

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

April 27, 2009

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, April 27, 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

None

HEARINGS

1. Continued Hearing – Junk Vehicle Ordinance Decision (Comment Period Closed): This hearing was continued from April 6, 2009, and is to consider an ordinance amending Grays Harbor County Code Chapter 8.04, Grays Harbor County Code Sections 8.12.030 and 17.60.020, and Ordinances 41, 112, 241 and 250, prohibiting junk vehicles on private property and establishing procedures for their abatement removal. The Board previously closed this hearing to further testimony but accepted additional comments by letter and phone.

Chairman Wilson called for additional discussion amongst the Board. Commissioner Willis stated that she has further studied the proposed ordinance as well as the corresponding RCW's and written comments received by the Board. She suggested the language of the ordinance be reviewed and that clarification be provided by staff as to whether or not textual changes need to be made. Commissioner Willis addressed the purpose of the ordinance as listed on page one of the draft, and proposed that "protection of the natural environment" be added. In regards to page two of the draft and the exemption provided for agricultural uses and the language "but excluding automobiles and trucks", she noted that several farmers have pointed out that they own vehicles that qualify as junk vehicles but for the fact that they are operable for use in their fields and not on roads. Commissioner Willis suggested "but excluding automobiles and trucks" be removed from the ordinance. She also recommended the language "code compliance officer" be addressed under "enforcement authority". Senior Deputy Prosecuting Attorney Jim Baker suggested the ordinance read "the dually appointed designee (Code Compliance Officer)".

Commissioner Willis addressed the storage of vehicles as mentioned in Section 3, and suggested the language be clarified to specify the ordinance applies only to private property within unincorporated Grays Harbor County. Mr. Baker noted that as a matter of law, the County Code would not apply to any incorporated areas.

Commissioner Willis proposed the ordinance allow two vehicles for parts supply in regards to a single vehicle which is actively being restored. Discussion followed regarding the definition of public highway and roadway, and the appeals process within the jurisdiction of the ordinance. Commissioner Willis recommended revisions be made to clarify the appeals process and insert language stating that appeals hearings will be heard by the Superior Court. Commissioner Wilson confirmed that the Board of Adjustment would first hear the matter and the issue would then be heard by Superior Court. At Commissioner Wilson's inquiry, Mr. Baker verified that the proposed revisions could be adopted without an additional hearing.

In regards to the revision involving the agricultural exemption, Mr. Baker added that a vehicle that is not used on County or public roads but is operable, would be operable and have a value equal to or greater than the scrap value of that vehicle, which would take it out of the definition for junk vehicles. This would qualify the vehicle for only two of the four classifications, three of which must be met before the vehicle would be considered junk.

Commissioner Carter made comments and inquiries regarding collecting vehicles and those that can and can not be seen from the public right-of-way. Mr. Baker explained that vehicles not visible from the public right-of-way would be exempt from enforcement of the ordinance, and junk vehicles in view from the public right-of-way would be subject to the act. In regards to Commissioner Carter's inquiry as to who will determine the vehicle's value, Mr. Baker stated that the determination will be made by the Code Enforcement Officer or the Deputy Sheriff. If an appeal is filed, a determination would then be made by the Board of Adjustment. Commissioner Willis made comments regarding the process the proposed ordinance implements and favoring the opportunities it allows for stopping the process at any time.

ACTION: A motion was made, seconded and passed to approve as written with the proposed changes as voiced by Commissioner Willis, Ordinance No. 380, Prohibiting junk vehicles on private property and establishing procedures for their abatement and removal, amending Grays Harbor County Code Chapter 8.04 and Grays Harbor County Code Sections 8.12.030 and 17.60.020, and Ordinances 41, 112, 241 and 250.

2. Continued Hearing - Road Variance Request – Applicant Seabreeze LLC, Case No. 2009-0218 (Comment Period Open): This hearing was continued from April 12, 2009, and is 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. The initial hearing was continued at the applicants

request and the comment period was left open. Chairman Wilson called for a staff report.

Russ Esses, County Road Engineer, reported that the Department does not support this variance request. Mr. Esses stated that the roadway does not allow for two lanes of traffic as required by County standards. In terms of safety, 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 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 testimony from the applicant. Kirk Jensen, Seabreeze LLC, stated that his group attempted to work with surrounding land owners to develop a different access to this property and after exhausting all options the current request was proposed. He commented in regards to working with the Corps of Engineers with the goal of developing a plan for minimizing any impacts to the property in terms of existing wetlands. He stated the reason for the road being narrower is to minimize the impact with an on-site mitigation plan based on requirements and advice of the Corps. Mr. Jensen stated that a 12-foot road would have less impact than a 20-foot road. He explained that the proposal allows drivers to come in to the first hammerhead on a 20-foot road with a 30-foot easement, and from that point on, the proposed 12-foot road would serve two lots and the hammerhead would provide a turnaround between Lot numbers 1 & 2. Mr. Jensen provided several maps to the Board showing the proposed mitigation and proposed reductions. He explained that the maps indicate the potential impact of a cul-de-sac as required. Mr. Jensen commented in regards to feeling that the 20-foot road would provide adequate turn around and back-up opportunities. He stated that the applicant's position is to attempt to meet the Corps' standards and to minimize the impact while providing an adequate turn around. He also commented in regards to wanting to keep options open for later development and availability of the property.

