

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

FEbruary 27, 2007

1. Call to Order – The regular meeting was called to order at 6:04 p.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 – Ross Gallagher.
4. Correspondence & Organizational Business
  - 4.1 Correspondence
    - 4.1.1 Robert W. Johnson of Settle & Johnson, submitted comments on behalf of Rick Buechel in regards to Road Vacation File 352. Mr. Buechel requests that all private easement rights on Fir Street be preserved in Resolution 09-07.
    - 4.1.2 The National Association of Counties confirmed Commissioner Lynda Ring Erickson's appointment to the Community and Economic Development Steering Committee.
    - 4.1.3 The Department of the Navy announced its intent to prepare an Environmental Impact Statement to evaluate the potential environmental consequences of implementation of a proposed security system at Naval Base Kitsap at Bangor.
    - 4.1.4 Mason County Lake Management District #2 is seeking advise regarding the renewal of their District at the end of the year.
    - 4.1.5 The Mason County Association of REALTORS expressed their concern regarding the City of Shelton's efforts to notify property owners of the potential rezoning of their property in connection with the development of the Shelton UGA sub-area plan.
  - 4.2 Introduction of 2007 Mason County Rodeo Queen & Court –Jr. Rodeo Princess Heather Goldsby invited the Board to the 4<sup>th</sup> Annual Rodeo Shindig at the Mason County Fair.
  - 4.3 News Release – It was announced that Cmmr. Ring Erickson has been appointed to the National Association of Counties, Community and Economic Development Steering Committee
  - 4.4 Announcement of the intent to purchase fertilizer and grass seed for the Mason County Parks & Trails Department from UAP Professional Products. The post for quotes process was approved at the February 6<sup>th</sup> meeting.
  - 4.5 Mason County Housing Authority is accepting applications until March 23, 2007 for a vacant position.
  - 4.6 Charlie Butros, Public Works Director, announced that Mason County has added a Hybrid Vehicle to the Car Pool, a new Toyota Prius.
5. Open Forum for Citizen Input - None
6. Adoption of Agenda – **Cmmr. Gallagher/Sheldon moved and seconded to adopt the agenda as presented. Motion carried unanimously. G-aye; RE-aye; S-aye.**
7. Approval of Minutes – **Cmmr. Sheldon/Gallagher moved and seconded to approve the regular meeting minutes for January 2, 9 and 16, 2007. Motion carried unanimously. G-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
  - 8.1 Approval of the grant agreement with the Mason County Housing Coalition for \$21,000 from SHB 2163 monies, to assist Mason County in completing one element, Rental Assistance, identified in the approved Mason County Homeless Plan, Phase Two.
  - 8.2 Approval of the 2006 Oath of Inventory of Mason County Machinery and Equipment and to deliver this Oath of Inventory to the Mason County Auditor as required by RCW 36.32.210.
  - 8.3 Approval to set a public hearing to review the request by Bayshore Sand and Gravel to rezone three parcels totaling 149.94 acres from Rural Residential 5 and 20 zones to Rural Natural Resources zone, for the date of Tuesday March 20, 2007 at 9:30 a.m.
  - 8.4 Approval to set a joint public meeting on March 13, 2007 at 10:30 a.m. with the City of Shelton Commissioners to review the proposed Shelton Urban Growth Area (UGA) Plan, discussion and

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- comments, and to promote public participation and involvement as the Plan is considered. This meeting will be held in the Mason County Commission Chambers.
- 8.5 Approval to send notice to the Washington State Liquor Control Board voicing objections to the liquor license application for the Cameo Boutique located in Union, Washington. Information from the Mason County Environmental Health indicates the business needs to complete the change of tenant/use application and a restaurant establishment application.
  - 8.6 Approval for the Fairgrounds Manager to request Statement of Qualifications for the Mason County Fair Marketing Coordinator position.
  - 8.7 Approval of the office lease with the North Mason Chamber of Commerce for one year with three one-year renewal options. The monthly cost is \$704.26 and provides office space for the Mason County Sheriff's office and the Building Department.
  - 8.8 Approval for the Deputy Director/County Road Engineer to execute the Local Agency Standard Consultant Agreement between Mason County and CES for contract preparation and construction support for the McLane Cove Bridge project.
  - 8.9 Approval to set a public hearing on March 20, 2007 at 9:30 a.m. to consider changing the speed limit on Rock Creek Road milepost 0.000-1.140 (County Road Number 10480).
  - 8.10 Approval of the Primitive Road Resolution, adding Rock Creek Road, County Road Number 10480, to the list of designated Primitive Roads. **Resolution No. 16-07 (Exhibit A)**
  - 8.11 Approval of resolution naming Cmmr. Tim Sheldon as the County's representative on the Washington Counties Risk Pool and Cmmr. Lynda Ring Erickson and Ione Siegler as the County's alternative representatives. **Resolution No. 17-07 (Exhibit B)**
  - 8.12 Approval of Warrants:

Claims Clearing Fund	Warrant #s 119135-119461	\$595,901.81
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**Cmmr. Gallagher/Sheldon moved and seconded to approve the consent agenda as published. Motion carried unanimously. G-aye; RE-aye; S-aye.**

9. 6:30 p.m. Public Hearings and Items Set for a Certain Time
  - 9.1 Public hearing to review the request by Linda Christenson to rezone a 2.57 acre parcel on Harstine Island from Rural Residential 5 zone to Rural Tourist Campground zone.

Cmmr. Gallagher recused himself because he had inadvertently inquired about this.

Allan Borden, Planner, presented the staff report for the rezone request No. 06-04 Linda Christenson & Frank James. The request is to rezone a 2.57 acre piece of property from Rural Residential 5 zone to Rural Tourist Campground zone. The anticipated use of the property is to locate overnight accommodations for tourists coming to the county at Harstine Island.

Bob Lemon understood the accessory uses under the zoning being considered would include retail, gas stations, self-storage units, restaurants, and motel. He heard in a previous meeting that the accessory uses would not be compatible with the existing neighborhood as it exists and residential zoning. He questioned if they are compatible.

Mr. Borden stated with accessory uses tend to be secondary to the primary use.

Mr. Lemon asked if the applicant had 4 cabins instead of 7 cabins, and a restaurant, would that be compatible with the residential zoning in the neighborhood. Also he asked if a gas station is compatible with a residential.

Mr. Borden responded, no, it would not be compatible because the restaurant would have the appearance of primary use, which the zone does not call for.

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Mr. Lemon stated that restaurants, self-storage units, and gas stations are acceptable under the rural tourism campground zoning as an accessory use. He stated he did not understand the compatibility of the accessory uses within the residential area.

Mr. Borden responded according to the zoning for rural tourist campground; self-storage, gas stations and restaurant would be permitted as accessory uses.

A question was raised if there is any way, once the property has been rezoned, to restrict the development to what they have proposed.

Mr. Borden replied the county does not have conditional rezones. The hearing is to rezone from Rural Residential 5 to Rural Tourist Campground Zone.

Robert McKibbin submitted a letter dated February 27, 2007 noting opposition to the request. (9.1.1)

Jim Irving stated there appears to be misleading information regarding the rezone request from the fliers that are being sent in the mail. The most recent flier shows a 100' circle around the well and shows the septic outside of that.

At the January 2<sup>nd</sup> Planning Advisory Committee, the applicant, Frank James, said he met with a septic designer plus Cindy Waite and they agreed they would stay 150' away from the well with the septic. It is a concern if the septic cannot fit in there where will it fit, because there is very little room next to it.

TJ Martin, Deputy Prosecutor, questioned if documents were submitted to staff. He expressed concern that there is new information being supplemented into the record that was not within the scope of what the Planning Advisory Commission had reviewed. In fairness to the Commissioners and fairness to the public, he wants to make sure there is no new information being supplemented. He stated the map should be stricken from the record because the Commissioners need to look at the same information as PAC.

Residential 5 is best fit for Island.

