

## MINUTES

### BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

February 25, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, February 11, 2008, 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.

Chairman Carter made a public service announcement reminding the public that the news media is present at and will be videotaping the Board of County Commissioners meetings. He added that the Commissioner's office itself makes audio recordings of the meetings, including all public testimony.

#### **MINUTES**

**Special Meeting February 6, 2008 and Regular Meeting February 11, 2008:** A motion was made, seconded and passed to approve the minutes of the special meeting of February 6, 2008. A motion was made, seconded and passed to approve the minutes of the regular meeting of February 11, 2008.

#### **PRESENTATIONS:**

None

#### **BIDS:**

None

#### **HEARINGS:**

**1. Consider Rezone Ordinance and Preliminary Approval of Long Plat, Cases 2007-2298 and 2007-2348:** There was a public hearing to consider Preliminary Approval of a Long Plat, Case 2007-2348, proposing to subdivide 33.74 acres into 24 lots ranging between .52 acres and 5.68 acres in size, and to consider the adoption of an ordinance amending the zoning classification of 5.68 acres of the subject property (Case 2007-2298). The text of the proposed ordinance to be considered is to reclassify the zoning designation from General Residential (R-2) to General Commercial (C-2) for 5.68

acres of land located on the property having Assessor's Parcel 170807330010 within the Southwest Quarter of Section 7, Township 17N., Range 7W.W.M., north of Linkshire Drive and south of State Route 12 in the Central Park area, Grays Harbor County, Washington. A complete copy of the proposed ordinance was available at the Commissioner's office, 100 West Broadway, Suite 1, Montesano, Washington. Notice of this public hearing was published in the *Montesano Vidette* on February 14, 2008.

Chairman Carter asked for a staff report. Jane Hewitt, Grays Harbor County Planning Department, reported that this case is a joint application for adoption of an ordinance to reclassify the zoning and preliminary approval of a 24-lot long plat subdivision. Ms. Hewitt reported that prior to this hearing the applicant and the Board of County Commissioners were provided a packet of materials. Ms. Hewitt requested that the following be entered into the record:

- Exhibit 1: Planning Commission Record of Action containing findings of fact, conclusions, staff recommendation, and Planning Commission action.
- 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 and affidavit of publication from the Vidette.
- Exhibit 5: Personalized notice of application and public hearing to owners of subject property.
- Exhibit 6: Written comment received to-date.
- Exhibit 7: Forest Practice Activity Map for FPA 2608409
- Exhibit 8: Revised Condition of Approval #18 submitted to the record and adopted by the Planning Commission in public hearing.

Ms. Hewitt reported that in addition to the above exhibits, condition of approval #18 was changed from the original staff report that was submitted to Planning Commission members detailing buffers as required per Forest Practice Application 2608409. Subsequently, the applicant has amended the FPA. Ms. Hewitt read the Revised Condition of Approval into the record, as adopted by the Planning Commission in its public hearing held January 8, 2008.

Copies of DNR's amended decision were provided and entered into the record as Exhibit 9.

Ms. Hewitt submitted for the record, a letter dated February 21, 2008, received from Doug and Melissa Fox, 322 Linkshire Drive, Aberdeen. The letter addressed concerns regarding the long plat.

Ms. Hewitt stated that, based on Findings of Fact, Conclusions, and Planning Commission Approval, staff recommended that Case 2007-2278, Application for Zone Reclassification, and Case 2007-2348, 24-lot Long Plat Subdivision, be approved as conditioned.

Chairman Carter asked for public comment. Gabe Holbrook, president of G. Holbrook, Inc., stated he is the developer and is available to answer questions regarding the long plat.

Robert D. Young, resident of Linkshire Drive, expressed concerns regarding the long plat and raised issues regarding property lines. Ms. Hewitt reported that Grays Harbor County Title 16 and state law require that corners be set.

Mike Schmidt of Berglund, Schmidt & Associates explained the difficulty in determining exact property lines. He explained the survey process and the concerns with the original plat of Linkshire.

Mr. Young commented further regarding title insurance and reiterated his concerns regarding the original plat corners. He suggested that all involved parties meet together and agree to a solution.

Commissioner Wilson stated for the record that he has had casual conversations with Doug Moore, resident of 315 Linkshire Drive, but feels that he can still be objective in making an unbiased decision.

Chairman Carter asked the audience if there were concerns regarding Commissioner Wilson's conversations with Doug Moore. There was no response.

