

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

APRIL 1, 2003

1. Call to Order – Chairperson Herb Baze called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – The flag salute was led by Chairperson Herb Baze.
3. Roll Call – Attendance: Cmmr. Dist. 1, Herb Baze; Cmmr. Dist. 2, Wesley E. Johnson; Cmmr. Dist. 3, Jayni Kamin.
4. Approval of Minutes – **Cmmr. Johnson/Kamin moved and seconded to approve the briefing minutes of March 24, 2003, regular meeting minutes of March 25, 2003 and special meeting minutes of March 28, 2003. Motion carried unanimously. B-aye; J-aye; K-aye.**
5. Board's Calendar for week of April 1 – April 8, 2003
6. Correspondence and Organizational Business
  - 6.1 Correspondence -
    - 6.1.1 Salty Sashayers Square Dance Club noted activity at the Fairgrounds and their interest in continuing to work with the Fair and use of Building 13.
    - 6.1.2 Letters were received from Wendy Ervin and Skokomish Indian Tribe regarding the Bell/Richmond substantial development permit.
    - 6.1.3 Correspondence was submitted by Ferde Grofe concerning possible closure of State Route 106 near Alderbrook Inn Resort and E. Dalby Road.
  - 6.2 Press Release – Gary Yando, Utilities & Waste Management, announced the Annual Spring Clean Up from April 13 - April 27 with the Free Dump Day on April 19 for up to 400 people that sign up. They average between 380-400 vehicles. There have been eight free dump days over the last four years and they have collected a total of 1,201.2 tons. The tonnage amounts to \$115,756. 70 which the citizens have not paid for.
  - 6.3 Press Release – Ron Henrickson, County Administrator, stated that the Mason County Commissioners are soliciting applications from community members who are interested in serving on the Board of Equalization, Commissioner District No. 3.
  - 6.4 Press Release – County Administrator Ron Henrickson explained that the Board is urging citizens to support the proposed Mason General Hospital and North Mason Clinic Bond by mail in ballot. Peg Stock, Hospital Bond Representative, voiced strong support and noted that Mason General Hospital is the fifth largest employer in Mason County. With a new hospital and the expansion projected they would employ an additional 50 people which would bring in an additional \$1.4 million in wages annually. Besides the health care issues there would be an economic advantage to the County.
7. Open Forum for Citizen -

Wendy Ervin, 51 Minerva Terrace, Skokomish Nation, clarified that she lives on private property within the Skokomish Reservation boundary, but is not a member of the Skokomish Tribe. She requested the Board adopt a resolution from the citizens of Mason County in support of the troops in their effort to maintain safety and freedom and free the people of Iraq from an oppressive regimen.

Annette McGee asked if the board looked into the ordinance that she asked about previously.

Cmmr. Baze responded he had looked into it and noted that all of the cable companies are the same. The rates the county charges the cable companies for the ability to provide cable TV service within the county, the legislature gave the right to pass that fee along to the customer.

Mrs. McGee asked that she get a copy of the RCW.

**MASON COUNTY COMMISSIONERS' MEETING AGENDA  
APRIL 1, 2003 – PAGE 2**

8. Adoption of Agenda - Cmmr. Johnson noted that Agenda Item 11.2 needs to be removed from the agenda because there were a large number of bids that need to be investigated.

**Cmmr. Johnson/Kamin moved and seconded to adopt the agenda with the exception of item 11.2. Motion carried unanimously. B-aye; J-aye; K-aye.**