Steven Meacham stated on the face of it, if the burden of proof is to approve that this is a better fit; the question on whether something other than a residential lot is a better fit in a residential area seems strange. He would like to take exception of the minority position of the PAC in that the zoning is not just like building a big house. Under the 120 rule, which sounds like a small amount of impervious area this 2.5 acre lot, they could build 5,600 sq. ft. of building. Unlike most large houses they are not typically one story. To give that some scale, the square footage of the community hall is 2,920 sq. ft. The square footage of the fire station is 2,470. The 5,600 sq. ft. would be more square footage than the community hall and fire station added together. It would be on a 2.5-acre lot. Compared to a single family home with 2,000 square feet of roof area a 5,600-sq. ft. building would result in additional 112,000 gallons of runoff per year. This does not include additional runoff from roof overhangs. Another difference from this and a big house. Big houses don't typically have enough driveway for 8 or 9 residential units. Based on a model on this site, 870 feet of gravel road will result in additional 59,000 gallons of runoff carrying 1,900 lbs. of sediment down the stream, which runs down the middle of the property. The area they are talking about, is North Island Drive, Harstine Island Road North at Jarrell Cove. There is a swell that runs down the corner of the property and into Jarrell Cove. The swell carries water during heavy runoff. From the property to the Cove, there is a defined stream channel that carries water. The development would be on both sides of the defined stream channel. There has been some sort of effort to redirect the water away from the channel. The water is running back to the channel.

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About the site, the entire area is classified as Sinclair shoddy loam soil by the USDA Conservation Service. As for the type of use they rate the soil severe, septic tank absorption very limited, picnic areas very limited, camping areas very limited, small commercial building construction very limited. Point National Resources Conservation Service (NRCS) very limited and the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design or expensive installation procedures where performance and high maintenance can be expected. NRCS rates soils for septic use on a scale from .01, which is the best, to 1 which is the worst. They rate these soils as 1. They are as bad as they come. He understands that people will do their best to design a system that will fit the site. What he learned in his career as a natural resource manager, that in spite of the best efforts, they cannot always mitigate every concern on every parcel. Sometimes with sensitive parcels they have to be a little bit judicious. Fully functioning septic systems only reduce and do not eliminate nutrients. It will reduce the bacteria hazard for human health. It will not eliminate all of the nitrogen and phosphorous that they flush down the toilets. That is one of the biggest problems they have with saltwaters and freshwaters, the nutrient loading that comes out of septic systems. Currently, state parks and the Department of Health recommend that people do not eat shellfish out of Jarrell Cove. It seems to be a little irrational to do something to make it worse. The area bounded by North Island Drive, Harstine Island Road and Jarrells Cove contain 27 acres. That is close to 17 lots. There are 10 residences and two vacation residences. Currently, the zoning is one unit per 5 acres. All of them that live around the cove live on small size grandfathered lots. They are all aware of the fact that they are fortunate to have a house there. In that area, currently, the average is 2.2 acres per residence. They already doubled the density of the area that the plan calls for. It would be three times the density if all the lots were built out. However, if the proposal were approved as sketched, it would be 18 times the plan density.

He summarized that this is a tough site. It is a very small site to shoehorn 8 or 9 structures into. It is a site with a drainage that runs right through the middle with poor soils close to the cove. The stream delivers sediment pollution to the cove. If they are talking what is the best fit, a use that is of much higher impact, much more run off and much more traffic, much more siltation, then a single family residence would not be the best fit.

Bill Bush spoke to RU 218A, 7 – Allowing for siting new recreational vehicle parks in the rural area if the following criteria are met. Parks are designated for the temporary stay of RV's not to exceed 180 days, parks can meet all environmental health, safety, and land use requirements. The Bayshore submittal states 120 consecutive days, 180 days in a 360-day period. Records must be kept and available for inspection by the county. The County does not have the resources to check what is out there already, let alone checking something more that is being added. Going through 218, permit recreational tourist uses that meet the following criteria: uses are compatible with rural character and adjacent lands; uses provide landscape buffers and physical setbacks from major transportation corridors ensuring visual compatibility with surrounding rural areas, uses ensure the protection of critical areas and groundwater resources, uses ensure protection from conflict with resource lands of long standing significance, uses preserve the character of the natural neighborhoods. Adjacent lands are all private homes and property, except for the community hall, which has existed since approximately 1914. Visual compatibility would be affected if RV parking is allowed. Runoff from the surface does go through adjacent private properties and to Jarrell Cove.

No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development whether actual or potential. The cumulative impacts of such zoning are to create pressure to change land use designations of other lands or to increase population growth in rural areas as projected in the Mason County Comprehensive Plan.

Gregg Paisley voiced his support of the rezone. He believed that tourism is the cleanest and viable industry. Growth and tourism takes government with a vision and can do people. He shared a

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personal experience about shortage of lodging in the area and hoped that working together they can solve this.

