

## MINUTES

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

February 26, 2007

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, February 26, 2007, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Mike Wilson were present. Jim Baker, Senior Deputy Prosecuting Attorney was present. Also in attendance was Donna Caton, Clerk of the Board.

#### CALL TO ORDER AND FLAG SALUTE

Chairman Carter called the meeting to order with the pledge of allegiance.

#### MINUTES

**February 12, 2007:** A motion was made, seconded and passed to approve the minutes of the Commissioners' Meeting of February 12, 2007.

#### BIDS

None

#### HEARINGS

1. **Appeal of Right of Way Use Condition – James & Cheryl Campbell:** There was a public hearing to consider an appeal of a Right-of-Way Use Permit condition 2006-2524 by James and Cheryl Campbell. The request is an appeal of the requirement contained in Grays Harbor County Right-of-Way Use Permit 2006-2529. The requirement at issue was to improve the unopened East Wishkah Road right-of-way to County Road Standards to allow for the subsequent construction of a single-family residence on property located adjacent to East Wishkah Road and north of Aberdeen in unincorporated Grays Harbor County. The proposal is located on East Wishkah Road, on property with the Grays Harbor County Tax Assessor Parcel Number 180922230000 and located in the Southwest quarter of the Northwest quarter of Section 22, Township 18 North, Range 9 West, Grays Harbor County, Washington. Notice of this hearing was advertised in *The Montesano Vidette* on February 15, 2007. Chairman Carter asked for a staff report. Brian Shea, Planning and Building Division Director for Grays Harbor County requested that the following be entered into the record:

1. Exhibit #1 – Public Works Division Report dated January 30, 2007. A copy of the report has been mailed to the appellant.
2. Exhibit #2 – Affidavit of Publication for this public hearing. A copy of the affidavit of publication was mailed to the legal counsel for the appellant.

3. Correspondence dated December 9, 2005 and received from the Weyerhaeuser Company concerning the use of the non-County maintained portion of East Wishkah Road. A copy of the correspondence was faxed to legal counsel.

Mr. Shea reported that Mrs. Campbell and legal counsel Mr. Jack Micheau were present at this hearing. Mr. Shea outlined the appeal of the requirement contained in Grays Harbor County Right-of-Way Use Permit 2006-2529. James and Cheryl Campbell applied for a Right-of-Way Use Permit on November 2, 2006 to utilize the East Wishkah Road right-of-way for vehicle access to their property. The appellant intended to construct a residence on property identified as Grays Harbor County Tax Assessor Parcel #180922230000. Grays Harbor County issued Right-of-Way Use Permit 2006-2429 on December 6, 2006. The Permit contained several conditions of approval, including the requirement to construct a Road Section C from the edge of the County-maintained East Wishkah Road to the Campbell property. Mr. Shea used a map to outline the area of the road involved in this case. The County Road Engineer reviewed the appellant's Right-of-Way Use Permit Application to use the East Wishkah Road right-of-way for access to their property. This review included an analysis of the number of potential building lots that could be served by the right-of-way. Based upon this calculation, the Grays Harbor County Minimum Road Standards requires the construction of an approximately 1.5 mile long Public Road Section C as part of the new residential development proposed for the Campbell property. Mr. Shea explained the applicant would be required to bring the road up to County Road Standards, as any developer would be required to do, or they could submit a bond in the amount of \$400,000 to cover the cost of the road construction. Mr. Shea outlined the conclusions contained on page 10 of the Report to the Board of County Commissioners, Case #2006-2524. Mr. Shea discussed the issue of fairness and public safety and liability regarding this road standard. Mr. Shea summarized that the RCW grants the County the authority to determine what type of road improvements are required within County right-of-way. That authority has been delegated to the County Road Engineer. Mr. Shea concluded his report by stating that staff recommended approval by the Board of County Commissioners the Findings of Fact as written for Case 2006-2524 and staff recommended that the Grays Harbor County Board of Commissioners deny the December 26, 2006 appeal filed by subject property owners James and Cheryl Campbell, identified as Case 2006-2524.

Chairman Carter asked for public comment. Jack Micheau, legal counsel for the appellant spoke in support of the appeal of the Right-of-Way Use Permit condition 2006-2524 by James and Cheryl Campbell. Cheryl Campbell spoke & distributed reports supporting the appeal and also commented on problems with hunters on her property. Ms. Campbell summarized and asked that their section of East Wishkah Road be left as it is and has been since 1938, and that they be allowed to build a house on their property.

