

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

September 15, 2009

1. Call to Order – The Chairperson called the regular meeting to order at 9:02 a.m.
2. Pledge of Allegiance – Pat Swartos led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Ross Gallagher.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 Michael Neher, Everett Hughes, Tim Whitman and Mike Sheetz are seeking appointment to the vacated Fire District No. 6 Commissioner position.
 - 4.1.2 The Washington State Parks and Recreation Commission is preparing land use plans for each of their parks and would like public input throughout the process.
 - 4.1.3 Comcast provided notice of price changes effective October 6, 2009.
 - 4.1.4 The Washington State Liquor Control Board sent notice of establishments in Mason County with liquor licenses due to expire on December 31, 2009.
 - 4.1.5 Paul Wildman submitted comments regarding Nathan & Debra Stout and Patrick Paradise's rezone request.
 - 4.2 Proclamation – American Legion Month. Peter Laserinko presented the proclamation declaring September 2009 as American Legion Month in Mason County.
 - 4.3 News Release - Solid Waste Schedule Changes. Emmett Dobeý presented the new release announcing reduced hours for all Mason County solid waste facilities beginning October 1, 2009.

Cmmr. Sheldon commented that this is a big change and hopefully the public will be ready. The hours at the Shelton transfer station have never changed, but as a utility, the solid waste management department must live within their budget and operate on the funds they generate.

Mr. Dobeý noted that on one hand it is a good thing because they are collecting less garbage, which is something they want to do. However, a reduction in garbage means a reduction in revenue so they have to change the hours they are open.

Cmmr. Ring Erickson stated that it is her understanding that some of this decrease is not so much an impact of recycling, but the reduction of construction waste that comes with building. In the future when there is more building these percentages might come back up.

Mr. Dobeý responded that there are three factors: the economic conditions, less materials being generated from building and the fact that the summer has been very dry, which creates less weight because the garbage is dry. Because of those three factors revenue is down approximately 12%.
 - 4.4 Dave Loser announced that a purchase order for \$9,440.00, not including tax, is being issued to GWAVA Technologies, Inc. of Orem, UT for e-mail archive software for the County e-mail system.

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5. Open Forum for Citizen Input –

- 5.1 Brenda Hirschi stated she doesn't understand why there will be a public hearing because the Auditor, Assessor and Treasurer would like to close their offices for lunch, but there is no public hearing for the transfer station closure. She would like someone to explain the procedure for this.

Cmmr. Sheldon explained that the item to set a public hearing for hours of operation is on the consent agenda. The Commissioners control the facilities and have chosen to have a public hearing for that. He asked Mr. Dobe to explain why he did not have a public hearing for the hours of operation of the landfill.

Mr. Dobe responded that his department generally only holds public hearings when they are changing rates because they are required to by ordinance. A change in operation is at the discretion of the Director, who decides the best way to run the department. Because they are at a point where they were losing revenue they had to make these changes.

- 5.2 Denise Berglund wanted to talk about saving the church. The Commissioners need to synthesize information. The biggest information is that this group was able to raise \$150,000 in these times. People will only give more money when the Board says it's okay and they know the building will be there. The contract is a piece of paper that can change. She was in on this initially when the growth plan was being discussed and it was decided that the church would be a parking lot for all of the new County buildings. There is no more growth plan so things can change. There is not a minority involved in this. \$150,000 is a lot during these times.

Cmmr. Sheldon responded that the contract with the church is for \$350,000. This group wants to give the County \$150,000 for a \$350,000 obligation. To offer \$150,000 for a property being sold for \$350,000 is very unusual. It would be a poor use of taxpayers' money to accept an offer like that.

Cmmr. Gallagher added that there was a contract in place two years ago. The building was for sale four years before that and no one was interested in it, so the Board approved the purchase by a 3-0 vote. Over the past year people decided they were interested in this. He has heard from people that the Archdiocese doesn't care who purchases the property. The Board made a motion to hold a briefing with the Archdiocese to get some straight answers on August 25th and the Archdiocese was never heard from. He decided to call the Archdiocese instead of waiting and he asked for a straight answer. He asked what's the deal. The Archdiocese said the deal was signed two years ago. He thinks it is sad that people have done a lot of work for a glimmer of hope that was never there. The Board must move forward and proceed with the agreement.

- 5.3 Drew Noble stated he is here on behalf of TIPCAP. A motion was passed at their last meeting to recommend that in the event a levy shift process is utilized, it not exceed \$1,000,000. They would prefer that no levy shift be done. At present, approximately \$965,000 is diverted from the road fund to the Sheriff's office to pay for the enforcement of transportation related laws. There are very good roads in Mason County. It is one of the best road systems in the State. This shift would put off the construction and rebuilding of some of these roads. The minor and unidentified construction item would be reduced to about \$4,000 with a levy shift. That is the fund that pays for flood damage to roads and snow removal. A lot of grants that the County gets for road improvements are reimbursements and a levy shift would also cut out the cash flow for those grants.

