – Applicant: Mason County Public Works

Pam Bennett-Cumming, Planning, presented the staff report, The proposal is to construct a 63-foot two lane bridge across Schumocher Creek to replace an existing one-lane temporary bridge. The temporary bridge was installed to replace a culvert that failed during a storm event in December 1999. The crossing originally approved under this permit at the County level was a 23' 8" by 10' box culvert but was denied by DOE. Mason County Public Works and DOE reached agreement on modifications to the original project application and are set forth in the Shorelines Hearings Board Stipulations and Agreed Order of Dismissal 00-0031.

Because the proposed revisions are within the scope and intent of the original proposal, and meet or exceed those specified in the Order, staff recommends approval of the proposal. With the exception of Stipulation provision #1 which is modified by this permit revision, all other provisions of the Order stand and continue to be conditions of this permit. The following conditions also apply:

1. The proposed shoreline permit revision provides for a 63-foot two lane bridge across Schumocher Creek instead of a 40 foot wide open bottom culvert/bridge. With the exception of this change, all other provisions of Shorelines Hearings Board SHB No. 00-031 Stipulation and Agreed Order of Dismissal stand and continue to be conditions of this permit.
2. Applicant to obtain all necessary agency approvals including a Corps Permit, Hydraulic Project Approval, Water Quality Certification.

Cmmr. Baze/Holter moved and seconded to conditionally approve revision of Shoreline Substantial Development/Conditional Use Permit No. SHR2000-00004 as provided for within the submitted staff report. Motion carried unanimously. B-aye; J-aye; H-aye.

PRIMITIVE ROAD SYSTEM

Jerry Hauth, Public works Director, requested the Board revise the Primitive Road Resolution No. 62-82 by removing the following roads, or portions of roads, because they no longer meet the requirements for Primitive Roads: Lillie Road, Plug Mill Road, Gallagher Road, Agency Road (transferred jurisdiction to BIA [Skokomish Indian Tribe]) and Tahuya Blacksmith.

Cmmr. Baze/Holter moved and seconded to execute the resolution amending Resolution No. 62-82 by removing

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 7, 2002 – PAGE 4 OF 9**

SCHAFFER PARK ROAD

Mr. Hauth requested the Board approve CRP 1730, Schaffer Park Road to replace two 3-foot diameter culverts with one 11-foot span aluminum arch multi-plate culvert and rebuilding distressed banks.

Cmmr. Holter/Baze moved and seconded to execute CRP 1730, Schaffer Park Road. Motion carried unanimously. B-aye; J-aye; H-aye. Resolution No. 45-02 (Exhibit F)

RAP CONTRACTS

Mr. Hauth requested the Chair be authorized to execute two RAP contracts for the Bear Creek Dewatto 2 and Shelton Matlock Road.

Cmmr. Baze/Holter moved and seconded to authorize the Chairperson to execute two County Road Administration Board RAP contracts: Revision to Bear Creek Dewatto Road-2 (Project No. 2301-02), and end of biennium disbursement for Shelton Matlock Road (Project No. 2302-01). Motion carried unanimously. B-aye; J-aye; H-aye.

OUT OF STATE TRAVEL

Mr. Hauth requested permission to reimburse Lisa Stuebing for airfare and two nights lodging to attend an IT/GIS conference in Pittsburgh.

Cmmr. Holter/Baze moved and seconded to authorize Public Works to reimburse Lisa Stuebing for lodging and airfare expenses to attend the IT/GIS in Public works Conference, to be held in Pittsburgh, Pennsylvania. Motion carried unanimously. B-aye; J-aye; H-aye.

Consider adoption of final plat of Lakeland Village, Division 12, Phase II

Michael MacSems, Planning, presented the staff report. Lakeland Village, Division 12, Phase II consists of 53 acres divided into 47 single-family residential lots and 36 condominiums distributed over three lots.

Recommended additional conditions for final plat approval:

1. Water quality monitoring of drainage control pond #8 shall be conducted not less than once per month from October through April of each year, through April 2009, at the developer's expense. Monitoring shall be conducted by a certified consultant or laboratory specializing in stormwater or water quality analysis. This program shall be an extension of the existing testing program in place since October 1997. The testing results shall be submitted to the county for review. Any problems resulting in a potential hazard to public health and/or to the quality of Lake Devereaux shall be mitigated by the developer immediately.
2. Between 1994 and 1997 the developer deposited \$25,000 each year in to an escrow account. This fund is to be used to study the effect that Division 12 will have on the level and quality of Lake Devereaux's waters. This fund shall be matched by an equal or larger amount of money to be raised from Lake Devereaux property owners, or other sources of funding, in order to access the Division 12 monies. A mutually agreed upon work plan shall be prepared and approved prior to any work. Any funds still remaining in the account at the end of year 2009 shall be returned equitably to the contributors. The developer shall participate in mitigation of detrimental effects on the water level or water quality of Lake Devereaux to the extent that Division 12 is found to be contributing to the problem.