Doug Moore expressed his concern regarding the property boundaries and asked if the existing markers are true or approximate markers. He also expressed concerns regarding the DNR's timber line.

Ms. Hewitt reported that markers were placed so that Mr. Holbrook and Mr. Moore could discuss where the property lines were. Ms. Hewitt referenced Exhibit 9 submitted for the record. Rich Young of DNR is required to be present when logging occurs. Grays Harbor County is not in a position to resolve the boundary issues associated with the Linkshire plat. Jim Baker, Deputy Prosecutor, commented that he does not see the

County getting involved in a “quiet” title issue.

Steve Patnode, resident of 101 Fairway Drive, expressed concern about the property lines. He stated that the survey has a dramatic impact to his property located at the end of surveyed area. Mr. Patnode referenced maps from 1928 showing corner stakes. He stated there are ways to approach from the north side and get a corner stake in the front. He expressed concern with losing his frontage and value of his property as well as loss of trees. Mr. Patnode stated that he does not disagree with the development but is concerned about property lines being changed.

Mark Gonhue, resident of Elma, requested that Commissioner Wilson recuse himself from the remainder of the hearing because the information he discussed with Mr. Moore was not made available to the public. Commissioner Wilson stated that he would gladly comply with the request to serve the greater interest of the County.

Paul Easter, Director of Public Services, commented that Mr. Holbrook and the parties involved in this subdivision should be asked if they are comfortable with Commissioner Wilson being involved in this issue. Jim Baker, County Attorney, reported that anyone who has an objection can raise the issue. He provided information regarding the doctrine of fairness and legislative process.

Commissioner Wilson recused himself and Chairman Carter announced that he left the chambers.

Hari Sharma of Berglund, Schmidt & Associates, commented that he worked on the engineering phase of this project. Mr. Sharma commented that the boundary issue is a difficult issue and Berglund & Schmidt took additional steps to determine where the property boundaries are located. In the process of completing the work it was revealed that there are other issues in the surrounding areas. Mr. Sharma summarized and re-emphasized that the work that Berglund & Schmidt has done brings to light what has been deficient.

Chairman Carter commented regarding existing structures and the existing road. He presented the option of boundary line adjustments. Mike Schmidt responded and explained that they have discovered discrepancies by using normal survey practices. Mr. Schmidt said that he is open to any new information. Gabe Holbrook stated that he wants to be clear that he has been working on this issue and has spent an enormous amount of time trying to get this survey correct and the best it can be for this area. Mr. Holbrook expressed concern with being responsible for correcting the problems with the Linkshire plat. He commented that he has invested the money, time and effort to get his plat the best it can be for the area. He requested that his project not be stopped for problems that have existed since 1928. Mr. Holbrook requested that the Board of Commissioners grant preliminary approval of the long plat as requested.

Robert Young commented on survey of this plat. He commented regarding the process and procedure for filing a final report and references used for establishing the findings.

Mike Schmidt explained the process used to establish the line and get an orientation. The east, west and southwest corner of the section were used in calculations. Mr. Schmidt outlined the process for setting final corners.

Mr. Young asked questions regarding the survey process. Chairman Carter commented that the topic is an issue that is best addressed outside of this hearing and between the surrounding property owners.

Brian Shea, Planning and Building Division Director, reported the applicant is responsible for surveying their property. Mr. Shea explained the process following preliminary approval and conditions, including surveying. The property line negotiations are a private property issue and should be addressed outside of this public hearing. Mr. Shea reported the subdivision before the board is a clear proposal.

Mark Gonhue stated that he would like this matter reviewed further before any decisions are made.

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

**ACTION: A motion was made, seconded and passed to approve Ordinance No. 371 – An Ordinance Amending the Grays Harbor County Official Zoning Maps Adopted Pursuant to Grays Harbor County Code Title 17 Approving a Petition for Rezone Case #2007-2298.**

**A motion was made, seconded and passed to approve Long-Subdivision, Case #2007-2348.**

The Clerk of the Board announced that Commissioner Wilson had rejoined the meeting.

**COMMISSIONERS:**

- 1. Set hearing date, Consider Ordinance Amending Ordinance No. 370:** March 10, 2008, at 2:00 p.m. is the date and time set for a public hearing to consider an ordinance amending Grays Harbor County Code Title 2 and Ordinance 370 regarding e-mail public record requests.
- 2. Advertise for Bids – Contract for 2008 County Printing of Official Publications:** March 31, 2008, at 2:00 p.m. is the date and time set for bid opening for County Printing of Official Publications with a projected award date of April 7, 2008.