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Cmmr. Sheldon responded that this is just the beginning of the discussion. No decisions have been made. There has been one presentation made on the issue and the Public Works department is planning on a workshop as well.

6. Adoption of Agenda - **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as revised. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – August 10 and 24, 2009 briefing meeting minutes and September 1, 2009 regular meeting minutes.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve the August 10 and 24, 2009 briefing meeting minutes and September 1, 2009 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; G-aye.

8. Approval of Consent Agenda:
 - 8.1 Approval to set a public hearing on Tuesday, October 13 at 9:30 a.m. to consider amendment of the Mason County Parks and Trails Department Fee Schedule to include commercial and recreational boat launch fees.
 - 8.2 Approval of a resolution establishing a special fund to deposit donations and park user fees for the Mason County Parks and Trails Department Maintenance and Operations.
Resolution 79-09 (Exhibit A)
 - 8.3 Approval of Amendment B to contract E09-080 with the Washington State Military Department for E911 Wireline and Wireless services. This increases the contract reimbursement by \$6,773.70 to \$60,895.70
 - 8.4 Approval of the resolution for a loan from the Equipment Rental Revolving & Revolving Fund to Mason County Utilities – Solid Waste Operations in the amount of \$300,000 to be repaid in equal installments over three years. This is due to a reduction in revenue.
Resolution 80-09 (Exhibit B)
 - 8.5 Approval of the agreement with Dick and Joyce Arnold for the Walker County Park Attendant.
 - 8.6 Approval to set a public hearing on Tuesday, October 6, 2009 at 9:30 a.m. to consider a proposal to change the hours that certain Mason County Offices are open to the public to accommodate staff reductions.
 - 8.7 Approval to award the contract for MCRA Office Building renovation to Simroe Construction, Inc. in the amount of \$182,112. Funding for the project will be provided by REET II capital funds.
 - 8.8 Approval of the resolutions to affirm Mason County's election to receive National Forest Related Safety—Net Payments under PL 110-343 and to designate 20% of the Safety Net Full Payment amount to be allocated to Title II or Title III local projects. **Resolutions 81-09 & 82-09 (Exhibits C & D)**
 - 8.9 Approval of the interlocal agreement and memorandum of understanding with the Washington Health Care Authority and Public Employees Benefit Board (PEBB) for non-union employees' health benefits, including elected officials. This will provide a full benefit package of medical, dental, vision, life and long-term disability for the non-union employee group effective January 1, 2010. There is no additional cost to the county.
 - 8.10 Approval to sign the letter of no objections to the Special Occasion Liquor Control Permit for a September 19, 2009 fundraising event for the Squaxin Island Museum Library & Research Center.
 - 8.11 Approval of Amendment #17 to the Consolidated Contract C14956 increasing the maximum consideration by \$129,211 to a total of \$1,938,221 for the Public Health Emergency Preparedness and Response program.

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- 8.12 Approval of the Veterans Assistance Fund applications for: Eldon Hosick - Food \$100.00 and Greg VanSapp - \$109.88 for a total of \$209.88 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.13 Approval to appoint Dave Johnston to serve as Commissioner, Position #1, for Mason County Fire Protection District No. 6.

Brenda Hirschi asked that item 8.4 be removed for further discussion.

Cmmr. Sheldon commented on item 8.13. He thanked the individuals that stepped forward to help their community. It was a tough choice and there were a lot of qualified individuals. The Board had to move forward rapidly and Dave Johnston is a very qualified person.

An audience member asked about items 8.5 and 8.8. She thought Walker Park was closed in regards to item 8.5.

Cmmr. Sheldon stated that item 8.5 is just changing the park host. The park was never closed.

The audience member asked what Title II and Title III projects are in regards to item 8.8.

Cmmr. Sheldon responded that these are Federal designations of funds that are available to counties that are largely timber dependant.

Cmmr. Ring Erickson clarified that the money is often used for the Sheriff's office to respond to timber theft and vandalism on Federal lands. It is part of the payment in lieu of taxes. Some of the 4-H forestry programs come through Title II.

Cmmr. Gallagher noted that some other counties in the state with large holdings of Federal lands rely on this funding to help supplement property taxes.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve Consent items 8.1 through 8.13, with the exception of item 8.4. Motion carried unanimously.
RE-aye; S-aye; G-aye.

Cmmr. Sheldon noted that item 8.4 is a carry over from last week that involves a loan from the Equipment Rental and Revolving Fund to Utilities and Waste Management.

