

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

March 10, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, March 10, 2008, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Mike Wilson were present. Jim Baker, Senior Deputy Prosecuting Attorney was present. Paul Easter, Russ Esses, Brian Shea and Curt Crites representing the Department of Public Services were 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 March 3, 2008: A motion was made, seconded and passed to approve the minutes of the regular meeting of March 3, 2008.

PRESENTATIONS:

None

BIDS:

None

HEARINGS:

1. **Consider Ordinance amending Ordinance 370 & Title 2 regarding e-mail public record requests:** There was a public hearing to consider an ordinance amending Ordinance No. 370 and the new chapter to Title 2 of the Grays Harbor County Code regarding e-mail public record requests. The following summary provides a brief description of the ordinance as presented to the Board of Commissioners of Grays Harbor County and published in the *Montesano Vidette* on February 28, 2008. The ordinance deletes the prohibition on submission of public record requests by e-mail and the requirement that such requests be delivered during normal business hours and by regular

mail or fax only. Chairman Carter asked for a staff report. Jim Baker, Senior Deputy Prosecuting Attorney, reported that the reason for the amendment to Ordinance No. 370 is that Section 6 of the ordinance prohibits electronic mail requests for public records and is not consistent with the Public Records Action (PDA). For that reason, it was recommended that said section be deleted.

Chairman Carter asked for public comment.

Ron Armstrong, Hoquiam, made comment regarding the amendment and encouraged public involvement in rewriting the ordinance.

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

ACTION: A motion was made, seconded and passed to approve Ordinance No. 372 – Deleting the prohibition on submission of public records requests by e-mail and the requirement that such requests be delivered during normal business hours and by regular mail or fax only.

2. Community Development Block Grant planning project, including Resolution CDBG Planning-Only Grant with Certifications of Compliance: There was a public hearing to review community development and housing needs, inform citizens of the availability of funds and eligible uses of the state Community Development Block Grant (CDBG), and receive comments on proposed activities, particularly from low- and moderate-income persons and persons residing in the Grays Harbor County area. Up to \$24,000 for a single jurisdiction or \$40,000 for a multiple jurisdiction project may be available to Grays Harbor County to fund a planning project that principally benefits low- and moderate-income persons. The draft application for the proposal for a Housing Plan for Low- and Moderate-Income Households and People with Special Needs was available for review at the Department of Public Services, Grays Harbor County Administrative Building, 100 West Broadway, Suite 31, Montesano, Washington. Questions regarding the CDBG Program could be answered in advance of the public hearing by calling Lee Napier, Deputy Director of Community Development. Comments could be submitted in writing to Grays Harbor County Administration Building, 100 West Broadway, Suite 1, Montesano, Washington. Notice of this public hearing was published in the *Montesano Vidette* on February 28, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that the purpose of today's hearing was to receive citizen input concerning proposed applications to the Community Development Block Grant's (CDBG) Planning Only grant program. Ms. Elway requested that the minutes reflect that on the back table, copies of the public hearing handout provided by Washington State Department of Community Trade and Economic Development (CTED) related to Community Development Block Grants were available to the public.

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 Resolution No. 2008-14 – CDBG Planning-Only Grant Resolution with Certifications of Compliance.

3. Consider Resolution for a Supplemental Budget in Special Projects: There was a public hearing to consider Supplemental Budget Hearing in the Special Projects Fund #101-000-000, in the amount of \$1000. Notice of this public hearing was published in the *Montesano Vidette* on February 28 and March 6, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that this supplemental budget hearing in the Special Projects Fund is for \$1000 for a grant received through the Washington State Military Department and the Department of Transportation. Funds will be used to provide a Tier II Emergency Preparedness workshop to address hazmat issues.

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 Resolution No. 2008-15 – Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Special Projects Fund #101-000-000.

COMMISSIONERS:

- 1. Appointment to Human Services Advisory Board:** This item was temporarily removed from the agenda and will be heard later in this meeting.
- 2. Appointment to Board of Equalization:** A motion was made, seconded and passed to appoint Dale Hoover to fill a vacancy on the Board of Equalization for a 3-year term.
- 3. Long Subdivision Case 2007-2409, Applicant Big Lodge Ridge LLC – Consider Planning Commission recommendation at 6:00 p.m. today:** The Clerk of the Board announced that the Board of County Commissioners will consider the Planning Commission recommendation at 6:00 p.m. today.

DEPARTMENTS:

AUDITOR

- 1. Request Approval, February Expenditures:** A motion was made, seconded and passed to approve expenditures for February 2008 as follows: Claims \$2,419,546.30 and Salary \$2,411,388.08 for a total of \$4,830,934.38.

PUBLIC SERVICES

1. **Request Approval, Declare Vehicles/Equipment Surplus:** A motion was made, seconded and passed to approve a request to declare the following vehicles/equipment surplus and sold at minimum bid price as follows:

- #108 1997 Ford ¾ ton pickup
VIN 1FTHF25H1VEB37163; minimum bid \$2,500

2. **Request Approval, Digital Submittal Certification – CRAB Reports for 2007:** A motion was made, seconded and passed to approve a Digital Submittal Certification – County Road Administration Board (CRAB) Reports for 2007. The following were included:

- 1) Traffic Law Enforcement Certification
- 2) Fish Passage Barrier Removal Certification
- 3) Annual Certification
- 4) Annual Construction Report
- 5) County Arterial Preservation Report

3. **Request Approval, Advertise for Consulting Services – Porter Creek Road West Bridge Replacement:** The Department of Public Services has received authorization from the Washington State Department of Transportation to proceed with Plans, Specifications and Estimate (PS&E) for the Porter Creek Road West Bridge Replacement, Project No. E-96540-50. A motion was made, seconded and passed to grant authorization to advertise for consulting services for the above stated project on March 13 and March 20, 2008.

4. **Request Approval, 23-lot long subdivision with special-use permit for clustering density, case #2007-2787 – set meeting date to Consider the Planning Commission Recommendation:** On the evening of March 4, 2008, the Grays Harbor County Planning Commission conducted a public hearing on a request by Terry Graham for preliminary plat approval of a 23-Lot Long Subdivision with Special Use Permit, Case #2007-2787. Six of the eight members of the Planning Commission were present. The Planning Commission voted 6-0 to recommend preliminary approval of the 23-Lot Long Subdivision with Special Use Permit to the Board of County Commissioners. March 24, 2008, is the date set to place the Planning Commission's recommendation on the meeting agenda.

ANNOUNCEMENTS

None

CORRESPONDENCE

The Clerk of the Board announced the following correspondence:

1. A lawsuit (#L-563-08) filed by Jeff Nichols against Grays Harbor County. The lawsuit was referred to the Prosecuting attorney's office.
2. A report from Grays Harbor PUD #1. Chapter 278 of the Laws of 1957 provides that the County Commissioners shall distribute public utility district taxes to the local taxing districts in proportion to the gross revenues obtained from such districts from the sale of electric energy and stipulates that the District provide information to the County Commissioners for use in allocating the funds. The detail of the report is available to the public.

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.

Teri Franklin, resident of Powers Creek Road, made comment regarding an appeal she filed February 11, 2008.

Brian Shea, Planning and Building Division Director, responded that Ms. Franklin's appeal goes before the Board of Adjustment.

Mark Gonhue, Elma, made comment regarding past meeting minutes and Commissioner Al Carter. Commissioner Carter reported that every record on his computer has been turned in. Mr. Baker explained that a request for an investigation can be made to Stew Menefee, Prosecuting Attorney.

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

There was no additional public comment.

The meeting recessed at 2:30 p.m., and reconvened at 6:00 p.m.

Chairman Carter announced that this is a public meeting to consider the recommendations of the planning commission in Long Subdivision Case No. 2007-2409. The applicant and the public may provide comment or argument for or against the Planning Commission recommendation, and all comments must address the Planning Commission recommendation. No new testimony or evidence may be presented at this evening meeting.

