

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JANUARY 28, 2003

The regular meeting was called to order at 6:03 p.m. with the flag salute by Chairperson Herb Baze. Attendance: Cmmr. Dist. 1, Herb Baze; Cmmr. Dist. 2, Absent; Cmmr. Dist. 3, Jayni Kamin.

APPROVAL OF MINUTES: Briefing minutes for October 14, 2002, have been deferred to the next regular scheduled meeting on February 4, 2003.

CORRESPONDENCE

None

BUSINESS

Open Forum for Citizen Input

There was no public comment.

Adoption of Agenda

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

Consent Agenda

Cmmr. Baze presented Consent Agenda items 9.1 through 9.4.

- 9.1 Approval of the supplemental agreement amending the labor agreement between Mason County and AFSCME Local 1504 to provide for a county insurance contribution of \$615 per month effective December 1, 2002.
- 9.2 Approval of Memorandum of Agreement Appendix A with Washington State University Cooperative Extension and Mason County to provide extension programs in the amount of \$105,490.
- 9.3 Approval of part-time court commissioner contract employee agreement with Richard C. Adamson.
- 9.4 Set a public hearing on March 4, 2003 at 9:30 a.m. to consider adjusting rates for the Beard's Cove Water System.

Cmmr. Kamin/Baze moved and seconded to approve the consent agenda Items 9.1 through 9.4. Motion carried unanimously. K-aye; B-aye; J-aye.

6:30 p.m. Public Hearings and Items Set for a Certain Time

Public Hearing - Consider granting a Shoreline Substantial Development Permit to the Washington State Department of Fish and Wildlife for a recreational shellfish access site. Location is north of the power lines on Hwy 302 near Victor.

Grace Miller presented the staff report for the Shoreline Substantial Development Permit to the Washington State Department of Fish and Wildlife for a recreational shellfish access site. Location is north of the power lines on Hwy 302 near Victor. Grace has received public comment letters and she has forwarded them to the Fish and Wildlife Department. She presented the Board with photos of the site. The proposal, as designed, appears consistent with Recreational Development Chapter and the General Provisions of the Mason County Shoreline Master Program and the State Shoreline Management Act. Staff recommends approval of the shoreline permit subject to the following conditions:

1. Adequate provisions for sewage and garbage collection (per policy #5 and use regs. #2 & #12 of RD Chapter):
 - The portable toilets shall be maintained regularly, once per week or more. Proposed maintenance schedule/contracts shall be submitted to the County Planning and Environmental Health Departments.

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- The Agency will provide litter maintenance several times a month. The facility will be signed to require pack-it-in and pack-it-out. The State will consider proposals by the community to provide waste management services of the property.
- 2. Security and Fire protection (per policy#5 of the RD Chapter):
 - Signs will be placed in the parking area and other highly visible locations throughout the property to discourage overnight parking or camping. Signs placed at the beach and near the parking area will clearly state the rules for public use of the property, including no beach fires.
- 3. Prevention of overflow trespass onto adjacent properties; including but not limited to landscaping, fencing and posting of property (per policy #5). Adequate provisions shall be made such as screening, buffer strips, fences and signs to prevent overflow and to protect the value and enjoyment of adjacent or nearby private property owners.
- 4. Signs associated with the facility shall be posted by the state. The purpose of the signs will be to control litter and dumping, trespassing, day-use only; beach fires and shellfish harvest regulations as well as other inappropriate uses of the shoreline. Signs shall also be posted near adjacent south property line alerting public to danger should they climb on towers and to prohibit fires near them. (per use reg. #14 of RD Chapter)
- 5. To protect natural features and adjacent properties, park and recreational facilities shall prohibit the use of all-terrain vehicles in the shoreline area. (per use reg. #15 of RD Chapter)
- 6. Native vegetation, such as cedar trees, shall be planted on north side of property near the slotted, chain-link fence to act as a buffer to neighboring vacant lot and residence.
- 7. Informational sign shall be placed near the small wetland on the south side of property to inform public of wetland and its values and to avoid its disturbance.
- 8. A Large Parcel Permanent Water Quality Protection Plan prepared by a licensed engineer is required. If in the future the state decides to pave the entire parking surface area, a catch basin with the discharge leading to a level spreader where the concentrated runoff could be converted back into a sheet flow across the available filter area between the parking area and the beach will be required and other methods of providing oil-water separation could be designed into the area on the lower side of the parking area.