Emmett Dobey explained that the department started 2009 by paying two bills that were from 2008 for long haul contracts. That started the year in the hole about \$300,000. If the bills are not paid the department will be starting the second year in a row at a deficit, which is contrary to State law. The proposal is to borrow the \$300,000, repay it in 3 years and reduce the operations to the amount that is necessary to repay the loan.

Cmmr. Sheldon stated that this item was on the agenda last week and was reviewed by the Finance Committee.

Ms. Hirschi asked when Mr. Dobey became aware that there were two bills that were not paid in 2008 as they should have been.

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Mr. Dobe responded that he became aware of the bills in January or February of 2009. He believed that the bills could be made up during the year, but they ended up having a 12% reduction in refuse coming in. The budget today shows that revenues exceed expenditures, but not to the extent that it will cover \$300,000.

Ms. Hirschi asked why Mr. Dobe was unaware of the bills in 2008 and why this discussion didn't take place last fall.

Mr. Dobe responded this hasn't been ignored and they are trying to address it. Extreme efficiency measures have been taken at the landfill in order to have it operate better and now they are reducing the hours of operations and staff.

Ms. Hirschi commented that the citizens need assurance on how this will be prevented from happening in the future.

Mr. Dobe answered that even if a loan were taken out in 2008, staff would still have been reduced this year. They are putting practices in place to pay the loan and get caught up by reducing staff. If waste continues to decrease, additional staff will need to be laid off or there will need to be other changes at the landfill.

Ms. Hirschi asked if it is really true that it has just been a dry year and the waste weighs less.

Cmmr. Sheldon responded that is only part of it. There was a tremendous amount of waste in previous years from residential and commercial construction. This county has gone from the second fastest growing county in the state back to a rural, timber dependant county with a rural level of service. The revenue that was derived from construction waste is no longer available.

Mr. Dobe clarified that the waste coming into the landfill is 1/3 residential, 1/3 commercial and 1/3 construction. People are recycling to reduce residential waste, they aren't buying things so that reduces commercial waste and construction is down. Rather than ignoring the problem they are acting now.

Ms. Hirschi asked why something wasn't done sooner about this.

Mr. Dobe answered that they have been monitoring the waste flow since the beginning of the year to see if they could make up the amount due.

Cmmr. Ring Erickson commented that the Board was briefed on this at the beginning of the year. This is an enterprises fund and it looked like this could be made up, but there was a reduction in the waste stream.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve Consent item 8.4. Motion carried unanimously. Motion carried unanimously. RE-aye; S-aye; G-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time. –
- 9.1 Public hearing to review the request by Nathan & Debra Stout and Patrick Paradise to rezone four parcels (7.44 ac. area total) within the Rural Area from Rural Residential 20 zone to Rural Commercial 2 zone with proposed strict conditions of review.

Cmmr. Sheldon noted this was voted on several months ago and was brought back to the Board by the Superior Court.

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Allan Borden, Planner, presented the staff report. This is a request for rezone is from Nathan and Debra Stout and Patrick Paradise. Four parcels are involved with a total acreage of 7.44 acres. The site is located just to the west of the intersection of McEwan Prairie and Mason Lake Road. The community of Rainbow Lake is just to the south and east. In this part of the county there are large properties between 50 and 300 acres in size. For that reason this area has been zoned Rural Residential 20. To the east is an area of Rural Residential 5, composed mainly of smaller properties less than an acre in size. The location is about 2 miles northeast of Shelton Urban Growth Area.

The subject properties are between 1.8 and 2.0 acres in size and were created in 1992 by a short plat. These properties were initially review in November of last year by the Planning Advisory Commission. The Planning Advisory Commission recommended approval of the rezone by a 4 yes to 1 no vote. That recommendation was forwarded to the Board and the County Commissioners held a public hearing, which resulted in a denial of the request by a 2-1 vote. After the Commissioners' decision was issued the applicants filed a land use petition with Mason County Superior Court. On March 9, 2009 Judge Finlay issued an order to remand the review of the request back to the Board of Commissioners. On August 20, 2009 attorneys Robert Johnson and Kristen French, who represent the applicants, submitted additional materials to be considered for the rezone request. His staff report includes some of the information submitted by the attorneys.

Typically with rezone requests the Planning department reviews the eight rezone criterion that are in the development regulations. The staff report is composed of analysis using those criteria. When the applicants submitted additional material in August they modified their request by including a provision to have a limited amount of potential land uses in the Rural Commercial 2 zone. The Rural Commercial 2 zone typically has a moderate amount of commercial uses that range from convenience stores to daycare centers. The applicants were willing to allow the uses to be a post office, fire station, church, local community center and self-storage facility. They were also willing to impose a greater vegetation and fencing buffer and property line set backs.

