

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

November 19, 2007

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, November 19, 2007, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Mike Wilson were present. Jim Baker, Senior Deputy Prosecuting Attorney was 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.

MINUTES

November 5, 2007: A motion was made, seconded and passed to approve the minutes of the regular meeting of November 5, 2007.

PRESENTATION

None

BIDS

None

HEARINGS

1. **Continued Hearings – Brogan and Civil Investments:** The Clerk of the Board announced that there were two continued hearings as follows:

? **An Appeal of State Environmental Policy Act (SEPA) Determination, Grays Harbor County SEPA Appeal Case 2007-2295 by Brogan & Anensen:** This hearing was held on October 29, 2007 and continued to November 19, 2007. Chairman Carter asked for a staff report.

Brian Shea, Planning and Building Division Director for Grays Harbor County, reported the request is an appeal of a Washington State Environmental Policy Act threshold determination for a 4-lot subdivision. Mr. Shea outlined the Determination of Significance. The applicant was required to prepare an Environmental Impact Statement (EIS) before the review of the project can proceed. The EIS was required because the subject property is located within the Wildcat Creek moratorium area. The moratorium

and related ordinances have concerns regarding impact from development to the aquifer. It was appropriate that county staff require the appropriation of the EIS and that was completed through the issuance of a Determination of Significance.

Chairman Carter asked for public comment. Ken Brogan, the applicant and the acting project manager from the company, stated that he believes the evidence has been provided and that this project is one of many projects in this area over the aquifer recharge area for drinking water for the city. He expressed concern with a Determination of Significance (DS) being applied for a residential subdivision. Mr. Brogan stated that his application was submitted prior to the moratorium and is located outside of the recharge area. Mr. Brogan commented that he may request an extension of the hearing to allow time to prepare in order to prevent a decision that may affect the future of the project. Mr. Brogan requested a thirty day continuation. For the record, Commissioner Wilson reported that he has reviewed the audio transcripts of the October 29 hearing and he has reviewed exhibits and testimony.

Terri Franklin, resident of McCleary, asked if public testimony will be allowed at the continued hearing. It was confirmed that public testimony will be accepted at the continuation. There was no additional public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to continue the hearing to December 17, 2007.

? **An Appeal of State Environmental Policy Act (SEPA) Determination, Grays Harbor County SEPA Appeal Case 2007-2294 by Civil Investments LLC:** This hearing was held on October 29, 2007 and continued November 19, 2007.

Chairman Carter asked for a staff report. Brian Shea, Planning and Building Division Director, reported that the issues before the board are as previously noted in the prior hearing. Mr. Shea requested that the information presented for the prior hearing be entered into the record for this hearing. He explained the issues are the same as the previous hearing.

Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

Commissioner Wilson stated that he has reviewed the audio transcript and has examined the exhibits and testimony pertaining to this issue.

The hearing was reopened and Chairman Carter asked for public comment. Ken Brogan requested a thirty day continuation. There was no additional public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to continue the hearing to December 17, 2007.

2. Rezone & Preliminary Long Plat with Planned Unit Development – North of Ocean Shores, PAC Equities: There was a public hearing to consider the following: Zone Reclassification and Preliminary Approval of a Long Plat with Planned Unit Development, Case 2005-1618, a project to allow for the establishment of a Planned Unit Development (PUD) on approximately 542 acres resulting in an entitlement of 60 residential lots and 8 commercial lots. The request includes a zone reclassification of 16 acres from General Development 5 (GD-5) to General Commercial (C-2) and 526 acres from General Development 5 to Resort Residential (R-3). The project site is located north of the City of Ocean Shores, near the intersection of State Route 109 and State Route 115 in Section 23, Range 12 West, Township 18 North and in the southern of Section 14, Range 12 West, Township 18 North Grays Harbor County, Washington. Notice of this hearing was published in the *Montesano Vidette* on November 8 and 15, 2007.

Chairman Carter asked for a staff report. Jane Hewitt, Grays Harbor County Planning staff, reported that this is an application for a zone reclassification, shoreline conditional use with flood development permit, 68-lot long plat cluster subdivision, with planned unit development. Ms. Hewitt stated that prior to this hearing the applicant and the Board of County Commissioners received a packet of materials and requested that they be entered into the record as follows:

- Exhibit 1: Planning Commission record of action containing findings of fact, conclusions and staff recommendations.
- Exhibit 2: Application and preliminary plat.
- Exhibit 3: State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance and Environmental Checklist.
- Exhibit 4: Notice of public hearing, mailing list, affidavits of publication, hearing date request.
- Exhibit 5: Personalized notice of application and public hearing to owners of subject property.
- Exhibit 6: Written comment received to-date.

Ms. Hewitt reported that based on the conclusions and the conditions of approval, staff recommended that the Application for Zone Reclassification, Preliminary Cluster Subdivision with Planned Unit Development and Shoreline Substantial Development with Conditional Use Permit Case #2005-1618 be approved. The Grays Harbor County

Planning Commission met and approved the Application for Zone Reclassification, Preliminary Cluster Subdivision with Planned Unit Development and Shoreline Substantial Development with Conditional Use Permit Case #2005-1618.

Chairman Carter asked for public comment. Mike Daniels, Principal, Pacific International Engineering, 501 Columbia Street NW, Olympia, reported that he represents Pac Equities in Receivership and was retained to complete the application materials and represent the proposal. Mr. Daniels reported that the project is represented by a project team which includes Peter McKittrick the court appointed receiver representing the project investors, Patrick Hogan a major property owner of interest and his attorney Doug Lewis and Jim Donahue, the project real estate broker. Mr. Daniels stated that they are present in support of Case #2005-1618 as presented by staff. Mr. Daniels presented the application. The proposed site for the Olympic Resort Planned Unit Development (PUD) destination recreational resort complex is located along the North Coast area of Grays Harbor County in Washington State. The area is unincorporated and immediately adjacent and easterly of the Hogan Corner Development. It is approximately 3 miles north of the City of Ocean Shores and 15 miles west of the City of Hoquiam. The proposed PUD is directly accessed by SR109 and Hale Avenue. The total acreage of the project is approximately 542 acres, consisting of 3 separate ownerships. The Olympic Resort project will focus on structured recreational opportunities such as golf, a large indoor water park, retail shopping opportunities and resort hotel complexes with conference capabilities. It will include a smaller residential component and include townhouse condominium complexes provided in various locations throughout the property. It will include condominium type motor coach park designed in the north easterly portion of the development. A description of each development division and map was provided. A portion of the site consists of upland property that is suited for the varied types of development anticipated by the PUD. Portions of the site will be left in their natural state, some areas containing wetland and forested wetland areas afford the opportunity for pedestrian interpretive trails along their buffers. Mr. Daniels summarized and stated that with minimum comments, corrections and clarifications they concur with the County staff report. He referenced subjects that were verbally corrected in the application by Ms. Hewitt during the Planning Commission hearing. Mr. Daniels commented that conditions of approval have been reviewed and accepted by the applicant.

Chairman Carter asked for public comment. Terri Franklin, resident of McCleary made comment regarding the proposed development. Ms. Franklin discussed the County's comprehensive plan and water issues involving the project.

Jane Hewitt responded to comments made by Mr. Daniels. She explained that Mr. Daniels did not receive the corrected record of action from the Planning Commission. A number of errors and omissions were corrected prior to the Planning Commission public hearing and were corrected for the record and appear in the record of action presented at this hearing. Ms. Hewitt addressed questions pertaining to the revised record of action.

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

ACTION: A motion was made, seconded and passed to approve the Application for Zone Reclassification, Preliminary Long Plat Cluster Subdivision with Planned Unit Development, Case #2005-1618.

3. Supplemental Budget – Fair Fund: There was a public hearing to consider Supplemental Budget as follows: Supplemental Budget – Fair Fund #103-000-000 in the amount of \$87,977. Notice of this hearing was published in the *Montesano Vidette* on November 8 and 15, 2007.

Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that the supplemental budget hearing is in the Fair Fund. \$79,977 in revenue received from the Grays Harbor County Fair will be used in various line items to cover the remainder of this year. An additional \$8,000 in stall rent will be used in the equine fund to cover some repairs and maintenance to the horse barns.

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. 2007-123 – Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Fair Fund #103-000-000

4. Supplemental Budget – ER & R Fund: There was a public hearing to consider Supplemental Budget as follows: Supplemental Budget – ER & R Fund #501-000-000 in the amount of \$1,253,000. Notice of this hearing was published in the *Montesano Vidette* on November 8 and 15, 2007.

Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that the supplemental budget hearing is in the ER & R Fund for \$1,253,000 to convert this fund to the cash basis of accounting.

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. 2007-124 – Authorizing A Supplemental Extension in the Budget of the Grays Harbor County ER & R Fund #501-000-000

5. 2007 Property Tax Levy for collection in 2008: There was a public hearing to consider adoption of the Grays Harbor County 2007 Regular Property Tax Levy for 2008 Collection. Grays Harbor County Property Tax Levy Resolution for the General Fund,

Road Fund and the Pacific Beach Moclips Water System Bond Fund would authorize a 1% increase in the regular property tax levy for the General Fund, Road Fund and the Pacific Beach Moclips Water System Bond Fund would authorize a 1% increase in the regular property tax levy for the General Fund and Road Fund and no increase for the Pacific Beach/Moclips Water System Bond 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 2008 levy. Copies of the Tax Levy Information and Budget were available for study in the County Auditor and Commissioners offices. Notice of this hearing was published in the *Montesano Vidette* on November 8 and 15, 2007.

Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that the hearing is to set the 2008 Grays Harbor County property tax levy for the General Fund, Road Fund, and Pacific Beach/Moclips Water System Bond Fund. The proposed resolutions – Grays Harbor County Property Tax Levy Resolution for the General Fund, Road Fund and the Pacific Beach Moclips Water System Bond Fund would authorize a 1% increase in the regular property tax levy for the General Fund and Road Fund and no increase for the Pacific Beach/Moclips Water System Bond 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 2008 levy. It was requested that Grays Harbor County authorize the regular property tax levy for the General Fund in the amount of \$8,225,000 which increased \$375,000 over the previous year. This is the rate at an estimated \$1.71 per 1,000 AV. It was requested that Grays Harbor County authorize the regular property tax levy for the Road Fund in the amount of \$4,300,000 which increased \$200,000 over the previous year. This is the rate at an estimated \$2.21 per 1,000 AV. It was requested that approval be granted authorizing the property tax levy for the Pacific Beach/Moclips Water System Bond Fund in the amount of \$44,000 which is the continued obligation voted in 1988 for general obligation bond debt service.

Chairman Carter asked for public comment. Ron Armstrong, resident of Hoquiam made comment regarding the 1% increase and how it impacts his property tax rate. There was no additional public comment and the hearing was closed.

Commissioner Beerbower made comment regarding recommendations made at the Association of Counties annual meeting held last week. He explained that I-747 was overturned by the Supreme Court and it would allow cities and counties to go up to a 6% rate. It was recommended that cities and counties not increase the rate and stay under the 1% at this time. He recommended that the public be informed and aware of the issues involved. Commissioner Wilson expressed support with the recommendations by the Association of Counties.

ACTION: A motion was made, seconded and passed to approve the following:

- a. **Certification to Grays Harbor County legislative authority that the Commissioners of below funds request that the following levy amounts be collected in 2008 as provided in the County’s budget, adopted at a public hearing on November 19, 2007.**

General Fund Regular Levy:	\$8,225,000
Road Fund Regular Levy:	\$4,300,000
Pacific Beach/Moclips Water System Bond Levy	\$ 44,000

- b. **Resolution No. 2007-125 – Grays Harbor County Property Tax Increase Resolution General Fund 2007 Tax Levy for 2008 Collection**
- c. **Resolution No. 2007-126 – Grays Harbor County Property Tax Increase Resolution Road Fund 2007 Tax Levy for 2008 Collections**
- d. **Resolution No. 2007-127 – Grays Harbor County Property Tax Increase Resolution Pacific Beach/Moclips Water System Bond Fund 2007 Tax Levy for 2008 Collection**

6. **Community Development Block Grant:** 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 Grays Harbor and Pacific County areas. Up to \$169,125 will be available to Grays Harbor County and the Coastal Community Action Program to fund public service activities that principally benefit low and moderate income persons. The draft application for the Public Services Grant proposal was available for review at the Grays Harbor Management Services Department, Administration Building, 100 West Broadway, Suite 32, Montesano, Washington. Comments on the County’s and Community Action Agency’s past performance and use of their 2007 CDBG Public Services Grant awards will also be received. Notice of this hearing was published in the *Montesano Vidette* on November 8, 2007.

Chairman Carter asked for a staff report. Rose Elway, Budget Director reported that the County is a pass-through agency for this grant. The grant is passed through to the Community Action Agency. Troy Colley, Executive Director for Coastal Community Action Program provided a Coastal Community Action Program Report of Activities, 2006. Mr. Colley provided background information regarding the program. He provided 2008 CDBG statistics and reported that the grant supports community jobs, staff training/linkages, an emergency fund, the retired senior volunteer program, senior nutrition and in-home care. The total CDBG investment is \$166,125. Total return on that investment is \$3,408,500 and equates to a 95% return on the CDBG investment. Mr. Colley expressed support for the Coastal Community Action Program.

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 as presented.

COMMISSIONERS

1. **Appointment to Boundary Review Board – Randy Karnath:** A motion was made, seconded and passed to appoint Randy Karnath to the Boundary Review Board.

The Clerk of the Board announced the following item received after the agenda was prepared.

2. **Set hearing date – City of McCleary appeal:** December 10, 2007 at 2:00 p.m. is the date and time set for a public hearing to consider an appeal of the administrative decision regarding case #2006-1322.

DEPARTMENTS

MANAGEMENT SERVICES

1. **Request Approval, Set hearing date – Supplemental Budget request, Juvenile Department:** A motion was made, seconded and passed to set December 3, 2007 at 2:00 p.m. as the date and time for a Supplemental Budget hearing for \$65,953 in the General Fund Juvenile Department due to state funding received through the Office of Administrator of Courts and DSHS. \$39,378 in grant money will be used in professional services for the CASA program and \$26,575 from DSHS will be used to provide functional family therapy and aggression replacement training to juveniles.

PUBLIC HEALTH AND SOCIAL SERVICES

1. **Request Approval, Amendment No. 1, Chelan-Douglas Regional Support Network Agreement:** A motion was made, seconded and passed to approve an Amendment #1 to the Chelan-Douglas Regional Support Network Agreement. Through this agreement, the department will receive data and information services for mental health programs from the Chelan-Douglas RSN Information Services staff. The language regarding reimbursement of meals and lodging has been revised to be more consistent with Grays Harbor meal reimbursement.

2. Request Approval, Amendment to Consolidated Contract with Wash. State Dept. of Health: A motion was made, seconded and passed to approve an amendment to the County 2007-2011 Consolidated Contract with the State Department of Health. The funding level is increased by \$268,271. Statements of Work for several programs have been modified. Additional funding is provided for Family Planning and Reproductive Health and Public Health Emergency preparedness and Response.

3. Request Approval, Lease Agreement with Department of Transportation: A motion was made, seconded and passed to approve an “Airspace lease” agreement with the Department of Transportation extending an existing agreement for one year. It allows the Department of Public Health and Social Services to continue its use of space adjacent to the Chehalis River Bridge. No funding is associated with the agreement.

PUBLIC SERVICES

1. Request Approval, Authorize Environment Health Director to sign the Interagency Agreement with State Dept. of Health: A motion was made, seconded and passed to authorize Jeff Nelson, Environmental Health Director to sign the Joint Plan of Responsibility between the State of Washington Department of Health and Grays Harbor County Public Services. The purpose of this agreement is to delineate responsibility of DOH and GHCPs with respect to the regulation of water systems in Grays Harbor County pursuant to Chapters 70.119A and 70.116 RCW and Chapters 246-290 and 246-291 WAC. This will supersede the present Joint Plan of Operation, DOH contract #N10919.

