

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

August 17, 2009

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, August 17, 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.

BIDS

None

HEARINGS

1. **Request for Classification as Current Use Open Space – Applicant Wixson Family Trust:** There was a public hearing on August 17, 2009 to consider a request for classification as Current Use Open Space by Wixson Family Trust. Notice of this hearing was advertised August 6, 2009, in the *Montesano Vidette*. The Clerk of the Board announced that the applicant had requested that the hearing be continued to September 14, 2009, so they can be available for the hearing. Commissioner Wilson called for public comment. There was no public comment.

ACTION: A motion was made, seconded and passed to continue the hearing to Monday, September 14, 2009, at 2:00 p.m.

2. **Request for Reclassification as Current Use Farm and Agriculture Conservation Land – Applicant Darryl and Carol Druzianich:** There was a public hearing on August 17, 2009 to consider a request for reclassification as Current Use Farm and Agriculture Conservation Land for real property tax purposes for parcel number 170603110010 owned by Darryl and Carol Druzianich. Notice of this hearing was advertised August 6, 2009, in the *Montesano Vidette*. Commissioner Wilson asked for a staff report. Brian Shea, Planning and Building Director, reported that this parcel is 35.1-acres, but the application is for a 34.1-acre portion of that property. The property is located within the Long-Term Agriculture Zoning District (A-2). The primary purpose of this district is to conserve and protect agricultural lands and to reserve areas for use by land-extensive commercial farms. The subject property is also located within an area designated Agricultural by the Grays Harbor County Comprehensive Plan Map. The property also contains three prime farmland soils as listed on the United States Department of Agriculture Soil Survey. The staff report notes that the reclassification of this parcel will result in a tax shift. Granting the Open Space Land tax classification would encourage the preservation of use for agricultural activities, and it will preserve the potential use of the land for agricultural use. It also has potential, based on the presence

of prime farmland soils, for commercial agriculture activities. He stated that based on the information obtained, the Planning and Building Department recommend approval per the Revised Code of Washington Chapter 84.34.037(2) (b) and Revised Code of Washington Chapter 84.34.037(2) (c). He also noted Attachment No. 7, stating that the property is currently before the Board of Tax Appeals at the state level.

Mr. Shea explained that the appeal is completely separate from their conclusion, and was not taken in to consideration when looking at this application.

Bill Brown, Appraiser, entered Exhibit A into the record. He reported that the Assessor's Office requests that this hearing be postponed until the Board of Tax Appeals hearing has been ruled on. He explained that the case today is in conflict with the case to be held next week. Mr. Brown then discussed the possible outcomes of the tax appeal case and the effect on this hearing decision, stating that the tax board hearing will negate any decision made today.

Mr. Brown went on to explain that the Board of Equalization found the property to be in compliance with Open Space Farm and Agriculture. The Assessor's Office has been advised by the Department of Revenue's (DOR) attorney, Mr. Winterstein that the county must recognize the decision and accept the determinations made by the Board of Equalization. Additionally, the Current Use Open Space Farm Conservation classification does not allow for buildings, home site and incidental use acreage. The actual land that can potentially be farmed is only approximately 11.5 acres. That would be the maximum amount that could be approved for the Current Use Open Space, Farm Conservation classification. It was stated that this was also the advice from Leslie Mullens, DOR. There is also new legislation that could make a difference for this case, in regard to the back taxes owed if taken out of Open Space. This legislation would allow the 23 remaining acres of the property that would not be classified under Farm and Agriculture Conservation Land to be put into no-fault, meaning the property owners would not have to pay the back taxes.

Commissioner Willis asked how Mr. Brown determined the acreage that was available to be put under Farm Conservation. Mr. Brown replied that they are just estimating, because there is land that has sloughs and banks that are not eligible and areas with buildings. Commissioner Willis also discussed the Board of Equalization hearing with Mr. Brown, but he could not remember the specifics of the decision. Next she asked if the property owner was allowed to apply for Open Space Farm and Agriculture Conservation Land at any time. Mr. Brown replied that the property owner could apply at any time. Commissioner Willis then explained that the applicant, Mr. Druzianich, could then apply for reclassification because the property is considered to be in Open Space Farm and Agriculture.

