

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

October 30, 2006

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, October 30, 2006, at 2:00 p.m. Commissioners Bob Beerbower and Al Carter were present. Also in attendance was Donna Caton, Clerk of the Board. James Baker, Senior Deputy Prosecuting Attorney was present. Commissioner Wilson was excused.

CALL TO ORDER AND FLAG SALUTE

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

MINUTES

October 23, 2006: The minutes of the Commissioners' Meeting of October 23, 2006 were approved as presented.

BIDS

None

HEARINGS

1. Vacation of Right of Way – Preacher's Slough Road: There was a public hearing to consider that Grays Harbor County has initiated a right of way vacation pursuant to RCW 36.87.010 regarding the following road: Vacating all right of way of Preacher's Slough Road #61390 located in Sections 15, 22 and 23 Township 17N Range 8 WWM. Notice of the hearing was advertised in *The Montesano Vidette* on October 12 and 19, 2006. Chairman Beerbower announced that testimony would be received but a decision would not be made at this meeting.

Chairman Beerbower asked for a staff report. Russ Esses, P.E. for Grays Harbor County made the following Engineer's Report: This department supports the Department of Natural Resources (DNR) request to vacate Preachers Slough Road. The DNR in recent years has purchased all the property served by this road and now owns all the property adjacent thereto. The county receives no property tax to pay for road maintenance from this area as the DNR does not pay property tax on their ownership. Vacation of this road will eliminate county expenditures for maintaining the gravel roadway and allow DNR to manage this area to resolve unauthorized uses. The DNR would then be responsible for maintaining both the roadway and parking lots at their expense.

Birdie Davenport, DNR Natural Area Preserve Manager presented a proposal regarding what DNR would like to do and explained that they are at the beginning stage of development and there is no funding at this time. Ms. Davenport gave a power-point presentation, illustrating plans to build a trail along the riverbank. The road situation is a problem and needs to be resolved. She discussed the problems with trash being dumped in the area, parking concerns, and off-road driving. The plan is to maintain recreational access with proper controls, public information and improved parking. If they are able to secure funding DNR would like to meet with the public, county & other agencies to determine public needs.

Commissioner Carter asked Mr. Esses if the recommendation is to vacate the entire road to 107 or only a portion of the road. Mr. Esses reported that the county proposal has nothing to do with closing the road but does recommend moving the county responsibility and liability and it would become a DNR facility. The DNR would then be responsible for maintaining both the roadway and parking lots at their expense. Commissioner Carter expressed support for keeping the area open for public access. Ms. Davenport referenced the DNR proposal and highlighted the area from where the road would be closed. She indicated the need to talk more with the county about taking over the entire road. Mr. Esses reported that there are options to vacate all of the road or part of the road. The advertisement was to vacate the entire road.

Chairman Beerbower asked for public comment. Brian Blake, Cosmopolis, stated that he is not opposed to the vacation of the road, but expressed concern with not seeing a management plan from the DNR regarding how they are going to manage the entire preserve. He commented it is important that DNR make available their intent for the use of the preserve. To date there has only been a draft plan and it is several years old. Mr. Blake provided history regarding DNR and expressed concern about a lack of follow through with the department.

Jay Sterling, Montesano, reported that the Chehalis River area is a valuable natural resource and should be preserved for future generations. He stated that there are thousands of acres owned by DNR and very little access. In the Preacher Slough area, the surge plain is the main problem.

He stated that his main concern is that the public have access and to vacate without a firm plan would be premature. Mr. Sterling reported that at one time he was able to drive the road and now it is grown over and cannot be seen. He stated there are a lot of unknowns and there is no question that there is a lot of use in the area and some areas should be closed. However, he believes it is not necessary to vacate the road but recommended installing a gate or locks and temporarily prevent the public from using the section. Once the area is developed it may be practical to develop the lower section of the road. Mr. Sterling summarized and requested that at this time the Board take no action until there is a firm understanding of what the options are.

Ed Johnstone, Quinault Indian Nation, thanked Mr. Blake and Mr. Sterling for their testimony and stated that he is testifying in the fishery capacity for the Quinault Indian Nation. He noted that the Quinault Indian Nation have a tribal treaty right to fish in the Chehalis River and are co-managers of the resource. He referenced specific language regarding access and expressed their concerns about access. They would like to work with the county to maintain access and the ability to park. They have seen significant change since the Boldt decision. Mr. Johnstone commented that damage and dumping of trash is a society problem and he is aware that the county is working diligently on this issue. They would like to be at the table to work on these issues.

