

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JULY 17, 2007

1. Call to Order – The regular meeting was called to order at 9:00 a.m. by the Chairperson.
2. Pledge of Allegiance – The chairperson led the flag salute.
3. Roll Call - Present: Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Ross Gallagher; Absent: Cmmr. Dist. 1 – Lynda Ring Erickson (attending a National Association of County Officials meeting)
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 Jean Gall sent a copy of Brief of Respondent Port of Tahuya from the WA State Court of Appeals Division II.
    - 4.1.2 The Washington State Liquor Control Board sent notice of Application in Lieu of Current Privilege for Lil' Moes in Belfair, and notice of establishments in Mason County with liquor licenses due to expire on October 31, 2007.
    - 4.1.3 The Washington State Department of Community, Trade and Economic Development request a point of contact for development of County inventory of offender re-entry resources, inventory requirement information.
    - 4.1.4 The Washington State Auditor's office sent notice of elimination of the prescribed reporting threshold for local governments. (Copy to Budget and Finance.)
    - 4.1.5 The U.S. Department of the Interior sent Fiscal Year 2007 Payments in Lieu of Taxes for Washington.
  - 4.2 Vicki Kirkpatrick introduced new Public Health Employees: Anne Voice, billing and Trina Thompson-Matel, Public Health Nurse.
  - 4.3 It was announced that Solid Waste Advisory Committee (SWAC) had nine positions on the committee and applications are being accepted. The term is three years.
  - 4.4 Public Works Director Charlie Butros read aloud a News Release announcing meetings for the Stormwater Plan for Belfair & Allyn on July 24, 2007. There will be no July Commission Meeting in Belfair.
5. Open Forum for Citizen Input
  - 5.1 Ray Jenne commended the Commission for their actions in support of 1/10 of 1% sales tax increase to enhance the first responders notification process. This will be better for managers of departments to make better judgments for distribution of funds.
6. Adoption of Agenda – **Cmmr. Sheldon/Gallagher moved and seconded to adopt the agenda as presented. Motion carried. G-aye; RE-absent; S-aye.**
7. Approval of Minutes – **Cmmr. Sheldon/Gallagher moved and seconded to adopt the regular meeting minutes for May 22, 2007 and briefing minutes for the week of July 2, 2007. Motion carried. G-aye; RE-absent; S-aye.**
8. Approval of Consent Agenda:
  - 8.1 Approval of Contract No. 0763-20402 between Mason County Juvenile Court and the Juvenile Rehabilitation Administrations for Aggression Replacement Training (ART) Clinical Consultation.
  - 8.2 Approval of Contract No. 0563-85595 and 0563-85608 for the Consolidated Juvenile Services (CJS) Contract for Juvenile Court. This provides funding for Juvenile Court sentencing alternatives for the period of July 1, 2007 through June 30, 2009.
  - 8.3 Approval of Contract No. 0066-99184-01 for the Juvenile Accountability Block Grant for Juvenile Court. This provides \$10,000 for costs associated with the Aggression Replacement Training (ART).
  - 8.4 Approval of the Functional Family Therapy Contract for Juvenile Court with Kerry Duke.
  - 8.5 Approval of Veterans Assistance Fund applications for: Frank Galloway (Viola) - burial \$600.00; Justin Tucker - utilities \$319.48 and food \$280.52; David Stucke - food \$200.00 for a total of \$1,400.00 as recommended by the Veterans' Assistance Screening Committee.

