

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

NOVEMBER 16, 2004

1. Call to Order – The meeting was called to order at 9:01 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 – none
5. Board's Calendar for week of November 16 – 23, 2004.
6. Correspondence and Organizational Business
 - 6.1 Correspondence
 - 6.1.1 Received the third quarter report from Washington State Department of Natural Resources on projection of income from state forest board lands in Mason County.
 - 6.1.2 Per RCW 84.52.020 copies of the 2005 budget/levies were received from: Fire Protection District (FPD) #5, City of Shelton, Port of Dewatto; FPD #1 and FPD #6. (copies only with Clerk of the Board)
 - 6.1.3 Mason Conservation District is requesting a statement of support for the Nalley Farms dike removal.
 - 6.1.4 Washington Counties Risk Pool announced changes in the Risk Pool leadership.
 - 6.2 Proclamation - World AIDS Day in Mason County -- Ben Johnson, Program Coordinator, recommended the Board adopt the proclamation for World AIDS Day vigil on Wednesday, December 1st. This year it will be held at noon at the Colonial House. Anyone in the community is invited to attend this event. It is a small candle light vigil with light refreshments.

Cmmr. Baze/Kamin moved and seconded to proclaim December 1, 2004 as World AIDS Day in Mason County. Motion carried unanimously. B-aye; J-aye; K-aye.

7. Open Forum for Citizen Input
 - 7.1 David Overton stated he received a letter from Community Development/Planning canceling the plat of Iron Horse Crossing. He questioned how the decision was made on the cancellation of his plat and whether the Board was briefed on it. If it was a decision from staff or staff with Commissioners' consent and knowledge.

Cmmr. Baze responded he was aware the one-year extension was filed after the deadline.

Mr. Overton responded the request for an extension was filed after the deadline following the Mason County Code.

Cmmr. Johnson added he was aware of the lateness of filing the extension request.

Mr. Overton stated this would cancel the plat where they have invested in Mason County approximately \$1 million in creating 154 units of middle income housing in the Belfair UGA. He pointed out an inequity in 2001 when they filed for preliminary plat. The Mason County Planning codes are out of date in regards to Washington State law. They in a show of faith went along with and avoided a legal challenge to the planning codes. He did not believe the County's codes reflect the 1996 additions where all subdivision plats are recognized for a minimum of 5 years and can be granted extensions indefinitely into the future. This letter does not recognize Washington State law and does not promote active investment in developing housing in Mason County.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
NOVEMBER 16, 2004 - PAGE 2**

Darren Nienaber, Deputy Prosecutor, interjected that it appears to be a simple question of law. There is an administrative remedy. If the Overtons feel the decision is not correct that decision can be appealed to the Mason County Hearings Examiner.

Mr. Overton stated he feels he is forced to go through an appeal process because the county has not been updating the codes.

Cmmr. Baze asked if there was a reason that they did not file the extension request in a timely manner.

Mr. Overton responded the reason they found out about the extension is they submitted final engineering for final plat approval. They submitted it through all the county agencies.

The Board noted they would check into this.

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 Warrants

Claims Clearing Fund	79936-80712	\$1,119,160.97
Salary Clearing Fund	143326-143801	\$1,198,778.71
 - 9.2 Approval of Veterans Assistance Fund applications for: Alan H. Doney – food \$300.00; Roy K. (Mrs. Rose) Oster – utilities \$100.00; Alan D. Reynolds – food \$250.00 for a total of \$650.00.
 - 9.3 Approval to set a public hearing on Monday, December 6, 2004 at 9:00 a.m. to consider the adoption of the Mason County 2005 Budget.
 - 9.4 Approval of the resolution approving unrestricted departmental budget authority for the 2004 Budget for all departments in the Current Expense Fund. **Resolution No. 108-04 (Exhibit B)**
 - 9.5 Approval of the resolution setting a public hearing on Tuesday, December 7, 2004 at 9:30 a.m. to consider a 2004 Budget Transfer in the Current Expense Fund in the estimated amount of \$102,980. **Resolution No. 107-04 (Exhibit A)**
 - 9.6 Approval to set a public hearing on Monday, December 6, 2004 at 9:30 a.m. to consider amendments to the Mason County 6-year Capital Facilities Plan as contained in the County Comprehensive Plan.
 - 9.7 Approval to set a public hearing on Tuesday, December 7, 2004 at 9:30 a.m. to consider amendments to the Mason County Comprehensive Plan regarding the Belfair Urban Growth Area and to consider amendments to the county development regulations to implement those plan amendments.
 - 9.8 Approval of the updated Department of Public Works Organizational Chart.
 - 9.9 Approval of CRP's for county wide sign placement, culvert installations, wetland mitigation and guardrail placement, as needed, for 2005. **Resolution No. 109-04 (Exhibit C)**
 - 9.10 Approval of the resolution establishing lane limits for traffic control on five Mason County Bridges – Hliboki Bridge, Rock Creek #3 Bridge, Gosnell Creek Bridge, Eich Road 1 Bridge and Eich Road. **Resolution No. 110-04 (Exhibit D)**

