

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

OCTOBER 22, 2002

The meeting was called to order at 6:02 p.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 October 8 and October 15 meeting minutes. Motion carried unanimously. B-aye; J-aye; H-aye.

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

SKOKOMISH TRIBAL COUNCIL

The Skokomish Tribal Council extended an invitation to the Commissioners to improve communication and increase the sense of cooperation between the governments.

NOXIOUS WEED CONTROL BOARD APPLICATION

Willa Smith

2002 SURPLUS AUCTION RESULTS

The 2002 county surplus sale on October 12, 2002 had a net of \$4,892.90.

2003 BUDGET & LEVY

The Port of Grapeview sent a copy of their 2003 budget and levy.

B U S I N E S S

OPEN FORUM FOR CITIZEN INPUT

Buck Armstrong stated he is opposed to the new sewer and has concerns that sewage is going into Oakland Bay. He stated he has talked to the City of Shelton about the problem.

John Coates stated they have been talking to people about stopping this pollution. He is concerned about the shellfish.

ADOPTION OF AGENDA

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

CONSENT AGENDA

Cmmr. Holter presented Consent Agenda items 9.1 through 9.5; Cmmr. Johnson presented Consent Agenda items 9.6 through 9.10; Cmmr. Baze presented Consent Agenda items 9.11 through 9.15.

9.1 Approval of agreement between Nutt Construction and Mason County for replacement of the concrete pads located at the Belfair Drop Box Station in the amount of \$4,169.55.

9.2 Approval of consultant services agreement between Sargent Engineers, Inc. and Mason County for final design work associated with the repair work to the Hartstene Pointe Reservoir in the amount of \$15,309.

9.3. Set a hearing on 11/19/02 at 9:30 a.m. to consider the removal of the 5 ft utility and drainage easements between Lots 31 and 32 of Alderbrook Golf & Yacht Clubs Estates, Division 4 for the purpose of a declaration of parcel combination as requested by Alvin & Lucille Johnson.

9.4 Approval of a contract with St. Peter Hospital for Medical Surveillance Testing for five Mason County deputies. Total cost is \$1,675 per year for the five officers.

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9.5 Approve Warrant Nos. 46040-46374 for Claims Clearing Fund in the amount of \$1,494,900.39 and Warrant Nos. 124926-125172 for Salary Clearing Fund in the amount of \$188,377.00.

9.6 Approval of Resolution for the cancellation of warrants for the period of June, 1999 to June, 2001 in the total amount of \$1,614.74. Resolution No. 140-02 (Exhibit A)

9.7 Adoption of ordinance creating Mason County Lake Management District No. 2 for Mason Lake. Ordinance No. 141-02 (Exhibit B)

9.8. Approval to Post-For-Quotes for one, two-post vehicle lift for the Central Shop.

9.9 Authorization to advertise for Request for Proposals to obtain an architect for design of lower floor – Building 8, 615 W. Alder Street, for occupancy by Public Works.

9.10 Approve Construction Change Directive No. 7 for the Mason County Jail Expansion and Remodel Project. Deduct \$1,158.00.

9.11 Removed to Departmental Business – see Item 11.2.

9.12 Authorization for Chairperson to execute release agreement between Donald & Gloria Guichard, Mason County, and the Washington Counties Risk Pool.

9.12 Set public hearing on November 5, 2002 at 9:30 a.m. to review the proposed revision to Mason County Development Regulations Sec. 1.05.040 on Special Use Permit standards; proposed change is to delete ordinance text in subsection 1.05.048 Minor Amendments

9.13 Set public hearing on November 12, 2002 at 9:30 a.m. to review the proposed ordinance which adds a new Chapter 5.10 Gambling and Card Room Activities to Mason County Code Title 5 Business Licenses and Regulations; this ordinance prohibits the permitting of social card room establishments in the unincorporated areas of Mason County, except for state approved non-profit and charitable organizations.

9.14 Set public hearing on November 12, 2002 at 9:30 a.m. to review the proposed ordinance which adds a new Chapter 5.10 Gambling and Card Room Activities to Mason County Code Title 5 Business Licenses and Regulations; this ordinance prohibits the permitting of social card room establishments in the unincorporated areas of Mason County, except for state approved non-profit and charitable organizations.

9.15 Approve Veterans Assistance application for Jean C. Showalter - \$400.00 food.

Cmmr. Baze/Holter moved and seconded to approve the consent agenda, Items 9.1 through 9.15. Motion carried unanimously. B -aye; J -aye; H -aye.

OTHER BUSINESS (DEPARTMENT HEADS AND ELECTED OFFICIALS)

Approval of contract with Skillings-Connolly, Inc. Consultant selection for right-of-way acquisition services on an hourly basis up to the amount of \$313,122.61.

Jerry Hauth requested the Board approve the contract with Skillings-Connolly, Inc. for right-of-way acquisition services on an hourly basis up to the amount of \$313,2122.61.

Cmmr. Holter/Baze moved and seconded to authorize the Chairperson to execute supplemental agreement No. 1 to agreement No. 00038 with Skillings-Connolly, Inc up to the amount of \$313,122.61. Motion carried unanimously. B -aye; J -aye; H -aye.

