

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

DECEMBER 12, 2006

1. Call to Order – The regular meeting was called to order at 9:04 a.m. by the Chairperson.
2. Pledge of Allegiance – The chairperson led the flag salute.
3. Roll Call - Present: Cmmr. 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 The Washington State Department of Ecology sent information regarding the current operating status of the Mason County Water Conservancy Board.
 - 4.1.2 Anastasia (Stacy) Roland, Reed Waite, Tori Dozemba and Thomas Kimball are seeking appointment to the Mason County Trails Committee.
 - 4.1.3 Norm Eveleth is seeking appointment to the Mason County TIP CAP.
 - 4.1.4 George E. Fisher is seeking appointment to the Mason County Civil Service Commission.
 - 4.1.5 Dr. Brian Peterson expressed his support of the Pacific Northwest Salmon Center development. (Copy to Planning.)
 - 4.1.6 Leroy Robbins expressed his concerns regarding the water system in the 3 Fingers Development. (Copy to Utilities and Waste Management.)
 - 4.1.7 Per RCW 84.52.020 copies of the 2007 budget/levies were received from: Mason County Fire Protection District 3 and Mason County Fire Protection District 16. (On file with the Clerk of the Board.)
 - 4.1.8 Whitman County Commissioners are seeking monetary support for defense costs related to the appeal of their I-747 challenge in June.
 - 4.1.9 Scott and Hookland LLP sent notice of Claim Retainage Lien and Against Bond Project: Creekside Drive Culvert Replacement. (Copy to Public Works)
 - 4.1.10 The Washington State Liquor Control Board sent notice of establishments in Mason County whose licenses are due to expire on March 31, 2007.
5. Open Forum for Citizen Input - No Comments
6. Adoption of Agenda – **Cmmr. Sheldon/Kamin moved and seconded to adopt the agenda as presented. Motion carried unanimously. K-aye; RE-aye; S-aye.**
7. Approval of Minutes – **Cmmr. Kamin/Sheldon moved and seconded to approve the minutes of October 10 and 17, November 7 and 14, 2006. Motion carried unanimously. K-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
 - 8.1 Approval of Resolution canceling the outstanding Mason County warrants as presented by the Mason County *Treasurer*. **Resolution No. 123-06 (Exhibit A)**
 - 8.2 Approval to sign a contract with Ameer Amzakhan to serve as the Mason County Fairgrounds Camp Host starting December 15, 2006.
 - 8.3 Approval of a six-month contract for professional services with Kerry Duke, Licensed Social Worker and certified Functional Family Therapist. The term of the contract is January 1, 2007 through June 30, 2007 and is budgeted in the Juvenile Court Probation Services budget.
 - 8.4 Approval to award \$2,500 from the 2060 Low Income Housing Fund to the Cold and Hungry Coalition for their emergency shelter program and authorize the Chair to sign any necessary documents.
 - 8.5 Approval to accept the proposal from the Harstine Island Theater Foundation in response to a request for proposals for development of Mason County Park property located on Harstine Island and authorize the Chair to sign any necessary documents.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 12, 2006 - PAGE 2**

- 8.6 Approval to set a public hearing on Wednesday, December 27, 2006 at 9:30 a.m. to consider surplussing Mason County property located at 2378 NE State Route 3, Belfair, WA (parcel #12329 41 60140).
- 8.7 Approval of the Veterans Assistance Fund applications for: Robert Bacon - food \$18.56; George Depoe (Mary) - utilities \$100.20 and food \$499.80; Gerald A. Cassel - food \$600.00; Ray Herrera - housing \$500.00 and food \$100.00; and Wayne Kallio - utilities \$600.00, for a total of \$2418.56. as recommended by the Veterans Assistance Fund Screening Committee.
- 8.8 Approval for the Department of Public Works to advertise, interview and hire a Project Engineer to fill a position that will be vacated.
- 8.9 Approval to reschedule a public hearing to consider speed limit changes to County maintained road #02750 – Star Lake Drive. Said hearing to be Tuesday, January 2, 2007 at 9:30 a.m.
- 8.10 Approval to set a public hearing on Wednesday, December 27, 2006 at 9:30 a.m. to consider the revised fee schedule for the Mason County Fairgrounds.
- 8.11 Approval of Warrants:
Claims Clearing Fund Warrant #s 115555-115701 \$204,252.96
- 8.12 Approval to amend Resolution No. 140-00, increasing the fee for all returned checks to \$30.
Resolution No. 124-06 (Exhibit B)
- 8.13 Approval to set a public hearing on Wednesday, December 27, 2006 at 9:30 a.m. to consider the 2006 Mason County Comprehensive Plan Amendment.
- 8.14 Approval to set a public hearing on Wednesday, December 27, 2006 at 9:30 a.m. to consider amending the County Comprehensive Plan, Chapter III – Section 7, and adopting proposed Water Resource Policies.