9. Approval of Consent Agenda: The Board read aloud the following agenda items.
- 9.1 Approval of a resolution amending Resolution No. 143-02 to change the effective date of the increase in insurance contributions for Elected Officials and non-union employees from January 1, 2003 to December 1, 2002. **Resolution No. 35-03 (Exhibit A)**
  - 9.2 Approval of Veterans Assistance Fund application for Earl E. Dolen for housing \$400.00.
  - 9.3 Approval of resolution setting hearing on Tuesday, May 6, 2003 at 9:30 a.m. to consider petition for vacation of a portion of right-of-way within the plat of Grays Harbor & Union City Railroad Addition to Union City (Road Vac. File 323). **Resolution No. 36-03 (Exhibit B)**
  - 9.4 Approval of contract amendment #1 between Department of Health and Mason County Department of Health Services in the amount of \$7,320.
  - 9.5 Approval of contract amendment #2 between Mason Matters and Mason County Department of Health Services in the amount of \$25,000.
  - 9.6 Approval of Change Order No. 11 for the Mason County Jail Expansion and Remodel Project in the amount of \$3,018.
  - 9.7 Approval of Change Order No. 12 for the Mason County Jail Expansion and Remodel Project in the amount of a deduct (\$386.00).
  - 9.8 Approval of Change Order No. 13 for the Mason County Jail Expansion and Remodel Project in the amount of \$2,204.
  - 9.9 Approval of Change Order No. 14 for the Mason County Jail Expansion and Remodel Project in the amount of \$840.
  - 9.10 Approval of Change Order No. 15 for the Mason County Jail Expansion and Remodel Project in the amount of \$2,203.
  - 9.11 Approval of Claims Clearing Fund & Salary Clearing Fund Warrant Nos.

Claims Clearing Fund	52903 - 53237	\$273,631.87
Salary Clearing Fund	129118	\$1,000.00
  - 9.12 Approval of purchase of used vehicle for the Department of Utilities/Waste Management, maximum cost to be \$14,000.
  - 9.13 Approval to replace vehicle #128 lost by theft from the Landfill with a new 4x2 full size pickup.
  - 9.14 No objection to liquor license 1) new application for Tradename: El Sombrero, 23969 NE SR3, Belfair, WA; Applicants: El Sombrero Inc. Pedro R Lopez; Privileges Applied For: Spirits/Beer/Wine Rest. Lounge; 2) Corrected Assumption: From: Jeran, Inc. dba Allyn Inn, Applicants: Giotto's Northwest Ltd, Timothy S English, Tradename: Giotto's At Allyn, 18341 E SR3 Allyn, WA, Privileges Applied For: Spirits/Beer/Wine Rest. Lounge; 3) Special occasion; WSU Alumni Assoc. Southsound District, Date: June 6, 2003, Place: Enclosed Area on Bay, E 81 Driftwood Circle, Shelton, WA.
  - 9.15 Approval of a resolution designating applicant agent for the Washington Pre-Disaster Mitigation Grant Program.

Cmmr. Kamin asked to have item 9.15 pulled from the consent agenda.

**Cmmr. Kamin/Johnson moved and seconded to approve the Consent Agenda items 9.1 - 9.14. Motion carried unanimously. B-aye; J-aye; K-aye.**

Mike Frank, Emergency Management Deputy Director, explained that the proposed resolution is to appoint Mike Frank as the applicant agent for receiving a grant for the mitigation process. The federal government has mandated that all jurisdictions develop an all hazards mitigation plan. Initially, there were monies that

**MASON COUNTY COMMISSIONERS' MEETING AGENDA  
APRIL 1, 2003 – PAGE 3**

came from the federal government and passed through the state but the County started late in the process to obtain funding. There was a second round of funding of up to \$50,000 for pre-disaster mitigation funds and one of the requirements is to designate an applicant agent.

Cmmr. Baze noted that he had an opportunity to hear Debbie Riley who serves on the Hazard Mitigation Team tell of what they have accomplished and what they hope to accomplish.

Mr. Frank interjected that the mandate was almost two years old when they started the process. The hazard mitigation plan is to be complete by November 1, 2004. They have had a lot of dedicated people to be part of that process. They are meeting two times a month and have cooperation from the city, county agencies, hospital and are looking for input from the private sector which is important in completing the process. They are in the process of identifying the potential hazards which could affect the county and those facilities that could be impacted if there is a major disaster.