Tim Scherer, Land Use Manager for Weyerhaeuser Company in Cosmopolis expressed concerns with the issue of vacating Preacher's Slough Road. Mr. Scherer reported that many private landowners have had problems with garbage dumping and damage to lands from four-wheel drive vehicles. He noted that if the county continues to reduce public access to public lands by vacating county roads, the pressure on private roads would increase. Preacher's Slough Road is a public access to public lands. Mr. Scherer refuted the DNR claim that the County would be required to bring the county road up to current road standards. He believes that if the road is abandoned and it becomes a DNR road, it would then be required to be either abandoned or brought up to road standards. If the road is vacated DNR would abandon the road and it would be gone forever. Mr. Scherer stated that Weyerhaeuser does support public recreation and supported Straddleline ORV Park to provide a place for people to use off-road and four-wheel drive vehicles. He reported there is 1000 acres set aside in the Chehalis River surge plain and the area known as "Norm Dicks Wildlife Conservation Area". Mr. Scherer proposed that the road be continued as a public road and block it as necessary to prevent additional public resource damage and that the county partner with the DNR to improve the situation and share the costs. He pointed out that private timber companies pay the county to use private roads to haul timber products. He summarized that the best way to provide public access to public lands is a planned and managed approach through local government

and state agencies. If the road is vacated the county will have less input on how the road is managed.

David Luark reported that he once lived at Preacher's Slough and supported blocking the road off at the end of the improvement to prevent further damage to the land. He believes the County should maintain the right-of-way to the parking lot and it would be nice to be able to drive to Penix.

Arthur Wentworth, Oakville, commented that the road past the parking area has been damaged by a small portion of the population. Mr. Wentworth expressed support for the County maintaining the road and that if it is vacated it is possible that all access will be lost.

Commissioner Carter stated that more information is needed and he would like to know the DNR plan. He indicated that information is needed regarding the road, parking and associated costs as well as an overall design. He expressed support for maintaining public access.

Chairman Beerbower reported that information and documents from the public have been received and the Board is in the process of reviewing all of the information.

Clarence Polk, Tahola, reported that he fishes at Preacher's Slough and used to be able to launch a boat, but is unable to gain access now. Mr. Polk reported that they have called the Sheriff's department and reported vehicles digging up and damaging the area and received no response. He expressed appreciation for Ms. Davenport's involvement and asked for help with the situation. Mr. Polk reported that other fishermen are unable to get to the river because of the damage to the area and road. He summarized and asked to be involved in future discussions.

There was no additional public comment and the hearing was closed. Chairman Beerbower announced that the Board would plan to schedule meetings with the tribes, the DNR, Jay Sterling and other interested parties to discuss options and plans. Chairman Beerbower reported that he is not willing to close public access to the public lands.

Action: No action was taken at this time.

2. Reclassification of Open Space – Applicant Chehalis River Basin Land

Trust: There was a public hearing to consider a request by Chehalis River Basin Land Trust for reclassification as Open Space for real property tax purposes of the northerly 66 feet of the Northwest ¼ of the Northeast ¼ of Section 22, Township 17, Range 5, Parcel #170522120010. Notice of this hearing was advertised in *The Montesano Vidette* on October 19, 2006. Chairman Beerbower asked for a staff report. Brian Shea, Planning and Building Director, reported that the request is for open space taxation. The total acreage is 20-acres and acreage for this Open Space Land Reclassification request is 18-acres. The Grays Harbor County Zoning District is Agricultural Use (A-1). Grays Harbor County Comprehensive Plan Map Designation is General Development. Mr. Shea outlined areas of the staff report and discussed applicable code and plans. Mr. Shea discussed the criteria outlined by the RCW that the County is required to use to examine an application for Reclassification of Open Space for real property tax purposes. Mr. Shea outlined three issues that should be considered as part of the tax reclassification process for open space as follows:

