

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

March 19, 2013

1. Call to Order – The Chairperson called the regular meeting to order at 9:04 a.m.
2. Pledge of Allegiance – Bob Harris led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Randy Neatherlin; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Terri Jeffreys.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 The Washington State Liquor Control Board sent notice of special occasion liquor license applications for Shelton Mason County Chamber of Commerce and Hood Canal Education Foundation, and notice of establishments in Mason County with liquor licenses due to expire on June 30, 2013.
    - 4.1.2 The Washington State Freight Mobility Strategic Investment Board provided a copy of their 2012 Annual Report.
    - 4.1.3 The Mason County Auditor determined that the petition for partial merger of Fire District No. 6 and Fire District No. 9 did not contain the required percentage of qualified electors' signatures.
    - 4.1.4 The Shelton Mason County Chamber of Commerce expressed support of the Commissioners' reconsideration of the re-designation request by Green Diamond Resources for property at Lake Nahwatzel.
    - 4.1.5 James Dunne was opposed to Green Diamond's re-designation request at Lake Nahwatzel.
    - 4.1.6 Robert Gantenbein and George Sevier submitted their resignation from the Mason County Water Conservancy Board.
    - 4.1.7 John Gunter expressed concerns regarding the permitting of an asphalt plant in Belfair and the potential impact on residents.
    - 4.1.8 Jason Alvarado and Vicki Wilson are seeking appointment to the Planning Advisory Commission.
5. Open Forum for Citizen Input –
  - 5.1 Tom Davis recommended changing timber taxation laws to help with shortfalls in the County budget.
  - 5.2 Patricia Vandehey spoke in support of the Wild Cat Sanctuary in Shelton.
6. Adoption of Agenda - Brian Matthews, Public Works, asked that item 8.4 be removed from the agenda.

**Cmmr. Sheldon/Jeffreys moved and seconded to adopt the agenda with the noted amendment. Motion carried unanimously. N-aye; S-aye; J-aye.**
7. Approval of Minutes - February 25, 2013 briefing meeting minutes and March 12, 2013 regular meeting minutes.

**Cmmr. Jeffreys/Sheldon moved and seconded to approve the February 25, 2013 briefing meeting minutes and March 12, 2013 regular meeting minutes. Motion carried unanimously. N-aye; S-aye; J-aye.**

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8. Approval of Action Agenda:

- 8.1 Approval of the resolution disbanding the Mason County Advisory Committee for the Belfair Urban Growth Area. **Resolution No. 13-13 (Exhibit A)**
- 8.2 Approval of the resolution establishing the Belfair Sewer Advisory Committee. This committee will gather community input and provide recommendations to the Commissioners regarding the development and funding of the existing and subsequent phases of the Belfair Sewer System. A news release will be issued soliciting applicants to serve on the committee. **Resolution No. 14-13 (Exhibit B)**
- 8.3 Approval to execute the resolution for the 2013 AC Overlay Projects and allow Public Works to advertise, set bid opening date/time, authorize the Chair to sign all pertinent documents and award contract. Contract award will be announced during a regular meeting of the Board. **Resolution No. 15-13 (Exhibit C)**
- 8.4 Approval for the Chair to execute the Interlocal Contract for Cooperative Purchasing Agreement between Mason County and the Houston-Galveston Area Council (HGAC), to purchase competitively awarded products in a cost saving and expedited procurement process.
- 8.5 Approval of the Veterans Assistance Fund application for: Prentice W. Farmer – Utilities \$503.06; Joe A. Flores – Utilities \$600.00; Kelly J. Green – Utilities \$200.00; George A. Harmon – Housing \$600.00; Donald E. LaBonte (Lila) – Utilities \$131.52; Elroy J. VanAlstine, Jr. – Utilities \$364.62 & Food \$33.20 for a total of \$2,432.40 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.6 Approval of Amendment 7 to the 2012-2014 Consolidated Contracts C16893 to increase the maximum consideration of the contract by \$364,960 to a total maximum of \$1,766,818. The changes in this contract were made in: Onsite Sewage – NEP, \$174,929; Ryan White, \$58,000; Local Capacity Development, \$67,698; Immunization Tracking and Training, \$571; Blu Ribbon Local Health Funding, \$63,762.
- 8.7 Approval of Amendment #2 to Professional Service Contract between Mason County Public Health and Rosa Borja for interpreter services with a maximum consideration of \$12,000.
- 8.8 Approval of Amendment #2 to Professional Service Contract between Mason County Public Health and Eunice Santiago for interpreter services with a maximum consideration of \$12,000.
- 8.9 Approval of Amendment #8 to Professional Service Contract between Mason County Public Health and Eunice Santiago for maternity support services. \$27,500 is budgeted and is reimbursable from Medicaid.

