

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

February 2, 2010

1. Call to Order – The Chairperson called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – Randy Churchill 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 Lakeland Village requested that the letter of credit be released for mitigation condition #6 on Plat 12.
 - 4.1.2 The Belfair Water District provided notice of appearance for the public hearing on their proposed Clifton Ridge annexation.
 - 4.1.3 Mason County Fire District #12 designated John Avery as their primary representative to the Mason County EMS & Trauma Council and Sunni Wood as their alternate.
 - 4.1.4 The Washington State Liquor Control Board sent notice of a special occasion liquor license application for Faith in Action.
 - 4.1.5 The Washington State Department of Fish and Wildlife submitted their emergency declarations for locations in Mason County under RCW 77.55.021.
 - 4.1.6 The United States Department of Commerce sent notice that Mason County is eligible to apply for grant assistance under the Economic Development Administration's Community Trade Adjustment Assistance program.
 - 4.1.7 The United States Department of the Interior, Bureau of Indian Affairs, is seeking comments regarding the Skokomish Tribe's application for acquisition of a 94.47 acre tract in Mason County.
 - 4.1.8 Bev Voss-Petredis is seeking appointment to the Lodging Tax Advisory Committee.
 - 4.1.9 Steve and Connie Westover submitted comments regarding the Belfair Water District's proposed annexation of Clifton Ridge.
5. Open Forum for Citizen Input –
 - 5.1 Ken VanBuskirk commented that he attended a meeting hosted by the Department of Ecology regarding a recently released Union River Watershed water quality monitoring report. The study suggests that local government should take a close look at densities of parcels and stormwater management in the Union River Valley.
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 – regular meeting minutes for January 26, 2010.

Cmmr. Sheldon noted a correction to item 5.1. It mentions that he met with Grays Harbor and Gig Harbor Chambers of Commerce. He only met with Grays Harbor Chamber of Commerce.

Cmmr. Ring Erickson/Sheldon moved and seconded to approve the regular meeting minutes for January 26, 2010 with the noted correction. Motion carried unanimously. RE-aye; S-aye; G-aye.
8. Approval of Consent Agenda:
 - 8.1 Approval of the Veterans Assistance Fund applications for: Samuel Ofte – Housing \$570.00; Klaus D. Mulvihill – Housing \$600.00; Franklin Eslick - \$525.00; and Sam Weaver – Utilities

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- \$200.00 for a total of \$1,895.00 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.2 Approval for Public Works to advertise, set bid date/time, award, and allow the Public Works Director to sign the Service Contract and the Chair to sign all pertinent documents for the service contract for routine paint striping for 2010. The contract award will be announced during a regular meeting of the Board of County Commissioners.
 - 8.3 Approval to Public Works to advertise, set bid-opening date/time, award contract, and authorize the Chair to sign all pertinent documents for the 2010 Manufacturing and Stockpiling of Mineral Aggregate. The award of the contract will be announced during a regular meeting of the Board of County Commissioners.
 - 8.4 Approval to enter into an agreement with the Mason County Economic Development Council (EDC) in the amount of \$34,000 for 2010. This is paid from the Rural County Sales & Use Tax Fund (.09) fund for business retention, expansion, recruitment and economic development planning, as allowed in RCW 82.14.370. The EDC also compiles the Comprehensive Economic Development Strategy (CEDS) list. This is the same amount as 2009.
 - 8.5 Approval of the 2010 grant agreement awarded to Turning Pointe for \$15,000 from the Affordable Housing Fund as a cash match for state and federal grants for the operating and maintenance of the Turning Pointe emergency shelter.
 - 8.6 Approval of Amendment #1 to extend the original contract to April 30, 2010 between the Mason County Shelter and the Mason County Housing Coalition for the Rental Assistance Specialist position.
 - 8.7 Approval of the 2010 grant agreement with the Mason County Shelter for \$16,000 from the Homeless Prevention Fund for a Rental Assistance Specialist to administer the rental assistance programs.
 - 8.8 Approval of the 2010 grant agreement with the Mason County Shelter for \$15,000 to be used as matching funds for state and federal grants for the operating and maintenance of the Mason County Shelter Organization.
 - 8.9 Approval of the 2010 grant agreement with the Mason County Shelter for \$10,000 from the Homeless Prevention Fund for activities involved with the state mandated homeless count and work with the Mason County Housing Coalition.
 - 8.10 Approval of the 2010 grant agreement with the Mason County Shelter for \$90,000 from the Homeless Prevention Fund for case managed rental assistance. Recipients of this assistance must be able to demonstrate on-going housing stability after the one-time emergency situation is resolved.
 - 8.11 Approval of the 2010 grant agreement with the Mason County Shelter for \$100,000 from the Affordable Housing Fund for the Shelter relocation project as requested by the Washington State Department of Commerce. The relocation is necessary due to the Shelter's location on the creek and flooding that results in damage and displacement of its tenants during repairs.
 - 8.12 Approval of Amendment #1 to extend the original contract to January 31, 2010 between the Mason County Shelter and the Mason County Housing Coalition for the Homeless Census Coordinator Position.
 - 8.13 Approval of the 2010 grant agreement with the Mason County Shelter for \$6,000 from the Homeless Prevention Fund for budget management classes.
 - 8.14 Approval of the 2010 grant agreement with the United Way of Mason County for \$10,000 from the Homeless Prevention Fund for a pilot program to provide housing assistance, advocacy, and a family support system.
 - 8.15 Approval of the 2010 grant agreement with St. David of Wales Episcopal Church for \$16,500 from the Homeless Prevention Fund for a Homeless Advocate Position to work in Shelton. Activities for this position include assessing needs and connecting them to available resources.

