

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JULY 3, 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 The Washington State Liquor Control Board sent notice of Special Occasion permit applications for Huerfanitos Internacionales and North Mason Rotary.
    - 4.1.2 The Mason County Auditor submitted a certificate of sufficiency for a petition for the formation of the Mason County Public Hospital District No. 2.
    - 4.1.3 Barbara Nightingale, Kathryn Sobocinski, Richard Brocksmith and Marty Ereth together sent State of the Science on Individual and Cumulative Impacts of Single Family and Joint-Use Piers, Ramps, and Floats in Hood Canal, Wa.
    - 4.1.4 Kevin Lea expressed his concerns regarding Critical Area Ordinance wording/requirements pertaining to Geotechnical Reporting for sloped land in Mason County. (Copy to Planning.)
    - 4.1.5 Bob Hager submitted comments on Mason County Storm Water Policy and Regulations and the Belfair Urban Growth Area Stormwater Management Plan.
    - 4.1.6 The United States Environmental Protection Agency responded to a May 07 letter from Tri-Party Consortium members requesting the renaming of earmarked FY'06 STAG funding. (Copy to Utilities & Waste.)
    - 4.1.7 The Mason County Historical Society submitted their suggestions for plans for the proposed future fairgrounds.
    - 4.1.8 The U.S. Census Bureau sent notice that they will not provide addresses for review for the portion of Mason County that is within the boundaries of a federally-recognized American Indian reservation.
    - 4.1.9 John Diehl submitted comments on Item 9.1. Mason County Development Regulations.
  - 4.2 Vicki Kirkpatrick, Public Health Services Director, recognized Environmental Health staff: Cindy Waite, Arlene Hyatt and Rose Swier. The Board presented green stars.
  - 4.3 Public Works Director Charlie Butros read aloud a Notice that the Department of Public Works is advertising the Small Works Roster.
  - 4.4 Dean Byrd, Sheriff's Chief of Operations, announced the Sheriff's Office is applying for Justice Assistance Grant (JAG) funding in the amount of \$23,531.43 for evidence lockers.
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 6/12/07. Motion carried unanimously. G-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
  - 8.1 Approval of the lease agreement between the Shelton *Skookum* Rotary Foundation and Mason County for a three year period, October 1, 2007 ending September 30, 2010, for the use of the Mason County Fairgrounds for the Oysterfest event. The fee for each year is \$21,206.
  - 8.2 Approval of the resolution for the distribution of the Public Utility District 1 and 3 privilege tax, per RCW 54.28.090. Mason County Current Expense will receive \$446,655.10. **Resolution No. 69-07 (Exhibit A)**

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
JULY 3, 2007 - PAGE 2**

- 8.3 Approval to support the proposed name of Irene Creek for the stream tributary to Union River as submitted by Ken VanBuskirk to the Washington State Department of Natural Resources.
- 8.4 Approval to nominate Kim McNamara to the Pacific Mountain Workforce Development Council to fill the vacancy that is committed to Olympic College's Shelton Campus.
- 8.5 Approval of the resolution approving the action of the State of Washington Economic Development Finance Authority and the issuance of non-recourse revenue bonds to finance an economic development facility for Coeur d'Alene Fiber Fuels, Inc. **Resolution No. 70-07 (Exhibit B)**
- 8.6 Approval of the interlocal agreement for the Regional Microenterprise Project, Community Development Block Grant (CDBG). Jefferson County is the lead agency for this project which provides \$250,000 for the Olympic Microloan Fund.
- 8.7 Approval of the resolution increasing the Fair Revolving Account for the payment of fair premiums and other immediate payments needed during the period of the fair to \$15,000. **Resolution No. 71-07 (Exhibit C)**
- 8.8 Approval of Veterans Assistance Fund applications for: James A. Broughton - housing \$600.00 and Llyod Ball - food \$300.00 for a total of \$900.00 and denial of Veterans Assistance Benefits for John Malick as recommended by the Veterans' Assistance Screening Committee.
- 8.9 Approval for Public Works to select up to three Construction Project Inspectors from the Letters of Interest Roster – 2007 and enter into a letter agreement/contract for Construction Project Inspector Services for calendar year 2007.
- 8.10 Approval to set a public hearing on August 7, 2007 at 9:30 a.m. to consider the franchise applications between the Timber Lakes Community Club, Clifton Beach Tracts Co-op, Paradise Service Associates, Lakeland Village Water Company, Inc., and Triton Head Community Water System.
- 8.11 Approval of the resolution setting a public hearing on Tuesday, August 7, 2007 at 9:30 a.m. for consideration of an exchange of real property between Mason County and the North Mason School District as required by Mason County Code 3.40.260. **Resolution No. 72-07 (Exhibit D)**
- 8.12 Approval for the Equipment Rental & Revolving Fund Manager to call for bids to furnish Mason County with one used Yard Truck for the Department of Utilities and Waste Management. Approximate cost, \$50,000 plus tax. Date and time of opening to be July 18, 2007 at 9:00 am.
- 8.13 Approval for the Equipment Rental & Revolving Fund Manager to call for bids to furnish Mason County with nine new Fujitsu ST5111 Tablet Personal Computers with accessories for the Assessor. Date and time of opening to be July 18, 2007 at 9:30 am.
- 8.14 Approval of Consolidated Contract C14956 Amendment No. 3 providing an increase of \$134,008 for continuing work for the BEACH program, Environmental Health Onsite Enhancement, Office Drinking Water – Group B Program, PHIP Standards Consultation and Tobacco Prevention and Control Program in the Mason County Health Department.
- 8.15 Approval of the Contract Amendment #0663-98797-02 with the Department of Social and Health Services for continuation of the current Alternative Response System Services (ARS) and Early Intervention Program (EIP).
- 8.16 Approval of Warrants  
Claims Clearing Fund Warrant #s 124707-125293                      \$2,366,618.91

