

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

MAY 15, 2007

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: Cmmr. Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Ross Gallagher.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 Dennis Yakovich of Green Crow Properties expressed his concerns regarding the moratorium release permit process. (Copy to Planning.)
 - 4.1.2 The Washington State Liquor Control Board sent notice of establishments in Mason County with liquor licenses due to expire on August 31, 2007 and notice of a special occasion application for Huerfanitos Internacionales.
 - 4.1.3 Mason County Fire District #13 has appointed Stan Leortscher as their representative for the Mason County EMS and Trauma Council.
 - 4.1.4 The United States Department of Agriculture, Rural Development, announced that Mason County has been approved for a USDA Rural Development Loan/Grant for Rustlewood Sewer. (Copy to Utilities & Waste Management.)
 - 4.1.5 United States Enviromental Protection Agency expressed support for efforts by Tri-Party Consortium members to improve the enviromental health of the marine ecosystem within Hood Canal.
 - 4.2 Barb Robinson, Department of Community Development Director, recognized Barbara Adkins and her involvement in Earth Day.
 - 4.3 Parks Director John Keates read aloud a News Release announcing the dedication of Harvey Rendsland Park on Wednesday, June 27, 2007; 11:00 a.m. at the park.
 - 4.4 Betty Wing, Director of Operations read aloud a Proclamation for Clean Air Month in May.
 - 4.5 Public Works Director Charlie Butros announced that the preliminary Allyn Urban Growth Area Stormwater Management Plan is available for review.
5. Open Forum for Citizen Input
 - 5.1 Ken Van Buskirk noted the Washington State Board on Geographic Names will be contacting the County concerning naming an unnamed salmon bearing stream in the Belfair Urban Growth Area on behalf of his late mother-in-law Irene Davis. He requested the Board support this endeavor.

He also noted that he has been approached asking if the Davis Farm is for sale. He commented the farm is in a perpetual trust with the Great Peninsula Conservancy. When he attended a Belfair Bypass meeting with Washington State Department of Transportation in North Mason there was a slide depicting potential county roads in the north end. One of the roads is called the Union River Bypass and is depicted running through the Davis Farm. He requested that the Union River Bypass project be removed from the county plans and any visual aids of the Davis Farm that is used in public presentation be deleted.
 - 5.2 Louis Cofoni expressed concern for safety on public roads, specifically the intersection of Pickering and Phillips Lake Road where there is loose gravel at the intersection.

Cmmr. Ring Erickson responded she is aware of the situation and the Public Works Department is also working on it. Possibly, the Sheriff's Department can assist if there is a specific individual.

Mr. Cofoni questioned if the Park and Ride at Pickering is for public use.

