

MINUTES

BOARD OF COMMISSIONERS – GRAY HARBOR COUNTY REGULAR MEETING

May 24, 2010

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, May 24, 2010, at 2:00 p.m. Commissioners Al Carter, Terry Willis and Mike Wilson were present. Donna Caton, Clerk of the Board, and Stew Menefee, Prosecuting Attorney, were also present. Jim Baker, Senior Deputy Prosecuting Attorney, was present at the 6:00 p.m. portion of the meeting.

CALL TO ORDER AND FLAG SALUTE

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

BIDS:

None

HEARINGS:

1. Draft Housing Plan for Low and Moderate Income People and the 10 –Year Plan to End Homelessness: There was a public hearing on May 24, 2010 to consider adopting the draft Housing Plan for low and moderate income people and the 10-year plan to end homelessness. Notice of this hearing was published in the *Montesano Vidette* May 13, 2010. Commissioner Carter asked for a staff report. Lee Napier, Public Services, introduced John Kliem and Debbie Holden from Creative Community Solutions. John Kliem explained that these plans were funded through the CDBG Planning Only Grant. He discussed the statistical profile and the website offerings for local housing.

Replying to an inquiry from the Commissioners, John Kliem stated that the process for creating the plans took about one year. It included compiling data, organizing groups of individuals, workshops and website information.

Commissioner Carter called 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. 2010-37, adopting the housing plan for low and moderate income people.

A motion was made, seconded and passed to approve Resolution No. 2010-38, adopting the ten year plan to end homelessness.

2. Two Ordinances establishing a new Chapter 18.02 definitions, and a new Chapter 18.06 critical areas regulations into Title 18 of the Grays Harbor County Code: There was a public hearing on May 24, 2010 to consider two ordinances establishing a new chapter 18.02 definitions and a new chapter 18.06 critical areas regulations into Title 18 of the Grays Harbor

County Code. Notice of this hearing was published in the *Montesano Vidette* May 6th and 13th, 2010. A full text of each proposed ordinance was available.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that the two ordinances establish a new Chapter 18.02 definitions, and a new Chapter 18.06 critical areas regulations into Title 18 of the Grays Harbor County Code.

The ordinance adopting a new Chapter 18.02 will define words and terms used in Title 18, supplementing Section 1.04.010 of the Grays Harbor County Code. A second new ordinance to be considered adopts a new Chapter 18.06 implementing critical areas regulations pursuant to the Growth Management Act and will identify and protect environmentally critical areas including Geologically Hazardous Areas, Frequently Flooded Areas, Wetland Areas, Fish and Wildlife Habitat Conservation Areas, and Critical Aquifer Recharge Areas and will supplement Title 17 development requirements by providing for additional controls consistent with best available science. The standards and mechanisms established in this chapter are intended to protect these environmentally critical features in Grays Harbor County.

Mr. Shea explained the terms used in Title 18 and stated that all permits for development will be subject to the County Code.

Mr. Shea provided and explained the following exhibits:

Email correspondence from Fred Becker and Brady Engvall

Exhibit A – Correspondence

Exhibit B – Ordinance establishing a new Chapter in Title 18 of the county code

Exhibit C - Critical Protection Area Code: policy consideration, findings, and code updates – April 2010

Commissioner Carter called for public comment.

Tim Gates, Department of Commerce, read and provided a letter of support for the public policy mediation process the county implemented to develop a final draft. He referenced buffers and environmental practices that are similar to other areas in the state, but tailored to Grays Harbor. He complimented features in the ordinance that are consistent with state guidelines.

Ron Armstrong, Hoquiam, made comments regarding whether citizens were involved in the process.

Rick Mraz, Department of Ecology, provided a letter and made comments regarding the wetland rating system and expressed his support for the ordinance in the form it has been presented.

Tim Trohomovich, Futurewise, provided a letter and made comments regarding his thoughts on textual changes.

Jim Carlson, property owner, made comments regarding buffers and the costs to property owners. Brian Shea stated that fees will not change in the immediate future. The process and associated costs will be reviewed and analyzed prior to any fee adjustments. Mr. Carlson made further comments on the environmental review process.

Teri Frankiln, East County, concurred with the comments made by Rick Mraz and Tim Trohimovich and stated that she has been involved with these issues since 1997.

Herbert Hale, Elma, stated he opposed changing current codes regarding buffers.

Mark David Paulson, Hoquiam, made comments regarding water under buildings and property valuations.

Eric Goldman, Grayland, made comments regarding mechanisms to add protected areas to the database inventory.

Leroy Tipton, Wishkah, complimented the county's public process and attempt at consistency. He commented that there will be a heavy burden on property owners.

Les Bolton, North River, made comments regarding his property and floodplain issues. He commented on the costs associated with these changes.

Mark Vetter, Satsop, made comments regarding his property and the effects the ordinance will have on the future use of the land.

There was no further comment.

ACTION: A motion was made, seconded and passed to continue the hearing to 6:00 p.m. May 24, 2010.

