

LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC)

Business Meeting minutes

February 14, 2023

Present: Commissioner Swope, Commissioner Brummer, Commissioner Pollock

Recorder: Rieva Lester

Commissioner Swope called the meeting to order at 10:01 a.m., determined a quorum and then proceeded with the flag salute.

PUBLIC COMMENT

Bob Guenther said the Pinchot Partners group is celebrating its 20th anniversary. He discussed the work the Pinchot Partners does and welcomed the commissioners to appoint an active participant to attend the group's monthly meetings in Toledo.

Scott Crossfield of Toledo said he and others are petitioning the commissioners to address a Toledo mine he says is operating in a floodway and is looking to expand.

Jim Wallace of Toledo echoed concerns about the Toledo mine. Jim said the county has jurisdiction and should be actively working to address the problem.

Brandon Svenson of Winlock said he has visited the mine and that it is disruptive to the neighbors. He said the county needs to address the neighbors' concerns.

NOTICE ITEMS

Commissioner Pollock made a motion to approve Resolutions 23-054 through 23-056 as well as Resolution 23-061. Commissioner Brummer seconded.

Resolution 23-054: Notice of intent to lease the East Lewis County Transfer Station to the Lewis County Solid Waste Disposal District #1. The lease will be considered in the Commissioners' Hearing Room at or after 10 a.m. March 7.

Solid Waste Manager Rocky Lyon discussed the resolution. Rocky said the notice is being published in The Chronicle and that the lease will go through December 2024.

Resolution 23-055: Notice of intent to lease the Central Transfer Station to the Lewis County Solid Waste Disposal District #1. The lease will be considered in the Commissioners' Hearing Room at or after 10 a.m. March 7.

Solid Waste Manager Rocky Lyon discussed the resolution. Rocky said the notice is being published in The Chronicle and that the lease will go through December 2024.

Resolution 23-056: Accepting a bid on tax title property along NW Ohio Avenue, in city of Chehalis.

Public Works Director Josh Metcalf discussed the resolution. Josh said the property, parcel number 004395-000-000, is a 0.03-acre site that had been foreclosed upon for tax delinquency and that the county has received an offer of \$1,254.00 from an adjacent property owner interested in purchasing the property.

Motion passed 3-0.

CONSENT ITEMS

Commissioner Brummer made a motion to approve minutes from the February 7, 2023, Business Meeting as well as Resolution 23-057. Commissioner Pollock seconded.

Resolution 23-057: Approval of warrants/claims against the various county departments.

Chief accountant Grace Jimenez, representing the Auditor's Office, said warrants 865,588 through 865,637 and 865,651 through 865,875 were issued in February for payments against the county totaling \$1,550,667.18. Grace noted a skip in sequence for warrants 865,574 through 865,587 and 865,638 through 865,650, which were issued on behalf of Special Purpose Districts.

Motion passed 3-0.

DELIBERATION ITEMS

Commissioner Pollock made a motion to approve Resolution 23-039 and Resolutions 23-058 through 23-060. Commissioner Brummer seconded.

Resolution 23-039: Approve a memorandum of agreement between Lewis County and Washington State University (WSU) Extension.

Clerk of the Board Rieva Lester, Housing and Infrastructure Specialist Eric Eisenberg and County Manager Erik Martin discussed the resolution. They said the \$175,105 agreement is for Extension services, including the salaries for staff serving Lewis County, and that it also covers a portion of the local director's salary.

Resolution 23-058: Accept an agreement between Lewis County and Washington State Military Department for the FEMA Emergency Management Performance Grant and authorize signatures thereon.

Public Works Director Josh Metcalf discussed the resolution. Josh said the EMP grant is for \$49,069.

Resolution 23-059: List the bids received and contractor selected for the Historic Courthouse restoration project #31-2218.

Capital Facilities Manager Doug Carey discussed the resolution. Doug said a state grant will help offset the costs for the masonry work.

Resolution 23-060: Approve a Memorandum of Understanding (MOU) to correct the CBA between Lewis County and the Corrections Guild represented employees to correct Section 13.1.1.

