

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

May 8, 2012

1. Call to Order – The Chairperson called the regular meeting to order at 9:04 a.m.
2. Pledge of Allegiance – John Cunningham 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 Parks and Recreation Commission is applying for a grant through the Washington Wildlife and Recreation Program to acquire 55 acres on Harstine Island for use as a public park.
 - 4.1.2 The Capitol Land Trust and the Squaxin Island Tribe are applying for a grant through the Washington Wildlife and Recreation Program to conserve 78 acres of salmon habitat on Oakland Bay.
 - 4.1.3 Alice Taylor, Heidi McCutcheon and Jean Farmer are seeking appointment to the Lodging Tax Advisory Committee.
 - 4.2 Review of Olympic Regional Clean Air Agency. Dan Nelson, ORCAA, provided an overview of the agency.
 - 4.3 John Keates announced the award for Mason County Courthouse Improvements/Phase II. The contract has been awarded to Holmberg Company from Kirkland, Washington at their base bid price of \$282,000 with the additive alternate of \$148,000 that adds a chiller and mechanical and electrical improvements. Total project cost is \$430,000.
 - 4.4 Vicki Kirkpatrick, Public Health, read a news release regarding the availability of the Pertussis vaccine.
5. Open Forum for Citizen Input – There was no citizen input.
6. Adoption of Agenda - **Cmmr. Bloomfield/Sheldon moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; B-aye.**
7. Approval of Minutes – April 23, 2012 and April 30, 2012 briefing meeting minutes and April 24, 2012 regular meeting minutes.
Cmmr. Sheldon/Bloomfield moved and seconded to approve the April 23, 2012 and April 30, 2012 briefing meeting minutes and April 24, 2012 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; B-aye.
8. Approval of Action Agenda:
 - 8.1 Approval of agreement with Tona Brooks to serve as the Truman Glick County Park Host for 2012.
 - 8.2 Approval to award a contract to Foster and Williams Architects for professional services to assist Mason County staff with completion of a Facilities Assessment in an amount not to exceed \$26,350. Funding source for this project is from REET I capital funds.
 - 8.3 Approval of the Resolution revising Section 13.31.030.F.1, Deadline Extensions – Properties Subject to Connection Requirement Due to "Get Connected" Grant, of the Mason County Code, to extend the deadline for payment of the Capital Facilities Charge from April 30, 2012 to July

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
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31, 2012 for those property owners who are involved in the County's Belfair Sewer Project "Get Connected – Phase 1" Program. **Resolution No. 39-12 (Exhibit A)**

8.4 Approval of the final contract amount with Zephyr, Inc. for construction of the Belfair County Hook-up Program Group #1 project for the final cost of \$82,037.03 and adopt the Resolution accepting construction of the Belfair County Hook-up Program Group #1 project as complete. **Resolution No. 40-12 (Exhibit B)**

8.5 Approval for the Equipment Rental & Revolving Fund Manager to surplus certain vehicles, parts, shop equipment and computer equipment at the Washington State Surplus Sale.

8.6 Approval to authorize the Interim Utilities & Waste Management Department Director to call for bid proposals for the Belfair Sanitary Sewer Improvements, County Hook-up Program, Group #4 project and to award the contract for construction of the project to the lowest responsive and responsible bidder. Bid opening will be June 14 at 3:00 p.m. Bid results and contract award will be announced at an upcoming regular Commission meeting.

8.7 Approval of the resolution authorizing a one-day road closure to Dayton Airport Road in order for Simpson to repair their railroad crossing on Wednesday, June 20 from 7 a.m. to 5 p.m. **Resolution No. 41-12 (Exhibit C)**

8.8 Approval for the Chair to sign the Title VI Program Non Discrimination Agreement Annual Report covering the reporting period from May 1, 2011 to April 30, 2012.

8.9 Approval of the Resolution authorizing a four-day road closure to Bear Creek Dewatto Road in order to decompress the peat bog shoulders that are breaking apart the roadway. The closure will be Monday, May 21 at 6:00 a.m. to Thursday, May 24 at 4:30 p.m. **Resolution No. 42-12 (Exhibit D)**

8.10 Approval of the Veterans Assistance Fund applications for Eldon Hosick - \$600.00 Burial; Jeremy Moran - \$600.00 Housing; Steven R. Needham - \$150.00 Food; Kim S. Kenyon - \$150.00 Food for a total of \$1500.00 as recommended by the Veterans Assistance Fund Screening Committee.

