

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

October 6, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, October 6, 2008, at 2:00 p.m. Commissioners Al Carter, Bob Beerbower and Mike Wilson were present. Jim Baker, Senior Deputy Prosecuting Attorney, and Donna Caton, Clerk of the Board, were also present.

CALL TO ORDER AND FLAG SALUTE

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

MINUTES

1. **Regular Meeting September 29, 2008:** A motion was made, seconded and passed to approve the minutes of the regular meeting of September 29, 2008.

BIDS : None

HEARINGS

1. **Consider Ordinance Amending Section 17.56.180 of the Grays Harbor County Code to Adopt Changes to the Critical Area Overlay:** There was a public hearing to consider an ordinance amending Grays Harbor County Code Section 17.56.180 and Ordinances 241, 291, 299, and 310 changing certain text references to the Uniform Building Code to refer to the requirements of the International Building Code as adopted in chapter 15.04 of the County Code; requiring subdivision for residential construction within critical aquifer recharge areas to conform to requirements of this section; defining the Wildcat Creek Aquifer area and requiring all rezones and subdivisions within the Wildcat Creek Aquifer area to have an approved best management practices plan containing specified elements prior to final approval; requiring installation and use of underground and above-ground automotive motor fuel and liquefied natural gas fuel-dispensing and storage facilities within the Wildcat Creek Aquifer to comply with the requirements of the International Fire Code and other specified regulations; requiring preparation of hydrogeological assessments for all proposed rezones and subdivisions within critical aquifer discharge areas, and requiring specified notices be filed for record for any site within critical aquifer recharge areas on which a development proposal is submitted to the County. Notice of this hearing was advertised in the *Montesano Vidette* on September 25, 2008. Chairman Carter asked for a report from consultant, Jim Arthur. Mr. Arthur explained the process that has been followed since February of 2007 when the emergency moratorium was declared to better understand the aquifer. Mr. Arthur explained that studies of the aquifer have culminated

in a three part approach which is being recommended for managing the Wildcat Creek Aquifer and this related ordinance.

Mr. Arthur explained that the first part of the approach entails making the appropriate amendments to the County Code which establishes critical recharge areas around each public well in the aquifer area. Referring to a map of the aquifer area, he noted that the largest of the wells are for the City of McCleary. The second part of the approach incorporates the previous work of service groups and the Planning Department during the 1980's, who developed a rural lands study that examined what kinds of land use policies should be in place for development in East County. The suggestions consisted of recommending low density zoning except in areas close to cities where growth could be expected over time and services would need to be extended to, and establishing a coordination element which called for the County and City to work together to coordinate plans and work to establish an urban services area which would provide a vision and plan as to how investments would be made to expand utilities. Part two confirms that both the City and County would continue working together as previously recommended, while additional testing and research is conducted.

This partnership leads to part three of the approach, an Interlocal Agreement between the City of McCleary and Grays Harbor County for joint management of the aquifer. This agreement would outline specific tasks to be completed based on previous reports by Mr. Arthur. These tasks include: 1) updating potential contaminations sites (i.e. locations where hazardous materials may enter the ground water), 2) monitor individual wells in the County, paying specific attention to those in more dense areas, 3) measure stream flow and determine the amount of water in the aquifer during the dry season by placing gauges in the main stream, 4) review and coordinate spill response plans with the County, City and Fire Departments in order to be prepared for potential accidents related to transportation, 5) educate the public regarding the "do's and don'ts" of living beyond the water supply and how each of their actions affects the water supply, 6) adopt by reference a comprehensive low impact development guidelines manual with information relevant to the aquifer, such as new and old development, with the goal of returning as much run off as possible back to the ground, 7) review the existing zoning ordinance making sure it is clear as to what types of development would not be permitted (i.e. wrecking yards) in the aquifer area, and 8) design an urban services area for the City of McCleary.

