

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

May 24, 2004

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, May 24, 2004, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Dennis Morrisette were present. Also in attendance was Donna Caton, Clerk of the Board and Jim Baker, Senior Deputy Prosecuting Attorney.

MINUTES OF PREVIOUS MEETING: The minutes of the Commissioners' Meeting of May 17, 2004 were approved as presented.

BIDS

None

HEARINGS

1. Text Amendment of the Shorelines Management Master Program: There was a public hearing to consider a text amendment of the Shorelines Management Master Program, Case #20030006. Chairman Morrisette asked for a staff report. Suresh Bhagavan, Planner, Department of Public Services, reported that the Board of County Commissioners received the following materials prior to the hearing and requested that they be entered into the record without reading:

1. Record of Action of the Planning Commission containing the Findings of fact, Conclusions, and Staff Recommendations.
2. Applicable laws and rules.
3. Application.
4. Determination of Non-Significance.
5. Environmental Checklist.
6. Affidavit of Publication of the notice of application in the Vidette.

Chairman Morrisette asked for public comment. There was no public comment and the hearing was closed.

Action: Order: A motion was made, seconded and passed to approve amending the text of the Shorelines Management Master Program. Specifically, to adopt the RCW and WAC definitions, under Chapter 3. Also, to adopt the WAC process for amending the Master Program, under Chapter 37.

2. Rezone Application by Larry Birindelli (owners Grant and Doris Fry) of 36.75 acres near the City of McCleary: There was a public hearing to consider the following: Larry Birindelli, under the authorization of land owners Grant and Doris Fry, has submitted an application to rezone approximately 36.75 acres property near the City of McCleary from General Development Five (G-5) to Rural Residential (RR). The intent of the rezone is to make available the option to create smaller acre lots. The proposal is located South of Elma-Hicklin Road West, a half-mile North of the City of McCleary, in the Northwest quarter of the Southeast quarter of Section 2, Township 18 N, Range 5 W of the Willamette Meridian, situated in the County of Grays Harbor, State of Washington. Chairman Morrisette asked for a staff report. Curt Crites, Planner, Department of Public Services, provided a staff report and reported that the Board of Commissioners were provided the following materials and requested that they be entered into the record:

1. Record of Action containing the Planning Commission's adopted findings of fact, conclusions and Conditions of Approval, along with county staff's recommendations.
2. Attachment 1.
3. Application for rezone and site plan/vicinity map.
4. SEPA Mitigated Determination of Non-Significance (MDNS).
5. Environmental checklist.
6. Notice of public hearing.
7. Property owners of record within 300 feet of the proposal.
8. Affidavit of Publication from *The Vidette*.

Mr. Crites responded to a written comment received from Tom Heller and dated May 24, 2004. He noted that the common term "spot zoning" refers to when an area is not bordered by a like zone. In this case, the property does abut a like zone. Mr. Crites provided the rationale for the Planning Commission and Board of County Commissioners to base their decision. He addressed the SEPA environmental process and noted that his responsibility would be to make comments in areas that are lacking. In this application, the legal landowners have given the applicant permission to proceed. Although the landowner serves as Chairman of the Planning Commission, he has removed himself from this entire process. Mr. Crites further noted that members should be impartial and

unbiased, and in this case the member with a conflict excused himself. Whether the decision is pending upon the sale of this property is not a County issue. Although not provided at hearings, written documents can be obtained upon request prior to the proceedings.

Mr. Crites stated that the Planning Commission has approved this rezone request, Case #2004-0289 and read their conclusions into the record as follows:

I.

The proposal will allow land-uses consistent with the surrounding area.

- a) The proposal is on undeveloped land, adjacent to rural residential zoning and rural residential land uses, adjacent to high-density residential uses and zoning, and adjacent to the City of McCleary city limits.
- b) The 36.75 acres proposed for rezone is directly adjacent to lands zoned for, and used for more dense residential uses.
- c) The proposed property has direct access to a major county arterial.

II.

The proposal will not be materially detrimental to the public welfare, or injurious to property or improvements in the vicinity and zone in which the subject property is located.

- a) Future uses associated with the proposal will not create a hazardous condition. The State Environmental Policy Act (SEPA) threshold review for this proposal resulted in a Mitigated Determination of Non-Significance (MDNS). The proposal, as conditioned through the use of mitigation measures, does not represent a probable significant adverse impact to elements of either the natural or built environment.
- b) The proposed rezone area is adjacent to existing residential uses and residential zoning districts.

III.

The proposal is consistent with the goals, objectives and policies of the Grays Harbor County Rural Lands Element and The McCleary Comprehensive Plan, as:

The Grays Harbor County Rural Lands Element designates the area as rural residential, which provides for areas of small acreage rural residential development where

compatible with the area's natural resources, natural limitations, public facilities, and public services.

