

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

January 26, 2009

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, January 26, 2009, at 2:00 p.m. Commissioners Al Carter, Terry Willis 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

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

MINUTES

1. **Regular Meeting January 12, 2009:** A motion was made, seconded and passed to approve the minutes of the regular meeting held January 12, 2009.
2. **Special Meeting November 25, 2008:** A motion was made, seconded and passed to approve the minutes of the special meeting held November 25, 2008.
3. **Tri-County Meeting December 10, 2008:** A motion was made, seconded and passed to approve the minutes of the Tri-County meeting held December 10, 2008.

BIDS

1. There was an advertisement for bid for the following project: The delivery of three (3) or more police pursuit vehicles, one (1) or more 15 passenger maxi vans, and one (1) or more full sized police utility vehicles. Bid specifications were available at the Commissioner's Office, 100 West Broadway Suite 1, Montesano, WA. Notice of advertisement for this bid was published in the *Montesano Vidette* January 8th and 15th, 2009. The Clerk of the Board opened and read the following bids received with bid bond attached:

Harbor Chrysler Jeep Dodge, Aberdeen, WA	(Pursuit)	\$27,379.15
Five Star Ford, Aberdeen, WA	(Pursuit)	\$26,558.28
Five Star Ford, Aberdeen, WA	(Van)	\$25,081.57

The bids were forwarded to the Public Service's Department for review and recommendation.

HEARINGS

1. Continued Hearing – Reclassification as Open Space – Applicant, Garry & Nancy Dale: This hearing was continued from December 29, 2008, and is to consider a request by Garry and Nancy Dale for reclassification as Current Use Open Space for Parcel Number 180835330010, the Southerly 1,024.3–feet of the South ¼ East of the Wynoochee River West of the County Road Less Tax Lot 3 and Tax Lot 7 less a portion of Tax Lot 5. Chairman Wilson invited the applicant to provide testimony.

On behalf of the applicants, Attorney William Stewart explained that the Dale's provided information to the Board, consisting of letters of support from community members who are involved with Sasquatch Farms. Mr. Stewart stated that the Dale's own approximately 55 acres of property in the Wynoochee Valley and the reason for today's hearing is to address the removal of this property from the Current Use Farm and Agriculture classification and the resulting taxes and penalties totaling \$17,000. Mr. Stewart stated that the Dale's are not operating a hobby farm and that they have developed the property into a long-term plan for permaculture, which involves using every inch of the land for its best intended use. He stated that the Dale's have planted the perimeter of the property with tree crops, they have planted rows with approximately 30,000 trees on 32-acres, and have test gardens, rotational areas, and an area that is hayed. He noted that the hay field has been maintained by a neighbor who exchanges the labor for the hay product. Mr. Stewart stated that he believes the Assessor's Office removed the property from its previous classification without noting the forest plan verified by the Northwest Certified Forestry Association, which explains the intended use of the tree crops including the eventual harvesting of nuts, boughs, and specialty timber crops. He commented on the garlic grown on the property and it being sold locally, and also in regards to the farming methods used to maintain the soil. He made additional comments regarding how commercial farming has changed over the years and no longer operates in the area as it once did.

Mr. Stewart stated that the purpose of Open Space, which the Dale's have applied for, is to preserve land to be available for long term agricultural use. He stated that though the highest and best use for this property may be development, the intent is to conserve the property for future return to long term agriculture. He noted the position of the land related to the Wynoochee River and that there has been no erosion of their property along the river during the time they have owned it. Mr. Stewart commented on the property complying with the statutes related to conserving and enhancing natural, cultural and scenic resources and protecting streams, wetlands, natural shorelines and aquifers, etc. He noted that there is a Conservation Reserve Program plan in place along the river, which does not allow for any activities to take place in that area. Mr. Stewart reiterated that the farm is in jeopardy due to tax policy which he believes was not intended to close small farms, and that the property was erroneously removed from its previous classification.

Commissioner Carter initiated discussion with Mr. Stewart regarding the removal of properties from the Current Use Farm and Agriculture classification and whether or not it is necessary that the affected property owners pay the back taxes and penalties.

Commissioner Willis inquired as to what caused the removal of the property from the previous classification. Mr. Stewart stated that the Assessor addressed only a portion of the activities taking place on the property and also reported that the applicants are not making an effort to profit from the activities. Discussion followed regarding the presence of the CRP and the income the rent payments generate, and whether or not the planted trees are hardwoods, which qualify as an agricultural crop.

Commissioner Willis asked the applicant to address the statement she made regarding the property being more profitable in three years than at present time. Nancy Dale stated that she plans to return the farm to full time commercial agricultural activities as soon as she is able to relocate to the area. She stated that they are still growing but are unable to maintain the activities they previously performed and have developed a three-year plan to return to commercial agriculture.

