

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

OCTOBER 8, 2002

The meeting was called to order at 9:02 a.m. with the flag salute by Chairperson Wesley E. Johnson. Attendance: Cmmr. Dist. 1, Herb Baze; Cmmr. Dist. 2, Wes Johnson; Cmmr. Dist. 3, Bob Holter.

APPROVAL OF MINUTES: Cmmr. Holter/Baze moved and seconded to approve the meeting minutes of October 1, 2002. Motion carried unanimously. B-absent; H-aye; J-aye.

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

LIQUOR LICENSE APPLICATION

Letters of opposition were received concerning the liquor license application of Bobaloo's Bar & Grill II: Alfred & Debbie Jones; Arlene Post; Russell G. Wheeler.

LITTER CONTROL

Philip Lalle asked that the County pick up litter along Mason Lake Road, Brockdale Road and other arteries in the County. Copy referred to Public Works Department.

ALLYN SUBAREA PLANNING

A letter was received from the Allyn Sub-Area Planning Committee noting three motions regarding the Allyn Study area. Copy referred to Department of Community Development/Planning Division.

B U S I N E S S

PROCLAMATION – NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

Chairperson Wes Johnson read aloud a proposed proclamation naming the National Day of the Republic of China on Taiwan.

Cmmr. Baze/Holter moved and seconded to adopt the proclamation as read proclaiming Thursday, October 10, 2002 as the National Day of the Republic of China on Taiwan. Motion carried unanimously. B-aye; H-aye; J-aye.

ADOPTION OF AGENDA

Cmmr. Baze/Holter moved and seconded to revise the agenda to add 12.2 – Road Closure on Island View Road. Motion carried unanimously. B-aye; H-aye; J-aye.

CONSENT AGENDA

Approval and execution of a labor agreement between Mason County and Woodworkers Local Lodge W536 covering the Sheriff's Department Corrections/Support Staff bargaining unit.

Approval of Department of Ecology instream flow grants contract. Contract No.G0300041 in the amount of \$15,000.

Approval of a renewal Professional Services Contract Amendment #2 between Mason County Department of Health Services and Theresa Boling in the amount of \$3,000.

Surplus of Miscellaneous Machinery and Computer Equipment.

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Approval of Veterans Assistance Fund applications.

Cmmr. Baze/Holter moved and seconded to approve the consent agenda. Motion carried unanimously. B-aye; H-aye; J-aye.

RECESS

The Board recessed from 9:24 a.m. until 10:00 a.m.

PUBLIC HEARING – RESOURCE VARIANCE

The Board held a public hearing to consider a Resource Variance request by Fred McFeely for development within a stream buffer. The location of the project is 4900 Highway 302, Belfair/Victor Area.

Grace Miller, Planner, presented the staff report and recommended approval of the variance request with the following conditions:

- 1) Owner shall be required to control erosion during construction. Removal of vegetation shall be avoided and any areas disturbed should be restored to prevent erosion and other environmental impacts.
- 2) Provisions for buffer enhancement by planting and removal of exotic species, as set forth in the Habitat Management Plan shall be a condition of the project's approval.
- 3) The marine shoreline shall be planted and enhanced as mitigation and included as part of the Habitat Management Plan for the site.
- 4) The Habitat Management Plan to include black cottonwood and bigleaf maple as recommended by the Squaxin Island Tribe.

There was discussion that the Habitat Management Plan required that large trees not be planted on the north side of the stream because of the potential danger and there could be danger trees for the adjoining property in time.

Mrs. Miller commented as long as the applicant restores the marine shoreline and plants deciduous trees on the north side they will be within the plan.

Cmmr. Holter/Baze moved and seconded to approve the Resource Ordinance Variance #VAR2002-00056 with recommended conditions 1 – 4 and that the Chairman sign the Findings of Fact. Motion carried unanimously. B-aye; H-aye; J-aye.

RECESS

The Board recessed for two minutes until the next scheduled item.

PUBLIC HEARING - ROAD VACATION FILE #319

The Board held a public hearing to consider the petition of Alfred & Kathryn Dubbe for vacation of a portion of Roy Boad Road right-of-way, Belfair.