2. Request Approval, Resolution – Emergency Load Restrictions: A motion was made, seconded and passed to approve **Resolution No. 2007-128 – A Resolution Establishing Emergency Load Limitations on Various County Roads During Periods of Inclement Weather, Providing for Special Permit, Allowances and Maximum Speeds.** This resolution grants authorization to set and remove established emergency load restrictions during freeze and thaw periods and other inclement weather, which threatens the foundation and surface of county roads. The resolution covers 180 days from the effective date, which will provide for the winter of 2007-2008.

UTILITIES AND DEVELOPMENT:

1. Easement Agreement – Hogan and McKittrick: A motion was made, seconded and passed to approve an easement approved by Pat Hogan and Peter McKittrick as Receiver for Pac Equities. This easement is the second of two easements for water system construction and maintenance access; in the first easement, Mr. Hogan granted the County an easement over and across the property for the purpose of maintaining the County well site. This second easement in turn grants Mr. Hogan and Pac Equities reciprocal right of access over and across the property that does not interfere with the County’s use.

ANNOUNCEMENTS

The Clerk of the Board announced that due to the Thanksgiving holiday the November 26 meeting was cancelled. County offices will be open for business.

CORRESPONDENCE

The Clerk of the Board announced the following correspondence:

1. A request regarding the Festival of Lights was received. A motion was made, seconded and passed to approve the request to hold the Elma Swing Choir, the Montesano High School Choir, the Montesano Junior High Choir, and the Montesano Methodist Church Bell Choir performance in the Grays Harbor County Courthouse. The performance will be held on Saturday afternoon, December 8 prior to the Grand Parade. Proof of insurance from the Chamber of Commerce and Visitors Information Center (through Hartford) will be provided.

PUBLIC COMMENT

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

Lee Dotson, resident of Satsop made comment regarding a possible dog ordinance. He spoke in support of the dog ordinance. Mr. Dotson expressed concern with the condition of personal property when driving into Satsop from Fourth Street.

Stanley Blunt, resident of Aberdeen distributed a letter dated November 19, 2007 regarding Grays Harbor County Commissioners tree planning contract. Mr. Blunt made comment regarding his property tax. A document from U.S. Immigration and Customs Enforcement regarding private industry was distributed.

Terri Franklin, resident of McCleary made comment regarding the status of an updated Comprehensive Plan. She reported on a critical areas ordinance and how it relates to the Chehalis Basin Partnership.

There was no additional public comment.

STAFF MEETINGS

The Board held staff meetings on Monday, November 19, 2007, 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 Rose Elway, Budget Director, Debbie Adolphsen, Fair and Tourism Director, Joan Brewster, Public Health and Social Services Director and Paul Easter, Kevin Varness, Brian Shea and Jeff Nelson of the Department of Public Services.

The Board approved the following:

RESOLUTIONS

- No. 2007-123 Authorizing a Supplemental Extension in the Budget of the
Grays Harbor County Fair Fund #103-000-000**
- No. 2007-124 Authorizing a Supplemental Extension in the Budget of the
Grays Harbor County ER & R Fund #501-000-000**
- No. 2007-125 Grays Harbor County Property Tax Increase
Resolution General Fund 2007 Tax Levy for 2008 Collection**
- No. 2007-126 Grays Harbor County Property Tax Increase
Resolution Road Fund 2007 Tax Levy for 2008 Collections**
- No. 2007-127 Grays Harbor County Property Tax Increase
Resolution Pacific Beach/Moclips Water System Bond Fund
2007 Tax Levy for 2008 Collection**
- No. 2007-128 A Resolution Establishing Emergency Load Limitations on
Various County Roads During Periods of Inclement Weather,
Providing for Special Permit, Allowances and Maximum
Speeds**

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned at 3:34 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2007

ALBERT A. CARTER, Chairman
Commissioner, District 3

BOB BEERBOWER, Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ATTEST:

Donna Caton
Clerk of the Board