

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

March 15, 2004

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, March 15, 2004, at 2:00 p.m. Commissioners Bob Beerbower and Al Carter were present. Also in attendance was Donna Caton, Clerk of the Board and Jim Baker, Prosecuting Attorney. Commissioner Morrisette was excused. Commissioner Beerbower served as Acting Chair.

MINUTES OF PREVIOUS MEETING: The minutes of the Commissioners' Meeting of March 8, 2004 were approved as presented.

BIDS

None

HEARINGS

1. **Reclassification as Open Space Application Submitted by Dan and Leona Badgley:** There was a public hearing to consider a request by Dan and Leona Badgley for reclassification as Open Space for real property tax purposes of Southwest of the Northeast less the Northerly 550 feet less the Southerly 208 feet of the Westerly 238 feet less the County Road in Section 10, Township 18, Range 5 all pursuant to Chapter 84.34 RCW. This property is located in unincorporated Grays Harbor County. Chairman Beerbower asked for a staff report. Brian Shea, Planning and Building Director for Grays Harbor County, provided a staff report. Mr. Shea reported the application is Dan and Leona Badgley, 317 West Elma Hicklin Road, McCleary, Washington. The acreage is approximately 21.91-acres in size and the request for Open Space classification is for 10-acres of the property. The property has split zoning with A-2 Agricultural use and G-5 General Development. The Grays Harbor County Comprehensive Plan Designation for the property is Agricultural. Mr. Shea reported that staff reviewed applicable codes and plans related to the application request. Mr. Shea highlighted areas of the Findings of Fact. The Agricultural Element of the Grays Harbor County Comprehensive Plan was reviewed. It provides direction concerning the protection of farms and farmland, specifically in eastern Grays Harbor County. It identified the values associated with farms and farmland, assessed the many benefits to Grays Harbor County from agricultural land, and the necessity to protect these to enhance the public benefit. A goal of the Comprehensive Plan is to conserve and protect agricultural lands from incompatible development and to encourage the continued economic viability of

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agriculture. Mr. Shea reported it was clear the preservation of agricultural land is an essential component of land use activities and decision-making policies within the County. Mr. Shea outlined staff conclusions contained in the staff report. The proposal is inconsistent with the Comprehensive Plan's Policy 7, which provides that non-agricultural commercial and industrial uses should not be allowed in farming areas unless (a) no other practicable alternative site is available, (b) the uses will only convert the least suitable agricultural land in the area, and (c) the proposed use would not negatively directly or indirectly impact adjacent agricultural activities. The proposal is also inconsistent with the Plan's Policy 11, which states that areas currently in forestry use and designated as Prime Agricultural Land by the United States Soil Conservation Service (SCS) may have future agricultural value. Conversion of these lands to intensive residential, commercial, or industrial uses should be discouraged. Removal of 10-acres of the 21.9-acre site from potential agricultural production is inconsistent with the intent of the Comprehensive Plan. The proposed conversion of this portion of the property to a wildlife refuge is consistent with the conservation of natural resources, stream corridor protection, and educational opportunity environmental objectives of the Revised Code of Washington (RCW) Chapter 84.34.037(2). The principle issue before the Board of County Commissioners is whether the application, as presented, constitutes a public benefit to the degree that it will offset the revenue loss or tax shift resulting from the reclassification. Mr. Shea reported that based on the information contained in the reclassification application and on the conclusions, it appears that the application, as presented, fails to satisfy the considerations noted in both RCW Chapter 84.34.037(2)(b) and RCW Chapter 84.34.037(2)(c) for approval of the reclassification request to open space. In conclusion Mr. Shea reported that staff recommendation is to deny the Open Space Classification request for a 10-acre portion of the site, as presented in the application received December 22, 2003 for Grays Harbor County Property Tax Parcel Number 180510130010. For the record Mr. Shea requested that the original staff report be entered into the record as Exhibit #1. Chairman Beerbower asked for public comment. Hollee Ann Badgley Wearden, spoke in support of the Open Space Application/Open Space Land for Current Use Assessment. Brian Wearden spoke in support of the Open Space Application and enhancement of wildlife. Fred Hutchison spoke in support of the request for reclassification. There was no additional comment and the hearing was closed.

