

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JUNE 17, 2008

1. Call to Order – The Chairperson called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – The flag salute was led by Bob Drexler.
3. Roll Call - Present: Cmmr. Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Ross Gallagher.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 Kelly Ritter, Sandy Byers and Jim Powers expressed concerns regarding the proposed Washington Renaissance Fantasy Faire.
 - 4.1.2 Duane Fagergren and Lydia Wagner are seeking appointment to the Oakland Bay Clean Water Advisory Committee.
 - 4.1.3 Jerry Myers and Dewey Blocker are seeking appointment to the Board of Equalization.
 - 4.1.4 The Port of Grapeview approved a motion in support of Susan and Vernon Nelson's request to have their parcels rezoned from Rural Residential 5 to Rural Commercial 3. (Copy to Planning)
 - 4.1.5 The Washington State Liquor Control Board sent notice of a new liquor license application for Lupita's Tienda Mexicana in Belfair and notice of establishments in Mason County with liquor licenses due to expire on September 30, 2008.
 - 4.1.6 The Washington State Department of Natural Resources is recommending the exchange of trust land designation and subsequent transfer of nearly 957 acres of land to Natural Area Preserve status for the Hamma Hamma Balds Trust Land.
 - 4.1.7 Priscilla Kepler expressed concerns regarding the termination of the STD/HIV clinic at the Health Department. (Copy to Health Dept.)
 - 4.1.8 Kris Mansfield sent a copy of the Coalition to Protect Puget Sound Habitat's position paper on aquaculture expansion.
 - 4.1.9 Pacific Northwest Regional Council of Carpenters sent notice of a labor dispute with Quigg Bros. Inc.
 - 4.2 Announcement that bid award for County Road Project 1873, Bear Creek Dewatto Road, culvert replacement project is to Five Rivers Construction, Inc. of Longview, WA in the amount of \$375,741.87. Staff: Charlie Butros
5. Open Forum for Citizen Input - None
6. Adoption of Agenda – **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. G-aye; RE-aye; S-aye.**
7. Approval of Minutes – briefing minutes for the weeks of May 19 and 26, 2008 and regular meeting minutes for June 3, 2008. **Cmmr. Ring Erickson/Gallagher moved and seconded to approve the minutes of May 19 & May 26 with a correction on May 19; page 3, paragraph 10 change to “Commissioner Gallagher” rather than “Ross.” Motion carried unanimously. G-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda: All items listed under the “Consent Agenda” are considered to be routine by the Commission and will be enacted by one motion unless a Commissioner or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 - 8.1 Approval of the resolution adopting the Comprehensive Economic Development Strategy (CEDS) Project List for 2008-2009 as recommended by the Mason County Economic Development Council. **Resolution No. 77-08 (Exhibit A)**

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- 8.2 Approval of Amendment A to Contract #E08-043 with the Washington State Military Department for E911 services to reflect a decrease of \$33,325 which is based on a mid-year review of actual expenditures.
- 8.3 Approval to set a public hearing on July 8, 2008 at 9:30 a.m. to consider amendments to the Mason County Comprehensive Plan Appendix: Belfair Urban Growth Area Plan relating to residential zoning.
- 8.4 Approval of Veterans Assistance Fund applications for: Kelly Brown - housing \$600.00; Robert Ramar - utilities \$215.90; Daniel Clayton - housing \$450.00 and Alan Reynolds - utilities \$575.45 for a total of \$1,841.35 as recommended by the Veterans' Assistance Screening Committee.
- 8.5 Approval of the following contracts for the 2008 Mason County Fair & Rodeo: Davis Shows Northwest, for carnival services; Lacey D/Mark Waterbury, for entertainment, \$350.00; Professor Bamboozle/Brian Wood, for entertainment, \$1,800.00; Fast Track Entertainment, for entertainment, \$2,370.00; Randy Linder & Band, for entertainment, \$1,300.00; The Varmits, for entertainment, \$1,100.00; Shelton High School Band, for professional services, \$200.00; Shelton High School NJROTC Club, for professional services, \$800.00; Haigh Vet Hospital/Kathy Haigh, for professional services, \$700.00; Jennifer Madden, DVM, for professional services, \$500.00; and Mason County Medic One, for professional services, \$1,200.00. For a total of \$10,320.00, these amounts are budgeted in the Fair/Rodeo budgets.
- 8.6 Approval for the County Engineer, Bill Tabor, to sign the annual agreement with PUD 3 for Public Works to park maintenance equipment at PUD 3's Dayton Facility.
- 8.7 Approval of Warrants
- | | | |
|----------------------|--------------------------|-----------------|
| Claims Clearing Fund | Warrant #s 142097-142548 | \$ 1,097,441.45 |
| Salary Clearing Fund | Warrants #s 1471-1526 | \$ 305,665.92 |
| Direct Deposit Fund | Deposit #s 3495-3934 | \$ 606,346.64 |

