

MINUTES

BOARD OF COMMISSIONERS – GRAY HARBOR COUNTY REGULAR MEETING

June 7, 2010

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, June 7, 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.

CALL TO ORDER AND FLAG SALUTE

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

BIDS:

None

HEARINGS:

1. Ordinance amending Chapter 16.04 to define new terms pertaining to critical protection areas and make text corrections: There was a public hearing on May 17, 2010 to consider an ordinance amending Chapter 16.04 of the Grays Harbor County Code and Ordinances 111, 290, 292 and 298 to define new terms pertaining to critical protection areas and make text corrections. The hearing was continued to today, June 7, 2010. The proposed ordinance defines terms including but not limited to "buffer area," "critical protection area easement," "conservation easement," and "landscaping". The ordinance will also amend other terms presently defined in Chapter 16.04 and make minor grammatical changes. A full text of the proposed ordinance was made available to the public upon request. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that the department recommends approval as written.

Commissioner Carter called for public comment.

Bonnie Anderson, City of Aberdeen, made comments regarding designated wetlands and mapping. Her property is within the limits of Aberdeen and under the city's authority.

There was no further comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve Ordinance No. 386, amending Ordinances 111, 290, 292, 298 and Chapter 16.04 of the Grays Harbor County Code to add definitions and make text corrections.

2. Ordinance amending Chapter 16.08.050 to extend the time limit for appeals and to make grammatical and text corrections: There was a public hearing on May 17, 2010 to consider an ordinance amending Chapters 16.08 and 16.12 of the Grays Harbor County Code and

Ordinances 111, 167, 278, 292, 298, 333 and 336. The hearing was continued to today, June 7, 2010. The proposed ordinance will also amend Chapter 16.08.050 and Ordinance 111 to extend the time limit for administrative appeal of decisions under Title 16 from fifteen (15) days to twenty-one (21) days. The proposed ordinance makes grammatical and text corrections to Chapters 16.08 and 16.12. A full text of the proposed ordinance was made available to the public. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that the department recommends approval as written.

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 Ordinance No. 387, amending Ordinances 111, 167, 278, 292, 298, 333, 336 and Chapters 16.08 and 16.12 of the Grays Harbor County Code to change administrative appeal deadlines and make text corrections.

3. Ordinance amending Ordinances 111, 117, 167, 290, 292, 298, 333, and Chapters 16.16 and 16.20 and Appendices A through H to Title 16 to conform and be consistent with provisions of the Critical Areas Ordinance and to make grammatical and text corrections:

There was a public hearing on May 17, 2010 to consider an ordinance amending Ordinances 111, 117, 167, 290, 292, 298, 333, and Chapters 16.16 and 16.20 and Appendices A through H to Title 16 to conform and be consistent with provisions of the Critical Areas Ordinance and to make grammatical and text corrections. The hearing was continued to today, June 7, 2010. The amendments to Chapters 16.16 and 16.20 include appropriate references to critical protection areas and provisions of the Critical Areas Ordinance in Chapter 18.06. The ordinance will also change the deadline for Planning Commission recommendations from fourteen (14) days to thirty (30) days after the hearing, will correct section references and make grammatical and textual corrections. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that the department recommends approval as written.

Commissioner Carter called for public comment.

Herb Welch, Wishkah, asked the Commissioners if there was anything a constituent could say at this point to affect their decision.

Commissioner Carter stated that this is an ongoing process and changes can be made at a later date if problems are found. He explained that there has been extensive public involvement, including a public policy mediation process.

Commissioner Willis added that public hearings are held for the purpose of hearing from the public before a decision is made and all comments are taken into account.

There was no further comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to Ordinance No. 388, amending Ordinances 111, 117, 167, 292, 298, 333, Chapters 16.16 and 16.20, and Appendices A through H to Title 16 of the Grays Harbor County Code to conform to the Critical Areas Ordinance and make text corrections.

