

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

SEPTEMBER 9, 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 Wyatt, Port of Hoodspout Commissioner.
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 Notice of Special Occasion Liquor License Application for Shelton Skookum Rotary Club for October 4 & 5, 2008 at the Mason County Fairgrounds.
 - 4.1.2 New Application for liquor license: Hood Canal Grocery; Privileges Applied For: Grocery Store - Beer/Wine.
 - 4.1.3 Resignation from Boyd K. Smith on the Water Conservancy Board.
 - 4.1.4 Mason County/City of Shelton Joint Advisory Committee for the Shelton Urban Growth Area Applicants: Jack Miles, Matt Matyoshi, Dave Kamin
 - 4.1.5 Janis Snoey and Michael O'Day wrote urging the Board to deny the rezone request for the Paisley property.
 - ~~4.2 Washington State Patrol Chief John Batiste~~ - It was noted that there was a funeral of an officer from Skagit County.
 - 4.3 News Release – Water Conservancy Board Vacancy -- Emmett Dobey, Director of Utilities & Waste, announced the Board is seeking applicants until the positions are filled.
 - 4.4 News Release – Lodging Tax Grant Application Process -- Central Operations Director Betty Wing read aloud the news release concerning the deadline for acceptance of the applications for Lodging Tax Grant funding until October 31, 2008.

Frank Kenney, North Mason Chamber of Commerce, noted that the last couple of years the NMCOC has received funding from the Lodging Tax Grant to create a website. They printed 125,000 brochures for the ferry systems and hotel motels. They created a 26-page visitor guide that has been printed (100,000) and are currently being distributed. Next year they will come back with the two chamber offices working together. They are looking to new projects for cutting edge tourism promotion.
5. Open Forum for Citizen Input - None
6. Adoption of Agenda – **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as presented. 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 July 15 and 22, 2008 and briefing minutes for the week of August 4, 2008 with a correction on Page 4, Line 5 of the July 15, 2008 minutes to add “If they use back roads. Motion carried unanimously. G-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
 - 8.1 Approval for the Utilities & Waste Management Department to enter into a professional services contract with ESA Adolfsen to investigate and implement approaches to better financially manage the county’s utilities. The contract amount is not to exceed \$32,234.85 and is budgeted in the Utilities & Waste Management Department.
 - 8.2 Approval of Veterans Assistance Fund applications for: Jonathon D. Garza - housing \$519.01 and Brenda C. Mannor - housing \$600.00 for a total of \$1,119.01 as recommended by the Veterans’ Assistance Screening Committee.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 9, 2008 - PAGE 2**

- 8.3 Approval of the resolution to establish the Mason County Sheriff Volunteers Fund for donations of the volunteers and private citizens who wish to support the volunteer program. **Resolution No. 105-08 (Exhibit A)**
- 8.4 Approval of Amendment No. 11 to the Department of Health Contract C14956 to provide an increase of \$14,793 for a total of \$1,122,565.00 to the Healthy Childcare of Washington Program and to add statements of work for this program and amend the statements of work for the Public Health Emergency Preparedness & Response program.
- 8.5 Approval of the Department of Community Development's recommendation to deny Application Number EVE 2008-00001, Avery Renaissance and Fantasy Faire, because this temporary activity is not part of a facility that would be an allowed use and the project does not meet the standards for emergency services or State Highway access.
- 8.6 Approval of the Department of Community Development's recommendation to deny Application Number EVE 2008-00002, Extreme Sports Festival, because it is inconsistent with Mason County Code Section 5.12, it is not an activity listed as an outright approved use under the zoning and would require review as a Special Use, and it does not meet the standards for emergency or State Highway access.
- ~~8.7 Approval of the Department of Community Development's recommendation to deny Application Number EVE2008-00003, Olympia Family Barter Faire, because it is not permitted within an RR10 zoning district.~~
- 8.8 Approval of the contract with Doyle Brothers Construction of Elma, WA for the reroof project at the 321 N. 3rd building. The contract is in the amount of \$74,741.80 and will be paid from General Obligation Bond funds.

Chairperson Sheldon commented on Item 8.1 that the \$32,000 is to help manage the contract for Utilities & Waste Management. There is about \$28 million primarily in state and federal money to implement the wastewater treatment program.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve Items 8.1 – 8.4 and 8.8. Motion carried unanimously. G-aye; RE-aye; S-aye.

Items 8.5 and 8.6 for further discussion.

- 8.5 Approval of the Department of Community Development's recommendation to deny Application Number EVE 2008-00001, Avery Renaissance and Fantasy Faire, because this temporary activity is not part of a facility that would be an allowed use and the project does not meet the standards for emergency services or State Highway access.
- 8.6 Approval of the Department of Community Development's recommendation to deny Application Number EVE 2008-00002, Extreme Sports Festival, because it is inconsistent with Mason County Code Section 5.12, it is not an activity listed as an outright approved use under the zoning and would require review as a Special Use, and it does not meet the standards for emergency or State Highway access.

