

**BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON  
BOARD MEETING MINUTES  
August 31, 2009**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, August 31, 2009, at 10:00 a.m. **COMMISSIONERS RON AVERILL, P.W. SCHULTE, and F. LEE GROSE** were in attendance. **Chairman Grose** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Schulte** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, August 24, 2009. **Commissioner Averill** seconded.

Motion Carried 3-0

<b>Notice</b>
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**Commissioner Averill** made a motion to split the Notice Agenda into two sections. **Commissioner Schulte** seconded.

Motion carried 3-0

**Commissioner Averill** moved to approve Notice item 1. **Commissioner Schulte** seconded the motion. **Commissioner Averill** read the proclamation into the record.

**1. Proclamation: Proclaiming September as "American Legion Month".**

**Harry Howard, Sergeant at Arms, Post 508**, thanked the Commissioners on behalf of Post 508.

**Commissioner Averill** moved to approve Notice item 2. **Commissioner Schulte** seconded the motion. Karri Muir, Clerk of the Board, read the item into the record.

**2. Notice of Hearing: Regarding applications for classification of various land parcels. Hearing will be held on September 14, 2009 on or after 10:00 am.**

**Dianne Dorey, LC Assessor**, stated periodically we do reviews of program lands, either through audit or because people are selling, trading or gifting their properties. When we do that, we find out that sometimes owners have changed the use of their land. These programs have taxation benefits for how you use your property, either growing timber or agricultural land, or and open space category. When we do these audits, we find that people are not in compliance with some of their property, so we have them transfer from one program to another to bring them into compliance. If there is no recourse for them, then they are removed from the program. The properties that we will be bringing before the Board, do qualify and we will be bringing them forward to you for your recommendation for approval.

**Commissioner Averill** stated this would be a hearing that will be held on September 14, 2009.

Motion carried 3-0



**5.Resolution No.09-296 Acknowledgement of Resolution 002-09 signed by the LC Solid Waste Disposal District, to close drop box sites in Onalaska, Toledo, Winlock, and Packwood.**

**Steve Skinner, LC Solid Waste,** stated this resolution authorizes the closure of drop box sites in Toledo, Winlock, Onalaska, and Packwood. Due to dwindling customer base and there is always a loss of revenue source.

**Commissioner Averill** pointed out that the Packwood drop box site is located on the PDA property. We have a new tenant that requires more space. We had an agreement with the PDA, that when a permanent tenant was secured we would move the drop box location. Unfortunately, the cost of moving that drop box at this time has two problems: 1. It is expensive, costing over \$200,000 to 300,000 dollars to move it. 2. We do not have a place to move it for another year. The other aspect is that the drop boxes have consistently cost more than we receive from them. There are citizen alternatives that are much cheaper, door-to-door collection, and or taking garbage to the two central transfer stations in the County, one at Morton and one in Centralia. Given all these factors, we have the Solid Waste Advisory Board, who has consistently advised the district board that these boxes should be closed. Packwood, was one of the areas that we felt should be subsidized because of the 37 miles to the Morton Transfer Station, we felt we should not close it, now, now that we have to close the Packwood drop box it does not make sense to keep the other sites open that are much closer to the transfer stations. It is a tough decision, but we have decided to do it.

**Chairman Grose** stated not only has revenue not met the expenses, but also the number of customers using those facilities has decreased steadily over the last five years. We average with the four drop boxes, around 22-23 customers per month. We did not feel this was a justification to keep them open. It is a difficult decision. We are concerned about garbage being dumped elsewhere. It is a difficult decision for the Board because if we had to move the Packwood drop box the cost would be substantial. It is very difficult to justify that kind of investment when we are losing money. We want to serve the people up there. He remembers a few years ago when this topic came up, he was very upset with even the concept of closing this site,

because after all, what do we pay our taxes for? After coming on the BOCC and recognizing that, the Solid Waste Disposal District is its own fund, it makes more sense to him now.

**6. Resolution No. 09-297      In the matter of the closure of a portion of Big Hanaford Road to all through traffic.**

**Larry Unzleman, Public Works**, stated this resolution would close Big Hanaford Road for a replacement of a culvert. It will be closed from September 22 through September 24. There are alternate routes available. Public works will post signs and notify local entities of the closure.