**Cmmr. Johnson/Kamin moved and seconded to adopt Resolution No. 37-03 designating Mike Frank as the designated applicant agent for the Washington Pre-Disaster Mitigation Grant Program. Motion carried unanimously. B-aye; J-aye K-aye. Resolution No. 37-03 (Exhibit C)**

10. 9:30 a.m. Public Hearings and Items Set for a Certain Time

10.1 Public Hearing continued from March 25, 2003 for a Substantial Development Permit for Andy Bell and Paula Richmond for a pier, ramp and float at 4261 East State Highway 106, Union. Public testimony portion is closed, written comments were accepted until Monday, March 31, 2003 at 5:00 p.m.

Pam Bennett-Cumming, Community Development/Planning, noted several comments were received from members of the public and a comment was also received from Amy Leitman, Biologist.

Chairperson Baze stated that the board sought counsel from the legal department on the direction the state Shorelines Board would rule.

Cmmr. Johnson stated this situation has required a great deal of thought and study. There has been a lot of information received both for and against the approval. It seems to be a win or lose situation. The areas where the application has not been consistent with the comprehensive plan deals primarily with piers and docks. If the piers and docks section was taken out of the picture it would just leave the shoreline part of the Comprehensive Plan. He felt the concentration has been primarily on putting in the pier, ramp and float. He suggested that what has been proposed is not the only solution to the problem, which allows the property owner to have use of the property. He stated there should be other options open. He referred to a projection out into the shoreline now where gabion rock has been installed. There is room within that for access to the waterfront. Also, it may be possible to access the beach with a lift of some kind. He suggested that other options be considered.

Cmmr. Kamin too concurred with Cmmr. Johnson's comments and suggestions to urge the applicants to look at other options.

Cmmr. Johnson interjected that in the process of looking at other options, one of the items that has been considered is a shoreline that has no protruding docks. If the proposal were to be approved it would set a precedent that other property owners could ask if it could be done at another location.

Cmmr. Baze expressed appreciation for Cmmr. Kamin's motion to delay the action on this item. They have learned a lot the last week about all possibilities.

**Cmmr. Johnson/Kamin moved and seconded to deny the Bell/Richmond pier, ramp and float substantial development permit application No. SHR2002-00017, based on inconsistencies with the**

**MASON COUNTY COMMISSIONERS' MEETING AGENDA  
APRIL 1, 2003 – PAGE 4**

**Shoreline Master Program as provided in the staff report, dated March 25, 2003 and instruct the staff to prepare findings of fact which reflect the decision. Motion carried unanimously. B-aye; J-aye K-aye.**

10.2 Public Hearing to consider Supplemental Appropriation to the Current Expense Budget in the estimated amount of \$5,000 due to overtime requirements in the Auditor's Office.

Ione Siegler, Budget & Finance Director, explained the Auditor's office has needed a budget line item for overtime to meet deadlines in the accounting office.

Annette McGee questioned how this was not foreseen in adoption of the budget in December. She felt this is an appropriation that should have been looked into.

Chairperson Baze commented that as things get tighter the County will have to do its best to keep the budget in check because the money will not stretch anymore.

Mrs. McGee stated there is a law that provides for how a supplemental appropriation can occur. She questioned the legality of putting \$5,000 into the budget and questioned what it is to be used for.

Chairperson Baze responded this is the first year the County has done the year-end reports and reporting process with the need for overtime.

Wes Johnson stated this is a time sensitive issue and the overtime was necessary to complete the project, which needed to be done now. The County could have delayed until the end of the year to adjust the budget.

**Cmmr. Kamin/Johnson moved and seconded to approve a supplemental appropriation to the 2003 Current Expense Fund Budget/Auditor's Department in the amount of \$5,000. Motion carried unanimously. B-aye; J-aye; K-aye. Order (Exhibit D)**

10.3 Public Hearing to review the March 2003 comments submitted by WA Department of Ecology on the proposed revisions to the Mason County Shoreline Master Program. Staff: Bob Fink

Bob Fink, Community Development/Planning Manager, presented the amendments to the Mason County Shorelines Master Program which have been requested by the Washington State Department of Ecology as a condition of approval of Ecology's adoption of the County's Shoreline Master Program. These amendments are to bring the Shoreline Master Program into consistency with recent changes in the Shorelines Management Act and State Administrative Codes.