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- 8.16 Approval of the 2010 grant agreement with St. David of Wales Episcopal Church for \$6,000 from the Affordable Housing Fund to help defray the cost of operating the emergency cold weather shelter.
- 8.17 Approval of the 2010 grant agreement with the Mason County Children's Dental Clinic for \$10,000 from the Homeless Prevention Fund to provide dental care for homeless or at-risk of homeless population who are also low income and uninsured.
- 8.18 Approval of the 2010 grant agreement awarded to the Community Action Council of Lewis, Mason and Thurston Counties for \$20,000 from the Homeless Prevention Fund for Case Managed Utility Assistance. The purpose of this assistance is to compliment the case managed rental assistance.
- 8.19 Approval of the 2010 grant agreement with the North Mason County Resources for \$33,000 from the Homeless Prevention Fund for a Homeless Advocate Position to work in Shelton and Belfair. Activities for this position include assessing needs and connecting them to available resources and maintain a database of the clients served.

Brenda Hirschi asked the estimated costs for item 8.2.

Charlie Butros stated it is estimated to be approximately \$250,000.

Ms. Hirschi asked if the Board has looked into the question asked previously regarding the legality of Public Works awarding contracts.

Cmmr. Gallagher replied that this is part of the Annual Work Plan, which was approved at a previous meeting.

Ms. Hirschi asked how much has been budgeted for item 8.3.

Mr. Butros stated it is approximately \$250,000.

Ms. Hirschi asked if the Comprehensive Economic Development Strategy list would be updated in 2010 as part of the contract in item 8.4.

Matt Matayoshi answered that the CEDS list is typically completed by the end of June as one of the deliverables of this contract.

Ms. Hirschi asked how citizens could get involved in what goes on the list.

Mr. Matayoshi replied that in June the list would be advertised before it comes before the Board. The public can contribute input at the public hearing at that time.

Ms. Hirschi asked when the fairgrounds relocation was placed on the list.

Mr. Matayoshi explained that the each government entity contributes projects that are a priority. A committee then makes recommendations and sets the priorities for the projects. The fairgrounds project has been on the list for 4 or 5 years.

Ms. Hirschi asked if the information in items 8.5 through 8.19 was know during the December 7th budget hearing.

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Cmmr. Gallagher explained that most of the contracts are grants under the 2060 and 2063 funds. It is unusual to have all of these contracts on the agenda at one time instead of over the course of the year.

Ms. Hirschi stated these contracts should be part of the budget presented at the public hearing in December if the amounts are known.

Annette McGee asked if the Board has looked into her question on how bids are awarded.