Ron Armstrong, Hoquiam, Washington commented regarding anticipated subdivisions and that if requests were received for additional building that would be the appropriate time to address the larger issue. Mr. Armstrong stated that he has no interest in the property. He spoke in support of the appeal of the right-of-way use permit condition 2006-2524 by James and Cheryl Campbell. There was no additional public comment and the hearing was closed.

**Action: A motion was made, seconded and passed to approve the Findings of Fact as written for Case #2006-2524 and to deny the December 26, 2006 appeal filed by subject property owners James and Cheryl Campbell, identified as Case #2006-2524.**

2. **Rezone Application – Orville and Jamie Mowry:** There was a public hearing to consider an application to rezone approximately 15-acres of land from General Development-5 (G-5) to General Residential (R-2) in order to allow flexibility for future subdivision. The property is located at 1506 Bailey Road, Elma, Washington on the property having Assessor's parcel #180627340020 and #180627340060 in the Southwest quarter of Section 27, Township 18 N., Range 06 W.W.M., Grays Harbor County. Notice of this public hearing was advertised in *The Montesano Vidette* on February 15, 2007. Chairman Carter asked for a staff report. Jane Hewitt, Grays Harbor County Planner reported that prior to this hearing the applicant and the Board of County Commissioners received a packet containing the following materials. 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 Planning Commission recommendation.
2. Attachment 1: Application.
3. Attachment 2: Determination of Non-Significance (DNS) and SEPA Environmental Checklist.
4. Attachment 3: Agency notification form, mailing list, Affidavit of Publication from *The Montesano Vidette*.
5. Attachment 4: Personalized notice of public hearing and transmittal of documents to applicant.
6. Attachment 5: Comment received.

Ms. Hewitt reported that this application is to rezone approximately 15-acres of land from General Development – 5 (GD-5) to General Residential (R-2) in order to allow flexibility for future subdivision. No subdivision of the subject property is proposed at this time. The lots will be served by City of Elma public water and public sewer.

Ms. Hewitt reported that staff recommended approval by the Planning Commission of Case 2006-2328 based on the findings of fact. The Grays Harbor County Planning Commission conducted a public hearing on February 6, 2007 and approved the Findings of Fact and Conclusions, as written, for Case #2006-2328. The Planning Commission approved Case #2006-2328.

Chairman Carter asked for public comment. Orville Mowry, applicant spoke in support of the rezone application. There was no additional public comment and the hearing was closed.

**Action: A motion was made, seconded and passed to approve Ordinance No. 362 – An Ordinance Amending the Grays Harbor County Official Zoning Maps Adopted Pursuant to Grays Harbor County Title-17 Approving a Petition for Rezone Case #2006-2328.**

**3. Subdivision Application – Clements Construction:** There was a public hearing to consider an application submitted by Clements Construction, Inc. The applicant has requested to subdivide the existing 21 acres of land into six lots. The project is proposed on Astoria Lane, on the property having Assessor's Parcel #161102330000, approximately 12-miles Southwest of Aberdeen, within the South half of Section 2, Township 16 N., Range 11 W.W.M., Grays Harbor County, Washington. Notice of this public hearing was published in *The Montesano Vidette* on February 15 and February 22, 2007. Chairman Carter asked for a staff report. Suresh Bhagavan, County Planner reported that prior to this public hearing the applicant and the Board of County Commissioners were provided the following materials. The materials were entered into the record, by reference without reading, at the public-hearing:

1. Record of Action of the Planning Commission containing the Findings of Fact, Conclusions, and Staff Recommendation.
2. Application.
3. Environmental Checklist.
4. Mitigated Determination of Non-Significance (MDNS), and letter received in response to the MDNS.
5. Notice of Public Hearing, and list of property owners receiving the notice.
6. Affidavit of Publication of the Notice of Application in *The Montesano Vidette*.
7. Letters received in response to the public-notice.
8. Preliminary-plat map.

Mr. Bhagavan reported the subject application (Case #2006-2361) was necessitated because the Subdivision permit for Case #1996-1129 expired on September 30, 2002.

