

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

MAY 14, 2002

Acting Chairperson Herb Baze called the meeting to order at 9:00 a.m. with the flag salute. Commissioner Bob Holter was in attendance. Commissioner Wes Johnson was absent on scheduled leave.

APPROVAL OF MINUTES: Cmmr. Holter/Baze moved and seconded to approve the briefing minutes of April 22 & 29, 2002 and the regular meeting minutes of May 7, 2002. Motion carried unanimously. B-aye; H-aye; J-absent.

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

#### **SHORELINE VARIANCE - COUSINS**

Denise Ogren expressed opposition to the shoreline variance sought by Harvey Cousins. Copy forwarded to Community Development/Planning Division.

#### **SHELTON AREA REGIONAL SOLUTIONS TASKFORCE FOR WATER & SEWER**

The Economic Development Council of Mason County extended an invitation to attend a public meeting on May 30, 2002 regarding the Shelton Area Regional Solutions Taskforce for Water & Sewer.

### B U S I N E S S

#### **MEMORANDUM OF UNDERSTANDING – DEPARTMENT OF FISH & WILDLIFE**

Bob Fink, Planning Manager, presented a Memorandum of Understanding (MOU) with the Washington State Department of Fish & Wildlife regarding the management of sensitive species and wildlife information. The County uses information from Fish & Wildlife for planning.

**Cmmr. Holter/Baze moved and seconded the Board approve the execution of the MOU with the Washington Department of Fish and Wildlife regarding the management of sensitive fish and wildlife information, with signature by the Planning Manager as authorized representative and technical contact, and with the option of naming other staff as technical contacts. Motion carried unanimously. B-aye; H-aye; J-absent.**

#### **DEPUTY SHERIFF'S AGREEMENT**

Skip Wright, Human Resources Director, recommended the Board enter into an agreement with the Woodworkers Local Lodge W536, I.A.M. (Deputy Sheriffs). The negotiated agreement is for the period of January 1, 2002 – December 31, 2003. It provides for a 4.5% increase in wages, effective January 1, 2002 and an insurance contribution of \$555/month effective January 1, 2002.

Commissioner Holter stated he was pleased as a former sheriff he has seen the problem when there is slippage in the wage issue, which tends to accumulate. He would like to see it current.

**Cmmr. Holter/Baze moved and seconded the Board approve and sign the 2002-2003 Deputy Sheriffs' labor agreement between Mason County and Woodworkers Local Lodge W536, International Association of Machinists. Motion carried unanimously. B-aye; H-aye; J-absent.**

#### **PHILLIPS LAKE GATEPERSON AGREEMENT**

An agreement with Thomas Chapman to serve as Phillips Lake gateperson for the period of June 1, 2002 through September 30, 2002 at a rate of \$160.00 per month was presented. The county has entered into a contract for the past five or six years.

**Cmmr. Holter/Baze moved and seconded to approve and sign the Phillips Lake gateperson agreement between Mason County Parks and Thomas Chapman beginning June 1, 2002 – September 30, 2002 in the amount of \$160.00 per month. Motion carried unanimously. B-aye; H-aye; J-absent.**

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**AUTHORIZATION TO POST FOR QUOTES -**

Mike Byrne, Tourism & Recreation Director, asked for approval to post for quotes for projects pertaining to the Real Estate Excise Tax (REET) Funding, Capital Improvement Program. 1) Concrete retaining wall near field 1; 2) concrete access ramp to the west side of the park; 3) grading and surface rock for the parking lot at Sandhill Park; and a drainage and parking area at Jacoby Park (Shorecrest). These are all within the five year CIP program.

**Cmmr. Holter/Baze moved and seconded to authorize the Director of Tourism & Recreation to post and receive quotes for the projects noted above. Motion carried unanimously. B-aye; H-aye; J-absent.**

**HEARING – UTILITY EASEMENT REMOVAL – LAKELAND VILLAGE DIVISION 11A**

At 9:15 a.m the Board held a public hearing to consider the request to remove the utility easement between tax parcel numbers 12217-51-00001 and 12217-51-00002 Lots 1 & 2 located in the plat of Lakeland Village Division 11A. Michael MacSems, Planner, presented the staff report.