Decision:

A motion was made, seconded and passed to accept the findings and deny the Open Space Classification request for a 10-acre portion of the site, as presented in the application received December 22, 2003 for Grays Harbor County Property Tax Parcel Number 180510130010.

2. Reclassification as Open Space Application Submitted by Norman P. Willis:

There was a public hearing to consider a request by Norman P. Willis for reclassification as Open Space for real property tax purposes, of Government Lot 7, together with Government Lot 8 and Government Lot 9 less the Westerly 495 feet, together with the Northerly 30 feet of the Westerly 495 feet of Government Lot 8. This property is located in unincorporated Grays Harbor County. Chairman Beerbower asked for a staff report. Brian Shea, Planning and Building Division Director for Grays Harbor County, provided a staff report. Mr. Shea reported the application is from Norman P. Willis, 32 Willis Road, Montesano, Washington. The total acreage under consideration is 44.96-acres. Current Grays Harbor County zoning is Agricultural Use District (A-2). The Grays Harbor County Comprehensive Plan Designation is Agricultural. Mr. Shea reported that County staff reviewed codes, plans and documents in consideration of the application. Staff reviewed Revised Code of Washington Chapter 84.34.035 -- Applications for Current Use Classification and other sections of the RCW concerning criteria to be used in examining an application and making a recommendation for approval or denial. County staff reviewed Grays Harbor County Code Chapter 17.16.010 – Purpose of the A-2 Zoning District. The primary purpose of this district is to conserve and protect agricultural lands and to reserve areas for use by land-extensive commercial farms. The establishment of this district recognizes the importance of the agricultural industry in Grays Harbor County and provides protection for those soils and areas most suitable for commercial development. Mr. Shea outlined applicable codes, plans, and documents reviewed in considering the application. The proposal is inconsistent with the Comprehensive Plan's Agricultural Element Object 4, which supports efforts to keep agricultural land from being converted to non-agricultural uses. The proposal is also inconsistent with the Plan's Policy 11, which states that areas currently in forestry use and designated as Prime Agricultural Land by the United States Soil Conservation Service (SCS) may have future agricultural value. Conversion of these lands to intensive residential, commercial, or industrial uses should be discouraged. Mr. Shea explained the principle issue before the Board of County Commissioners is whether the application, as presented, constitutes a public benefit to the degree that it will offset the revenue loss or tax shift resulting from reclassification. Based on the information contained in the reclassification application and on the conclusions, it appears that the application, as presented, fails to satisfy the considerations noted in both RCW Chapter 84.34.037(2)(b) and RCW Chapter 84.34.037(2)(c) as necessary for the approval of the reclassification request to open space. In conclusion, Mr. Shea reported that staff recommendation is to deny the Open Space Classification request for a 44.96-acre site as presented in the application received December 3, 2003 for Grays Harbor County Property Tax Parcel Number 170606220010. For the record Mr. Shea requested that the original staff report be entered into the record as Exhibit #1 with a correction to page 15, under Recommendation to read as follows:

Deny the Open Space Classification request for a 44.96-acre site, as presented in the application received December 3, 2003 for Grays Harbor County Property Tax Parcel Number 170606220010. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed.

Decision:

A motion was made, seconded and passed to accept the findings of the staff and deny the Open Space Classification request for a 44.96-acre site, as presented in the application received December 3, 2003 for Grays Harbor County Property Tax Parcel Number 170606220010.

