

**BOARD OF MASON COUNTY COMMISSIONERS  
DRAFT BRIEFING MEETING AGENDA  
411 North Fifth Street, Shelton WA 98584  
Week of November 20, 2017**

**Monday, November 20, 2017**

**Commission Chambers**

- 9:00 A.M. Executive Session RCW 42.40.110 (1)(i) Potential Litigation
- 9:30 A.M. Community Services – Paula Reeves
- 10:00 A.M. TIP CAP Recommendations
- 10:50 A.M. BREAK
- 11:00 A.M. Support Services – Frank Pinter
- 11:30 A.M. Sheriff's Office - Chief Hansen
- Commissioner Discussion – as needed

BREAK – NOON

- 2:00 P.M. Public Works – Jerry Hauth  
Utilities & Waste Management
- Commissioner Discussion – as needed

**Tuesday, November 21, 2017**  
**Commission Chambers**

- 3:00 P.M. Board of Health

# MASON COUNTY COMMISSIONER BRIEFING INFORMATION FOR WEEK OF

November 20, 2017

In the spirit of public information and inclusion, the attached is a draft of information for Commissioner consideration and discussion at the above briefing.

This information is subject to change, additions and/or deletion and is not all inclusive of what will be presented to the Commissioners.

We have changed the packet format so that it is an interactive document. Please click on the agenda item which then takes you to the cover sheet of that section in the document. To get back to the agenda, hit your "home" key on the keyboard.

Please see draft briefing agenda for schedule.



**MASON COUNTY  
BRIEFING ITEM SUMMARY FORM**

<b>TO:</b> BOARD OF MASON COUNTY COMMISSIONERS	
<b>FROM:</b> Paula Reeves	
<b>DEPARTMENT:</b> Planning	<b>EXT:</b> 286
<b>BRIEFING DATE:</b> November 20 <sup>th</sup> , 2017	
<b>PREVIOUS BRIEFING DATES:</b> August 7, 2017 and October 23, 2017	

**ITEM:**

**Annual Update Mason County Comprehensive Plan and Amendments –  
2017 Docket of Amendments**

**Background:**

The Growth Management Act at RCW 36.70A.470(2) allows any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to request amendments to the Mason County Comprehensive Plan/Zoning Map or suggest Comprehensive Plan policy amendments or development regulation amendments.

Mason County's process for accepting these amendments closed on July 31, 2017. Planning staff received three requests from the public in total. Two are parcel rezone requests and one is an amendment to the development regulations, specifically the Belfair Development Regulations.

In addition to the Comprehensive Plan Amendments proposed by citizens, Mason County is proposing amendments to the Comprehensive Plan and development regulations to meet current state and federal requirements.

The Comprehensive Plan amendment process shall follow the steps outlined in **MCC 15.09.060**.

**Additional Cost to the County:** None

**RECOMMENDED ACTION:** After review, conduct a first public hearing on December 5, 2017, for the BOCC to adopt an ordinance updating the Mason County Comprehensive Plan and Development Regulations as outlined in the 2017 Docket of Amendments.

**Attachments to this BOCC Brief include:**

- Attachment A – Washington State DOT and Dept. of Commerce Comments
- Attachment B – DRAFT Ordinances (2) adopting Comp Plan and Docket
- Attachment C – Other Revisions Addressing State Agency Comments
- Attachment D – FAQ in response to public comment



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
www.commerce.wa.gov

November 13, 2017

Ms. Paula Reeves  
Planning Manager  
615 W Alder Street Building #8  
Post Office Box 186  
Shelton, Washington 98584

RE: Proposed amendment to update the Mason County 2016-2036 Comprehensive Plan and Development Regulations

Dear Ms. Reeves:

Thank you for sending Growth Management Services the proposed amendments to Mason County's comprehensive plan and development regulations that we received on September 12, 2017 and processed with Material ID No. 24111.

We especially like the following:

The section(s) on parks is well done and very informative.

We have some suggestions for strengthening your plan and development regulation amendments that we encourage you to consider either in these or future amendments:

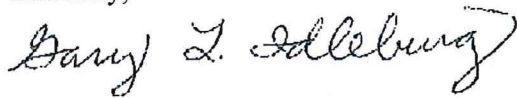
- The main body of the comprehensive plan would be helped by adding two summary sheets; one depicting internal consistencies with your own county code and one depicting consistencies with the Growth Management Act and County-wide Planning Policies.
- Tables that summarize existing inventories and forecasts of future needs of all capital facilities would also be very helpful.
- A summary level of service (LOS) table in the capital facilities section (cross referenced with transportation) that depicts/compares (minimum) required LOS and current or actual LOS would be helpful.

Ms. Paula Reeves  
Planning Manager  
November 13, 2017  
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- A draft motion or resolution that shows intention to adopt your final docket proposals and summarizes their impact(s) on your comprehensive plan, future land use and zoning should be submitted as soon as practicable.

Congratulations to you and your staff for the good work these amendments represent. If you have any questions or concerns about our comments or any other growth management issues, please contact me at 360.725.3045. We extend our continued support to Mason County in achieving the goals of growth management.

Sincerely,



Gary Idleburg  
Senior Planner  
Growth Management Services

GI:lw

cc: Mark McCaskill, AICP, Managing Director, Growth Management Services  
David Andersen, AICP, Eastern Region Manager, Growth Management Services  
Ike Nwankwo, Western Region Manager, Growth Management Services



**Washington State  
Department of Transportation**

Olympic Region  
5720 Capitol Boulevard, Tumwater  
P.O. Box 47440  
Olympia, WA 98504-7440  
360-357-2600 / FAX: 360-357-2601  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

November 9, 2017

Ms. Paula Reeves  
Planning Manager  
Community Development  
Mason County  
411 N. 5<sup>th</sup> Street  
Shelton, WA 98584

RE: Mason County Proposed Comprehensive Plan Amendment #24111

Dear Ms. Reeves:

Thank you for allowing the Olympic Region of the Washington State Department of Transportation (WSDOT) the opportunity to review and comment on the proposed Comprehensive Plan Amendment. We appreciate the opportunity to review these documents. The following comments are provided for your consideration as the County completes its update.

Page 28 of 30, 9. Open Space & Recreation, 126: An environmental impact statement for the Belfair Bypass mentions providing an 8-ft shoulder for shared bicycle use, not a parallel bicycle-pedestrian trail.


On page 21 of 30, 3. Transportation, 37 mentions working to secure construction funding for the Belfair Bypass so that it is operational no later than 2022. Current schedule has Belfair Bypass complete in spring 2025.

The plan is missing existing and future Level-of-Service maps for state highway facilities to gauge the performance of the system per RCW 47.06 and RCW 47.80. Forecasts must be at least ten years, based upon the adopted land use plan. It would also be helpful to show the Shelton and Belfair Urban Growth Areas.

Ms. Reeves  
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Again, we thank you for the opportunity to review and comment on the proposed amendment. If you have any questions related to this letter please contact Nazmul Alam of my office at (360) 704-3207.

Sincerely,

  
Dennis L. Engel, P.E.  
Multimodal Planning Manager

DE:yl  
NA

cc: Ike Nwankwo, Commerce  
Anne Fritzel, Commerce  
Debbie Clemen, PRTP

ORDINANCE NUMBER \_\_\_\_\_

**An Ordinance Adopting the 2016-2036 Mason County Comprehensive Plan Update including amendments to the 2005 Comprehensive Plan and the Mason County Land Use Map; amendments to the Countywide Planning Policies; and amendments to Mason County Development Regulations as required by Washington State Law.**

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AN ORDINANCE of the Mason County Board of Commissioners ("Commissioners") Adopting the *2016-2036 Mason County Comprehensive Plan Update and Amendments* as identified in Ordinance XXXX, *2017 Mason County Docket of Comprehensive Plan Amendments*, on December XX, 2017.

WHEREAS the Mason County Comprehensive Plan was adopted under Washington State's Growth Management Act (GMA) on April 2, 1996 through passage of Ordinance 49-96; and updated on November 29, 2005 through passage of Ordinances 108-05 and 109-05.

WHEREAS Mason County is fully planning under Washington's Growth Management and is therefore required under RCW 36.70A.130 to conduct a periodic review and update of its Comprehensive Plan and Development Regulations to ensure consistency with updated state laws and population and employment projections;

WHEREAS work on the 2016-2036 Comprehensive Plan Update began in 2015, and included collaboration with the City of Shelton and incorporation of their updated population and employment forecasts, as well as the discussions with Squaxin Island Tribal Nation, Skokomish Tribal Nation, the communities of Allyn and Belfair, neighboring counties, state, regional, special districts, other local partners, and the general public to arrive at a population growth projection of 83,800 by 2036, consistent with RCW 36.70A.115.

WHEREAS the Planning Office and the Planning Commission held 44 public work sessions, community meetings, and hearings over the past 3 years taking public input on various Comprehensive Plan elements, proposed code amendments, rezone requests and other aspects of the Update as well as conducting a countywide public outreach survey in 2017 to validate public priorities;

WHEREAS the update process included identification of new state laws that the Comprehensive Plan and development regulations must comply with; and the conduct of a public review, comment period, and hearing before the Planning Commission and Board of County Commissioners ("Board") to help the County determine the scope and workplan for the 2016-2036 Update;



WHEREAS there has been significant input from the Planning Commission and the public, Mason County developed and then released the 2016-2036 Comprehensive Plan Update proposal for public review beginning in early April of 2017;

WHEREAS the Board met on June 21<sup>st</sup>, 2017, and again on September 27<sup>th</sup>, 2017, jointly with the Planning Commission to consider the Planning Commission's recommendations;

WHEREAS, the board met on October 23<sup>rd</sup>, 2017, to consider the Planning Commission's Recorded Motion and directed staff to address the six (6) recommended revisions.

WHEREAS, per RCW 36.70A.130(5)(b), this periodic update was to be completed by June 30, 2016;

WHEREAS, the Commissioners find that it is in the public interest to adopt the updated Comprehensive Plan as described herein;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS:

The Board of County Commissioners adopts the following findings of fact consistent with and expanding on the Planning Commission's Recorded Motion made October 16, 2017:

**A. COMPLIANCE**

1. Mason County is fully planning under Washington's Growth Management Act and was required to update its Comprehensive Plan and Development Regulations and submit these updates to Washington State Department of Commerce on or before June 30, 2016 (RCW 36.70A.130(1)).
2. Counties and cities must be in compliance with the requirements of the State Growth Management Act, including the periodic update requirements, to be eligible for grants and loans from state infrastructure programs. Washington State Department of Commerce maintains a list of local governments that are in compliance to ensure implementation of this requirement.
3. Mason County is not in compliance with the requirements of Washington's Growth Management Act (RCW 36.70A.130(1)) and therefore is ineligible for grants and loans from State infrastructure programs until the Board of County Commissioners adopts the Mason County Comprehensive Plan Update, including required Development Regulations.

## B. PUBLIC PARTICIPATION

1. The County's 2016 Update process included extensive opportunities for public input, review and comment, including 44 public work sessions held by the Planning Commission including opportunities for the public to comment on the scope of the update process; to propose policies, code amendments and map amendments for inclusion in the update proposal; and to comment in public workshops on key elements of the Comprehensive Plan and development regulations identified by the scope as being updated through the process.
2. Mason County conducted a countywide public outreach survey July thru September 2017 to validate public priorities.
3. In establishing the scope of the 2016-2036 Comprehensive Plan Update on April 25<sup>th</sup>, 2017, the Board of County Commissioners established the timeline for this process and provided direction to the Planning Commission to focused the scope of the update on:
  - Incorporating new public input
  - Updating population and employment projections
  - Reflecting changes in state law
  - Consolidating and refine goals and policies
4. After releasing the Update proposal, the County held two separate public review and comment periods including public workshops and hearings before the Planning Commission and public comment and a public workshop before a joint meeting of the Board of County Commissioners and Planning Commission.
5. Mason County Planning Commission reviewed and updated all elements of the Comprehensive Plan. In the case of the Transportation and Parks and Recreation Elements, they were developed by other County advisory committees, in coordination with the Planning Commission, and have already been adopted by the Board of County Commissioners. The Planning Commission ensured consistency by integrating policies and using consistent growth projections.
6. The Planning Commission held a public hearing on September 18<sup>th</sup>, 2017, to receive public testimony concerning the proposed amendments contained in this ordinance. After deliberation on October 9<sup>th</sup> and 16<sup>th</sup>, the Planning Commission voted to recommend adoption of the amendments contained in this ordinance as shown in their Recorded Motion dated October 16, 2017.

7. There was significant public comment throughout the Update process focused on water quality and availability. Mason County has responded by proposing establishment of a Memorandum of Understanding with the Squaxin Tribal Nation to collaborate on water planning and research.
8. The Board respects the Planning Commission's recommendation to incorporate a Shelton Urban Growth Area expansion. At the same time, it is important for Mason County to continue work with its partners to improve the Shelton-Mason County Joint Plan to include the Shelton Urban Growth Area discussion, consistent with Shelton's Comprehensive Plan Update that is still in progress.
9. The public input process has met and exceeded the requirements in the Growth Management Act (RCW 36.70A.130(2)(a), RCW 36.70A.140, and RCW 36.70A.035).

#### **C. 2017 COMPREHENSIVE PLAN UPDATE AND AMENDMENTS**

1. The 2017 Amendments to the Comprehensive Plan, Land Use Map, and Development Regulations including requests from the public and recommendations from the Planning Commission are identified in Ordinance XXXXX, *2017 Mason County Docket of Comprehensive Plan Amendments*. These Amendments are consistent with the Comprehensive Plan, and meet the requirements of the Growth Management Act (RCW 36.70A.070).
2. As required by RCW 36.70A.120, all elements of the Comprehensive Plan and implementing regulations, including zoning maps, zoning regulations, and any amendments, shall be consistent with and implement the Countywide Planning Policies.
3. No substantive changes to the Countywide Planning Policies have been made in this Update. All Comprehensive Plan Revisions and Amendments reflect a careful balancing of these policies within Mason County. Mason County's 13 Countywide Planning Policies are as follows:

##### **1: URBAN GROWTH**

GMA encourages concentrating development where adequate public facilities and services exist, or can be provided within a reasonable amount of time. In conjunction with the City of Shelton, Mason County adopted County-Wide Planning Policies (CWPP), some of which deal specifically with the issue of urban growth and are designed to ensure growth can be supported by adequate public infrastructure and services.

##### **2: REDUCE SPRAWL**

GMA discourages the inappropriate conversion of undeveloped land into sprawling, low density development. Several of Mason County's CWPPs are

designed to reduce the impacts of growth, including sprawl, in areas outside of Urban Growth Areas.

**3: TRANSPORTATION**

GMA encourages development of efficient, multi-modal transportation systems that are based on regional priorities and are coordinated with county and city comprehensive plans.

**4: HOUSING**

GMA encourages the availability of affordable housing to all economic segments of the population, promotes a variety of residential densities and housing types, and encourages preservation of existing the housing stock.

**5: ECONOMIC DEVELOPMENT**

GMA encourages economic development that is consistent with adopted comprehensive plans, promotes economic opportunity for all citizens of the County, especially for unemployed and disadvantaged persons, and encourages growth in areas experiencing insufficient economic growth, all within the capacities of the County's natural resources, public services and public facilities.

**6: PROPERTY RIGHTS**

GMA states, "Property rights of landowners shall be protected from arbitrary and discriminatory actions. Further, private property shall not be taken for public use without just compensation having been made."

**7: PERMITS**

Both GMA and Mason County express that applications for land use and planning permits be processed in a timely and fair manner to ensure predictability.

**8: RESOURCE INDUSTRIES**

GMA recommends Counties maintain and enhance natural resource-based industries including productive timber, agriculture, mining, and fisheries industries, and encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

**9: OPEN SPACE**

GMA encourages the retention of open space and development of recreational opportunities. GMA further encourages conservation of fish and wildlife habitat, and increased access to natural resource lands, water and developed parks and requires mapping of open space corridors.

**10: ENVIRONMENT**

GMA strives to protect the environment and enhance the quality of life, including air and water quality, and the availability of water.

**11: CITIZEN PARTICIPATION**

GMA encourages the involvement of residents in the planning process and coordination between communities and jurisdictions to reconcile conflicts.

**12: FACILITIES/SERVICES**

GMA strives to ensure that public facilities and services necessary to support development shall be adequate to serve the development at the time of occupancy without decreasing the level of service provided.

**13: HISTORIC PRESERVATION**

GMA states that jurisdictions should, "identify and encourage the preservation of lands, sites, and structures that have historical or archeological significance".

4. The proposed Comprehensive Plan Update and Amendments identified in Ordinance XXXX, *2017 Mason County Docket of Comprehensive Plan Amendments*, will better achieve, comply with and implement the Countywide Planning Policies as follows:

- **Development Patterns and Housing:** The proposed amendments will promote well designed growth and more vibrant communities by supporting the majority of new growth into Urban Growth Areas of Allyn, Belfair and Shelton.
- **Transportation:** The proposed amendments maintain and efficient transportation system and coordination within the region by encouraging growth around arterials and transit services.
- **The Natural Environment:** The proposed amendments reduce the pressure to convert rural and resource lands by supporting the majority of new growth in Urban Growth Areas instead of into rural and resource lands.
- **Public Services, Utilities, and Facilities:** The proposed amendments ensure that adequate public services will be available for new and existing development through adoption of an updated Capital Facilities Plan and Utilities Element.

