

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JUNE 10, 2008

1. Call to Order – The Chairperson called the regular meeting to order at 9:05 a.m. in the Commission Chambers, Building I, 411 North Fifth Street, Shelton, WA.
2. Pledge of Allegiance – The flag salute was led by Ken VanBuskirk.
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 Ron Sauer is seeking consideration of an ordinance which would ban drive thru lanes operated by restaurants, mini stores, pharmacies and other establishments having walk in facilities.
    - 4.1.2 The Washington State Liquor Control Board sent notice of assumption for Agate Store in Shelton.
    - 4.1.3 Brice and Angela Stanger are requesting more information on the geotechnical report written about their property by Alan Tahja and forwarded to a third party for review.
    - 4.1.4 Comcast sent notice of price changes which will go into effect on July 2008 bills.
    - 4.1.5 Curt Puddicombe expressed concerns regarding shellfish aquaculture in Mason County.
    - 4.1.6 Patty Fahsholtz expressed concerns regarding school zone speed limit signs.
  - 4.2 Staff Recognition – Public Health Department -- Vicki Kirkpatrick, Director of Public Health Services, recognized Joy Fulling who was nominated for a Green Star award.
5. Open Forum for Citizen Input
  - 5.1 Renaissance Fantasy Fair

Mel Armstrong expressed his concerns regarding the Renaissance Fantasy Fair. He felt the proposed location is not good. The access to the site is between two blind curves on the Bear Creek Dewatto Road where there was a fatality two months ago. He stated the road is narrow, steep, windy, two-lane no shoulder road. People who would come to the event would have to come up the hill and cross the opposing traffic to get into the site. There is a proposal where they might commandeer the entire road and make it a private access which is unacceptable to him. He would prefer to see this event go to the Mason County Fairgrounds where there is power, water, sanitary facilities and a major highway access. The proposed event site would give very few jobs to the area. He asked that the Commissioners provide an opportunity, a meeting, for citizens to have input on this event. He concluded asking that the Board not allow the permit to be approved for this event.

Ken VanBuskirk echoed Mr. Armstrong's concerns. In addition, he stated the citizens from North Mason seem to be getting mixed signals. He visited the North Mason Chamber of Commerce and they are advertising the Fantasy Faire like it is going forward. He understood that a public hearing is not required, but he felt it would benefit all the citizens to hear the same message.

Pam Kiesel added her urging to the Commissioners to provide opportunity for public input and questions to cut down on the rumors. It is difficult for them to determine what is going on and how it has to happen for this event to occur. Even some of the fire departments, for instance, sound like they are having trouble determining from day to day what is happening and whether this event will occur this summer. She voiced her strong opposition of this event. She urged the Board to provide a venue to ask questions and hear the same thing at the same time about the status.

Cmmr. Sheldon shared that Mr. Cleveland has applied for a permit under a 1951 Mason County Ordinance that deals with carnivals and fairs. The County has taken a lot of information and hopefully will make a decision very soon. He said he is very concerned about the neighborhood.

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- 5.2 Allan Tahja stated he has been coming to the Commissioners' meetings for the past several weeks to complain about the Mason County Code Chapter 17.01. He thanked the Board for the changes that appear to have been enacted in the ordinance. He has complained about the unwritten policies. It appears this matter is now going in the right direction.
- 5.3 Dennis Marshall, Chairman of Lake Management District (LMD) #2 - Mason Lake, explained that LMD #2 sunset at the end of 2007. They skipped a year because they were not all set in place to continue on. They have milfoil and another plant which has come up in the last four years in Mason Lake. They are renewing to start the Lake Management District #2 again in 2009. They are hoping to get the County's support because they have to start from the beginning with a petition, a vote, etc before then can start collecting funds in 2009. They plan to apply for a 10-year LMD. The LMD is a way for a community to fund a specific project.

