

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

NOVEMBER 9, 2004

1. Call to Order – The meeting was called to order at 9:02 a.m. by Chairperson Johnson.
2. Pledge of Allegiance – The flag salute was led by the Chairperson.
3. Roll Call – Present: Cmmr. Dist. 1 – Herb Baze; Cmmr. Dist. 2 – Wesley E. Johnson; Cmmr. Dist. 3 – Jayni L. Kamin.
4. Approval of Minutes – **Cmmr. Kamin/Baze moved and seconded to approve the regular meeting minutes of November 2, 2004. Motion carried unanimously. B-aye; J-aye; K-aye.**
5. Board's Calendar for week of November 9 – 16, 2004
6. Correspondence and Organizational Business
  - 6.1 Correspondence
    - 6.1.1 Washington State County Road Administration Board has approved a one-month extension until November 26, 2004 for the appointment of an acting engineer in Mason County.
    - 6.1.2 Washington State Dept. of Labor & Industries announced that they have two staff members at the Shelton WorkSource Office to provide outreach to Latino workers who pick brush for the floral greens industry in the area.
    - 6.1.3 Ken & Peggy VanBuskirk noted their formal protest to consent agenda item 9.12 and asked that public testimony be received before a decision is made.
    - 6.1.4 Washington State Dept. of Comm. Trade & Economic Development has offered Mason County a grant of up to \$60,000 to complete the work on Allyn and Belfair UGA's capitol facility and economic development planning.
  - 6.2 Tahuya River Road Reopened – Dave Loser, Equipment Rental & Revolving Fund Manager, announced that the Tahuya River Road reopened on October 26, 2004. This was one of three roads washed out by the storm on October 20, 2003.
  - 6.3 Public Works Department – Ron Henrickson, County Administrator, read aloud the press release giving notice that Bill Tabor has been appointed as County Road Engineer, effective November 9, 2004 and Charlie Butros is being appointed as the Public Works Director.
7. Open Forum for Citizen Input
  - 7.1 Patty Case, Green Diamond, extended a personal invitation to the Commissioners to attend the 75 million and growing celebration on Monday, November 15 at 2:30 p.m. at Truman Glick Park as they celebrate 75 million seedlings planted on their lands in Washington State.
  - 7.2 Bob Harris, Bob's General Store Owner, Co-Editor of Village Voice, announced they started with a circulation of 700 of the community newspaper in the North Mason area.
8. Adoption of Agenda – **Cmmr. Kamin/Baze moved and seconded to adopt the agenda as presented. Motion carried unanimously. B-aye; J-aye; K-aye.**
9. Approval of Consent Agenda:
  - 9.1 Approval of personal services contract with Payne & Associates, Inc. in the amount of \$23,625 to provide Mason County with intensive supervisory group training to county directors and supervisors.
  - 9.2 Approval of the resolution adopting the policy regarding the display of the United States flag and the Washington State flag at half-staff on Mason County property. **Resolution No. 100-04 (Exhibit A)**
  - 9.3 Approval of contract amendment with Tire Disposal and Recycling Inc. for hauling and recycling of waste tires extending the contract for calendar years 2005 and 2006.
  - 9.4 Approval of the resolution authorizing county road load restrictions/emergency closing orders for 2004-2005 winter season. **Resolution No. 101-04 (Exhibit B)**
  - 9.5 Approval for the Equipment & Rental Revolving Fund Manager to call for bids to furnish Mason County with towing services for the year 2005. The bid opening is to be December 10, 2004 at 9:00 a.m.