Ken VanBuskirk referred to consent agenda item 9.7. He asked staff what the amendments were and was advised it is the Belfair Subarea Plan. He felt that the plan, as written, is too controversial to render a decision on. Consultants wrote the plan with heavy influence from special interest groups. They don't have the final report from Perteet Consultant Group. He felt they won't have timely access to that report. He urged the Board to defer any decisions until the new Board comes on.

David Overton also spoke to item 9.7. He wanted to speak to the technicalities of the inadequacies of the Belfair Village Plan. The SEPA process is required for approval. He felt the timing removes public process from any decision, which could be rendered. He understood state law requires adequate time to

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
NOVEMBER 16, 2004 - PAGE 3**

deal with any of the issues of appeal of the issue prior to rendering a decision. He would like to slow the process down and allow for more comment.

Cmmr. Johnson spoke to the comments on item 9.7. The items which have been raised, there is adequate time to investigate and see if there are significant issues which need to be dealt with.

Cmmr. Kamin concurred and responded this has been an open and extensive public process over three years. There have been several hearings and quite an extensive effort on behalf of the community. There will continue to be opportunity for public input regarding the plan.

Cmmr. Baze/Kamin moved and seconded to approve the consent agenda, Items 9.1 through 9.10 as presented. 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 19th to develop a specific funding plan to purchase the approximately 80 acres on the east shore of Oakland Bay for a future county nature park. Written comments were accepted until Friday, November 5, 2004.

Ron Henrickson, County Administrator, explained that they are continuing the public hearing on the proposed purchase of the Oakland Bay property. It is proposed to use REET 1 funding to purchase the property. No additional written comments were received after Friday, November 5, 2004. The proposed resolution sites approximately seven contingencies, which would have to be in place before the purchase. In addition, next week the proposed three-year short-term loan to REET funds would go before the Board for approval. He read the proposed resolution authorizing purchase of real property located at 1570 East Agate Road, Shelton, Washington for purposes of a Mason County Park. The closing on the property is proposed for on or before April 30, 2005.

Bill Young, Vice President of Southwest Puget Sound Watershed Council, read a letter of support into the record.

John Konousky, Squaxin Island Tribe, urged the Board to move forward with this purchase. The Tribe feels it would represent a great benefit to Oakland Bay, the community and Tribe. He read a letter by James Peter, Natural Resources Director of Squaxin Island Tribe.

Greg Schirato wanted to testify that conservation open space is important. He was concerned that the County does not have a comprehensive plan on how monies are to be spent on purchase of land. There are no lands that are public swimming areas for the community members. There are conflicts on boat launches with boaters and swimmers. He was concerned the County should move forward and also look at spending money on swimming areas.

Cmmr. Kamin stated she shares the concern. There are boat launches at various lakes, but it is unsafe for public swimming. That is something they hope to address as early as next year to put together an advisory committee to develop an overall plan for parks. Possibly together the County can have a stronger voice with the state parks and DNR regarding development of their properties and parks.

Steve Shineman stated his only concern was whether there is a plan, or a budget. He questioned how the public could respond without these items.

Mr. Henrickson stated that this property is essentially designated as a "nature preserve." The majority interest is to preserve the land as it is. It was not intended to be the type of recreational park such as MCRA. There is money proposed in the REET 2 funds next year to pay for a study on how should the

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
NOVEMBER 16, 2004 - PAGE 4**

park be developed. Essentially this is an opportunity for the County to acquire a purchase of land for generations to come.

Cmmr. Baze stated they went over with the Parks Director the plan for the next six years. The hearing is coming up for adoption of the capital improvement plan.

Mr. Shineman stated that the public does not know what the plan is.

