

MINUTES

BOARD OF COUNTY COMMISSIONERS MEETING

September 29, 2003

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, September 29, 2003, at 2:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Al Carter were present. Also in attendance was Sandi Daniels, Clerk of the Board. Jim Baker, Prosecuting Attorney was present.

MINUTES OF PREVIOUS MEETING: The minutes of the September 22, 2003 meeting were approved.

BIDS

None

HEARINGS

Preliminary Approval of a 32-Lot Long Subdivision: There was a public hearing to consider an application for a 32-Lot Long Subdivision. Northwest Rock Inc. has submitted an application for a 32-lot long subdivision permit pursuant to Grays Harbor County Code title 16. The subdivision permit would allow the applicant to divide the existing 76.8 acre parcel into thirty-two (32) lots. The proposed lots range in size from 20,009 square feet to approximately 6.5-acres. The proposal is located on the property having Assessor parcel #170810430000. It is further described as being within the west-half of the southeast quarter, within the Section 10, Township 17N., Range 8 W.W.M. All lying one-mile west of the City of Montesano within Grays Harbor County, Washington. Chairman Morrisette asked for a staff report. Curt Crites, Grays Harbor County Planner reported that the applicant and Board of Commissioners received the following materials prior to the public hearing and requested they be entered into the record:

1. Record of Action containing the Grays Harbor County Planning Commission's findings of fact, conclusions and staff recommendations.
2. Attachment 1: Application for long subdivision, supporting letter, email correspondence, Stormwater Management Plan, and preliminary plat map.
3. Attachment 2: Development Feasibility Study letter, dated August 15, 2002.
4. Attachment 3: SEPA Mitigated Determination of Non-Significance and Environmental Checklist.

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5. Attachment 4: A letter dated July 28, 2003 from the Washington State Department of Transportation commenting on the SEPA MDNS.
6. Attachment 5: A letter dated August 5, 2003 from the Washington State Department of Ecology commenting on the SEPA MDNS.
7. Attachment 6: Public Notice and List of property owners within 300-feet that received the notice.
8. Attachment 7: Affidavit of Publication from *The Vidette*
9. Attachment 8: Copy of comment letter from the Grays Harbor County Treasurer's Office.
10. Attachment 9: Copy of comment letter from the Grays Harbor County Environmental Health Office.
11. Attachment 10: Traffic Impact Analysis for The Farm at Central Park.

Mr. Crites reported that Northwest Rock Inc., would like to subdivide approximately 76.8-acres of land into thirty-two (32) single-family residential lots. The proposed lots range in size from 20,009 square-feet to approximately 6.5-acres, with 27 of the lots of the total 32 lots approximately 20,000 square-feet in size. Included in the proposal is construction of a public road and improvements to a private roadway. All lots will be served by on-site septic systems, with the potable water supply provided by Grays Harbor County Water District #2. Mr. Crites reported the proposal is on the property having Assessor's parcel #170810430000 and is located within the west-half of the southeast quarter of Section 10, Township 17N., Range 8W.W.M. lying one-mile west of the City of Montesano within Grays Harbor County, Washington. Accompanied with the application was a Stormwater Management Plan, providing assurance that adequate drainage systems will be provided within the new development. The subject property is currently accessed from Ashley Drive. The subject property also has means of access from Kayla drive, just north of Ashley Drive. The applicant has proposed to build a public road extending from Kayla Drive to a new public road, which lies perpendicular to Kayla Drive. Both Ashley and Kayla Drive lie perpendicular to Clemons Road North, which is accessed via State Route 12. Ashley, Kayla and Clemons Road are all county roads. As part of plat approval, the applicant will be required to extend both Ashley and Kayla Drive to the proposed Hagen Road. The extension of both county roads into the subject plat will facilitate the movement of traffic and provide for optimal traffic circulation, while lessening adverse traffic impacts to the general neighborhood. The extension of both Ashley Drive and Kayla Drive will allow for the dispersal of the traffic

