

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

January 23, 2012

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, January 23, 2012, at 2:00 p.m. Commissioners Terry Willis, Mike Wilson and Herb Welch were present. Donna McCallum, Clerk of the Board, and James Baker, Senior Deputy Prosecuting Attorney, were also present.

CALL TO ORDER AND FLAG SALUTE

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

BIDS:

None

HEARINGS:

1. Continued Hearing - Appeal of Administrative Decision – Case No. 2011-1217, Filed by Jonni Carville and Tim Crawford: There was a public hearing on November 21, 2011 to consider an appeal of administrative decision filed by Jonni Carville and Tim Crawford, Case No. 2011-1217. The hearing was continued to December 19, 2011 and then continued again to today, January 23, 2012. Notice of this hearing was published in *The Montesano Vidette* November 10, 2011 and November 17, 2011. Tim Crawford and Jonni Carville have submitted an application to appeal administrative approval of Planning Division Case 2011-0841, a two-lot large-lot subdivision, pursuant to Grays Harbor County Code Title 16.39.090. The subdivision is proposed west of West Satsop Road at 733 West Satsop Road. The property is further described as having Assessor Parcel No.180710340020, located within the southeast quarter of the southwest quarter of Section 10, Township 18 N., Range 7 W. W.M., Grays Harbor County, Washington. Chairman Willis called for a staff report.

Commissioner Terry Willis explained the Board is considering an appeal filed by Mr. Carville and Mr. Crawford objecting to an administrative decision to allow a long subdivision located west of West Satsop Road (procedure under Grays Harbor County Code 16.36.090).

Lee Napier, Planning Director, explained the Planning Commission heard the case under Title 16, Chapter 36 on September 30, 2011 to subdivide 30.17 acres in to two lots. An appeal was filed on October 21, 2011, within the allowed time period. No materials were presented and no remedy was offered by the appellants. Ms. Napier reviewed the 17 conclusions in the staff report and the findings. The appeal and staff report were distributed to all agencies and notice was sent to property owners within 300 feet of the property. All procedures outlined in the code were followed and the division complies with the Grays Harbor County Comprehensive Development Plan and General Development designations. Three site visits were conducted to look at the drainage, water and sanitary sewer were reviewed and a written decision was sent to the property owner along with the findings of facts and conditions. The process is exempt from SEPA and complies with zoning regulations. The appeal did not state any concerns, so there was nothing to evaluate. The staff report, exhibits A through 1 and the Tim

and Kelly Walker letter were all entered into the record. The staff recommends denial of the appeal.

Commissioner Willis called for comments from the appellants Tim Crawford and Jonni Carville.

Mr. Crawford provided a PowerPoint presentation illustrating the road and the approach to the road and describing their appeal as an issue involving road access, driveway length, steepness, narrowness, and other issues with the drive/roadway access to the homes. He explained past standards, stating he felt the standards were not met and were not enforced and had a deep concern this would happen again with a new development.

Mr. Carville added if conditions had been met on prior developments, they would not be here today. He said the road is currently at 17 percent grade, which does not meet private road standards and does not agree with the application submitted. He said the county engineer expects an increased grade to be required to be paved. He was concerned whether proper easements were in place. He and Mr. Crawford expressed concern the full 60 feet of the right of way would be cleared of trees and were questioning the road requirements and location within that width and asked what would happen with the rest of the width. Prior owners of the Crawford residence were allowed to construct a loop driveway.

Commissioner Welch expressed, in his view, the issue is a non-conforming driveway. Mr. Carvell responded his home was the first one constructed and the drive was designed for one home. It wasn't until Mr. Walker got a permit that it affected other residents. He said the code should have been enforced and it happened so quickly he had to walk home from the main road one day. At that time they had to emphasize the code. Mr. Crawford said the location of the road approach cannot be moved due to a nearby stream; although according to road standards the road would have to be moved. There is a power pole and inadequate turning radius.

Mr. Esses, responding to an inquiry from Commissioner Wilson, said work would have to be done on the driveway and either an engineer profile provided or compliance with road standard drawings. He read the conditions and stated it is a challenging site due to issues on access. A design will be required prior to construction and would need to address the topography. It is also possible for a property owner to request a variance. Responding to Commissioner Welch, Mr. Esses stated the current standard would require a 20 foot wide road and a 35 foot radius for access, a four-foot ditch line and erosion and drainage would have to be addressed. Mr. Esses emphasized the county does not have an application to develop the property.

Lee Napier said there are a variety of issues related to development and building permitting. The county will ask for easements to be included on the face of the plat. The appeal is only for the large-lot subdivision. The road and access will be reviewed for compliance with the standards; it is the owner's responsibility to design and build the road. Responding to Commissioner Welch, she stated condition number 6 does not allow construction to make the roadway any worse than it is currently. The record shows the prior development met conditions. Mr. Esses, responding to Commissioner Willis, said the engineered plan review will incorporate grade, drainage, tie-ins and easement requirements. Although he emphasized the past development of the road did not meet standards, Ms. Napier said the record reflected compliance.

Commissioner Willis called for any other public comment and hearing none, she closed the hearing at 3:24 p.m.

Commissioner Willis explained the staff recommended denial of the appeal, which would sustain the Administrative Decision. She emphasized responsible development by compliance with the laws in place and by not damaging adjacent property. Commissioner Wilson added there are many requirements in place in order to develop the property. Commissioner Welch stated he understood past concerns and wanted to be clear with his vote he is confident the concerns will be addressed.

ACTION: A motion was made, seconded and passed to deny the appeal of administrative decision for Case No. 2011-1217 filed by Jonni Carville and Tim Crawford.

2. Continued Hearing -Vacation of a portion of Workman Creek Road and all of the Workman Creek Branch Road: There was a public hearing on December 12, 2011 to consider vacating that portion of Workman Creek Road #65210 lying southerly of the south line of the Northeast quarter of the Southwest quarter of Section 10, Township 17 North, Range 6 West, W.M. and all of the Workman Creek Branch Road # 64840 in Section 16, Township 17 North, Range 6 West, W.M. Public testimony was heard at the December 12, 2011 meeting and was kept open for today's continuation of the hearing. Notice of this hearing was published in *The Montezano Vidette* December 1 and December 8, 2011. Chairman Willis called for a staff report.

Russ Esses stated the county initiated the right-of-way vacation because the road only serves timbered property, is graveled, and to reduce liability. He said he had no information whether property owners had worked out mutual easements.

Chairman Willis called for public comment.

Karen Temen, Land Use Manager for Weyerhaeuser, expressed the company opposes the right-of-way vacation. She made contact with other property owners, but easements were not in place. Mutual easements between property owners are difficult to obtain and there are other concerns resulting from a right-of-way vacations such as maintenance, gating of properties and easements. By keeping the road public, the use is defined. She inquired whether the county intends to vacate additional right-of-way, noting the last vacation on the East Wishkah still has unresolved issues.

Robert Borden, property owner in partnership with the Gravatt's, stated he prefers the county not vacate the road. He said it would reduce his property value and it would be difficult to get mutual easements in place.

Responding to Commissioner Willis, Russ Esses stated the county's gain would be they wouldn't have to grade and maintain 1.5 miles of road and the liability would be removed. He admitted Weyerhaeuser maintained the road, as well.

Commissioner Willis called for public comment, and hearing none closed the hearing at 3:54 p.m.

ACTION: A motion was made, seconded and passed to not vacate of a portion of Workman Creek Road and all of the Workman Creek Branch Road.

PUBLIC COMMENT

Commissioner Willis called for public comment on county-related items. She announced comments and statements would be accepted and limited to three minutes. Questions should be submitted in writing.

Joseph Durham made comments requesting Commissioner not close fishing at the Juvenile Detention Center property.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

Regular and Morning Meetings – January 9, 2012

Coroner:

Monthly Report for December 2011

Public Services:

Set bid date – *March 12, 2012* - 2012 Countywide Aggregate Stockpiling Contract

Set bid date and request to purchase – *February 27, 2012* – 8 vehicles in ER&R

Set bid date – *February 27, 2012* – Pacific Beach Sewer Plant Expansion

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

COMMISSIONERS

** Commissioner Willis stated the following item was added to the agenda at the morning meeting:

1. Resolution –Local Declaration of Emergency starting January 16, 2012: A motion was made, seconded and passed to ratify and approve **Resolution No. 2012-005, declaring local emergency in Grays Harbor County starting January 16, 2012.** This emergency is declared due to excessive snow, rain, ice, flooding and landslides in Grays Harbor County from January 16, 2012 and presently continuing. Departments are authorized to enter into contracts and incur obligations necessary to combat such emergency to protect the health and safety of persons and property, and provide emergency assistance to victims of such disasters.

DEPARTMENTS

FAIR, EVENTS AND TOURISM

1. Request Approval, Authorization for the Fair, Events and Tourism Manager to sign an agreement with Eva Shockey for the 2012 Sportsman’s Show in the amount of \$2,650: A motion was made, seconded and passed to authorize the Fair, Events and Tourism Manager to sign

a agreement with Eva Shockey for appearance at the 2012 Sportsman's Show on April 28-29, 2012 in the amount of \$2,650.

2. Request Approval, Authorization for the Fair, Events and Tourism Manager to sign a Tourism Advertising Partnership Agreement with Belo Communications Seattle for 2012 Advertising and Seabrook Beach House For a Year Contest: A motion was made, seconded and passed to authorize the Fair, Events and Tourism Manager to sign a Tourism advertising contract with Belo Communications Seattle for 2012 Advertising and *Seabrook's beach house for a year* contest in the amount of \$25,000.

MANAGEMENT SERVICES

1. Request Approval, 2012 Municipal Services Agreement – Chehalis Basin Fisheries Task Force: A motion was made, seconded and passed to approve the Municipal Services Agreement with Chehalis Basin Fisheries Task Force in the amount of \$6,500 (note: This was miss-stated on the cover letter as \$13,500. The contract was distributed to Commissioners prior to the meeting). The Chehalis Basin Fisheries Task Force will provide a cooperative effort on all waters affecting Grays Harbor County within the Chehalis Basin.

2. Request Approval, Resolution – 2012 Salary Schedule: This item was removed from the agenda for more research.

PUBLIC HEALTH AND SOCIAL SERVICES

1. Request Approval, Contract with Behavioral Healthcare Option for utilization management services for publicly funded mental health programs: A motion was made, seconded and passed to approve the contract with Behavioral Healthcare Options. This contract provides utilization management services for the publicly funded mental health program. Services include outpatient authorization, inpatient authorization, access reporting and psychiatric medical director services. The contract will be in effect from 1-1-2012 through 12-31-2012. BHO is paid \$.38 per Medicaid enrollee in Grays Harbor County per month. The number of enrollees varies from month to month. We have budgeted \$90,463.00 for the contract period. There is no matching requirement.

PUBLIC SERVICES

1. Request Approval, Accept contract as complete and release retainage for Black Creek Road Bridge Replacement Project, Five Rivers Construction, Inc.: A motion was made, seconded and passed to accept the contract as complete and release the retainage bond to Five Rivers Construction, Inc. for the Black Creek Bridge Replacement Project. The total amount of the contract is \$ 585,796.36 which is 3% above the original bid. The retainage is in the amount of \$29,289.82 as per Section 60.28, Revised Code of Washington.

2. Request Approval, Plat of Seabrook, Case No. 2003-1000 – Second one-year extension for preliminary plat approval (case no.2011-1362): A motion was made, seconded and passed to

approve a second, one-year extension for Seabrook Land Company for the original preliminary plat approval for the Plat of Seabrook, Case 2003-1000. The initial preliminary approval, pursuant to RCW 58.17.140, with the subsequent one-year extension (Case 2010-1341), expired on December 22, 2011. To this date, the applicant has attempted in good faith to proceed to total plat build-out through the recording of Divisions 1A, 1B, 2, 3A, 3B, 5A and 5B. The subject extension extends preliminary plat to December 22, 2012.

3. Request Approval, Purchase from the State Contract – (1) Mechanical Broom and (1) front-end loader: A motion was made, seconded and passed to approve the purchase of one mechanical broom and one front-end loader from the State Contract. This equipment replacement is included in the Equipment Rental and Revolving Fund 2012 budget.

4. Request Approval, Coordinated Prevention Grant –Department of Ecology matching funds: A motion was made, seconded and passed to approve the Coordinated Prevention Grant Offer No. G1200373. The Department of Ecology will provide up to \$220,247 in matching funds to Grays Harbor County for work on the Coordinated Prevention Grant.

5. Request Approval, Engineering Agreement Amendment – Pacific Beach Sewer Treatment Plant Expansion: A motion was made, seconded and passed to approve the amendment to the engineering agreement for the Pacific Beach Sewer Treatment Plant Expansion. The amendment provides for engineering services during construction of the sewer plant expansion and for services during bidding. The scope of work has been developed utilizing our staff and resources as much as possible. The cost of the amendment is \$244,280 which will be funded by the Public Works Trust Fund Loan.

SHERIFF

1. Request Approval, Contract with the City of Oakville for law enforcement services: A motion was made, seconded and passed to approve a contract with the City of Oakville for law enforcement services to the city. This is an ongoing contract for law enforcement services and support at a rate of \$110,000 annually to be paid monthly.

TREASURER

1. Request Approval, Resolution – cancelling personal property taxes pursuant to RCW 84.56.24: A motion was made, seconded and passed to approve **Resolution No. 2012-006, cancelling personal property taxes pursuant to RCW 84.56.240**. The Treasurer has been unable to collect, by distress or otherwise, the taxes that may have been assessed upon such personal property on the listing attached to the resolution.

ANNOUNCEMENTS

Clerk of the Board, Donna McCallum stated the county administrative building would be closed on January 27, 2012.

CORRESPONDENCE

None

STAFF MEETINGS

The Board held a regular morning meeting on Monday, January 23, 2012, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Welch, Wilson and Willis and Deputy Clerk of the Board Jenna Amsbury reviewed calendars and pending daily office issues for the first portion of the meeting and Clerk of the Board, Donna McCallum recorded the meeting for the 11:00 a.m. portion. The Board met with the following persons: Mike Bruner, Fair, Events and Tourism and Chris Murphy (Seabrook Development), regarding agenda items and marketing plans and the following Public Services individuals regarding agenda items and department updates: Kevin Varness, Public Services; Lee Napier, Planning Department; Jeff Nelson, Environmental Health; Milt Hagedorn, ER&R; Tom Gray, Engineering; Russ Esses, Road Department.

RECAP OF APPROVED RESOLUTIONS, ORDINANCES, AND INTERGOVERNMENTAL AGREEMENTS:

RESOLUTIONS

No. 2012-005	Declaring local emergency in Grays Harbor County starting January 16, 2012
No. 2012-006	Cancelling personal property taxes pursuant to RCW 84.56.240

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

- Law enforcement agreement with the City of Oakville

The meeting adjourned at 4:21 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County

This _____ day of _____, 2012

TERRY L. WILLIS, Chairman, District 1

MIKE WILSON, Commissioner, District 2

HERB WELCH, Commissioner, District 3

ATTEST:

Donna McCallum, Clerk of the Board