

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

SEPTEMBER 4, 2007

1. Call to Order – the Chairperson called the regular meeting to order at 9:00 a.m.
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 Commissioners of Fire District #11 back the 1/10th of 1% tax increase to benefit emergency services.
    - 4.1.2 The Washington State Liquor Control Board sent notice of Special Occasion liquor license application for Shelton Skookum Rotary Club.
    - 4.1.3 The Port of Allyn gave an update on the progress of the construction of the public restrooms at the Allyn Waterfront Park. (Original to Budget and Finance.)
    - 4.1.4 The Squaxin Island Tribe would like to appoint their Natural Resources Director or Assistant Director for the ex-officio position for the Board of Health.
    - 4.1.5 The Army Corps of Engineers sent notice that matching funds for fiscal year 2007 are due in accordance with the Feasibility Cost-Share Agreement. (Copy to Budget and Finance.)
    - 4.1.6 The Washington State Department of Ecology sent the draft Tributaries to Totten, Eld and Little Skookum Inlets Water Quality Implementation Plan.
  - 4.2 2008 Mason County Departmental Budget Requests.

Karen Herr, Auditor, introduced Theresia Ehrich, Chief Accountant, who presented the 2008 Departmental Budget Requests. There are copies available to the public and on our website- [www.co.mason.wa.us](http://www.co.mason.wa.us). The Board noted the budget needs to be adopted by December 31<sup>st</sup>.
  - 4.3 Betty Wing read the news release regarding several community meetings that Cmmr. Ring Erickson has scheduled.
5. Open Forum for Citizen Input - Ray Jenne read aloud a statement regarding his right of free speech. He assured the Board he is not a threat but will continue to express his opinions.
6. Adoption of Agenda

**Cmmr. Gallagher/Sheldon moved and seconded to adopt the agenda as presented. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – None
8. Approval of Consent Agenda:
  - 8.1 Approval of Veterans Assistance Fund applications for: Gerald J. Lanning - housing \$600.00; William Crall - food \$127.33; and Richard Southwick (Anne) - burial \$600.00 for a total of \$1327.33 as recommended by the Veterans' Screening Committee.
  - 8.2 Approval of the Walker Park attendant agreement with Dale Munn.
  - 8.3 Approval to set a public hearing on Tuesday, September 25, 2007 at 6:30 p.m. to consider the recommendation of the Historic Preservation Commission to designate the McReavy Site as a historic landmark on the Mason County Historic Register.
  - 8.4 Approval for the Chair to sign the license and interlocal agreement with Mason County Public Utility No. 3 to utilize their transmitter site on Kamilche Ridge for the Public Works radio system.
  - 8.5 Approval for the Equipment Rental and Revolving Fund Manager to utilize the post for quotes procedure to purchase and install a flatbed with tailgate lift on Utility Truck #310. The estimated cost is \$15,000 and is budgeted.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
SEPTEMBER 4, 2007 - PAGE 2**

- 8.6 Approval to award the bid for the Allyn Pump Station Improvement Project in the amount of \$234,198.75 to Pape & Sons, Inc of Gig Harbor. This project is designed to increase overflow capacity and reduce the potential for a sewage spill.
- 8.7 Approval of the Inter-Governmental Agreement between Mason County and the Squaxin Island Tribe establishing performance targets for the water supply at the new Public Works Facility.
- 8.8 Approval for the Chair to execute the Mitigation Grant Agreement between Mason County and the Washington State Military Department for the Mason County Flood Mitigation Assistance Plan.
- 8.9 Approval for the Public Works Director to develop a Technical Stormwater Advisory Task Force and issue a news release soliciting membership.
- 8.10 Approval of the resolution authorizing the road closure on Beck Road (County Road Number 83500) at approximately M.P. 0.35 to remove a fish passage barrier. The closure is from 8 a.m., Monday, September 10, 2007 at until 5 p.m., Friday, September 28, 2007. **Resolution No. 101-07 (Exhibit A)**
- 8.11 Approval of Warrants  
Claims Clearing Fund Warrant #s 128242-128434 \$399,062.07
- 8.12 Approval of the resolution authorizing the Sheriff to apply for funding assistance for the Non-highway Off-Road Vehicles (ORV) Program. This is to continue participation in the Washington State Recreation and Conservation Office program. **Resolution No. 102-07 (Exhibit B)**
- 8.13 Approval to set a public hearing on September 18, 2007 at 9:30 a.m. to consider a supplemental appropriation to the 2007 Juvenile Court Guardian Ad Litem/CASA Program in the estimated amount of \$20,866. **Resolution No. 103-07 (Exhibit C)**
- 8.14 Approval to set a public hearing on Tuesday, September 18, 2007 at 9:30 a.m. to consider entering into a purchase agreement with the Harstine Island Theater Foundation for Mason County property located on Harstine Island, parcel #22136 33 00000.

Charlie Butros asked that Item 8.7 be removed; Cmmr. Sheldon asked that Item 8.6 be removed for further discussion.