Cmmr. Baze responded the property is set aside for conservancy. It may be a conservancy park. The County wants to use the park for its best use. They want to preserve the shoreline and creek.

Cmmr. Kamin stated that within the capital facilities improvement plan it would address the short term and long term planning process for the parks. The Oakland Bay Park will be added to the plan, if the purchase is approved today.

Bill Young stated that as a member of the public, if the County did nothing with that property except just participate in the purchase, it would be enough.

Anne Mills voiced her support of this effort, which demonstrates foresight. She stated it contains history for the Shelton community and Squaxin Island people.

Amy Hatch-Wineka, WRIA 14 Lead Entity representative, stated that the lead entity is a group of stakeholders, citizens, landowners, state agencies, groups and tribes who have gathered to try to preserve and restore the best habitat for salmon. They have chosen this project as #1 on their list to submit to the Salmon Recovery Funding Board (SRFB) for this year.

Eric Erler, Director of Capital Land Trust, explained that the Trust is a non-profit organization that works to conserve threatened habitat. Any project like this is exceedingly complex. The Land Trust brings to the community a lot of devoted organizational and negotiating time. Bringing a lot of voices into the picture. They have been working with this project with their partners which include the Tribe, Lead Entity Coordinator, environmental educators, scientists, and Mason County residents. It takes a lot to get the project ranked #1 for salmon recovery funding. Typically, they acquire or work with landowners voluntarily to protect properties solely for their conservation value. In this case, they recognized that this property was appropriate for some type of passive recreational use. Mason County and the people could benefit greatly from access to this property. He brought it forward to the Commissioners and suggested the County partner with them. It became apparent from the start that the Commissioners wanted to involve the public. It was noted that the photograph was from Washington State Department of Ecology shoreline photograph site. The house has been there and will continue to be there on the site.

The Board felt that this is a remarkable opportunity to preserve 80 acres of habitat for fish and people. The property has a lot of potential with educational opportunities, historical preservation, as well as preserving habitat for fish and future generations. The Board thanked all the partners involved in this project.

Cmmr. Baze/Kamin moved and seconded to approve Resolution No. 111-04 authorizing purchase of real property located at 1570 East Agate Road, Shelton, WA for purposes of a park. Motion carried unanimously. B-aye; J-aye; K-aye. Resolution No. 111-04 (Exhibit E)

RECESS

The Board recessed from 10:11 – 10:18 am

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
NOVEMBER 16, 2004 - PAGE 5**

- 10.2 Public hearing to consider a supplemental appropriation to the 2004 Current Expense budget in the amount of \$60,000.

Ione Siegler, Budget & Finance Director, presented the staff report and recommended approval of the supplemental appropriation to the 2004 budget for Current Expense Fund. The amendment is for 1) unanticipated beginning fund balance which will be used to pay the unexpected increase in the cost of insurance premiums and the cost of annual assessments for county property obtained through tax foreclosure sales \$35,000 and \$5,000 for water assessments; and 2) interfund charges for service received from the Road Fund for professional planning services in the amount of \$20,000.

Cmmr. Kamin/Baze moved and seconded to approve a supplemental appropriation to the 2004 budget for the Current Expense Fund in the amount of \$60,000. Motion unanimously. B-aye; J-aye; K-aye. Budget Order (Exhibit F)

- 10.3 Public hearing to consider the 6-year Transportation Improvement Program.

Bill Tabor, County Engineer, provided copies of the proposed Six-Year Transportation Improvement Program to the Board and those in attendance.

Mr. Tabor explained that the program is the Road Department's forecast of the upcoming annual construction activities, including what they project to build over the next six years. The citizens advisory committee assists the county staff in developing the program. They have six meetings a year with an open house to get public input in the projects for transportation issues in Mason County. He briefly reviewed the road priorities from 1 – 30.

Cmmr. Kamin asked about priority #6 - Skookum Creek Bridge. She questioned how long the road would be closed.

Mr. Tabor responded they are looking at options. The Tribe has asked them to look at providing a temporary bridge. They are also pursuing additional funding for the project. They had \$250,000 from BIA to do this project initially. They are applying for additional money. If they don't use a temporary bridge they expect a delay to be more than a month. They will minimize the length of the closure by getting organized for the project. They have proposed signage and a detour route.

Mr. Tabor noted they have had a good working relationship with the Tribe. It is a difficult project with relocating all the utilities and putting in a new water line and sewer lines.