HR Risk Director Amber Smith discussed the resolution. Amber said the MOU corrects Section 13.1.1 of the CBA.

Motion passed 3-0.

HEARING

Ordinance 1343: Hearing for Ordinance 1343 to amend the Lewis County Zoning Map Designation.

Commissioner Swope introduced the hearing.

Senior Long Range Planner Mindy Brooks gave the staff report, noting that the commissioners are being asked to determine whether a Master Planned Resort is an appropriate use of the land. She clarified that the use would be Master Planned Resort and that the use is not related to the owner and is not a project.

Mindy reviewed the approval criteria outlined in Lewis County Code 17.12, including public interest about land-use concerns regarding anticipated effects on schools, fire districts, agriculture, forest resource lands, mineral resource lands, population and employment.

Mindy noted that the record had been updated to include information regarding arsenic, existing youth camps in Lewis County and the Growth Board's decision about the Forest Resource Land designation, as requested by the commissioners.

Mindy said the county applies the arsenic maximum contaminant level (MCL) of 10 parts per billion to all single-family residential wells that apply for permits in Mineral and the surrounding area as well as Group B water supplies in the Mineral area. She noted that Group A Transient Non Community water systems are exempt from the arsenic standards. Mindy and Deputy Prosecuting Attorney Barbara Russell discussed Ecology standards.

Mindy noted that the record had been updated to include the following supplemental information provided by the YMCA provided:

- YMCA Statement
- WA State Outdoor School Study (2021)
- Camp Orkila Outdoor Environmental Education
- Camp Colman Environmental Education
- Water Right Application and Permit
- EPA Treatments for Arsenic
- WA DOH Treatments for Arsenic

Mindy said the bulk of the written testimony the county received did not address relevant land-use topics, which are the topics the commissioners would have to weigh as part of their decision. She comments that did address land-use topics focused on the following:

Written testimony in support

- Preservation of open space
- Economic benefits to community
- Youth access to the outdoors
- Enhanced recreation for community
- Reversing population decrease
- Private property rights

Written testimony in opposition

- Increased traffic on local roads
- Lack of sufficient fire and emergency services
- Insufficient sewer and water infrastructure
- Increased noise and pollution
- Negative impact on wildlife
- Fundamental change to Mineral's character

Commissioner Pollock made a disclosure, noting that on Dec. 2, 2022, at the Adalain Coffman Guild dinner at the Loft in Chehalis, Bob Russell had asked her why she'd voted no during the previous hearing for the proposal. Commissioner Pollock said she responded that she was concerned about arsenic levels in the Mineral area. Commissioner Pollock said she remains open to the decision now before the board and will remain fair and impartial to the testimony offered.

Commissioner Brummer disclosed that he had made statements opposing the land-use action while campaigning prior to taking office. He noted that he has made no further comments or statements in regard to the matter since taking office. Commissioner Brummer said his mind remains open to the information and testimony being provided and that he will impartially and fairly consider the matter prior to making a final decision.

Commissioner Swope disclosed that he had discussed outreach with the YMCA following the hearing for Ordinance 1337. He said he joined a conference call with YMCA CEO Loria (Yeadon), a YMCA board member named Eric and Economic Alliance Director Richard (DeBolt) on Jan. 9, 2023, to discuss YMCA's outreach. He said he ceased communications once the commissioners decided to rehear the rezone proposal. Commissioner Swope said he remains open-minded, has not yet reached a decision about the proposal and can hear the matter before him fairly and impartially.

Commissioner Swope asked if there were any questions.