Brian Shea, Planning & Building Director, thanked Mr. Arthur, Busse Nutley and others from the City of McCleary, Paul Easter, Public Services Director, Kevin Varness, Utilities & Development Director, Jeff Nelson, Environmental Health Director, Lee Napier, Community Development Director, and Jan Fargo, Public Services Administrative Assistant, for their participation in the project. Mr. Shea referenced a map of the Wildcat Creek Aquifer Area for illustrative purposes only, indicating that maps of the area would be updated as needed to accurately depict changes in status of the various well fields and well heads as determined by the State Department of Health and the County's Environmental Health Division. Those maps would be used by both the public and county staff to identify where the critical aquifer recharge areas are located.

Mr. Shea reported that the proposed ordinance amendment before the Board makes textual changes to the Critical Areas Overlay (CAO), Section 17.56.180 of the Grays Harbor County Code. This CAO was created as part of work done during the early 1990's and the result of Grays Harbor County Resolution No. 192-39. Mr. Shea noted that the ordinance being considered is an expansion of the existing ordinance under the county code. Mr. Shea stated that the Department is proposing the following textual changes to each subsection:

Subsection A: The original code uses the language "land filling". The proposed ordinance recommends replacing "land filling" with "filling grade activities". The intention is to not refer to land fill as in the case of Lemay's landfill but to grade/filling activities.

Subsection B: Uniform Building Code will be changed to International Building Code.

Subsection C: The old code indicated that subdivision for residential construction within critical aquifer recharge areas was prohibited. The proposed ordinance would change the code to state that any subdivision will be subject to the requirements set forth in Subsection D.

Subsection D: This subsection is where recommendations from the study conducted on the aquifer area are implemented. Subsection D is broken down into the following additional subsections:

1) Wildcat Creek Aquifer means that area of unincorporated Grays Harbor depicted on the Grays Harbor County map identified as the Wildcat Creek Aquifer area, dated June 2008. This map is lifted from the City of McCleary Wildcat Creek Aquifer study.

2) This applies to all development activities within the Wildcat Creek Aquifer area. Any permitted development in the area will be subject to the following: A Best Management Practice Plan shall be prepared, submitted and implemented for all rezones and subdivisions within the aquifer area. The Best Management Practice Plan will include three (3) components, including a hazardous materials best management plan, an integrated pest management practices plan and a landscape maintenance best management plan. Mr. Shea noted that the intent of the large document with three subsections is to make sure that contaminants don't enter the ground water supply. Mr. Shea read directly from the proposed ordinance regarding educational materials being provided to home owners within the subdivision. Mr. Shea explained that documents will be provided to homeowners as soon as they purchase a home within the subdivision, creating awareness at the very earliest stages of how the homeowner can comply with the conditions and controls in place and manage their property without adverse impact to the aquifer. Mr. Shea noted that each of these plans would be reviewed by the Environmental Health Division prior to any decision being made on an application for rezone or subdivision.

3) Any rezone, subdivision, or other development within the Wildcat Creek Aquifer area requiring a surface water management plan shall include low development impact techniques consistent with those in the Department of Ecology Storm Water Management Plan. Mr. Shea noted that it is important for any development to have a surface water management drainage plan that will address both water quality and quantity

and ensure that land use doesn't impact the water quality. In addition, the engineer that develops the water management plan must utilize the techniques contained in this document, with those plans being reviewed before development is approved by the County. Mr. Shea commented that the intention behind these requirements is to practice storm water control and increase the maximum opportunity for recharge.

4) This subsection refers to the installation and use of natural gas tanks and other fuel storage facilities within the aquifer area. The Department has ensured that there is a cross-reference to the International Fire Code which determines the protocol for handling a hazardous material spill or accident. The system established by the International Fire Code would reduce the possibility of the hazardous materials spreading or going into the aquifer.