**Chairman Grose** asked if this was a result of a flood or fish issues.

**Rod Lakey** stated it was normal maintenance.

**Chairman Grose** asked if the culverts meet the fish standards.

**Mr. Lakey** stated they did.

**7. Resolution No. 09-298      In the matter of the closure of a portion of Dodge Road to all through traffic.**

**Mr. Unzleman** stated this resolution would close Dodge Road for a replacement of a culvert. It will be closed from September 14 through September 18. There are alternate routes are available. Public works will post signs and notify local entities of the closure.

**Chairman Grose** asked if this was from a flood.

**Mr. Unzleman** stated it was.

**8. Resolution No. 09-299      Amending the authority of appointed directors to execute certain contracts.**

**Bob Johnson, Community Development** stated spending authority for Director's has been raised throughout the years. This resolution will raise that authority to \$40,000 if contracts are subject to specific criteria. The second part of this resolution deals with the authority for Director's to enter into contracts that are funded by State or Federal money, when such grant applications, or such grant authority has been granted by the BOCC. If we apply for a grant and the Board authorizes the receipt of that grant money for specific purpose, this allows the Director to enter into contracts up to \$150,000, provided the Board is notified when those contracts are signed.

**Commissioners Averill** noted that from time to time the Legislature allows the authority of expenditures to be raised. This resolution is consistent with action taken at the previous session of the Legislature, which raised these figures. This resolution only affects departments that are under the Board. We have another authorization for the Public Works Department because they operate under enterprise funds and we have different standards for their approval. This does not mean that the Board is any less interested or concerned about the expenditure of funds; it is just that from time to time approved projects have dollar amounts to them and this allows the Director's to operate under those provisions. It is a cumbersome process getting a project approved and the funding approved after. This allows us to get some efficiency in the process. If an item goes out of these bounds, it has to go through the normal procedures.

**9.Resolution No. 09-300      Waiver of application fees to process rezone requests based on reasons other than soil classification errors for lands designated ARL during the 2008-2009 GMA compliance process.**

**Bob Johnson** stated this resolution has to do with the waiver of certain application fees processed in Community Development. Specifically, re-zone requests that may result from the recently adopted Agricultural Resource Land (ARL's) zoning. Historically the BOCC had provided a one-year exemption from such fees. The applications need to be accepted by Community Development by December 31, 2009. Any re-zones requested after that would be based on the current adopted fee schedule. There is a provision in the ARL's that allows a re-zone request to go through without cost when it's based on soil type. If the property owner believes that the soil type is not accurate based on what was used for the ARL's designation, they are allowed by code to ask for revision or reconsideration of the ARL designation. This does not have a time limit on it.

**Commissioner Schulte** stated what we are saying is we are not waiving the zoning fee because the property owner requests their property be re-zoned. If it is under the GMA that we re-zone their land, and if they think, we did it in error we will waive that fee for them to contest our re-zoning of their property. We are not waiving a fee for them to re-zone their property; we are allowing them to contest under the GMA our changing of their zoning.

**Mr. Johnson** stated that was correct. This does not allow anyone to contest their rezone. Someone that is in a RDD-10 zone cannot come in and say I want to go to RDD-5 and have the fee waived. It is only the people that have been re-zoned as a result of the ARL designations. If they believe that the designation was in error, we would look at those. There is a separate process for people that have been designated in a resource land and if they believe that was done in error because of soil type. That is allowed in the code and there has never been a fee for that.

**Commissioner Averill** noted that the point Mr. Johnson brought up regarding people believing their soils have been misclassified, that the contest is without fee, providing they have soil specialist show this.

**Mr. Johnson** stated there is a specific requirement that a certified soil scientist has to verify.

**Commissioner Averill** stated the second issue is, we had over 1,000 parcels that were put into ARL, because their soils became prime soils, either if irrigated or if drained. Unfortunately, the procedure of affirming each of these is long and tedious and we did not have time in the process to do that. The assumption was made that soils were irrigated or were drained. People who were caught in that situation can come to us to show that they do have that soil but they do not irrigate or they do have that soil and they do not drain; therefore they should be removed from ARL's. This is what we are moving at this time to do with no fees. This does not include other changes that have been made in the long process that we have been doing since 2003. Also once this goes through the GMHB, this is not the end for a property owner, they can come back and ask for a reclassification, but it is about a year long process and there are fees involved.

