

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

April 13, 2010

1. Call to Order – The Chairperson called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – John Keates 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 Washington State Liquor Control Board sent notice of a new liquor license application for Belfair Grocery, notice of a special occasion liquor license application for Capitol Classics Soccer Association and notice of establishments in Mason County with liquor licenses due to expire on July 31, 2010.
    - 4.1.2 The Building Industry Association of Washington submitted comments regarding the possible partial shut down of exempt wells in the Johns Creek Basin.
    - 4.1.3 Susan Phinney is seeking assistance with an estate sewer bill.
    - 4.1.4 Ken VanBuskirk submitted comments regarding the Armstrong rezone request.
  - 4.2 News Release – Board of Equalization Vacancy. Emmett Dobey announced that the Mason County Board of Equalization is seeking applicants.
  - 4.3 Staff Recognition – Public Health Department. Cancelled due to staff's absence.
  - 4.4 Announcement of the Public Works 2010 Spray Program for Vegetation Control. Charlie Butros announced that the spring spray program will begin on or after April 30, 2010, weather permitting.
  - 4.5 Announcement of the 2010 Annual Chip-Seal Program. Charlie Butros also announced that the annual chip-seal program will take place between May and August.
  - 4.6 News Release – Commission Meeting Information. Cmmr. Gallagher read the news release regarding the availability of Commission meeting agenda information.
5. Open Forum for Citizen Input –
  - 5.1 Louis Cofoni provided the Board with copies of a handout regarding float planes on Washington lakes. He hopes the Commissioners will be proactive in responding to this before another accident happens. He noted that Lake Cushman is open to float planes with limited restrictions and Mason Lake doesn't have any restrictions. He is concerned about the proximity of these lakes to houses and he feels the Board should work with the Sheriff to close all of the Mason County lakes to float planes.
  - 5.2 Dale Hubbard stated that last week he submitted a letter officially protesting the selection of *The Shelton-Mason County Journal* as the County's official newspaper. He hopes to seek legislation in the next year regarding this item. He understands the Board is currently bound by RCW.
6. Adoption of Agenda - **Cmmr. Sheldon/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – April 6, 2010 regular meeting minutes.

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**Cmmr. Ring Erickson/Sheldon moved and seconded to approve the April 6, 2010 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; G-aye.**

8. Approval of Consent Agenda:

- 8.1 Approval of the resolution deleting Chapter 2.24, Draw Day, from the Mason County Code. In 2008, Mason County implemented a semi-monthly payroll and payroll direct deposit and eliminated the Draw Day. **Resolution No. 21-10 (Exhibit A)**
- 8.2 Approval to allow the Parks and Trails Department Director to enter into a cooperative work experience training agreement with Olympic College that will allow Jessica Ensslen to work with the Parks and Trails Department during the spring quarter of 2010 to develop marketing and advertising information for the Parks and Trails Department. There is no cost for this agreement.
- 8.3 Approval of the resolution selecting *The Shelton-Mason County Journal* as the official county newspaper for publishing certain legal publications. This item was tabled from the April 6<sup>th</sup> agenda. **Resolution 22-10 (Exhibit B)**
- 8.4 Approval of adding the Grant School to the Mason County Historic Register as recommended by the Mason County Historic Preservation Commission.
- 8.5 Approval of adding the Schafer State Park to the Mason County Historic Register as recommended by the Mason County Historic Preservation Commission.
- 8.6 Approval to appoint Richard E. Calvin to the Mason County Historic Preservation Commission for a three-year term ending April 2013.
- 8.7 Approval to reappoint Merrill Wallace to the Mason County Housing Authority Commission for a 5-year term ending March 2015.
- 8.8 Approval to schedule a public hearing on May 4, 2010 at 9:30 a.m. to consider revisions to Mason County Code Title 9, Section 9.36 (Noise Ordinance), Subsection 9.36.100 (Other Exemptions) to remove the word "existing" from exemption 9.36.100(8).
- 8.9 Approval to concur with the appointment of Emmett O'Connell to the Timberland Regional Library Board of Trustees, representing Thurston County, for a term ending April 30, 2017.
- 8.10 Approval to schedule a public hearing on May 11, 2010 at 9:30 a.m. to review the request by the Port of Grapeview to rezone one parcel (1.74 ac.) at Grapeview Loop Road and Okonek Road in the Grapeview Hamlet; the request involves the rezone of this parcel from Rural Residential 5 to Rural Commercial 3 zone.
- 8.11 Approval to schedule a public hearing on May 11, 2010 at 9:30 a.m. to review the request by Peninsula Topsoil LLC to rezone two parcels (41.5 and 27.91 = 69.41 ac.) at the end of Timberline Drive and west of the Belfair Urban Growth Area; the request involves rezone of these parcels from Rural Residential 20 to Rural Residential 10 zone.
- 8.12 Approval of the resolution amending Mason County Personnel Policies, Chapter 5.7 Compensation Upon Termination and Chapter 7.2 Sick Leave. Current County Personnel Policies allow payments of unused sick leave accrual for employees terminating employment under certain conditions. The expenditures for these payments can be considerable and the policy will be discontinued for non-union employees hired after the adoption of this resolution. **Resolution 23-10 (Exhibit C)**
- 8.13 Approval for the Public Works Department to set a bid opening date and time, authorize the Chair to sign all pertinent documents, and award the contract for the paving improvement contract for the new Public Works Facility and Maintenance Shop yard. The award will be announced at a regular scheduled Commissioner meeting.
- 8.14 Approval for the Chair to execute the County Road Administration Board Rural Arterial Program (RAP) Agreement for North Island Drive (County Road Number 39630; CRAB Project No. MASON) for an amount of \$1,233,000.

