

**MINUTES**

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

**May 17, 2010**

The Commissioners met in regular session in the Commissioners’ Meeting Room, Administration Building, Montesano, Washington, on Monday, May 17, 2010, at 2:00 p.m. Commissioners Al Carter, Terry Willis and Mike Wilson were present. Donna Caton, Clerk of the Board, and Jim Baker, Senior Deputy Prosecuting Attorney, were also present.

**CALL TO ORDER AND FLAG SALUTE**

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

**BIDS:**

- 1. Used 4x4 Backhoe – Straddleline ORV Park:** It was advertised April 22<sup>nd</sup> and 29<sup>th</sup>, 2010, in the *Montesano Vidette*, that bids would be accepted for a used 4x4 backhoe for the Straddleline ORV Park.

A set of specifications for the backhoe was available from the Commissioner’s Office located at 100 W. Broadway, Suite 1, Montesano, Washington and Straddleline ORV Park located at 15015 State Highway 8, McCleary, Washington. It was announced that the Grays Harbor County Commissioners reserve the right to reject any or all bids or parts thereof without cause. The Clerk of the Board announced the following bids:

<b><u>Company</u></b>	<b><u>Location</u></b>	<b><u>Description</u></b>	<b><u>Bid Amount</u></b>
Farmers Equipment Company	Lynden, WA	New 2008 New Holland	\$65,338.00
Pape Machinery	Tacoma, WA	John Deere 310 SJ 2007	\$48,942.00 \$39,186.60 (with trade in)
Clyde West	Seattle, WA	Volvo BL70 2005	\$43,780.43

**HEARINGS:**

- 1. Ordinance amending Chapter 16.04 to define new terms pertaining to critical protection areas and make text corrections:** There was a public hearing on May 17, 2010 to consider an ordinance amending Chapter 16.04 of the Grays Harbor County Code and Ordinances 111, 290, 292 and 298 to define new terms pertaining to critical protection areas and make text corrections. The proposed ordinance defines terms including but not limited to “buffer area,” “critical protection area easement,” “conservation easement,” and “landscaping”. The ordinance will also amend other terms presently defined in Chapter 16.04 and make minor grammatical changes. A full text of the proposed ordinance was made available to the public upon request. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, provided an overview of the Critical Areas Ordinance (CAO) process for non-Growth Management Act (GMA) Counties, stating that this part of his presentation applies to each of the

hearings scheduled today. He said that the hearings today deal with amendments of existing codes. The environmental review process under SEPA has been completed. Chapter 17.56 currently contains the protection codes for critical areas, which will be moved to Chapter 18.

Mr. Shea provided copies of correspondence received, labeled Exhibit A and Exhibit B for the record. He proceeded to explain each of the comments and concerns received and whether there were subsequent modifications made to the appropriate code. Some of the changes were made as a result of comments received, such as *aquiculture* was incorporated into the document. Suggestions were made by the Quinault Indian Nation to refine definitions and were incorporated into the document. Washington State Department of Ecology focused their comments on wetland buffers, mitigation ratios, public facility exceptions, and storm water management. Concerns expressed by Teri Franklin, Department of Fish and Wildlife, Surfriders, and others regarding buffers were mitigated to an agreed figure. There were questions about the terminology used, prompting the draft to incorporate consistent terms and definitions. For example, a *lot* is defined as a *buildable lot*, a *parcel* is a *tax parcel*, and a *tract* is *undevelopable property*. He explained how the use of a cluster subdivision can protect sensitive areas.

Mr. Shea stated that a public policy mediation process was completed prior to finalization of the draft documents. This was a process to strike a balance between protecting property rights and the environment. He individually thanked all those that participated in the mediation process.

Mr. Shea stated that the ordinance for consideration under this hearing is to define new terms pertaining to critical protection areas and to make text corrections.

Commissioner Carter called for public comment.

Teri Franklin, East County, made comments regarding the protection of natural resources and asked for clarification of documents on the website.

Ron Armstrong, Hoquiam, stated that he was not involved in the public process. He asked for the affect on a five acre subdivision of a 20 acre parcel. Brian Shea explained the cluster division process and environmental impact.

Herb Welch, Wishkah Road, asked for a copy of the documents.

Diane Swickerwith, Wildlife Forever, stated that the written comments were confusing since they dealt with different ordinances.

There was no further comment.

Jim Baker, Senior Deputy Prosecuting Attorney, stated that with a continued hearing additional verbal comments can be considered at the hearing only; written comments can be received at any time. Mr. Shea noted that written comments would be best so that the Commissioners could consider the correspondence prior to the hearing.