4. Ordinance amending Chapters 16.24 and 16.28 to refer to and be consistent with the Critical Areas Ordinance and to make grammatical and text corrections: There was a public hearing on May 17, 2010 to consider an Ordinance amending Ordinances 111, 292, 298 and Chapters 16.24 and 16.28 of the Grays Harbor County Code to refer to and be consistent with the Critical Areas Ordinance and to make grammatical and text corrections. The hearing was continued to today, June 7, 2010. The proposed ordinance amends Chapters 16.24 and 16.28 to make appropriate references to critical protection areas and provisions of the Critical Areas Ordinances in Chapter 18.06; adds supplementary provisions applicable to commercial/industrial site plans containing critical protection areas or located within critical aquifer recharge areas; corrects references to county divisions; corrects section references and makes grammatical and text corrections. A full text of the proposed ordinance was made available to the public. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that the department recommends approval as written.

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 Ordinance No. 389, amending Ordinances 111, 292, 298 and Chapters 16.24 and 16.28 of the Grays Harbor County Code to include critical protection area references and make other text corrections.

5. Ordinance amending Ordinances 111, 167, 290, 333, and Chapters 16.32, 16.36, 16.40, and 16.44 to make text corrections, change certain deadlines, and reference critical area protections consistent with the Critical Areas Ordinance: There was a public hearing on May 17, 2010 to consider an Ordinance amending Chapters 16.32, 16.36, 16.40 and 16.44 of the Grays Harbor County Code. The hearing was continued to today, June 7, 2010. The proposed ordinance amends Chapter 16.32 to change site plan approval time limitation from ninety (90) to one hundred twenty (120) days of receipt and Planning Commission recommendations to the Board of Commissioners from fourteen (14) to twenty-one (21) days from hearing. Chapter 16.36 would be amended to change notification of adjoining landowners of large lot subdivision application acceptance from ten (10) to thirty (30) days and change the effective date for approval from ten (10) days to twenty one (21) days from date of recording with the Auditor's Office. The proposed ordinance also makes appropriate references to critical protection areas and provisions of the Critical Areas Ordinance in Chapter 18.06 and makes grammatical and text corrections in Chapters 16.32, 16.36, 16.40 and 16.44. A full text of the proposed ordinance was

made available to the public. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that the department recommends approval as written.

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 Ordinance No. 390, amending Ordinances 111, 167, 290, 333, Chapters 16.32, 16.36, 16.40 and 16.44 of the Grays Harbor County Code to conform to the Critical Areas Ordinance and make text corrections.

6. Ordinance amending Chapters 17.56 and 17.60 to modify flood plain regulations consistent with the Critical Areas Ordinance, authorize planned unit developments in additional zoning districts, delete certain definitional sections, and make text corrections:

There was a public hearing on May 17, 2010 to consider an ordinance amending Ordinances 241, 310 and Chapters 17.56 and 17.60 of the Grays Harbor County Code to modify flood plain regulations consistent with the Critical Areas Ordinance, authorize planned unit development in additional zoning districts, delete certain definitional sections and make text corrections. The hearing was continued to today, June 7, 2010. The proposed ordinance amends Chapter 17.56 to allow planned unit development within zoning districts R-2, R-R, L-Q and S-D in addition to those presently provided, and removes certain definitions. Chapter 17.60 is amended to acknowledge the importance of forest lands, agricultural lands and mineral lands of long-term significance and adds several definitional provisions. The proposed ordinance also makes grammatical and text corrections in Chapters 17.56 and 17.60 and repeals sections 17.56.030, 17.56.050, 17.56.080, 17.56.090, 17.56.100, 17.56.120, 17.56.180 and 17.60.190. A full text of the proposed ordinances was made available to the public. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that the department recommends approval as written.

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 Ordinance No. 391, amending Ordinances 241, 310 and Chapters 17.56 and 17.60 of the Grays Harbor County Code to conform to the Critical Areas Ordinance and make text corrections.

7. 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. The hearing was continued to today, June 7, 2010. 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 are new Chapters to the County Code. He entered into the record correspondence from Janet Strong, Weyerhaeuser, Mike Coverdale, Robert Meier, Mark David Paulsen and Steve Andrews.

Mr. Shea explained the amended sections of the two ordinances. Chapter 18.06.025 (f) involved correction of a typing error. In Chapter 18.06 Section 5, Class IV for special forest practices was added. In 18.06.030 (a) the reference to RCW 17.56.200 was removed and approvals by the Board of Adjustment were added.

Mr. Shea stated that the next six months will be used to administer the ordinances and review the process. If necessary, changes will be brought to the Board.

Commissioner Carter called for public comment.

Teri Franklin, East County, made comments regarding the Class IV Forest Classification and administration of the permits.

Steven Friederich, Daily World Reporter, asked what was discussed at the special meeting on Friday June 4, 2010 and if any decisions were made. Commissioner Carter replied that no decisions were made; it was an open meeting for staff to clarify and give a summary of the comments related to the proposed ordinances.

Brian Shea, Planning and Building Director, stated that the special meeting and today's presentations were similar.

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

ACTION: A motion was made, seconded and passed to approve Ordinance No. 392, defining words and terms used in Title 18 of the Grays Harbor County Code and establishing a new chapter therein.

A motion was made, seconded and passed to approve Ordinance No. 393, establishing a new chapter in Title 18 of the Grays Harbor County Code classifying, identifying and protecting environmentally critical areas and supplementing existing land use controls as required by The Growth Management Act, Chapter 36.07A of the Revised Code of Washington, which includes minor changes from the original draft as follows:

Section 18.06.025 (F) State Department of Natural Resources Class I, Class II, and Class III and Class IV Special Forest Practices.

Section 18.06.030 (A) the public agency or utility shall apply to the planning and building division, and the exception shall be approved or disapproved as the case may be by the board of adjustment for any development proposals not qualifying under section 17.56.200.

8. CDBG Planning Only Grant Closeout Documents: There was a public hearing on June 7, 2010 to consider closeout documents for the CDBG Planning Only Grant. Notice of this hearing was published in the *Montesano Vidette* May 27th, 2010. Commissioner Carter asked for a staff report. Lee Napier, Public Services, reported that the purpose of the public hearing is to review closeout documents for the Department of Commerce (formerly the Department of Community Trade and Economic Development) Community Development Block Grant (CDBG) Planning Only contract No. 08-64008-037. The County was awarded a \$17,500 CDBG Planning Only grant to update the five-year housing plan for people who are homeless or who have incomes at low and moderate income levels.

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 the closeout documents for the CDBG Planning Only grant.

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.

Ron Armstrong, Hoquiam, made comments regarding grants and the effect on taxpayers.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

Morning Meeting and Regular Meeting – May 24, 2010

Auditor:

Month End Expenditures Report – May 2010, Claims - \$3,132,367.44 and Salary - \$2,254,399.00

Management Services:

Set Hearing Date – *June 21, 2010* – Supplemental Budget, District Court

Public Health and Social Services:

Two Facility Agreements, one with Aberdeen High School and one with Hoquiam High School

Public Services:

Resolution No. 2010-42 - Acknowledging Vacation, Plat of Fourth Addition to Humptulips Garden –Janie Redifer

Resolution No. 2010-43 - Acknowledging Vacation, Plat of Ocosta – Byrl L. and Betty Williamson

Resolution No. 2010-44 - Acknowledging Vacation, Plat of City of Grays Harbor – Allison Haner

Set Hearing Date – *June 21, 2010* – Current Use Open Space Reclassification - applicant Rayonier Forest Resources

Correspondence:

Use Request- Historic Montesano Car Show July 17, 2010 for Courthouse tours and exclusive use of the parking lot

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

COMMISSIONERS

1. **Indigent Defense Contract with Edward Balloch Debray:** A motion was made, seconded and passed to approve the contract with Attorney Edward Balloch Debray for Indigent Defense services.

DEPARTMENTS

MANAGEMENT SERVICES

1. **Request Approval, Salary Resolution Amendment – District Court:** A motion was made, seconded and passed to approve **Resolution No. 2010-45, amending Resolution No. 2010-01 fixing compensation of employees from and after January 1, 2010.** The amendment reflects the reclassification of the Receptionist/ LPA in District Court from a Range 8 to a Range 11 on the 2010 Unified Salary Grid. The duties of the position have been changed to accurately reflect what the position entails.

2. **Request Approval, Salary Resolution Amendment –Environmental Health:** A motion was made, seconded and passed to approve **Resolution No. 2010-46, amending Resolution No. 2010-01 fixing compensation of employees from and after January 1, 2010.** The amendment was necessary to reflect a promotion in Environmental Health. The employee will be promoted to an Environmental Health Specialist II, due to successful completion of the Certified Professional Food Safety Exam.

3. **Request Approval, Resolution – Budget Transfer, Pacific Beach/Moclips Water System, \$35,000:** A motion was made, seconded and passed to approve **Resolution No. 2010-47, transferring items in the Grays Harbor County PB/Moclips Water System, in the amount of \$35,000.** The transfer was made from ending cash to building and structures for the

construction of a storage building.

4. Request Approval, Resolution - Budget Transfer, Stadium Fund, \$30,000: A motion was made, seconded and passed to approve **Resolution No. 2010-48, transferring items in the Grays Harbor County Miscellaneous Stadium Fund, in the amount of \$30,000.** The transfer is being made from ending cash to transfer out fair construction for additional costs for the construction of the livestock arena.

5. Request Approval, Resolution – Budget Transfer, Special Projects Fund, \$121,600: A motion was made, seconded and passed to approve **Resolution No. 2010-49, transferring items in the Grays Harbor County Miscellaneous Fund Special Projects, in the amount of \$121,600.** The transfer is being made within special projects to cover additional expenses for the Schouweiler Road Intersection project and utility projects. The Homeland Security grant and Union Gospel Mission Grant did not have enough funds carried over from 2009 to cover the remaining expenses. Budget funds are available in the Hogan's Corner Loan to cover the shortfalls.

6. Request Approval, Straddleline ORV Park Caretaker Residence Lease Agreement: A motion was made, seconded and passed to approve the Straddleline ORV Park caretaker residence lease agreement with Hank Layman.

PUBLIC HEALTH AND SOCIAL SERVICES

1. Request Approval, Letter of Agreement with Creative Community Solutions for work with the Task Force on Mental Health and Substance Abuse: A motion was made, seconded and passed to approve the letter of agreement with Creative Community Solutions for work with the Task Force on Mental Health and Substance Abuse. The funding will come from mental health levy dollars, which are designed to support infrastructure development. The estimated cost of the project is \$22,596.

2. Request Approval, Authorization to Apply for Funding for Teen Pregnancy Prevention: A motion was made, seconded and passed to authorize the Public Health and Social Services Department to apply for funding through the federal Office of Adolescent Health for Teen Pregnancy Prevention. This funding will help the department with teen pregnancy prevention outreach.

PUBLIC SERVICES

1. Request Approval, Elma-Hicklin Road Closure at Milepost 4.5 on June 23rd and 24th, 2010: A motion was made, seconded and passed to approve the closure of the Elma-Hicklin Road at milepost 4.5 on June 23rd and 24th, 2010. The Puget Sound and Pacific Railroad has requested this closure in order to replace the existing deteriorated plank crossing with a rubberized surface. The detour route is 1 ½ miles long.

2. Request Approval, Washington Coast Sustainable Salmon Partnership Appointments – Andy Olson, Terry Baltzell and Lee Napier: A motion was made, seconded and passed to approve the appointments of Andy Olson, Terry Baltzell and Lee Napier to the Washington Coast Sustainable Salmon Partnership. The Washington Coast Sustainable Salmon Partnership (WCSSP) is transitioning from an interim advisory committee to a board of directors. The draft bylaws stipulate each Lead Entity may select between one and six representatives to serve on the Board of WCSSP. As the designated Lead Entity for the Chehalis watershed, Grays Harbor County will make the appointments. Recently the Lead Entity Coordinator asked the Chehalis Basin Partnership, serving in an advisory capacity to the Lead Entity, to consider and present a list of names for consideration by the Board of Commissioners as appointments to the Board of WCSSP. At this time Andy Olson of the Confederated Tribes of the Chehalis Reservation, Terry Baltzell of the Chehalis Basin Fisheries Task Force and Lee Napier as the Lead Entity Coordinator were recommended to serve as Board members of WCSSP.

3. Request Approval, Amendment No. 1 to the Grant with the Department of Ecology for the Planning Unit Support Agreement with Chehalis Basin Partnership: A motion was made, seconded and passed to approve Amendment No. 1 to the grant agreement between the Department of Ecology and Grays Harbor County. This agreement provides additional revenue to support the administration and watershed plan implementation work of the Chehalis Basin Partnership. The County on behalf of the Chehalis Basin Partnership will administer the grant from the Department of Ecology and it will cover the expenses incurred by Grays Harbor College.

4. Request Approval, Amendment No. 2 to the Grant with the Department of Ecology: A motion was made, seconded and passed to approve Amendment No. 2 to the grant agreement between the Department of Ecology and Grays Harbor County. This agreement provides additional revenue to support the administration and watershed plan implementation work of the Chehalis Basin Partnership. The County on behalf of the Chehalis Basin Partnership will administer the grant from the Department of Ecology and it will cover the expenses incurred by Grays Harbor College.

5. Request Approval, Hogan’s Corner Regional Water System Amendment 3 – Engineering Agreement: A motion was made, seconded and passed to approve Amendment 3 to the Hogan’s Corner Regional Water System to provide for additional engineering services related to additional construction and completion and start up activities. The cost of the amendment is not to exceed \$20,829.00. Funds are available in the special projects budget for this project.

6. Request Approval, Funding Agreement – Department of Ecology Litter Clean-Up Grant Contract Amendment: A motion was made, seconded and passed to approve the amendment to the contract with the Department of Ecology to reduce the current litter grant by \$39,542.00, from \$103,484.00 to \$63,942.00. This action is the result of budget reductions at the State level and will impact the County’s Solid Waste Program. The grant expires in June 2011. The department will adjust the expenditures to continue funding the jail litter crew at the best

possible level.

TREASURER

1. Request Approval, Resolution Authorizing the Sale of Tax Title Property to the Confederated Tribe of Chehalis: A motion was made, seconded and passed to approve **Resolution No. 2010-50, declaration of tax title surplus property, order of sale, Parcel No. 150403430020.** With this resolution the county is selling its interest in the parcel (43/3528th) to the Confederated Tribes of the Chehalis which was acquired by the county through a foreclosure tax lien in 1987.

ANNOUNCEMENTS

None

STAFF MEETINGS

The Board held a regular morning meeting on Monday, June 7, 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 Ric Abbett, Jim Wilcox and Bruce Triechler from Northwest Steelhead and Salmon Conservation Society, for a presentation in the Large Meeting Room regarding flooding issues; 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; Tom Gray, Engineering, regarding agenda items. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

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| No. 2010-42 | Acknowledging Vacation, Plat of Fourth Addition to Humptulips Garden –Janie Redifer |
| No. 2010-43 | Acknowledging Vacation, Plat of Ocosta – Byrl L. and Betty Williamson |
| No. 2010-44 | Acknowledging Vacation, Plat of City of Grays Harbor – Allison Haner |
| No. 2010-45 | Amending Resolution No. 2010-01 fixing compensation of employees from and after January 1, 2010 – District Court |

