

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

AUGUST 27, 2002

Chairperson Wesley E. Johnson called the meeting to order at 6:00 p.m. at the Shelton Civic Center, 525 W Cota Street, Shelton. Commissioners Herb Baze and Bob Holter were also in attendance.

CORRESPONDENCE

AT& T BROADBAND

Notice was received from AT&T Broadband concerning upcoming changes to the channel line-up, on or shortly after September 19, 2002.

BEARD'S COVE COMMUNITY ORGANIZATION

An invitation was received from Beard's Cove Community Organization for the Commissioners to visit Beard's Cove which has over 500 lots.

NATURAL RESOURCE ASSESSMENT

Letters of support for the proposed natural resource assessment were received from: Washington State Puget Sound Water Quality Action Team; Carolyn Dietzman; and Tom & Toni Droscher.

Letter opposing the fee was received from John Byerly

Copies were also forwarded to Public Health Services.

BUSINESS

CONSOLIDATED CONTRACT AMENDMENT #7

Debbie Riley, Public Health Services, presented the Department of Health Consolidated Contract Amendment #7, which provided for an increase in the contract of \$30,908. This would affect the Tobacco Settlement program; Tobacco Youth Access; Tobacco CDC program; Mason County Non-Point (Shellfish) program and Safe Drinking Water program.

Cmmr. Holter/Baze moved and seconded the Board approve and authorize the chair to sign the Department of Health Contract Amendment Number 7 which increases the contract by \$30,908. Motion carried unanimously. B-aye; H-aye; J-aye.

CONSTRUCTION CHANGE DIRECTIVE #5 – MASON COUNTY JAIL EXPANSION & REMODEL

Mike Rutter, Facilities & Grounds, presented Construction Change Directive #5 for the Mason County Jail Expansion and Remodel Project in the amount of \$4,592 to provide, install, reroute and replace code light issues; 2 X 2 fixtures; and security fixtures.

The original fixtures were too large to fit in the spaces designed and they had to reduce the fixtures.

This was a change from Change Order #10 to Construction Change Directive #5.

There was discussion that the difference between a change order and a construction change directive is the parties are not in agreement on the price. This allows the project to continue on while the County and the contractor are discussing the price.

Other change directives have been favorable for the County.

Cmmr. Baze/Holter moved and seconded the Board approve and sign Construction Change Directive #5 for Mason County Jail Expansion and Remodel project. Motion carried unanimously. B-aye; H-aye; J-aye.

CONSTRUCTION CHANGE DIRECTIVE #6

Mr. Rutter presented Construction Change Directive #6. This is to provide a 2 hour fire proofing on steel beams and install a 2 X 2 light fixture in lieu of 2 X 4 in the amount of \$8,435.

Cmmr. Holter/Baze moved and seconded the Board approve and recommend the chair sign the construction change directive #6 Mason County Jail Expansion and Remodel Project in the amount of \$8,435. Motion carried unanimously. B-aye; H-aye; J-aye.

PURCHASE AT AUCTION: 1999 ATHEY MECHANICAL SWEEPER

Jerry Hauth, Public Works Director, explained that the Department of Public Works requires a mechanical sweeper that will pickup chipseal rock and sand from winter road sanding. It was requested they be authorized to bid at auction for a sweeper with the maximum purchase price of \$65,000 plus tax.

Cmmr. Baze/Holter moved and seconded the Board authorize the Equipment Rental & Revolving Fund Manager to bid at auction to furnish Mason County with one (1) used 1999 Athey M9E, as offered by

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Snohomish County. Maximum purchase price of \$65,000 plus tax. Motion carried unanimously. B-aye; H-aye; J-aye.

EXTENSION OF ROAD CLOSURE

Public Works announced they will be extending the road closure on the Belfair-Tahuya Road from September 1 to September 8.