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generated by the subdivision onto two roads rather than only onto Kayla Drive. Kayla Drive has been constructed to the County road standards to accommodate 100 residential lots. It was noted that if Kayla Drive were constructed today, it would be required to be 34-feet wide to accommodate the vehicles from both the existing residences on the road and the new development. Kayla Drive is currently 22-feet wide. Mr. Crites reported that the Grays Harbor County Planning Commission, with 7 members present and voting, were in favor of the proposal as conditioned with a vote of 5 for the proposal and 2 against. Chairman Morrisette asked for public comment. Mike Daniels, Project Manager for Northwest Rock and employed by Pacific International Engineering, 501 Columbia Street NW, Suite D, Olympia, Washington, provided testimony. Mr. Daniels reported they appeared before the Board several months ago requesting a rezone from Agricultural zone to Restricted Residential (R-1) zone. The rezone request was approved by the Board and the subdivision was anticipated and discussed as part of the hearing process. Mr. Daniels explained the specifics of the subdivision were not defined in hearing and have been put together in a preliminary plat application. He reported that they appeared before the County Planning Commission and the Planning Commission approved the application based on staff recommendations. Mr. Daniels discussed the twenty-five (25) conditions of approval set by staff. He reported they have accepted all of the conditions with the exception of #15 – *The applicant shall construct a road connection to Ashley Drive from the proposed plat. The road design and construction shall be consistent with the Grays Harbor County Subdivision Road Standards, with design and construction reviewed by the Grays Harbor County Road Engineer prior to final plat recording.* Mr. Daniels provided information regarding condition #15. A traffic impact analysis was prepared as requested. The findings are part of the record and they indicated that the proposal to access the subdivision from Kayla Drive did not alter or change the level of service of Kayla Drive/Clemons Road or the state highway. He provided criteria for the traffic impact analysis and made arguments against condition #15. Mr. Daniels made comparisons between Kayla Drive and Ashley Drive. He reported that condition #15 for this subdivision is substantially different than requirements for similar or larger subdivisions that have been approved in the past several years. The County has granted numerous road variances to the standards for developers to accommodate access to their subdivisions. Mr. Daniels reported other subdivisions are single access and do not have multiple accesses. It is estimated that two-thirds of the lots in the subdivision would use Kayla Drive. Ashley Drive will require a steep grade and will appear unsafe to drivers. Mr. Daniels discussed condition #25 – *An inspection of soil log holes on the proposed lots has been performed by the Grays Harbor County Environmental Health Division. The majority of the lots should be able to accommodate gravity on-site sewage disposal systems. Proposed lot #'s 20, 21, 22 and 30 may require designed systems. Proposed lot #'s 13, 14, 15, 16, 31 and 32 are unacceptable for sewage disposal, due to either extremely compacted soils, or exposed naturally restrictive sub-soils. New soil log holes*

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shall be required on proposed Lot #'s 13, 14, 15, 16, 31, and 32 if they are to be created by this subdivision. Mr. Daniels provided additional information regarding condition #25. He commented that the makeup of the lots could change and there is a possibility that there will not be a 32-lot subdivision. Evaluation of the individual lots will determine if they are actually buildable or not. Mr. Daniels commented that because of the way the process has proceeded it is beneficial to consider another hearing. He explained the project proposal as presented to the public was for the use of Kayla Drive only. Citizens living on Ashley Drive received notice of the public hearing. However, considering the proposal as presented to the Planning Commission the residents on Ashley Drive believed they were unaffected. They are affected by the County requirement to include Ashley Drive as an access and they should have the right to be heard. Mr. Daniels addressed impact fees on County roads. He commented they are agreeable to pay a \$2,000 per lot impact fee to cover impacts to roads being used. The objection is the cost as it relates to the cost benefit. He reported that the County road engineer agreed that it is well within the design standards to have the additional traffic. Mr. Daniels explained that if it is approved the way it is proposed it will add a significant and unnecessary additional maintenance cost to the County road system. Mr. Daniels explained another hearing is necessary because the residents on Ashley Drive, the second division of Krueger Estates and a short subdivision south of Ashley Drive that rely on Ashley Drive as access need to be heard relative to how they feel about traffic. Wayne Hagen, attorney with Edwards and Hagen, and representing Northwest Rock, commented that everyone on Ashley Drive was not notified of what the effect would be to Ashley Drive. At the time the initial presentation was made they did not know what the exact cost would be and what the impacts to service and use on Ashley Drive would be. They now know what the costs are and that there would be a significant disruption in power and utility services as well as potential emergency services. They now know that there are significant grade issues involving some driveways coming from the homes on Ashley Drive. Mr. Hagen commented there are legal requirements that must be met. He stated certain things are required to be in the record before additional taxes and fees can be imposed and that is what the court interprets set-asides or additional conditions on developments to be and they are not on the record. Northwest Rock would like to have the process include legal requirements and a full hearing is required. Mr. Daniels and Mr. Hagen answered questions from the Board. Chairman Morrisette asked Jim Baker for correct procedure regarding the request for another hearing. Mr. Baker reported this has been advertised as a public hearing and the best procedure would be to continue this hearing, leaving testimony open for another date. A motion was made, seconded and passed to continue this hearing to October 27, 2003 at 6:00 p.m.