Cmmr. Sheldon clarified that Item 8.5 resolution is just a nonrecourse bond. It is not the obligation of Mason County or its citizens, but the Economic Development Finance Authority bundles projects together. It is a company seeking finance and hoping to locate here.

**Cmmr. Sheldon/Gallagher moved and seconded to approve the consent agenda as read. 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 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.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
JULY 3, 2007 - PAGE 3**

Allan Borden, Planner, gave a staff report and explained that under the agricultural resource land designation proposal the educational learning center would require a special use permit. They are adding the definition of Educational Learning Center: A facility dedicated to environmental and resource education and research.

An environmental permit currently allows the learning center land use on long-term commercial forestlands, which are located in the west and northeast parts of the county.

The proposed revisions would allow an educational learning center to be established on agricultural resource lands as well. The request would be reviewed by submitting a special use permit application. Evaluation would include the permit materials, development regulation and resource ordinance criteria and development standards. Cases would be heard by the County Hearings Examiner who would make a decision and issue, if approved, conditions of operation. Impacts to existing agricultural operations and capabilities of the land in the area would be minimized. Approved land uses would emphasize or support ongoing agricultural land uses. It was noted there are no changes proposed to the Mason County Resource Ordinance at this time. The Planning Advisory Commission reviewed the proposed standards in September 2006 and supported the concept as a means of educating the community on resource based land uses that are important to the county and recommended approval of proposed changes to the Mason County Development Regulations.

Cmmr. Sheldon believed that the definition for educational learning center is a fairly broad definition. An Educational Learning Center could host other events.

Mr. Borden commented a learning center could be to promote wetland or stream conservation in the County as well as agricultural or timber, commercial forest concepts. The educational learning facilities are currently allowed in long-term commercial forestlands. An educational learning center could have environmental education. They could also have a program like the Cooperative Extension, taking a farm and promoting its importance in the development of the county.

Cmmr. Sheldon questioned if an educational learning center could host a wedding.

There was discussion that it would be more of a function to be at a community center.

The Urban Growth Areas in the County are: Belfair, Allyn and Shelton. It was questioned if there are any agricultural resource lands located within UGAs.

Mr. Borden responded, yes.

There was discussion that this designation is unique. However, it is a land use that has been utilized around the country as well as in Washington.

Ken VanBuskirk clarified that there is one long-term agricultural area in the Belfair UGA.

Randy Neatherlin noted examples given to work with are all public parks. He questioned if there are there any other examples in the State of Washington that are not in a park.

Mr. Borden responded, off hand he could not recall any. There was discussion that Nisqually is federal and not covered by Pierce County's zoning program. The adjacent lands are considered long term agricultural lands.

The Chairperson opened the hearing for public testimony.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
JULY 3, 2007 - PAGE 4**