Cmmr Baze questioned if there is year round usage of the site, is three months of the year adequate for portable toilets.

Grace Miller stated three months is to accommodate the peak season for usage of the site

Cmmr Baze questioned why the accommodation would only be for the peak season.

Grace Miller stated the State is only proposing portable toilets for the peak season.

Cmmr. Kamin questioned if clam digging was all year.

Grace Miller stated that clam digging is all year but the peak season is during the summer months.

Cmmr. Kamin questioned if the site could be gated off during the year except during peak season.

Grace Miller stated gating had been suggested to the State but the State had decided to keep it open all year.

Cmmr Kamin questioned if a fence would be placed around the electrical towers to keep people from climbing on them.

Grace Miller stated that there is no proposed fence but there would signs posted on and near the towers.

Cmmr. Baze opened the meeting for public testimony.

Mr. Glenn Gerth is a representative from the Washington Department of Fish and Wildlife. He would be available to answer any questions the public may have of his department.

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Mr. Curtis Wambach is another representative from WDFW. He discussed the open fires on the public tidelands and questioned Ms. Miller if this would also apply to the private tideland owners.

Grace Miller stated that it did not apply to private tideland owners. The condition is to discourage open fires on the public tidelands. This condition was set because the site is under power transmitters and due to the dangerous nature of a fire underneath the electrical wires.

Mr. Jeff Carey is a resident in Allyn and is for the project but is not happy with the way information has been given to the citizens in the community of this proposed site. Prior to tonight's meeting he had received only six pages of information regarding the site, but when he arrived at the meeting there was approximately thirty pages to be presented. He felt that more information should be sent out so the communities can better address the issues prior to the public hearings and can come prepared with their ideas, suggestions and complaints. Mr. Carey stated the site is next to the sewer lines and there should be public restrooms that are plumbed into the sewer lines to be accessible all year and to keep people from using the bushes during the off peak season. Mr. Carey stated that the best time to harvest shellfish is during the winter months and that the site is used regularly all year, not just the summer months as the WDFW has stated.

Mr. Jay Weil he is a resident next to the proposed site. He felt the trespassers are not going to abide by the small signs that are proposed by the WDFW. He also stated that there are already people using this site regularly and these people are not respecting or following current harvesting regulations. Mr Weil stated that he sees about fifteen people a day at the site and they are there when the tide is low which means sometimes this is during the night. He has witnessed users going to the bathroom right on the beach. The portable toilets that are proposed should be there all the time not just during the summer. Mr. Weil also has a concern as to how the users will know when there is a red tide and who will enforce the no-harvest during such a time. Mr. Weil doesn't know of any local law enforcement or safety patrol that the WDFW referred to in their proposed plan. Currently it takes Mason County approximately thirty to forty minutes to respond to a complaint from a citizen in the area. Mr. Weil is concerned that the response time is not going to change with the county police and the abusers are not going to be prosecuted therefore they will continue violating the law. Mr. Weil stated that about a quarter of a mile further down the highway in Allyn is a park called Port of Allyn Waterfront Park. This park is large and offers tourist and locals, four acres of public access to harvesting shellfish, picnicking, trash receptacles and year round portable restrooms. There is security at this site to stop violators.

