

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

February 28, 2005

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, February 28, 2005, at 2:00 p.m. Commissioners Bob Beerbower and Mike Wilson were present. Also in attendance was Donna Caton, Clerk of the Board and James Baker, Deputy Prosecuting Attorney. Commissioner Carter was excused.

CALL TO ORDER AND FLAG SALUTE

Commissioner Beerbower called the meeting to order with the pledge of allegiance to the flag of the United States of America being recited.

MINUTES

February 14, 2005 and Special Meeting February 18, 2005: The minutes of the Commissioners' Meeting of February 14, 2005 and the Special Meeting of February 18, 2005 were approved as presented.

BIDS

1. **Mechanical Shovel Piling:** There was a bid opening for the job of Mechanical Shovel Piling. The job totals 161 acres more or less. No evaluation of the bids were made at this time. A sample contract and all the forms necessary to submit a bid were available for inspection at the office of the County Forester, 310 West Spruce, Suite 100, Montesano, Washington. The notice for bid was advertised on February 10, 17 and 24, 2005.

The Clerk of the Board opened and read the following bids received with bid bond attached:

1.	Elma Truck and Trailer, Hoquiam, WA	\$13,685
2.	Tikka Construction, Aberdeen, WA	\$12,209
3.	James E. Peterson, Neilton, WA	\$12,878.39

Chairman Beerbower referred the bids to the Department of Forestry for review and recommendation.

2. **Three (3) or More Used Pup-Type Trailers:** There was a bid opening for the delivery of three (3) or more used pup type trailers. No evaluation of the bids were made

at this time. The bid specifications were available at the Grays Harbor County Department of Public Services, 100 West Broadway, Suite 31, Montesano, Washington. The notice for bid was advertised on February 17 and 24, 2005.

The Clerk of the Board opened and read the following bids received with bid bond attached:

- | | | |
|----|-------------------------------------|-------------|
| 1. | Schermer Construction, Aberdeen, WA | \$ 5,685.75 |
| 2. | Don L. Entus, Aberdeen, WA | \$22,743.00 |

Chairman Beerbower referred the bids to the Department of Public Services for review and recommendation.

HEARINGS

1. Rezone Request by Kent Morrison -- Ordinance: There was a public hearing to consider an application submitted by Kent Morrison to rezone approximately 9.2-acres 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 proposed rezone is located North of Olin Avenue, off McConkey Lane, a half-mile North of McCleary, in the Northeast quarter of Section 2, Township 18N., Range 5 W.W.M., Grays Harbor County, Washington. A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) dated December 29, 2004, has been submitted under WAC 197-11-350. This notice was advertised on February 17 and February 24, 2005.

Chairman Beerbower asked for a staff report. Brian Shea, Planning and Building Division Director for Grays Harbor County, provided a staff report for rezone request #2004-2311. Mr. Shea reported that the application and the Board of County Commissioners were provided the following materials prior to the public hearing. He requested that the materials be entered into the record, by reference without reading:

1. Record of Action of the Planning Commission containing the Findings of Fact, Conclusions, and Staff recommendations.
2. Application.
3. Site Plan.
4. Mitigated Determination of Non-Significance (MDNS).
5. Letter received from the Washington State Department of Ecology in response to the MDNS.

6. Environmental Checklist.
7. Notice of Public Hearing, and list of property owners receiving the notice.
8. Affidavit of Publication in *The Vidette*.
9. Letter received in response to the public notice.

Mr. Shea outlined the process for examining a rezone request and including documents and information available for use in the environmental review and the recommendation for the rezone that goes before the Planning Commission. Mr. Shea reported that staff reviewed the following documents and requested that they be entered into the record as follows:

1. Airports and Compatible Land Use, Volume 1, Washington State Department of Transportation, Aviation Division.
2. A study prepared by Hart Crowser, Earth and Environmental Technologies -- Hydrogeologic Characterization for Protection of the Wildcat Creek Aquifer Grays Harbor County, Washington, Centennial Clean Water Fund Grant G93. Prepared for the City of McCleary, April 12, 1994.
3. McCleary Planning Commission Comprehensive Land Use Plan. Adopted by Resolution #478 on September 25, 2002.
4. Wastewater Facility Plan, City of McCleary, Washington. January 2001.
5. Environmental Checklist, Mitigated Determination of Non-Significance (MDNS), letter received from the Washington State Department of Ecology in response to the MDNS. A petition from seven property owners opposing the rezone request.
6. Correspondence received from American Water Resources, Inc. Onalaska, Washington dated February 23, 2005.
7. Correspondence received from Teri Franklin and dated February 25, 2005.

