

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

January 12, 2009

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, January 12, 2009, at 2:00 p.m. Commissioners Al Carter, Terry Willis 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

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

MINUTES

1. **Regular Meeting January 5, 2009:** A motion was made, seconded and passed to approve the minutes of the regular meeting held January 5, 2009.

BIDS

1. There was an advertisement for bid for the following project: Tree Planting on Grays Harbor County Lands containing 481 acres more or less. Bid specifications were available at the office of the County Forester, 310 W. Spruce, Suite 100, Montesano, WA. Notice of advertisement for this bid was published in the *Montesano Vidette* December 18th and 25th, 2008. The Clerk of the Board opened and read the following bids received with bid bond attached:

Ramirez Reforestation Inc., Chehalis, WA	\$36,550.50
Sierra Reforestation, Tenino, WA	\$35,724.50
Ramon Coronel Reforestation Inc., Chehalis, WA	\$35,105.00

The bids were forwarded to the Forestry Department for review and recommendation.

HEARINGS

1. **Continued Hearing – Reclassification as Open Space – Applicant, William S. Pine:** This hearing was continued from December 29, 2008, and is to consider a request by William S. Pine for reclassification as Current Use Open Space for real property tax purposes for Lot 1 lying South of the Creek less Tax Lot 3 and Tax lot 8 and Tax lot 5 less the public right-of-way and highway and roads. The Clerk of the Board announced that written correspondence had been received from the applicant on January 9, 2009, and read the letter which requested the application be formally withdrawn. She noted that in speaking with Mr. Pine he had indicated that after working with the Assessor's Office, it had been determined that a different classification would better suit his land use

activities. Chairman Wilson asked if Mr. Pine wished to speak on the matter. Mr. Pine stated that he was able to return the property to its previous classification due to efforts he made to comply with the associated requirements. He named several groups which will help him plant the property with trees that will survive the flooding events on the property, and noted he will no longer allow cattle to graze that portion of the property. He thanked the Board for their time and consideration. Commissioner Willis commended Mr. Pine for his efforts in reaching a resolution that pleased all parties. Chairman Wilson stated that the hearing was closed and no action would be necessary due to the withdrawal of the request.

COMMISSIONERS

1. **Set Hearing Date – Dog Barking Ordinance:** January 26, 2009, at 2:00 p.m., is the date and time set for a hearing to consider an ordinance regarding barking dogs.
2. **Terry Willis's Bond:** A motion was made, seconded and passed approve the official bond for Commissioner Willis in the amount of \$22,500, as required by statute.
3. **Resolution – Local Declaration of Emergency:** A motion was made, seconded and passed to approve **Resolution No. 2009-01, Authorizing a Local Declaration of Emergency in Grays Harbor County.** This Resolution was signed by the Commissioners January 7, 2009, and is related to the storm event beginning on or about January 7th.
4. **100 Lot Large Subdivision – Ocean Grove Properties, LLC:** At the request of Chairman Wilson, Curt Crites, Grays Harbor County Planning Department, reported that this request, Case No. 2007-2190, by Tom Weber of Ocean Grove Properties, LLC, is for a 100-Lot Long Plat Subdivision. This proposal is to subdivide 48.44 acres into 100 single-family residential lots ranging in size from 7,200 square feet to approximately 1.21 acres. This proposal includes construction of a public road to the entrance of the subdivision. All lots are proposed to be served by the Pacific Beach/Moclips Water and Sewer System. The Grays Harbor County Planning Commission reviewed this request December 2, 2008. Mr. Crites referenced staff reports containing aerial and proximity maps of the property, and requested the following items which were provided to both the Board of Commissioners and Planning Commission, be entered into the record by reference:
 1. The Record of Action containing the Grays Harbor County Planning Commission's Findings of Fact, Conclusions and Staff Recommendations.
 2. Attachment No. 1: Application for the Long Subdivision with a revised plat application, a revised preliminary plat map set, a revised preliminary sewer and water plan, a revised preliminary off-site utility extension, preliminary storm and grading plan, a limited geotechnical engineering evaluation for the Pacific Ridge

