

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS**

**JULY 2, 2002**

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

**APPROVAL OF MINUTES**

**Cmmr. Holter/Baze moved and seconded to approve the special meeting minutes of June 10, 2002 and the briefing minutes of June 17, 2002. Motion carried unanimously. B-aye; J-aye; H-aye.**

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

**ROAD VACATION FILE #317 – ALLEY IN PLAT OF ALLYN**

Letter from Allyn Sub-Area Planning Committee that they have no objection to the petition for vacation of a portion of an alley in the Plat of Allyn.

**B U S I N E S S**

**RESULTS OF POSTS FOR QUOTES MICROFILM CONVERSION**

Karen Herr, Chief Deputy, presented the results of the post for quotes for microfilm conversion and announced that Technical Imaging Service was selected as the low bidder in the amount of \$24,750.

**VETERANS ASSISTANCE APPLICATION**

Russell L. Hoan – VFW 1694 – Utilities \$372.75

**Cmmr. Baze/Holter moved and seconded to approve the Veterans Assistance application for Russell Hoan for \$372.75 utilities. Motion carried unanimously. B-aye; J-aye; H-aye.**

**PROPOSED RESOLUTION – CHIEF FINANCIAL OFFICER**

Chair Johnson read aloud a proposed resolution is presented for appointment of the chief financial officer.

**Cmmr. Holter/Baze moved and seconded to adopt Resolution No. 87-02 appointing the Director of Budget & Finance as the Chief Financial Officer. Motion carried unanimously. B-aye; J-aye; H-aye. (Exhibit A)**

**RECESS**

The Board recessed for 2 minutes.

**BID OPENING – CRP 1630 – MASON LAKE DRIVE W (SCHUMOCHER CREEK BRIDGE)**

After the Chair closed the bids, Jerry Hauth presented the seven bids received.

Pacific Road & Bridge

Arlington, WA

\$439,410.10

Quigg Bros., Inc.

Aberdeen, WA

\$389,172.65

Tri-State Construction, Inc.

Bellevue, WA

\$352,210.50

Stan Palmer Construction

Port Orchard, WA

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Seattle, WA  
\$497,891.00

Engineer's estimate was \$289,292. Public Works will return with a recommendation later this morning.

**SMALL WORKS ROSTER SELECTION – CRP 1686 ELLS HILL ROAD (HUNTER CREEK)**

Jerry Hauth requested permission to obtain a contractor through the Small Works Roster to remove and replace three culverts at the Hunter Creek crossing of Eells Hill Road.

**Cmmr. Baze/Holter moved and seconded to authorize Public Works to obtain a contractor through the Small Works Roster process to remove and replace three culverts at milepost 0.10, Hunter Creek crossing on Eells Hill Road, and authorize the chairperson to execute the pertinent documentation. Motion carried unanimously. B -aye; J -aye; H -aye.**

**REIMBURSABLE AGREEMENT – MARY M. KNIGHT SCHOOL**

Mr. Hauth requested the Board execute the reimbursable agreement with the Mary M Knight School .

**Cmmr. Holter/Baze moved and seconded to execute the reimbursable agreement for the Mason County Road Department to grade the Mary M. Knight School parking lot, for an amount not to exceed \$940. Motion carried unanimously. B -aye; J -aye; H -aye.**

**MICROSOFT AGREEMENT**

Dave Loser, ER&R, requested the Board designate Robert Deans as the Mason County Microsoft Agency Coordinator and authorize the Chair to sign the Microsoft Products purchase agreement with DIS.

**Cmmr. Baze/Holter moved and seconded to designate Robert Deans as the Mason County Microsoft Agency Coordinator and authorize the Chairperson to execute the Microsoft Products purchase agreement with the Department of Information Services. Motion carried unanimously. B -aye; J -aye; H -aye.**

**RECESS**

The Board recessed for two minutes.

**BID OPENING – CRP 1635 – SHELTON MATLOCK ROAD (LAKE NAHWATZEL CULVERTS)**

After the Chair closed the bids, Jerry Hauth presented the six bids received.

Stan Palmer Construction  
Port Orchard, WA  
\$486,294.00

DLB Earthwork Co.  
Olympia, WA  
\$367,434.10

Rognlin's Inc.  
Aberdeen, WA  
\$483,985.00

Calloway Ross, Inc.  
Longview, WA  
\$445,003.10

KLM Construction, Inc  
Puyallup, WA

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**HEARING CONT. from 6/4/02 - Consider a petition for vacation of an alley lying south to north between Block 6 and 7 and adjacent to Lots 1, 2, 3, and 4 of the Plat of Allyn. (Road Vacation File 317) Petitioner: Ernest & Shirley McGibbon**

Mr. Hauth, Public Works Director, stated the Allyn Community Association has verified that this vacation will not adversely affect the elements in the Allyn Sub-Area Plan and they have no objections to the vacation. He recommended the vacation be approved, subject to any existing easements of record. He stated there is no evidence that this was ever opened.