**D. CONSISTENT WITH THE RECORD**

1. The Comprehensive Plan Update and Amendments are revisions to the 2005 Comprehensive Plan consistent with the requirements of the Washington State Growth Management Act and consistent with the review and revision processes conducted by Mason County in 2005 and in 1996.
2. The majority of proposed Comprehensive Plan Updates and Amendments to individual chapters are updates to population, employment and housing data to reflect 2036 planning horizon and reflection of current public opinion. Other minor housekeeping and formatting changes are intended to:

- Address errors, omissions, inconsistencies.
- Delete outdated or inaccurate information.
- Revise text and policies to ensure internal consistency.
- Provide consistency in terminology between elements or chapters and other documents.
- Improve readability of the elements or chapters.
- Clarify policies, objectives and procedures.
- Remove objectives that have been codified since the 2005 Comprehensive Plan was adopted.
- Consolidate policies within one chapter.
- Update terminology to better align with current state and federal policy and program initiatives.
- Bring the maps up to date using current technology.

3. A summary of proposed Comprehensive Plan Updates is as follows:

MASON COUNTY COMPREHENSIVE PLAN UPDATE SUMMARY TABLE		
ELEMENT	DESCRIPTION	REVISIONS/AMENDMENTS
1	<b>Introduction – Citizen’s Guide</b>	A summary of the goals, policies and trends contained in the 20 year Comprehensive Plan
		This is a new Chapter to provide a short and clear summary of the Plan in plain language.
2	<b>Countywide Planning Policies (CWPP)</b>	Policies that ensure implementation of the Comprehensive Plan and consistency between cities and county.
		This Chapter was revised to consolidate policies, objectives and procedures and clarify the role of the Countywide Planning Policies creating a clearer hierarchy of policy language and removing and updating those objectives or procedures that had been codified.
3	<b>Land Use Element</b>	Addresses the general distribution and location, and the appropriate intensity and density of urban land uses.
		This Chapter was updated to reflect best available data for population, land use, and housing in accordance with RCW 36.70A.110 & RCW 36.70A.115. Many of the 2005 tables remain, but have been updated.
4	<b>Rural Element</b>	Addresses extent of rural lands and establishes policies to maintain rural character.
		This is a new Chapter required by RCW 36.70A.070. It provides for and establishes measures for a variety of rural densities, uses, essential public facilities, and rural governmental services while protecting rural character.
5	<b>Housing Element</b>	Identifies the mix and number of housing units necessary to accommodate projected population.
		This Chapter was updated to reflect best available data for population, land use, and housing in accordance with RCW 36.70A.110 & RCW 36.70A.115. More discussion of balanced housing options is incorporated.
6	<b>Capital Facilities Plan</b>	Inventories and projects the future need for facilities and services including a minimum 6 year financing plan.
		This Chapter was updated to reflect new inventory data for transportation, and other infrastructure, parks, schools and public buildings. New level of service standards are incorporated and the 20 year planning horizon is reflected.
7	<b>Utilities Element</b>	Inventories the existing utilities and projects the needs, capacity, and location of proposed utilities
		This Chapter is almost completely new with a lot more information available from Public Utilities and telecommunications.

MASON COUNTY COMPREHENSIVE PLAN UPDATE SUMMARY TABLE			
ELEMENT	DESCRIPTION	REVISIONS/AMENDMENTS	
8	Transportation Element	Identifies transportation needs based on growth that support the other elements of the Comprehensive Plan	This Chapter has been approved by the Board and was updated by a consultant to Mason County. The Transportation Advisory Body for the County played a lead role. Data is consistent with all other elements of the Comprehensive Plan.
9	Parks and Recreation Element	Lays the groundwork for the future of the Mason County Facilities, Parks and Trails system.	This Chapter has been approved by the Board. Data is consistent with all other elements of the Comprehensive Plan including the Capital Facilities Plan.
10	Economic Development Element	Establishes local goals, policies, objectives, and provisions for economic growth and vitality in the urban and rural areas of Mason County.	This is a completely new Chapter developed by a consultant for the Economic Development Council. Many of the goals and objectives in this Chapter are goals for the Economic Development Council, but it is consistent with Countywide Planning Policies. The objectives or procedures that would be fulfilled by Mason County or are the responsibility of the County have been listed in Chapter 2 of this Comprehensive Plan Update.
11	Health and Human Services	Establishes goals and strategies that promote a healthy living environment for the betterment of the community.	This is not a required element of the Comprehensive Plan. However, Mason County finds this chapter to be critical in supporting the Countywide Planning Policies.
12	Plan Implementation	Describes steps to put the plan into action, how this Plan is updated and amended.	This is a new Chapter designed to consolidate information about the many County rules, procedures and processes associated with the Comprehensive Plan written in plain language.
	Glossary	Updated terms consistent with State law.	This is a revised section that improves consistency in terms within Mason County Code and State law.

4. A summary of proposed Amendments or completed or proposed Development Regulation Amendments that bring Mason County Comprehensive Plan and Development Regulations into compliance with the Growth Management Act:

Land Use Amendments:

- **Padden, James – Puget Sound Evergreen (DDR2017-00074):** Following a boundary line adjustment to Parcel 12320-10-93290, this request is for a rezone of approximately 2.24 acres from Medium Density Residential (R-5) to General Commercial and Business Industrial (GC-BI). The business, Puget Sound Evergreen, owned and operated by James Padden, has been a legal non-conforming use since Belfair zoning was established in 1998 and in business for over 20 years. This rezone complies with MCC 8.52.210 stating that all legal nonconforming uses shall be encouraged to convert to a conforming use whenever possible.
- **Neil, Jeffery and Stephanie – (DDR2017-00085):** Request removal of Parcel 12329-13-00010, approximately 1 acre, from the Belfair Urban Growth Boundary and rezone it to Rural Residential (RR5) from Residential (R-4). They own the parcel immediately adjacent to this parcel that is inside the Belfair Urban Growth Area and would like to build on it. Concerns over feasibility of sewer connection in the vicinity of Irene Creek are cited as reasons for the Urban Growth Boundary adjustment and rezone request.

## Development Regulations

- Revise Belfair Urban Growth Area development regulations (MCC 17.20-17.35) consistent with best management practices for stormwater, current national transportation standards, and other best practices all consistent with goals, policies and objectives of Mason Counties Comprehensive Plan and provisions of the Washington State Growth Management Act.
- Limit non-agricultural uses to agricultural lands less suited for agricultural purposes (RCW 36.70A.177(3))
- Revise the Critical Areas Ordinance and Shoreline Master Program (MCC 8.52 and MCC 17.50) to meet current state and federal requirements. **ADOPTED**
- Ensure continued public involvement in the Comprehensive Plan including annual and emergency amendments (RCW 36.70A.130(2))
- Exclude artificial features – irrigation delivery systems, irrigation infrastructure, canals, drainage ditches – from “Fish and Wildlife Habitat Conservation Areas” (RCW 36.70A.030(5)) **ADOPTED**
- Permit electric vehicle charging stations in all zones except residential, resource or critical areas (RCW 36.70A.695)

## 5. PROCEDURAL REQUIREMENTS

1. The Mason County Comprehensive Plan Update and Amendments have addressed State Environmental Policy Act requirements for this non-project action through the completion of the DRAFT Environmental Impact Statement on September 15<sup>th</sup>, 2017, and the issuance of the Final Environmental Impact Statement on November 15, 2017.
2. The proposed Comprehensive Plan Update and Amendments constitute a Type IV decision pursuant to MCC 15.009.060.
3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this Comprehensive Plan Update and Amendments was transmitted to the Washington State Department of Commerce for distribution and review by state agencies on September 12, 2017.
4. The public participation process used in the adoption of this ordinance has complied with all applicable requirements of the Growth Management Act and the Mason County Code. The general public and various interested agencies and parties were notified of the public hearings by means of legal notices, the County website, postings and direct mail notices sent to owners and neighbors of affected properties. Notification was provided in accordance with MCC 15.07.



5. The Growth Management Act requires both a 6-year financial plan for capital facilities improvement needs and a 20-year plan for meeting these needs; the 20-year plan is necessarily more conceptual and both are combined in Mason County's Capital Facilities Element establishing level of service standards for facilities throughout the County.

The 2016-2036 Mason County Comprehensive Plan and Amendments, as identified in the Ordinance XXXXX, *the 2017 Mason County Docket of Comprehensive Plan Amendments*, is hereby approved and will be transferred to Washington State Department of Commerce with an adoption date no later than **December 31, 2017**.

DATED this \_\_\_\_ day of \_\_\_\_\_ 2017.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

ATTEST:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Kevin Shutty, Chair

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Tim Whitehead, Chief DPA

\_\_\_\_\_  
Randy Neatherlin, Commissioner

ORDINANCE NUMBER \_\_\_\_\_

**An Ordinance Adopting the 2017 Mason County Docket of Comprehensive Plan Amendments, including updates to the 2005 Mason County Comprehensive Plan, Mason County Land Use Map, and amendments to Mason County Development Regulations as required by Washington State Law.**

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AN ORDINANCE of the Mason County Board of Commissioners ("Commissioners") Adopting the 2017 Mason County Docket of Comprehensive Plan Amendments, on December 5th, 2017.

WHEREAS Mason County is required by the Growth Management Act (GMA), RCW 36.70A.130, to conduct a periodic review and update of its Comprehensive Plan and Development Regulations to ensure consistency with updated state laws and population and employment projections;

WHEREAS work on the 2016-2036 Update began in 2015, and included discussions with the City of Shelton and incorporation of their updated population and employment forecasts, as well as the discussions with Squaxin Island Tribal Nation, Skokomish Tribal Nation, the communities of Allyn and Belfair, neighboring counties, state, regional, special districts, other local partners, and the general public;

WHEREAS the Washington State Growth Management Act at RCW 36.70A.470(2) allows any interested person, including citizens, hearing examiners, staff of other agencies, and others, to request amendments to the Mason County Comprehensive Plan, Zoning Map, or suggest Comprehensive Plan policy amendments or development regulation amendments.

WHEREAS Mason County is also proposing amendments to the Comprehensive Plan and Development Regulations to meet current state and federal requirements, in addition to those proposed by citizens.

WHEREAS Mason County Code (MCC) 15.09.060 requires the County consider both the Comprehensive Plan and Development Regulation amendments together one time each year.

WHEREAS the Planning Office prepared a Comprehensive Plan Amendment report which was made available to the public, presented to the Board and Planning Commission, and finally approved by the Planning Commission October 16<sup>th</sup>, 2017.

WHEREAS the following Comprehensive Plan Amendments were transmitted to the State Office of Community Development and other agencies; and the following amendments have been included in the State Environmental Policy Act review:

<b>CITIZEN INITIATED AMENDMENTS</b>		
<b>Amendment</b>	<b>Description</b>	<b>Planning Commission Recommendation</b>
Neil Rezone	<b>Neil, Jeffery and Stephanie – (DDR2017-00085):</b> Request removal of Parcel 12329-13-00010, approximately 1 acre, from the Belfair Urban Growth Boundary and rezone it to Rural Residential (RR5) from Residential (R-4). They own the parcel immediately adjacent to this parcel that is inside the Belfair Urban Growth Area and would like to build on it. Concerns over feasibility of sewer connection in the vicinity of Irene Creek are cited as reasons for the Urban Growth Boundary adjustment and rezone request.	Do Pass
Padden Rezone	<b>Padden, James – Puget Sound Evergreen (DDR2017-00074):</b> Following a boundary line adjustment to Parcel 12320-10-93290, this request is for a rezone of approximately 2.24 acres from Medium Density Residential (R-5) to General Commercial and Business Industrial (GC-BI). The business, Puget Sound Evergreen, owned and operated by James Padden, has been a legal non-conforming use since Belfair zoning was established in 1998 and in business for over 20 years. This rezone complies with MCC 8.52.210 stating that all legal nonconforming uses shall be encouraged to convert to a conforming use whenever possible.	Do Pass
Belfair Development Regulations	Revise Belfair Urban Growth Area development regulations (MCC 17.20-17.35) consistent with best management practices for stormwater, current national transportation standards, and other best practices all consistent with goals, policies and objectives of Mason Counties Comprehensive Plan and provisions of the Washington State Growth Management Act.	Do Pass
<b>COUNTY INITIATED AMENDMENTS</b>		
<b>Amendment</b>	<b>Description</b>	<b>Planning Commission Recommendation</b>
MCC 17.04.502; 17.21.010; 8.52.061	Limit non-agricultural uses to agricultural lands less suited for agricultural purposes (RCW 36.70A.177(3))	Do Pass
MCC 15.07.030	Ensure continued public involvement in the Comprehensive Plan including annual and emergency amendments (RCW 36.70A.130(2))	Do Pass
MCC 17.03.022	Permit electric vehicle charging stations in all zones except residential, resource or critical areas (RCW 36.70A.695)	Do Pass
MASON COUNTY 2016-2036 COMPREHENSIVE PLAN UPDATE	Mason County is required to conduct a periodic update of its Comprehensive Plan under RCW 36.70A.131. The update includes: an update of population and employment forecasts; updates necessitated by changes in state law; revisions to Countywide Planning Policies; and incorporation of new public input. Each required element of the 2005 Comprehensive Plan has been updated including: land use, housing, transportation, utilities, economic development, shorelines, capital facilities, parks and recreation, and rural elements.	Do Pass with Amendment

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS:

This 2017 Mason County Docket of Comprehensive Plan Amendments, is hereby approved and will be transferred to Washington State Department of Commerce.

DATED this \_\_\_\_ day of \_\_\_\_\_ 2017.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

ATTEST:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Kevin Shutty, Chair

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Tim Whitehead, Chief DPA

\_\_\_\_\_  
Randy Neatherlin, Commissioner

**Table 1. Crosswalk - Countywide Planning Policies and Comprehensive Plan Chapter**

Comprehensive Plan Element	Development Regulations	Countywide Planning Policy	Policy Statement
Chapter 3 Land Use Element	MCC 17.07; 17.10-17.17; 17.20-17.35; 17.70	#1 URBAN GROWTH	Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
Chapter 3 Land Use Element	MCC 17.02; 17.05; 17.70; 17.90	#2 REDUCE SPRAWL	Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
Chapter 8 Transportation Element	MCC Title 12	#3 TRANSPORTATION	Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
Chapter 5 Housing Element	MCC 17.11; 17.90	#4 HOUSING	Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
Chapter 10 Economic Development	MCC 2.78; 17.07; 17.24	#5 ECONOMIC DEVELOPMENT	Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
Chapter 3 Land Use Element	MCC 17.01	#6 PROPERTY RIGHTS	Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
Chapter 3 Land Use Element and Chapter 10 Economic Development	MCC 15.05	#7 PERMITS	Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
Chapter 4 Rural Element	MCC 8.52; 17.02	#8 NATURAL RESOURCE INDUSTRIES	Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
Chapter 3 Land Use Element and Chapter 4 Rural Element	MCC 16.23; 17.07; 17.10; 17.26	#9 OPEN SPACE	Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
Chapter 3 Land Use Element and Chapter 4 Rural Element	MCC 8.52 Resource Ordinance/Shorlines	#10 ENVIRONMENT	Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
See Public Involvement Plan	MCC 15.09.060	#11 CITIZEN PARTICIPATION	Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
Chapter 7 Utilities Element	MCC Title 13, Title 6	#12 PUBLIC FACILITIES AND SERVICES	Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
Chapter 3 Land Use Element	MCC 17.40	#13 HISTORIC PRESERVATION	Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

# Mason County Comprehensive Plan Inventories & Forecasts

2016-2036 Comprehensive Plan Update

All Inventory and Forecast Maps are available on Mason County website: <https://gis.co.mason.wa.us/planning/>



GIS Data Layer	Description	Source	Date	Website/Additional Information
Critical Areas, Biology & Habitat	Shoreline Environmental Designations	Mason Co	2016	*See also Critical Areas Ordinance/Shoreline Master Program
	National Wetland Inventory	USFWS	2016	<a href="https://www.fws.gov/wetlands/Data/Data-Download.html">https://www.fws.gov/wetlands/Data/Data-Download.html</a>
	FEMA Floodplain	FEMA	2016	<a href="http://arcg.is/1uHb81">http://arcg.is/1uHb81</a>
	Geology and Earth Resources	WDNR, Mason Co.	Varies	<a href="https://www.dnr.wa.gov/programs-and-services/geology/geologic-hazards/geologic-hazard-maps">https://www.dnr.wa.gov/programs-and-services/geology/geologic-hazards/geologic-hazard-maps</a>
	Olympic National Forest	USFS	2016	
	Critical Aquifer Recharge Areas	Mason Co	2011	
	Riparian Buffers	DNR & ECY	2016	<a href="http://arcg.is/1b0G1P">http://arcg.is/1b0G1P</a>
	Priority Species and Habitat	Fish & Wildlife	Varies	<a href="http://wdfw.wa.gov/conservation/phs/">http://wdfw.wa.gov/conservation/phs/</a>
Water and Wastewater Resources	Water Courses	WDNR	2016	
	Watershed Characterization Results	Ecology	2010	<a href="http://www.ecy.wa.gov/biblio/1006014.html">http://www.ecy.wa.gov/biblio/1006014.html</a>
	Water Mitigation Map	Ecology	2017	<a href="http://www.ecy.wa.gov/programs/wr/rights/domwtravail.html">http://www.ecy.wa.gov/programs/wr/rights/domwtravail.html</a>
	Wastewater Systems	Mason Co	2016	
	Potable Water Systems	PUD 1 & Mason Co	2016	
	Critical Aquifer Recharge Areas	Mason Co	2011	
Resource Lands	Exempt Wells	Ecology	2016	<a href="http://www.ecy.wa.gov/services/gis/data/image.asp?name=wellreport">http://www.ecy.wa.gov/services/gis/data/image.asp?name=wellreport</a>
	Mineral Resource Lands	WDNR	2010	<a href="https://www.dnr.wa.gov/programs-and-services/geology/publications-and-data/gis-data-and-databases">https://www.dnr.wa.gov/programs-and-services/geology/publications-and-data/gis-data-and-databases</a>
	Long Term Commercial Forests	Mason Co	2016	
	Agricultural Lands	Mason Co	2016	
	Conservation Lands	Mason Co	2016	
Zoning & Land Use	Aquaculture	Health	2016	<a href="https://www.doh.wa.gov/DataandStatisticalReports/DataSystems/GeographicInformationSystem/DownloadableDataSets">https://www.doh.wa.gov/DataandStatisticalReports/DataSystems/GeographicInformationSystem/DownloadableDataSets</a>
	Development Areas	Mason Co	2016	4 separate layers - each UGA developed their own zoning codes etc.
	Parcels - Zoning and Land Use	Mason Co	2016	Assessors Office Records and GIS Data
	Parks and Recreation Inventory	Mason Co	2016	Includes Open Space
	Ports & Properties	Ports	2016	
	Schools & School Sites	School Districts	2016	
	Rural Activity Centers	Mason Co	2016	
	Future Land Use Map	Mason Co	2016	
Utilities	Stormwater Facilities	Mason Co	2010	
	Telecommunications Systems	PUD 3	2016	
	Mason County Pipelines	WUTC	Unknown	<a href="https://arcg.is/0DqynS">https://arcg.is/0DqynS</a>
Transportation	Updated regularly	Mason Co	2016	
	Updated regularly	WSDOT	2016	<a href="http://www.wsdot.wa.gov/mapsdata/geodatacatalog/Maps/24k/DOT_Carto">http://www.wsdot.wa.gov/mapsdata/geodatacatalog/Maps/24k/DOT_Carto</a>
	Trails	Mason Co	2015	



## MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

### Mason County Comprehensive Plan Public Comment Responses

Fall 2017

## Public Comment Summary and Responses

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### **Q. What is Mason County doing to protect water quality and quantity, including drinking water, in this Comprehensive Plan Update?**

A. All water bodies, the National Wetland Inventory, aerial photos for interpretation of delineations, and Water Mitigation Planning Areas provided by Washington State Department of Ecology, and other critical areas are mapped as part of the Mason County Planning Map Library available on the County website at:

<https://gis.co.mason.wa.us/planning/>

Mason County has 92 square miles of water bodies including streams, saltwater inlets, lakes, ponds and wetlands. Some of the major water bodies include:

- Hammersley Inlet
- Hood Canal
- Lake Cushman
- Mason Lake
- Totten Inlet

Portions of four (4) watersheds are located in Mason County including: Kennedy-Goldsborough (WIRA 14); Skokomish-Dosewallips (WIRA 16); Chehalis Basin (WIRA 22); Queets-Quinalt (WIRA 21)

#### **Flood Damage Prevention Ordinance**

The floodplain in Mason County includes the Skokomish River and Shelton Valleys, Tahuya and Union Rivers, and coastal velocity areas around Case Inlet and Hood Canal and covers over 87,000 acres. The location of floodplains and floodways in Mason County are mapped by the Federal Emergency Management Agency (FEMA). Mason County has adopted a revised Flood Damage Prevention Ordinance (MCC 14.22) in compliance with state and federal requirements as part of the Comprehensive Plan Update.

**Critical Areas Ordinance, including Shoreline Master Program**

Mason County has updated its Critical Areas Ordinance (MCC 8.52), including the Shoreline Master Program (SMP) in compliance with state and federal requirements as part of the Comprehensive Plan Update. Mason County has over 709 miles of shoreline that are protected by the Washington State Shoreline Management Act and by the Mason County Critical Areas Ordinance.

After addressing final public comment received through Washington State Department of Ecology's formal 30 day comment period, Ecology issued their formal approval of the County's updated Critical Areas Ordinance, including SMP in September 2017.

Additionally, policies in Chapter 2, Chapter 3, Land Use Element, Chapter 6, Capital Facilities Element, and Chapter 7, Utilities Element of the Mason County Comprehensive Plan support the County's efforts to protect water quality and ensure availability.

**Q. How does Mason County protect Critical Aquifer Recharge Areas?**

The Growth Management Act (GMA, Chapter 36.70A Revised Code of Washington) requires comprehensive land use planning by counties and cities. The environmental planning goal is to "protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water" (RCW 36.70A.020).

The GMA requires the designation and protection of "critical areas" to prevent harm to the community from natural hazards and to protect natural resources.

- **Natural hazards** are frequently flooded areas and geologically hazardous areas.
- **Natural resources** are wetlands, fish and wildlife habitat conservation areas, and "areas with a critical recharging effect on aquifers used for potable water," which are called Critical Aquifer Recharge Areas (CARAs).

The GMA defines CARAs as "areas with a critical recharging effect on aquifers used for potable water." The goal of establishing CARAs is to protect the functions and values of a community's drinking water by preventing pollution and maintaining supply.

Mason County, with technical assistance from Washington State Department of Ecology, has mapped critical aquifer recharge areas considered vulnerable and in need of protection, including sole source aquifers, potential sea water intrusion areas, wellhead protection areas, and areas within a half mile of surface water source limited streams. The maps are available on the Mason County website as part of the Planning Map Library.



The lands and fresh waters of Mason County meeting the critical aquifer recharge areas classification, plus three hundred feet beyond the mapped boundary of all critical aquifer recharge areas, are designated under RCW Chapter 36.70A as Critical Area Protection Zones requiring protection for public health. These areas are protected through policies and development permitting procedures as well as Mason County Code Enforcement efforts.

Mason County is in full compliance with all state and federal requirements related to protection of Critical Aquifer Recharge Areas throughout the County.

Additionally, policies in Chapter 2, Chapter 3, Land Use Element, Chapter 6, Capital Facilities Element, and Chapter 7, Utilities Element of the Mason County Comprehensive Plan support the County's efforts to protect water quality and quantity.

**Q. How did Mason County develop the population forecast and population distribution in the Comprehensive Plan Update?**

A. The Washington State Office of Financial Management provides high, medium and low population projections for counties and small areas across the state including Allyn and Belfair. These State estimates for population growth provide the foundation for Mason County's comprehensive Plan. Mason County used the medium range population projection developed by the State Office of Financial Management as required by State Law (RCW 36.70A.110 & RCW 36.70A.115).

Additionally, Mason County incorporated the City of Shelton's population forecast for both the Urban Growth Area of Shelton and the incorporated City of Shelton.

**Q. How did Mason County reach out to engage the residents and citizens in the Comprehensive Plan?**

In 2015, Mason County developed a Public Participation Plan to use when updating the Comprehensive Plan. This plan is available on the County website at:  
<http://www.co.mason.wa.us/community-services/planning/2036-comp-plan-update/index.php>

Throughout the Plan development process, Mason County has followed all requirements established in State law (RCW 36.70A) and County Code (MCC 15.07) for public participation and notification including mailings related to re-zone applications, posting notices of rezone applications, newspaper hearing notices for all public meetings, and continual posting of updates on our website and social media.

We continue to collect public input through online surveys, community “coffee talks”, outreach to homeowners’ associations, and through our website, emails, and phone conversations. Starting in summer of 2017, Mason County conducted a three question public survey to validate the concerns and issues raised since the beginning of the Comprehensive Plan Update. The County collected over 70 independent responses. The 2017 survey responses can be found on the Mason County website at: <http://www.co.mason.wa.us/community-services/planning/2036-comp-plan-update/index.php>

In summary, Mason County Planning Commission has held 44 public meetings including two joint meetings with the Board of County Commissioners and Planning Commission members. We have continually accepted public comment on all aspects of the Comprehensive Plan from the Scope to the final draft since March of 2015.

The Mason County Comprehensive Plan website as had over 400 independent views since it was first posted in April 2017 and the Planning Map Library has had over 60 views over the past month, since it was first posted in September 2017.

Lastly, the County has received 20 letters from citizens that have been compiled, addressed, are available upon request.

**MASON COUNTY  
BRIEFING ITEM SUMMARY FORM**

<b>TO: BOARD OF MASON COUNTY COMMISSIONERS</b>	
<b>FROM: Michael MacSems</b>	
<b>DEPARTMENT: DCD</b>	<b>EXT: 571</b>
<b>BRIEFING DATE: November 20th, 2017</b>	

**ITEM:** Briefing for announcement of the Winter 2018 Mason County Heritage Grant cycle on 11/20/17.

**EXECUTIVE SUMMARY: (If applicable, please include available options and potential solutions)**

RCW 36.22.170 created a surcharge on documents recorded with the County Auditor, one dollar of which is dedicated for County historic preservation purposes.

The Mason County Historic Preservation Commission wishes to channel some of these funds to organizations engaged in the collection, preservation and interpretation of Mason County's heritage. In pursuit of that goal, the Mason County established a Heritage Grant program in 2011 that provides reimbursement grants for up to \$5,000 for qualified projects and applicants. This is a reimbursement grant, so no public money is spent until contracted grant work is complete.

January 2018 marks the County's 14th HGP cycle and now is the time to get the word out to the public.

**Budget Impacts:** This grant cycle could cost the Historic Preservation (dedicated) fund as much as \$10,000. The HPC is unlikely to recommend awarding more than \$10,000 per grant cycle. This amount might need to be reduced depending on the overall needs of the Historic Preservation budget.

**RECOMMENDED OR REQUESTED ACTION:**

Staff reads the attached News Release at the December 5, 2017 BOCC meeting.

**Attachments:** New Release

**NEWS RELEASE**

**December 5, 2017**

**MASON COUNTY COMMISSIONERS**

**411 NORTH 5<sup>TH</sup> ST  
SHELTON, WA 98584  
(360) 427-9670 EXT. 419**

**TO: KMAS, KRXY, SHELTON-MASON COUNTY JOURNAL, THE OLYMPIAN, SHELTON CHAMBER OF COMMERCE, NORTH MASON CHAMBER OF COMMERCE, CITY OF SHELTON, ECONOMIC DEVELOPMENT COUNCIL, THE SUN**

**RE: Mason County Heritage Grant Cycle**

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The Mason County Commissioners and the Mason County Historic Preservation Commission are pleased to announce that applications are being accepted for the Winter 2018 Mason County Heritage Grant cycle.

On behalf of the Board of County Commissioners, the Mason County Historic Preservation Commission administers the Mason County Heritage Grant Program to assist projects that promote the public's access to County history. The program is funded with a portion of document recording fees collected by the Mason County Auditor. The allocation of these fees for projects that "promote historical preservation or historical programs, which may include preservation of historic documents" is authorized under RCW 36.22.170. The revenues accrue to a dedicated fund and may not be used for any purpose other than those stipulated in the statute.

Grants in amounts up to \$5,000 may be awarded to qualified organizations for professional development, public education, small capital projects, collections management, heritage investigations and historic preservation. This is a reimbursement grant. It is very important that organizations considering application for this grant read the grant guidelines and other details on the Mason County website:  
[http://www.co.mason.wa.us/forms/historic/grant\\_guidelines.pdf](http://www.co.mason.wa.us/forms/historic/grant_guidelines.pdf)

Grant applications are available on The Mason County website:  
<http://www.co.mason.wa.us/forms/historic/heritage-grant-application.pdf>  
Proposals can be mailed to the Mason County Historic Preservation Commission, 615 W Alder Street, Shelton, WA, and postmarked no later than January 12, 2018. Applications may also be hand delivered to 615 W Alder Street, Shelton, WA 98584, no later than 4:30 PM January 12, 2018.

Questions should be directed Michael MacSems at 427-9670 ext. 571.

**BOARD OF MASON COUNTY COMMISSIONERS**

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Kevin Shetty  
Chair

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Randy Neatherlin  
Commissioner

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Terri Jeffreys  
Commissioner

**MASON COUNTY  
BRIEFING ITEM SUMMARY FORM**

<b>TO: BOARD OF MASON COUNTY COMMISSIONERS</b>	
<b>FROM: Michael MacSems</b>	
<b>DEPARTMENT: DCD</b>	<b>EXT: 571</b>
<b>BRIEFING DATE: November 20, 2017</b> Previous briefing (none)	

**ITEM:** Approval to add the Jarrell's Cove Cemetery on Harstine Island, to the Mason County Historic Registry.

**EXECUTIVE SUMMARY: (If applicable, please include available options and potential solutions)**

In September 2017 Sandy Murphy of the Harstine Island Community Club applied to Mason County to add the Jarrell's Cove Cemetery to the Mason County Historic Registry. The cemetery was established by Philura Jarrell in 1897. The cemetery has been in continuous use since then and members of several early pioneer families are buried here.

As required under Chapter 17.40 of the Mason County Code, during their November 2017 meeting, the Mason County Historic Preservation Commission held a public hearing to consider the nomination of the Jarrell's Cove Cemetery to the Mason County Historic Register. After considering all of the information provided, the Historic Preservation Commission finds that the cemetery meets the Mason County Historic Registry criteria as an historic site due to its age and the connection to local persons of historical significances, and hereby forwards the nomination to the Mason County Board of Commissioners for final adoption.

**BUDGET IMPACTS:** No budget impacts.

**RECOMMENDED OR REQUESTED ACTION:** Acceptance and certification by the Mason County Board of Commissioners of the Pioneer Cemetery to the Mason County Historic Register as an Action Agenda item at your December 5<sup>th</sup>, 2017 meeting.

**ATTACHMENTS:** Mason County Historic Register Approval and Certification Form, and Application. There is also a binder of historical documents associated with this application that I can provide as a series of PDFs upon request (mms@co.mason.wa.us).

## MASON COUNTY HISTORIC REGISTER APPROVAL

Historic Property: Jarrell's Cove Cemetery

Address: No Address - E North Island Drive, Shelton, WA 98584

Tax Parcel Nos. 22126-43-60030

### MASON COUNTY HISTORIC PRESERVATION COMMISSION RECOMMENDATION

As required under Chapter 17.40 of the Mason County Code, the Mason County Historic Preservation Commission held a public hearing on December 5, 2017, to consider the request for nomination of the above property to the Mason County Historic Register. It is the recommendation of the Historic Preservation Commission that this building meets the Mason County Historic Register criteria.

\_\_\_\_\_  
Chair, MC Historic Preservation Commission

\_\_\_\_\_  
Date

### MASON COUNTY CERTIFICATION

I hereby certify that the above referenced property is:

entered in the Mason County Historic Register

determined eligible for the Mason County Historic Register

determined not eligible for the Mason County Historic Register

removed from the Mason County Historic Register

other

\_\_\_\_\_  
Chair, Mason County Board of Commissioners

\_\_\_\_\_  
Date of Action

## Mason County Historic Register

**A) Identification:**

Property: Jarrell's Cove Cemetery

Address: None

City: (Harstine Island) Shelton, Mason County, WA

**B) Site Access:**

From Harstine Island bridge continue on the island .5 mile to a stop sign. Turn north (left) on E. North Island Drive and travel 2.8 miles. There will be a gravel road on your right. Turn onto the gravel and drive a short distance to the cemetery.

**C) Property Owner(s):** *Mason County*

Easement to Harstine Social Club (Harstine Island Community Club). Easement #243034 June 9, 1969. Copy attached. PO Box 1635 Shelton, WA 98585

Original Warranty Deed from Mrs. Philura Jarrell (a widow) of Mason County, Washington to John Wingert and all residents of Hartstein Island of said county. No. 9348 dated February 19, 1897, recorded February 24, 1897. Volume 5 of Deeds page 198-199, copy attached.

**D) Applicant:** Harstine Island Community Club (HICC), Historian

Sandy Murphy

101 E. Tamarack Lane

Shelton, WA 98584

360-427-1327 [Twobeachbums101@aol.com](mailto:Twobeachbums101@aol.com)

**E. Legal Boundary Description & Boundary Justification:**

Tax Parcel No. 22126-43-60030

One half acre of land situated in Lot 1 Section 26, Township 21 North of Range 2 west, W.M. on what is known as the Robert Jarrell homestead the same as to used exclusively by the public as a public burial ground. \* Additional Track of Land Aug. 18, 1971, Additional Track September 8, 1975

**F. Category of property:**

Cemetery/Burial Site

**G. Areas of Significance:**

9. Local Significance to the history of Harstine Island

**H. Property Description: Site map**

2007 Topozone Map and 4360030 showing physical location

**Significance Summary:**

"Robert and Philura Jarrell were the first white people on the island, Philura being the only white woman for the first fifteen years. Their home was located at the head of Jarrell's Cove, which was named after them. Their dwelling was covered with ivy and was constructed in the era of the Civil War, around 1860. Its dimensions were sixteen by twenty feet. Excerpt from The Island Remembers page 60.

The island was homesteaded by people of the Scandinavians decent. They found a land much like their homeland, where they could farm, gather from the surrounding waters local clams, oysters and fish. Many made their living by logging, as did Robert Jarrell, who in April 1894, was buried on land just back of his house.

"At the time his wife Philura, the first white woman on Harstine, erected a monument, and she planted four small fir trees around the grave. The trees are now 150 feet (in 1967), the monument very quaint. Mrs. Jarrell died on Good Friday in 1913, and was buried on Easter Sunday that year.



The late Jake Wingert of Harstine Island had the name of Mrs. Jarrells placed on the monument she had erected for her husband.

The Jarrells came to Harstine in January 1877 from Mukilteo, WA where they lived a short time, having come out Vermont. Mr. Jarrells was a logger. They had no heirs, but somehow the property was deeded or established as the present day Harstine cemetery."

Excerpt: from the Harstine Island Cemeteries in 1967 by Elizabeth McElroy Allison, the granddaughter of settler F. McElroy who in 1858 acquired one hundred sixty-acre tract, at the Big Maples, through government grants. She was also a journalist for Mason County Journal during the 1960's featuring news from Harstine Island.