Cmmr. Gallagher responded that there is an Annual Plan and a 6-year Plan, which go through public meetings. The bids on the agenda today are all part of the Annual Plan, which was approved at a public hearing.

Ms McGee asked if the date listed in item 8.12 was a typo.

Cmmr. Gallagher responded that the date is correct.

Nancy Moran commented on item 8.4. The contract states the sum should not exceed \$31,000, but it should be \$34,000.

Cmmr. Ring Erickson/Sheldon moved and seconded to approve Consent items 8.1 through 8.19, with a correction to page 1 of the contract for item 8.4 to reflect the correct amount of \$34,000. 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 Resolution 09-9 submitted by Belfair Water District #1 regarding the annexation of Clifton Ridge Homeowners Association and the Villas on Clifton Ridge, with the exception of parcel 12332-52-00005.

Barbara Adkins, Department of Community Development, explained that the County received Resolution 09-9 from the Belfair Water District No. 1 for the annexation of Clifton Ridge Homeowners Association and Villas at Clifton Ridge, with the exception of parcel #12332-52-00005. In compliance with RCW 57.02.045 and 040, the Board of County Commissioners are the legislative authority that have the final approval or denial of this annexation. The Board is required to schedule a public hearing within 30 days of receipt of the resolution. The RCW also provides 3 criteria for the Board to evaluate when determining their position on the annexation. The criteria cover whether the annexation is compliant with the County Comprehensive Plan, whether it is compliant with State approved water and sewer plans and whether it is compliant with County water and sewer policies. She has reviewed the County's Comprehensive Plan and Sewer Plan in conjunction with the criteria and she put her findings in a staff report.

Her report states that the Capital Facilities Chapter of the County Comprehensive Plan refers to concurrency as a provision of the Growth Management Act. RCW 36.704.020 provides a list of Planning Goals to be used exclusively for the purpose of guiding development of comprehensive plans and development regulations. Goal 12 states, in part, that counties planning under GMA shall ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use, without decreasing current service levels below locally established minimum standards.

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The Concurrency Management section under Capital Facilities further states that the County's land use and permit approval process is designed to ensure facilities and services keep pace with growth. The annexation of Clifton Ridge and the Villas at Clifton Ridge within the Belfair Urban Growth Area, on its face, would demonstrate their provision of services to support development. However, the omission of a single parcel from the annexation, without any reasonable justification for such omission, would not be compliant with the Comprehensive Plan or the GMA with respect to concurrency.

Resolution 09-9, as submitted to the County by the Belfair Water District, fails to meet both the County and the State's criteria for concurrency. As described in the staff report, there are several concerns with the District's proposal that omits from their annexation plan one parcel without cause or justification. This omission creates an inconsistent provision of urban services that could violate Goal 12 of the Growth Management Act as it relates to concurrency.

The Mason County Auditor also has three concerns with the resolution. The first concern is that the parcel cited in the resolution is incorrect in both references. The legal description is also incorrect because it does not describe the parcel that has been removed. The Auditor's final concern is regarding the election and tax levy process as it relates to the omission of a single parcel.

Cmmr. Ring Erickson suggested that the Auditor and Belfair Water District Commissioners also speak regarding the proposed annexation.

Karen Herr, Auditor, commented that Ms. Adkins has addressed her concerns. Her first two concerns are technicalities that can be corrected if the annexation is approved. Her third concern is that any specific lot omitted from the district would complicate the voting process. Her voter registration system does not have the capability of exempting certain areas within a district. It isn't impossible, but she doesn't want to further complicate the election process.

Cmmr. Sheldon asked what the correction to the parcel number would be.

Ms. Herr explained that the number is missing zeros.

John Phillips, Belfair Water District Commissioner, stated that the real interest in this issue is not the Belfair Water District. It is the citizens of Clifton Ridge who filed for the annexation. The citizens have asked to be annexed into the District and they filled out a petition. The District excluded one parcel owned by Mr. Greg Waggett. The reason the District excluded the parcel is because Mr. Waggett is a serial harasser. The Court has issued an anti-harassment order against Mr. Waggett. He is supposed to stay 200 feet away from District employees and their office. The Court found Mr. Waggett guilty of stalking District employees and terrorizing and harassing the office help. Mr. Waggett was also leaving harassing phone messages for the District Commissioners. Based upon Mr. Waggett's conduct, the District made a discretionary decision to exclude Mr. Waggett's lot from annexation. The decision was made based on staff safety concerns. The District Commissioners recommend that the Board approve this annexation. It would be unfair to turn down the citizens of Clifton Ridge just because they have a predator and harasser living amongst them. The District Manager can address the flawed staff report.

