

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JANUARY 13, 2009

1. Call to Order – The Chairperson called the regular meeting to order at 9:05 a.m.
2. Pledge of Allegiance – The flag salute was led by Fire Chief Burbidge.
3. Roll Call - Present: Cmmr. Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Ross Gallagher.
4. 4.1 Correspondence
  - 4.1.1 The Washington State Liquor Control Board sent notice of a new liquor license application for Hood Canal Grocery and notice that Lake Nahwatzel Resort discontinued sales and service of liquor on January 31, 2008.
  - 4.1.2 Wave Broadband will be adjusting their retail prices in February 2009.
  - 4.1.3 The Community Economic Revitalization Board submitted their 2008 legislative report.
  - 4.1.4 William B. Willard Jr. expressed concerns regarding a notice he received from Community Development.
  - 4.1.5 The Port of Allyn Commissioners stated their conditions for keeping recycling bins on Port property until June 30, 2009.
  - 4.1.6 Michael Siptroth is seeking appointment to the Parks and Trails Advisory Committee.
  - 4.1.7 Robert A. Pastore is seeking reimbursement of his Hearings Examiner fees.
  - 4.1.8 K&L Gates sent transcripts of all proceedings in connection with Mason County Limited Tax General Obligation Bonds Series 2008A & 2008B.
- 4.2 John Keates, Parks Director, presented the news release regarding the Latimers Landing Park grant.
- 4.3 Debbie Riley, Environmental Health Manager, presented the news release regarding the closure of the Public Health Water Laboratory.
5. Open Forum for Citizen Input
  - 5.1 Ken Bragg stated he is a former member of the Timberland Library Board. He is concerned about the library asking for a 50% increase in property taxing authority on February 3rd. He believes the timing is ill advised. The cost of the entire election will be approximately \$700,000. If the election was scheduled during a primary or general election it would cost approximately \$150,000, so they are wasting their own money. He is concerned about the judgment of the current Library Board.
  - 5.2 Tom Casey stated he is the recently reelected president of the Shelton Drag Race Association. The Association would like to continue with a full schedule of drag racing at a new facility. They would also like to conduct a few summer events at the Port property where they have previously held events. He is seeking collaboration from the Board on development decisions that need to be made. He wants to make sure the Association's goals are consistent with the County's regulations and he is seeking direction on who he should work with at the County.

Cmmr. Sheldon directed Mr. Casey to Barbara Adkins, Director of Community Development. He believes past events were well done and he looks forward to working with the Association in the future.
6. Adoption of Agenda – **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – Special meeting minutes for January 8, 2009.

Cmmr. Ring Erickson stated there is an error on the minutes. She was absent from the January 8, 2009 meeting, however her name is listed on a motion.

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**Cmmr. Gallagher/Sheldon moved and seconded to approve the special meeting minutes of January 8, 2009 with noted corrections. Motion carried unanimously. RE-aye; S-aye; G-aye.**