Mr. Shea referenced the Record of Action and highlighted the Conclusions as follows:

- I. The proposal will allow land-uses consistent with the surrounding area.
 - a. The proposal is on partially undeveloped land, adjacent to rural-residential zoning, rural-residential land uses, adjacent to high-density residential uses, and near the City of McCleary city limits.
 - b. The 9.20 acres proposed for rezone is directly adjacent to lands zoned for, and used for more dense residential-uses.
 - c. The property has adequate access to major County arterials.

- 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 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-acre 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. 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.
- IV. Any future platting and/or 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.

Mr. Shea reported that Staff recommended approval of the applicant's request for a rezone, Case #2004-2311. Staff recommended approval by the Planning Commission of the Findings of Fact and Conclusions for the Rezone request, Case #2004-2311.

The Planning Commission voted to approve the Findings of Fact and Conclusions, as written for Case #2004-2311 and to approve Case #2004-2311.

Chairman Beerbower asked for public comment. Public comment was received from:

Kent Morrison, applicant and resident of 2415 Summit Lake Shore Road, Olympia, Washington, spoke in support of the rezone request as recommended by County staff and approved by the Planning Commission.

Teri Franklin, 397 Powers Creek Road, McCleary, Washington, expressed her concern regarding liability issues involving the airport.

Gerry Lyng, resident of 90 McConkey Lane, McCleary, Washington, discussed the Airports and Compatible Land Use, Volume 1 document and the restrictions. Mr. Lyng expressed concern regarding liability for the County.

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

• **Ordinance:** A motion was made, seconded and passed to approve **Ordinance No. 331 – An Ordinance Amending The Grays Harbor County Official Zoning Maps Adopted Pursuant To Grays Harbor County Title 17 Approving A Petition For Rezone Case #2004-2311.**

2. Variance Re: Performance Bond Requirements – Seabrook Land Company – Order: There was a public hearing to consider an application by Seabrook Land Company as follows: Seabrook Land Company has submitted an application for a variance to expand the performance bonds requirements specified in Grays Harbor County Code 16.20.330. Details of the application were available at the Grays Harbor County Planning Division. The project site is located just south of the town of Pacific Beach, within the North half of the Southeast quarter and all portions of the Northeast quarter excluding the Plat of Haskin Park, located in Section 29, Township 20 N., Range 12 W.W.M. in Grays Harbor County, Washington. This notice was advertised on February 17 and February 24, 2005.

Chairman Beerbower asked for a staff report. Brian Shea, addressed Grays Harbor County Code 16.20.330. Mr. Shea reported that no bonds shall be accepted for road construction other than for ballasting, paving, and road drainage. No bond shall be accepted for water supply development other than for water distribution facilities. Chairman Beerbower asked for public comment. Mike Daniels, Director of Community Projects for Pacific International Engineering, Olympia, Washington, reported that they are the consultant engineer for Seabrook Planned Unit Development near Pacific Beach, in Grays Harbor County. Mr. Daniels discussed the status of the project and related bonding requirements for uncompleted improvements. Justification for the variance request is based on the fact that this project is a “Planned Unit Development” and on the basis of the circumstances and the inability to, cost effectively, bring the subject road sections into full compliance with the regulation, given the winter weather conditions. Mr. Daniels summarized and requested that the Variance from the performance-bonds requirements as specified in Grays Harbor County Code 16.20.330 be approved.

