

MINUTES

BOARD OF COMMISSIONERS – GRAY HARBOR COUNTY REGULAR MEETING

July 26, 2010

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, July 26, 2010, at 2:00 p.m. Commissioners Al Carter and Terry Willis were present. Jenna Amsbury, Deputy Clerk of the Board, and Jim Baker, Senior Deputy Prosecuting Attorney, were also present.

CALL TO ORDER AND FLAG SALUTE

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

A motion was made, seconded and passed to excuse Commissioner Wilson from the meeting.

A motion was made, seconded and passed remove Commissioner's agenda item number one from the agenda.

BIDS:

None

HEARINGS:

1. **Reopened Hearing – Reclassification as Open Space Timber, Applicant Michael and Katy Moore:** There was a reopened public hearing on July 26, 2010 to consider a request for reclassification as Current Use Timber for applicants Michael and Katy Moore; parcel number 180507320040. Notice of this hearing was published in the *Montesano Vidette* July 15th and 22nd, 2010. Commissioner Carter asked for a staff report. Bill Brown, Appraiser, provided a PowerPoint presentation describing the property and pertinent RCW's and WAC's. In RCW 84.34.020 timber land is required to be at least five acres per parcel. Mr. Brown stated from the *Gralinger v. Rausch* case decision at the Washington Board of Tax Appeals, a one acre minimum home site is the recognized practice for parcels.

Mr. Brown provided calculations for deductions from the 6.01 acre parcel. He stated there is a 50 foot easement from the center line of the road on the property that equals 2.2 acres. Which leaves 4.81 acres and then a deduction of the one acre home site brings the total acreage for timber use to 3.8 acres.

Commissioner Carter asked if the road could be considered a timber use since it would be used for moving the timber. Mr. Brown replied that the roads are not logging roads; the roads are made for residential use, there can not be a dual purpose.

Commissioner Willis asked why Weyerhaeuser has a different calculation for the road acreage. He stated that the issue may come down to incidental use and if so the term incidental means that it is of small difference or similar use. The purpose of the land must still be tied to timber practices.

Commissioner Carter called for public comment.

Teri Franklin, Elma, made comments regarding the legality of the hearing and provided a printout of RCW 36.32.330 regarding the appeal process for Open Space. Jim Baker, Senior Deputy Prosecuting Attorney, replied that the Board is acting in a legislative manner not quasi-judicial and they are able to reopen a hearing. He also cited the case *Sterling v. Spokane County* and RCW 84.34.020 (3).

Tim Scherer, Weyerhaeuser, explained a letter sent to the Commissioners on May 5, 2010. He described the maps and calculations of acreage for the parcel. He stated that he calculated the easement differently. 24 feet of the easement can still be used to grow trees on the utilities and road use would not be hindered by the growing and harvesting of trees. He calculated the parcel acreage deduction as follows: .77 acres for the house/ shop/ driveway/ yard, .24 acres for the home site road, .37 acres for the forest road and .03 acres for the community area. The total area for the timber use comes out to 4.6 acres. He explained that 10% of the 5 acre area can be set aside for incidental use, which makes this parcel eligible for timber classification.

Commissioner Willis asked for clarification on the easement for utilities and where the lines are placed within the easement.

Mr. Scherer replied that the lines are by the road and at one point they jut out approximately 10 feet, but come right back to the road. He stated the tree growth on the outside 24 feet of the easement is no where near the utility lines. Mr. Scherer stated that the easement is a dedicated easement, which means that the private road is dedicated to the Homeowners Association. The easement does not restrict the property owners from growing trees within the 50 foot area.

There was further discussion on the deductions from the parcel and how they are calculated. Mr. Scherer stated that while working with the County on this process he did not foresee there being any of these acreage problems. They saw the home site being one acre and the remaining 5.01 acres considered timber land.

Commissioner Willis asked if the Assessor's Office had been involved in the planning process. Mr. Scherer replied the office was not involved.

Brian Shea, Planning and Building Director, described the difference between easements and right-of-ways. In easements the property owner has the right to do what they wish within the easement area as long as it does not encumber the purpose for the easement, the utilities or road use.

Commissioner Willis asked if the County had planned for the subdivision private roads to become county roads. Mr. Shea replied the subdivision roads will remain privately owned.

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

Commissioner Willis inquired as to whether she could gather information on the case from outside sources in the next two weeks. Jim Baker stated that since the Board is acting in a legislative form, that information could be gathered as long as it does not include multiple Commissioners.

ACTION: A motion was made, seconded and passed to postpone the decision until August 9, 2010.

2. **Supplemental Budget – ORV Park, \$154,386:** There was a public hearing on July 26, 2010 to consider a supplemental budget in the ORV Park Fund. Notice of this hearing was published in the *Montesano Vidette* July 15th and 22nd, 2010. Commissioner Carter asked for a staff report. Rose Elway, Budget Director, reported on the Recreation and Conservation Office grants received by the ORV Park for equipment purchases and improvements to the campsites and spectator facilities at the ORV Park. These grants were approved in 2008 and were due to expire in 2009, but due to the closure of the park for six months, an extension was granted to the end of 2010.

Commissioner Carter called 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. 2010-58, authorizing a supplemental extension in the budget of the Grays Harbor County Miscellaneous Funds ORV Park Fund, in the amount of \$154,386.

