

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

March 28, 2005

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

CALL TO ORDER AND FLAG SALUTE

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

MINUTES

March 21, 2005: The minutes of the Commissioners' Meeting of March 21, 2005 were approved as presented.

BIDS

None

HEARINGS

1. Variance Request – Gabe Holbrook – Long Plat Case #2004-0287: There was a public hearing to consider the following: Gabe Holbrook has submitted an application for a variance in connection with approval of as-built infrastructure for Long Plat Case 2004-0287. The project is proposed at the property having Assessor's' Parcel Number 770501000700 within the north half of the southeast quarter of Section 7, Township 17N., Range 8 W.W.M., Grays Harbor County, Washington. This notice was advertised on March 10 and 17. Commissioner Beerbower asked for a staff report. Jane Hewitt, Grays Harbor County Planning Department, reported that prior to this hearing a report containing the following information was provided to the Board of County Commissioners and the applicant. Ms. Hewitt requested that the following be entered into the record:

1. Attachment 1: Staff Report containing findings of fact, conclusions, staff recommendations.
2. Attachment 2: Record of Action for Long Plat Case 2004-0287.

3. Attachment 3: Mailing list, Affidavit of Publication from *The Vidette*, and Hearing Date Request memorandum.
4. Attachment 4: Comments received.
Ms. Hewitt reported that no comments have been received from the public.
5. Attachment 5: Personalized notice of public hearing and transmittal of documents to applicant.
6. Attachment 6: Minimum Road Standards, Ordinance #190.
7. Attachment 7: Thickened Edge Roadway Section D.

Ms. Hewitt reported that this proposal is to vary from the adopted Minimum Road Standards, Ordinance #190 for a previously approved 11-lot Long Plat subdivision permit, pursuant to Grays Harbor County Code Chapter 16.20, to subdivide a 7.3-acre parcel of land into 11 lots. The parcel is zoned General Residential (R-2), with a minimum lot size of 10,000 square feet. Ms. Hewitt outlined the Conditions of Approval as follows:

1. The applicant shall supply a letter to Grays Harbor County from the applicant's engineer attesting that the asphalt top course compensates for any deficit in the required gravel sub-base.
2. The applicant shall supply a certification from Grays Harbor Water District #2 engineer to Grays Harbor County that the water lines were installed according to their specifications.
3. Install a "No Right Turn" sign in the northeast corner of the intersection of Holbrook Lane and SR 12 service road for Lot 2. The signage shall be placed so as to prohibit westbound traffic using the service road from turning right (northbound) onto Holbrook Lane.
4. The applicant shall provide an updated plat that illustrates the road, curve radii, and gate structure as built.

Ms. Hewitt outlined the Conclusions as follows:

1. There does not exist extraordinary conditions or unusual circumstances peculiar to the property and not the result of the action of the applicant.
2. A literal enforcement of the regulations would result in unnecessary and undue hardship. The applicant would be required to complete additional engineering, site preparation, drainage work, and paving.
3. The public interest will be secured by granting of a suitable variance. The roadway, as constructed, is consistent with the thickened edge section D construction described in the Public Road standards of Grays Harbor County Ordinance #190. The roadway is not proposed for dedication to Grays Harbor County and will remain a private road.
4. The variance conforms to the provision of RCW 58.17 as amended, as adequate provisions for roadways and emergency vehicles has been provided by the applicant in a manner consistent with the provisions of Grays Harbor County Code Title 17 governing subdivisions.

Ms. Hewitt reported that Staff recommended that the Findings of Fact and Conclusions for Case #2005-0304 be approved by the Board of County Commissioners, as written. Staff recommended approval of Case #2005-0304, as conditioned.

Chairman Beerbower asked for public comment. Larry Birindelli reported that he has known Mr. Holbrook for approximately 15 years. Mr. Birindelli spoke in support of the project and recommended approval of the variance request. There was no further public comment and the hearing was closed.