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- 8.6 Approval of the grant application with the Washington State Archives for a microfilm reader/printer for the Mason County Clerk's office.
- 8.7 Approval of County Road Project #1903 – Weaver Creek Bridge repair project on Skokomish Valley Road.
- 8.8 Approval for the Deputy Director/County Engineer to execute Supplemental Agreement No. 1 to Local Agency Standard Consultant Agreement with Aspect Consulting, LLC to provide geotechnical evaluations and consultations for the Public Works Department on various projects for 2007.
- 8.9 Approval for the ER&R Manager to utilize the Post for Quotes/Telephone Bid Procedures to purchase 50' of pipe arch culvert for Public Works. Approximate cost is \$9,000 plus tax.
- 8.10 Approval of the Ordinance amending Section 3.20 of the Mason County Code to increase the amount of sales and use tax for public facilities and economic development from .08 to .09. **Ordinance No. 80-07 (Exhibit A)**
- 8.11 Approval of an agreement with Scott E. Wilson to provide market appraisal of Mason Lake Picnic Park.
- 8.12 Approval of the following contracts for the 2007 Mason County Fair & Rodeo: The Morning Star Lion's Club for ticket takers, \$925.00; Shelton High School Band for information booth, \$200.00; Rock Candy Mountain Fiddlers for entertainment \$250.00; The Varmits for entertainment, \$400.00; Ron Leach d.b.a. Action Marketing Promotions for entertainment, \$1,500.00; Ike Pryor for bull fighter services, \$1,200.00; Jeff Evans for entertainment, \$2,550.00; Mason County Medic One for professional services, \$940.00; Kursa for entertainment, \$0.00; Shelton All Star Cheer for professional services, \$1,000.00. For a total of \$8,965.00, these amounts are budgeted in the Fair/Rodeo budgets.
- 8.13 Approval of Warrants  
Claims Clearing Fund    Warrant #s 125463-125986                    \$584,339.56

Cmmr. Sheldon commented on Item 8.10 by clarifying that approximately five years ago Washington State Legislature authorized the 31 rural counties to retain a portion of the state sales tax instead of retaining .08%. This legislature authorized the Board to retain .09% which represents approximately \$500,000 per year. He pointed out this is not a new tax.

**Cmmr. Sheldon/Gallagher moved and seconded to approve the Consent Agenda Items 8.1 – 8.13. Motion carried. G-aye; RE-absent; S-aye.**

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

- 9.1 Public hearing to consider a Budget Transfer in the 2007 Budget for the Current Expense Fund.

Ione Siegler, Budget Director, explained the budget transfer is needed because the election of a new Sheriff resulted in an increase in the workload and operating expenses in the amount of \$19,282. This would be a transfer from the Current Expense Fund ending fund balance.

Ray Jenne, Civil Service Commission, stated with the new Sheriff there is a tremendous shortage of law enforcement officers. The recruiting program has become very complex and more expensive. He felt the County is doing a good job in trying to fill the vacancies and provide better protection throughout the county. This has become very complex.

**Cmmr. Sheldon/Gallagher moved and seconded to approve a budget transfer in the 2007 budget from the ending fund balance in the Current Expense Fund to the Civil Service Department in the amount of \$19,282. Motion carried. G-aye; RE-absent; S-aye. (Exhibit B)**

- 9.2 Public hearing to consider Road Vacation File No. 359 for the Vacation of a portion of Reservation Road, County Road No. 43130, all of Agency Road, County Road No. 42880 and all of Tribal Center Road, County Road No. 42610.

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Rick Brush, Right-of-Way Agent, stated the hearing is to consider the Skokomish Tribe's request for road vacation of the Reservation Road and to transfer jurisdiction for the road to the Tribe. This will enable the Tribe to place it in the reservation road program with the federal government and take responsibility for its operation and maintenance. It will allow the Tribe to complete a road safety improvement project for which it has received funding. Public Works has negotiated an agreement with the Tribe that would involve vacation of the road south of its intersection with the Skokomish Indian Flats Road. This would preserve County road access to the Skokomish Indian Flats Road, which remains in the County Road System.

The Skokomish Tribe previously requested that Mason County transfer jurisdiction of two other county roads, Agency Road and Tribal Center Road. On November 10, 1998, the Board approved and executed a Quit Claim Deed conveying all the County's rights in these roads to the federal government to be held in trust for the Tribe. Staff believes that a vacation of these roads under RCW 36.87 was required prior to this conveyance. Taking action now to vacate these roads will correct this omission.

Public Works recommends that the road vacation be vacated.

Cmmr. Sheldon understood that the Skokomish Tribe received some federal appropriations for lighting and safety improvements on Reservation Road.

Charlie Butros, Public Works Director, stated they have been working with the Tribe to vacate all of Reservation Road and Skokomish Indian Flats Road. It came to their attention on Friday that there is a gate that was installed inappropriately on Indian Flats Road. They are taking the steps to work with the Tribe to take care of that concern.