5.4 Mason County Fire Marshal Position

Jerry Swartos, Chief of Fire Protection District #11, asked the status of funding for the fire marshal position. They were told at the beginning of year the position would be funded full time through the end of June. They do not know if it will continue or go to half time. They asked for a response. They feel that since 1992 when the position was first created, the Board recognized the importance to the community for fire investigation, building code compliance and providing education and leadership to the fire service in Mason County. The majority of Mason County is served by volunteer fire departments. The Fire Marshal position is a coordinating leadership position to provide guidance and assist in the area to protect our citizens. Last year, Fire Marshal Haugen, investigated approximately 100 fires, plus involvement with building code compliance, commercial water supplies, road access agreements, so they can get the fire trucks into places where there are homes so they can get there to do their job. They feel that it is important. There is no one else in the county to provide those services. The County is obligated and charged per RCW 19.27.110 and RCW 48.40A to provide the services. There is no one currently in county employ that can provide that service and no one qualified in the fire service to provide those services on a contract or volunteer basis.

Bob Burbidge, Fire Protection District No. 4 Chief, voiced the chiefs were frustrated with the unknown. They have the Mason County FPD No. 5/City of Shelton merger; what is in the future of Emergency Medical Services (EMS) and the Fire Marshall with fire investigation. They can predict that the community will grow. They try to be proactive by sending volunteers to fire investigation classes. He stated if the Commissioners are reaching out, he has not seen that reaching out to the county fire chiefs options in the future.

Cmmr. Ring Erickson thanked the fire chiefs for the thoughtful comments. The County has funded the position half time for the full year and will be funding it quarterly up to full time based on really looking for some economy. They were making some tough calls at the first of the year about how to keep the costs down. This was one area of the county that had grown at a very high percentage rate of cost. Internally they have done some things to help train some staff to deal with some of the redundancies on some of the inspections and activities that can be done by someone other than the fire marshal. She asked if any of the fire chiefs would like to discuss this with the Board and offer suggestions for keeping the costs down. She would be open to that discussion.

6. Adoption of Agenda - **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. G-aye; RE-aye; S-aye.**
7. Approval of Minutes – **Cmmr. Ring Erickson/Gallagher moved and seconded to approve the regular meeting minutes for May 27, 2008 with a clarification on page 1, Item 4.1.2, line 6. “There are no houses and Mason County is ~~they are~~ working closely with Department of Health . . .” and briefing minutes for the weeks of May 5 and 12, 2008. Motion carried unanimously. G-aye; RE-aye; S-aye.**