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- 9.6 Approval for the Equipment & Rental Revolving Fund Manager to call for bids to furnish Mason County with used tire disposal services for 2005 and extendable for up to two additional years. The bid opening is to be Friday, December 10, 2004 at 9:30 a.m.
- 9.7 Approval of the contract with Financial Consulting Services Group, Inc (FCS Group) to evaluate the existing fiscal condition of the North Bay Case Inlet Sewer System. The cost is not to exceed \$12,200.
- 9.8 Approval of the ordinance amending Ordinance No. 87-04, Mason County Sheriff Fees, item number 17, to reflect the correct fees for fingerprinting services is \$10 per print card. **Ordinance No. 102-04 (Exhibit C)**
- 9.9 Approval of Veterans Assistance Fund applications for: Ned O. Forrest – food \$300.00; Maria C. Simcox – utilities \$109.77 & housing \$381.28; Charles (Mrs. Gladys G.) Torstenson – food \$600.00; Wayne W. Kallio, Jr. – utilities \$400.00 & food \$200.00; Billy R. (Mrs. Edith) Smith – housing \$200.00; Raynaldo C. Herrera – housing \$500.00 & food \$100.00 = \$2,791.05.
- 9.10 Approval of the resolution adopting a new Non-Union Salary Range Table of 45 numbers to replace the current table of 22 numbers. **Resolution No. 103-04 (Exhibit D)**
- 9.11 Approval of the resolution implementing the Non-Union Salary Range Tables for July 1, 2004, July 1, 2005, and July 1, 2006, that reflect results of the October 2004 salary survey. **Resolution No. 104-04 (Exhibit E)**
- 9.12 Approval of the amendment to the Employment Agreement with Ron Henrickson to increase the salary of the County Administrator by 3.5% and amend paragraph 10.4 of the Employment Agreement to reflect 14 days advance written notice to the employer.
- 9.13 Approval of amendment No. 12 to the Consolidated Contract. This is for an addition of \$16,500 to Public Health Emergency Preparedness & Response for the period of September – December, 2004; addition of \$1,320 to the Public Health Emergency Preparedness & Response Hospital Preparedness program for the period of September – December, 2004 for a total increase of \$17,820. This brings the total maximum consideration of the contract not to exceed \$716,538.
- 9.14 Approval of the resolution appointing William J. Tabor as the Mason County Road Engineer effective November 9, 2004. **Resolution No. 105-04 (Exhibit F)**

Bob Harris spoke to consent agenda item 9.12 and asked that this be tabled until after the first of the year. He felt it would be best that the oncoming commissioners deal with this matter.

The Board noted that all of the non-union salaries for supervisory personnel have been reviewed and there is a list of those positions comparing with other counties used for comparison purposes. They are in the process of increasing those positions below the comparable salary steps in the counties to which the comparison has been made. In the case of the county administrator, it was below 3.5%. This is an ongoing process.

Cmmr. Baze added that they have gone through the process with the union employees and adjusted their salaries. They have 35 positions approx. which have been analyzed of which some are above and some are below comparables.

Senator Tim Sheldon also referred to consent agenda item 9.12. His experience in the legislature is that one legislature cannot bind another legislature. They could not enter into a contract, which would tie the hands and bind the decisions of a future legislature. He commented he had reviewed a contract signed August 6, 2002 by a previous board. He stated that the proposed increase appears to be a retroactive bonus, effective July 1. He also asked that this item be tabled. He considered this a bonus for work performed.

Bob Allen spoke to consent agenda item 9.12. The retroactive increase based on consumer index is normally applied to commercial leases. He understood that all previous other non-union management personnel have already received these increases as recommended. He asked if that was also retroactive to July as well.

The Board responded it was retroactive to July.

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Mr. Allen asked that this item be tabled. He did not have objection to the other section of the item about granting the 14-day written notice. A lot of the citizenry are on social security and their increase will take effect on January. This next year it will be approximately 1.4 - 1.7% increase. He asked if this is just for the County administrator part-time job.

The Board responded that it was for his entire scope of responsibilities as the Director of Community Development as well.

Mr. Allen strongly recommended that the salary portion be tabled until some time after January.

The Board noted the reason this item wasn't handled with the other personnel increases was because it is a contract position. It follows what has been done previously with other supervisory personnel.

Chairperson Johnson added that since all supervisory personnel have received a percentage increase that was consistent where they were below the standard for the comparable counties, the Board is following the procedure used previously. The difference is that this is a contract.