RU 532 in the comprehensive code says recreational and tourist uses and isolated small scale businesses should be allowed to be developed in the rural areas provided they do not require urban levels of services, they do not conflict with the natural resource base uses, they are compatible with surrounding rural uses. Any public services or facilities provided for the development shall be limited to that necessary for the development and shall not be provided in a manner, which permits low-density sprawl. He asked that the Board not hold a citizen hostage to a hypothetical person might do down the road.

John Edwards stated he moved to Harstine Island. Small businesses help bind and create a community. It should not break a community apart.

Bob Lemon stated he is opposed to: Criteria #1) Density is one unit for five acres. If this is approved it will be 16 or 18 depending upon how many cabins. This is on a lot that is in a swale and the drainage goes through to Jarrells Cove. Criteria #2) The zoning criteria that they are required to live with. They are rules that they have to follow. That is how they all live within a community. The zoning designation shall match the characteristics of the area to be rezoned better than any other zone designation. On this lot, the rezone criteria that they are going to apply to the lot has to match it better than any other criteria. All of the lots around the cove are single family residence. The proposed rezone would permit, in addition, to the cabins, RV parks, motels, retail gas station, self-storage units, and restaurants. These are the ancillary items that could be built under this zone. Criteria #3) No rezone shall be approved if either by itself or together with other rezoning and/or development whether actual or potential that the cumulative impacts of such zoning will be to materially increase. No rezones should be approved if it creates a potential for sprawling.

He understood the proposal would not create pressure on further development in the area. If they assumed that nine cabins were put in, he questioned if there would be pressure, on one of the multi-acre parcels, to ask for a rezone to put in a restaurant. There would be pressure to put in other items such as gas station, retail store, etc.

Janet Irving stated she lives close to the subject parcel. She stated that "a better fit" is a big issue. All of the nearby properties were grandfathered in at small acreages. They are asking to take a 2.5-acre parcel and put in even more than what is allowed under the zoning. There is virtually no recreational access on the island. Jarrells Cove State Park is an access, Harstine Island State Park is a very steep trail and most people are not going to walk that. Almost all access to the island is by water. The biggest issue they have with the rezone is it opens the door. Mr. Paisley gave a passionate speech about needing the cabins. There is no guarantee that is what would be built. Planning Staff has indicated they cannot hold them to this plan. It is a proposal. In the Planning Advisory Commission (PAC) meetings they were told they needed to stay within the 8 criteria. All of the criteria kept coming back to this proposal. The real issue isn't this proposal it is the 8 criteria which allows a lot of other things besides this proposal. There was a letter from the Harstine Pointe Manager saying they were behind it. In question, they were told it was a personal letter and personal opinion on the Association's letterhead and since has been rewritten on non-letterhead stationary. The vote was based on that particular letter which did not represent what it appeared to represent. They have invested in their lands. They love living there. It is the middle of nowhere and they want it to stay that way. They don't want it to be a tourist mecca. She stated the burden of proof is on the applicant to show the zone should be changed. They do not believe it is a better fit.

Rebecca Maguire there are four houses between her home and the proposed site. She has a master's degree in urban planning but is not an active planner at this time. Several people in the community

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have talked to her about the project. She does not have all the statistics. Her impression from living on the island for five years is that it is a precious unusual situation. It is residential and recreational. There is no commercial. That is the way the islanders intend it. It creates a unique environment.

The community center is not for profit about making money. It is about gathering of citizens. It is really unique with sharing and people cooking for each other, bringing produce grown in their back yard. Currently, there is rural five-acre zoning on the island. There are a lot of parcels. Formerly it was zoned one acre. There are some outstanding parcels that are smaller.

Basically, the highest density on the island is one building per acre. That is an exception now and will not be permitted in the future. The concern is they are asking for higher density than anywhere else on the island. It is not she opposes some kind of cabins. She expressed she can see with the rural area it is real attractive for people to come even as a retreat, maybe not as recreation. It is something she has concerned for the island for a much larger parcel and at a much lower density. She has some strong concerns about putting in at that density. She also has some concerns about a rezone. A rezone opens it up to a lot of commercial possibilities that people on the island do not want to see. It has not been zoned for that. It has been zoned for residential and recreational. She would prefer to see if there could be a compromise solution is to see a special use permit or something else that allows for restrictions on this development. There is concern there cannot be any restrictions on the rezone. They immediately have the right to put in a gas station. There are a lot of uses that would be commercial that would then be automatically permitted with no restrictions. She hoped to see this would possibly be reconsidered as a special use permit that would allow the kind of restrictions.

