

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

July 7, 2009

1. Call to Order – The Chairperson called the regular meeting to order at 9:07 a.m.
2. Pledge of Allegiance – Mel Armstrong led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Ross Gallagher.

4. Correspondence and Organizational Business

4.1 Correspondence

- 4.1.1 The Port of Hoodspport is seeking appointment of a qualified individual to fill a vacancy on the Port Commission.
 - 4.1.2 The Washington State Liquor Control Board sent notice of a new liquor license application for Mosquito Fleet Winery in Belfair.
 - 4.1.3 Star Lake Community Club thanked Rose Swier of Environmental Health for her attention to unsafe and unsanitary properties in their community.
 - 4.1.4 The Pacific Northwest Regional Council of Carpenters sent notice of an unfair labor dispute with Quigg Brothers Inc.
 - 4.1.5 Judi Manke submitted comments and question regarding Saint Edward's Church.
 - 4.1.6 Kim and Michael Thompson expressed concerns regarding the address of their property.
 - 4.1.7 The Shelton School District requested a hearing for an Impact Fee Ordinance.
 - 4.1.8 Broadstripe submitted bond number 105288204, effective June 10, 2009.
 - 4.1.9 Bud Hays, Mike Petz, Gary Carlberg, Terry Bazil and Tom Strong are seeking appointment to the Port of Hoodspport Commission.
- 4.2 News Release – Friends of Mason County Parks and Trails Program. John Keates presented the news release seeking support of certain parks in Mason County. Friends of Mason County Parks will help maintain and enhance a park of their choice.

Cmmr. Ring Erickson noted she would like to organize something for Latimer's Landing.

Frank Kenny, North Mason Chamber, stated the Chamber might be a good partner for this program.

- 4.3 Staff Recognition – Utilities & Waste Management. Emmett Dobeay read a letter commending David Baker for his assistance with the Harstine Island clean up program.
- 4.4 David Baker updated the Board on a letter that went out from Mason County Garbage to customers regarding a rate increase related to curbside recycling collection. The goal of the program is to make recycling just as easy as regular garbage pick up to increase the collection of recyclable materials. There have been a lot of comments from the public regarding the cost. Additional information will be available on the County's website by the end of the week.

Cmmr. Ring Erickson asked Mr. Baker to clarify the separation of Mason County Government and Mason County Garbage and to explain who sets the rates.

Mr. Baker clarified that Mason County Garbage and Recycling is a private company owned by a larger corporation called Waste Connections. They are the company that is implementing this program and they are responsible for providing the service and charging a fee. The

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County's role, by law, is to provide safe and convenient disposal for all of the residents. That means the County runs the place that all of the garbage comes to and sends it along.

The County has nothing to do with any fees charged by Mason County Garbage. The Utilities and Transportation Commission is the regulatory agency that reviews and assesses fees by private companies. Mason County Garbage and Recycling would need to petition the UTC to allow them to set a fee for this service. The UTC sets the rate based on what they feel is appropriate. Mason County is completely removed from the rate setting component.

Cmmr. Sheldon asked if Waste Connections used to be Lemay.

Mr. Baker stated that Waste Connections bought Lemay.

Cmmr. Sheldon stated there were a lot of people that came to the public hearing that wanted curbside recycling. That was generally what the Board heard. There is also the option for individuals to take their garbage and recycling to one of the County transfer stations.

Mr. Baker stated there are four sites in the county that accept garbage and recycling. There is a fee for garbage, but no charge for recycling.

Cmmr. Sheldon presented David Baker with the Green Star Award for his work on the Harstine Island clean up.

4.5 News Release – County Road Chip Seal & Restriping Program. Charlie Butros presented the news release announcing that Public Works will be running the road chip seal and restriping program through the months of July and August.

5. Open Forum for Citizen Input –

5.1 David Johnston, New Community Church in Union, thanked the Board for the vacation of the right-of-way in Consent item 8.20. It is the Church's desire to develop their parking lot to a state that it can also serve as a park and ride for the MTA. With the extra piece of land, that plan will come through in September or early October.

