

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

April 13, 2009

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, April 13, 2009, at 2:00 p.m. Commissioners Al Carter, Mike Wilson and Terry Willis were present. Jim Baker, Senior Deputy Prosecutor, 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.

BIDS

1. North Beach Regional Water System – Hogan's Corner Area Improvements:

Bids were accepted for the following project: North Beach Regional Water System Hogan's Corner Area Improvements. The project is comprised of eight bid schedules and includes all labor and materials to construct two well houses, booster pump station, two 160,000 gallon concrete storage tanks, well pumps, booster pumps, monitoring equipment and appurtenances, design and install electrical and control equipment, and install approximately 200-feet of bore casing and carrier pipe and approximately 12,000-feet of 6-inch through 12-inch water distribution piping, fittings and appurtenances. Half-size drawings and contract documents were available at Gibbs & Olson, Inc., 2604 12th Court S.W. Suite A, Olympia, WA, 98502. It was advertised March 19th and 26th, 2009, in the *Montesano Vidette*, that bids would be received at the Office of the Grays Harbor County Commissioners in the County Administration Building, Montesano, WA. It was announced that no bidder may withdraw their proposal after the time set for the opening thereof, or before award of contract, unless said award is delayed for a period exceeding 45-days. Grays Harbor County reserves the right to award the bid to the lowest responsible bidder, waive informalities, or reject any or all bids. The Clerk of the Board announced the following bid amounts:

Company:	Location:	Subtotal Schedule A, B & C:	Overall Total:
Stellar J. Corporation	Woodland, WA	\$1,709,674.58	\$2,923,085.49
Rognlin's, Inc.	Aberdeen, WA	\$1,416,582.41	\$2,636,545.63
Tapani Underground, Inc.	Battle Ground, WA	\$1,579,365.98	\$2,882,529.05
Primo Construction, Inc.	Sequim, WA	\$1,647,042.10	\$3,098,862.49
Construct Co.	Sumner, WA	\$1,722,475.76	\$3,520,353.27

The following Bidder did not provide schedule totals:

Stouder General Construction, LLC	Ferndale, WA	A: \$470,845.08	E: \$634,161.48
		B: \$294,229.44	F: \$244,649.70
		C: \$946,135.88	G: \$88,546.08
		D: \$175,543.47	H: \$155,952.00

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

HEARINGS

1. Road Variance Request – Applicant Seabreeze LLC, Case No. 2009-0218:

There was a public hearing to consider a road variance request by Seabreeze LLC, Case No. 2009-0218. The applicant is requesting a variance for a reduction in the minimum private road standards, which is required for building permit approval on a private lane serving 3 lots. The request is for the following: *1. Private Roadway Section B.* The Applicant is requesting a reduction in the minimum width of the built road for a private road serving three or more lots, from 20-feet to 12-feet through lots 1 and 2, and also to reduce the required easement width from 60-feet to 30-feet. *2. Cul-de-Sac.* The applicant is requesting relief from the requirement to install a 70-foot diameter cul-de-sac down to a three-point side style turn around. Notice of this hearing was published April 2, 2009, in the *Montesano Vidette*. Chairman Wilson called for a staff report.

Russ Esses, County Road Engineer, reported that the Department recommends denial of this variance request. Mr. Esses stated that the roadway does not allow for two lanes of traffic as required by County standards. From a safety standpoint, he noted that the narrow roadway combined with not having a cul-de-sac turn around does not meet the safety requirements of the County's standards. Mr. Esses explained that drivers would have to back up on the one-lane road as well as on the three-point turn around, which is also not as safe as making a turning movement through a cul-de-sac. Mr. Esses stated that in terms of function, the proposed one-lane road would not function as well for passing purposes as those built to County standards, noting the standard provides a wider road for safer access for fire trucks. He stated that narrow roadways often cause vehicles to drive on the edge of the roadway and shoulder, which breaks down the surface and requires more frequent maintenance.

Chairman Wilson asked for public comment.

David Shay, Westport, spoke as the agent for the applicant and requested a continuance of the hearing based on the facts presented in the staff report. He stated that the applicant's engineer misunderstood the requirements for the turn-around and that the applicant would like time to modify the proposal.

Charles Chafin, Chief of Fire Dist. 11, Grayland, stated that he does not object to the proposed three-point turn around, but is concerned about the proposed 12-foot roadway serving multiple houses and not being wide enough to accommodate a fire truck.

