

BOARD OF MASON COUNTY COMMISSIONERS PROCEEDINGS

SEPTEMBER 3, 2002

The meeting was called to order at 9:00 a.m. by Chairperson Wesley 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 July 2, 8, 9, 22, 23, 29 and August 6, 12,20. Motion carried unanimously. B -aye; H-aye; J-aye.

B U S I N E S S

POST FOR QUOTES - PADS AT THE BELFAIR SOLID WASTE DROP BOX

Gary Yando requested authorization to post for quotes to replace the pads at the Belfair Drop Box station.

Cmmr. Baze/Holter moved and seconded to authorize the Director of Utilities & Waste Management to post for quotes to provide pads at the Belfair Solid Waste drop box station per the specifications. Motion carried unanimously. B-aye; H-aye; J-aye.

POST FOR QUOTES - GRAVITY CONNECTIONS AT THE LAKELAND VILLAGE SEWER SYSTEM

Mr. Yando requested permission to post for quotes for six additional gravity connections to the Lakeland Village Sewer System.

Cmmr. Holter/Baze moved and seconded to grant authorization to the Director of Utilities & Waste Management to post for quotes to complete the work associated with six additional gravity sewer system connections located in Lakeland Village provide pads at the Belfair Solid Waste Drop Box station per the specifications detailed by Mr. Yando. Motion carried unanimously. B -aye; H-aye; J-aye.

MASON CONSERVATION DISTRICT SPECIAL ASSESSMENT FEE

Steve Kutz requested the Board adopt an ordinance for the Mason Conservation District special assessment of \$5 per non forest parcel for natural resource conservation for 10 years as authorized by RCW 89.08.400.

Cmmr. Baze/Holter moved and seconded to approve Ordinance No. 121-02 that reaffirms the action of the Board taken on August 27, 2002 that authorized a Mason Conservation District special assessment of \$5 per non forest parcel for natural resource conservation for 10 years as authorized by RCW 89.08.400. Motion carried. B -aye; J- opposed; H-aye. (Exhibit A)

BOARD OF HEALTH MEETING

Mr. Kutz the addressed the Board of Health meeting that is scheduled for this Thursday, September 5th. The Board is out of town and he asked the Board what they wanted to do.

Cmmr. Holter/Baze moved and seconded to cancel the Board of Health meeting for the month of September and have the next Board of Health meeting on October 3, 2002. Motion carried unanimously.

SET HEARING – SUPPLEMENTAL APPROPRIATION

Ione Siegler requested the Board adopt the resolution setting the hearing to consider a Supplemental Appropriation to the Health Services Fund in the estimated amount of \$284,075.

Cmmr. Baze/Holter moved and seconded to approve Resolution No. 122-02 and set a public hearing on September 17, 2002 at 10:00 a.m. to consider a supplemental appropriation to the 2002 budget for the Health Services Fund in the estimated amount of \$284,075. Motion carried unanimously. (Exhibit B)

CONTRACT – WA STATE MILITARY DEPARTMENT

Mike Akin requested the Board approve the Washington State Military Department contract in the amount of \$116,455 for the Enhanced 911 program for the fiscal year 2003.

Cmmr. Holter/Baze moved and seconded to approve and authorize the Chair to sign the Washington State Military Contract E03-015 which provides \$116,455 funding assistance to the County's 911 system. Motion carried unanimously.

ROAD VACATION FILE #314 – CASTLE MEDICAL CENTER

Jerry Hauth presented the staff report for Road Vacation #314 as requested by Castle Medical Center. He explained this is a 1915 rectangular grid plat which in no way matches the topography of the land and no roads have been built as platted. Over 50% of the right of way dedicated by the Beachmont Plat have been vacated since its inception. The vacations are necessary to recombine platted lots and right of way to create buildable parcels on the site. There is no need to keep this right of way for future road purposes.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 3, 2002 - PAGE 2 OF 4**

2003 PRELIMINARY BUDGET

Al Brotche introduced Theresia Erich, Chief Accountant.