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 – June 15 and June 22, 2009 briefing meeting minutes; June 23, 2009 regular meeting minutes.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve the June 15 and June 22, 2009 briefing meeting minutes; June 23, 2009 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; G-aye.

8. Approval of Consent Agenda:

8.1 Approval to appoint Marv Faughender to the Lewis-Mason-Thurston Area Agency on Aging Advisory Council for a two-year term.

8.2 Approval of the agreement with Rebecca Myer to serve as the Foothills County Park host for 2009.

8.3 Approval of Consolidated Contract C14956 Amendment #15 between the Washington State Department of Health and Mason County Public Health Department increasing the maximum consideration of the contract by \$198,940 to a total of \$1,786,413. The increases are \$85,940

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- in the Tobacco Program, \$100,000 in the On-Site Implementation Project and \$13,000 for the Drinking Water program. These increases are budgeted in the 2009 budget.
- 8.4 Approval of contract #0963-65371 with the Washington State Department of Social & Health Services for the Workfirst program in the amount of \$3,600. This contract extends the performance period to 6/30/2010.
 - 8.5 Approval of amendment #0963-53334-01 with the Washington State Department of Social & Health Services for Medicaid Administrative Services. This amends the billing procedure and has no monetary effect on the contract.
 - 8.6 Approval of agreement #0963-66709 with the Washington State Department of Social & Health Services for Foster Care Public Health Nurse Services. The contract is in the amount of \$22,248 for the period of 7/1/09 to 12/31/09.
 - 8.7 Approval of the contract between Clark County Public Health and Mason County to provide \$36,900 for the HIV Case Management program.
 - 8.8 Approval of the Veterans Assistance Fund applications for: Scott E. Kaylor - Food \$200.00; Robert A. Ott - Food \$100.00; Robert Holman - Utilities \$600.00; Claude Elder - Housing \$500.00; Randolph Bittner - Utilities \$24.71; Gregory Morris - Utilities \$481.85; Martin T. Triplett - Utilities \$600.00; Nelson BullPlume - Utilities \$170.29; David Degner - Utilities \$152.26; Kenneth Foredyce - Utilities \$81.88; Michael Weeks - Utilities \$600.00; James Mustain - Utilities \$600.00 for a total of \$4,110.99 as recommended by the Veterans Assistance Fund Screening Committee.
 - 8.9 Approval for Utilities and Waste Management to request proposals from the Small Works Roster for third party special inspections, observation, and testing, for the Belfair Water Reclamation Facility and Conveyance System.
 - 8.10 Approval of the following contracts for the 2009 Mason County Fair & Rodeo: Shelton High School NJROTC Booster Club, professional services, \$800.00; Shelton Elks 2467, professional services, \$400.00; Drew Peterson, entertainment, \$1,200.00 plus RV hook-up for three days; The Varmints, entertainment, \$0.00; Mason County Medic One, professional services, \$1,200.00; Jennifer Madden DVM, professional services, \$500.00; Ike Pryor, professional services, \$1,000.00; Tim Cramer d.b.a. Cramer Classics, entertainment, \$3,000.00; Haigh Vet Hospital, professional services, \$700.00. Total amount of \$8,800.00 and these amounts are budgeted in the Fair Budget.
 - 8.11 Approval of the resolution setting a budget hearing on Tuesday, August 4, 2009 at 9:30 a.m. to consider a supplemental appropriation to the 2009 budget for the Employee Appreciation Fund due to a \$750 donation received from the Squaxin Island Tribe. **Resolution No. 59-09 (Exhibit A)**
 - 8.12 Approval for the Chair to sign a purchase and sale agreement with Green Diamond Resource Company to purchase the 536 acre Decker Creek Property and to sign any other pertinent documents for this purchase. The purchase price of \$1,019,000 is totally financed through the Washington Wildlife and Recreation Program and the Salmon Recovery Funding Board. The Capitol Land Trust will manage the property.
 - 8.13 Approval of \$200,000 from the Mason County Rural County Sales & Use Tax Fund (.09) submitted by the Mason County Public Health Department for the Oakland Bay Shellfish Protection District Action Plan for 2010 funding.
 - 8.14 Approval of the program agreement #0963-66454 between Mason County Juvenile Court and the Juvenile Rehabilitation Administration (JRA). This is for \$40,000 for the Functional Family Therapy (FFT) and Coordination of Services (COS) programs.
 - 8.15 Approval of the contract agreement with Juvenile Rehabilitation Administration (JRA) for the Juvenile Accountability Block Grant providing \$11,200 for the Aggression Replacement Training (A.R.T.) program. The required match of \$1,244 is budgeted.
 - 8.16 Approval of the program agreement #0963-67715 for the period of 7/1/09 to 6/30/10 with the Department of Social and Health Services (DSHS) to continue contract #0863-34175 for