- **Order:** A motion was made, seconded and passed to approve the **Variance (Case #2005-0304) from the subdivision-road standards (Ordinance #190), specifically to widen the road.**
- 2. **Rezoning Application – North Beach LLC Case #2369:** There was a public hearing to consider an application from North Beach LLC to rezone six (6) platted lots on SR 109 near Pacific Beach from Resort Residential (R-3) to General Commercial (C-2). The proposal is located on SR 109 in the Plat of Highland Park, Block 17, Lots 9-15 in Pacific Beach, Washington in Section 17, Township 20, Range 12, W.W.M., Grays Harbor County, Washington. After the conclusion of the hearing, the Board will meet in

regular session to consider 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 #2369. A complete copy of the ordinance was available upon request of the Clerk of the Board at the Commissioner's Office, 100 West Broadway, Suite 1, Montesano, Washington. Notice of this hearing was advertised on March 10, 2005. Chairman Beerbower asked for a staff report. Jane Hewitt, Grays Harbor County Planning Department, reported that prior to this hearing the Board of County Commissioners and the applicant received a packet of materials. Ms. Hewitt requested that the following list of contents within the packet be entered into the record:

1. Attachment 1: Record of Action containing findings of fact, conclusions, staff recommendations and Planning Commission Action.
2. Attachment 2: Application and supporting documents.
3. Attachment 3: Determination of Non-Significance and SEPA Environmental Checklist.
4. Attachment 4: Agency notification form, mailing list, Affidavit of Publication from *The Vidette*, and Hearing Date Request memorandum.
5. Attachment 5: Comments received.
6. Attachment 6: Personalized notice of public hearing and transmittal of documents to applicant.

Ms. Hewitt reported this is an application received from The North Beach Company LLC to rezone six platted parcels currently zoned Resort Residential (R-3) to General Commercial (C-2). The lots represent Highland Park Block 17, Lots 9-15 also known as Grays Harbor County Tax Parcel 752001700900, 752001701200, 752001701400 in Pacific Beach, Washington.

Ms. Hewitt outlined Staff Conclusions as follows:

- I. The proposal will allow land-uses consistent with the surrounding area.
 - ? The parcel is adjacent to property zoned General Commercial.
 - ? Fire District 8 property several hundred feet to the north is also zoned General Commercial.

- ? The property is adjacent to and served by State Route 109.
- II. The Comprehensive Plan map appears to designate some portion of the State Route area and the village of Pacific Beach as commercial. The Comprehensive Plan anticipates that this is an area appropriate for a rural center of commercial development.
- III. The applicant has demonstrated 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 property is located.

Ms. Hewitt reported that staff recommended approval by the Planning Commission of the Findings of Fact and Conclusions for Case #2004-2369, as written. Staff recommended approval by the Planning Commission of this re-zone application Case #2004-2369. Ms. Hewitt reported that the Grays Harbor County Planning Commission approved this re-zone application Case #2004-2369. Ms. Hewitt reported that staff recommended approval by the Board of County Commissioners for re-zone application Case #2004-2369.

Chairman Beerbower asked for public comment. Steve Andrews, representing The North Beach Company LLC, testified in support of the re-zone request. There was no additional public comment and the hearing was closed.

- **Ordinance:** A motion was made, seconded and passed to approve **Ordinance No. 334 – 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 #2004-2369.**

3. Rezone Application – Jason Johnson, Agent for Kathy Gage – Case #2004-2220: There was a public hearing to consider an application submitted by Jason Johnson, acting as agent for Kathy Gage, to rezone 63.11 acres from Agricultural Use-1 to Rural Residential. The proposal is located on Assessor's Tax Parcel #180502110010 and 180501220010 at the physical address of 23 East Elma-Hicklin Road, McCleary, Washington in the Northeast ¼ of the Northeast ¼ of Section 01 and the Northwest ¼ of Northwest ¼ of Section 02, Township 18N., Range 05 W.W.M., Grays Harbor County, Washington. After the conclusion of the hearing, the Board will meet in regular session to consider 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 #2004-2220. A complete copy of the ordinance was available upon request of the

