

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING September 8, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, September 8, 2008, at 2:00 p.m. Commissioners Al Carter, Bob Beerbower and Mike Wilson were present. Jim Baker, Senior Deputy Prosecuting Attorney, and Donna Caton, Clerk of the Board were 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 25, 2008:** A motion was made, seconded and passed to approve the minutes of the regular meeting of August 25, 2008.
2. **Special Tri-County Meeting July 22, 2008:** A motion was made, seconded and passed to approve the minutes of the special tri-county (Grays Harbor, Lewis & Thurston County) meeting of July 22, 2008.

BIDS

None

HEARINGS

1. **Continued Hearing – Variance Request No. 2008-0897, Applicant Brian Beaver:** This hearing was continued from August 25, 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 asked for a staff report. Russ Esses, County Road Engineer, reiterated the department's recommendation to deny the variance request due to safety issues that may arise from not requiring a 35-foot turning radius. Chairman Carter asked for public comment. Chris Merritt, representing the applicant and Olympic Engineering, made comments in regards to school buses not

using the road access and the WSDOT standards being designed for passenger vehicles with smaller turning radius requirements. Mr. Merritt noted that other counties require only a 27 to 29-foot minimum requirement, and their request proposes a 30-foot radius at the south return. Mr. Merritt provided further comment in regards to a safety risk that may arise from cutting into the hillside in order to accommodate the minimum road standards.

Ron Armstrong, Hoquiam, referred to the Engineer's report and reference to fatalities that have taken place on the road in question. Mr. Armstrong made comment that these fatalities were due to circumstances other than the road standards. Russ Esses commented on the state's use of 20-foot radii for a limited number of homes. Chris Merritt again noted that buses would not be using the road access. Chairman Carter reported that the Commissioners along with representatives from the Public Services and Public Works Departments drove out to the Middle Satsop Road access in question and when needing to turn around, their bus was unable to do so. Commissioner Beerbower commented that at first review of this request, the County's standards seemed too restrictive. However, after the tour allowed them to experience the turning radius, Commissioner Beerbower feels that County's minimum standards are reasonable. Chairman Carter asked for additional public comment. There was no additional comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to deny variance request No. 2008-0897.

2. Continued Hearing – Reclassification as Open Space for Real Property Tax Purposes, Applicant Gary & Anita Ganz: This hearing was continued from August 25, 2008, and is 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. Chairman Carter asked for a staff report. Brian Shea, Planning & Building Director, reported that the department recommends denial of this request based on the comparison of the property's zoning designation, prime farmland soils that may be present, and the County's comprehensive plan. Cherri Rose-Konschu, Assessor, explained the applicable tax shift that would occur should the request be granted. Ms. Rose-Konschu noted that the assessed value of the parcels would decrease significantly if they were reclassified as Open Space, resulting in a tax shift of \$783.09 for the first parcel, and \$669.02 for the second. Ms. Rose-Konschu explained that this tax shift must be compensated for on all levies, by all other property owners. Ms. Rose-Konschu provided information on her request for the state Department of Revenue to conduct an informal audit of the County's compliance with requirements for farm and agriculture classification. Ms. Rose-Konschu expressed that she had worked diligently with the state in efforts to negate the back taxes, interest and penalties that would result for property owners who were not in compliance with program requirements, but was not successful.

Anita Ganz, applicant, commented in regards to the tax shift, explaining that changing from farm and agriculture classification to open space wouldn't actually create as significant of a shift as presented by the assessor. Ms. Ganz referenced her previous testimony regarding not being aware of income requirements for remaining in the former classification, their current use of the property as alpaca farmers, and the property being historically classified as traditional farmland. Ms. Ganz asked for clarification as to what criteria must be met in order to be classified as Open Space.

Chairman Carter, addressing the Assessor, inquired as to whether or not the property owners would have to pay the back taxes, penalties and interest if their request was to be approved. Ms. Rose-Konschu indicated that the property owners would not have to pay these fees if they remained in a tax break program. Brian Shea, Planning & Building Director, noted that the department had no change in opinion and recommended denial of the request. Bill Brown, commercial appraiser, provided clarification in regards to the application, noting that the Ganz's are applying for an Open Space subset for farm and agriculture conservation.

Commissioners Beerbower, Wilson, and Chairman Carter discussed the goal of promoting farming while providing relief from compensating taxes, and the need for additional information in regards to legal issues. Chairman Carter closed the hearing.

ACTION: A motion was made, seconded and passed to postpone a decision for this request until September 15, 2008.