8. Approval of Consent Agenda:
  - 8.1 Approval to designate Shannon Goudy as the Mason County Clerk of the Board per Mason County Code Chapter 2.92.010 effective January 13, 2009.
  - 8.2 Approval to set a public hearing on Tuesday, February 3, 2009 at 9:30 a.m. to consider a Supplemental Appropriation to the 2009 Current Expense Fund in the amount of \$49,935. **Resolution No. 04-09 (Exhibit A)**
  - 8.3 Approval of the 2009 Funding Plan for Affordable Housing (2060) and Homelessness Prevention (2163) as recommended by the Mason County Housing Coalition.
  - 8.4 ~~Approval of the agreement between Mason County and the Mason County Shelter for Homelessness Prevention Funds (2163) in the amount of \$15,000 to hire a Rental Case Manager.~~ Removed
  - 8.5 Approval of the agreement between Mason County and the St. David's Episcopal Church for Homelessness Prevention (2163) Funds in the amount of \$15,000. These funds will be used for homeless advocacy activities.
  - 8.6 Approval of the agreement between Mason County and the Mason County Shelter for Homelessness Prevention Funds (2163) in the amount of \$16,700. These funds will be used for Coordinator activities and the Homelessness count and are approved in the 2009 Mason County Homeless Plan, Phase Four.
  - 8.7 Approval of the Veterans Assistance Fund applications for: David J. Stucke - Food \$300.00; Rodney L. Gorm - Housing \$600.00; John E. Peters, Jr. - Housing \$600.00; Dale Carrell - Utilities \$86.16; Roy K. Oster (Rose) - Utilities \$600.00; Ken Roethle - Utilities \$320.01; Terry D. McFarlane (Kathleen) - Housing \$501.00 & Food \$99.00; George W. Roberts - Housing \$300.00; Charles G. Robson, Jr. - Housing \$600.00 for a total of \$4,006.17 as recommended by the Veterans Assistance Fund Screening Committee.
  - 8.8 Approval of amendment #4 to the professional services contract between Mason County Public Health and Eunice Santiago for Maternity Support Services in 2009.
  - 8.9 Approval of amendment #13 to the Consolidated Contract C14956 with Washington State Department of Health that increases the maximum consideration of the contract by \$298,737 to a total of \$1,603,723. The services covered in this contract include the Drinking Water program, Child Profile Immunization program, Tobacco program, Healthy Child Care of Washington program, and Oral Health program.
  - 8.10 Approval of the reimbursable agreement between Mason County Public Works Road Department and Squaxin Island Tribe to provide maintenance services, emergency assistance and fabrication of signs and materials.
  - 8.11 Approval of the reimbursable agreement between Mason County Public Works Road Department and the Mary M. Knight School to provide maintenance services and emergency assistance.
  - 8.12 Approval for the Equipment Rental & Revolving Fund (ER&R) Manager to purchase one new 2009 utility 4x4 vehicle from the Washington State contract to replace Vehicle #185 that was damaged in the December snow storm. The funds are available in the ER&R fund.
  - 8.13 Approval to extend the call for bids to furnish Mason County with one new Truck Mounted Excavator for Public Works. The new date and time of opening to be February 4, 2009 at 9:00 am. The original approval for the call for bids was done on December 23, 2008.
  - 8.14 Approval for the Public Works Director/Equipment Rental & Revolving Fund Manager to advertise, set bid opening date and time, award the contract, and authorize the Chair to sign all pertinent documents for the construction of the new Public Works Fuel Facility. The contract award will be announced during a regular meeting of the Board of Mason County Commissioners.
  - 8.15 Approval to concur with the reappointment of Edna Fund to the Timberland Regional Library Board of Trustees as Lewis County's representative. The term will end December 31, 2015.
  - 8.16 Approval to appoint Ken Wilson, Dan Michener, Drew Noble, Glen Hudson and John Komen to the Transportation Improvement Program Citizens Advisory Program (TIP-CAP).

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- 8.17 Approval to award Puget Sound Truck Sales of Pacific, WA the bid to furnish Mason County with one used 1999, Sterling LT9513 truck with a new Advantage Roll-off unit. Total cost is \$79,500 plus tax and is budgeted.

**Cmmr Ring Erickson/Gallagher moved and seconded to approve Consent items 8.1 through 8.17 with the exception of item 8.4, which has been removed. Motion carried unanimously. RE-aye; S-aye; G-aye.**

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

- 9.1 Public hearing to consider a speed limit change on all of Reservation Road, county road number 43130.

Charlie Butros, Public Works Director, asked to continue the hearing to February 17, 2009, as he has not received the formal request for a speed limit change from the Skokomish Tribe.

**Cmmr. Ring Erickson/Gallagher moved and seconded to continue the hearing to consider a speed limit change on Reservation Road to February 17, 2009. Motion carried unanimously. RE-aye; S-aye; G-aye.**

- 9.2 Public hearing to review the request by Nathan & Debra Stout and Patrick Paradise to rezone four parcels (7.44 ac. area total) within the Rural Area from Rural Residential 20 zone to Rural Commercial 2 zone.

