

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

August 16, 2004

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, August 16, 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. Jim Baker, Deputy Prosecuting Attorney was excused.

MINUTES OF PREVIOUS MEETING: The minutes of the Commissioners' Meeting of August 9, 2004 were approved as presented.

BIDS

None

HEARINGS

1. Application by Gabe Holbrook for Preliminary Approval of an 11-Lot Long Plat Subdivision: There was a public hearing to consider an application by Gabe Holbrook for preliminary approval of an 11-Lot Long Plat Subdivision. The project is proposed on the property having Assessor's Parcel Number 770501000700 within the north half of the southeast quarter of Section 7, Township 17 N., Range 8 W.W.M., Grays Harbor County, Washington. 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 and staff recommendations.
2. Attachment 1: Application and preliminary plat map.
3. Attachment 2: Mitigated Determination of Non-Significance and SEPA Environmental Checklist.
4. Attachment 3: Letter from Washington Department of Ecology dated June 11, 2004.

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5. Attachment 4: Notice of public hearing and mailing list. Correspondence from surrounding property owners received to-date.
6. Attachment 5: Affidavit of Publication from The Vidette.
7. Attachment 6: Access Permit from Washington State Department of Transportation.
8. Personalized notice of application and public hearing to owners of subject property.

Ms. Hewitt reported the request is for preliminary approval and is required at the Planning Commission and Board of County Commissioner level of the 11-lot short plat. Ms. Hewitt explained the reason it is referred to, as preliminary approval, is that there are a number of technical documents, which the applicant has prepared and is in the process of preparing. Technical staff in the County Public Works Department approves these documents. Ms. Hewitt reported the application is to subdivide a 7.3-acre parcel of land into 11 lots of 20,000+ square feet to 61,000+ square feet. The parcel is zoned General Residential (R-2), with a minimum lot size of 10,000 square feet. All lots will be served by on-site septic systems, with the potable water supply provided by Grays Harbor County Water District #2.

Included with the application was a plat map, storm drainage calculations, a Stormwater Management Plan, road plan and profile, roadway and storm drainage details, waterline plan, waterline relocation plan and detail drawings.

Ms. Hewitt reported that all submittals are public record and are on file in the Planning Department and will be forwarded to the Engineering Department for review and approval after preliminary approval is gained. Ms. Hewitt read into the record the following Conditions of Approval:

1. Dust abatement shall occur, as needed during all phases of activity on the property. A water truck for the roads and/or best management practices shall be employed to minimize dust during road construction.
2. The applicant shall use Best Management Practices (BMP) for dust control consistent with those contained in pages 2.16 through 2.18 of the 2001 Washington State Department of Ecology's Stormwater Management Manual for Western Washington.

3. Stormwater runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor

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impact the existing drainage or other properties. Stormwater facilities shall be designed and constructed consistent with the 2001 Washington State Department of Ecology's Stormwater Management Manual for Western Washington.

4. The applicant shall obtain an access permit from Washington State Department of Transportation for the commercial/multi-access proposed from the terminus of Holbrook Lane to State Route 12. All requirements of this permit shall be built or bonded for prior to recording the subdivision.
5. All private roads shall be constructed to the subdivision road standards, Ordinance 190, or the greater standard as may be imposed by the Washington State Department of Transportation.
6. The final plat shall show a 60' road easement for existing gravel road on the south 60' of proposed Lots 1 & 2. This road must be constructed to the subdivision road standards or to the higher standard as may be required by Washington State Department of Transportation.
7. The applicant shall prepare and implement a Temporary and Permanent Erosion Control Plan for any proposed development of the property. Erosion control measures shall be in place prior to any construction activities.
8. The applicant shall conduct construction activities in a manner consistent with the best management practices for dust control at disturbed land areas contained in Volume IV of the 2001 Washington State Department of Ecology's Stormwater Management Manual for Western Washington.
9. Construction vehicles and equipment shall be equipped with factory-installed emission control devices.
10. The applicant shall construct drainage facilities consistent with those noted in the Storm Drainage Plan View and Road & Storm Details plans dated May 14, 2004.
11. Contractors working on-site shall be required to maintain and follow the Spill Prevention Control and Countermeasures Plan at all times. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over construction work on the site.

Abbreviated Parcel Drainage Plan.