One acres lots or greater and density provisions of one dwelling unit per acre or greater will not have a significant impact on the area's natural resources or public facilities. Groundwater extraction will be in compliance with the minimum health requirements for single-family residential use. The subject property is adjacent to lands planned for future urban growth areas by the City of McCleary. At this time, public facilities are not planned for expansion to this site, and are not needed given the rural nature of the permitted land-uses in the proposed zoning district.

Although there are some natural limitations on the property, they are not of such significance that development opportunities do not exist on this large tract of land.

IV.

Any future residential development on this rezone property will be subject to additional environmental review, including opportunities for public comment, either through the State Environmental Policy Act or the subdivision process.

V.

Findings III, IV, V, IX, and XII show that the proposal will not be materially detrimental to the public welfare, or injurious to property or improvements in the vicinity and zone in which the subject site is located. The public interest would be met by granting this rezone.

Chairman Morrisette asked for public comment. Public comment was received from Terry Franklin, 397 Powers Creek Road, McCleary; Larry Birindelli, the applicant and resident at 111 Stilson Road, McCleary and Steve MacEntire, 25 West Elma/Hicklin Road.

Mr. Crites responded to the comments and that this process changes only the zoning. Development of this area would require further applications. Due to a creek and riparian area, this parcel probably could not be developed to its full potential.

There was no further public comment and the hearing was closed.

Action: Re-zone Ordinance: A motion was made, seconded and passed to approve Ordinance No. 318 – An Ordinance Amending The Grays Harbor County Official

Zoning Maps Adopted Pursuant To Grays Harbor County Code Approving A Petition For Rezone Case #2004-0289.

3. Application submitted by Rebecca Parsons for Raymond and Zelma Hyde for variance from required Subdivision Road Standards: There was a public hearing to consider the following: Rebecca Parsons for Raymond and Zelma Hyde has submitted an application for a variance from the required Subdivision Road Standards, Ordinance #190, for a conditionally approved 2-lot subdivision. Chairman Morrisette asked for a staff report. Jane Hewitt, Grays Harbor County Planning Department, provided a staff report and reported that the Board of Commissioners and the applicant were provided the following materials and requested that they be entered into the record:

1. Staff report containing findings of fact, conclusions and staff recommendations.
2. Application for variance including narrative statement and photographs.
3. Attachments 1-3 from Professional Engineers Stevens and Hahnenkratt.
4. Notice of public hearing and mailing list.
5. Personalized notice of application and public hearing to owners of subject property.
6. Written comment received to-date.
7. Affidavit of Publication from *The Vidette*.

Ms. Hewitt read into the record staff findings for the variance as follows:

XI.

Variances may be granted when the following findings are made:

- a) There exists extraordinary conditions or unusual circumstances peculiar to the property and not the result of the action of the applicant.
- b) A literal enforcement of the regulations would result in unnecessary and undue hardship.
- c) Justice could be done and the public interest secured by granting a suitable variance.
- d) The variance conforms to the provisions of RCW 56.17 as amended.

XII.

Required finding: There exists extraordinary conditions or unusual circumstances peculiar to the property and not the result of the action of the applicant.

The property is land-locked from the county road system, accessible only by a 20' wide by +/-300' long strip of property which consisted of a historic easement to the property and which was deeded to Mr. and Mrs. Hyde by Simpson Timber Company in 1997 when Simpson sold its holdings to the east to the Washington Department of Natural Resources. There is no opportunity to widen this easement/access.

There is no means to access the property without crossing the Mox Chehalis Creek. A bridge over the creek is the only means of access to the property.

XIII.

Required finding: A literal enforcement of the regulations would result in unnecessary and undue hardship.

The findings indicate that a literal enforcement of the Private Road Standards would result in an unnecessary and undue hardship. Reconstruction of the bridge with a new engineered bridge deck and rub-rail, spacing of the stringers and addition of a fifth stringer has been undertaken by the applicant. The applicant has retained two professional engineers in the course of undertaking improvements to the bridge. Mr. Stevens analyzed the structural capacity of the superstructure and specified stringer reconstruction. Mr. Hahnenkratt designed the bridge deck. The applicant has expended a great deal of time and money to reconstruct the bridge with new stringers, decking, and addition of a rub-rail. The applicant has shown that the bridge nearly meets or does meet the HS-20 specifications required to support the fire apparatus vehicles that would need to access the site. The requirement that the bridge and its access road meet the easement and built width as required by the subdivision road standards would cause an undue hardship.

XIV.

Required finding: Justice could be done and the public interest secured by granting a suitable variance.