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Consolidated Services providing funding for Consolidated Juvenile Services (CJS) at Risk Program, \$53,923; Special Sex Offender Disposition Alternative (SSODA) Program, \$10,817; Chemical Dependency Disposition Alternative (CDDA) Program, \$19,694; and Community Juvenile Accountability Act (CJAA) Programs, \$25,525. This agreement also provides \$27,582 for contract #0863-34192 for various services that addresses financial impacts of the Juvenile Justice Bill.

- 8.17 Approval for the Public Works Deputy Director/County Road Engineer to execute Supplemental Agreement No. 2 to the Local Agency Standard Consultant Agreement adding \$60,000 increasing the maximum payable up to \$353,064.46. This will allow Excel Tech to continue providing Mason County the design works for County Road Project 1861 – Simmons Road (Old Olympic Highway and Lynch Road Connector).
- 8.18 Approval for Public Works to advertise a Request for Qualification for the Weaver Creek Bridge Project (CRP1903-R), select a consultant and enter into an agreement for geo-technical analysis, hydraulic analysis, scour analysis, bridge design, preparation of technical specifications, construction cost estimate, and construction engineering support.
- 8.19 Approval of the resolution allowing the closure of Clifton Lane in Belfair on August 8, 2009 from 6:30 a.m. to 9:00 p.m. for the Taste of Hood Canal event. **Resolution 60-09 (Exhibit B)**
- 8.20 Approval to accept the recommendation of the Hearing Examiner and grant the vacation of the right-of-way as petitioned on Dalby Road, Vacation File #367. This is subject to the conditions contained in the Findings, Conclusions and Recommendations of the Hearing Examiner. **Order of Vacation No. 367 (Exhibit C)**

Brenda Hircshi asked if item 8.13 is really for 2010 funding.

Cmmr. Ring Erickson stated yes, it is for the next year.

Eric Erler, Executive Director of Capital Land Trust, gave an overview of item 8.12. 5 years ago they began working on the effort to acquire a 540-acre section of property from Green Diamond Resources. It is a huge wetland complex that provides a salmon spawning ground. The property is an extremely unique habitat for elk, bear, amphibians and other species. It deserves to be permanently conserved. He thanked his staff and the Board for their participation in acquiring the property.

Bob Sauerlender, Juvenile Probation, clarified that item 8.14 is a biennium contract so the amount should be doubled. It is actually \$80,000.

Brenda Hirschi asked if someone could explain 8.3, the Drinking Water Program.

Debbie Riley, Public Health, stated the purpose of the contract is for Group A public water system work that is contracted with the State Department of Health. A like amount was taken out of the consolidated contract a few meetings ago, which is very common practice at the State Department of Health. They readjust at the end of the year and put the amount back in. There is no change to the Health Department budget.

Brenda Hirschi asked if someone could explain the Tobacco Program in 8.3 as well.

Vicki Kirkpatrick, Public Health, stated the Tobacco Program provides education to students in schools and education in the community. It also provides enforcement of the Clean Indoor Air Act and the enforcement process with local stores to see if they are selling tobacco to minors. It is State money that comes from the Tobacco Control and Prevention account.

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Cmmr. Ring Erickson/Gallagher moved and seconded to approve Consent items 8.1 through 8.20, with an amendment to item 8.14 to change the amount to \$80,000 for a biennium contract. 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 continued from June 2, 2009 to consider adoption of a revised Title 5, Section 5.18 regulating temporary outdoor public events.

