

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JULY 1, 2008

1. Call to Order – The Chairperson called the regular meeting to order at 9:03 a.m.
2. Pledge of Allegiance – The flag salute was led by John Keates.
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 United States Department of the Navy announced its intent to prepare an Environmental Impact Statement to evaluate the potential environmental consequences of constructing a new Explosives Handling Wharf at Naval Base Kitsap Bangor.
    - 4.1.2 The Washington State Department of Ecology is currently reviewing Mason County's request for a time extension to amend current loan agreement L0800017 and will have a decision by June 30, 2008.
    - 4.1.3 The Economic Development Council of Mason County supports the utilization of \$200,000 from the .09 Local Economic Development Program to assist in the upgrading of the Belfair water system.
    - 4.1.4 The Mason County Democratic Central Committee has adopted several resolutions they believe should be taken into consideration as policies and budgets dealing with local and State issues are developed.
    - 4.1.5 The Port of Shelton submitted additional information and clarification on their proposed MOU on the UGA regulations.
    - 4.1.6 The Washington State Parks and Recreation Commission is seeking funds to acquire a parcel of Hartstine Island owned by the Scott family.
    - 4.1.7 Tim Wing and Wendy Ervin are seeking appointment to the Planning Advisory Commission.
    - 4.1.8 The Washington State Liquor Control Board sent notice of a special occasion liquor licenses application for Huerfanitos Internacionales.
    - 4.1.9 The Skokomish Indian Tribe sent notice of their elected Council Officers for June 2008-June 2009.
    - 4.1.10 The Washington State Office of Financial Management forwarded a copy of 2008 preliminary population estimates for cities, towns and counties.
    - 4.1.11 Stephen Whitehouse expressed concerns regarding the future of the County GIS program.
  - 4.2 Proclamation – Parks & Recreation Month - John Keates read aloud the proclamation for the month of July encouraging all to recognize the importance of the nation's parks and recreation facilities.
  - 4.3 News Release – Noxious Weed Board Vacancy -- Mo MacCracken read the news release noting the county is seeking applications to fill a position on the board.
  - 4.4 Announcement regarding the Renaissance Faire -- Betty Wing, Central Operations Director, read a statement that at this time the Commissioners have not made a decision on whether to grant or deny the application and will not do so until July 15, 2008.
  - 4.5 Announcement of Belfair Tahuya Road Closure - Public Works Director Charlie Butros, stated they will have a short duration closure for the Belfair Tahuya Road on Wednesday, July 9, 2008 from 8:00 a.m. – 5:00 p.m. This is at the site of the new bridge over the Tahuya River. It is necessary to replace the driving deck which has been wearing down.
5. Open Forum for Citizen Input
  - 5.1 Frank Kenney, North Mason Chamber of Commerce, announced the Visitor Information Center is open in North Mason. They have a couple of flat screen TV's with looping videos of things to see and do in Mason County. He encouraged anyone that has a commercial or video that might entice a visitor to spend time in Mason County to contact him.

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Cmmr. Sheldon asked if they have any material from the National Park Service or US Forest Service that they use in the Visitor Information Center.

Mr. Kenney responded, no. He has ordered a couple videos of the Olympic Mountains which are professionally done. Also, a video of Washington State.

He also shared that the NMCOC Trustees surveyed their membership and of the responses from the 270 members who responded 84% were in favor of the Renaissance Faire.