Chairman Wilson asked for additional comment. There was no further comment.

ACTION: A motion was made, seconded and passed to continue this hearing to April 27, 2009, at the request of the applicant.

2. Road Variance Request – Applicant Spradlin Rock Products Inc., Case No. 2009-0233: There was a public hearing to consider a road variance request made by Spradlin Rock Products Inc., Case No. 2009-0233. The applicant has requested a variance for a reduction in the minimum private road standards, which was required as a condition of approval for a surface excavation permit, Case No. 2009-0935. The request is for the following: *1. Commercial Road Approach Standard.* The applicant is requesting to vary from the commercial road approach standard to what is currently built at the existing intersection with Newkah Road. Notice of this hearing was published April 2, 2009, in the *Montesano Vidette*. Chairman Wilson called for a staff report.

Russ Esses, County Road Engineer, reported that the Department recommends denial of this variance request. Mr. Esses stated that in terms of public interest, the existing access does not meet the adopted County standards. From a safety standpoint, he stated that the Y-intersection that currently exists is not as safe as a standard T-intersection. In terms of fire protection, the current configuration does not meet the adopted standards. In regards to maintenance, the current configuration leads to the potential of gravel being tracked onto the pavement of Newkah Road.

Commissioner Willis asked for an explanation in regards to how this variance request relates to the Excavation Permit. Mr. Esses stated that he believes this is an existing pit that has been operational and wishes to change to a commercial classification. Chairman Wilson asked for public comment.

Mike Daniels, Pacific International Engineering, spoke on behalf of Spradlin Rock Products, Inc., related to the road access standards and road approach to J.M. Jones Road off of the Newkah Road. Mr. Daniels explained that this intersection provides the sole access to the Spradlin Rock quarry as well as to other privately held commercial activities in the area. Referring to Commissioner Willis' question regarding the Excavation Permit, Mr. Daniels stated that the Board of Adjustment approved Case No. 2007-0935 in 2008, with the access issue being the only condition of approval still needing to be met. Mr. Daniels made comments about the business history of Spradlin Rock and provided an overview of the company's current operations. He further explained the condition of approval (Board of Adjustment condition No. 13) for the Excavation Permit relevant to the variance request which requires Spradlin Rock to reconstruct an existing County road intersection that Spradlin Rock and other commercial haulers have used for many years.

Mr. Daniels described the location of the J.M. Jones Road and the businesses that use that road for access to their forest products and rock quarries. Spradlin Rock currently leases 48 acres of land from one of the timberland owners and has done so for 18 years to mine quarry rock in this location. During that time the quarry has been legally operated as an exemption from the land use permit requirements based on its size and acreage. It has now grown to a size that requires specific permit authority to operate. The quarry and land lease by Spradlin Rock is approximately two miles north east of the subject intersection. Spradlin Rock accesses the quarry over J.M. Jones Road and a series of private forest roads for which Spradlin Rock has agreed access rights. Mr. Daniels noted that other than the 48 acres of leased property, Spradlin Rock has no other land holdings

or rights in the Newkash Valley area, and has no ownership or control of property at the subject intersection. Mr. Daniels referenced “Attachment A” of a letter provided to the Board, which illustrates the construction of a road approach standard as required by condition of approval No. 13. Mr. Daniels stated that the existing right-of-way of J.M. Jones Road is 60-feet in width, thirty feet either side of center line along the existing road alignment. He noted that the road intersection was surveyed in order to determine if Spradlin Rock would be able to satisfy the requirements of condition of approval No. 13. Mr. Daniels referenced “Attachment B” of the previously mentioned letter. He stated that when overlaid on the survey, the commercial road approach clearly can not be constructed within the existing roadway and would require acquisition of additional private property not belonging to Spradlin Rock. Mr. Daniels noted that issues related to the need for additional property required are compounded by the side slope grade along the southern margin of J.M. Jones Road, and additional right-of-way would be required to accommodate the grade change and catch slope. Mr. Daniels referenced “Attachments C & D” and photos of the existing intersection and grade change south of J.M. Jones Rd.

