

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JULY 17, 2001

The meeting was called to order at 9:00 a.m by Chairperson Mary Jo Cady. Commissioners Herb Baze and Wesley E. Johnson were in attendance.

APPROVAL OF MINUTES

Cmmr. Johnson/Baze moved and seconded to approve the meeting minutes for July 3, 2001. Motion carried unanimously. B-aye; J-aye; C-aye.

CORRESPONDENCE

UNION RIVER

Union River Basin Protection Association wrote asking several questions regarding the possible pollution of Union River from the Belfair Sand and Gravel operation.

MASON COUNTY COMMUNITY DEVELOPMENT COUNCIL

Comments received from Janet Dawes regarding Ordinances 58-01 and 59-01. (copy to Planning)

SPENCER LAKE

Letter from Larry and Virginia Charrier asking if the laws can be enforced at the Spencer Lake fishing access. (copy to Sheriff)

NOXIOUS WEED BOARD

Grays Harbor County Noxious Weed Control Board wrote asking about the activation of a Mason County Noxious Weed Control Board.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Received Compliance Hearing Order #14.

A Petition for Review was filed with the Western Washington Growth Management Hearing Board from the Advocates for Responsible Development. (copy to Planning)

SKOKOMISH FLOOD HAZARD ADVISORY BOARD

Jeff Heinis

BUSINESS

PL 106-393 IMPLEMENTATION

Cmmr. Cady stated the Washington State Association of Counties has requested action on a reconsideration of the allocation formula for counties that will be receiving payments under Pl 106-393 as a result of the discussion on reconsideration at the June 14 meeting of the Timber Counties of Washington. They are also requesting a resolution committing financial support from our county for a timber analyst/coordinator position at WSAC.

Cmmr. Johnson/Baze moved and seconded to adopt the resolution to provide funds to the Washington State Association of Counties for a Timber Analyst/Coordinator in the amount of \$1,002 to \$1,025 annually, adjusted for inflation for the remaining five years of the Public Law 106-393 project authority. Motion carried unanimously. B-aye; J-aye; C-aye. Resolution No. 71-01 (Exhibit A)

Cmmr. Baze/Johnson moved and seconded to adopt Public Law 106-393 and return the allocation ballot with the payment selection being the payment based upon the state's highest three years averaged. For Mason County that is \$734,636.78. Motion carried unanimously. B-aye; J-aye; C-aye.

GORDON ADAMS DAY

Chair Cady read aloud the proclamation proclaiming July 20, 2001 as Gordon Adams Day in recognition of the volunteer time he has contributed to Mason County.

Cmmr. Johnson/Baze moved and seconded to adopt the proclamation as read. Motion carried unanimously. B-aye;

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Cmmr. Johnson/Baze moved and seconded to authorize the Department of Public Works to advertise for bid opening on August 7, 2001 at 10:45 a.m. for the 2001 Asphalt Paving Program, and authorize the Chairperson to execute all pertinent documentation. Motion carried unanimously. B-aye; J-aye; C-aye.

WATCHPERSON POSITION - CENTRAL SHOP

Mr. Hauth requested the Board approve the agreement with Teresa Green for the watchperson position at the Mason County Central Shop.

Cmmr. Baze/Johnson moved and seconded to execute the service agreement between Mason County and Teresa Green for services as watchperson at the Mason County Department of Public Works' Central Shop. Motion carried unanimously. B-aye; J-aye; C-aye.

POST FOR QUOTES - PURDY CUT-OFF ROAD

Mr. Hauth requested authorization to post for quotes for one 12'x5-1/2'x48' long open-bottomed metal culvert pipe for replacement of a culvert under Purdy Cut-off Road.

Cmmr. Johnson/Baze moved and seconded to authorize the Department of Public Works to post for quotes for one open bottomed metal culvert 12'x5-1/2'x48'. Motion carried unanimously. B-aye; J-aye; C-aye.