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- 8.15 Approval of the resolution declaring a parcel of real property located off Highland Road to be surplus to the needs of Mason County and approving the sale of the property to David R. and Debbie K. Myhres for a price of \$40,211.11. **Resolution 24-10 (Exhibit D)**
- 8.16 Approval of the Veterans Assistance Fund applications for:  
Scott Brill – Housing \$490.00; Allan B. Brownawell – Utilities \$306.19; Lawrence DeYoung – Utilities \$300.00 and Housing \$300.00; Michael Lee – Housing \$600.00; Colin McInnes– Housing \$600.00; Robert Ramar – Utilities \$200.99; Ronald Simpson – Housing \$600.00; George Valent – Utilities \$189.60; and for a total of \$3,586.78 as recommended by the Veterans Assistance Fund Screening Committee.

Brenda Hirschi has questions regarding item 8.12.

Nancy Moran has questions regarding item 8.15.

Item 8.12

Ms. Hirschi asked what percentage of County employees are non-union.

Bonnie Cap replied that about 80 of the 325 County employees are non-union.

Ms. Hirschi asked if this proposal would be included in union negotiations.

Cmmr. Ring Erickson responded that it will be in the future, but it won't affect the existing contracts.

Ms. Hirschi stated that there is a target schedule in the original Accrued Leave Resolution, 70-04. 75% of the total liability should be budgeted for 2010. There should be 1.2 million dollars set aside for 2010, but only \$355,000 was set aside. She believes the resolution in place has been disregarded.

Cmmr. Ring Erickson noted that this goes beyond the topic of discussion for item 8.12.

Cmmr. Sheldon added that 'disregarded' isn't the correct term. The resolution just takes some of the uncertainty out of the issue. It is an ongoing policy and taking this current action will take some of the uncertainty out of the contingency. It is hard to predict who will retire throughout the year. The Board is just trying to get to an accurate number to budget for contingency.

Ms. Hirschi asked if there is enough money budgeted for accrued leave for 2010.

Cmmr. Sheldon thought there was enough, but noted there is still some uncertainty. It depends on who decides to retire.

Ms. Hirschi asked if there is more to come regarding the accrued leave issue.

Cmmr. Ring Erickson and Commissioner Sheldon agreed that this is just an initial step.

Cmmr. Sheldon added that this resolution doesn't apply to union employees, which make up 75% the employees. This will only change the policy for non-union. There is still a long way to go.

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Dixie Smith asked for an explanation of 'under certain conditions' as stated in the policy and wondered if there was talk about reducing the number of days employees can accumulate sick leave. She believes this is something that needs to be talked about further. She doesn't want to see the non-union employees punished. Everyone should be reduced at once.

Cmmr. Ring Erickson noted there would be further discussion on this topic.

Bob Thuring commented that he is an exempt employee that would not be affected by this policy. It might appear to be disadvantages to the County for people to accrue more than a certain number of sick hours, but everyday that an employee is not off sick they are being productive. Putting a cap on sick leave can be disadvantages, especially if the employees don't have to be cashed out at the end of their career.

Item 8.15

Ms. Moran asked the size of the parcel and where it is located.

