

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING August 25, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, August 25, 2008, at 2:00 p.m. Commissioners Al Carter, Bob Beerbower and Mike Wilson were present. Donna Caton, Clerk of the Board, was also present.

CALL TO ORDER AND FLAG SALUTE

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

MINUTES

1. **Regular Meeting August 18, 2008:** A motion was made, seconded and passed to approve the minutes of the regular meeting of August 18, 2008.

BIDS

None

HEARINGS

1. **Continued Hearing – Variance Request Case No. 2008-0897, Applicant Brian Beaver:** This hearing was continued from August 11, 2008, and is to consider a request by Brian Beaver, represented by Chris Merritt of Olympic Engineering, for a variance for reduction in the required commercial or the multiple access standard road approach. This request is associated with the proposed subdivision of an approximate 40-acre site, located in the Middle Satsop area of unincorporated Grays Harbor County, into eight building lots. The applicant proposes a reduction in the minimum turning radius to 30-feet at the south return. The north return will meet the 35-foot standard. The applicant will improve all the other aspects of the private lane in conformance with the Private Roadways Section B requirements set for in Grays Harbor County Code 12.02 (Grays Harbor County Minimum Road Standards). Chairman Carter reported that a work shop regarding road access would be taking place 8/26/08, therefore it would be beneficial to continue this hearing to September 8, 2008.

ACTION: A motion was made, seconded and passed to continue this hearing to September 8, 2008.

2. **Reclassification as Open Space for Real Property Tax Purposes – Applicant Gary & Anita Ganz:** There was a public hearing to consider a request by Gary and Anita Ganz for reclassification as Open Space for real property tax purposes for Lot 37 of

Grays Harbor County Boundary Line Adjustment (BLA) 03-01060005 and BLA 03-06190002 and Lot 38 of BLA 03-01060005. Notice of this hearing was advertised in the *Montesano Vidette* August 14, 2008. Chairman Carter asked for public comment. The applicant, Anita Ganz, provided a brief history of the property and explained its current use as an alpaca farm. Ms. Ganz explained that as property owners they had never been notified of mandatory income requirements to maintain an Open Space Agricultural classification. Ms. Ganz expressed that their current alpaca business meets IRS requirements, and had they been aware of other requirements they would have gladly complied. It was noted that in their acquisition of the property, Mr. & Mrs. Ganz were not provided nor did they sign any documents which explained the classification requirements or criteria.

Brian Shea, Planning & Building Director, outlined the criteria by which the property is analyzed in order to make a recommendation for reclassification as follows: 1) comparison to the County's Comprehensive Land Use Plan; 2) the property's zoning designation; 3) whether or not prime farmland soils are present in regards to the U.S. Soil Survey. Mr. Shea explained that, based upon the soils present at this property, the department recommends denial of the request.

Commissioner Carter inquired as to why the property was not allowed to remain classified as Open Space Agriculture. Mr. Shea commented that the department based its recommendation off of the three previously mentioned criteria and did not analyze the relevant tax program. Paul Easter, Public Services Director, recommended that the Board consider continuing this hearing so that additional information may be provided by the Assessor's office and they may be able to consider additional circumstances affecting the classification of the property. Mr. Easter noted that there are three different Open Space programs including Open Space Timber, Open Space Agriculture, and Open Space Open Space, which generally provides for the preservation of wetlands, historic areas or allows the public to benefit through recreational use.

ACTION: A motion was made, seconded and passed to continue this hearing to September 8, 2008, in order to obtain additional information.

