

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

DECEMBER 20, 2005

1. Call to Order – The regular meeting was called to order at 9:00 a.m. by the Chairperson.
2. Pledge of Allegiance – The chairperson led the flag salute.
3. Roll Call - Present: Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Jayni L. Kamin.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 Thurston/Mason Regional Support Network (RSN) Mental Health Advisory Board Applicant: Sue Chaplin
 - 4.1.2 Janis McNeal wrote a letter in support of providing lodging tax funding to the Mary E. Theler Community Center.
 - 4.1.3 Washington State Liquor Control Board sent a Notice of Liquor License Application for a new application: Tradename: The Hungry Bear Café; Loc. Addr: 36830 Hwy 101, Lilliwaup, WA; Applicants: By the Sea Restaurants and Catering, LLC, Rohn M & Carin D. Rutledge; Privileges Applied For: Spirits/Beer/Wine Rest. Service Bar.
 - 4.2 Facilities & Grounds Director Mike Rutter announced the post for quotes award for the revisions to Building #3 front counter has been made to Berschauer, Inc. in the amount of \$12,780.00.
5. Open Forum for Citizen Input - None
6. Adoption of Agenda – **Cmmr. Ring Erickson/Sheldon moved and seconded to adopt the agenda as published. Motion carried unanimously. K-aye; RE-aye; S-aye.**
7. Approval of Minutes – **Cmmr. Sheldon/Ring Erickson moved and seconded to approve the briefing meeting minutes for October 31, November 1, 2, 7, and 9, 2005. Motion carried unanimously. K-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
 - 8.1 Approval of the 2005 tax refunds. There were a total of 367 refunds in the amount of \$209,523.20. A detailed list of the refunds is available from the Clerk of the Board.
 - 8.2 Approval of Veterans Assistance Fund applications for: Rodney J. Thurman – housing \$540.00 & food \$60.00; Allan R. Strait – housing \$600.00; Roy (Mrs. Rose) Oster – utilities \$300.00; Byron W. Smith – utilities \$278.80 & food \$363.00; and Thomas Roberts, Sr. – housing \$600.00 for a total of \$2,741.80.
 - 8.3 Approval of the resolution allocating the funding of SHB 2060 money for low income housing programs in Mason County to Turning Pointe (\$87,000) and Habitat for Humanity (\$72,376). **Resolution No. 126-05 (Exhibit A)**
 - 8.4 Approval of a no-cost contract extension between Plateau TechComm, consultants and Mason County to complete preparation of the WRIA 14 Watershed Plan.
 - 8.5 Approval of a no-cost contract extension between Cascadia Consulting Group, consultants, and Mason County to complete preparation of the WRIA 16 Watershed Plan.
 - 8.6 Approval of an Extension of Services Agreement between Sound Resolutions, consultants, and Mason County to facilitate watershed planning and to facilitate watershed planning and to conduct project management for WRIA 14 and WRIA 16 Watershed Planning Units.
 - 8.7 Approval of Consolidated Contract Amendment Number 5 between Mason County Department of Health Services and Department of Health in the amount of \$51,276 for Public Health Emergency Preparedness and Response.
 - 8.8 Approval of CRP #1860 Shelton-Matlock-Brady Road (90100) project to realign “S” curves before Bingham Creek Bridge, milepost 14.5 – 15.5. **Resolution No. 127-05 (Exhibit B)**

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- 8.9 Approval of CRP #1861 to build a connector road between Lynch Road and SR 101 on Simmons Road (#15240), milepost 0.00 – 2.00. **Resolution No. 128-05 (Exhibit C)**
- 8.10 Approval Warrants
- | | | |
|----------------------------------|---------------|--------------|
| Salary Clearing Fund Warrant #'s | 98667-98881 | \$568,543.64 |
| Claims Clearing Fund Warrant #'s | 153505-153763 | \$220,558.00 |
- 8.11 Appointment of Mary Jean Hrbacek, Jeff Roberge, and Donald Stacey to the Solid Waste Advisory Committee.

It was requested that Public Works comment further on Item 8.9.

Charlie Butros, Public Works Director, explained that this project has been reviewed over several years with the Washington State Department of Transportation related to safety concerns for the intersection of Lynch Road/SR101. There was a study conducted around 2000 which proposed a connection between Lynch Road and Old Olympic Highway to divert some traffic that would normally come from Lynch Road and cross the highway to take SR101 south. This would reduce the amount of highway crossing traffic. This is similar to that project and was provided funding through the Transportation Partnership Act that was passed by the Legislature earlier this year. It is now being pursued with updates of the estimates and schedules. They have taken a look at some of the possible options for routing of the roadway and feel their preferred routing choice is a routing that is a little different than was proposed in the study five years ago and provides many advantages over that original routing. It is a routing that starts between the businesses that are close to the intersection of Lynch Road/SR101; behind the businesses to the east of the businesses and goes south and connects to Old Olympic Highway close to where the intersection for the Day Care Center is located. They have not gone through a complete evaluation of the routing, but they are optimistic it will be determined as feasible and can proceed with design and construction using that routing.