- (the proposed name of the plat) development roads and utilities, preliminary storm water site plan report for Pacific Ridge, a traffic impact analysis by JTE, Inc., and a wetland delineation report for Ocean Grove Properties, LLC.
3. Attachment No. 2: A copy of the SEPA Mitigated Determination of Non-significance dated September 4, 2008, and a copy of the completed environmental checklist.
 4. Attachment No. 3: A letter dated September 18, 2008, from the Washington State Department of Ecology, commenting on the SEPA MDNS.
 5. Attachment No. 4: Public Notice and List of property owners within 300-feet who received the notice.
 6. Attachment No. 5: Affidavit of Publication from the *Vidette*.
 7. Attachment No. 6: A comment letter from Mr. Atwell dated 9/10/08.
 8. Attachment No. 7: A comment letter from Ms. Lowen-Wallace dated 9/26/08.
 9. Attachment No. 8: An email dated December 2, 2008, from Walker John of the Seabrook Land Company, commenting on the arrangement of late comer fees for existing water and sewer infrastructure in and around the existing plat of Seabrook.

Mr. Crites reported that at the December 2, 2008, meeting of the Planning Commission, a unanimous vote approved the request for the 100-Lot Long Subdivision, Case 2007-2190, as conditioned. Mr. Crites noted that this approval was based upon conclusions noted in the staff report which state this project's consistency with Grays Harbor County Codes Title 16 and 17, the provisions of the Grays Harbor County Comprehensive Plan, and Grays Harbor County Code Title 17 zoning provisions. Mr. Crites offered to answer questions from the Board.

Commissioner Willis inquired as to whether or not a zoning change would occur and if a moratorium was in effect due to recent logging activities taking place on the subject property. Mr. Crites confirmed that the Planning & Building Department has verified with the Department of Natural Resources that a moratorium is not in place and the zoning designation has remained unchanged. Commissioner Willis made comments regarding 2008 taxes being due as referenced in the staff report. Mr. Crites stated that he would assume the taxes have been paid, noting that they are required to be paid in full for the year of recording. Commissioner Willis inquired as to whether or not the Board needed to approve the Findings of Fact. Mr. Crites stated that Findings of Fact have been approved by the Planning Commission and recommended to the Board for approval as well. The Board need only agree or disagree with the recommendation with a single

motion. Commissioner Willis inquired as to pedestrian pathways being a requirement for the subdivision. Mr. Crites explained that there is no County Code that requires the applicant to include pathways in their plans. He noted that this particular area does not provide beach access or existing pathways to connect to. Commissioner Willis sought to clarify that given the size of this development no sidewalks were required within the subdivision. Mr. Crites confirmed that was correct, and noted that if the applicant chose to install sidewalks they would be allowed, but are not required by the County. He further noted that pedestrian use of the State Highway is not suggested and the Department would recommend that residents of this area drive to a public beach access.

Commissioner Willis inquired as to the 19.25 acres of open space within the development and as to whether or not it would remain as open space. Mr. Crites stated that several tracks have been proposed for future development, with some open space being reserved for such. At Commissioner Willis's reference, he noted that each property owner within the development will own an interest in the Open Space tracks which will forever remain open spaces. Commissioner Willis commented in regards to the initial plans calling for 104 lots versus 100 lots. Mr. Crites stated that the applicant's compliance with road and drainage requirements reduced the amount of usable land. Commissioner Willis referenced a letter from concerned citizens which requested a written reply from either the County Engineer or Utilities Director addressing their concerns, and asked if the request had been fulfilled. Mr. Crites stated that he believed a letter had not yet been sent due to no formal agreements having been made with the utilities division, apparently due to their not being capacity to serve this development with sewer. He noted that this is a five-year process that works towards final plat approval and stated that the Department is looking to be able to serve this area with sewer within several years with the agreements still needing to be made. Commissioner Willis asked if that information would be sent to the concerned citizens. Mr. Crites stated that staff is in communication with the group.

Chairman Wilson invited the public to provide comments, noting that comments must pertain to previous information related to this matter and no new testimony would be accepted. Joseph Seet of Skillings-Connolly, Inc., Lacey, stated that he is the engineer for the Willow's property which abuts the Weber property, and is present to comment on behalf of his clients. Mr. Seet made comments regarding the access road which will cross the Willow's property and noted that the Willow's are generally very supportive of the Weber development. He stated that the Willow's are concerned about reaching an agreement regarding the access road prior to final plat approval. They have additional concerns regarding regional water and sewer capacity, access for future growth and the ability to access infrastructure by adjacent properties.