13. The applicant shall install stop signs, street name signs, and end of roadway markers for the private lane. Final placement shall be reviewed and approved by the Grays Harbor County Engineer prior to final plat recording.
14. A name for the private lane shall be chosen and submitted for approval to Grays Harbor County. Based on the approved lane-name, addresses shall be secured from the County. Before filing the plat, the addresses as assigned shall be shown on the final plat.
15. The applicant shall install monuments at property corners as per Grays Harbor County Code 16.20.310.
16. The applicant shall construct the private lane serving the subdivision to the Grays Harbor County Subdivision Road Standards, with design and construction reviewed by the Grays Harbor County Road Engineer prior to final plat recording.
17. Domestic water service shall be provided to and inside the development by Grays Harbor County Water District No. 2. The applicant shall construct the water system according to Grays Harbor Water District #2 requirements and their adopted standards. Utility service shall be installed or bonded, with review and approval by the Grays Harbor County Department of Public Services prior to final plat recording.
18. The proposed subdivision shall be provided with water mains and hydrants, and provided fire flows consistent with county and State Department of Health requirements for water system design. Plans for such water mains and hydrants shall be submitted to and approved by the Grays Harbor County Fire Marshal, and shall be a condition of final plat approval. Water mains and fire hydrants shall serve the subdivision in accordance with Grays Harbor County Code Chapter 13.04 and Fire Protection Ordinance #239.
19. There shall be inscribed on the face of the final plat the following language: “Grays Harbor County Long Subdivision 2004-0287”.
20. Property taxes due for the year of filing and advance taxes due for the following year shall be paid prior to recording the final plat.
21. The final plat and supporting information shall be prepared in accordance with

Appendix-D of the **GHCC Title 16**, and shall be submitted to the Planning Division,

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together with any other information necessary to adequately review the final plat and a title-insurance policy confirming the title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat and all dedications are free and clear of any and all liens and encumbrances. The title-report shall have been completed not more than thirty days prior to the date the final plat is submitted.

22. Unless specifically waived by the Grays Harbor Public Utility District, all utilities shall be installed underground.
23. Per GHCC Section 16.20.280, the applicant shall submit a permanent road maintenance agreement for all improvements within and immediately serving the subdivision. Upon approval, the document shall be recorded with the Grays Harbor County Auditor and the recording number shall appear on the face of the final plat.
24. The applicant shall inscribe the following language on the face of the final plat: Per RCW 36.70A.060 this property is within or near designated agricultural lands, forestlands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

Ms. Hewitt reported that Planning Commission and the Board of County Commissioners are bound by Grays Harbor County Long Plat Subdivision Ordinance to assure that the review of a subdivision meet the following five criteria:

- A. The first of five decision criteria is provided by **GHCC 16.20.100(A)**, which states that both the Grays Harbor Planning Commission and the Board of County Commissioners shall review a subdivision application to assure its conformance with the general purposes of GHCC Title 16 governing subdivisions, the Grays Harbor County Comprehensive Plan, GHCC Title 17 governing zoning, the Grays Harbor County Shorelines Master Program, and the adopted written goals, policies, standards, specifications, requirements, and other appropriate ordinances, laws, and regulations of Grays Harbor County or other agencies with jurisdiction.

The test for determining the conformity with the Grays Harbor County Comprehensive Plan, GHCC Title 16 governing subdivisions, and GHCC Title 17 governing zoning is determining a proposal's ability to meet the decision criteria for the approval of subdivisions. The subject proposal is not within shoreline jurisdiction and thus is not required to meet the decision criteria outlined for

shoreline environments by the Washington Administrative Code and the Grays Harbor County Shoreline Management Master Program.

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This proposal includes the creation of eleven (11) residential building lots, of which only single-family and two-family residential uses are allowed. The Grays Harbor County Comprehensive Plan's land use designation for the subject area is urbanizing. This development will be constructed to standards consistent with the purpose of **GHCC Title 16** governing subdivisions and **GHCC 17.28** governing uses, area, height and bulk. This finding is required for long subdivisions by **GHCC 16.20**.

The review of this proposal by Grays Harbor County has resulted in the determination that the project, as designed and conditioned, conforms to the decision criteria listed for subdivisions.