Jerry Hauth, Public Works Director, explained that the legal description of the portion of Roy Boad Road right-of-way being considered for vacation is very unclear. He noted it may have been a regional or territorial road. When State Route 3 was constructed in the early 1940's or 1950's Roy Boad Road was abandoned. In recent history, from the 1940's, the County has not had any interest in this section of the road right-of-way. The vacation of the road will affect no one.

A question was raised if there was once a road present.

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Mr. Hauth replied that he was not aware if it was opened, the area south of the right-of-way appears to be more like a logging trail than a road. It is not clearly defined. If there was a surface it may have been an oil mat surface. There is no indication of any well-established or maintained road.

Cmmr. Baze/Holter moved and seconded to vacate the right-of-way described as that portion of right-of-way of the Roy Boad Road, formally known as the Clifton Road, entering parcel 12328 22 00050 and continues northeast through parcels 22 00060 and 22 00040, Range 1 W, Township 23 N, Section 28, W.M. This vacation shall be subject to any existing easements of record. Motion carried unanimously. B-aye; H-aye; J-aye.

RECESS

The Board recessed at 10:28 a.m. until 10:30 a.m.

HEARING – ROAD VACATION FILE #320

The Board held a public hearing to consider a petition for road vacation File #320 for the westerly 10 feet of alley between Drum Street & Uhlman Street, Plat of Allyn.

Jerry Hauth, Public Works Director, explained that they can find no evidence that the petitioned road right-of-way was ever developed or existed.

There was some previous discussion about property lines and the proposed vacation has no effect on those issues. The vacation would only relinquish any claim the County may have to a public alley.

No public comments were received.

It was recommended that the vacation be approved as requested, subject to any existing easements of record.

Cmmr. Holter/Baze moved and seconded to vacate the right-of-way described as the westerly 10 feet of an unnamed alley lying between Drum Street and Uhlman Street adjacent to Lots 1 & 2 of Block 7 in the Plat of Allyn. This vacation shall be subject to any existing easements of record. Motion carried unanimously. B-aye; H-aye; J-aye.

RECESS

The Board recessed at 10:34 a.m. until 11:00 a.m.

HEARING – SPECIAL USE PERMIT

A public hearing was held to consider a Special Use Permit for 17,975 sq. ft. building exceeding maximum building size (10,000 sq. ft. for Town of Allyn). Proposal is for 38 room Hotel and retail buildings and parking area at 18350 E State Route 3, Allyn.

Allan Borden, Planner, explained that this is the first of two hearings on the proposed 38-room hotel in Allyn with retail space. The staff report was presented and it was recommended approval with the following conditions:

- 1) The applicant shall meet the standards of the Special Use Permit review, including proper setbacks, height standards, site coverage, and parking needs for the land uses proposed.
- 2) The applicant shall provide proper ingress and egress for the proposed land use and secure the proper road traffic access permits from Washington Department of Transportation and Mason County Department of Public Works.
- 3) The applicant shall meet the fire protection standards of Mason County in the construction and operation of a motel land use in the Allyn Urban Growth Area.

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- 4) The applicant shall use best management practices to prevent debris and runoff from entering the waters of the state, both during and following construction.
- 5) The applicant shall submit to Mason County a stormwater plan designed to 2001 state stormwater management technical standards; that plan shall be stamped by an engineer and shall meet approval of the Mason County Department of Public Works.

Darren Nienaber, Deputy Prosecutor, asked for clarification about the 10,000 square feet requirement.

Mr. Borden responded that anything in excess of 10,000 square feet needs a special use permit. Under the special use permit process an applicant cannot request anything larger than 20,000.

Tom Sheldon, GGLO Architect designer for project, stated he is available if there are questions on the project.

A question was raised if the 25' height limit issue is resolved for this project.

Mr. Sheldon responded that the present application meets the current height limit of 25' average grade. There has been discussion with the staff and town to allow it to increase to create more architectural interest with rooflines.

A question was raised if the fire district is satisfied with the water availability for fire fighting.

Richard Knight, Fire Protection District #5, noted they support the application. The intention is to sprinkler the project and it would give the project an automatic exemption from the 10,000 foot rule.