**ACTION:** A motion was made, seconded and passed to continue the hearing to June 7, 2010.

**2. Ordinance amending Chapter 16.08.050 to extend the time limit for appeals and to make grammatical and text corrections:** There was a public hearing on May 17, 2010 to consider an ordinance amending Chapters 16.08 and 16.12 of the Grays Harbor County Code and Ordinances 111, 167, 278, 292, 298, 333 and 336. The proposed ordinance will also amend Chapter 16.08.050 and Ordinance 111 to extend the time limit for administrative appeal of decisions under Title 16 from fifteen (15) days to twenty-one (21) days. The proposed ordinance makes grammatical and text corrections to Chapters 16.08 and 16.12. A full text of the proposed ordinance was made available to the public. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that this ordinance extends the time limit for appeals from 15 days to 21 days and makes grammatical and text corrections.

Commissioner Carter called for public comment.

Teri Franklin, East County, expressed appreciation for standardizing the deadline dates.

There was no further comment.

**ACTION:** A motion was made, seconded and passed to continue the hearing to June 7, 2010.

**3. Ordinance amending Ordinances 111, 117, 167, 290, 292, 298, 333, and Chapters 16.16 and 16.20 and Appendices A through H to Title 16 to conform and be consistent with provisions of the Critical Areas Ordinance and to make grammatical and text corrections:** There was a public hearing on May 17, 2010 to consider an ordinance amending Ordinances 111, 117, 167, 290, 292, 298, 333, and Chapters 16.16 and 16.20 and Appendices A through H to Title 16 to conform and be consistent with provisions of the Critical Areas Ordinance and to make grammatical and text corrections. The amendments to Chapters 16.16 and 16.20 include appropriate references to critical protection areas and provisions of the Critical Areas Ordinance in Chapter 18.06. The ordinance will also change the deadline for Planning Commission recommendations from fourteen (14) days to thirty (30) days after the hearing, will correct section references and make grammatical and textual corrections. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that the changes to this chapter are primarily grammatical. This chapter also encourages the use of cluster subdivisions. The most significant changes are in the integration of the Department of Ecology Stormwater Management Manual, which provides standardization for subdivisions. Changes to Appendices A through H deletes the reference to wetland buffers and provides special notations to advise when a lot is located in a special management area.

Recharge areas, like the Wildcat Creek Aquifer, require water to be treated prior to being released. The document clearly identifies a tract and that it cannot be held personally, sold or developed.

Commissioner Carter called for public comment.

Herb Welch, Wishkah, made comments regarding lot sizes in cluster subdivisions. Mr. Shea explained that zoning designation lot size minimums are dependent on the size of the wetland and the method of water and sewer supply. There may also be a set aside area around a well or septic drain field.

Jim Baker, Senior Deputy Prosecuting Attorney, provided clarification on strikeouts and text in the documents.

Ray Brown, Westport, asked if these ordinances would be retroactive and apply to existing developments. Mr. Shea stated that the ordinances are effective from the date they are approved.

There was no further comment.

**ACTION: A motion was made, seconded and passed to continue the hearing to June 7, 2010.**

**4. Ordinance amending Chapters 16.24 and 16.28 to refer to and be consistent with the Critical Areas Ordinance and to make grammatical and text corrections:** There was a public hearing on May 17, 2010 to consider an Ordinance amending Ordinances 111, 292, 298 and Chapters 16.24 and 16.28 of the Grays Harbor County Code to refer to and be consistent with the Critical Areas Ordinance and to make grammatical and text corrections. The proposed ordinance amends Chapters 16.24 and 16.28 to make appropriate references to critical protection areas and provisions of the Critical Areas Ordinances in Chapter 18.06; adds supplementary provisions applicable to commercial/industrial site plans containing critical protection areas or located within critical aquifer recharge areas; corrects references to county divisions; corrects section references and makes grammatical and text corrections. A full text of the proposed ordinance was made available to the public. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, entered Exhibit B into the record and reported that this amendment to the ordinance makes appropriate references and changes in terminology and allows for on-site plan notations for restrictions.

Commissioner Carter called for public comment. There was no public comment.