8.11 Approval of Warrants

Claims Clearing Fund	Warrant #s 202660-203858	\$3,427,043.59
Salary Clearing Fund	Warrant #s 5655-5753	\$ 701,788.41
Direct Deposit Fund	Deposit #s 37016-37741	\$1,103,786.52

Item 8.5

Tom Davis asked if the surplus vehicles that have been replaced are still in the possession of the County.

Dave Loser, ER&R Manager, replied that they are.

Cmmr. Bloomfield/Sheldon moved and seconded to approve Action Items 8.1 through 8.11. 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 to consider adoption of amendments to Title 17 of the Mason County Code pertaining to the zoning of Collective Gardens (medical cannabis) or extend the current Moratorium for six months and to expire on November 8, 2012.

Barbara Adkins, Department of Community Development, explained that there were two items for the Board's consideration, which were the proposed amendments to Title 17 and the consideration of extending the moratorium. The amendments to RCW 69.51(a), Medical Cannabis, allow qualifying patients to create and participate in collective gardens. The amendments also provide that counties can adopt and enforce zoning regulations pertaining to dispensing cannabis in their jurisdiction. Mason County currently does not have

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regulations in place for collective gardens. A moratorium has been instituted that has been extended once and is set to expire on May 16th.

The proposed regulations have gone through two public hearings with the Planning Advisory Commission and their recommendations are included in the document that was provided to the Board. There are proposed zoning regulations to allow collective gardens in most commercial areas and some industrial areas. There is also language addressing building safety requirements. She noted that the County does not have to adopt zoning regulations, but the County is prohibited from precluding collective gardens. She also noted that 86% of the counties in the State have not taken action on the issue. Three counties have placed moratoriums on collective gardens and Lewis County has adopted regulations. She used Lewis County's document as a base and changed it to be appropriate for Mason County. She asked for legal opinions regarding dispensaries because the Planning Advisory Committee asked that they be defined and included in the regulations. There are currently locations in the county that are considered dispensaries. She received legal opinions from the Prosecutor's office and Municipal Research. Basically, the issue is a bit gray and it would be up to the Commissioners if they wanted to regulate dispensaries. The current role of the Department of Community Development regarding dispensaries would be the regular building permitting process.

Her recommendation was to adopt the regulations or adopt the regulations with edits. She went over portions of the proposed regulations. The collective gardens would be allowed in commercial areas in the county and in all three Urban Growth Areas. The other option would be to continue the moratorium for another six months, which would expire on November 8th.

Questions for Staff

Andrew Graham asked if the research had identified whether the County would be at legal risk with Federal law.

Ms. Adkins replied that allowing dispensaries could put the County at higher legal risk. She wasn't clear on whether a dispensary could be considered part of a collective garden.

Tom Davis noted that the State is clear on the dispensary issue. He didn't understand why the collective gardens were being mixed up with the dispensaries.

Ms. Adkins responded that the separation of dispensaries isn't clear in the legal opinions she has received. There isn't clear guidance on the definition of dispensaries.

Cmmr. Sheldon was concerned because Federal law prohibits the cultivation of cannabis. He had trouble putting together zoning regulations for something that is illegal under Federal law. He also understood that these establishments couldn't obtain insurance because it is illegal.

Debbra Coker, Department of Community Development, noted that building code does not regulate insurance requirements.

Cmmr. Ring Erickson also noted that there isn't a State law that requires that type of insurance.

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Public Testimony

Tom Davis commented that the issue isn't clear-cut. Personally he doesn't want to see this but there are twenty three states that have adopted marijuana legislation for the counties to deal with. There are good reasons for the Board not to want this but none of them have anything to do with the Constitution. He hoped the Board could look at the issue from a legal standpoint. He noted that the Department of Community Development did the work admirably. He hoped the Board looked at the merits of the issue instead of personal feelings on the issue.