The applicant has submitted appropriate engineering that assures that the bridge meets the HS-20 structural capacity necessary to meet the Subdivision Road Standards and the Fire Apparatus Access Road Standards.

XV.

Required finding: The variance conforms to applicable sections of RCW 58.17, as granting the variance does not violate the public interest of health, safety, and welfare.

The applicant has submitted appropriate engineering that assures that the bridge meets the HS-20 structural capacity necessary to meet the Subdivision Road Standards and the Fire Apparatus Access Road Standards. This engineering reasonably assures that the bridge can continue to serve the current residence on the parcel and potentially one additional residence with no impact to public health, safety, and welfare.

Ms. Hewitt read staff conclusions as follows:

I.

The applicant has shown through engineering supplied by Mr. Stevens and Mr. Hahnenkratt that the bridge minimally meets the HS-20 weight/structural capacity standards of the Subdivision Road Standards, Ordinance 190.

II.

The applicant has shown that there is no available land to widen the easement from the existing 20' of ownership deeded to Mr. and Mrs. Hyde by Simpson Timber Company in 1997.

III.

The current road meets the standard for Fire Apparatus Access Roads, Grays Harbor County Code Chapter 15.12. The applicant has shown that widening the road would create a potential hazard to vehicles as it may cause drivers to anticipate a wider bridge deck.

Ms. Hewitt stated that staff recommended approval based on the following Conditions of Approval:

I.

There may be no further subdivision of the property described as the northwest three-quarters of the west half of the northwest of the northeast of Section 24, Township 18N, Range 05W, Willamette Meridian.

II.

There may be only one single-family residence each on proposed Lots 1 and 2 on the above-described property. No application to increase the number of residences by means of a conditional use permit or density variance will be accepted unless the bridge, access road and easement are improved to the adopted county road standard.

III.

The bridge must be re-evaluated by a licensed structural engineer ten years from the date of this variance certifying that the bridge continues to meet the HS-20 structural capacity. If deficiencies are identified, repairs or replacement must occur before development permits may be issued on either proposed lot.

IV.

A road maintenance agreement that details responsibilities for both the bridge and the subdivision road must be recorded prior to recording the subdivision. This recording document must be referenced on the face of the sketch plan.

Chairman Morrisette asked for public comment. Testimony regarding the construction of the bridge was received from Jack McPherson, Aberdeen, Washington. There was no additional testimony and the hearing was closed.

Action: Order: A motion was made, seconded and passed to approve the variance request from the adopted subdivision road standards of Grays Harbor County, Case 2003-1801.

PROCLAMATION

Amateur Radio Week, June 21-27, 2004: A motion was made, seconded and passed to approve a Proclamation declaring the week of June 21 – 27, 2004, as Amateur Radio Week in recognition of this important emergency preparedness exercise and asking Grays Harbor County citizens to pay appropriate tribute to Grays Harbor Amateur Radio Operators.

PRESENTATIONS

None

DEPARTMENTS

FAIR

Request Approval, Entertainment contract with Mantle Music, Inc./Sara Groves:

The Grays Harbor County Fair Entertainment Committee requested authorization to sign an entertainment contract with Mantle Music, Inc.F.s.o. Sara Groves. Sara Groves, a contemporary Christian artist, will perform in concert on Sunday, August 15 at 2:30 p.m. A motion was made, seconded and passed to authorize Debbie Adolphsen, Fair Director, to sign the entertainment contract as outlined.

MANAGEMENT SERVICES

Request Approval, 2004 Municipal Services Agreement with Grays Harbor

Chamber of Commerce-Quinault Rain Forest Visitor Information Center: A motion was made, seconded and passed to approve the \$13,500 2004 Municipal Services Agreements between Grays Harbor County and the Grays Harbor Chamber of Commerce. Funding will be used for the operations of the Quinault Rain Forest Visitor Information Center 5 days a week, advertising, and the promotion of tourism in the Lake Quinault Rain Forest area.

Request Approval, 2004 Municipal Services Agreement with McCleary Community

Chamber of Commerce: A motion was made, seconded and passed to approve the 2004 Municipal Services Agreement between Grays Harbor County and the McCleary Community Chamber of Commerce in the amount of \$2,500. Funding will be used for the promotion of tourism.

The Clerk of the Board announced the following item received after the agenda was prepared:

Request Approval, 2004 Municipal Services Agreement with Grays Harbor Council

of Governments: A motion was made, seconded and passed to approve the Municipal Services Agreement Extension in the amount of \$13,500 between Grays Harbor County and the Grays Harbor Council of Government.