John Bolender, District Manager for Mason Conservation District, stated the district encourages the Board to adopt regulations to allow educational learning centers on land designated as agricultural throughout Mason County. Currently, Mason County Development Regulations allow environmental learning centers on resource lands, but excludes them on agricultural lands. Suitable learning facilities could be established with the review of a Mason Environmental Permit and would serve an educational purpose promoting sustainable use, conservation, and restoration of resource lands county wide. Environmental learning centers would not interrupt resource land activity and could be sensibly located in proximity to rural resource lands and associated activities. These facilities could provide learning opportunities for all ages interested in creating a balance between nature, agriculture and the human needs. Programs could be developed for youth and adults. He felt this is a proactive way to encourage educational efforts that promote resource-based industries and land uses throughout the county. It would enable demonstration of sustainable agricultural practices that may preserve farmland. Economic pressures currently are causing a lot of agricultural landowners to rethink the use of their land and look to conversion of that land to more economically viable alternatives. By showing examples of sustainable economically feasible practices, they may help reduce the temptation to convert agricultural lands to more intensive uses. In order to more effectively teach land and ecosystem stewardship, teaching facilities need to be located on the types of land that are to be studied. Workshops to teach environmental best practices are most effective in an area that has those features. There are examples of best practices and uses in other counties within Washington.

Mason County is currently working on concept development on three sites within Mason County that are all on Agriculture Resource Lands. He asked for clarification of the definition of the regulations regarding what entities would be enabled to establish environmental learning centers on resource lands. It appears, in the current draft, that it lists school districts, state agencies and non-profit organizations as being able to establish educational environmental programs. He is not sure the definition or description would include special purpose districts such as the Conservation District. He suggested it might be easier and cleaner to suggest the language read "governmental entities and non profit organizations."

Mason Conservation District encourages the Board to adopt revisions to the Mason County Development Regulations authorizing educational learning centers on all rural resource lands.

Dr. Michael Pavel, Skokomish Tribal Member, voiced support of the idea of educational learning centers within agricultural resource centers. He is a professor of Washington State University institution known for its agricultural mission. There are things they have to look forward to in terms of what are they leaving for their children. As they become a hallmark of recreation and use facility of Mason County. The people who come in and do not understand and are not aware of the history have their own ideas of what they should do and the direction of our society.

An individual echoed John Bolender's position that having an educational facility on land you want to preserve is adding another layer of protection to the land you want to protect.

Paul Hirsch, Pacific NW Salmon Center Board of Directors, noted that one of the most important challenges facing the citizens of Washington is finding ways to promote agriculture while at the same time protecting the natural environment. Both are essential to the well being, yet there are conflicts inherent in the pursuit of these two goals. The need to find common ground speaks to the more fundamental need to learn and educate. To learn through research, how in detail agriculture affects and in turn is affected by the natural environment and then to disseminate this knowledge to the people of the state. Particularly to the young as it is in their hands that the future of both agriculture and the environment rest. To promote the search for common ground speaks to the need for the establishment of educational learning centers located on agricultural land. Centers dedicated to environmental and

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
JULY 3, 2007 - PAGE 5**

resource education and research. He voiced support of the recommendations of the Planning Advisory Commission.

Mo MacCracken, Washington State University/Cooperative Extension, concurred with John Bolender and Dr. Pavel. This is an opportunity for the youth to learn the history of where we are here in Mason County and what we have in our environmental area to learn and respect and live with. She voiced support of the proposal.

Randy Neatherlin disagreed with the staff's conclusion. He pointed out that SSB 5248 does not apply if it does not come under the critical areas ordinances. If you look into the background after it goes through the Growth Management Act which was enacted in 1990, local jurisdictions that are required or chose to plan are to adopt development regulations. Generally, agricultural lands are either designated as agricultural lands of long term commercial significance or as rural lands. Agricultural lands of long term commercial significance are those that are not already characterized by urban growth and have long term significance for commercial production of food or other agricultural products, with a few exceptions such as the one acre accessory provisions enacted in 2006 conversion of this category of agricultural land to non agricultural uses is not allowed. The restrictions on the conversion of agricultural lands in areas zoned as rural are less and depend on local ordinances. He pointed out that even though this is not the law itself, it is based on something.

There are a lot of things that are not permitted on the matrix. If there is a Pacific NW Salmon Center type scenario, eventually they still will need to be able to have houseboats, greenhouses, and private noncommercial. There are different aspects of it being commercial that should not be allowed in agricultural land. There are other things that are not permitted such as schools, private, elementary or secondary, tourist related uses. They are not allowed to have public parking on agricultural lands. He questioned if they would change it to allow public parking. Resource based industry is now allowed on agricultural land. He questioned how much they would need to change in order to make this happen. It was pointed out that they are behind this because it would allow for low intensity land uses and should not interrupt ongoing resource land activity. A 7,500 sq. ft. building is a big footprint. There is nothing that states it will be one building, it may be several buildings. It is not used for agriculture any more. In closing, he supports education in the community, but it does not mean they have to put it on agricultural land. The idea of constructing buildings in order to save lands is ridiculous.