Allan Borden, Planner, presented the staff report on the rezone. Under the current zone residential development is the primary land use. Under the proposed zone there could be a wide variety of commercial uses for the land. The intent of the rezone is to establish a self-storage facility, which would require a special use permit. There aren't any critical areas in the immediate vicinity. The surrounding properties are rural residential zone 20. There are properties to the east zoned rural residential 5. The Planning Advisory Commission has recommend approval of the request. There was a petition received from about 20 people against the rezone, which is included in the staff report. There is no anticipated impact to the Shelton Urban Growth Area. There are seven criteria to consider for review of a rezone. There are two critical criteria to look at in regards to this request. First, have the applicants provided compelling reasons for the property to change from rural residential to commercial. Second, could this rezone cause pressure on other properties to change their zoning.

Questions for Staff

Cmmr. Gallagher asked if there was a formal determination of non-significance made on October 24<sup>th</sup> as mentioned in the staff report, and what was the result.

Mr. Borden stated it did happen and he didn't receive any comments from the organizations.

Cmmr. Sheldon asked what additional sewage impacts there would be with this type of business.

Mr. Borden stated there would not be much of an additional impact with the proposed land use, but he looks at all potential land uses with commercial zoning compared to residential zoning.

It was asked if there is proof that taxes will not be affected by this rezone.

Mr. Borden stated that would be a question for the Assessor's office.

The adequacy of the 300-foot public notice policy was questioned.

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Mr. Borden stated he posted two additional signs in the Rainbow Lake development prior to the meeting, which would give notice farther than 300 feet.

Cmmr. Sheldon questioned whether homes in Rainbow Lake are typically owned or rented.

Most of the properties are owned.

It was asked if this business would prevent other businesses from coming into the area.

Mr. Borden stated yes, within ½ mile.

It was questioned whether there has been consideration to the type of business being allowed, as opposed to a more community oriented type of business.

Cmmr. Sheldon stated the proposal is just to change the zoning, not to choose the type of business.

It was asked if you could build a public facility such as a post office with the way the property is zoned right now.

Mr. Borden stated the property wouldn't need to be rezoned for an essential public facility. It would just need a special use permit.

It was questioned how this property was determined not to be a wetland.

Mr. Borden stated that the County mostly relies on a wetland inventory map supplied by Fish and Wildlife and this property did not come up on the wetland map. Wetlands are determined by the type of soil and vegetation, among other things, however he did not do a site evaluation to determine if the property was a wetland.

Public Testimony

Mary Joy Murphy stated only a fence separates her property from the property being discussed. The potential building site is only 30 feet from her property line. She is concerned about people storing stolen goods or creating meth labs in the storage units. She does not want that type of business in her backyard.

Meghan Lucas doesn't feel enough people were informed of the potential rezone. She is concerned about crime, excessive lighting and traffic. She likes living in a rural community and thinks this would lead to other developments. She is also concerned about the property not being determined a wetland. There is flooding on the property and people's stored items could be washed out.

Larry Harper stated the property floods and there was standing water there this year and last year. He is concerned about adding septic in a flooded area. This is not a sanitary situation. He doesn't feel the community needs this type of business.

Paul Wildman moved to Mason County about 4 years ago. He is concerned that the Commission meets a 9:00 a.m. on a weekday. People who have jobs cannot attend the meetings. He would like the decision to be postponed to another hearing in the evening. The City of Edmonds holds hearings in evening hours and are televised so people can be informed. He did voice his concerns at the Planning Commission meeting. He believes the criteria for rezones are not meaningful to people in the community and 300 foot public notice is not sufficient in rural area. He is also concerned about nuisance noise because of music being played at all hours of the night to entertain people while working on their vehicles in

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storage. He doesn't think Mason County has a nuisance noise ordinance in affect. He is concerned about drainage and run off issues that come with paving of a large area.