Clerk of the Board at the Commissioner's Office, 100 West Broadway, Suite 1, Montesano, Washington. Notice of this hearing was advertised on March 17, 2005. The Clerk of the Board reported that one correspondence was received regarding this hearing. Chairman Beerbower asked for a staff report. Jane Hewitt, Grays Harbor County Planning Department, reported that prior to this hearing the Board of County Commissioners and the applicant received a packet of materials. Ms. Hewitt requested that the following list of contents within the packet be entered into the record:

1. Attachment 1: Record of Action containing findings of fact, conclusions, staff recommendations and Planning Commission Action.
2. Attachment 2: Application and supporting documents.
3. Attachment 3: Determination of Non-Significance and SEPA Environmental Checklist.
4. Attachment 4: Agency notification form, mailing list, Affidavit of Publication from *The Vidette*, and Hearing Date Request memorandum.
5. Attachment 5: Comments received.
6. Attachment 6: Personalized notice of public hearing and transmittal of documents to applicant.

Ms. Hewitt reported that this is an application to re-zone 63.11 acres currently zoned Agricultural Use-1 to Rural Residential (RR) for possible subdivision for residential use.

Ms. Hewitt reported that staff recommended approval to the Planning Commission based on the following conclusions:

- I. The proposal will allow land-uses consistent with the surrounding area:
 - ? The subject property is contiguous with Rural Residential-zoned property to the south and west.
 - ? Greater residential density is present to the south of the subject property in areas served by City of McCleary public utilities.
 - ? Recent rezone history and City of McCleary annexations indicate a trend

toward residential development of greater density in the immediate area.

- II. The Comprehensive Plan map designates the subject parcel, along with all of the surrounding area as “Urbanizing” which supports the applicants’ request for a rezone that would allow residential development of a greater density.
- III. The Agricultural Element of the Comprehensive Plan provides that property zoned for Agricultural Use may be rezoned to accommodate low density residential if the property can be shown to meet certain decision criteria:
 - ? The property has not been used for commercially viable agricultural for many years.
 - ? Due to many factors, including rezones in the area and encroaching residential development in the City of McCleary, it is unlikely that the property could be returned to any sort of commercially viable agricultural use.
 - ? According to the USDA Soil Survey, the property does not contain any soil units considered to be prime agricultural farm soils.
 - ? The property is in close proximity to an urban service area. The surrounding area is likely to receive such services in the near to mid-term, further intensifying residential development in the surrounding area. Such development is not conducive to commercial agriculture.

Ms. Hewitt reported that the Planning Commission heard this matter in a public hearing with five members representing sufficient quorum. The Planning Commission voted to approve the Findings of Fact and Conclusions for Case #2004-2220 and to approve the re-zone application Case #2004-2220. The Planning Commission recommended approval by the Board of County Commissioners of the re-zone request.

Ms. Hewitt reported that a letter from Kent Morrison, PO Box 12712, Olympia, Washington was received today and is the only item of correspondence that would have been included in Attachment #5. For the record Ms. Hewitt read the letter from Mr. Morrison. Ms. Hewitt requested that the letter be entered into the record.

Chairman Beerbower asked for public comment. Jason Johnson spoke on behalf of Kathy Gage. Mr. Johnson testified in support of the re-zone request. Teri Franklin,

resident of 397 Powers Creek Road, Grays Harbor County, read a letter addressing the protection of ground water aquifers if sole drinking water source. Ms. Franklin's letter was entered into the record. Ms. Hewitt responded to questions from the Board of County Commissioners. Brian Shea, Director of the Planning and Building Division for Grays Harbor County, reported that he works on the update of the Comprehensive Plan on a daily basis including some weekends. It is a significant task and has not been updated since 1961. Mr. Shea explained that when the County began the update process the Planning Department staff consisted of approximately 10 people and today there are 3 planners. They are continuing to perform daily business in addition to updating the Comprehensive Plan. Mr. Shea reported that the plan is to have a draft document prepared by the end of this year for public review. There was no additional public comment and the hearing was closed.