At Commissioner Willis' inquiry, Mr. Jensen stated that the entire length of the private road is approximately 1400-1500 feet with the road ending at the beginning of Lot 1. Commissioner Carter verified the location of the lots. Mr. Jensen clarified the sizes and locations of the lots and stated that the Corps advised them to put the road right next to the property line. Commissioner Willis asked for confirmation as to which map provided by Mr. Jensen is a representation of the request. He stated that he wants to implement the plan that was originally proposed (Map No. 1, as provided to the Board). Mr. Jensen further explained that for driving purposes, the proposed road would be 20-feet wide directly off of SR 105, and would then narrow to 12 feet, with the opportunity to drive to Lot 3 for a turn around. He noted that an Emergency vehicle could use the first or second turn around. He reiterated the request and further commented in regards to feeling that the standard cul-de-sac would only serve a small part of land and emergency turnaround.

Commissioner Willis inquired as to a response from the local fire department. David Shea, an agent representing Seabreeze LLC, commented in regards to the testimony provided at the initial hearing by Fire Chief Chafin. Mr. Shea stated that he believes there was a misunderstanding in regards to the proposed request and clarified that the first reduction requested is for an easement only, not a change in the road width. Mr. Shea noted that the Fire Chief expressed concern with a 12-foot road, but clarified that the road from the highway to the first turnaround would meet the standard, and the hammerhead would work for both the developer and emergency crews. Mr. Shea reiterated the proposed request and commented in regards to wanting to retain as much buildable area as possible.

Ron Armstrong, Hoquiam, spoke in support of the variance request and commented in regards to cars coming head to head on his similarly built road only 6 times in 3 years.

Terri Franklin, McCleary, made comments in regards to living at the end of similarly built private road and stated that she feels 12-feet is not wide enough of a road. She asked that the developer consider the needs of the future buyer.

Chairman Wilson asked for additional comment. There was no further comment and the hearing was closed. Commissioner Carter sought to clarify the number of lots that would be served by the proposed road. It was confirmed that at most three lots would be served by the road.

ACTION: A motion was made, seconded and passed to approve the Road Variance Request by Seabreeze LLC, Case No. 2009-0218.

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.

Fred Hutchison, Elma, made comments regarding obtaining building permits for his home and the junk vehicle ordinance.

Stan Blunt, Aberdeen, made comments regarding illegal immigration and the status of workers hired by contractors.

CONSENT AGENDA: Approval was requested for the following items:

1. Minutes of Regular Meeting April 20, 2009
2. Minutes of Special Meeting – 2009 Budget Reduction Decisions
3. **Public Health & Social Services:**
 - a. Facility Rental Agreement – Dennis Nichols Building

4. **Public Services:**
 - a. Set Bid Date – *May 18, 2009* – 2009/2010 County Beach Approach Sand Removal Project
5. **WSU Extension/Weed Board:**
 - a. Support documents for WSU Nutrition Program
6. **Correspondence:**
 - a. Coroner’s Office Monthly Summary Report – March 2009

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

PROCLAMATION

1. **National Tourism Week: May 9th – 15th, 2009:** A motion was made, seconded and passed to proclaim the week of May 9 – 15, 2009, “National Tourism Week” throughout Grays Harbor County, and call upon the people of Grays Harbor to observe this week with appropriate ceremonies and activities.

COMMISSIONERS

1. **Preliminary Plat Approval – 2 Lot Subdivision, Case #2008-1521:** A motion was made, seconded and passed to approve the recommendation of the Grays Harbor County Planning Commission for preliminary plat approval a 2-Lot Long Subdivision Preliminary Plat, Case #2008-1521, as requested by John Black of JC & Black Enterprises. On April 7, 2009, the Planning Commission concluded a public hearing with 8 of the 9 Planning Commission members present. The Planning Commission voted 8-0 for recommending approval of the 2-Lot Long Subdivision. Commissioner Carter commented in regards to this being a rural residential subdivision which allows the building sites to be 1 acre in size, with the sites to be served water by the City of Elma.
2. **Preliminary Plat Approval – 2 Lot Subdivision, Case #2008-1523:** A motion was made, seconded and passed to approve the recommendation of the Grays Harbor County Planning Commission for preliminary plat approval a 2 Lot Subdivision Preliminary Plat, Case #2008-1523, as requested by John Black of JC & Black Enterprises. Chairman Wilson noted that this request is identical to the previous agenda item.