Staff has reviewed the proposed subdivision for compliance with all applicable County policies and regulations. All preliminary plat conditions have been met or performance bonds entered into to ensure completion of these improvements. Staff recommends final approval.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 7, 2002 – PAGE 5 OF 9**

The proposal does not appear to be consistent with the Residential Development chapter policy #6 which states “residential development should be planned with minimum environmental and visual impact. The structure should be designed and located to not significantly block views of adjacent residences.” There will be visual impact to the residences located upland and within 200’ of the shoreline.

The proposal also does not appear to be totally consistent with policy #9 of the Residential Development Chapter that states that “structures should be located to minimize obstruction of views of the water from upland areas. The intent of this policy is to encourage the retention of views in and through new residential developments. This policy is not intended to prohibit residential development of shoreline lot simply because it may impact or eliminate views from upland property.” There are two residences owned by the Amachers that will be impacted by the construction of the proposed residence because they currently have an unobstructed view of Case Inlet across this vacant lot.

The proposal does not appear to be consistent with policy #10 of the residential chapter which states that “residential development along shorelines should be designed and sited to make shore protection measures unnecessary.” The applicant intends to place a rock bulkhead along the shoreline once the residence is constructed.

Policy #12 states that “the overall density of development, lot coverage and height of structures should be appropriate to the physical capabilities of the site. Particular attention should be given to the preservation of water quality and shoreline aesthetic characteristics.” The property is regulated as an Urban Commercial shoreline environment by the Shoreline Master Program. Staff has received comments that would argue that this residential proposal interferes with preferable “shoreline aesthetic characteristics” that may benefit the public who’s views of the water will be obstructed.

To make the project as consistent as possible with Policies #6, #9 and #12 of the Residential Development Chapter 7.16.080 and all of the Variance criteria of Chapter 7.28.030, the Planning Department recommends that the proposal be redesigned. The length of the residence, parallel to the shoreline, should be a maximum of 40’ instead of the 60’ proposed.

If approved, staff recommends that the following conditions be added to the permit:

1. The design must be revised to reflect total size of structure as maximum 40’ long by 20’ wide.
2. Height of structure shall not exceed 25’ above grade. (Per Policy #12 of SMP and MC Development Regulations).
3. First floor or garage will have openings consistent with the Mason County Flood Damage Prevention Ordinance Section 5.2-1(2)(I)(ii)(iii) and Resource Ordinance Chapter 17.01.090, Frequently Flooded Areas. (A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.)
4. The approval for hook-up to sewer system and water system granted. (Per Use Reg #15 of SMP).
5. For sewer system hook-up, the burden of proof is on applicant to provide letter/documentation to Mason County Utilities and Waste Division that the Plat existed prior to 1996 (Per North Bay/Case Inlet Tap-In Restrictions for Floodplain Properties Ordinance No. 21-98, dated 3/3/98.)
6. Silt fencing installed and properly maintained until upland groundcover has been established. (Per use Reg #21).
7. Approved per submitted site plan and setbacks and subject to a wetland report authorizing that the property is not associated wetlands to Case Inlet

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 7, 2002 – PAGE 6 OF 9**

Ms. Miller replied that according to Mr. Cousins, the size recommended by staff would not be large enough for his family. She noted that most of the surrounding homes are one story and are around 1,000 square feet.

Jeanette Moore, Belfair/Victor, displayed a drawing of what a 20 x 40 foot house could look like at the proposed location. She also submitted photos of the area. She is a member of the Allyn Planning Group. The Board's decision could have a significant impact to the Allyn community and the natural environment of the site. She stated Allyn is becoming an urban area and the Allyn UGA will be dependent on clear and predictable processes based on codes and regulations enforced by the County. She stressed the waterfront is the most important asset that Allyn has. She stated that variances bring incremental changes whose cumulative effects are hard to impossible to predict and all those cumulative effects can radically change the character of the waterfront. She requested the Board deny this request.