AMENDMENT TO CONSULTANT AGREEMENT – WHITE SHIELD

The Public Works Director Jerry Hauth asked for authority to enter into an amendment to the Consultant Agreement with White Shield, Inc. to extend the contract time by 11 months ending April 30, 2003, standardize notation flags in CAD files and merge community development addresses into the AS400 parcel data file. The amendment would cost \$39, 810.

Cmmr. Holter/Baze moved and seconded the Board authorize the Chairperson to execute the Amendment to the Consultant Agreement with White Shield, Inc. for additional contract administration and extension of contract time. Motion carried unanimously. B-aye; H-aye; J-aye.

REIMBURSABLE – WASH STATE DEPT OF FISH & WILDLIFE

The Board was presented a reimbursable agreement with the Washington State Department of Fish & Wildlife for some grading activity on the Johns Prairie property. The cost of work is not to exceed \$800.

Cmmr. Baze/Holter moved and seconded the Board execute the Reimbursable Agreement, as presented, between the Mason County Road Department and the Washington State Department of Fish & Wildlife. Motion carried unanimously. B-aye; H-aye; J-aye.

AMERICAN FOREST RESOURCE COUNCIL

The Board read aloud a proposed resolution to join with American Forest Resource Council (AFRC) regarding a lawsuit filed by the Washington Environmental Council against the Washington Commissioner of Public Lands.

The Board commented that at a state timber county meeting the proposed resolution was presented and notification was given about the lawsuit. It was unanimous decision of the timber counties, which were present at the meeting that the request is forwarded to the counties to participate in a lawsuit.

Cmmr. Baze/Holter moved and seconded to adopt Resolution No. 120-02. Motion carried unanimously. B-aye; H-aye; J-aye. Resolution No. 120-02. Motion carried unanimously. B-aye; H-aye; J-aye.

HEARING - ROAD VACATION

At 6:30 p.m. the Board held a public hearing to consider a petition for vacation of a portion of Coate Ave & Patton St.

Jerry Hauth, Public Works, asked that the Board continue this hearing for one week for further review. He noted there seems to be an inconsistency, which is a minor issue, but he would like to address this before the Board takes action.

Cmmr. Holter/Baze moved and seconded to continue the hearing to September 3, 2002 at 9:15 a.m. Motion carried unanimously. B-aye; H-aye; J-aye.

GROWTH MANAGEMENT ACT (GMA) COMPLIANCE

Ron Henrickson, County Administrator, presented a press release on the GMA compliance orders. It was noted that on two of the three main issues, the County's position was affirmed. On the third item, the Western Washington Growth Management Hearings Board (WWGMHB) found the County's findings egregious. The geologically hazardous areas now comply with the Act; on the second issue the WWGMHB found the County mostly compliant but remanded on two issues. The WWGMHB wants the County to increase the distance between a house and the shoreline from 90' to 100'. Secondly, it wants the County to take a closer look at the agricultural exemption with respect to the critical areas ordinance. The third issue, the WWGMHB has ruled the County must prohibit all new development within the Skokomish Valley. The County expressed their outrage concerning this issue.

Chairperson Wes Johnson read a statement on behalf of the Board.

Peter Overton explained that he entered into an agreement with the County in 1996 and it was the intent to be a win-win situation. He expressed his disappointment concerning inaction of the county. He asked what the County is trying to accomplish. He understood that the County has stated that the Belfair Bypass will not be built as long as there is an agreement with the Overtons. He stated that his family will not be leveraged. The development agreement is a valid contract and they will not void it. The contract remains in effect whether the road is built or not.

Ed Edmiston Agate, congratulated the Board on the decision. He stated that he lives on Crestview Drive and the preliminary engineering is being developed to create a 60 mph site line from Agate Store to Crestview. The residents have asked the Commissioners to lower the speed limit. He asked that the county create a rural road preservation act, which allows the citizens to protect the community from the commuter. He felt that the average speed on a 35 mph road within the county is 59 mph.

