

## MINUTES

### BOARD OF COUNTY COMMISSIONERS MEETING

January 5, 2004

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, January 5, 2004, at 2:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Al Carter were present. Also in attendance was Donna Caton, Clerk of the Board. Jim Baker, Prosecuting Attorney was present.

**MINUTES OF PREVIOUS MEETING:** The minutes of the Commissioners' Meeting of December 22, 2003 were approved as presented.

#### **BIDS**

None

#### **HEARINGS**

**Amending Grays Harbor County Code Chapter 9.08 – No Shooting Zone:** There was a public hearing to consider an ordinance amending Ordinance 109. The following summary provides a brief description of the ordinance. An Ordinance amending Chapter 9.08 of the Grays Harbor County Code designating an area of Clemons Hill as a closed area for discharge of firearms. Kevin Varness, Assistant Director of the Department of Public Services, provided a staff report. Mr. Varness reported a property owner in the area of Clemons Road presented the issue. Mr. Varness reported that the existing no shooting zone extends to Clemons Road. However, there has been development on the east side of Clemons Road what would be located in the open hunting area. The proposed ordinance prohibits hunting with, or discharging any rifle, pistol, shotgun or other firearm in the unincorporated area of Clemons Hill described as that portion of Section 11, Township 17 North, Range 8 West, Willamette Meridian lying southerly of U.S. Route 12, westerly and southerly of the U.S. Route 12 connection with Aldergrove Drive, westerly of its intersection with Aldergrove Drive, and that portion of the North one-half of Section 14, Township 17 North, Range 8 West, Willamette Meridian lying northerly of the Puget Sound-Pacific Railroad. Chairman Morrisette asked for public comment. Bob Bonnell, resident of Montesano, reported that Mr. Mason raises pheasants and turns them loose. He commented that if pheasants are turned loose people should have the opportunity to hunt them during the legal hunting season. Mr. Bonnell expressed concern with a no shooting/hunting sign located near his house. He believes it should be changed to exempt archery hunting. Mr. Bonnell asked the Board to consider allowing archery hunting. Jim Baker, Senior Deputy Prosecuting Attorney, explained the ordinance prohibits firearms, but not archery, and does not address hunting. The state

controls hunting and the County regulates the use of firearms. The proposed ordinance prohibits the discharge of firearms and does not address hunting. Mr. Mason commented he believes archery hunting should be prohibited. There was no further public comment and the hearing was closed.

**Action – Ordinance designating an area of Clemons Hill closed to discharge of firearms:** A motion was made, seconded and passed to approve **Ordinance No. 312 – An Ordinance Amending Chapter 9.08 Of The Grays Harbor County Code To Designate An Area Of Clemons Hill As A Closed Area For Discharge Of Firearms.**

**Rezone Application Submitted By Clemons Hill, LLC and Bascom Pacific:** There was a public hearing to consider an application from Clemons Hill, LLC and Bascom Pacific to rezone approximately 83-acres currently zoned General Development-5 (GD-5), to Industrial (I-2). The purpose of the rezone is to move and centralize Northwest Rock's crushed rock processing, storage and transfer yard operations from the Wynoochee Pit located on the Wynoochee River to the proposed rezone site. The proposal is located north of SR 12 and west of Clemons Road, North within the east half of Section 03, Township 17N, Range 8 W.W.M., Grays Harbor County, Washington, on 83-acres of Grays Harbor Tax Parcel #170803200000. Chairman Morrisette asked for a staff report. Jane Hewitt, Grays Harbor County Planning Department, reported that the applicant and the Board of County Commissioners were provided the following materials prior to this hearing. Ms. Hewitt requested that the materials be entered into the record by reference without reading:

1. Record of Action containing findings of fact, conclusions, staff recommendations and Planning Commission decision
2. Application for rezone including site plan, narrative, stormwater management plan, sound study, visible emissions report, OAPCA permits.
3. SEPA Determination of Mitigated Non-Significance and Environmental Checklist.
4. Notice of public hearing and mailing list.
5. Personalized notice of application and public hearing to representative of owners of subject property.
6. Written comment received to-date.
7. Affidavit of Publication from *The Vidette*.

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Ms. Hewitt reported that the following two letters were received after the packet of materials were prepared. Ms. Hewitt requested that the letters be entered into the record.

1. Letter dated January 1, 2004 from Gary and Maureen Espedal, 71 West Wynooche Road, Montesano, Washington.
2. Letter dated January 1, 2004 from Mr. and Mrs. Harold Poyhonen, 713 Holm Avenue, Montesano, Washington.