Louis Cofoni noted that the City of Tumwater is going through the same thing. He read a portion of a newspaper article regarding the City of Tumwater. They are afraid that acknowledging the issue and regulating it is sanctioning it. He wondered if there has ever been research as to who actually needs this to manage their pain. In November the issue is going to ballot to determine if the State will regulate it and he thought that would be a better option. He was concerned about the effects to the general public. He implored the Board to extend the moratorium for another six months.

Shawn Stacey stated that since the moratorium has been passed two more dispensaries have been opened. He didn't think anything was being done to stop the dispensaries. Trying to regulate collective gardens won't work because people just do it in their own house. The dispensaries are just calling themselves collective gardens. He thought their needed to be control over the dispensaries not the collective gardens. He thought everyone was afraid to make a decision and the focus should be on what the State allows not the Federal law.

Shawn Farmer read the RCW that allows counties to adopt regulations regarding enforcement of dispensaries. He also read the RCW that states that the municipalities are not subject to criminal liabilities for actions taken under the RCW.

Cmmr. Bloomfield explained that the RCWs are subservient to the Federal law. He noted that 23 states have approved this but the politicians have been wrong. He supported the legitimate use of medical marijuana but believed that it needed to be regulated in a totally different way. He couldn't support this until the Federal government does.

Cmmr. Sheldon agreed with Commissioner Bloomfield's comments. As a State representative he understood the State law that was passed. He also believed that people could benefit from medical marijuana but he didn't believe that was what this was about. He didn't want Mason County to be the test case for the issue. He thought continuing the moratorium made a statement to the Federal government that they need to take action.

Cmmr. Ring Erickson noted that she was a retired police officer. This is a controlled substance that you cannot obtain a Federal license for. She thought the relevant comparison would be the adult entertainment business. There needed to be regulation and a specific zoning. She thought that dispensaries needed to be banned because they are clearly not allowed through State law. There would have to be something very specific with a Federal alliance. She thought it would be appropriate to extend the moratorium to find something that meets the needs of the citizens and stands the test of the law.

Cmmr. Sheldon noted that if the initiative on the ballot in November passed it would give the County more direction. He also noted that giving this the stamp of approval from the Commission would give the wrong impression to young people.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
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Cmmr. Sheldon/Bloomfield moved and seconded to deny the amendments to Section 17 and continue the moratorium until November 8, 2012. Motion carried unanimously. RE-aye; S-aye; B-aye. Ordinance No. 43-12 (Exhibit E)

Cmmr. Ring Erickson stated that she would like to have a serious discussion about the dispensary issue at an upcoming briefing.

Cmmr. Sheldon agreed that there are specific issues that the Board needed to discuss.

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

10.1 Karen Herr, Auditor, reminded everyone that the candidate filling period starts next week. She also noted that redistricting notices are being mailed to all of the voters in the county this week.

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 10:36 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ABSENT 5-22-12

Lynda Ring Erickson, Chair

Tim Sheldon

Tim Sheldon, Commissioner

ATTEST:

Shannon Goudy
Shannon Goudy, Clerk of the Board

Steve Bloomfield
Steve Bloomfield, Commissioner

RESOLUTION NO. 39-12

A RESOLUTION amending Title 13 of the Mason County Code to revise Section 13.31.030.F.1, Deadline Extensions - Properties Subject to Connection Requirement Due to "Get Connected" Grant, of Chapter 13.31, the Belfair Sanitary Sewer Code

WHEREAS, the Board of County Commissioners (Board) of Mason County (County) has approved the wastewater treatment and water reclamation system project (Project) for the Belfair Urban Growth Area (UGA); and

WHEREAS, the Board has declared that the primary means of sewage collection and disposal in the Belfair UGA area shall be through connection to the County's permanent sewer collection system and treatment facilities; and

WHEREAS, THE County has received a total of \$1,218,000 in State Revolving Fund funding in the form of 87% grant (\$1,064,280) and 13% (\$153,720) low interest loan funding for the Belfair Sewer Project "Get Connected – Phase 1" Program; and

WHEREAS, on August 2, 2011, the Board adopted Ordinance No. 48-11 amending Title 13 of the Mason County Code (Code) to adopt a new Chapter 13.31, "Belfair Sanitary Sewer Code", to provide uniform regulations for the construction, connection and operation of the Belfair sewer system facilities; and