Linda Christenson, Applicant, submitted letters of support: 9.1.2 – Letter dated 2/27/07 from Larry Lawrence; 9.1.3 -- Letter dated 2/27/07 from Cales Hayes).

She explained the property was purchased by her father 20 years ago. Seven years ago he died and left the property to her.

Who wants an upscale over night, cabins in the wood on Harstine Island. It seems unfair that this great little project should be stopped because a few Harstine Islanders fear of progress. Some folks want Harstine Island to remain undeveloped. The long term comprehensive plan for Harstine Island and Mason County clearly states that a certain amount of urban development and cottage style businesses are encouraged. The commissioners have already passed two business style projects in Harstine Island in the past year. The Arts Center on Harstine Island Road near the community grange hall and the Harstine Island Retirement Home on Sunset Road. Both of which are very close to the proposed project. Wouldn't they have to take a survey at the bridge that crosses onto Harstine Island to get a fair appraisal of who wants this and who doesn't want this. They started out not knowing this would be such a heated issue. Now they see it is. The old idea of Harstine being completely rural land is fading away and the new younger yuppie type of folks moving onto Harstine Island are looking forward to a hustling and bustling corner of cultural art with a gathering spot for everyone to enjoy.

There is a need for some type of accommodation for the folks that visit here from different parts of the state and county. Some folks have said that the corner of Harstine Island Road and Harstine Island Drive across from the Grange Hall and Fire station would be a perfect place for a project of this nature. She has spoken to the planners about a project there as long as 12 years ago and was told it was possibly suitable for urban development. Two of the 5 Planning Advisory Commission members at the last public meeting were very much for it. If you were to drive down Harstine Island Road you would say it is the perfect place for a small store. At one point there was talk within the Planning Department in the 1990's the Planning board was considering making a 500 foot or larger circle, from the center point of the crossroads, which would allow commercial zoning, thinking that these requests would come up in the future, but it never came to be. There is no upscale overnight accommodation in

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Mason County like this would be between Shelton and Belfair. It would give Mason County revenue and all of the community a nice cozy bed and breakfast style accommodation.

Harstine Pointe a gated community wrote it would be nice to have a place to refer folks to. They have people asking if there is anything to rent or stay near by. The Director of the new Harstine Island Arts Center said it will help with lodging for actors and patrons after the Arts Center is built and up and running. The Arts Center is a valuable contribution to Harstine Island. The State Parks chose to remain neutral on this subject. When she spoke to other people within the state department they all said the state parks do have a budget in Washington for cabins in the state parks, but there is not enough money to spread around to Harstine Island for now and there won't be any cabins in Harstine Island State Parks for a long time because of this fact. They did say they could see the need for the overnight accommodation on Harstine Island and it could benefit the island.

Jarrells Cove Marina was neutral and stated they are now renting their only two rooms long term and they have no plans to change to overnight accommodations. She would refer people to their cabins because they have no more overnight rentals. The county store at Jarrells Cove Marina could supply the patrons with food, gas and other services. The only concern was to build it with style and beauty.

The owner of the Harstine Island Adult Home said, yes, they would see a need to send people their way. She feels Harstine Island is growing and that it will eventually be as many other small island getaways and cater to many different kinds of visitors and guests.

The owner of amusement park for rezone by Deer Creek Store, Spencer Lake Bar & Grill, said that having an overnight accommodation nearby would benefit his business greatly, because he hosts all types of fishing derbys. People come from all over the county to enjoy the lakeside restaurant and many would enjoy an island getaway nearby.

A survey was done by Mason County Public Works Department in the month of October in the year 2005 showing that 700 cars pass by that corner every day. If there is already 700 cars a day passing by the corner, wouldn't it impact that corner substantially. Doesn't it also show there is a need.

On weekends, in the spring, summer and fall, the Harstine Island Grange Hall, has many functions including a farmer's markets on Saturdays which bring in folks all over the county. Some of those folks would like to have an across the street accommodation. She feels the Harstine Island folks that use the grange hall for all these activities would benefit greatly from the accommodation. There is a brand new Harstine Island church going in between their land and the bridge that shows growth. There is a state of the art marine store and storage just across the Harstine Island bridge on the main land. She spoke to the owner and he remains neutral but says that a lot of people that keep their boats at his place are from the Seattle area and thought it would be a nice addition to Harstine. He felt that all businesses are good businesses, if done well and thought out.