3. Reclassification as Open Space for Real Property Tax Purposes – Applicant Gerald & Marilyn Olson: There was a public hearing to consider a request by Gerald and Marilyn Olson for reclassification as Open Space for real property tax purposes for the West ½ of the Southeast of Section 6, Township 18, Range 9 Southerly of the Sundquist Road and Northerly of a line described as beginning at the South ¼ of Section 6 which bears North 81-degrees 15-minutes 7-seconds West 2,663.55-feet distant of the Southeast corner thereof, then North 3-degrees 16-minutes 6-seconds West 1,162.38-feet to the true point of beginning; thence South 89-degrees 53-minutes 22-seconds East 1,365-feet more or less to the Easterly line of said West ½ of the Southeast corner, together with any portion thereof lying Northerly of the Westerly extension of said line

and Southerly of Sundquist Road. Notice of this hearing was advertised in the *Montesano Vidette* August 14, 2008. Chairman Carter asked for a staff report. Brian Shea, Planning & Building Director, reported that this property is approximately 21.78 acres in size, has a zoning designation of A-1, and is agricultural in terms of the comprehensive planning designation. Mr. Shea explained that without prime farmland soils being present on the property and the application's appropriate qualification as providing protection of water and preservation of the property's historic nature, the department recommends approval of this request.

Chairman Carter asked for public comment. Gerald Olson, applicant, commented that the property has been in the family since 1906 and was at one time known as Smithville where different kinds of mill work took place. He expressed that he feels this request appropriately fits into the Open Space Open Space classification.

ACTION: A motion was made, seconded and passed to approve a request for reclassification as Open Space for real property tax purposes by Gerald & Marilyn Olson.

4. Reclassification as Open Space for Real Property Tax Purposes – Applicant Michael Haines: There was a public hearing to consider a request by Michael Haines for reclassification as Open Space for real property tax purposes for the South ½ of the Northeast ¼ of Section 17, Township 17 North, Range 5 West southeast of the railroad right-of-way, together with the South ¼ if the Southeast ¼ of the Northwest ¼ of Section 17, Township 17 North, Range 5 West, together with the Northeast ¼ of the Southwest ¼ of Section 17, Township 17, North, range 5 West, together with the northerly 66-feet of the Northwest ¼ of the Northeast ¼ Section 22, Township 17, range 5 north of Mox Chehalis Creek, together with the Northwest ¼ of the Southeast ¼ if Section 17, Township 17 North, Range 5 West north of Mox Chehalis Creek, together with the Northeast ¼ of the Southeast ¼ of Section 17, Township 17 North, Range 5 West north of Mox Chehalis Creek and West of the railroad right-of-way less Tax Lot 2. Notice of this hearing was advertised in the *Montesano Vidette* August 14, 2008. Chairman Carter asked for a staff report. Brian Shea, Planning & Building Director, reported the property related to this request is approximately 89.55-acres in size, has a zoning designation of A-2 which signifies long-term agriculture, and is agricultural in terms of the comprehensive planning designation. Mr. Shea commented that this request is similar to the previous hearing but for the zoning designation of A-2 which calls for long term commercial production. Mr. Shea noted that, as with the previous requests, this application was analyzed in terms of the County's comprehensive plan, zoning codes, and U.S. Soil Survey. Mr. Shea referenced the department's staff report (page 10) in regards to the soils found on the property, and indicated that they encourage agricultural use of the property; therefore, staff has recommended the request be denied.

Chairman Carter asked for public comment. Michael Haines, applicant, explained the

history and characteristics of the property. Mr. Haines expressed that it is his desire to have his property remain in the agricultural classification, but due to the previous owner accepting federal funds for entering the property in a wetlands preservation program, he is not allowed to do so. The current classification requires the property owners to maintain an income from the land, yet the program entered into by the previous owners does not allow them to sell an agricultural product. Jim Vain, property manager of the subject request, further explained the conflicting characteristics of the property. Mr. Vain provided an example of the dike which borders the Mox Chehalis Creek and runs along the property. Mr. Vain explained that there are trees which run along the top of the dike, which the Army Corp of Engineers does not allow to exist on the dike, while at the same time the Department of Agriculture does not allow to be harvested. Mr. Vain further commented that while the property has been owned by Mr. Haines, they have been donating the hay produced to a local farmer and horse rescue organization, while the rights to actively hay were given to a neighboring farm. After doing so, they were required to show proof of income generated by the property. Mr. Vain expressed that he and Mr. Haines do not desire to be farmers, but instead provide an area that can be preserved for use by the community.