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- The Board stated the parking lot is owned by Mason County Transit and it is available for carpools and transit.
- 5.3 William Kick, Agate Loop Road, suggested the County have a grass roots program for trash and litter around the county. He would like to have refunds on bottles.
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 adopt the regular meeting minutes for May 1, 2007. Motion carried unanimously. G-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
- 8.1 Approval of the 2007 – 2009 collective bargaining agreement between Mason County and the Public Works Engineers Guild.
- 8.2 Approval to appoint Ken Wilson to the Transportation Improvement Program Citizens Advisory Program (TIP-CAP) for 2007.
- 8.3 Approval to cancel the briefing meetings on Monday, June 18 and regular Commission meeting on Tuesday, June 19, 2007 due to the Washington Association of Counties (WSAC) summer meeting.
- 8.4 Approval of Veterans Assistance Fund applications for: Larry Tuno - utilities \$358.45; Fritz Hoyt - utilities \$76.68 and food \$150.00; Gerrold Graham Jr. - utilities \$556.65 and George Valent - burial \$599.20 for a total of \$1740.98 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.5 Approval of the 2007 – 2008 agreement between Mason County and Woodworkers Local Lodge W38, I.A.M., Corrections/Support Staff Unit.
- 8.6 Approval of the Interlocal Drug Task Force agreement (WESTNET) between the counties of Kitsap and Mason and the cities of Bainbridge Island, Bremerton, Port Orchard, Poulsbo, Shelton, and Gig Harbor, the Washington State Patrol and the Naval Criminal Investigative Service. This is for the period of June 30, 2006 to June 30, 2009.
- 8.7 Approval to set a public hearing on Tuesday, June 5, 2007 at 9:30 am to consider the franchise applications between the Port of Allyn, Lake Limerick Water System, Shorecrest Estates, City of Shelton, H&R Waterworks, Incorporated, Mason County PUD #1, Emerald Lake Community Club, Incorporated, Collins Lake Community Club, and Oak Park Water Company.
- 8.8 Approval for the Public Work's Director/County Engineer to approve the necessary implementing steps, advertising, setting bid opening date/time, award contract and authorize the Chair to sign all pertinent documents for County Road Project 1380-3 Grapeview Loop Road. Contract award will be announced during a regular meeting of the Board of County Commissioners.
- 8.9 Approval of the County Road Project 1902, Purdy Cut-Off Road, and authorize the Public Works County Engineer to advertise, set bid opening date/time, authorize the Chair to sign all pertinent documents, and award contract. Contract award will be announced during a regular meeting of the Board. **Resolution No. 47-07 (Exhibit A)**
- 8.10 Approval of the grant agreement between Mason County and the Cold and Hungry Coalition for \$2,500 for the Emergency Cold Weather Shelter as authorized in the 10 Year Homeless Plan.
- 8.11 Approval to award Cobalt Truck Equipment of Spokane, Washington the bid to furnish Mason County with one new 2008, Ford F550 with Mechanics Service body and crane for the Equipment Rental & Revolving Fund. Cost: \$82,540 plus tax.
- 8.12 Approval to send a letter to the Washington State Liquor Control Board stating Mason County has no objections to the conditional approval by the Liquor Board of the liquor license application for Wild Bill's 'n Jo's Café, LLC, License #082611 – 1U, Privileges applied for: Beer/Wine Restaurant – Beer Off Premises. The conditions are that the applicant must meet all Planning, Building and Environmental Department regulations.
- 8.13

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- 8.14 Approval of Warrants:
Claims Clearing Fund Warrant #s 122439-122796 \$539,944.02

Cmmr. Sheldon commented on Item 8.12. He thanked the Building, Environmental and Planning Department for working with the applicant. The Liquor Control Board works with the counties and cities on these applications. There seems to be a resolution to the issues with Wild Bill's n Jo's Café. The applicant does have to comply with all the Mason County Building & Planning Environmental codes.

Cmmr. Sheldon/Gallagher moved and seconded to approve Items 8.1 through 8.13 be approved. Motion carried unanimously. G-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 the budget transfer for the Sheriff's Department/Current Expense Fund.

Ione Siegler, Budget & Finance Director, explained that the transfer of \$14,335 is from the ending fund balance in the Current Expense Fund to the Current Expense/Sheriff Department. The amount of \$4,335 is for promotion of two deputies to the rank of Sergeant, and \$10,000 for operating supplies.

Denny Temple voiced support to offer a package to the young deputies to keep them within Mason County. If the County pays equivalent to other counties they won't lose deputies.

Cmmr. Gallagher/Sheldon moved and seconded to approve a budget transfer from the ending fund balance in the Current Expense Fund to the Sheriff's Department in the amount of \$14,335. Motion carried unanimously. G-aye; RE-aye; S-aye.

- 9.2 Public hearing to consider an amendment to the county development regulations – Rural Commercial 3 (RC3) zone.

Bob Fink, Planning Manager, noted the proposal to amend the county development regulations would allow buildings larger than 7,500 square feet in the Rural Commercial 3 districts in the Rural Activity Centers in the county. The provision would allow greater flexibility, allow larger buildings which are subject to a public hearing process design requirements and justification that it is appropriate to serve the rural area. The Planning Advisory Commission recommended approval of a draft proposal on March 19, 2007. The Planning Staff supports the draft proposal, except for some clarifying language put in the memorandum to the commissioners this month.