Mr. Greg Paisley felt the process is without precedence for someone who already has zoning. He has to spend the money and do the work before he can find out if he has the right to do what the zoning says he can do. He felt it was more complicated. At the eleventh hour, without any communication, someone at the county added a couple of zoning related obstacles. The sort of thing would be difficult to get over if they were legitimate. All the other items such as conditions for health and safety have been discussed with the county for weeks. In his handout, he felt he had met or agreed to every requirement.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 9, 2008 - PAGE 3**

He understood that even if he met all the conditions he still would not be approved. There is a definition of facility. He was told he needs a special use permit. He did not think the definition fits. If it did, he felt it should have come up 40 days ago. He is in the process that has put him in a box.

He mentioned that everybody loves economic development. His dad grew up on an Indian reservation and he has lived on an Indian reservation and has seen the despair and hopelessness that occurs when people try to exist in an economy that is not supporting them.

He stated he has seen a lot of people using food stamps and a lot of kids with worn out clothes and having to choose between food, medicine and gas. He wants to tell the people that an estimated 450,000 tourists go through the county on the SR 101 loop each year. Also, there are 6 million people living within easy driving distance of Mason County such as King and Pierce counties, and Canadian money. There is not a lot of reason for them to stop and spend money in Mason County. He felt that the county has the least developed tourist economy on SR 101 and it should be fixed. If it is fixed, it will create jobs, bolsters the government, and drive existing and new businesses.

Mr. Paisley summarized his activity. The Board approved a rezone request in February 2008. He had picked up a packet and it stated in writing he could have festival sites and outdoor recreation. He was told, 40 days ago, that he had the proper zoning for the events. Then he was told last week that he was not approved. He felt this is messing with people's property rights. If land use regulations can be arbitrarily interpreted in ways that harm the property owner he questioned whose investment is safe. The Growth Management Act prohibits arbitrary or discriminatory actions. He asked that the Commissioners fix this. He felt that applying the Chapter 5.12 Ordinance was a mistake. No citizen should have to come to the commissioners and ask for rights they already have. He wanted to get the 1951 ordinance out of the way and instead allow zoning to do what it was intended to do. He trusts the departments to be fair and reasonable. He felt that postponing a decision is taking away his property rights. He felt that one of the issues that may come up is the aspect of conditions. He agreed with the Health Department to use bottled water. They have a well on site. The intention is to license it as a Group B. He was advised by the County to go with Group A, but he elected to go with a Group B because he fit within the criteria at that point in time. Now he does not fit within that criteria and this occurred within the last 60 days. Once he realized he might have events that have over 1,000 people in consecutive days then he agreed he should be Group A. That takes time, so he agreed they would use bottled water for everything. They agreed to shut off pumps during that period so there is no violation and it would be inspected. He agreed with the fire marshal and building department to do necessary improvements on the road access. If they can do it fine, if they cannot they will not open. He submitted traffic control plans to Washington State Dept. of Transportation (WSDOT) a month before they requested them. The county received the comments back and he has until the 16th to submit revisions. He got his stream typed, which meant he had to redesign the site plan. He provided all the material for a bald eagle management plan. He submitted his State Environmental Policy Act (SEPA) back in May. It became moot because with the new stream buffer he had to redesign. The final SEPA plan was submitted to the county last week. This event does not require a SEPA. He has 20 building permits on file, some of which are duplicate. He submitted parking plans showing suitable parking for the event. He can meet the deadline and requirement for food services. Public Works visited his site and found no issues for storm water. It was suggested to employ erosion control. He stated he has done everything that has been asked. He has done everything asked, more than required last year when permits were first issued. He has no intention of having an event in 2009. He had some frustrations with building last year. He is trying to build an event center. Let's show we can do it and bring in people next year. The example used in the code is a bicycle track or course, an open field with cones and a couple of sanikans. He did not think it made sense. He would like a couple of events and plant the seed for major economic development.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 9, 2008 - PAGE 4**

Janis Snoey wanted to say when the Commissioners approved the rezone of Mr. Paisley's property, she was not present to speak at that time. She believes that rural tourism is an important component of the economic development of Mason County. She felt that Mr. Paisley's proposal, if properly developed, would help fulfill some of that desire and need for economic development. The reason she is talking at this time, is that Mr. Paisley is planning two events at his site without proper precaution and care for the visitors or residents of this county. She did not believe the traffic could tolerate this kind of activity. The manner in which this site development is occurring is not getting proper consideration by the community.

Frank Kenney, North Mason Chamber of Commerce, stated he did a Google search when he saw the County was considering denial of the two events. He realized they need to go through the county's staff and process. He stressed it is hard to be a self-employed business owner.