3. Continued Hearing – Reclassification as Open Space for Real Property Tax Purposes, Applicant Michael Haines: This hearing was continued from August 25, 2008, and is 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. Chairman Carter asked for a staff report. Brian Shea, Planning & Building Department, reported that his comments would be the same as in the previously held hearing. The department recommends denial of the request to be classified as Open Space due to the County's efforts to support agriculture, and this request is not consistent with the County's comprehensive plan.

Cherri Rose-Konschu explained the applicable tax shift, noting that at the 2008 levy rate, the shift would be \$971.79.

Jim Baine, property manager for the applicant, made comment in regards to his conversations with both county and state officials and reiterated that their present predicament is due to the previous property owner's entering the WRP program. Mr. Baine noted that he and Mr. Haines have been unsuccessful in attempting to locate or communicate with the previous owners. Mr. Baine also commented in regards to the small amount of farming that is still taking place.

Michael Haines, applicant, stated that it appears to him (from the Public Services Department staff report, which he received in error) that the tax shift is the only issue that may prevent the County departments from supporting his request. Mr. Haines explained that his major concern is with the \$17,000 owed in back taxes since being removed from the program. Ms. Rose-Konschu explained that unless the property is in a tax break program, taxes must be paid on the current assessed value. She further clarified that the taxing districts must collect these funds, therefore the burden goes to the fellow tax payers, and only the Commissioners can consider this tax shift.

Paul Easter, Public Services Director, explained that though the Public Services Department analyzes the property for purposes of making a recommendation in regards to reclassification, lawmakers have delegated the authority to approve these requests to the Board of Commissioners, who must decide if the outcome benefits the public good and is worthy of the resulting tax shift. Mr. Baine provided an overview of the 89-acres and the portions which are usable for farming, those that have been classified as wetlands, and how to best determine if it is of usable value to the public. Mr. Baine inquired as to what constitutes "public good", and noted that citizens would need permission to access the property.

Commissioner Beerbower expressed frustration with the federal government having changed the local zoning regulations. Commissioner Beerbower stated that he had worked hard to protect them and felt that only the wetlands should have been entered into federal programs. Instead, the farmers were able to profit while leaving this unfortunate situation to following owners.

Chairman Carter closed the hearing.

ACTION: A motion was made, seconded and passed to postpone a decision for this request until September 15, 2008.

4. Variance Request - Case No. 2007-2738, Applicant Doug & Michelle Bossard: There was a public hearing to consider a request by Doug & 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. Notice of this hearing was advertised in the *Montesano Vidette* August 28, 2008. Chairman Carter asked for a staff report. Russ Esses, County Road Engineer, reported that this request is for a substandard turning radius and grade that makes the road access less safe. Mr. Esses commented that the related permit was issued two years ago, yet the road access is still not built to standards. Mr. Esses reported that the department recommends denial of this road variance request. Attorney William Stewart, on behalf of the applicants, provided photographs of the road access and explained that the applicants understand the minimum road standards and concern for safety. Mr. Stewart stated that both construction and fire trucks have accessed the property without difficulty. Mr. Stewart further explained that in order to compensate for the road access not meeting the County's standards, the property owners are willing to post "No Right Turn" and "No Left Turn" signs onto the private drive. The second issue the variance addresses is the 2-percent slope of the approach. The applicants wish to compensate their deviation from the standard by placing a culvert under the driveway in efforts to accommodate safety concerns. Mr. Stewart also proposed on behalf the of the applicant that any conditions that may be approved are recorded on the title, so that the present and any future property owners would understand the conditions and be responsible for maintaining any and all requirements.

Jim Wright, father of applicant Michelle Bossard, commented in regards to the family's investment into the property and desire to comply with County standards as much as possible.

Paul Easter, Public Services Director, commented in regards to the applicant's efforts to offer measures they are willing to take to mitigate the variance from County standards.

Chairman Carter asked for any additional public comment. There was no further comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve road variance request Case No. 2007-2738, Applicant Doug & Michelle Bossard.

5. Supplemental Budget – Public Health & Social Services: There was a public hearing to consider supplemental budget as follows: Public Health & Social Services #129-000-000, in the amount of \$7,500. Notice of this hearing was advertised in the *Montesano Vidette* August 28, 2008, and September 4, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that this supplemental budget request is for \$7,500 in pass through funding received through the Thurston County Public Health & Social Services Department. Funding will be used in emergency preparedness. Chairman 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. 2008-89, Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Miscellaneous Funds Public Health & Social Services Department #129-000-000.

COMMISSIONERS

1. **Re-appointment of Art Rathjen to the Board of Adjustment:** A motion was made, seconded and passed to approve the reappointment of District 3 representative Art Rathjen to the Board of Adjustment. This reappointment is for a six-year term which will expire September 30, 2014.