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**Approval of intergovernmental agreement between Mason Conservation District and Mason County
Department of Health Services**

Steve Kutz requested the Board approve the intergovernmental agreement between Mason Conservation District and Mason County Department of Health Services.

Cmmr. Holter thanked Steve for his work on putting this agreement together.

Cmmr. Johnson stated he voted against the assessment because he feels the work could be done with other means. He will vote in favor of the agreement because the work the Mason Conservation District has done has been done well and believes they will continue to do so.

Cmmr. Baze/Holter moved and seconded to approve the intergovernmental agreement between Mason Conservation District and Mason County Department of Health Services. Motion carried unanimously. B-aye; J-aye; H-aye.

6:30 P.M. PUBLIC HEARINGS AND ITEMS SET FOR A CERTAIN TIME

Public Hearing - Consider granting a Shoreline Substantial Development Permit to Lynn & Doug Bevis for pier, ramp & float at 11101 E State Highway 106, Union.

Pam Bennett-Cumming presented the staff report for the Shoreline Substantial Development permit to Lynn & Doug Bevis for a 6ft x 20ft pier, 4ft x 40ft ramp and 8ft x 26ft float with a 2ft wide grate down the middle, with two 6ft x 20ft floats attached at right angles to form a boat slip located a 111011 E State Highway 106, Union. She presented photos to the Board.

The proposal, as designed, appears consistent with the Shoreline Management Act and applicable Mason County Shoreline Master Program policies and use regulations. Staff recommends approval of the proposal subject to the following conditions:

1. The pier, ramp, float and associated moorings shall be located to avoid shading of eelgrass and other aquatic vegetation.
2. Flotation for the structure shall be entirely enclosed and contained to permanently prevent the breakup or loss of the flotation material in the water.
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.
4. Construction, development and/or other site activities on or adjacent to the beach shall be conducted so that there is no disturbance of the salt tolerant vegetation at the shoreline edge.
5. Water quality is not be degraded to the detriment of the aquatic environment as a result of this project.
6. Recreational piers shall be no higher than 11 feet above mean higher high water. Piers and docks shall have at least an eight foot span between pilings.
7. The surface of floating structures shall be a minimum of eight inches above the water.
8. All floating structures shall include float stop supports to keep structures off the tidelands at low tide.
9. The applicant shall obtain a Mason County Building Permit and all other necessary state and federal permit approvals prior to the start of the project (Dept. of Fish and Wildlife, Corps, DOE Water Quality concurrence).
10. The total length of the proposed project shall not extend waterward further than either 80 feet or minus 3 tide, whichever is more landward.

There was no public comment.

Cmmr. Holter/Baze moved and seconded to approve Shoreline Substantial Development Permit No. SHR2002-00015 as presented, with conditions listed in the staff report. He further moved to approve the Findings of Fact. Motion carried unanimously. B-aye; J-aye; H-aye.

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Public Hearing – Consider granting a Shoreline Substantial Development Permit to Mike Tuohy for pier, ramp & float at 7311 E State Highway 106, Union.

Pam Bennett-Cumming presented the staff report for a Shoreline Substantial Development permit to Mike Tuohy for a 6ft x 40ft fixed pier, 4ft x 40ft aluminum ramp, 8ft x 20ft float with 2ft grating down the middle with two finger floats (6ft x 14ft and 6ft x 20ft) attached at right angles to form a boat slip at 7311 E State Highway 106, Union. She presented photos to the Board.

The proposal, as designed, appears consistent with the Shoreline Management Act and applicable Mason County Shoreline Master Program policies and use regulations. Staff recommends approval of the proposal subject to the following conditions:

1. The pier, ramp, float and associated moorings shall be located to avoid shading of eelgrass and other aquatic vegetation.
2. Flotation for the structure shall be entirely enclosed and contained to permanently prevent the breakup or loss of the flotation material in the water.
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.
4. Construction, development and/or other site activities on or adjacent to the beach shall be conducted so that there is no disturbance of the salt tolerant vegetation at the shoreline edge.
5. Water quality is not be degraded to the detriment of the aquatic environment as a result of this project.
6. Recreational piers shall be no higher than 11 feet above mean higher high water. Piers and docks shall have at least an eight foot span between pilings.
7. The surface of floating structures shall be a minimum of eight inches above the water.
8. All floating structures shall include float stop supports to keep structures off the tidelands at low tide.
9. The applicant shall obtain a Mason County Building Permit and all other necessary state and federal permit approvals prior to the start of the project (Dept. of Fish and Wildlife, Corps, DOE Water Quality concurrence).
10. The total length of the proposed project shall not extend waterward further than either 100 feet or minus 3 tide, whichever is more landward.

Cmmr. Baze/Holter moved and seconded to approve Shoreline Substantial Development Permit No. SHR2002-00018 as presented, with conditions listed in the staff report. He further moved that the Board approve the attached Findings of Fact. Motion carried unanimously. B-aye; J-aye; H-aye.