Mr. Haines stated that if the property can not remain in Open Space Agriculture, he felt it would be reasonable to reclassify it as Open Space Open Space. Mr. Haines referenced the classification criteria and that he felt the property provided opportunities for the public and only a minor tax shift burden.

Commissioner Carter asked for additional comment. Terry Willis, Chairman of the Grays Harbor County Conservation District, commented on behalf of the board. Ms. Willis explained the history of the property and how it was entered into the WRP program. Ms. Willis noted that this was a specific program for this specific area and pointed out that until the Department of Revenue's recent audit, all parties involved assumed the program would stay the same as when it was organized. Ms. Willis suggested the Assessor be asked to explain this unique situation to the Board, as she recently did to the Farm Bureau.

Brian Shea, Planning & Building Director, commented that the current decision to be made is regarding actions by the previous owners. Mr. Shea explained that the soils found on the property are most appropriately used for farming and the department feels that it is not appropriate to shift the tax burden, and, therefore recommends the request be denied.

ACTION: A motion was made, seconded and passed to continue this hearing to September 8, 2008, in order to gather additional information.

Commissioner Beerbower commented that he has been displeased with the government's programs that have allowed farmers to utilize such programs as was previously outlined

without following specific guidelines or consideration for this area's local zoning practices.

5. Supplemental Budget – General Fund Extension Office: There was a public hearing to consider Supplemental Budget as follows: General Fund Extension Office #001-000-022, for \$7,557. Notice of this hearing was advertised in the *Montesano Vidette* August 14 and 21, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that this supplemental budget is for \$55,617 for the USFS Quinault Weed Grant. A grant modification of \$48,060 has been awarded for the Noxious Weed Program. \$7,557 is the remaining funds from the 2007 budget. Ms. Elway noted that this is a grant that is already in place. Commissioner Carter 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. 2008-84, Authorizing a Supplemental Extension in the Budget of the Grays Harbor County General Fund WSU Cooperative Extension #001-000-022.

6. Supplemental Budget – Facilities Capital Fund: There was a public hearing to consider Supplemental Budget as follows: Facilities Capital Fund #301-000-000, for \$110,000. Notice of this hearing was advertised in the *Montesano Vidette* August 14 and 21, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that this supplemental budget is for \$110,000 for the insurance reimbursement for the roof damage from the December 2007 wind storm. Fund will be used for the repair of the Administration Building roof. Ms. Elway noted that this is a partial payment with reimbursement expected for 100% of the project cost. Commissioner Carter 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. 2008-85, Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Miscellaneous Funds Facilities Capital Fund #301-000-000.

COMMISSIONERS

1. Re-appointments to the PDA Board of Directors (three positions): A motion was made, seconded and passed to approve the following reappointments to the PDA Board of Directors: Commissioner Bob Beerbower to Position No. 1, John VanDijk to Position No. 5, and Art Tanner to Position No. 7.

2. Cancel Meeting on September 1, 2008, due to the Labor Day Holiday: A motion was made, seconded and passed to cancel the BOCC meeting September 1, 2008, due to the Labor Day holiday.