HEARING SET - REVISIONS TO MASON COUNTY PARKING ORDINANCE

Mr. Hauth requested a hearing be scheduled to consider revisions to the Mason County Parking Ordinance No. 815. To make the Parking Ordinance consistent with current stormwater management requirements, it is suggested that Section 10.02 of Mason County's Parking Ordinance (Mason County Code 10.68.150) be revised to read as follows: "All public and private parking and loading areas shall be prepared in a manner to dispose of surface water runoff in compliance with Mason County's Stormwater Management Ordinance No. 144-97, and in compliance with the State Department of Transportation's requirements when abutting state highways."

Cmmr. Baze/Johnson moved and seconded to set a public hearing on August 7, 2001 at 9:45 a.m. to consider revising Section 10.02 of Mason County Parking Ordinance 815 (Mason County Code 10.68.150). Motion carried unanimously. B-aye; J-aye; C-aye.

BELFAIR BYPASS

Mr. Hauth stated on July 11th the Steering Committee met and reached a consensus on a recommendation to advance the Belfair Bypass Alternate A-1 to the National Environmental Policy Act (NEPA) Environmental Assessment. Mr. Hauth requested the Board adopt the resolution to establish a new county road, the "Belfair Bypass" and to proceed with Phase 4 of the project to complete the NEPA Environmental Assessment and to develop the FONSI request.

Cmmr. Cady commented this has been through the public process for a very long time. They have heard a lot of testimony. This resolution would move the project forward. She stated she will take any new testimony on this issue but she noted they have a limited amount of time.

Senator Tim Sheldon stated the State has \$404,000 in the budget for preliminary engineering for the Belfair Bypass. This would be a partnership between the County and the State as it would alleviate traffic on Highway 3.

Cmmr. Cady asked if any of that money would come to Mason County or would it be used by DOT.

Senator Sheldon stated he would like it to be as flexible as possible. He will work closely with the commission on making sure it is used to the best advantage to match the local money and resources.

Max Loya asked about an on and off ramp from Cedar Brook Lane to the Belfair Bypass.

Cmmr. Cady stated this will be addressed in the preliminary engineering.

Richard Bell read aloud a letter in support of the Belfair Bypass. He stated on a personal level, business level and as a community activist he encourages the Board to move forward and make the bypass a reality.

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Harry Martin spoke in support of the Belfair Bypass. He noted that the Steering Committee vote was done individually and they all came in 100% for the Bypass.

Cmmr. Johnson/Baze moved and seconded to execute Resolution No. 73-01 declaring their intention to proceed with the preparation of an environmental assessment for the Belfair Bypass Project, Alternate A-1. Motion carried unanimously. B-aye; J-aye; C-aye. Resolution No. 73-01 (Exhibit C)

BELFAIR BYPASS STUDY - SKILLINGS-CONNOLLY AGREEMENT

Mr. Hauth requested the Board execute supplemental agreement no. 4 to Skillings-Connolly Agreement No. 98015.

Cmmr. Baze/Johnson moved and seconded to authorize the Chairperson to execute Supplement Agreement No. 4 (Belfair Bypass Study) of the Skillings-Connolly Agreement No. 98015, not to exceed \$222,880.85. Motion carried unanimously. B-aye; J-aye; C-aye.

HEARING – Consider Ordinance No. 66-01, an interim ordinance to amend the Mason County Development Regulations regarding Special Use Permits. Chapter 1.05 of Ordinance No. 82-96 is amended by the addition of a new section 1.05.048.

Ron Henrickson, Department of Community Development Director, stated this hearing is to take testimony on Ordinance No. 66-01 which is an interim ordinance to amend the Mason County Development Regulations regarding Special Use Permits by adding the new section 1.05.048. This amendment would provide for a process of having a minor change to an existing, approved Special Use Permit.