It was noted that even though the county is doing the project it was funded by the tax on gasoline that was approved by the legislature.

Cmmr. Ring Erickson/Sheldon moved and seconded to approve Consent Agenda Items 8.1 through 8.11 as read. Motion carried unanimously. K-aye; RE-aye; S-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time
- 9.1 Public hearing to consider a \$30,000 budget transfer in the Current Expense Fund from Ending Fund Balance to Facilities & Grounds Department (\$15,000) and to the Hearings Examiner budget (\$15,000).

Ione Siegler, Budget & Finance Director, briefly outlined the budget transfer. She noted Facilities & Grounds has had increased costs in utilities and there has been a greater need for Hearings Examiner hours.

It was opened for public comment and no comments were received.

Cmmr. Ring Erickson/Sheldon moved and seconded to approve a 2005 budget transfer from the ending fund balance in the Current Expense Fund in the amount of \$30,000 to Facilities & Grounds in the amount of \$15,000 and to the Hearings Examiner budget in the amount of \$15,000. Motion carried unanimously. K-aye; RE-aye; S-aye. Budget Order (Exhibit D)

- 9.2 Public hearing to receive comments on Ordinance No. 99-05, adopted on October 25, 2005, that extends the effective period of an interim ordinance (Ord. 45-05) deleting provisions on administrative appeals of SEPA determinations in Title 8 Environmental Policy Ordinance and Title 15 Development Code; Ordinance No. 99-05 shall remain in effect to May 2, 2006.

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Bob Fink, Planning Manager, explained that when a permit is received it is reviewed to determine if it requires SEPA review. If SEPA is involved there is a checklist done and an Environmental Review Threshold Determination is made. If there are significant adverse impacts from the development. If there is no expectation that adverse impacts will occur then a non-significance is issued. If it is determined to be a significant adverse impact then the determination of significance is issued.

Prior to the interim ordinance adoption there was confusion and inconsistencies, so an interim ordinance to delete those provisions was adopted.

The interim ordinance provided for an extension of the effective period to May 2, 2006 for additional time needed for proposed standards and further public comment.

Cmmr. Kamin asked if this process is followed by other counties.

Mr. Fink stated there are counties that allow the appeals to go to the Hearings Examiner for administrative decisions made by the staff. In some cases, it is appealable to the Board of Commissioners.

This is an intermediate appeal process, which is an extra step that people will have to go through before they go to court and get a final resolution of their issues.

Cmmr. Kamin questioned if administrative appeals would be handled by staff.

Mr. Fink stated the interim ordinance provides that there is no formal appeal process within the county. The process would provide opportunity for public comment if there are issues. The county can consider the issues and revise the decision if appropriate and then it becomes final. It would remove the step that after the final administrative decision there would be an appeal within the county.

There is no action required from the Board at this time other than to affirm the past action to adopt the interim ordinance.

Cmmr. Ring Erickson stated she understood this is to avoid some confusion and some potential duplication.

Mr. Fink commented the previous ordinance was confusing and in some cases it seemed to imply that the hearing body would be the Board of Commissioners and in some cases it implied it would be the Hearings Examiner. There is general language that most administrative decisions are appealable to the Hearings Examiner and other language that implied otherwise. It was necessary to address this right away. That was the reason for the interim decision.

It was opened for public comment.

Michelle Heading, Habitat for Humanity, asked for clarification of SEPA and what determines if it is exempt or not.

Mr. Fink noted that SEPA is the State Environmental Policy Act. State law sets the thresholds to determine what activities are exempt. There are thresholds that local government can set in a range. Large housing projects are covered under SEPA. If it is just a housing project it would be 40 houses (40 units or more) would have to go through a SEPA review.

The public comment portion was closed.

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Cmmr. Sheldon/Ring Erickson moved and seconded that Board of County Commissioners affirms Ordinance No. 99-05, which extends the effective period of interim Ordinance No. 45-05 to May 2, 2006. Motion carried unanimously. K-aye; RE-aye; S-aye.