"Down a narrow road near the end of Jarrell's Cove is located this small cemetery. It looks nothing like an urban memorial park. its early hand dug graves are not in straight rows, the markers are of all kinds and descriptions and a few of the shrubs and trees are a bit overgrown. Some of the graves are decorated with shoes of the deceased, as was the custom of the Scandinavian people who first settled Harstine Island. Although not manicured, it does look kept its sparkling flag pole, sitting bench and the Memorial Garden with its low fence with tucked away in the northwest corner opposite the "Infant Harbor". In springtime the 100 some rhododendrons are in bloom-it is truly beautiful! These lovely plants were donated by Jim Bowers in the 1970's in memory of his wife Edith and were planted by Grangers Al & Frances Bacon and Huldur & Bill Ashby.

Burials have taken place continuously over the years although some years none have occurred. In the early years one would see men, dressed in their finest, headed for a service at the cemetery with a shovel to participate in the completion of the burial!

The road to the cemetery used to run through the school yard next door. At Easter time the teacher often hid colored eggs among the tombstones for the children's egg hunt. It was a good place for playing "hide-and-seek" as well! In 1971, after the Scott family donated some additional land from their adjoining property, a new access road was built from North Island Drive, the county road. In recent years the road has had a crushed gravel surface laid down and a turn-around provided at the lower end of the parking-lot. This and other improvement work has been accomplished from the Cemetery Fund.

The care of individual graves has been left to the families of the deceased, with general care being done by islanders. This has been particularly true since the 1970s when Joe Lalande, Sid Baunsgard, Ervie Wingert, Tom Tierney, Bill Ashby, Al Bacon and other

citizens made the concerted effort to upgrade the cemetery. It was cleaned up, surveyed, a fence built and the Memorial Garden established for cremated remains. From this group and their successors have made the few decisions necessary for the operation of the cemetery, oversee the yearly cleanup just prior to Memorial Day and the general ongoing records. They perform other services such as meeting with the surviving to stake the graves for the deceased and keep the cemetery records. Though an autonomous volunteer group, they generally include members of most of the organization(s) on the island and have a long association with the island themselves.

The Harstine Island Community Club helps promote the annual cemetery cleanup and helps collect donations and memorials which are held in a trust account, The Cemetery Fund, for maintenance and improvements. These organizations provide a valued public service.

There are hundreds of similar cemeteries in Washington State, perhaps forty in Mason County alone. One of these is at Ballow elsewhere on Harstine Island and is owned by Mason County. This particular cemetery is maintained by the Harstine Island Grange (disbanded in 2014) and has some of the island's earliest settlers along with recent burials. Many of the pioneer cemeteries have been lost in the underbrush although some are taken care of by individuals or groups as these two on the island.

The Jarrell's Cove Cemetery has functioned well over 100 years (currently 120 years). It is a community facility of which all can be proud. Hopefully with continued support it can continue to provide a final resting place for the residents of Harstine Island upon their demise in future years."

Excerpts taken from "The Jarrell's Cove Cemetery History" by Gerri Waite Lewis 1998. A framed copy can be found on the wall of the Community Hall.

**P) Documentation**

1. Warranty Deed No. 9348 (Vol. 5 of Deeds page 198) from Philura Jarrell to Jacob Wingert and **all residents of Hartstein Island Feb. 19, 1897**
2. #12236 page 591 Hans & Louise Qvamme (?) and School Board Directors of School district No. 32. March 3, 1902
3. Warranty Deed #30746 page 434 W. F. Cootsch and trustees of Harstine Social Club June 22, 1915 Warranty Deed #30747 page 435 Andrew Johnson and trustees of Harstine Social Club June 22, 1915

4. Quit-Claim Deed Reel 58 Frame 296 Quit-Claim Deed Harstine School District District #302 to Harstine Island Social Club, Inc. A non exclusive easement ingress and egress over a tract of land conveyed to J.H. Haskell and others by others by deed dated March 3, 1902 and recorded in Vol. 7 of Deeds, page 591
5. Quit-Claim Deed Reel 84 Frame 324 Phyllis Scott Anderson and Ralph E. Scott dated August 23, 1971. It is the intent of the undersigned that this tract and the tract cited above as Auditor's File No. 262752 be used as stated in a Warranty Deed dated February 19, 1897, recorded in Auditors Volume 5 of Deeds, page 198, by the grantor Philura Jarrell that **the land be used exclusively by the public as a public burying ground.** Attached Real Estate Excise Tax showing the tax exemption is claimed a gift and donation September 1975
6. Henry Haskell Quit-Claim Deed Reel 84 Frame 323 August 24, 1971; attached letter to Mr. Haskell referring to a "Quit-Claim deed to that portion of the old cemetery road that run through your property, since the new road has been Cleared and graded" Philip Chapman Cemetery Road Committee, Harstine Grange No.568 dated October 1973
7. Letter to Pioneer School Board, Quit-Claim Deed "to the old cemetery road through the Harstine school property confirming our intention of abandoning the road in favor of the new road in exchange for \$250.00" Philip A. Chapman Cemetery Road Committee, Harstine Grange #568 dated October 8, 1973
8. Quit-Claim Deed No. 3017930 Reel #139 Frame 448 & 449 dated September 8, 1975 from Phyllis Scott Anderson for 1.08 acre "stated in a Warranty Deed dated 19, 1897, and recorded in Auditor's Volume 5 of Deeds, page 198, by the grantor Philara Jarrell, **that the land be used exclusively by the public as a public burying ground.**
9. Guidelines & Rules (Jarrell's Cove Cemetery")
10. Cemetery Board Responsibilities
11. Proposal Regarding the Services of Memorial Lunches (this has evolved into Memorial Receptions provided by the Harstine island Women's Club)
12. Letter box: Letter to the Editor from Bill Bergeson Wrangell, Alaska with additions to the June 17, 1971 to the Visitor's Guide regarding the cemetery
13. A list of "All those who have died on (or from) the Island since 1917", written by Marie Jacobson is Swedish." **Will provide the original for your viewing but need it back for our own records. I'm unable to copy without damaging the fragile list.**

14. Old plot map, **again will provide the original for your viewing but need it back for our records.**
15. Real Property Track 3 of SE1/4 .80 acre from 8/05/1985 to Chg. DT 7/28/1999
16. Email from attorney Ted Woodward to HICC Board Attorney Dudley Panchot regarding, to qualify as tax exempt status, we must file Form 1023, in order to qualify with IRS.
17. "The Island Remembers A History of Harstine Island and Its People" by Beulah Hitchcock and Helen Wingert, copyright 1979.
18. Conversations with Esther A Personal History of Harstine Island" by Esther Goetsch - As told to John Erickson, Copyright 1998. **Again will lend you my copy but will need it back.**
19. Hartstene Island Cemetery a list of graves starting at Row I-VI: up to 1984
20. Harstine Island Cemetery by Jan Dishon 5/21/2013
21. Veterans buried in Jarrell Cove Cemetary as of January 27, 2008
22. Jarrell's Cove Cemetery article, written for the 2018 Harstine Islander Newsletter

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**Applicant Signature:** Aandy Murphy

**Owner Signature (if different):** Harstine Island - Jarrells Cove Cemetery

**Date Submitted:** September 8, 2017

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**For Office Use Only:**

**Date Application Received by County:** 9/8/17

**Public Hearing Date:** 11/9/17

**County Action Taken:**

**Historic Preservation Commission:** Approved

**Board of County Commission:** \_\_\_\_\_

**MASON COUNTY  
BRIEFING ITEM SUMMARY FORM**

<b>TO:</b> BOARD OF MASON COUNTY COMMISSIONERS	
<b>FROM:</b> Paula Reeves	
<b>DEPARTMENT:</b> Planning	<b>EXT:</b> 286
<b>BRIEFING DATE:</b> November 20 <sup>th</sup> , 2017	
<b>PREVIOUS BRIEFING DATES:</b> July 24 <sup>th</sup> , 2017 and August 14 <sup>th</sup> , 2017	

**ITEM:**  
**Public Benefit Rating System**

**Background:**

A Public Benefit Rating System (PBRs) offers an incentive to preserve open space on private property in Mason County by providing a tax reduction. A participating property is assessed at a "current use" value, which is lower than the "highest and best use" assessment value that would otherwise apply to the property.

The State Open Tax Act (84.34 RCW) authorizes counties to establish a Public Benefit Rating System (PBRs) for the purpose of encouraging preservation of specified open space resources by providing a tax incentive for private land owners within their jurisdictions. This Act was originally established by the State Legislature in 1986 and updated in 1993 to institute additional rules.

A section of the state law is included in this briefing to provide additional information and direction. **At this time, Mason County does not have a Public Benefit Rating System.**

***RCW 84.34.055***

***Open space priorities—Open space plan and public benefit rating system.***

(1)(a) The county legislative authority may direct the county planning commission to set open space priorities and adopt, after a public hearing, an open space plan and public benefit rating system for the county. The plan shall consist of criteria for determining eligibility of lands, the process for establishing a public benefit rating system, and an assessed valuation schedule. The assessed valuation schedule shall be developed by the county assessor and shall be a percentage of market value based upon the public benefit rating system. The open space plan, the public benefit rating system, and the assessed valuations schedule shall not be effective until approved by the county legislative authority after at least one public hearing: PROVIDED, That any county which has complied with the procedural requisites of chapter 393, Laws of 1985, prior to July 28, 1985, need not repeat those procedures in order to adopt an open space plan pursuant to chapter 393, Laws of 1985.

(b) County legislative authorities, in open space plans, public benefit rating systems, and assessed valuation schedules, shall give priority consideration to lands used for buffers that are planted with or primarily contain native vegetation.

(c) "Priority consideration" as used in this section may include, but is not limited to, establishing classification eligibility and maintenance criteria for buffers meeting the requirements of (b) of this subsection.

(d) County legislative authorities shall meet the requirements of (b) of this subsection no later than **July 1, 2006**, unless buffers already receive priority consideration in the existing open space plans, public benefit rating systems, and assessed valuation schedules.

(2) In adopting an open space plan, recognized sources shall be used unless the county does its own survey of important open space priorities or features, or both. Recognized sources include but are not limited to the natural heritage database; the state office of historic preservation; the recreation and conservation office inventory of dry accretion beach and shoreline features; state, national, county, or city registers of historic places; the shoreline master program; or studies by the parks and recreation commission and by the departments of fish and wildlife and natural resources. Features and sites may be verified by an outside expert in the field and approved by the appropriate state or local agency to be sent to the county legislative authority for final approval as open space.

(3) When the county open space plan is adopted, owners of open space lands then classified under this chapter shall be notified in the same manner as is provided in RCW [84.40.045](#) of their new assessed value. These lands may be removed from classification, upon request of owner, without penalty within thirty days of notification of value.

(4) The open space plan and public benefit rating system under this section may be adopted for taxes payable in 1986 and thereafter.

**Additional Cost to the County:** Small administrative cost and reduced property taxes for participating properties

**RECOMMENDED ACTION:** After review, conduct hearing for the BOCC to adopt an ordinance implementing a Public Benefit Rating System.

**ATTACHMENT(S):** Mason County Public Benefit Rating System

## Chapter 3.25 – Mason County Public Benefit Rating System

### Sections:

- 3.25.010 - Purpose and intent.
- 3.25.020 - Definitions.
- 3.25.030 - Operation of the county public benefit rating system.
- 3.25.035 - Eligibility of high, medium and low priority and bonus public benefit resources.
- 3.25.040 - Ineligible lands.
- 3.25.050 - Assessed valuation schedule—Public benefit rating system.
- 3.25.060 – Outreach to Eligible Landowners
- 3.25.070 - Basis of assessment.
- 3.25.080 - Application to the county under the public benefit rating system.
- 3.25.090 - Application fees.
- 3.25.100 - Time to file.
- 3.25.110 - Application review.
- 3.25.120 - Board decision.
- 3.25.130 - Unincorporated lands.
- 3.25.140 - Incorporated lands.
- ~~3.25.150 – Length of time in classification.~~
- 3.25.160 - Monitoring for compliance.
- 3.25.170 - Removal of land classification by county assessor.
- 3.25.180 - When removal of land is not subject to additional tax, interest, and penalties.
- 3.25.190 - Transfer of lands between certain current use taxation classifications.
- 3.25.200 - Owner may request withdrawal from classification.
- 3.25.210 - Action on withdrawal from classification.
- 3.25.220 - Owner to notify assessor of change in use in classification.
- 3.25.230 - Sale of open space classified land.
- 3.40.240 - Review of previously approved open space applications.
- 3.25.250 – Duties of the Planning Commission.
- 3.25.260 - Severability.

### 3.25.010 - Purpose and intent.

- A. Purpose. It is in the best interest of the county to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural, historic and cultural resources and scenic beauty for the economic and social well-being of the county and its citizens. Additionally, it is in the county's interest to provide incentives that encourage the retention of open space in compliance with Growth Management Act principles.
- B. Intent. It is the intent of this chapter to implement Revised Code of Washington (RCW) RCW, as amended, by establishing procedures, rules, and fees for the consideration of applications made by land owners for public benefit rating system assessed valuation on "open space land" as defined in RCW 84.34.020(1) and (8). The provisions of Chapter 84.34 RCW, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter.



### 3.25.020 - Definitions.

For the purposes of this chapter, unless otherwise required by the context, words and phrases shall have the following meaning:

- (1) "Assessor" means the Mason County assessor or his or her designated representative.
- (2) "Board" means the board of county commissioners of Mason County.
- (3) "County" means Mason County, state of Washington.
- (4) "Open space land" means any land area so designated by the Mason County comprehensive land use plan adopted by the County and zoned accordingly, or any land area, the preservation of which in its present use would
  - (i) conserve and enhance natural or scenic resources, or
  - (ii) protect streams or water supply, or
  - (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or
  - (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or
  - (v) enhance recreation opportunities, or
  - (vi) preserve historic sites, or
  - (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or
  - (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or any land meeting the definition of farm and agricultural conservation land in RCW 8.34.
- (5) "Planning Commission" means the Mason County Planning Advisory Commission.
- (6) "Public Benefit" means any activity or activities that accomplish a public purpose and/or provide for a community's social, economic, and cultural well-being, public health, and safety.
- (7) "Rural Lands" means those areas outside of the designated Resource Lands and Urban Growth Areas.
- (8) "Timberland" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timberland means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.
- (9) "Urban Areas" are those designated in Urban Growth areas around the incorporated area of Shelton and the two unincorporated areas of Allyn and Belfair as well as those areas defined as Limited Areas of More Intense Rural Developments (LAMRIDs) consistent with RCW 36.70A.

### 3.25.030 - Operation of the county public benefit rating system.

To be eligible for open space classification under the county's public benefit rating system, property must contain one (1) or more open space resource listed below as defined in MCC Section 3.25.035 of this Chapter. These resources are defined in this chapter and ranked as high, medium or low priority open space resources. High priority open space resources receive five (5) points each, medium priority open

space resources receive three (3) points each, and low priority open space resources receive one (1) point each. Properties can receive a maximum of thirty (30) points from no more than six (6) open space priority resources. In addition, bonus points and super bonus points may be awarded pursuant to this chapter and a property can achieve a maximum of fifty-seven (57) points through the rating system and the bonus system. Portions of property may also qualify for open space designation.

- A. **High priority open space resources.** Five (5) points each:
  - 1. Public recreation area.
  - 2. Resource and rural agricultural lands;
  - 3. Trail linkages and recreational corridors;
  - 4. Rural forest lands/woodlots;
  - 5. Natural shoreline environments;
  - 6. Significant fish and wildlife habitat conservation areas, aquifer protection areas, special plant sites, and category "I" or "II" wetlands as defined in MCC 8.52.110;
  - 7. Historic landmarks/archeological sites;
  - 8. Private lands within designated national reserves;
- B. **Medium priority open space resources.** Three (3) points each:
  - 1. Conservancy shoreline environments;
  - 2. Flood hazard buffer areas;
  - 3. Geologic hazard buffer areas;
  - 4. Scenic natural resources, viewpoints, and view corridors;
  - 5. Urban growth area open space;
  - 6. Category "III" or "IV" wetlands.
- C. **Low priority open space resources.** One (1) point each:
  - (1) Exempt and artificial wetlands.
- D. **Bonus system.** Properties qualifying in the specific high, medium, or low priority open space resource categories may receive up to twenty-seven (27) bonus points if the following additional qualifications are met:
  - 1. Community priority—Five (5) points.
  - 2. Voluntary resource or critical area restoration—Five (5) points.
  - 3. Water quality buffer—One (1), three (3), or five (5) points.
  - 4. Contiguous parcels under separate ownership—Three (3) points per contiguous parcel.
  - 5. Conservation/historic/trail easement in perpetuity—Five (5) points.
- E. **Bonus public access points.**
  - 1. Unlimited public access—Five (5) points.
  - 2. Limited public access—Sensitive area—Five (5) points.
  - 3. Privately owned tidelands access—Five (5) points.
  - 4. Limited public access—Three (3) points.
- F. Properties with at least one (1) high priority open space resource and which allow unlimited public access, or limited public access if due to resource sensitivity, and which convey a

conservation, historic, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at ten (10) percent of market value.

3.25.035 – Eligibility of high, medium and low priority and bonus public benefit resources.

- A. **Public recreation area** means property which is currently devoted to providing active or passive non-motorized recreation use or which complements or substitutes for government facilities. The facility must be open to the public and, if charging a use fee, that fee shall be no higher than the fee charged by a like public facility and the facility must provide recreation or other services to youth, senior citizens, the handicapped, or similar groups. An eligible site is that identified by an appropriate parks department as meeting the definition of an active or passive recreation area.

Eligible examples include:

1. Sports fields on private property that are open to the public;
2. Golf courses open to the public with fees comparable to local public golf courses and which adhere to best management PRACTICES (as determined by Mason County Planning and Community Development). Annual monitoring reports are required;
3. A community garden; and
4. Other recreational uses determined to be consistent with the definition of active or passive recreation areas as determined by the Mason County Parks Department.