Chairman Carter asked for a staff report. Curt Crites, Planning Department, reported that case No. 2007-2409 is for a 36-lot long subdivision permit to subdivide approximately 55-acres of land into 36 single-family residential lots, ranging in size from .40-acres to 1.11-acres. The average lot size in the subdivision is .59-acres. Included in the proposal is construction of public roads within the subdivision. All lots are proposed to be served potable water by Grays Harbor Water District 2 and have individual on-site septic systems. Mr. Crites referenced the staff report for more detailed information on the general characteristics of the area, current zoning and the proposed road system that will serve the subdivision. Mr. Crites requested that the following materials which had been provided to both the Board and the applicant prior to the meeting, be read into the record:

1. Staff report containing findings of fact, conclusions and staff recommendations.
2. **Attachment 1:** Application for long subdivision, supporting letter, Preliminary Storm water Management Plan, Plan Cover Sheet, Preliminary Plat, Storm water Plan (Drawing) and an Access Road Plan and Profile.
3. **Attachment 2:** a copy of the SEPA Mitigated Determination of Non-significance dated October 25, 2007, and a copy of the completed environmental checklist.
4. **Attachment 3:** Email correspondence for comments from the Washington State Department of Transportation commenting on the SEPA MDNS. Included in the attachment is WSDOT's original comments made at the pre-application conference when the applicants made their initial inquest as to the requirements of this 36-lot long subdivision. This emailed comment is referred to in the other email correspondence already provided to you in attachment 3.
5. **Attachment 4:** A letter dated November 9, 2007, from the Washington State Department of Ecology commenting on the SEPA MDNS.
6. **Attachment 5:** Public Notice and List of property owners within 300-feet of the proposed development who received the notice.
7. **Attachment 6:** Affidavit of Publication from *The Vidette*.
8. **Attachment 7:** Copy of comment letter from Mr. Thomsen, dated 10/30/2007.
9. **Attachment 8:** Copy of comment letter from Mr. Johnson, dated 11/12/2007.
10. **Attachment 9:** Copy of comment letter from Mr. Rammer, dated 11/19/2007.
11. **Attachment 10:** A copy of the subdivision sewage evaluation.

12. **Attachment 11:** Email correspondence/comments dated 11/20/2007 from Grays Harbor County Road Engineer, Russ Esses.
13. **Attachment 12:** Copy of comment letter from Mr. & Mrs. Peterson, dated 11/28/2007.
14. **Attachment 13:** Public Notice of the re-scheduled hearing and list of property owners within 300-feet of the proposed development who received the notice.
15. **Attachment 14:** Affidavit of Publication from *The Vidette* for the re-scheduled Public Notice which was again advertized in *the Vidette* on December 20th, 2007.
16. **Exhibit No. 1:** A memorandum for the record from Don Susak, dated January 7, 2008. The memo was handed in during the public comment period at the hearing on January 8, 2008 for Case 2007-2409.
17. **Exhibit No. 2:** A comment letter for the record from Eric Heikkila, dated January 8, 2008. The letter was handed in during the public comment period at the hearing on January 8, 2008 for Case 2007-2409.
18. **Exhibit No. 3:** Information from the Washington State Department of Transportation outlining their analysis of review for the proposal at the Deer Park intersection with State Route 12. The correspondence is dated February 5, 2008.

At its February 5, 2008 hearing, the Planning Commission unanimously approved the request for the 36-lot long plat subdivision, Case No. 2007-2409 with conditions. Mr. Crites read a brief list of the more relevant conditions with regard to developing this property (Conditions 1, 3, 6, 9, 17, 18, 23 & 25).