DEPARTMENTS

AUDITOR

1. **Request Approval, Month-End Expenditures Audit Report – August 2008:** A motion was made, seconded and passed to approve the Month-End Expenditures Audit Report as of August 31, 2008, for the following amounts: Claims, \$5,169,865.58, and Salaries, \$2,468,714.45, for a total of \$7,638,580.03.

DISTRICT COURT

1. **Request Approval, Surplus Equipment:** A motion was made, seconded and passed to authorize the surplus of the following equipment: (1) Fax Machine, Model No. Sharp FO-2950, Asset No. 83, purchased September 12, 2000. This item will be removed from the District Court inventory.

FORESTRY

1. **Request Approval, Authorize Timber Contract Completion – Cosi Hill:** A motion was made, seconded and passed to accept as complete and release the performance bond as posted by Sierra Pacific Industries for the Cosi Hill Timber Sale. Sierra Pacific Industries has satisfactorily completed all terms and conditions of the contract.

2. **Request Approval, Authorize Timber Contract Completion – Seastrand Salvage:** A motion was made, seconded and passed to accept as complete the contract with Sierra Pacific Industries for the Seastrand Salvage Timber sale. Sierra Pacific Industries has satisfactorily completed all terms and conditions of the contract.

3. **Request Approval, Timber Sale Contract Amendment – Donkey Creek No. 1:** A motion was made, seconded and passed to approve an amendment to the Donkey

Creek No. 1 timber sale contract which was purchased by Sierra Pacific Industries. The purpose of the amendment is to include scattered patches of blown down timber resulting from the December 2007 Storm. These patches are located directly adjacent to the Donkey Creek No. 1 sale. The inclusion of these small patches, totaling approximately 9 acres, will insure the damaged timber will be recovered. Resolution No. 2008-10, as approved by the Board of County Commissioners, provides for the inclusion of storm-damaged timber with current timber sales, thereby facilitating the salvage and recovery of the timber in a timely manner.

MANAGEMENT SERVICES

- 1. Request Approval, Resolution Authorizing Transfer – Election Reserve Fund:** A motion was made, seconded and passed to authorize **Resolution No. 2008-90, Transferring Items in the Grays Harbor County Miscellaneous Fund Election Reserve Fund #116-000-000.** This Resolution transfers \$3,000 in the Auditor's Election Reserve Fund. Funds are available from ending cash to transfer to Machinery & Equipment for the purchase of a mailroom sorter to process two batches of ballot envelopes at the same time.
- 2. Request Approval, E-911 Washington State Military Department Enhanced E-911 Wireless/Wireline Grant:** A motion was made, seconded and passed to authorize the Chairman to sign a Washington State Military Department Enhanced 911 Wireless/Wireline grant along with the Signature Authorization Form for the period covering July 1, 2008, through September 30, 2009. \$69,764 in funding will be used for certain services and acquiring or maintaining equipment necessary to operate E-911.
- 3. Request Approval, E-911 Washington State Military Wireless/Wireline – Amendment B:** A motion was made, seconded and passed to authorize the Chairman to sign an amendment to the Washington State Military Department Enhanced 911 Wireless/Wireline grant contract. This amendment changes the overall contract amount by an increase of \$762.31.

PROSECUTOR

- 1. Request Approval, Resolution Authorizing Abatement Action at 18 Hunter Ranch Road, Satsop:** A motion was made, seconded and passed to authorize **Resolution No. 2008-91, Requesting the Prosecuting Attorney to Commence Legal Action to Abate County Code Violations Constituting a Public Nuisance on Real Property Located at 18 Hunter Ranch Road, Satsop, Washington.** This Resolution is a result of long-standing and unresolved violations of the County code with respect to unlawful accumulation of trash, junk, debris and other solid waste, and unlicensed or abandoned vehicles. This matter was referred to the Office of the Prosecuting Attorney by the Planning & Building Division after several unsuccessful attempts since 2006 to

obtain the property owner's compliance with the County code.

PUBLIC HEALTH & SOCIAL SERVICES

- 1. Request Approval, Contract Amendment – DSHS Division of Alcohol & Substance Abuse for Treatment & Prevention:** A motion was made, seconded and passed to approve Amendment No. 1 to the contract with DSHS Division of Alcohol Substance Abuse for treatment and prevention services. The purpose of the amendment is to align the award with the actual unspent Medicaid Treatment Expansion funding for the 2008 fiscal year. The new award amount is \$2,124,975. Of this total, \$295,390 is federal funding and the balance is state funding.
- 2. Request Approval, Contract Amendment – 2007-2011 Consolidated Contract with the Department of Health:** A motion was made, seconded and passed to approve an amendment to the 2007-2011 Consolidated Contract with the Department of Health. The amendment adds statements of work for HCCW Child Care Health Consultation and amends statements of work for the Health Youth Act Curricula Review and Public Health Emergency Preparedness and Response (PHEPR). It provides an increase of \$22,255 for the HCCW Infant Toddler IAR (\$17,255) and Healthy Youth Act Proviso (ESSB 5297) (\$5,000).