If adopted by the Board, it should be the last action required to amend the Shoreline Master Program. Previously, public hearings were held and the Board adopted amendments in December 2002.

The amendments are clarifications of language or changes to be consistent with current law or Administrative code. The Planning Department recommended approval by the Board.

Cmmr. Johnson referred to the April 1 memorandum from Allan Borden to the Commissioners in the final paragraph where there is reference to the Department of Ecology adopting the County's Shoreline Master Program if the Commissioners were to adopt the amendments. He stated it sounds like a commitment on the part of the State Department of Ecology to accept the amendments as they are being proposed.

**MASON COUNTY COMMISSIONERS' MEETING AGENDA  
APRIL 1, 2003 – PAGE 5**

Mr. Fink responded that is their understanding. They are waiting for a letter from Department of Ecology putting that statement in writing. Department of Ecology requested the specific changes which are before the Commissioners for adoption.

Cmmr. Johnson stated that previously there were marshes, swamps and bogs and now they are wetlands. It seems there has been something lost in the process. He questioned what the definition of a wetland is.

Mr. Fink stated that several years ago the State of Washington amended the law and adopted a state manual for identifying wetlands. There are still marshes, bogs, and swamps but those are different types of wetlands. The state has defined them and made it technical as to how to distinguish where they are located, how to limit them and how to classify them.

Cmmr. Johnson again voiced that there appears to have been something lost in the process with the descriptions.

**Cmmr. Johnson/Kamin moved and seconded to adopt Ordinance No. 38-03 to include the new and revised definitions in the amended Mason County Shoreline Master Program, as stated in the Department of Ecology Attached A, Conditions of Approval; this action is a step in completing the review of the amended Mason County Shoreline Master Program. Motion carried unanimously. B-aye; J-aye; K-aye. Resolution No. 38-03 (Exhibit E)**

10.4 Public Hearing to consider a Substantial Development Permit for Tom Kennedy to construct an espresso stand within 200' of Case Inlet. Location is 18191 E. SR 3, Allyn.

Rick Mraz, Planner, presented the staff report and recommended approval of the project.

Cmmr. Johnson expressed frustration that this project is within 13' of the 200' line. He felt there should be some flexibility to be able to give the applicant in this type of situation.

Cmmr. Kamin asked what other option there is for the applicant.

Mr. Mraz indicated that when the project is within 200' of the shoreline they fall within the Shoreline Master Program requirements.

Cmmr. Kamin questioned if there are other espresso stands in the area.

It was noted there is one by the chainsaw carvings shop, there is one proposed and permitted by the Seversons on the waterward side.

Cmmr. Johnson questioned what would need to be done to get some administrative discretion in an application similar to this.

Ron Henrickson, County Administrator, stated the last time the County tried to attempt to amend the ordinance to bring in some administrative latitude they were unsuccessful before the Hearings Board. If the county is fortunate to come in to compliance they will propose some changes in the ordinance relative to the difference between an urban growth area and outlying area. Staff clearly believes there are differences between urban growth areas where there should be density created and there are facilities in other areas.

Cmmr. Kamin asked about the fee schedule.

**MASON COUNTY COMMISSIONERS' MEETING AGENDA  
APRIL 1, 2003 – PAGE 6**

Mr. Henrickson stated yes they have some sliding scale built in for fees. He added that the County does not set the rules and regulations. They are subject to review at a much higher level.

**Cmmr. Kamin/Johnson moved and seconded to approve the shoreline substantial development permit SHR2002-00004 and authorize the chairperson to sign the Findings of Fact. Motion carried unanimously. B -aye; J -aye; K -aye.**

10.5 Public Hearing to consider a Substantial Development Permit for Mason County Public Works Department to consider an after-the-fact permitting of a project that installed heavy loose riprap and backfill gravel along the Ordinary High Water Mark of the Tahuya River. This was previously authorized emergency work in January, 2002.