5) The Sanitary control area for Group A and Group B public water wells, well fields, springs, or other Washington State Department of Health recognized well head protection areas are hereby designated as critical aquifer recharge areas. Mr. Shea referenced the map of the aquifer area and reiterated that it will be updated as changes occur. Mr. Shea explained that due to the designation taking place in Subsection 5, more strenuous requirements would be put in place. Mr. Shea addressed the following specific requirements:

Subsection A: Addresses the preparation of a hydrogeologic assessment which demonstrates conclusively that the proposed development will not threaten down grading drinking water or adversely affect aquifer recharge. This report will have to be prepared and submitted for all rezones and subdivisions within the defined critical aquifer recharge areas. This is in addition to the Best Management Plan. The purpose is to have a scientist analyze potential impact to the aquifer and by increasing the review also increase protection for the aquifer. This assessment will be reviewed by the Grays Harbor County Environmental Health Division prior to any decision being made. Mr. Shea read from the proposed ordinance the steps that would need to be taken should the proposed development pose a significant risk to the aquifer.

Subsection B: For all proposed developments within the aquifer area, a notice shall be recorded in the office of the County Auditor for intended development activities. The Building & Planning Department would record this document and does not anticipate any additional delay in the permitting process. This process would ensure that both the current and any future property owner would be aware of their home's location in regards to the critical aquifer area.

Subsection C: For all subdivision proposals a notice would be placed at the face of the subdivision plat, which is carried forward into the deed.

Mr. Shea summarized the two levels of protection this proposed ordinance suggests to be put in place by amending the County Code - The first level being the larger Wildcat Creek Aquifer area and the preparation of the Best Management Plan for all rezones and subdivisions, and the second level consisting of two requirements for the wellhead protection areas - the best management plan and hydrogeological report. Mr. Shea noted that the Planning Commission reviewed and recommended approval of this ordinance.

Chairman Carter asked for public comment. *Ron Armstrong, Hoquiam*, referenced

meeting materials provided by Mr. Shea and inquired as to whether the suggested changes to the ordinance reference those materials as law. Mr. Shea responded affirmatively to Mr. Armstrong's inquiry as to whether the documents (Low Impact Development: Technical Guidance Manual for Puget Sound) were referenced in the new ordinance. Mr. Armstrong asked if the Commissioners had read the materials word for word. Commissioner Wilson indicated that he had not read them in the context of this ordinance but was familiar with the material from previous matters. Chairman Carter stated that both the commissioners and staff have reviewed the materials but that it had not been memorized.

Tim Hamilton, McCleary, thanked those involved with the moratorium project and spoke in favor of the proposed ordinance. Mr. Hamilton made comments regarding best management plans, public education, subsurface water management plans, and the potential need for future further protections outside the mapped areas of the aquifer.

Busse Nutley, City Administrator for McCleary, thanked the Board for their cooperative work in studying and protecting the aquifer and noted that the City is looking forward to a continued working relationship between the City and County.

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

ACTION: A motion was made, seconded and passed to approve Ordinance No. 377, Amending Grays Harbor County Code Section 17.56.180 Pertaining to Critical Area Overlay and the Wildcat Creek Aquifer Area.

2. Consider Ordinance Terminating the Wildcat Creek Aquifer Area Development Moratorium: There was a public hearing to consider an ordinance finding that the development moratorium previously adopted by Ordinance 357, as amended by Ordinance 363 and further extended by Ordinances 366, 369 and 375, is no longer necessary on the basis that Wildcat Creek Aquifer management plan requirements have been previously adopted by ordinance, which eliminates the emergency condition forming the basis for the moratorium and therefore terminating the moratorium. This proposed finding is to be supported if the Wildcat Creek Aquifer management plan and other requirements in an amendment to Section 17.56.180 of the Grays Harbor County Code are adopted prior to the hearing on this ordinance. Notice of this hearing was advertised in the *Montesano Vidette* September 25, 2008. Chairman Carter referred to this hearing as a continued phase of the information presented in the previous hearing. Chairman Carter asked if there were any additional questions that needed to be asked of staff related to the termination of the moratorium. There were no further questions of staff. 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 Ordinance No. 378, Terminating the Development Moratorium on Land Located on the Wildcat Creek

Aquifer in Unincorporated Grays Harbor County.

3. Supplemental Budget – General Fund Advanced Expenditures: There was a public hearing to consider supplemental budget as follows: General Fund Advanced Expenditures #001-000-037 in the amount of \$50,000. Notice of this hearing was advertised in the *Montesano Vidette* September 25th and October 2nd, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that election costs have exceeded the anticipated, budgeted amounts for 2008 due to several districts having run extra elections this year. These costs have been repaid but the budget needed to be amended to reflect these changes. 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. 2008-97, Authorizing a Supplemental Extension in the Budget of the Grays Harbor County General Fund Advanced Expenditures #001-000-037.

COMMISSIONERS

1. Employment Agreement – Dolores Noyes, ORV Park Manager: A motion was made, seconded and passed to approve an Employment Agreement with Dolores Noyes, the new ORV Park Manager.

DEPARTMENTS

AUDITOR

1. Request Approval, Resolution Cancelling Warrants: A motion was made, seconded and passed to approve Resolution No. 2008-98, Cancelling Salary Warrants Not Presented Within One Year of Issue and Directing the County Auditor and County Treasurer to Take Actions Necessary to Adjust the Records as if the Warrants Had Never Been Issued. Salary warrants totaling \$268.84 which are at least one year old as of September 30, 2008, were cancelled.

* The Clerk of the Board announced the following item had been received after the agenda had been prepared:

2. Request Approval, Month-End Expenditures Audit Report – September 2008: A motion was made, seconded and passed to approve the Month-End Expenditures Audit Report as of September 30, 2008, for the following amounts: Claims, \$6,091,014.04, and Salaries, \$2,453,742.84, for a total of \$8,544,756.88.

FORESTRY

1. Request Approval, Timber Contract Completion – Saddle Hill No. 1: A motion was made, seconded and passed to accept as complete the contract with Quinault Logging Corporation for the Saddle Hill No. 1 Timber sale. Quinault Logging Corporation has satisfactorily completed all terms and conditions of the contract.

MANAGEMENT SERVICES

1. Request Approval, Set Hearing Date – Emergency Budget Hearing – Board of Equalization: October 20, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider emergency budget appropriations in the Board of Equalization fund in the amount of \$10,900. The Board has a new member which requires travel for training and the day of actual hearings fluctuate based on the petitions the board receives. The Board anticipates 20 hearing days based on the petitions received for hearings during the remainder of 2008.

PUBLIC HEALTH & SOCIAL SERVICES

1. Request Approval, Mental Health Block Grant – Behavioral Health Resources: A motion was made, seconded and passed to approve a Mental Health Block Grant Agreement between Behavioral Health Resources (BHR) and Grays Harbor RSN. The agreement provides Flex Funds to assist adults and children in achieving goals on individual service plans and provides CIT training for law enforcement officers. The agreement provides \$37,250 for these services.

PUBLIC SERVICES

1. Request Approval, Revised Administrative Offer Summary – Wynoochee-Wishkah Road Project: A motion was made, seconded and passed to approve one (1) revised Administrative Offer Summary for the Gallington parcel on the Wynoochee-Wishkah county road project. This is due to an increase in the wetland mitigation site for the project. This approval allows the county right-of-way agent to proceed with the acquisition of the necessary right-of-way for the project.

2. Request Approval, Authorization to Advertise a Request for Professional Services – Program Assistant, Washington Coast Sustainable Salmon Partnership: A motion was made, seconded and passed to authorize advertisement for professional services to serve as a Program Assistant to the Executive Director for the Washington Coast Sustainable Salmon Partnership. Funds secured through the salmon project agreement, RCO #08-1003N, between Grays Harbor County and the Washington State Recreation and Conservation Office, will cover the expenses incurred.

3. Request Approval, Consent of Purchase of Lemay Enterprises by Waste Connections, Inc.: A motion was made, seconded and passed to authorize the Chairman to sign an agreement providing consent to the purchase of Lemay Enterprises, Inc. by Waste Connections, Inc. The County's current contracts for solid waste services with

Lemay's provides for the County to consent to such a purpose. Pursuant to the contracts, the issue has been reviewed with the Prosecutor's office and approval of the agreement was recommended.

4. Request Approval, Amendment to Personal Services Agreement – Nancy Allison, Executive Director, Washington Coast Sustainable Salmon Partnership: A motion was made, seconded and passed to authorize an amendment to the personal services agreement with Nancy Allison, the Executive Director for the Washington Coast Sustainable Salmon Partnership. The funds secured through a grant contract between the Resource and Conservation Office and Grays Harbor County will cover the expenses incurred.

5. Request Approval, Letter Agreement – Creative Community Solutions – Development of Countywide Housing Plan: A motion was made, seconded and passed to authorize the Chairman to sign a letter of agreement for professional services to assist with updating the countywide affordable housing plan. Upon completion of the procurement process, the Department recommends hiring Creative Community Solutions to assist with this project. A grant from the Department of Community Trade and Economic Development will cover some of the costs incurred by this agreement.

ANNOUNCEMENTS

The Clerk of the Board read the following announcement provided by District Court:

The Trial Courts of Grays Harbor County will be sponsoring a stakeholders meeting regarding local language needs for the limited English proficient and access to the legal system. The meeting will be held at the Grays Harbor County *Juvenile Court Facility, 103 Hagara Street, Aberdeen, WA*. The meeting will take place *Wednesday, October 15, 2008, at 9:00 a.m.* Any interested persons are welcome to attend.

CORRESPONDENCE

None

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 and no political comments or personal attacks would be allowed.

Ron Armstrong, Hoquiam, made comments regarding the public comment period during the last BOCC meeting and Mr. Baker's reference to a Spokane Valley court case.

Stan Trohimovich, Aberdeen, made comments regarding filing complaints against public officials' bonds and tax issues.

Stan Blunt, Aberdeen, made comments regarding the supplemental budget hearing and the Commissioners' weekly agenda. Mr. Blunt inquired in regards to the PDA conference attended by Commissioner Beerbower and the Legislative Steering Committee meeting attended by Chairman Carter.

STAFF MEETINGS

The Board held staff meetings on Monday, October 6, 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 Joan Brewster, Public Health & Social Services Director, regarding agenda items; Jim Arthur, Consultant, regarding the Wildcat Creek Aquifer; Paul Easter, Public Services Director, regarding agenda items, road and bridge projects and personnel updates; Brian Shea, Planning & Building Director, regarding department updates; Lee Napier, Kevin Varness regarding agenda items, facility/utility project updates; Anne Sullivan, Emergency Risk Management, regarding department updates. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

- | | |
|--------------------|---|
| No. 2008-97 | Authorizing a Supplemental Extension in the Budget of the Grays Harbor County General Fund Advanced Expenditures #001-000-037 |
| No. 2008-98 | Cancelling Salary Warrants Not Presented Within One Year of Issue and Directing the County Auditor and County Treasurer to Take Actions Necessary to Adjust the Records as if the Warrants Had Never Been Issued |

ORDINANCES

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| No. 377 | Amending Grays Harbor County Code Section 17.56.180 Pertaining to Critical Area Overlay and the Wildcat Creek Aquifer Area |
| No. 378 | Terminating the Development Moratorium on Land Located on the Wildcat Creek Aquifer in Unincorporated Grays Harbor County |

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned at 3:12 p.m.

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

ALBERT A. CARTER, Chairman
Commissioner, District 3

BOB BEERBOWER, Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ATTEST:

Donna Caton
Clerk of the Board