**Cmmr. Holter/Baze moved and seconded to approve the removal of the five foot utility and drainage easements between Lots 1 & 2 of Lakeland Village Division 11A with the understanding this is for the purpose of performing a declaration of parcel combination. Motion carried unanimously. B-aye; H-aye; J-absent. Resolution No. 46-02 (Exhibit A).**

**ESTABLISHMENT OF HEARING – PETITION FOR ROAD VACATION**

It is recommended the Board set a hearing to consider the petition for vacation of right-of-way in the Plat of Detroit #2 as requested by Jurges Enterprises, Inc. The suggested date/time: Tuesday, June 25, 2002 at 6:30 p.m.

The Board read aloud the proposed resolution to establish a hearing to consider a petition for vacation of right-of-way in the Plat of Detroit #2.

**Cmmr. Holter/Baze moved and seconded to set a hearing on Tuesday, June 25, 2002 at 6:30 p.m. to consider the petition for right-of-way in the Plat of Detroit #2 as requested by Jurges Enterprises, Inc. Motion carried unanimously. B-aye; H-aye; J-absent. Resolution No. 48-02 (Exhibit D)**

**AUTHORIZATION TO SELECT SURVEYOR FROM 2002 CONSULTANT ROSTER**

The Board noted that the parcel numbers are on record in the Commissioners' office.

**Cmmr. Holter/Baze moved and seconded that acting on behalf of the Skokomish Flood Control District, the Board authorizes Mason County Public Works to select a surveyor from the 2002 Consultant Roster to survey property located in the Skokomish Valley. Motion carried unanimously. B-aye; H-aye; J-absent.**

**ESTABLISHMENT OF HEARING – REVISION TO MASON COUNTY DEVELOPMENT REGULATIONS**

Mason County Community Development recommends the Board set a hearing for Tuesday, May 28, 2002 at 6:15 p.m. to receive comment on a revision to modify the variance process for the Development Regulations addressing front yard setback for residential land uses.

The Board commented this was established and set up and intended for a five-acre minimum parcel. It did not take into account the parcels that were already in existence.

**Cmmr. Holter/Baze moved and seconded to set a hearing for Tuesday, May 28, 2002 at 6:15 p.m. to receive comment on a revision to modify the variance process for the Development regulations addressing front yard setback for residential land uses. Motion carried unanimously. B-aye; H-aye; J-absent.**

**VETERANS ASSISTANCE APPLICATIONS**

- 1) Lloyd Westmiller – VFW 1694 – Burial benefit \$300.00
- 2) Jack L. Nielson – VFW 1694 – Utilities \$195.94

The Veterans Assistance Screening Committee recommends approval on the above listed applications totaling \$495.94.

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Ione Siegler, Director of Budget & Finance, and explained that when the original budget was approved the amount of BECCA funding was underestimated in the Clerk's office. They need to bring the money into the Clerk's budget to pay staff to perform the necessary work.

Pat Swartos, Clerk, stated already in 2002 in the account for revenue from BECCA funds they have received approximately \$6,200.

The staff position was a part-time position equal to the amount of funding. The BECCA work is actually being performed by a full time employee. They need to come up with a better way to label it.

**Cmmr. Holter/Baze moved and seconded the Board approve a supplemental appropriation to the 2002 budget for the Clerk's office in the Current Expense Fund in the amount of \$10,320. Motion carried unanimously. B-aye; H-aye; J-absent. Order (Exhibit B)**

**RECESS**

The Board recessed at 9:33 a.m. until 9:45 a.m.

**HEARING – REVISIONS TO MASON COUNTY DEVELOPMENT REGULATIONS SECTION 1.05.080**

Allan Borden, Planner, presented the staff report on the proposed revisions to Mason County Development Regulations Section 1.05.080 Rezone Criteria to clarify the criteria of review for the decision to approve or disapprove a proposed rezone of land use of a property in Mason County.

It was noted that the Planning Commission considered the proposed revisions and made some further minor changes for clarity which they recommended the Board approve.

Darren Nienaber asked if this affects how Community Development views this criterion.

Bob Fink, Planning Manager, responded that when the language was first drafted, he understood that the intent of the language was that if someone were to rezone rural residential to rural commercial or rural industrial outside the RACs and hamlets was limited to five times a year. The possibility came up that someone may seek an intervening rezoning because there is no cap on the rezones from the rural residential area to a rural tourism area. It was suggested someone could take the rural tourism land and rezone it as rural industrial and bypass the five rezoning limits. The purpose is to clarify that kind of bypassing would not void the limitation that was put on the number of rezones.