Cmmr. Gallagher asked if this is for Union, Hoodspout, Taylor Towne 1 & 2. He asked if any thought has been given to Matlock.

Mr. Fink responded, no. Matlock is a different class of mixed-use area. It is very small in extent, basically a store. It is already filled up with what is out there now. This provision was limited to rural activity centers as the principal areas where there is room for growth in the services that will be provided to the rural area. The other commercial sites around the counties are isolated sites. They fall into a different class and typically are just one or two businesses.

Maria Sheetz, Mason County Association of Realtors, expressed support for the proposed changes being considered to allow commercial buildings in Rural Activity Centers to exceed the current size limits of 7,500 sq. feet. They are in favor of the revisions. More flexibility in commercial design standards will help the local businesses be more competitive and better serve their local markets. Local businesses will be better able to meet local residents shopping needs increasing convenience and

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reducing traffic. Flexibility will enhance the economic vitality of the Hoodspout, Union, and Taylor Towne communities.

Jane Roush voiced concern about the open-end qualification. Commercial buildings can be larger than 7,500 square feet. She asked what is the upper end. What is the maximum an individual can put in the area.

Cmmr. Sheldon responded that he understood this issue began with the Hood Canal Grocery in Hoodspout. Mike & Jerry Purvis have a successful small convenience store and they would like to expand it. They bought an adjacent restaurant, which was bankrupt and a defunct gas station and removed those properties. They removed approximately 5 – 6,000 sq. ft. The old rules adopted by a previous board, when going through the Growth Management, allowed them to build a building no larger than 7,500 sq ft. The Purvises did a survey to determine how many people would patronize the store and how big the store should be. Even though they were removing a great number of square feet of defunct old buildings they were not allowed to expand larger than 7,500 sq. ft. That rule applied not only to grocery stores and but to barber shops, beauty shops, health clinics. They felt it would be wise to change the rules with the Planning Department and Planning Advisory Commission's approval so there would be more flexibility in the three rural activity centers (Hoodspout, Union and Taylor Towne). The proposed new rules allow for more flexibility. There is a special use permit that is required so the building has to maintain a rural character. It will have facade, indentations, greater setbacks and more flexibility. It could have the ability to go beyond the 7,500 sq. ft. All Rural Activity Centers. It is not to attract a "big box" in a small community.

Cmmr. Ring Erickson encouraged her to read the proposal. The staff has done an excellent job to come up with alternatives that will allow people to reduce their commutes into town. To do their business and stay within the original intent of the Rural Activity Center.

Cmmr. Sheldon noted that a big box store would not be allowed, because it has to draw from a larger area. That would only incorporate in an urban growth area.

Cmmr. Sheldon/Gallagher moved and seconded the Board adopt the amendments to the Development Regulations for Rural Commercial 3 Districts to allow commercial buildings larger than 7,500 square feet in Rural Activity Centers with a Special Use Permit. Motion carried unanimously. G-aye; RE-aye; S-aye. Ordinance No. 48-07 (Exhibit B)

10. Other Business (Department Heads and Elected Officials)

10.1 Consideration to set the boundaries of the Oakland Bay Shellfish Protection District.

Debbie Riley, Environmental Health Manager and Betty Wing, Interim Director of Public Health presented a report for the Oakland Bay Clean Water Protection District.

Mrs. Wing read a staff report on the Oakland Bay Clean Water Protection District. The water quality at the Department of Health sampling station #614 has degraded to the point the shellfish harvest beds in that area need to be closed. The Commissioners must set boundaries for the clean water protection district today. There are clean water protection districts in the Lower Hood Canal, Annas Bay, and Totten Little Skookum watershed.

It was noted the Goldsborough Watershed is already an established described area. That is where they started the work with that watershed.