Theresia Erich presented the preliminary 2003 budget. The 2003 Current Expense departmental requests total \$21,034,881. There are wages and benefit amounts that have not been determined.

Al Brotche thanked his staff. He noted there is a liability of about \$2,200,000 leave accrual that needs to have serious consideration. He believes the beginning fund balance is a conservative number.

RECESS

The Board recessed for 2 minutes.

SHORELINE VARIANCE - VERN & SUE PARTON

Rick Mraz presented the staff report. The request is for an after-the-fact variance for a deck constructed higher than 30" above average grade to accommodate a handicapped homeowner.

As configured, the project is consistent with the Mason County Shoreline Master Program variance criteria listed in Chapter 7.28.020. Staff recommends approval of the proposal.

Cmmr. Holter/Baze moved and seconded to approve the Shoreline Variance, SHR2002-00014, with Findings of Fact, which is a request for an after-the-fact variance for a deck constructed at 33" above average grade to accommodate a handicapped homeowner. Also authorize the chair to sign the permit and Findings of Fact. Motion carried unanimously.

SPECIAL USE PERMIT - CHRIST LUTHERAN CHURCH CHILDCARE CENTER

Rick Mraz presented the staff report. The proposal is to increase the childcare population at Christ Lutheran Church ChildCare Center to 88 children and to install a new play area. The location is 3701 NE North Shore Road. Based upon the project analysis, the project is mixed in its qualification for a Special Use permit. The addition of 23 children is consistent with the requirements for granting the special use permit. However, the additional play area would likely create a significant increase in impacts to surrounding properties. In addition, the play area is not a requirement associated with the increase in enrollment.

There have been concerns expressed from neighboring property owners about the noise level and the increase in traffic.

Terry Tapper submitted written comments to the Board with copies of pictures. He spoke against the addition to the playground due to the noise.

Bonnie Dittmer represents the daycare. The additional play area is one of the phases they would like and would be for school age children. They don't intend to have all 88 children out in the play area at the same time. This would also provide a play area for the church. They are working at having a buffer around the play area.

Linda Rush, Pastor at Christ Lutheran Church, stated the church does not profit from the daycare, it is done as a public service. Currently, the school age children are already on the premises but they are playing in the parking lot. The additional area would provide a safe area for them. During the school year, the play area would be used a fairly small amount (before and after school.) She doesn't believe this additional playground will make a significant impact on the community. She is willing to communicate with the community.

Tim Pavolka stated his family has property adjacent to the daycare and they are usually at their property on the weekends, in the summer, so they don't have much of a noise problem. He believes those on Wagonwheel Road have more of an impact. If the area is used by the church it could become a problem. He sees the noise concerns as the biggest problem. He doesn't see a problem with the ingress and egress to the property. He pointed out there is no fence between the church property and their property (west property line). He has concerns with the use of the beach by groups who rent the property on the weekend. He doesn't believe the Church shouldn't have it (additional play area), but noise control issues need to be placed into effect.

Ed Devaney has adjacent property that is used as recreational property and where he is located, there isn't much of a noise problem. He supports the testimony by Mr. Pavolka. He also has concerns with what the improvements could do as far as the Church renting out their property.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 3, 2002 - PAGE 3 OF 4**

pollution in the Canal.

Linda Walchli, member of Church and a professional land use planner. She pointed out that based on state regulations, they can't increase the enrollment to 125 children. There is a ratio of children to building. She stated this is not a retirement community, it is mixed use neighborhood, residential with some commercial activity. They have posted their property as private and they can't be held responsible for others illegal using their property. She stated it is illegal to videotape the children at the daycare because there are foster children who are protected by the state. If it continues, they will report it. The Church understands the concerns about the quality of the neighborhood. The Church has also concerns that they serve their neighborhood and their community. There is no demonstration of a violation of the county noise ordinance. There are no other demonstrated impacts under SEPA. Recent federal regulation strengthens the rights of churches to use their property without interference from the state, however this Church has chosen to go through this public process. Their operating hours are already severely restricted. Daycares are an essential public service. They don't believe they have impacted the property values and some neighborhoods find that daycares and schools actually increase property values. They have complied with County regulations.