Cmmr. Gallagher explained that the parcel is east of Highland Road. He noted that the property was advertised at \$35,000. \$41,000 was a good bid for the taxpayers. The parcel is about 20 acres.

Cmmr. Sheldon added that there is no legal access to the property. These properties are sold as-is. There are also liens and other obligations on the property.

**Cmmr. Ring Erickson/Sheldon moved and seconded to approve Consent items 8.1 through 8.16. 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 review the request by Mel and Rita Armstrong to rezone one parcel (20.0 ac.) along Courtney Creek Road and north of the Belfair Urban Growth Area; the request involves rezone of parcel from Rural Residential 20 to Rural Residential 5 zone.

Allan Borden, Department of Community Development, presented the staff report. The request is for a 20-acre piece of property to be rezoned from the current zone of Rural Residential 20 to the proposed zone of Rural Residential 5. The property is located 1 ½ miles north of Belfair along Old Belfair Highway and down Courtney Creek Lane about 2/10 of a mile to the west. There are critical areas on the property. There are slopes in the west and central part of the parcel and a Type-F stream in the northeast portion of the property. A Type-F stream is fish bearing and has County development standards of a 150-foot vegetation buffer plus a 15-foot building setback for proposed development. There is an existing single-family residence and outbuildings on the property. Access is directly from Courtney Creek Lane.

The surrounding zoning to the north is Rural Residential 5, to the east is Rural Residential 20, the south is Rural Residential 20 and on the west it is Rural Residential 10. Also to the west there is a 40-acre piece of property that was found to be incorrectly zoned, which is actually Long Term Commercial Forest. That issue will be addressed in the future as a map correction.

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There are 8 criteria that are reviewed for a rezone request. Criterion 1 deals with public health. Typically a subdivision of a property has to meet the standards of the Health and Planning Department's critical area setbacks. Water supply will need to be available at the number of lots that are requested. There are existing plats in the area that are less than 5-acres in size, as well as parcels that are between 5 and 10 acres in size. If the request were approved it would extend the Rural Residential 5 zone to south of where the designation exists. Staff finds that the request, if approved, would not create sprawling low-density rural development. There won't be a demand for urban services, nor a diversion of urban services from the nearby Belfair Urban Growth Area. It is simply two additional lots that could be created. Open space and critical area protection is required for any development proposal including subdivision requests. One issue is if the request for rezone creates pressure to change land use designations in the area or creates population growth. Many of the adjacent lands are State timberland or small parcels under timber production or Rural Residential development. There shouldn't be pressure to change other properties in the vicinity.

The Planning Advisory Commission heard this case on October 26, 2009. A summary of those proceedings is included in the staff report. The request was reheard on January 25<sup>th</sup> due to procedural oversight. At the January 25, 2010 Planning Commission meeting the request was recommended for approval on a 3-1 vote. Staff finds that the request does meet all of the rezone criteria and that Rural Residential 5 is an appropriate zone. At the January 25<sup>th</sup> Planning Advisory Commission meeting there were several public comments regarding law enforcement activity issues on the property. The concern was that if the property were to be subdivided more law enforcement issues would result. A letter was also received from Ken VanBuskirk, who feels that the area was zoned for Rural Residential 20 to protect the values in the Union River area and subdivision is contrary to the Comprehensive Plan priorities.

Questions for Staff

Cmmr. Gallagher asked why there are three different Rural Residential zones in the vicinity.

Mr. Borden responded that he wasn't directly involved in the zoning designations, but he understands that public comment was made at the time that they wanted to create a block of land contiguous with the Urban Growth Area to make it more difficult to create smaller lots.

Cmmr. Gallagher asked if the blue line on the aerial photo is Union River.

Mr. Borden explained that it is Courtney Creek. The Union River is east and to the south.

Cmmr. Gallagher noted that a couple of years ago a creek was overlooked during a rezone. He asked if this rezone were approved, would the creek impede development on the lots.

Mr. Borden stated that with a hill in the middle of the property and slopes to the west, the property probably wouldn't be divided in 5-acre quarters. The lots could be two 8-acre lots and two 2-acre lots. The lots just need to be a minimum of 2 acres.

Cmmr. Sheldon asked if the potential for the site's development isn't likely to be 4-5 acre lots because of the topography and the physical features of the property.

Mr. Borden replied that is what he anticipates.