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He suggested a bike/walk lane on Crestview Drive with 25 mph to give it back to the community away from the commuters.

Drew Noble asked what procedure is needed to change a habitat plan to allow 100' clear zone around pump houses to protect water systems.

The Board asked that this be brought to the Planning in writing.

Don Atkinson, Executive Director North Mason Chamber of Commerce would like elaboration of why the County is dropping the Belfair Bypass. He did not feel the County has exhausted all negotiation opportunities. He suggested a more public process. Before the document is completely rejected he wanted to see if there is common ground between the Overtons and County to resolve this issue. To North Mason residents it is a serious matter. To proceed with the Belfair Bypass the money will not have been wasted.

Cmmr. Holter stated the County would prefer to not have the agreement and simply purchase the right-of-way and treat the Overton's as any other respectable citizen. They would like a level playing field with all of the residents in the County. The county would like to build a road and pay for it and proceed on.

Mr. Atkinson asked if the county anticipated any condemnation proceedings.

Cmmr. Holter responded that the legal counsel would respond to that.

It is not the County's interest to file a lawsuit and spend more money pursuing this. The county feels they have made a good offer and will pay for what it is appraised for.

Mr. Atkinson stated he would like to see this project continue to move.

Jack Johnson stated his family is a landowner within the Belfair UGA. He commends and supports the county's position. He noted the County's agreement in its present form would affect the future value and the ability to market land in the area. He felt an agreement involving a public project should have specific values associated with the items of exchange. He questioned how they could set a value on no new developmental guidelines, no new zoning, etc. He stated that just because the County has spent money to date doesn't mean they have to proceed with the project.

RECESS

The Board recessed at 7:00 p.m. – 7:09 p.m.

HEARING – NATURAL RESOURCE CONSERVATION

Chairperson Johnson explained the hearing is to consider a proposed system of assessments for Natural Resource Conservation. The assessment, which would collect \$5 per parcel, would support Mason County Department of Health Services and Conservation District programs to address water quality issues within Mason County.

Steve Kutz, Public Health Services Director, read an introduction to the hearing on Conservation District Special Assessment for Natural Resource Protection. He explained what has led the County to this point to consider the conservation direct assessment for natural resource protection. Part of the reason people choose to live in Mason County is because of the many natural resources the county has to offer.

The Mason Conservation District Board of Supervisors recommends that the Board of County Commissioners establish a special assessment to provide basic funding for the Mason County Dept. of Health Services and the Mason Conservation District. This assessment will create a fund dedicated to addressing water resource protection issues within Mason County. The assessment level will be \$5 per parcel, plus \$0.07 per acre for all parcels one acre or larger within Mason County. It was recommended the county review potential exemptions. The assessment would be collected on February 15 of the collection year or on the date of billing of property taxes as determined by the Treasurer and due on the same day as property taxes. It is recommended that penalties for late payments would be same as policy on late payment of taxes.

The board referred to the Findings of Fact that stated assessment will be \$5 flat rate on all non-forest land parcels within the boundaries of the Conservation District. The Conservation District and Mason County Department of Health Services will sign a Memorandum of Agreement to carry out the findings.

The Board questioned how many other counties within the State of Washington have partnered with the Conservation District to address this.

Mr. Kutz replied that he is guessing on an informal basis many counties work with their Conservation District because the overall outcome trying to achieve is the same. Cooperating on an assessment, this is the first time to their knowledge that any county has agreed to partner and use assessment dollars for partnership, other than King County.

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Correspondence in support was received from: Ken VanBuskirk; Carolyn Dietzman; Puget Sound Water Quality Action Team; Tom & Toni Brosher sp?; and one letter in opposition from John Byerly.

A draft agreement with the Mason Conservation District and Mason County Health Services has been initiated.

The Board stated that they take the process seriously and would like to hear all the comments.

The contract provides that the balance of revenues generated by the assessment would be distributed to the Mason Conservation District at 33.5% of net revenue; Mason County Health Services 66.5% of net revenue.