Dave Tipton, Belfair Water District Manager, commented regarding Ms. Adkins staff report. He disagrees with her conclusion. The Waggetts are not being denied any services. They are already water customers and they will continue to be water customers. They will pay no difference than any other customer of the Water District. He read RCW 57.24.090 and stated that he believes the District has complied with the statute.

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Cmmr. Sheldon commented that he thinks it is outrageous to describe any individual as a predator or harasser in this forum. The Courts are the forum for those issues. The Board's role here is civil in both meanings of the word. Water and sewer go together and GMA issues are overriding with the Board's considerations. Fairness and constitutionality are prominent in his mind when this issue is being discussed. He hopes any further testimony can be civil and without personal invectives. This is about a piece of property and the annexation process.

Cmmr. Phillips apologized for his inflammatory remarks and noted that Commissioner Sheldon may have a different view if he were the victim in this matter.

Public Testimony

Greg Waggett testified that he and his wife moved into the District 5 years ago. They had poor water pressure so he attended a Water District Commission meeting. He has asked the Commissioners to fix things that have gone awry and they have done so. They have been through several misgivings of the law. One of the things he was concerned about was the annual budget. He asked for a copy of the annual budget and was denied initially. It has been his experience that when you write a budget you adhere to it. In trying to gain the information as to whether the budget is being followed the district has not been forthcoming. There has also been a wetlands issue. He asked if the District customer have been charged and he hasn't been given a figure or told who the culprit is it. He has been the catalyst to ask the questions regarding issues like this. It has been to the embarrassment of the District and consequently there is a personal vendetta against him. He was a professional and he doesn't like sloppy work. This is public money and the District needs to adhere to the rules and regulations and answer the questions of the public. The petition for annexation is to correct an administrative error that occurred 10 years ago. All of the animosity shown towards him has been relative to him asking questions and not receiving the information. The annexation is from a community that wants to correct an administrative error. They have already been issued bills and voted in two previous elections.

Cmmr. Gallagher asked what contact Mr. Waggett has had with the District.

Mr. Waggett responded that he mails in his bills. He just has had contact with the District regarding his water pressure issue and their budget. The water pressure issue was fixed.

Ken VanBuskirk stated that he has been a ratepayer in good standing with the Belfair Water District for over 30 years. He attended the annexation special meeting on this matter. When the public testified at the meeting everyone supported the annexation. It wasn't until after the public testimony that the manager interjected that the annexation would exclude a certain parcel. He asked the Belfair Water District Commissioners to reconsider their decision and he was told they wouldn't reconsider. He is concerned that this matter will be remanded back to the Belfair Water District and no action will be taken. The community needs to move ahead.

Lorie Waggett wanted to clear up the harassment issue. The harassment suit was from the Tiptons personally and didn't involve the Belfair Water District so she doesn't understand why it is being used to keep them from the annexation. There was an incident where she was accused of writing something by Mr. Tipton, which she didn't write. They have lived in the area since 2005 and they have always believed they were annexed in. She would like the Board to make this right and annex in all of Clifton Ridge like it should have been done originally.

Gordon McKay stated he has attended all of these meetings and is aware of everything being cited by Commissioner Phillips and Mr. Waggett. It appears there is vindictiveness at an election time to ensure the Waggetts cannot be in the Water District and run for Commissioner themselves. He hopes the Board will accept the annexation of Clifton Ridge and exclude all comments regarding the Waggett's property.

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Mike Pope clarified that he is a Water District Commissioner but he is speaking as himself. He was drawn into the race for the same issues that Waggetts expressed. Questions didn't get answered and documents aren't provided. He has spoken to the Waggetts and he has never seen them exhibit any of the behaviors Commissioner Phillips described. All he wanted was information. Clifton Ridge and the Villas should be in the District including all of the lots.

