

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

April 17, 2012

1. Call to Order – The Chairperson called the regular meeting to order at 9:02 a.m.
2. Pledge of Allegiance – Rick Brush led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Steve Bloomfield.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 The Washington State Liquor Control Board sent notice of establishments in Mason County with liquor licenses due to expire on July 31, 2012, notice of a new liquor license application for Krohn Family Farms and notice of a special occasion liquor license application for Shelton Mason County Chamber of Commerce.
    - 4.1.2 The Skokomish Indian Tribe requested that Mason County authorize John Cunningham to sign a Centennial Clean Water Program Grant Agreement.
    - 4.1.3 The Federal Bureau of Investigation announced that Sheriff Casey Salibury received final approval to attend the FBI National Academy.
    - 4.1.4 Burke Law Offices requested copies of any records investigating the legality or validity of employment contracts at the Belfair Water District.
    - 4.1.5 Ned Kjeldgaard and Brian Cook submitted their resignation from the Lodging Tax Advisory Committee.
  - 4.2 Brian Matthews, Public Works, announced that vegetation control would take place along County roads beginning in May.
  - 4.3 John Keates, Facilities, Parks and Trails, read a news release announcing the grand opening of the renovated ball fields at Mason County Recreation Area (MCRA), with funding through the State WWRP Grant Program.
  - 4.4 Cmmr. Ring Erickson noted that grant money was also received to renovate the interior of the Courthouse to add additional court space.
5. Open Forum for Citizen Input –
  - 5.1 Scott Grout, Gold Coast Oyster, was disturbed about water quality on Hood Canal. He was concerned about the ways that water quality issues were dealt with. He had been trying to get the County to act on illegal land use issues and was concerned about the County's ability to address enforcement. He felt that the shellfish growers were being held responsible for the issues they did not create. He thought that the Department of Community Development should be given the enforcement power they need.
6. Adoption of Agenda - **Cmmr. Sheldon/Bloomfield moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; B-aye.**
7. Approval of Minutes – April 2, 2012 briefing meeting minutes; April 10, 2012 regular meeting minutes.

**Cmmr. Bloomfield/Sheldon moved and seconded to approve the April 2, 2012 briefing meeting minutes and April 10, 2012 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; B-aye.**

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8. Approval of Action Agenda:

- 8.1 Approval of the agreement with Linda Tatum and Ted Adcox to serve as the Park Host for Foothills Park.
- 8.2 Approval to submit the authorizing resolution to the Recreation and Conservation (RCO) Office to apply for grant funding during the 2012 grant cycle for the Parks & Trails Department.  
**Resolution Nos. 27-12 through 31-12 (Exhibits A through E)**
- 8.3 Approval of a resolution selecting *The Shelton-Mason County Journal* as the official county newspaper for publishing certain legal publications. **Resolution No. 32-12 (Exhibit F)**
- 8.4 Approval for the Chair to sign an agreement with Mason County Youth Baseball Association to provide concession services at Mason County Recreation Area during the 2012 season with options for the 2013 and 2014 seasons.
- 8.5 Approval of a resolution declaring real property located off East Sherwood Place to be surplus to the needs of Mason County and approving the sale of the property to Jeanette Lewis for a price of \$1,278.29. This is continued from the April 10 agenda. **Resolution No. 33-12 (Exhibit G)**
- 8.6 Approval to cancel the May 14 Commission Briefings and the May 15 Commission meeting.
- 8.7 Approval to sign amendments for the following Belfair Wastewater/Water Reclamation Facilities Funding Agreements: G0800617; G1000346; L1000026/L10S0026; L1100013/L11S0013. These are with the Department of Ecology and extends the ending date to December 31, 2012.
- 8.8 Approval of and authorization for the Commissioners to sign Washington State Water Pollution Control Revolving Fund Loan Agreement No. L1200025/L12S0025 between the Department of Ecology and Mason County for the Belfair Wastewater and Water Reclamation Facilities "Get Connected – Phase 1" project in the total amount of \$1,218,000 of which \$153,720 is required to be paid back to Ecology at 2.6% annual interest over a 20 year loan period.
- 8.9 Approval for the Interim Utilities & Waste Management Department Director to sign grant funding Agreement #G1100293 between the Skokomish Tribe and Ecology for grant funding for construction of the Tribe's "Potlatch Bubble" Wastewater Treatment and Reclamation Facility" (Potlatch WWT/WRF) located on the Skokomish Indian Reservation.
- 8.10 Approval of the Veterans Assistance Fund applications for Eldon Hosick – Food \$150.00; Robin Kiser – Housing \$300.00; Colin McInnes – Housing \$600.00; Obiedzinski, Robert J (Edith) – Utilities \$482.00 & Food \$118.00; and James C. Petty – Utilities \$294.24 for a total of \$1,944.24 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.11 Approval of the resolution setting a hearing date for Tuesday, June 5, 2012, at 9:30 a.m. to consider public comment on the declaration of certain properties as surplus and their sale first by sealed bid and then any other means authorized by law.  
**Resolution No. 34-12 (Exhibit H)**
- 8.12 Approval of Amendment No. 2 to Grant Agreement No. G1000122 between the Department of Ecology and Mason County for the North Shore Hood Canal Pollution Identification and Correction Project. This is a reduction of \$69,864.80 to reflect the actual cost of the project.