- 5.2 Fire Marshall – Jerry Swartos, Chief of Fire Protection District No. 11, noted that since 1992 Mason County Fire Chiefs unanimously have voiced their opinion that the fire marshal position should be full-time. The Revised Code of Washington (RCW) 19.27 and RCW 48.48 require that the County is responsible for building code enforcement and fire investigation. Mason County has been noted as the second fastest growing county in Washington State. They are extremely dissatisfied that the fire marshal is being reduced to half time. He noted that last year the Fire Marshall’s office investigated over 100 fires. Currently, there are over a half dozen unsolved arson fires in the past month in Mason County. He invited the Commissioners to attend the monthly meeting of the Fire Chief’s Association on July 14, 2008 concerning the funding of the Fire Marshall.
6. Adoption of Agenda – **Cmmr. Ring Erickson/Gallagher moved and seconded to adopt the agenda as published. Motion carried unanimously. G-aye; RE-aye; S-aye.**
7. Approval of Minutes – **Cmmr. Gallagher/Ring Erickson moved and seconded to approve the regular meeting minutes for June 10 and June 24, 2008. Pamela Zehe (spelling) Motion carried unanimously. G-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
  - 8.1 Approval of Modification No. 3 to the participating agreement No. 05-PA-11060900-013 between the USDA Forest Service and Mason County Noxious Weed Control Board. This modification updates the agreement authority, adds the 2008 Financial Project Plan and the Annual Operating Plan, extends the expiration date and updates the principal contacts.
  - 8.2 Approval of the resolution distributing the Mason County Public Utility District Excise Tax. The City of Shelton will receive \$72,754.93 and Mason County Current Expense will receive \$469,594.57. **Resolution No. 83-08 (Exhibit A)**
  - 8.3 Approval of the resolution amending the Non-Union Salary Resolution reclassifying the Elections Superintendent position from range 17 to range 27 on the non-union salary matrix, effective July 1, 2008. **Resolution No. 84-08 (Exhibit B)**
  - 8.4 Approval of WRIA 16 Watershed Planning Unit Support grant amendment between Mason County and Washington State Department of Ecology, to increase the grant amount by \$9,000, to a total of \$39,000. This is Ecology Grant No. G0800058.
  - 8.5 Approval for the Chair to sign the contract extension and Amendment No. 9 to the existing Services Agreement between Sound Resolutions, consultants, and Mason County to provide services related to WRIA 16 meeting facilitation and management. This increases the contract by \$39,100 and is funded by Department of Ecology grants.
  - 8.6 Approval of the Department of Community Development’s Revised 2008 Work Program and 2008 Work Plan.
  - 8.7 Approval of Veterans Assistance Fund applications for: James A. Broughton - housing \$600.00 and Larry R. Webster - housing \$500.00 and food \$100.00 for a total of \$1,200.00 as recommended by the Veterans’ Assistance Screening Committee.
  - 8.8 Approval of extension of the agreement with Don Small & Sons Oil of Shelton for Gasoline, Diesel and Heating Fuel to May 31, 2009 with the current terms and conditions.

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- 8.9 Approval of the resolution adopting "Public Works Drive" as the official name of the new county maintained road to the new Public Works office and shop complex and authorize the County Engineer to award the contract for the construction of the new road (County Road Project 1901, Public Works Drive, County Road Number 40100). The contract is out for bids until July 11 and the contract will be announced during a regular meeting of the Board. **Resolution No. 85-08 (Exhibit C)**
- 8.10 Approval for the Chair to sign the amendment to Contract #019EM-07-071 between Mason County Public Health and Thurston County Emergency Management. This amendment will establish a reserve medical corps in Mason County.
- 8.11 Approval to reappoint the following to the Mason County Noxious Weed Control Board: Mark Nelson, Weed Control District No. 4 and David Robbins, Weed Control District No. 5.
- 8.12 Approval of Warrants
- |                      |                          |                |
|----------------------|--------------------------|----------------|
| Claims Clearing Fund | Warrant #s 142834-143151 | \$1,009,843.85 |
| Salary Clearing Fund | Warrant #s 1527-1556     | \$ 253,115.26  |
| Direct Deposit Fund  | Deposit #s 3935-4375     | \$ 634,039.58  |

**Cmmr. Ring Erickson/Gallagher moved and seconded to approve Items 8.1 – 8.12 on the consent agenda. 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 an addition to the Mason County Code and Development Regulations Title 17 Chapter 17.05 Temporary Uses Section 17.05.024 Temporary Sales Office. McAboy, Planner, presented the proposal for consideration.

The new section addresses the use of a temporary sales office within subdivision for the purpose of selling lots and/or model homes within that same subdivision. This addition was brought forth as a temporary ordinance several years ago and now they are bringing this back to have a permanent change in the ordinance.

The language would read:

"One sales office for the purpose of selling lots or model homes within a subdivision may be constructed on a subdivision lot and may operate on a subdivision lot until all lots have been sold at which time the sales office shall convert to residential use or other such use as permitted."

No one was present to give public testimony on the subject.

There was discussion that this has been in place for over two years and they have not heard any concerns.

**Cmmr. Ring Erickson/Gallagher moved and seconded to adopt the addition to Mason County Code and Development regulations Title 17 Chapter 17.05 Section 17.05.024 Temporary Sales Office. Motion carried unanimously. G-aye; RE-aye; S-aye. Ordinance No. 86-08 (Exhibit D)**

- 9.2 Public hearing to review the request by Vern Nelson/Fair Harbor Marina to rezone three parcels (2.00 acres total) at 5052 E Grapeview Loop Road from Rural Residential 5 zone to Rural Commercial 3 zone, as a corrective rezone in the Grapeview Hamlet.