- 9.3 Public hearing to consider adoption of the proposed Forest Practice Conversion Ordinance establishing the new minimum standards and requirements associated with local government review and jurisdiction over Class IV general forest practices in accordance with RCW 76.09 (Washington State Forest Practices Act).

Barbara Adkins, Planner, part of the 2005 Work Program was adoption of local rules for Forest Practices. It was not part of the Growth Management Act, but it was mandated by RCW 76.09.240 that requires that local jurisdictions transfer jurisdiction of Class IV forest practices from the Department of Natural Resources to the County by December 31, 2005. Staff prepared a draft forest practice conversion ordinance to comply with the state mandate and establish minimum standards and requirements associated with this transfer.

The original draft was prepared for the Planning Advisory Commission (PAC) for their meeting, it was furnished to the County Commissioners and was also available on the website. It was based on a model adopted from a neighboring county. At the public hearing the PAC decided there might be additional language that may not be necessary. At this time, it might be best to adopt an ordinance that had the minimum required until they can spend more time putting something together. There was another draft put together and placed on the web available for the public This draft took out anything not related to Class IV. This draft was provided to the PAC and Washington State Dept. of Natural Resources (WSDNR) for review. Comments were provided and incorporated in the draft. This was also on the website and provided to the PAC and WSDNR. The PAC had some minor changes within the text. It was recommended for approval to the Board.

She briefly reviewed the items in the draft ordinance addressing transferring jurisdiction of all Class IV Forest Practices. Its applicable to lands in unincorporated Mason County. The notification process including park entity, Washington Department or Archaeology & Historic Preservation and affected Indian tribes; the application fee structure; exempted activities; regulation of forest chemicals; application process including filing, general requirements, required findings, burden of proof, approval authority; and additional requirements applicable to all applicants including site plans, field marking of site features; modifications; and time limitations.

Two representatives were present from Washington State Dept. of Natural Resources.

Cmmr. Kamin asked for clarification on "all lands within unincorporated Mason County."

A representative from Dept. of Natural Resources explained that forestlands are those lands that are capable of growing a sustainable harvest for a profit.

Cmmr. Kamin questioned if something that is already cleared and used as a pasture or a buffer would not be required to get a forest conversion permit. A large portion of Mason County is forested and does have the ability to harvest.

The DNR Representative noted that it is helpful to know that all lands platted after 1960 and those lands in urban growth areas are Class IV. If the land is outside the urban growth area a landowner can go to DNR for an application for Class I, II or III application.

The county is the lead agency for the applications.

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It was read that the definition of forest land means all land which is capable of supporting a virtual stand of timber that is not being actively used for a use which is incompatible for timber growing,

Cmmr. Sheldon noted that some of the confusion is around the fact that many people grow timber and they have their properties in forestland classification. If they were to take it out of the classification it is called a conversion and they go through that process. An individual could clear up to 5,000 board feet without a permit. A lot could be cleared if they were within 1.5 tree length of a permanent structure. It was questioned if the rules also apply to lands that were platted prior to 1960.

A representative from DNR noted they would still apply. They would retain jurisdiction before 1960.

Some of the confusion is a zoning issue or how the land is for taxing purposes. A number of people will choose to have their land in higher and better use taxation, but they technically have timberland. The decision is not made based on how the land is being taxed. It is literally what is growing on the land. If the land was platted before January 1, 1960; if the land is not in the UGA; they want to apply for the harvest of timber it would be under the jurisdiction of Washington State Dept of Natural Resources. If it was platted after January 1, 1960, by law it would be a Class IV.

Michael MacSems, Planner, clarified that lands platted after January 1, 1960 shall be treated as Class IV General. He referred to the 5,000 board feet exemption and noted that is for personal use. If any of that timber is sold it has to be processed as Class IV. If property is less than two acres in size, it is considered exempt.

Cmmr. Sheldon commented this is a scaled down version of the original ordinance drafted. He questioned if the Planning Advisory Commission voted to recommend to the Board. Also, he questioned if Washington State Department of Natural Resources (DNR) has reviewed this draft and if this is the absolute minimum that is required.

A representative from DNR concurred they have reviewed the draft and many of the County's ordinances in place now are parallel to the state's rules which is needed in order to assume jurisdiction. This is a benefit to the public.

Mrs. Adkins stated, yes the PAC voted to recommend approval.

Cmmr. Kamin asked about the PAC's one additional change they recommended.

Mrs. Adkins noted it was just a grammatical. It was a sentence that was written in the negative and should have been written in the positive.

Cmmr. Ring Erickson commented that in the staff briefing she understood the Planning Advisory Committee will be going back and reviewing some of the draft materials in the original draft report. She would like to see further consideration of additional opportunities for property owners from the original draft as opposed to just the streamline option.

