

LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC)

Business Meeting minutes

February 8, 2021

Present: Commissioner Stamper, Commissioner Pollock, Commissioner Swope

Recorder: Rieva Lester

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

PUBLIC COMMENT

None.

NOTICE ITEMS

Commissioner Pollock made a motion to approve Resolutions 21-048 through 21-053. Commissioner Swope seconded.

Resolution 21-048: Lewis County 2020 budget emergency and supplemental appropriations and transfers. The hearing will take place in the Commissioners' Hearing Room at or after 10 a.m. Feb. 22.

County Manager Erik Martin spoke in favor of the resolution. He said comments can be submitted in advance by mail or email and that the public also can attend in person or remotely.

Resolution 21-049: Notice of hearing regarding a franchise to High Valley Country Club Inc. to install, construct, operate and maintain water line facilities in Lewis County rights of way. The hearing will take place in the Commissioners' Hearing Room at or after 2 p.m. March 2.

Real Estate Services Manager Martin Roy discussed the resolution. He said the franchise is a renewal for a large area in the Packwood area.

Resolution 21-050: Notice of hearing regarding a franchise to Kenneth E.S. Barnes to install, construct, operate and maintain water line facilities in Lewis County rights of way. The hearing will take place in the Commissioners' Hearing Room at or after 2 p.m. March 2.

Real Estate Services Manager Martin Roy discussed the resolution. He said the franchise is a renewal for a small area in the Mineral area.

Resolution 21-051: Accept a bid on tax title property located off North 4th Street in Toledo.

Real Estate Services Manager Martin Roy discussed the resolution. He said the county has received a \$2,750 offer for parcel No. 007043000000. He said the notice gives the public two weeks in which to also bid on the property.

Resolution 21-052: Accept a bid on tax title property located off SW 10th Street in Chehalis.

Real Estate Services Manager Martin Roy discussed the resolution. He said the county has received a \$799.21 offer for parcel No. 005236000000. He said the notice gives the public two weeks in which to also bid on the property.

Resolution 21-053: Accept a bid on tax title property located off Railroad Street in Pe Ell.

Real Estate Services Manager Martin Roy discussed the resolution. He said the county has received a \$1,043.90 offer for parcel No. 010334000000. He said the notice gives the public two weeks in which to also bid on the property.

Motion passed 3-0.

CONSENT ITEMS

Commissioner Swope made a motion to approve minutes from the February 1, 2021, meeting as well as Resolution 21-054. Commissioner Pollock seconded.

Resolution 21-054: Approval of warrants / payroll.

Chief accountant Suzette Smith, representing the Auditor's Office, said warrants 837,785 through 838,020 were issued in January and February for payments against the county totaling \$736,412.52. She noted a skip in sequence for warrants 837,761 through 837,784, which were issued on behalf of Special Purpose Districts.

Motion passed 3-0.

DELIBERATION ITEMS

Commissioner Pollock made a motion to approve Resolutions 21-055 through 21-059. Commissioner Swope seconded.

Resolution 21-055: Amend Resolution 20-452 in order to reduce the net present value saving threshold in connection with the refunding of the refunded bonds and providing for other matters property relating thereto.

Treasurer Army Davis discussed the resolution. He said the resolution changes the threshold for a bond refunding outlined in Resolution 20-452.

Resolution 21-056: Appoint Robert Russell to the Lewis County Planning Commission.

Community Development Director Lee Napier discussed the resolution. She said Robert will fill an unexpired term through Dec. 31, 2021. Robert "Bob" Russell thanked the commissioners for the appointment.

Resolution 21-057: Approve Amendment A between Lewis County and The Salvation Army to add funds through the housing assistance unit Eviction Rental Assistance Program Grant and extend duration.

Public Health and Social Services Director JP Anderson discussed the resolution. He said the amendment adds funding totaling \$91,430 and extends the agreement through June 30, 2021.

Resolution 21-058: Approve an amendment between Lewis County and The Salvation Army to provide funds through the housing assistance unit Emergency Solutions COVID19 Grant in the amount of \$302,000.

Public Health and Social Services Director JP Anderson discussed the resolution. He said the amendment adds additional funding totaling \$302,000 and extends the agreement.

Resolution 21-059: Appoint Richard DeBolt and reappoint William Sullivan to the Pacific Mountain Workforce Development Council.