Cmmr. Kamin suggested that as the project gets closer next spring that the county hold a public meeting out in the area to let the community know what is going on.

Cmmr. Johnson added that there were some concerns previously on the State Highway with the turns that need to be made off of the state highway.

Mr. Tabor responded that the state approves the detour routes. A proposed signage plan is submitted to the state for approval.

The Board commended the Public Works staff and Transportation Improvement Citizens Advisory Program (TIPCAP) for the extensive 6-Year TIP plan. Also, they congratulated Bill Tabor on the appointment as County Road Engineer/Deputy Director of Public Works.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
NOVEMBER 16, 2004 - PAGE 6**

Ken VanBuskirk spoke to priority #12 – SR3 widening project. This is approximately 3 miles on SR 3 that is already three lanes for a portion of it. He felt it is important for the alternate route or Bypass be on schedule. The transportation component is very controversial in Belfair. He suggested that the Belfair Bypass be back on the list. It currently is listed as 12th in priority and is the 6th highest project total. He felt that the state should be the lead agency on the state highway (SR3 project).

Senator Tim Sheldon referred to priority #16 – Lynch Road/SR 101 Improvements. There is only preliminary engineering and right-of-way acquisition money in the budget in 2008. There would be no construction money within the six years. He stated this has been one of the major safety improvements and safety needs of the county. The potential for fatalities at that intersection is great. The County has worked hard with the state in making some improvements. The difficulty is when you come out of Lynch Road and turn left towards Olympia. There was a fatality there several years ago. He stated that maybe there is a partnership that could be pursued to find money and make safety improvements. He offered to help in working on a partnership on this project to move it up on priority.

Cmmr. Johnson noted that the Lynch Road/SR 101 intersection has been a concern for a long time. Cmmr. Cady devoted a lot of time to try and get some action. Some improvements were made which lessened the danger. The danger still exists, however.

Senator Sheldon also referred to Priority #12 – SR 3 Improvements. He concurred with Mr. VanBuskirk that consideration should be given for contributing county money on a state highway. This would be unprecedented in the state.

Cmmr. Johnson replied that he understood in Skagit County there was county money for work on a major intersection.

Senator Sheldon stated that if construction were scheduled in the year 2007 that is the approximate year the Hood Canal Bridge would be closed for approximately 8 weeks (May – July). He asked that the Board consider the timing of the construction on this project. He felt that they are underestimating the number of vehicles that will be using SR 3 and US 101 during the closure of Hood Canal Bridge. This is a planned outage of the bridge and there could be a potential for major difficulties if priority #12 were to occur at the same time.

Cmmr. Johnson asked if the TIP-CAP considered the impact on the traffic through Belfair during the closure of the Hood Canal Bridge.

Mr. Tabor responded that TIP-CAP has always been concerned. They had a speaker from WSDOT come and talk about the traffic volumes.

Mr. Bullock stated the intent was to make every effort to get the improvements done before the Hood Canal Bridge closes so it would be in place and there would be an improved condition, which would allow better flow of traffic.

Cmmr. Baze interjected the County considers this priority #12 as a placeholder because they don't have all the answers.

Cmmr. Baze stated that the last time WSDOT came to talk with the County on Lynch Road/101 intersection. The County asked them specifically if there was any way they could put in a decelerate lane going northbound to help alleviate some of the congestion and they said absolutely not but then it was done. It is hard to tell what will happen.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
NOVEMBER 16, 2004 - PAGE 7**

Cmmr. Kamin thanked Senator Sheldon for coming and providing input. She hoped they can all work together to raise the level of awareness through the planning process. She hoped to put more emphasis on the US 101 corridor and hopefully through the regional plan they can get some money into the rural counties to address those issues.

She stated she would also like to see an on-ramp onto the US 101/SR3 interchange.

**Cmmr. Kamin/Baze moved and seconded to execute the resolution to adopt the 2005-2010 Six-Year Transportation Improvement Program. Motion carried unanimously B-aye; J-aye; K-aye.
Resolution No. 112-04 (Exhibit G)**

10.4 Public hearing to consider the Annual Road Construction Program.

Bill Tabor, County Road Engineer/Deputy Director, reviewed the annual construction program for 2005 for priority #1 – 14.