Hugh Middleton, Snyder Road Shelton, owns property on the Highway 3 side of McGibbon property (lots 3 & 4). He had a survey done and it shows the fence line on the back of his property is on the center of the right-of-way. He has concerns with giving up any property. His lot is supposed to be 100 feet deep but the survey shows 90 feet deep.

Mr. Hauth explained the 10 feet of vacated property would go from the centerline of the right-of-way to the adjoining property owner. He understands there are a number of inconsistencies in the old Plat of Allyn. He noted that Mr. Middleton could pursue his own vacation for the other 10 feet of the alley that adjoins his property

Mr. Middleton voiced concerns that the survey may not be accurate and it appears to him that the fence line is 10 feet closer to the centerline of the highway than it should be.

Mr. Hauth recommended that Mr. Middleton obtain an opinion from another surveyor.

Cmmr. Holter recommended that Mr. Middleton consider requesting his own road vacation.

Mr. Middleton asked for the hearing to be continued so he could verify the survey.

The Board responded that this is a vacation request of the alleyway and the survey wouldn't affect this request.

Mike Seversen owns property next to Mr. Middleton. He believes Mr. McGibbon's fence, as it is currently located, encroaches 10 feet on the right-of-way. He wanted it on the record that he understands Mr. McGibbon would obtain only 10 feet of the alleyway.

**Cmmr. Holter/Baze moved and seconded to vacate the right-of-way as described in the engineer's report for the unnamed alley lying between Drum Street and Uhlman Street in the Plat of Allyn. This vacation shall be subject to any existing easements of record. Motion carried unanimously. B-aye; J-aye; H-aye. Resolution No. 89-02 (Exhibit B)**

**BID AWARD – CRP 1630**

Mr. Hauth asked the Board to award the bid for the Schumocher Creek Bridge to Rognlin's Inc. of Aberdeen.

**Cmmr. Baze/Holter moved and seconded to award the contract for County Road Project 1630, Mason Lake Drive West (Schumocher Creek Bridge), to the apparent low bidder, Rognlin's Inc. for their bid amount of \$338,816.20, and authorize the execution of all pertinent documentation by the Board or by the chairperson of the Board, where applicable. Motion carried unanimously. B-aye; J-aye; H-aye.**

**HEARING – Consider variance to Floodplain Ordinance to construct an addition to the Skokomish Community Church; Applicant: Skokomish Community Church; Staff – Pam Bennett-Cumming**

Cmmr. Johnson, at the advise of legal council, excused himself from the hearing because one of the applicants is a relative and his family has been involved in the church location since it's inception 45 years ago. Cmmr. Baze acted as chairperson.

Cmmr. Baze read aloud a prepared statement that refers to RCW 46.36.060, the law requires the Commissioners avoid

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church building to contain two classrooms. The addition is proposed to be a single story and elevated to flood plain standards. The interior remodel associated with this project does not require variance review.

A Flood Ordinance variance is required because a portion of the proposal lies within the No New Footprint Zone overbank setback area of the Skokomish River floodplain, the lot exceeds the 3% maximum lot density requirement, and because the development exceeds the maximum allowable obstruction of 17% of the lot.

The existing density lot coverage already exceeds the maximum 3% allowable because it is approximately 13.1%. This addition would increase it to 14.8%. The existing development exceeds the maximum allowable obstruction width of 17%, because it appears to be over 40%. Although the proposal does not appear to increase the obstruction width, its floodplain impact cannot be determined without an engineering study.

Staff recommends denial of this permit because the proposal fails to meet the variance criteria, may not be the minimum necessary, and because both flood impact to the proposal, and impact of the proposal on the Special Flood Risk Area of the Skokomish River floodplain cannot be ascertained without an engineering study.

Cmmr. Baze stated it appears the biggest concerns are with the densities and the impact the structure would have on the floodway.

Ms. Bennett-Cumming stated staff is looking at the three issues from which the variance was requested. The setback from the dike, the density exceeding the 3% both existing and proposed, and the maximum allowable obstruction already is exceeded by the current development. Therefore, staff has recommended denial.