Ineligible examples include:

5. Properties with public or private trails: These are covered under the privately owned trails resource;
6. Recreational vehicle park portions of sites and related improvements to the land, including parking;
7. Golf courses which do not adhere to best management practices or charge a fee not comparable to public golf courses; and
8. Indoor recreation centers, gambling establishments, arcades, fun centers, etc.

- B. **Resource and rural agricultural lands** means Land primarily devoted to the current non-commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has significance for agricultural production. Or, land that has been traditionally in or is still capable of production for the above and which could be returned to productive commercial agriculture. Eligible sites are those that are currently not enrolled in existing current use assessment programs and meet any of the following criteria:

1. Lands of at least five (5) acres which are on prime or unique soils as identified in the data source; or
2. Lands of at least five (5) acres which meet the definition of resource and rural agricultural lands above; or
3. Lands that have been traditionally in or is still capable of production of the above as demonstrated by sales receipts, income tax statements, or other materials which the county accepts as proof that farming once occurred on the property and that the property could be returned to productive commercial agriculture.

- C. **Trail linkages and recreational corridors** means privately owned trails and corridors that are publicly accessible and used for hiking, biking, walking, horseback riding, and jogging. The trails may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one (1) destination point to another. Streets, roads, and highways with widened shoulders or bike lanes are not included in this category. Eligible lands must be used as a public trail or corridor that remains in private ownership. Public access on the trail from a public road or public trail is required.
- D. **Rural forest lands/woodlots** means rural forest lands/woodlots shall mean any parcel of land that is greater than two (2) acres but less than five (5) acres which is devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time application is made for classification as timber land pursuant to this chapter. Eligible sites are those that are currently not enrolled in existing current use assessment programs and meet the definition for forestlands/woodlots, above.
- E. **"Natural" shoreline environment** means a marine, lake, or river shoreline and its "associated wetlands" designated "natural" in the Shoreline Management Master Program for the county. Eligible lands are those identified as natural shoreline environments and their associated wetlands in the adopted shoreline master plan governing the area in which the shoreline is located. Eligible land must be adjacent to the water. To qualify there must be no structures or buildings within 200 feet upland from the ordinary high water mark (OHWM); this area is within the shoreline jurisdiction, and is based on the Shoreline Master Program; and there must be no structures within 200 feet from the edge of an associated wetland boundary. If there is a bluff, any buildings must be at least 200 feet back from the edge of the bluff in a "natural" shoreline environment. Eligibility for this resource category cannot overlap with the "conservancy shoreline environment" category or other wetland categories of the public benefit rating system.
- F. **Significant fish and wildlife habitat conservation areas, aquifer recharge areas, species and habitats of local importance, category I and II wetlands and special plant sites.**
1. Significant fish and wildlife habitat conservation areas means areas identified as being of critical importance to the maintenance of fish and wildlife species including areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; streams; commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; state natural area preserves, and state natural resource conservation; or
  2. Aquifer recharge areas means the undisturbed area beyond that required by an applicable regulation that has a plant community in which native plants are dominant adjacent to a groundwater-bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water to wells or springs consistent with WAC 173-100 and MCC 8.52. Eligible sites are those where the buffer is a least fifty percent wider than the buffer required by any applicable regulation and longer than twenty (20) feet. The quality of the buffer area must be preserved from clearing and intrusion by domestic animals and protected from grazing or the use by livestock;
  3. Species and habitats of local importance means areas containing vascular plant species as identified and listed in the Natural Heritage Program as being either endangered, threatened, or sensitive and areas identified in the Natural Heritage Program as high quality ecosystems and consistent with MCC 8.52. Eligible sites include:
    - a. The species or habitat is native to the county;
    - b. Locally declining populations that are in danger of extirpation;
    - c. Sensitivity to habitat manipulation; and
    - d. Commercial, game, other special value.

- e. A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.
  - f. Streams, provided that the stream buffer is at least twice the size of that required under MCC 8.52. Buffer averaging shall not be used;
  - g. Commercial and recreational shellfish areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under MCC 8.52. Buffer averaging shall not be used;
4. Kelp and eelgrass beds; herring and smelt spawning areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under MCC 8.52. Buffer averaging shall not be used;
  5. State natural area preserves and natural resource conservation areas;
  6. Sites listed in the Natural Heritage Database as containing endangered, threatened, or sensitive vascular plant species or high quality ecosystems, or which are verified by an expert in the field as containing the same plants or communities and which are acceptable by the state agency for addition to the database. A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.
  7. Category I and II wetlands means wetlands that are classified category "I" or "II" by MCC 8.52.110.
  8. Special plant sites means sites where preservation, restoration or enhancement of native plant communities is maintained subject to an approved management plan. Eligible sites have a primary association with federally- or state-listed endangered, threatened, or sensitive species of fish or wildlife, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.

Items 1. through 8. listed above require protection through easements, or voluntary buffers in those cases where buffers are not established through MCC 8.52 and, in certain cases, shall require preparation and submittal of a biological site assessment or habitat management plan. The BSA or HMP shall provide a description of the fish and wildlife habitat conservation area, the location of the protected features, the location of buffers and a description of efforts to protect the fish and wildlife habitat conservation area, or a description of restoration efforts in those instances where the critical area has been damaged.

- G. **Historic landmarks/archaeological sites** means lands which constitute or upon which is situated an historic landmark formally designated by the county or a local jurisdiction, including buildings, structures or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites and landscapes, or traditional cultural properties and landscapes. Eligible properties must be listed on the county or other local list or register of historic places or landmarks for which there is local regulatory protection. Eligible properties include contributing properties within designated historic districts. Improvements to the land are not eligible for other federal or state tax credits. Additionally, land that has been verified through an archaeological report prepared by a qualified archaeologist that contains archaeological resources. The county will review and make determinations on eligibility.
- H. **Private lands within designated National Reserves or long term commercial forests** means officially designated areas under private ownership located within National Reserves or long term commercial forests that remain undeveloped and are maintained to protect the

landscape of the reserve. Eligible lands are privately owned parcels five (5) acres or greater in size, that remain undeveloped and are maintained to protect the landscape of the reserve.

- I. **"Conservancy" shoreline environment** means marine and lake shoreline and associated wetlands designated as "conservancy environment" in an adopted shoreline management master plan. Conservancy shoreline areas are intended to preserve their existing character. The area must consist of native vegetation. Eligible sites must be identified as "conservancy shoreline environment" in an adopted shoreline master plan. The property must not be in another shoreline category of the PBRs. The area to be considered eligible is a maximum of 200 feet upland from the ordinary high water mark, within the 100-year floodplain, or the edge of the associated wetland, whichever is greater. To qualify there must be no structures or buildings within 150 feet upland from the ordinary high water mark (OHWM); this area is within the shoreline jurisdiction, and is based on the shoreline master plan; and there must be no structures within 150 feet from the edge of an associated wetland. If there is a bluff, any buildings must be at least 150 feet back from the edge of the bluff in a "conservancy" shoreline environment. Eligibility under this resource category cannot overlap with the "natural shoreline environment" category or other wetland categories of the PBRs.
- J. **Flood Hazard Areas Buffers** means land buffering a floodplain within the county subject to a one (1) percent or greater chance of flooding in any given year consistent with MCC 14.22. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands. Eligible sites are those buffer areas located adjacent to or in the immediate vicinity of and which provide at least two (2) times the additional buffer width beyond that required by regulation for areas located within a 100-year floodplain as identified on the FEMA flood insurance program maps.
- K. **Geologic hazard area buffers** means land buffering areas not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns due to their susceptibility to sliding or other slope failures, erosion, earthquake, or other geologic events. Eligible sites are those areas of undisturbed vegetation located adjacent to or in the immediate vicinity of geologically hazardous areas and which provide at least two (2) times the additional buffer/setback width beyond that required by regulation for areas indicated in the Washington Department of Ecology's Coastal Zone Atlas; USDA Mason County Soil Survey; or areas with slopes forty (40) percent or greater and with a vertical relief of ten (10) feet or more, except areas of consolidated rock.
- L. **Scenic natural resources, viewpoints, and view corridors** means areas of ten (10) or more acres of natural features which is visually significant to the aesthetic character of the county or contains features which otherwise qualifies as a historic landmark or archaeological site. No lands that have been subject to commercial logging or mineral extraction within twenty-five (25) years of the date of the open space classification application are eligible under the public benefit rating system. Eligible sites must be significant to the identity of the local area and be visible to a significant number of the general public from public rights-of-way. Such lands must be of sufficient size to substantially preserve the scenic resource value and must be at least ten (10) acres in size.
  - 1. **Viewpoint** means property that provides a view of an area which is visually significant to the aesthetic character of the county and which provides unlimited public access identified by a permanent sign readily visible from a road or other public right-of-way. Eligible sites must provide a view of a scenic natural resource in the county or other visually significant areas and must provide for unlimited public access.
  - 2. **View corridor** means an area of adjoining parcels which individually may be less than one (1) acre but which, when combined, total at least one (1) acre and create a view corridor critical to maintaining a view of a scenic resource area or other visually significant area.
- M. **Urban growth area open space** means five (5) or more acres of land, open to the public, and located within the boundaries of an urban growth area designated by the county. For purposes

of this definition, land shall be considered open to the public if it qualifies for receiving any points for public access under the public access section of this open space taxation program.

N. **Category "III" and "IV" wetlands means** wetlands classified as category "III" or "IV" consistent with MCC 8.52.

O. **Bonus system.** Additional point values may be applied for the following eligible lands:

1. **Public priority** means land containing one (1) or more of the following community natural lands priorities of county residents:
  - a. Critical aquifer recharge areas which materially protect watersheds for drinking water sources and supply;
  - b. Significant undisturbed natural communities and ecosystems; or
  - c. Natural shoreline systems, including lagoons, saltwater tidal flats, marshes and accretion beaches that serve a diversity of ecological functions.
2. **Voluntary resource or critical area restoration** means restoration of any high, medium or low open space resource defined above. Emphasis shall be placed on restoration of anadromous fish-rearing habitat, wildlife and plant habitat areas, and upland, stream, and wetland habitats. Eligible sites are those that qualify for (A) through (N) resource classification as defined in this Section. The property owner must have an implemented restoration plan developed in cooperation with, or approved by appropriate federal, state, county, or local agency.
3. **Water quality buffer areas** means an undisturbed zone of native growth vegetation adjacent to a lake, pond, stream, wetland, or marine waters of a sufficient buffer width, but no less than fifty (50) feet that will contribute to the protection of water quality in a surface water body. Bonus points are awarded for a streamside or wetland buffer width of at least one and a half (1½) that required by the applicable local critical areas ordinance or for a streamside or wetland buffer, of no less than fifty (50) feet, in agricultural lands otherwise exempted from buffering requirements. The buffer width is measured upland from the ordinary high water mark or the outer edge of a regulated wetland. The buffer does not include the body of water waterward of the ordinary high water mark or the wetland itself. Sites qualifying under the "water quality buffer area" or shorelines classifications would receive additional points through the provision of additional buffer which is preserved from clearing and from livestock intrusion. All such lands in or adjacent to pasture land must be fenced to prevent intrusion by domesticated animals. Eligibility requires property use and access restriction beyond those specified in the critical areas ordinance or other surface water protection regulations. The bonus points are awarded as follows:
  - a. One and a half (1½) times additional buffer width beyond that required by regulation—One (1) point.
  - b. Two (2) times additional buffer width beyond that required by regulation—Three (3) points.
  - c. Three (3) times additional buffer width beyond that required by regulation—Five (5) points.
  - d. At least seventy-five (75) feet of buffer width in agricultural lands otherwise exempted from buffering requirements—Five (5) points.
4. **Contiguous parcels under separate ownership means** contiguous parcels of land with the same open space resources are eligible for treatment as a single parcel if open space classification is sought under the same application. "Contiguous parcels" are defined as parcels abutting each other or abutting a publicly owned open space without any significant manmade barrier that materially restricts the free movement of wildlife or interferes with the visual continuity between the two (2) or more properties. Treatment as contiguous parcels shall include the requirement to pay only a single application fee. The

total area of all parcels combined must equal or exceed any required minimum (rather than each parcel being required to meet such minimums). This contiguous parcel bonus must be accepted by all the applicants within the configuration under identical terms and conditions of access, easements, and restrictions. Individual parcels may be withdrawn from open space classification consistent with all applicable rules and regulations without affecting the continued eligibility of all other parcels accepted under the same application, provided that the combined area of the parcels remaining in open space classification must equal or exceed any minimum size requirement established in the PBRS and that access to the remaining parcels is not affected. Contiguous parcels must meet the following conditions:

- a. The application must include two (2) or more parcels;
  - b. Each parcel included in the application must contain qualifying open space resources as defined by the public benefit rating system;
  - c. The owner(s) of parcels included in the application must agree to such terms and conditions for inclusion in the program that are consistent with the open space resource of the property.
5. **Conservation/historic easement in perpetuity** means an easement that restricts in perpetuity, further potential development, or other uses of a property, and which may include a requirement for native growth protection. Eligible lands are those that qualify for any high, medium or low open space resource classification. The conservation/historic easement will be in a form, and with such conditions, as are acceptable to the county.
6. **Public access** means access to the county's open space lands by the general public should be encouraged for all lands unless it is determined that such access would damage or endanger the resource. Property owners who allow access to the property, beyond that which is otherwise required by the open space resource category, should be afforded consideration in the level of tax reduction they receive depending on the level of access allowed and the conditions under which access is permitted. Properties shall be awarded additional points to the extent that such public access is available to the open space site, to a maximum of five (5) points. For open space resource categories which either contain public access requirements in the definition or eligibility criteria, no public access bonus points shall be awarded.

**Signage.** For properties allowing public access and receiving access points under [subsections] a. and d. above, the county shall furnish and maintain, at its own expense, signage according to county specifications which designates the property as part of the open space taxation program and states the conditions of access.

**Accessibility.** For properties allowing access and being considered for receiving access points under [subsections] a. through c. above, no points will be allowed if the property is not reasonably accessible. Off-road parking may be required where necessary to provide safe vehicular or pedestrian access. The property owner may, at their own expense and without any deduction in the number of access points awarded, limit access to the property to a reasonable number of locations through the use of fences, berms or other access barriers. Such physical barriers must be approved by the appropriate agency in advance, so as not to defeat the purpose of a resource category - for instance restricting wildlife in a wildlife corridor or construction of a visually incompatible fence near an historic resource.

**Limitations on access and use.** Reasonable limitations on access and use of properties may be imposed without a deduction in the number of access points a property receives. For example, prohibiting access before a reasonable time in the morning and after a reasonable time in the evening, prohibiting the use of any motorized or wheeled vehicles (except those required by disabled persons), prohibiting the use of the property for any kind of social gathering, prohibiting the consumption of any alcoholic beverages on the property, prohibiting the use of the property for picnics, etc. are all examples of reasonable



limitations on the use of the property by the public which would likely not result in a reduction of points received by the property in the public access category. All such restrictions must be included in such documents or easements that establish the property as eligible for current use taxation.

The applicant shall specify the type of access that will be available in the application. Access points shall be awarded on the following scale:

- a. Unlimited public access means year-round access to the general public is allowed without special arrangement with the property owner.
- b. Limited public access/sensitive area means access may be reasonably limited due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed must generally be for an educational, scientific, or research purpose and available through special arrangements with the owner.
- c. Privately owned tidelands access means public access to tidelands and such portions of the upland property necessary to provide access to the water line. Eligibility for public access points requires that the property is able to provide public access to the tidelands from a public right-of-way. Entry points and uses may be posted so that it does not detract from the resource.
- d. Limited public access means access to the public is allowed, with or without special arrangements with the property owner, for any period of less than the full year, or access is available to any and all of the general public during any period of the year upon special arrangements with the owner or upon the payment of a use fee that may not exceed twice the cost for members of the organization utilizing the facility.

#### 3.25.040 - Ineligible lands.

The following properties shall not be eligible for open space classification:

- A. Properties less than five (5) acres in size unless otherwise specified herein.
- B. Properties that do not contain an open space resource identified as either high, medium, or low priority.
- C. Open space areas required by zoning or other land use regulation, unless the owner provides additional public benefit, such as additional public access, resource restoration, or a native growth protection easement. Ineligible lands include open space areas dedicated under zoning or subdivision conditions or which are used to achieve maximum development potential under zoning.
- D. Buffer areas required as part of a development, subdivision, zoning, or other regulatory requirement are not eligible as a surface water quality buffer area priority open space resource, unless other conditions beyond those required by regulation are imposed.
- E. Properties with outstanding code violations as tracked and reported by the county.

#### 3.25.050 - Assessed valuation schedule—Public benefit rating system.

The public benefit rating system for open space land bases the level of assessed fair market value reduction on the total number of awarded points. The market value reduction establishes the current use value. This current use value will be expressed as a percentage of market value based on the public benefit rating of the property and the valuation schedule below:

Public Benefit Rating Points	Current Use Value
(0—4 points)	100% of assessed value
(5—9 points)	80% of assessed value
(10—14 points)	70% of assessed value
(15—19 points)	60% of assessed value
(20—24 points)	50% of assessed value
(25—29 points)	40% of assessed value
(30—34 points)	30% of assessed value
(35—39 points)	20% of assessed value
(40—52 points)	10% of assessed value

\*Note: Bonus points are available for a total of 57 points maximum not to exceed 10% of assessed value.

#### 3.25.060 – Outreach to Eligible Landowners

The Planning Department shall undertake an outreach effort to actively encourage participation by eligible landowners in obtaining open space classification under the Mason County Public Benefit Rating System, with emphasis on public recreation access, farm and agricultural conservation lands, rural stewardship, aquifer protection areas, trails and recreational corridors, natural shoreline environments, and historic and cultural preservation. This outreach must include, among other elements, communication with community groups, civic organizations, volunteer associations, and similar organizations to:

- A. highlight the benefits of the program;
- B. seek participation by qualifying landowners;
- C. seek communications with local media outlets; and
- D. Seek participation in workshops by stakeholders.