**Cmmr. Sheldon/Gallagher moved and seconded to approve the Consent Agenda items 8.1 through 8.5 and 8.8 through 8.14, excepting 8.6 and 8.7 which will be discussed. Motion carried unanimously. RE-aye; S-aye; G-aye.**

Cmmr. Sheldon addressed Item 8.6. He noted the bid is almost twice the engineer's estimate and the work will be done in the winter, he would prefer to wait on this item.

Cmmr. Gallagher stated he understands time is of the essence and in the agreement the contractor says the work will be done by November 1<sup>st</sup>. He concurs with the staff recommendation to award the bid.

Cmmr. Ring Erickson noted there wasn't a bid received when it first went out, she feels she has to support this. We need to protect the shellfish industry and water quality although she shares the concern with the cost.

**Cmmr. Gallagher/Ring Erickson moved and seconded to award the contract to Pape & Sons, Inc in the amount of \$234,198.75. Motion carried. RE-aye; S-nay G-aye.**

Mr. Butros addressed Item 8.7 Intergovernmental Agreement with the Squaxin Island Tribe. He stated staff is working with the Tribe as there are some items that need to be addressed. He asked the Board to defer action at this time.

**Cmmr. Gallagher/Sheldon moved and seconded to defer Item 8.7 to next week's Commission meeting. Motion carried unanimously. RE-aye; S-aye; G-aye.**

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

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time

9.1 Public hearing to consider utility franchise agreements with the following water companies:

Cherokee Strip Homeowners Association and Water Company, Kamilche Point Community Club, Holiday Beach Home Tracts, and the Belfair Water District for their water systems located in the County right of way.

Rick Hirshberg, Public Works, presented the four franchise agreements with Cherokee Strip Homeowners Association and Water Company, Kamilche Point Community Club, Holiday Beach Home Tracts, and the Belfair Water District for their water systems located in the County right of way.

There was no public comment.

**Cmmr. Sheldon/Gallagher moved and seconded to approve the utility franchise agreements for Cherokee Strip Homeowners Association and Water Company, Kamilche Point Community Club, Holiday Beach Home Tracts, and the Belfair Water District for their water systems located in the County right of way. Motion carried unanimously. RE-aye; S-aye; G-aye.**

9.2 Public hearing to consider the adoption of Oakland Bay Action Plan.

Vicki Kirkpatrick, Public Health Director, presented the staff report. In November 2006, Washington State Department of Health restricted shellfish harvesting in the north end of Oakland Bay. The Restricted classification means that direct harvest of shellfish is not allowed. Shellfish must be moved to an Approved or Conditionally Approved area to cleanse and become safe for human consumption before it is harvested. One shellfish grower is currently affected by this restriction. All other areas of Oakland Bay remain in an unchanged status – either Conditionally Approved or Prohibited for shellfish harvest at this time, though Chapman Cove area is very close to receiving a downgrade.

This action required Mason county, under Chapter 90.72 RCW, to establish a shellfish protection district and to establish a Clean Water (Shellfish District) Program to improve water quality in Oakland Bay. The Oakland Bay Action Plan has been a collaborative effort involving stakeholders in the health of Oakland Bay including not only Mason County staff and citizens, but shellfish growers, Squaxin Island Tribe, State agencies, the Puget Sound Partnership, Mason Conservation District, City of Shelton, the WSU Extension office and the University of Washington's Sea Grant Program. This plan identifies ten specific goals and strategies along with specific actions and performance measures designed to improve the water quality in Oakland Bay.

Ms. Kirkpatrick requested the Board approve the resolution adopting the Oakland Bay Action Plan. She noted that the Mason County Board of Health has adopted this Plan.

Cmmr. Ring Erickson confirmed that the Plan has yet to have a governance or finance element.

Ms. Kirkpatrick stated they expect this document to change over time as phases are implemented and more information is gathered.

John Konovsky, Squaxin Island Tribe, thanked the Board for leadership on the Oakland Bay Action Plan and thanked staff. The Squaxin Tribe supports implementation of the plan and wants to work together for funding. The implementation is ongoing. He pointed out that in upper

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

Oakland Bay and in Chapman Cove, he has seen some slight improvements in data since the end of 2006. He noted that Uncle Johns Creek and Ecler Road continue to be areas to work on.

Kim McKee, Department of Ecology, read a letter from Dick Wallace supporting the recommendations in the Plan.

Diane Cooper, Taylor Shellfish, stated the shellfish growers along with other stakeholders have been working for several years on keeping Oakland Bay productive. The next step is funding and they want to work with the County. This is a long-term effort and appreciates Mason County's efforts.

Duane Fagergren, Puget Sound Partnership and resident of Mason County. He acknowledged that Mason County has stepped up in staff support and commitment from the Commissioners. Mason County is rich with shellfish resources with Oakland Bay being a major producer of clams and oysters. He needs to look at the short-term fixes and longer range in the watershed. We need measurable results and they will help in any way they can. He thanked Mason County for the commitment.