DEPARTMENTS

PUBLIC HEALTH AND SOCIAL SERVICES

1. **Request Approval, Trading Partner Agreement – DSHS – Provider One System:** A motion was made, seconded and passed to approve a Trading Partner Agreement with the Washington State Department of Social and Health Services (DSHS). DSHS is implementing Provider One, a new electronic payment system for all vendors that receive Medicaid funds. Grays Harbor Public Health and Social Services

and the Regional Support Network are vendors and are required to use this system to do business with DSHS. There is no cost to the County and it does not alter existing financial agreements.

2. Request Approval, Application for Continued Use of VISTA Volunteer to Support Medical Reserve Corp.: A motion was made, seconded and passed to approve an application to continue to use a VISTA volunteer to support development of a local Medical Reserve Corps. There is no cost to the County. Funds to support the volunteer are provided by the Washington State Department of Health and the State Service Corps.

PUBLIC SERVICES

1. Request Approval, Modification of the Risk Investigation Procedure: A motion was made, seconded and passed to authorize a change of the risk investigation procedure by eliminating the 24-hour call-out practice for risk investigators. This will save approximately \$30,000 annually in overtime and on-call costs. In the future, the Sheriff's Department will perform the initial investigation and submit a report to risk management. When necessary, follow up investigation will be performed by the risk investigators during regular work hours.

2. Request Approval, Gerhard Right-of-Way Deed, Forrest Road: A motion was made, seconded and passed to approve one Right-of-Way deed for Forrest Road, C.R.P. 69290-02. The County's Right-of-Way agent will proceed with the acquisition necessary for the project.

3. Request Approval, (2) Resolutions – 2009 ER&R Rates: A motion was made, seconded and passed to approve **Resolution No. 2009-29, Establishing Rental Rates for Motor Pool Cars and S.U.V. Vehicles, and Resolution No. 2009-30, Establishing Work Equipment and Truck Rental Rates for the Equipment Rental & Revolving Fund #501.** These Resolutions rescind the rate increase for pool cars established in Resolution No. 2008-80, and the work equipment and truck rates established in Resolution No. 2008-79. The IRS rate for vehicle operation has been established at \$.55 per mile. This Resolution sets the rate for S.U.V.'s at \$.70 per mile, which is consistent with the rate for the Sheriff's vehicles.

4. Request Approval, Rural Arterial Program Project Agreements – Ocean Beach Road Tulips Curve, Wishkah Road Curve Realignment: A motion was made, seconded and passed to authorize the Chairman to sign two Rural Arterial Program Project Agreements for the Ocean Beach Road Tulips Curve, C-94230-34, and Wishkah Road Curve Realignment, C-94311-42. These projects have been selected by the State for RATA (state) funds.

TOURISM

1. Request Approval, Festival & Event Contracts: A motion was made, seconded and passed to approve the following Festival & Event Contracts:

A.	Certified Folder, Inc.	\$12,517.50
B.	Waterfall Website Brochure	\$1,325.00
C.	Olympic Peninsula Loop Culinary Tourism Association	<u>\$3,500.00</u>
		<u>\$17,342.50</u>

ANNOUNCEMENTS

None

STAFF MEETINGS

The Board held staff meetings on Monday, April 27, 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 Greg Reynvaan, Juvenile Department, regarding a request to hire; Joan Brewster, Public Health & Social Services Director, regarding agenda items; Russ Esses, Road Engineer, regarding agenda items, road, bridge and personnel updates; Kevin Varness, regarding agenda items, facility & utility updates; Lee Napier regarding department updates; Brian Shea, Planning & Building Director, regarding agenda items and department updates. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

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|--------------------|--|
| No. 2009-29 | Establishing Rental Rates for Motor Pool Cars and S.U.V. Vehicles |
| No. 2009-30 | Establishing Work Equipment and Truck Rental Rates for the Equipment Rental & Revolving Fund #501 |

ORDINANCES

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| No. 380 | Prohibiting junk vehicles on private property and establishing procedures for their abatement and removal, amending Grays Harbor County Code Chapter 8.04 and Grays Harbor County Code Sections 8.12.030 and 17.60.020, and Ordinances 41, 112, 241 and 250. |
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INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned 3:06 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:

Molly Copeland
Deputy Clerk of the Board