Public Works considered requesting deferring action today. However, they would like to encourage the Board to consider approval of the vacation and allow the county to continue working with the Tribe to deal with the issue of the gate on Indian Flats Road.

Cmmr. Sheldon noted that if the Board approved the transfer of jurisdiction. The Reservation Road would then be owned by the federal government in trust for the Skokomish Indian Tribe. The title to the road will go to the federal government.

Mr. Brush concurred that is correct.

Roy Kenyon stated he lives on the Skokomish Reservation and saw the stake in front of his property regarding the road vacation. He was concerned because the road never was abandoned. He understood the County used to maintain the roads before the Tribe took them back for maintenance. He thought that grading of the road stopped around the middle part of the 1970's. He questioned what this had to do with Agency Road and his property.

Mr. Brush responded the reason for the document that Mr. Kenyon saw was public notice of this road vacation hearing. Agency Road has actually already been conveyed to the federal government and is now under the jurisdiction of the Tribe. This proposed action today would take the step of formally vacating the road.

Title to the road is with the United States Government in trust for the Tribe and the road then is added to the Bureau of Indian Affairs Roads Inventory.

Mr. Brush stated he understood that to be correct for all three roads: Agency Road, Skokomish Indian Flats Road and Reservation Road. If Reservation Road is not already on the inventory list it will be

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added. This will subject these roads to certain maintenance and management requirements. They have a road program at the state, somewhat similar to the County's six-year improvement program law.

Cmmr. Sheldon concurred there is a concern about the gate on the North Skokomish Flats Road. There is another gate planned out as there is spray paint on the pavement. He did not want to hold up the project as there are federal appropriations for safety.

**Cmmr. Sheldon/Gallagher moved and seconded the road vacation be approved and that a quit claim deed, substantially in the form as recommended by Public Works, be executed transferring the subject portion of Reservation Road to the Federal Government to be held in trust for the Skokomish Tribe. Motion carried. G-aye; RE-absent; S-aye.**

- 9.3 Public hearing to consider amendments to the Flood Damage Prevention Ordinance, including changes to regulations regarding the Skokomish Valley flood plain and design of crawl spaces in flood plains.

Bob Fink explained he has been working with Mason County on developing amendments to the Flood Damage Prevention Ordinance for over two years. The main issues with the existing Flood Damage Prevention Ordinance revolve around the Skokomish Valley. In the valley, currently there is no new construction, expansion or substantial improvement of any structure allowed in the flood plain. This was done pursuant to orders of Growth Management Hearings Board after review of the Growth Management Act. The concern of the county is that these restrictions threaten the viability of the agriculture activities in the valley and the historic community of the valley. This issue was last considered by the Board on December 27, 2006 hearing. At that time, the main issue unresolved was the impact of the proposal on the Washington State Dept. of Transportation (WSDOT) Purdy Creek bridge project. Since that time, there have been a number of discussions with the Dept. of Transportation and Washington Department of Ecology regarding the language of bridges and roads within the valley. There is language developed that addresses the concerns of WSDOT which is included in the current June 2007 draft presented for consideration at the hearing. There are also a number of minor changes to the proposal beyond those that affect only the Skokomish Valley. These are such things as technical changes to address the structure of cross bases when they are allowed in the flood plain. There is also a proposal to remove a dike monitoring program that the County Public Works Director is currently obligated to. The reason for the removal is most of the dikes are not on county property or within county control or ownership. The dikes are not relied upon for any flood control efforts or prevention of flooding of structures. This has all been discussed in previous meetings and is available to the board.

One of the more complicated things to understand is the changes in the Skokomish Valley. A schematic drawing has been developed. The basics of the drawing are that the county authorize a study to be done of the channel migration zone and the avulsion potential zones in the Skokomish Valley. This study was not completed until this year. The channel migration zone in this chart shows the black lines are essentially the flood plain boundaries. This regulation applies within the flood plain and is often referred to as the 100 year flood plain which is the area of regulations the Flood Damage Prevention Ordinance addresses,

The channel migration zone is an area which includes the current river and recent channels of the river and 50 year consistent erosion on either side of the channel. The Channel Migration Zone (CMZ) is where the river might move to within 50 years under normal erosion conditions. This was evaluated scientifically in the study and they came up with the information that was incorporated into the proposed regulations. An avulsion is where the river channel moves. They looked at the main stem of the river potentially moving from its current channel outside of the normal area that it would be found. When they look at the probability of the avulsion they examine such features as the gradient of the valley floor, types of soils and vegetation that are located. The study identified the areas of higher risk

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for possible avulsion. That is the basic framework that the county has proposed in the new draft based on best available science contained in the study prepared for the County by GeoEngineers.