Debbie Backus stated she was only informed of this meeting because a child took the notice sign off of the mailboxes. She is concerned that the area of rezone is where children are let off the school buses and the storage units could block the view of the road. She also thinks there are animals in the area that will be affected. She has seen bobcat, deer and bear on the property.

Jerry Schouviller stated he believes in the evolution of rural residential development, but it is too early for commercial development.

The applicant, Nathan Stout, stated that no plans have been presented to County as to what will be built on the site. Sewage impact would be no more than a single family residence it would be a system regulated and approved by the County. There would not be a lot of traffic coming and going. There would be no vehicle repairs in the facility, only storage, and the rules would be made clear in contracts. There has not been any suggestion of a paved facility, there may be crushed rock. The water on the property is brought on by a County culvert and it is a natural path to a creek. Perhaps the size of the culvert could be increased to help the problem.

Pat Paradise, applicant, wanted to address the community's concerns. The building would be an expensive investment. They would not build, invest and maintain an eyesore. He surveyed similar business and found concerns regarding traffic, noise, and lighting were unfounded. There would be strictly enforced access hours, an onsite caretaker and a surveillance system. The facility would be for storage and would not be tolerated for use as a repair facility.

Cmmr. Ring Erickson stated these meetings are televised several times during the week. She holds evening meetings in Lake Limerick at the fire station, however they aren't as well attended as her other community meetings. There is a county noise ordinance. She believes these are good business people with a good plan. Historically she does not support these types of rezones. She believes if you allow this type of rezone in an area that is mainly residential over a period of time there is a cumulative affect. Commercial development should go into the Urban Growth Area where it is needed and keep designated residential areas as they are. She has a storage facility near her home and has not seen the things happen that people are concerned about. Overall she doesn't believe this rezone is consistent with a long-term residential area.

Cmmr. Gallagher stated he concurs with Commissioner Ring Erickson. There are areas within the commercial zones that have storage facilities and they are high traffic areas.

Cmmr. Sheldon stated there is a need for commercial storage in the county. This property is outside of the Urban Growth Area, but there are only three Urban Growth Areas in the county. This property could be developed for home sites as it is zoned. There could be up to eight houses on the property that would raise issues with septic and noise that this facility would not.

**Cmmr. Ring Erickson/Gallagher moved and seconded to deny the request by Nathan & Debra Stout and Patrick Paradise to rezone four parcels (7.44 ac. area total) within the Rural Area from Rural Residential 20 zone to Rural Commercial 2 zone. Motion carried. RE-aye; S-nay; G-aye;**

A recess was called at 10:28 a.m. The meeting reconvened at 10:36 a.m.

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9.3 Public hearing to consider amending the Rustlewood Wastewater Treatment Plant and Water System Rates.

Tom Moore, Deputy Director, stated the Rustlewood Wastewater Treatment Plant is almost complete. The project was financed with a grant and loan package from the USDA Rural Development Program. The rate increase would be used to pay for the debt incurred by the project, as well as the operation and maintenance of the facility. The USDA did a rate analysis of \$88 per month and that is what is being proposed. They will increase connection charges from \$5000 to \$6000. The water and sewer rates would be increased \$3 per month so they can meet the requirements of the Municipal Water Law and install water meters. The new water connection charge will increase from \$1000 to \$2500. The monthly rate increase will generate about \$5000 per year. Future rate increases will be tied to the April Bremerton Area Price Index for Consumer Goods and Service. Any cost associated with unanticipated capital improvements would go to a special assessment. They are also asking for a \$75 per hour shop rate for damage caused to the system by others.

Questions for Staff

Bill Fisher asked if more revenue is expected from the installation of water meters.

Tom Moore stated the benefit of the meters would be to control usage and level out peak demand periods.

Mr. Fisher asked what is expected for addition hook ups in the future.

Mr. Moore stated they are bound by growth management regulations. Extending urban services to rural areas is something that is forbidden by growth management. They do not add new connections and hook ups to the system so it is mainly funded through monthly rates.