**ACTION: A motion was made, seconded and passed to continue the hearing to June 7, 2010.**

**5. Ordinance amending Ordinances 111, 167, 290, 333, and Chapters 16.32, 16.36, 16.40, and 16.44 to make text corrections, change certain deadlines, and reference critical area protections consistent with the Critical Areas Ordinance:** There was a public hearing on May 17, 2010 to consider an Ordinance amending Chapters 16.32, 16.36, 16.40 and 16.44 of the Grays Harbor County Code. The proposed ordinance amends Chapter 16.32 to change site plan approval time limitation from ninety (90) to one hundred twenty (120) days of receipt and Planning Commission recommendations to the Board of Commissioners from fourteen (14) to twenty-one (21) days from hearing. Chapter 16.36 would be amended to change notification of adjoining landowners of large lot subdivision application acceptance from ten (10) to thirty (30) days and change the effective date for approval from ten (10) days to twenty one (21) days from date of recording with the Auditor's Office. The proposed ordinance also makes appropriate references to critical protection areas and provisions of the Critical Areas Ordinance in Chapter 18.06 and makes grammatical and text corrections in Chapters 16.32, 16.36, 16.40 and 16.44. A full text of the proposed ordinance was made available to the public. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that this ordinance amends current county code to incorporate the Washington State Storm Water Management Manual and changes the appeal period to 21 days.

Commissioner Carter called for public comment. There was no public comment.

**ACTION:** A motion was made, seconded and passed to continue the hearing to June 7, 2010.

**6. Ordinance amending Chapters 17.56 and 17.60 to modify flood plain regulations consistent with the Critical Areas Ordinance, authorize planned unit developments in additional zoning districts, delete certain definitional sections, and make text corrections:** There was a public hearing on May 17, 2010 to consider an ordinance amending Ordinances 241, 310 and Chapters 17.56 and 17.60 of the Grays Harbor County Code to modify flood plain regulations consistent with the Critical Areas Ordinance, authorize planned unit development in additional zoning districts, delete certain definitional sections and make text corrections. The proposed ordinance amends Chapter 17.56 to allow planned unit development within zoning districts R-2, R-R, L-Q and S-D in addition to those presently provided, and removes certain definitions. Chapter 17.60 is amended to acknowledge the importance of forest lands, agricultural lands and mineral lands of long-term significance and adds several definitional provisions. The proposed ordinance also makes grammatical and text corrections in Chapters 17.56 and 17.60 and repeals sections 17.56.030, 17.56.050, 17.56.080, 17.56.090, 17.56.100, 17.56.120, 17.56.180 and 17.60.190. A full text of the proposed ordinances was made available to the public. Notice of this hearing was published in the *Montesano Vidette* May 6, 2010.

Commissioner Carter asked for a staff report. Brian Shea, Planning and Building Director, reported that this amendment modifies flood plain regulations consistent with the Critical Areas Ordinance, authorizes planned unit developments in additional zoning districts, deletes certain definitional sections and make text corrections. In farming activities, buildings will be subject to

the CAO, but other farming activities are exempt. This section is amended to move most of the regulations to Chapter 18.06. Mr. Shea discussed comments from Futurewise and their suggested changes. Oil and natural gas exploration and commercial wind turbines were added to the codes for permitting and review.

Commissioner Carter called for public comment.

Teri Franklin, East County, made comments regarding forestland protection.

There was no further public comment.

**ACTION:** A motion was made, seconded and passed to continue the hearing to June 7, 2010.

**PUBLIC COMMENT**

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

*Linda Orgel, Aberdeen,* made comments regarding the May 24, 2010 hearing regarding the Critical Areas Ordinance. She asked for clarification of the times of the hearing. Commissioner Carter stated that the hearing will be opened at 2:00 p.m. for comments and continued to 6:00 p.m. for further discussion and public comment.

*Teri Franklin, East County,* made comments regarding Powers Creek Development and the affect on the wetlands. Commissioner Willis stated she would meet with her after the meeting to discuss this issue.

**CONSENT AGENDA:** Approval was requested for the following items:

**Minutes:**

Morning Meeting and Regular Meeting – May 10, 2010

**Public Services:**

Set Hearing Date- June 7, 2010 – Community Development Block Grant, Planning Only  
Grant Closeout

Set Hearing Date – June 21, 2010 – Six Year Transportation Improvement Plan 2011-2016

**Correspondence:**

Claim, C- 604-10, Arthur West

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

**COMMISSIONERS**

None

## **DEPARTMENTS**

### **FAIRGROUNDS**

1. **Request Approval, Authorization for the Fair Manager to sign a contract with Sound Engineering Audio for the 2010 Fair:** A motion was made, seconded and passed to authorize the Fair Manager to sign the contract with Sound Engineering Audio for the 2010 Fair. Sound Engineering Audio will provide sound, lighting, backline and roof system production services for a total contract amount of \$23,936.