Chairperson Sheldon commented that there are a lot of things on the internet. He suggested to read the Washington State Department of Transportation (WSDOT) report and talk with their traffic engineers. They need to listen to the staff that has done a lot of work on this issue. They have to review the health and safety issues. The ordinance that the application was made is under the Circus and Carnival Ordinance which was enacted in 1951. That ordinance allows the commissioners to approve or deny the events. There are a lot of things on the internet and promotional things out there. They have to look at what comes to the Commissioners. For him personally, the WSDOT opinion carries a lot of weight. The County Commissioners do not control SR 3. There are thousands of people and traffic going down that highway every day. He is concerned about their safety with events that are planned on a narrow dirt access off SR 3.

Rick Ryan stated it seems there is a permit process in place for a reason. There was a meeting on July 31st with the Director and on August 5th with Environmental Health and they said all food vendor permits would be required. On August 5th the Planning review stage, required site planning, habitat issues, and a bald eagle, which is 400' away. They have a property owner who is spending thousands of dollars, based on meetings with the county through the building permit process. On August 19th there was a hold until the Mason County Commissioners make a decision. On August 29, Environmental Health has placed a hold and it is noted an approved water system required. This is listed on the paperwork. He questioned why this issue was not brought up on August 5th. He felt the process needs to be reversed.

Greg Paisley stated there are two things going on with WSDOT. One issue is a traffic impact study that was requested last year and was completed some time ago. They needed some information from the county on overflow parking. That is for the full build out for the full site over the next ten years. They want things like left turn lanes. His traffic engineer will be negotiating what is to be done. The deadline is October 2009. What is at issue is the traffic control plan, which they returned with notes for more details by September 16, 2008. They outlined what was needed to be done and alternatives if they cannot follow the plan. He felt it is all doable. It is easy to read the comments and think that those related to the traffic impact study for the whole process have to do with the events. However, they do not. The traffic control plan is for the three days of events.

Chairperson Sheldon commented he spoke with WSDOT and one of the things they said was under the plan, traffic would have to stop from the site, be held up from the site when someone wanted to turn onto the site, and traffic would have to be stopped on the highway when people wanted to come out. WSDOT did not impress him that the plan for traffic control was acceptable to them. He is worried about the safety.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 9, 2008 - PAGE 5**

Margie Heath stated she hates the fact that everything is being denied by the county. She asked if there is some way the County Commissioners can work with the people and let them know ahead of time what they will have to do so they could be prepared. She hated the fact that everything is being denied.

Cmmr. Ring Erickson commented she did not see Mason County as a county of desperation. Mason County is a middle class county and they are looking for more jobs. They are interested in long-term living wage jobs and having families move into the area. This county is and has been the host to one of the most successful festivals and events (OysterFest) in the United States for 26 years. It is a facility in an approved area. The group works with the county staff for a full year in advance for every year to plan and make sure it is appropriately meeting the health and public safety standards. A big event requires that kind of attention to detail. Some of the people have confused zoning with permits. There can be an area zoned for a business but that does not mean they will permit a dynamite factory. They can have an area permitted for residential. They will not let someone build a house that is unsafe. Maybe this is an issue of too little time and not enough information. The indicators are that there are extreme traffic safety concerns about SR3. She voted for Mr. Paisley's rezone. They saw a large plan for a number of permanent facilities that if they were in place now would allow a wide variety of attractive events to come here. Those facilities are not here. One of the issues at the time that was discussed was safety on SR 3 but also getting aid cars and emergency fire vehicles in and out of the facility. It is very clear the access had to be widened and there had to be parking as well. None of those things have happened. At this time there is a relatively rough piece of land and not an adequate facility to ensure that the public that attends the event could get out in case of fire. The public safety people that need to get in could get there in case of an injury or the people travelling on Highway 3 would not be in a dangerous situation during times of access and egress to the event.

Cmmr. Gallagher stated it comes down to doing it right and also trying to be consistent with everything. He also voted for the property to progress. He did not know the reason why it has not progressed. It could be financial. Mr. Paisley has taken the opportunity to have two events. The events are not the magnitude of the OysterFest. With the WSDOT issue there is no provision for a left turn. He would like to see the site progress, but in a right way and presented to the public in a right way. He urged Mr. Paisley to do things in the right way.

Cmmr. Sheldon commented there is a difference between zoning and the permit. He would like to see the site built out. It could be a great asset to the community. It needs the infrastructure in order to accommodate large volumes of people. If WSDOT feels there are safety concerns he has to go along with that as they have the jurisdiction on that highway.

Cmmr. Ring Erickson/Gallagher moved and seconded to deny Items 8.5 and 8.6. 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 A public hearing to consider a nondebtable emergency appropriation to the 2008 Current Expense Fund Budget in the amount of \$79,300 for Superior Court because of the unanticipated cost of jury trials.