A five minute recess was announced at 3:45 p.m. The Commissioners returned at 3:50 p.m.

PUBLIC COMMENT

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

There was no public comment.

CONSENT AGENDA: Approval was requested for the following items:

Minutes

Morning Meeting and Regular Meeting – May 17, 2010
Special Meeting – May 13, 2010

Commissioners:

OAAA Board Appointments – Les Bonfield and Jane Lauzon

Correspondence:

Claim, C-605-10, Pete and Michele Almond

ACTION: A motion was made, seconded and passed to approve the Consent Agenda items as listed above.

COMMISSIONERS

- 1. Request Approval, Set Hearing Date – June 28, 2010 – Resolution of Intent to Vacate Non-Maintained Portion of East Wishkah Road Right-of-Way:** A motion was made, seconded and passed approve **Resolution No. 2010-39, declaring the boards intent to vacate the public right-of-way north of East Wishkah Road milepost 3.470 in Grays Harbor County** and to set June 28, 2010 at 2:00 p.m. as the date and time for a public hearing to hear comment and to consider the vacation of a portion of the East Wishkah Road right-of-way.
- 2. Request Approval, Resolution Authorizing Abatement at 203 West Cabin Lane, Grayland:** A motion was made, seconded and passed to approve **Resolution No. 2010-40, requesting the Prosecuting Attorney to commence legal action to enforce the County Code violations and abate nuisance at 203 West Cabin Lane in Grayland.**

DEPARTMENTS

PUBLIC HEALTH AND SOCIAL SERVICES

- 1. Request Approval, Amendment 3 to the Medicaid Administrative Match LHJ Contract:** A motion was made, seconded and passed to approve Amendment 3 to the Medicaid Administrative Match LHJ contract. The amendment will extend the contract to 2019. Medicaid Match is an outreach and linkage for Medicaid and potential Medicaid eligible items. The department gets reimbursed for matchable activities as it relates to the contract. The contract brings in about \$250,000 annually.
- 2. Request Approval, Amendment 23 to the Consolidated Contract:** A motion was made, seconded and passed to approve Amendment 23 to the Consolidated Contract. This amendment adds statements of work and funding for ARRA Immunization Project, Oral Health Sealant Project and WIC Farmers Market Project. The amendment provides an increase of \$41,378.
- 3. Request Approval, Memorandum of Understanding with the Washington Services Corps Ready Corps VISTA Program:** A motion was made, seconded and passed to approve the Memorandum of Understanding (MOU) with the Washington Service Corps Ready Corps VISTA Program. This MOU established basic guidelines and expectations for 2010 -2011 VISTA members of the Medical Reserve Corp in Grays Harbor.

PUBLIC SERVICES

- 1. Request Approval, Black Creek Road Bridge Replacement Administrative Offer Summaries:** A motion was made, seconded and passed to approve the Administrative Offer Summaries for the Black Creek Road Bridge Replacement. The county right-of-way agent will proceed with acquisition of the necessary right-of-way.
- 2. Request Approval, Agreement Establishing a Local Bridge Program Manager:** A motion was made, seconded and passed to authorize the chairman to sign the agreement establishing Rob Wilson as the Local Bridge Program Manager. FHWA requires a formal agreement for establishing a Bridge Program Manager at the local agency level. Washington State Highways and Local Programs has requested that the county submit an application for this assignment. Rob Wilson has recently completed the training necessary to qualify for this assignment and is submitting an application to WSDOT to assume this responsibility.
- 3. Request Approval, Execute Contract Documents for School Road Sidewalk Extension Project – Rognlin’s Inc.:** A motion was made, seconded and passed to execute the contract documents for the School Road Sidewalk Extension Project with *Rognlin’s, Inc.* of Aberdeen, Washington.
- 4. Request Approval, Resolution Lowering the Powers Creek Bridge Load Limit to 6 Tons:** A motion was made, seconded and passed to approve **Resolution No. 2010-41, lowering the load limit on Powers Creek Bridge to six tons.** Sargent Engineer’s Inc. recommended this change due to the deterioration of wood caps on the structure.
- 5. Request Approval, Plat of Elma Highlands Surety Agreement One-Year Extension (Correction) Case No. 2005-2157:** A motion was made, seconded and passed to approve the corrected surety agreement for a one-year extension for the Plat of Elma Highlands. The agreement is concerning (a) the construction of required sidewalks and (b) the preparation of a \$50,000 maintenance bond. The Board previously approved the requested extension on May 3, 2010, but the request contained file number errors and plat name errors. The corrected request is consistent with the provisions of Grays Harbor County Code 16.40.060, governing the granting of administrative variances by the Board of County Commissioners, and Section III of the Surety Agreement.
- 6. Request Approval, Funding Agreement – Coastal Harvest Cooler Project:** A motion was made, seconded and passed to approve the funding agreement for the Coastal Harvest Cooler Project in the amount of \$21,940.
- 7. Request Approval, Authorization for the Utilities Director to execute a Construction Contract for a New Storage Building at the Pacific Beach Sewer Plant:** A motion was made, seconded and passed to authorize the Utilities Director to execute a construction contract for a new storage building at the Pacific Beach Sewer Plant. The building is needed to house

equipment and materials for utilities. Two quotes were received and the low quote is from F & L Pacific of Centralia for \$31,574 plus tax.

8. Request Approval, Award Bid for Straddleline ORV Park – 4x4 Backhoe: A motion was made, seconded and passed to award the bid for a 4x4 used backhoe to Pape machinery of Montesano. Pape Machinery is selling the county a 2007 John Deere Model 310SJ. The total purchase price will not exceed \$39,186 including tax and trade-in. The funding for this purchase includes a grant in the amount of \$31,000 from RCO and the balance from the stadium fund dollars allocated to the park.

** The Clerk of the Board announced that the following item has been added to the agenda:

9. Request Approval, Set Hearing Date – June 7, 2010 – reconsideration of the Variance request by applicant Chris Czichas: A motion was made, seconded and passed to June 7, 2010 at 2:00 as the date and time that the hearing will be held. A review of the record indicated that inconsistencies were present, prompting a new hearing to be scheduled to reconsider Grays Harbor County Road Standards Variance 2009-1284.

SHERIFF

1. Request Approval, Contract with Lattice Inc. for Inmate Phone Services: A motion was made, seconded and passed to approve the contract between Grays Harbor County and Lattice, Incorporated for inmate telephone services. Lattice has been selected from the five proposals submitted on April 19, 2010 for consideration. The contract period is five years.

TOURISM

1. Request Approval, Festival and Event Contract – Lake Quinault Community Action Forum: A motion was made, seconded and passed to approve the festival and event contract for Lake Quinault Community Action Forum in the amount of \$20,000.

ANNOUNCEMENTS

The Clerk of the Board announced that next Monday, May 31, 2010 there will be no meeting due to the holiday. The next scheduled meeting is June 7, 2010.

A recess was announced at 4:15 p.m. until 6:00 p.m. for the continuance of the public hearing regarding the Critical Areas Ordinance.

6:00 p.m. – Commissioner Carter reconvened the meeting.

Continued Hearing regarding Two Ordinances establishing a new Chapter 18.02 definitions, and a new Chapter 18.06 critical areas regulations into Title 18 of the Grays Harbor County Code: Brian Shea repeated the same information as presented during the earlier portion of the hearing.

Commissioner Carter called for public comment.

Janet Strong, McCleary, expressed appreciation of the process and made general comments about the buffers, environmental concerns, the cumulative effect on the protection areas and the allowance for a variance process.

Mike Coverdale, Westport, provided a letter and made comments regarding the wetland Category 2 buffers and commended those that worked on the document.

Robert Meir, Manager of Forest and Land Policy for Rayonier, read a handout that he provided. He discussed forest exemptions and made suggestions on language changes.

Dan Wood, Montesano, provided a handout and thanked the Commissioners for an evening public hearing. He complimented the County on doing the work in house instead of utilizing funds that may have requirements attached. He also discussed buffers and specific sections of the ordinance.

Jeff Nichols, Montesano, thanked the Commissioners for the evening hearing and stated that his questions were answered.

Steve Andrews, developer, made comments and was concerned about the buffers and cost burdens.

Owen Shaffner, Montesano, objected to revisions of buffer requirements and stated that farmers are good stewards of the land.

Steve Willis, Montesano, made comments regarding buffers, river bank erosion and impacts to fish habitat.

Tom Landreth, Hoquiam, made comments regarding Lake Quinault buffers and protection areas.

There was no further comment.

ACTION: A motion was made, seconded and passed to continue the hearing to 2:00 p.m. June 7, 2010.

STAFF MEETINGS

The Board held a regular morning meeting on Monday, May 24, 2010, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Carter, Willis and Wilson and the Clerk of the Board, Donna Caton reviewed calendars and pending daily office issues. The Board met with Rose Elway, Budget Director, regarding the budget; Mallin Shelton, District Court, regarding a request; Joan Brewster, regarding agenda items; Russ Esses, Engineer, regarding agenda items and road updates; Kevin

Varness, regarding agenda items and department updates; Brian Shea, Planning & Building, agenda items; Jeff Nelson, Environmental Health, regarding a request and department updates; Lee Napier, regarding agenda and updates. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

- | | |
|--------------------|---|
| No. 2010-37 | Adopting the housing plan for low and moderate income people |
| No. 2010-38 | Adopting the ten year plan to end homelessness |
| No. 2010-39 | Declaring the boards intent to vacate the public right-of-way north of East Wishkah Road milepost 3.470 in Grays Harbor County |
| No. 2010-40 | Requesting the Prosecuting Attorney to commence legal action to enforce the County Code violations and abate nuisance at 203 West Cabin Lane in Grayland |
| No. 2010-41 | Lowering the load limit on Powers Creek Bridge to six tons |

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned 7:45 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2010

ALBERT A. CARTER, Chairman, District 3

TERRY L. WILLIS, Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ATTEST:

Donna Caton
Clerk of the Board