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8. Approval of Consent Agenda:
- 8.1 Approval of the resolutions with the Washington State Recreation and Conservation Office (RCO) for the following RCO grant applications: Camp Govey Trail Development (**Resolution No. 65-08 (Exhibit A)**), Camp Govey Trailhead Support Facilities (**Resolution No. 66-08 (Exhibit B)**), ORV Feasibility Study (**Resolution No. 67-08 (Exhibit C)**), Goldsborough Creek Property Acquisition (**Resolution No. 68-08 (Exhibit D)**), MCRA Park Improvements (**Resolution No. 69-08 (Exhibit E)**), Oakland Bay Park Improvements (**Resolution No. 70-08 (Exhibit F)**), Mason Lake Park Boat Launch Improvements (**Resolution No. 71-08 (Exhibit G)**) and Latimers Landing Planning Project (**Resolution No. 72-08 (Exhibit H)**)
  - 8.2 Approval to sign the annual "Suspension and Debarment" form for the annual Clerk of Superior Court Child Support Program budget process with the Department of Social and Health Services. This certifies that Mason County is not prohibited from entering into a federal contract.
  - 8.3 Approval to award the contract for the MCRA Maintenance Building to Christensen, Inc. in the amount of \$216,300.
  - 8.4 Approval to schedule a hearing on Tuesday, July 1, 2008 at 9:30 a.m. to consider an addition to the Mason County Code and Development Regulations Title 17 Section 17.05.024 Temporary Sales Office.
  - 8.5 Approval of the resolution amending Mason County Code Chapter 2.92, Clerk of County Commission to reflect revised job duties. **Resolution No. 73-08 (Exhibit I)**
  - 8.6 Approval of the resolution reclassifying the Clerk of the Board Position from Range 21, on the Non-Union Salary Matrix, to Range 13 due to revised job duties and responsibilities effective June 1, 2008. **Resolution No. 74-08 (Exhibit J)**
  - 8.7 Approval to reclassify Shannon Goudy from Receptionist/Secretary, Range 10 to Administrative Secretary, Range 13 due to revised job duties and responsibilities effective June 1, 2008.
  - 8.8 Approval of the Memorandum of Understanding between Mason County Public Health and Mason County Children's Dental Coalition. This is ongoing work and will not require any changes to the budget.
  - 8.9 Approval of the Washington State Department of Social & Health Services Contract #0863-42948 for the Early Family Support Services program.
  - 8.10 Approval of the reimbursable agreement between the Mason County Public Works Road Department and Clark County Public Works for maintenance services, equipment rentals, emergency assistance and fabrication of signs and materials.
  - 8.11 Approval for the Director of Public Works to select the date, time, and duration of a road closure on Belfair Tahuya Road for repairs to the driving surface of the temporary Tahuya River Bridge. The resolution will be executed authorizing the road closure as soon as the dates are known. The road closure dates will be announced at a regular Commission meeting once identified. **Resolution No. 75-08 (Exhibit K)**
  - 8.12 Approval of Veterans Assistance Fund applications for: Larry Tunno - utilities \$284.90; Kenneth Roethle - housing \$210.41; John Dankulich - food \$600.00; Gil Ruiz (Mariana) - utilities \$479.48 and food \$120.52; Almund Gullotto - food \$600.00; Larry Kennedy - utilities \$421.87 and food \$178.00 and Alex Grzybinski - utilities \$238.11 and food \$361.00 for a total of \$3,494.29 as recommended by the Veterans' Assistance Screening Committee.

Cmmr. Sheldon commented the temporary Tahuya River bridge decking is wearing quite rapidly due to the traffic and gravel on wood. They don't know the closure time exactly yet.

Charlie Butros, Public Works Director, stated they have some concerns about the wearing on the deck boards because of the gravel that is being carried on from the unpaved approaches. They have a contract in place to pave the approaches. He hoped they will keep the closure to as short a duration as possible to replace the deck boards or cover over them in a way to improve the condition of the deck boards for the travelling public.

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**Cmmr. Gallagher/Ring Erickson moved and seconded to approve Consent Agenda Items 8.1 – 8.12 as presented. 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 adoption of Chapter 17.80, Low Impact Development Regulations specifically for the Allyn and Belfair Urban Growth Areas in Title 17 of the Mason County Code.

Barbara Robinson, Director of Community Development, presented the staff report. She noted the regulations have been developed over the last couple of years through a grant from the Puget Sound Action Team, which is now the Puget Sound Partnership. The ordinance reflects requirements for the two urban growth areas (UGA) which is Belfair and Allyn. This is specific because there is a compliance order with the Growth Management Hearings Board for the two areas. Therefore the ordinance has been specific to the two UGA's.

The Planning Advisory Commission recommended adoption of the proposed regulations with changes.

The specific changes recommended were to apply only to the Allyn and Belfair UGA's. Also, inclusion of operation and maintenance and inclusion of an enforcement section of the ordinance.

Wayne Carlsen, AHBL, is the consultant hired by Puget Sound Action Team to do all the work on the ordinance. Mr. Carlson has prepared the technical side and attended the Planning Advisory Commission's hearing to answer any technical questions.

Wayne Carlsen, AHBL Consulting Firm, explained they have been under contract with the Puget Sound Action Team for three years. They have been working with 33 communities, cities and counties in Western Washington. A lot of the same information that Mason County Commissioners are considering has been reviewed by other communities as well. In terms of cities: Bellingham, Normandy Park, Woodinville; Counties: Snohomish County was under a Growth Management Board order, Thurston County requires LID in the Green Cove Basin.