- **Ordinance:** A motion was made, seconded and passed to approve **Ordinance No. 335 – 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 #2004-2220.**

4. Supplemental Appropriation – Public Health and Social Services Fund:

There was a public hearing to consider Supplemental Appropriation as follows: Public Health and Social Services Fund #001-000-029 in the amount of \$28,000. Notice of this hearing was advertised on March 17 and March 24, 2005. Chairman Beerbower asked for a staff report. Rose Elway, Budget Director, reported that the request for a Supplemental Budget hearing for \$28,000 is in the General Fund Public Health and Social Services Department and is for grant money received from the Federal Preventive Health program. Funding will be used for salaries, benefits and supplies for the development of a plan to increase physical activity in Grays Harbor County. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed.

- **Resolution:** A motion was made, seconded and passed to approve **Resolution No. 2005-29 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund Public Health And Social Services Department #001-000-029.**

PRESENTATIONS

None

COMMISSIONERS

The Clerk of the Board announced the following item added after the agenda was prepared.

1. **Resolution – Enforcement Action:** A motion was made, seconded and passed to approve **Resolution No. 2005-30 – A Resolution Authorizing Prosecuting Attorney To Commence Legal Action To Enforce Compliance With The County Code And Enjoin Operation Of Non-Permitted Recreational Vehicle Park At 3077 State Route 109, Copalis Beach.**

DEPARTMENTS

MANAGEMENT SERVICES

1. **Request Approval, Memorandum of Understanding – Washington State Association of Counties:** A motion was made, seconded, and passed to approve a Memorandum of Understanding with WSAC for the County Workplace Safety Alliance. The WSAC Retro Labor and Industries program is stepping out of retro for a 3-month period April 1, 2005 to June 30, 2005. This MOU replaces that retro committee membership with a County Workplace Safety Alliance Committee. Membership in the Safety Alliance requires Grays Harbor County to use the claims management and safety services offered by WSAC. Currently these services are provided by Sedgwick CMS with fees adopted by the WSAC Board at 6% of Labor and Industry premiums. These fees were budgeted within the 2005 budget. There will be an opt out opportunity available annually on June 15. Rose Elway, Budget Director, recommended that the Memorandum of Understanding be approved.
2. **Request Approval, Set Hearing For Supplemental Budget – Special Projects Fund – April 11, 2005:** April 11, 2005 at 2:00 is the date and time set for a public hearing for a Supplemental Budget in the Special Project Fund for \$46,803. Grays Harbor County has entered into an Interlocal Agreement with Thurston County to perform duties in accordance with the Homeland Security Region 3 work program as funded by a grant agreement between Washington State Military Department and Thurston County on behalf of Homeland Security Region 3. The services to be performed under the Agreement is for professional services to merge Spillman records and provide orientation to date users.

PUBLIC HEALTH AND SOCIAL SERVICES

- 1. Request Approval, Contract With Thurston County – Public Health Emergency Response Planning Activities:** A motion was made, seconded and passed to approve a contract between Thurston County and Grays Harbor County. The contract provides \$10,000 for public health Emergency Response Planning activities.