- a. The resulting revenue loss or tax shift;
- b. Whether granting the application will (i) conserve or enhance natural, cultural, or scenic resources, (ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers, (iii) protect soil resources and unique or critical wildlife and native plant habitat, (iv) promote conservation principles by example or by offering educational opportunities, (v) enhance the value of abutting neighborhoods or parks, (vi) enhance forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (vii) preserve historic and archaeological sites, (viii) preserve visual quality along highway, road, street corridors or scenic vistas, (ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and
- c. Whether granting the application for land applying under RCW 84.34.020(1)(c) will (i) either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land with a potential for returning to commercial agriculture, and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

Mr. Shea discussed Grays Harbor County Code Chapter 17.12.010 and the purpose of the A-1 Zoning District to conserve and protect agricultural land and to reserve areas for use by moderate scale farming activities. The establishment of this district recognizes the

diversity of the agricultural industry in Grays Harbor County and provides protection for those soils and areas most suitable for many aspects of agricultural activities. Mr. Shea reported on the results of the review of the US Department of Agriculture Soil Survey of Grays Harbor County Area, Pacific County and Wahkaikum County, Washington. The property contains three soils as prime agricultural land soil. Mr. Shea outlined the conclusions of the staff report. The subject property is located within an area suitable for agricultural or timber production and it does not appear that the tax reclassification request would be consistent with prime land agricultural soils as noted in the US Department of Agriculture Soil Survey. The application is inconsistent with the Grays Harbor County Comprehensive Plan. Mr. Shea reported that the staff recommendation is to deny the Open Space Land Classification request dated August 9, 2006 by the Chehalis River Basin Land Trust near Porter Creek Road and having Grays Harbor County Tax Parcel #170522120010.

Action: A motion was made, seconded and passed to deny the request.

3. **Emergency Budget – Civil Service Commission:** There was a public hearing to consider Emergency Budget as follows: Civil Service Commission, #001-000-013 in the amount of \$2,065. Notice of this hearing was advertised in *The Montesano Vidette* on October 19, 2006. Chairman Beerbower asked for a staff report. Pansy Bray, Clerk/Examiner for the Grays Harbor County Civil Service Commission, reported that the emergency budget request in the amount of \$2,065 is for supplies and other services to cover expenses needed to perform testing of civil service positions. Testing is performed for the Sheriff's Department and averaged 3.5 test per year over the last fifteen years. To date, six tests have been completed this year.

Sheriff Mike Whelan reported that he has requested more tests than normal due mostly to retirements.

Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed.

Action: A motion was made, seconded and passed to approve Resolution No. 2006-104 – Authorizing An Emergency Appropriation in the Budget of The Grays Harbor County General Fund Civil Service Commission #001-000-013.

PRESENTATION

None

COMMISSIONERS

1. **Contract with South Puget Sound Inter-Tribal Housing Authority:** The Southern Puget Sound Inter-Tribal Housing Authority (SPSITHA) is relocating its administrative offices from Mason County to Grays Harbor County. They build homes and administer housing projects, just as a public housing authority, for Native Americans located on the Skokomish, Shoalwater Bay and Hoh Indian Reservations; however, they do have some project homes located off of Reservations. Their office activities involve the administration of these low-income housing projects. Under state and federal law, they must enter into a “Cooperation Agreement” with the local jurisdiction. This agreement exempts a public or Indian housing authority from paying taxes and special assessments, but gives a jurisdiction the option of having the housing authority make certain payments in lieu of taxes. The request is to approve a Cooperation Agreement for Grays Harbor County with the new Elma location with an option for payment in lieu of taxes. A motion was made, seconded and passed to approve the contract with South Inter-Tribal Housing Authority choosing *Method 1. Real property taxes on the property used for low-income housing administrative facilities would be paid if it were subject to taxation, but that such payment in lieu of taxes shall be not greater than the amount last levied as the annual tax of the County upon the property prior to the time of its acquisition by the TDHE.*

2. **Appointment to Timberland Regional Library Board of Trustees:** Jo-Ann Andrews’ interim term ends December 31, 2006 and she is eligible for appointment to her first full seven-year term that would expire in December 2013. Ms. Andrews has indicated a willingness to serve this term. A motion was made, seconded and passed to appoint Jo-Ann Andrews to serve as the county’s representative to the Timberland Regional Library Board of Trustees.

