

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

NOVEMBER 28, 2006

1. Call to Order – The regular meeting was called to order at 6:00 p.m. by the Chairperson.
2. Pledge of Allegiance – The chairperson led the flag salute.
3. Roll Call - Present: Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Jayni L. Kamin; Absent: Cmmr. Dist. 1 – Lynda Ring Erickson is on scheduled leave.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 Per RCW 84.52.020 copies of the 2007 budget and/or levies were received from: Public Hospital District #1; Fire Protection District No. 6; Fire Protection District No. 8; and Fire Protection District No. 17.
 - 4.1.2 Timberland Regional Library requests concurrence of the re-appointment of Jo-Ann Andrews to TRL representing Grays Harbor County.
 - 4.1.3 Transportation Improvement Plan Citizens Advisory Program Applicant: Greg O. Green
 - 4.1.4 Economic Development Council of Mason County noted support of the allocation of \$134,000 of Mason County Distressed Area Capital Fund (.08) monies to go towards Belfair/North Shore Sewerage Program.
 - 4.1.5 Comcast has announced changes to their channel line-up between December 14, 2006 and January 3, 2007.
 - 4.1.6 Kitsap County Commissioners asked that Mason County select a representative to serve on the East Kitsap Watershed Forum
 - 4.2 4-H Forestry Leadership Program -- Mo MacCracken noted there are ten Mason County youth involved in learning about the forest industry: Jaci Roaf, Juan Robledo, Sage MacCracken, Julia Lewis, Dan Greig, James Gorman, Katherine Gamache, Patrick Baldwin, and Kelsi Antonsen. Two of the students were present and received certificates of appreciation for this program. They work with Green Diamond, Port Blakely, County Parks, State, and Forest Service. They have worked hard making trails for schools. She expressed appreciation for keeping the program going and giving the kids an opportunity for the work readiness.
 - 4.3 News Release – 2006 Solid Waste Management Plan – Tom Moore, Utilities- read aloud the news release announcing that there is a 30-day public comment period on the Plan. The Plan is available on the website.
5. Open Forum for Citizen Input
 - 5.1 Gary Parrott – Expressed concern about the North Shore Sewer relying on 2002 data by Washington State Department of Health “Declaration of Severe Public Health Hazard” in Lynch Cove.
6. Adoption of Agenda – **Cmmr. Kamin/Sheldon moved and seconded to adopt the agenda as published. Motion carried unanimously. K-aye; RE-absent; S-aye.**
7. Approval of Minutes – **Cmmr. Kamin/Sheldon moved and seconded to approve the briefing minutes for week of October 9, 2006. Motion carried unanimously. K-aye; RE-absent; S-aye.**
8. Approval of Consent Agenda: All items listed under the “Consent Agenda” are considered to be routine by the Commission and will be enacted by one motion unless a Commissioner or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 - 8.1 Set a public hearing on Tuesday, December 12, 2006 at 9:30 a.m. to review the proposed new zone designations for 12 parcels in the Rural Area of Mason County currently considered to have existing

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- non-conforming land uses in operation; the subject parcels will be included in the Development Regulations table of isolated commercial or industrial land uses.
- 8.2 Set a public hearing on Tuesday, December 12, 2006 at 9:30 a.m. to review the proposed amendments to the Mason County Development Regulations to add new Rural Commercial 5 zone to Section 1.02.043 Rural Commercial zone definitions and add Section 1.04.360 Rural Commercial 5 zone permitted uses and development standards.
 - 8.3 Set a public hearing on Tuesday, December 12, 2006 at 9:30 a.m. to review the proposed amendments to the Mason County Development Regulations to add educational learning center as a new permitted land use in Figure 1.03.020 Matrix of Permitted Uses and a new definition in Section 1.06.
 - 8.4 Set a public hearing on Tuesday, December 12, 2006 at 9:30 a.m. to consider adoption of the 2006 Capital Facilities Plan.
 - 8.5 Approval to sign the NPDES discharge permit #WA00038075 for the Rustlewood Wastewater Treatment Facility and the State Waste Discharge Permit #ST6039 for the North Bay/Case Inlet Water Reclamation Facility.
 - 8.6 Set a public hearing for December 12, 2006 at 9:30 a.m. to consider a supplemental appropriation to the Wastewater System Development Fund 405-000-000 in the estimated amount of \$177,320.
Resolution No. 119-06 (Exhibit A)
 - 8.7 Approval of Veterans Assistance Fund applications for: Robert Ramar - food \$87.32; Ronald L. Gabel - housing \$300.00 & utilities \$100.00; Sewell D. Brackett - utilities \$92.93 for a total of \$580.25 as recommended by the Veterans Assistance Fund Screening Committee.
 - 8.8 No objections to the Liquor License applications for Loggers Bar & Grill and Mission Creek Antique Gallery.

Cmmr. Kamin/Sheldon moved and seconded to approve Items 8.1 – 8.8 as published and read. Motion carried unanimously. K-aye; RE-absent; S-aye.

9. 6:30 p.m. Public Hearings and Items Set for a Certain Time
 - 9.1 A public hearing to consider the need to update and possible amendments to the Mason County Resource Ordinance regarding Critical Areas: Wetlands, Frequently Flooded Areas, Critical Recharge Areas, Geologically Hazardous Areas, and Fish and Wildlife Critical Habitat Areas.