The regulations proposed in the channel migration zone that there would be no new construction or other development with the exception that some other development might be allowed after an evaluation of possible impacts to flooding of new structures. In the avulsion potential zone, new residences are not allowed but accessory buildings are allowed. Accessory buildings include by definition agricultural buildings. Features like barns or horse sheds could potentially be allowed in the avulsion potential zone areas. New residences could not be allowed in the avulsion potential zone areas. While new residences are not allowed it is okay to maintain or repair, or even rebuild a structure that is damaged as long as you keep it within the original footprint. In the flood plain outside of these high risk areas it is possible to build accessory structures including agricultural buildings. It is also possible to build new residences with certain limitations such as being properly flood proofed which normally means elevation. The county has other flood plains besides the Skokomish Valley.

An overview was given of the map showing the area outside of the floodplain and the area that is inside the flood plain but is part of the conditional built area. It is possible to build new residences as well as new accessory buildings within the conditional built area. They were within the no new footprint zones when the County did a study in the Comprehensive Flood Hazard Management Plan for the Skokomish Valley. There were certain areas that overlapped for the avulsion potential zones. The map is based on the best information available. The decision, when there is an application or question that comes from the property owner as to whether or not they can build, is subject to whether it is within the flood plain. All that information is subject to verification using the best information available at the time someone is proposing a project.

The Planning Department recommends the Board consider the June 2007 version of the draft as meeting the original intent of the review. The draft ordinance was created using best available science and that was incorporated into the mapping and regulations. The draft ordinance was supported by the Washington State Department of Transportation and Ecology with one exception to that. There is a provision in the draft which allows for the rebuilding or movement on site of existing houses. That is a provision which was modeled after some similar provisions in state law. The Department of Ecology had issues with the wording of the provisions. They recommended it be amended or deleted. The County will continue to work the Department of Ecology to try and resolve these concerns. Otherwise, the other provisions in the ordinance, they believe are ready for adoption. They understand there is a certain desire to adopt it because currently the ability of people to do even major repairs is limited. Although this will not provide relief to everyone in the valley as far as the restrictions it does identify those areas that are at lower risk, are not at risk for avulsion and relieves them of some of the restrictions which were placed because the earlier science did not adequately identify where the avulsion potential areas were in the channel migration zone.

A draft motion is prepared for consideration which would adopt the June 2007 draft with the exception of three sections which incorporate language regarding existing houses.

Cmmr. Sheldon clarified that Department of Ecology is still not in agreement of the draft language for 5.2-7 which deals with existing houses in the no new footprint zones. The County is in negotiation with Department of Ecology to find some common ground on that one issue. The other issues raised by the ordinance, Dept. of Ecology finds acceptable.

Mr. Fink concurred that Dept. of Ecology (DOE) finds the other provisions acceptable. The DOE has a right of approval of floodplain regulations and amendments adopted by local governments. They act on behalf of the federal government which has final approval to assure that any of the programs adopted by the local governments are consistent with the federal regulations and eligible for flood

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insurance under the federal program. Dept. of Ecology is acting as the federal government's agent and certifying that the citizens are eligible for the program.

Cmmr. Sheldon stated when they looked at this back in December of 2006 there was a question that Dept. of Transportation might have that we might be limiting their ability to replace the Purdy Creek Bridge. He asked if this has been taken care of by this ordinance.

Mr. Fink responded, yes, they met several times with the Department of Transportation and Dept. of Ecology to make sure that the amendments were consistent with Department of Ecology's guidance. The result of the meetings, beginning on page 30, was all new language was proposed. Section 5.5-6. In particular amendments were made to Section 7 & 8. There was a scrivener's error and should be sub section 7. It specifically addresses Washington State Department of Transportation's bridges and roads within the flood plains, in particular the Skokomish Valley Flood Plain.