Item 8.1 was removed for a separate vote

The Commissioners discussed removing the names of the Veteran's Assistance recipients from the agenda in the future.

**Cmmr. Jeffreys/Sheldon moved and seconded to approve action items 8.2 through 8.9 with the exception of item 8.4, which was removed from the agenda. Motion carried unanimously. N-aye; S-aye; J-aye.**

Item 8.1

Cmmr. Neatherlin explained that the committee was unable to complete the tasks assigned for a variety of reasons. He also read a portion of the resolution establishing the new committee under item 8.2.

**Cmmr. Jeffreys/Sheldon moved and seconded to approve item 8.1. Motion carried unanimously. N-aye; S-aye; J-aye.**

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

- 9.1 Public hearing to reconsider the Commissioners' denial of an application for amendment the Comprehensive Plan's Future Land Use Map and a request for rezone of portions of property located along Lake Nahwatzel and Kennedy Creek as submitted by Green Diamond Resource Company.

Barbara Adkins, Department of Community Development, explained that the hearing was to reconsider the decision made by the Commissioners on December 11, 2012. She provided the history regarding the request. In 2011 the Comprehensive Plan was amended to include policies that supported the re-designation of Long Term Commercial Forest. In 2012 the zoning code and resource ordinance were updated to implement the new policies. Green Diamond submitted two land use applications under that authority. The Hanks Lake application was approved by the Board on December 11, 2012 and the Lake Nahwatzel application was denied in a two to one vote. In February of 2013 Green Diamond filed a petition for review with the Growth Management Hearings Board and sent a letter to the Commissioners asking for reconsideration. The proposal has not changed and staff still recommends approval of the application.

Questions for Staff

Tom Davis asked who decided that the Kennedy Creek was not better suited for residential development.

Ms. Adkins replied that it was Green Diamond's decision.

An audience member asked if the EPA had any comment on the issue.

Ms. Adkins stated that they had not.

Public Testimony

Bob Dicks was disillusioned with the process. He didn't feel that there was appropriate public notice of the project and the system didn't work. The Board should have been able to talk to the citizens about the issue before the hearing. There should have been more time allowed to appeal the SEPA process. He was unhappy with how the Planning Commission meeting on the subject was held. He didn't understand why the Commissioners wanted to hear the request again. He and his attorney have submitted several letters and they haven't heard any justification as to why the process was extended. He felt that the people on Lake Nahwatzel were poorly served by the process.

Matt Matayoshi, Economic Development Council, stated that the EDC's Board of Directors reviewed the application. He submitted a letter of support of the re-designation.

Betsy Livesay stated that the Friends of Lake Nahwatzel have provided valid counterpoints to the re-designation. The citizens are frustrated that they don't get to know how the Board comes to their conclusions. She felt the citizens deserved a response to their testimony. She asked the Board to answer several questions about how the re-designation supports the Comprehensive Plan. She wanted to be sure that the Commissioners would provide an explanation of their vote.

Donna Walden was greatly disappointed in the Commissioners' actions at the last hearing. She felt that some of the Commissioners at the last meeting were sarcastic, disrespectful and inattentive. She was concerned about crowding on the lake and problems that have already occurred with the public access. She thought the potential development would be a disaster for the community and for water quality.