Audience members asked questions regarding the following:

- **Arsenic regulations:** Barbara Russell discussed arsenic regulations and exemptions that exist within Ecology's water-testing requirements. She and Barbara noted that the requirements for a zoning change approval do not delve into project details, such as who would use the facilities and for how long.
- **Shoreline degradation:** Mindy said those questions would be addressed during project-level permitting.
- **Decision-making criteria and disclosures:** Mindy noted that as staff, she is not a decision-maker and is not required to make disclosures. Mindy read the decision-making criteria listed in Lewis County Code 17.12.100.
- **Anticipated water use / availability:** Mindy said water use is a project-level question that would be addressed in the permitting phase should the rezone be approved.
- Josh Sutton noted that the YMCA had provided documentation regarding Ecology's water determinations as part of the information it submitted for the record.
- **Public comment opportunities during the permitting phase should the rezone be approved:** Mindy discussed public comment periods that would be done under SEPA and the Hearings Examiner should the commissioners approve the YMCA rezone.
- **The difference between a land use and a project:** Mindy reviewed the differences and discussed anticipated effects (use – are they likely to be addressed through future project permitting) versus actual impacts (projects – project permitting impact analysis, required mitigation).
- **Highest and best use:** Barbara and Mindy discussed what "highest and best use" can mean.

- **Mitigated Determination of Nonsignificance (MDNS) State Environmental Policy Act (SEPA):** Mindy said the county’s SEPA reviewer, Senior Project Planner Karen Witherspoon, made the determination.
- **Prior land-use decisions regarding the proposed site:** Mindy said the record includes the history of the project, including previous decisions regarding land use.
- **The applicant as a focus:** Mindy said the commissioners must base their decision on land use: whether a master planned resort is an appropriate use for the property. She said who the applicant is must have no bearing on the decision.
- **Who can request a rezone:** Mindy said the property owner is always the one who requests a rezone. She and Commissioner Brummer later clarified that only the property owner can make a request, noting that someone who does not own the property would not be eligible to submit an application.
- **Wildlife impacts:** Mindy noted that 40 percent of the master planned resort overlay land would have to remain open space, as outlined in the MDNS.
- **Extending the deadline for public testimony.**
- **Why hotels would be excluded as a use of the property:** Mindy said one way to mitigate for the SEPA would be to exclude unplanned uses.
- **Why the YMCA would buy land that wasn’t zoned for its intended purpose:** Mindy said staff wouldn’t know or ask that type of question.
- **Why the commissioners’ Feb. 8, 2023, workshop was not recorded:** Clerk of the Board Rieva Lester noted that the commissioners historically have only recorded their weekly legislative meeting – the Tuesday Business Meeting – and that they have provided Zoom as an option for other meetings, which are not recorded.
- **Spot zoning:** Mindy reviewed what is and isn’t considered spot zoning.
- **Impact fees:** Mindy said the county does not have impact fees.
- **SEPA requirements:** Mindy noted that the SEPA at the rezone level is very broad. She said the project-level SEPA would be more in depth.
- **When the YMCA would be eligible to reapply for the rezone if were denied:** Barbara Russell said the YMCA could reapply after a year.
- **Whether improvements to roads, etc., would become a tax burden on area residents:** Mindy said discussion about those types of impacts would be determined and addressed at the project level. She said the YMCA would be required to address its own impacts, not preexisting conditions.
- **Land buffering:** Staff said they would have to further review land buffering.
- **Who would shoulder the responsibility should all of the neighboring wells run dry as a result of a resort being built:** Barbara said Ecology must ensure water rights are adjudicated. She said private citizens also have recourse through the court system.
- **The difference between imposing impact fees and mitigating impacts:** Barbara and Mindy explained the difference, noting that the county doesn’t apply an impact fee countywide.
- **Who would pay to widen roads, purchase additional ambulances, etc.:** Barbara said project-specific mitigation would address impacts.
- **Whether the county assesses fees for specific impacts:** Mindy discussed the process taken to mitigate impacts during the permitting process and noted that an entity can opt to pay for the updates rather than make the updates itself.