Cmmr Sheldon referred to the error Mr. Fink mentioned. He asked if it is all on subsection 7.

Mr. Fink replied it is on page 30 of the draft. It reads basically, 7 and 8. That sentence from 7 is intended to continue on and then there is a list of subsections which are intended to be part of Section 7. That is a scrivener's error in the formatting.

Cmmr. Sheldon asked for clarification. The Federal Highway's Administration will be planning a portion of the Purdy Creek bridge replacement. This meets the requirements of Dept. of Transportation.

Mr Fink replied that was his understanding. There is specific language for a number of criteria which are required when the Washington Department of Transportation project is reviewed. In particular, in the body of the first paragraph, it says that projects proposed by Washington Dept. of Transportation under this section and receiving federal Highway Administration Funding shall be consistent with the recommendations of the Skokomish plan. That apparently has brought in that particular source of funding and the necessity to review it under the guidance that the county has.

Cmmr Gallagher referred to the map and noted that the black lines denote flood plains. He asked if there is any provision for setbacks and how far can a house be back from the flood plain line.

Mr. Fink responded the determination of whether a particular building site is within the flood plain or outside of the floodplain is made by the department. Occasionally, there are errors on the map and property owners can apply for a map amendment if they are on high enough grounds to be outside the floodplain and thereby remove themselves from this regulation. It would be a determination by the federal government by Federal Emergency Management Agency that they are outside of the floodplain. Otherwise it is based on the adopted Flood Insurance Rate (FIR) Maps which are published by FEMA that shows the boundary of the floodplains. If part of the property is in the floodplain there are other critical areas of interest. Every site is unique and has its particular characteristics and sometimes it is not possible to build. If they were permitted and built inside the flood plain and would elevate so the building would not be subject to flooding.

Cmmr. Gallagher questioned if they could change the big map to the science of the future in 20 years.

Mr. Fink stated they will be required to revisit the map within approximately 10 years in the process of updating their regulations. This area is also considered shorelines and they may be revisiting some of these issues in 2012 as part of the Shoreline Master Program update. This map is based on the current conditions and some assumptions about the future. Eventually this will become out of date. How

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quickly it becomes out of date depends on circumstances. They can amend the map whenever necessary.

Wes Johnson commended the County and Department of Community Development for a revised or improved Flood Damage Prevention Ordinance. He was happy to see the references to the Skokomish Flood Zone Comprehensive Management Plan which has been in effect for more than 10 years.

He noticed there has been some changes for use of the word "flood control" which now uses the word "damage reduction" and has been discussed for a long time. He suggested that language be consistent throughout the document in other places where there is reference to flood control that the word damage reduction be substituted in its place.

Item 4 under Item 1.2-2 to minimize prolonged business interruptions. Sometimes farming is confused with business. Some people don't know whether to include farming with business or not. He would like that clarified that farming is included in business. The nature of flood plains is that farming has taken place there for many years and it should continue. They need to ensure that is clarified.

He shared an example of a field out in the valley, which could not be used this year because it was covered with flood debris. The debris got hung up on the fence and there is a great expense to remove the debris. The field could not be put to its highest and best use because of the debris on it.

Item 1.3 refers to methods of reducing flood losses. Mostly this is identification of what cannot be done to reduce flood losses. He suggested that consideration be given to putting in a paragraph that talks about the things that can be done to protect property.

He appreciated the addendum mailed out adding a new definition "repetitive loss." Repetitive loss means flood related damages sustained by a structure on two occasions during a ten year period for which the costs of repairs at the time of each such flood event, and the average equals or exceeds 25% of the market value of the structure before the damage occurs. He felt there is a typo to this matter.

On page 15, this is talking about the appeal board under Item 4.12, that they shall consider. It talks about the potential impact to fish and riparian habitat as provided for within the Fish & Wildlife Habitat Conservation Area chapter of the Resource Ordinance. He trusts that the chapter makes reference to the deleterious effects of flood waters running across fields and stranding salmon. Anyone who has lived there any length of time has seen that over and over again. Stranding of fish and changing of habitat is not good. He trusts that chapter makes reference to that.