#### 3.25.070 - Basis of assessment.

In determining the market value reduction of a tax lot comprised of property qualifying for a current use assessment as an open space priority resource with non-open space land areas, the open space current use value is applicable to only that portion of the lot containing one (1) or more of the priority open space resources defined in this chapter, except in the case of public access and parcels with an approved rural stewardship plan. For each priority resource, the county will determine the appropriate land area that receives credit for a particular priority resource and accompanying tax reduction. ~~Those portions of a tax lot qualifying for a current use tax assessment shall be assigned separate assessor tax lot numbers for tax purposes only and shall not be construed to be a division of land.~~

3.25.080 - Application to the county under the public benefit rating system.

An owner of open space land desiring assessed valuation under the public benefit rating system shall make application to the Board of County Commissioners by filing an application with the County Planning Department. The application shall be upon forms supplied by the county and shall include such information deemed reasonably necessary to properly classify an area of land under Chapter 84.34 RCW.

3.25.090 - Application fees.

- A. Each application for current use open space taxation as defined in RCW 84.34.020, must include an application fee as established in the most current Mason County Permit Fee Schedule. Upon adoption, application fees shall be set at ~~two-five~~ hundred (~~2500~~) dollars.
- B. If an application is filed to add farm and agricultural conservation land, forest stewardship land, resource restoration or rural stewardship land to a parcel that is already enrolled in the Public ~~B~~enefit ~~R~~ating ~~S~~ystem, no fee shall be charged for the application.
- C. In the case of all farm and agricultural land applications, whether the application is based on land within or outside of an incorporated area, the entire fee shall be collected and retained by the county. In the case of open space or timber land applications based on land in an incorporated area, where the city legislative authority has set no filing fee, the county fee shall govern and the entire fee shall be collected and retained by the county. Where the city legislative authority has established a filing fee, the fee established consistent with Section A of this section shall be collected by the county from the applicant and the county shall pay the city one-half of the fee collected.

3.25.100 - Time to file.

Applications shall be made to Mason County by December 31 of the calendar year preceding the year in which such classification is to begin. Actual tax reduction will not be recognized until one (1) year after the classification of the property has been made.

3.25.110 - Application review.

- A. Applications under the public benefit rating system shall be reviewed by the county and approved directly by the Board of Mason County Commissioners. By Chapter 84.34 RCW such applications are exempt from the comprehensive plan annual review amendment cycle and are SEPA exempt.
- B. In determining whether an application made for open space current use taxation status should be approved or disapproved, pursuant to RCW 84.34.020 and this chapter, the county shall consider whether or not preservation of the current use of the land, when balanced against the resulting revenue loss or tax shift from granting the application under the provisions of this chapter will:
  - 1. Conserve or enhance natural, cultural or scenic resources;
  - 2. Protect streams, stream corridors, wetlands, natural shorelines, and aquifers;
  - 3. Protect soil resources and unique or critical wildlife and native plant habitat;
  - 4. Promote conservation principles by example or by offering educational opportunities;
  - 5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries or other open spaces;

6. Enhance recreation opportunities;
7. Preserve historic and archeological sites; or
8. Affect any other factors relevant in weighing benefits to the general welfare or preserving the current use of the property as delineated in this chapter.

#### 3.25.120 - Board decision.

The Board of County Commissioners shall consider an application to the public benefit rating system as defined by RCW 84.34.037. They shall approve the application, with or without terms and/or conditions, and set the public benefit rating for assessment abatement, or deny the application. In so doing the following provisions will apply:

- A. They shall rate the land applying for classification according to the public benefit rating system;
- B. They may approve the application with respect to only part of the land that is the subject of the application;
- C. If any part of the application is denied or conditions attached the applicant may withdraw the entire application.

#### 3.25.130 - Unincorporated lands.

In all unincorporated areas, the Board of County Commissioners shall act as the granting authority for applications for classification as open space land.

#### 3.25.140 - Incorporated lands.

Applications for open space classification of land in an incorporated area shall be acted upon by a determining authority composed of the three (3) members of the Board of County Commissioners and three (3) members of the city legislative body in which the land is located (RCW 84.34.037). Where the county legislative body concurs with a recommendation of the city council to accept or reject an application for open space classification, such council's recommendation will be adopted as the decision of the determining authority.

#### ~~3.25.150 - Length of time in classification.~~

~~Once land has been classified as an open space resource land under the public benefit rating system, it shall not be applied to any other use for a period of not less than ten (10) years. The land shall continue in classification after the ten-year period until the owner makes a request for withdrawal or until the use of the land has changed or it has been sold and the new owner has not signed a notice of continuance.~~

#### 3.25.15060 - Monitoring for compliance.

- A. Monitoring of lands for continuing eligibility for current use assessment as open space lands shall include an affidavit, to be submitted annually by the landowner, of continuing compliance with the terms and conditions under which open space classification was granted and the current

uses of the property. The requisite form and contents of the affidavit required for monitoring shall be described more fully in the county guidelines implementing this chapter. The failure of the owner to submit the affidavit of compliance shall be grounds for the county to reevaluate the property under the PBRS.

- B. The Planning Department shall monitor the property to determine the continuing compliance with all of the conditions under which open space classification was granted and the current uses of the property. Where the Planning Department determines that the land is no longer being used for the purpose for which the classification was granted or there has been a change in use, it will report its findings within thirty (30) days to the county assessor.

3.25.~~170~~160 - Removal of land classification by county assessor.

- A. Classified land may be removed from the public benefit rating system classification if it is no longer used for the purpose for which classification was granted or for any other classified use within the current use program. The assessor may determine, after giving the owner written notice and an opportunity to respond, that the land classified as open space is no longer primarily devoted to and used for the purposes for which it was granted classification.
- B. When land is removed from classification an additional tax, applicable interest, and penalties are due unless the removal meets one (1) of the exceptions listed in this chapter. The owner may appeal the removal of classification to the Hearings Examiner consistent with MCC 15.11.020.

3.25.~~180~~170 - When removal of land is not subject to additional tax, interest, and penalties.

Removal of land is not subject to additional tax, interest, and penalties in the following instances:

- A. Land is transferred to a government entity in exchange for other land located in the State of Washington;
- B. Land is taken by power of eminent domain or transferred in anticipation of the exercise of such power;
- C. Land is sold or transferred within two (2) years of the death of the owner of at least fifty-percent interest in the land;
- D. A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of an act of the landowner which changes the use of such property;
- E. Official action by the state, county or city disallows the present use of such land;
- F. The land is transferred to a church, such that the land would qualify for a property tax exemption;
- G. Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purpose of protecting, preserving, maintaining, improving, restoring, limiting the future use of, or otherwise conserving, selected open space land as defined in Chapter 84.34 RCW for public use and enjoyment.

3.25.~~190~~180 - Transfer of lands between certain current use taxation classifications.

Land reclassified between the following current use assessment resource categories pursuant to RCW 84.34.070 are not considered withdrawals and are not subject to the additional tax interest and penalties:

- A. Reclassification between farm and agricultural lands and timber lands;
- B. Reclassification of farm and agricultural lands or timber lands to open space lands;

- C. Reclassification of farm and agricultural lands or timber lands to forest land classified under Chapter 84.33 RCW; and
- D. Reclassification from open space designated farm and agricultural conservation land under RCW 84.34.020(1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land.

An application fee must be paid at the time the application is submitted consistent with Section 3.25.090 of this chapter. If the type of transfer is not listed in this section, it is considered to be a new application for which the applicable fees will be applied.

3.25.~~200~~190 - Owner may request withdrawal from classification.

- A. After eight (8) years of the initial ten-year period has passed, the landowner may request that all or part of his/her land be withdrawn from the classification. The landowner must submit the request to withdraw classification to the assessor at least two (2) years prior to the date upon which it is to be removed from the current use assessment classification. The request to withdraw classification may be revoked at any time until the land is withdrawn from classification.
- B. If a portion of a parcel is removed from classification the remaining portion must meet the same requirements, as did the entire parcel when the land was originally granted classification. Following withdrawal from classification, future valuation of such land as open space resource property under the public benefit rating system is contingent upon reapplication and approval under this chapter.

3.25.~~210~~200 - Action on withdrawal from classification.

Upon receipt of a request for withdrawal, the assessor shall notify the legislative authority that originally approved the application, and after one (1) year from the date of the withdrawal request, the assessor shall withdraw the land from classification. The land which is removed shall be subject to a tax equal to the difference between the amount of tax paid under the open space classification and the tax at true and fair value for seven (7) years last past, plus the statutory interest rate charged on delinquent property taxes.

3.25.~~220~~210 - Owner to notify assessor of change in use in classification.

If an owner changes the use of the classified land, the owner must notify the county assessor of the change within sixty (60) days. The assessor shall then impose an additional tax equal to the difference between the tax paid on current use value and the tax that would have been paid on that land had it not been so classified, payable for the seven (7) years last past, plus interest on this additional tax at the same rate as charged on delinquent property taxes, plus a penalty of twenty (20) percent of the total amount.

3.25.~~230~~220 - Sale of open space classified land.

When classified open space land is sold, the seller or transferor becomes liable at the time of sale for the additional tax, interest, and penalty of all or a portion of classified lands, unless the new owner signs the notice of continuance which is attached to or shown on the excise tax affidavit. ~~The county auditor shall~~

~~not accept an instrument of conveyance on any classified land unless the notice of continuance has been signed or the additional tax has been paid.~~

3.40.~~240~~230 - Review of previously approved open space applications.

- A. Upon adoption of a public benefit rating system, the Planning Department shall review and re-rate the existing open space land current use assessment program parcels according to the public benefit rating system in determining whether to recommend that an application be approved or denied.
- B. Owners of property classified under the existing open space land current use assessment program shall be notified of their new assessed value in the same manner as provided in RCW 84.40.045. These lands may be removed from classification under the existing open space land assessment program, without payment of penalties, back taxes, and interest, upon request of the owner, within thirty (30) days of notification of their newly determined value under the public benefit rating system.
- C. Property which does not qualify under the public benefit rating system and whose owner chooses not to remove the property from the open space land current use assessment program shall be rated according to the public benefit rating system (RCW 84.34.037[3]).

3.25.~~250~~240 – Duties of the Planning Commission.

The Planning Commission shall review participation in the public benefit rating system when the first additional 1,000 acres have been approved for open space classification under the county's current use assessment program or, after the first two (2) years after adoption of this chapter, whichever occurs sooner, and thereafter once every two (2) years. The planning commission shall make written recommendation to the Board of County Commissioners on the following matters:

- A. The fundamental elements of the public benefit rating system, including such as the assessed valuation schedule and the other PBRS procedures defined in this chapter, open space resource definitions, etc.; and
- B. The overall administrative process, including such issues as staffing, outreach to prospective applicants, application form and application processing, monitoring, etc.; and
- C. The public benefit of the open space designated properties, the magnitude of the tax shift resulting from the designated properties and recommendations for expanding or restricting the program.

3.25.~~260~~250 - Severability.

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

November 20, 2017

**SUBJECT: 6-Year Transportation Improvement Program – TIP-CAP Review and Recommendations**

Dear Board of Mason County Commissioners,

TIP-CAP reviewed the proposed 6-year TIP for years 2018-2023 and offer recommendations for your consideration in this letter. Resolution No. 53-14 sets forth TIP-CAP's goal "... to make transportation improvement investment recommendations ... that strive to balance community priorities, county future land-use planning, safety and financial constraints". We have done our best to provide that balance in our recommendations to you.

Director Hauth also recently asked us to consider what important projects should be added to the TIP and challenged us to think "what is possible" if there are no revenue constraints. This will increase the chances for project funding when grant opportunities are advertised and paint a better picture of the true unfunded need. We are just beginning this work and it will be incorporated in next year's 6-Year TIP.

TIP-CAP voted on November 8, 2017 to recommend approval of a **revised 2018 Annual Construction Program and 6 – Year TIP for years 2018 – 2023 (attached)**. Our proposed revisions are summarized below.

- **Projects were not added or removed from the list** but we have discussed adding more projects in the future. We plan to engage the community early next year to help develop an expanded list. Please look for larger program recommendations for the 2019-2024 TIP that will provide a better picture of transportation needs in our community.
- The work to study potential Belfair Connector locations should be complete in early 2018 along with selecting the preferred connector location(s). **We recommend dropping the word "study" and renaming the project to "Belfair Connector(s)".**
- **We recommend accelerating the schedule for the Belfair Connector(s) project.** We believe preliminary engineering dollars should be programmed at least by 2020 in order to coordinate with WSDOT's Belfair By-Pass design schedule.
- **We also recommend accelerating the schedule for the Belfair Area Sidewalks.** It is our understanding that Public Works has applied for grant funding twice but been unsuccessful. This is a relatively low-cost, high benefit project that in our opinion can be solely funded with local dollars. We understand there is strong Belfair community support for this project.
- There was some discussion about accelerating the Allyn Access, Circulation and ROW project schedule but we left it as proposed. However, **we expect Public Works to present their findings in 2018 on the legal considerations and anticipated cost to establish rights-of-way for Wheelright, Wade and Masterson streets in Allyn.**



- **We recommend the following adjustments to account for accelerating the two Belfair project schedules:**

1. Apply any realized 2017 savings to pay for the Old Belfair sidewalk in 2018.
2. Push a portion of the planned preliminary engineering (PE) expenditures for the Trails Road Alternate into 2021 to offset accelerating PE for the Belfair Connector(s).
3. Additionally, we recommend any other realized project savings be set aside in the future roads line item of Public Works' budget.

Our final recommendation deals with the projected revenue shortfall around year 2020. It appears to us there are insufficient funds to carry out even a minimal level of planned construction. We think it is important to improve transportation connectivity with new roads. We also think it is important to plan for projects that do not even appear on the list such as fish barrier removal, bridge replacement, intersection safety, and bike/pedestrian safety projects. To do this, we need to plan for adequate funding.

We considered ways to either increase revenue or decrease expenditures in other areas of Public Works (for example administration, engineering, operation and maintenance) in order to carry out a more aggressive construction program. We used a survey to help discuss and formulate preferred options. While not all of us participated in the survey, it is also attached for you to see what was considered.

We respectfully request the Board strongly consider eliminating the diversion for traffic operations and offset the reduction to the Sheriff's office by asking voters to approve an optional 0.3 percent "Public Safety" sales tax. We believe it is easier to sell public safety than roads, and taxpayers may be more supportive of a tax that is specifically for public safety the criminal justice system.

We thank you for the opportunity to share our recommendations and welcome any questions you may have.

Sincerely,

Jack Johnson, Chair  
Mike Oliver  
Don Pogreba

Jeff Carey, Co-Chair  
Phil Wolff

Mark Carlson  
MaryJo Cady

## Question 1

Public Works anticipates several projects on the 6-Year TIP will not be able to proceed unless there are increases in revenue and/or spending reductions in other areas. Should a project proceed if it means significant spending and level of service reductions in other program areas?

Answered: 4  
Skipped: 0

Yes, if the reduction is for a short period of time.	3
No	1

## Question 2

Should a project proceed if paid for solely with local funds (your property tax - road fund levy)?

Answered: 4  
Skipped: 0

Yes, if it is a fairly low-cost project that brings great benefit or the county will miss an important opportunity.	3
Yes.	1

## Question 3

Rank the following 7 projects in priority order (1 the top priority and 7 the lowest priority).

Answered: 4  
Skipped: 0

- 1 Belfair Connector(s)
- 2 Cady Creek Culvert
- 3 Trails Road Alternate
- 4 Matlock-Brady Road
- 5 North Island Drive Culvert
- 6 Old Belfair Highway Sidewalk
- 7 Wheelwright, Wade and Masterson ROW

## Question 4

Should any of the projects on the list from Question 3 be removed? If yes, which project(s)?

Answered: 2  
Skipped: 2

2 Responded "No"

## Question 5

Should any projects be added to the list from Question 3? If yes, which project(s)?

Answered: 2  
Skipped: 2

2 Responded "No" and "None at this time"

## Question 6

What revenue strategy should Public Works and the Commissioners follow to be sure your top projects are delivered? (1 being the best strategy and 6 being the worst strategy.)

Answered: 4  
Skipped: 0

- 1 Make sure the county is using SEPA mitigation or other tools to ensure new development is paying their share of transportation impacts.
- 2 Reduce the Road Fund diversion for traffic law enforcement. *(2 and 3 tied)*
- 3 Take the highest lawful road levy every year. *(2 and 3 tied)*
- 4 Sell surplus Road Fund assets (for example, unused property).
- 5 Put to vote a new tax. *(5 and 6 tied)*
- 6 Add a \$20 per vehicle license fee (no voter approval required). *(5 and 6 tied)*

## Question 7

If you are asked to vote on how to increase transportation spending, which approach would you vote for? (Choose one.)

Answered: 3  
Skipped: 1

- |   |   |
|---|---|
| Optional 0.3 Percent Public Safety Tax AND reduce Road Fund diversion for traffic policing. | 3 |
| Local Option Motor Vehicle Fuel Tax   | 1 |

## Question 8

Should your property tax, road fund levy, go towards planning, designing, acquiring right-of-way, and/or building roads that serve new development? (Select the answer that best fits how you feel.)

Answered: 4  
Skipped: 0

Yes, a small amount should go towards planning where future roads should go, what standard they should be built to and perhaps even partnering on certain projects. 3

No. 1

## Question 9

What savings or expenditure reduction strategy should Public Works and the Commissioners follow to be sure your top projects are delivered? (1 being the best strategy and 6 the worst.)