B. The second of the five decision criteria for subdivisions provided by **GHCC 16.20.100(B)** requires that both the Grays Harbor County Planning Commission and the Board of County Commissioners inquire into the public use and interest proposed to be served by the establishment of the subdivision, and determine if appropriate provisions are made for, but not limited to, the following:

- **GHCC 16.20.100(B)(1)** requires a determination from both the Grays Harbor County Planning Commission and the Board of County Commissioners concerning the prevention of overcrowding. This subsection of the County code states that *consideration should be given to the physical characteristics of the land in relation to the number of persons, buildings or sites proposed to be located thereon, and also the availability of public facilities such as water, sewers, fire protection, streets, schools, parks, etc., if not adequately provided for within the subdivision. Unless limiting physical characteristics, public facility deficiencies, or other limiting factors are present compliance with the minimum lot size and density requirements of the zoning ordinance, other applicable land use regulations, and the county health department regulations should satisfy this criterion.*

Grays Harbor County's review of this proposal finds that it contains adequate provisions to satisfy the concern of overcrowding noted in the above-referenced subsection. The design of 20,000 square-foot and greater lots provides for a balanced relationship between the permitted residential uses and the relatively compact development. The environmental review for the project resulted in a determination that the project represented only an expected moderate impact to public services.

- **GHCC 16.20.100(B)(2)** requires a determination from both the Grays Harbor County Planning Commission and the Board of County Commissioners concerning adequate traffic circulation of the streets and highways. This subsection of the County code

states that *proposed streets should be aligned or built in such a way as to best facilitate the movement of traffic and reduce the possibility of accidents.*

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Consideration may be given to alignment of intersections, width and surfacing of streets, proper curbs, sidewalks, or paths, the radii of curves and sight vision at intersections and hills, and the adequacy of private easements. Unless limiting factors or unique conditions are present, compliance with the adopted county road standards should satisfy the construction based elements of this criterion.

The alignment of intersections, road width, road surfacing, the radii of curves, and sight vision at intersections are governed by the Grays Harbor County Minimum Road Standards for Subdivisions. Issues associated with traffic circulation, such as the movement of traffic, are not addressed by the road standards.

To facilitate the movement of traffic and provide for optimal traffic circulation, while lessening adverse traffic impacts to the general neighborhood, the applicant is required to improve the private lane that serves the adjacent properties to Grays Harbor County Minimum Road Standards for Subdivisions. All dedicated public transportation facilities will be designed and constructed in conformance with Grays Harbor County Public Road Standards, and all private roads will be constructed to the Grays Harbor County Private Road Standards.

- **GHCC 16.20.100(B)(3)** requires a determination from both the Grays Harbor County Planning Commission and the Board of County Commissioners concerning the proper arrangement and provision of ways for pedestrians and bicyclists. This subsection of the County code states that *easements and pathways should conform with the existing layout of ways and streets and also to adopted plans for such. Adequate provisions for pathways connecting open spaces, parts of a subdivision and surrounding areas and to ensure safety should be considered.*

There are currently no provisions or improvements for pedestrians and pathways in the area. This project does not include facilities designed for pedestrians and bicyclists. This subdivision, including new and improved right-of-way, and surrounding public right-of-way has been designed to meet Grays Harbor County Adopted private road standards, which are rural in nature.

- **GHCC 16.20.100(B)(4)** requires a determination from both the Grays Harbor County Planning Commission and the Board of County Commissioners concerning the provisions of adequate drainage systems.

Drainage facilities for the project have been designed for consistency with the requirements set forth **GHCC Title 16**. The applicant has submitted a Stormwater

Management Plan the Plat of Holbrook Landing. This plan provides direction for the construction of facilities engineered to provide erosion and sediment control, water

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quality devices, and drainage conveyance. Drainage facility design and construction consistent with the Washington State Department of Ecology's Stormwater Management Manual for Western Washington Manual provides conformance with the above-referenced sub-section of the County code, which states that *the plat will have adequate drainage systems to accommodate the stormwater runoff from the subdivision, as well as existing and potential upstream drainage through the property. Lots should be laid out so as to provide positive drainage away from all buildings and individual lot drainage should be coordinated with the subdivision drainage system. Adequate provisions should be made to carry any unretained stormwater runoff downstream without adversely impacting downstream properties or degrading the quality of receiving waters.*

Additionally, all future residential development must adhere to the Grays Harbor County Abbreviated Parcel Drainage Plan. The project's drainage system design, combined with the individual lot provisions, assures that adequate provisions will be utilized to convey and treat stormwater runoff without adversely impacting downstream properties or degrading the quality of receiving waters.