- **The difference between a use and a project:** Mindy discussed the difference and noted that the commissioners are only deciding whether the use (Master Planned Resort) would be appropriate.
- **Impacts on fishing:** Mindy said she is unclear whether angler use would be under the purview of land use.
- **Potential impacts on timber production:** Mindy said the rezone would change the use of the land if approved. Barbara clarified that the Master Planned Resort is an overlay and that the owner could still use the land as forest land.
- **Future use:** In response to a question about whether the YMCA could sell to 42 private owners who could then build 42 large homes for 42 large families, Mindy said the YMCA could sell to private owners.
- **How the commissioners will weigh public concern:** Commissioner Brummer noted that the commissioners will weigh public concern about the land use as they make their decisions.
- **Whether the YMCA would have to apply to change the use of the additional property it recently purchased:** Staff said the YMCA's recently purchased land is not included in the current application and that the YMCA would be required to submit a separate application for that property should it desire to change the zoning.
- **Why the legal notice for the hearing didn't include verbiage about asking staff questions:** Mindy noted that the legal notice included the information required by state law. She noted that constituents were encouraged to ask questions of county staff through various mediums, including press releases, postings and in person communications during meetings.

Commissioner Swope closed the question-and-answer portion of the hearing.

Mindy Brooks and Barbara Russell asked that their previous comments be adopted into the record.

At 12:02 p.m., Commissioner Swope announced that the board was taking a 2-minute recess.

The meeting resumed at 12:10 p.m.

Commissioner Swope asked if anyone wanted to speak for or against the proposed ordinance.

Sheriff Rob Snaza said he's heard from a number of constituents who've shared concerns about the YMCA building a large camp in the area. He said he is concerned about the law enforcement that would be needed to cover additional growth in the area. Sheriff Snaza said his office doesn't have the staffing or services to provide the coverage that would be needed. Sheriff Snaza said the YMCA project would lead to a need for additional firefighters and sheriff's deputies and that the impact would cost the county an extra \$750,000 to \$1 million annually.

Jill Labrecque of Puyallup said she owns land next to the area being considered for a Master Planned Resort and that the idea of having a Master Planned Resort next door terrifies her. She urged the commissioners to leave the land as-is.

Mike Heinz said he is opposed to the rezone. Mike said the site is a pristine area that needs to be left alone. He discussed concerns with water use, habitat, taxes, wildlife and fire and other services.

Gayle Heinz donated her time to Eric Waters.

Eric Waters spoke in opposition to Ordinance 1343. Eric said the rezone application does not meet the requirements laid out in RCW 36.70A.36. Eric said the land is not better suited for a resort than forest land or agricultural land. He said a resort would not be beneficial to the county or the community.

Justin Shellenback donated his time to Mark Waters.

Mark Waters spoke in opposition to Ordinance 1343. Mark Planning and Community Development staff have said the Master Planned Resort would be the best use of the property. He said he has seen no facts to support the claim. He said the county's Comprehensive Plan is a guiding document, not a statutory requirement and that the Comprehensive Plan and Growth Management Act do not require that the county have a Master Planned Resort within its boundaries. Mark discussed concerns regarding increased traffic and effects on wildlife and wildlife habitat. He said the damage approval of the master planned resort would cause would be irreparable.

Dave Cunningham said the YMCA is a bad fit for the area. He voiced concerns about his well and the amount of water the YMCA would use. Dave said he feels the YMCA is trying to intimidate the county by filing a lawsuit and buying additional property.

Ron Nilson discussed a trip he took to Mineral Lake with late Lewis County Commissioner Gary Stamper. Ron asked if "cultural values" have to do with current Mineral residents and that the county staff member said it referred to archeological, indigenous-type use. Ron expressed concern regarding fire services. He said the project offers no economic value to the county, that visitors to the camp will come from the north and will buy their goods in Pierce County. Ron said he has concerns about fire response as well as wetlands. Ron said the proposed property has been logged several times. He said the land includes good quality forest land and wetlands.

Richard Hopkins said he and his wife own property near the proposed site and that they are in favor of the rezone. He said the YMCA cannot address water quality and supply, emergency response, geologic information and traffic flows until after a rezone is approved.

Chris Granger read excerpts from a May 1, 2020, Chronicle article that quoted Bruce Ritchie and others regarding concerns about fire response and adequate water supplies in the area for which the YMCA is requesting the rezone.

Debbie Aust encouraged the commissioners to vote down the rezone request. Debbie said residents should have to pay for developers' impacts. Debbie said the resort would affect fire, law and hospital services.

Jonathan Spool voiced concerns regarding view lanes, water tables, well capabilities, potential impacts to the lake and waste treatment. He asked how the county commissioners can make a decision without considering or knowing the project details.