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

- **Order:** A motion was made, seconded and passed to approve the application submitted by Seabrook Land Company for a **Variance to expand the Performance Bonds Requirements specified in Grays Harbor County Code 16.20.330.**

3. Correction to 1995 Rezone Ordinance: NDC Timber had submitted an application in July 1995 to rezone approximately 4.2 acres of land that was zoned General Development Five (G-5), to General Commercial (C-2). On December 11, 1995, the Board of County Commissioners had approved the application, and Ordinance #215 was adopted. However, a clerical error exists in the legal description contained in Ordinance #215. Therefore, a new ordinance needs to be adopted and signed for the legal description to correctly read as follows: “Portions of Tracts 21, 22 and 23 lying South of State Route 12 and Tract 24 lying North of State Route 12, of Schouweilder Garden Tracts recorded at Volume 4 of Plats, Page 12; ~~except that portion of Tract 24 lying south of the north line of State highway~~ located within the Southwest quarter of Section 33, Township 18 N., Range 6 W.W.M. A complete copy of this ordinance was available at the office of the Board of County Commissioners for public review. This notice was advertised on February 10, 2005.

Chairman Beerbower asked for a staff report. Suresh Bhagavan, Planner for Grays Harbor County reported that during a recent research of their records, it was discovered that an error exists in the legal description that appears in Ordinance #215 which approved a rezone (Case #PC 95-13). A new ordinance is required to correct the error.

- **Ordinance:** A motion was made, seconded and passed to approve **Ordinance No. 332 – An Ordinance Acknowledging And Correcting Clerical Error Of Legal Description In Ordinance #215.**

4. Text Amendment to Titles 16 & 17 of the G.H.C. Code – Ordinance: There was a public hearing to consider a text amendment of Titles 16 and 17 of the Grays Harbor County Code to correct typographical, clerical and internal inconsistencies between different sections of the zoning and subdivision codes. A complete copy of the proposed ordinance was available at the office of the Commissioners upon request. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS), dated January 10, 2005, has been issued under WAC 197-11-340. This notice was advertised on February 10, 2005.

Chairman Beerbower asked for a staff report. Brian Shea, reported that Case #2005-0039 involves minor changes to the text of Titles 16 and 17 of the Grays Harbor County Code. Mr. Shea reported that the Board of County Commissioners were provided with the following materials prior to the public hearing. He requested that the materials be entered into the record, by reference:

1. Record of Action of the Planning Commission containing the Findings of Fact, Conclusions, and Staff Recommendations.
2. Application.
3. Determination of Non-Significance.
4. Environmental Checklist.
5. Affidavit of Publication of the Public Notice in *The Vidette*.

Mr. Shea summarized and outlined the proposed changes. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed.

- **Ordinance:** A motion was made, seconded and passed to approve **Ordinance No. 333 – An Ordinance Amending The Text Of The Grays Harbor County Code Titles 16 And 17, Approving A Petition For Case #2005-0039.**

PRESENTATIONS

None

COMMISSIONERS

1. Appointments to Planning Commission: A motion was made, seconded and passed to make the following re-appointments to the Grays Harbor County Planning Commission:

Alan Marrs, Position 1-2, Term: January 1, 2005 through December 31, 2008
Louis Muller, Position 1-3, Term: January 1, 2003 through December 31, 2006
Jim McCullough, Position 2-2, Term: January 1, 2004 through December 31, 2007
Grant Fry, Position 2-3, Term: January 1, 2005 through December 31, 2008
Darrell Haglund, Position 3-3, Term: January 1, 2005 through December 31, 2008

DEPARTMENTS

FAIR

1. Request Approval, Authorization to Sign Entertainment Contract – Andy Mirkovich Productions/Jamie’s Rock & Roll Legends: A motion was made, seconded and passed to grant authorization to sign an entertainment contract with Andy Mirkovich Productions, Inc. The Andy Mirkovich Productions contract is for Jamie’s Rock & Roll Legends to supply impersonators; 50’s Elvis, Buddy Holly, Roy Orbison and Tina Turner. The Rock & Roll Legends concert is being co-sponsored by Sunny 102.1 Radio.