- **GHCC 16.20.100(B)(5)** requires a determination from both the Grays Harbor County Planning Commission and the Board of County Commissioners concerning the provision of adequate recreation and open space or buffers. This subsection of the County code states that *if it is determined that there is not adequate open space and recreational areas within the vicinity to adequately serve the subdivision, then additional areas as determined by the Planning Commission or Board of Commissioners should be provided for these purposes.*

Adequate open space and recreational areas exist in the general region. This subdivision creates lots that are roughly two to six times the minimum lot size required by the zoning district. Future construction of single-family residences will meet required setbacks and maximum lot coverage provisions of Grays Harbor County Code 17.32.

- C. The third of five decision criteria provided by **GHCC 16.20.100(C)** states that both the Grays Harbor County Planning Commission and the Board of County Commissioners should consider the physical characteristics of the proposed subdivision site and the environmental impacts of the subdivision. The Planning Commission may recommend disapproval or modification because of flood, inundation or swamp conditions, or because the subdivision may have unacceptable adverse environmental impacts as may be revealed in the environmental

improvements as a condition of approval, with such improvements to be noted on the final plat.

The State Environmental Policy Act (SEPA) threshold review for this proposal resulted in a Mitigated Determination of Non-Significance (MDNS) that the proposal, as conditioned through the use of mitigation measures, does not represent a probable significant adverse impact to any of the elements that comprise the natural environment.

Note: The drainage and stormwater plan will ensure reduction in adverse impacts to the unnamed creek.

- D. The fourth of five decision criteria is provided by **GHCC 16.20.100(D)** states that both the Grays Harbor County Planning Commission and the Board of County Commissioners are to determine whether off-site public facilities and services necessary to support the proposed subdivision are available and adequate. For example, the roads serving the development should be adequate to accommodate increases in traffic resulting from the development.

The project has been reviewed for impact issues associated with public facilities and services. The State Environmental Policy Act (SEPA) threshold review for this proposal resulted in a Mitigated Determination of Non-Significance (MDNS) that the proposal, as conditioned through the use of mitigation measures, does not represent a probable significant adverse impact to public services. The proposed subdivision will be accessed via a new (commercial/multi) access to State Route 12 including a deceleration lane for westbound traffic. The private lane currently serving the subdivision will be improved to either Grays Harbor County Subdivision Road Standards or to the requirements of Washington State Department of Transportation.

- E. The fifth and final decision criteria provided by **GHCC 16.20.100(E)** states that both the Grays Harbor County Planning Commission and the Board of County Commissioners are to ensure implementation of state and county policies calling for the expeditious review and approval of proposed long subdivisions that conform to subdivision and zoning standards, County plans, and County policies, and to implement the County policy to adequately provide-for the residential, commercial, and industrial needs of the citizens of the county in suitable areas.

This subsection of the County code also states that inadequate provisions for any of the above mentioned criteria or significant adverse impacts shall be grounds for a

recommendation for denial or the conditioning of a recommendation of approval upon the subdivision making adequate provisions thereto. The SEPA review conducted for this

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project resulted in the determination that the project does not represent a probable significant adverse impact to the elements of either the natural or built environment, which includes public services. Therefore, the recommendation of project approval by both the Planning Commission and the Board of County Commissioners is warranted.

Ms. Hewitt reported that staff recommended to the Planning Commission that the Findings of Fact and Conclusions for Case #2004-0287 be accepted as written. Staff recommended that the Preliminary Long Subdivision, Case #2004-0287 be approved as conditioned. The motions passed 6 – 1.

Ms. Hewitt stated that since the matter was heard before the Planning Commission the Washington Department of Transportation has issued its Commercial Multi- Access permit for the subdivision. The material is included in the packet as Attachment #6.

Chairman Morrisette asked for public comment. Gabe Holbrook, applicant, discussed the issue concerning the gravel road involving other property owners. Mr. Holbrook explained the need for participation from the other property owners to share in the cost of the road. He reported that he plans to create a new approach, on the west side, to the subdivision.

Leslie Kahler, resident of 5412 Olympic Highway, Aberdeen, provided information regarding the gravel road. Ms. Kahler commented there is no need to pave the gravel road and the current homeowners maintain the road. She expressed concern with additional traffic as a result of the new homes.