Mr. Troy Dieffenbach is a property owner next to the proposed site. He stated that after reading the information provided for the proposed site, he was concerned about the local law enforcement. There is no local law enforcement and that the citizens in the community are being asked to call the Mason County Sheriffs office every time there is a violation occurring. Mr. Dieffenbach asked if the Fish and Game Department have plans to come out and provide enforcement for the area regularly. There are a lot of harvesting violations that occur at this site already and now there is a plan to increase access to the site which would also increase the violations that occur. The portable toilets are a concern to him because of the amount of people that use them and the amount of time they will be at the site. He says there are people using the site regularly and they are urinating on the beach now and he supposes that it will continue during the year while there is not portable toilets. Another issue he has with portable toilets is who will be there to pick up the portables when someone decides to destroy or vandalize them by tipping them over. Mr. Dieffenbach stated that the WDFW is closing other sites, including a hatchery that hundreds of sport fishermen use, due to a lack of money. He questioned why would the community believe that this same department has money to develop and manage a new site. Mr. Dieffenbach feels as though the WDFW is going to open up the site for heavy public access and then announce that there is a shortfall in the budget so they cannot manage it. When the WDFW can no longer manage the site then it will become an even bigger problem than it is now because there will be more users and no enforcement, no garbage collection and no public restrooms.

Mr. Richard Webster is a property owner near the proposed site. He is a shellfish buyer and can verify that harvesting of shellfish is year round. He also informed the Board that the shellfish harvesters work with the tides in

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the winter months and the tides that are being harvested are night tides. His concern is that the proposal made by the WDFW is all budgeted around a three-month plan for peak season. This site is currently used twelve months a year and would increase with the access improvement. There is very little police patrol in the area and how do you monitor who is using the beach during the night tides and who is camping or living on the site at night unless there is regular patrol to the site. Mr. Webster stated the physical plan looks like it is well designed and thought out but the operating plan looks like it has not been thought out and is requesting the Board to take a good look at the operating plan prior to approving the site plan.

Bill Thurston is a resident next to the proposed site plan. He presented the Board with a letter he had written. The letter was addressed to the Board. The letter stated that Mr. Thurston has seen violators and has called to report the violations on the Washington State Patrol Hotline number. The response time is slow and the violators usually leave prior to Fish & Wildlife people arriving on the scene. He also expressed concern regarding the entrance and exit proposed for the site. He has witnessed several severe accidents at this site and feels with more traffic these will increase. Mr. Thurston also questioned the WDFW how they plan to maintain this site after it is set up. He expressed concern that the Coulter Creek Salmon Hatchery is being closed due to lack of funds. Mr. Thurston informed the WDFW that he would like to see them take care of and maintain the properties they already have developed. Mr. Thurston's last concern was he felt this project should have been proposed to the Shorelines Hearings Board first. He felt the Commissioners should have been the last stop prior to issuance of the permit, not the first stop.

Cmmr. Baze requested someone from the WDFW to address the concerns that have been expressed by the community. Cmmr. Baze asked if the site that was developed at North Bay was also done by WDFW and if so why was it stated in the plan to have toilets on site all year when in fact there are not toilets on site. Cmmr. Baze also questioned them regarding why they wouldn't plan for toilets all year on the new site.

Mr. Gerth of WDFW addressed Cmmr. Baze's questions regarding the site at North Bay and the new site near Victor. He stated the reason there are not portable toilets at the North Bay site is due to a lack of funding.

Cmmr Baze questioned what happens when the funding goes away and the DNR or WDFW are unable to maintain the sites that have been developed.

Mr. Gerth responded that funding never goes away completely and funding still comes by way of parking permits purchased by the public using the site. Mr. Gerth also stated that limited funding for the site is the reasoning for only having the portable toilets at peak season rather than all year.

Cmmr. Kamin expressed concern regarding the management plan for the site. Her concern was the accessibility of restrooms and the collection of garbage on the site and she would like to see this addressed by the WDFW before this is approved.

Cmmr. Kamin/Baze moved and seconded the continuation of shoreline permit to WDFW for a recreational shellfish access site located on HWY 302 near Victor to February 11th at 9:30am. Motion carried unanimously. K-aye; B-aye; J-absent.

ADJOURNED

The meeting adjourned at 7:52 p.m. due to no further business.

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BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Herb Baze, Chairperson

Absent

Wesley E. Johnson, Commissioner

ATTEST:

Rebecca S. Rogers, Clerk of the Board

Jayni L. Kamin, Commissioner