Cmmr. Sheldon/Kamin moved and seconded to approve the consent agenda items 8.1 – 8.14 as presented. Motion carried unanimously. K-aye; RE-aye; S-aye.

RECESS – The Board recessed at 9:22 a.m. until the 9:30 a.m. hearing

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time
- 9.1 Public hearing to consider Road Vacation #349, vacation of a portion of Brockdale Road, as requested by Robert Coates, III.

Rick Brush, Right-of-Way Manager, presented the staff report that the right-of-way is not presently in use by the public and that it would benefit the public to clear title and add the vacated area to the tax rolls.

James Huneford, Attorney for the Estate of Robert Coates, stated this was approved some time ago and this completes the transaction. He noted that an exchange was approved in 1991 by Public Works for the old and new right-of-way; however, due to complications it was delayed.

Cmmr. Sheldon/Kamin moved and seconded to approve as petitioned, subject to existing easements for ingress and egress or any other purpose, if any; and, in accordance with RCW 36.87.170, retaining an easement in favor of Mason County for any utilities present in the vacated road right-of-way; and, in consideration of the prior agreement between the petitioner's predecessor in interest, waiving the payment to the County for the vacated area. Motion carried unanimously. K-aye; RE-aye; S-aye.

- 9.2 Public hearing to consider Road Vacation #350, vacation of a portion of Heckman Street in the Plat of Townsend Addition to Union City, as requested by Brad Wilson.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 12, 2006 - PAGE 3**

The staff report was presented by Rick Brush, Right-of-Way Manager. This was vacated by operation of law over 100 years ago. It was noted it would clear title by processing this petition for vacation.

No comments were received from the public.

Cmmr. Kamin/Sheldon moved and seconded to approve as petitioned, subject to existing easements for ingress and egress or any other purpose, if any, and in accordance with RCW 36.87.170, retaining an easement in favor of Mason County for any utilities present in the vacated road right-of-way. Motion carried unanimously. K-aye; RE-aye; S-aye.

- 9.3 Public hearing 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.

Allan Borden, Planner, presented the staff report. He explained the reason is currently the county allows educational facilities on long term commercial forest lands; however, this kind of land use is not currently allowed under agricultural resource lands.

The Pacific Northwest Salmon Center had a proposal to establish an environmental learning facility in the vicinity of the Belfair Urban Growth Area.

The Planning Advisory Commission recommended approval of the Development regulation changes to permit the review of educational learning centers in Mason County, including forest and agricultural resource lands.

The Department of Community Development recommended approval of the proposed revisions regarding educational learning centers.

Cmmr. Kamin stated that it seems like a logical location for an educational learning center on agricultural or resource lands.

Louis Cofoni questioned if there would be a day use facility and if there would be overnight accommodations. He was curious how much infrastructure would be necessary to add to the buildings.

Mr. Borden responded that typically, a project would require the County's pre-application conference for a proposed development that would include the review of the Health, Public Works, Planning, Building and Environmental Health Departments.

Mr. Cofoni asked if the project would require additional funding from the County to keep the project going.

Mr. Borden replied the County would not be financially responsible for the facility. It is not proposed to be on county lands.

Bruce Landram voiced concerns with the proposed amendment: Parking 220 cars in wetland agricultural area is counted as best practices or environmental science. They already have an environmental learning center at the Theler Wetlands where there is no parking on the wetlands. An identical proposed project in Poulsbo failed a couple years ago after the North Kitsap School District pulled out.

Ken VanBuskirk stated that approval of the educational learning centers being allowed on agricultural resource lands through revision of the Development Regulations could have serious consequences and