Phase 1 of Case #1996-1129 was recorded on November 10, 1998. Phase 2 of Case #1996-1129 was recorded on May 4, 1999. Staff recommended approval, by the Planning Commission, of Case #2006-2361, as conditioned. On February 6, 2007 the Grays Harbor County Planning Commission conducted a public hearing and approved Case #2006-2361.

Chairman Carter asked for public comment. Doug Lewis, with the law firm of Brown, Lewis, Janhunen and Spencer reported that he represents the applicant. Mr. Lewis 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 Long Subdivision permit (Case #2006-2361).**

**4. Variance from County Subdivision Road Standards – Allen Howard:** There was a public hearing to consider a request for a variance from the County Subdivision Road Standards, Ordinance #190, for a conditionally approved 2-lot Large-lot Subdivision. The applicant is requesting a variance to reduce the 30-foot easement width requirement to the existing 20-foot easement agreement that serves the property currently. The variance would allow the applicant to utilize the existing 20-foot easement up to the applicant's ownership and the existing 12-14 foot graveled driving surface. The proposal is located South of Williams Creek Road and Williams Creek, on the property having Assessor's Parcel #160521310030, and located approximately five (5) miles Northwest of the Town of Oakville, within the Northeast Quarter of the Southwest Quarter of Section 21, Township 16 N., Range 5 W.W.M., Grays Harbor County Washington. Notice of this public hearing was advertised in *The Montesano Vidette* on February 15 and 22, 2007. Chairman Carter asked for a staff report. Curt Crites, Grays Harbor County Planner reported that Allen Howard has submitted an application for a variance (Case #2006-2304) from the County Subdivision Road Standards, Ordinance #190, for a conditionally approved 2-Lot Large-lot Subdivision. Mr. Crites clarified that at the time of the notice the applicant was requesting as if the roadway was serving two lots. After further review the roadway serves three lots and the request changed. The requirement is for a 50-foot easement width and the applicant is requesting that it be reduced to a 20-foot easement. The roadway would be 12 to 14 feet in roadway width throughout the subdivision. Mr. Crites reported that prior to this public hearing the applicant and the Board of County Commissioners were provided the following materials. The materials were entered into the record, by reference without reading, at the public-hearing:

1. Staff Report containing Findings of Fact, Conclusions, and Staff Recommendations.
2. Application for variance.

3. Site Plan.
4. Notice of Public Hearing and the list of adjacent property-owners receiving the notice.
5. Photos of Roadway.

Mr. Crites reported that staff recommended that the Findings of Fact and Conclusions for Case #2006-2304 be accepted as written.

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

**Action: A motion was made, seconded and passed to approve the findings of fact and conclusions and the variance request from the adopted subdivision road standards of Grays Harbor County, Case #2006-2304.**

**5. Subdivision Application – Terry Graham:** There was a public hearing to consider an application submitted by Terry Graham. The applicant has requested to subdivide the existing 38 acres of land into 93 lots. The project is proposed on Edgewood Avenue, on the property having Assessor's Parcel #180627310000, just Northwest of the City of Elma, within the Northeast quarter of the Southwest quarter of Section 27, Township 18 N., Range 6 W.W.M., Grays Harbor County, Washington. Notice of this public hearing was advertised in *The Montesano Vidette* on February 15 and 22, 2007. Chairman Carter asked for a staff report. Suresh Bhagavan, County Planner reported that prior to this public hearing the applicant and the Board of County Commissioners were provided the following materials. The materials were entered into the record, by reference without reading, at the public-hearing:

1. Record of Action of the Planning Commission containing the Findings of Fact, Conclusions, and Staff Recommendations.
2. Application.
3. Environmental Checklist.
4. Mitigated Determination of Non-Significance (MDNS), and letters received in response to the MDNS.
5. Notice of Public Hearing, and list of property owners receiving the notice.
6. Affidavit of Publication of the Notice of Application in *The Montesano Vidette*.
7. Letters received in response to the public-notice.
8. Preliminary-plat map.

Mr. Bhagavan reported that staff recommended approval by the Planning Commission of Case #2006-2279, as conditioned. On February 6, 2007 the Grays Harbor County

Planning Commission conducted a public hearing and approved Case #2006-2279. Chairman Carter asked for public comment. Mike Daniels, with Pacific International Engineering, 501 Columbia Street NW, Olympia, Washington reported that he is representing Terry Graham. For the record Mr. Daniels clarified that this request does not include a portion of Aloha Lumber Corporation holdings. Mr. Daniels spoke in support of the Long Subdivision permit.