Barbara Adkins, Department of Community Development, stated this is a continued hearing from June 2, 2009. The intention is to replace the Music Festivals ordinance that is currently on the books. This is the third hearing on this ordinance. There were edits suggested at the last hearing. The document being presented today reflects the comparison of the original ordinance with the new changes being presented. (Ms. Adkins read the changes listed in the staff report.)

Two additional changes were suggested by the Prosecutor's office. The addition of the word "continuous" should be added to the definitions where it says "events lasting more than four hours" so events can't be split out into two hour increments over two days. Also, they suggested a change to the second paragraph where it says "any person, persons, corporation, organization landowner or lessor". It should be changed to "the applicant, the director or designee".

Questions for Staff

Cmmr. Sheldon asked if it would be possible for someone to hold event and then change the name of the event every two hours in order avoid the ordinance.

Ms. Adkins stated it would be based on the applicant not the name of the event.

Darryl Cleveland asked if an event is currently being held on public lands and the lands become private would the event be subject to this ordinance.

Ms. Adkins stated if the event is no longer held on public lands and it meets the rest of the criteria, then yes it would be subject to the ordinance.

Public Testimony

Mel Armstrong stated this whole ordinance is written up with no possibility for public input. It is missing the voice of the public. 3,000 to 5,000 people would be a huge impact on a rural community. The first notice that the public would get of an event is 10 days before the event. That is 5 days after the permit is already granted, which is too late for the public. There is no avenue at all for public input. The proposed event in North Mason is an example of an event with no concern whatsoever for the impact on the community. There should be public notification prior to the granting of the permit.

Jeff Carey, Allyn Community Association, thanked the Board and staff for working with stakeholders to make this ordinance more functional than it was in the beginning. One area that concerns him is the violation penalty. A gross misdemeanor seems to be too much.

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Frank Kenny, North Mason Chamber, thanked staff and stated they were green-star worthy. These events are great for building the community, building relationship and adding to the economy. After an event goes through all of the steps in the new ordinance they will have little impact on the community. All of the bases have been covered.

Cmmr. Gallagher commented that this was a long process and the staff has educated the public on the changes. This only covers large events and many local events are on public property and will not be covered by this. He thanked the staff and stakeholders.

Cmmr. Ring Erickson thanked the staff. The ordinance is not perfect, but it is a lot different from what was originally proposed. She continues to have concerns about the size. Mr. Armstrong brought up some good points. Hopefully this is not something that will sit on the shelf and it is something that is looked at every several years and reevaluated.

Cmmr. Sheldon commented that in his experience with the proposed Renaissance Faire he got a huge number of calls. It is a good example of something that would fall under this ordinance. He thinks it is lacking in the public comment and public participation area.

Cmmr. Ring Erickson/Gallagher moved and seconded to adopt Title 5, Section 5.18 regulating temporary outdoor public events as amended, with noted changes to Section 5.18.010. The second line should read "four continuous hours" and in the second line of the second paragraph "any person, persons, corporation, organization landowner or lessor" should be changed to "the applicant, director or designee". Motion carried. RE aye; S- nay; G-aye. Ordinance 61-09 (Exhibit D)

9.2 Public hearing to consider adoption of revisions to Mason County Code, Title 17, Sections 17.23.030(8) and 17.23.110 as they pertain to the Festival Retail zoning district in the Belfair Urban Growth Area.

Barbara Adkins stated the proposed revisions are two additions in the first Section 17.23.093, Accessory Uses. It is being proposed that a number 8 be added for gasoline retail sales in association with grocery stores. In Section 17.23.110 there would be an addition of the three words "certain types of" to read (excluding certain types of auto-oriented uses). These changes came as an application from QFC. They applied to put in a gas station as an accessory use to their grocery store. It was permitted, but staff received a complaint that it was not an allowed use in the district. After they did some research they realize it was a mistake to allow the permit. Staff went over options with QFC including a code amendment, a rezone or an appeal of the decision. QFC decided to go with a text amendment because it would be a lesser impact to the code and to the property.

Question for Staff

An audience member stated that Safeway in Belfair currently has this arrangement and asked how this is different.