When staff reconsidered this request the main issues still remain as they were in January. Typically there is going to be a certain amount of health, safety and welfare issues on any development. The difficult measure that a lot of requests face when going from a residential zone to non-residential zone is whether the current zone or the proposed zone is more consistent with the designation. Since the subject property is in a block of large parcels and the site is adjacent to timberland, staff still finds that the Rural Residential 20 zone is the most consistent zone for the property. The fact that the parcels are small in size is subject to McEwan Prairie cutting off a small sliver of land of a much larger property and the subsequent short plat that was done in 1992 before the Rural Residential 5 zone came into existence. The other criteria that this request doesn't meet is the impact to the surrounding resource lands. The properties are nearly surrounded by timberland. If this rezone were permitted an extensive amount of commercial land use would be introduced into an area of residential land use and incompatible timberlands. The commercial land use would be spread along 1600 feet of McEwan Prairie Road. The other rezone criteria are not significantly impacted by the request. These properties are confined so it is not likely that there would be pressure to change other land use zone designations. In conclusion, staff finds this request doesn't meet criteria 2 and criteria 3. For that reason staff recommends the request be denied. Mr. Borden noted that he did receive a letter in support of the rezone from a resident of Lake Limerick.

Questions for Staff

Cmmr. Gallagher asked if it is Mr. Borden's opinion that buffers wouldn't matter in this rezone.

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Mr. Borden stated he wouldn't go that far. Buffers would provide visual protection from the road and soften the impact, but these would be larger buildings than would be found under a rural residential land use.

Cmmr. Gallagher noted that under the requested zone there are no minimum lot sizes. He asked if more lots would be allowed within the property.

Mr. Borden answered that a person could divide down a commercial lot. A one acre lot could be split into two half acre lots and those two lots could be used for separate land uses by separate people.

Cmmr. Gallagher asked if this type of rezone request has been allowed before.

Mr. Borden answered that it has been allowed before. A request received conditional approval in the Belfair Urban Growth Area.

Cmmr. Gallagher asked what the difference is between this request and the Johnson rezone.

Mr. Borden responded that the Johnson rezone was the first rezone request reviewed by the Board that was approved by conditional approval. That request was in a commercial industrial area and the applicant was willing to reduce the number of land use possibilities. This request would like to follow the same concept to limit the potential land uses to make it a more agreeable and predictable development.

Cmmr. Gallagher asked about Attachment D. He would like to know if it would apply county-wide.

Mr. Borden clarified that request to increase buffers would only apply to this proposal.

Cmmr. Gallagher commented that there is a picture of a unique barn style storage facility in the presentation. He asked if the style of building is being discussed or just the rezone.

Mr. Borden explained that kind of detail is reviewed at the special use permit level.

An audience member asked who was included on the mailing list.

Mr. Borden answered that the mailing list is primarily for property owners within 300 feet. There was also public notice in the newspaper.

Public Testimony

Kristen French and Robert Johnson spoke on behalf of the applicants Patrick Paradise and Nathan Stout. Ms. French explained that the County report indicates that a number of the criteria that are associated with rezone proposals are satisfied. There is no anticipated damage to public health, safety or welfare. They viewed public comments and a lot of them had to do with noise, lighting and aesthetics, which are issues that would be more appropriately addressed in a special permit requirement process. However, she did want to address the traffic related concerns of the community. She asked Mark Jacobs to address the traffic impacts.

Mr. Jacobs stated he has been doing traffic engineering work for 25 years. He was asked to look at the subject site and to look at the traffic impacts of the development of a self storage facility as compared to what could be developed under existing zoning. His understanding is there are four existing lots that could have the potential development for 6 single family homes. Single family homes typically generate 10 daily trips per unit, so that would total 60 daily trips. If the site were developed with a 30,000 square

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foot mini storage there would be about 75 daily trips. Basically there would be less than one additional trip per hour per day. From a traffic generation standpoint there isn't any significant difference from what the existing zoning would present. The trip generation is based on nationally derived data. The actual traffic impact is nominal. The traffic on the adjacent road, based on County data, is about 4,200 average trips per day. The additional 75 trips would be less than 2% of the total daily traffic. Mini storage is considered to be a very minor use in traffic.