Emergency Appropriation, Superior Court Fund: There was a public hearing to consider Emergency Appropriation as follows: Superior Court Fund #001-000-033 in the amount of \$146,000. Judge Godfrey stated the request in the amount of \$146,000 is due

to a shortfall in attorney fees for representation of indigent defendants. Chairman Morrisette asked for public comment. Rose Elway, Budget Director, explained the shortfall is due to unfunded mandates from the State of Washington passed down to County government requiring that attorney's be provided for indigent defendants. A motion was made, seconded and passed to approve **Resolution No. 03-100 – Authorizing An Emergency Appropriation In The Budget Of The Grays Harbor County General Fund Superior Court #001-000-033.**

Supplemental Appropriation, Special Projects Fund: There was a public hearing to consider Supplemental Appropriation as follows: Special Projects Fund #101-000-000 in the amount of \$55,000. Chairman Morrisette asked for a staff report. Rose Elway, Budget Director, reported the Supplemental Budget request for \$55,000 is due to an amendment to the Chehalis Basin Salmon Recovery Lead Entity Program grant received through the Washington State Department of Fish & Wildlife. The amendment will provide funding to continue with the salmon recovery program. Chairman Morrisette asked for public comment. There was no public comment and the hearing was closed. A motion was made, seconded and passed to approve **Resolution No. 03-101 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Special Projects Fund #101-000-000.**

Supplemental Appropriation, Fair Equine Fund: There was a public hearing to consider Supplemental Appropriation as follows: Fair Equine Fund #103-300-000 in the amount of \$5,000. Chairman Morrisette asked for a staff report. Rose Elway, Budget Director, reported the Supplemental Budget request is for an additional \$5,000 donation from the Bishop Foundation for the construction of an Equine Pole Building. Chairman Morrisette asked for public comment. There was no public comment and the hearing was closed. A motion was made, seconded and passed to approve **Resolution No. 03-102 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Fair Equine Fund #103-300-000.**

Supplemental Appropriation, Special Projects Fund: There was a public hearing to consider Supplemental Appropriation as follows: Special Projects Fund #101-000-000 in the amount of \$140,000. Chairman Morrisette asked for a staff report. Peggy Fouts, E-911 Director, reported the Supplemental Appropriation for \$140,000 is due to two additional grants received from the State of Washington Military Department Emergency Management Division. \$80,000 will be spent this year for the E-911 Wireline Operations Contract and \$60,000 for the E-911 Wireless Implementation Contract. Chairman Morrisette asked for public comment. There was no public comment and the hearing was closed. A motion was made, seconded and passed to approve **Resolution No. 03-103 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Special Projects Fund #101-000-000.**

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PRESENTATION

Resolution Honoring Rod Herling on his Retirement: A motion was made, seconded and passed to approve **Resolution No. 03-98 – Honoring Rod Herling for 32 Years of Service to Grays Harbor County, and Congratulating Him On His Retirement.**

Chairman Morrisette read and presented the resolution to Rod Herling and thanked him for his service. Mr. Herling thanked the Board of County Commissioners, Superior Court Judges, Prosecuting Attorney, County Clerk and others for the support they have provided to the Juvenile Court Department.

Proclamation – Grays Harbor County Harvest Celebration Day: The Clerk of the Board read a Proclamation proclaiming Saturday, October 4, 2003 as Grays Harbor County Harvest Celebration Day. A motion was made, seconded and passed to approve the Proclamation as read. Don Tapio, WSU Extension Agent, presented a poster to each Commissioner in commemoration with the 4th Annual Harvest Celebration in Grays Harbor County. He reported the event is an opportunity to showcase the diversity, quality, productivity and the overall economic impact of the agricultural industry in Grays Harbor County. Mr. Tapio expressed appreciation for the Proclamation and the recognition for agricultural producers. He provided additional information regarding the agricultural industry in Grays Harbor County including corn and cranberry harvest. Mr. Tapio encouraged citizens to visit and support local farms. He introduced Jason Olson, President of the Elma Chamber of Commerce and Owen Shaffner, President of the Southwest Washington County Farm Bureau.