Answered: 4  
Skipped: 0

- 1 If possible, try to extend debt repayment schedule for the Public Works facility.
- 2 Building improvements should be delayed.
- 3 Try to balance reductions across all program areas.
- 4 New equipment should not be purchased.
- 5 Evaluate labor costs for possible reductions.
- 6 The maintenance program should be reduced.



Mason County Support Services Department  
411 North 5<sup>th</sup> Street  
Shelton, WA 98584  
360.427.9670 ext. 419

Budget Management  
Commissioner Administration  
Emergency Management  
Facilities, Parks & Trails  
Human Resources  
Information Services  
Labor Relations  
Risk Management

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## MASON COUNTY COMMISSIONER BRIEFING ITEMS FROM SUPPORT SERVICES November 20, 2017

- **Specific Items for Review**

- Advisory Board applicants (looking for direction – interview and/or appoint):
  - Three applicants to the Lodging Tax Advisory Board - Stephanie Rowland, spender; Nathan Welch and Greg Oldham, generators. If Board chooses to appoint, must be a spender and generator.
  - Two applicants to the Civil Service – Danielle Skeeters-Lindsey; Mathew Davis
  - Timberland Regional Library Board of Trustees – Brenda Hirschi
- Final 2017 budget amendments – need to set hearing for December 19. Amendments include, but not limited to, additional revenue to Clerk's office; budget authority for refinancing LTGO bonds; Veterans Assistance Fund adjustment; additional REET 2 funding to Belfair Sewer

- **Commissioner Discussion**

**MASON COUNTY  
AGENDA ITEM SUMMARY FORM**

<b>TO: BOARD OF MASON COUNTY COMMISSIONERS</b>	
<b>From: Chief Kevin Hanson</b>	<b>Action Agenda</b> __ __ <b>Public Hearing</b> ____ <b>Other</b> _____
<b>DEPARTMENT: Jail</b>	<b>EXT:</b> _____
<b>COMMISSION MEETING DATE: November 21<sup>st</sup>, 2017</b>	<b>Agenda Item #</b> (Commissioner staff to complete)

<b>BRIEFING DATE: November 20, 2017</b>
<b>BRIEFING PRESENTED BY: Chief Hanson</b>
<b>[ ] ITEM WAS NOT PREVIOUSLY BRIEFED WITH THE BOARD</b> <b>Please provide explanation of urgency:</b>

**ITEM:** Approval for the Board to sign the Interlocal Agreement between Mason County and Lewis County allowing Mason County Jail to utilize Lewis County Jail to hold Mason County offenders. The daily bed rate will be \$63.39.

**BACKGROUND:** This is a continuing agreement between Mason County and Lewis County. However, there is a revision for a slight 5% increase to the daily bed rate. The 2016 daily bed rate was \$60.38. After the increase, the daily bed rate will be \$63.39.

This agreement will allow the Mason County Sheriff to outsource in cases involving exigent circumstances. Exigent circumstances could include; an unexpected, uncontrolled, and emergent inmate population surge or a planned or unplanned physical building problem which result in unsafe working conditions for staff or unsafe living conditions for inmates.

**RECOMMENDED ACTION:** Move to approve the Interlocal Agreement between Mason County and Lewis County allowing Mason County Jail to utilize Lewis County Jail to hold Mason County offenders. The daily bed rate will be \$63.39.

**ATTACHMENT(S):** Interlocal Agreement for Use of Jail Facilities

## INTERLOCAL AGREEMENT FOR USE OF JAIL FACILITIES

THIS AGREEMENT is made and entered into by and between LEWIS COUNTY, a political subdivision of the State of Washington (hereinafter "County"), and MASON COUNTY (hereinafter "Contract Agency").

### RECITALS

WHEREAS, the County is authorized by law to operate a jail for misdemeanants and felons and the Contract Agency is authorized by law to operate a jail for misdemeanants and felons;

WHEREAS, the Contracting Agency wishes to designate the County jail as a place of confinement for the incarceration of one or more inmates lawfully committed to the Contract Agency's custody;

WHEREAS, the County is amenable to accepting and keeping inmates received from the Contract Agency in the County's custody at its jail for a rate of compensation mutually agreed to herein;

WHEREAS, RCW 39.34.080 and other Washington laws authorize any public agency to contract with another public agency to perform services and activities that each such public agency is authorized by law to perform; and

WHEREAS, the County and Contract Agency have considered the anticipated costs of incarceration services and potential revenues to fund such services and determined it is in each of their best interests to enter into this Agreement as authorized and provided for by RCW 39.34.080 and other Washington law.

### AGREEMENT

For and in consideration of the conditions, covenants and agreements contained herein the parties agree as follows:

**1. PURPOSE:** It is the purpose of this Agreement to provide for the use by the Contract Agency of the County's jail facilities and services at the County's jail located at the Lewis County Jail, 28 SW Chehalis Avenue, Chehalis, Washington 98532-1900.

**2. MAILING AND CONTACT ADDRESS:** All written notices, reports and correspondence required or allowed by this Agreement shall be sent to the following:

County:	Lewis County Jail Attention: Chris Sweet 28 SW Chehalis Ave. Chehalis, WA 98532-1900 Facsimile: (360) 740-1463 Telephone Number: (360) 740-2714
---------	--

Contract Agency: Mason County Sheriff's Office  
Attn: Kevin Hanson  
322 North 3<sup>rd</sup> St  
Shelton, WA. 98584  
Facsimile: (360) 427-9197  
Telephone Number: (360) 427-9670 ext. 372, ext. 377

for medical. Healthcare delivery systems Shannon Young 360 791-7133, 360 742-6882.

### **3. AVAILABILITY OF JAIL FACILITIES:**

Subject to the County's rights with respect to certain inmates set forth in Sections 8 and 9 herein, the County will accept and keep inmates at the request of the Contract Agency, unless the facility is declared at or near capacity by court order, or in the sole discretion of the County, its inmate population is at capacity or so near capacity that there is a risk that the reasonable operational capacity limits of the County's jail might be reached or exceeded if the County does not begin to refuse or request removal of inmates.

### **4. COMPENSATION FROM CONTRACT AGENCY:**

(a) Daily Rate. In return for the County's housing of an inmate of the Contract Agency, the Contract Agency shall pay the County sixty-three dollars and thirty-nine cents (\$63.39) for every calendar day said inmate is in the custody of the County. Any portion of the day over four hours will be billed as one calendar day. Such time period shall be measured from the time said inmate is transferred to the custody of the County and ends when the Contract Agency resumes custody.

(c) Other Costs. The Contract Agency shall also pay such other costs to the County or third parties as set forth herein, including but not limited to any medical costs required by Section 5.

(d) Billing.

- 1) Daily Rate: The County will bill the Contracting Agency on the 15th day of each month for all amounts due to the County under this Agreement for the services rendered in the prior calendar month. Payment shall be due from the Contract Agency by the 15th day of the following month. Account balances overdue 30 days or more will be subject to a service charge of 1% per month (12% per annum). Should it become necessary, the Contract Agency will pay all collection costs associated with late payments.



(e) Booking Fee. The Contract Agency will reimburse the County \$30 for each booking conducted by the County where the inmate's stay does not exceed 4 hours.

(f) Classification. (e) Classification. Upon mutual agreement between the County's Jail Administrator and the Contract Agency's Jail Administrator, the County will agree to house inmates classified as high needs. High Needs inmates are defined as inmates requiring special housing or additional resources to ensure care and custody of the offender. If approved, the Contract Agency shall pay the County in accordance with section 4 of the Agreement for Use of Jail Facilities at a rate of ninety dollars (\$90.00) per day said inmate is in the custody of the County after the point of agreement. If not approved, the inmate will be returned on the next transport day. Nothing in this addendum section is intended to modify the County's right to refuse/return an inmate.

(g) Annual Review.

The County and Contract Agency agree to meet by June 1st each year to review operations specific to the agreement. The parties agree to meet more frequently to discuss operational issues if necessary.

(h) Addendum. The choice of either daily rate or flat rate, and the number of beds contracted for, shall be included as an addendum to this contract.

## **5. MEDICAL COSTS AND TREATMENT:**

(a) Services Provided.

Upon transfer of custody to the County, the County will provide or arrange for the Contract Agency's inmates to receive necessary medical, psychiatric and dental services to safeguard their health while confined, in accordance with RCW 70.48.130 and other applicable law, as now in effect or hereinafter amended, and the policies and rules of the County jail. The County agrees to notify the Contract agency within 3 hours of any emergency medical, dental or psychiatric services necessary for a Contract Agency inmate.

The County agrees to accept, utilize, dispense and account for prescription medication from the Contract Agency for Contract Agency inmates; unless new information such as a change in condition, development of side effects, etc... are brought to the attention of the County's contracted medical provider. Changes in medication are allowed, in the event the County's contracted medical provider deems it is in the inmate's best interest to change medications. The County agrees to return unused prescription medications belonging to Contract Agency inmates when inmates are returned to the Contract Agency. The County agrees to use the DOC Formulary whenever possible when it prescribes medications to Contract Agency inmates.

The County and Contract Agency agree to collaboratively provide continuity of care for medical cases involving the following issues: pregnancy, abortions, acquired immune deficiency syndrome (AIDS), psychiatric medications, and tuberculosis patients. The County agrees to not prescribe sleep aid medication to Contract Agency inmates except for in extreme situations wherein lack of sleep is causing health problems for the inmate or others.

(b) Cost Responsibility. The Contract Agency shall be responsible for the cost of all medication prescribed for its inmates. The Contract Agency shall also be responsible for all costs associated with the delivery of medical, psychiatric and dental services provided to an inmate that are not available from the health care program within the County jail and for all emergency medical services, wherever provided. These costs shall be paid directly to the provider or as a reimbursement to the County, as directed by the County.

(c) Notice. Except in situations deemed an emergency by the County, the County shall notify the Contract Agency's contact person in writing, by mail or facsimile, prior to transfer of a Contract Agency's inmate to a medical, dental or psychiatric provider outside of the County jail or to a hospital for medical, psychiatric or dental services.

(d) Pre-Confinement Consents or Refusals. If a Contract Agency inmate has received or refused any medical, psychiatric or dental treatment from the Contract Agency before confinement in the County jail, the Contract Agency shall provide to the County all written verification of any authorization of or refusal to authorize care or treatment for such inmate(s).

(e) Return for Medical Services. Nothing herein shall preclude the Contract Agency from retaking custody of an ill or injured inmate by picking such inmate up for transfer at the County jail; provided, in situations the County deems that an inmate requires emergency medical care, the County shall have the right to arrange for emergency medical services (at the Contract Agency's expense) notwithstanding a request from the Contract Agency to retake custody of the inmate.

(f) Records. The County shall keep records of all medical, psychiatric or dental services it provides to an inmate. Upon resumption of custody by the Contract Agency and in accordance with WAC 289-20-250, the Contract Agency shall receive a copy or summary of the medical, psychiatric or dental records held by the County for an inmate of the Contract Agency. Lewis County and the contract medical provider for Lewis County will comply with all requirements under the Health Insurance Portability and Accountability Act (HIPAA)."

## **6. TRANSPORTATION OF CONTRACT PRISONERS:**

(a) Regular Transport. The County agrees to perform, at no additional charge, Three (3) round-trip transports per calendar week of inmates to and from the County jail and the Thurston County Jail, Thurston County, Washington. The County shall have sole discretion to set the day and time of such transport.

(c) Additional Transport with Costs. For additional transports by the County, required by court order or made at the Contract Agency's request, the Contract Agency shall reimburse the County for staffing and fuel costs associated with such transport; such transports shall be approved by the Contract Agency prior to the transport.

## **7. TRANSFER OF CUSTODY:**

(a) Commencement of Custody by County. The Contract Agency's inmates shall be deemed transferred to the custody of the County when Corrections Officers from the Lewis County Sheriff's Office take physical control of an inmate. The County will not take such control of an inmate until the Contract Agency has delivered copies of all inmate records pertaining to the inmate's incarceration by the Contract Agency or its agent, including a copy or summary of each inmate's medical records held by the Contract Agency or its agent. If the County requests additional information, the parties shall mutually cooperate to obtain such information. In the absence of documentation and information satisfactory to the County, the receiving officer may refuse to accept the Contract Agency's inmate for confinement. County shall not take custody of or assume control of or responsibility for any property of the inmate, except for such property that the County allows inmates to keep in their cell. The Contract Agency's officers delivering an inmate to the transportation location shall be responsible for ensuring all paperwork is in order and all property allowed to be transported with the inmate is properly packaged. Only when all paperwork and property are in order will the County take physical control and assume custody and responsibility for the Contract Agency's inmate for confinement.

(b) Further Transfer of Custody. Except as otherwise allowed by Section 10 of this Agreement, the County will not transfer custody of any inmate confined pursuant to this Agreement to any agency other than to the Contract Agency without written authorization from a court of competent jurisdiction.

(c) Responsibilities upon Assumption of Custody. Upon transfer of custody to the County, it shall be the County's responsibility to confine the inmate; to supervise, discipline and control said inmate; and to administer the inmate's sentence pursuant to the order of the committing court in the State of Washington. During such confinement, the County shall provide and furnish or arrange for all necessary medical and hospital services and supplies in accordance with Section 5 of this Agreement.

(d) Resumption of Custody by Contracting Agency. The Contract Agency shall be deemed to have resumed custody of an inmate transferred to the County upon either presentation of such inmate to the Contracting Agency at the Thurston County Jail, Thurston County, Washington, or upon the Contract Agency's officers taking physical control of an inmate at any other location.

**8. RIGHT TO REFUSE/RETURN AN INMATE:** The County shall have the right to refuse or return any of the Contract Agency's inmates under any one of the following circumstances.

(a) Pending Medical Needs. The County shall have the right to refuse to accept any Contract Agency inmate who, at the time of presentation for transportation to the County jail for confinement, appears in need of medical, psychiatric or dental attention, until the Contract Agency has provided medical, psychiatric or dental treatment to the inmate to the satisfaction of the County. At the time of custody transfer it is the Contract Agency's responsibility to provide all available information relevant to the care and custody of the Contract Agency's inmate.

(b) Problematic Physical History or Behavior and New Medical Conditions. The County shall have the right to refuse or return any Contract Agency's inmate that, in the sole judgment of the County, has a history of serious medical problems, presents a risk of escape, presents a risk of injury to other persons or property, or develops an illness or injury that may adversely affect or interfere with operations of the County Jail. Any special transport costs, medical or otherwise, incurred in the return of Contract Agency's inmate under this subsection will be the responsibility of the Contract Agency.

(c) Claims/Litigation. The County shall have the right to refuse or return any Contract Agency inmate that files a claim or lawsuit against the County in the interest of safety and security and preserving the rights of all affected parties.

(d) Return for Release. The County shall have the right to return any Contract Agency inmate anytime within five (5) days of the scheduled completion of the offender's sentence.

(e) Return Due to Upcoming Expiration. The County shall have the right to begin returning Contract Agency's inmates during the thirty days preceding expiration of this Agreement so that all inmates may be transported pursuant to the regular transports under Section 6 (a) and (b) above.

(f) Court order space requirement. The County shall return inmates when a court competent jurisdiction orders that space be made available.

(g) Notice of Return and Transport. The County shall provide written notice, via facsimile or mail, of the anticipated return of an inmate under this Section 8 to the contact person identified herein for the Contract Agency.

**9. REMOVAL FROM JAIL:** The Contract Agency's inmates may be removed from the County jail for reasons outlined below.

(a) Request by Contract Agency. Upon the County's receipt of written request for inmate return made by the Contract Agency, the inmate will be transported by the Contract Agency or the County pursuant to Section 6 above.

(b) Court Order. Upon the County's receipt of an order issued by a court having jurisdiction over a Contract Agency's inmate, transport will be according to the terms expressed in the court order, or by the Contract Agency or the County pursuant to Section 6 above.

(c) Completion of Sentence. The Contract Agency shall provide return dates for each contract inmate. The Contract Agency shall provide e-mail release notification to the county at least 24 hours prior. The County shall not be expected to process Contract Agency Releases. The Contract Agencies inmate's shall only be released from the Contract Agency's facility.

d) Treatment Outside of Jail. The Contract Agency's inmate may be removed from the County jail for medical, psychiatric or dental treatment or care not available within the County jail.

(e) Catastrophe. In the event of any catastrophic condition presenting, in the sole discretion of the County, an eminent danger to the safety of the inmate(s), the County will inform the Contract Agency, at the earliest practical time, of the whereabouts of the inmate(s) and shall exercise all reasonable care for the safekeeping and custody of such inmate(s).

#### **10. TRANSFER OF INMATES UPON TERMINATION/EXPIRATION OF AGREEMENT:**

(a) Termination by County. In the event of a notice of termination from the County in accordance with Section 20 below, it shall be the County's obligation to transport the Contract Agency's inmates to the Contract Agency at Mason County Jail, Mason County, Washington, at no expense to the Contract Agency. Such transports shall be made as if the Agreement were expiring and in accordance with the terms of Section 8 above, subsection ((g)).

(b) Termination by Contract Agency. In the event of a notice of termination from the Contract Agency in accordance with Section 20 below, it shall be the Contract Agency's obligation to transport the Contract Agency's inmates at its own expense, on or before the effective date of such termination. Until such removal, the Contract Agency shall pay the compensation and costs set forth herein related to the housing of such inmate(s). With respect to any inmate(s) not removed in accordance with this Section 10, the Contract Agency shall pay the base rate set forth in Section 4(a) above plus an additional Five Dollars (\$5) per inmate for every 24 hour period or part thereof that said inmate(s) remains in the County jail; and the County shall retain all rights hereunder, notwithstanding such termination, until all of the Contract Agency's inmates are removed from the County jail.