Cmmr. Baze asked if church were able to acquire more property and change these densities, how would that change this report.

Ms. Bennett-Cumming replied staff would review the changed configuration under the variance criteria to determine if the acquisition makes the application more consistent.

Cmmr. Baze asked if the densities were not a factor, what would be the determining factor.

Ms. Bennett-Cumming answered that if density was not a factor, the revised application would be reviewed according to those other two variance criteria – the maximum allowable obstruction width and that as proposed, it is in the no new footprint zone. The proposal would be reviewed against each criteria to determine its consistency.

Cmmr. Baze asked if the density problem didn't exist, is the only issue with the no new footprint zone.

Ms. Bennett-Cumming replied not necessarily because the existing development already exceeds the maximum width of 17% (of the width of the lot). The question is raised as to whether additional development would have an impact to the obstruction of the flood flow.

Cmmr. Baze asked if the lot was wider and it didn't exceed 17%, would that make a difference.

Ms. Bennett-Cumming responded it may make a difference, staff would need to review the revised application.

Evan Tozier, Skokomish Valley, stated he is not a member of the church but is a neighbor, he voiced support of the building addition. He is unhappy with how the regulations are interpreted and applied and that engineering is being required. He believes the largest obstruction in the Skokomish River Valley is the debris in the channel, which is never addressed. He commented it may end up in a courtroom to decide.

Shelloy Johnson, Skokomish Valley, member of the Skokomish Community Church. She understands there are three

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There was discussion about other locations of the proposed addition. On the south side there is an existing septic system, behind the church, where the restrooms are, there are property line setback issues. They reviewed a site plan in the staff report.

Pat Johnson, Skokomish Valley, stated she is in favor of the variance. She asked about the acquisition of property and the impact.

Cmmr. Baze explained that if there were more property available to the church, staff would have to review the application. The percentages would change but it would need staff review.

Jerry Richert, Skokomish Valley, the engineering report request troubles him because he is not clear on what it would do and they are very expensive.

Kerry Gibson, Skokomish Valley, pastor of the church, clarified that the addition would be for a room for children's church that would be held simultaneously with the regular church service and it would provide handicap accessible restrooms. The engineer's report they obtained reviewed the parking space and demonstrated the building is 3 feet higher than the 100-year flood level. They were confronted with the avulsion map that was later changed. They have submitted a letter from Marley Young, engineer, stating dikes are safe but were then told a stress test was required. He stated that as soon as they meet the requirements, more requirements are made. They have a policy about closing the church building in the event of a flood. He urged the board to adopt a policy on the criteria of closing the Skokomish Valley road. He stated that at a special congregation meeting on August 29, 2001, Cmmr. Baze told them he would like the church to submit a permit to the county. Up to then, they were in the pre-permit stage. Pastor Gibson understood that if the first application was rejected, a variance would be applied for and granted. He feels they have done everything that was required yet there continue to be requirements that are creating a lot of expense for their small congregation. He pointed out that only 18 feet lie in the no new footprint zone.

Jonathan McCoy, Matlock, attends Skokomish Community Church, stated the church is growing and an expansion is necessary.

Bob Graham, Union, church member, agrees with setting a policy on closing the Skokomish Valley Road. He noted the church serves the Skokomish community as well as other areas of Mason County. Their church is growing and he urged the Board to approve the variance request.

Pastor Gibson submitted written comments from Laura & Jonnathon McCoy and a petition signed by citizens in support of the variance.

Cmmr. Baze closed the public testimony portion of the hearing.

Cmmr. Baze noted this permit process has used more staff time and caused more turmoil than any other permit in his time at the county. He clarified that he did attend a church meeting and he stated that he told the church congregation that before the church spent any money, he would go to staff and come back with an opinion of the chances of the permit being granted. Cmmr. Baze had advised Pastor Gibson that he didn't like the permit and offered the opportunity for the church to apply for federal buyout money. The church chose not to do that. If the Board were to approve this request, he believes there would be a court order issued stopping it. Regardless of what happens, he believes this will end up in Superior Court. He stated the avulsion maps were eliminated because there has never been an avulsion in the known history of Skokomish Valley but there is a known overflow problem.

Cmmr. Holter stated a lot of work and energy has been put into this permit process by staff and Cmmr. Baze and Johnson. He acknowledged the applicant's frustration with the uncertainty of the process. He pointed out that Growth Management Act has been an issue countywide. Mason County has to demonstrate that we are serious about the regulations. To allow even a small variance, he believes that would send a message to the Growth Management

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**BID AWARD – CRP1635**

Jerry Hauth recommended the board award the low bid to KLM Construction, Inc. in the amount of \$357,108. He noted there had been a calculation error in the original amount.