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 12, 2006 - PAGE 4**

land use implications. Agricultural Resource Lands are classified and designated under GMA and need to be protected. This proposed revision would not be consistent with the Comprehensive Plan or the Belfair SubArea Plan that was adopted in 2004. The County has a limited number of parcels designated as Agricultural Resource Land in the north end of the County. The Puget Sound Basin is losing farmland at an alarming rate. Revision of the development regulations would counter the goals of GMA in respect to protecting open space and historic natural resource land. Title 17 Zoning refers to accessory uses which should be located as to not interfere with natural resource land uses and shall be accessory to the growing of crops and raising of animals. Staff felt that a low intensity education or environmental facility should not interrupt any ongoing resource land activity. He suggested that staff scrutinize the proposal for the Johnson farm. He felt the proposal calls for some high intensity disruption of resource land activity to include the flooding and conversion of 45 acres of protective resource land, the conversion of an additional 15 acres to stormwater ponds, construction of a new access road and dormitory, and parking for up to 220 vehicles. None are low intensity and none are accessory to the growing of crops or the raising of animals as Mason County Code requires. The majority of the Johnson farm is classified as fresh water wetlands and is on or adjacent to the critical aquifer recharge area. Mason County is required to protect existing wetland function and value. Three important wetland functions that the Johnson farm currently provides are removing sediment nitrogen, recharging ground water and providing open space. Conversion of the freshwater wetland functions to an estuarine function could add nitrogen to the Hood Canal. Placement of the stormwater ponds could have impacts on the critical aquifer recharge area. In conclusion, North Mason School District already has a low intensity successful environmental learning center and has partnered with the Johnson farm, having an easement through the property. The school district site was approved by the County and does not interrupt or interfere with any ongoing resource land activity. He asked that the decision be deferred for further research .

Bob Hagar, Co-Chair Lower Hood Canal Watershed Coalition, voiced support of the proposed amendment. There is a serious problem with the quality of the marine water, particularly Hood Canal. The source of this has been nutrients coming from various sources, whether septic systems or storm water runoff. There currently is a serious sediment stormwater runoff problem. They can analyze and attempt to regulate people's actions. The public's support of improvements and corrective action will be essential. The key element is education. The more locations there are to apprise people of the environmental problems that they are creating; what they have to do to correct it; and having those environmental facilities located in wetlands, next to where the problems occur and where they actually see it in a hands on environment, is important.

Fred Barrett, President of Pacific Northwest Salmon Center, appears to be a catalyst for action. It is a vision and idea to protect wild salmon. It would bring a research and learning center to promote knowledge in environmental sciences necessary to be sure the children share in the beauty of the ecology that is enjoyed today. For an environmental learning center to flourish and to provide the educational experience it is best located in a natural setting. The majority of the 90-acre Johnson farm is designated agricultural resource land. Allowed uses for that type of land designation include public parks, bicycle trails, walking trails, also bed and breakfast and retail horticultural nurseries. The proposed Salmon Center definition of an environmental learning center is a facility dedicated to environmental education and associated activities, such as habitat restoration, research, trails, passive recreation, accommodations for overnight stays for educational purposes. The potential of the amendments are county wide. He supports the proposal.

Frank Kinney, Executive Director of North Mason Chamber of Commerce, voted to endorse the concept of the Pacific Northwest Salmon Center as it related to the business community and people that they represent. They do not want to harm the environment.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 12, 2006 - PAGE 5**

John Bolender, Mason Conservation District, noted that the mission of the Conservation District is to promote sustainable use, conservation, restoration and natural resources in the community. They accomplish this mission in several ways: conduct environmental education activities to provide residents with knowledge of how to be better stewards of the land they live on; providing technical and financial assistance to residents to develop conservation plans for their land and assisting them with the establishment of best management practices to protect the natural resources on their property. In addition, they assist residents in restoring natural ecological functions that enhance the environment and benefit wildlife. They found participants learn more effectively when they are conducted in a natural setting that most closely resembles the conditions they will encounter on their land. They search for locations and natural settings where they can demonstrate best management practices land owners can duplicate on their own properties. The Mason County Comprehensive Plan recognizes the importance and encourages this type of activity. A barrier exists in the Development Regulations. It did not anticipate the importance or need for activities to be located within natural resource lands particularly agricultural resource lands. He encouraged the Board to adopt the amendments to the Development Regulations as proposed.

Don Atkinson has served on the Salmon Center Board. They do not want to harm the environment. They want to enhance Hood Canal, Mason County and the greater North Mason area. The planning has been excellent. It is a project development in progress.

The Board closed the public testimony.

Cmmr. Sheldon noted this seems to be controversial. They are trying to use the educational learning center and the Pacific Northwest Salmon Center generically in the discussion. That is something they have to be careful with. In looking at the matrix and things that are not permitted in the agricultural resource lands such as cemeteries, schools, group homes. Some of the things that are permitted are generally agricultural in nature such as crops, orchards, single family homes, bicycle paths.

Cmmr. Kamin interjected that bed and breakfasts are acceptable use along with cottage industries. The County is not necessarily looking at a specific project. They are looking at a broad countywide policy on what they allow in the agricultural resource lands. Mason County does not have a lot of agricultural resource land. To be able to make the farms viable they will need to learn new techniques and new ways of dealing with it. Especially when they talk about 250' buffers from any streams. It will reduce the viability down to a minimal amount of property they can farm. To make that viable they will need to learn new high intensity farming techniques.