All the activities are on the North end of the Island and that is where their proposed site is located. The applicant has not addressed the south end island needs. There are many cottage style businesses on Harstine. There are three major parks for visitors to use. There is a marina with gas and a store. Just five minutes away is the Spencer Lake development with a store, restaurant, boat launch and bar. It seems there are already many cottage style and commercial businesses set on Harstine and nearby with no real accommodation to meet their needs.

The opposition would have them believe they have dishonorable intentions and they are going to rent long term to the less desirable folks of the community. They do plan on not having kitchens in their bed and breakfast style overnight cabins. They will not rent long term. They realize that people some

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times resist change and they are compassionate and sympathetic towards their fears and resistance. They will go out of their way to address every issue they raise.

The applicants are 15-year residents of Harstine Island living less than 500 yards from this proposed rezone site. Frank James, builder and husband, has been building speculative homes on the island for 15 years. They have the island's best interests at heart. They are trying to get across to everybody over and over again. They are not a fly by night business to rape the island of its dignity. They want to put the cutest little cabins in the wood style place for all of Harstine Islander's and the surrounding community. He also urged the Board to take into consideration, how many that speak against them or have no option, or stay neutral, live within 300 feet of their property.

He did not see how any 300' property owner could be affected diversely, since they own most of the property abutting the proposed site. The one neighbor that could be affected, there will be plenty of landscape buffer and the intention is they will actually have no view of the project. Beautiful log cabins on pilings in the woods have been engineered so they don't have to disturb the land. They have not cut down one tree. They have a fine well that is already approved by Mason County. They have triple the flow that is needed, because they hit an underground aqueduct water source. They will not cut down any trees either.

She questioned if each rezone request is looked at individually on its own merit. The square footage of the cabins is less than a home, garage, shop and guesthouse. She questioned if anyone wants growth on Harstine. She noted that Growth Management encourages pods and crossroads, which this proposal has.

**The Board recessed from 8:03 – 8:13 p.m.**

Wendy Garrido stated she is a property owner at Harstine Pointe. She spoke in support of the applicant and proposal. She felt there is a demand for supplemental lodging. There are a lot of people that come in as guests of Harstine Pointe that serves to address the concern of limited water access. They can access the water. Between the bridge and Highway 3 there are already gas stations, restaurants, self-storage and retail stores. However, there is not lodging available until at least Allyn or Shelton.

Bremnath Carnot noted that change is a part of evolution. He spoke in favor of decent lodging facilities near Harstine Island.

Basil Hammond noted he will be the next one to apply for a rezone on Harstine Island.

Bob Paysse, Pioneer Digging, addressed the septic process. Each of the units will be set up as a one bedroom with maximum of two occupants. Each unit would consist of a sink, toilet, and a shower. He also sized a drainfield system for a future laundry facility. All the sizing math is from the EPA manual, based on full time residency. By using full-time residency figures the drainfield will be oversized. This will ensure maximum protection for the environment and also maximum longevity for the system. Their goal with this project is to attract people looking to get away for a weekend or maybe a few days at a time. These units will not have full time occupants. After several visits to the site and a meeting with the Health Department, it was determined that the best area for the drainfield would be in the lower left corner of the property. They put out a 100' arc from the well to see what area would be able to be used. After drawing a scale plot plan of the property they determined there was not quite enough room on the first parcel of land. The adjoining parcel would be available also. It is a common procedure to grant drainfield easements on nearby properties in situations such as this. A system designed or proposed would be a biofilter . This system has been proven reliable in Mason County since the first one was installed in 1995. It produces treatment standard one effluent, which is

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the cleanest effluent standard issued by EPA. Using EPA data they were able to see that each cabin should be rated at 140 gallons per day. This would include sizing for each cabin to be considered one bedroom with a clothes washer, considering two people in each cabin. One hundred forty gallons per day times 9 cabins equals 1260 gallons per day as a required total. They are proposing to place 11 units each being rated at 120 gallons per day or a total drainfield capacity of 1320 gallons per day. This is an overkill but necessary for environmental reasons.