PUBLIC SERVICES DEPARTMENT

- 1. Request Approval, Revised Administrative Offer – Keys Road Curve Realignment:** A motion was made, seconded and passed to approve a revised administrative offer summary for acquisition of 0.43 acres of property for the Keys Road Curve Realignment, C-11-96320-01 county road project. An administrative offer summary was approved on March 7, 2005 for 0.41 acres. The acreage take has since been revised to 0.43 acres. With approval of the Administrative Offer Summary, the County's right-of-way agent will proceed with an offer to purchase the new right-of-way.
- 2. Request Approval, Hogan's Corner Property Easement – Allow County Road and Utility Access:** A motion was made, seconded and passed to approve a Road and Utility Easement for Hogan's Corner Property. The easement has been executed by Patrick Hogan to allow County access across his property. The easement provides access to a 40-acre piece of property that has been used as a gravel pit by the County for many years. A previous easement had expired. This is the property upon which the County is developing a new public water supply for the region. This easement provides road and utility access.
- 3. Request Approval, 2005 Emulsified Asphalt Contract:** A motion was made, seconded and passed to approve four (4) sets of contracts for the 2005 Emulsified Asphalt Contract. This project was awarded to Paramount Petroleum Corporation, for the amount of \$459,340.20.
- 4. Request Approval, Engineering Agreement Amendment – Coastal Communities Project:** A motion was made, seconded and passed to approve an Engineering Agreement Amendment – Coastal Communities Project – Pacific International Engineering. This Agreement Amendment has been prepared to provide for additional engineering work in regards to the Coastal Communities project in the amount of \$20,000. The balance of effort will be to continue to support planning and permitting activities in regards to the dredging project at the mouth of the Columbia River. The project is funded by a legislative appropriation from the State of Washington, and Grays

Harbor County serves as the lead agency for the funding with the Department of Community, Trade, and Economic Development.

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

5. Request Approval, Department of Military – Amend Grant With Homeland Security: A motion was made, seconded and passed to approve Contract number E05-165 Amendment A with the Washington State Military Department and the Department of Homeland Security. The amendment changes the expiration of the grant from March 31, 2005 to September 30, 2005 and increases the grant amount from \$214,788 to \$216,641.

ANNOUNCEMENT(S):

None

CORRESPONDENCE:

The Clerk of the Board announced the following correspondence received:

1. A letter received from the Department of Energy, Bonneville Power Administration, (BPA) announcing plans to conduct a vegetation control project on the Satsop Park – Cosmopolis No. 1 Transmission Line corridor. BPA will be using a professional contract service to clear brush and trees away from the power-line. The purpose of this vegetation program is to maintain safe and reliable electrical service. The project is scheduled to begin around the week of April 18 beginning at mile 7/6 and continue to mile 16/8 (Cosmopolis Substation). Cutting activity will continue for several weeks.
2. A letter received from Jack Brodhead, Elma, Washington, requesting permission to use Vance Creek Park and the 13-mile loop from Vance Creek to Satsop Development Park including Keys and Wenzel Slough Roads. The date to use this course is Saturday, April 9, 2005 from 9 a.m. to 5 p.m. Insurance will be provided by USA Cycling. A motion was made, seconded and passed to approve subject to review and recommendation by appropriate departments.

3. A letter received from Jack Lawson requesting a permit application for the 17th annual Mt. Rainier to the Pacific Relay scheduled for July 22-23, 2005. They have managed this popular athletic event without accident or injury for the past 16 years. As in past years they will supply Grays Harbor County with a \$1,000,000 liability insurance. A motion was made, seconded and passed to approve subject to review and recommendation by appropriate departments.

PUBLIC COMMENT

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

STAFF MEETINGS

The Board held staff meetings on Monday, March 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 Doug George, Environmental Health Division and Kevin Varness with the Department of Public Services.

RESOLUTIONS

No. 2005-29 Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund Public Health and Social Services Department #001-000-029

No. 2005-30 A Resolution Authorizing Prosecuting Attorney To Commence Legal Action To Enforce Compliance With The County Code And Enjoin Operation Of Non-Permitted Recreational Vehicle Park At 3077 State Route 109, Copalis Beach.

ORDINANCES

No. 334 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 #2004-2369

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**No. 335 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 #2004-
2220**

The meeting adjourned at 2:55 p.m. to Monday, April 4, 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