

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

September 15, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, September 15, 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 September 8, 2008:** A motion was made, seconded and passed to approve the minutes of the regular meeting of September 8, 2008.

BIDS

1. **Reroofing of Pearsall Annex & Crisis Clinic:** There was an advertisement for bid for the following project: Reroofing of Grays Harbor County's Pearsall Annex & Crisis Clinic. Bid specifications were available at the office of Street Lundgren & Foster Architects, 200 South First Street, Montesano, WA. Notice of advertisement for this bid was published in the *Montesano Vidette* on August 28 and September 4, 2008. The Clerk of the Board opened and read the following bids received with bid bond attached:

Western WA Construction LTD., Aberdeen, WA	\$43,890.00
Grays Harbor Contracting Inc., Aberdeen, WA	\$41,200.00
John Lupo Construction Inc., Aberdeen, WA	\$81,400.00
Weatherguard Inc., Longview, WA	\$53,918.00
Tetzlaff Construction, Aberdeen, WA	\$45,000.00

Chairman Carter forwarded the bids to the Public Services Department for review and recommendation.

PROCLAMATIONS & PRESENTATIONS:

1. **Proclamation: Chehalis Basin Watershed Awareness Week:** A motion was made, seconded and passed to proclaim the week of September 20th through 27th, 2008, Chehalis Basin Watershed Awareness Week. This proclamation urges all citizens of Grays Harbor County to join in acknowledging the Chehalis Watershed Festival and the Chehalis Basin Partnership for

promoting the importance of preserving our water resources. Lee Napier, Grays Harbor County Deputy Director of Community Development and Project Manager for the Chehalis Basin Partnership, thanked the Board for acknowledging this important event, and outlined the activities taking place during the Partnership's awareness week. Ms. Napier made informational brochures and posters available to the public and invited all citizens to participate in the week's events.

2. Presentation: Vicki Cummings, COG Status Report - Grayland Drainage District Tide Gate Repair Project: Vicki Cummings, Executive Director of the Grays Harbor Council of Governments, provided a status report and follow up for the Grayland Drainage District Tide Gate Repair Project. Ms. Cummings explained how Commissioner Wilson facilitated the COG's involvement with the project and provided background information related to implementation of the project. Ms. Cummings reported that the 2006 storm damage has resulted in continued nuisance flooding due to the previously installed tide gates no longer being able to function properly or missing in entirety. In order to complete the project and prevent further flooding damage, the COG has joined with the Grayland Drainage District to secure additional funding. At present time, a Public Works Trust Fund low interest loan has been secured to fund the project's purchase and installation of tide gates and hinges. Ms. Cummings noted that the overall cost of the project is \$220,000. With the loan amount of \$160,000 (at 3% interest) and contributions of \$50,000 from the Drainage District and \$10,000 from the City of Westport, funding is available to finish the project. Ms. Cummings thanked Commissioner Wilson for having asked the Council of Governments to be involved in this important project, and Brian Shea, Grays Harbor County Planning & Building Director, for having done a significant amount of groundwork needed to begin the project.

HEARINGS

1. Action on Reclassification as Open Space for real property tax purposes - applicant Michael Haines: A public hearing was held September 8, 2008, 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 of 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 of 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 announced that this hearing had previously been closed and no further testimony would be heard. Chairman Carter asked the Clerk of the Board to read the following findings and recommendations which were provided by the Assessor:

The following is submitted at the request of the County Commissioners:

FINDINGS:

The property consists of 89.55 acres all of which are in the Current Use Farm and Agriculture (CUFA) classification except for a one acre home site. There are 72.44 acres encumbered by a Wetland Reserve Program (WRP) easement in perpetuity that was recorded on 6/03/2005 which prohibits certain activities which include, but are not limited to:

- haying, mowing or seed harvest
- harvesting wood products
- grazing or allowing livestock on the property
- planting or harvesting any crop

The prohibited activities make the encumbered parcels ineligible for the Current Use Farm and Agriculture classification.

The owners stated they are not farming on the 2008 Agriculture Statement of Commercial Productivity.

SUGGESTED ACTIONS:

Reclassify the 88.55 acres in the WRP into Current Open Space classification with the Conditions listed below. The one acre home site is not eligible for the Current Open Space classification.

CONDITIONS OF APPROVAL:

This Agreement shall be subject to the following conditions:

- Commercial farming is prohibited.
- The use of motorized vehicles, including off-road vehicles and quads, is prohibited.
- Grazing or pasturing domestic or livestock animals is prohibited.
- Buildings and structures are prohibited.
- Woodcutting, altering vegetation, burning, dumping and filling are prohibited
- Littering, excessive noise, and any actions that may endanger the animal or plant life on this property are prohibited.
- Any uses not allowed by the WRP easement are prohibited.
- Camping and campfires are prohibited.