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Allan Borden, Planner, talked briefly about the three parcels for rezone. The Fair Harbor Marina has been in operation since 1971. The three parcels total two acres in size and are located between Grapeview Loop Road and the part of Case Inlet between Grapeview and Treasurer Island. It is currently zoned Rural Residential 5. The proposed change in zoning would be to Rural Commercial 3, existing land uses are marina and recreation facilities. The parcels are within the Grapeview Hamlet and have been since the Hamlet's creation in 2000.

Because there was not as detailed information on aerial photography and parcel overlays, staff made an error. The property owners, Mr. & Mrs. Nelson, approached the county for a rezone.

The Planning Advisory Commission voted unanimously to recommend approval of the rezone.

Cmmr. Gallagher asked if the subject property north of the parcel is zoned commercial.

Mr. Borden responded it would still be considered rural residential. It is parcel number given to what is equivalent to a road access.

A question was raised if there is any other commercial property in the area.

Mr. Borden noted that there are parcels south of the subject parcels that are not zoned residential.

Frank Kenney, North Mason Chamber of Commerce, voiced support of the rezone. He noted the marina is critical to their tourist industry.

**Cmmr. Ring Erickson/Gallagher moved and seconded to approve the request by Vern Nelson/Fair Harbor Marina to rezone three parcels (2.00 ac total) at 5052 E Grapeview Loop Road from Rural Residential 5 zone to Rural Commercial 3 zone, as a corrective rezone in the Grapeview Hamlet, and have the chair sign Findings of Fact for this decision. Motion carried unanimously. G-aye; RE-aye; S-aye.**

- 9.3 Public hearing to consider the need to rescind portions of Ordinance #81-07 which amended the Mason County Resource Ordinance regarding Frequently Flooded Areas in the Skokomish Valley.

Bob Fink, Planning Manager, noted the proposal being considered is in response to Western Washington Growth Management Hearings Board Order of January 2008. The order found invalid the amendments adopted by the County approximately one year ago, specifically those that involve the Skokomish River Valley floodplain. The Flood Damage Prevention Ordinance is a regulation that regulates throughout the county floodplains of Mason County which are mapped through a federal program. They are areas subject to 1% chance of flooding.

The Skokomish Valley has a history of a number of changes since it was first designated under this program. The most recent change by the County, last year, was intended to remove restrictions in the valley that prohibited the construction of any new structures within the floodplain. It also designated the

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entire floodplain as a floodway which is a category under state law and county ordinance that does not allow construction of any residential buildings.

The other issue was dike monitoring within the valley, which the county removed. The county rescinded these provisions and it was challenged before the Western Washington Growth Management Hearings Board (WWGHB) and it resulted in the invalidity in January 2008.

New development would have to comply with any new regulations the county adopts and approved by the WWGHB as valid and consistent with the Growth Management Act (GMA).

They are proposing to rescind those portions found invalid and noncompliant. It gives the County some assurance the regulations adopted would be consistent with the Growth Management Act. The County would continue to work on issues raised that resulted in the invalidity.

If the County is not in compliance with GMA, is the county in jeopardy of receiving state funds for projects around the county.

Mr. Fink replied there are certain state and grant programs that if an entity is noncompliant with the GMA, would not be eligible to receive funds under the program. There are certain exceptions in some of those cases for health emergencies. Generally, the county would not be eligible for funding otherwise.

Cmmr. Gallagher referred to page 8 of the July 17, 2007 minutes and the discussion of the channel migration zone and that it should go through public review process prior to adoption. He questioned if this ever happened.

Mr. Fink responded the study was available for public review and comment at a number of different times. There were workshops held to receive comment. The author of the report met with a number of citizens on site at the valley to address specific issues with their property. There was some discussion of a peer review. There was no particular funding for it and it was not done. The peer review process takes time and resources. The choice was made not to pursue it. The Tribe raised it as an issue during the hearing process.

The question was raised as to what kind of construction they are looking at.

Mr. Fink responded structure is in the flood damage prevention ordinance are principally walled and roofed. These are generally insurable structures. The federal flood insurance program, which this ordinance, in part implements is designed to protect structures and to ensure them from flood damage. They have requirements for dealing with structures that require them to be floodproofed usually be elevating them. There are distinctions in the code between existing buildings and buildings that are newly built. This is one of the terms they define in the way the construction is regulated.