On page 27 section 5-4.5-5 on dikes, levies and other water flow modification structures. It says in the first section that areas where flood water releases and over flows from the main Skokomish River channel shall not be modified meaning levied or diked in any manner that would result in increased stream flow in the main channel. They cannot do anything to put more water into the main channel. An average mind seems ridiculous. What is wrong with putting more water in the main channel. That is what the channel is for to carry the water.

On page 29 they talk about bridges and roadways. Some comment has been made already on 5.5-6. He wanted to point out one condition in the valley. This takes place west of the Swift Creek bridge where the silt has formed. The silt along the side of the road is higher than the road. On one occasion they wanted to raise the roadbed, not at this location, but elsewhere in the valley. The contention was that it would be a flood impediment and before they could put a new layer on the road they had to grind the old layer off to put the new one off. They are talking about a few inches. Here is a place that they cannot put anymore stuff on the road. Even after the floodwaters have gone done there is high silt on one side of the road and also on the other side of the road. It adds to the depth of the water,

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impedes traffic during the flooding event and when the flood recedes there is still a big puddle of water. There should be some provision so the county could take steps to correct that situation and not leave a puddle for traffic to be inhibited by. Some of the best soil in the county is located in Skokomish Valley. They need to do things to preserve the soil and make it useable for farming. He questioned if the size of the barn could be increased. He understood that is possible with some restrictions.

Marty Ereth, Biologist for Skokomish Tribe, has been in his position since 1992. He has been involved in numerous discussions on the flood plan and previous attempts to try and get a Flood Damage Prevention Ordinance passed. The Tribe challenged some of the county's previous attempts both on the Flood Damage Prevention Ordinance and Critical Areas Ordinance. He read his comments into the record. The Skokomish Tribe has reviewed the draft and believes they have been working cooperatively with the County. The tribe was concerned about Mason County's commitment about the General Investigation Study. They agree a CMZ study is needed; however, they believe it is flawed and needs peer review.

The CMZ Model is 50 years into the future and assumes that stream flow for the North Fork Skokomish River and Cushman project will remain constant in the future.

The Tribe and Tacoma Public Utilities are currently mediating to reach a settlement. If no settlement is reached, Federal Energy Regulatory Commission (FERC) will issue a new license which will have increased base flows as well as summit transport and channel maintenance flows. The CMZ study not only meets the peer review process, but they believe it should also go through a public review process prior to being adopted by the County. He asked that the Board consider their previous comments submitted on August 21<sup>st</sup> to the Planning Department. Until a peer review is done they don't believe the Channel Migration Zone (CMZ) study could be considered best available study.

Another concern the Tribe has is proposed removal of floodway designation. Mason County has tried to remove this designation before and was not able to because the fact remains there is an active floodway in the Skokomish Valley and it meets the definition of the floodway. Also, the Tribe is concerned about a formal definition of historically occurring dikes and levies and that they be treated as legal permitted dikes. There are few legally permitted dikes in the valley. The dikes are made of riverbed material and are not constructed adequately and do not provide the factor of safety needed to allow increased residential development behind them.

Another item is their prohibition of expanding bridge openings and roadways which allow increased streamflow to pass through thereby reducing backwater effects by the structure. The Tribe has had recent success with the new Skibob Creek Bridge. The Tribe is concerned about the language that would allow Mason County Public Works Director to declare an emergency if a bridge opening is reduced to 70% or less at 100 year flood stage. Since the structures are in the valley, which is in the floodplain, it may be impractical to assume they could contain all the 100 year flood flow between the bridge opening. In the case of the Highway 101 bridge over the Skokomish River during large floods, a significant amount of water flows through Purdy Creek as well as Highway 101. He suggested that Mason County slow down the process and allow a peer review of the CMZ study, re-evaluate the commitment to the GI process and withdraw the proposed amendments.

Moirya Dehe stated she resides approximately 5 miles up the Skokomish Valley. She has land interest in what is known as Zone A on Federal Emergency Management Agency (FEMA) Map #530 1150 175 D. The land is located in an area noted as outside the detailed study area. Unlike Zone A2, Zone A has not been matched for base flood elevations and is also referred to as an unnumbered A Zone by FEMA standards. The difference between the two maps is that Zone A2 has been mapped for base flood elevations that were derived from detail analysis by FEMA. She is familiar with flooding issues

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in Skokomish Valley because she has participated since 1990 in the development of the Comprehensive Flood Hazard Management Plan (CFHMP) as well as testifying numerous times.