**Cmmr. Sheldon/Bloomfield moved and seconded to approve Action Items 8.1 through 8.12. Motion carried unanimously. RE-aye; S-aye; B-aye.**

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

- 9.1 Public hearing continued from April 10<sup>th</sup> to consider the establishment of a Lake Management District (LMD) No. 1 for Island Lake in Mason County as petitioned by Island Lake property owners. The purpose of the LMD is to manage noxious aquatic plants in Island Lake.

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Diane Zoren, Central Operations, explained that the hearing was continued from April 10<sup>th</sup> and now they are asking the Board to adopt a resolution to put the issue to a ballot of the property owners in the proposed district.

There were no questions for staff or public testimony.

**Cmmr. Bloomfield/Sheldon moved and seconded to adopt the resolution adopting findings and determinations for the establishment of Lake Management District No. 1 for Island Lake and submitting the issue to a vote of property owners within the proposed district. Motion carried unanimously. RE-aye; S-aye; B-aye. Resolution No. 35-12 (Exhibit I)**

- 9.2 Public hearing to consider the 2010 applications for the Current Use Open Space and Timberland taxation program for the 2012 property taxes.

Phil Franklin, Assessor's office, explained that the Open Space Taxation Act was enacted in 1970 and it allows property owners to have their open space, farm and agriculture, and timberlands valued at the current use rate instead of the highest and best use rate. The current use rates are set by the State Department of Revenue. Mason County has received three applications for Open Space and eight applications for Timberland. They are 2010 applications for the 2011 property tax assessment, for 2012 taxes. He recommended approval of all of the applications.

Questions for Staff

Terri Jeffreys asked the total number of acres in each of the categories.

Mr. Franklin didn't have the numbers with him but they could be provided through the Assessor's office.

There was no public testimony.

**Cmmr. Sheldon/Bloomfield moved and seconded to approve the following Open Space applications: Skokomish Farms, parcel #42107-40-00000; Double B Ranch, parcel #42026-43-00000; and Jackie Sartain, 62024-33-00040; and the following Open Space Timberland applications: Charles Johnson, parcel #22233-52-00010; Karolyn & Les Smith, parcel #31901-22-00010; Chambers Tree Farm, parcel #32027-50-05002; John Avery, parcel #62129-44-00030; Steven Dierker, parcel #62024-32-00000; Robert & Patricia Paysse, parcel #22104-12-00100; Terry Harkins, parcel #'s 52007-75-00060 & 61915-21-00040. Motion carried unanimously. RE-aye; S-aye; B-aye.**

- 9.3 Public hearing to consider amendments to Title 8, Section 8.52 (Resource Management) and Title 17, Section 17.05 (Zoning) regarding Long Term Commercial Forest.

Barbara Adkins, Department of Community Development, explained that an application was received from Green Diamond Resources last year to consider amendments to the Comprehensive Plan as it addresses redesignation of long term commercial forest. The amendment was approved on December 13, 2011. Because the Comprehensive Plan is a policy document, the regulations to implement the policy also have to be amended. Long term commercial forests and in-holding lands are regulated under the resource ordinance. The proposed changes are to Title 8, Sections 8.52.060 and 8.52.070. Title 17 addresses rezoning so an additional paragraph has been added to the zoning criteria as well. The Planning Advisory

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Commission considered the issue on March 19<sup>th</sup> and recommended approval with a few minor changes that have been provided in the staff report.

There were no questions for staff.

Public Testimony

Tom Davis commented that the proposal was lifted verbatim from Green Diamond's application. He saw a benefit to Green Diamond but he didn't see a benefit to the community. He saw interference to long term residential development. It looked like it just offered flexibility to the timber industry. He thought it was written in a convoluted way. He didn't think the timber industry needed more help from the County. Green Diamond in particular holds a large amount of acreage without shifting the long term forest interest. He opposed the amendment to the Comprehensive Plan and he understood the changes to the resource ordinance were procedural at this point.

Cmmr. Sheldon stated that it was a well thought out proposal. It maintains working forests, which are extremely important in a county dependant on the timber industry. It also supported a balance between maintaining the environment and producing jobs in the community.