Cmmr. Gallagher asked if the dike monitoring program is referred to private dikes or county owned dikes.

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Mr. Fink replied there may be one stretch of dike that is county owned on county right-of-way. Most of the dikes are on private property and were built by the property owners involved a long time ago. They were built, for the most part, before those activities were regulated and were built under standards which may have been in place for agricultural dikes.

Public Works Director Charlie Butros added the dikes at the time they proposed rescinding the requirement for an every two year inspection. They found at the last inspection was the dikes were not continuous along the stretch of the river. As a result, it provided intermittent protection for certain areas. They were mostly put in place by the private property owners and not compliant with current requirements for dike building. They proposed, since there was difficulty getting permission from the property owners going on their property to do the inspection, the requirement be rescinded.

They repaired two of the dikes with grants provided and funding provided from the Flood District, from the December storm. One of them was the dike along the roadway and another one was the dike up the river from that. They still need to do the repair on the roads.

Cmmr. Ring Erickson stated this is one of the most complex and long term lose lose issue that the county is facing. The County seems to have been in a position to be more permissive in terms of letting people develop structures, remodel, and live a life. If this is going to put the county back into a position to be more restrictive about the use of the land. And if so, has the county let people do things in the interim period that now they are putting them into violation by voting this back into place.

Mr. Fink responded they will not be in violation. There have been very limited number of permits issued.

One of the things to understand how restrictive the ordinance would be, because the area is entirely a floodway and a no new footprint area people cannot do substantial improvement as defined in the ordinance. Any improvement over 50% of the value of their existing structure would be prohibited.

Cmmr. Ring Erickson stated she would be strongly opposed to any sort of large development going in the valley. She would be concerned that they find a way for people who are living there and continue to live there to be able to modify some plans or use higher standards to allow some sort of life to go on in the valley. She is not sure how to get there and not lose the money for the Belfair sewer.

Cmmr. Sheldon stated this proposal is to rescind these portions that the GMHB has stated are noncompliant.

Mr. Fink noted that any future Development Regulations would have to go through the public review process. There would be workshops and it go through the Planning Advisory Commission. In order to address the issues raised by the GMHB would be to revisit the study and run it through a peer review process, investigate the changes to the flows based on recent agreements for the North Fork and see if that has an effect on the areas. There are a number of things that need to be looked at and it would take some time.

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Cmmr. Sheldon noted that the Federal Energy Regulatory Commission (FERC) has ordered in March that 240 cubic feet per second (cfs) of water come out of the North Fork of the Skokomish River.

Mr. Fink stated it was not used in the analysis of these erosion. The science looked at the way the river could move over time. That it related to the flows and the pattern of flows. They used historic flows that had been regulated by the dam as opposed to the new flows that are now permitted or even required to come through the dam.

Cmmr. Gallagher referred to the General Investigation Study (GIS) and asked if it would have any bearing on Growth Management.

Mr. Fink commented they are related, but not knowing what the findings are from the investigation, it is hard to know how they relate. One of the issues raised while adopting the changes last year was why not wait until the Army Corps investigation is done. The feeling at the time was that it could be several years. The burden to citizens now in not being able to operate their farms as they would like and not being able to rehabilitate their homes was such , it was felt to move forward was better than wait and leave things that they were until such time as the GIS was done..

Cmmr. Ring Erickson questioned how long the studies have been going on.

Mr. Fink estimated it has been at least three years. The flood ordinance was originally adopted in 1987 and a floodway was designated for the Skokomish Valley in 1989. That set aside a lot of the valley where they could not build new homes. That instituted a review, that resulted in the 1990's of a Comprehensive Flood Hazard Management Plan for the Skokomish River Valley. That was an official document which was adopted and laid out a number of alternatives to handle development and restrictions dealing with the dikes. There were a series of 8 or 9 principle recommendations from that Comprehensive Flood Hazard Management study. When the county adopted a set of regulations, they were appealed to the Growth Management Hearings Board and the Hearings Board decided those regulations were not appropriate and did not meet the requirements of the Growth Management Act. This eventually led to the 2003 adoption of the regulations that they are talking about revisiting.

There were a number of studies done in the 1990's regarding the risk of avulsion. Because of the topography of the valley, there are old river channels and low areas where it is possible the channel could move. That was the principal concern in the 1990's when the Growth Management Board previously invalidated and remanded to the County the regulations of that time. The avulsion risk they felt was not thoroughly examined in the Flood Management Plan. It took a number of times to come up with an approach that satisfied the Board.

A question was raised as to what kind of funding would the state withhold.