PUBLIC SERVICES

- 1. Request Approval, Easement Agreement – Grays Harbor Drainage District No. 1:** A motion was made, seconded and passed to authorize the Chairman to sign an Easement Agreement between Grays Harbor Drainage District No. 1, the Anderson Middleton Logging Company, the Laidlaw Island Hunting Club, Randy and Laura Rust, and Grays Harbor County associated with Drainage District's project to repair three tide gates and culverts to prevent flooding in the Grayland drainage basin.
- 2. Request Approval, Road Closure – Middle Satsop Road Boat Launch Realignment Project:** A motion was made, seconded and passed to authorize the closure of Middle Satsop Road for approximately three (3) days, if needed, to allow for completion of road construction. This closure will be necessary if weather conditions do not allow embankment materials to dry out so that an onsite detour can be constructed. Traffic will be detoured over the East Satsop Road. Emergency Services will be notified of the closure.
- 3. Request Approval, Right-of-Way Deed – Wynoochee-Wishkah Road Realignment:** A motion was made, seconded and passed to approve one right-of-way deed for the Wynoochee-Wishkah Road Alignment project. This deed is granted by Weyerhaeuser Timber Company for Assessor's property tax parcel #190832200000.

4. Request Approval, Chehalis Basin Lead Entity Program for Salmon Recovery – Contract Amendment, Streamworks LLC & Operational Grant Agreement – Department of Fish & Wildlife: A motion was made, seconded and passed to authorize the signature of a contract amendment with Streamworks, LLC, and an operational grant from the Department of Fish & Wildlife. The agreement with Streamworks Consulting provides for continued technical support related to the lead entity program for salmon recovery. The funds secured through the WDFW Lead Entity operational grant will cover the expenses incurred through this contract.

ANNOUNCEMENTS

None

CORRESPONDENCE

1. A motion was made, seconded and passed to approve a Use Request by the Cranberry Coast Chamber of Commerce for the use of County roads during the Annual Cranberry Harvest Festival Parade in Grayland, taking place October 11, 2008.
2. An email, dated 9/07/08, from Stanley Trohimovich. The subject is “Documents Illustrative of the Formation of the Union of the American States [hereinafter Documents]”. At the sender’s 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.

Cheryl Campbell, Kent, WA, made comments regarding her road access permit at East Wishkah Road in Aberdeen and provided the Board with information related to the ICC.

EXECUTIVE SESSION

At 3:50 p.m., Chairman Carter announced that the Board would be moving in to Executive Session in order to meet with legal counsel and the Fair Board regarding matters related to personnel matters. He announced that this Executive Session was expected to last 30 minutes in duration. At 4:20 p.m., it was announced that an additional 15 minutes would be needed to continue the discussion.

At 4:21 p.m., the Board reconvened to regular session. Chairman Carter announced that no decisions were made and no actions were taken during the Executive Session. Chairman Carter asked for additional business or public comment. Hearing none, the meeting was adjourned.

STAFF MEETINGS

The Board held staff meetings on Monday, September 8, 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 Joan Brewster, Public Health & Social Services Director, regarding agenda items/Department updates; Rose Elway, Budget Director, regarding historical funds; Nancy Perron & Ed Flemming, Coroner, regarding equipment purchases and budget amendments; Cheri Rose-Konschu, Assessor, regarding hearings; Gary Mawhorter, Central Services, regarding projector and screen upgrades; Larry Smith, Forestry, regarding agenda items; Paul Easter, Public Services Director, regarding agenda items, road and bridge projects; Brian Shea, Planning & Building Director, regarding department updates; Lee Napier, regarding agenda items; Jeff Nelson, Environmental Health, regarding department updates. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

- | | |
|--------------------|---|
| No. 2008-89 | Authorizing a Supplemental Extension in the Budget of the Grays Harbor County Miscellaneous Funds Public Health & Social Services Department #129-000-000 |
| No. 2008-90 | Transferring Items in the Grays Harbor County Miscellaneous Fund Election Reserve Fund #116-000-000 |
| No. 2008-91 | Requesting the Prosecuting Attorney to Commence Legal Action to Abate County Code Violations Constituting a Public Nuisance on Real Property Located at 18 Hunter Ranch Road, Satsop, Washington |

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned at 4:29 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