Matt Matyoshi, Mason County Economic Development Council, explained CEDS stands for Comprehensive Economic Development Strategy. The CEDS project list is a federal process for each local community. The Mason County Economic Development Council administers the CEDS process for Mason County. The list contains public infrastructure projects that both general purpose and special purpose governments are undertaking or intend to undertake at some point. Examples are: regional water and sewers, Belfair water, PUD projects and others are on the list. The list is derived from soliciting input through local governments in March. After they get input for possible projects a committee with representatives from each of the local governments meets in April. They draft a proposed list which is sent to the Economic Development Council Board of Directors for approval. The final step in the process is to go before the Mason County Commissioners for approval or amendment and approval. The list is updated annually and can be updated or amended at any point in the year by the County Commissioners.

Cmmr. Ring Erickson stated that sometimes projects get done and she questioned if there is a routine schedule to update the list or whether it was done on an "as projects completed basis." She thought the upgrade for the Allyn water system had just been completed.

It was explained by Mr. Matyoshi that upgrades were completed. The applicant requested that the project remain on the list this year, because there are other portions of the project to expand the water system. Because this is a non-competitive process they can have 100-200 projects listed. This is largely applicant driven and in some communities there is a tendency to become competitive.

Cmmr. Ring Erickson suggested that maybe once a year there could be a short report that gives the status of the year's projects. This would give some understanding why a project being completed might still be on the list.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve consent agenda Items 8.1 – 8.7 as read. Motion carried unanimously. G-aye; RE-aye; RE-aye.

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

- 9.1 Public hearing to consider supplemental appropriations to the 2008 Budget for the Mason County General Obligation (GO) Bond Fund 2008 in the amount of \$87,856, the Mason County Public Works Facility Bond '07 Fund in the amount of \$1,161,785 and the Current Expense Fund in the amount of \$165,360.

Director of Budget & Finance Ione Siegler presented the report on the budget appropriations before the Board. She explained these appropriations are all new monies coming into the funds noted above. The \$87,856 is a transfer from the Real Estate Excise Tax 1 (REET 1 Fund) which is the first one-quarter of one percent. This will be used to pay the 2008 bond payment for the purchase of the 3rd & Pine property and other capital improvements. The first payment is an interest only payment. The bond payments will increase to approximately \$280,000 annually in 2013 when the 1998 GO Bonds are paid.

The Mason County Public Works Facility Bond '07 Fund has a supplemental appropriation, which is a transfer from the Road Fund and will be used to pay the first annual payment for the new Public Works facility bonds. Possibly some money from Equipment Rental and Revolving Fund (ER&R) will also go towards the payment.

Ms. Siegler explained that the Current Expense Fund is made up of several new sources of money: \$43,000 in Community Development due to a grant from the Washington State Department of Ecology for the Water Resource Inventory Area (WRIA) 16; Probation Services/Guardian Ad Litem Program has \$37,527 for a court appointed special advocate (CASA) Grant; Probation/Juvenile Services/Grants for Juvenile Court evidence based expansion grants in the amounts of \$38,383 Aggression Replacement Training (ART) Project; \$13,950 for Functional Family Therapy (FFT) Project; and \$22,500 Multi-Systematic Therapy (MST) Project.

Parks & Trails has \$10,000 which would be a transfer from Real Estate Excise Tax (REET 2) for REET project management.

Cmmr. Ring Erickson commented that Sentencing Guidelines Commission is looking nationwide at what works and what does not work in terms of changing behavior in communities. The list of activities: Aggression Replacement Therapy (ART) and Functional Family Therapy (FFT) are among the top performers in terms of early on changing people's behavior and keeping them out of the system and expensive direct supervisions that could be necessary later on. In this particular case, Mason County is one of the outstanding counties that gets talked about a lot for investing in these programs early on and getting grants and showing that they work. Mason County's work has been cited in a University of Iowa study that was recently reported on to the Sentencing Guidelines Commission.