She was concerned about the notice of hearing and believed there needs to be clarity. She did not believe there has been any public process to allow Zone A to be taken out of the regulatory floodway designation. Zone A2 was entertained with the potential of being taking out of the floodway designation, based on a density flood analysis. She felt it is misleading, because she understood they are regulated under a regulatory floodway. Detailed analysis has not been done as has been done in Zone A2 to come up with conditional build zones, no new footprint zones. They have flood elevations which they can base FEMA insurance rate maps on. Now they have avulsion risk zones and channel migration zones. It is her belief that they are regulated on a regulatory floodway. Migration zones are included in a floodway. There are only three types of floodways: conventional or regulatory floodway; split floodway or a density based floodway. The first two types of floodways were very restrictive. It was an option in detailed Study area A2 that they would adopt a density flood fringe based on putting a building in the valley until you raise the water one-half foot. It was recommended and studied through KCM. There was a long and costly study. There is a regulatory floodway which states you cannot encroach the floodway. Building is allowed the floodplain as long as the structure is a certain amount of footage away from the flood fringe. The difference between the upper and lower valley is that the lower valley is mostly floodway. The upper valley is not entirely floodway. The basic land in the upper valley is floodplain rather than floodway. The upper valley seems to be severely restricted because of the avulsion risk zones on top of the floodway designation. In order to construct in the upper valley a hydraulic engineer and a surveyor is needed. She understood the burden is placed on the landowner that they cannot build if the flood water exceeds approx. 5' per second or they cannot build if they are 4' below the base flood elevation. In the lower valley, there have been elevations taken. There have been maps of the A Zone. There are other areas of shallow flooding or maps of deep flooding.

She asked for clarification on the language in Section 5.3 AE and A1 zones to base flood elevations but no floodways, which means the detailed study area. She questioned why the ordinance is riddled with "floodway" language. She did not believe there is a definition for density based flood fringe. In Section 5.3 it states, "unless it is demonstrated the cumulative effect of proposed development and combined with all other existing and anticipated development will not increase the surface elevation of the base flood more than one foot at any point within the community."

She felt that may be true, when combined with all other existing and anticipated development that has already been figured into no new footprint zones, conditional build zones. What density was based on was existing development, which included houses and dikes, and that took up a half a foot. The other half foot rise which was allowed would be for new dikes and building. The existing building has already been figured into the modeling.

She commented on the diking reconnaissance language. She was concerned about what is considered legally constructed dikes. Also of concern was the FEMA mapping. There is no densities language for the Comprehensive Flood Management Plan. She recommended that the County apply for an FCAP grant to amend the CFHMP so that all new information and recommendations are part of this document. It is 25/75 County/State Dept. of Ecology match. The County's match may be obtained by filing for a block grant. She understood the filing period for 2007/2009 biennium has closed but encouraged the County submit an application as sometimes there are funds left over. Based on the priority list they could grant money for this project. Also, she encouraged the Board to apply for a FEMA flood audit for Zone A to determine base flood elevations. They as landowners are expected to hire a hydraulic engineer or surveyor when a flood audit would identify high ground and base flood depths on a map that is numbered A Zones in the flood plain. She restated that she believed this area is

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designated as a regulatory floodway and there was no public process to remove it from that designation.

Jeff Heinis, Biologist for Skokomish Tribe, spoke to a couple of issues. He referred to the comment about the fish all over the fields. The one place where they are stacked up the road acts as a barrier. When the water gets down low there is an inch of water 75' wide going across the road where the fish cannot get across it. He suggested the County look at putting a culvert under the road to alleviate the mess. He did not have a problem with the farmers increasing their buildings and improving their livestock as long as there is an engineer control ideas involved. He understood they could flood proof homes in the valley, but questioned what will be done with the septic systems.