Toni Sheldon, Superior Court Judge, requested the county expend an additional amount for their jury trials. They are asking for \$79,300 rather than \$79,600 as noted on the agenda. That is money needed for jury fees. Jurors that appear are paid \$10 per day plus their mileage reimbursement. They are provided with meals when they are deliberating. They also have bailiff wages to be able to manage the jurors when present. The reason for an increase is there has been an increase in the number of jury trials over last year. January – June 2007 there were 1,665 jurors called in for 29 trials. In the same time period in 2008 there were 2,566 for 39 trials. For the total trails last year was 52 and they are on track for 78 trials in the figure can be doubled from January – June. Also, a factor is the mileage

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 9, 2008 - PAGE 6**

reimbursement has increased significantly. In 2002 they were reimbursing at the rate of \$0.345 per mile. Now they are required to reimburse at \$0.58 5per mile.

Jane Roush voiced support of the request. She asked to be reassured that the county is looking at the budget next year and ensuring there is sufficient money. She is tired of coming to the end of the year and increasing the budget. She asked to see sufficient money in the courts to help this problem.

Ione Siegler, Director of Budget & Finance, Judge Sheldon mentioned there might be a typo. In Mason County they try to budget as close as they can to what they spend.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve a nondebtable appropriation to the 2008 budget for Superior Court in the Current Expense Fund in the amount of \$79,300. Motion carried unanimously. G-aye; RE-aye; S-aye.

- 9.2 Public hearing to consider the creation of Lake Management District No. 2 (LMD) for Mason Lake located in Mason County per Resolution of Intention No. 98-08, adopted by the Board of Mason County Commissioners on August 12, 2008.

Emmett Dobey, Director of Utilities & Waste, presented the staff report. He explained that state law allows for the creation of special taxing districts to develop programs to keep the state's lakes clean. Today's hearing is a proposal to create a Lake Management District to Mason Lake. The residents have petitioned for the creation of this lake district for ten years. Notices were mailed out to property owners prior to the hearing with a proposed assessment. The hearing will allow the Board to take testimony from the public about the formation of the district. There will be a vote if the Board considers it at the conclusion of the public hearing.

There were several notices sent out to property owners in the Mading Orchard Beach area, which are not included within the boundaries of the proposed Lake Management District. It is the properties around Mason Lake that have direct access or have some type of public access to the lake.

There was a previous Lake Management District that was formed in 2002 and went for five years until 2007 and is the same boundaries.

Cmmr. Gallagher questioned who does the actual work.

It was noted that they establish a budget and the contract for the budget. The only involvement the County has in it is the formation of the District.

The proposed new district is a ten-year assessment.

It was questioned what they will be assessed per year.

The staff responded it is based on \$0.11 per thousand-dollar value.

The main plant in Mason Lake is milfoil. If they get it under the control to not use herbicides. They will not require that much money and can turn in the money every year.

The Parks Director is looking for new grants and opportunity.

We want to be notified when there is a meeting

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
SEPTEMBER 9, 2008 - PAGE 7**

It was questioned what action the county is taking to control the introduction of milfoil by non-residents. There is nothing at the boat launch to clean the boats going in and out. The milfoil is being introduced by the public. He felt the county is part of the problem and solution.

Chairperson Sheldon responded it is very difficult to have a county employee there to check each boat.

No further comments were provided.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve the resolution adopting the findings and determinations regarding the establishment of Lake Management District No. 2 for Mason Lake and submitting the establishment to a vote of the property owners within the proposed district. Motion carried unanimously. G-aye; RE-aye; S-aye. Resolution No. 106-08 (Exhibit B)

Cmmr. Sheldon stated that the first lake management district that was enacted for Mason Lake has been very successful. It has been a benefit to the citizens that live on the lake and the tourists as well.

Mr. Dobby noted the ballots are due by October 10, 2008 and a simple majority will govern the district.

Cmmr. Ring Erickson asked for a separate motion for Item 8.5 and 8.6

Cmmr. Gallagher/Ring Erickson moved and seconded to approve Item 8.5. Motion carried unanimously. G-aye; RE-aye; S-aye.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve Item 8.6. Motion carried unanimously. G-aye; RE-aye; S-aye.

10. Other Business (Department Heads and Elected Officials) - None
11. Board's Reports and Calendar – The board reported on meetings attended the past week, September 2 – 9, 2008 and announced their calendars for September 9 – 16, 2008.
12. Adjournment – The meeting adjourned at 10:26 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Tim Sheldon, Chair

ATTEST:

Lynda Ring Erickson, Commissioner

Rebecca S. Rogers, Clerk of the Board

Ross Gallagher, Commissioner