Cmmr. Ring Erickson was surprised that someone would think the proposal wasn't in the best interest of the public. The Board had spent a large amount of time studying the issue and this was the logical follow up to the December amendment.

**Cmmr. Sheldon/Bloomfield moved and seconded to adopt the proposed amendments to Title 8, Section 8.52 (Resource Management) and Title 17, Section 17.05 (Zoning) regarding Long Term Commercial Forest. Motion carried unanimously. RE-aye; S-aye; B-aye. Resolution No. 36-12 (Exhibit J)**

- 9.4 Public hearing continued from March 13 to consider amendments to Section 17.03.030 of the Mason County Code relating to mandatory connections to sewer for all new development within the Belfair Urban Growth Area.

Barbara Adkins explained that the hearing was continued from March 13<sup>th</sup> to consider revisions to Title 17 to bring it into alignment with the revisions that were made to Title 13 of the sewer code. The revisions address properties being allowed to place onsite septic systems beyond 500 feet as dictated by the sewer code. An additional paragraph requires that those properties that install septic enter into a management agreement with the Department of Utilities to promise that they will connect to the sewer within one year of availability. There was a briefing with all of the agencies and funding sources to get additional guidance on what the implications of code amendments would mean. She didn't have anything additional to add to her suggestions from the last meeting.

Questions for Staff

John Gunter asked if the amendment would only address the 500 foot connection requirement.

Ms. Adkins stated that the 500 foot requirement was added along with the agreement to connect to sewer when it was within 500 feet.

Mr. White asked if this was an actionable item that could allow a septic system to be put on Romance Hill.

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Ms. Adkins stated that was correct if Romance Hill was beyond 500 feet of the sewer alignment.

Cmmr. Sheldon asked what the action would be to allow septic systems.

Ms. Adkins explained that if the proposed revisions were denied it would remain status quo. If the revisions were approved it would allow septic beyond 500 feet.

Cmmr. Ring Erickson asked for clarification about allowing septic systems in rural density development.

Ms. Adkins explained that there was language that was adopted in 2008 that would allow portions of phase 3 and phase 4 to develop at one housing unit per 5-acres as long as there was a binding site plan to develop the property at urban densities when appropriate.

Cmmr. Bloomfield asked that Romance Hill be pointed out on a map.

Tom Moore, Utilities and Waste Management, pointed out the development.

Cmmr. Ring Erickson asked if the line of phase 1 could be changed to allow that area to hook up now.

Mr. Moore stated that they would have to run the pipelines out there but it could be done if the project were funded.

Pat Loudin commented that it had been discussed that if there was money left over in phase 1 it could be used for Romance Hill.

Cindy Waite asked if the amendment would allow septic systems or holding tanks.

Ms. Adkins stated that it would be septic systems.

Cmmr. Ring Erickson noted that holding tanks were found not to be an allowable option.

Public Testimony

Tim Gates, Department of Commerce, provided written comments for the record. The Department agreed with Ms. Adkins' issue paper regarding the Belfair UGA, except for the conclusion. They supported the idea of creating an advisory committee. He noted that there seemed to be broader public concern regarding financing, the UGA boundaries and the vision for the community. He thought that the County departments were working to achieve what was on the books but the citizens didn't seem to have the same vision about the area that would be served and how it would be paid for. He thought an advisory committee would help the issue. There were a lot of legal reasons that septic systems shouldn't be allowed because the way it was proposed might not be compliant with the GMA. He thought there could be other ways to meet the need. The Board needed more information about the number of lots that might be served. He noted that the financing mechanisms in place call on developers to pay for the sewer extensions and if people are allowed to build at urban density with septic systems they wouldn't have incentive to pay for the sewer extension. He thought that more time was needed to carve out a more narrow exception that wouldn't interfere with the UGA's goals. He also didn't think that Title 17 needed to be changed just because Title 13 was.

Greg Zentner, Department of Ecology, also provided written comments for the record. He agreed that the Board should refrain from taking action today. He understood the desire to try to find a

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way to help the community with an affordable transitional strategy. The amendment could allow a lot more onsite septic systems in an area where they are trying to remove onsite systems to protect Lower Hood Canal and the Union River, which could be a confusing message. He was worried that some of the progress in water quality in Lower Hood Canal could be reversed if a change were made. There is already an interim strategy to allow septic systems in the phase 4 rural density areas. He noted that Romance Hill is a very short distance from the existing sewer. The possibility has been discussed to use any money left over from the phase 1 grant to run the sewer line up the hill. He thought another way to help property owners could be to implement a community facilities district, but there could also be concerns about investing in more than one system. He explained that the treatment plant is capable of producing a very high quality of water but there needs to be a robust and consistent revenue stream for operations. He thought it was important to continue to invest in the system as it had been done.

