

## MINUTES

### BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

March 2, 2009

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, March 2, 2009 at 2:00 p.m. Commissioners Al Carter, Terry Willis and Mike Wilson were present. Jim Baker, Senior Deputy Prosecutor, and Donna Caton, Clerk of the Board, were also present.

#### **CALL TO ORDER AND FLAG SALUTE**

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

**CONSENT AGENDA:** Approval was requested for the following items:

1. Minutes of Special Meeting held January 30, 2009
2. Minutes of Special Meeting held February 18, 2009
3. Minutes of Regular Meeting held February 23, 2009
4. Appointment to the Mental Health Advisory Board – *Dee Dee Garman*
5. Appointment to the Fair Board – *Rick Boyer, Dist. 1*
6. **Public Services:**
  - a. Radio Use Permit Agreement with Washington Department of Natural Resources
  - b. Digital Submittal Certification – CRAB reports for 2008

**ACTION:** A motion was made, seconded and passed to approve all Consent Agenda items as listed above.

#### **BIDS**

None

#### **HEARINGS**

**1. Request for Reclassification to Current Use Timber – Paul and Neila Teagle.:**

There was a public hearing to consider a request by Paul and Neila Teagle for reclassification to Current Use Timber for Parcel Number 180710340010. Notice of this hearing was advertised in the *Montesano Vidette* February 19, 2009. Chairman Wilson called for a staff report. The Clerk of the Board read the following findings as provided by the Assessor's Office. The subject parcel consists of 10 acres which were segregated from a 40 acre parcel. The 40 acre parcel was classified as Designated Forest Land. The subject parcel is less than the 20 acre minimum needed to be classified as Designated Forest Land, therefore the owners have applied to reclassify the property into Current Use Timber Land. The application has an acceptable Timber Management Plan signed by Jeff Winiecki, a Certified Forester. The Department recommends approval of the request

for reclassification to Current Use Timber Land subject to the condition that the Forest Management Plan will be followed and the acreage approved for Current Use Timber will be managed as a commercial stand of timber.

Chairman Wilson asked for public comment. Rex Valentine, Elma, on behalf of the applicant, commented in regards to the application having been submitted in accordance with all necessary requirements. There was no further comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to approve the request for Reclassification to Current Use Timber by Paul and Neila Teagle, as conditioned.**

### **COMMISSIONERS**

**1. Preliminary Plat Approval 5- Lot Long Subdivision – David Bailey:** On February 3, 2009, the Grays Harbor County Planning Commission concluded a public hearing on a request by David Bailey for preliminary plat approval of a 5-Lot Long Subdivision, Case No. 2008-1572. Five of the nine members of the Planning Commission were present and voted unanimously to recommend approval of the 5-Lot Long Subdivision. Curt Crites, Planner, reported that this project proposes subdividing 5.94-acres of land located southeast of the City of McCleary. The proposed rural residential lots range in size from 1.00-acre to 1.44-acres. Included in the proposal is construction of an internal private roadway that ends in a cul-de-sac. An existing single-family residence is located on proposed lot 5. All lots are proposed to be served potable water by private wells and have on-site sewage disposal systems. Mr. Crites referred to the staff report, referencing demonstrations of the typical vegetation and characteristics of the parcel and the proximity of the property in relation to major roadways.

Mr. Crites requested the following materials, which were provided to the applicant and the Board prior to the hearing, be entered into the record by reference:

1. The Record of Action containing the Grays Harbor County Planning Commission's finding of fact, conditions of approval, conclusions and staff recommendations.
2. Attachment No. 1: Application for long subdivision and Preliminary Plat.
3. Attachment No. 2: SEPA Mitigated Determination of Non-significance and State Environmental Policy Act Environmental Checklist.
4. Attachment No. 3: A letter dated December 26, 2008, from the Washington State Department of Ecology (DOE) commenting on the SEPA MDNS.

5. Attachment No. 4: Public Notice and list of property owners within 300-feet who received the notice.
6. Attachment No. 5: Copy of comment letters from Ms. Buschling dated January 12, 2009.
7. Attachment No. 6: Copy of comment letter from Mr. Hardy dated January 14, 2009.
8. Attachment No. 7: Copy of comment letter from Mr. & Mrs. Martinez dated January 14, 2009.
9. Attachment No. 8: Copy of comment letter from Mr. & Mrs. Hadfield dated January 14, 2009.
10. Attachment No. 9: Copy of comment letter from Ms. Ezell dated January 14, 2009.
11. Attachment No. 10: Copy of comment letter from Mr. & Mrs. Lusby dated January 15, 2009.
12. Attachment No. 11: Copy of comment letter from Mr. & Mrs. Scheel dated January 15, 2009.
13. Attachment No. 12: Copy of comment letter from Mr. Haskell dated January 16, 2009.
14. Exhibit No. 1: Photos submitted by Ms. Buschling at the Public Hearing on February 3, 2009.