Ms. French continued going over the other rezone criteria. The County's determination that the request will not result in a marked increase for any urban services fits with their analysis. The County's determination that this proposal does not interfere with GMA goals also fits with their analysis. She noted that these parcels are situated in a unique enclave and are very well positioned to serve the documented need for self storage in the area. She provided a map that depicts existing self storage facilities in the County and she provided letters of support from community members indicating a need for self storage. She also noted that Commissioner Sheldon has also stated on the record that he sees a need for this type of development in the County. The location of dense existing areas of rural development around this area would benefit from this proposed use. The County's determination that this proposal will not materially interfere with open space and habitat is accurate, given the fact that the existing zoning designation would allow for fairly dense rural development. The last criterion that the County found was satisfied is the fact that this development will not create pressure to review additional rezones in the area. This is also accurate because of the unique position of the parcels. Only a sliver of all of these parcels is directly adjacent to single family residential development.

She wanted to emphasize a few points before addressing the two key issues. The applicants have agreed to strictly condition the range of uses in the proposed RC2 zone. They have stricken every use that might be objectionable to the community and they have determined self storage is an appropriate and palatable proposal for the site. They understand that a special use permit would be required and strict conditions could dictate concerns regarding noise, lighting and aesthetics. Aesthetics are not an issue at this point, but the concern of whether this use is compatible with adjacent uses means that is an overarching concern. The applicants have found a development of a self storage facility that they think will fit well with the rural character. There is barn style construction and buildings perpendicular to the road to minimize the visual impact. That, in conjunction with creative buffering techniques, has the potential to make this a viable option for the site. The applicants have voluntarily submitted a proposal to increase buffer widths. There would be at least a 30 foot front yard set back, 50 foot rear and side yard set backs and buffer plantings that aren't required under the current Rural Residential 20 zone. There would be 8 foot fencing, canopy trees, shrubs and evergreens that are not required under the current zoning.

The two key questions are whether the propose rezone to RC2 is a better fit than the existing Rural Residential 20 zone and will the self storage developed under the RC2 zone be compatible with adjacent uses. It is apparent that the Rural Residential 20 zoning isn't appropriate for the subject parcels because the sizes range from 1.81 to 2 acres and they front a major County road with a posted speed of 50 mile per hour. The parcels constitute a uniquely situated enclave and are framed by large 300-plus acre parcels that are undeveloped timber use. Across McEwan Prairie Road is another 50 acre parcel that is undeveloped timberland. The only directly adjacent single family residential is limited to a very small strip. The fact that each of these four lots could be developed fully for residential purposes defeats the purpose of the Rural Residential 20 zoning. As presently zoned, these parcels could be fairly densely developed. They are not the typical conforming 20 acre parcel. The goals that are associated with Rural Residential 20 zoning cannot be met by way of the non-conforming parcels. It makes sense to move to a zoning designation that would do something other than just enable further residential development. A low impact service that could serve surrounding areas would be a smart choice.

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The ultimate and final question is whether this will be compatible with adjacent land uses. It is important to understand that this property will not stay as it is indefinitely. It can be fairly intensely developed for single family residential purposes. There is no showing that intense development for single family residential purposes would be any more compatible with surrounding timberland uses. She presented photographs of other single family development in the area and noted that single family development isn't necessarily aesthetically pleasing. If the County were to go along with the proposed rezone they would have a lot more authority in ensuring adequate buffering and separation. In conclusion, criteria 2 and 3 appear to be satisfied by their analysis.

Darrell Winans stated he knows the applicants personally. They asked if he would be in support of the rezone. He would totally support the rezone and he thinks this is a good idea. It is a small ground in a bunch of timberland that nobody knows what to do with. He was president of the Lake Limerick Community Association and he received numerous calls from people wanting to store things. It is an odd area set away from the UGA and other facilities. He applauds the applicants for restricting potential uses. Personally, he would like to see a fuel station there. This is a needed facility and with the buffering added it will be nicer than some residential areas.

Douglas Whitney would like to know where these pictures came from. They are not from Mason County. He has a friend who spent a lot of time taking pictures of self storage units in Mason County. Not one of them had any shrubbery. To beautify the outside would just be to hide razor wire. The applicants have spent a lot of money and time to put this through, but how many more storage facilities are needed in the county? People only need to drive a couple of miles to get storage as it is. There needs to be some class in this county and some beautification. Not one of the storage areas in the county has any beautification. If this is approved there needs to be a plot plan showing shrubbery. There will also be water runoff and a big ditch. He doesn't want a storage unit next door to him and he doesn't want any more asphalt runoff draining into the lake.

