

## MINUTES

### BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

May 9, 2005

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, May 9, 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. Stew Menefee, Prosecuting Attorney was present.

#### 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

**May 2, 2005:** The minutes of the Commissioners' Meeting of May 2, 2005 were approved as presented.

#### BIDS

None

#### HEARINGS

1. **Vacation of Right-of-Way, Petition by John & Donna Bennett:** There was a public hearing to consider a petition from John and Donna Bennett to vacate pursuant to R.C.W. 36.87.020 the following right of way: All streets and alleys within Foster's Addition to Cedarville including First (1<sup>st</sup>) Avenue, Second (2<sup>nd</sup>) Avenue, First (1<sup>st</sup>) Street, Second (2<sup>nd</sup>) Street, Third (3<sup>rd</sup>) Street, alleys and the balance of Central Avenue not previously vacated but excluding High Street aka South Bank Road. Notice of this hearing was advertised on April 28 and May 5, 2005. The Engineer's Report was provided and indicated that John and Donna Bennett have petitioned to vacate all rights-of-way within Foster's Addition to Cedarville, Volume 4 page 48 records of Grays Harbor County, except High Street, which is now known as South Bank Road. None of the streets or alleys have been improved since it was dedicated on May 14, 1914. The petitioners have owned the entire plat since 1974, using it to graze cattle. Vacating, the rights-of-way will not land lock any adjacent property, nor do any rights-of-way lead to a body of water. There is no need for these rights-of-way in the future. The Department has no objection to the petition as requested. The Department recommended the Order of

Vacation be approved and rights-of-way be placed back on the tax rolls. The application fee of one hundred fifty dollars (\$150.00) and the fifty percent (50%) appraised value of thirteen thousand three hundred fifty dollars (\$13,350.00) have been paid. Chairman Beerbower asked for public comment. John Bennett spoke in support of the right-of-way vacation petition. There was no additional public comment and the hearing was closed.

? **Resolution:** A motion was made, seconded and passed to approve **Resolution No. 2005-38 – Order of Vacation, Foster’s Addition to Cedarville, John and Donna Bennett**

2. **Variance From Subdivision Standards, Application by Eric Snell:** There was a public hearing to consider an application as follows: Eric Snell has submitted an application for a variance from the subdivision road standards as required by Ordinance #190, to construct a 9-foot-wide road instead of the required 20-foot-wide subdivision road. The property is located at 7000 Olympic Highway in Central Park of the Southwest quarter of the Northeast quarter of Section 9 Township 17N., Range 8 W.W.M., Grays Harbor County, Washington having Assessor’s Parcel Number 170809130010. Notice of this hearing was advertised on April 28 and May 5, 2005. Chairman Beerbower asked for a staff report. Brian Shea, Planning and Building Division Director for Grays Harbor County, reported that the application is for a variance from road standards and is Case #2004-2255. Mr. Shea reported that the applicant and the Board of County Commissioners were provided with the following materials prior to the public hearing. Mr. Shea requested that the materials be entered into the record, by reference, without reading:

1. Staff report containing the Findings of Fact, Conclusions, and Staff recommendations.
2. Application.
3. Subdivision Plan.
4. Notice of Public Hearing, and list of property owners receiving the notice.
5. Letter received from Grays Harbor Fire Protection District #2.
6. Administrative Decision for the Short Subdivision.

Mr. Shea reported the description of the proposal is to construct a 9-foot-wide road instead of the required 20-foot-wide subdivision-road. A staff report was provided and the area was outlined on maps. Mr. Shea reported the following conclusions:

1. There exists unusual circumstances peculiar to the property and not the result of the action of the applicant. The property is currently served by a 9-foot-wide paved road.

The width of the road is constrained by vegetation and fencing. The size of the property is such that it can currently accommodate two residences. The Short Subdivision, and its associated road-construction requirement, are only necessary for financial purposes.

2. A literal enforcement of the regulations would result in unnecessary and undue hardship. The property will not be further subdivided. The 9-foot-wide road is sufficient to provide for emergency-vehicle access to both the existing residence at 7000 Olympic Highway and the proposed Lot-2. The construction of a 20-foot-wide road for a distance of approximately 700 feet, constitutes an unnecessary and undue hardship as such a road width is not appropriate to serve one lot.