DEPARTMENT OF PUBLIC SERVICES

Request Approval, Resolution Acknowledging Vacation: The Clerk of the Board announced that this item was continued from last week. The Department of Public Services received a petition from Richard E. Goodwin, Attorney at Law representing Robert Winiecki, to acknowledge vacation of rights of way surrounding property he owns in the Plat of Grays Harbor Southside. The Department finds no record of these rights of way ever being opened within the applicable time period. They have no objection to the Board acknowledging these rights of way having been automatically vacated by operation of law. A motion was made, seconded and passed to approve **Resolution No. 03-104 – Resolution Acknowledging Vacation -- Plat of Grays Harbor City Southside – Streets & Alleys.**

Request Approval, Award Bid on Aberdeen Gardens Road/Wishkah River Bridge Replacement Project to Quigg Bros.: A motion was made, seconded and passed to award the bid for the Aberdeen Gardens Road/Wishkah River Bridge Replacement Project to Quigg Bros. of Aberdeen, Washington. Quigg Bros. was the low bidder for the project.

Request Approval, Acceptance of 2003 Aggregate Stockpiling Contract: The contractor, Quality Rock Products, Inc., has completed the 2003 Aggregate Stockpiling Contract. The Department of Public Services recommended acceptance of the contract by the Board of County Commissioners, which would allow the release of \$1,083.83 as per Section 60.28 Revised Code of Washington. A motion was made, seconded and passed to accept the contract as described.

Request Approval, IAC Youth Athletic Facilities Grant Application for the Lake Quinault School District: A motion was made, seconded and passed to approve the Youth Athletic Facilities grant application to the Interagency Committee for Outdoor Recreation. The County will act as the sponsor of the application for the Lake Quinault School District, since they are not eligible to apply for the IAC funds. The grant application seeks funding to improve the school district's baseball facilities.

Request Approval, Emergency Management Performance Grant Application for FFY 2004: A motion was made, seconded and passed to approve the submission of the Emergency Management Performance Grant FFY2004 application. This grant offers federal funding support for personnel and administrative expenses necessary to provide an emergency management program. EMPG funds require a dollar for dollar match. Awards are based on actual operating budget data.

DEPARTMENTS

MANAGEMENT SERVICES

Request Approval, Salary Resolution Amendment: A motion was made, seconded and passed to approve **Resolution No. 03-99 – Amending Resolution No. 03-04 And Fixing Compensation Of Employees From & After January 1, 2003.** The salary resolution amendment for the Commissioner's Office reflects the Administrative Assistant's retirement and the increase from part time to full time for the Executive Secretary and Receptionist until December, 2003. In addition, the salary amendment reflects the retirement of the Juvenile Director and filling a Probation Counselor/SAS position and a Detention Officer I position.

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Request Approval, Set Hearing Date, Emergency Budget, General Fund

Commissioner's Office #001-000-015: October 13, 2003 at 2:00 p.m. is the date and time set for an emergency budget hearing for \$30,600 for an unanticipated retirement in the Commissioner's Office. Funds will be used for increased salaries for part time staff to work full time and retirement, vacation and sick leave payment and advertising costs for the vacant position.

Request Approval, Set Hearing Date, General Fund Juvenile Department #001-000-

026: October 13, 2003 at 2:00 p.m. is the date and time set for an emergency budget request for the Juvenile Department for \$42,500 in the benefit category to cover the State of Washington Retirement system bill for the excess compensation for the Juvenile Director's retirement October 1, 2003.

Request Approval, Continued from 09/22 – One-Time Only Interlocal Agreement:

This item was continued for an additional week.

FORESTRY

Request Approval, Transfer of County Owned Tidelands: The Department of Forestry received a request from Mr. Al Lundgren to transfer his lease of County owned tidelands, TID8101 to Erika Wiksten of Minterbrook Seafoods, LLC of Gig Harbor. Mr. Lundgren has sold his property and business to Minterbrook Seafoods, and they have expressed a desire to continue with the current lease. Although the Department of Forestry recommended that Mr. Lundgren be allowed to transfer the lease, they suggested that Erika Wiksten sign new lease documents pertaining to Minterbrook Seafoods LLC. A motion was made, seconded and passed to approve the transfer of lease of County owned tidelands as described.