Mr. Novak was told by the County Commissioners and the Sheriff's office to obtain evidence by video taping. He believes the noise level checks that were done by the Sheriff's office were fixed.

Mr. Mraz responded to the testimony. The septic system on site, is a functioning system so with regards to additional fecal coliform into the water, it is not perceived as a threat, since the system meets current standards. With regards to no statute in county regulations authorizing denial of the playarea, as noted in the staff report, criteria #2, the proposed use must be consistent and compatible with the intent of the Comp Plan. There does appear to be some obvious conflict and therefore, possibly deniable. Staff was not made aware of the possibility of increased rental opportunities associated with the retreat center.

Cmmr. Baze asked if it Rick's opinion that with the added population and the current state law, does he see any noticeable impact of the additional kids without addition of playground.

Mr. Mraz stated he understands there is a limitation of how many children can be outside due to play space that is available. Without more play area, there wouldn't be more children outside at any one time, however the period of time at which children are outside, could increase. They would have to rotate the children. They may do more off-site field trips. He believes it would have a minimal impact.

Cmmr. Holter appreciates the testimony, especially from adjoining property owners who have a noise impact. He is concerned with the rate of growth of the daycare and the impact it has on the neighborhood. He would like to continue the hearing before making a decision.

Cmmr Baze would like to have the church get together with the community. He doesn't see a lot of communication.

Ms. Walchli stated if the increase is not granted, there are 23 families with no daycare which has a huge community impact.

Robert Newman stated a lot of things in the testimony had to do with the retreat center and the beach access and they have nothing to do with the daycare. The main issue is noise and he would like to see if it can be mitigated.

Pastor Rush pointed out they cannot grow beyond 88 children due to the building size, the septic capacity and the state regulations. She noted it is church property and it can be developed by the church, if not the daycare.

Mr. Newman pointed out the Sheriff's office could not find a legal noise problem.

Cmmr. Baze stated he understands that but he would like to see the Church work with the community.

Mr. Mraz stated he will facilitate a meeting between the Church and the community.

Cmmr. Holter/Baze moved and seconded to continue the hearing to October 1, 2002 at 9:45 a.m. Motion carried unanimously.

RECESS

The Board recessed for 6 minutes.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 3, 2002 - PAGE 4 OF 4**

development moratorium for Joanie Mogolis.

Cmmr. Holter/Baze to set a hearing on 9/17/02 at 9:25 a.m. for the consideration of a removal of a six- year development moratorium from a 40 acre parcel owned by Joanie Mogolis and located at E 4540 Pickering Rd., in Section 9, Township 20N, Range 2W., W.M. Motion carried unanimously.

HEARING CONTINUED – MASON LAKE MANAGEMENT DISTRICT

Cmmr. Johnson opened the continued hearing for the creation of the Mason Lake Management District.

Ron, President of Paradise Service Associates, stated they have reviewed the documents and comments from the previous hearing and they feel it (the Lake Management District) would be very good for Mason Lake.

Lisa Frazier explained she understands the citizen committee will establish a budget and based on the assessed value of the property, a figure will be determined to be collected from each parcel. A fund will then be set up for this lake management district. She will be collecting 1% of the collection for her office administration costs.

Cmmr. Johnson noted this will go for a vote of the property owners.

Cmmr. Johnson then closed the hearing.

Cmmr. Holter read aloud the resolution declaring the intent to proceed to submit the question of creating LMD #2 to the owners of property fronting Mason Lake or community access to Mason Lake.

Cmmr. Baze/Holter moved and seconded to adopt a resolution declaring the intent to proceed to submit the question of creating Lake Management District No. 2 to the owners of property fronting Mason Lake or community access to Mason Lake. Motion carried unanimously. Resolution No. 123-02 (Exhibit D)

ADJOURN

The meeting adjourned at 11:30 a.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