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Mike Pruett, Green Diamond Resources, noted that there was a last minute submittal from the Friends' attorney at the last hearing that may have swayed the Commissioners' decision because they didn't have a chance to review the legal aspects in the letter. He noted that Green Diamond had a long history of being good stewards of the land in Mason County. They trust that Mason County's development regulations will address any land use or water quality concerns.

Cmmr. Jeffreys asked about buffer requirements for critical areas and foresting.

Eric Schallon, Green Diamond Resources, went over the buffer requirements.

Connelly Watson wanted to know if the area contributed to the Shelton aquifer.

Patricia Vandehey stated that she had read all of the information and attended the hearings on the issue. She couldn't find any new information to warrant another hearing. She felt that Green Diamond set up the whole thing without informing the public. She didn't think there was a good reason for disregarding the original rezone criteria. Changing the regulations for Green Diamond was the Commissioners working for special interests and not the citizens. She was concerned about the potential environmental impacts. She listed the environmentally sensitive areas on the property and read the RCWs related to the re-designation. She felt the project was unfair to the homeowners on the lake and to other citizens because it will set precedence.

Pat Schneider, Green Diamond Resources, stated that the criteria in the Comprehensive Plan were the basis for the decision today. At the time, all three Commissioners felt the amendment to the Comprehensive Plan policies were beneficial because they provided flexibility. Green Diamond submitted two applications based on the new policy. People commented that the process was inappropriate but the process was strictly complied with according to state and county law. The Friends' attorney submitted comments at the last minute at the last hearing and then again submitted their comments at the last minute on the Friday night before the current hearing. Nothing in that letter shows how the property is out of compliance with the law or how the shore of Lake Nahwatzel is more suitable for commercial forest than residential development. The lake shore has been preserved for better use by Green Diamond, which is residential use. There is no basis to say that the development of the south shore is better for residential development than the development of the north shore. Especially since the regulations for residential development will be strictly applied to on the north shore. He noted that the application is not a rezone. It is a re-designation and then an initial zoning. The property has never been zoned. They are asking for Rural Residential 5 zone, which is consistent with the south shore, but far less dense than the non-conforming development there. He is asking the Board to base their decision on policy and fact. The policies are clearly complied with and the fact is the area is perfect for residential development. There is an entirely different process to establish the type of residential development, in which people will be allowed to comment.

Julie Ainsworth-Taylor, counsel for Friends of Lake Nahwatzel, noted that there is no law that requires her to submit comments at all, let alone at a specific time. The Commissioners have the authority to take a recess to consider comments if they want to. The proposal meets the Comprehensive Plan criteria because Green Diamond created that Comprehensive Plan policy. The Commissioners have the discretion to make a choice based on the best interests of the community. She didn't understand how the EDC could support changing commercial development to residential when there is already excessive residential capacity in the community. She felt that the Commissioners should promote commercial industry because timber is a vital component to the county. The public is frustrated with the process even though the legal minimum was adhered to. It is a policy decision and the Commissioners need to decide where they want the county to go. Designating Kennedy Creek may not even meet the standards for commercial forest land and the GMA was enacted to protect natural resource lands. She noted that

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allowing Green Diamond's reconsideration in the Commission meeting would void the GMA appeal; therefore any future changes to the Comp Plan would be in violation of the one year rule.

Sharon Karry stated that the Commissioners made a principle decision on the issue in December and that should be the Commissioners' final decision. Nothing new has been presented that should change that decision. The Commissioners do have leeway to consider the environmental aspects of the application. The Shoreline Master Plan states that the shoreline of Lake Nahwatzel should be considered conservancy and she felt this was being rushed through to avoid that.

Eric Schallon, Green Diamond, didn't think it was appropriate to have someone tell Green Diamond about how to handle forestry and the importance of forestry. The proposal isn't going to hurt the economic viability of the forest industry. He noted that the Friends' attorney submitted new information at the last minute, which made it a tough call for the Commissioners.