Request Approval, Cancellation of Lease of County-owned Tidelands: The Department of Forestry received a request from Mr. Lowell Parks to cancel his lease of County owned tidelands, TID9801. According to the Washington State Department of Health, water samples in the area have tested positive for the E-Coli bacteria and all surrounding Oyster beds are considered contaminated. Due to his inability to utilize this land for growing and harvesting oysters, Mr. Parks no longer is interested in continuing the lease. The Department of Forestry recommended that he be allowed to cancel his lease. It is their opinion that the \$67.70 income derived from this lease is not commensurate with the liability involved with health related issues. A motion was made, seconded and passed to cancel the lease of County owned tidelands, TID9801 as described.

Request Approval, Timber Contract Completion: MBC, Inc. has satisfactorily completed all the terms and conditions of the contract for the Breckenridge No. 1 Timber Sale. The Department of Forestry recommended that the County accept the contract as complete and release the performance bond as posted by MBC, Inc. for this sale. A motion was made, seconded and passed to accept the contract as complete and release the performance bond as posted by MBC, Inc. as described.

Request Approval, Award Forestry Contract: The Department of Forestry recommended that the Precommercial Thinning Contract be awarded to Saul Reforestation at \$48.00 per acre for a total contract value of \$14,496.00. A motion was made, seconded and passed to award the Precommercial Thinning Contract PCT2003 as described.

HEALTH AND SOCIAL SERVICES

Request Approval, Amendment to Program Agreement w/State DSHS: A motion was made, seconded and passed to approve an amendment to the County's Program Agreement with the State DSHS which provides funding for the Department to complete in-home nursing evaluations of children with special medical, developmental or behavioral problems. DSHS refers children for this evaluation to determine whether a parent qualifies for an exemption from Work First rules. The amendment extends the Agreement through June 30, 2004.

Request Approval, Amendment to DSHS Loan Agreement: A motion was made, seconded and passed to approve an amendment between the State DSHS and the County. This Agreement allows DSHS to loan the County up to two months of State grant expenditures for Development Disabilities, Substance Abuse and Mental Health Programs. This allows the County to pay contractors in a timely manner. The advance payment arrangement has been in effect for many years and the Agreement extends the current practice through June 30, 2004.

CENTRAL SERVICES

Request Approval, Request Authority for Director to Sign Agreement: A motion was made, seconded and passed to authorize Dale Gowan, Director of Central Services Department, to execute an Interlocal Cooperative Agreement for reimbursement for work that Central Services does to provide AOC an expanded jury source list. This has been an ongoing reimbursement to the County since the 2000-2001 state biennium. The Department of Central Services receives approximately \$1,000 per year for this project.

PUBLIC COMMENT

Chairman Morrisette asked for public comment. There was no public comment.

ANNOUNCEMENT(S)

Chairman Morrisette announced that next Monday, October 6, 2003, from 3:00 to 5:00 p.m. there would be a reception to honor Sandi Daniels. The reception will be held in the Commissioner's meeting room.

CORRESPONDENCE

None

APPOINTMENT(S)

None

STAFF MEETINGS

The Board held staff meetings on Monday, September 29, 2003, starting at 9:00 a.m. These staff meetings are public meetings, held in the Commissioners' Conference Room. The purpose is for information and discussion only. No decisions are made, nor any action taken at staff meetings. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with the Public Services Director, Forestry Director and the Fairgrounds Director.

RESOLUTIONS

The following resolutions were approved and signed:

- #03-98 Honoring Rod Herling For 32 Years Of Service To Grays Harbor County, And Congratulating Him On His Retirement**
- #03-99 Amending Resolution No. 03-04 And Fixing Compensation Of Employees From & After January 1, 2003**
- #03-100 Authorizing An Emergency Appropriation In The Budget Of The Grays Harbor County General Fund Superior Court #001-000-033**

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**#03-101 Authorizing A Supplemental Extension In The Budget Of The Grays
Harbor County Special Projects Fund #101-000-000**

**#03-102 Authorizing A Supplemental Extension In The Budget Of The Grays
Harbor County Fair Equine Fund #103-300-000**

**#03-103 Authorizing A Supplemental Extension In The Budget Of The Grays
Harbor County Special Projects Fund #101-000-000**

**#03-104 Resolution Acknowledging Vacation – Plat of Grays Harbor City
Southside -- Street & Alleys**

ORDINANCES

None

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The meeting adjourned at 3:40 p.m. to Monday, October 6, 2003 at 2:00 p.m.

BOARD OF COMMISSIONERS
for Grays Harbor County
This _____ day of _____, 2003

BOB BEERBOWER, Commissioner, District 1

DENNIS MORRISETTE, Chairman

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Sharon Meier
Deputy Clerk of the Board