Ken VanBuskirk presented the Board with a letter from Bruce Landram to Mr. Borden and his testimony dated July 3, 2007 to the Commissioners. One of the goals of the Growth Management Act is protection of agricultural land and open space. He feels the proposed revision is not about education but rather about money and ecotourism. He stated he wanted to address a couple of issues with the most recent staff report. He referred to the second paragraph with the introduction where it gives a history of the Theler Wetlands project. He understood, according to the staff report that in 1992 Mason County permitted trails on agricultural land. The trails are on top of dikes, which are adjacent to school district property and are not usable agricultural land. In 1995, Mason County permitted construction of two educational classroom buildings. They are on school district property, not on agricultural land. He believed it should be mentioned that in 2000, there was an attempt to put the Theler Wetlands in the Belfair Urban Growth Area. Irene Davis testified before the Mason County Commissioners in April 2000 and the proposal was denied. Further, in 2004, the Pacific Northwest Salmon Center attempted to secure grants for acquisition of the agricultural property adjacent to Theler Wetlands by misrepresenting the current land use suggesting there was a high development potential for many houses along the dikes. The grants never materialized.

He noted that County staff also investigated how other jurisdictions have dealt with this across the nation. Such facilities were found to be farmland demonstration projects or historical parks. Each

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
JULY 3, 2007 - PAGE 6**

facility served an educational purpose promoting farming, just as suggested. Mr. VanBuskirk's family including his wife and kids grew up on a legacy farm. He concluded that agricultural lands are great educational learning centers and wonderful legacies for future generations.

John Burgess introduced himself as President of Hood Canal Salmon Enhancement group, member of the Board of the Pacific Northwest Salmon Center and retired attorney. Other comments made so far have covered his thoughts.

He voiced endorsement of the staff's proposal and noted he found great wisdom in the definition, which was given to the educational learning center (ELC). The verb "dedicated" will be to specific things such as education and resource development of environmental matters. They cannot have too much education of environmental matters. There is no place better to have education on environmental matters than in the field where the environment exists as opposed to a classroom in an urban city. He commended the staff's recommendation and asked the Commissioners to adopt the recommendation.

Frank Kinney, Executive Director of the North Mason Chamber of Commerce, noted he supports tourism. He believed it is a good thing that contributes to the tax base and brings money into the county that pays jobs. Tourism contributes to the quality of life and is a good thing. Over time educational learning centers on agricultural lands could bring a few more people into the county to enjoy the county, learn new things. It reaffirms the commitment to the environment. People come to Mason County for the environment. The North Mason Chamber of Commerce urges the Commissioners to approve the staff's recommendations.

Bob Hagar stated he is a resident of the Lower Hood Canal and Co-Chair of Lower Hood Canal Watershed Coalition. He is in favor of the proposed revision to the Development Regulations to allow environmental learning centers on agricultural land. He spoke from an environmental standpoint and a concern about the water quality in the watersheds. Most of the farm land is located near watersheds and agricultural lands are one of the sources of sediment and the nutrients coming off of those lands and entering fresh water streams, fresh water rivers, and into the marine water and degrading the water quality. Allowing environmental learning centers on agricultural land where improved farming practices, fertilizer uses and surface water runoff control can be taught and demonstrated will be an important part of the ability to recover and protect the water quality in the county.

Amy Costaluts, Land Use Attorney that has practiced in Washington for the past 27 years representing both private development, non-profits and cities and counties. She also is present on behalf of Pacific Northwest Salmon Center. She voiced support of the staff's recommendation of adding environmental learning centers (ELC) as a use permitted by special use in the agricultural resources lands. She felt it was a well considered proposal which is consistent with the Growth Management Act policies both for resource lands protection as well as policies supporting protection for the environment. They have heard a lot about goal 8 of protecting resource lands and have not heard as much about goal 9 open space and recreation which contains goals of conserving fish and wildlife habitat and increasing access to natural resource lands and waters. They need to strike an appropriate balance between the various goals of GMA and believes the proposal strikes the balance. Mason County has comprehensive plan policies supporting outdoor education, which is stronger than many counties. What helps to strike the balance is the proposal to allow ELC's only with a special use permit. It gives the county the ability to approve and deny proposals and impose conditions to address any potential impacts that specific proposals might have on adjacent uses. There was some concern about large parking lots, motels, etc. The county special use permit section 17.05.044 requires, before approval of an educational learning center (ELC), the use has to be found not detrimental to the public health safety and welfare that it be consistent with the comp plan, which includes agricultural preservation goals and it not have a significant impact upon existing uses on adjacent lands among other requirements. These are the

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
JULY 3, 2007 - PAGE 7**

provisions that allow the county to reconcile environmental learning centers without interfering with important ongoing agricultural operations or incompatible uses.