He referred to page 2 of the May 6, 2002 draft and suggested an additional slight modification.

I. “. . . For the purposes of this section, the numerical limit shall include both direct zones for rural residential to rural commercial or rural industrial, as well as intervening rezones from rural residential to rural natural resources and subsequent rezonings to rural commercial or rural industrial.”

He proposed substituting “and” with the word “with” at the end of the first paragraph of Section I to make it more clear that they are not talking about the rezoning from the rural residential to the rural tourism as being part of the five rezones allowed. Only if the rural tourism were rezoned to a rural commercial.

The Board discussed that there could be fifteen requests but only five rezone approvals.

The County has to prioritize which rezone requests it feels is important. They would have to weigh each request and balance the different interests of the county.

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that it would be appropriate to allow some commercial services, some industrial development in the rural area as opposed to rural activity centers in the urban area. It might be appropriate to do some, but in order to balance the goals of the Act there would have to be some type of cap so these new developments in the rural area would be limited in scope and impact. A project may include more than one parcel.

No public testimony was received.

**Cmmr. Holter/Baze moved and seconded to approve the changes to the Rezone Criteria Section 1.05.080 as proposed by staff and the Findings of Fact also be approved and signed by the Board. Motion carried unanimously. B-aye; H-aye; J-absent. Resolution No. 47-02 (Exhibit C)**

**RECESS**

The Board recessed at 10:12 a.m. until 10:15 a.m.

**HEARING – SHORELINE SUBSTANTIAL DEVELOPMENT/VARIANCE - BEVIS**

Pam Bennett-Cumming, Planner, presented the staff report for the shoreline substantial development variance permit proposal to construct a pier, ramp and float located on the south shore of the Hood Canal for the applicants, Lynne & Doug Bevis. A variance is required because it extends waterward of the -3' tide.

Amy Leitman, Bevis Representative, and also have prepared the biological evaluation report.

The project is caught in the middle of a Shoreline Master Program that is 14 years old (1988). The technology and ability to understand the marine environment and the impacts of anthropogenic environment have changed substantially in that period of time.

She did attend the Shoreline Advisory Board meeting and spoke with Pam Bennett-Cumming. She understands that the Shorelines Advisory Board and the Planning Staff have recommended denial of the project. She asked why they need a variance and why was it denied. There is one main criteria that requires the applicant to either go 100' in length for the system or a maximum of -3' depth. They don't meet the -3' depth. And they are proposing to extend the proposal to 90' in length. They felt they have a unique situation that their site happens to be a deep-water site. She asked why they are going with the recommendation and was told that the provision gives a -3' depth or a 100' in length.

She stated her understanding is the Commissioners have the ability and responsibility to analyze and make decisions on projects that don't fit perfectly into the Shoreline Master Program and don't fit perfectly into a variance regulation.

Since the master plan was revised in 1988; changes in how the environmental agencies (state/federal) look at projects within the marine environment has changed. They understand more about migrating salmon since the listing of the salmon. Since this project is being proposed right now under the shoreline regulations it doesn't necessarily fit.

She is aware there was an attempt last year to revise the Shoreline Master Program again. If it is revised it will most likely fit to mesh with the other environmental agencies that have been looking at guidelines on how to place things in the marine environment. The -3' depth regulation would probably been done away with. No other agencies at this point think it is a good point.

The Bevis site has unique conditions. She questioned what percentage of docks in Mason County have been placed landward at the -3' depth. She guessed it is 90 - 95% of the docks extend the full 100%. It is extremely unusual to have any sites along the Hood Canal that have any deep water. There is a precedent with the Vermillion project on

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There were many comments written from by R.S. Hoit that was opposed to pilings. She commented if the Bevis project were allowed to go out to 100' they could use the elasticized anchor systems because it would be deep enough to allow the float never to ground out even at a -4.5' tide which occurs sometimes in the Canal.

If the board would allow it, the proponents would go out 100' in length, which they felt would be more environmentally benign system.