Stephanie Michaels was concerned about safety on the lake. The forest that is proposed to be removed is where she grew up. She was frustrated that the lake is already too busy from the public access. With new houses and new people the people who already live there won't be able to use the lake. She felt that it was the Commissioners responsibility to protect the citizens.

Vicki Huennekens thought that Green Diamond should have had to wait until next December to reapply like everyone else. She didn't think that the Friends wouldn't have had the same opportunity if the situation were reversed. She didn't want more houses on the lake. There shouldn't be the amount of houses that there already is. She didn't think that the buffers would protect the lake because people are going to do what they want. The best thing is to leave it like it is.

Kjerstin Riedel lived on Lake Nahwatzel. She had childhood memories from the lake that she wanted to create with her children as well. She didn't want to see the environment change. She urged the Board to stick to the original decision. Lake Nahwatzel will never be the same if more houses are built and there isn't a need for more houses. There is more of a need to preserve the area.

Nancy Taylor was a real estate agent. She noted that the county doesn't have enough people to watch the building activities if there are houses built on the lake and so many contractors mess things up.

Tom Davis had experienced a similar incident on a lake he owned property on in New Jersey. During each stage of development the developers promised that everything was going to be okay. It is now an unclean place to live because people always want to live as close to the water as possible. The citizens don't want this re-designation and that should have some weight in the matter. He didn't feel that any weight was given to public opinion. The Commissioners just make their decisions and hold the hearing as a formality. He thought that Green Diamond was going into development instead of forestry. It didn't benefit the community and the people were left out of the process. He wanted the Board to stand up for the citizens.

Jack Smith was a retired wildlife biologist. He stated that the key decisions that affect wildlife are land use decisions. Green Diamond has done a respectable job of managing wildlife but this proposal would have a very negative effect on fish and wildlife at Lake Nahwatzel, as well as the forested habitat towards the Olympic Mountains. It will have a far reaching impact to wildlife beyond the local area.

Carol Acocks commented that the Friends of Lake Nahwatzel have had to raise money for all of these proceedings. People have been donating money to the cause. They have had to contact the summer homes so they know what's going on. The attorney had to be rehired at the last minute, which is why her letter wasn't submitted until Friday.

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The Chair allowed each of the attorneys time to address the previous comments.

Ms. Ainsworth-Taylor stressed that it is a policy decision and the Commissioners have heard from the citizens that they do not want this. The lake also draws people to the community and those people haven't had a chance to be heard. She emphasized that the county had enough residential development. There is no need for the County to approve the proposal and it is solely for Green Diamond's economic benefit.

Mr. Schneider stated that there was no question that the proposal met the criteria and the environmental issues were already addressed in the SEPA appeal. The Commissioners need to decide if they will make the policy choice based on the regulations and laws or based on the emotions of the neighbors. Policy choices have already been made in the Comprehensive Plan and other regulations. Applying the policy decisions to the facts shows that Green Diamond has the right to use their property just like the other residents on Lake.

Tim Whitehead, Chief Deputy Prosecuting Attorney, agreed that it was a policy decision of the Board. The proposal does meet the law as noted by staff.

**Cmmr. Sheldon/Jeffreys moved and seconded to approve the application for amendment to the Comprehensive Plan's Future Land Use Map and request for rezone of portions of property located along Lake Nahwatzel and Kennedy Creek, as submitted by Green Diamond Resource Company. Motion carried unanimously. N-aye; S-aye; J-aye. Ordinance No. 16-13 (Exhibit D)**

Cmmr. Sheldon noted that the Board acts in a quasi-judicial capacity in land use proceedings. The Commissioners need to be careful not to prejudice themselves and need to consider all material presented. He has read all material presented. He has lived in Mason County most of his life. He is very familiar with the lake and has recently driven around the lake again. One half of the lake is very densely populated. Many of those houses wouldn't be built today. The Commissioners are not approving a development today. There is another process to approve the development. The Commissioners do not have influence over the Planning Commission. They are volunteer citizens not professionals. The Commissioners are elected separately as well and cannot speak to each other about the matter. He noted that Mr. Davis submitted a letter to the Attorney General stating that Commissioner Sheldon was in a position to benefit from the decision. He stated that was completely unfounded. He has absolutely no financial interest in the decision.

