

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

March 3, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, March 3, 2008, 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.

Chairman Carter made a public service announcement reminding the public that the news media is present at and will be videotaping the Board of County Commissioners meetings. He added that the Commissioner's office itself makes audio recordings of the meetings, including all public testimony.

MINUTES

Regular Meeting February 25, 2008: A motion was made, seconded and passed to approve the minutes of the regular meeting of February 25, 2008.

PRESENTATIONS:

None

BIDS:

None

HEARINGS:

1. **Consider Preliminary Approval of Long Subdivision, Case 2007-2667 – M&M Harbor Properties, LLC:** There was a public hearing to consider an application submitted by M&M Harbor Properties, LLC, Case #2007-2667, for a 5-lot long subdivision permit to subdivide 9.749-acres of land into 5 rural residential lots. The proposed lots range in size from 1.504-acres to 2.743-acres. Included in the proposal is construction of an internal private lane that will serve the proposed lots. Currently an existing single-family residence and associated outbuildings are located on the proposed lot 1. All lots are proposed to be served by private wells and on-site sewage disposal systems. The project is proposed at 36 Stamper Road, approximately one-tenth of a mile

north of the City of Elma, on the property having Assessor parcel # 180625330030, within the Southwest Quarter of Section 25, Township 18N, Range 6 W.W.M. within Grays Harbor County, Washington. Notice of this public hearing was published in *The Vidette* on February 21 and 28, 2008.

Chairman Carter asked for a staff report. Curt Crites, Grays Harbor County Planning Department, reported that this request is to subdivide 9.749-acres of land into five (5) residential lots. The proposed lots range from 1.504-acres to 2.743-acres in size. Included in the proposal is construction of an internal private lane that will serve the proposed lots. Currently an existing single-family residence and associated outbuildings are located on proposed lot 1. All lots are proposed to be served by private wells and on-site sewage disposal systems. Mr. Crites reported that the proposed project is located at 36 Stamper Road, as described in the publication. He referenced page 4 of the Record of Action/Case #2007-2667 illustrating a current parcel map and an aerial photograph. Mr. Crites reported that prior to this hearing the Board received the following materials and he requested that they be entered into the record:

1. The Record of Action containing the Grays Harbor County Planning Commission's findings of fact, conditions of approval, conclusions and staff recommendations.
2. Attachment 1: Application for long subdivision, Preliminary Plat Map, and *Stamper Court Wetland Delineation Report*, dated October 18, 2007.
3. Attachment 2: SEPA Mitigated Determination of Non-significance and environmental checklist.
4. Attachment 3: A letter dated January 4, 2008, from the Washington State Department of Ecology commenting on the SEPA MDNS.
5. Attachment 4: Public Notice and List of property owners within 300-feet that received the notice.
6. Attachment 5: Affidavit of Publication from *The Vidette*.
7. Attachment 6: Copy of comment letter from Mrs. Bickford-Robinson dated 1/22/2008.

Mr. Crites reported that on February 5, 2008, the Grays Harbor County Planning Commission unanimously approved the request for Preliminary Long Subdivision Case #2007-2667 based on the findings of fact and conclusions.

Chairman Carter asked for public comment.

Mark Doyle reported that he represents M&M Harbor Properties and that they agree with Grays Harbor County staff report and findings of fact, conditions of approval, conclusions and staff recommendations. He believes this development will benefit the community of Elma.

Teri Franklin, East Grays Harbor County, made comment regarding a soil survey.

Sandra Sandstrom, Stamper Road, expressed concern regarding drainage and how it will affect her home.

Rex Valentine, owner of property to the north of the proposed project, spoke in support of the project.

Mr. Crites responded to the drainage issue mentioned by Ms. Sandstrom and reported that the applicant will be required to complete an engineered drainage study on the site. The resulting pre-development rate cannot be exceeded after the development is completed. Mr. Crites reported that soil samples were completed by a wetland biologist.

Commissioner Beerbower commented that the front of the property has low areas and inquired about protection measures during logging operations.

Sandra Sandstrom expressed concern regarding flooding in the front area of the property and with removal of the trees.