Richard Knight, presented the Vision Statement and Planning Concepts for the Allyn Urban Growth Area which has been adopted by the Allyn Community Association Subarea Plan Committee which he reviewed. One of their goals is "To protect and preserve natural beauty and resources...the views and vistas of upland Allyn...". Also included is a floodplain map which clearly shows that this proposal is on the floodplain. The Allyn Subarea Committee is opposed to the project. Mr. Knight believes that any project permitted on the waterfront in Allyn must be held to the highest shoreline standards in existence without variances.

Cmmr. Baze asked if the Amacher's were to add another story to their house to the 25' total height, would a variance be required.

Ms. Miller replied no, they are not a waterfront lot

Ben Meservey, Allyn, talked about the investment of time and money the residents have made in the Allyn waterfront and the infrastructure. This includes the dock and park, a kayak park and the North Bay sewer project. He submitted an aerial view of the Allyn waterfront. He voiced opposition to the variance request.

Vicki Betsinger, Allyn, represented the Amacher family, She gave the family history noting they have lived in Allyn since the 1890's. She submitted photos and drawings pertaining to the proposal. She stated she has observed high tides that have come up to the grass in front of her parent's (Charles Amacher) home. She explained there was a structure on the land in question that first served as a post office and then a single family residence. It was partially built on piers over the water and was destroyed in the 1960's. She referred to the 1997 road vacation that vacated 15' of Gross Street which allowed for enough property to build a structure. She believes the decision was made based on assurances made by the former property owner, Doug Wright. One of those assurances was that he would provide the same amount of square footage for parking for waterfront park events and he indicated he had no intention of developing the land for a residential use. He only wanted to landscape and park his motorhome. Her family believes these considerations should apply, no structure should be built and parking will be available, if needed. She stated her family opposes the building of any structure on this property and she asked the Board to deny the variance.

Harvey Cousins, property owner, stated he researched the property quite extensively before purchasing the property and the rules state that one is able to build on their property if it is buildable. He stated the Amacher's family had owned the property in question at one time and he believes their intent was to build on it. He stated when they sold the property, they retained the right to construct, maintain and have ingress and egress to a well on one of the upland lots. He stated he intends to build a nice home. He noted the property has been available for sale and no one else bought it. He pointed out that because the Amacher's homes are across the street, they are not considered adjacent. He has submitted a wetland study. He stated the only place they could find on the property that was wet, aside from the rain water, was the drain pipe that was coming down from the Amacher's home and dumping on his property. He stated homes are being built in Victor along the water and drains are being directed to drain into the bay. He feels he is being put under the spotlight because the Allyn Subarea Committee wants to direct how Allyn is developed and his proposal

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 7, 2002 – PAGE 7 OF 9**

Alena Vogel, Allyn, stated she opposes the variance.

Ethel Gunderson, Allyn, stated she has lived in Allyn since 1966 and is Terry Gunderson's mother. She pointed out the tidelands are privately owned from Drum Street to Gross Street. She has talked to residents who are not opposed to the proposal and she supports the project. She stated there are several buildings that have been removed in the area. She supports the variance.

Mary Lindsey, Allyn, stated she appreciates the planning committee and opposes the variance.

AJ Bredberg, Gig Harbor, performed the wetland evaluation on April 26, 2002. He drew a profile of the land and explained how he determines if it is a wetland. He stated the property is damp but it is not a jurisdictional wetland. He stated the running water is from roof runoff and other collected waters from the Amacher property. He stated there is no evidence of hydric soils or wetland hydrology. He understands that if the land is called a wetland because of the water being dumped from the Amacher's property, that could put the liability on the Amacher's.

Matt Edwards, Attorney for Port of Allyn, submitted a packet of materials to the Board. He talked about the 1997 road vacation and referred to the law that states a right-of-way cannot be vacated that abuts on public water unless it is for a port or public purpose or an industrial use zone. He stated the Port's position is that action is a nullity. He believes this proposal is to put a house in a legal right-of-way so the variance should be denied. He referred to the case Buechel v. The Department Ecology which had to do with a variance request on a small piece of waterfront property. The Washington Supreme Court said in denying the variance, you can look to zoning regulations in effect at the time of purchase as a factor to determine what is a reasonable use of the land. Presumably regulations on use are reflected in the price the purchaser pays for a piece of property. He interprets this case saying that if you buy a piece of unbuildable property at an unbuildable lot price, then you can't expect to get a variance. He stated that Mr. Cousins purchased this lot for \$15,000 which Mr. Edward's believes reflects the parties' understanding that this lot was not buildable. He stated the Cousins have not shown either the "extraordinary circumstances" or the "no substantial detrimental effect to the public interest" required by RCW 90.58.100(5). He pointed out the Cousins also have to meet the five variance criteria.