Mr. Daniels stated that in 1992, the County issued a road access permit to Spradlin Rock for the subject intersection (“Attachment E”). He noted that the commercial road approach standard required today was in use by the County at the time the permit was issued. He stated that continued use of the intersection was allowed with only minor improvements such as road signs. Mr. Daniels explained that the permit issued in 1992 did not go forward due to the land use permit granted by the County never having been finalized. The work requirements of the original access permit were not implemented. Mr. Daniels reiterated that the existing intersection has functioned for decades with limited accidents and continuous use by numerous companies. He stated that there are no recorded accidents for this intersection on County record, though traffic use of this intersection is substantial. He stated that Spradlin Rock accounts for approximately 10% of the use of this intersection. Mr. Daniels commented on the existing traffic conditions of the intersection and stated that he does not expect them to change. Mr. Daniels summarized and reiterated the reasons for Spradlin Rock’s request for a variance. He referenced the intersection being a Y-intersection and further described the areas surrounding the intersection and the traffic use of the intersection.

Commissioner Carter commented in regards to the elevation change from the main Newkash Road towards the J.M. Jones Road and inquired as to how many other commercial mining operations take place behind Northwest Rock. Mr. Daniels stated that there are four other mining operations that are forestry related and described the activities related to those businesses. Commissioner Carter asked why Spradlin Rock is the only business that is required to provide a commercial access from the J.M. Jones Road. Mr. Daniels stated that Spradlin Rock is the only company that requires a land use permit from the County. At Commissioner Willis’ inquiry, Mr. Daniels clarified that the active pit has been less than three acres in size, though approximately 48-acres is leased by Spradlin Rock, and the subject expansion of the pit will remain inside the 48-acres. He noted that the operations will remain the same in terms of the loads leaving the quarry, and reiterated that Spradlin Rock will account for approximately 10% of the traffic using the J.M. Jones Road.

Commissioner Willis inquired as to additional improvements that could be made to the intersection, as previously mentioned by Mr. Daniels. Mr. Daniels stated that he would be willing to work with Mr. Esses to determine which improvements could be addressed, but requests the Board consider approving the permit issued in 1992. Should that permit not be approved, he asked that he be allowed the opportunity to work with Mr. Esses to find alternate solutions less than the standard.

Tim Spradlin, Spradlin Rock, made comments regarding the County's basic review checklist regarding the variance request. He stated that in terms of public interest, approval of this variance request would establish a second source of quarry basalt rock for sale to the public, county and state municipalities. He noted that since June of 2006, \$185,000 has been spent towards fulfilling the requirements for approval of the quarry, and this variance would complete the requirements for the conditional use permit that was previously issued by the County. Mr. Spradlin referenced a letter received by the Board from Joe Stipic of Northwest Rock. He stated that in terms of safety, he has researched and provided ("Exhibit C") County collision reports which indicate that zero collisions have occurred. He commented in regards to a letter sent to the Board by Rainier Forest Products, and explained that the other companies utilizing the intersection have all operated under exemptions from permitting due to not selling their rock to municipalities from those locations. Mr. Spradlin commented in regards to the functionality of the intersection, noting that the intersection has been used daily by commercial vehicles and local traffic who will continue to use this road. Mr. Spradlin explained that in terms of fire protection, the Newskah Road is not covered by a specific fire district. He stated that there are no homes or buildings on the J.M. Jones Road, and referenced "Exhibit H" which shows a gravel circular turn-around at the end of the Newskah Road near Northwest Rock for any vehicles which wish to turn around. In regards to maintainability, at the existing Newskah Road and J.M. Jones Road intersection, the J.M. Jones Road has a 150-foot asphalt apron which prevents gravel being carried out onto the road. This road is maintained by Spradlin Rock and the other companies located within that area.

Ron Armstrong, Hoquiam, spoke in support of approving the variance request and made comments regarding the County staff's recommendation for denial of the variance request, fire protection not being an issue in regards to gravel pits, and the actual amount of acreage that will be mined within the applicant's 48-acres.

Jason Mesmer, Northwest Rock, commented in regards to safety issues and traffic increasing due to the commercial activity and the different standards related to commercial classifications.

Commissioner Willis referenced the letter received by the Board from Mr. Mesmer and asked if his letter was indicating that Spradlin Rock would be using different vehicles than previously used. Mr. Mesmer stated that the private access would not hold up as well to commercial vehicles. Commissioner Carter inquired as to how long the road has been used by commercial vehicles. Mr. Mesmer referenced the applicant's statement which indicates the road has been used since the 1950's, and noted that he is concerned

about the resulting increased traffic once the pit is used commercially.