Bob Sauerlander stated the programs are important to the state and community. The state was considering two additional prisons but has delayed the planning and implementation and instead funding less money into evidence based programs and Mason County has been privileged with well qualified people in developing the programs. Mason County has been a beneficiary of a grant with Thurston

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County of \$225,000 to implement Multi-Systematic Therapy. This is an expensive, but effective treatment for youth. It is approximately a four month program where the therapists are available to the family 24 hours a day/7 days a week.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve supplemental appropriations to the 2008 budget for the Mason County General Obligation (GO) Bond Fund 2008 in the amount of \$87,856, the Mason County Public Works Facility Bond '07 Fund in the amount of \$1,161,785 and the Current Expense Fund in the amount of \$165,360. Motion carried unanimously. G-aye; RE-aye; S-aye.

9.2 Public hearing to consider the revised 2008 Annual Construction Program for Public Works.

Charlie Butros, Public Works Director, explained the hearing is to consider a revision of the Annual Construction Program budget. The budget is submitted every year for approval of capital facilities projects that Public Works undertakes for roads and bridges and major maintenance projects. This year, after approval of the 2008 Annual Construction Program Plan the County was exposed to changes in the road system from the December 2007 storm. As a result of the damage that occurred following the storm, it was necessary to redirect some of the priorities and resources to reopen and repair roadways. The intent is to revise the 2008 Annual Construction Program to reflect the December 2007 storm damage projects as listed on the 2008 Annual Construction Program.

Mr. Butros displayed a board that identified the 11 projects that they are adding to the budget: 1) Belfair Tahuya Bridge Replacement; 2) North Shore Road Slide; 3) North Shore Road Slide; 4) Countywide Pavement Repair; 5) Finch Creek Bridge Replacement; 6) Dewatto Holly Road Slide; 7) Sunnyside Road Slide; 8) Sunnyside Road Slide; 9) Grapeview Loop Slide; 10) Sand Hill Road Slide; 11) Lower Elfendahl Pass Road Reconstruction.

No one present gave any public comments.

Cmmr. Gallagher/Ring Erickson moved and seconded the Board of Commissioners adopt the revised 2008 Annual Construction Program. Motion carried unanimously. G-aye; RE-aye; S-aye. Resolution No. 78-08 (Exhibit B)

9.3 Public hearing to consider the revised 2008-2013 Six Year Transportation Improvement Program (TIP).

Director of Public Works Charlie Butros stated that much of the information he presented at the prior public hearing applies to the Six Year TIP. Many of the projects that were added were due to the December 2007 storm. There were eleven projects that were added because of the storm. Of those eleven projects, there are three that will not be complete in 2008 and have work that will extend beyond the calendar year. Those projects include: Grapeview Loop Road slide, Sandhill Road Slide, and Lower Elfendahl Pass Road Reconstruction. The other adjustments to the Six Year Plan are to include those projects with damage which occurred during the December storm and redirecting some of the resources and deferring some of the projects originally planned to occur sooner. Many of the projects are grant

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funded and those funds come with some limitations and conditions related to time and expiration. The County is fortunate to have the assistance of Public Works staff Bill Tabor and Bob Thuring who were able to get extensions on the grants so projects can be deferred, prior to the expiration of those grant funds in 2008. They are encouraged that other regulatory agencies which oversee the application of those funds, Washington State Dept. of Transportation and County Road Administration Board recognize the seriousness of the work that was needed to repair the damage and authorized extensions of those grant funds for Mason County. He recommended the Board approve the revised Plan.

Commissioner Sheldon mentioned the Finch Creek Bridge replacement and asked if they are waiting on information from Wash. State Dept. of Fish & Wildlife (WSDFW).

Mr. Butros replied there was a meeting last week with members of the WSDFW and Mason County Public Works staff. They had a site visit and looked at the location and the proposed repair work that was intended. The County is waiting to hear back and are optimistic they will get a positive reaction and be able to move forward.

Cmmr. Sheldon asked if Mason County will be able to replace the bridge by May 2009, when they get the positive response from WSDFW.