This Agreement shall be established between the owner and the Granting Authority specifying the conditions. Should the owner sign the agreement, it shall be understood that the owner will comply with the conditions. Failure to comply with said conditions shall be basis for withdrawal of the current use designation, in which case the land shall be subject to the penalty tax referred to in RCW 84.34 and assessed at true market value.

ADVISORY NOTE:

If an application is approved for Current Use Open Space and the landowner changes the use or engages in activities prohibited by the Conditions of approval, the property must be removed from the Current Use Open Space classification by the Grays Harbor County Assessor's Office.

ACTION: A motion was made, seconded and passed to approve Michael Haines' request for reclassification as Open Space for real property tax purposes with conditions as read.

2. Reclassification as Open Space for real property tax purposes - applicant Audrey Osgood Trust: There was a public hearing to consider a request for the Audrey Osgood Trust for reclassification as Open Space for real property tax purposes for 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. Notice of this hearing was advertised in the *Montesano Vidette* September 4, 2008. Chairman Carter asked for a staff report. Brian Shea, Planning & Building Director, reported that this request is for 76.9-acres of land which is zoned as A-2 Long-Term Agricultural, is Agricultural in terms of the Grays Harbor County Comprehensive Plan Map Designation, and does contain prime farmland soils as indicated by the USDA Soil Survey. Based on these factors, the Department feels the property is best suited for agricultural use and therefore recommends denial of the request for reclassification.

Chairman Carter asked for public comment. Attorney William Stewart, on behalf of the applicant, provided history related to the land in question and described its character and features. Mr. Stewart noted that although the property is best used as farmland, due to the WRP conservation program requirements that the property is subject to, farming is not an option. Mr. Stewart explained that the next best option for the property is to ensure its future potential return to commercial farming by reclassifying it into Open Space. Mr. Stewart commented on the enhanced public value of the property by the conservation of soil and wetlands that the Open Space classification would provide. Chairman Carter asked for additional public comment. There was no further comment and the hearing was closed.

Chairman Carter asked that the Clerk of the Board read the following findings and recommendations which were provided by the Assessor:

The following is submitted at the request of the County Commissioners:

FINDINGS:

The property consists of two parcels with a total of 77.90 acres all of which are in the Current Use Farm and Agriculture classification except for a one acre home site. A stated 50.88 acres are encumbered by a WRP Easement in perpetuity that was recorded on 7/15/2005 which prohibits certain activities which include, but are not limited to:

- haying, mowing or seed harvest
- harvesting wood products
- grazing or allowing livestock on the property
- planting or harvesting any crop

Parcel #170605440010 has 40.00 acres of which all 40 acres are in the WRP. Parcel #170608110020 has 37.90 acres of which 10.88 acres are in the WRP. The prohibited activities make the encumbered parcels ineligible for the Current Use Farm and Agricultural classification.

Additionally, the 2008 Open Space Agriculture Statement of Commercial Productivity signed by Audrey Osgood on 05/08/08 states “No” to the question “Are you farming commercially?” No documentation was provided to demonstrate commercial agriculture activity for a profit on the remaining 27.02 acres in parcel #170608110020.

Jane Bradshaw, the Current Use Administrator, spoke on the phone to Audrey Osgood on 06/06/08 and Ms. Osgood stated she has “absolutely no income” and that she is not selling hay. She did state that Gary Anensen cuts the hay as a service to maintain the field and prevent fires, but he does not pay for the hay. He keeps some cattle on the property at no charge, also.

SUGGESTED ACTIONS:

Reclassify the 76.9 acres into Current Open Space Classification with the conditions listed below. None of the acreage should be classified as Current Use Open Space Farm and Agriculture Conservation Land.

CONDITIONS OF APPROVAL:

This Agreement shall be subject to the following conditions:

- Commercial farming is prohibited.
- The use of motorized vehicles, including off-road vehicles and quads, is prohibited.
- Grazing or pasturing domestic or livestock animals is prohibited.
- Buildings and structures are prohibited.
- Woodcutting, altering vegetation, burning, dumping and filling are prohibited
- Littering, excessive noise, and any actions that may endanger the animal or plant life on this property are prohibited.
- Any uses not allowed by the WRP easement are prohibited.
- Camping and campfires are prohibited.