The Board responded the state generally does not withhold funds for public health. There were funds withheld for transportation.

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Bill Hunter, Jr. asked how the 240 cfs relates to the flooding issues. Does this have any relation to the flooding, when dealing with a river that the flood stage is 50,000 cfs. A standard flood stage is 16,000 cfs.

Cmmr. Sheldon stated it seems to be an issue that is raised often and has been raised by the Tribe.

Mr. Fink stated he does not have an answer.

Cmmr. Ring Erickson asked if they can try and get an answer.

Mr. Fink stated they are talking about the licensing discussions that resulted in the flows in the North Fork. He is not aware the County has been a party to that case. He expects the Army Corps will look at those issues. The County has been coordinating with that investigation. The County can ask to see if they have looked at that or are aware of the answer.

Curt Hunter asked if the no new construction or remodeling if it was over 50% of the value of the property or structure includes if your house burns down.

Mr. Fink replied, he understood it would include fire or flood.

The question was raised if there was 50% damage from a flood that is not insured, who will cover the other 50% if you cannot rebuild it as it would not have any value. The flood insurance covers 55% approximately and there is 45% value that is not covered.

It was asked if the Growth Management Hearings Board regulate tree cutting or anything dumped.

Mr. Fink stated the licensing of the dams is a separate process than the Growth Management Act process. There was no direct connection between the two. They are dealing with the order which only dealt with Skokomish Valley Flood Ordinance.

Jerry Richert queried if that involves Mason County or any properties in the control area.

Mr. Fink stated the Skokomish Valley flood plain is still there. The regulations that affect it will still be in place. Properties can get flood insurance and in order to get a mortgage it requires flood insurance.

The flood damage ordinance applies throughout the valley. The restrictions which were challenged on which the order applies are specific to the Skokomish River Valley. It was because of the history of the studies that were done, the Flood Hazard Management Plan, and the amendments that the county made, based on that there were special regulations adopted by the County specifically for the Skokomish River Valley. That set of special regulations apply only within the Skokomish River Valley that are at discussion.

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A citizen asked why they want to change it to a floodway and how did it become a flood plain in the first place.

Mr. Fink responded when the County wanted to participate in the flood insurance program then the flood plains in the county were all designated and mapped. The maps prepared by the FERC and adopted by the county to designate those areas where the regulations apply. The county has to adopt regulations that are consistent with the federal and state guidance for those regulations. Requirements for when and how much you elevate are following models laid out by the federal and state program for flood damage prevention in the valley.

The original flood designations were done in the 1980's by the federal government when they were mapping the area so the county would be eligible for flood insurance. They did a special study in 1989 of certain rivers in Mason County for floodways. Skokomish River was one of those rivers they studied and identified for floodway designation. In 1993, because they were dissatisfied with the designation of almost the whole valley as floodway. Based on standard FEMA guidelines, they wanted to do a comprehensive flood hazard management plan which allows for a more detailed investigation of conditions in the valley. It resulted in a number of recommendations. One of those recommendations was the standard floodway designation for the Skokomish Valley was removed and in place of that there was a density floodplain regulation that went in. Instead of saying you cannot build any houses and you have to do specific engineering on any other structures or fills that you build. It laid out the parameters of what you could build. There were limits and standards. It was engineered and it allowed the county to remove the floodway designation and allowed consistency with state and federal guidelines. The regulations that did that were appealed to the Growth Management Hearings Board in a separate process. The Growth Management Hearings Board found those regulations not acceptable and eventually resulted in the 2003 restrictions which they are looking at re-imposing at this time.

**Break 10:27 am – 10:34 a.m.**

Cmmr. Sheldon stated that the issue if a house burned down could they rebuild it. The answer is, no. But that is a federal requirement.

Bill Hunter, Jr. stated he is a lifelong resident of the Valley and his family has been there longer. He has worked on the flood advisory board which was functioning through a lot of that period for 20 years. He hoped the county would take interest in the Skokomish Flood Control Zone District Advisory Board again so they can have the public input and get some of the issues resolved. He would like to have a chance to take issues with some of the things and be a positive force. The FEMA flood maps first came out in the 1970's. The basic problem is the concept was fine but it did not fit the Skokomish Valley. The basic concept of FEMA maps is you can take the river in the center of the low part of the valley and go up hill away from the river. The Valley does not necessarily follow that topography, the river is a little higher than some of the lower parts of the valley. He could not rebuild his home with the floodway designation. He could go 300' behind his house where the water gets 12' in a flood and he could build. Those type of things did not fit with the history or with what they needed to do. The floodway designation does not fit for what they need for the valley and is distressed to see they are throwing out