Cmmr. Sheldon/Ring Erickson moved and seconded to adopt the proposed Forest Practice Conversion Ordinance effective February 1, 2006, establishing the minimum standards and requirements associated with local government review and jurisdiction over Class IV general forest practices in accordance with RCW 76.09. Motion carried unanimously. K-aye; RE-aye; S-aye. Ordinance No. 129-05 (Exhibit E).

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- 9.4 Public hearing to consider renaming all of Grant Way (County Road #79140) from milepost 0.00 to 0.14 to Mountain View Drive (County Road #67470).

Charlie Butros, Public Works Director, recommended changing the name of Grant Way to Mountain View Drive. They are trying to make clearer the names of the roads. This is a little longer than 0.1 mile and is a portion of a road that loops around Wooten Lake and between the intersection of Tahuya Blacksmith Road and Haven Way. The majority of the road is named Mountain View Drive. It is causing confusion to some of the residents and community members that travel through there. Their proposal is to make the whole loop a single name of Mountain View Drive.

It was opened for public comment. No comments were received.

Cmmr. Sheldon/Ring Erickson moved and seconded to execute the resolution to rename all of Grant Way (County Road No. 67470) to Mountain View Drive (County Road No. 67470). Motion carried unanimously. K-aye; RE-aye; S-aye. Resolution No. 130-05 (Exhibit F)

- 9.5 Public hearing to consider renaming all of Hoodspport Park Road (County Road #44230) from milepost 0.00 to 0.30 to Foot Hills Park Road (County Road #44230).

Public Works Director Charlie Butros explained this is a clarification change. There is an inconsistency in the naming of the road and the park. The park originally was referred to as Hoodspport Park and the road was named after it. The county park was named Foothills Park subsequent to that. There are signs for the park along State Route 119 that identify directions to Foothills Park. The road name was never updated. It is recommended to change the name of the road to make it consistent with the park and the signage on the state route.

No further public comment was received.

Cmmr. Sheldon/Ring Erickson moved and seconded to execute a resolution to rename all of Hoodspport Park Road (County Road No. 44230) to Foothills Park Road (County Road No. 44230). Motion carried unanimously. K-aye; RE-aye; S-aye. Resolution No. 131-05 (Exhibit G)

10. Other Business (Department Heads and Elected Officials)

- 10.1 Approval to award the bid to furnish Mason County with a payment processing system for the Treasurer's Department to Technology Unlimited, Inc. of Seattle, WA. Total cost of the system is \$28,255 plus tax and authorize the Chair to sign the contracts associated with this new system.

This will catch the images of the checks and load it into the financial system.

Dave Loser, Equipment Rental & Revolving Fund Manager, recommended the Board award the bid as noted above.

Lisa Frazier, Treasurer, stated she is already seeing a cost reduction in the amount they are paying for statements next year, by half. Going to the payment processing system will save money in forms. They will be able to process 180 payments in minutes vs. 180 payments in a couple of hours.

Cmmr. Sheldon/Ring Erickson moved and seconded to award the bid to furnish Mason County with a payment processing system for the Treasurer's Department to Technology Unlimited, Inc. of Seattle, WA. Total cost of the system is \$28,255 plus tax and authorize the Chair to sign the contracts associated with this new system. Motion carried unanimously. K-aye; RE-aye; S-aye.

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10.2 Presentation of the engineering geologic reconnaissance Skokomish River Dike inventory.

Charlie Butros, Public Works Director, gave a presentation on the engineering geologic reconnaissance Skokomish River Dike inventory. He explained that the Mason County Dike Policy requires that dikes must be inspected at least biennially, and the results reported to the Board of Commissioners once every two years.

He referred to previous inventories of dikes along the Skokomish River. He noted that the breaches found in the recent Dike Study pose a low to moderate risk to adjacent properties and roadways. There was no indication of breaches or impending dike failure to pose an imminent threat to health, safety, or infrastructure. The County Road Department monitors and maintains portions of Dike 8 on or adjacent to the right of way as needed to protect the right of way and road structure. Otherwise, all dikes are in private ownership and the responsibility of property owners. No action in addition to the continued monitoring of portion of Dike 8 is recommended at this time.

11. Board's Reports and Calendar – The board reported on meetings they attended the past week and announced their calendars for the upcoming week.
12. Adjournment – The meeting adjourned at 10:40 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Jayni L. Kamin, Chairperson

ATTEST:

Lynda Ring Erickson, Commissioner

Rebecca S. Rogers, Clerk of the Board

Tim Sheldon, Commissioner