Lynn Stevenson testified that he was one of the original users of Belfair Water before Belfair Water was even complete. Belfair bought his well which then became the Belfair water system. He didn't attend the District meetings because they were boring. This fall he went to one of the meetings and it was a circus. He asked pertinent questions of the District and he was never given answers. What is being heard today is a scenario of what is going on in Belfair. Clifton Ridge should be annexed including all of the parcels.

Cmmr. Ring Erickson commented that what she has heard is about individuals and not public policy. One of the blessings of the system is that everyone gets to be heard. You don't get to choose who your citizens are. There are issues of disenfranchisement and prejudice with this resolution. Legal staff has stated that the Board cannot amend this resolution. She believes this area should be in the Belfair Water District, but something that prejudices one piece of property is not something she can support.

Cmmr. Sheldon noted that this hearing has strayed from the issue. He believes that all of the lots in Clifton Ridge should be included in the annexation. If the Waggetts were not at issue with the District this would have moved very quickly. Accepting the exclusion of one lot would be unfair to the Waggetts and to anyone who might buy their lot in the future. Elected officials have a responsibility to be public servants. He doesn't think the Board can accept this annexation. He hopes the District can reconsider this, put their issues aside and discuss this in a civil matter. There are a lot of important things to do in Belfair. He would like this returned to the Board for approval including all of the lots. Everyone should have the same rights to vote and participate in this democracy.

Cmmr. Gallagher added that this is an unusual process. He believes the annexation should be accepted with Clifton Ridge as a whole.

Monty Cobb, Chief Deputy Prosecutor, noted that Mr. Tipton's comment that RCW 57.24.090 allows the District to approve all or part of a proposed annexation is correct. The criteria the Board has to consider today isn't whether this is fair or unfair, it is whether the proposed annexation meets the criteria that Ms. Adkins provided in her report. The Board doesn't have the same considerations that the District has. In considering Ms. Adkins criteria he agrees that accepting this resolution as written wouldn't be compliant with the concurrency requirements of the GMA. You cannot potentially leapfrog certain areas. This Board has to consider those criteria and they should include Ms. Adkins findings and conclusions in their decision.

Cmmr. Sheldon/Ring Erickson moved and seconded to deny Resolution 09-09 of the Belfair Water District #1, Annexation of Clifton Ridge Homeowners Association and Villas on Clifton Ridge with the exception of parcel 12332520005. Motion carried unanimously. RE-aye; S-aye; G-aye. Resolution 06-10 (Exhibit A)

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

- 10.1 John Keates, Parks, thanked the Mason Conservation District for loaning the Parks Department their conservation crew for one week. They did work at three parks.

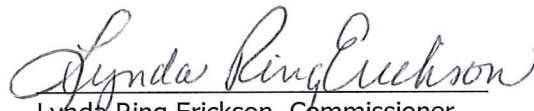
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- 10.2 Tom Moore, Utilities and Waste Management, reported that the first manhole for the Belfair Sewer was put in last night. It is the sewers first asset. He begs the patience of the Belfair citizens for the disruption.
 - 10.3 Vicki Kirkpatrick, Public Health, reminded everyone that the Health Challenge is in full swing. There are over 170 participants so far and it is not too late to join.
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 10:24 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Ross Gallagher, Chair



Lynda Ring Erickson, Commissioner

ATTEST:



Shannon Goudy, Clerk of the Board



Tim Sheldon, Commissioner

RESOLUTION 06-10
DENYING RESOLUTION 09-9
OF BELFAIR WATER DISTRICT #1
ANNEXATION OF CLIFTON RIDGE HOMEOWNERS ASSOCIATIONS
AND VILLAS ON CLIFTON RIDGE

WHEREAS, Belfair Water District #1 (the "District") approved Resolution 09-9 under the authority of RCW 57.24; and

WHEREAS, the District has submitted Resolution 09-9 to the Mason County Board of County Commissioners (Commissioners) for consideration (RCW 57.02.040) and approval (RCW 57.02.045); and