She also spoke with many agency personnel, state, fish and wildlife, state department of Ecology, National Marine Fisheries Service, US Fish and Wildlife Service and US Army Corps of Engineers. They have recommended and prefer, over water structures very clearly to be placed in the lowest tide height. Deeper and seaward than the lowest tide occurs. The project has a permit from the state (HPA) with the 90' length. It has gone through the US Army corps of Engineers and is being reviewed by the National Marine Fisheries Service and US Fish & Wildlife.

She expressed concern that if the variance is denied they will have to go back to the federal and state government. The Bevis' have talked about going to the State Shorelines Hearings Board. They would prefer not to go to the Shorelines Hearings Board.

A letter from Margie Schirato, state area habitat biologist, notes that when projects are proposed the least impacting design alternative is preferred. Generally placing over water structures in deeper water provides better protection for fish and wildlife resources.

There is a clump of eelgrass to the north side that is in 85' of water. Part of the reason for setting the dock out to 90' is when the boat does come in to dock it will not have to go in to the 85' and out to 90' again.

She referred to #6 on the variance analysis. The public right of navigation and use of shorelines will not be adversely affected by granting a variance. She felt that the longer the dock would be less impact. The eelgrass, and people will be able to walk the beach at the extreme low tide if the float is out beyond there.

Reference was made to a copy of the aerial photos that Department of Ecology puts out on their aerial photo site. The docks extend out to the furthest extent of the low tide typically. The photo was taken at low tide.

Cmmr. Holter questioned the staff if they feel the Shoreline Master Plan is still a current modern code.

Darren Nienaber, Deputy Prosecutor, responded that the reason why the Shoreline Master Plan has not been revised for a while is about the mid 1990's the State Department of Ecology set about creating new rules and they got tossed about a year ago. Since the State has been developing their rules it has left the county somewhat in a limbo.

Cmmr. Holter stated that if the Board was to entertain the idea that deeper is better he was not sure there is an end to this theory.

He questioned about the hardship on property. There seems to be use of the property with the staff's recommendation.

Amy Leitman interjected that the Federal and State agencies are looking at it in reference to the near shore zone. There is no substantial marine vegetation, which will be impacted with the Bevis project. A lot of times they look at where the distance from shore a dock goes in reference to navigation. There is a limit based on navigation. Also, what species or types of vegetation exist so the appropriate analysis can occur. There is nothing, which is concern anywhere within the area.

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prefers deep water (beyond the tidal area). They recognize and respect that different agencies have different approaches to meeting the same types of goals.

Both Pam & Rick Mraz discussed with Ms. Leitman that at such time as the Shoreline Master Program was reviewed for revision the kind of issues relating to the tidal area and fish protection and fish habitat protection as well as other provisions that come down from the Act, such as view protection would be looked at. That review and analysis would happen at that time.

She recognized that a boat tied to a float with the configuration that was represented might ground out. Even the advisory board noted there were other approaches such as relocating the float so the float came straight in. Using the float stops.

One of the issues that has come up is the question of docks in the area. The planning staff reviewed the shoreline permits through the last several years looking for variance applications along Highway 106 in that area. Other than the Vermillion application, it did not appear there were variance applications to the tidal depth, which generally means when they are reviewing plans that something has been represented as consistent.

The Planner that reviewed the Vermillion project noted there were many changes to the project as it went through the process. It was reviewed as a substantial development and it appears that one of the changes late in the project modified the title depth and that literally got missed. It appears they were attempting to review according to consistency with the regulation. It should have gone through as a variance application.

They asked DOE how many different takes are there on piers and docks in Shoreline Master Programs around the general area. Jurisdictions vary in how they give provisions for the application of the Shorelines Management Act. What they have in common is they are specific to what they felt is important in that jurisdiction.

Mason County's Shoreline Master Program specifies -3 tide or 100' as the maximum length.

Amy Leitman asked if Mason County might consider looking at not -3' tidal or 100' whichever comes first, but rather -3' or 100' one or the other.

Ms. Leitman commented that she spoke to the Department of Ecology and noted Shoreline Master Programs are based on local jurisdictions. State interests on shorelines of statewide significance such as Hood Canal, hold higher merit.

Have talked with National Marine Fisheries since November of last year.

The board questioned staff if applicant's proposal were to extend to a -3 tide would they need a variance to construct a dock.