**Action: A motion was made, seconded and passed to continue this hearing to March 12, 2007.**

### **PRESENTATIONS**

None

### **PROCLAMATION**

1. **Women's History Month:** A motion was made, seconded and passed to approve a Proclamation – Women's History Month. The proclamation designates March 2007 to be Women's History Month and encourages all residents of the County to participate in ceremonies and events to commemorate and honor women for their countless contributions to community and nation and to learn more about the significant role women have had in the creation of history.

### **COMMISSIONERS**

1. **Re-appoint Rod Easton to Fair Board:** A motion was made, seconded and passed to re-appoint Rod Easton to serve on the Grays Harbor County Fair Board for a three-year term ending December 31, 2009.

2. **Re-appoint Bill Wolfenbarger to Fair Board:** A motion was made, seconded and passed to re-appoint Bill Wolfenbarger to serve on the Grays Harbor County Fair Board for a three-year term ending December 31, 2009.

3. **Resolution Supporting Placement of Doppler Radar Weather Station in City of Westport:** A motion was made, seconded and passed to approve **Resolution No. 2007-20 – A Resolution Demonstrating Support of a Doppler Radar Weather Station in Westport, Washington.**

### **DEPARTMENTS**

### **FAIR AND TOURISM**

**1. Request Approval, Authorize Director to Sign Entertainment Contract with William Morris Agency, LLC (for Billy Currington) and Mad Science of South Sound (Mad Scientist and Hands on Activities):** The Grays Harbor County Fair Entertainment Committee requested authorization for Debbie Adolphsen, Fair Director, to sign entertainment contracts with William Morris Agency, LLC and Mad Science of South Sound. A motion was made, seconded and passed to grant authorization for Debbie Adolphsen, Fair Director to sign entertainment contracts with William Morris Agency, LLC and Mad Science of South Sound.

**2. Request Approval, Authorize Director to Sign Entertainment Contract with Atlas Robotics, Cook's Racing Pigs, and Lincoln Brewster:** The Grays Harbor County Fair Entertainment Committee requested authorization for the Fair Director to sign entertainment contracts with Atlas Robotics, Cook's Racing Pigs, and Lincoln Brewster. A motion was made, seconded and passed to grant authorization for the Grays Harbor County Fair Director to sign entertainment contracts with Atlas Robotics, Cook's Racing Pigs, and Lincoln Brewster.

**3. Request Approval, Surplus Equipment:** A motion was made, seconded and passed to declare the following equipment as surplus to be removed from the Fair inventory:

0071 Track Rake  
0077 1992 Ford Packing Truck  
0092 1991 Dodge Pickup

### **JUVENILE COURT SERVICES**

**1. Request Approval, Memorandum of Understanding with Washington State Council of County and City Employees, Local 275:** A motion was made, seconded and passed to approve a Memorandum of Understanding between Grays Harbor County and Washington State Council of County and City Employees, Local 275 (Courthouse Unit). This memorandum of understanding allows for the purpose of consistency with the promotional process within the Juvenile Department, the County and the Union to agree to promote Detention Officer I positions to Detention Officer II automatically after an employee has served five (5) years as a Detention Officer I with the Grays Harbor County Juvenile Department and has successfully completed the Security Workers Academy. The parties agree that these promotions will take affect January 1, 2007 for all duly qualified Detention Officer I employees meeting the above agreed criteria and are effective until the expiration of the current Collective Bargaining Agreement on December 31, 2007.

### **MANAGEMENT SERVICES**

1. **Request Approval, Establish Petty Cash Fund – Tourism Fund:** A motion was made, seconded and passed to approve resolution 2007-21, establishing a Petty Cash Tourism Fund #103-600-000 in the amount of \$1,000 with Debbie Adolphsen designated as the petty cash fund custodian.
2. **Request Approval, 2007 Municipal Services Agreement – Coastal Community Action Program:** A motion was made, seconded and passed to approve two copies of the 2007 Municipal Services Agreement between CCAP and Grays Harbor County for the 2007 CDBG Public Services Grant. CCAP will be providing low and moderate income persons with public services in accordance with the Department of Community Trade and Economic Development grant guidelines.