In the packet submitted was a wetland evaluation performed by The Coot Company which states the hydrology may be completely artificial and result solely from storm drainage actions around a nearby uphill home. Or, in addition to artificial stormwater, it may also be intercepting native groundwater flows that could have created wetland or stream conditions. He stated if the pipes that are discharging water on this land have been there 10 years or more, there is a prescriptive right to continue to do so.

He stated a sufficient showing has not been made and he urged the Board to deny the variance. He pointed out it was Mr. Cousins decision to buy, and nothing about the property, that has caused him to need the variance.

Terry Cousins, applicant, believes they have the right to build the house on their property and they have followed all the policies and regulations. She noted that the Amacher's are not waterfront property owners. She was unhappy that petitions were in Allyn with their name on them. She believes the Port of Allyn is using their authority for their own agenda and to prevent the Cousins from enjoying their property. She stated they have accommodated the Amacher's by placing the residence so it doesn't completely block their view. She pointed out the Shorelines Hearing Board did recommend approval. She asked that they be allowed to build on their property.

Jeff Carey, Allyn, believes if this variance was granted it could be a safety issue because of potential high tides so it would be placing a residence in a flood area. He is against the variance and agrees with the other statements made against this variance.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 7, 2002 – PAGE 8 OF 9**

Cmmr. Baze/Holter moved and seconded to continue the hearing to May 28, 2002 at 6:30 p.m. and allow written testimony only until that date. Motion carried unanimously. B-aye; J-aye; H-aye.

RECESS

The Board recessed for five minutes.

HEARING – Consider a proposal to emplace a floating dock on Tiger Lake. Applicant: Rick Boom

Rick Mraz, Planning, presented the staff report. The proposal is for a floating dock comprised of three segments: 4' x 18', 6' x 14', and 8' x 16' for a total length of 40' on Tiger Lake.

The dock emplacement has a history as a code enforcement case (ENF99-00104). The dock was originally emplaced, without permits, by the previous property owner, Kevin Backlund. Code enforcement action against Mr. Backlund resulted in removal of the dock assembly to the adjacent shore. The property was then sold to Mr. Boom, who began the permit process to have the dock legally emplaced.

Two neighbors, Joseph Ring and Harry Davis, have voiced opposition to the project. Staff acknowledges the concerns expressed by the neighbors, however staff believes it would be arbitrary to disallow this dock because it meets all dimensional and performance standards.

As designed, the project is consistent with the Mason County Shoreline Master Program Chapter 7.16.170. Staff recommends approval of the project, subject to the following conditions:

1. The pier, ramp, float, and associated moorings shall be located to avoid shading of aquatic vegetation. (Per Use Reg. #1)
2. Floatation of the structure shall be entirely enclosed and contained to permanently prevent the breakup or loss of the floatation material into the water. (Per Use Reg. #1 & #16)
3. Debris or deleterious material resulting from construction shall be removed from the beach area and project site and shall not be allowed to enter waters of the State. (Per Use Reg. #1 & 16)
4. Developers and individuals shall be required to control erosion during construction. Removal of vegetation should be minimized and any areas disturbed should be restored to prevent erosion and other environmental impacts. (Per Use Reg. #1 & 16)
5. The surface of floating structures shall be a minimum of eight inches above the surface of the water. (Per Use Re. #14)
6. All floating structures shall include intermittent supports that run parallel to the shoreline to keep structures from grounding on the beach. (Per Use Reg. #15)
7. Proposed structure or any portion thereof greater than 30" in height from grade line, must maintain a minimum of 5' setback from all property lines. (Per Use Reg. #2)
8. All other necessary permits from Mason County, Washington State and/or Federal Agencies that are required for this proposed development and construction must be obtained Prior to same development and construction.

Rick Boom, property owner, gave the history of the property/project. He learned through research that the original dock, which was 50' long, placed by the previous property owner was not permitted. He has revised the dock so it will be 40' long and is following all regulations. He asked the Board to allow the dock be built.

Cmmr. Holter/Baze moved and seconded to conditionally approve the Substantial Development permit with the Findings of Fact permit number SHR2002-00002 and to authorize the Chair to sign the permit and Findings of Fact. Motion carried unanimously. B-aye; J-aye; H-aye.

BELFAIR BYPASS

Cmmr. Johnson announced the Board has met with the Overton family and they are in negotiations with regard to the

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 7, 2002 – PAGE 9 OF 9**

FUND NAME	WARRANT NUMBER	AMOUNT
Claims Clearing	38995	151.23

ADJOURN

The meeting was adjourned at 12:30 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