2. Request Approval, Authorization to Sign Entertainment Contract – Milestone Productions/Garfield’s Happy Birthday to Me Show: A motion was made, seconded and passed to grant authorization to sign an entertainment contract with Milestone Production & Event Services. Milestone Production and Event Services contract is for *Garfield’s* “Happy Birthday To Me” show. Garfield will be at the fair on Kid’s Day to celebrate his birthday. Kids have the opportunity to meet Garfield after each of his two shows on Thursday, August 11th.

3. Request Approval, Authorization to Sign Service Contract with Rod Easton for Entertainment and Sponsorship Coordinator: A motion was made, seconded and passed to grant authorization to sign a Fair Services Agreement for Entertainment and Sponsorship Coordinator with Rod Easton for the Grays Harbor County Fair. Rod Easton has served as volunteer Entertainment Coordinator for a number of years. This agreement will clarify responsibility and expand the scope of services to include Sponsorship Coordinator as well. The agreement has been reviewed by Stew Menefee, Prosecutor, and all recommended changes have been made.

4. Request Approval, Resolution to Adopt the 2005 Grays Harbor Fair Fee Schedule: A motion was made, seconded and passed to approve **Resolution No. 2005-16 – Establishing the 2005 Fair Fee Schedule For The Grays Harbor County Fair Event.** The Fair Board has reviewed the Fair Fee Schedule and appropriate adjustments were made to the rates and the Fair Board has recommended approval of these rates. The Fair Fee Schedule is effective for the year 2005.

FORESTRY

1. Request Approval, Accept Contracts As Complete – Seastrand No. 2, Kirkpatrick No. 2, Breckenridge No. 2, and Foggy Top Timber Sales, Release of Performance Bonds for Sierra Pacific Industries: Sierra Pacific Industries has satisfactorily completed all the terms and conditions of the contracts for the Seastrand No. 2, Kirkpatrick No. 2, Breckenridge No. 2 and Foggy Top Timber sales. A motion was made, seconded and passed to accept the contracts as complete and release the performance bonds as posted by Sierra Pacific Industries for the sales.

MANAGEMENT SERVICES

1. Request Approval, Set Hearing Date for Supplemental Budget Request – Public Health & Social Services: A motion was made, seconded, and passed to set March 14, 2005 at 2:00 p.m. as the date and time for a Supplemental Budget hearing for \$14,729 in the General Fund Public Health and Social Services Department. \$7,323 of the funding is the carryover amount from the Marriage License Fee, \$4,028 is the carryover amount from the Washington Health Foundation grant for HealthNOW and \$3,378 from the Washington Dental Foundation for the ABCD program. Funding will be used to continue these programs.

PUBLIC HEALTH AND SOCIAL SERVICES

1. Request Approval, Amend Contract with Evergreen Counseling Center: A motion was made, seconded and passed to approve an amendment to the County's contract with Evergreen Counseling Center for Mental Health services. This amendment adds funding for medication monitoring services at the County Jail for January through June. Additionally, language changes in the amendment reflect new federal Medicaid and Balanced Budget Act requirements.

2. Request Approval, Contracts Related to Strengthening Families: A motion was made, seconded and passed to approve three items, all involved in providing a Strengthening Families Prevention program. St. Peter's Chemical Dependency program, ESD 113, and Harbor After School will partner to provide two seven-week programs for a minimum of twelve families. The target group is the families of parents in chemical dependency recovery. The Agreements total \$17,396 and the program will be completed before June 30.

3. Request Approval, Amend Agreement with DSHS Mental Health Division: A motion was made, seconded and passed to approve an amendment to the County's Agreement with the State DSHS Mental Health Division for Federal Block Grant funding. The Department will receive \$77,000 per year through this Agreement. The amendment clarifies the source of funds at the federal level.

4. Request Approval, Application to Use Montesano Timberland Library Meeting Room: A motion was made, seconded and passed to approve an application for the Department to use the Montesano Timberland Regional Library meeting room. The Mental Health Advisory Board will be using the room on Wednesday, April 13, 2005, for their annual retreat. Use of the room is free.