Mr. Crites reiterated the February 3rd, 2009, approval and recommendation of the 5-Lot Long Subdivision, Case No. 2008-1572, as conditioned, by the Grays Harbor County Planning Commission. This approval was based upon the conclusions and findings of fact as noted in pages 21 through 26 of the staff report. These conclusions clearly state the project's consistency with Grays Harbor County Codes Titles 16 & 17. The application has been reviewed and found to be consistent with the provisions of the Grays Harbor County Comprehensive Plan and zoning provisions of County Code Title 17. In response to an inquiry from Commissioner Willis, Mr. Crites noted that the current zoning for this property is rural-residential and no rezones were necessary. Commissioner Willis referenced comment letters received regarding drainage issues and inquired as to what efforts would be made in terms addressing drainage mitigation. Mr. Crites stated that the Department is requiring the applicant to provide a drainage plan consistent with the 2005 Department of Ecology Storm Water Management Plan. Commissioner Willis again referenced comment letters regarding the prohibition of

manufactured homes as residences. Mr. Crites stated that the County Code does not provide specific requirements that would prohibit manufactured homes on the lots. He noted that at the hearing before the Planning Commission the applicant expressed the desire to enact their own conditions and restrictions which included not allowing manufactured or mobile homes on the property.

Chairman Wilson asked for public comment. There was no public comment related to this issue.

**ACTION: A motion was made, seconded and passed to approve the recommendation of the Planning Commission for preliminary plat approval of Case No. 2008-1572, 5-Lot Long Subdivision.**

### **DEPARTMENTS**

The Clerk of the Board announced the following item was added after the agenda had been prepared:

### **AUDITOR**

1. **Month-End Expenditures Audit Report – February, 2009:** A motion was made, seconded and passed to approve the Month-End Expenditures Audit Report as of February 28, 2009, for Claims (\$4,342,479.39) and Salary (\$2,470,518.33) totaling \$6,812,997.72.

### **FORESTRY**

1. **Request Approval, Authorize Contract Amendment for Salvage Sale:** A motion was made, seconded and passed to approve an amendment to timber sale Contract No. TBR0816, whereby Sierra Pacific Industries is authorized to remove and 8-acre patch of blown down timber concurrently with their active timber sale. The patch of blown down timber is located directly adjacent to a larger block of blown down timber that could not be included at the time of sale due to issues regarding Marbled Murrelet habitat. These issues have since been resolved with the Department of Fish & Wildlife, and removal of the storm damaged timber is now permitted.

2. **Request Approval, Resolution Relating to Tax Title Management Fee:** A motion was made, seconded and passed to approve **Resolution No. 2009-09, Rescinding Resolution No. 97-21 and re-implementing the twenty-five percent (25%) deduction for property management purposes as authorized by Section 2.20.190 of the Gray Harbor County Code.** On March 31, 1997, the Board temporarily reduced the Tax Title Management fee from 25% to 22%. During this time period, timber sale proceeds were at an all time high and the reduction in the fee was prudent. At present time, however,

timber proceeds are at an all time low. Consequently there is a need to re-instate the full 25% fee to cover the costs of managing the County's forest lands.

### **MANAGEMENT SERVICES**

1. **Request Approval, Resolution Authorizing Budget Transfer :** A motion was made, seconded and passed to approve **Resolution No. 2009-10, Transferring Items in the Grays Harbor County Solid Waste Fund #401-000-100.** This Resolution transfers \$258,000 in the Solid Waste Fund due to the transfer of three employees from the Road Fund. Funds are available from ending cash, advertising, rentals and utility services to salaries and benefits to cover the transfer.
2. **Request Approval, Resolution Authorizing Salary Amendment in the Solid Waste Management Fund:** A motion was made, seconded and passed to approve **Resolution No. 2009-11, Amending Resolution No. 2009-02 and Fixing Compensation of Employees from and after January 1, 2009.** This Salary Resolution amendment will move the Assistant Public Services Director, the Community Development Director and the Pacific Beach Sewer Operator I from the Road Fund to the Solid Waste Fund in efforts to reduce cash flow issues.
3. **Request Approval, Authorize Purchase of Audio/Video Recording System for the Commissioners Meeting Room:** A motion was made, seconded and passed to authorize the purchase of a new audio/visual recording system for the Commissioner Meeting Room. This system will allow for audio and video recording of the Commissioners' meetings and for the recordings to be published to a website for access by the public. The cost for the system is a \$340 per month subscription fee for the remainder of 2008. This fee includes the software, support and web space for access by the public to view the recorded meeting. The camera and installation cost will be \$5,571.50 plus tax. Funds are available for this purchase within the Facilities Improvement Fund.