PUBLIC HEALTH & SOCIAL SERVICES

Request Approval, Amend contract with Washington State DSHS Division of

Alcohol and Substance Abuse: A motion was made, seconded and passed to approve an amendment to the County's contract with the State DSHS Division of Alcohol and

Substance Abuse. The amendment makes funding changes for a net increase of \$7,299. Increased funding is for the Reducing Underage Drinking Program.

Request Approval, Advertising Agreement with Uniquescreen Media, Inc.: A motion was made, seconded and passed to approve an Advertising Agreement with Uniquescreen Media, Inc. The Department will be using State drug, alcohol and tobacco prevention funding to have prevention messages aired before each feature film at the South Shore Cinemas for a year. School Prevention Teams from around the County will be assisting with the ad designs. The cost of the ad development and showing of 60 second screen ads is \$12,500.

Request Approval, Contract with Harbor After School: A motion was made, seconded and passed to approve a contract with Harbor After School for \$7,500. A “Strengthening Families” program is being provided to a minimum of 12 After School participants and their families in order to promote a “no use” substance abuse norm in these families.

PUBLIC SERVICES

Request Approval, Fish Passage Barrier Removal Program; Wynoochee Road MP

1.83: A motion was made, seconded and passed to approve a CRP Resolution authorizing the county to provide matching funds for the Fish Passage Barrier Removal Program Wynoochee Road M.P. 1.83, C-59190-15. The total cost of this project is estimated at \$325,000 with the county share being \$89,050. The department recommended the county provide the matching funds for this Salmon Recovery Funding Board (SRFB) approved project.

Request Approval, Professional Services Contract with Strickland, Heischman and Hoss, Inc. for North River County Road Project: A motion was made, seconded and passed to approve a professional services contract for appraisal services on the North River Road realignment project. The contract is with Strickland, Heischman and Hoss, Inc. for not to exceed the sum of \$7,000.

Request Approval, Road Easement; Malone Hill Road: A motion was made, seconded and passed to approve an easement for construction of a cul-de-sac at the west end of Malone Hill County Road. With this approval the Public Works Department will have the necessary area to construct the cul-de-sac.

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Request Approval, Organizational Charts for Public Services and Public Works:

A motion was made, seconded and passed to approve the 2004 organizational charts for the Department of Public Services and Public Works.

SHERIFF

Request Approval, Interlocal Agreement with Joint Drug Task Force:

A motion was made, seconded and passed to approve the Inter-Local Agreement for the Grays Harbor County Drug Task Force. This agreement has not been updated since 1988. During the past month the agreement has been re-written to more closely detail the current policies and procedures. The three participating entities, Aberdeen, Hoquiam, and Grays Harbor County have been asked to review and approve the document. The City of Aberdeen has done so and has signed the document. The City of Hoquiam has reviewed it and their signatures are pending. Legal counsel from the three entities have reviewed the document and have approved it as to form.

APPOINTMENT

None

ANNOUNCEMENT(S):

The regular meeting scheduled for May 31, 2004 is canceled due to the Memorial Holiday. The next regular meeting of the Board of County Commissioners will be on June 7, 2004.

CORRESPONDENCE:

The Clerk of the Board announced the following correspondence received:

An e-mail dated May 24, 2004 was received from Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen, Washington. The subject is: "Official Misconduct, etc., continued, and other errors and omissions."

PUBLIC COMMENT

Chairman Morrisette asked for public comment. Terry Franklin, 397 Powers Creek Road, Elma, Washington, commented on the Land Use Inventory for Grays Harbor County for the Comprehensive Plan. Ms. Franklin asked for an update for the

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Comprehensive Plan. Brian Shea, Director of Planning and Building, commented on the status of the project.

Terry Fernsler, Administrator for Habitat for Humanity of Grays Harbor, commented on their request for purchase of County surplus property located in Hoquiam.

Mark Izatt, 2220 Panama, Hoquiam, commented on service in the Assessor's office. He suggested the idea of making evaluation forms available to the public for comment regarding public service experiences. There was no additional public comment.

STAFF MEETINGS

The Board held staff meetings on Monday, May 24, 2004, starting at 9:00 a.m. These staff meetings are advertised public meetings, held in the Commissioners' Conference Room. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with Rose Elway, Budget Director, Vern Spatz, County Auditor and Paul Easter, Director of Department of Public Services.

RESOLUTIONS

None

ORDINANCE

#318 An Ordinance Amending The Grays Harbor County Official Zoning Maps Adopted Pursuant To Grays Harbor County Code Approving A Petition For Rezone Case #2004-0289

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The meeting adjourned at 3:06 p.m. to Monday, June 7, 2004 at 2:00 p.m.

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

BOB BEERBOWER, Commissioner, District 1

DENNIS MORRISETTE, Chairman

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board