Bob Herr would like to reemphasize some very basic points. This is why there are growth management regulations, to protect established residential areas from intrusion of incompatible development and to protect critical areas. This was approved by the citizens advisory committee, but that's not binding. He finds Allan Borden to be a dedicated public servant so he accepts his opinion over that of the advisory committee. When it comes to rezones there has to be a compelling reason, especially when it comes to changing from residential to commercial. When you change an established residential area it is a whole different ball game. He doesn't live in the neighborhood, but his primary interest is the quality of life in Mason County and how well development regulations are adhered to. Accommodating the financial aspirations of a few individuals isn't a compelling reason to rezone a property, nor is gaining a small amount of tax revenue. What the citizens deserve is regulatory certainty. The applicants have hired lawyers and consultants to represent their case. The people in the neighborhood can't afford to hire consultants but they would present the exact opposite case. The Board represents the citizens and the citizens in the neighborhood don't want this. There was supposed to be a 50 foot vegetative buffer around the John's Prairie mine but that didn't work. One factor that wasn't presented is that the best use of this property would be a natural extension of the Rainbow Lake housing area.

Paul Wildman wanted to make a visual presentation with the slides he took of each of the self storage facilities presently in Mason County so the Board could have a fresh idea of what these things look like. This area is a residential neighborhood. The facilities he looked at are protected by fencing and razor wire and there is no buffering or landscaping on any of them. Razor wire indicates a problem with criminality. He is concerned that the residential neighborhood will be impacted by such a facility. The rest of the facilities in the county are not buffered and are lined with vehicles. There is not one that is nice looking in the county. He would like the Board to take a look at what is actually being done and ask themselves if they would like this put in their neighborhood.

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Leo Pat Murphy stated this property is to the southwest of his property. There is a prevailing southwest wind that would blow from the property. If Lake Limerick wants storage they should build their own. Storage units are always being raided for stolen goods and meth labs on the news and they don't need that in their neighborhood. The main thing he is concerned about is the criminality and the visits going in and out of the storage units. Last year when this was brought up there was a petition but he hasn't had time to put one together this year. He is sure everyone who signed the last petition would sign it again.

Joy Murphy stated she was the one who went around to get the petitions last time. She hates the fact that this would be 40 to 50 feet from her backyard. Even the people fighting to have this wouldn't want a storage unit 50 feet from their door. They bought their property in a residential area and they want it to stay residential. They would have never bought their property if there was a storage unit there and now no one will ever buy their property if this is approved. If this happens their property value will be cut in half.

Cmmr. Sheldon noted that he disclosed at the last public hearing that he rents a unit from Nathan and Debra Stout in Shelton. He doesn't feel that effects his decision at all.

Cmmr. Gallagher commented that this has been a thick presentation with many references to the Johnson rezone and that doesn't seem to have any bearing on this. This is rural residential and it isn't in the UGA. He holds his position from the previous vote.

Cmmr. Sheldon stated he also favors his previous position on this as the one Commissioner who voted for it. In most areas they list what is not allowed in certain zoning. Mason County lists the things that are allowed. For Rural Residential 20 allowed uses without a special permit include community and recreation centers, fire stations, fish hatcheries and public utilities. Those uses would be a much greater impact than a self storage unit. The applicants have come back with a proposal that is much more palatable. It shows their concern for the community and they are willing to accept very restraining conditions. This is a use that is necessary that would allow people to store goods close to their residence. The special conditions would provide adequate buffering and this would be a wise use of this property. It shouldn't be as feared as some of the residents have expressed.

Cmmr. Ring Erickson noted that this is in her district. She drives by the property once or twice per day. This is a better proposal than the one a few months ago, however it is still outside the UGA. The residential communities in the area predate the Growth Management Act so there is some density. Most of the people who live there bought property knowing they were buying in a rural area. With that comes the expectation that some services will be farther away. Some of the comparisons being made aren't relevant in the decision today. She supports the comments from the community and she hasn't forgotten what she said last time.

Cmmr. Sheldon reiterated that it is his feeling that many of the allowed uses for rural residential would be more invasive than the proposed self storage use.

Cmmr. Ring Erickson/Gallagher moved and seconded to deny the request by Nathan & Debra Stout and Patrick Paradise to rezone four parcels (7.44 ac. area total) within the Rural Area from Rural Residential 20 zone to Rural Commercial 2 zone with proposed strict conditions of review. Motion carried. G-aye; RE-aye; S-nay

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


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- 10.1 Vicki Kirkpatrick gave an update regarding Swine Flu. The good news is that in the southern hemisphere there hasn't been any difference in the affects of the flu. The vaccine may come sooner than expected and people will only need one vaccination. The Health department is working with providers and schools regarding vaccination. She encourages people to get the seasonal flu vaccine now.
- 10.2 Bob Simmons presented a series of upcoming grant funded workshops focused on water quality. The programs are designed to educate people on better managing stormwater run off and onsite sewage systems.
11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.
12. Adjournment – The meeting adjourned at 11:19 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Tim Sheldon, Chair



Lynda Ring Erickson, Commissioner

ATTEST:



Shannon Goudy, Clerk of the Board



Ross Gallagher, Commissioner

RESOLUTION NO. 79-09

A RESOLUTION ESTABLISHING A SPECIAL FUND TO DEPOSIT DONATIONS AND PARK USER FEE'S FOR MASON COUNTY PARKS AND TRAILS DEPARTMENT MAINTENANCE AND OPERATIONS..