Mr. Doyle commented regarding the number of trees on the property and that the majority is not merchantable. His goal is to develop a road into the site, clear building sites, establish a well, and secure septic approval. Mr. Doyle commented that several acres of wetland on the property were delineated and marked and will not be touched.

Mr. Valentine, having lived adjacent to the subject property since 1962, explained that he understands the drainage and would be willing to assist the developer to mutually approve both properties.

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

ACTION: A motion was made, seconded and passed to approve the Long Subdivision, Case #2007-2667 and to accept the findings of fact and conclusions.

COMMISSIONERS:

1. **Resolution Calling for Special Election on May 20, 2008, to submit to voters whether or not the City of Aberdeen shall join and be annexed to the Timberland Regional Library District:** A motion was made, seconded and passed to approve **Resolution No. 2008-11 – A Resolution of the Grays Harbor County Commissioners**

Calling for a Special Election on May 20, 2008, for the Purpose of Submitting to the Affected Voters the Determination of Whether or not the City of Aberdeen Shall Join and be Annexed to the Timberland Regional Library District. Timberland Regional Library District and the City of Aberdeen requested that a proposition for annexation of the city into the library district be placed before the voters in a special election on May 20, 2008 (RCW 27.12.370).

2. Consider approval of Economic Development Project – Horn Rail Spur rehabilitation: The Clerk of the Board announced that this item was removed from the agenda.

DEPARTMENTS:

MANAGEMENT SERVICES

1. Resolution, Budget Transfer in Special Projects: It was requested that a \$20,000 transfer be made within Special Projects for a grant received through the Washington State Department of Community Trade and Economic Development for the Wildcat Creek Aquifer project. Funds are available to transfer from the Community Development Project account. This grant provides funding for assistance in developing regulations to protect the Wildcat Creek Aquifer. It was further requested a \$34,000 transfer be made within the Special Projects for a Donation made from Pettit Oil for the ORV Park Habitat Restoration. Funds are available to transfer from the NFWF Community Salmon Foundation Account Project. Rose Elway, Budget Director, reviewed the request and confirmed that funds are available for these transfers. A motion was made, seconded and passed to approve **Resolution No. 2008-12 – Transferring Items in the Grays Harbor County Miscellaneous Fund Special Projects #101-000-000.**

2. Straddleline ORV Maintenance Grant for 2008-2009 Washington State Recreation and Conservation Office: A motion was made, seconded and passed to approve the Straddleline ORV Park Maintenance Grant for the 2008-2009 lease project years from the Washington State Recreation and Conservation Office for \$200,000. The funding is from the NOVA Account (Nonhighway and Off-Road Vehicles Program) and requires the county match the program with \$208,813 from gate proceeds over the project period of 2008 and 2009. This grant was budgeted in the 2008 budget for the ORV Park.

3. Set Hearing Date, Supplemental Budget, Juvenile Department: March 31, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider a Supplemental Budget for \$20,000 in the General Fund Juvenile Department due to state funding received through DSHS for the Evidence Based Expansion grant. Funding will be used in professional services.

PROSECUTING ATTORNEY

1. **Resolution to commence legal action to abate county code violations constituting a public nuisance on property located at 57 Butterfly Lane, Pacific Beach, Washington:** A motion was made, seconded and passed to approve **Resolution No. 2008-13 – A Resolution Requesting the Prosecuting Attorney Commence Legal Action to Abate County Code Violations Constituting a Public Nuisance on Real Property Located at 57 Butterfly Lane, Pacific Beach, Washington.** This resolution authorizes the prosecutor's office to commence legal action in superior court to abate the public nuisance presented on property located at 57 Butterfly Lane near Pacific Beach, as a result of violations of the county code with respect to unlawful accumulation of trash, junk, debris and other solid waste, and unlicensed or abandoned vehicles. This matter was referred to the prosecutor's office by the Planning and Building Division after several unsuccessful attempts since March 2006 to obtain the property owner's compliance with the county code.