Pam Bennett-Cumming responded if a proposal met both the -3 tide and the maximum of 100' and was consistent with all the other regulations it would be reviewed as a substantial development permit.

The board asked if the applicant were to resubmit the permit application with those provisions would they have to go through the process again.

Ms. Bennett-Cumming replied it would be a simpler process. If the Board requested and the applicant wanted to revise the project to meet the shoreline master program, staff would simply forward those revisions to the Board as a substantial development permit

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Ms. Leitman stated the client would likely have to make a decision as to whether or not they would want to proceed with this and go to the State Shorelines Hearings Board.

**Cmmr. Holter/Baze moved and seconded the Bevis shoreline substantial development variance permit request #SHR2001-00022 for a pier, ramp and float extending beyond the allowable tidal depth, be denied on the basis that it is inconsistent with the variance criteria. Motion carried unanimously. B-aye; H-aye; J-absent.**

**COURTROOM DIGITAL AUDIO RECORDING SYSTEM**

Dave Loser, Equipment Rental & Revolving Fund Manager, explained that the Board previously gave authorization to request for proposals for a courtroom digital audio recording system. One proposal was received from Efficiency, Inc., of Seattle, WA. The review committee is recommending purchase of the equipment in the amount of \$33,440.00 plus tax. Four separate systems include: two for Superior Court, one for District Court and one for the Commission Chambers

**Cmmr. Holter/Baze moved and seconded to approve the purchase of four digital audio recording systems from Efficiency, Inc. of Seattle, WA for Superior Court, District Court and the Chambers. Total cost \$33,440.00 plus tax. Motion carried unanimously. B-aye; H-aye; J-absent.**

**AUTHORIZATION TO ADVERTISE/HIRE PART TIME CENTRAL SHOP ASSISTANT**

The board received a request to hire a part-time central shop assistance at the county shop. In the past, they have hired a high-school student to serve as a shop assistant. They are limited to 16 hours per week by Labor & Industries. This is an after school job. Their assistant is potentially leaving and they would like to advertise and hire when a vacancy occurs.

The Board questioned about the limit of 16 hours per week during the summer and asked that Public Works explore this further to see if the students could work more hours.

**Cmmr. Holter/Baze moved and seconded the Board of County Commissioners authorizes the Mason County Public Works Department to recruit via the Mason County High Schools and hire, if the current assistants departs, one (1) part time shop assistant for the Central Shop. Motion carried unanimously. B-aye; H-aye; J-absent.**

**HEARING SET – SPEED LIMIT CHAGNES**

Jerry Hauth, Public Works Director, requested the board set a hearing to consider speed limit changes on all or portions of the following roads: Lillie, Plug Mill, Elson, Loertscher, Lake Isabella Loop, Kamilche Shores, Nelson, Lynch, Mason Lake Drive So. Okoneks, Belwood Lane, Skylark Court, and Warbler Court.

**Cmmr. Holter/Baze moved and seconded the Board set a public hearing on June 4, 2002 at 10:45 a.m. to consider changing speed limits on all or portions of the Mason County roads, as submitted by the Engineer. Motion carried unanimously. B-aye; H-aye; J-absent.**

**2002 STRIPING PROGRAM**

It was announced that the 2002 striping program has begun for the County this month as weather permits and will be back in August to finish the roads.

**CRP 1598 – OLD OLYMPIC**

Mr. Hauth asked the Board to enter into a contract with Wiltermood and Associates. Inc. of Port Orchard, WA to

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alternatives to the Eddy Evers Bridge using Fiber Reinforced Polymers (FRP) for a maximum amount payable to \$46,383.00. Motion carried unanimously. B -aye; H-aye; J-absent.

**APPROVAL OF WARRANTS**

<b>FUND NAME</b>	<b>WARRANT NUMBER</b>	<b>AMOUNT</b>
Claims Clearing	38996-39187	\$14,752.38
	39188-39198	\$2,797.72
	39199-19677	\$2,534,270.46

**ADJOURN**

The meeting adjourned at 11:23 a.m. due to no further business.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

Absent 5/14/02

\_\_\_\_\_  
Wesley E. Johnson, Chairperson

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Bob Holter, Commissioner

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Herb Baze, Commissioner

ATTEST:

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Rebecca S. Rogers, Clerk of the Board