Cmmr. Ring Erickson noted they are talking about a broad countywide policy. If they are talking about limited educational kinds of activities in a rural agricultural area that would focus on agriculture she would support that. To talk about a bigger project with overnight stay and other kinds of larger accommodations for parking, she would like to look at that on a special one option proposal. It doesn't have anything to do with what is down the road or who runs it or the economic viability. Preservation of agricultural lands as well as insuring sensitivity around certain salt-water areas is a high concern. She would like more time to study the issue. It is not about one particular project. It is about having an opportunity to support projects that study, preserve, and assist agriculture. Also, a larger proposal that may fit with what they do but does not open the door to getting them back to court with regards to the Growth Management Act.

Cmmr. Sheldon commented there has been a lot of discussion about agricultural lands in the legislature. He was concerned that if they take action today, they could put the county in a place to be challenged without more consideration. He read aloud the definition for educational learning center. He felt it is a broad use.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 12, 2006 - PAGE 6**

Cmmr. Kamin noted a cottage industry has a very defined level of parking allowed. It is an allowable use in agriculture land. She voiced concern about private property issues as well.

Mr. Borden stated metal buildings are allowed, as long as they are within a 5,000 sq. ft. footprint. There could be multiple buildings.

Cmmr. Sheldon questioned if there is a limit to the number of buildings under 5,000 sq. ft.

Mr. Borden replied there is an area ratio.

Ms. Kamin stated they need to look creatively.

Cmmr. Kamin made a motion which died for lack of second to adopt Ordinance to revise Mason County Development Regulations to add educational learning centers as a new permitted land use in Figure 1.03.020 Matrix of Permitted Uses and a new definition in Section 1.06.

This was tabled, for further briefing, until after the first of the year.

- 9.4 Public hearing to review the proposed amendments to the Mason County Development Regulations to review parcels with existing non-conforming land uses and add twelve parcels to Table 1 Parcels with Non-Residential Land Uses in the Rural Area of Mason County.

Allan Borden, Planner, presented the staff report and recommended approval of the proposed amendments.

Louis Cofoni asked if it simply is just changing the parcel to make it conforming from rural residential to rural commercial.

Mr. Borden replied the parcels being considered are currently non-conforming land uses. They are properties with existing non-residential land uses.

Cmmr. Ring Erickson clarified that the proposal is if a parcel is currently in a non-conforming status and it presents some problems in terms of financing or wanting to remodel, if they do the spot options to give them a commercial status it will make it easier for some financial need to refinance or sell or remodel.

Mr. Borden concurred and it was stated it does not create large commercial zones. It would be specific to the parcels and it already has the land uses on the parcel.

Steve Zifferman stated he owns Mason Marine Repair (property #9). He asked for clarification that they will be changed to a different classification.

Mr. Borden responded, currently, they are zoned Rural Residential 5 and they would be rezoned Rural Commercial 2.

Mr. Zifferman asked what options they have if they wanted to sell the property and change to a convenience store.

Cmmr. Kamin noted this would enable them to look at different business options.

Frank Kinney, North Mason Chamber of Commerce, expressed he is happy to see something like this.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 12, 2006 - PAGE 7**

Chet Loudin voiced his support and noted he felt this is fair and right.

Cmmr. Sheldon noted this makes sense and this is a limited use and would only be applicable to the specific parcel.

Cmmr. Ring Erickson noted there are existing businesses and they do not want to erect barriers.

Cmmr. Kamin/Sheldon moved and seconded to adopt Ordinance No. 125-06 to revise Mason County Development Regulations to add twelve parcels to Table 1 Parcels with Non-Residential Land Uses in the Rural Area of Mason County. Motion carried unanimously. K-aye; RE-aye; S-aye. Ordinance No. 125-06 (Exhibit C)

- 9.5 Public hearing to review the proposed amendments to the Mason County Development Regulations to add to section 1.02.043 Rural Commercial zone definitions and add a new Section 1.04.360 Rural Commercial 5 zone permitted uses and development standards.

Allan Borden, Planner, presented the staff report recommending approval of the proposed amendments.

Cmmr. Kamin asked what the main difference is between rural commercial 5 and rural commercial 3 designation.

Mr. Borden responded that not all of the plan uses in rural commercial 3 were suggested for rural commercial 5. At the Planning Advisory Commission the staff added retail sales to rural commercial 5. Several of the properties under consideration have non vehicle retail sales. They added retail but not rv parks or professional offices, etc.

Cmmr. Ring Erickson clarified that they are considering adding the designation and also considering changing two properties: Washington Home Center and Pickering Marine.