**Cmmr. Baze/Holter moved and seconded to award the contract for County Road Project 1635, Shelton Matlock Road (Lake Nahwatzel area), to the apparent low bidder, KLM Construction, Inc., for their bid amount of \$357,108 and authorize the execution of all pertinent documentation by the Board or by the chairperson of the Board where applicable. Motion carried unanimously. B-aye; J-aye; H-aye.**

**HEARING – Consider revisions to Title 15 – Mason County Development Code (Ordinance No. 116-01)**

Allan Borden, Planning, presented the staff report. The revisions proposed by staff address certain permit and enforcement procedures by stating specific language in existing Title 15 code sections. The 15.13.020 Penalty subsection has been revised to include text on what constitutes a violation, who is accountable for the activity in violation, and that civil infractions can be issued by certain county departments. The 15.13.050 subsection on civil fines was amended to state how additional assessments may be added to fines at a stated statute rate and that liens may proceed to foreclosure and sale within a year of the creation of the lien. The 15.33.055 Cost Recovery subsection now states the rates of enforcement, Hearings Examiner, and abatement costs involved in code enforcement cases and ordered by the Hearings Examiner and states a uniform cost structure in regard to enforcement actions.

Another proposed revision is stated in the 15.05.050 letter of completeness subsection, where preliminary permit reviews must proceed prior to the submission of a building permit application. These reviews include shoreline substantial development permits, variances, special use permits, and reasonable use exceptions, and are held before the Planning Commission, Shoreline Advisory Board and County Commissioners. (It was clarified that it would now be reviewed by the Planning Advisory Board).

The Planning Commission heard the proposed revisions in April 2002 and recommended approval of the revisions, except those sections relating to the Shoreline Master Program.

The Shorelines Advisory Board evaluated the proposed revisions in May 2002. They suggested several text changes and adopted a motion stating they had read and discussed the proposed text of Title 15.

Comments were received from DOE.

Staff requested the Board approve the proposed revisions to several subsections of Title 15, Mason County Development Code. Staff noted that there will continue to be revisions to the Development Code.

Chairperson Johnson closed the public hearing after noting there was no public comment.

**Cmmr. Holter/Baze moved and seconded to adopt Ordinance 88-02 which makes changes to the Development Code involving enforcement standards as proposed by staff and request the Chair sign the findings of fact. Motion carried unanimously. B-aye; J-aye; H-aye. (Exhibit C)**

**HEARING – Consider variance from the Mason County Resource Ordinance No. 77-93 for construction of a single family residence within a Type V stream buffer at Lake Cushman; Applicant: Ray Isaacson**

Rick Mraz, planning, presented the staff report. The parcel is a residential lot located on Dow Creek Drive in Lake Cushman Division 9 and is for the construction of a 2,272 square foot residence, partially within a Type V stream buffer.

Staff finds the proposal is consistent with the variance criteria detained in Section 17.01.150 and recommends approval of the proposal.

**Cmmr. Baze/Holter moved and seconded to approve the Variance, VAR2002-00018, a proposal to locate a**

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Mr. Mraz presented the staff report. The location is 371 NE Landon Road in Belfair and is requesting a 0' setback from the right-of-way to construct a new garage.

As designed, the project is consistent with the variance criteria outlined in the Mason County Development Regulations and planning staff recommends approval of the variance.

Bonnie Nance, applicant, stated they would like to build a garage so they can safely store their vehicles.

**Cmmr. Holter/Baze moved and seconded to approve the variance application, VAR2002-00026, which is a proposal to allow construction of a new garage to encroach into the 25' right-of-way setback on Landon Road. Motion carried unanimously. B -aye; J -aye; H -aye.**

**BIO-SOLIDS REMOVAL AND DISPOSAL**

**Cmmr. Baze/Holter moved and seconded to award the bio-solids removal and disposal bid for Rustlewood, Hartstene Pointe and North Bay/Case Inlet to D&E Septic Service of Shelton, WA at a charge of \$.1310 per gallon. Motion carried unanimously. B -aye; J -aye; H -aye.**

**ADJOURN**

The meeting adjourned at 12:09 p.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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

\_\_\_\_\_  
Bob Holter, Commissioner

\_\_\_\_\_  
Herb Baze, Commissioner

ATTEST:

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Rebecca S. Rogers, Clerk of the Board