### **FORESTRY**

1. **Request Approval, Timber Sale Contracts - Seastrand No. 4, West Fork Stevens Creek ROW, Atwood Creek No. 1, and East Fork Hoquiam River No. 2:** A motion was made, seconded and passed to accept the bids and award the timber sale contracts as follows:

<b><u>Sale Name</u></b>	<b><u>Purchaser</u></b>	<b><u>Estimated Value</u></b>
Seastrand No. 4	ENB Logging and Construction	\$551,102
West Fork Stevens Creek ROW	Wisteria Corporation	\$ 9,710
Atwood Creek No. 1	Murphy Company	\$597,373
East Fork Hoquiam River No. 2	Wisteria Corporation	\$191,644

### **JUVENILE COURT**

1. **Request Approval, Juvenile Accountability Block Grant – Contract Amendment:** A motion was made, seconded and passed to approve the amendment to the Juvenile Accountability Block Grant Contract. The amendment transfers \$10,611 from contract services to salaries and benefits and travel. This action does not affect the original contract amount.

### **ORV PARK**

1. **Request Approval, Contract – Bob Lattimar’s Northwest Quad Nationals:** A motion was made, seconded and passed to approve the contract for Bob Lattimar’s Northwest Quad Nationals. These events are scheduled throughout the 2010 season.

### **PUBLIC SERVICES**

1. **Request Approval, Washington Coast Sustainable Salmon Partnership – Authorization to Purchase NetMap from Earth Systems Institute:** A motion was made, seconded and passed to authorize the Washington Coast Sustainable Salmon Partnership to purchase NetMap from Earth Systems Institute for \$25,000. The funds secured through a grant with the Recreation and Conservation Office will cover the expenses incurred.

2. **Request Approval, Coastal Harvest Cooler Project Funding Agreement:** A motion was made, seconded and passed to approve the funding agreement for the Coastal Harvest Cooler Project. The agreement is for funding through the Distressed Area Capital Fund. Coastal Harvest has requested funding assistance from the County for their Cooler Project in the amount of \$21,940. The County has made significant investments in the facility and specifically provided \$55,000 for their Freezer Project in 2008. The Cooler Project is needed for retaining fresh foods that come through the facility and to maintain associated jobs. The project cost is approximately \$78,000 with approximately \$56,000 coming from USDA Rural Development.

## **TOURISM**

1. **Request Approval, Resolution – Designating Brent Hunter and Mike Bruner as Custodians for the Recreation and Activities Petty Cash Fund:** A motion was made, seconded and passed to approve **Resolution No. 2010-36, amending Resolution No. 2007-21 and Resolution No. 2008-149 to designate new Recreation and Activities Department (Tourism) Petty Cash Custodians.** This Resolution changes the Petty Cash Custodian from Barbara Smith to Mike Bruner and Brent Hunter.

## **ANNOUNCEMENTS**

None

## **STAFF MEETINGS**

The Board held a regular morning meeting on Monday, May 17, 2010, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Carter, Willis and Wilson and the Clerk of the Board, Donna Caton reviewed calendars and pending daily office issues. The Board met with Sheriff Whelan and Undersheriff Rick Scott regarding jail staffing; Lee Napier, Public Services, and Miles Batchelder regarding Washington Coast Sustainable Salmon Partnership agenda item; Larry Smith, Forestry, regarding agenda item; Russ Esses, Engineer, regarding agenda items and road updates; Kevin Varness, regarding agenda items and department updates; Brian Shea, Planning & Building, agenda items; Jeff Nelson, Environmental Health, regarding department updates; Lee Napier, regarding agenda and updates. Notes of these meetings are available upon request.

The Board approved the following:

## **RESOLUTIONS**

**No. 2010-36**

**Amending Resolution No. 2007-21 and Resolution No. 2008-149 to designate new Recreation and Activities Department (Tourism) Petty Cash Custodians**

**ORDINANCES**

None

**INTERGOVERNMENTAL AGREEMENTS**

None

The meeting adjourned 3:33 p.m.

BOARD OF COMMISSIONERS  
For Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
ALBERT A. CARTER, Chairman, District 3

\_\_\_\_\_  
TERRY L. WILLIS, Commissioner, District 1

\_\_\_\_\_  
MIKE WILSON, Commissioner, District 2

ATTEST:

\_\_\_\_\_  
Donna Caton  
Clerk of the Board