The proposed new section 1.05.048 would read as follows: A minor amendment may be made to an approved Special Use Permit provided:

- A. The Director of Community Development determines the scope of the minor amendment does not constitute a significant change in the scope of the approved permit or create any additional material impact on the site or adjacent properties.
- B. The Director's written determination, proposed minor amendment, and date of proposed action of the Board of County Commissioners are mailed to adjacent property owners at least ten, but not more than thirty, days prior to action of the Board.
- C. On the date of scheduled action the Board approves the minor amendment.

Janet O'Connor submitted a letter from Warren Dawes. She stated their concern is they would like guidelines as to what these changes may be.

Constance Ibsen, Union, expressed concern with the lack of clarity and that there are no parameters. She is also concerned with the cumulative effect this could have. It does bypass the need of a legal notice in the paper which allows citizens to track what the county government is doing. She urged the Board to not adopt this ordinance.

Cmmr. Cady believes it allows staff to fix minor issues that weren't anticipated when the permit was originally issued and are not significant. She believes this is putting the Board's trust in the department heads to make the proper decisions for very minor amendments.

Cmmr. Baze/Johnson moved and seconded to concur with the adoption of Ordinance 66-01 which is an interim ordinance to amend the Mason County Development Regulations regarding Special Use permits. Chapter 1.05 of Ordinance 82-96 is amended by the addition of a new section 1.05.048. Motion carried unanimously. B-aye; J-aye; C-aye.

HEARING – Consider the year 2000 applications for the Current Use Timber and Current Use Open Space taxation program.

Phil Franklin, Assessor's office, presented a special application for Current Use Timber for James & Jeannie O'Donnell. This property was acquired by Mr. & Mrs. O'Donnell in 1996 and signed a continuance to keep the Current Use Program that it was already in. The paperwork was overlooked by the Assessor's office so they are requesting the Board approve the application at this time.

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Cmmr. Johnson/Baze moved and seconded to approve the 2000 applications for the four applicants, six parcels, for Current Use Open Space for 2001 taxes that will be collected in 2002. Motion carried unanimously. B-aye; J-aye; C-aye.

SPECIAL USE PERMIT – Minor Amendment – Christ Lutheran Church

Rick Mraz, Planning, presented the staff report. The applicant is Christ Lutheran Church and the request is to make a minor amendment to the Special Use Permit No. MIS98-0075 for a child daycare center. The request is to allow an increase of the number of children served by the day care center from 52 to 65. No expansion of building foot prints are proposed under this request. The basement area of the church is being finished to increase the useable area for the day care center.

Some of the potential impacts are increased traffic and noise, expected demand on water and septic and parking adequacy.

The common concern of adjacent property owners seems to be the level of noise produced by Christ Lutheran Child Day Care and the impact this has on the quality of life of adjacent property owners.

Although the concerns that have been raised do not appear to constitute a violation of the conditions of Christ Lutheran Church's Special Use Permit. Requirements A and B of Mason County Interim Ordinance No. 66-01 have been met regarding this request. It appears that the minor amendment to Special Use Permit No. MIS98-0075 to increase the number of children served by Christ Lutheran Child Day Care would be allowable under Mason County Development Regulations.

Cmmr. Cady stated she believes the Church has met several additional conditions that were imposed on the Special Use Permit regarding the noise issues, including moving the playground and planting trees. She also understands their DSHS permit allows 65 children in the daycare center.

Robert Newman, President of Congregation for Christ Lutheran Church, with regard to the noise issue, he stated the Sheriff's office came out with their equipment and found no problem with the noise.

Ronald Jensen, Daycare Council, stated they have the reports from the Sheriff's office demonstrating the level of noise is well below what is normal.

Bonnie Dittmer, Program Manager of Childcare Center, stated they would like to reconfigure the rooms so they can have more children. She stated state regulations are very strict about how many children are allowed and the staff ratio to children.