Cmmr. Jeffreys stated that when she originally made the decision it was based on her lack of understanding of the material submitted by the Friends' attorney. She should have called a recess but she didn't. She noted that all land use decisions are emotional decisions. She explained why she would be voting in favor of the proposal. She felt that the Commissioners needed to adhere to their own Comprehensive Plan. Timber owners have the opportunity to exchange their land and this would result in no net loss to forestland. The land along the lake shore cannot be harvested. She noted that the legislation on housing capacity was to make sure there is adequate housing capacity, not the opposite. There is flexibility now for natural resource lands. She resents the comments that housing isn't important and people won't pay attention to the rules. Each of those families has the same dreams as everyone else and the 5 acre zone is a responsible choice. Every land use decision cannot be made on emotions or they would lose the predictability that the Growth Management Act promotes. The resource ordinance will protect the functions and values of the area. If there are concerns about boating the residents have the option of restricting boat access. She lives on a busy lake but she wouldn't want to tell people that they cannot enjoy the lake. There shouldn't be capricious decisions from the Commissioners.

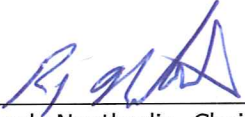
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Cmmr. Neatherlin noted that the proposal would be an exchange for a different area. The Commissioners are elected to research, go to meetings and do the homework that the citizens don't want to do. The Commissioners learn and then make their own assumptions. It is important to represent the people of the county as whole, not just the people in front of the Commissioners. People probability didn't want the original owners on the lake either. Green Diamond complies with and meets the criteria. They shouldn't have to live by separate rules because they aren't wanted by their neighbors. Land is always emotional because it is part of how people make their living. The Commissioners took an oath to care about the RCWs and follow the rules.

The Chair called a recess at 11:34 a.m. The meeting reconvened at 11:38 a.m.

10. Other Business (Department Heads and Elected Officials) – There was no other business.
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 11:45 a.m.

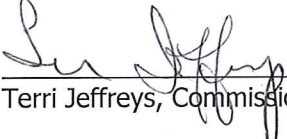
BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
\_\_\_\_\_  
Randy Neatherlin, Chair

*ABSENT 4-2-13*  
\_\_\_\_\_  
Tim Sheldon, Commissioner

ATTEST:

  
\_\_\_\_\_  
Shannon Goudy, Clerk of the Board

  
\_\_\_\_\_  
Terri Jeffreys, Commissioner

RESOLUTION No. 13-13

**A RESOLUTION TO DISBAND THE MASON COUNTY  
ADVISORY COMMITTEE FOR THE BELFAIR URBAN GROWTH AREA**

**WHEREAS**, the Mason County Board of County Commissioners ("Commissioners") adopted Resolution #16-12 establishing an Advisory Committee for the Belfair Urban Growth Area ("Committee"); and

**WHEREAS**, the Committee was to create an initial work plan to review incorporation, utilities and the urban growth boundary, together with a timeline, for approval by the Commissioners; and

**WHEREAS**, a work plan was not completed and the Commissioners wish to restructure and recreate a committee to make analyses and recommendations for this Community; and

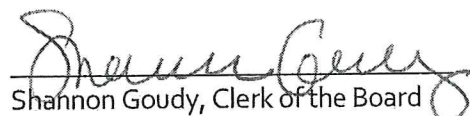
**WHEREAS**, the Commissioners continue to remain steadfast in their commitment to coordinated and planned growth, while working toward common goals for protecting the natural environment, providing sustainable economic development, and maintaining the health, safety, and a high quality of life for the its citizens.