Chairman Wilson called for public comment. Darryl Druzianich, the applicant, commented on his property being removed from Farm and Agriculture Open Space. In the past he has had individuals lease his property to farm commercially. For numerous years there was pea production and other smaller projects. Then when the pea farming

left, cottonwood trees were planted, but failed within two years. The fields then needed to be reworked to become ready for new planting, leading to no income from the farm for two years, which is the reason the Assessor removed the property from Open Space Classification. In Mr. Druzianich's research, he found that if the property was over 20 acres, which it is, income did not have to be shown. The land was still farmland for these two years; it was just not being actively farmed. Mr. Druzianich stated that they request to be put into Open Space Farm and Agriculture Conservation Land in order to allow for time to find a new person to lease the property for commercial farming. The land is prepared and ready to be used. Also he noted that 34.1 acres qualify for Farmland Conservation. The law states that there is a 20% buffer allowed for farmland that can be used for other purposes. He researched other parcels in this use category and all of them include the entire parcel in Open Space; they have not been broken into different pieces like Mr. Brown was proposing for his property.

Commissioner Carter asked the applicant why he was in such a rush to have today's hearing held prior to the Tax Appeal Board hearing. Mr. Druzianich replied that this classification is what they believe would be the best classification for the property in order to give them time to find a person to lease the property for farming.

The Commissioners and Mr. Druzianich discussed the options available for Open Space classifications. Mr. Druzianich was not aware of this classification until just recently, which is why it took him longer to apply for Open Space Farm and Agriculture Conservation Land.

Commissioner Willis inquired as to what process Mr. Druzianich had gone through with his farmland over the years. He explained that first there were peas in his fields, but they relocated to another area, then cottonwood was planted. The cottonwood is a 6-8 year process, and after two years the cottonwood failed, resulting in having to rework the fields. Next rye grass was planted for income. There has not been anything grown in the field for 2-3 years, but the fields have been kept in farming condition, and are ready to be planted when someone wants to lease the farmland.

Mr. Brown, Assessor's Office, came to the podium and discussed the State Tax Appeal Board hearing and how their decision will affect the Commissioner's hearing decision today, which is the reason the Assessor's Office is requesting delay of a decision until after a decision is made by the State Board of Tax Appeals.

The Commissioners explained that they are looking at the facts today, without speculating as to what may or may not happen at the state hearing next week. Mr. Baker, Senior Deputy Prosecuting Attorney, referring to the appeal by the Assessor, stated that a decision would be based on the record before the Board.

Mr. Dan Wood, Director of Local Affairs for the Farm Bureau, discussed the definition of agriculture in the Shorelines Management Plan, RCW 90.58, and Growth Management Plan. Both plans state that land can be fallow or dormant if there are adverse conditions, or if dormant, land can be moved to conservation. He believes the standard for making

decisions should be on the record before the Board. He believes they need to visit more farms and understand what happens on the land.

Mr. Brown stated that the Assessor's Office does not interpret the law they administer them, and have been working closely with the Department of Revenue on Open Space issues. Commissioner Willis added that the Commissioner's Office is also in contact with the Department of Revenue on Open Space issues. Commissioner Carter added that the County provides relief where it can.

There was no further public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve the request by Darryl and Carol Druzianich for Reclassification as Open Space Farm and Agriculture Conservation Land for Parcel No. 170603110010.

PUBLIC COMMENT

Chairman Wilson called for public comment. He announced that comments and statements would be accepted and limited to three minutes. Questions should be submitted in writing.

John Allen, County, made comments regarding the salal contract and state regulations.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

- a. Morning Meeting - June 8, 2009, June 15, 2009, June 22, 2009, June 29, 2009, July 13, 2009, July 20, 2009, August 3, 2009 and August 10, 2009
- b. Finance Committee Meeting – August 3, 2009
- c. Regular Meeting – August 10, 2009

Public Health & Social Services:

- a. Set Hearing Date – August 31, 2009 – to consider an Ordinance imposing an additional sales or use tax
- b. Rental Agreements – Ocean Shores Library - October 14, 2009 & PUD Nichols Bldg. - October 3, 2009

Correspondence:

- a. Lawsuit, L-593-09, Teamsters Local Union 252
- b. Petition re: Noise, Dust, Speed on Black Creek Road and Wilkie Lane
- c. Boundary Review Board Resolution – Case No. 2009-01, City of Elma