Chairman Wilson asked for public comment. Ron Lofgren, Montesano, spoke in support of the Dale's application and made comments regarding the green farming taking place at Sasquatch Farms and the applicable taxes related to the Open Space classifications and the use of the land.

Commissioner Willis made comments regarding the quality and types of soils present on the property related to this request, and how today's farming activities are different from those that were taking place previously.

ACTION: A motion was made, seconded and passed to approve the request for Reclassification to Current Use Open Space Farm and Ag Conservation Land by Garry and Nancy Dale, with the Reclassification to be reviewed in five years.

2. **Dog Barking Ordinance:** There was a public hearing to consider an ordinance adding a new chapter to Title 6 of the Grays Harbor County Code prohibiting and providing a penalty for permitting frequently, repetitively or continuously barking dogs on a premises. The proposed ordinance was published in its entirety with notice of this hearing in the *Montesano Vidette* January 15, 2009. Chairman Wilson asked for public comment.

John Dickinson, Brady, made comments in support of the ordinance, stating that his neighbor's dogs have been disturbing his neighborhood for many years. He noted that approaching and speaking with his neighbors on several occasions has not resolved the issue.

Lee Dotson, Satsop, made comments regarding licensed facilities being exempt from

receiving fines. He spoke in support of the ordinance, and noted that speaking with the neighbors whose dog is disturbing him has not provided any resolve.

John Paul F. McGee, Montesano, made comments regarding the Sheriff's Department having greater priorities than responding to complaints regarding barking dogs.

Elaine Hartford, Satsop, spoke in opposition to the ordinance and made comments regarding the kennel she operates and different reasons that cause dogs to bark.

Barbara Johnson, Central Park, spoke in support of the ordinance and made comments regarding information that must be disclosed to potential home buyers regarding continuous barking. She commented in regards to the proposed ordinance providing protection for homeowners by providing owners with recourse if they are unable to resolve the issue with their neighbors.

Steve Holstrom, Oakville, spoke in favor of the ordinance and noted that he was pleased to see that previous comments regarding the ordinance had been addressed in this proposal.

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

Commissioner Willis made comments regarding the Sheriff's Department having to respond to noise complaints whether an ordinance is in place or not. She noted that it is also important for the Sheriff's Department to be able to enforce the ordinance and to be able to address stressful situations the animals may be in.

ACTION: A motion was made, seconded and passed to approve Ordinance No. 379, Adding a new chapter to Grays Harbor County Code Title 6, Animals, prohibiting, and providing penalties for permitting frequently, repetitively or continuously barking dogs on premises.

COMMISSIONERS

1. Set Hearing Dates for the Following Applications:

A. Application for Change of Use Classification to Current Use Timber – Tubafor Mill: February 9, 2009, at 2:00 p.m., is the date and time set for a public hearing to consider a request by Tubafor Mill Inc. for reclassification as Current Use Timber for Parcel Number 190832130010.

B. Application for Change of Use Classification to Current Use Timber – Paul & Neila Teagle: March 2, 2009, at 2:00 p.m., is the date and time set for a public hearing

to consider a request by Paul and Neila Teagle for reclassification as Current Use Timber for Parcel Number 180710340010.

C. Application for Change of Use Classification to Current Use Timber – John Jr. & Jean Clevenger: February 23, 2009, at 2:00 p.m., is the date and time set for a public hearing to consider a request by John Jr. & Jean Clevenger for reclassification as Current Use Timber Parcel Numbers 190921120050 & 190921120020.

DEPARTMENTS

FORESTRY

1. Request Approval, Grant Easement to WSDOT Re: Moclips River Bridge Replacement: A motion was made, seconded and passed to grant an easement for replacement of riprap on the Moclips River. The Washington State Department of Transportation is planning this project to replace the bridge across the Moclips River on SR109 in the town of Moclips. The plans for this project call for the placement of riprap along the stream bank to protect the bridge abutments. The property on which the riprap is to be placed belongs to the County. The parcel is not suitable for any kind of development.

MANAGEMENT SERVICES

1. Request Approval, Amend Resolution – Risk Pool County Representative: A motion was made, seconded and passed to approve **Resolution No. 2009-04, A Resolution Amending Resolutions 1993-68, 2002-134 and 2004-53, Amending a Procedure for Determining Scope of Employment in Actions for Monetary Damages; Approving Payment of the County’s Joint Self-Insurance Liability Premium and Approving a Deductible Election Selection.** Section 7 of the resolution has been amended naming Mike Wilson, the Director of Management Services and the Risk Manager as representatives to the Pool.