Mr. Borden concurred.

Arnie Schreiber referred to rural commercial 3 and commented there are two businesses that are allowed: Verles and Pickering Marine. He questioned why they are being considered for RC 5.

Cmmr. Ring Erickson stated it might be a different discussion from creating a rural commercial 5 zone.

Mr. Schreiber noted it may be appropriate for outside sales non-marine.

Chuck Hampton, Washington Home Center, noted they purchased property in the early 1990's with the plan to develop into what they are today and also plans for expansion. In 1999 he started working with the Planning Advisory Commission trying to come up with a solution for the moratorium. At that time they tried to change to rural residential 5 even though they were zoned commercial. He voiced his support of the amendments.

Arnie Schreiber, Verle's, received a notice from the Planning Advisory Commission handout with RC 3. He inquired why Pickering Marine is considered to be RC 5. They should have the same designation.

Dan Tighe, Sundance RV Center, commented they invested a large amount of money on the designation of RC 3. The RC 5 would limit their business. They do not want to be involved in the redesignation.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 12, 2006 - PAGE 8**

The board questioned if Verle's is nonconforming.

Mr. Borden replied that it is just for the open display vehicle sales except for the interior of one or both of the buildings. It is not likely he will be affected by being nonconforming.

Dudley Cooney, Pickering Marine, stated he is encouraged that the county is taking steps to bring into conformity with zoning. He felt there was some merit to be included in RC 3 designation. Because they are an isolated business they could not be included as an RC 3 under the Growth Management Act guidelines. In the absence of the opportunity, an RC 5 designation appears to be the most appropriate for the location and would allow for better flexibility in developing their business and proceeding to a viable entity.

Cmmr. Kamin asked staff to look at addressing the two non-conforming use status of those businesses whether it is marine activity vs. a marina.

Cmmr. Sheldon/Kamin moved and seconded to adopt Ordinance No. 126-06 to revise Mason County Development Regulations to add to Section 1.02.043 Rural Commercial zone definitions, add a new Section 1.04.360 Rural Commercial 5 zone permitted uses and development standards, and designate two properties (parcel numbers 22004-41-00090 and 31905-33-00000) as Rural Commercial 5 zone. Motion carried unanimously. K-aye; RE-aye; S-aye. Ordinance No. 126-06 (Exhibit D)

RECESS – The Board recessed for five minutes then resumed.

- 9.6 Public hearing to consider a supplemental budget amendment to the 2006 Budget for the Wastewater System Development Fund in the amount of \$177,320.

Ione Siegler, Budget Director, presented the budget amendment due to a grant from the Interagency Committee for Recreation for Hoodspout to Skokomish Wastewater planning. The County will administer the grant funding on behalf of the three partners: Mason County, Skokomish Tribe, Public Utility District #1.

Emmett Dobey, Director of Community Development, explained this was money that had been originally appropriated to the Puget Sound Action Team. It had been appropriated to look at alternative wastewater disposal techniques along Hood Canal.

No comments were received from the public.

Cmmr. Kamin/Sheldon moved and seconded to approve a supplemental appropriation to the Wastewater System Development Fund 405-000-000 in the amount of \$177,320. Motion carried unanimously. K-aye; RE-aye; S-aye. Order (Exhibit E)

- 9.7 Public hearing to consider amending the Capital Facilities Element of the Mason County Comprehensive Plan.

Steve Goins, Planner, explained what is being considered is an update to the Capital Facilities Plan. It includes a broad array of facilities. They did a significant update in 2005. This is to make the current plans reflecting the six-year horizon. They are doing this to help with concurrent planning and the potential for adopting school impact fees in the future. It would allow them to have the public dialogue and public process.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 12, 2006 - PAGE 9**

The Board questioned if there are only six school districts in the county.

Mr. Goins replied that Mary M. Knight did not participate. There were a couple of small school districts that did not anticipate a lot of growth.

No public comments received.

Mr. Goins stated they anticipate bringing this into a public forum in 2007 and having a discussion with the public. There has been a lot of work on the school district's behalf to help develop a fair and equitable impact fee, but that has not been through a public process.

This is tabled until the consideration of the Comprehensive Plan on December 27, 2006.

10. Other Business (Department Heads and Elected Officials) - None
11. Board's Reports and Calendar – The Board announced highlights from meetings attended the past week and noted calendar items for the upcoming week.
12. Adjournment – The meeting adjourned at 11:58 am

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Lynda Ring Erickson, Chair

ATTEST:

Tim Sheldon, Commissioner

Rebecca S. Rogers, Clerk of the Board

Jayni L. Kamin, Commissioner