#### **11. INMATE RIGHTS, ACCOUNTS AND PROGRAMS:**

(a) Early Release Credit and Discipline. The Contract Agency's inmates confined under this Agreement shall earn early release credits under the policies and rules prescribed by the County and state law for all inmates at the County jail. With respect to the Contract Agency's inmates, the County shall maintain and manage disciplinary issues and will administer sanctions, including removal of earned early release credit, as per facility rules. No discipline prohibited by federal or state law will be permitted. The disciplinary policies and rules of the County jail will apply equally to inmates confined pursuant to this Agreement and to those otherwise confined. The County agrees to make immediate notification to the Contract agency and forward copies of incident reports, disciplinary reports, findings and actions, including documentation of removal of earned early release credits to the Contract Agency.

(b) Inmate Accounts. The County shall establish and maintain an account for each inmate received from the Contract Agency and shall credit to such account all money received from an inmate or from the Contract Agency on behalf of an inmate. The County shall make disbursements from such accounts by debiting such accounts in accurate amounts for items purchased by the inmate for personal needs. Disbursements shall be made in limited amounts as are reasonably necessary for personal maintenance. At termination or expiration of this Agreement, an inmate's return to the Contract Agency, or death or escape of an inmate, the County shall submit a check to the Contract Agency in the name of each

inmate eligible for reimbursement in order to transfer an inmate's money to an inmate account administered by the Contract Agency.

(c) Programs. The County shall provide the Contract Agency's inmates with access to all educational, recreational and social service programs offered at the County jail under the terms and conditions applicable to all other inmates at the jail.

## **12. ACCESS TO FACILITY AND PRISONERS:**

(a) Access to Facility. Contract Agency shall have the right to inspect, at mutually agreeable times, the County jail in order to confirm such jail maintains standards acceptable to the Contract Agency and that its inmates are treated appropriately. The County agrees to manage, maintain and operate its facilities consistent with all applicable federal, state and local laws.

(b) Access to Inmates. Contract Agency personnel shall have the right to interview inmates from the Contract Agency at any reasonable time within the jail. Contract Agency officers shall be afforded equal priority for use of jail interview rooms with other departments, including the Lewis County Sheriff's Office.

## **13. ESCAPES AND DEATHS:**

(a) Escapes. In the event of an escape by a Contract Agency's inmate from the County jail, the Contract Agency will be notified by phone or fax with a follow-up in writing as soon as practical. The County will have the primary authority to direct the investigation and to pursue the prisoner within its jurisdiction. Any costs related to the investigation and pursuit within its jurisdiction will be the responsibility of the County. The County will not be required to pursue and return the Contract Agency's escaped inmates from outside of the County.

(b) Deaths.

- 1) In the event of a death of a Contract Agency inmate in the County jail, the Contract Agency shall be promptly notified by phone or fax with a follow-up notification in writing. Lewis County Sheriff's Office and the Lewis County Coroner will investigate the circumstances. The Contract Agency may, if it wishes, join in the investigation and receive copies of all records and documents in connection with the investigation.
- 2) The County shall, subject to the authority of the Lewis County Coroner, follow the written instructions of the Contract Agency regarding the disposition of the body. Such written instructions shall be provided within three working days of receipt by the Contract Agency of notice of such death. All expenses related to necessary preparation of the body and transport charges shall be the responsibility of the Contract Agency. With written consent from the Contract Agency, the County may arrange burial and all matters related or incidental thereto, and the Contract Agency shall pay all such expenses. This paragraph deals with relations between the parties to this Agreement and shall not affect

the liability of any relative or other person for the disposition of the deceased or any expenses connected therewith.

**14. POSTING OF BAIL:** The County shall not serve as an agent for the Contract Agency in receipt of any bail bonds or any monies posted for or by a Contract Agency's inmate.

**15. RECORD KEEPING:** The County agrees to maintain a system of record keeping relative to the booking and confinement of each of the Contract Agency's inmates consistent with the record keeping by the County for all other inmates. The County shall make copies of said records available to the Contract Agency upon its request.

**16. INDEMNIFICATION AND INSURANCE:**

(a) Indemnification of Contract Agency. The County shall indemnify the Contract Agency, its officers, agents and employees, from and against any claim, damages, losses and expenses, including but not limited to reasonable attorney's fees, arising from the County's performance under this Agreement; provided, to the extent the claim, damages, losses and expenses are caused by intentional acts of or by the concurrent negligence of the Contract Agency, its officers, agents, or employees, the County's indemnification obligation hereunder shall be limited to the County's proportionate share of liability as agreed to by the parties to this Agreement or determined by a court of competent jurisdiction.

(b) Indemnification of County. The Contract Agency shall indemnify the County, its officers, agents and employees, from and against any claim, damages, losses and expenses, including but not limited to costs and reasonable attorney's fees, arising from the Contract Agency's performance under this Agreement; provided, to the extent the claim, damages, losses and expenses are caused by intentional acts of or by the concurrent negligence of the County, its officers, agents, or employees, the Contract Agency's indemnification obligation hereunder shall be limited to the Contract Agency's proportionate share of liability as agreed to by the parties to this Agreement or determined by a court of competent jurisdiction.

(c) Insurance Requirement. Each party shall obtain and maintain liability coverage in minimum liability limits of Two Million Dollars (\$2,000,000) per occurrence and Three Million Dollars (\$3,000,000) in the aggregate for its conduct creating liability exposures related to confinement of inmates, including general liability, errors and omissions, auto liability and police professional liability. The insurance policy or policies shall provide coverage for those events that occur during the term of the policy, despite when the claim is made.

(d) Certificate of Insurance. If either party is NOT a member of the Washington Counties Risk Pool, each party to this Agreement agrees to provide the other with evidence of insurance coverage in the form of a certificate from a solvent insurance provider confirming coverage from a solvent insurance company or pool which is sufficient to address the insurance obligations set forth above.

**17. NON-DISCRIMINATION POLICY:** The County and the Contract Agency agree not to discriminate in the performance of this Agreement because of race, color, national origin,

sex, sexual orientation, age, religion, creed, marital status, disabled or Vietnam era veteran status, or the presence of any physical, mental, sensory handicap, or other status protected by law

**18. CONTRACT ADMINISTRATION/REQUIREMENTS OF CHAPTER 39.34 RCW:** This Agreement is executed in accordance with the authority of Chapter 39.34 RCW, the Interlocal Cooperation Act. Pursuant to the provisions of RCW 39.34.030, the Lewis County Sheriff shall be responsible for administering the confinement of inmates hereunder. No real or personal property will be jointly acquired by the parties under this Agreement. All property owned by each of the parties shall remain its sole property to hold and dispose of in its sole discretion. Prior to its entry into force, an agreement made pursuant to this chapter shall be filed with the county auditor or, alternatively, listed by subject on a public agency's web site or other electronically retrievable public source.

**19. WAIVER OF RIGHTS:** No waiver of any right under this Agreement shall be effective unless made in writing by an authorized representative of the party to be bound thereby. Failure to insist upon full performance on any occasion shall not constitute consent to or waiver of any continuation of nonperformance or any later nonperformance; nor does payment of a billing or continued performance after notice of a deficiency in performance constitute acquiescence thereto.

**20. TERMINATION:** This Agreement may be terminated prior to expiration by written notice from either party delivered by regular mail to the contact person at the address set forth herein. Termination by said notice shall become effective ninety (90) days after receipt of such notice. The notice shall set forth the reason the party wishes to terminate the Agreement and the specific plan for accommodating the affected inmates, if any.

**21. WAIVER OF ARBITRATION RIGHTS:** Both parties acknowledge and agree that they are familiar with the provisions of RCW 39.34.180(3), as now in effect, and that of their own free will they hereby expressly waive any and all rights under RCW 39.34.180(3), as now in effect or as hereinafter amended, to arbitrate the level of compensation for incarceration services charged under this Agreement, or any renewal thereof, that either party may possess. The parties further agree that such level of compensation and all other issues related to the purpose of this Agreement will only be as agreed to herein or as otherwise agreed to in a writing executed by the parties.

**22. DURATION:** This Agreement shall be effective on January 1<sup>st</sup>, 2018 and shall continue through December 31<sup>st</sup>, 2018, unless terminated earlier under the terms set forth in Section 20 above. This agreement may be renewed for successive periods of one year by written addendum executed by all parties hereto under such terms as the parties agree in writing. Nothing in this Agreement shall be construed to make it necessary for the Contracting Agency to continuously house inmates with the County.

**23. GOVERNING LAW AND VENUE:** The parties hereto agree that, except where expressly otherwise provided, the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to this Agreement and an inmate's confinement under this Agreement. The venue shall be in the Lewis County Superior Court.



**24. MISCELLANEOUS:** In providing these services to the Contract Agency, the County is an independent contractor and neither its officers, agents, nor employees are employees of the Contract Agency for any purpose including responsibility for any federal or state tax, industrial insurance or Social Security liability. No provision of services under this Agreement shall give rise to any claim of career service or civil service right, which may accrue to an employee of the Contract Agency under any applicable law, rule, or regulation.

**25. PREA- CUSTODIAL AND SEXUAL MISCONDUCT**

In the performance of services under this Agreement, County shall comply with all federal and state laws regarding sexual misconduct, including, but not limited to, the Prison Rape Elimination Act of 2003 (PREA); RCW 9A.44.010, Definitions; RCW 9A.44.160 Custodial sexual misconduct in the first degree; RCW 9A.44.170, Custodial sexual misconduct in the second degree.

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

LEWIS COUNTY, WASHINGTON

MASON COUNTY, WASHINGTON

\_\_\_\_\_, Chairman

\_\_\_\_\_, Chairman

\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Member

\_\_\_\_\_, Member

Constituting the Board of County Commissioners of Lewis County, Washington

Constituting the Board of County Commissioners of Mason County, Washington


Attest: \_\_\_\_\_  
Clerk of the Board

Attest: \_\_\_\_\_  
Clerk of the Board

Approved as to Form and Content:

Approved as to Form and Content:

\_\_\_\_\_  
Robert R. Snaza, Sheriff Lewis County Sheriff's Office

  
\_\_\_\_\_  
Casey Salisbury, Sheriff Mason County Sheriff's Office

Reviewed by:

Reviewed by:

\_\_\_\_\_  
Prosecuting Attorney

  
\_\_\_\_\_  
Prosecuting Attorney

**ADDENDUM TO AGREEMENT FOR USE  
OF LEWIS COUNTY JAIL FACILITIES**

*Initial for Approval*

Daily Rate – Mason County elects to purchase contract beds at the per diem rate of Sixty-three dollars and thirty-nine cents (\$63.39) each.



Mason County Support Services Department  
411 North 5<sup>th</sup> Street  
Shelton, WA 98584  
360.427.9670 ext. 419

Budget Management  
Commissioner Administration  
Emergency Management  
Facilities, Parks & Trails  
Human Resources  
Information Services  
Labor Relations  
Risk Management

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## MASON COUNTY COMMISSIONER BRIEFING ITEMS FROM SUPPORT SERVICES November 20, 2017

- **Specific Items for Review**

- Advisory Board applicants (looking for direction – interview and/or appoint):
  - Three applicants to the Lodging Tax Advisory Board - Stephanie Rowland, spender; Nathan Welch and Greg Oldham, generators. If Board chooses to appoint, must be a spender and generator.
  - Two applicants to the Civil Service – Danielle Skeeters-Lindsey; Mathew Davis
  - Timberland Regional Library Board of Trustees – Brenda Hirschi
- Final 2017 budget amendments – need to set hearing for December 19. Amendments include, but not limited to, additional revenue to Clerk's office; budget authority for refinancing LTGO bonds; Veterans Assistance Fund adjustment; additional REET 2 funding to Belfair Sewer

- **Commissioner Discussion**

**PUBLIC WORKS**  
**MONDAY NOVEMBER 20, 2017 – BRIEFING ITEMS**  
**FROM PUBLIC WORKS**  
**(For Commissioners Meeting November 28, 2017 & December 5, 2017)**  
Items for this meeting are due to Diane Zoren on Wednesday, November 29, 2017

TIP-CAP BRIEFING MEETING (10:00am - 10:50am)

- 6-Year Transportation Improvement Program – review and recommendations

**Attendees:**

**Commissioners:**

\_\_ Randy Neatherlin  
\_\_ Kevin Shutty  
\_\_ Terri Drexler

**Public Works:**

\_\_ Jerry Hauth  
\_\_ Bart Stepp  
\_\_ Others - list below:

**Other Dept.:**

\_\_ Diane Zoren  
\_\_ Others -List below:

**Press:**

List below:

**Public:**

List Below:

**4.0 CORRESPONDENCE AND ORGANIZATIONAL BUSINESS**

- NEWS RELEASE: New rates for the Solid Waste Facility & Drop Box Station per Resolution 61-13. *(For the December 5<sup>th</sup> Commission Meeting)*

**8.0 APPROVAL OF ACTION ITEM**

(None)

**9.0 OTHER BUSINESS**

(None)

**10.0 PUBLIC HEARINGS AND ITEMS SET FOR A CERTAIN TIME**

*Briefed October 30<sup>th</sup>, Hearing set at November 7th Commission Meeting*

- Hearing set for November 28, 2017 at 6:30pm for public comment and adoption of the 2018 Annual Construction Program.

*Briefed October 30<sup>th</sup>, Hearing set at November 7th Commission Meeting*

- Hearing set for November 28, 2017 at 6:30pm for public comment and adoption of the 2018-2023 Six-Year Transportation Improvement Program.

**DISCUSSION ITEMS:**

- SWAC Resignation – Kevin Schmelzlen

**Attendees:**

**Commissioners:**

\_\_ Randy Neatherlin  
\_\_ Kevin Shutty  
\_\_ Terri Drexler

**Public Works:**

\_\_ Jerry Hauth  
\_\_ Bart Stepp  
\_\_ Others - list below:

**Other Dept.:**

\_\_ Diane Zoren  
\_\_ Others -List below:

**Press:**

List below:

**Public:**

List Below:

**NEWS RELEASE**

**December 5, 2017**

**MASON COUNTY COMMISSIONERS  
411 NORTH 5<sup>TH</sup> STREET  
SHELTON, WA 98584  
(360) 427-9670 EXT. 747**

**TO: KMAS, KRXY, SHELTON-MASON COUNTY JOURNAL, THE OLYMPIAN,  
SHELTON CHAMBER OF COMMERCE, NORTH MASON CHAMBER OF  
COMMERCE, CITY OF SHELTON, ECONOMIC DEVELOPMENT COUNCIL,  
THE SUN**

**RE: 2018 Solid Waste Rate Increases**

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Per Mason County Resolution No. 61-13, disposal rates at all Mason County Transfer and Drop Box stations will increase by 2.9% beginning January 1, 2018.

As directed by Resolution No. 61-13, fees will be increased each year by the amount of the October to October Consumer Price Index (CPI U) for the Olympia Metropolitan Area.

This increase is to cover the annual cost increase experienced by the County to operate and maintain the Shelton, Hoodspout, Union, and Belfair transfer and drop box station locations.

**BOARD OF MASON COUNTY COMMISSIONERS**

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Kevin Shuttly  
Chair

---

Terri Drexler  
Vice Chair

---

Randy Neatherlin  
Commissioner

# 2018 RATES

Based on the CPI adjustment for 2016 to 2017 of 2.9%, the disposal rates for 2018 at the Mason County Solid Waste Transfer Stations are as follows:

(Refuse Collection Tax is 3.6% of the untaxed rates)

	2018 RATE <u>WITHOUT TAXES</u>
Solid Waste (Per Ton)	\$ 96.16 / TON
Minimum Fee (340 lbs)	\$ 15.60
1 Can/Bag (32 Gal)	\$ 5.22
2 Can/Bag (32 Gal)	\$ 10.38
3 Can/Bag (32 Gal)	\$ 11.96
4 Can/Bag (32 Gal)	\$ 13.49
Tire with Rim	\$ 5.22
Tire without Rim	\$ 3.11
Misc large bulky items	\$ 5.22
Appliance w/Refrigerant	\$ 10.38
Auto Battery	\$ 1.58
Recyclable Scrap Metal	\$ 58.22 / TON
Separated, clean yard	\$ 69.71 / TON
Trimmings	
Construction Debris	\$ 96.16 / TON
55 Gal Drum (s)	\$ 96.16 / TON
Cubic Yard Waste	\$16.63

# 2018 RATES

Based on the CPI adjustment for 2016 to 2017 of 2.9%, the disposal rates for 2017 at the Mason County Solid Waste Facilities in **Belfair, Hoodspout, and Union** are as follows:

(Refuse Collection Tax is 3.6% of the untaxed rates)

	2018 RATE <u>WITHOUT TAXES</u>
Solid Waste (Per Cubic Yard)	\$ 19.72 / CY
Minimum Fee	
(more than six 32 gal bags less than 1 cy)	\$ 19.72
1 Can / Bag (32 Gal)	\$ 5.21
2 Cans / Bags (32 Gal)	\$ 10.40
3 Cans / Bags (32 Gal)	\$ 11.97
4 Cans / Bags (32 Gal)	\$ 13.53
5 Cans / Bags (32 Gal)	\$ 15.61
6 Cans / Bags (32 Gal)	\$ 17.16
1 55-gal drum	\$ 10.40
2 55-gal drums	\$ 14.05
3 55-gal drums	\$ 17.16
Misc. large bulky items	\$ 19.72
Appliance w/Refrigerant	\$ 26.02
Tire with Rim (1 only)	\$ 18.10
Each additional Tire with Rim	\$ 5.21
Tire without Rim (1 only)	\$ 5.21
Each additional Tire without Rim	\$ 3.12
Auto Battery	\$ 1.58
Recyclable Scrap Metal	\$ 5.21 / per 32 gal