Mr. Knight commented the builder/owner has committed to put an onsite pressurized sprinkler fire supply or use a public system when it becomes available.

Bonnie Knight, Port of Allyn, explained that they met with the State and county representatives regarding the water situation at the Port. All of the water rights papers are in order. They have the capacity, and it appears according to the State there should not be any reason why they cannot expand.

Cmmr. Baze/Holter moved and seconded to approve the special use permit with the five conditions of the staff report based upon consistency with Mason County Development Regulations Special Use Permit standards and have chair sign the Findings of Fact. Motion carried unanimously. B-aye; H-aye; J-aye.

HEARING – SUBSTANTIAL DEVELOPMENT/CONDITIONAL USE PERMIT - LEE

At 11:15 a.m. the Board held a public hearing to consider approval of SHR2002-00016 Substantial Development and Conditional Use Permit for 38 room hotel and 1,821 sq. ft. retail buildings and parking area at 18350 E State Route 3, Allyn.

Allan Borden, Planner, presented the staff report and recommended approval with the following conditions:

- 1) The proposed project shall be consistent with all policies and provisions of the Shoreline Management Act, its rules, and the standards of the Mason County Shoreline Master Program.
- 2) The applicant shall meet the standards of the Conditional Use Permit review, including proper setbacks, height standards, site coverage, and parking needs for the land uses proposed.
- 3) The applicant shall implement the proposed native plant landscaping plan in order to provide a re-established vegetation buffer along the saltwater frontage of Case Inlet and meet the intent of the Mason County Resource Ordinance Fish and Wildlife Habitat conservation areas development standards.
- 4) The applicant shall provide proper ingress and egress for the proposed land use and secure the proper road traffic access permits from Washington Department of Transportation and Mason County Department of Public Works.

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- 5) The applicant shall secure the review and approval by Washington Department of Fish and Wildlife and Department of Ecology of proposed vegetation removal of shoreline and/or wetland plants that will be done during site preparation and eventual replanting in the vegetation buffer.
- 6) The applicant shall meet the fire protection standards of Mason County in the construction and operation of a motel land use in the Allyn Urban Growth Area.
- 7) The applicant shall use best management practices to prevent debris and runoff from entering the waters of the State, both during and following construction.
- 8) The applicant shall submit to Mason County a stormwater plan designed to 2001 state stormwater management technical standards; that plan shall be stamped by an engineer and shall meet approval of the Mason County Department of Public Works.

A letter was acknowledged from Steve Clayton, member of the Planning Advisory Commission, expressing concerns about access.

The Board questioned if the applicant addressed the concerns in Steve Clayton's letter.

Mr. Borden responded, yes they have.

Tom Sheldon, GGLO Architect and designer of project, referred to the ninth requirement and noted the project has met all standards and never asked for deviation or different requirements in the land use code.

There was discussion that the County's intent may be if the owners would do improvement on one-half the right-of-way the county would do improvements on the other half of street if there is funding.

Tom Sheldon noted the property to the south had some recent permits and there were no requirements for improvement of the road. That property owner is using the road more than the applicant would be using the road.

It was suggested the applicant would improve the road to as good or better condition. They are having parking coming off the road and they want to regrade and take care of drainage from at least the centerline on.

The Board noted they do not want to hang this project up over gravel or asphalt. They noted they would like to deal with the road issue when they can get concurrence with all parties involved.

Mr. Sheldon noted that in the past they have written a condition that once the county comes in to improve the road both properties have to contribute in some manner (taxes, bonds, etc).

Mr. Fink, Planner, suggested a ninth condition that the applicant will be responsible for contributing a proportional share of the improvements of road right-of-way to be developed by Public Works.

Ron Henrickson, County Administrator, stated the issue revolves around what the word "concurrency" means. He stated concurrency is a technique where a cost of improvements related to private development is born by the private developer as opposed to the public. In this case, the concurrency is the applicant will generate traffic on a small portion of road into their parking they are creating on their own property. There is some connection between the applicant improving the road and their use of the road. It is a mechanism the state is using to involve private property owners in improving public right-of-ways and roadways. It is reasonable to ask the developer to pay a portion of the fee as they will use it. The applicant will not be the sole user of the road. It was suggested some language which would require financial participation and limited to the cost of paving. The stormwater and other issues could be born by the County because they are used in a larger context. Some of the open endedness could be eliminated.