The assessment will provide increased protection of drinking water from nonpoint pollution sources; by providing a constant source of funding. The assessment will enable the Conservation District and Mason County to provide increased response to citizens concerns in all areas of the county. Public interests will be served by protection of recreational opportunities, which include swimming, fishing, shellfish harvesting and boating.

Theresa Kirkpatrick voiced her support of efforts to maintain and improve water quality in the County. She questioned the accounting practices for these funds. She would like to see a report more frequently than once a year on where the funds are being spent.

Ken VanBuskirk stated that water quality is one of the most important issues facing the county. No longer are they able to get oysters at Belfair State Park because of pollution. Also, the Union River is not safe for recreational use. Pollutants are ending up in the streams and rivers as well as salt water bodies. This issue is compounded with a state and county critical resource identification that is lacking. An example is many of the tributaries to the Union River have not been mapped. The Conservation District and Environmental Health are to be commended and deserve support in their efforts. He urged the county to adopt the natural resource conservation assessment with two modifications: 1) there should be no exemptions for land owners; 2) developed property such as parking lot or commercial development he would like to see a much higher per acre fee.

Drew Noble noted his support for this assessment. He felt there needed to be a better handle on what is happening in order to get matching grants to address the issues.

Steve VanDenover commended the staff of Department of Health Services for putting together a partnership. He commented that as a resident of Cherry Park he pays a rate for water to PUD #1. He recommended that they be brought into the partnership, as they are becoming one of the larger providers of water within the County. Also, he concurred about accountability of funds. He asked that they look at the left over funds that they go back to the Department of Health Services rather than the Conservation District or general county funds.

Terry Shaw he felt this is a way to get around the 6% levy lid. He felt the funds should go to the Conservation District and not be split with the Health Services Department. He voiced his opposition of the assessment.

Irene Goldsby questioned where the monies came from in the past to support the Conservation District. She stated that it seems taxes grow when they are assessed on the public. She is supportive of water quality, but creating more and more taxes she is not supportive of.

Toni Drosher sp? submitted a letter but also spoke on behalf of her in-laws who have homesteaded in Mason County in 1911 and sister-in-law and husband who are all in support of the assessment.

Bill Dewey noted he works for Taylor Shellfish Company and personally supports the assessment to protect the water quality. The Taylor family is pleased the county is considering the assessment to protect the water resources. The shellfish industry in Washington State in 2001 was estimated to be valued at \$73.5 million. The Pacific Coast Shellfish Growers Association estimates that one-third of that comes from Mason County. The Taylor Shellfish Company is the fourth largest employer in the county. He stated he serves on the Puget Sound Council representing the shellfish industry to address water quality issues and implementing the Puget Sound Plan. The largest problem is lack of local dedicated funding to address water quality issues.

David Vimont is a shellfish farmer and opposed to the proposed assessment. One reason is it will add another layer of financial cost to the shellfish industry, especially to the small producer. This will crowd a lot of small shellfish growers out of the industry.

Kimberly Klint, Mason Matters, went on record supporting the initiative. They applaud the County and Conservation District for recognizing the issue. In 1997 Mason County published a health profile and a group of 60 citizens that represented members throughout the county. They vested four months of time to look at health issues that affect Mason County. Water quality is one of the most significant health issues affecting the community. Mason Matters brought this to the community in a dialogue in May 2001 and confirmed their commitment to continue to address water quality issues. She applauded the County and Conservation District to try and develop a partnership to address the issue. She reminded the Conservation District and County to establish measurable goals with the funds and accountable to the public. The community can then understand and appreciate this.

Tim Sheldon felt the County is making good progress on clean water issues in Mason County. The health regulations at the County and State level are much stronger. PUD #1 has picked up 30 water systems that they have picked up and are partnering with local communities. There is a certified operators program through the state.