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

COMMISSIONERS

1. **Morning Meeting Minutes – July 6, 2009 (M. Wilson & A. Carter):** A motion was made, seconded and passed by Commissioners Wilson and Carter to approve the morning meeting minutes from July 6, 2009. Commissioner Terry Willis was excused from the meeting due to illness.
2. **Regular Meeting Minutes – July 27, 2009 (T. Willis & A. Carter):** A motion was made, seconded and passed by Commissioners Willis and Carter to approve the morning meeting minutes from July 27, 2009. Commissioner Mike Wilson was excused from the meeting due to a prescheduled vacation.
3. **Resolution – Lacefield Condemnation:** A motion was made, seconded and passed to approve **Resolution No. 2009-79, A Grays Harbor County Resolution superseding Resolution No. 2009-23 relating to the acquisition by eminent domain of a certain portion of property in unincorporated Grays Harbor County necessary for construction and maintenance of sidewalk project, describing the public convenience, use and necessity of such property; providing for the condemnation, appropriation and use of the property; providing the mode of payment of cost of acquisition of the property; and directing the Prosecuting Attorney to prosecute such action in Grays Harbor County Superior Court in the event direct purchase efforts are not successful.** Notice of this resolution was published in the *Montesano Vidette* August 6th and 13th, 2009.

** The Clerk announced that the following item had been added to the agenda:

4. **Quit Claim Deed:** A motion was made, seconded and passed to approve two quit claim deeds for Mr. John Andrews's properties, transferring all sand and gravel mining rights to the property owner.

DEPARTMENTS

FORESTRY

1. **Request Approval, Timber Sale - East Hoquiam Salvage No. 2:** A motion was made, seconded and passed to approve the timber sale for East Hoquiam Salvage No. 2. The auction was held August 7, 2009 with Chehalis Valley Timber, Inc. being the highest bidder at \$168,400.

MANAGEMENT SERVICES

1. **Request Approval, USDA Forest Service Grant – Noxious Weed Program:** A motion was made, seconded and passed to approve the USDA Forest Service grant in the amount of \$11,250 to continue with the Noxious Weed Program. The goal of this project is to stop the spread of invasive plants, reduce existing populations and prevent the introduction of additional exotic plants in Grays Harbor County.

2. **Request Approval, Resolution – Budget Transfer, Veteran’s Relief Fund:** A motion was made, seconded and passed to approve **Resolution No. 2009-80, transferring items in the Grays Harbor County Miscellaneous Fund Veteran’s Relief Fund**, in the amount of \$10,000. The Veteran’s Relief Fund is experiencing greater usage than anticipated for monetary relief to military veterans.

PUBLIC HEALTH & SOCIAL SERVICES

1. **Request Approval, Contract Amendment with Behavioral Health Resources – Contract Extension:** A motion was made, seconded and passed to approve the contract amendment with Behavioral Health Resources to extend the contract period to September 30, 2009 and add an additional \$75,338.

2. **Request Approval, Department of Health Consolidated Contract Amendment #17:** A motion was made, seconded and passed to approve amendment #17 to the 2007-2011 Consolidated Contract with the Department of Health. The amendment adds a statement of work for the HCCW Child Care Health Consultation and amends statements of work for: BEACH Program, Healthy Youth Act Curricula Review and Office of Drinking Water Group A Program. It provides an increase of \$23,899.

PUBLIC SERVICES

1. **Request Approval, Resolution Establishing Speed Limit on East Hoquiam Extension Road:** A motion was made, seconded and passed to approve **Resolution No. 2009-81, establishing a 40 mph speed limit for East Hoquiam Extension Road between Hoquiam Wishkah Road and Youmans Road**. The road is presently posted at 35 mph, a length of about two miles. This change will provide conformity with speed limits of other roads in the vicinity, Wishkah Road, East Hoquiam Road, and Hoquiam Wishkah Road. Speed limits for the area will be consistent to benefit driver expectancy.

2. **Request Approval, Award Bid and Contract for Forrest Road Garrard Creek Bridge Replacement:** A motion was made, seconded and passed to approve the bid and authorize the chairman to sign the contract with Rognlins, Inc of Aberdeen, WA. Rognlins, Inc. submitted the low bid of \$560,866.00. This bid is 26 % below the engineer’s estimate.

ANNOUNCEMENTS

None

STAFF MEETINGS

The Board held a regular morning meeting on Monday, August 17th, 2009, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners’ Conference Room. Commissioners Willis, Wilson and Carter and the Clerk of the Board

The meeting adjourned 3:05 p.m.

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