The ordinance was intended to identify what is a low impact development (LID) project. LID is a natural systems approach to stormwater management using native vegetation, soil amendments, trying to manage the stormwater where it falls. There are two components, the authorization in the engineering standards to use the LID best management practices (LIDBMP) and then identifying what is an LID project.

The proposed ordinance identifies what is an LID project for the Allyn and Belfair UGA's. Communities have said that they wanted to require LID. They want to know when does a project meet the threshold. The design and development standards note that an LID project is a project that maintains or re-establishes a percentage of the site in native vegetation, it reduces impervious surfaces. Through the use of the various LIDBMPs which are things like bio-retention swales, rain gardens any and all of the BMP you would have to reduce a conventional pond by the percentage listed on the table.

Cmmr. Sheldon asked if that is the amount of water accumulated on the property.

Mr. Carlsen responded that is correct. It refers to the amount of water accumulating on the property if you would build a standard pond. He referred to a table which describes what modeling assumptions would be made for a standard pond. The modeling they did with Department of Ecology staff had much higher pond reduction goals than is seen in the table. To keep it conservative and to make sure the property owners did not have to keep layering one low impact development best management

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practices (LIDBMP) on top of another to achieve the standards, the numbers were backed down so it would be an attractive option for applicants. He stated he could explain it in a lot more detail and give scenarios.

Cmmr. Ring Erickson stated they cannot always understand ultimately what an implication might be at some place. She questioned if this will render any lots unbuildable, if they are willing to work with the county by doing it differently, or reduce the size.

Mr. Carlsen stated they will still have to manage stormwater whether in a conventional format or through low impact development techniques. In terms of the applicability, one of the exemptions is a single family home on an existing lot of record would not have to use an LID. A short plat or subdivision would have to conform. This is under applicability 17.80.020.

Cmmr. Gallagher referred to the number of government entities that have approved this proposal. He questioned if there are some unique characteristics for Mason County in the document.

Mr. Carlsen stated they worked with 31 jurisdictions and they are in different phases of approval. Not all of the jurisdictions have approved this. The tables are not unique to Mason County. A lot of jurisdictions have the exact format. Some of the jurisdictions are attaching incentives for density and increases in height. It is an incentive based process and there would be no applicability section. The applicant goes for it if they are interested in it. That is one of the primary differences. Some jurisdictions are incentive based and some jurisdictions are prescriptive based.

Public Testimony

John Konovsky, Squaxin Island Tribe, stated the low impact development ordinance is a key piece of Mason County's strategy. It is necessary to protect the environment. It is a first key step and only applies to Belfair and Allyn at the moment. Hopefully, in the future, it will apply to a wider region especially around the shellfish protection districts. Shellfish harvest will not survive in Oakland Bay without a change in development standards. He also considered this coupled with action taken on the stormwater utility. The only downside is single family residences still need some incentive program in order to improve stormwater standards. As this is oriented towards future development, they will have the whole issue of retrofits. The North Bay shellfish situation is precarious under certain situations. They need to put some effort into thinking about how to retrofit what is already there in order to protect the shellfish harvest in North Bay.

Bob Hager stated he has made a number of comments in the past one and a half to two years. Some of the comments have been considered. He felt the ordinance is good and should be passed. It also should be applied to the whole county. He felt the approach in implementing the stormwater regulations by phases does not make a lot of sense. He understood with the urgency of the urban growth areas; however, it is inefficient because they have to continually rewrite, review and approve different ordinances at different times. The intent of adopting the 2005 Department of Ecology Manual and use the low impact development as a tool for stormwater is to reduce the stormwater impacts from new developments. It would be more effective to implement the 2005 DOE Manual for the whole county. The same regulations should apply whether a development is in the urban growth area or another area of the county. If the county implements by phases, that would result in different regulations being in different areas which adds to the staff problems as well as some confusion for the developers as to which one to follow. By talking about applying the stormwater at different times in the county they will end up with new projects redevelopment that applications would be made for those projects recognizing that something is coming later. Those projects would be done under regulations that don't necessarily do the stormwater management. The approach of applying the new stormwater regulations to the whole county has already been with Mason County Small Parcel

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Drainage. It applies to everybody whether they are in an urban growth area (UGA) or surrounding county. It is not new and the same approach could be used for stormwater activities.