**3. Personal Services Contract Amendment, James Arthur (Joint contract with City of McCleary):** A motion was made, seconded and passed to approve a Personal Services Contract Amendment between Grays Harbor County, the City of McCleary, and James Arthur regarding the Wildcat Creek Aquifer.

**4. Appointment, Mental Health Advisory Board:** A motion was made, seconded and passed to appoint Kathryn McCray to the Mental Health Advisory Board.

### **DEPARTMENTS:**

#### **ASSESSOR**

**1. Request Approval, Miscellaneous Surplus:** A motion was made, seconded and passed to grant approval to surplus 13-computers and 1-Sony Digital still camera and remove them from the inventory list. The computers were all replaced and returned to Central Services.

#### **AUDITOR**

**1. Request Approval, Surplus Inventory:** A motion was made, seconded and passed to grant approval to surplus 1-Panasonic D355 Copier and 1-Laser 5Si Printer. The items have been replaced due to age and usefulness and, according to policy, must be declared surplus. The County Extension Office has requested the copier be transferred to them. The printer will be turned over to the Treasurer for disposal.

### **DISTRICT COURT**

**1. Request Approval, Surplus Equipment:** A motion was made, seconded and passed to grant approval to surplus 1- judge's chair, asset no. 0023, purchased in 1986.

### **FORESTRY**

**1. Request Approval, Timber Sale Contract Amendment:** A motion was made, seconded and passed to approve an amendment to the E-Line No. 1 Timber Sale contract whereby a significant patch of blown down timber in the general vicinity is included for salvage. This parcel of blown down timber is severely damaged with 90% plus of the stand completely blown over or broken off. The E-Line No. 1 timber sale is currently active and by including this severely damaged timber the department can insure its timely salvage and removal. Resolution No. 2008-10, as approved by the Board of County Commissioners, provides for the inclusion of storm damaged timber with current timber sales, thereby facilitating the salvage and recovery of the timber in a timely manner. The

department recommended that the amendment be approved as presented.

**2. Request Approval, Seedling Production Contract with Weyerhaeuser Company for planting year 2010:** A motion was made, seconded and passed to approve a Seedling Production Contract between Weyerhaeuser Company and Grays Harbor County for the planning year of 2010.

**3. Set Date and Time for Timber Sale Proposal:** March 21, 2008, at 10:00 a.m. is the date and time set for public auction for the following listed timber sales:

<u>Sale Name</u>	<u>Acres</u>	<u>Est. Vol.</u>	<u>Est. Value</u>
Cosi Hill	51	1682 MBF	\$278,251
Stafford Cr. #4	105	4020 MBF	\$468,728
Donkey Cr. #3	132	5300 MBF	\$854,062
4570 Blow	5	120 MBF	\$ 7,606
Lytle Cr. #9	46	2392 MBF	\$492,388
Geisler Cr. #3	<u>70</u>	<u>2816 MBF</u>	<u>\$272,444</u>
	409	16,330 MBF	\$2,373,479

## **MANAGEMENT SERVICES**

**1. Request Approval, Set Hearing Date, Supplemental Budget, Special Projects Fund:** March 10, 2008, at 2:00 p.m. is the date and time set for a public hearing to consider a supplemental budget in the Special Projects Fund for \$1000 for a grant received through the Washington State Military Department and the Department of Transportation. Funds will be used to provide a Tier II Emergency Preparedness workshop to address hazmat issues.

## **PUBLIC HEALTH AND SOCIAL SERVICES**

**1. Request Approval, CHOICE Services Contract:** A motion was made, seconded and passed to approve a CHOICE Service Contract. It allows for a total of 412,616 to provide the following services directly or through sub-contracted, community-based organizations:

- On-site services one day per week
- An increase of up to one day per week in the amount of time direct services provided
- An increase in outreach activity to strengthen community referral and client support relationships
- Special efforts in linguistic minority communities
- Exploring methods for telephone enrollment of residents in more isolated areas

- Training in well-child care, importance of childhood immunization and appropriate use of medical care resources.

These services will increase access to health insurance for children.

**2. Request Approval, Interlocal Agreement between Grays Harbor Public Health and Clark County Public Health:** A motion was made, seconded and passed to approve an Interlocal Agreement between Grays Harbor Public Health and Clark County Public Health. The agreement ensures that at least 50% of state Omnibus funds are used to address HIV prevention needs of populations at highest risk for HIV infection as determined by the Region 6 HIV Prevention Planning Committee. The amount is \$75,216. Funds have been budgeted for the 2008 fiscal year.

## **PUBLIC SERVICES**

**1. Request Approval, Request to close roads, Oppelt Road and Delezenne Road for emergency bridge repairs:** A motion was made, seconded and passed to grant authorization to close Oppelt Road and Delezenne Road to make emergency bridge repairs. The bridges are located at the end of each county road and were damaged by the December flood event. It is estimated the closures to be approximately five days at each bridge site. No homes are affected by the Oppelt closure. The scout camp at Delezenne will be affected; however, private logging roads are available for access.

**2. Request Approval, Harp & Forrest Road Bridge Replacements:** A motion was made, seconded and passed to approve the Local Agency Agreement Supplement #1 for the Harp and Forrest Road bridge replacements. These agreements request federal funds for the construction phase and an increase in federal funds for the design phase. The department recommended approval of these Local Agency Supplement Agreements.

**3. Request Approval, Set Hearing Date for Community Development Block Grant Planning Application:** March 10, 2008, at 2:00 p.m. is the date and time set for a hearing date to review community development and housing needs, inform citizens of the availability of funds and eligible uses of the state Community Development Block Grant and receive comments on proposed activities, particularly from low- and moderate income persons.

## **NOXIOUS WEED CONTROL BOARD**

**1. Request Approval, Reappointments (3) to Grays Harbor County Noxious Weed Control Board:** A motion was made, seconded and passed to make the following reappointments to the Grays Harbor County Noxious Weed Control Board:

- 1) Darrell Ronholt, representing Weed District 1, to a 4-year term
- 2) Lou Messmer, representing Weed District 2, to a 4-year term

- 3) Ernie Nelson, representing Weed District 5, to a 4-year term

### **ANNOUNCEMENTS**

None

### **CORRESPONDENCE**

The Clerk of the Board announced the following correspondence:

1. A request from the Washington State Department of Natural Resources to use Straddle Line ORV Park on March 15, 2008, for a DNR event. A motion was made, seconded and passed to grant approval for DNR to use Straddle Line ORV Park for a safety summit event.
2. A Claim for Damages, #C-559-08, filed by Treeva M. Cohee. The claim was referred to the Claims Review Committee for review and recommendation.
3. A Claim for Damages, #C560-08, filed by John L. Wolcott and Carol Grilley Wolcott. The claim was referred to the Claims Review Committee for review and recommendation.
4. A Claim for Damages, #C561-08, filed by Conrad Holuk. The claim was referred to the Claims Review Committee for review and recommendation

### **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.

Dorothy Cook, resident of 77 Oyehut Road, requested information regarding the progress for the sewer project for Illahee and Oyehut.

Mark Gonhue, resident of Elma, commented regarding a previous meeting and issues involving Commissioner Carter. Mr. Gonhue referenced and read RCW 9A.80.010.

Craig Heiller, resident of 3090 State Route 109, made comment regarding issues with building permits for his property in Copalis Beach and additional issues with Fire District 7.

Brian Shea, Building and Planning Director, reported that Mr. Heiller was sent a letter concerning construction at his property and recommended that he meet with the building department regarding his concerns.

There was no additional public comment.

### **STAFF MEETINGS**

The Board held staff meetings on Monday, February 25, 2008, 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 Debbie Adolphsen, Director of Fair and Tourism; Sheriff Mike Whelan; Joan Brewster, Director of Public Health and Social Services; and Paul Easter, Director of Public Services, and discussed agenda items.

The Board approved the following:

### **RESOLUTIONS**

None

### **ORDINANCES**

**No. 371      An Ordinance Amending the Grays Harbor County Official Zoning Maps Adopted Pursuant to Grays Harbor County Code Title 17 Approving a Petition for Rezone Case #2007-2298.**

### **INTERGOVERNMENTAL AGREEMENTS**

Grays Harbor Public Health and Clark County Public Health, for HIV prevention and planning.

The meeting adjourned at 3:33 p.m.

BOARD OF COMMISSIONERS  
For Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2008

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ALBERT A. CARTER, Chairman  
Commissioner, District 3

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BOB BEERBOWER, Commissioner, District 1

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MIKE WILSON, Commissioner, District 2

ATTEST:

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Donna Caton  
Clerk of the Board