WHEREAS, on January 10, 2012, the Board adopted Resolution No. 04-12 amending Section 13.31.030. F of Chapter 13.31 of the Code to revise the date by which property owners who are involved in the Belfair Sewer Project "Get Connected – Phase 1" Program must pay their Capital Facilities Charge in order to receive the discounted rate of \$3,000/ERU, from December 31, 2011 to April 30, 2012; and

WHEREAS, the currently scheduled completion of the Belfair Sewer Project "Get Connected – Phase 1" Program construction is now July 31, 2012, and

WHEREAS, the Board now desires to further amend Section 13.31.030. F of Chapter 13.31 of the Code to again extend the date by which property owners who are involved in the Belfair Sewer Project "Get Connected – Phase 1" Program must pay their Capital Facilities Charge in order to receive the discounted rate of \$3,000/ERU,

NOW THEREFORE, BE IT RESOLVED, that the Board of Mason County Commissioners hereby amends Section 13.31.030. F.1, "Deadline Extensions - Properties Subject to Connection Requirement Due to "Get Connected" Grant", of Chapter 13.31, "Belfair Sanitary Sewer Code", of Title 13 of the Mason County Code, "Utilities", to read as follows:

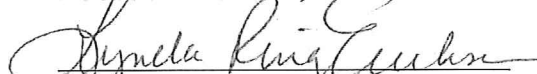
13.31.030 Connections to Public Sewer Required.

F. Deadline Extensions.


1. Properties Subject to Connection Requirement Due to "Get Connected" Grant.
As a result of the "Get Connected" grant, sewer lines will be extended along certain side streets in Phase 1 during the fall and winter of 2011-2012, which means that certain properties with existing structures that previously were more than 500 feet from the Belfair Wastewater and Reclamation Facility's sewer lines are now within 500 feet and therefore now required to connect. The County has identified those properties that are newly required to be connected due to the "Get Connected" grant and notified said property owners. In order for owners of property in these areas to have adequate time to meet the connection requirement, the initial connection period for the "Get Connected" properties is defined as December 31, 2011 to July 31, 2012 ("Get Connected" Connection Period). In order for these properties to qualify for the \$3,000 CFC established in 13.30.060.H, payment of the CFC must be made during the "Get Connected" Connection Period.

PASSED this 2nd day of MAY, 2012.

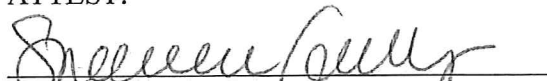
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chairperson

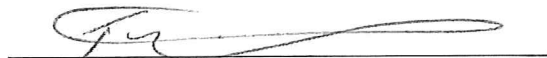

Tim Sheldon, Commissioner


Steve Bloomfield, Commissioner

ATTEST:


Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:


Tim Whitehead, Chief Deputy Prosecuting Attorney, WSBA#37621

cc: Elected Officials
Dept. Heads

RESOLUTION NO. 40-12

A RESOLUTION of the Mason County Board of Commissioners accepting the Belfair Sewer Project's County Hook-up Program Group #1 Project as complete.

WHEREAS, the Board of County Commissioners of Mason County (Board) approved the Belfair Wastewater Treatment and Water Reclamation Facility project for the Belfair Urban Growth Area (UGA); and

WHEREAS, the Board has previously declared that the primary means of sewage collection and disposal in the Belfair UGA area shall be through construction and connection to the County's permanent sewer collection system and treatment facilities; and

WHEREAS, a part of construction of the Belfair Wastewater Treatment and Water Reclamation Facility project included construction of sewage collection main lines within the Phase 1 area of the Belfair UGA; and

WHEREAS, the Board has adopted regulations requiring that existing developed parcels of property located within the Belfair UGA and within 500 feet of the alignment of the Belfair wastewater and reclamation facilities pipeline connect to public sewer facilities as soon as sewer service is available; and

WHEREAS, the Board created and funded the County Hook-up low interest loan Program to assist property owners with existing structures within Phase 1 of the Belfair sewer project area with the cost of their required connection to the Belfair sewer system; and

WHEREAS, at their December 6, 2011 regular meeting, the Board authorized award of the contract for construction of the Belfair Sewer Project's County Hook-up Program Group #1 Project to Zephyr, Inc., the lowest responsible & responsive bidder on the project, in the amount of \$93,411.50; and