Ms. Adkins stated they are in a different zoning district.

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Public Testimony

Chris Ferko, Barghausen Consulting Engineers, consultants for QFC, thanked staff for helping with this process. It is a minor update to the Festival Retail zone to allow gasoline sales as an accessory use to the primary grocery use that is already a permitted use in the zone. They have received a positive staff report and a unanimous recommendation from the Planning Commission for approval of the amendment. The idea behind the amendment is to update the code to reflect the current market in which grocery stores are selling fuel, which is in evidence by Safeway, Fred Meyer, Costco and Alberstons. It now in the nature of grocery stores to sell fuel. The proposal does not change any other standards in the Festival Retail zone. It simply is allowing gasoline sales. QFC just completed a complete remodel to the store in 2008. They would like to continue this remodel by adding this service to best serve the community.

Cmmr. Gallagher stated he noticed that in the test holes water was found between 6 and 8 feet. When designing the fuel station will it be a build up to accommodate room for the tanks? It would need to be really elevated. With water at 6 feet it seems there would be a big problem digging for tanks.

Mr. clarified that it is not unusual to find water. The tanks can be placed in high groundwater conditions because they are in concrete so they resist buoyancy. It is not uncommon to build gas stations in these conditions.

Ken Vanbuskirk stated he went to the Planning Advisory Commission regarding these amendments and gave testimony. He was also involved in the Belfair Sub-Area Planning group and felt the Festival Retail zone wasn't defined well. It was a challenge to get the critical aquifer recharge area recognized in the Sub Area Plan. He is concerned about potential impacts to the critical aquifer recharge area with this text amendment. His well is less than ½ mile from the proposed site and he is concerned about water quality. Please consider the area when making a decision on this matter or any others pertaining to the Belfair UGA.

He became aware of the plan while he was at QFC and he saw the drill rigs. He has asked staff to require a database be established regarding permitted uses in the UGA in regards to the critical aquifer recharge area. When he researched this he asked the Department of Ecology for a list of permitted sites in the Belfair area and he was surprised that they didn't have Mason County's critical aquifer recharge area information. Historically there has been everything from dry cleaners to gas stations in the Belfair Festival Retail zone. Hopefully any former sites will be identified and mitigated before new sites are permitted. Any new permitted fueling sites should use state of the art technology including triple wall storage tanks and redundant leak detection alarm systems.

Cmmr. Sheldon clarified that this doesn't grant the permit it just changes the code. There is a good example of a fuel station with tanks totally above ground in the Kamilche area being built by the Squaxin Island Tribe.

Cmmr. Gallagher made a motion to deny the adoption of revisions to Mason County Code, Title 17, Sections 17.23.030(8) and 17.23.110 as they pertain to the Festival Retail zoning district in the Belfair Urban Growth Area.

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The motion died without a second.

Cmmr. Ring Erickson/Sheldon moved and seconded to adopt the revisions to Mason County Code, Title 17, Sections 17.23.030(8) and 17.23.110 as they pertain to the Festival Retail zoning district in the Belfair Urban Growth Area. RE-aye; S-aye; G-nay. Ordinance 62-09 (Exhibit E)

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

- 10.1 Cmmr. Ring Erickson welcomed Terri Jeffreys, the new Executive Director of the Shelton-Mason County Chamber of Commerce.
- 10.2 Bob Simmons, WSU Co-op, provide highlights of the water quality program workshop that took place on Sunday, June 28, 2009. There is a new grant-funded program called the Shore Stewards Program. Tickets are now available for the Fresh-Bite Beach Night, benefit for the 4-H program.
- 10.3 Barbara Adkins announced that on Thursday, July 9, 2009 at 1:30 p.m. there will be a stakeholders' meeting regarding the Shelton Urban Growth Interlocal Government Agreement. The public is welcome to attend.

Cmmr. Ring Erickson noted that an evening meeting should be scheduled as well so more people can attend.

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 10:35 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Tim Sheldon, Chair

ATTEST:

Lynda Ring Erickson, Commissioner

Shannon Goudy, Clerk of the Board

Ross Gallagher, Commissioner