ACTION: A motion was made, seconded and passed to approve the request, Case No. 2007-2190, for a 100-Lot Long Plat Subdivision by Tom Weber of Ocean Grove Properties, LLC, as recommended by the Grays Harbor County Planning Commission.

5. **Reappointment to the Boundary Review Board:** A motion was made, seconded and passed to approve the re-appointment of Randy Karnath to fill the County Representative position on the Boundary Review Board. This re-appointment is for a four-year term ending January 31, 2013.

***The Clerk of the Board announced the addition of the following item:

6. **Cancellation of Meeting – January 19, 2009:** A motion was made, seconded and passed to cancel the regular Board of County Commissioners Meeting for Monday, January 19, 2009, in observation of the Martin Luther King, Jr. holiday.

DEPARTMENTS

MANAGEMENT SERVICES

1. **Request Approval, Grays Harbor Vision 2020 Committee Agreement:** A motion was made, seconded and passed to approve an agreement with the Grays Harbor County Vision 2020 Committee. This agreement provides \$10,000 in funding for facilitation and planning of an ongoing multi-year community visioning process to ensure the long-term vitality of Grays Harbor. Chairman Wilson asked for discussion. At Commissioner Carter's inquiry, Rose Elway, Budget Director, reported that these funds are allocated from the interest related to the \$310,000 designated for .09 Rural Distressed projects fund. Chairman Wilson noted that the amount of this agreement is much less than the \$50,000 awarded in previous years, which demonstrates the County's continued support of the program but the necessary revision due to current budget constraints.

2. **Request Approval, 2009 Salary Resolution:** A motion was made, seconded and passed to approve **Resolution No. 2009-02, Fixing Compensation of Employees From and After January 1, 2009.** Ms. Elway reported that the AFSCME Courthouse was negotiated at a 4% increase and AFSCME Public Works was negotiated at a 3% increase, the Sheriff's Criminal and Clerical Divisions were negotiated at a 3.5% increase, and the Sheriff's Corrections Division was negotiated at a 3% increase over the 2008 salary schedules. Ms. Elway stated that Exempt staff also received a 3.5% increase and elected officials received 4%. She noted that the Sheriff elected to not increase his salary, and that this Salary Resolution reflects one additional layoff related to the Personal Property Exemption Administrative Assistant, effective February 28.

ORV PARK

1. **Request Approval, Caretaker Services Contract Extension:** A motion was made, seconded and passed to authorize the extension of the ORV Park caretaker's contract through May 31, 2009. This five-month extension will allow the current caretaker to make living arrangements and will also provide the Park essential latitude necessary to adequately advertise and interview for a new live-in caretaker.

PUBLIC HEALTH & SOCIAL SERVICES

1. **Request Approval, Clark County Agreement for Mental Health System Data Support:** A motion was made, seconded and passed to approve Amendment No. 6 to the Interlocal Contract with Clark County. This amendment provides additional Netsmart project management in support of the Grays Harbor RSN.

2. **Request Approval, Behavioral Health Options and Grays Harbor Regional Support Network Agreement:** A motion was made, seconded and passed to approve a contract between Grays Harbor Regional Support Network (RSN) and Behavioral Healthcare Options (BHO). This agreement maintains an ongoing relationship with BHO to provide utilization management services for mental health. The reimbursement rate associated with this agreement is \$.38 per month, which provides approximately \$65,000 per year.

3. **Request Approval, Department of Health Consolidated Contract Amendment No. 13:** A motion was made, seconded and passed to approve an amendment to the Consolidated Contract with the Washington State Department of Health. This amendment provides expected funds to continue programs in the areas of Basic Public Health funding, child death review, family planning, immunization, local capacity, drinking water, oral health, emergency preparedness, quality improvement, information technology and WIC. The amendment includes \$1,009,892, for a revised contract maximum of \$3,143,568. Of this amount, new funds total \$13,057. \$12,000 will support an immunization study (the first year of a two-year project) and \$1,057 will support training. The remaining funds are included in the current budget.

4. **Request Approval, Contract for Services to the Grays Harbor Regional Support Network:** A motion was made, seconded and passed to approve a contract with Sherri Taylor, Licensed Mental Health Professional. This contract provides for consultation services for information technology assessment, contract development, audit preparation and clinical consultation. This contract is for \$30,000 over the period of January through September, 2009.