PUBLIC COMMENT

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

Teri Franklin, Elma, made comments regarding wetland perimeters on Powers Creek properties and provided an email from Tim Scherer.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

Morning Meeting and Regular Meeting – July 19, 2010

Correspondence:

Claim, C-611-10, Glenn H. Davis

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

PRESENTATION

1. **Tyson Robecker – Drug Use On The Harbor:** Tyson Robecker, a Montesano High School student, discussed his involvement in the club Future Community Career Leaders of America (FCCLA). He has been involved in multiple speaking engagements and he and his partner won second place for their presentation in the state competition for Students Taking Action with Recognition. Mr. Robecker discussed his experience in speaking engagements and his recent trip to Chicago to attend a National Leadership Conference. He explained the topic of Drug Use on the Harbor and provided statistics illustrating that Grays Harbor junior high and high school students have a higher percentage of drug use than the state average.

COMMISSIONERS

** The following item was removed from the agenda:

1. **Affiliation Agreement with Grays Harbor College - Nursing Program Clinical Training:**

DEPARTMENTS

FAIRGROUNDS

1. **Request Approval, Spending Authorization and Agreement with Central Restaurant Products – Concessions Fryer:** A motion was made, seconded and passed to approve the spending and agreement with Central Restaurant Products for the purchase of a concession fryer. The cost of the fryer is \$3,432.83.

2. **Request Approval, Spending Authorization and Agreement for Comcast Spotlight – Fair Sponsor/Advertising:** A motion was made, seconded and passed to approve the agreement with Comcast Spotlight for fair sponsorship and advertising. The agreement is in the amount of \$3,596. Grays Harbor County Fair will provide the cash investment and 80 admission tickets to the Fair for Comcast employees. In return, Comcast is providing the Grays Harbor County Fair with \$12,846 worth of advertising.

PUBLIC HEALTH AND SOCIAL SERVICES

1. **Request Approval, DSHS / Department of Behavioral Health and Recovery Chemical Dependency Contract for 2010-11:** A motion was made, seconded and passed to approve Amendment 3 to the Program Agreement with the Division of Behavioral Health and Recovery (DBHR) for chemical dependency treatment and prevention services from June 30, 2010 to June 30, 2011. The amendment reduces State Grant In Aid funding, reduces county administration funding from 10% to 8% and returns prevention funding. The amendment increases the maximum consideration by \$40,814 for a new contract total of \$1,709,115.

2. Request Approval, Evergreen Treatment Services Opiate Substitution Treatment Contract: A motion was made, seconded and passed to approve the contract with Evergreen Treatment Services to provide adult Opiate Substitution Treatment services from July 1, 2010 through June 30, 2011. The amount of the contract is \$ 60,000.

3. Request Approval, Catholic Community Services of Washington Wraparound Treatment Program Contract: A motion was made, seconded and passed to approve amendment 2 between the Grays Harbor RSN and Catholic Community Services of Western Washington (CCSWW) for a Children's Mental Health Wraparound Pilot. The agreement provides funding for continuation of a wraparound model of integrated children's mental health services delivery. It targets services for ten families focusing on the children that receive publicly-funded mental health services and are uninsured or underinsured but need wraparound services to achieve mental health and behavioral stability for achieving desired individual and family outcomes. The amendment provides \$138,060 for state fiscal year 2011 to CCSWW.

PUBLIC SERVICES

1. Request Approval, Consultant Services Agreement for the Schouweiler Road/ State Route 12 Intersection: A motion was made, seconded and passed to authorize the Chairman to sign the consultant services agreement with Shea, Carr, Jewell for work on the Schouweiler Road/ State Route 12 intersection. An agreement and scope of work have been developed to provide for a study of the Schouweiler Road/SR 12 intersection to make improvements in support of the East County Industrial Park and other development in the West Elma area. The intersection has several safety concerns and the County is trying to be proactive in addressing these issues. The cost of the study is \$32,745 and will be completed by the Olympia firm *Shea, Carr, Jewell* who was selected from several firms who submitted their qualifications earlier this year. The study is funded in the 2010 budget from the #310 fund. The County will be working closely with Washington State Department of Transportation during the study to obtain approval of the plans developed.

ANNOUNCEMENTS

Commissioner Carter made comments regarding a recent article in the Montesano Vidette regarding the Fair Media Day.

STAFF MEETINGS

The Board held a regular morning meeting on Monday, July 26, 2010, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Carter and Willis and the Deputy Clerk of the Board, Jenna Amsbury reviewed calendars and pending daily office issues. The Board met with Joan Brewster, Public Health and Social Services, regarding agenda items; Kevin Varness, regarding agenda and department updates; Russ Esses, Engineering, regarding department updates; Jeff Nelson, Environmental Health, regarding department updates; Brian Shea, Planning and Building, regarding department

updates; Lee Napier, Public Services, regarding a request; Garrett Dalan, Environmental Health, regarding biosolids. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

No. 2010-58

**Authorizing a supplemental extension in
the of the Grays Harbor County
Miscellaneous Funds ORV Park Fund, in
the amount of \$154,386**

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned 3:23 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2010

ALBERT A. CARTER, Chairman, District 3

TERRY L. WILLIS, Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ATTEST:

Jenna Amsbury
Deputy Clerk of the Board