It was suggested condition nine be adopted to require the applicant to participate in the improvement of the road to the extent the cost of paving for their half of the section.

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Tom Sheldon responded that it does sound reasonable. This is normally what happens and the applicant does not object to that. Paving just the paving surface only is quite fair. Concurrency is the key, which opened this door. The Board suggested recessing to determine the wording.

Mr. Sheldon suggested adding in wording "the road would be paved all at once by both parties."

RECESS

The Board recessed at 11:53 until 12:01 pm

Allan Borden, Planner, presented condition nine as follows:

- 9) The applicant shall contribute to the improvement of Evans Street equivalent to the cost of asphalt paving for one half of said roadway adjacent to the applicant's property to be done concurrently with the county's improvement of the other half of said roadway.

Richard Bell, Allyn, stated he is in a business north of the proposed hotel. They had a staff meeting with a dozen merchants and they all noted support of the hotel.

Mr. Sheldon noted it is great the community has worked together with this proposal.

Cmmr. Holter/Baze moved and seconded to approve SHR2002-00016 substantial development and conditional use permit with the nine conditions of the staff report based on consistency with Mason County Shoreline Master Program Substantial Development and Conditional Use Permit standards. Motion carried unanimously. B-aye; H-aye; J-aye.

INTERIM MORATORIUM ON NEW CONSTRUCTION WITHIN FLOODPLAIN OF SKOKOMISH RIVER VALLEY

Bob Fink, Planning Manager, explained that the Western Washington Growth Management Hearings Board ordered Mason County to preclude new construction in the floodplain of the Skokomish Valley finding that the flood related hazards were high and unacceptable. The county proposes to not allow such construction.

The proposed findings of fact dated October 8, 2002 were read aloud.

Cmmr. Johnson voiced that it is with great regret that the County has to have an interim moratorium because of the WWGMHB action. The County feels it has done its best and this is totally unnecessary.

If there is a residence in Skokomish Valley and burns down between this date and March 31, 2003 the house cannot be rebuilt.

Cmmr. Baze concurred that it is not right.

Cmmr. Holter/Baze moved and seconded to adopt Ordinance No. 135-02, a moratorium on new construction in the Skokomish Valley, within the area shown on Attachment A. Motion carried unanimously. B-aye; H-aye; J-aye. Ordinance No. 135-02 (Exhibit A)

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**MASON COUNTY FIRE PROTECTION DISTRICT #5 – EMERGENCY MEDICAL SERVICE TAX
LEVY**

The Board read aloud the proposed resolution to consider a resolution supporting the proposal by Mason County Fire Protection District 5 for an Emergency Medical Service Tax Levy.

Cmmr. Baze/Holter moved and seconded to adopt Resolution No. 136-02 in support of the proposal by Mason County Fire Protection District 5 for an Emergency Medical Services Tax Levy. Motion carried unanimously. B-aye; H-aye; J-aye. Resolution No. 136-02 (Exhibit B)

ROAD CLOSURE – ISLAND VIEW ROAD

Jerry Hauth, Public Works Director, recommended the Board adopt a resolution to close Island View Road to all through traffic at milepost 0.50 for replacement of a deteriorated cross culvert. The closure will be from October 15 to October 20, 2002.

Cmmr. Holter/Baze moved and seconded to approve the closure of Island View Road at Milepost 0.50, from 8:00 a.m. October 15 to 4:00 p.m. October 20, 2002, by execution of the attached Resolution. Motion carried unanimously. B-aye; H-aye; J-aye. Resolution No. 137-02 (Exhibit C)

ADJOURNED

The meeting adjourned at 12:28 p.m. due to no further business.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Wesley E. Johnson, Chairperson

ATTEST:

Bob Holter, Commissioner

Rebecca S. Rogers, Clerk of the Board

Herb Baze, Commissioner