Barnett Kalikow, Wagon Wheel Development representative (adjacent to church property), stated the residents would like to come forth with details of the history of noncompliance on this facility. He pointed out the purpose of a Special Use permit is to avoid conflict with the surrounding uses. He stated the conflict is continuing.

Ken Novak, adjacent property owner, submitted a video demonstrating infractions of the Special Use permit conditions. He stated he built his home before anything was there. He believes the church has caused his property values to decrease. He stated the children are playing outside of the designated play area. He believes they have broken state licensing rules. He stated a center is not allowed to have more than 49 children without an automated sprinkler system. He submitted written documentation.

Terry Tapper, Wagonwheel Road, stated the daycare does conflict with neighboring uses.

Mr. Newman stated the church has been there much longer than Mr. Novak's house. He questioned if Mr. Novak's taxes have gone down since Mr. Novak believes his property values have gone down.

Cmmr. Cady asked if the playground was moved and if trees were planted along the fence line as agreed upon at the hearing from a few years ago.

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Cmmr. Baze asked if staff has reviewed these allegations.

Bob Fink, Planning Manager, stated he did see correspondence regarding the allegations when he was reviewing the file and the investigations that were done a year or two ago, but he didn't investigate them further.

Cmmr. Cady stated she doesn't see how 13 more children would impact the traffic, parking, water or septic since it is a church and it must, at times, have a large amount of people.

Cmmr. Baze stated that a large percentage of the problems that have been presented, have to do with state licensing and he asked if they have brought it to the state's attention.

Cmmr. Cady asked when the daycare relicenses.

Ms. Moore answered in August, 2001.

Cmmr. Cady asked about the fire marshal regulation approving a certain number of children and that they are currently over that.

Ron Henrickson, Director of Community Development, responded that with the remodel the church would have to follow any occupancy regulations.

Ron Jensen responded they have gone through the building permit and fire marshal process for a 65 occupancy level.

Cmmr. Baze/Johnson moved and seconded to approve the request for the minor amendment to Special Use Permit No. MIS98-0075 subject to the fire marshal approval of the occupancy regulations. Motion carried unanimously. B-aye; J-aye; C-aye.

DSHS AGREEMENT #21646

Steve Kutz, Health Services Director, requested the Board approve and authorize the Chair to sign amendment no. 4 to DSHS agreement #21646 to extend the contract from July 1, 2001 to September 30, 2001 in the amount of \$6,900.

Mr. Kutz this program provides a medical history, or passport, for the children who are in the foster care system.

Cmmr. Johnson/Baze moved and seconded approve and authorize the Chair to sign the Passport contract amendment #4 to DSHS agreement #21646. This agreement extends the period of performance by an additional three months from July 1, 2001 to September 30, 2001. The consideration is increased by \$6,900 for a maximum total of \$72,095.72. Motion carried unanimously. B-aye; J-aye; C-aye.

INTERPRETIVE SERVICES PROVIDER AGREEMENT

Mr. Kutz requested the Board approve and authorize the Chair to sign the Interpretive Services Provider Agreement with Columbia Language Services Inc.

Cmmr. Baze confirmed that if the service is not used, there is no minimum charge.

Cmmr. Baze/Johnson moved and seconded to approve and authorize the Chair to sign the Interpretive Services Provider Agreement between Columbia Language Services Inc and Mason County Health Department with an effective date of May 30, 2001. Cost for on-site interpretive services will be \$35.00 per hour and cost for telephone interpretation will be \$1.00 per minute. Motion carried unanimously. B-aye; J-aye; C-aye.

TOTTEN LITTLE SKOOKUM FUND

Debbie Riley, requested the Board transfer the Totten Little Skookum Clean Water District be transferred into the Department of Health Services fund to allow the continuation of the survey and septic system repair work in the Totten Little Skookum Watershed. Upon review of the Totten Little Skookum survey, there were 1,345 inspections completed; 108 were suspect, (48 on the shoreline); 99 were failures (72 were on the shoreline) and 20 repairs were not

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Cmmr. Johnson/Baze moved and seconded that the Totten Little Skookum Clean Water District funds be transferred into the Department of Health Services fund to allow the continuation of the survey and septic system repair work in the Totten Little Skookum Watershed. Motion carried unanimously. B-aye; J-aye; C-aye.