An Oakland Bay Resource Committee started work almost a year ago. They tried to come up with a plan on how to address this issue. The Oakland Bay is a very complicated body of water. It is not

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typical. It not a Hood Canal with dense populations and housing along the edges. There is a lot of upland areas. The committee has looked at various options for making recommendations in creating boundaries. The closure is at the far end of Oakland Bay. Some recent sampling over the last 3 – 4 months they are seeing a deterioration of water quality at the end of Chapman Cove. This is disturbing. There are a number of dye testing and water testing sample stations along Oakland Bay where the water quality is being monitored on an ongoing basis. The challenge is they have been going out in the Environmental Health Department. They have been making contact with homeowners. They have been going in and testing to determine where there are failing septic systems in an effort to do what they can to try and correct the problems. There are still more people to contact. There are a lot of upland property owners that potentially could be impacting the water quality of the bay. This would be an ongoing effort.

Mason County Conservation District has been working actively with the owners of hobby farms in the area. They are helping with Farm Management Plans to implement some best known practices on how to properly dispose and care for their animals and dispose of waste.

They have been analyzing the data to try and figure out some of the sources. It is a complex situation.

Cmmr. Ring Erickson pointed out that the area around the City of Shelton is not closed because they are not doing a good job. They are doing an excellent job. It is closed as a long-term safeguard for the public in case there were to be a problem. The quality of their discharge is very high and is not contaminating the larger area.

Mrs. Wing noted they have been meeting for quite a while on average of 20 – 22 people from various state agencies, community members, representatives from the shellfish industry, Mason County, City of Shelton, Conservation District, WSU-CE, Squaxin Indian Tribe. They have been analyzing the data trying to figure out some of the sources, because this is a complex situation. They can often find high fecal coliform counts, dense population and determine what is there. Station 614 is at the very end of the Bay. There is no population there. Obviously, the fecal coliform is coming from somewhere. They are not certain if it is upland and are doing additional research with the assistance of the shellfish industry, tribes, State Department of Health, and Environmental Protection Agency. They are doing DNA type of work to help figure out where the fecal coliform is coming from.

Cmmr. Ring Erickson added that the DNA test suggests it is not just animals or humans. It is a complex area.

One challenge is to expect there would be a continuous reading of higher readings and steady readings. There are various stations that are very clean and other stations are extremely high fecal coliform count. That is something they have actually looked at. There are a lot of mud flats. There has been some discussion about various theories.

There are testing sites on Cranberry Creek and Deer Creek.

Debbie Riley, Environmental Health Manager, stated the water in Oakland Bay has a long residency time. It does not turn over like some of the faster waters in the northern reaches. The Department of Health has done some circulation studies in the upper end, especially with Cranberry Creek and Deer Creek coming into the Bay. They have not ruled anything out.

Cmmr. Sheldon stated the regional wastewater group has done a lot of modeling as well of tidal flows and exchange of water in Oakland Bay and Hammersly Inlet. They do have some good information but it is non-point pollution.

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What they are seeing in Deer Creek and Cranberry Creek is looking very good.

Mrs. Wing stated they have gone up Uncle Johns Creek and are working with homeowners on some failing septic systems. They need to continue the effort, which will take significant time and resource to continue to work with the state agencies and entities. They will continue with education of people in the region as far as the importance of maintaining their septic systems if they are hobby farm owners.

There was discussion about Option 1 and Option 2. Option 1 takes in the larger area and Option 2 the smaller area. Option 2 would pick up Lake Limerick.

There was a question if there are seasonal changes. Typically, in the fall with heavy rains, there is kind of a washing effect. That is where they would expect to see high fecal coliform counts in the water. They are getting the highest counts in the summertime when there is not waterfall. There are unique things happening which are making it a bigger challenge to address.

It was noted the natural boundary along the city sanitation line.

There are approximately 129 houses that are not connected to the City of Shelton sewer.

They estimate there are 682 parcels that are not on City of Shelton water or sewer.

It was noted neither the Webb Hill site or the Washington Correction Center are in the boundary.