DEPARTMENTS:

MANAGEMENT SERVICES:

1. **Request Approval, Set Hearing Date – Supplemental Budget Fair Fund:** November 13, 2006 at 2:00 p.m. is the date and time set for a public hearing to consider a supplemental budget adjustment in the Fair Fund for the amount of \$60,000 as a result of revenue received from ticket sales and sponsorships. Funds will be used to cover the costs of entertainment from the fair and to cover the cost of supplies, repairs and maintenance for the remainder of the year.

2. **Request Approval, Resolution Budget Transfer within the Auditor’s M&O Fund:** A motion was made, seconded and passed to approve **Resolution No. 2006-105 – Transferring Items in the Grays Harbor County Miscellaneous Fund Auditor’s**

M&O. This resolution allows a budget transfer of \$12,159 be made in the Auditor's M&O Fund #102 for adjustments in the salaries and benefits category. Benefits in recordings are higher than originally estimated so an increase in benefits is necessary along with transferring funds from extra help to salaries & wages for the temporary employee hired to get records into the new Laserfiche system.

PUBLIC SERVICES:

- 1. Personal Service contract with EnviroVision Corporation- Ocean Beach Road Realignment:** EnviroVision Corporation has submitted a proposal to monitor the effectiveness of the wetland mitigation site on Ocean Beach Road. The estimated cost for this work is \$8,500.00 and is required by the Army Corps of Engineers part of our Nationwide Permit. A motion was made, seconded and passed to approve the contract with EnviroVision Corporation.
- 2. Request Approval, Set Hearing Date- Reclassification of Timberland/Open Space Application:** November 13, 2006 at 2:00 p.m. is the date and time set for a public hearing to consider a request by applicants Dennis & Marlene Muller for Reclassification as Open Space for real property tax purposes the Southeast of the Southeast of Section 1, Township 18, Range 7 less a point East of the Middle Satsop Road less Tax Parcel 2 and Tax Parcel 3 less the Middle Satsop Road and Northeast of the Southeast of Section 1, Township 18, Range 9 lying Northerly and Westerly of the Middle Satsop Road less the Northerly 750-feet.

ANNOUNCEMENT(S):

None

CORRESPONDENCE:

1. E-mail dated October 30, 2006 was received from Stanley J. Trohimovich and requested to be made part of the record. The subject was "Public Official Bond Claims" The e-mail will be placed on file and made available to the public for review.
2. A letter dated October 23, 2006 was received from TEAM VANQUISH requesting use of the Grays Harbor County Portion of the Brooklyn-Oakville Road and the Blue Slough Road (to include a short closure of the Blue Slough Road) to conduct the National Auto Sport Association sanctioned Doo Wop Club Rally on Sunday, February 25, 2007. A motion was made, seconded and passed to approve the Rally subject to departmental review.

PUBLIC COMMENT:

Chairman Beerbower asked for public comment. Stan Blunt, 1813 Arnold Street, Aberdeen discussed penalties on property taxes, the use of garages for commercial purposes in Aberdeen, and the contract for salvage on county properties.

Ron Armstrong, 2633 U.S. Highway 101, Hoquiam inquired about the progress on road standard changes. Commissioner Beerbower explained that Jim Baker, Senior Deputy Prosecuting Attorney, had several important deadlines to meet and that Mr. Baker would work on this item as soon as time allowed.

STAFF MEETINGS:

The Board held staff meetings on Monday, October 30, 2006, 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 Debbie Adolphsen and Barb Smith regarding Tourism Marketing; Paul Easter, Director of Department of Public Services.

The following resolutions were approved by the Board:

RESOLUTIONS:

- | | |
|---------------------|--|
| No. 2006-104 | Authorizing An Emergency Appropriation in the Budget of The Grays Harbor County General Fund Civil Service Commission #001-000-013. |
| No. 2006-105 | Transferring Items in the Grays Harbor County Miscellaneous Fund Auditor's M&O |

ORDINANCES:

None

INTERLOCAL AGREEMENTS:

None

The meeting adjourned at 3:28 p.m. to Monday, November 6, 2006 at 2:00 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2006

BOB BEERBOWER, Chairman
Commissioner, District 1

excused

MIKE WILSON, Commissioner, District 2

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board