3. Justice could be done and the public interest secured by granting of a suitable variance, as appropriate access will be provided by the existing road. Grays Harbor Fire Protection District #2 has stated that the existing road meets their access needs. Additionally, the existing road will accommodate the additional vehicle-traffic generated by the new lot.

4. The variance conforms to the provisions of RCW 58.17 as amended, as adequate provision for road-access will be provided by the existing road. It will function as a joint access-road, rather than as a private road.

Mr. Shea reported that staff recommended that the Findings of Fact and Conclusions for Case #2004-2255 be approved as written and staff recommended approval of Case #2004-2255.

Chairman Beerbower asked for public comment. Eric Snell spoke in support of the variance request. There was no additional public comment and the hearing was closed.

? **Action:** A motion was made, seconded and passed to approve the variance (Case #2004-2255) from the subdivision-road standards (Ordinance #190), specifically to construct a 9-foot-wide road instead of the required 20-foot-wide subdivision-road.

## **PRESENTATION**

1. **Certificate of Good Practice:** Paul Easter, Director of Public Services, reported that Grays Harbor County is the recipient of Certificate of Good Practice that was approved by resolution of the County Road Administration Board at its meeting on April 28, 2005. A Certificate of Good Practice has been transmitted to the State Treasurer on behalf of Grays Harbor County pursuant to the authority contained in RCW 36.78.090.

Mr. Easter explained that this action by the CRABoard would assure continued distribution of the monthly state gas tax allotment from the Office of the State Treasurer. This is important to Grays Harbor County and means approximately \$2.1 million for the year 2005. Mr. Easter introduced Russ Esses, County Engineer, Dave Anderson, Roger Stein, Fred Becker and County Surveyor, Gene Zerby. He expressed appreciation to the staff and presented the Certificate of Good Practice award.

### **COMMISSIONERS**

**1. Accept DNR Offer For County Property:** The Clerk of the Board read a letter dated May 6, 2005 and received from Larry Smith, Director of Grays Harbor County Department of Forestry as follows:

Regarding Sale of County Lands to Department of Natural Resources for Inclusion in the Elk River Natural Resources Conservation Area.

As you know we have been working with the Department of Natural Resources Special Lands Division for the last year regarding the sale of County land which is situated within the boundaries of the Elk River Natural Resources Conservation Area.

The parcels in question have been appraised and fair market value determined. The DNR has made an offer to the County for the purchase of 571 acres of County land for the price of \$3,350,000.00.

Given the location of the property with respect to the Elk River Estuary and severe limitations for harvesting due to Marbled Murrelet habitat, wetlands, and unstable slopes just to name a few, we feel the County's best interest will be served by selling these lands to the DNR.

Attached for your consideration is a Purchase and Sale Agreement between the County and the DNR which sets the terms for this sale. It is our recommendation that we execute the agreement and proceed with the transaction. If the Board is in agreement, please sign both copies in the spaces provided and return.

The Grays Harbor County Prosecutor's office has inspected the document as to form and approved same.

A motion was made, seconded and passed to approve the Purchase and Sale Agreement between the County and the DNR which sets the terms for the sale as described.

Commissioner Wilson commented the property is located in District 2 and believes this is an exciting opportunity. The money will be important to Grays Harbor County and \$438,461 will be allocated to the current expense budget. Commissioner Wilson outlined the allocation of funds as follows: State Schools -- \$738,172; County Road Fund -- \$548,207; Port of Grays Harbor -- \$109,746; Timberland Regional Libraries -- \$110,268 and Local Schools -- \$668,144. Commissioner Wilson expressed appreciation to the County Forestry staff for their effort regarding this project.

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

**2. Letter of Interest in Acquiring and Operating Thurston County ORV Sports Park:** A motion was made, seconded and passed to approve a letter of interest in acquiring and operating the Thurston County ORV Sports Park. The Board believes that this “Letter of Interest” is only an exploratory first step in any acquisition process and that neither this Letter of Interest, nor discussions with the Committee or Thurston County Board of Commissioners, in any way constitute an obligation or commitment on the part of any party to transfer, dispose of, or operate the ORV Sports Park in any particular manner.