Frank James, co-applicant with wife Linda, stated the location is a perfect spot for the proposal. It is the main crossroad on the island. It is a modest proposal. Uses allowed in RTC zone include lodging facilities. He realized there are accessories, which he does not need. He is proposing 8 log cabins in the trees with greenbelts in between. The septic and well are fine. There will be a service gate. It is very private and quaint. It is a modest proposal. He has a little over 100,000 square feet of land and will have 4,000 square feet of floor area.

Della Rogers asked for clarification. The small businesses on the island include etched metal, husband and wife artists open on weekends; artist open sometimes on the weekend; non-retail wholesale shellfish businesses on the island. There are a few other cottage industries allowed in rural residential. In order to have the businesses in that category you have to live on your property and have a little workshop or something like that. The marina no longer rents overnight so there is a need for that. There is no recreational facilities that would attract the occasional visitor.

John Noble noted he is a retired professional geologist with a focus on groundwater and municipal investment of water supplies for high quality underground water. There had been earlier concerns that they were looking at pollution problems. He visited the site and saw a rather long drainage ditch they had dug and there is no shoddy loam on the property. The soil is typical of all the soils on the island. It is gravel all the way through sand down to silt and traces of clay. The ability to perc is poor. You cannot blanket it all and say it doesn't work, because it does work. Most of the drainfields in Mason County share the same type of soil.

Kathleen Saul stated she is a homeowner on Harstine Pointe and on the Natural Resources and Utilities Committee in that community. She is also in the Masters of Environmental studies program at the Evergreen State College. She is concerned about the environment and the Island and voiced support of the rezoning of the 2.5-acre parcel. This is an environmentally friendly proposal.

Dudley Panchot stated it is important that to keep in mind that the Planning Advisory Commission voted 3 for and 2 against the proposal. Unless the Board is reasonably persuaded that the zoning should change, it should stay the same. There must have been reasons the five-acre zoning was established. Here is a petition to change it to bring in additional occupancy of this land. It is unfortunate they did not have some type of a planned unit development statute under which this proposal could fall.

The public testimony was closed.

Cmmr. Sheldon stated he has listened carefully. Harstine Island is a unique area. He does not question the good intentions of the applicants. The rural tourism campground designation is very broad and probably too broad. The Planning Commission has declined the rezone. The bottom line is the rural tourism would not be compatible with the existing uses.

Cmmr. Ring Erickson noted they have heard a lot of testimony tonight. A lot of the people really want to talk about the plan for the property. This is a hearing about rezone.

She is familiar with the intersection. The issue is not the intent of the plan.

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**Cmmr. Sheldon/Ring Erickson moved and seconded to deny the request by Linda Christenson to rezone a 2.57 acre parcel (parcel no. 22126-41-90190) on Harstine Island from Rural Residential 5 zone to Rural Tourist Campground zone, and to have the Chair sign Findings of Fact for that decision. Motion carried. G-abstain; RE-aye; S-aye.**

- 9.2 Public hearing to consider supplemental budget appropriations and budget transfers to the 2007 Budgets for the Current Expense Fund and the Wastewater System Development Fund.

Ione Siegler, Budget Director, presented the staff report recommending approval of the budget appropriation to Current Expense Fund/Emergency Management in the amount of \$113,816 to budget anticipated grant revenue which will be used to purchase machinery and equipment; and Wastewater System Development Fund in the amount of \$80,000 to budget an award from the (.08) Mason County Rural Area Capital Improvement Fund to pay consultants costs for the development of the Belfair Urban Growth Area Sewer; and a budget transfer in Current Expense Fund/Non-Departmental in the amount of \$33,313 for the final \$4,313 2006-payment to Economic Development Council and \$29,000 2007-award to EDC for economic development services and Current Expense Fund/Indigent Defense – Superior Court in the amount of \$508,100 to pay all costs of indigent defense in the new Indigent Defense Department and provide better financial accountability for these costs.