Mr. Butros responded, yes.

Ken VanBuskirk stated he was part of the Transportation Improvement Program Citizens Advisory Program (TIPCAP) and suggested the County consider the use of the Lower Elfendahl Road before they put any more money into it.

Mr. Butros stated there was a lot of discussion at the TIPCAP. The damage was very extensive and the work to repair the road is also extensive. It is a road that extends out into later years because of low traffic use. They wanted to take advantage of the Federal Emergency Management Agency (FEMA) funding which is available to the County to be able to repair the road even though it is a road that does not have a high volume of traffic. It is a road that is important for linking North Shore Road with some of the other roads in Tahuya Peninsula. It is a critical link in the event there is damage on other roads or they need it for a detour in the future. To continue the existing effectiveness and efficiency of the transportation network, they chose to pursue the repair.

Cmmr. Sheldon asked how much of the \$904,000 would FEMA contribute to the Lower Elfendahl Road project.

Mr. Butros responded they would contribute 80% of the cost.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve and execute the resolution to adopt the revised 2008-2013 Six Year Transportation Improvement Program. Motion carried unanimously. G-aye; RE-aye; S-aye. Resolution No. 79-08 (Exhibit C)

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9.4 Public hearing to consider establishing a Storm and Surface Water Control Utility for Mason County.

Director of Utilities & Waste Management Emmett Dobey stated the need to establish a Stormwater Utility comes from the requirements to meet the Growth Management Act (GMA). The program is based on a platform that includes the Low Impact Development Ordinance which was passed by the Board last week. The formation of a Stormwater Utility which will form the platform from which all of the stormwater activities will occur and then later on the implementation ordinance which outlines how regulatory compliance would be gained. The proposed ordinance establishes boundaries. The initial boundaries are the Belfair and Allyn Urban Growth Area (UGA). It also defines where future boundaries may be located: marine recovery areas, shellfish protection areas, rural activity centers, and county-wide dependent on improvements seen in water quality and how growth occurs in the community. The ordinance establishes three responsibilities: flood management, water quality improvement and protecting aquatic habitat. It will outline the organization of the utility and who will be in charge of the functions. There is a financial management section with two options. At this time, the utility does not suggest any rate structure established because Public Works was able to receive grants from Wash. Dept. of Ecology that will carry through the second and possibly third year. They will need to establish some type of financial mechanism to keep the utility going. This proposes a process to do that. The process is it could be established based on impervious surface. It exempts some properties and forest lands is an example. In the report, it proposes two different options for roads in general.

Mr. Dobey met with the Public Works Director to discuss how they could resolve this issue. The concern from a stormwater management perspective is that roads not necessarily contributing a lot of contaminates to the water body are certainly a conveyance system that moves the contaminates from off the land and into the water bodies. Public and private roads should have some contribution that they might make into the future to the utility. They researched to see what counties are paying and what counties are not paying for roads: Kitsap, Douglas, Clark, and Pierce counties all have some type of system that they charge the county roads. San Juan County did have a stormwater utility that charged county roads, but the whole utility was rescinded by referendum last year. Benton, Grant, Wahkiakum, Whitman and Jefferson counties do not have any stormwater utility that is imposed on the road system.

They came up with a compromise that says roads will be charged but recognizes that roads do have an impact and does place a fee on that. It places a fee of \$100,000 per year to be used to maintain and monitor roads that need some type of retrofit improvements to them.

“14.46.40 There are no annual stormwater fees associated with the creation of the utility at this time. In the future, annual assessments may be necessary to support utility functions. When a fee system is established it may be based on affective impervious surfaces, which includes all hard surfaces located on a property including roof areas. Designated Forest Lands will be exempt from the payment of any assessment. Properties greater than 20 acres in size with structures and impervious surfaces will pay at a rate of 50% if a fee is imposed. Roads may pay a fee not to exceed \$100,000 per year based on maintenance and monitoring retrofit projects which will be developed before the assessment is collected. These projects can be ones that prevent flooding or manage water quality or preserve aquatic habitat. The first choice for control of any kind should be natural over built structures.”

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As new roads, private or public, are developed they will follow the schedule. It would need to be a paved hard road. Gravel roads or driveways are exempt because they are considered not to be impervious. It is based on the amount of impervious surface.