3. Variance Application Submitted by Richard Bomhoff: There was a public hearing to consider an application by Richard Bomhoff for a variance from the County Subdivision Road Standards. A variance is requested to reduce the easement width on the access road from 50-feet to 30-feet, and to reduce the required 20-foot driving surface to 16-feet. The applicant also would like a variance from the requirement that calls for a paved multiple access road approach. The variance would allow for a crushed rock road approach. The property is located west of Wishkah Road, a portion of which is located within the west-half of the northwest 1/4 of the southwest 1/4 of Section 26, Township 19 N., Range 9 W.W.M; and a portion of which is located within the east-half of the southeast 1/4 of Section 27, Township 19 N., Range 9 W.W.M., Grays Harbor County, Washington. The Clerk of the Board announced for the record one written comment was received from Lorn and Loretta Conway, 4431 Wishkah Road, Aberdeen, Washington. Chairman Beerbower asked for a staff report. Curt Crites, Grays Harbor County Planner, reported that the applicant and the Board of County Commissioners were provided the following materials prior to the public hearing. Mr. Crites requested that the following materials be entered into the record by reference, without reading:

1. Staff report containing findings of fact, conclusions and staff recommendations.
2. Application for variance.
3. Site Plan.
4. Notice of Public Hearing and the list of adjacent property owners receiving the notice.
5. Vicinity Map
6. Photos of Roadway

Mr. Crites reported the applicant is requesting approval for a 2-Lot Large-Lot Subdivision. The proposal is to subdivide 13.85-acres of land into 2 lots. A condition of approval called for the applicant to construct the private lane in accordance with Grays Harbor County Subdivision Road standards (Minimum Road Standards #190). Mr. Crites reported that the applicant is requesting a variance from the Grays Harbor County Minimum Road Standards (Ordinance #190) for the proposed 2-Lot Large Lot Subdivision. The applicant is requesting a variance to reduce the easement width over the access road from 50-feet to 30-feet, and to reduce the required 20-foot driving surface to 16-feet. The applicant also would like a variance from the requirement that calls for a paved multiple access road approach. The variance would allow for a crushed rock road approach. The existing roadway is roughly 16-feet in width from its start at Wishkah Road to the point in which it serves proposed lot 1. On proposed lot 1 there is currently a circular roadway constructed. The private road standards call for a cul-de-sac on roads serving up to 3 parcels; and this roadway will now serve three parcels with the division of the subject property. The applicant is proposing to keep the circular drive and thus also need a variance to eliminate the requirement to construct a cul-de-sac. Mr. Crites reported that the elimination of the cul-de-sac is part of the applicant's request. Mr. Crites stated that staff recommended approval of the request. Chairman Beerbower asked for public comment. Richard Bomhoff spoke in support of the variance. There was no additional comment and the hearing was closed.

Decision:

A motion was made, seconded and passed to accept the findings of the staff and approve the variance request from the adopted subdivision road standards of Grays Harbor County, Case #2004-0264.

PRESENTATION

None

DEPARTMENTS

FORESTRY

Request Approval, Easement Exchange Amendment with Weyerhaeuser Company:

In April of 1980, Grays Harbor County and the Weyerhaeuser Company entered into an Easement Exchange whereby both parties acquired perpetual access to portions of their timberlands. A portion of the easement exchange dealt with future construction of forest roads for parcels that were as yet un-roaded. The County is currently in the process of

exercising their right to construct some new road across Weyerhaeuser Company property in order to provide access to a recently sold timber sale. In the process of the original easement exchange, every effort was made to accurately anticipate the correct location of the future roads. Now that they are in the process of actually building the roads, it has become apparent that a slight modification of the road location is necessary. A motion was made, seconded and passed to approve an Easement Exchange Amendment. The Amendment effectively provides for the relocation of a short segment of road and amends the original agreement to reflect the change.