Public Hearing - Resource Ordinance Variance (Case #VAR2002-00049), applicant is Albert Powell. Site address: 91 Webster Lane, Lilliwaup.

Rick Mraz presented the staff report for a Resource Ordinance Variance for Albert Powell at 91 Webster Lane, Lilliwaup. The request is for a variance from the Resource Ordinance to construct a residence of approximately 1,500 square feet within a Type IV stream buffer.

Mr. Powell requested they have an additional 5 feet of building space.

Mr. Mraz stated this brings into question the minimum of variance necessary.

Cmmr. Holter cautioned Mr. Powell that if he wants to revise the request, it could make him go through the process again.

Mr. Powell stated they will accept the variance as requested.

As submitted, the proposal is consistent with the variance criteria detailed in Section 17.01.150. Staff recommends approval of the proposal, subject to the following conditions:

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1. Developers and individuals 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. The existing natural vegetative buffer shall remain undisturbed by any construction and/or development activities on the parcel.
3. The provisions and recommendations of the Habitat Management Plan shall be enacted.
4. All upland areas disturbed or newly created by construction activities shall be seeded, vegetated or given an equivalent type of erosion protection (silt fencing or straw matting).
5. A monitoring plan shall be enacted whereby a qualified biologist shall submit a report detailing the condition of the restoration area. This report shall be due on the anniversary date of the issuance of the building permit and shall be submitted annually for three years.
6. A survival rate of 90% of plantings is required each year during the three-year monitoring period. If survival falls below 90%, the applicant shall replant to restore the required survival percentage and shall extend the monitoring report the necessary period to address the replantings.
7. A restoration bond shall be established with Mason County in the amount necessary to perform the restoration.
8. No degradation of water quality shall occur as a result of this project.
9. The revised site plan, dated 10.5.02, shall direct the building footprint.

Cmmr. Holter/Baze moved and seconded to approve the Variance, VAR2002-00049, with the nine conditions referenced in the staff report, and to authorize the Chair to sign the Findings of Fact. Motion carried unanimously. B-aye; J-aye; H-aye

Public Hearing - Resource Ordinance Variance (Case #VAR2002-00048), applicants are Ted and Leanna Keith. Site address: 1462 NE Old Belfair Hwy, Belfair.

Rick Mraz presented the staff report for the Resource Ordinance Variance for Ted and Leanna Keith, site address is 1462 NE Old Belfair Hwy, Belfair. The project includes the removal of an existing residence and replacement with a new triple-wide manufactured home and new septic system within two stream buffers.

As proposed, the proposal is consistent with the variance criteria detailed in Section 17.01.150. Staff recommends approval of the proposal, subject to the following conditions:

1. Developers and individuals 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. The existing natural vegetative buffer shall remain undisturbed by any construction and/or development activities on the parcel.
3. The provisions and recommendations of the Habitat Management Plan shall be enacted.
4. All upland areas disturbed or newly created by construction activities shall be seeded, vegetated or given an equivalent type of erosion protection (silt fencing or straw matting).
5. A detailed planting plan, with species composition, number, and distribution shall be provided to and approved by Planning staff prior to final approval of the building permit.
6. A monitoring plan shall be enacted whereby a qualified biologist shall submit a report detailing the condition of the restoration area. This report shall be due on the anniversary date of the issuance of the building permit and shall be submitted annually for three years.
7. A survival rate of 90% of planting is required each year during the three-year monitoring period. If survival falls below 90%, the applicant shall replant to restore the required survival percentage and shall extend the monitoring report the necessary period to address the replantings.
8. A restoration bond shall be established with Mason County in the amount necessary to perform the restoration.
9. No degradation of water quality shall occur as a result of this project.

Cmmr. Baze asked where the existing septic system is for the existing home.

Leanna Keith stated it is on the Union River side. It will be filled, covered and natural vegetation will be planted.

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Cmmr. Baze/Holter moved and seconded to approve the variance, VAR2002-00048, with the nine conditions referenced in the staff report, and to authorize the Chair to sign the Findings of Fact. Motion carried unanimously. B-aye; J-aye; H-aye

Public Hearing - Approval of proposed ordinance to amend Title 15 Mason County Development Code, shifting permit review of certain permits from the County Commissioners to the Hearing Examiner and setting forth the type of appeals heard by the Board of County Commissioners.

Allan Borden presented the staff report to amend Title 15 Mason County Development Code, shifting permit review of certain permits from the County Commissioners to the Hearing Examiner and setting forth the type of appeals heard by the Board of County Commissioners. This could speed up the process from 2 to 3 months to 6 to 8 weeks. A Hearing Examiner decision could be appealed to the Board of Commissioners.

There was no public comment.

Cmmr. Holter/Baze moved and seconded to adopt Ordinance 142-02, which makes changes to Title 15 Mason County Development code, involving permit review decisions and appeals as proposed by staff and request that the Chair sign the findings of fact. Motion carried unanimously. B -aye; J-aye; H-aye. (Exhibit C)

There was discussion that this is effective immediately however there needs to be discussion with the Hearing Examiner to determine when hearings can be scheduled.

Adjournment

The meeting adjourned at 7:20 p.m.

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

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