## **DEPARTMENTS**

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

## **AUDITOR**

**1. Request Approval, Expenditure Report for April:** A motion was made, seconded and passed to approve Payroll and Payable for the month of April 2005. Total Claims -- \$3,023,466.51. Total Salary -- \$2,006,222.89 for a monthly total of \$5,029,689.40.

## **FAIR & TOURISM**

**1. Request Approval, One-Time Only Agreement For North Beach Business Association:** A motion was made, seconded and passed to approve a One-Time-Only Funding Agreement with the North Beach Business Association for \$4,500. Funds will be used for a new sign at the entrance to Pacific Beach and a gazebo project. This project will not only enhance the entrance to Pacific Beach but also provide much needed

signage for tourists. The gazebo plan chosen by the North Beach Business Association Revitalization Committee is a 10' x 14' gazebo with heavy duty 5 x 5 columns and cedar shingle roof. The cost of the gazebo is approximately \$8,000. Additional funds needed have been raised through the North Beach Business Association fund raising events and donations.

### **FORESTRY**

1. **Request Approval, Timber Sales:** A motion was made, seconded and passed to approve the following timber sales to be sold at public auction:

<u>Sale Name</u>	<u>Acres</u>	<u>Estimated Volume</u>	<u>Estimated Value</u>
Hatchery Creek #1	68	3581 MBF	\$855,315.00
Hogan's Corner #3	35	1120 MBF	\$233,637.00
Seastrand Cedar Salvage	_____	<u>10 Cords</u>	<u>\$ 1,500.00</u>
Totals	103	4,711 MBF	\$1,090,452.00

2. **Request Approval, Set Bid Date For Pre-Commercial Thinning – June 6, 2005:** June 6, 2005 at 2:00 p.m. is the date and time set for a bid opening on a Pre-Commercial Thinning Project. The project is approximately 338 acres on portions of County property

### **MANAGEMENT SERVICES**

1. **Request Approval, Budget Transfer in Prosecutor's Office #001-000-030:** A motion was made, seconded and passed to approve **Resolution No. 2005-39 Transferring Items In The Grays Harbor County General Fund Prosecutor's Office #001-030.** This resolution authorizes the transfer of \$4,300 from salaries to various categories for the lease of a new copier and for the replacement of a computer.

2. **Request Approval, Set May 23, 2005 for a Supplemental Budget Hearing Date -- Special Projects Fund #101-000-000:** May 23, 2005 at 2:00 p.m. is the date and time set for a public hearing to consider a \$21,340 supplemental budget in the Special Projects Fund #101-000-000 due to amendment #4 received from the Department of

Ecology for the Chehalis Basin Watershed Planning grant. This amount is the retainage due from the Phase II and Phase III portion of the grant.

### **PUBLIC HEALTH & SOCIAL SERVICES**

1. **Request Approval, Amend Contract with Washington State Department of Health:** A motion was made, seconded and passed to approve an amendment to the County's contract with the State Department of Health to provide nutrition and breast feeding education to low-income families. This amendment adds language to the contract to require Department of Health approval for any budget changes greater than 10%.

### **PUBLIC SERVICES**

1. **Request Approval, Joint Funding Agreement with USGS – Operation and Maintenance of Humptulips River Stream Gaging Station:** A motion was made, seconded and passed to approve an agreement which provides for equal funding between Grays Harbor County and USGS for the operation and maintenance of the Humptulips River Stream Gaging Station. The total cost of the program for the period April 15, 2005 through September 30, 2005 is \$6,180. Grays Harbor County will be responsible for \$3090.

2. **Request Approval, Wynoochee-Wishkah Road Realignment Project Agreement:** A motion was made, seconded and passed to approve a Rural Arterial Program (RAP) Project Agreement obligating an additional \$437,500 of State Funds for the Wynoochee-Wishkah Road Realignment Project, M.P. 0.7 to M.P. 1.5, C-51800-14.