Tim Spradlin made further comments regarding use of the facility he has leased to provide rock to forestry related projects that did not involve county, state or local government. He noted that he has been selling to the state and other governments for 18 years and to do so has had to buy his rock for those projects from Northwest Rock. He stated that approval of the variance will not create additional traffic due to his then being able to access his own pit. He commented in regards to the average number of daily loads that have occurred over the last 18 years, and the anticipated amount of future loads to not exceed previous amounts. At Commissioner Willis' inquiry, Mr. Spradlin stated that he indicated during the permit process that he anticipates to haul 10 loads or less per day.

Commissioner Willis asked Mr. Esses to confirm the collision history for the subject intersection. Mr. Esses stated that he did not research this history but feels comfortable with Mr. Daniel's report. Commissioner Willis inquired as to the sight availability on the Newkah Road. Mr. Esses stated that when angling on to the J.M. Jones Road, a wide movement would be required with turning around and using mirrors to see all traffic. Commissioners Carter and Willis inquired as to the stop sign and trucks crossing signs that may be present in the area. Mr. Esses stated that often times the private logging companies may erect these signs but it is a private road and the County has not done so.

Mr. Daniels stated that the J.M. Jones Road is not on the County road log and is not part of the County road system. He noted that the County Prosecuting Attorney has stated that through prescriptive use, this road became and remains a public highway as defined by RCW, though it has never been part of the County road system. He commented in regards to consistent denial of vacation of right-of-way requests dating back to the 1940's. He stated that it has been clearly recognized as a public road and discussed the applicant's willingness to post road safety signs.

Chairman Wilson 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 Variance Request Case No. 2009-0935, by Spradlin Rock Products Inc.

PUBLIC COMMENT

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

Ron Armstrong, Hoquiam, made comments regarding the capabilities of the projector recently installed in the meeting room.

CONSENT AGENDA: Approval was requested for the following items:

1. Minutes of Regular Meeting April 6, 2009
2. Designation of Commissioner Willis to the Chehalis Basin Flood Authority Subcommittee
3. **Fair:**
 - a. Authorization to sign two (2) Tourism Contracts: *One-Time-Only Funding - 2009 Quilt Show, \$233.33; Advertising for the 2009 Grays Harbor County Fair, \$6,000*
4. **Management Services:**
 - c. Voluntary Retirement Incentive Plan Agreement & Release – *Oscar West, Juvenile Department*
5. **WSU Extension/Weed Board:**
 - a. Authorization to use a motor pool truck for work in the National Forest
6. **Correspondence:**
 - a. Lawsuit, L-549-09, Philip Chinn

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

COMMISSIONERS

* The Clerk of the Board announced the following item which was added after the agenda had been prepared:

1. **Authorization to Invoke Jurisdiction Re: Proposed Annexation to the City of Elma:** A motion was made, seconded and passed to authorize Russ Esses, County Road Engineer, to invoke jurisdiction on the behalf of the Grays Harbor County Public Works Department, regarding the proposed annexation to the City of Elma by Desert Shadow Enterprises. Invoking jurisdiction will require this matter to be reviewed under a hearing before the Boundary Review Board.

DEPARTMENTS

PUBLIC HEALTH AND SOCIAL SERVICES

1. **Request Approval, Amendment No. 4 – State Mental Health Contract:** A motion was made, seconded and passed to approve Amendment No. 4 to the State Mental Health Contract. This amendment increases state funds paid to the County by \$8,067 per month. An additional lump sum amount of \$16,134 will also be paid to rectify underpayment for the months of February and March 2009.
2. **Request Approval, Amendment No. 4 – Prepaid Inpatient Health Plan Contract:** A motion was made, seconded and passed to approve Amendment No. 4 to the Prepaid Inpatient Health Plan contract. This amendment reinstates initial January 2009 rates and provides for reimbursement of \$88,685.87 to the Grays Harbor Regional

Support Network (RSN) for fiscal year 2009.

3. Request Approval, Amendment No. 2 – DSHS Division of Alcohol and Substance Abuse Contract: A motion was made, seconded and passed to approve Amendment No. 2 to the contract with DSHS Division of Alcohol and Substance Abuse for Treatment and Prevention Services. The purpose of the amendment is to align the award with the actual unspent Medicaid Treatment Expansion funding for the 2009 fiscal year. The new award amount is \$2,096,881. Of this total, \$528,947 is federal funding with the remaining balance to be paid by the state.