The staff report was submitted by Rick Mraz, Planner, who recommended approval of the project subject to two conditions: 1) The applicant is responsible for obtaining and adhering to the conditions of all of the relevant permits for this project. 2) No adverse flooding impacts on adjacent properties can be caused by the project.

Cmmr. Kamin questioned how close the road is to the bank.

Mr. Mraz noted that at the closest approach it is about 10 feet.

Cmmr. Kamin asked what the process for a property owner to have done something before the flood stage.

Mr. Mraz responded they would have been required to apply for a shoreline permit to emplace some form of armoring.

Cmmr. Kamin asked what is an example of woody debris. She stated she could only see basalt.

Mr. Mraz responded the woody debris needs to be put in place. It would be the lower root balls or stump with root mass attached and placed close to the bank. There was discussion that Public Works is to be in compliance with Fish & Wildlife in placing the woody debris.

The woody debris is to provide habitat for fish.

A question was raised if all of the time since January 2002 is paperwork time.

Mr. Mraz responded it was not entirely all paperwork time. It was the fall of 2002 when the Planning Department had communication with Public Works. Often the staff is attempting to extract from the applicant the necessary information to go forward with the permit processing.

Cmmr. Johnson expressed he was pleased to see the County is able to do this as the project on Vance Creek a couple of years ago was not able to get approval.

**Cmmr. Johnson/Kamin moved and seconded to approve the shoreline substantial development permit SHR 2003-00002 and authorize the chair to sign the permit and findings of fact. Motion carried unanimously. B -aye; J -aye; K -aye.**

**11. Other Business (Department Heads and Elected Officials)**

11.1 Approval of a Personal Service Contract between Mason County Probation Department and Mason County Drug Abuse Prevention (MCDAP) in the amount of \$10,000, which is funded through the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

**MASON COUNTY COMMISSIONERS' MEETING AGENDA  
APRIL 1, 2003 – PAGE 7**

Bob Sauerlander, Juvenile Court, asked the Board to sign the contract with MCDAP. He noted that Reduction in Underage Drinking (RUaD) has been an ongoing program in the County for a long time. It is a partnership with the State Liquor Control Board, Mason County Sheriff's Department, State Patrol, City Police, MCDAP, Schools, Juvenile Court and others. In looking at statistics in the state, approximately 52% of high school seniors in the State of Washington are drinking on a regular basis. Mason County's statistics are not much different. In some areas, the youth had a higher propensity to use alcohol. This is an ongoing and significant problem.

This year they are asking the Commissioners to allow the Mason County Juvenile Court to receive funds for this RUaD program. It would involve a victim impact panel directed entirely towards youth and their parents. There will be other educational programs initiated as well. These are federal funds passing through the state and through MCDAP and Mason County. They intend to go further than they have gone before to bring in outside parents who are on the fringes. They have at-risk youth and they want to impact the parents and youth. They would like to educate them as to the significance of the problem and give them tools to help their youth deal with the problems. A victim impact panel would be made up of concerned citizens whose lives have been devastated by alcohol abuse and use. They would come and speak to a group of youth and parents.

Cmmr. Kamin asked if the youth are already incarcerated in the detention center or in probation.

Mr. Sauerlander noted that the targeted youth are those that are going through the diversion process. Initially if a youth is caught with alcohol in the community they are kept out of the court system through this diversion process.

Cmmr. Kamin stated this is a good way to partner with other organizations within the county and hopefully impact the entire community.

**Cmmr. Kamin/Johnson moved and seconded to approve the Personal Service Contract between Mason County Probation Department, and Mason County Drug Abuse Prevention (MCDAP) in the amount of \$10,000 which is funded through the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Motion carried unanimously. B-aye; J-aye; K-aye.**

Bob Sauerlander, Juvenile Court, read aloud a press release concerning the Washington State Reduction in Underage Drinking (RUaD) program.

12. Administration - None

13. Adjournment - The regular meeting adjourned at 10:41 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Herb Baze, Chairperson

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Wesley E. Johnson, Commissioner

ATTEST:

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Rebecca S. Rogers, Clerk of the Board

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Jayni L. Kamin, Commissioner