Cmmr. Sheldon asked if there would be considerable buffer requirements and asked for an explanation of a Type-F stream.

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Mr. Borden responded that there would be buffer requirements. A Type-F stream would relate to a Type 2 or Type 3 stream. It is a fish bearing stream.

Cmmr. Sheldon asked if the lots to the south and to the east of the site are 2 ½ acre lots.

Mr. Borden responded that is correct.

Cmmr. Ring Erickson noted that she is always concerned about creating smaller lots outside of the Urban Growth Area. She is confused and concerned about the idea of increased crime in the area and the finding that there would be no additional need for urban services. She asked Mr. Borden if he spoke with the Sheriff's office regarding the issue.

Mr. Borden replied that he did not talk to the Sheriff's department. It is his understanding that it is not the owner that has issues. It is the renters that occupy the house on the property.

Cmmr. Ring Erickson stated that if there is an articulated concern she hopes in the future the Sheriff's office is consulted.

Public Testimony

Mel Armstrong asked that the Board grant approval of his request to rezone these 20 acres from RR20 to RR5. He isn't trying to pull any shenanigans. He is just trying to have more flexibility with his property. There are no immediate plans for development. He noted on the map that the surrounding parcels are of a higher density zoning. To the north and northeast it is zoned Rural Residential 5 but there are parcels that go down to .069 acres. To the east it is zoned RR20 but there are 15 parcels and he is only asking for 4 on his 20 acres. He doesn't believe he is asking for anything special. He also addressed the activities on the property. He and his wife bought the property a few years ago because it is adjoining their property. The house on the property was built in the 40's. It isn't the greatest house and he doesn't have the greatest renters there. He is in the eviction process right now. He isn't going to put another house like that on the property. One of the gentlemen that objected to the rezone thought it would impose on his backyard. That person has set a fence over 100 feet on to his property so he could claim the property by adverse possession. Most of the complaints seem to be personal and do not have to do with the use of the property.

Cmmr. Gallagher asked Mr. Armstrong if he currently lives on the Rural Residential 5 portion or Rural Residential 20.

Mr. Armstrong pointed out his home on the map.

Cmmr. Sheldon asked if Mr. Armstrong's parcel is adjacent to the Long Term Commercial Forest, just north of the property.

Mr. Armstrong replied that is correct. The combined properties make an 'L'.

Cmmr. Sheldon stated that he read through the Planning Advisory Commission minutes and it seems they went in depth into the issue. Every rezone has special issues. With the Armstrong's property adjacent to this it makes sense that they want to manage both parcels as a contiguous piece. He thinks this rezone makes sense given the fact that the property adjacent is in smaller parcels. 20 acres is a large piece of property and might not be economically feasible to develop with just one house. He doesn't believe the issue of the renter factors into this. From a land use perspective, the rezone request is reasonable and is recommended by the Planning Commission.

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Cmmr. Ring Erickson commented that a smaller lot size is consistent with the adjacent properties. This isn't an entitlement because these rezones are routinely turned down. The buffer of Long Term Commercial Forest to the west mitigates her normal concerns about urban creep. She is very concerned that staff believes that adding capacity to build houses doesn't create an additional need for services, but in this particular case the rezone is consistent with the general area.

Cmmr. Gallagher concurred with Commissioner Sheldon's comment about the applicant owning the adjacent property. His concerns about the creek have been answered.

**Cmmr. Sheldon/Ring Erickson moved and seconded to approve the request by Mel and Rita Armstrong to rezone one parcel (20 ac.) along Courtney Creek Rd. and north of the Belfair Urban Growth Area and to have the Chair sign Findings of Fact for this decision. Motion carried unanimously. RE-aye; S-aye; G-aye.**

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

- 10.1 Emmett Dobey, Utilities and Waste Management Director, explained that a complaint was registered last week regarding a potential discharge from the Belfair Sewer System project into Irene Creek. The Department of Ecology's investigation found that the discharge did not come from the County's project. It came from another project that was in the area at the same time and the complaint has been resolved.

Cmmr. Sheldon announced that the Department of Ecology has issued a 1.1 million dollar grant for the potential sewer in Hoodspert. The Capital Budget also passed with 4.8 million dollars for the Belfair Sewer. He congratulated Mr. Dobey and his staff.

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 10:31 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Ross Gallagher, Chair

ATTEST:

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Lynda Ring Erickson, Commissioner

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Shannon Goudy, Clerk of the Board

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Tim Sheldon, Commissioner