

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

November 10, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, November 10, 2008, at 2:00 p.m. Commissioners Al Carter and Bob Beerbower were present. Mike Wilson was excused. Jim Baker, Senior Deputy Prosecuting Attorney, and Donna Caton, Clerk of the Board, were also present.

CALL TO ORDER AND FLAG SALUTE

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

MINUTES

1. **Regular Meeting November 3, 2008:** A motion was made, seconded and passed to approve the minutes of the regular meeting of November 3, 2008.

BIDS

None

HEARINGS

1. **Road Variance Request – Steve & Renata Andrews:** There was a public hearing to consider a request by Steve and Renata Andrews for a variance for a reduction in the required minimum road standards. The applicant is requesting a reduction in the minimum width of the built road for a private road serving three or more lots from 20-feet to 16-feet, and to reduce the required easement width from 60-feet to 30-feet. The applicant is also requesting relief from the requirement to install a 70-foot diameter cul-de-sac, and replace the cul-de-sac with a 3-point side turn-around. Notice of this hearing was advertised in the *Montesano Vidette* October 30, 2008. Chairman Carter asked for a staff report. Russ Esses, County Road Engineer, reported that the Department recommends denial of this request based on the proposed widths and lack of cul-de-sac not meeting state or county standards. Chairman Carter sought clarification as to whether or not the proposed road currently existed, referred to the map of the subject vicinity, and inquired as to when Spruce Avenue was vacated and if Fir Avenue existed now. Mr. Esses indicated that Spruce Avenue was vacated in 2007 and that Fir Avenue is the current right-of-way. Mr. Esses explained that both Spruce and Fir Avenues run North and South and border the lots related to this request. Mr. Esses stated that the proposed road would run between the middle of the properties and would create a stub road without the ability to extend the loop.

The applicant, Steven Andrews of the North Beach Company, explained that he has been cleaning up properties in the Pacific Beach area and is now working on the six remaining lots

related to this request. Mr. Andrews explained that he intends to build beach cabins on the existing lots which were platted in the 1930's. He noted that when Spruce Avenue was vacated, the road standards were changed and as a result variances would be required for him to finish this project. Mr. Andrews explained that the subject property is composed of six small lots which are 40-feet by 80-feet. The first variance request is for a reduction in the minimum road surface requirement of 20-feet to 16-feet. Mr. Andrews explained that Patterson Street has a county right-of-way of 40-feet with an approximate 16-foot road bed, and his recent Highland Heights development was built to a standard which allowed a 20-foot road easement with a 12-foot road surface. Mr. Andrews noted that his request of a 16-foot road surface meets and exceeds the previous standard he built to one year ago, and has met fire apparatus turning standards. Mr. Andrews explained the second part of his request asks for a reduction in the required private lane width standard from 60-feet to a 30-foot easement. In addition, Mr. Andrews noted that the length of the private lane is only 120-feet. He feels that to require the easement to be 60-feet wide would be more burdensome than necessary on the home owners, of which there are only three on each side of the road. This would create a large amount of the property being encumbered by the easement, which would make utilization of the lawns a problem.

Mr. Andrews explained the fire apparatus turn-around issue as the third aspect of his request. He noted that these lots were platted in the 1930's and wants to utilize them as they are, not re-do them for development purposes. Mr. Andrews stated he would like to serve all homes to be built on the lots while maintaining the environment and introducing the least amount of fill and additional road surface. He believes he has addressed the fire code standards by proposing a 16-foot road bed with no turn-around needed since the houses are less than 150-feet from the existing turn-around on Patterson Street. Mr. Andrews referenced County Code 15.12.040, and the superseding Private Road Standards which require a cul-de-sac or T intersection. Mr. Andrews stated that he feels the best solution for a second turn-around would be a three-point turn-around, which already exists on Patterson Street. Mr. Andrews noted that Patterson Street is approximately 90-feet from the furthest homes, which would provide for use of the turn-around using the private entry lane. Mr. Andrews explained that though his request may not meet the current minimum private road standards, it increases safety to the area by introducing roads which were never put in. He explained that if he were required to build a cul-de-sac to the 70-foot standard, it would render four of his lots unusable, which creates what he considers to be an unnecessary and undue hardship. Mr. Andrews noted that the current standards do not allow utilization of the property and he addressed several aspects of Mr. Esses' findings. Mr. Andrews expressed that he feels his request improves the road safety in the area and would not alter the county's ability to maintain utilities.

Chairman Carter clarified that the County right-of-way and the Navy base border the subject property and inquired as to whether or not the applicant or other close property owners would further develop the area. Mr. Anderson stated that there is one other property owner with three lots, and that owner has expressed no interest in developing the property. Chairman Carter asked how this property was accessed. Mr. Anderson responded that the property is

not and would not be land locked and is accessed by First Street and bordered by Patterson Street. He further commented that the proposed variance would provide access to the lots while also pleasing current property owners who would otherwise be impeded upon by relocating the roadway. Chairman Carter asked Mr. Esses if he was knowledgeable about the road standards and easements related to Mr. Andrews' previous development at Highland Heights. Mr. Esses responded that he is not familiar with that project. Chairman Carter asked for clarification in regards to whether or not the proposed turn-around would provide a three point turn-around. Mr. Esses responded that the proposed turn-around would provide a three point turn-around but the standards only recognize a cul-de-sac as acceptable.

Chairman Carter asked for public comment. There was no public comment and the hearing was closed. Commissioner Beerbower made a motion to deny this request based on the applicant's duty to provide future buyers of these properties with the minimum standards. Chairman Carter, directing his question to the Public Services Department, asked if there is a way that the applicant can work further with the Department to appease both parties without having to deny the request. Brian Shea, Planning & Building Director, stated that the Department is willing to continue to work with the applicant in efforts to negotiate the request. Mr. Shea recommended that the Board continue a decision to allow time for the Department and applicant to work together on the requirements. Mr. Shea further noted that the fire access standards apply to private property with safety being the objective, versus the county road standards which are designed to serve the public. After affirming that the applicant would be willing to work with the Public Works Department, Commissioner Beerbower withdrew his motion for denial.

ACTION: A motion was made, seconded and passed to continue a decision to December 8, 2008.

2. **CDBG Grant – Public Service Activities:** 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 \$165,743 will be available to the Grays Harbor County and Coastal Community Action Program to fund public service activities that principally benefit low and moderate income persons. Notice of this hearing was advertised in the *Montesano Vidette* October 30, 2008. The draft application for the proposal was available for review at the Grays Harbor County Management Services Department, Administration Building, 100 W. Broadway, Montesano. It was advertised that comments on the County's and Coastal Community Action Agency's past performance and use of their 2008 CDBG Public Service Grant awards would be received. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that this is a Federal Housing and Urban Development Block Grant which passes through the Washington State Department of Community Trade & Economic Development. Ms. Elway noted that this grant is used for matching funds with other block grant funds, and introduced Troy Colley from the Coastal Community Action Program to explain how the funds will be provided to the community in

2009 grant programs. Mr. Colley explained that these grant funds impact both Grays Harbor and Pacific Counties and expressed appreciation for the continued partnership. Mr. Colley reported that these grant funds are used to help the most vulnerable citizens in the community and provided information regarding the primary programs this block grant funds. These programs include homelessness outreach activities which recently helped 133 individuals by providing showers, clothes, food and flu shots; the Jobs Program which provides job coaching and other employment related services; the Retired Senior Volunteer Program, and the Senior Nutrition Program. The largest benefactor of the block grant funding is the In-home Care Program which is designed to enable the elderly to stay in their homes versus being moved to care facilities. Mr. Colley noted that this block grant brings in \$2 million in human services grants. Mr. Colley expressed special thanks to Commissioner Beerbower for his long time support of the partnership and continued dedication to the programs and people it serves. CDBG required handouts were distributed and made 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 the Community Development Block Grant to fund public service activities that principally benefit low and moderate income persons.

3. Emergency Budget Hearing – District Court: There was a public hearing to consider Emergency Appropriation as follows: District Court #001-000-024, in the amount of \$29,400. Notice of this hearing was advertised in the *Montesano Vidette* October 30, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that this amount was modified from an original estimate of \$47,020, down to the current amount of \$29,400. Ms. Elway introduced District Court Judge, Steven Brown, to provide further information on the request. Judge Brown explained that at the end of the year it is necessary to assess the amount of cases requiring appointed counsel for the remainder of the year. At present time it is estimated that funds are need for an additional 250 indigent defense cases. Judge Brown noted that it was possible to modify the amount after recalculating statistics from police agencies and that he has communicated with the District Court Administrator and Prosecutor as to the coordination and disbursement of the funds. Chairman Carter stated that he appreciates the recalculation of funds needed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2008-124, Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund District Court #001-000-024.

Commissioner Beerbower stated that he has appreciated working with Judge Brown over the years, and he values all of the hard work and effective communication Judge Brown has continuously provided.

4. Supplemental Budget – ER&R Fund: There was a public hearing to consider Supplemental Budget Amendment as follows: ER&R Fund #501-000-000, in the amount of \$245,000. Notice of this hearing was advertised in the *Montesano Vidette* October 30 and

November 6, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that although gas prices have recently begun to go down, ER&R rental rates have increased by 25% to help cover the high cost of fuel experienced during the majority of the year. The additional revenue generated by the increased rates matches the expenses. Chairman Carter inquired as to where the revenue for this account comes from. Ms. Elway reported that the funds are received through charging county departments such as the Sheriff's Department, Road Department, Environmental Health, and Assessor's Office. 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. 2008-125, Authorizing a Supplemental Extension in the Budget of the Grays Harbor County ER&R Fund #501-000-000.

COMMISSIONERS

None

DEPARTMENTS

AUDITOR

1. **Request Approval, October Expenditures Audit Report:** A motion was made, seconded and passed to approve the month-end expenditures audit report for the month of October, 2008, including \$5,316,641.83 in Claims, and \$2,426,855.75 in Salary, totaling \$7,743,497.58

MANAGEMENT SERVICES

1. **Request Approval, Set Hearing Date – Property Tax Levies for General & Road Funds:** November 24, 2008, at 2:00 p.m., is the date and time set for a public hearing to set the 2009 Grays Harbor County property tax levy for the General Fund and Road Fund. The proposed Property Tax Levy Resolution for the General Fund and Road Fund would authorize a 1% increase in the regular property tax levy for the General Fund and Road Fund in addition to any amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property for the 2009 levy. Grays Harbor County shall authorize the regular property tax levy for the General Fund in the amount of \$8,850,000 which increased \$712,108 over the previous year, for which \$591,639 is estimated to be new construction. This is the rate at an estimated 1.39 per 1,000 AV. Grays Harbor County shall authorize the regular property tax levy for the Road Fund in the amount of \$4,440,000 which increased \$399,967 over the previous year, for which \$158,122 is estimated to be new construction. This is the rate at an estimated \$1.68 per 1,000 AV.

2. **Request Approval, Set Hearing Date – Supplemental Budget – Fair Fund:** November 24, 2008, at 2:00 p.m., is the date and time set for a supplemental budget hearing

in the Fair Fund for \$16,880. The Fair Budget will be exhausted by the end of November and requires utilization of the 2008 ending cash of \$10,000 which was budgeted for 2009 beginning cash. There is an additional \$6,880 in unanticipated intergovernmental funds from Public Services. Categories to be supplemented are \$6,880 in entertainment, \$2,000 for grounds supplies, \$2,000 in communication, \$3,000 in B&O taxes, \$1,000 in repairs and maintenance and \$2,000 in ER&R Interfund Rent. Additional funds may need to be budgeted in 2009 from the Stadium fund to maintain the interim management if a Fair Manager is not hired before the end of the year.

PUBLIC HEALTH & SOCIAL SERVICES

1. **Request Approval, DSHS Division of Developmental Disabilities Contract:** A motion was made, seconded and passed to approve Amendment No. 2 to the contract with DSHS Division of Developmental Disabilities. The purpose of the amendment is to align the award with actual unspent funding for the 2008 fiscal year and to increase funding for fiscal year 2009. The new award amount is \$1,658,567. Of this total, \$263,481 is federal funding and the balance is state funding.
2. **Request Approval, DOH Michigan Public Institute Amendment to Data Use Agreement:** A motion was made, seconded and passed to approve an amendment to the Data Use Agreement between the Michigan Public Health Institute and Grays Harbor County. The amendment establishes the contract term as March 17, 2008, to June 30, 2011.
3. **Request Approval, DOH Consolidated Contract – Family Planning:** A motion was made, seconded and passed to approve Amendment No. 12 to the 2001-2011 Consolidated Contract with the Department of Health. The amendment adds statements of work for Child Death Review, Maternal and Child Health and Public Health Emergency Preparedness and Response (PHEPR) and amends statements of work for the Family Planning & Reproductive Health and Office of Drinking Water Group B Program. It provides an increase of \$254,255 for the Child Death Review program (\$750), Family Planning & Reproductive Health program (\$29,217), Maternal & Child Health program (\$173,140), and Public Health Emergency Preparedness & Response program (\$51,148).
4. **Request Approval for Room Rental/Use Agreements:**
 - A. A motion was made, seconded and passed to authorize the Chairman to sign a Facilities Use Rental Agreement, on behalf of the Public Health & Social Services Department, for use of facilities at Grays Harbor Public Utility District No. 1 on December 11, 2008, regarding Emergency Services training.
 - B. A motion was made, seconded and passed to authorize the Chairman to sign a Meeting Room Use Application, on behalf of the Public Health & Social Services Department, for use of facilities at Timberland Regional Library on November 17, 2008, for Emergency Services training.

- C. A motion was made, seconded and passed to authorize the Chairman to sign a Facility Use Application, on behalf of the Public Health & Social Services Department, for use of campus facilities at Grays Harbor College on November 17, 2008, for Emergency Services training.
- D. A motion was made, seconded and passed to authorize the Chairman to sign a Facility Use Application, on behalf of the Public Health & Social Services Department, for use of campus facilities at Grays Harbor College on December 4, 2008, for Labor Management training.

PUBLIC SERVICES

1. Request Approval, Authorization to Advertise for Bids – 2009 Emulsified

Asphalt Contract: A motion was made, seconded and passed to authorize the advertisement for bids for the 2009 Emulsified Asphalt Contract. The requests for bids will be publicized January 8 and 15, 2009, with a bid opening date of February 2, 2009, at 2:00 p.m.

2. Request Approval, Racetrack Lease Extension – Great Northwest Promotions:

A motion was made, seconded and passed to approve an amendment to the lease for the Grays Harbor County Fairgrounds Racetrack Facility. This amendment extends the lease for an additional six years through 2018. In consideration of the extension, Great Northwest Promotions will be expanding the events for which the County will receive a one dollar per ticket surcharge in 2011. Kevin Varness, Public Services, reported that in 2007 the lease was transferred from Brownfield to Great Northwest Promotions after the untimely death of Mr. Brownfield. Great Northwest Promotions is asking for an extended lease in order to better plan their investments and events for the racetrack. Having reduced the two-day Outlaws event to one day, the County and racetrack has experienced a substantial loss in revenue. Great Northwest Promotions is looking into new National Sprint Car teams to come to the track in the future. The County has gone from receiving approximately \$11,000 to \$12,000 in revenue to \$3,000 in revenue from the \$1.00 surcharge at the Outlaws event. The agreement states that in 2010, the County will again be receiving the \$1.00 surcharge on all national events held at the track. The County uses these funds to pay off the loan used for track improvements. George Wade, Track Manager, stated that Great Northwest Promotions plans to bring in the American Sprint Car Association (ASCS) in hopes of hosting additional races.

3. Request Approval, Middle Satsop Road Emergency Slide Repair – Rural Arterial

Program Project Agreement: A motion was made, seconded and passed to authorize the Chairman to sign a Rural Arterial Program (RAP) Project Agreement authorizing \$270,000 of state funds for the project.

4. Request Approval, Set Hearing Date – County Road Standards Variance Request

– Jay & Arionne Jackson: November 24, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider County Road Standards Variance Request No. 2008-1224. Jay and Arionne Jackson have requested a variance for a reduction in the required minimum private

road standards. The applicant is requesting a reduction in the minimum width of the built road for a private road serving three or more lots, from 20-feet to 16-feet and also to reduce the required easement width from 60-feet to 20-feet. Additionally, the applicant is requesting relief from the requirement to install a 70-foot diameter cul-de-sac. No turn-around is proposed.

5. Request Approval, Set Hearing Date – Reclassification to Current Use Open Space – Michael Pierce: December 8, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider a request by Michael Pierce for change of use classification to Current Use Open Space for Parcel Numbers 170604330010 and 170609220010.

6. Request Approval, Set Hearing Date – Reclassification to Current Use Open Space – Michael Osgood: December 8, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider a request by Michael Osgood for change of use classification to Current Use Open Space for Parcel Numbers 170608110010 and 170605440020.

7. Request Approval, Set Hearing Date – Reclassification to Current Use Open Space – David Vogel & Leonard Moss: December 8, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider a request by David Vogel and Leonard Moss for change of use classification to Current Use Open Space for Parcel Number 170603310010.

ANNOUNCEMENTS

None

CORRESPONDENCE

1. A letter dated October 27, 2008, from Public Lands Commissioner, Doug Sutherland, regarding “Projection of Income from State Forest Lands”. This letter was placed on file and is available for review.
2. Grays Harbor County Coroner’s Monthly Summary Report for September 2008. This report was placed on file and is available for review.

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.

There was no public comment and the meeting was adjourned.

The meeting adjourned at 3:10 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