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everything they have had and going back to just a straight floodway designation. They are not only going beyond the FEMA floodway designation they are going to take the whole floodplain as a floodway designation. The floodway designation is always a part that brought in that they cannot rebuild. Being in agriculture, Skokomish Valley is one of the big agriculture areas of the county. They need the ability and the hope that they can rebuild their buildings and barns if something happens such as a hay fire. They would like the ability to get the production scale back in service. They went through a long process of building manure handling facilities. It took several years getting through the county process. There was federal money to build it, but Washington State Dept. of Ecology was telling them they have to do this, but it took several years to get through the county process. They have to be able to adapt and change. If Skokomish Valley is designated as a floodway and take away the density concepts that allows them to manage and exist, he felt the county is signing a death warrant for agriculture. He was not sure how that would interact with the goals of the GMA. The last 10 years under GMA has been a real trial. The barns and farm structures are the biggest value on the farm. They went through this on a whole flood planning process. If a barn burns down they cannot store hay or much of anything.

Jim Hunter stated he had major damage to his home this year in the flood over 50% of the value. He was fortunate to have kept his flood insurance up so he did get payment for damages to the house. Along with the flood insurance they have what is called an increased cost of compliance which is a part of the flood insurance to help raise or demolish houses whatever the case may be. One of the things to qualify is you have to have over 50% of the damage. He understood this is a federal program and it is being carried on in Lewis County extensively. There does need to be approval from the Planning Department. He is getting more information from some of the contractors in Lewis County. He referred to Section 5.4 Floodways (2) and asked if he is cut out of the funding available because he is over 50%. He wanted to know if there is a way to get around that.

Cmmr. Sheldon responded they could look into it and get an answer.

Mr. Hunter felt the Avulsion Zone should be thrown out. It is not needed. He has faith in the county commissioners. Any time there is a problem the county goes up and takes care of it. They did it this year and a couple years ago. He understood the avulsion zone came into being a few years back when they had damage. They tried to justify the damage so they came up with an avulsion zone so now they are stuck with it. He felt it should be phased out. He referred to a news clipping that noted in Thurston County they are getting state funds.

Janelle Rutter stated she grew up in Skokomish Valley. Every summer she has seen the worst flooding that has happened in her life time. The roof and wall structures that they talked about are actually homes. They have researched a lot before they purchased the property they are on which is an old Baze property. It has an old falling apart single wide trailer. It is a buildable area. They bought it and plan to build a house for their family which includes two children. They are taken back that they may not be able to do that. It seems unreasonable to take away someone's livelihood for people that are already existing. From what she has seen over the years, the contingent build zones that are there right now seems great. People are doing small improvements to make their lives better, such as lifting up homes to get out of the way of floodwaters. She did not know anyone that has been reimbursed by insurance. They want to raise

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their trailer because insulation got ruined, but FEMA told them no. I don't think dike monitoring needs to be done on an ongoing basis. Once a year before flood season would be sufficient, because it does not flood all year long. For private dike owners they would need permits to do that. They could require a preliminary report every couple of years. She felt that trees are being cut and shipped out and they would like to build houses and have organic farms. She questioned where is farming going to some places that need pesticides and water brought in to farm there. Right now her garden uses no pesticides or manure and her plants are growing great. Their single wide home was valued at \$26,000 in 1982 that does not include the depreciation value. Improving at 50% with what it is assessed at right now it cost \$39,000 to replace their residence. She has read through the ordinance and what is expected for a house to be built with a 4' foundation, ventilation and crawl spaces so water can escape. This is the way it should be and not with just no building. I don't think it is fair that it is weighing on them that if they don't pull out then funding will be lost for septic in Belfair. No matter what studies are done you cannot put people's lives on hold. They need to build a house and do it within the next couple of years.

Mike Rutter everyone feels the affect of petrol. He owns his own business and cannot afford to do that anymore. He was forced to change his line of work and found a different job at WCC. He is thankful for that. The other plans were to get five commercial greenhouses on his property and contribute agriculturally to the community. He lives in a single-wide and it is not going to work. He understands Belfair with the prospective sewage. He does not see cutting them off right now. He would like to have another year to get a house up to raise his family and provide and contribute to the community.