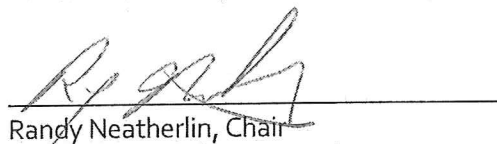
**NOW, THEREFORE BE IT RESOLVED** the Board of Mason County Commissioners hereby disbands the Advisory Committee for the Belfair Urban Growth Area as established under Resolution #16-12.

DATED this 19<sup>th</sup> day of March 2013.


BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

ATTEST:

  
Shannon Goudy, Clerk of the Board

  
Randy Neatherlin, Chair

APPROVED AS TO FORM:

  
Tim Whitehead, Chief DPA

  
Tim Sheldon, Commissioner

  
Terri Jeffreys, Commissioner



Resolution No. 14-13

A Resolution Establishing a Belfair Sewer Advisory Committee

WHEREAS, the Belfair Sewer Advisory Committee ("Committee") is hereby established to gather community input and provide recommendations to the Mason County Board of County Commissioners ("Commissioners") regarding the development and funding of the existing and subsequent phases of the Belfair Sewer System;

WHEREAS, the initial scope of the Committee's work plan shall include the following: Sewer service development; Recommendations on the timing and location of sewer service expansion; Capital construction funding and make recommendations on how to fund expanded services including but not limited to current and future debt; Study feasibility of all statutorily authorized customer-based funding mechanisms (ULIDs, etc) and make recommendations if indicated; Strategies to promote development; Review existing sewer service code and regulations and make recommendations on any necessary revisions with the goal of allowing development immediately while increasing the system's customer base for the future.

WHEREAS, the Committee members shall serve with no compensation and shall be appointed by the Commissioners. The Committee's term shall end one year after it is established unless extended by the Commissioners.

The Committee will consist of no more than 11 members who represent the following interest groups:

- Residents of the Belfair Urban Growth Area
- Property owners of the Belfair Urban Growth Area
- Belfair businesses, both those currently served by the sewer and those not served by the sewer within the Belfair Urban Growth Area
- North Mason Chamber of Commerce Representative
- Community Association Representatives within the Belfair Urban Growth Area
- Homeowners Association Representatives within the Belfair Urban Growth Area
- Port of Allyn Representative
- Economic Development Representative

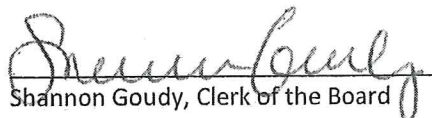
Committee meetings shall be subject to the Open Public Meetings Act and facilitated by the Mason County Department of Public Works with the assistance of Mason County's Department of Community Development and Public Health.

Members will be required to attend trainings made available by Mason County on the Open Public Meetings Act and Public Records Act. These trainings may be scheduled during the regular operating hours of the County and will be offered at no cost to the members.

Dated this 19<sup>th</sup> day of March, 2013.


BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

ATTEST:

  
Shannon Goudy, Clerk of the Board

  
Randy Neatherlin, Chair

APPROVED AS TO FORM:

  
Tim Whitehead, Chief DPA

  
Tim Sheldon, Commissioner

  
Terri Jeffreys, Commissioner

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF MASON COUNTY, WASHINGTON.**

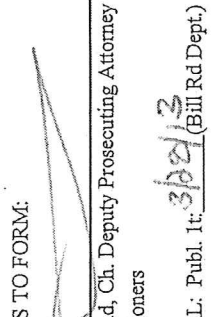
In the matter of initiating County Road Projects and assigning CRP numbers.  
**IT IS HEREBY RESOLVED THAT** the roads listed below be improved as shown between the points indicated.  
 These projects are hereby declared to be public necessity and the county road engineer is hereby ordered and authorized to report and proceed as by law provided. (RCW 36.75.050, 36.80.080, 36.80.070) (Optional References).  
**IT IS FURTHER RESOLVED** that appropriations from the officially adopted road fund budget and based on the county engineers estimates are hereby made in the amount and for the purposes shown:

Item	6-Year Item No.	Road No.	Road Name	M.P.	Type of Work (See Code)	Cont.	County Forces	Cost Estimate (Thousand \$)						CRP No.
								Local	FED	Engr	R/W	Const	Section, Township, Range	
1	1	50810	Shelton Springs Road	0.00-0.88	D	X		5	30	10		25	Sec. 12, T20, R4	1976
2	1	97671	McReavy Road	1.03-2.56	D	X		45	287	17		315	Sec. 5&8, T21, R3	1977
3	1	04450	Highland Road	1.99-4.65	D	X		85	542	17		610	Sec. 24, 25, & 26, T20, R5	1978
4	1	90100	Shelton-Matlock Road	11.45-13.45	D	X		64	409	18		455	Sec. 3, 4, 8, & 9, T20, R5	1979
5	1	98250	Old Belfair Highway	2.25-3.89	D	X		38	243	18		263	Sec. 17, 16, & 9, T23, R1	1980
6	1	62310	Trails Road	1.44-3.34	D	X		52	333	20		365	Sec. 23, 26, 34, & 35 T22, R2	1981
7														
8														
9														
10														
11														
12								288	1,845	100	0	2,033		2,133

- (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14)
- (7) TYPE OF WORK CODE
- A. Grading & Draining F. Sidewalks K. Environmental Mitigation
  - B. Base & Top Course G. Traffic Facilities L. Fish Passage
  - C. B.S.T. / Seals H. Paths, Trails, Bikeways
  - D. A.C.P.C.C. Pavement I. Bridges
  - E. Curbs and Gutters J. Ferry Facilities


ADOPTED this 15th day of March, 2013


ATTEST:  
  
 Shannon Goudy, Clerk of the Board

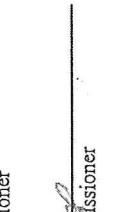
APPROVE AS TO FORM:  
  
 Tim Whitehead, Ch. Deputy Prosecuting Attorney  
 cc: Commissioners  
 Engineer  
 JOURNAL: Publ. It: 3/21/13 (Bill Rd Dept.)

- (7) The construction is to be accomplished by contract in accordance with RCW 36.77.065 et. seq.
- (8) The construction is to be accomplished by county forces in accordance with RCW 36.77.060 and WAC 136.18

BOARD OF COUNTY COMMISSIONERS  
 MASON COUNTY, WASHINGTON

  
 RANDY NEATHERLIN, Chair

  
 TIM SHELDON, Commissioner

  
 TERRI JEFFREYS, Commissioner

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**AMENDMENT TO THE MASON COUNTY COMPREHENSIVE PLAN  
AND MASON COUNTY DEVELOPMENT AREAS MAP (REZONE)  
LAKE NAHWATZEL AND KENNEDY CREEK**

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**ORDINANCE** amending the Mason County Comprehensive Plan and Mason County Development Areas Map (rezone) under the authority of RCW 36.70A.80.

**WHEREAS**, the Washington State Growth Management Act (RCW 36.70A.130) requires each county, including Mason County, to take legislative action to review and revise its comprehensive plan and development regulations to ensure that the plan and regulations continue to comply with the requirements of the Act; and

**WHEREAS**, the County needs to address certain requests for comprehensive plan and zoning changes to meet the goals and requirements of Chapter 36.70A RCW (Growth Management Act); and

**WHEREAS**, Green Diamond Resource Company, hereinafter referred to as "Applicant", owner of real property in Mason County has requested an amendment to the Comprehensive Plan's Future Land Use Map and zoning change to the Development Areas map affecting their property; and

**WHEREAS**, on October 15, 2012, the Mason County Planning Advisory Commission held a public hearing to consider the amendments and passed a motion to recommend approval of said changes; and

**WHEREAS**, on December 11, 2012 the Board of County Commissioners ("Commissioners") considered the Applicant's request and the same was denied; and

**WHEREAS**, on February 11, 2013 the Applicant requested the Commissioners reconsider their denial; and

**WHEREAS**, the Commissioners reconsidered the requested amendments at a duly advertised public hearing on March 19, 2013; and

**WHEREAS**, the Board of County Commissioners took public testimony from interested parties, considered all the written and oral arguments and testimony, and considered all the comments presented; and

**WHEREAS**, the Board of County Commissioners in reviewing the proposed changes considered the impacts consistent with Mason County Code, Title 17, Sections 17.05.079 and 17.05.080(c) and Title 15, Sections 15.03 and 15.07; and

**WHEREAS**, the Board of County Commissioners also considered the Staff Report and recommendations of the Mason County Planning Advisory Commission; and

**WHEREAS**, the Board of County Commissioners finds that the proposed amendments to the Comprehensive Plan Future Land Use Map and Development Areas Map comply with all applicable requirements of the Growth Management Act, the Comprehensive Plan, and the Mason County Code, and that they are in the best public interest; and

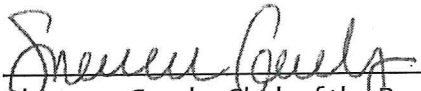
**WHEREAS**, the Board of County Commissioners concluded at a duly advertised public hearing that adoption of the amendments will further public health, safety and welfare;

**BE IT HEREBY ORDAINED**, the Mason County Board of Commissioners hereby approves and ADOPTS revisions to the Mason County Comprehensive Plan Future Land Use Map and Development Areas Map as submitted by Applicant and described in the attached Findings of Fact (ATTACHMENT A).

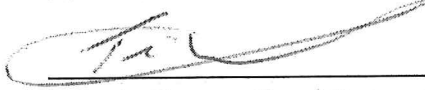
**DATED** this 19<sup>th</sup> day of March 2013.

Board of Commissioners  
Mason County, Washington

ATTEST:

  
Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:

  
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
Randy Neatherlin, Chair

  
Tim Sheldon, Commissioner

  
Terri Jeffreys, Commissioner

MASON COUNTY BOARD OF COMMISSIONERS

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FINDINGS OF FACT

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**ADOPTION OF AMENDMENTS TO THE MASON COUNTY COMPREHENSIVE  
PLAN FUTURE LAND USE MAP AND DEVELOPMENT AREAS MAP**

1. Applicant has made application to Mason County for its consideration of amendments to the Comprehensive Plan Future Land Use Map and rezone change to the Development Areas Map.
2. Applicant is requesting an amendment to the Comprehensive Plan's Future Land Use Map re-designating 248.7 acres of Long Term Commercial Forest (resource designation) located along Lake Nahwatzel to rural with a zoning designation of Rural Residential 5. Additionally, 248.7 acres along Kennedy Creek will change from a rural designation of Rural Residential 20 to Long Term Commercial Forest.
3. Affected parcels along Lake Nahwatzel are specifically described as portions of parcels 52005-00-00000, 52005-00-02000, 52005-42-00010, 52005-00-72160, 52004-00-00010, 52004-30-70150, 52004-32-00000, 52004-00-00000, 52004-34-00000; and along Kennedy Creek as a portion of parcel 41936-00-04000.
4. Mason County Development Regulations, Title 17, Section 17.05.080 provides criteria and characteristics for consideration in rezoning parcels from an existing land use zone to another zone. However, Subsection 17.05.080(c) states that the criteria do not apply to the initial zoning placed on land re-designated from Long Term Commercial Forest. Therefore, the application was not subject to evaluation under the rezoning criteria.
5. The requested rural zoning of Rural Residential 5 is also consistent with general and residential policies as applied to rural areas in Chapter III, Section 3 of the Comprehensive Plan. Residential zoning and development is already predominant around the lake.
6. The criteria utilized for re-designation of resource land as outlined in the Mason County Resource Management Code Sections 8.52.060(c) (Long Term Commercial Forest Lands) and 8.52.070(b)(3) (In-holding Lands) have also been met. The amendments are consistent with the Comprehensive Plan's goals for protecting resource lands as described in Chapter III, Section 4, Policy RE-105. By designating an equal number of acres as Long Term Commercial Forest to replace those re-designated, the proposals do not diminish the overall acreage of resource lands