

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

April 2, 2013

1. Call to Order – The Chairperson called the regular meeting to order at 9:04 a.m.
2. Pledge of Allegiance – Dr. Diana Yu led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Randy Neatherlin; Commissioner District 3 – Terri Jeffreys. Commissioner District 2 – Tim Sheldon joined the meeting at 9:46 a.m.
4. Correspondence and Organizational Business
 - 4.1 Correspondence - There was no correspondence.
 - 4.2 Cmmr. Jeffreys read a proclamation recognizing the 100-year anniversary of the Washington State Parks and Recreation Commission.
 - 4.3 Vicki Kirkpatrick, Public Health, read a news release regarding National Public Health Week.

City of Shelton Commissioner, Mike Olsen, read a proclamation from the Board of Health declaring April 1-7, 2013 as Public Health Week in Mason County.

Dr. Yu, Health Officer, discussed the importance of public health to community.
5. Open Forum for Citizen Input –
 - 5.1 Tom Davis asked the Board to reconsider Ordinance No. 92-11, regarding the planning policies for Long Term Commercial Forest and In-Holding lands.
 - 5.2 Gary Raymond commented that Mason County brush cutters recently cut trees outside of the easement on Spencer Lake Road. He wants to work with the County on rectifying the issue.
6. Adoption of Agenda - **Cmmr. Jeffreys/Neatherlin moved and seconded to adopt the agenda as published. Motion carried. N-aye; S-absent; J-aye.**
7. Approval of Minutes - March 18, 2013 briefing meeting minutes and March 19, 2013 regular meeting minutes.

Cmmr. Jeffreys/Neatherlin moved and seconded to approve the March 18, 2013 briefing meeting minutes and March 19, 2013 regular meeting minutes. Motion carried. N-aye; S-absent; J-aye.
8. Approval of Action Agenda:
 - 8.1 Approval of the resolution selecting *The Shelton-Mason County Journal* as the official county newspaper for publishing certain legal publications. **Resolution No. 17-13 (Exhibit A)**
 - 8.2 Approval of Lodging Tax Fund Application for Mason Area Fair in the amount of \$15,000, as recommended by the Lodging Tax Advisory Committee.
 - 8.3 Approval of the Veterans Assistance Fund applications for Utilities - \$895.90 as recommended by the Veterans' Assistance Screening Committee.
 - 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.

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- 8.5 Approval for the County Engineer to execute Supplemental Agreement No. 2 to the Agreement with BergerABAM for an additional task in assisting the County in obtaining an HPA permit for the Lower Elfendahl Pass Road Bridge project through consultation and participation in a Dispute Resolution process with Washington Department of Fish & Wildlife (WDFW), not to exceed \$15,000.
- 8.6 Approval of appointment of Robert Drexler (District #1) and Vicki Wilson (District #3) as members of the Mason County Planning Advisory Commission under RCW 36.70.100.
- 8.7 Approval to concur with the appointment of Regina King and Hal Blanton to the Timberland Regional Library Board of Trustees, representing Lewis County, for a term ending December 31, 2015 and December 31, 2019 respectively.
- 8.8 Approval of Warrants
 - Claims Clearing Fund Warrant #s 216867-218042 \$3,193,475.68
 - Salary Clearing Fund Warrant #s 6470-6536 \$ 487,688.05
 - Direct Deposit Fund Deposit #s 44430-45157 \$1,086,388.98

Item 8.6 was removed for a separate vote.

Cmmr. Jeffreys/Neatherlin moved and seconded to approve action items 8.1 through 8.8, with the exception of item 8.6. Motion carried. N-aye; S-absent; J-aye.

Item 8.6

Tom Davis was concerned that there was a conflict of interest because Commissioner Neatherlin worked for John L. Scott in Belfair and Robert Drexler was an owner of that company.

Cmmr. Neatherlin explained that he was an independent contractor and didn't work directly for Mr. Drexler.

Cmmr. Jeffreys thought the item could be tabled until Commissioner Sheldon was available.

Cmmr. Jeffreys/Neatherlin moved and seconded to appoint Vicki Wilson (District #3) as a member of the Mason County Planning Advisory Commission under RCW 36.70.100. Motion carried. N-aye; S-absent; J-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 May 8, 2013.

Barbara Adkins, Department of Community Development, explained that the regulations were brought forward last May but a moratorium was put in place. The regulations are the same that were brought forward before with a couple of exceptions. She had discussed different regulations with the Board that she found through MRSC, but the Board was uncomfortable with the regulations because they had not gone through the Planning Commission. One of the changes to the regulations before the Board was to give the code its own section. It would be a new section that includes all of the definitions from State law. Another change added clarification regarding applicability and Federal law. Criteria were also put in place from the Substance Control Act. There was a change regarding accessory uses to keep collective gardens out of the residential areas. There is a section that could be added to require any existing collective gardens to come into compliance with the regulations within one year. The Board also has the option of extending the moratorium if they choose.

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Robert Woods had questions about the fencing requirements.

Cmmr. Neatherlin stated that there would be a 10 foot buffer requirement.

Cmmr. Sheldon asked if there were any provisions for signage.

Ms. Adkins replied that there were not.

Public Testimony

Robert Woods Jr., Mari Meds, stated that he has been a business owner in Belfair since 2010. He has seventeen employees and pays taxes. He felt that it wouldn't be fair to grandfather in businesses with this ordinance. He has followed all of the regulations and he feels that it could cause problems with his patient base. He would be happy to show the Commissioners his operations. He set the model for how the operations should be run. He was willing to accept the changes as they come and work with the Commission. He would like the issue to move forward and grow to promote awareness. He discussed his business' community involvement.

The Board discussed Mr. Woods' business operations.

Tom Davis personally didn't want marijuana in the county but thought it needed to be controlled. He doesn't think the County should kick the can down the road. The Sheriff has made it clear that he will not monitor these operations. He felt the Commissioners should address the problem and come up with a solution. He encouraged the Board to come up with regulations.

Cmmr. Sheldon commented that the issue has taken a lot of time in Olympia. 86% of the counties have taken no action on the issue, which is a reflection of the uncertainty that exists at a local level, state level and federal level. There are still questions whether dispensaries are even legal in the state. He would rather wait and not be the test case for this type of business. There is already a bill in the legislature to change the requirements regarding distance from schools. There needs to be more discussion regarding the access to children and the health aspects. One of the reasons that the local government can use a moratorium is because the law is still unsettled.

Cmmr. Jeffreys noted that she had specifically asked that the issue be brought forward again because she hadn't heard the public's opinion. When the state legislature brought this forward the county was given the duty to regulate the activity that has been made legal. She was not in favor of kicking the can down the road because there are legitimate people who want to do this. She was concerned about the safety aspects associated with an indoor grow operation and the Department of Community Development currently has no authority to enforce safety measures. She wants to be responsive to those who want to follow law. She doesn't see it as a business issue. It should be focused on the collective aspect. She would like to put forward language on giving establishments a year to come into compliance.

Cmmr. Neatherlin didn't think legalization was the issue the Commissioners should look at. It is about zoning. He was concerned about the safety measures. The moratorium was producing an effect and creating problems. If there are regulations in place it would alleviate some of the issues. He thought it was the Board's responsibility to create regulations. The grandfathering aspect has been discussed in briefings. They looked at past practices for other businesses. Safety has to be accounted for. He went over the suggested safety regulations that could be put in place. Fire code and fire safety are also important.

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Ms. Adkins recommended adding the non-conforming clause to give the department the ability to make sure all of the businesses are the same. Also, there is no definition of co-op. They need to understand how to deal with co-op's versus collective gardens because there is no way to legally regulate a co-op or dispensary at this point.

Cmmr. Neatherlin noted that dispensaries are illegal so the department would need to decide if the business met the collective garden delivery point criteria.

Cmmr. Sheldon was concerned about the home operations that could go on if existing grow operations were grandfathered in. He didn't want the county to condone that type of activity.

Cmmr. Neatherlin suggested a noticing requirement to the county within 30 days.

Cmmr. Jeffreys felt there would need to be a legal opinion on that type of decision.

Cmmr. Sheldon didn't think the County had the resources to enforce the regulations or deal with the potential litigation aspects.

Cmmr. Jeffreys/Neatherlin moved and seconded to table the hearing to April 16, 2013.
Motion carried. N-aye; S-nay; J-aye.

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

10.1 **Cmmr. Jeffreys/Sheldon moved and seconded to appoint Robert Drexler (District #1) as a member of the Mason County Planning Advisory Commission under RCW 36.70.100. Motion carried. N-abstain; S-aye; J-aye.**

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 10:50 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

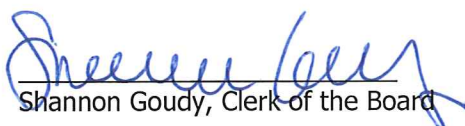


Randy Neatherlin, Chair



Tim Sheldon, Commissioner

ATTEST:



Shannon Goudy, Clerk of the Board



Terri Jeffreys, Commissioner

RESOLUTION NO. 17-13
AMENDS RESOLUTION NO. 32-12
A RESOLUTION SELECTING OFFICIAL COUNTY NEWSPAPER

WHEREAS, RCW 36.72.075 requires the county legislative authority to let a contract to a legal newspaper to serve as the official county newspaper for the term of one year and;

WHEREAS, If there is at least one legal newspaper published in the county, the contract shall be let to a legal newspaper published in the county and;

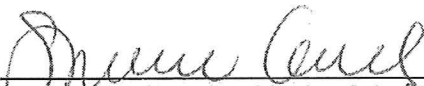
WHEREAS, *The Shelton-Mason County Journal* is published in Mason County and qualifies as a legal newspaper in accordance with RCW 65.16.020.

NOW, THEREFORE, BE IT RESOLVED, the Board of Mason County Commissioners hereby declares *The Shelton-Mason County Journal* as the official county newspaper for furnishing certain legal publications for the period of one year beginning on July 1, 2013.

APPROVED this 2nd day of April 2013.

ATTEST:


BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Shannon Goudy, Clerk of the Board


Randy Neatherlin, Chair

 ABSENT
Tim Sheldon, Commissioner

APPROVED AS TO FORM:


Chief Deputy Prosecuting Attorney


Terri Jeffreys, Commissioner