Art Tozier also feels that he is a victim. For the last decade he has tried to fix a flooded home. They just bought a flooded piece of property hoping to stabilize a little piece of farm ground and hold on to it for future generations. He sees a real problem that even with all of the last three decades that he has watched this system roll on they keep chasing now elevations. What they started out with was stormwater retention. They have the softest geology known to man. If you take a bucket of water and dump it on a pile of mud it will run somewhere. The channels are full. The water will avulse somewhere. He has had to hire a retired county engineer. The common enemy they are faced with is water. A common enemy doctrine provides that surface water is an outlaw. Under the common enemy doctrine a landowner may repel surface water by filling the land, elevating improvements or building protective embankments. A landowner who takes efforts to channel surface water in a manner that causes water to flow in its natural direction such as within a river channel may discharge water onto adjoining land or into a natural water course or drain way. This is one of the last places to go for groceries in the county. Someone has to wake up that groceries are important. Right now they are baling hay in the Skokomish Valley that they are selling for \$9.89/bale. We need to have a strong agricultural community.

He has worked all of his life in the two valleys helping people with agriculture and helping to solve problems as well as trying to maintain the family farm.

Jayni Kamin, Hunter Family Farm Trust Member and Skokomish Grange, this has been a saga for many years and it continues. We have come a long way in trying to preserve their farms. Her intent is to do what they can to preserve the farms, the agricultural community, homes and farmland. She did not want to see the channel migration zones thrown out. The County has spent over \$150,000 for the study. The

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reason the channel migration study was commissioned back in 2004 was when the Commissioners signed the flood ordinance. The Board did what they could to come into compliance with the Growth Management Act. It did work, but the problem was the commissioners declared the entire flood plain a flood way and it made it very difficult for the community to survive and for agriculture to survive. The intent was to take it to court. The last time the judge noted the record was extremely long and was never going through that amount of record. He told the county the record was long and complicated and suggested it went against the county's position. At that time, the County decided they were not going to keep challenging it. They will start rebuilding the record so there is best available science to substantiate the flood ordinance as they wanted it to be. A hydrogeomorphologist was hired and was to examine areas to be reasonably safe to build and look at the old record and place that record within its proper context. It sounds like what the hearings board is saying is they did not do that. When they submitted the channel migration zone and the updates last year, this was not best available science because it was not peer review and it did not have documents. It did not reference the Skillings Connolly report. She felt that is regrettable because the whole intent of the study is to develop best available science that would back up the county's position. She hoped the county, rather than throw it all out to stay the force and make this best available science and do the peer report.

She felt it is regrettable the findings came out in January and the county after review decided it was not going to fly and they would go back to the old way so they can get into compliance so the grants are not going to be hindered. She felt six months have been wasted where peer review could have been done.

She agrees with the hearings board position that the increase flows the 240 cfs should have been considered. The County was aware the City of Tacoma was going to be releasing more water. It should have been taken into effect. NOAA Fisheries, Skokomish Tribe, Tacoma City Light have done numerous studies on the effects of releasing the water to fish habitat. She is not aware of any study that has been done on the effects of what that will do to the communities and the land below. She agrees with the County they should not have been required to do that. The County should go after Tacoma City Light and the Tribe and demand that be done to this community as they are charged with protecting the homes and the farmland and communities. The County should not have to pay for the study.

She wanted to encourage the County to stay engaged with the Corps of Engineers and Skokomish Tribe. After the decision to drop the lawsuit, the Tribe was grateful and the County is at a point where they are not contending with each other and would work hand in hand. The County has been a co-sponsor along with the Tribe of the general investigation studies. The information, science that was developed, we were told was the best. We need to get that validated as best available science. That can be used to inform the core study. The bottom line is the river needs to be restored in order for the community to thrive, grow and be preserved. They want to be part of the process. Please engage them in the process, part of Growth Management Act requires public participation. We feel they have had very little of that. There is no Skokomish Flood Control Zone District Advisory Committee anymore. They ask that you look at reauthorizing the board.

If the old flood ordinance is adopted she asked to make the effective date August 1<sup>st</sup> to allow those people that are trying to get a permit for a new house more time rather than July 1<sup>st</sup> date.

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Jerry Richert came in to support his neighbors. He has given up on the whole system, which he feels is broken. No one seems willing to address the system. He felt the ground water in Skokomish Valley is destroying the valley completely and absolutely. The Joe Bourgault family has put up with the valley back into the 1930's and he is out of farmland now. All the regulations have locked them into 1920 or 1930 farming ability. They cannot plow the fields because the flood waters will wash them away. He stated that Jim Hunter has experienced it and he hoped that Paul Hunter does not experience it.