### **PUBLIC HEALTH AND SOCIAL SERVICES**

1. **Request Approval, Cooperative Agreement with Thurston County – Public Health Preparedness and Response:** A motion was made, seconded and passed to approve an Intergovernmental Cooperative Agreement for Public Health Preparedness and Response for Bioterrorism with Thurston County. This agreement provides the Grays Harbor Public Health Department with equipment purchased with federal funds awarded to Thurston County Public Health from the Washington State Department of Health. The agreement details minimum requirements for property management of items being transferred to the Grays Harbor Public Health Department.
2. **Request Approval, Agreement with Clark County – HIV Intervention and Prevention Services:** A motion was made, seconded and passed to approve an Intergovernmental Agreement with Clark County Public Health to provide HIV

intervention and prevention services in Grays Harbor County. This contract amount is \$77,154.00.

**3. Request Approval, Contract Amendment with Department of Social and Health Services:** A motion was made, seconded and passed to approve Amendment No. 1 to the Long-Term Payable Agreement with the Department of Social & Health Services (DSHS). This amendment extends authorization for a long-term payable agreement with DSHS and provides new contract contact information.

### **PUBLIC SERVICES**

**1. Request Approval, Local Area Agreement & Prospectus re: Federal Funds – Wishkah Road Sinkhole and Culvert Repair:** A motion was made, seconded and passed to authorize the Chairman to sign the Local Agency Agreement and Prospectus requesting federal funds to replace a failed culvert and repair a sinkhole. This project has been approved for funds under the Federal Emergency Relief Program.

**2. Request Approval, Contract Amendment with James Arthur and the City of McCleary re: Wildcat Creek Aquifer:** A motion was made, seconded and passed to approve Amendment No. 4 to the personal services agreement with Jim Arthur. The intent of the amendment is to extend the time period granted under the prior amendment. The scope of work will essentially remain the same.

**3. See Consent Agenda Item #6(a).**

**4. See Consent Agenda Item #6(b).**

### **ANNOUNCEMENTS**

None

### **CORRESPONDENCE**

None

### **PUBLIC COMMENT**

Chairman Wilson 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.

Pat Bossard, Montesano, made comments regarding noticing a decreased amount of fish in the Wynoochee River. She also provided comments regarding a portion of the

Wynoochee Valley Road (M.M. 14) near Carter Creek where several near accidents have occurred due to vehicles parking along and blocking traffic while launching boats from the side of the road. This occurs on a blind curve out of sight of travelers. She expressed concern for the risk of an accident on this portion of the road increasing significantly when the Grisdale Road improvement project is complete. She noted that her family has tried many times to prevent access to this area due to safety concerns.

Commissioner Willis made comments regarding the location mentioned by Ms. Bossard being an attractive nuisance that needs to be addressed in terms of safety.

Charlie Stalaker, Montesano, made comments regarding an increase in his property tax assessment. Commissioner Carter referred Mr. Stalker to the Board of Equalization.

Robert Criswell, Montesano, made comments regarding the comments made by Ms. Bossard.

Alecia Criswell, Montesano, made comments regarding the road safety issue and comments made by Ms. Bossard.

Stan Blunt, Aberdeen, made comments regarding the public comment period at Board meetings, property tax assessments, the County budget, Forestry Department planting contracts and illegal immigration.

### **STAFF MEETINGS**

The Board held staff meetings on Monday, March 2, 2009, beginning 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 Peggy Fouts, E-911 Director, and Sherriff Whelan, regarding Legislation/E-911 funding; Larry Smith, Forestry, regarding agenda items; Joan Brewster, Public Health & Social Services, regarding agenda items and department updates; Paul Easter, Public Services Director, regarding agenda items, road and bridge projects and personnel updates; Kevin Varness, regarding agenda items, facility/utility project updates; Brian Shea, Planning & Building, regarding department updates; Lee Napier, regarding agenda items; Anne Sullivan, regarding Emergency Management and storm/flooding updates; Notes of these meetings are available upon request.

The Board approved the following:

### **RESOLUTIONS**

**No. 2009-09**

**Rescinding Resolution No. 97-21 and re-  
implementing the twenty-five percent  
(25%) deduction for property**

**management purposes as authorized by  
Section 2.20.190 of the Gray Harbor County  
Code**

**No. 2009-10**

**Transferring Items in the Grays Harbor County  
Solid Waste Fund #401-000-100**

**No. 2009-11**

**Amending Resolution No. 2009-02 and Fixing  
Compensation of Employees from and after  
January 1, 2009**

**ORDINANCES**

None

**INTERGOVERNMENTAL AGREEMENTS**

- **Thurston County – Public Health Preparedness & Response for Bioterrorism**
- **Clark County – HIV Intervention and Prevention Services**

The meeting adjourned at 2:56 p.m.

BOARD OF COMMISSIONERS  
For Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2009

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MIKE WILSON, Chairman  
Commissioner, District 2

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TERRY L. WILLIS, Commissioner, District 1

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ALBERT A. CARTER, Commissioner, District 3

ATTEST:

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Donna Caton  
Clerk of the Board