1) AC Paving; 2) BST Paving; 3) County wide safety projects; 4) county wide minor construction; 5) Bridge and Large Culvert Construction; 6) Skookum Creek Bridge; 7) Grapeview Loop Road –3; 8) North Shore Road Erosion Repairs; 9) Grapeview Loop Road – 2; 10) McLane Cove Bridge; 11) Johns Prairie Pedestrian Walkway; 12) SR 3 Improvement – Belfair; 13) Bear Creek-Dewatto Rd – 2; 14) Misc. Engineering & ROW Costs.

Cmmr. Johnson asked if there were specific locations on priority #8) North Shore Road Erosion Repairs.

Mr. Tabor responded they have four sites currently under design.

No public comments were received.

Cmmr. Baze/Kamin moved and seconded to approve Resolution No. 113-04 approving the Annual Construction Program for 2005. Motion carried unanimously. Resolution No. 113-04 (Exhibit H)

10.5 Public hearing to consider Road Vacation #333, portion of Webster Lane, Wilder & Himes Subdivision of Plat of Longwood Beach as requested by Willard & Christine Laurie.

Mick Sprouffske, Right-of-Way Agent, read the staff report from Public Works recommending the Board deny the petition for vacation of the portion of Webster Lane. The proposal includes a portion of Lot 16A which is not a road right-of-way but a fee simple lot owned by the County and cannot be included in the vacation process. Transfer of title of this property would have to go the process involving surplus property. Second, another portion of the request is adjacent to Lot 14, which is not owned by the petitioners. He noted that the County Engineer foresees a possible need for this right-of-way in the future.

Darren Nienaber, Deputy Prosecutor, how might the right-of-way be used in the future.

Mr. Sprouffske stated that the road system that exists is single lane roads almost like a paved driveway. Webster Lane comes to the terminus approximately another 200' from the petitioned area there is also two or three other platted roads in this area. This area could be considered for a cul-de-sac. Some type of fire department turn around. There is a fire hydrant close by.

The County purchased Lot 16A in approximately late 1960's to address the situation as it exists.

Cmmr. Baze asked if some of the properties are not owned by Public Works for right-of-way.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
NOVEMBER 16, 2004 - PAGE 8**

Mr. Sprouffske stated that is correct. The vacation process allows for the petitioners to vacate for the portion of property adjacent to their parcel.

Cmmr. Johnson questioned why Lot 14 was included in the petition.

Mr. Sprouffske responded that was the petitioner's request.

Cmmr. Kamin asked if the petitioners have a home on Lot 15.

Mr. Sprouffske stated formerly it was a weekend home and now the Lauries want to make it their primary residence. They would like to build a garage in the platted right-of-way.

Cmmr. Kamin asked if the building currently on the right-of-way is a shed.

Mr. Sprouffske responded, yes, there is a storage shed on the right-of-way which has been there for some years.

Cmmr. Kamin commented that it seems there is a portion that the county cannot give to the petitioner.

Cmmr. Baze/Kamin moved and seconded that Road Vacation File #333 be denied as requested. Motion carried unanimously. B-aye; J-aye; K-aye.

11. Other Business (Department Heads and Elected Officials)

- 11.1 Approval of bid award for the construction of Beards Cove Well No.5. Recommendation is to award to Arcadia Drilling, Inc. in the amount of \$64,961.70.

Doug Micheau, Utilities & Waste Management Director, announced they received three bids and the low bidder was Arcadia Drilling, Inc. It was recommended the Board award to the low bidder. He noted that this bid was substantially lower than the other bidders. It appears to be due to the fact that the low bidder knows the soils in the area. Also, they would like to be allowed to negotiate contract to bring back to the Board for approval. The purpose of the well is to provide back up water system supply.

The board questioned when the work would get done.

Mr. Micheau stated that following the award they have approximately 10 days to negotiate a contract. The construction window is 60 days.

Cmmr. Baze/Kamin moved and seconded to approve the bid award for Beard's Cove Well No. 5 to Arcadia Drilling, Inc. in the amount of \$64,961.70 including all fees, permits, and taxes. Motion carried unanimously. B-aye; J-aye; K-aye.

12. Administration – None.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
NOVEMBER 16, 2004 - PAGE 9**

13. Adjournment - The meeting adjourned at 11:24 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Wesley E. Johnson, Chairperson

ATTEST:

Jayni L. Kamin, Commissioner

Rebecca S. Rogers, Clerk of the Board

Herb Baze, Commissioner