He has been involved for over 20 years in the relicensing of the Cushman project and has been an intervener of the project. He has hired a licensed engineer and has been involved in every study, letter written and concern. He felt the valley has been treated like it is not important. To date Federal Energy Regulatory Commission (FERC) has not addressed the ground water issue. They have not addressed the extra water they put into the system. He felt the county is too late with the 240' cfs. He tried to engage the County over 10 years ago and the county chose not to get involved at that time. He felt the only way to solve this issue is through the courts. FERC has allowed the license to be set back. The license was issued in 1998 and then a week later the native Americans got it taken back so they could put endangered species into the license. The negotiations are supposed to be the 15<sup>th</sup> of this month to address FERC. There has been behind the scenes negotiations going on.

Jannell Rutter stated before they had clear cutting of trees they were expected to build their homes from natural resources within their areas, rocks, trees. Over the years they have talked about dredging the river to create a better atmosphere for farming. Maybe if people were still using those techniques to build homes maybe there would not be so many problems. If they were using our own resources for our own empowerment we would be so much better off. She felt there are so many different avenues to make this a better place.

Cmmr. Ring Erickson asked if the effective date of August 18th is okay.

Mr. Fink responded, before the ordinance becomes effective it must be approved by the Washington State Dept. of Ecology. That will take several weeks. The hearing before the Growth Management Hearings Board is after August 18<sup>th</sup>. Presumably, by that time those things will all be in place.

There was discussion that there is still time for people to apply for permits.

Mr. Fink stated Department of Ecology works on its own timeline. They have been relatively prompt in the past. They have reviewed the draft and have no objection to it.

Cmmr. Ring Erickson stated that some of the frustration belongs with the county. Some of the communication might have been better. She had invited staff from the Rucklehaus commission which is looking at agricultural practices and the impact of Growth Management. She thought they might hear some interesting testimony, but they were not able to attend. It has been an issue with counties in the state for a long period of time, about the impact of Growth Management Hearings Board on local decisions, particularly on agricultural decisions. When Cmmr. Kamin was commissioner, at her

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suggestion, they dropped the appeals on the Skokomish River and moved forward to some of the studies referred to today. Hopefully they can do the best they can with what they have started and continue to move forward.

Cmmr. Gallagher stated that like several Growth Management Act issues they find it very interesting. On one hand they want to have growth with the Shelton, Belfair and Allyn UGA. However, they have not really addressed farming. He liked the idea of prolonging this. But he did not want to see the county get in a trap with Growth Management again.

Cmmr. Sheldon stated that it is a very frustrating issue. What the State of Washington has done with the Growth Management Act is take these decisions out of the local elected officials hands. Hopefully they can put together regulations to assist agriculture to provide benefits for family. It is a tough spot that the State has put the county in.

**Cmmr. Gallagher/Ring Erickson to approve the ordinance rescinding portions of Ordinance No. 81-07, amending the Mason County Resource Ordinance regarding Frequently Flooded Areas in the Skokomish Valley, effective August 18, 2008, with the provision to reactivate the Skokomish Flood Control Zone District Advisory Board. Motion carried unanimously. G-aye; RE-aye; S-aye. Ordinance No. 87-08 (Exhibit E)**

10 Other Business (Department Heads and Elected Officials)

Cmmr. Ring Erickson stated that last week a report was given about the potential budget shortfall. She understood the sales tax growth was 7- 8% over the last few years. This year it is about 2%. There were some discussions before the budget was done that they expected sales tax to fall back. It was questioned what the projection was in the budget for sales tax.

Ione Siegler, Budget & Finance Director, commented the original budget adopted the beginning of December had projections of 7 – 8% which has been the typical growth in sales tax. They have been ranging between 98% of 2007 up to about 2%. .

Cmmr. Ring Erickson stated the County is over budgeted in sales tax by approximately 6%.

Cmmr. Sheldon noted that people don't pay sales tax on food or gas. He felt that the sales tax will be affected more dramatically in the second half of 2008.

11 Board's Reports and Calendar – Reports from meetings attended the past week, June 24 – July 1, were given and the Board announced their upcoming schedule for the week of July 1 – July 8, 2008.

12 Adjournment – The meeting adjourned at 11:41 a.m.

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BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

\_\_\_\_\_  
Tim Sheldon, Chair

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Lynda Ring Erickson, Commissioner

\_\_\_\_\_  
Ross Gallagher, Commissioner

ATTEST:

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Rebecca S. Rogers, Clerk of the Board