3. **Request Approval, Administrative Offer – Ocean Beach Road Hazard Elimination Project:** A motion was made, seconded and passed to approve five Administrative Offer Summaries for the Ocean Beach Road Hazard Elimination Project, C-94230-36, GCA-4253. With this approval the right-of-way will be negotiated for this project.

4. **Request Approval, Right-of-Way Deeds (3):** A motion was made, seconded and passed to approve Right-of-Way Deeds, Grays Harbor Public Development Authority, Tower Boulevard/Technology Way, Project No. C-96320-01, Federal Aid Project No. TCSP-TCSP(004). The three deeds are for the extension of Tower Boulevard to Technology Way, Technology Way extending to Olympic View Drive, and straightening of Lambert Road south of Commerce Lane. One other deed for the

Keys/Lambert intersection will soon arrive from Weyerhaeuser Company and the board will sign this deed upon its receipt.

**5. Request Approval, Amend Agreement with Thurston County – Law Enforcement Terrorism Prevention Program Grant:** A motion was made, seconded and passed to approve an amendment to the Agreement with Thurston County for the FFY-04 Law Enforcement Terrorism Prevention Program Grant – 2004-GE-T4-0030. The amendment increases the amount of the agreement from \$46,803.49 to \$67,295. This agreement provides Homeland Security funding to Grays Harbor County for professional services related to installing and implementing a common incident management and case management system for law enforcement in the County.

**6. Request Approval, Set Hearing Date for Case #2005-0521, Amending Text of Grays Harbor County Code Titles 16 & 17:** On May 3, 2005, the Planning Commission concluded a public hearing on Case #2005-0521 and recommended approval to amend the text of Titles 16 and 17 of the Grays Harbor County Code. May 23, 2005 at 2:00 p.m. is the date and time set for a public hearing to consider amending the text of Titles 16 and 17 of the Grays Harbor County Code.

#### **SHERIFF**

- 1. Request Approval, Surplus Vehicle:** This item was removed from the agenda.
- 2. Request Approval, Contract with Spillman Technologies:** A motion was made, seconded and passed to approve a contract for services with Spillman Technologies, Incorporated. This contract with Spillman Technologies will hopefully complete the Spillman merge project that law enforcement agencies have been working on. Several weeks ago Sheriff Whelan asked the Board of Commissioners to sign a contract with Spillman Technologies to provide for technical support and data conversion for this project. This latest contract is for \$37,500. This contract will allow the Westport Police Department to participate in the countywide law enforcement database that the Department will be setting up. In addition, it will provide for software upgrades for the Montesano Police Department, Elma Police Department, McCleary Police Department, Cosmopolis Police Department and the Ocean Shores Police Department. The software upgrades will allow those five agencies to more efficiently and quickly access information contained in the database. The first contract signed was funded entirely by the Law Enforcement and Terrorism Prevention Program. This contract and the included software will be funded entirely by the 2005 State Homeland Security Grant Program. None of the law enforcement agencies, including the Sheriff's Office, will have any out

of pocket expenses to implement this project. Sheriff Whelan recommended approval of this contract with Spillman Technologies, Incorporated.

**ANNOUNCEMENT(S)**

None

**CORRESPONDENCE**

None

**PUBLIC COMMENT**

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

**STAFF MEETINGS**

The Board held staff meetings on Monday, May 9, 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 Larry Smith and Don Smith, Department of Forestry and Paul Easter and Brian Shea, Department of Public Services.

**RESOLUTIONS**

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|--------------------|---|
| <b>No. 2005-38</b> | <b>Order of Vacation, Foster's Addition to Cedarville, John and Donna Bennett</b>               |
| <b>No. 2005-39</b> | <b>Transferring Items In The Grays Harbor County General Fund Prosecutor's Office #001-030.</b> |

**ORDINANCES**

None

The meeting adjourned at 2:42 p.m. to Monday, May 16, 2005 at 2:00 p.m.

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

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BOB BEERBOWER, Chairman  
Commissioner, District 1

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MIKE WILSON, Commissioner, District 2

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ALBERT A. CARTER, Commissioner, District 3

ATTEST:

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Donna Caton  
Clerk of the Board