CHRIST LUTHERAN CHURCH

Cmmr. Baze/Johnson moved and seconded to authorize the Chair to sign the findings of fact for the minor amendment to the Special Use Permit for the Christ Lutheran Church. Motion carried unanimously. B-aye; J-aye; C-aye.

AMENDMENT TO MASON COUNTY GARBAGE CONTRACT

Gary Yando, Utilities & Waste Management, requested the Board approve and authorize the Chair to sign an amendment to the contract with the Mason County Garbage demonstrating they are a corporation and not a sole proprietorship.

Cmmr. Baze/Johnson moved and seconded to approve amendment no. 1 to the solid waste drop station program agreement and amendment no. 1 to the regional recycling drop station program agreement between Mason County Garbage and Mason County and authorize signature to both by the Chairperson. Both amendments reflect the clarification requested by Mason County Garbage wherein the words "sole proprietorship doing business in the State of Washington" has been replaced with "A corporation doing business in the State of Washington". Motion carried unanimously. B-aye; J-aye; C-aye.

DECLARATION OF EASEMENT - ANDERSON & SONS

Mr. Yando requested the Board approve and sign the Declaration of Easement between Anderson & Sons, a Washington corporation and Mason County. The document provides for Anderson & Sons to grant and quit claim to Mason County, in perpetuity, a sanitary sewer pipeline easement over, across and under the property described in Exhibit A attached to the Declaration of Easement.

He also requested the Board approve and sign the Memorandum of Understanding between Anderson & Sons and Mason County.

Cmmr. Johnson/Baze moved and seconded to approve and sign the declaration of easement between Anderson & Sons and Mason County wherein Anderson & Sons grant and quit claims to Mason County, its successors and assigns, in perpetuity, a sanitary sewer pipeline easement over, across and under the five foot on either side of the property line described in Exhibit A which is attached to this document. The cost associated with this easement amounts to \$75,000. Motion carried unanimously. B-aye; J-aye; C-aye.

Cmmr. Baze/Johnson moved and seconded to approve and sign the attached memorandum of understanding between Anderson & Sons and Mason County as presented by the Director of Utilities and Waste Management per the contents and stipulations contained therein. Motion carried unanimously. B-aye; J-aye; C-aye.

2001 MASON COUNTY FAIR ENTERTAINMENT CONTRACTS

Mike Byrne, Tourism & Recreation, presented the 2001 Mason County Fair Entertainment contracts. They are with Fast Track, \$3,000; Tractor Pulls, \$1,650; Jerry Harris, Master Hypnotist, \$2,100; The Eagle Creek Band, \$750; Evergreen Country Dancers, \$100; Mary Wiles, \$825; Bobby Dale and the Silvertones, \$1,850; Laughter Masters, \$500; Deep Rooted Music by Eric Ode, \$200; Memphis Rain, \$700; Folk Voice, \$675 plus 5 meal vouchers (\$27.50 value); Akafellas, \$500; The Coats, \$1,750.

Cmmr. Baze/Johnson moved and seconded to approve the contracts for the 2001 Mason County Fair as presented for a total amount of \$14,600. Motion carried unanimously. B-aye; J-aye; C-aye.

BURN BAN REQUEST

Cmmr. Cady read into the record a letter received from Governor Locke requesting the Board consider enacting a burn ban for the duration of the drought.

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CITIZEN CONCERN

Annette McGee stated she is against hiring consultants with open-ended contracts without the citizens knowing where the money is going. She stressed there needs to be accountability to the citizens. She talked about the contracts signed at the 7/10/01 meeting for right-of-way acquisition and the fact here is the provision for reimbursement of direct non-salary expenses which she believes makes that an open-ended contract.