PUBLIC SERVICES

1. Request Approval, Environmental Health Division Amended Rate Resolution: A motion was made, seconded and passed to approve an Environmental Health Division Rate Resolution. This Resolution has been prepared to increase a limited number of Environmental Health fees, primarily in the food safety program. New fees associated with administration and land use have also been added. The Resolution provides an effective date of May 1, 2009. *Note: This is a Board of Health Resolution which will be presented for final approval at the regular Board of Health meeting to be held April 23, 2009.*

2. Request Approval, Planning and Building Department Amended Rate Resolution: A motion was made, seconded and passed to approve **Resolution No. 2009-26, Amending Resolution 2004-115, Revising and Establishing the Planning and Building Fee Schedule for Grays Harbor County.** This Resolution increases the land use permit processing fees charged by the Planning and Building Division. This Resolution does not include any increase in building permit fees. The Resolution provides an effective date of May 1, 2009, for the land use permit fee increase, and an automatic increase thereafter based upon the previous year's June *Consumer Price Index* (CPI-U) for Seattle, Tacoma and Bremerton.

3. Request Approval, Award Bid – Union Gospel Mission Phase 1 Demolition: A motion was made, seconded and passed to accept the bid and award the contract for the Union Gospel Mission Phase 1 Demolition to R. W. Rhine of Tacoma, WA. R.W. Rhine was the responsive low bidder at \$104,300.00. Also contained in this motion is authorization for the Director of Utilities and Development to prepare and sign the related contract documents.

4. Request Approval, Hogan's Corner Water System Easement from Patrick Hogan: A motion was made, seconded and passed to authorize the Chairman to sign the easement to provide for County access to the water lines on property owned by Patrick Hogan.

5. Request Approval, Revised December 2008 and January 2009 Disaster Assistance Application - FEMA: A motion was made, seconded and passed to approve **Resolution No. 2009-27, Designating Russell D. Esses, County Road Engineer, as the**

authorized Representative, and Betty Z. Strabbing, Chief Accountant, the designated alternate, to obtain federal and/or state emergency or disaster assistance funds for the December 2008 Severe Winter Storm, and Resolution No. 2009-28, Designating Russell D. Esses, County Road Engineer, as the authorized Representative, and Betty Z. Strabbing, Chief Accountant, the designated alternate, to obtain federal and/or state emergency or disaster assistance funds for the January 2009 Severe Winter Storm. These representatives are authorized on behalf of Grays Harbor County to execute all contracts, certify completion of projects, request payments, and prepare all required documentation for funding requirements.

TOURISM

1. **Request Approval, Festival and Grant One-Time-Only Funding – Kurt Cobain Memorial Concert:** A motion was made, seconded and passed to approve a One-Time-Only Funding Allocation Tourism Service Contract for the Kurt Cobain Memorial Concert in the amount of \$3,000.00.
2. **Request Approval, Printing Services Contract – North Beach Printing:** A motion was made, seconded and passed to approve a Grays Harbor Tourism Printing Services Contract with North Beach Printing in the amount of \$5,075.00.
3. **Request Approval, Advertising Services Contracts (4):** A motion was made, seconded and passed to approve the following Advertising Services Contracts: Drive Guide Publications, \$500.00; Go.Washington Destination Partnership, \$990.00; Lady Moon Publishing – WA State Festival, \$500.00; National Geographic Traveler, \$2,845.00.

ANNOUNCEMENTS

None

STAFF MEETINGS

The Board held staff meetings on Monday, April 13, 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 Joan Brewster, Public Health & Social Services Director, regarding agenda items; Barb Smith, Tourism, regarding contracts; Russ Esses, Road Engineer, regarding agenda items, road, bridge and personnel updates; Kevin Varness, regarding agenda items, facility & utility updates; Lee Napier regarding updates for WA Coast Sustainable Salmon Partnership & Marine Resources Committee; Brian Shea, Planning & Building Director, regarding agenda items and department updates; Jeff Nelson, Environmental Health, regarding agenda and department updates. Notes of these meetings are available upon request.

The meeting adjourned at 3:15 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