DEPARTMENTS

MANAGEMENT SERVICES

1. **Request Approval, Resolutions Authorizing Application for RCO Grant – Straddleline ORV Park:** A motion was made, seconded and passed to authorize **Resolution No. 2008-86 and Resolution No. 2008-87, both authorizing applications for Recreation and Conservation Office grants in the amount of \$100,000 each.** One is for the purchase of a bulldozer and bobcat for the ORV Park, and the other for upgrades to the drainage system.
2. **Request Approval, Resolution – Salary Amendment – Straddleline ORV Park:** A motion was made, seconded and passed to authorize **Resolution No. 2008-88, Amending Resolution No. 2008-02 and Fixing Compensation of Employees From and After January 1, 2008.** This amendment reflects the hiring of a Facilities Maintenance II position and a Facilities Maintenance I position at the ORV Park. The salary resolution remains within the adopted 2008 budget.
3. **Request Approval, One Time Only Agreement with Grays Harbor Historical Seaport:** A motion was made, seconded and passed to approve a One Time Only Interlocal Agreement with Grays Harbor Historical Seaport. \$3,140 is being funded for creating a digitized history of the “Lady Washington” in conjunction with the Lady Washington’s 20th Birth Celebration in 2009. These CD’s will be made available on a loan basis to schools and other interested community groups. Funds will be used for a PC system, photo software, supplies and employee time to create the CD’s.

PUBLIC HEALTH & SOCIAL SERVICES:

1. **Request Approval, Transfer/Surplus of Equipment:** A motion was made, seconded and passed to authorize the transfer of surplus office furniture from the Grays Harbor County Public Health & Social Services Department to the Department of Fish and Wildlife office located on Devonshire Road. County departments have already taken items that they are able to utilize.

PUBLIC SERVICES

1. **Request Approval, Joint Funding Agreement – US Dept. of Interior, USGS – Humptulips River Stream Gauging Station:** A motion was made, seconded and passed to approve an agreement with USGS for the operation and maintenance of the Humptulips River Stream Gauging Station. The costs include 6-8 discharge measurements per year, servicing the gauge, replacement or repair of malfunctioning or damaged instrumentation, data analysis and processing, publication of data and posting real time streamflow data on the USGS website. The total cost for the federal fiscal year

2009 is \$16,370. Under this agreement, \$7,760 will be provided by USGS, making the County's share of the program costs \$8,610.

2. Request Approval, Planned Unit Development Case # 2008-0760, 80 Unit RV

Park: A motion was made, seconded and passed to authorize the Chairman to sign the appropriate documents demonstrating concurrence with the Planning Commissions' recommendation for approval of a Planned Unit Development with an 80-unit Recreational Vehicle Park Site-Plan for Case #2008-0760. Curt Crites, Planner, outlined the staff report and recommendations. Chairman Carter commented that this project supports the clean up and revitalization of the Moclips area.

3. Request Approval, Amend Agreement with CH2M Hill, Engineering for

Pacific Beach Sewer Treatment Plant Expansion: A motion was made, seconded and passed to authorize the Chairman to sign an amendment to the engineering agreement with CH2M Hill for the Pacific Beach Sewer Treatment Plant Expansion. The amendment provides for additional work to take place in efforts of obtaining state approval for the expansion. The cost of this additional work is \$76,164.00 and is being funded pursuant to the Utility Agreement with Seabrook Development Company.

4. Request Approval, Set Bid Date – Reroof Pearsall Annex & Crisis Clinic:

September 15, 2008, at 2:00 p.m., is the date and time set to accept bids for the reroofing of the Pearsall Annex in Aberdeen and the Crisis Clinic in Hoquiam. Both roofs were damaged in last December's storm.

5. Request Approval, Drinking Water State Revolving Fund Municipal Loan

Agreement: A motion was made, seconded and passed to authorize the Chairman to sign a drinking water state revolving fund municipal loan agreement. This loan agreement will provide up to \$3,030,000.00 for construction of the Hogan's Corner regional water system. The interest rate is 1% and the term is 20 years. This loan is a revenue obligation payable solely from the net revenue of the water system. The system is planned to serve the Quinault Beach Resort, Ocean City State Park, Oyehut and Illahee, the City of Ocean Shores and the general area of Hogan's Corner. Future expansion is planned to the north towards Ocean City. Construction is planned for the spring of 2009.