Brian Shea, Planning and Building Division Director for Grays Harbor County, reported that there would be a variety of signage recommended by Grays Harbor County to the applicant to be installed regarding the direction and circulation of traffic. Mr. Shea reported on *Required Findings, GHCC 16.20.100* regarding Adequate Traffic Circulation of the Streets and Highways. Mr. Shea discussed the possibility of the applicant working with the surrounding property owners to asphalt the driveway so that it would be a safer driving surface and result in facilitating safe and appropriate circulation of vehicles as required by Grays Harbor County Code 16.20.100. Mr. Shea explained that Mr. Holbrook is not required to pave the driveway and is able to provide an appropriate access with the North/South Street to State Route 12. He commented that from a safety standpoint it would be appropriate for Mr. Holbrook to consider paving the driveway to create a safer driving surface.

Tony Meyer, resident of 5504 Olympic Highway, Aberdeen, reported that the garbage truck, US Postal Department, Fire Department and ambulance use the road and it is

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inappropriate for those vehicles to turn around in a homeowners yard. Mr. Meyer commented that he and other property owners met and agreed that they would work with Mr. Holbrook to improve the road. He stated that it would be an improvement to asphalt the road.

David Heiny, resident of 5418 Olympic Highway, Aberdeen, discussed the maintenance and use of the gravel road.

Sandy Thompson, resident of 5416 Olympic Highway, Aberdeen, expressed concern with increased use of the road.

There was no additional comment and the hearing was closed.

ACTION

A motion was made, seconded and passed to approve Preliminary Long Subdivision, Case #2004-0287.

2. Supplemental Appropriation – Public Health & Social Services Fund #001-000-029: There was a public hearing to consider a Supplemental Appropriation for \$56,480 in the General Fund Public Health & Social Services Department. \$26,250 in funding will be from the Washington Dental Service Foundation and \$30,230 is the Medicaid Match. Funding will be used in staff and support for the Access to Baby and Child Dentistry Program (ABCD) in Grays Harbor and Pacific Counties which provides dental care for medicaid-eligible children under six years old. Chairman Morrisette asked for public comment. There was no public comment and the hearing was closed.

ACTION

A motion was made, seconded and passed to approve Resolution No. 2004-60 -- Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund Public Health & Social Services Department #001-000-029.

3. Supplemental Appropriation – Fair Fund #103-000-000: There was a public hearing to consider Supplemental Appropriation for \$4,200 in the Grays Harbor County Fair fund due to a donation received for \$2,700 from the Green Diamond Resource Company for the rabbit and poultry barn and \$1,500 from the Grays Harbor Community Foundation for the Mad Science show at the Fair.

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ACTION

A motion was made, seconded and passed to approve Resolution No. 2004-61 -- Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Fair Fund #103-000-000.

4. Supplemental Appropriation – County Noxious Weed Control Board #001 000-022: There was a public hearing to consider Supplemental Appropriation for the Grays Harbor County Weed Board in the amount of \$4,200 for funding received from the Washington State Department of Agriculture. Funding will be used to provide support to The Nature Conservancy in assisting with contacting property owners whose properties contain infestations of knotweed along the Elk and Wishkah Rivers and obtain permission for access to their property for infestation control by the staff.

ACTION

A motion was made, seconded and passed to approve Resolution No. 2004-62 -- Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund WSU Cooperative Extension #001-000-022.

PRESENTATIONS

None

DEPARTMENTS

FORESTRY

Request Approval, Set Bid Opening Date of September 13, 2004 for Pre-Commercial Thinning Project: A motion was made, seconded and passed to set September 13, 2004 at 2:00 p.m. as the date and time for the opening of sealed bids on a Pre-Commercial Thinning Project. The project is approximately 252 acres on portions of County property. This project was previously advertised with the result of no bids. The Department is readvertising and contacting other contractors who have an interest in this project.

ANNOUNCEMENT(S):

None

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CORRESPONDENCE:

None

PUBLIC COMMENT

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

STAFF MEETINGS

The Board held staff meetings on Monday, August 16, 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 Cheryl Brown, County Clerk, Rose Elway, Budget Director and Paul Easter and Brian Shea, Department of Public Services.

RESOLUTIONS

- #2004-60 Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund Public Health & Social Services Department #001-000-029**
- #2004-61 Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County Fair Fund #103-000-000**
- #2004-62 Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund WSU Cooperative Extension #001-000-022.**

ORDINANCES

None

The meeting adjourned at 2:58 p.m. to Monday, August 23, 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