Jim Hunter stated he lives in the middle part of the valley where they are most affected by the flooding. He did not agree with the avulsion zones as written. He hoped that someday they could be corrected and more closely reflect what is happening on the ground. He understood they have to go with the maps that are available. He agreed with a lot of what was said by Mr. Ereth, Mr. Johnson and Mrs. Dehe. He felt this is a small step forward and it does not solve all the problems. They want the County to support the Corps of Engineers work. Hopefully, it will someday make the valley a lot more livable, more fish friendly and a lot better for agriculture. He recommended the Board pass the ordinance as written. If there are specific areas of concern, he would rather see the whole ordinance delayed a few weeks until there is clarification.

The public comment portion was closed.

Cmmr. Sheldon commented the Commission is committed to the general investigation study (GI Study). They have worked hard to keep up to date with what is going on and participated in letter writing with the other partners to make sure they are staying on track with funding for the study. He felt that in the long run that will help them all. It is tough for the staff to deal with the Dept. of Ecology on the issue of the existing homeowners and get an answer. The idea is to approve the document with the exception of the Section 5.2-7 Existing Houses in the No New Footprint Zone. That would give the county an opportunity to negotiate further with Department of Ecology about that issue. He did like the comments made by Wes Johnson to change the 1.2-2 from costly flood control projects to costly flood damage control projects and the syntax change for repetitive loss to take out the beginning of the sentence. They would make the "Or" and make it a small "or."

Cmmr. Gallagher concurred this is a small step forward.

**Cmmr. Sheldon/Gallagher moved and seconded to approve the June 2007 Draft Mason County Flood Damage Prevention Ordinance amendments, with the exceptions of:**

**The new definition of "existing house" contained in Section 2.0 Definitions be deleted.**

- **The new section 5.2-7 Existing Houses, and**
- **The new subsection 5.5-2 (2) shall not include the text: "and except as provided in Section 5.2-7 for special provisions for Existing Houses."**

**and that the Department of Community Development prepare Findings of Fact for the Board's signature.**

**Also,**

**Amend 1.2-2 (2) "To minimize expenditure of public money and costly flood damage control projects; . . ."**

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**Amend 1.2-2 (4) "To minimize prolonged business and farming interruptions."**

**Add a new definition to Section 2.0 Definitions as follows:**

**"REPETITIVE LOSS" means flood-related damages sustained by a structure on two occasions during a 10-year period for which the costs of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.**

**Motion carried unanimously. G-aye; RE-absent; S-aye. Ordinance No. 81-07 (Exhibit B)**

10. Other Business (Department Heads and Elected Officials)

10.1 Report from Washington State University Extension Office -- Jeanne Rehwaldt gave a brief update of the Master Gardner Program/Family Nutrition Education Program within the County. She informed the Board that in June they held diagnostic clinics for plants and insects. They hold clinics at Harstine Farmers Market and the Visitor's Center in Hoodspport on Saturdays. Bonnie Hall, Office Mgr, explained that together with Grays Harbor County they have put together the Leadership Development Program. Classes are held at Panhandle Lake and Elma. Lisa DeWall, 4-H Program Coordinator, also gave a brief report on their traditional 4-H program and the Strengthening Families Program. Currently in Mason County there are 42 4-H clubs with approximately 486 members and 168 adult volunteers. They have been busy working on their public presentations, record books and summer camps. They are also busy gearing up for next week's Mason County fair and rodeo which is the big event for the year.

10.2 Terry Hull explained that Shore Bank Enterprise Cascadia is a non-profit community economic development financial institution which has been contracted by the Hood Canal Coordinating Council governments to manage a low interest loan program for members of citizens of Mason, Jefferson and Kitsap counties. He gave a presentation on the Hood Canal Septic Loan Program. They started with a goal of making 1,000 loans to homeowners over a 10 year period and have foundation support and funding through a state legislative appropriation. Their website address is: sbseptic.com. There is a link to an application form. People can get on the site and get basic information about the program and go right to an application if they feel it is appropriate.

11. Board's Reports and Calendar – The Board announced their calendars for the upcoming week as well as gave highlights from the previous weeks meetings attended.

12. Adjournment – The meeting adjourned at 11:13 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

Absent 7/17/2007

\_\_\_\_\_  
Lynda Ring Erickson, Chair

\_\_\_\_\_  
Tim Sheldon, Commissioner

ATTEST:

\_\_\_\_\_  
Rebecca S. Rogers, Clerk of the Board

\_\_\_\_\_  
Ross Gallagher, Commissioner