An example is Kitsap County. All the roads in Kitsap County pay approximately \$1 million for the road system. They are all based on 30% as opposed to a full impact. Pierce County pays approximately \$600,000 for their road system. The first choice for control should be natural instead of built structures. They will try to use natural means of protection such as bioswells. Microfilters would be the first choice rather than hard structures like ponds or drainage structures.

If the Board adopts the proposed ordinance they would replace Section 14.46.40 for the two options.

Mr. Dobey acknowledged two emails received. Ken Wilson expressed concerns and requested an extension of time on the public hearing process. A letter of support was received from the Mason County Association of Realtors.

Mason County has until July 7 to submit all the information on managing stormwater to Growth Management.

Mr. Butros asked if they will be developing the overall program elements over an extended period of time through use of that grant and they will be refining the requirements in the next 2 – 3 years before applying any of the fee.

Cmmr. Ring Erickson stated they are creating a utility and not imposing a fee. They are trying to understand the needs to adequately address the complexity of what the road department does already to remediate the impacts of the surface. They do need surface and stormwater programs in Allyn and Belfair.

Mr. Dobey stated that, following the schedule, the entire county would not be involved in the stormwater utility until 2012. That is based on water quality monitoring. If there are major water quality monitoring improvements and do not see the growth projected, it may not need to impose a countywide program. The soonest to a countywide utility is 2012. The Growth Management requirement is only for Belfair and Allyn.

Cmmr. Sheldon said it is not clear in the ordinance that the utility covers just Allyn and Belfair. He asked if nothing else was done would the timetable mean a stormwater utility countywide by 2012.

Monty Cobb, Deputy Prosecuting Attorney, responded, no. Other actions would have to take place. In drafting the two ordinances and working with the Public Works Director and Utilities Director on the stormwater 14.46 as proposed, the only portions of the county that would be added without further action would be those portions of the county that would be added under the Master Development Plan Process section .024. Those would be the only other portions of the county automatically added beyond Belfair and Allyn.

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Mr. Dobe stated in the last Growth Management update they created the Master Plan that could be used. The requirement of the Master Plan is they have to use low impact development and meet requirements of 2005 Ecology Manual. At that point, they become a part of the utility. The other schedule is simply a schedule to review on an annual basis to add or not add, depending on water quality needs and growth impacts.

A question from the audience was if this may or will be based on impervious surfaces.

Mr. Dobe responded that it "may" be based on impervious surfaces. The original proposal was "will" be based on impervious surfaces. The reason it says may now is that there could be changes in the way they address stormwater. Impervious surfaces is the primary way people calculate impacts right now. There may be different changes between now and when the county adopts. This allows the County some flexibility in the future if there is a better way to calculate impact than impervious surface.

It was asked if gravel roads are considered not impervious.

Mr. Dobe responded, yes.

Mr. VanBuskirk stated it is hard to believe. Some gravel roads are as impervious as concrete. He questioned where the information is coming from.

Mr. Dobe replied it comes from a manual that defines impervious surfaces and paved surfaces are not included. It has a lot to do with what you do under the ground and how compacted that becomes.

Cmmr. Gallagher asked if this is adopted and comments are received, at what point will the ordinance be reviewed again.

Mr. Dobe responded the County would review it annually to add new areas.

Cmmr. Gallagher asked if there would be a variance for the Belfair UGA and Allyn.

Mr. Dobe asked if he understood his question correctly. Would there be a variance from the stormwater ordinance in Belfair and Allyn.

Cmmr. Gallagher asked if there would be any revisions.

Mr. Dobe replied there are three pieces to this utility stormwater control. 1) Low Impact Development requirements which were passed last week; 2) Creation of the utility which defines boundaries where it applies; 3) Regulatory control outlines what has to be done. It says in the Belfair and Allyn areas you have to use low impact development and you have to use the 2005 manual.

He asked if there is anything in either one of those that allow variances from the requirements.

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Public Works Director Charlie Butros replied that the variance process is described in the stormwater ordinance for somebody requesting a deviation from the regulations. They submit that to the Commissioners for their review. More importantly, as the details of the requirements are developed over the next 2 – 3 years that will introduce a clearer picture in the ordinances that you are reviewing today as to what will be applied in each of the areas. Today, they are forming the utility, establishing the general principles from which they will move forward and develop the details for implementation over the next 2 – 3 years. As the details are developed they will be brought to the Board for adoption.