Ms. Hewitt outlined and read into the record the following Conditions of Approval:

1. The project shall comply with all Conditions of Mitigation contained in the State Environmental Policy Act Threshold Determination dated September 25, 2003.
2. The project requires a General Baseline Stormwater Permit from the Washington Department of Ecology.
3. All stockpiling, processing and transfer yard operations at the Wynooche Pit at 150 West Wynooche Road will cease with the opening of operations at the 83-acre rezone site on Grays Harbor County 170803200000.
4. Northwest Rock shall cease excavating and processing activities at the West Wynooche Pit location as of January 1, 2004 and begin transferring stockpiled materials to the proposed rezone site.
5. The Wynooche Pit site at 150 West Wynooche Road will be vacated, with no mining, crushing, processing, stockpiling or transfer operations taking place after September 30, 2004. At such date activities at the Wynooche Pit site will be limited to reclamation activities to take place over a two-year period as outlined by Shoreline Substantial Development with Conditional Use permit SMA98-0344.
6. The applicant shall analyze transportation impacts from the rezone site to the intersection of Clemons Road North and State Route 12. The analysis shall include consultation with the Grays Harbor County Road Engineer and the Washington State Department of Transportation to assess impacts, based upon the vehicle average daily trip (ADT) information included in the rezone application, and develop mitigation measures that specifically address identified transportation system level of service deficiencies.

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Ms. Hewitt reported that staff recommended approval by the Planning Commission of the Findings of Fact and Conclusions for Case #2003-1454, as written. Staff recommended approval by the Planning Commission of this rezone application Case #2003-1454, as conditioned.

Ms. Hewitt reported that the Planning Commission voted to approve the Findings of Fact and Conclusions for Case #2003-2454. The Planning Commission voted to approve the rezone application Case #2003-1454, as conditioned.

Ms. Hewitt reported that a Closed Record Hearing is presented to determine that the Planning Commission finalized its action and an ordinance to adopt.

Jim Baker, Senior Deputy Prosecuting Attorney, clarified that this is an open hearing and is not an appeal from the Planning Commission and it is a recommendation.

Mike Daniels, with Pacific International Engineering, 501 Columbia Street Northwest, Suite D, Olympia, Washington, reported that he represents the applicant. Mr. Daniels spoke in support of rezone application Case #2003-1454, stating that, although this application is geographically similar to the prior submittal, it differs in that it is now “project specific” and reduced in size. It meets County, State, and Federal requirements and the applicant finds no objection or concern with these requirements from the various agencies. Through meetings with Department of Transportation and County staff, it was agreed that traffic does not increase, but relocates.

Bob Jewell, Principal of Packland, 606 Columbia Street Northeast, Olympia, Washington, reported that Mike Daniels requested that he review a letter from the Washington State Department of Transportation. Mr. Jewell reported that he is a transportation and traffic engineer with over 13 years of experience and is also a registered professional civil engineer in the state of Washington. Mr. Jewell provided a report regarding traffic safety and transportation issues involving the proposed development.

Joe Stipic, owner of Clemons Hill Development, LLC, PO Box 193, Aberdeen, Washington, and President of Northwest Rock, provided an overview of the narrative provided as part of the application package.

Wayne Hagen, attorney with Edwards and Hagen, PO Box 2016, Aberdeen, Washington, reported that he represents the applicant. Mr. Hagen addressed the legal issues regarding the rezone application Case #2003-1454. For the record Mr. Hagen presented a letter of support for the application for rezone from employees of Northwest Rock, Inc.

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Chairman Morrisette asked for public comment. Mary Lou Hansen, resident of 425 Val Vista Drive, Montesano, Washington, commented on the West Wynooche Pit and the Evergreen Pit. She expressed concern regarding the volume of traffic from the lower East Wynooche Pit. Ms. Hansen asked how the rezone fits into the mission and vision of Grays Harbor County. She commented that Economic Development is needed and she questioned at what cost. Ms. Hansen summarized and voiced opposition to the rezone request.

Bob Bonnell asked for additional information regarding increased noise for the residents of the Clemons Road area. Mr. Bonnell asked for information regarding problems resulting from dust in the area. Mr. Bonnell commented that he supports the applicants and the rezone. Joe Stipic responded to the concerns and questions.

Topper Lacroix, resident of 425 Val Vista Drive, Montesano, Washington, commented on the Shuck Pit and traffic. Mr. Lacrow asked what effect the rezone would have regarding hauling from the pit and the utilization of the pit.