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There is a Shelton regional system underway; as well as a Finch Creek proposal in Hoodport. This will be perceived as a tax increase even though it is a special assessment. The special assessment will need to show a benefit and it will be difficult to show the average property owner that it is a benefit.

Duane Fagergren noted that he has lived at his residence at Kamilche for over 50 years. They have a small shellfish business and is in favor of the assessment. A letter has been submitted on behalf of Puget Sound Water Quality. There are problems around the Puget Sound similar to Mason County. Many of the counties do not have the natural resources that are treasured in Mason County. One of the benefits of the assessment is that it can be targeted between the Conservation District and Helath Services.

Prevention of the problems is money well spent. If there is a down-grade in shellfish it is very costly and is politically difficult to set up a Shellfish Protection District and a closure response strategy.

Ken Howard felt that a tax should be voted on. Also, the only people to be taxed are the small parcel owners. The large forestry people will not be taxed. Simpson Timber Company is one of the biggest timber companies and it has a mill on the bay. If Oakland Bay is polluted, possibly the logs should be moved to dry ground.

Byron Debban stated he has lived on Oakland Bay for over 30 years. He perceived the assessment as a straight property tax and felt the people should vote on the issue. He was concerned that money is being split by two agencies. He questioned if there is duplication of services.

Jim Rogers also felt this is a tax and is giving money to someone that does not deserve it. They need people who look out for the County. He questioned the quality of the work being done. More people is not always the answer for good.

Bill Worth voiced his support of the assessment. He noted he has been personally involved in enhancing salmon in Sherwood Creek for the last three years with the Conservation District and other agencies. Currently, they have identified salmon blockages and have three projects with a total value of \$1.5 million approximately they are working on. He was hopeful the fish will swim up the creek and not be blocked by culverts.

Warren Dawes, President Southwest Puget Sound Watershed Council, stated that ten years ago he chaired the Totten Little Skookum Clean Water District who worked with the Health Services Department and the Conservation District on addressing the pollution problems in Totten Little Skookum Inlet. The program was successful in identifying failing septic systems which were subsequently repaired. They developed best management practices and farm plans that improved water quality of the Inlet. It was with regret when the staff was released and funding ran out. The clean water district was paid for by grant funding, large contributions by shellfish growers and homeowners assessments that were a lot higher than the current proposed assessment. He noted his strong support for the basic level of funding for water quality.

Bill Quigley strongly felt the assessment should have a vote of the people so they can have a voice. According to the RCW the Conservation District is a subagency of the State of Washington and not Mason County. He felt it is not the money, but the issue of having a voice.

Mary Jo Cady noted she had mixed feelings about the issue. She too agreed the issue of an assessment should be brought before the voters for a decision. She voiced appreciation for the Conservation District and their efforts. She questioned if there are more recent closure numbers than those from 1997 as noted in the brochure. She felt the areas that can contaminate the surface water should be abated. One third of the money should go to the abatement of meth labs and other dump sites to protect surface water. Protect all shellfish and not just recreational. Do a cost benefit analysis and examine and define potential exemptions as recommended by the Conservation District. She asked how the Board justifies taxes in Totten Little Skookum and Lower Hood Canal after they have already paid more than \$10 worth of taxes for this type of service.

Patti Case, Simpson Resource Company Public Affairs, stated as a large landowner she understood that Simpson Timber Company (STC) would be exempt from the assessment. In lieu of an assessment, Simpson Timber Company and other forest land owners are spending their fair share to protect clean water in Mason County. Working with local agencies such as Mason Conservation District will provide maximum efficiency and leverage for the monies collected. In October 2000 STC signed a 50-year habitat conservation plan. Typically the plans address endangered and threatened species. In addition, it addresses Clean Water Act issues. STC has a commitment of several million dollars to water quality in Mason County. A lot of the money has been leveraged through partnerships with Mason Conservation District (MCD). MCD has obtained additional funding through the US Fish and Wildlife service to fix fish blockage and other related problems.