**Cmmr. Baze/Kamin moved and seconded to approve consent agenda items 9.1 – 9.14 as read. Motion carried unanimously. B-aye; J-aye; K-aye.**

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

- 10.1 Public hearing continued from October 12, 2004 to review proposed revisions to development standards contained in the Mason County Development Regulations, Resource Ordinance, and Title 16 Plats and Subdivisions. Topics include: Resource Ordinance standards in fish and wildlife habitat conservation areas: development such as piers and docks, boat ramp, boat house, or stair towers; combining areas of existing development; and maintenance use in existing landscaped areas. Resource Ordinance standards in wetland areas: definition of Category 4 wetlands. Development Regulations standards on accessory dwelling units: change size to 80 percent of habitable area of primary residence appurtenant structures. Title 16 Plats and Subdivisions: changes to include review procedures consistent with Development Code, and the vesting of large lot and short subdivisions.

Allan Borden, Planner, explained that public comment was closed on the proposed changes to Title 16 on October 12, 2004. He briefly reviewed the proposed changes on the Development Regulations and Resource Ordinance. He noted that no additional letters or telephone calls were received regarding the proposed regulations.

The Department of Community Development felt it was appropriate to respond to the comments by the Advocates for Responsible Development. He read into the record the three-page response to issues set forth in letters dated June 24, 2004 (faxed on July 2, 2004), August 5, August 16 & October 11, and October 12, 2004 from Advocates for Responsible Development.

Mason County's buffer widths were deemed justifiable by best available science in light of the entirety of the Fish & Wildlife regulations.

The issues have no specific reference points in the proposed regulation changes as stated by the Advocates for Responsible Development where Mason County could address concerns about the revised standards.

There were frequent statements that expanding the footprint of a structure would add to nutrient loading. There is no specific connection to the expansion of existing residences with the dissolved oxygen problems in Hood Canal and Oakland Bay. Oakland Bay continues to be a very productive area for ongoing shellfish aquaculture. The proposed revisions are focused on review of existing buildings in the buffer area and use and maintenance activities in the buffer area.

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Hood Canal non-conforming uses adjacent to Fish & Wildlife Habitat Conservation areas. There is no causal connection between the concerns for nutrient load in critical fresh and saltwater bodies in Mason County with the proposed changes in the Fish & Wildlife Habitat Conservation area development standards, which are subject to the hearing.

Critical area buffers whether 50' deep or 100' deep do not attenuate nitrates related to residential development. Any new development, or expansion of existing development that is an addition of bedroom must upgrade their septic system.

Chairperson Johnson asked if the Planning Advisory Commission minutes note deliberation on the August 16, 2004 letter by the Advocates for Responsible Development.

Mr. Borden responded there was deliberation noted in the minutes. John Diehl was at the hearing on August 16, 2004. The minutes include his comments and discussion by the Planning Advisory Commission.

Chairperson Johnson stated it is obvious there was a thorough review of all the aspects of the letters submitted by Mr. Diehl by the Planning Advisory Commission.

Steve Kutz, Public Health Services Director, referred to the comment about expansions and rules of consolidating and building along shoreline. He stated it falls within the 100' setback from the shoreline. He wanted to note that Environmental Health look at where the septic system is in relation to the shoreline and not where the structure is located. If the septic system is outside the 100' buffer they do not follow the rules for whatever happens within 100' of the shoreline.

Darren Nienaber, Deputy Prosecutor, asked Rick Mraz, Planner, to explain what the proposed amendment is and how it came about.

Rick Mraz, Planner, stated the proposal related to consolidation of footprints is kind of an organic proposal that was created by personal experience among the shoreline planners. They have seen in the past few years certain situations where a property owner was restricted in their ability to reconfigure their property in a way that was acceptable and made good sense from an environmental protection standpoint as it relates to the resource ordinance goals. An example was an individual who had three manufactured homes within a 150' setback stream buffer. He had hoped to remove two of the manufactured homes and consolidate the footprint to a third new stick built structure that would be located in the furthest distance setback. Based on the current regulations he was not able to do that. He couldn't do it without a variance proposal. That created about a \$2,100 cash expense for hearing costs and the cost necessary for a habitat management plan to pay for a biologist. Secondly, there was an individual who had a mobile home 10' from the creek and a garage farther back. He too wanted to replace the mobile home, remove the garage, consolidate the footprint and move both structures back to an 85' setback. At that time, it was a situation where the septic systems were at less than 100'. They were nonconforming drainfields. They would have had to come up to current code as far as treatment standards. They also would have had to go through the variance process. The staff wants to create something to allow a win win situation.