John Gunter agreed with Mr. Gates' approach and most of Mr. Zentner's perspective. He didn't agree with seeking funds for phase 2. He was concerned about the impact that accepting grant money for phase 2 would have on the advisory committee's ability to provide foresight on the project.

Pat Loudin discussed water quality issues and the fact that there are septic systems near the Union River that are not required to hook up to the sewer system. He thought the boundaries need to be adjusted and if the grants are accepted the boundaries couldn't be changed. He noted that there are a lot of people in Belfair involved in the issue who just can't come to all of the meetings.

Doug White was frustrated that he couldn't build on his lot on Romance Hill. He understood the issues with Hood Canal and the blanket approach to come up with a plan. He couldn't be convinced that his putting a septic system on Romance Hill would affect water quality because it is too far away. He wanted to see a common sense approach.

Earl Lincoln commented that he owned a lot that could not be built on. He didn't understand the problem with just hooking up to the sewer system now since it is only 1000 feet away. It seemed like common sense to him. He didn't understand why the Board couldn't make a decision now.

Tom Moore stated that there has been discussion about coming up with a system of holding tanks that would be part of the existing utility. The property owners would become a customer of the sewer system. He knew that there was a question of holding tanks in the UGA not being an urban level of service. He thought that if there was a comprehensive proposal put together it could work and the concerns of the regulatory agencies could be mitigated. If automated notification was a requirement it certainly could be a possibility. He also thought Romance Hill would be connected sooner than later. He noted that the County maintained holding tank suggestion could be an option for future consideration.

Mr. Sheldon commented that the Commission really needed to think about its liability. In Mr. White's example it is incumbent on the County to solve Mr. White's problem. He wanted to find a solution for the exceptions. He also wanted to support the idea that there is an Urban Growth Area that over time will change considerably. He wanted to find a middle ground to help the individual and the long term vision for the community. He asked if Mr. Gates had examples of how other communities handled the situation.

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Mr. Gates thought Mr. Moore's idea was the type of alternative that could work. He thought it was a much more supportable because the County would be in control of the system. He stated that the way that it was structured right now was too broad so other options should be looked at soon.

Cmmr. Bloomfield thought that Mr. White's property wasn't consistent with Phase 4 and he thought it should be hooked up now. It would only be responsible for the County to allow Mr. White to develop and he thought the best way to do that would be to redraw the lines for phase 1. One of the approaches needed to be taken now.

Cmmr. Ring Erickson noted that the UGA boundaries were the result of a committee in 1991. The Commissioners didn't draw the lines or approve the lines. The Commissioners cannot do whatever they want. If you fly in the face of the Growth Management Act you can lose funding and that is not responsible government. She didn't fully understand if the phases could be moved. Perhaps there is an opportunity to get the State to look at a system of County maintained holding tanks where there isn't an opportunity for mismanagement. She thought any action by the Board to make the proposed changes would be premature. She would like Mr. Moore to see if there is funding for Romance Hill to be part of phase 1. She would also like Mr. Moore and Ms. Adkins to work with the State to see if the option of County run holding tanks would work. She would like to see what other communities have done in these situations. She thanked people for putting time and effort into it. She stated that if there were people who needed to be connected on the river it should just happen.

Cmmr. Sheldon/Bloomfield moved and seconded to continue the hearing to consider amendments to Section 17.03.030 of the Mason County Code to June 12, 2012.

Cmmr. Ring Erickson didn't believe the revisions before the Board would ever be the answer to the problem and would not support the motion.

Cmmr. Sheldon withdrew his motion.

**Cmmr. Sheldon/Bloomfield moved and seconded to deny the proposed revisions to Section 17.03.030 of the Mason County Code and asked staff to consult with State agencies, citizens and advisory board members to come up with new options to be brought forward to the Board for consideration on June 12, 2012. Motion carried unanimously. RE-aye; S-aye; B-aye.**

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

- 10.1 Bob Simmons, WSU Extension, announced a septic workshop at Pioneer School. He also announced upcoming Earth Day events.
- 10.2 Joseph Pavel, Skokomish Tribal Council, expressed appreciation of the Commissioners' efforts on the Potlach sewer project and other water quality issues that are dear to the Skokomish Tribe.
- 10.3 Cmmr. Sheldon noted that Rick Brush from Public Works was retiring and thanked him for his service to Mason County.

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

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12. Adjournment – The meeting adjourned at 10:58 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
Lynda Ring Erickson, Chair

  
Tim Sheldon, Commissioner

ATTEST:

  
Shannon Goudy, Clerk of the Board

  
Steve Bloomfield, Commissioner