Chairman Carter invited the applicant to speak before opening the meeting to public comment. Mike Daniels, Pacific International Engineering (PIE), announced that his company had been retained by Big Lodge Ridge, LLC, to complete the application materials provided and represent the proposal at this meeting. Mr. Daniels presented an overview of the proposal by addressing environmental compliance, transportation, water, and sewer issues. He reiterated that the project request meets the intent, goals and objectives of the County Comprehensive Land Use Plan and the County Zoning Code designations. Mr. Daniels indicated that PIE is in concurrence with the Planning Commission's report, including the findings of fact, conditions of approval, conclusions and staff recommendations.

Chairman Carter asked for public comment.

Joe Burich, Deer Park Drive, expressed concern with increased traffic and safety issues

with State Route 12. He noted that he is not against the development but wants to make sure that traffic, water, and septic system issues are addressed.

George Yakovich, Jr., River Road, commented regarding the water system and expressed specific concern regarding water pressure.

Eric Heikkila, Lillooet Loop, spoke regarding traffic safety issues.

Don Thomsen, Deer Park Drive, commented regarding property line boundaries.

Gerald Peterson, Deer Park Drive, commented regarding highway access from the development and septic system concerns.

David Mistachkin, Deer Park Drive, commented regarding traffic increases and safety concerns.

Chairman Carter asked for clarification regarding the types of homes that would be built on the developed land. Mike Daniels, PIE, responded that the proposal calls for developing the lots, but he does not intend to build homes.

The Commissioners discussed further with Mike Daniels issues related to alternate road access, soil testing, and water systems.

Chairman Carter inquired as to traffic rates and deceleration lanes on the related access roads to the development. Russ Esses, Grays Harbor County Road Department, offered information as to average daily traffic counts and referred other questions to the Washington State Department of Transportation.

Commissioner Beerbower commented that the majority of the concerns brought forth at this meeting do not fall under the County's discretion or control, and must be addressed by the appropriate authorities.

Joe Burich expressed concern that the developer is not planning to build homes on the developed lots and favors the lots being left at 5-acres.

Brian Shea, Building and Planning Director, noted that 95% of subdivision developers sell the lots without building homes on them.

Chairman Carter inquired as to whether or not the land had been surveyed. Mike Daniels spoke regarding the final survey process and noted that it will be certified by a county engineer.

Gerald Peterson, Deer Park Drive, commented about the types of homes that might be built and the potential of decreased property.

George Yakovich, Sr., Lillooet Loop, spoke regarding property boundaries.

Brian Shea explained that the lots are to be developed as single family residences, but that there are no specific design criteria for the structures.

Chairman Carter announced that the public comment portion of this agenda item had closed and suggested that the Board defer a decision to allow time to consider the added comments. A motion was made, seconded and passed to postpone a decision to the March 24, 2008, BOCC meeting.

Chairman Carter announced that there were two additional agenda items that would be addressed at this time.

COMMISSIONERS:

1. The Clerk of the Board made an announcement adding to the public hearing agenda item No. 2. As stated earlier, the purpose of today's hearing was to receive citizen input concerning proposed applications to the Community Development Block Grant's (CDBG) Planning Only grant program. It was announced that on the back table copies of the public hearing handout provided by Washington State Department of Community Trade and Economic Development (CTED) related to Community Development Block Grants are available to the public.
2. **Appointment to Human Services Advisory Board:** A motion was made, seconded and passed to reappoint Terry Myers to the Human Services Advisory Board as recommended by Joan Brewster, Public Health and Social Services Director.

STAFF MEETINGS

The Board held staff meetings on Monday, March 10, 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 Tom Fite, Straddleline ORV Park; Sheriff Mike Whelan; Cherri Rose-Konschu, Assessor; Paul Easter, Brian Shea and Lee Napier with the Department of Public Services. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

- No. 2008-14** **CDBG Planning-Only Grant Resolution with Certifications of Compliance**
- No. 2008-15** **Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Special Projects Fund #101-000-000**

ORDINANCES

- No. 372** **Deleting the prohibition on submission of public records requests by e-mail and the requirement that such requests be delivered during normal business hours and by regular mail or fax only**

INTERGOVERNMENTAL AGREEMENTS

None.

The meeting adjourned at 7:33 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