Jeff Carey some of the questions were answered as far as impact on existing lots. He questioned about the small lots in the plat of Allyn that are zoned commercial. He questioned if they would still follow the regulations as they were adopted in 2007. When the changes come, a little bit involvement and outreach to the planning committee in Allyn would be greatly appreciated. Some of these have impacts and some don't.

Duane Fagergren, Puget Sound Partnership and Kamilche resident, stated he applauded the county for taking the move. He asked that the County make sure that staff get the proper training to build staff capacity and also for contractors who will be implementing the regulations. It is key to build the capacity. The Puget Sound Partnership has provided some of the funding for training.

John Bolender, Mason Conservation District, supports the efforts to provide improved development strategies which will protect natural resources, sustain the economy and enhance the quality of life. Puget Sound is suffering impacts of conventional development practices and population growth. Puget Sound's future. The most immediate threat to the waters is nonpoint source pollution which runs into the water from a variety of locations including individual properties and roads. He felt that the proposed ordinance provides the necessary first steps to assure clean water, support a vibrant economy and assure a healthy community. In response to the question whether the ordinance would render lots undevelopable, he stated the Conservation District is working on a specific instance with a non-profit organization that is building a facility within the county. Some best management practices and techniques enabled them to build on a very difficult site, some elements that they would not have been otherwise. The Mason Conservation District is ready to assist the county and residents in these efforts.

Barb Robinson, Community Development Director, stated there was mention of a 2007 Plan. That plan is the 2007 Stormwater Management Plan for Allyn and they also did one for Belfair. Included in the Master Development Plan Regulations was the low impact development regulations. There was also discussion on training and implementation of the regulations. They have been working with Public Works on this matter. The staff have attended training provided by Puget Sound Partnership. They also are sending staff from the Community Development some more specific training on implementation of stormwater or LID regulations. They will be working with Public Works and the Utilities Department on implementation and adequate training and funding to keep these moving forward.

Cmmr. Ring Erickson stated there are some parts of this discussion that may need to go on beyond a decision today. One of the things asking for is how to look for incentives. There are a number of homes in the county which could benefit in terms of stormwater retention through retrofitting or good ideas. The Mason Conservation District is incredibly helpful to people that seek that kind of assistance. It would be nice if they could look for some kind of incentives today to promote the activities. She questioned what the status of this activity is in the Shelton UGA.

Mrs. Robinson replied she did not think they have adopted LID regulations yet.

Cmmr. Ring Erickson noted that is something she would like to see the county doing in conjunction with the City of Shelton.

Cmmr. Gallagher noted it is a fragile area. He felt that Mr. Carlsen provided good information. He concurred with Cmmr. Ring Erickson that the City of Shelton needs to act on this.

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Cmmr. Sheldon noted in the past year there were tremendous rain events, which could have been unprecedented. There are devastating effects of stormwater.

**Cmmr. Ring Erickson/Gallagher moved and seconded to approve an ordinance amending Title 17 of the Mason County Code and adopting Chapter 17.80, entitled Low Impact Development Regulations specifically for the Allyn and Belfair Urban Growth Areas. Motion carried unanimously. G-aye; RE-aye; S-aye. Ordinance No. 76-08 (Exhibit L)**

10. Other Business (Department Heads and Elected Officials) - None
11. Board's Reports and Calendar - The Board shared highlights of meetings attended the past week (June 3 – 10, 2008) and announced their calendars for the upcoming week of June 10 – 17, 2008.
12. Adjournment – The meeting adjourned at 10:25 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Tim Sheldon, Chair

ATTEST:

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Lynda Ring Erickson, Commissioner

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Rebecca S. Rogers, Clerk of the Board

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Ross Gallagher, Commissioner