WHEREAS, Chapter 67.20.010 RCW, provides the authority for Counties to own and operate recreational facilities for public use, and to set forth the regulations, policies, and practices governing such use, and

WHEREAS, Mason County Parks and Trails Department owns and operates County Parks for the enjoyment and use of its residents and visitors, and

WHEREAS, County Parks receive increasing use each year from the public, while funding for maintenance and operations from the County Current Expense Fund has declined, and

WHEREAS, the public has expressed an interest in donating funds to the Parks And Trails Department solely to be used for maintenance of Parks and Park facilities, and

WHEREAS, the Parks and Trails Department is beginning to charge park use fee's specifically designed to be used for maintenance and operations of parks and park facilities;

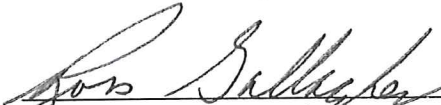
NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Mason County does hereby establish a "Mason County Parks Donation and Maintenance Fund," separate from the County Current Expense Fund, to which donations and user fee's will be deposited and utilized solely for maintenance of Mason County Parks and Park Facilities.

Signed this 15th day of September 2009.

BOARD OF MASON COUNTY
COMMISSIONERS


Lynda Ring Erickson, Commissioner


Tim Sheldon, Chairperson


Ross Gallagher, Commissioner

ATTEST:


Clerk of the Board

REVIEWED AS TO FORM:

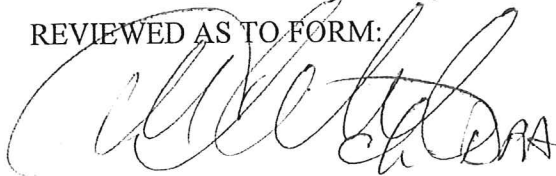

EVA

EXHIBIT A

RESOLUTION NO. 80-09
LOAN FROM MASON COUNTY EQUIPMENT RENTAL & REVOLVING (ER&R) FUND
501-000-000 TO THE MASON COUNTY LANDFILL 402-000-000

WHEREAS, the Mason County Utilities and Waste Management Department has experienced severe revenue down turn and is in need of additional resources;


WHEREAS, the Equipment Rental & Revolving (ER&R) Fund is able and willing to provide financing for the Mason County Utilities and Waste Management Department;

NOW THEREFORE BE IT RESOLVED, by the Mason County Board of County Commissioners that a loan for financing be established as follows:

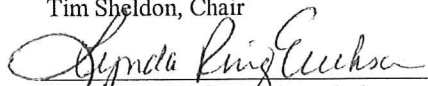
FROM: Mason County Equipment Rental & Revolving Fund (ER&R) 501-000-000
TO: Mason County Landfill 402-000-000
TERMS: Annual Interest Rate: 0.6%
Principal Amount: \$300,000.00
Duration of Loan: Three Years
Debt Repayment: Monthly
PURPOSE: Provide Financing for the Operation and Maintenance of the Utilities Fund.

APPROVED this 15th day of September 2009.

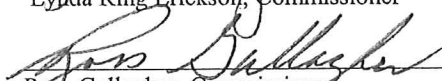
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Tim Sheldon, Chair

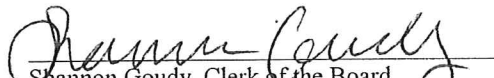


Lynda Ring Erickson, Commissioner




Ross Gallagher, Commissioner

ATTEST:



Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:



Monty Cobb, Chief Civil Deputy Prosecutor

C: Treasurer, Auditor/Financial Services, Budget & Finance, Utilities Waste Management, Karen Dowling, ER&R Fund

Resolution No. 81-09
Counties & Schools Coalition

Purpose: Designating 15% to 20% of the Safety Net Full Payment Amount to be Allocated to Local Projects and specifying the percentage of funding to be allocated to Title II and III Projects.

Whereas forest counties having United States National Forests within their boundaries have received Forest Reserve payments for roads and schools under the terms of the Agricultural Reapportionment Act of 1908; and

Whereas these receipts were a regular but cyclical source of revenue for schools and counties during most of the last century; and

Whereas federal land policies during the past decade have shifted away from multiple use land management; and

Whereas Congress has recognized that these policy shifts have negatively impacted local communities and the health of our National Forests; and

Whereas Congress has passed PL 110-343 – Sect. 601(a), Division C which seeks to reconnect local communities with decisions made on their national forests and invest in improving the health of our forests and watersheds; and

Whereas PL 110-343 makes provisions for safety net payments to counties for up to four (4) years with either 15% to 20% of these funds being allocated to projects which would enhance the health and safety of US National Forests.