Kim Zabel, Washington State Department of Health Shellfish Program, stated she has a vested interest in public health and right now there is an extreme danger of Chapman Cove being closed to shellfish harvesting because it does not meet standards of public health. This particular area is also managed on rainfall. When it rains it has to be closed. It is an area that is very delicate as it is. It is impacted by stormwater runoff.

They also worked with the Food and Drug Administration (FDA) who writes the rules because shellfish are sold interstate and around the world. The rules have to be met across the board.

John Rogers, Chapman Cove, stated he has horses and has worked with Soil Conservation in the last several years. They have been in the farming business since 1950 in Chapman Cove. This last year they have had 7 samples taken on his place through Soil Conservation and failed one time after a week and half of rain. The horses and cows have been off for two years and the fecal count is going higher.

The Board interjected that the County is not saying it is the cows that have created the high fecal coliform count. There are a number of sources.

Becky Ann Rogers, Chapman Cove, stated she has been to a lot of the meetings. She believed the county should do background checking. The perc tests are performed in the peak of the dry season. In the wintertime the ground can have 2" of water standing on the ground. She was concerned about the development of 25 homes in the valley which water will run down the creek into Chapman Cove. She questioned who will get the blame for contamination.

Cmmr. Sheldon stated there is an excellent program with Shorebank for those that have problems with older septic tanks and drainfields that need to be upgraded. It is a flexible program that works with the income of the individual. They have an office in Mason County.

It was questioned if there is any compensation for not being able to use the land.

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The Board stated the Planning staff could address this.

The Board recessed from 10:24 – 10:33 am

Diane Cooper, Taylor Shellfish, stated they do not support Option 2. They know that Chapman Cove is in eminent danger of being shut down. They would support any boundary as long as it includes Chapman Cove. The bottom line is fixing the upperhead of the bay and fixing Chapman Cove. The shellfish industry is not present to point blame but to fix the problem so they can continue to operate.

Cmmr. Ring Erickson stated they are looking at the boundaries. They are not looking at funding. There have been some people that have jumped to the conclusion that the County is looking at a parcel tax or property fee to fund this. That is not the case. They are looking at other options without putting the burden on the people that live in the area. They are looking at options that might allow the county to convert part of the sales tax. One of the issues for the Commission is that people want to come to Mason County to enjoy it and yet the burden has primarily, in other shellfish protection areas, fallen on the people that live there to keep it clean. They are looking for options that would allow the county to devote some part of the sales tax to this program.

Cmmr. Gallagher stated he is proud of how everyone has partnered in this. Water quality is the main concern.

The Board has had numerous discussions with staff presenting a lot of information to them about this particular region. There is a suggestion of a third area, which would encompass all of the area of Option 2, and then go down Arcadia and run along the edge of the Shelton Urban Growth Area.

Cmmr. Ring Erickson expressed concern about the dense population. They are talking about a comprehensive approach to try and work on a very complex body of water that they are not sure what is going on.

Cmmr. Sheldon stated the new proposed Option 3 is within the Urban Growth Area, it leaves the other areas of Shelton out. His estimation of thinking about the urban growth areas were set up as more intense development. They are the areas that eventually will be brought into the city. Those areas will have a higher level of service provided. He is leaning towards Option 1. It is not a taxing proposal. It is to establish a clean water district. They are starting with the water. The larger of the three options would be the most prudent.

Option 1 will include all of the Shelton Urban Growth Area as well as the area designated as Option 2.

Cmmr. Sheldon/Gallagher moved and seconded to approve the Oakland Bay/Shellfish Protection/Clean Water District as defined by area No. 1 on the map. Motion carried unanimously. G-aye; RE-aye; S-aye. Resolution No. 49-07 (Exhibit C)

11. Board's Reports and Calendar – The Board gave highlights from meetings attended the past week and noted their appointments for the upcoming week.
12. Adjournment – The meeting adjourned at 11:09 a.m.

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BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Lynda Ring Erickson, Chair

ATTEST:

Tim Sheldon, Commissioner

Rebecca S. Rogers, Clerk of the Board

Ross Gallagher, Commissioner