Elizabeth Rohr said the parcels need to stay in timberland. She said timber jobs will be lost. Elizabeth read a couple excerpts from a Chronicle story about timber production.

Greg Rohr donated his time to Brandon Svenson.

Brandon Svenson discussed a rezone that took place 20 years ago for property at Exit 63 in Winlock. Brandon said the Winlock cannot provide the additional fire coverage needed as a result of the

development. He said Winlock residents are feeling the effects of the growth, whether through traffic impacts or the potential increase of insurance costs due to the lack of required fire coverage, and that the same thing likely would happen in Mineral. Brandon said law enforcement in the Mineral area already is hampered by a lack of staffing and a lack of radio infrastructure.

Commissioner Swope asked for data regarding the Winlock development.

Rhonda Krolczyk said she is concerned about septic, emergency services, water, electricity, communication services, potential impacts on the school, local youth and poverty.

Josh Sutton of the YMCA discussed the additional statements the YMCA submitted. He noted that the commissioners must follow certain decision-making criteria. He noted that the YMCA recognizes it will have to work with fire districts, Ecology and the county on certain conditions that would be addressed in the permitting process.

Marcia Manley encouraged the commissioners to deny the rezone application and to allow the area to retain its rural feel.

Bev Granger urged the commissioners to extend the public testimony portion of the hearing and to deny the rezone application.

Margot Page said she strongly supports the YMCA rezone application. Margo said it's been terrifying to support the rezone. She said eight others have signed on with their support and 16 others were too afraid to support it publicly. Margo said the population of Mineral has declined while other areas are growing.

Pete Crabbe said Packwood is full of bed and breakfasts and that people cannot find regular housing. He said he doesn't want to see Mineral follow suit.

Gerald Olson said Mineral Lake is special and that there are no other undeveloped lakes like it. Gerald said it seems like the YMCA is not taking no for an answer. He said the YMCA should simply accept the commissioners' decision to deny its rezone. He said the area should be left alone forever.

Merle Williams said the tribes could put in a casino in the area should the YMCA sell the property after a potential rezone.

David Troutt of the Nisqually Indian Tribe thanked the commissioners for rehearing the proposal and reviewed the criteria the commissioners must consider regarding the land-use decision under the Growth Management Act, the Comprehensive Plan and Lewis County Code.

Alex Chrostowski discussed the undue burden the master planned resort would cause and said the Gays Against Predators group is against the rezone. Alex said leaving the area as Forest Resource Land is the best use of the land.

Jonah Spool discussed concerns regarding wildlife, including trout, and the impacts growth in the area would have. He also expressed concerns about emergency services, including hospital care.

Omroa Bhagwandin said the issue boils down to a property rights issue. He urged the commissioners to approve the request. Omroa noted that the properties could be sold to individual owners, who could then restrict access. Omroa said the Planning Commission unanimously approved the request.

Commissioner Brummer made a motion to close the oral testimony portion of the hearing, extend to 4 p.m. Friday Feb. 17, the written testimony portion of the hearing through and to recess the hearing until 11 a.m. Monday, Feb. 27, 2023. Commissioner Pollock seconded. Motion passed 3-0.

ANNOUNCEMENTS

None.

PRESS CONFERENCE

No questions.

ADJOURNMENT

The BOCC Business Meeting adjourned at 1:27 p.m., with the next Business Meeting scheduled for 10 a.m. Tuesday, February 14, 2023, in the Commissioners’ Hearing Room (Room 223).

Minutes from the BOCC Business Meeting are not verbatim. The weekly Business Meeting streams live on YouTube (search for “LewisCountyWa” on YouTube or go to <https://www.youtube.com/user/LewisCountyWa/featured>). Video footage also is available at no charge at <https://lewiscountywa.gov/offices/commissioners/bocc-meetings/>.

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Sean D. Swope, Chair

ATTEST:

Scott J. Brummer, Vice Chair

Rieva Lester, Clerk of the Board

Lindsey R. Pollock, DVM, Commissioner