Be it therefore resolved that Mason County, which has elected to receive safety net payments under the provisions of PL 110-343, hereby designates 20% (15% to 20%) of its safety net payments to be allocated to Title II or Title III projects under this legislation; and

Be it further resolved that Mason County intends to allocate its' designated project funds in the following proportions:

Title II funds 13 %
Title III funds 7 %

* If your total SRSCA funding exceeds \$350,000, then a maximum of 7% may be assigned to Title III.

** Please review the new Title III guidelines before completing this resolution.

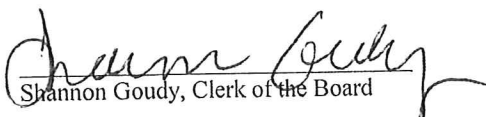
Be it further resolved that this election be communicated to the Governor's office and the Regional Forester's office by November 10, 2009; and

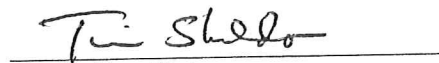
Be it further resolved that this action be communicated to all jurisdictions in this county which receive Forest Reserve payments.

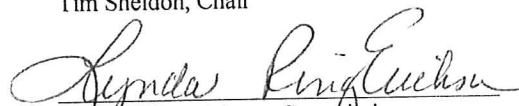
Dated this 15th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

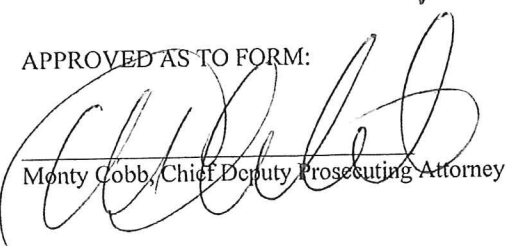
ATTEST:


Shannon Goudy, Clerk of the Board


Tim Sheldon, Chair


Lynda Ring Erickson, Commissioner

APPROVED AS TO FORM:


Monty Cobb, Chief Deputy Prosecuting Attorney


Ross Gallagher, Commissioner

Resolution No. 9209
National Forest Counties & Schools Coalition
Purpose: Selection of Forest Reserve Payment System
Opting in/out of HR 1424 (PL 110-343 - Sect. 601(a), Division C) Safety Net

Whereas counties having United States National Forests within their boundaries have received Forest Reserve funds for roads and schools since the passage of the Agricultural Reapportionment Act of 1908 based on revenues generated from these forests; and

Whereas these counties have substantial areas of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

Whereas during most of the 20th century Forest Reserve payments were a consistent but cyclical source of income for schools and counties; and

Whereas during the past decade changes in public policy at the national level have substantially reduced and in some cases virtually eliminated economic activity on national forests; and

Whereas the demands for education and roads have in most jurisdictions continually increased while Forest Reserve revenues have declined; and

Whereas the Congress of the United States recognizing the existence of the above mentioned conditions has seen fit to pass PL 110-343, which provides a four (4) year safety net whereby counties may either receive the traditional annual payment from the Forest Service (and/or BLM) or select four years of payments based on a formula provided in the legislation.

Whereas PL 110-343 specifies that each forest county has an option to select either: (a) remaining on the traditional 25% Forest Reserve Receipts payment system or (b) selecting the full payment system set forth in Title I of PL 110-343; and

Whereas it is understood that counties which select the PL 110-343 full payment (safety net) option are doing so for the full four (4) year life of the bill; and

Whereas it is further understood, that those counties who select to remain on the traditional 25% Forest Reserve Receipt system, are obligating themselves for a two year period, and will have the option of changing to the PL 110-343 safety net system after the second year of the bill.

Be it therefore resolved that Mason County and its impacted school districts, hereby select to receive their forest reserve payments as set forth below (specify one):

- Traditional 25% Forest Reserve Receipts - 1908 Act (7 year rolling average)
- Full Safety Net Payment amount as per PL 110-343; and

Be it further resolved that this selection be communicated to the Governor of the State of Washington, by November 10, 2009; and

Be it further resolved that all jurisdictions receiving Forest Reserve Funds within Mason County receive a copy of this resolution for their official records as soon as it is officially adopted.

APPROVED AS TO FORM:
Shannon Goudy, Clerk of the Board
Monty Cobb, Chief Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON
T. Sheldon, Chair
Lynda Ring, Erickson, Commissioner
Ross Gallagher, Commissioner

ATTEST: