

MINUTES

BOARD OF COMMISSIONERS GRAYS HARBOR COUNTY, JEFFERSON COUNTY And QUINAULT INDIAN NATION SPECIAL MEETING

May 29, 2008

The Commissioners met in special session in the Commissioners' Meeting Room and moved the meeting to Conference Room 1, Administration Building, Montesano, Washington, on Thursday, May 29, 2008, at 1:00 p.m. Notice that the meeting was moved was posted.

The following elected officials were present: Grays Harbor County Commissioners Al Carter, Bob Beerbower and Mike Wilson; Jefferson County Commissioners Phil Johnson and John Austin; Quinault Indian Nation Councilmembers Coni Wilson, James DeLaCruz, and President Fawn Sharp.

Others present were: Dennis Richards, Jefferson County Interim County Administrator, Al Scalf of Jefferson County, Karen Allston of the Quinault Indian Nation (QIN), Jonathan Ciesla of the Quinault Indian Nation, Brian Shea of Grays Harbor County, Bob Charters of Sea Crest, Jack Glaulbert of Sea Crest, and Jeff Nelson of Grays Harbor County. Jim Baker, Grays Harbor County Senior Deputy Prosecuting Attorney, and Donna Caton, Clerk of the Board, were also present.

President Fawn Sharp, Quinault Indian Nation, addressed the assembly and handed out a Draft Land Use Memorandum of Understanding (MOU) between the Quinault Indian Nation and the counties of Grays Harbor and Jefferson. She stated that the purpose of the meeting was to open dialog regarding zoning and land use regulations on the Quinault Indian Reservation. The issue has been around for many years and her goal is to work toward a cooperative relationship, to be pro-active to find a solution, and to develop a framework that would be consistent for the jurisdictions and residents of the area. She talked about leveraging resources and avoiding the Band-Aid approach to making land use decisions. The last MOU had not been signed by Grays Harbor County nor had it been properly filed with the Auditor. Discussions in the past addressed which jurisdiction would issue the permits and what regulations would be adopted to maintain consistency between the entities.

President Sharp stated that the Tribe's position is to be fair and respectful to all property owners. She outlined the details of a particular case whereby a property owner had a substantial investment and was compensated for their loss when there was an error.

Commissioner Beerbower stated that Jefferson County had signed the MOU, but that it stalled in Grays Harbor due to issues on fee lands (properties that were not owned out-right).

Brian Shea stated that he had met with the Quinault Indian Nation and discussed the value of having codes and regulations that mirror each other to assure predictability and consistency in

the process. Currently there are not too many differences. He compared the parallel of the Nation to a city that takes the lead on permitting.

James Baker stated that the county has jurisdiction over all non-Indian owned fee lands within the reservation except “closed” lands reserved exclusively for Tribal use. Karen Allston stated that the real test for jurisdiction involves affecting the Tribe’s health, safety, welfare, political integrity, or economic interests. Discussion continued on case law. Mr. Baker stated that an inter-local agreement would be a more appropriate document and better mechanism than a memorandum of understanding. He recommended that, once approved, the document be recorded and/or placed on the web site.

President Fawn Sharp stated that she would like to see good, consistent policies that are predicable and clear guidelines for the jurisdictions and property owners. She believes that there is political will to proceed with an agreement and that the timing is right. President Sharp explained the leadership role that the Quinault Nation took in Amanda Park area to work on sewer issues. The Tribe also encourages small business development.

Phil Johnson, receiving an affirmative response to his question whether some properties were situated within both counties, asked if it would be better to have two separate agreements. President Sharp added that this was a real issue when Grays Harbor County was declared a disaster and Jefferson County was not. Bob Beerbower added that he knew of a property-owner that had to deal with five different jurisdictions when developing in the reservation area. Discussion continued on the various jurisdictions and the difficulties involved.

Introductions were made, roll called.

Brian Shea stated that typically the processes are outlined in the code, such as appeals, variances, conditional uses, etc.

The differences in jurisdictional regulations such as Critical Area, Shoreline, and Comprehensive Plans were discussed.

Commissioner Carter stated that, whether tribal or non-tribal owned property, law should be clear, consistent, and easily defined. He emphasized local control.

President Fawn Sharp outlined the value of an inter-local agreement and stated that the issues are not insurmountable. James DeLaCruz invited the assembly to meet in Quinault. President Sharp stated that the IBC will be on their next agenda. Although no official vote was taken, it appeared that all elected officials present would like to pursue a tri-party land use agreement.

Commissioner Carter suggested that the three attorneys draft an inter-local agreement, and Attorney Karen Allston asked that areas of disagreement to be identified. Commissioner Wilson added that the next meeting should be used to work out differences. A time and date to meet after July 4, 2008 will be worked out once the draft document has been completed and reviewed.

**BOARD OF COMMISSIONERS
GRAYS HARBOR COUNTY**

Albert A. Carter, Chairman

Bob Beerbower, District 1

Mike Wilson, District 2

Attest:

Donna Caton, Clerk of the Board

**BOARD OF COMMISSIONERS
JEFFERSON COUNTY**

Phil Johnson, District 1 and Chairman

Excused

David W. Sullivan, District 2

John Austin, District 3

Attest:

Lorna Delaney, Clerk of the Board