### **PUBLIC SERVICES**

1. **Request Approval, Amend Request to Award Bid Approved on February 12<sup>th</sup> – Police Pursuit Vehicle:** A motion was made, seconded and passed to approve an amended request to award bid approved on February 12, 2007 for the police pursuit vehicle. The price for the police pursuit vehicle listed in the original request to award this bid did not include the sales tax. The corrected total price for one (1) vehicle is \$26,740.58 each.
2. **Request Approval, 2007 Public Works Organizational Chart:** A motion was made, seconded and passed to approve the 2007 Public Works Organizational Chart and the 2007 Public Services Organizational Chart.
3. **Request Approval, Vacation of Old Lambert Road (adjacent to Public Development Authority):** This item was removed from the agenda.
4. **Request Approval, 5-year reimbursable agreement with City of Montesano :** A motion was made, seconded and passed to approve a 5 year reimbursable agreement with City of Montesano to perform various public works projects.
5. **Request Approval, 5-year reimbursable agreement with City of McCleary :** A motion was made, seconded and passed to approve a 5 year reimbursable agreement with City of McCleary to perform various public works project.
6. **Request Approval, 2005 State Homeland Security Grant :** A motion was made, seconded and passed to approve a contract amendment with the Washington State Military Department Emergency Management Division for a change in contract end date from February 28, 2007 to April 30, 2007.

7. **Request Approval, Certification of 2006 Road Fund Expenditures** : A motion was made, seconded and passed to approve that the county road funds spent for fish passage barrier removal during 2006 in compliance with RCW 36.82.070.

8. **Request Approval, County Road Administration Board annual Certification**: A motion was made, seconded and passed to execute the 2006 Annual Certification showing that Grays Harbor County has followed specific policies required by CRAB Standards of Good Practice.

9. **Request Approval, to set bid date for medium size SUV** : A motion was made, seconded and passed to set hearing date to purchase and advertise for bids for a medium size SUV. The hearing date is set for March 19, 2007.

10. **Request Approval, to set bid date for truck cab and chassis** : A motion was made, seconded and passed to set hearing date to purchase and advertise for bids for a truck cab and chassis. The hearing date is set for March 19, 2007.

11. **Request Approval, to set bid date for knuckle crane** : A motion was made, seconded and passed to set a seconded bid opening date for a knuckle crane, which will be purchased by the Solid Waste Department. A second bid opening date is set for March 19, 2007.

#### **TREASURER**

1. **Request Approval, BPA Road Access Easement** : A motion was made, seconded and passed to approve resolution 2007-22, authorizing the Treasurer to grant the BPA a road access Easement.

#### **ANNOUNCEMENTS**

None

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

None

#### **STAFF MEETING**

The Board held staff meetings on Monday, February 26, 2007, 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 Bill Trivison from Juvenile Court Services, Jane

Hewitt, Suresh Bhagavan, from the Planning Department, along with Paul Easter, Brian Shea, Kevin Varness and Russ Esses of the Department of Public Services.

The Board approved the following:

**RESOLUTIONS**

- No. 2007-20**            **A Resolution supporting placement of Doppler Radar Weather Station in City of Westport.**
- No. 2007-21**            **A Resolution to establish Petty Cash Fund for Tourism.**
- No. 2007-22**            **A Resolution authorizing Treasurer to sign BPA Road Access Easement.**

**ORDINANCES**

- No. 362**                **An Ordinance Amending The GHC Official Zoning Maps Adopted Pursuant to GHC Code title 17 approving A Petition For Rezone Case #2006-2328**

**INTERGOVERNMENTAL AGREEMENTS**

**5-year reimbursable agreement to perform various public works services for City of Montesano.**

**5-year reimbursable agreement to perform various public works services for City of McCleary.**

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The meeting adjourned at 4:05 p.m. to Monday, March 5, 2007 at 2:00 p.m.

BOARD OF COMMISSIONERS  
For Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
ALBERT A. CARTER, Chairman  
Commissioner, District 3

\_\_\_\_\_  
BOB BEERBOWER, Commissioner, District 1

\_\_\_\_\_  
MIKE WILSON, Commissioner, District 2

ATTEST:

\_\_\_\_\_  
Donna Caton  
Clerk of the Board