PUBLIC SERVICES DEPARTMENT

1. Request Approval, Award 2005 Aggregate Stockpiling Contract: A motion was made, seconded and passed to award bids for the 2005 Aggregate Stockpiling Contract as follows:

Schedule A	Bayview Redi-Mix, Inc.	\$32,969.23
Schedule B	Martin Sand & Gravel	\$20,904.61
Schedule C	Northwest Rock, Inc.	\$28,070.01
Schedule D	Northwest Rock, Inc.	\$20,367.17
Schedule E	Northwest Rock, Inc.	\$42,033.94
Schedule F	Bayview Redi-Mix, Inc.	\$ 8,577.36
Schedule G	Bayview Redi-Mix, Inc.	\$ 5,360.85
Schedule H	Northwest Rock, Inc.	\$ 7,445.63
Total		\$165,728.80

The total is 3% under the Engineers Estimate.

2. Request Approval, 2004 Annual Certification – County Road

Administration Board: A motion was made, seconded and passed to approve the 2004 Annual Certification showing that Grays Harbor County has followed specific policies required by CRAB Standards of Good Practices.

3. Request Approval, Certify 2004 Road Fund Expenditures for Fish Passage

Barrier Removal: A motion was made, seconded and passed to approve the Certification of 2004 Road Fund Expenditures for Fish Passage Barrier Removal. This document certifies that the county road funds spent for fish passage barrier removal during 2004 complies with RCW 36.82.070.

4. Request Approval, 2005 Traffic Control Devices Supply Contract: A motion was made, seconded and passed to approve four (4) sets of contracts for the 2005 Traffic Control Devices Supply Contract. The project was awarded to Zumar Industries, Inc. for the amount of \$83,992.95.

ANNOUNCEMENT(S):

None

CORRESPONDENCE:

The Clerk of the Board announced the following correspondence received:

An e-mail dated February 28, 2005 was received from Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen, Washington. The subject is: Criminal Violation of Oath of Office Has Serious Consequences. Do You Agree? Read On. The e-mail was made available to the public and forwarded to the Prosecuting Attorney.

A correspondence was received from Jack Brodhead, 11 Raspberry Lane, Elma, Washington, requesting permission to use County roads on the Brady Loop and interior cuts for a bicycle race on Sunday, March 13th. The race will be sanctioned by U.S.A. cycling and riders, promoters and Grays Harbor County will be covered by insurance. Proof of insurance will be provided before March 10, 2005. A motion was made, seconded and passed to approve subject to review and recommendation by the Department of Public Services and Risk Management.

A lawsuit was received from Bradley C. Smith against Grays Harbor County regarding complaint for damages (12-person jury demanded). The lawsuit was referred to the Prosecuting Attorney and Risk Management.

PUBLIC COMMENT

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

STAFF MEETINGS

The Board held staff meetings on Monday, February 28, 2005, 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 Maryann Welch, Director of Public Health and Social Services, Michael Tracy, Director of Economic Development, Cheryl Brown, County Clerk, Debbie Adolphsen, Fair Director and Paul Easter, Brian Shea, Kevin Varness and Suresh Bhagavan with the Department of Public Services.

RESOLUTIONS

No. 2005-16 Establishing The 2005 Fair Fee Schedule For The Grays Harbor County Fair Event

ORDINANCES

No. 331 An Ordinance Amending The Grays Harbor County Official Zoning Maps Adopted Pursuant To Grays Harbor County Title 17 Approving A Petition For Rezone Case #2004-2311.

No. 332 An Ordinance Acknowledging And Correcting Clerical Error Of Legal Description In Ordinance #215

No. 333 An Ordinance Amending The Text Of The Grays Harbor County Code Titles 16 And 17, Approving A Petition For Case 2005-0039

The meeting adjourned at 3:23 p.m. to Monday, March 7, 2005 at 2:00 p.m.

BOARD OF COMMISSIONERS
for Grays Harbor County
this _____ day of _____, 2005

BOB BEERBOWER, Chairman
Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board