PUBLIC SERVICES

1. **Request Approval, Emerging Issues Grant with Department of Community Trade and Economic Development:** A motion was made, seconded and passed to approve a grant contract with the Department of Community Trade and Economic Development. The purpose of the grant is to assist the county with development regulations to be adopted by both the county and the City of McCleary to protect the Wildcat Creek aquifer.
2. **Request Approval, Natural Resources Damages Compensation agreement with Dept. of Ecology and Pettit Oil Company:** A motion was made, seconded and passed to approve an agreement with the Department of Ecology and Pettit Oil Company. The purpose of the agreement is to settle a natural resources damage assessment through payment of \$34,000 as compensation for the injuries to the public natural resources resulting from the June 9, 2007 spill. The County would apply the money to the Straddleline ORV Park riparian planting project.
3. **Request Approval, Letter of support for ShoreBank Enterprise Cascadia septic loan program expansion:** A motion was made, seconded and passed to approve a letter of support to ShoreBank Enterprise Cascadia for their interest in expanding their unique loan services to residents of Grays Harbor County who are required to install OSS systems that meet current code. The department requested support for ShoreBank Enterprise Cascadia's loan program to assist the residents of Grays Harbor County.
4. **Request Approval, Set Hearing Date to consider adoption of the Satsop Development Park Master Plan:** March 17, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider (1) the adoption of the *Satsop Development Park Master Plan* and technical appendices as a sub-area amendment of the *Grays Harbor County*

Comprehensive Plan and (2) and the creation of the *SD Satsop Development Park District* and the *SM Satsop Development Park Multi-Use District* through the adoption of an Ordinance for the approximately 1,600-acres of Satsop Development Park property.

ANNOUNCEMENTS

None

CORRESPONDENCE

The Clerk of the Board announced the following correspondence:

1. An e-mail received from Stanley Trohimovich and dated February 25, 2008. The subject was “Extortion under color of official right”. The e-mail was placed on file.
2. A Claim for Damages, #C-562-08, filed by Treeva M. Cohee. The claim was referred to the Claims Review Committee for review and recommendation.
3. A correspondence received from Public Utility District No. 2 of Pacific County. In accordance with RCW 54.28.090, Public Utility District No. 2 of Pacific County reported 2007 gross revenue derived from the distribution of electrical energy to the county and cities. The correspondence was placed on file.

PUBLIC COMMENT

Chairman Carter asked for public comment. He announced that comments and statements would be accepted and would be limited to five minutes. Questions should be submitted in writing.

Ron Armstrong, resident of Hoquiam, commented on the process regarding the previously approved public disclosure ordinance and expressed opposition to the ordinance.

Harold Brunstad, resident of Montesano, made comment regarding county timber sales. He commended the County Forestry Department for their work and suggested that the County pursue an exemption from being prohibited from exporting public timber.

Stanley Blunt, Aberdeen, commented on contracted worker activities that may include workers from out of the country.

Marie Bannister, Cosmopolis, commented on contracted worker activities that may include workers from out of the country.

There was no additional public comment.

STAFF MEETINGS

The Board held staff meetings on Monday, March 3, 2008, 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 Rose Elway, Management Services; Paul Easter, Brian Shea, Lee Napier, Jeff Nelson, Curt Crites and Kevin Varness with the Department of Public Services. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

- No. 2008-11** **A Resolution of the Grays Harbor County Commissioners Calling for a Special Election on May 20, 2008, for the Purpose of Submitting to the Affected Voters the Determination of Whether or not the City of Aberdeen Shall Join and be Annexed to the Timberland Regional Library District.**
- No. 2008-12** **Transferring Items in the Grays Harbor County Miscellaneous Fund Special Projects #101-000-000.**
- No. 2008-13** **A Resolution Requesting the Prosecuting Attorney to Commence Legal Action to Abate County Code Violations Constituting a Public Nuisance on Real Property Located at 57 Butterfly Lane, Pacific Beach, Washington.**

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned at 2:48 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2008

ALBERT A. CARTER, Chairman
Commissioner, District 3

BOB BEERBOWER, Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ATTEST:

Donna Caton
Clerk of the Board