6. Request Approval, 2008 Salmon Recovery Funding Board Prioritized Project

List: A motion was made, seconded and passed to accept the "Appendix F – Lead Entity List Memorandum 2008" as prepared, for submittal to the Salmon Recovery Funding Board (SRFB). The projects contained on this list were reviewed and ranked pursuant to RCW 77.85.050. The Chehalis Basin Partnership then considered and accepted the list on August 22, 2008, as ranked by the local review committee. As Lead Entity for Salmon Recovery for the Chehalis Basin Partnership, Grays Harbor County is responsible for submitting the list to the SRFB.

7. Request Approval, Set Hearing Date – Reclassification as Open Space for Real Property Tax Purposes – Applicant, G. Smylie: September 15, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider a request for reclassification as Open Space for real property tax purposes by George and Diane Smylie. This application is for parcels #170603330010, #170604440010, and #170609110020, and is described as Government Lot 5 Eastern 80-Rods of Government Lot 3 East ½ of the Northeast ¼ of Section 9, Township 17 North, Range 5 West North of the railroad right-of-way.

8. Request Approval, Set Hearing Date – Reclassification as Open Space for Real Property Tax Purposes – Applicant, A. Osgood Trust: September 15, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider a request for reclassification as Open Space for real property tax purposes by the Audrey Osgood Trust. This application is for parcels #170605440010, #170608110020, and is described as East ½ of the Southwest ¼ of the Southeast ¼ of Section 5, Township 17 North, Range 5 West together with the West ½ of the Southeast ¼ of the Southeast ¼ of Section 5, Township 17 North, Range 5 West. Also for West ½ of the Northeast ¼ of the Northeast ¼ of Section 8, Township 17 North, Range 6 West together with Government Lot 1 less the County road and less the railroad right-of-way.

9. Request Approval, Set Hearing Date – Request for a Road Variance – Applicant, Doug & Michelle Bossard: September 8, 2008, at 2:00 p.m., is the date and time set for a public hearing to consider a request by Doug and Michelle Bossard for a variance from the 20-foot turning radius and 2 percent maximum grade requirements for a single family driveway access located at 260 Bush Creek Road.

ANNOUNCEMENTS

The Clerk of the Board announced that there would be no meeting on Monday, September 1, 2008, in observance of Labor Day.

CORRESPONDENCE

1. A motion was made, seconded and passed to approve a Use Request by the Wishkah School District for use of County roads on Saturday, September 20, 2008, for a Fun Run & Walk for a National Honor Society activity benefiting the American Cancer Society.
2. An email, dated 8/25/08, from Stanley Trohimovich. The subject is “Demand for refund of all of your false and fraudulent tax exactions”. At the senders request, this correspondence was announced and placed on file.

PUBLIC COMMENT

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

Stanley Trohimovich, Aberdeen, made comments regarding government responsibility, his correspondence, and elected official bonds.

Stan Blunt, Aberdeen, made comments regarding the PDA Board of Directors and County property on Johns River Road in Aberdeen.

STAFF MEETINGS

The Board held staff meetings on Monday, August 25, 2008, 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 Fair representatives Debbie Adolphsen, Rod Easton and Paula Jones, regarding fair updates; Paul Easter, Public Services Director, regarding agenda items, road and bridge projects; Brian Shea, Planning & Building Director, regarding department updates; Kevin Varness, regarding facility/utility project updates.

The Board approved the following:

RESOLUTIONS

- | | |
|--------------------|---|
| No. 2008-84 | Authorizing a Supplemental Extension in the Budget of the Grays Harbor County General Fund WSU Cooperative Extension #001-000-022 |
| No. 2008-85 | Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Miscellaneous Funds Facilities Capital Fund #301-000-000 |
| No. 2008-86 | Authorizing Applications for Funding Assistance for a National Highway and Off-Road Vehicle Activities (NOVA) Program Project to the RCO as provided in Chapter 46.09 RCW, Nonhighway and Off-Road Vehicles Activities Program |

The meeting adjourned at 3:26 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2008

ALBERT A. CARTER, Chairman
Commissioner, District 3

BOB BEERBOWER, Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ATTEST:

Donna Caton
Clerk of the Board