Cmmr. Sheldon noted the Puget Sound Partnership effort the State has developed to continue the long process of cleaning up Puget Sound. It has legislature and governor support. This is a big undertaking and he is confident the County will get assistance from the State. The County's who have well thought-out plans and implementing solutions will receive State assistance and adoption of this Plan is the beginning. He hopes to sponsor a bill in the legislature to divert a portion of the State sales tax collected in Mason County to shellfish protection and water quality projects.

He hopes the next time the County adopts a shellfish protection district, it will be a clean water district and include the entire Mason County. This will begin a new thought process to fund these types of protection districts. He is excited about this plan, a lot of good collaborative work has been done and believes it will be successful. He commended Stephanie Kenney and all the community partners for their work on this.

Cmmr. Gallagher stated he is proud of everyone coming together. This is a milestone in government. It was started in February and now will formally adopt plan. He noted that local governments do the work.

Cmmr. Ring Erickson stated she is honored to be part of this process. Mason County is seeking funding from the State and she has talked to other counties and they all seem to have some type of water quality issues. She believes we have been very thorough with the Plan. She acknowledged the participation of those who worked on the Plan and she supports using sales tax for funding as opposed to a parcel tax.

Cmmr. Sheldon pointed out this would not enact a new tax. Other shellfish protection districts have been funded by a parcel tax from the property owners. He is expecting to use some of the sales tax the state collects in Mason County and use for water quality. The bill he is considering would extend that program to other counties that border Puget Sound.

**Cmmr. Sheldon/Gallagher moved and seconded to adopt Resolution 99-07 adopting the Oakland Bay Action Plan. Motion carried unanimously. RE-aye; S-aye; G-aye. Resolution 99-07 (Exhibit D)**

- 9.3 Public hearing to review proposed revisions to the Mason County Development Regulations, Ordinance No. 82-96:

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
SEPTEMBER 4, 2007 - PAGE 5**

1. Section 1.04.214, Section 1.04.224, Section 1.04.234, Section 1.04.244, Section 1.04.334, Section 1.04.344, Section 1.04.354: adding necessary structural elements for an otherwise compliant permitted land use to exemption to 35-foot building height.
2. Section 1.04.332: adding automotive and non-automotive repair and service to permitted uses for Rural Commercial 2 zone.
3. Section 1.04.602 and Section 1.04.612: adding text of certain land uses that describe Outdoor Recreation permitted uses.
4. Section 1.05.018: modify special use permit provision to change an old land non-conforming land use or structure.
5. Section 1.05.046: adding text stating required information for application for Special Use Permit, and deleting duplicated text under certain zones.
6. Section 1.06 Definitions.

Bob Fink on behalf of Allan Borden, Planner, presented the staff report. The common element of these amendments is the County's effort to fine-tune our rural area regulations, particularly for the non-residential uses, commercial and industrial. These have been heard by the Planning Advisory Commission and recommended for action by the Commissioners. He reviewed the six categories. The first change would allow structures to exceed 35 feet in height if it's a permitted use and necessary for its function. An example would be a stairway tower for a firehouse used for training. The second set of amendments is adding automotive and non-automotive repair and service to permitted uses in Rural Commercial 2 zone. This is intended to allow for better service for farms, rural businesses and residents.

The third is broadening the variety of recreational activities that are allowed in Rural Tourist zones. The fourth modifies the non-conforming use regulations so abandoned uses cannot be restored after they have been abandoned by the property owner.

The fifth provides specific guidance for information needed for a special use permit application and deletes duplicate language elsewhere in the codes.

The sixth adds a definition for retreat centers, which is essentially including lodging where people are seeking isolation or a natural environment for religious, health or education purposes and the definition for local recreation and community centers is being clarified to specify that it's not intended these recreational centers be equipped with overnight facilities.

Cmmr. Gallagher asked about the abandoned business issue, he asked what brought this about.

Allan Borden stated the topic was brought up in the Planning Advisory Commission meeting because of the important point he brought up in his staff report. If there is a land use that is clearly abandoned, it is abandoned and not subject to the provision as it is currently written. It is not considered in this special permit review for a previously existing land use within the last 10 years on the property.

Cmmr. Ring Erickson asked for an example of a Rural Commercial 2 area.

Mr. Fink gave the examples of Bayshore and Spencer Lake which are typically hamlets. They would typically have more than one business and the character of the area is a little bit more commercial than a single store. The Rural Commercial 3 would have many business, such as Hoodsport.

Cmmr. Sheldon commented these appear to be routine amendments.

There was no public comment.

**Cmmr. Sheldon/Gallagher moved and seconded adopt Ordinance 100-07 to revise Mason County Development Regulations M.C.C. 17.01 as noted and have the Chair sign the decision findings of**

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS  
SEPTEMBER 4, 2007 - PAGE 6**

**fact. Motion carried unanimously. RE-aye; S-aye; G-aye. (Exhibit E)**

10. Other Business (Department Heads and Elected Officials)

Charlie Butros read the press release creating the Mason County Stormwater Task Force. We are soliciting members to serve and applications will be accepted until September 30<sup>th</sup>.

11. Board's Reports and Calendar -The Board announced their schedules for the upcoming week and reviewed their calendar items from the past week.

12. Adjournment – The meeting adjourned at 10:18 a.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