WHEREAS, the County Hook-up Program Group #1 Project has been completed for a total construction cost of \$82,037.03; and

WHEREAS, the County Hook-up Program Group #1 Project has been completed in accordance with the project plans and specifications; and

WHEREAS, the County Hook-up Program Group #1 Project has been approved by representatives of ESA, Inc. and the County's Department of Utilities & Waste Management, the project's Project Engineer of Record; and

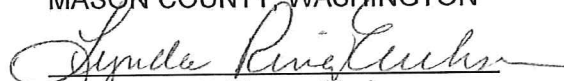
WHEREAS, no contractor claims have been filed against Mason County relative to the County Hook-up Program Group #1 Project;

NOW THEREFORE, BE IT RESOLVED, that the Mason County Commissioners hereby accept the Belfair Sewer Project's County Hook-up Program Group #1 Project as complete.


BE IT FURTHER RESOLVED, that the Interim Director of the Mason County Utilities & Waste Management Department is hereby authorized to complete the contract closure process upon receiving appropriate clearances from the Department of Revenue and the Department of Employment Security.

PASSED this 8th day of MAY, 2012.

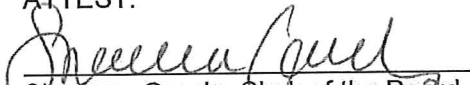
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring-Erickson, Chairperson



Tim Sheldon, Commissioner


Steve Bloomfield, Commissioner

ATTEST:


Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:


Chief Deputy Prosecuting Attorney
Tim Whitehead, WSBA #37621

cc: Elected Officials
Dept. Heads

RESOLUTION NO. 41-12
COUNTY ROAD CLOSURE
DAYTON AIRPORT ROAD
(COUNTY ROAD NO. 09900)

NOTICE IS HEREBY GIVEN that pursuant to RCW 47.48.010, Dayton Airport Road, at approximately Milepost 0.163 (Railroad crossing) on County Road No. 09900, shall be closed to all through traffic from 7:00 a.m. to 5:00 p.m. Wednesday, June 20, 2012.

BE IT HEREBY RESOLVED that the Board of Mason County Commissioner has declared the above described road closure a public necessity to facilitate work associated with repairs to the Simpson Railroad Crossing.

THEREFORE, the County Engineer is hereby ordered and authorized to proceed as prescribed by law.

ADOPTED this 8th day of MAY, 2012.

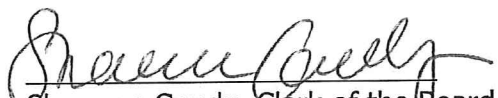
BOARD OF COUNTY COMMISSIONERS


Lynda Ring Erickson, Chair


Tim Sheldon, Commissioner


Steven Bloomfield, Commissioner

ATTEST:


Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM

Tim Whitehead, Chief Deputy Prosecuting Attorney

Cc: Commissioners
Engineer
JOURNAL:
POST:

Publ. 1 t: 5/17/12 Bill Road Dept.)
At least three (3) days prior to closure.

Exhibit C

RESOLUTION NO. 42-12
COUNTY ROAD CLOSURE
BEAR CREEK DEWATTO ROAD
(COUNTY ROAD NO. 79800)

NOTICE IS HEREBY GIVEN that pursuant to RCW 47.48.010, Bear Creek Dewatto Road, located from approximately Milepost 8.052 to Milepost 8.638 on County Road No. 79800, shall be closed to all through traffic from 6:00 a.m. Monday, May 21, 2012 to 4:30 p.m. Thursday, May 24, 2012.

BE IT HEREBY RESOLVED that the Board of Mason County Commissioner has declared the above described road closure a public necessity to facilitate work associated with road maintenance activities (Decompressing Peat bog shoulders that are breaking up the roadway).

THEREFORE, the County Engineer is hereby ordered and authorized to proceed as prescribed by law.

ADOPTED this 8th day of May, 2012.

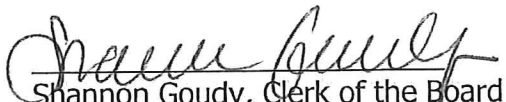
BOARD OF COUNTY COMMISSIONERS


Lynda Ring Erickson, Chair


Tim Sheldon, Commissioner


Steven Bloomfield, Commissioner

ATTEST:


Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM


Tim Whitehead, Chief Deputy Prosecuting Attorney

Cc: Commissioners
Engineer
JOURNAL: Publ. 1 t: 5/17/12 Bill Road Dept.)
POST: At least three (3) days prior to closure.