The special use permit is a similar process used by other jurisdictions to approve environmental learning centers. She found environmental learning centers as an allowed use in Clark County are called public interpretive/educational uses. Pierce County has recreational non-profit uses in agricultural and forest lands. Allowing ELC's with a special use permit gives a greater level of protection than the County Code provides for a number of other uses currently allowed in agricultural resource lands with potentially greater impacts such as bed and breakfast, cottage industries, park facilities, nurseries, kennels, etc.

Opponents of allowing this text amendment have raised issues specific to a particular proposal such as the Pacific Northwest Salmon Center as was stated earlier. She did not believe this is a reason to allow ELC's generally. This is not the appropriate venue for raising those issues. The special use process will provide an opportunity for public input and that will be the forum for comments regarding the impacts of any specific proposal. She believed the county should approve the proposal with the understanding that it is not approving any particular project and that simply allows a particular project to come in, apply for a special use permit, and makes its case that it is not inconsistent with the County Comp Plan or incompatible with adjacent uses.

Fred Barrett, Board President of Pacific Northwest Salmon Center, spoke about education on agricultural resource lands. They support educating the children in wetlands, agricultural lands, forestry lands. He believed that any opportunity to educate the children will make them stronger and bring them back to our county as well educated citizens and help the economy. To deny an opportunity to teach things in a specific venue does not make a lot of sense. The special use permit process goes through a lot of scrutiny from a lot of different venues. He expressed support for having education anywhere it can take place and agricultural lands is a good place for that to happen.

Dan O'Neal noted interested in the condition of the Puget Sound. He believed that education is very important. If people understand the issues there will be better solutions. He voiced his support of the proposal. There should be education centers on all the resource lands.

Cmmr. Gallagher noted that several people talked about the value of education centers. A lot of the kids have not experienced an educational center. With this opportunity, Mason County could have several additional areas coincide with state parks. Also, children get the opportunity to learn in the environment.

Cmmr. Sheldon stated that the general topic of activity on agricultural land has been one of the hottest topics in Olympia for the past 17 years. His experience with the legislature is there have been very heated debates. Part of the Growth Management Act is about preserving agricultural land. It was pointed out there is very little agricultural land in Mason County. Conversion of the land to more intensive use is something that could be challenged. It has been said that some of these educational learning centers could have up to 30,000 visitors a year. It is possible to have a lot of sustained large gatherings of people where urban services are necessary. He voiced concern about the broad definition of educational learning centers. It could be a very intense use on a piece of agricultural land that is outside the urban growth area. If they follow the Growth Management Act, they are trying to direct large gatherings to inside urban growth areas. Urban Growth Areas are not built in stone and could be changed and moved. There are agricultural resource lands that are located in urban growth areas.

Cmmr. Ring Erickson stated that a lot of what they have heard today is focused on Hood Canal and the Belfair area. As county commissioners they have to look at the entire county. The Matlock area has

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
JULY 3, 2007 - PAGE 8**

some agricultural lands and historic practices that might lend themselves to a project. The county has acquired the Oakland Bay property that is at the mouth of Melaney Creek. They are looking at how best to use that facility. There are several possible other acquisitions that are moving along. The County wants to be good stewards of the future. There are people that move to the County and do not know the history or understand the resources. This is about using and developing the agricultural lands in a way that both preserves agricultural uses and also educates the public about who we are, what we want to become and how we intend to avoid some of the mistakes of other areas. She reiterated that as commissioners they have a focus on the entire county and trying to serve the long term goals of the county.

**Cmmr. Sheldon/Gallagher moved and seconded that the Board of Mason County Commissioners adopt Ordinance 73-07 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, provided that the educational learning center is located within an Urban Growth Area. If the educational learning center is outside an UGA, on agricultural land, then it shall have no more cumulative impacts than if the land remained in traditional agricultural resource use. Motion carried unanimously. G-aye; RE-aye; S-aye. Ordinance No. 73-07.**

10. Other Business (Department Heads and Elected Officials)
  - 10.1 ~~Report from Washington State University Extension Office.~~
  - 10.2 Charlie Butros, Public Works Director, reported they had a workshop on June 20 in Allyn to discuss the initial draft stormwater plans for Allyn and Belfair. They received comments up until the end of June. They have reproduced and redistributed those updated stormwater plans for continuing review. There will be a discussion of those revised plans at the planning advisory commission meeting on Monday night. They continue to encourage members of the public to look at those plans and provide comment on them.
11. Board's Reports and Calendar – The Board highlighted calendar items for the past week and announced the upcoming week's schedule.
12. Adjournment – The meeting adjourned at 10:39 am

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