Rob Drexler, Mason County Association of Realtors, voiced support of the proposal. They feel there should be a public process for the funding for this proposal. It was questioned how to pay for these things. They would like to have the opportunity to work with the county on this.

Ken VanBuskirk stated he witnessed the flooding in the Union River Valley and the Tahuya Peninsula this last December. He removed over a ton of the neighbor's debris from the farm's field. All of the fields were covered with silt. He did not think a lot of it came from the Urban Growth Area. He is convinced that the state and local governments need to take a careful look at forest practices and land use zoning and how it relates to stormwater generation to avoid future disasters. The state and local governments need to enforce the rules and ordinances they currently have. He is encouraged that the Board is considering the Washington State Dept of Ecology's guidance on this. They look at overall landscape cumulative effects perspective. He felt that is as it should be. Specifically, under Chapter 14.46.20 the boundary section, he stated stormwater does not recognize whether it comes from an urban growth area, marine recovery area, or a LAMIRD. If the Board adopts the utility, he asked that the Board consider adopting it countywide and do not phase the different areas in. As with any ordinance or rule, enforcement and education are the key elements. In order to do that, it needs to be funded. He felt a fee system needs to be established based on impervious surfaces.

Under the 14.46.40 Financial Management section, he felt that designated agricultural resource lands and open space lands were overlooked and should be exempt from the payment of any assessment similar to designated forest lands. Also, he believed that properties greater than 20 acres with structures and impervious surfaces should not get any reduced rate unless they are designated agricultural lands or forest lands.

Cmmr. Sheldon stated they have a lot of proposed changes today. The Utilities Director would like to have this finished by July 11, 2008 so there is a little more time if the Commissioners would like to continue the public hearing for more input.

Cmmr. Ring Erickson commented that recognizing that this is an umbrella or structure, under which they will build a utility and have plenty of opportunity for discussion and discretionary adjustment, she would prefer to see them move ahead on this today. It is an important element of getting money for the Belfair sewer. It is an opportunity to continue working with a group of people that have expressed interest. The realtors in Mason County provide really thoughtful long term good advice and are not here just to make a quick buck and leave. She felt that Mr. Van Buskirk's comments are right on; however, as a county with

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an immediate goal to get a sewer put in and a recognition that this is a bigger agenda item. One place to start is by working on the Belfair and Allyn Urban Growth Areas and recognize they will be thoughtfully moving forward hopefully to address a variety of ways they could do better. One of the conversations they have had a couple of times is if they are really going to address the issues of Hood Canal and Puget Sound it is not just about sewers. It is about the water that carries other pollutants down in the fragile bodies of water as well as a variety of other practices such as fertilizing lawns, pet wastes, and bulkheads and a number of other things that are ongoing thoughtful conversations for a community. She would like to move forward today and get this launched in getting the right people working on it.

Cmmr. Gallagher concurred that this is an umbrella for the specific areas to get started. There is an interest to have this proposal countywide, but the County has to get the sewers done. The County is still looking at least four years to have this countywide.

Cmmr. Gallagher/Ring Erickson moved and seconded to adopt an ordinance forming a stormwater and surface water utility by adding Title 14.46 to the Mason County Code as outlined in Attachment A and with current boundaries as shown on Map #1 titled "The Boundaries of the Storm and Surface Water Utility.

Cmmr. Sheldon said felt it would be a little premature to jump into the fee section. He is interested in what other rural counties have done in agricultural land. There is some agricultural land located in the Belfair Urban Growth Area. He thought there may be others that would like to come forward and talk about this a little more. He was reluctant to go along with the motion at this time.

The above motion was withdrawn.

A proposed redraft reflecting the discussion of Section 14.46.40 that Deputy Prosecutor Monty Cobb presented was read into the record by Cmmr. Ring Erickson and the board discussed the language.

There was discussion that in most ordinances, agricultural lands and open space are exempt. It was suggested that designated forest lands, agricultural lands and open space be added.