**Mr. Johnson** stated the criteria for decision-making is based on County Code requirements.

**10. Resolution No. 09-301 Preliminary long plat approval for the Hideaway View Estates subdivision.**

**Eric Pennala, Community Development** stated this resolution would approve the Preliminary long plat for the Hideaway View Estates subdivision, located off Snyder

Road in Packwood, WA. The zoning of this property is small town mixed use, as well as small town residential., both with a maximum density of four dwelling units an acre. Lewis County Code requires the BOCC to consider the Hearing Examiners recommendation regarding this. This recommendation was received from the Hearings Examiner on August 27, 2009. Hideaway View Estates is an application to divide 32.19 acres into 42 residential lots with associated public improvements. The lots range in size from 1/3<sup>rd</sup> of an acre to over one-acre. During the SEPA process staff received four comment letters from agencies and one from an adjacent neighbor. We received one comment from the Department of Ecology (DOE) that requested that any on-site wells be de-commissioned appropriately. There are no wells on site. The Cowlitz Indian Tribe asked us for an inadvertent discovery of archeological items, in case something is discovered. This was included in the mitigated determination of non-significance that was issued for the project. An adjacent neighbor down slope from the subdivision was concerned over affluent from the on-site septic leaching over onto his property. So, through the hearing process the Hearing Examiner added the condition that the when the applicant applied for building permits for lots 16 and 17, which are the lots adjacent to the concerned neighbor, he would provided him with notice so he could review the permits at that time. Another comment was received from the Department of Natural Resources (DNR). During the review process, he requested conformation that they were not in violation of their forest practices permit application. We received a letter from DNR stating that they are not in violation as of today. However if it is not replanted within three years they will be in violation. That also required them to lift the moratorium, because the site had a six-year development moratorium on it. The applicant submitted information and went through the moratorium process with the Hearing Examiner, to ensure he was comfortable lifting the moratorium. One of the requirements in LCC is that the lands have been replanted. The applicant provided information that showed natural re-vegetation is occurring at the site at the rate that DNR rules and regulations require. DNR provided a letter that said the applicant is in total compliance and they will not be in violation in three years and planting has occurred. Staff recommends that the BOCC confirm the initial approval of the Hearings Examiner.

**Commissioner Averill** noted that there is a separation of powers that occurs in Government between the Legislative, the Executive, and the Judiciary branches of Government. Having taught political science for many years, there is an exception to this rule. It occurs at County Government level, where County Commissioners serve in a Legislative capacity, which we are doing this morning, we are also administrators that 2/3rds of the County staff work for. We would normally have an adjudicative function, but several years ago, we chose to use the Hearing Examiner, this particular project would have come to the BOCC after having gone through a Planning Commission process, for the BOCC to approve. However, the law did allow us to appoint a Hearing Examiner and he does this job, thus taking some of the duties off the County Commissioners. Therefore, we have very few adjudicative duties left anymore. The Hearings Examiner actually heard two cases. The first was lifting the Nonforestry Use Moratorium. Which in his final finding he says "based upon the foregoing Finding of Fact it is hereby ordered that the Nonforestry Use Moratorium is lifted. His second item was on the Findings of Fact of the Preliminary long plat application. Again the Hearings Examiner says that having made his Findings of Fact the Hearing Examiner recommends the approval of the preliminary plat subject to the conditions found in paragraph XIX of the County Staff Report. The Hearings Examiner incorporates and adopts these recommendations as if fully set forth herein. The Hearings Examiner further recommends that an additional condition be imposed requiring that notice be giving to the adjoining landowner, Fred Michel, of an application for building permit on Lot 16 and 17.

**Commissioner Grose** stated that we could eliminate the need for some on-site systems up there if we get a wastewater treatment plant approved for the area. We have this subdivision which is 42 lots, and another which is 24 lots, that is 66 hook-ups that could be immediately made available, which would substantially improve our chances to get this project going. We need to include these into any planning done in Packwood.