ORDINANCE NUMBER 43-12

**AN ORDINANCE EXTENDING THE MORATORIUM
ON COLLECTIVE GARDENS ESTABLISHED
UNDER ORDINANCES #63-11, #59-11 and #80-11.**

WHEREAS, on July 19 the Board of County Commissioners (“Board”) imposed a moratorium on collective gardens as defined in E2SSB 5073 for a period of ninety days; and

WHEREAS, on September 6 and 22, 2011 the Board adopted Findings in support of the Moratorium to continue for a ninety day period terminating on November 16, 2011; and

WHEREAS, on November 15, 2011 the Board adopted Findings (Ordinance 80-11) in support to extend the Moratorium for a six month period to expire on May 16, 2012; and

WHEREAS, the intent of the Moratorium is to allow Mason County to address collective gardens in the County’s Development Regulations as provided under RCW 39.51A.140; and

WHEREAS, Development Regulations have not yet been adopted by the County and an extension of the Moratorium for an additional six (6) months is needed to complete this process; and

WHEREAS, unless a zoning moratorium is imposed, collective gardens may be located within Mason County while the County lacks the necessary tools to ensure the location is appropriate and that the potential secondary impacts of collective gardens are minimized and mitigated; and

WHEREAS, the Board of County Commissioners deems it to be in the public interest to establish a zoning moratorium pending consideration of land use regulations to address collective gardens; and

WHEREAS, the County seeks to extend the moratorium on “collective gardens” as defined in RCW 69.51A.085 with a public hearing pursuant to RCW 36.70A.390, and

WHEREAS, a public hearing was held on May 8, 2012 to allow for public testimony on said moratorium extension, and

NOW, THEREFORE, the Mason County Board of Commissioners do ordain as follows:

Section 1. The recitals set forth above are hereby adopted as the Board’s preliminary findings in support of extending the moratorium imposed by Ordinance #80-11. The Board may,

in their discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 3 below.

Section 2. Pursuant to the provisions of RCW 36.70A.390, an extension of the zoning moratorium is hereby approved in Mason County prohibiting the establishment, maintenance or continuation of any collective garden.

Section 3. As provided in RCW 36.70A.390, the Board of County Commissioners set a public hearing for May 8, 2012 to take public testimony and to consider adopting further findings justifying extending the moratorium set forth in Section 2 above.

Section 4. The moratorium set forth in this Ordinance shall be extended in effect for a period of six months from the date this Ordinance is passed and shall automatically expire on November 8, 2012 unless extended as provided in RCW 36.70A.390, or unless terminated sooner by the Mason County Board of Commissioners.

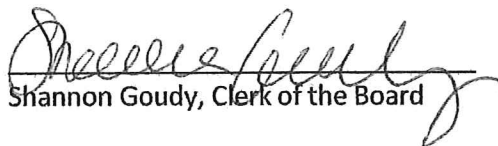
Section 5. The Mason County Department of Community Development is hereby authorized and directed to continue drafting regulations regarding collective gardens.

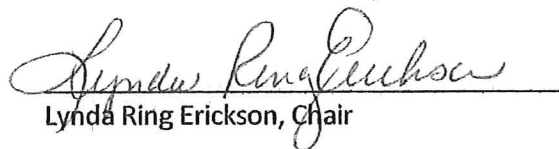
Section 6. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

DATED this 8th day of May, 2012.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

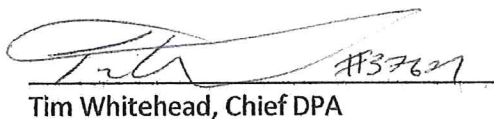
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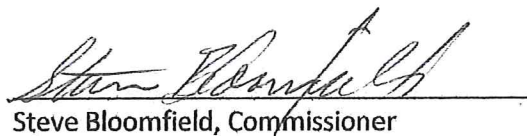

Shannon Goudy, Clerk of the Board


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:


Tim Sheldon, Commissioner


Tim Whitehead, Chief DPA


Steve Bloomfield, Commissioner