Superior Court Judge Toni Sheldon was present to support the request for Superior Court. They are asking to pull the funds out of the Superior Court budget in a separate budget to be administered by Superior Court. These are all funds related to the cost of indigent defense of individuals that do not have the money to be able to pay for their own attorneys or pay for the services that are also required constitutionally for a person charged with a crime to be able to defend themselves. The reason they are doing this is they have been requested as a part of the justice in jeopardy initiative, which began a couple of years ago to be taken to the state legislature, to let the legislature know how much the counties are actually spending on indigent defense and to support the continued request that the state of Washington contribute more money towards the cost of indigent defense being paid individually by the Counties. Washington State is very close to the bottom of the list for state's that are contributing to the cost of indigent defense. The reason they are asking that this be pulled out of their budget is so there is a very easy one page list of expenses to be able to turn in each year to the legislature to show that they are expending a great deal of money on indigent defense.

Dudley Panchot voiced support of Judge Sheldon's comments.

Cmmr. Gallagher this is something the County is obligated to do. The other budgets are also important.

**Cmmr. Sheldon/Gallagher moved and seconded to approve the supplemental appropriations to the 2007 Current Expense Fund budget in the amount of \$113,816 and the Wastewater System Development Fund in the amount of \$80,000; and two budget transfers in the Current Expense Fund in the total amount of \$541,413. Motion carried unanimously. G-aye; RE-aye; S-aye. Order (Exhibit C)**

- 9.3 Public hearing to consider Road Vacation File No. 351, Vacation of a portion of Pine Street and Tacoma Street in the Plan of Grays Harbor and Union City Railroad Addition to Union City, as requested by Jose Flores.

Rick Brush, Right-of-Way Manager, presented the staff report. He stated the Plan of Grays Harbor and Union City Railroad Addition to Union City is one of the oldest plats in the county and is subject

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
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to the laws of 1889-1890. This provided that any road not opened within five years of the filing of the plat, was vacated by operation of law.

In the case of these portions of Pine and Tacoma Street, there is no evidence they were ever opened during that five-year period. They conclude they became vacated over a hundred years ago, by operation of law. Although the streets are already vacated, action by the Board of County Commissioners is needed to create a public record of the vacation and to clear title.

The public would benefit by this action as it would remove a cloud for the title of the area and facilitate development of the adjoining property. The county engineer recommends this petition be approved subject to any easements that may exist, public or private.

Cmmr. Gallagher asked if there is no way they could have made a street.

Mr. Brush responded it is true of a portion of the right-of-way that has been requested to be vacated. Additionally, they cannot produce evidence that any road was developed and opened for use by the general public.

**Cmmr. Gallagher/Sheldon moved and seconded that the road vacation be approved as petitioned, subject to existing private 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. G-aye; RE-aye; ;S-aye.**

- 9.4 Public hearing to consider Road Vacation File No. 352, Vacation of a portion of Fir Street in the Plan of Grays Harbor and Union City Railroad Addition to Union City, as requested by James Prince.

Right-of-Way Manager Rick Brush reported on the petition submitted for consideration of vacation of a portion of Fir Street as noted above. This vacation request is also subject to the laws of 1889-1890. In the case of this portion of Fir Street there is no evidence it was ever opened during the statutory five-year period. They also conclude it became vacated over 100 years ago by operation of law. Since it is already vacated by operation of law there is no issue of preserving the right-of-way for the road system for the future. The public will benefit by this action since it will clear title and clarify issues related to legal and maintenance liability for the area. It is recommended that the petition be approved subject to any easements that may exist public or private. It was acknowledged that Robert Johnson, legal counsel for Rick Buechel, who is a neighbor of the petitioner, had previously noted that Mr. Buechel is concerned his private access rights be preserved by this vacation action. Mr. Johnson now reports Mr. Buechel is satisfied this will occur and the access rights of his client will be protected.

James E. Prince, petitioner, stated he personally spoke with Mr. Buechel two weeks ago and guaranteed him that if he needed any kind of legal easement he would give it to him.

**Cmmr. Sheldon/Gallagher moved and seconded that this road vacation be approved as petitioned, subject to existing private easements for ingress and egress or any other purposes, 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. G-aye; R-aye; S-aye.**

10. Other Business (Department Heads and Elected Officials) - None
11. Board's Reports & Calendar – The Board reported on meetings attended the past week and announced upcoming appointments for the week ahead.

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12. Adjournment – The meeting adjourned at 9:09 p.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Lynda Ring Erickson, Chair

ATTEST:

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Tim Sheldon, Commissioner

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Rebecca S. Rogers, Clerk of the Board

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Ross Gallagher, Commissioner