**11. Resolution No. 09-302      Change order authorization for the Winlock Vader Road, CRP #2122**

**Rod Lakey, Public Works**, stated this contract was awarded on July 13 to Santana Trucking for the improvement of Winlock Vader Road. During the excavation of the slide material, the contractor uncovered a fracture on the upstream north excavation area. This fracture appeared to continue to widen during excavation of the slide material. Because of the potential instability of the excavation and the fracture was present at the foundation of our structural wall that we were going to build, a geo technical engineer was contacted and they evaluated the fractures. The geo tech determined that it was unstable. To stabilize this area the geo tech recommends installation of rock dowels, to keep the material from sloughing off. This method of construction requires very specialized equipment and expertise. The access is very difficult due to the location off the sheer cliff face. Lewis County staff, Santana Trucking, High Tech Rock Fall Construction and our geo tech met on site and discussed the proposed solution. Santana provided an estimate for repair according to the geo plans and the onsite meeting. The estimate was \$177,620.00. The original construction cost through Santana was \$342,000.00. Typically, the County Engineer can authorize change orders, but for this amount, we need the BOCC to give the County Engineer signatory authority for the proposed Change Order. The Change Order was approved through WSDOT. It is a January 2007 flood event that is funded through FHWA emergency relief and the percentage of fund is 86.5% Federal and 13.5% Lewis County.

There was discussion on when the original slide took place. It occurred in 2007.

**Commissioner Averill** noted that this road has been one lane for over a year. It is a priority to get this road open. He recommends we approve this addition to the project.

**Chairman Grose** stated he believes we are attempting to establish another transfer station in the South County area as part of the sub-regional plan. He asked staff if this was true.

**Steve Skinner**, stated in the Solid Waste Comprehensive Management Plan this was addressed. At the time, it was stated that we would review the growth in the county. At that point and time there would be a recommendation to go ahead and start the process to build or investigate it more.

Motion carried 3-0

## Bid Opening

**Bid Opening**

**Newaukum Bridge Base Stabilization Project**

**Chairman Grose** announced the bid opening and asked for a staff report.

**Rod Lakey, Public Works**, went over the project for the Board. He noted the Engineer's estimate was \$181,618.00. He noted that in 2007, in the middle of design, the bank changed significantly. This project is a result of that 2007 work. The County completed a portion upstream of the bridge before the fish window expired last year.

This will complete the 400 feet of restoration. There was one addendum for the project, in which we extended the bid opening one week, due to an error at the publishers. The documents reflected opening last Monday and the addendum allowed for opening today.

**Commissioner Averill** noted that because of us putting this off for a week we will award this project at 2:00 this afternoon.

**Engineer's Estimate: 181,618.00**

Contractor	Address	Amount
J. Hadaller Const.	Mossyrock, WA	\$100,253.00
DLB Earthworks Company	Olympia, WA	\$194,075.00
Iversen & Sons Inc	Rochester, WA	\$142,208.00
Santana Trucking & Excavating	Redmond, WW	\$148,666.00

**Mr. Lakey** stated they would review the bids and bring back a recommendation to the Board at 2:00 pm today.

**Commissioner Averill** at 10:55 made a motion to recess until 2:00 this afternoon. **Commissioner Schulte** seconded the motion.

Motion carried 3-0

**Chairman Grose** called the meeting out of recess at 2:00 pm on August 31, 2009. He noted that he and Commissioner Averill were present.

**Rod Lakey, Public Works** stated there were four bidders on the project and the lowest responsible bidder was J. Hadaller Construction, with a total bid of \$100,253.00. Staff recommends awarding this project to J. Hadaller Construction. Noted for the record at 2:06 pm Commissioner Schulte arrived.

**Commissioner Averill** made a motion to approve Resolution No. 09-303. **Commissioner Schulte** seconded the motion.

There was discussion on why the winning contractor was so much lower than the other three. Apparently, the contractor has access to material at a cheaper rate.

Motion carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 2:10 pm on August 31, 2009. The next public meeting will be held Monday, September 14 2009, at 10:00 a.m.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

BOARD OF COUNTY COMMISSIONERS

LEWIS COUNTY, WASHINGTON



ATTEST:

*Kerri Mui*  
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Clerk of the Board  
Lewis County Commissioners

*F. Lee Grose*  
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F. Lee Grose, Chairman

*Ron Averill*  
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Ron Averill, Commissioner

*P.W. Schulte*  
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P.W. Schulte, Commissioner