PUBLIC SERVICES

1. Request Approval, Interlocal Agreement – Emergency Bus Mobilization – Hoquiam School District: A motion was made, seconded and passed to approve an Interlocal Agreement with the Hoquiam School District for Emergency Bus Mobilization. This agreement may be activated in an emergency or disaster for evacuation of citizens.

2. Request Approval, 2009 Grays Harbor Transit Agreement – ER&R Division Radio Equipment Maintenance: A motion was made, seconded and passed to approve the 2009 agreement between Grays Harbor Transit Authority and the ER&R Division for radio equipment maintenance. A fee of \$500 per month will be paid by Grays Harbor Transit Authority for ER&R to service all two-way radio systems and associated

electronics gear.

3. Request Approval, Personal Services Agreement – Dana Dietz – Washington Coast Sustainable Salmon Partnership: A motion was made, seconded and passed to authorize the chairman to sign a personal services agreement with Dana Dietz. Ms. Dietz will serve as the Administrative Assistant for the Washington Coast Sustainable Salmon Partnership. The funds secured through a grant contract between the Resource and Conservation Office and Grays Harbor County will cover the expenses incurred.

4. Request Approval, Set Hearing Date – 2nd Hearing for Appeal of Engineer Administrative Decision, Case No. 2008-1575: February 23, 2009 at 2:00p.m. is the date and time set for a public hearing to consider an appeal of the decision and related requirement contained in the Grays Harbor County October 7, 2008 correspondence to Robert Betcher concerning the placement of fill material within the Fourth Street South right-of-way in the Pacific Beach area of unincorporated Grays Harbor County.

SHERIFF

1. Request Approval, Interlocal Agreement to Provide Police Services – City of Oakville: The Clerk of the Board announced that this item was removed from the agenda and will be heard at a later date.

TREASURER

1. Request Approval, Resolution – Property Sale to Confederated Tribes of the Chehalis: A motion was made, seconded and passed to hold this resolution for a later meeting in order to get more information.

ANNOUNCEMENTS

The Commissioners will adjourn to an executive meeting on Friday January 30, 2009 at 10:00 a.m.

CORRESPONDENCE

1. Claim No. C-581-08 filed by Rebekah Gonsalves. This claim was forwarded to the Claims Review Committee.
2. Coroners Office monthly reports for October and November 2008.

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.

John Paul McGee, Montesano, made comments regarding flooding on his property due to other building in the area.

The following people made comments regarding flooding on the Quinault River, provided information and requested action by the Commissioners:

Kelly Daniels, Lake Quinault

Dave Christiansen, Lake Quinault

Lena O'Neil, Lake Quinault

Roger Blaine, Lake Quinault

Steve Perry, Lake Quinault

Mike Turner, Lake Quinault

Dave Morrison, Lake Quinault

Dean Buckingham, Lake Quinault

Dave Holbrook, Lake Quinault

Gary West, Lake Quinault

Holly Nelson, Lake Quinault

Tracy Horn, Lake Quinault

Barb Holbrook, Lake Quinault

Corey Daniels, Lake Quinault

STAFF MEETINGS

The Board held staff meetings on Monday, January 26, 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 Larry Smith, Forestry, regarding an agenda item; Joan Brewster, Public Health & Social Services Director, regarding budget updates; Greg Reynvaan, Juvenile Court Administrator, regarding budget, personnel, and department updates; Dale Gowan, Central Services, regarding recording systems; 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, regarding Planning & Building updates; Anne Sullivan, Emergency Management, regarding department updates; Lee Napier, regarding an agenda item; Rose Elway, Budget Director, regarding agenda items and special projects. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

No. 2009-04

A Resolution Amending Resolutions 1993-68, 2002-134 and 2004-53, Amending a Procedure for Determining Scope of Employment in Actions for Monetary Damages; Approving Payment of the County's Joint Self-Insurance Liability Premium and Approving a Deductible Election Selection

ORDINANCES

No. 379

Adding a New Chapter to Grays Harbor County Code Title 6, Animals, prohibiting, and providing penalties for permitting frequently, repetitively or continuously barking dogs on premises

INTERGOVERNMENTAL AGREEMENTS

- **Emergency Bus Mobilization – Hoquiam School District**
- **2009 Grays Harbor Transit Agreement – ER&R Division Radio Equipment Maintenance**

The meeting adjourned at 4:04 p.m. to an Executive Session to be held Friday, January 30, 2009, at 10:00 a.m.

EXECUTIVE SESSION

At 10:00 a.m. the Board announced it would be moving into Executive Session to meet with legal counsel to discuss potential litigation under RCW 42.30.110(1)(i). It was announced that this Executive Session was expected to last one hour. At 11:00 a.m. the Executive Session was adjourned and it was announced that no decisions were made during this session.

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

MIKE WILSON, Chairman
Commissioner, District 2

TERRY L. WILLIS, Commissioner, District 1

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board