Bill Taylor, President of Taylor Shellfish, testified in support of the assessment. Financially, it appears the assessment makes a lot of sense. Working in five different counties, they have seen numerous shellfish closures due to pollution.

Kurt Kingman stated he is in support of water quality. He personally has put in 1000 feet of fencing in cooperation with the Conservation District to control cattle crossing along creeks on his property. He urged the County to look into US Agriculture funds which have been increased by 75%. He noted that he sits on this committee and a large share of the funds are for water quality. His property has been devalued with Growth Management and he is struggling to survive.

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Beverly Isenson voiced support for the assessment and stated she has a well and septic system; her main asset is her home. If the lake, bay or creek gets bad the value of her home goes down as well. If her well becomes contaminated the value of her land and home goes down as well. She felt that failure to work on water quality will have more negative implications.

Jean Springer stated the assessment is not the question, but of method and how it is being assessed. One area of concern is the exceptions and that the City of Shelton has opted out.

Diane Johnson felt strongly that the issue of an assessment should be put to a vote.

Mike Felton referred to a handout that mentioned failing septic systems within the County. He felt that those people with failing systems should take care of their problems first and then put the issue on a ballot for a county-wide assessment.

George Haskell sp? is not supportive of a \$5 assessment. He felt the program needs more funds to be effective.

Mary Maxstead sp? explained she moved to Mason County because of the natural resources and is in support of the assessment. She felt that investing in water quality of the environment is a good investment for the future.

Jeff Carey felt the concept is a good idea but the way it is constructed will not be effective. The residents in the North Mason area are paying a price for the sewer system. He did not feel the assessment is proportionally applied.

Anita Latch stated the Conservation District has done an extraordinary job in working with voluntary landowner cooperators. They have accomplished so much without an assessment. Some people think the shellfish industry will be the primary beneficiary of clean water. She felt that everyone has a lot at stake. The grant projects which would be possible by leveraging the assessment funds as matching funds will help ensure clean water for future generations. The investigative and regulatory activities of the county's environmental health division will provide a good balance with voluntary activities of the Conservation District activities. She felt that accountability and production are what counts.

Judson Reynolds stated it is difficult to implement a program without a plan. He has been a good steward in the County with his cattle. It seems handy for people to blame farmers and ranchers for pollution. He explained that many times they have found contamination dumped on their property by the public and it is the property owner's expense to remove it. He suggested the County should implement a plan that would be effective for all the residents of the County.

Cmmr. Johnson stated he would like to see the assessment to go to the vote of the people. He would like legal staff to look into it further on what can and cannot be done.

Cmmr. Baze noted the citizens of the County have worked hard to do what they can to keep the waterways clean. They have watched in the past two years some good things happen with regards to water clean up. He felt that one thing the county needs to do is to figure out ways to be more self-sufficient, to take care of the problems and pollutions. To come up with funding which will allow ongoing projects to take care of the problems in the County.

Cmmr. Johnson added that clean water is something everyone wants. The citizens of the County have taken on certain responsibilities for themselves. There are 11,000 acres of shellfish beds where the conditional approval has been removed. The sewer system has gone in and the citizens are paying a substantial amount every month to be on the system. Other citizens have taken on the responsibility of a lake management district. They are in the process of assessing themselves. He concluded that he would like to see the assessment go to the vote of the people.

Cmmr. Holter/Baze moved and seconded the Board of County Commissioners approve the proposed special assessment for natural resource conservation as authorized by RCW 89.08.400 in the amount of \$5 per non-forested land parcel, with no fee per acre assessed and adopt the findings of fact. Motion carried. B-aye; H-aye; J-nay.

ADJOURNED

The meeting adjourned at 9:02 p.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Wesley E. Johnson, Chairperson

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Bob Holter, Commissioner

Herb Baze, Commissioner

ATTEST:

Rebecca S. Rogers, Clerk of the Board