Chairperson Johnson stated that even if the variance process were in place there is no guarantee the variance would be granted.

Mr. Nienaber asked Mr. Mraz to state his qualifications for the record and how long he has been with this county.

Mr. Mraz responded that he has been with Mason County four years in January 2005. He was a field biologist previously with the state of Ohio 4 years; a biologist and environmental planner with Florida for 5 years; Four Seasons doing tropical migratory surveys for US Forest Service; 3 years as backcountry

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ranger at Mt Rainier National Park; certified master diver, assistant scuba instructor, dive Hood Canal every month and sometimes 2-3 times a month and contribute qualitative data to Dept of Fish & Wildlife with regards to the current ecological baseline in Hood Canal. In Florida as an environmental planner he helped write the initial critical areas ordinance and the protected species ordinance and have done field surveys for enlisted species in Florida.

Mr. Nienaber asked if he was familiar with documents that Advocates for Responsible Development sited the management recommendation for priority habitats and species database. A well-known source for best available science.

Mr. Mraz responded that he is familiar with that and has the CD and use them on a regular basis where applicable.

Mr. Nienaber asked if he felt the proposed amendments are not inconsistent with best available science, and if anything should help to enhance the environment.

Mr. Mraz stated yes, he agrees with Mr. Borden and the statement he read into the record. The critical areas regulations absorb habitats of protected species and quite a few of the terrestrial species get individual surveys themselves. If planners are on site and identify terrestrial species like pileated woodpeckers or western flycatchers they would require additional surveys.

The board closed the public hearing.

Cmmr. Kamin questioned if the exact changes which are being made are what was presented on October 12, 2004 in briefing. She questioned how many changes there are.

Mr. Borden responded they modified an existing provision that talked about remodeling expansion of existing structures located in the buffer. They modified it to include the provision for consolidating footprints of existing permitted structures. They added a provision, which did not exist on maintenance or uses in the Fish & Wildlife conservation buffer that already exists. They also addressed "pertinent structures" which are associated with residential development. For example, stairs, decks, etc. The entire proposal was carried forward from October 12, 2004.

**Cmmr. Baze/Kamin moved and seconded that, in support of the recommendations of the Planning Advisory Commission, the Board of County Commissioners shall adopt Ordinance No. 106-04 that approves the proposed revisions to development standards contained in the Mason County Development Regulations, Resource Ordinance, and Title 16 Plats and Subdivisions, as listed in the Department of Community Development staff report, and move to have the Chair sign the Findings of Fact for this decision. Ordinance No. 106-04 (Exhibit G)**

11. Other Business (Department Heads and Elected Officials)

- 11.1 Approval of recommendation to accept the bid from Cobalt Truck Equipment of Spokane, WA in the amount of \$9,599 plus tax to furnish Mason County with one skid-mounted sander including truck mounted hydraulic equipment for Public Works.

Dave Loser, Equipment Rental & Revolving Fund Manager, recommended the Board accept the bid from Cobalt Truck Equipment of Spokane, WA. The estimated cost was \$6,500; however, the bids were substantially higher than that. Notices were sent to nine vendors that sell this equipment and three bids were submitted and one was withdrawn. The difference was they underestimated the cost of the hydraulic system.

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**Cmmr. Kamin/Baze moved and seconded that the Board of County Commissioners accept the bid from Cobalt Truck Equipment of Spokane, WA for \$9,599.00 plus tax to furnish Mason County with one Skid Mounted Sander including truck mounted hydraulic equipment for Public Works. Motion carried unanimously. B-aye; J-aye; K-aye.**

12. Administration - None

13. Adjournment - The meeting adjourned at 10:11 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Wesley E. Johnson, Chairperson

ATTEST:

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Jayni L. Kamin, Commissioner

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Rebecca S. Rogers, Clerk of the Board

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Herb Baze, Commissioner