Request Approval, Award Contracts for Timber Sales as per auction held on March 5, 2004: Following are the results of the Grays Harbor County Timber sale auctions held March 5, 2004:

<u>Sale</u>	<u>Purchaser</u>	<u>High Bid</u>	<u>Estimated Value</u>
Mavis No. 2	Sierra Pacific Industries	\$356.10/MBF	\$ 1,892,191.00
Stafford Creek No. 3	Sierra Pacific Industries	\$237.00/MBF	\$ 1,277,639.00
Cedar Salvage	Rainy Day Shake Co.	\$63,700.00	<u>\$ 63,700.00</u>
Total Estimated Value			\$ 3,233,530.00

A motion was made, seconded and passed to award the Timber Sales to the high bidders as shown above.

MANAGEMENT SERVICES

Request Approval, Washington State Association of Counties Retro Group

Memorandum of Understanding: A motion was made, seconded and passed to approve a Memorandum of Understanding for Grays Harbor County to continue participation in the Washington Association of Counties L & I Retro Group Program for the fiscal year April 1, 2004 through March 31, 2005. This would also continue Rose Elway as the county's appointed representative to the Advisory Committee. Counties have successfully pooled premiums versus L & I claim actual utilization with retro funds of \$3.9 million returned to counties since 1986.

PUBLIC HEALTH AND SOCIAL SERVICES

Request Approval, Amend Agreement with DSHS Medical Assistance

Administration for Administrative Match: A motion was made, seconded and passed to approve an amendment to the County's Agreement with the DSHS Medical Assistance Administration (MAA) for administrative match. This amendment adds the Department's ability to bill MAA for facilitating and coordinating the Access to Baby and Child Dentistry Program (ABCD). The ABCD Program provides enhanced reimbursement to local dentists willing to serve additional children who are on Medicaid. It is estimated that this will involve 10 local dentists initially and serve up to 300 children not now able to access dental services.

Request Approval, Contract with Timberlands RSN: A motion was made, seconded and passed to approve a contract with Timberlands Regional Support Network (RSN). Through this contract, the Department joins five other RSNs in pooling resources to engage technical assistance in meeting the requirements of the Federal Balanced Budget Act (BBA) as they apply to mental health managed care. Timberlands RSN will contract to have policy templates developed that can be used by all six RSNs. The Department of Public Health and Social Services will pay up to \$3,000 as their share of this effort.

PUBLIC SERVICES

Request Approval, Acquisition of Easement to Construct a Cul-de-sac at West End of Malone Hill Road: The Clerk of the Board announced this item was continued for additional information.

Request Approval, CRP Resolution for Malone Hill Road: The Clerk of the Board announced this item was continued for additional information.

ANNOUNCEMENT(S):

None

CORRESPONDENCE:

The Clerk of the Board announced the following correspondence received:

An e-mail was received March 12, 2004 from Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen, Washington. The subject is: Are you fully informed about your criminal acts? Or, have I forgotten something? Do we need some review? If so, you

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have 15 days to submit corrections. The e-mail was accepted and placed on file and referred to the Prosecutor's office.

A letter was received from David J. Foss requesting permission to use the County employee parking lot at the corner of Fleet and Broadway in Montesano on Saturday, July 31, 2004 as the location of the Festival of People Car Show. A motion was made, seconded and passed to approve the request. The correspondence was also sent for departmental review.

PUBLIC COMMENT

Chairman Beerbower asked for public comment. There was no public comment.

STAFF MEETINGS

The Board held staff meetings on Monday, March 15, 2004, 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 Paul Easter, Director of Public Services, Maryann Welch, Director of Public Health and Social Services, Larry Smith, Director of Forestry, Rose Elway, Director of Management Services, Brian Shea, Director of Planning and Building, Lee Napier, Deputy Director of Community Development/Utilities and Development Division and Dale Gowan, Central Services Director.

RESOLUTIONS

None

ORDINANCE

None

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The meeting adjourned at 2:47 p.m. to Monday, March 22, 2004 at 2:00 p.m.

BOARD OF COMMISSIONERS
for Grays Harbor County
This _____ day of _____, 2004

BOB BEERBOWER, Commissioner, District 1

excused
DENNIS MORRISETTE, Chairman

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board