Bob Fink, Planning Manager, summarized the proposed changes as sent forward by the Planning Advisory Commission. It was requested that at the end of testimony, the Board close the public hearing and allow written testimony to be received until December 12, 2006; 5:00 p.m. Also, they requested that they table discussion on the proposed action until December 19, 2006 at the regular board meeting.

The Planning Advisory Commission recommended approval of the drafts as presented to the Critical Aquifer Recharge Areas, Geologically Hazardous Areas, Fish & Wildlife Critical Habitat Areas, and the Resource Ordinance sections that deal with appeals and variances. They also sent to the Board a wetlands draft as the best draft that they could prepare given the scope of the changes proposed and the limitations on time, resources and public input that they had available to them. They felt they could not recommend adoption at this time.

The PAC did not send the Frequently Flooded Areas draft forward, because the draft that they were reviewing was based on a Skokomish Valley Channel Migration Zone Study that has not been completed at this time. No other relevant science has been identified at this time that would justify updates.

He presented a summary of proposed changes as sent forward by the Planning Advisory Commission.

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Cmmr. Kamin questioned if when other counties update their ordinances will they be following the recommendation of Dept. of Ecology when it comes to buffers.

Mr. Fink responded that many of them have followed the recommendations.

Cmmr. Kamin asked when they go through the process of updating the critical areas do they need to balance this against other goals in the act such as economic development and affordable housing.

Mr. Fink stated the Growth Management Act has a number of goals to achieve, but the requirement is that the county protect the functions and values of the critical areas. That means they have to preserve those functions and values even while they consider other options.

Cmmr. Sheldon noted that several years ago Department of Ecology started down the road of Option A & B. It is very hard for a county to be in the position of justifying their own science in these issues because it is very expensive to hire experts.

Cmmr. Kamin concurred it is difficult and increasingly expensive to justify the science.

The Board expressed appreciation for the efforts to minimize the issues.

It was questioned if smart buffers is a mitigation tool.

Mr. Fink stated they don't use that term. One of the additions in the ordinance is a section which allows for additional mitigation outside the buffer to be done. The standard wetland buffer requirements have become complicated. They consider the nature of the use that is being proposed as well as the conditions on the site. The most important functions that the wetlands serve in making the decision of what size the buffer is. There is a section added that was intended to allow a high intensity use which most urban uses are high intensity uses to have only the buffer of a medium or moderate intensity use. It does some mitigation without having to go through the permit process.

Public testimony was opened:

Matt Matyoshi, Economic Development Council of Mason County, noted the state statute allows for flexibility in the law when it comes to best available science, best management practices and the ability for local communities to plan under Growth Management and Critical Areas. When it comes to the application and doing the work of planning and implementing critical areas ordinance there is very little flexibility for local communities. He was supportive of the draft in front of the Commission and felt it is a good draft as far as balancing the communities needs and state agencies needs. There may be some opportunities to make adjustments. He felt that what was before the Board is close to what would be accepted by the Growth Management Hearings Board.

Ken VanBuskirk commended the Mason County Commission for making the efforts in protecting the water quality, especially Hood Canal, a top priority. He asked that priority be given to identify and protect the critical aquifer recharge areas and wetlands that are upstream of the Hood Canal. Department of Ecology has noted this is what is needed to be successful.

Andrew Spear noted this has been a long process. He stated that the Master Builders would be open to reviewing the final documents if there is an option for that. He was concerned whether the maps that are out there are accurate and how the changes will affect the county. They hope that when the maps are available to review they are accurate and will know what they are getting into.

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It was questioned if it is possible to identify the wetlands on the GIS and parcel maps.

Mr. Fink responded there are databases that show wetlands. The US Fish & Wildlife national wetlands inventory is one of those. The problem with the wetlands inventories is that they are not particularly accurate. They usually identify wetlands by aerial photographs and it is difficult to delineate the boundary of the wetland to define how big the wetland is. There are substantial errors in identifying smaller wetlands or defining the exact boundary of larger wetlands. The county regulation relies on site visits and inspections to identify whether wetlands are present and a professional delineation of where the wetland is located and what type of wetland it is to determine how much protection or how large of buffer is applied to the area.

Marty Ereth, Skokomish Indian Tribe Habitat Biologist, submitted written comments and their concerns regarding danger trees, wetlands, stream typing, habitat management plans (HMP's), and FWHCA (Buffers). He expressed appreciation that the Board will not be taking action on this subject at the hearing to allow more time for increased public participation.

Cmmr. Kamin/Sheldon moved and seconded to continue the hearing until December 19, 2006 and written comments may be submitted until December 12, 2006; 5:00 p.m. Motion carried unanimously. K-aye; RE-absent; S-aye.

10. Other Business (Department Heads and Elected Officials)
 - 10.1 Charlie Butros, Public Works Director, gave a brief report on the road conditions over the past few days in dealing with the road and weather conditions that created ice and snow on roads.
11. Board's Reports & Calendar – The Board announced calendar items for the upcoming week and gave highlights of meetings from the past week.
12. Adjournment – The meeting adjourned at 7:28 pm

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Absent 11/28/06

Lynda Ring Erickson, Chair

ATTEST:

Tim Sheldon, Commissioner

Rebecca S. Rogers, Clerk of the Board

Jayni L. Kamin, Commissioner