Ms. McGee referred to a resolution signed in December, 1997 by the Board regarding right-of-way acquisitions and mentioned RCW 8.26.020 which states local government may elect to comply with all provisions of this chapter in connection with programs and projects not receiving federal assistance. She believes the County, under their own resolution and advise from department heads, elected to back itself into a box. She asked what happened to the County running it's own programs, not having the state or consultants run them? She believes County staff should be used to the fullest and not give the money, in an open-ended contract, to consultants.

Cmmr. Cady responded that when you look at the discipline reports that are required in order to do the projects and the environmental regulations that now govern this country, she stated the County doesn't have the expertise on staff or the time to do that. She stated she initially had a lot of concern about bringing consultants on, but she no longer does since she realized the type of expertise that is required.

PRINCE OF PEACE CHURCH

Contract with Prince of Peace Church in the amount of \$7,500 for emergency disaster facility from the Local Economic Advancement Program Funds.

Cmmr. Baze/Johnson moved and seconded approve Resolution No. 74-01 which is a contract with the Prince of Peace Church in the amount of \$7,500 for the emergency disaster facility from the Local Economic Advancement Program Funds. Motion carried. B-aye; J-aye; C-abstain. Resolution No. 74-01 (Exhibit D)

Cmmr. Cady stated she abstained because her sister signed the contract.

LIQUOR CONTROL BOARD

Assumption from Victoria and Kenneth Rice dba Victoria's at Robin Hood to Blacor, Inc., tradename Victoria's at E 6790 Hwy 106, Union.

Special Occasion for Back Country Horseman of Washington, for July 27, 2001, 12 p.m. to 10:30 p.m. at enclosed area, 751 W Fairgrounds Rd., Shelton.

Special Occasion for Alderbrook Golf & Yacht Club for August 11 & 12, 2001 at Alderbrook Golf & Yacht Club.

Assumption from Virgil Hanson dba Grapeview Country Store to Janis & Wesley Whitish dba Grapeview Country Store, LLC

Cmmr. Johnson/Baze moved and seconded there are no objections to the assumption from Victoria and Kenneth Rice dba Victoria's at Robin Hood to Blacor, Inc. tradename Victoria's at E 6790 Hwy 106, Union. Motion carried unanimously. B-aye; J-aye; C-aye.

Cmmr. Baze/Johnson moved and seconded there are no objections to the special occasion for Back Country Horseman of Washington, to include July 28 and July 29, if applied for, for the Mason County Fair; Special Occasion for Alderbrook Golf & Yacht Club and Assumption from Virgil Hanson dba Grapeview Country Store to Janis & Wesley Whitish dba Grapeview Country Store, LLC. Motion carried unanimously. B-aye; J-aye; C-aye.

VETERANS' ASSISTANCE APPLICATION(S)

Utilities, Food, Housing, Mileage Reimbursement, Burial

John Malick, \$400 rent

Billy Emerson, 400 rent

James Benedict, \$400 fuel

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resistent to a long-term lease and they will be more adamant that tenants pay equitable rates which would be higher than they are now. He recommended the County study what it would mean if the fairgrounds stayed where it is at.

Cmmr. Baze believes the advisory board is going to study the alternatives, what can and cannot be done.

APPROVAL OF WARRANTS

FUND NAME	WARRANT NUMBER	AMOUNT
Claims Clearing	26642-26651	767.65
	26652-26773	433,705.16
	26774-26853	603,850.49
Salary Clearing	114149-114394	173,542.00

ADJOURNED

The regular meeting adjourned at 11:50 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Mary Jo Cady, Chairperson

ATTEST:

Herb Baze, Commissioner

Rebecca S. Rogers, Clerk of the Board

Wesley E. Johnson, Commissioner