Mr. Fisher asked if the 40 acres that border Rustlewood will be using the system?

Mr. Moore stated no, even though the sewer line borders the property.

Cmmr. Ring Erickson asked what year the system was put in.

Mr. Moore stated the wastewater basins were installed in about 1969, maybe mid 60s.

Cmmr. Ring Erickson asked if it pre-dates growth management regulations.

Yes it does.

Bill Walker asked if the rate increase includes the settlement the County made with Seafresh Farms.

Mr. Moore stated the County expects to pay that obligation out of the rates.

Mr. Walker asked if the portion of the settlement each person would be paying would be about \$8-10.

Mr. Moore stated \$88 would be the new rate either way because that is what the USDA recommended. The County did give the Rustlewood community \$100,000 to help this project, which is three times what the settlement obligation is.

Cmmr. Sheldon asked what the current minimum monthly rate is?

The current rate is \$70.00.

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Public Testimony

There was no public testimony.

Cmmr. Ring Erickson stated the Rustlewood constituents work with staff and show up to meetings. The staff and community have worked together well on this project. The sewer system was inherited because it was in default. Maintenance was deferred and now we are all paying the consequences. No one was trying to be bad, there is just a different attitude now as opposed to a few years ago.

Cmmr. Sheldon thanked the staff for working so hard on funding.

**Cmmr. Ring Erickson/Gallagher moved and seconded to adopt the resolution amending the Rustlewood Wastewater Treatment Plant and Water System rates. Motion carried unanimously. RE-aye; S-aye; G-aye. Resolution No. 05-09 (Exhibit B)**

9.4 Public hearing to consider amending the Beards Cove Water System Rates.

Tom Moore stated monthly usage fees must be increased at Beard Cove to maintain and operate the system as well as install service meters as required by law. The staff is proposing a monthly service rate of \$33 for 2009 and annual rate increases tied to the April Bremerton Area Price Index for Consumer Goods and Service. An increase in connection charges from \$800 to \$2000 is proposed as well as a \$75 per hour rate for work by staff. This rate would apply if damage is done to facility by others, service locations are changed or service lines are extended. This rate is equal to what is being charged at Rustlewood, but Beards Cove is quite a bit larger. The intent is to buy service meters in bulk and get the installations for both systems going simultaneously. There are several capital projects planned for the system.

Questions for Staff

It was asked what the current rate is.

\$27 monthly or \$800 to connect.

Public Testimony

There was no public testimony.

**Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the resolution amending the Beards Cove Water System rates. Motion carried unanimously. RE-aye; S-aye; G-aye. Resolution No. 06-09 (Exhibit C)**

Cmmr. Tim Sheldon left the meeting at 10:59 a.m. to attend the joint legislative session.

10. Other Business (Department Heads and Elected Officials).

- 10.1 Cmmr. Ring Erickson gave a report on her trip to Washington D.C. She attended a meeting of the presidents of all of the state associations at the expense of the Washington State Association of Counties. The main topic of the meeting was budgets.
- 10.2 Sheriff Salisbury stated this month the Law Enforcement Breakfast guest speaker will be Laura Wells, who represents a program called Fight Crime Invest in Kids.

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Sheriff Salisbury also challenged the Commission to the Polar Plunge on January 24<sup>th</sup> at Allyn Waterfront Park to raise money for the Boys and Girls Club. He has volunteered to take the plunge on behalf of the Commission, but is seeking contributions.

10.3 Vicki Kirkpatrick, Health Director, asked the Commission to join the annual Mason County Health Challenge. Mason County has taken first place among similar organizations in the Washington State Health Bowl, but has lost ranking recently.

11. Board's Reports and Calendar -The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.

12. Adjournment - the meeting adjourned at 11:17 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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

ATTEST:

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Lynda Ring Erickson, Commissioner

\_\_\_\_\_  
Shannon Goudy, Clerk of the Board

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Ross Gallagher, Commissioner