WHEREAS, the District's Resolution seeks to annex Clifton Ridge Homeowners Association and the Villas on Clifton Ridge with the exception of parcel 123325200005 as described therein; and

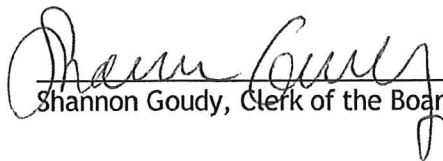
WHEREAS, the Commissioners held a public hearing on February 2, 2010 to review the District's Resolution, consider Staff Reports, and to provide an opportunity for testimony; and

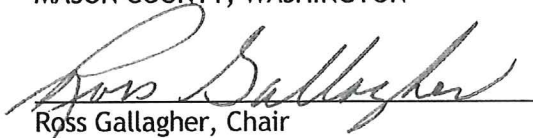
NOW THEREFORE, the Mason County Board of County Commissioners does hereby deny Resolution 09-9 of Belfair Water District #1 for the Annexation of Clifton Ridge Homeowners Association and the Villas on Clifton Ridge as fully described in the attached Findings of Fact.

ADOPTED by the Mason County Board of County Commissioners this 2nd day of February 2010.

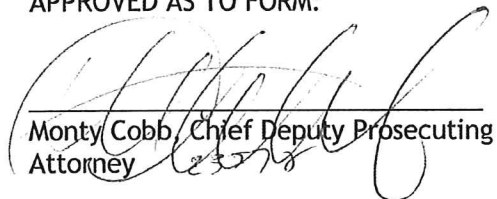
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MASON COUNTY, WASHINGTON

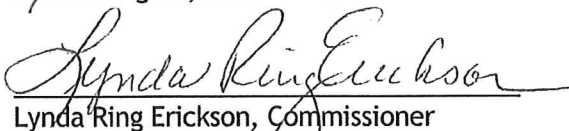
ATTEST:


Shannon Goudy, Clerk of the Board


Ross Gallagher, Chair

APPROVED AS TO FORM:

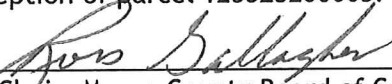

Monty Cobb, Chief Deputy Prosecuting
Attorney


Lynda Ring Erickson, Commissioner


Tim Sheldon, Commissioner

FINDINGS OF FACT

1. On January 8, 2010 the Mason County Board of County Commissioners (Commissioners) received Resolution 09-9 signed by Belfair Water District #1 (the "District") approving the annexation of the Clifton Ridge Homeowners Association and the Villas on Clifton Ridge, with the exception of parcel 123325200005.
2. The Resolution as submitted by the District provided plat maps of the areas to be annexed together with a legal description of the subject properties.
3. Commissioners scheduled public hearing within 30 days of receipt of the Resolution in accordance with RCW 57.02.040.
4. RCW 57.02.040(3) provides criteria for determining the appropriateness of the proposed annexation and gives the Commissioners 60 days after hearing to either approve or disprove the action.
5. A Staff Report was prepared utilizing the criteria and provided to the Board for their consideration. Issues raised in this staff report include:
 - (a) The exclusion of a single parcel (to wit: 123325200005) is in conflict with RCW 36.70A.022(12), Goal 12 of the Growth Management Act, with respect to concurrency. All parcels with the subject area appear to be eligible for annexation, including the specific parcel excluded.
 - (b) The Belfair Wastewater and Water Reclamation Facilities project is currently under construction and scheduled to provide sewer to the annexed properties during Phase IV of construction, including the excepted parcel.
 - (c) Memorandum dated January 13, 2010 to the Board of County Commissioners from Karen Herr, Mason County Auditor, noting errors in the District's Resolution with respect to an incorrect parcel number and legal description, and impacts the lot exemption would have on the election and levy process.
6. The Commissioners held a public hearing on February 2, 2010 to consider District's Resolution 09-9 together with staff's report and public testimony.
7. At the conclusion of the public hearing, Commissioners voted 3 to 0 to deny District's Resolution 09-9 and deny the annexation of Clifton Ridge Homeowners Association and the Villas on Clifton Ridge with the exception of parcel 123325200005.



Chair, Mason County Board of Commissioners
Date: 2-2-10