PUBLIC SERVICES

1. **Request Approval, Washington Coast Sustainable Salmon Partnership's Interlocal Agreement:** A motion was made, seconded and passed to approve an Interlocal Agreement executed by and between the Lead Entity Groups of the Washington Coast Region (Clallam, Pacific, Grays Harbor, Thurston and Jefferson Counties) for the purposes of facilitating collaborative decision making in support of salmonid restoration and sustainability within Water Resource Inventory Areas 20 to 24. Execution of this agreement allows the Board to participate in the work of the Washington Coast Sustainable Salmon Partnership. The Department recommended the Board select its own representative and one from County staff as representatives to the

group.

2. Request Approval, Advertise for Engineering Consulting Services – Black Creek Road/Black Creek Bridge Replacement: A motion was made, seconded and passed to authorize the advertisement for engineering consulting services for the Black Creek Road/Black Creek Bridge Replacement. The County has received state funding approval through the Bridge Replacement Advisory Committee (BRAC) for this project.

SHERIFF

1. Request Approval, Equitable Sharing Agreement & Certification: A motion was made, seconded and passed to authorize the Chairman to sign the Equitable Sharing Agreement and Certification as prepared by the Sheriff's Department. The funds related to this report are received when the Grays Harbor County Drug Task Force (DTF) assists a federal agency on cases where assets are seized. Upon the Sheriff Department's application to the Treasury Department, a determination is made in regards to what portion of the assets are to be received by the Sheriff's Department and distributed when they become available. The Sheriff's Department is required to file this report each year in order to continue to qualify for funds.

TREASURER

1. Request Approval, Resolution for Cancellation of 2008 Uncollectible Personal Property Taxes: A motion was made, seconded and passed to approve **Resolution No. 2009-03, Cancelling Personal Property Taxes Pursuant to RCW 84.56.240.** This Resolution includes a listing of the personal property taxes cancelled during 2008. The total submitted for cancellation is \$28,643.88, which is consistent with previous years. The amount submitted for cancellation the previous year was \$25,245.87.

ANNOUNCEMENTS

The Clerk of the Board announced that the next regularly scheduled Board meeting will be held Monday, January 26th.

CORRESPONDENCE

1. A motion was made, seconded and passed to approve a request for the use of Vance Creek Park and County roads by BuDu Racing for a triathlon event to be held August 2, 2009. This approval is contingent upon Department review.
2. A motion was made, seconded and passed to approve a request for the use of County roads by CBC Cycling for the Washington Team Time Trials on April 26, 2009. This approval is contingent upon Department review.

3. A motion was made, seconded and passed to approve a request for the use of Vance Creek Park and County roads by South Sound Velo Cycling Team on August 8, 2009. This approval is contingent upon Department review.

PUBLIC COMMENT

Chairman Wilson 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.

Ron Armstrong, Hoquiam, complimented the Board for having upgraded the chamber's presentation equipment.

STAFF MEETINGS

The Board held staff meetings on Monday, January 12, 2009, beginning 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, regarding agenda items; Paul Easter, Public Services Director, regarding agenda items, road and bridge projects and personnel updates; Kevin Varness, regarding agenda items, facility/utility project updates; Brian Shea, regarding Planning & Building updates; Lee Napier, regarding an agenda item; Curt Crites, regarding an agenda item; Russ Esses, regarding agenda items and flooding updates; Anne Sullivan, regarding Emergency Management and storm/flooding updates; Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

- | | |
|--------------------|--|
| No. 2009-01 | Authorizing a Local Declaration of Emergency in Grays Harbor County |
| No. 2009-02 | Fixing Compensation of Employees from and after January 1, 2009 |
| No. 2009-03 | Cancelling Personal Property Taxes Pursuant to RCW 84.56.240 |

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

- **Amendment No. 6 to the Intergovernmental Agreement with Clark County;
Re: Additional Netsmart Project Management**
- **Washington Coast Sustainable Salmon Partnership - Clallam, Pacific, Grays
Harbor, Thurston and Jefferson Counties; Re: Salmon Recovery**

The meeting adjourned at 2:46 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2009

MIKE WILSON, Chairman
Commissioner, District 2

TERRY L. WILLIS, Commissioner, District 1

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board