Proposed revision to 14.46.40

There are no annual stormwater fees associated with the creation of the Utility at this time. Assessments or fees may become necessary to support utility and its functions. Any fee system may be based on impervious surfaces, including all hard surfaces on a property including roof areas. Designated Forest Lands, agricultural lands, and open space lands will be exempt from the payment of any assessment or fees. Properties greater than 20 acres in size with structures and impervious surfaces will pay a reduced rate. Such rate will be 50% of the established rate.

Public and private roads constructed of impervious surfacing materials or portion thereof so constructed may be required to pay a fee not to exceed \$100,000 per year based on maintenance and monitoring needs for retrofit projects. A priority list of projects will be developed before any fee or assessment is

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collected. These projects can be ones that prevent flooding or manage water quality or preserve aquatic habitat. The first choice for control of any kind should be natural over man-made or built structures.

Cmmr. Gallagher/Ring Erickson moved and seconded to adopt an ordinance forming a stormwater and surface water utility by adding Title 14.46 to the Mason County Code as outlined in Attachment A and with current boundaries as shown on Map #1 titled "The Boundaries of the Storm and Surface Water Utility, with the revised portion of Mason County Code Section 14.46.40 as noted above. Motion carried. G-aye; RE-aye; S-nay. Ordinance No. 80-08 (Exhibit D)

- 9.5 Public hearing to consider revising the Mason County Stormwater Ordinance to incorporate the 2005 Ecology Manual for the Belfair and Allyn Urban Growth Areas.

Charlie Butros , Public Works Director, presented the staff report for the 27-page proposed revision to the Stormwater Ordinance. The minimum requirements of the 2005 Ecology Manual and the areas to which it would apply, Belfair and Allyn Urban Growth Areas, are proposed to be adopted by reference. The proposal would amend Mason County Code Chapter 14.48.

This is one of the three parts of action that needs to be taken for modifying the ordinances and rules under which they manage the stormwater program. The Low Impact Development ordinance was adopted last week. The utility formation ordinance was just adopted and this is the third step in the process.

Cmmr. Ring Erickson expressed a strong interest in Mason County holding itself and its own impervious surface to as high or higher standard than is expected of everyone else. There is a reference in 5.2 for the State Dept. of Transportation being regulated under Chapter 173-270 of Washington Administrative Code with the Puget Sound Highway Runoff program. The largest pieces of impervious surface in Mason County belong to the State of Washington, Highway 3 and Highway 101 and the parking lot in the state parks. She felt they are trying to do the right thing as a county. She is interested in what is guiding the state and what standard they are being held to. If it is not as high a standard as Mason County then maybe they need to have a conversation on another day about how in very fragile areas along saltwater shores they get the state to hold to as high a standard as Mason County.

Mr. Butros noted the Washington State Dept. of Transportation is revisiting and revising the stormwater manual that they developed which applies the 2005 Ecology Manual standards to the type of work they do. With that change they are including more of the work they hope to see on the highways in the county to help manage the stormwater coming from the state highways.

Currently, there is an exemption passed by the state legislature for fees on impervious surfaces that would be imposed similar to the fees that were described in the Utility Director's presentation on the utility. From a perspective of consistency, he felt this is an unfortunate exemption. At this point they have to deal with rules the way they are. They are hopeful that Dept. of Transportation will assist in including stormwater treatment features on the state highways in Mason County to assist the county in the efforts to improve the water quality of water in the Hood Canal and Puget Sound Basins.

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Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the ordinance revising the Mason County Stormwater Ordinance and Chapter 14.48 of the Official Code of Mason County to integrate the "2005 Ecology Manual" for the Belfair and Allyn Urban Growth Areas. Motion carried unanimously. G-aye; RE-aye; S-aye. Ordinance No. 81-08 (Exhibit E)

10. Other Business (Department Heads and Elected Officials)
 - 10.1 The Public Works Director, Charlie Butros, announced that Grapeview Loop Road was reopened as of Thursday, June 12, 2008 after the contractor, Five Rivers Construction, completed all the work on McLane Cove Bridge project. He thanked the public for their patience during this project.
11. Board's Reports and Calendar – The Board reported on meetings attended the past week, June 10 – 17, 2008 and announced schedules for the upcoming week, June 17 – 24, 2008.
12. Adjournment – The meeting adjourned at 10:54 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Tim Sheldon, Chair

ATTEST:

Lynda Ring Erickson, Commissioner

Rebecca S. Rogers, Clerk of the Board

Ross Gallagher, Commissioner