Jane Hewitt responded and clarified issues regarding the permit allowing Northwest Rock to operate. Ms. Hewitt reported the date of the end of the five-year Shoreline Permit to operate the (West Wynoochee) gravel pit expires in June 2004. The Shoreline Permit was written with the stipulation that it could not be renewed. There was clarification that the West Wynoochee Pit is on the west side of the Wynooche River. The pit located on the other side of the river is the East Wynoochee Pit and formally known as the Shuck pit. Mr. Stipic reported that they requested a project specific renewal of the Shoreline Permit and the East Wynoochee Pit will be a gravel pit for the next 18 – 20 years. There are plans to rotate the use of pits in the future. The West Wynoochee Pit has a Shoreline Permit that will expire in June 2004 and it cannot be renewed.

Jim Mason, resident of South Clemons Road, Montesano, spoke in support of the rezone request.

There being no further public testimony the hearing was closed.

**Action – Ordinance Amending Grays Harbor County Code Title 17, Petition For Rezone:** A motion was made, seconded and passed to approve **Ordinance #313 – An Ordinance Amending The Grays Harbor County Official Zoning Maps Adopted Pursuant To Grays Harbor County Code Title 17 Approving A Petition For Rezone Case #2003-1454.**

## **PRESENTATION**

None

## **DEPARTMENTS**

### **ASSESSOR**

**Request Approval, Surplus a Bruning Map Machine and Cabinet:** A motion was made, seconded and passed to declare the following equipment surplus – Bruning Map Machine and Cabinet. The equipment is broken and cannot be repaired. It is on the inventory list as Asset #0005.

### **FORESTRY**

**Request Approval, Seedling Production Contract with Weyerhaeuser Company and IFA Nurseries Inc. for planting year 2006:** A motion was made, seconded and passed to approve a Seedling Production Contract between Weyerhaeuser Company, IFA Nurseries Inc. and Grays Harbor County Forestry to grow seedlings for 2006 reforestation.

## **PUBLIC HEALTH AND SOCIAL SERVICES DEPARTMENT**

**Request Approval, Cooperative Education Agreement with University of Wyoming School of Nursing:** A motion was made, seconded and passed to approve a Cooperative Education Agreement between the University of Wyoming School of Nursing and the County. This Agreement will allow a University student nurse to spend eight hours a week for four months in a clinical practicum in the Department. The student is a local resident and will be focusing her work in Maternal Child Health.

**Request Approval, Program agreement with DSHS Division of developmental disabilities for 2003-2005:** A motion was made, seconded and passed to approve a Program agreement between the County and the DSHS Division of Developmental Disabilities for the 2003-2005 biennium. Through this Agreement, the Department will administer \$1,193,388 in state funds to provide Day Program services for adults with Developmental Disabilities. Funds are contracted to several local agencies to provide services.

**Request Approval, Agreement with Olympic Area Agency on Aging, Home & Community Services Division of DSHS:** A motion was made, seconded and passed to approve an Agreement between the Olympic Area Agency on Aging, the Home and

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Community Services Division of DSHS and the County. This Agreement spells out a planning process for the placement into nursing homes of persons leaving Western State Hospital. The plan will specify funding for enhanced mental health services to be paid to the nursing home by the County in order to ensure that payment for services is not being duplicated.

### **PUBLIC SERVICES**

**Request Approval, Right-Of-Way Deed On River Road:** A motion was made, seconded and passed to approve a right-of-way deed for an additional 10' of right-of-way on River Road from Darek and Kelly Bielec.

### **ANNOUNCEMENT(S):**

None

### **CORRESPONDENCE:**

The Clerk of the Board announced a correspondence dated January 1, 2004 received from Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen, Washington. The subject is voluntary ignorance. Chairman Morrisette reported the correspondence would be placed on file and forwarded to the Prosecuting Attorney.

### **PUBLIC COMMENT**

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

### **STAFF MEETINGS**

The Board held staff meetings on Monday, January 5, 2004, 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 Paul Easter, Director of Public Services, Maryann Welch, Director of Public Health and Social Services Department and Sheriff Mike Whelan.

### **RESOLUTIONS**

None

**ORDINANCE**

The following ordinances were approved and signed:

- #312            An Ordinance Amending Chapter 9.08 of the Grays Harbor County Code to Designate an Area Of Clemons Hill As A Closed Area For Discharge Of Firearms**
  
- #313            An Ordinance Amending The Grays Harbor County Official Zoning Maps Adopted Pursuant To Grays Harbor County Code Title 17 Approving A Petition For Rezone Case #2003-1454**

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The meeting adjourned at 3:25 p.m. to Monday, January 12, 2004 at 2:00 p.m.

BOARD OF COMMISSIONERS  
for Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2004

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BOB BEERBOWER, Commissioner, District 1

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DENNIS MORRISETTE, Chairman

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ALBERT A. CARTER, Commissioner, District 3

ATTEST:

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Donna Caton  
Clerk of the Board