This Agreement shall be established between the owner and the Granting Authority specifying the conditions. Should the owner sign the agreement, it shall be understood that the owner will comply with the conditions. Failure to comply with said conditions shall be basis for withdrawal of the current use designation, in which case the land shall be subject to the penalty tax referred to in RCW 84.34 and assessed at true market value.

ADVISORY NOTE:

If an application is approved for Current Use Open Space and the landowner changes the use or engages in activities prohibited by the Conditions of approval, the property must be removed from the Current Use Open Space classification by the Grays Harbor County Assessor’s Office.

ACTION: A motion was made, seconded and passed to approve the Audrey Osgood Trust’s request for reclassification as Open Space for real property tax purposes with conditions as read.

3. Reclassification as Open Space for real property tax purposes - applicant George & Diane Smylie: There was a public hearing to consider a request by George & Diane Smylie for

reclassification as Open Space for real property tax purposes for Government Lot 5 Eastern 80-Rods of Government Lot 3 East ½ of Northeast ¼ of Section 9, Township 17 North, Range 5

West North of the railroad right-of-way. Notice of this hearing was advertised in the *Montesano Vidette* September 4, 2008. Chairman Carter asked for a staff report. Brian Shea, Planning & Building Director, reported that this that this request is for 84.99-acres of land which is zoned as A-2 Long-Term Agricultural, is Agricultural in terms of the Grays Harbor County Comprehensive Plan Map Designation, and does contain prime farmland soils as indicated by the USDA Soil Survey. Based on these factors, the Department feels the property is best suited for agricultural use and therefore recommends denial of the request for reclassification.

Chairman Carter asked for public comment. Attorney Claire Mancini, on behalf of the applicants, made comments regarding the WRP conservation program, noting that this request is similar to the previous request made by the Osgood Trust. Ms. Mancini noted that the Smylie's are not allowed to farm with the exception of a compatible use agreement on two portions of the property. This use agreement allows for limited recreational use. Ms. Mancini commented in regards to the Smylie's not receiving any notice of expectation of future removal from the present classification, at the time of entering the WRP program.

George Smylie, applicant, referenced aerial maps to indicate portions of the land that are unusable due to persistent flooding. Mr. Smylie provided history as to how the land has been used for grazing cattle and the present easement which does allow for some farming, but due to flooding, full use of the property is inhibited. Mr. Smylie noted that due to the WRP program planting 12,500 native plants, flood currents across the property have not been as severe, and erosion of land has slowed. Mr. Smylie commented in regards to the WRP program being beneficial for their property. Chairman Carter asked for additional public comment. There was no further comment and the hearing was closed.

Chairman Carter asked that the Clerk of the Board read the following findings and recommendations which were provided by the Assessor:

The following is submitted at the request of the County Commissioners:

FINDINGS:

The property consists of 141.30 acres in four parcels located at 106 Lambert Rd, Elma, WA. There are 84.99 acres are in the Wetland Reserve Program (WRP); 55.30 acres are in the Current Use Farm and Agriculture CUFA classification; 1 acre is a home site.

- Parcel 170610220020 – cleared and planted in hay or used as pasture land; 48.10 acres of which 47.10 are in the CUFA
- Parcel 170603330010 – 23.00 acres of which 8.21 acres are in hay and pasture; the remaining 14.79 acres are in the WRP.
- Parcel 170604440010 – 13.00 acres all of which are in the WRP and planted in trees.
- Parcel 170609110020 – 57.20 acres all of which are in the WRP and planted in trees.

The WRP Easement that was recorded on 9/12/2006 prohibits certain activities which include:

- haying, mowing or seed harvest
- harvesting wood products

- grazing or allowing livestock on the property
- planting or harvesting any crop

The prohibited activities make the encumbered parcels ineligible for the Current Use Farm and Agricultural classification.

SUGGESTED ACTIONS:

Make no changes to the Current Use Farm and Agriculture classification status of parcel 170610220020 and the portion of 170603330010 that is not in the WRP easement.

Reclassify the 84.99 acres that are in the WRP into Current Open Space Classification with the conditions listed below.

CONDITIONS OF APPROVAL:

This Agreement shall be subject to the following conditions:

- Commercial farming is prohibited.
- The use of motorized vehicles, including off-road vehicles and quads, is prohibited.
- Grazing or pasturing domestic or livestock animals is prohibited.
- Buildings and structures are prohibited.
- Woodcutting, altering vegetation, burning, dumping and filling are prohibited
- Littering, excessive noise, and any actions that may endanger the animal or plant life on this property are prohibited.
- Any uses not allowed by the WRP easement are prohibited.
- Camping and campfires are prohibited.

This Agreement shall be established between the owner and the Granting Authority specifying the conditions. Should the owner sign the agreement, it shall be understood that the owner will comply with the conditions. Failure to comply with said conditions shall be basis for withdrawal of the current use designation, in which case the land shall be subject to the penalty tax referred to in RCW 84.34 and assessed at true market value.

ADVISORY NOTE:

If an application is approved for Current Use Open Space and the landowner changes the use or engages in activities prohibited by the Conditions of approval, the property must be removed from the Current Use Open Space classification by the Grays Harbor County Assessor's Office.

ACTION: A motion was made, seconded and passed to approve George Smylie's request for reclassification as Open Space for real property tax purposes with conditions as read.

4. Action on Reclassification as Open Space for real property tax purposes - applicant Gary & Anita Ganz: A public hearing was previously held August 25 and September 8, 2008, 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. The hearing was closed and action was continued to the present meeting. Chairman Carter explained that the Commissioners' goal is to help property owners like the Ganzs' as much as possible. Commissioner Wilson stated that the Board would appreciate having additional time to better understand this specific situation, to look at the overall program, and to arrive at a fair determination not made in haste.

ACTION: A motion was made, seconded and passed to continue the action related to this request to October 20, 2008.

DEPARTMENTS

FORESTRY

1. 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 attached amendment is to include some scattered patches of blown down timber resulting from the December 2007 storm. The inclusion of these small patches, totaling approximately 10 acres with the currently active Donkey Creek No. 1 sale, will insure that 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, One Time Only Funding – Elma Food Bank & Senior Center

Repairs: A motion was made, seconded and passed to approve a One Time Only Interlocal Agreement with the City of Elma. This agreement provides \$2,000.00 to assist in the funding of building repairs to the Elma Food Bank and Senior Center.

2. Request Approval, Resolution Authorizing Budget Transfer – Non-Departmental:

A motion was made, seconded and passed to approve **Resolution No. 2008-92, Transferring Items in the Grays Harbor County General Fund Non-Departmental #001-000-038**. This Resolution transfers \$11,300 to fund historical preservation projects.

WSU EXTENSION OFFICE:

1. Request Approval, Service Agreement – Total Vegetation Management - Knotweed

Removal at Lake Quinault: A motion was made, seconded and passed to approve an agreement for services to be provided by Total Vegetation Management for knotweed removal at Lake Quinault. This project has been a collaboration of the County, US Forest Service (USFS), The Quinault Nation, Olympic National Park, Lake Quinault Forum, and private property owners as well as neighboring county's Weed Boards.

ANNOUNCEMENTS

None

CORRESPONDENCE

1. Monthly reports and personal effects reports from the Grays Harbor County Coroner's Office for the months of January (revised) through April 2008. These reports were placed on file and are available for review.

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.

Ron Armstrong, Hoquiam, made comments regarding state road standards and a variance request made by Brian Beaver.

Stan Blunt, Aberdeen, made comments regarding the format of Aberdeen City Council meetings, forest products harvesting permits, County property on John's River Road, Forestry Department contracts and illegal immigration.

Commissioner Beerbower, made comments regarding the federal government imposing zoning designations and other initiatives without consulting local authorities and how this adversely impacted his decision to not seek another term as Commissioner.

EXECUTIVE SESSION

At 3:25 p.m., Chairman Carter announced that the Board would be moving in to Executive Session in order to meet with legal counsel regarding pending litigation. He announced that this Executive Session was expected to last 20 minutes in duration. At 3:25 p.m., Chairman Carter announced that no action had been taken and no decisions were made during the Executive Session.

STAFF MEETINGS

The Board held staff meetings on Monday, September 15, 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 Judge Brown & Mallin Shelton, District Court, regarding budget and court updates; Joan Brewster, Public Health & Social Services Director, regarding agenda items; Larry Smith, Forestry, regarding agenda items; Paul Easter, Public Services Director, regarding agenda items, road and bridge projects; Kevin Varness, Public Services, regarding agenda items and Facility/Utility Project updates; Brian Shea, Planning & Building Director, regarding department updates; Jeff Nelson, Environmental Health, regarding department updates; Lee Napier, Public Services, regarding Chehalis Basin updates. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

No. 2008-92

**Transferring Items in the Grays Harbor County
General Fund Non-Departmental #001-000-038**

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

City of Elma – One Time Only Funding – Elma Food Bank & Senior Center Building Repairs

The meeting adjourned at 3:46 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