Commissioner Stamper discussed the resolution. He applauded Bill Sullivan's ongoing efforts and welcomed Richard DeBolt to the board.

Resolution 21-060: Approve a collective bargaining agreement between Lewis County and the Association of Lewis County Deputy Prosecuting Attorneys for calendar years 2021-2022.

Human Resources Director Chris Panush discussed the CBA, noting that the agreement represents a two-year contract with a 2.25 percent cost-of-living adjustment increase with an additional \$25 per month per plan stipend for health and wellness in addition to a 3 percent cost-of-living adjustment effective Jan. 1, 2022. Chris said DPA I positions will become DPA II positions after 24 months of service under the CBA.

Motion passed 3-0.

HEARING

Ordinance 1323: Amend the Lewis County Comprehensive Plan and associated development regulations.

Commissioner Stamper introduced the hearing.

Community Development Director Lee Napier and **Assistant Planner Brianna Uy** gave the staff report.

Brianna said the hearing includes two quasi-judicial decisions and two legislative decisions.

Quasi-judicial decisions:

- Site-specific Comprehensive Plan update and rezone request from Stephen Padula.
- Site-specific Comprehensive Plan update and rezone request from Jorgensen Timber LLC.

Legislative decisions:

- Reduction to the Mossyrock Urban Growth Area.
- Update to the Utilities and Capital Facilities Element.

Brianna asked the commissioners two questions regarding the quasi-judicial decisions:

1. **Do you have an interest in the properties or issues, do you stand to gain or lose a financial benefit due to the outcome of the hearing and can you hear and consider the matter in a fair and just manner?**

Commissioner Stamper, Commissioner Pollock and Commissioner Swope said they have no conflicts.

2. **Have any of you had any communications outside of the hearing with proponents or opponents of the issues to be heard?**

Commissioner Pollock said she received an email that she did not read but instead forwarded to Community Development. Commissioner Stamper and Commissioner Swope said they had no information to report. Brianna noted that the letter Commissioner Pollock referenced already had been added to the record.

Brianna discussed the county code under which the quasi-judicial matters were to reviewed. She said all materials from the Planning Commission, all public comment and a response from Jorgensen Timber received would be included in the public record.

Padula rezone

Brianna outlined the specifics of the site-specific Comprehensive Plan update and rezone request from Stephen Padula. She noted it required a quasi-judicial decision. Brianna said the proposal would amend the Comprehensive Plan, changing Stephen Padula's 19.78 acres from Other Rural Land to Agricultural Resource Land. She said it also would change the zoning map from RDD-20 to agricultural resource land.

The commissioners had no questions.

Jorgensen Timber rezone

Brianna outlined the specifics of the site specific Comprehensive Plan update and rezone request from Jorgensen Timber LLC. She noted that the request would require a quasi-judicial decision.

Brianna said the proposal would amend the comprehensive plan, changing Jorgensen's 79.72 acres from Other Rural Lands to Mineral Resource Land. She said it also would change the zoning map from RDD-20 to Mineral Resource Land.

Brianna said the commissioners were being asked to determine whether the move would be consistent with the county's Comprehensive Plan and Lewis County code. She discussed code provisions under which a petitioner can seek a Mineral Resource Land designation. She outlined requirements that, if met, would require the county to approve the Mineral Resource Land designation.

She said the property meets the criteria:

- The site has extractive materials having a probable value in excess of \$500,000 for valuable metallic substances and \$1,000,000 for gravel, sand, coal and other minerals.
- The site has the potential for economically viable production of extractive materials for the foreseeable future.
- Greater than 50 percent of the linear frontage of the perimeter of any proposed designated lands shall abut parcels that are equal to or greater than two and one-half acres in size. Abutting parcels with industrial or wholesale uses are exempt from this parcel size calculation but shall be included in the calculation of total linear frontage.
- The site is outside any designated urban growth area.

Brianna said mining is allowed in RDD-20 land. She said the applicant would have to have a site proposal, apply for a Type III Special-Use permit and go through the SEPA process, the same steps that would have to be taken if the property were moved to Mineral Resource Land designation.

Eric Eisenberg said mines are allowed in RDD-20 land, so moving the property to a Mineral Resource Land designation does not change whether a mine is permitted. He discussed special-use permits and environmental impact studies required for mining.

Brianna discussed the noticing procedures regarding the Type V application, including written notice to neighbors within 500 feet, notice published in the newspaper of record and posts on the county road frontage. Brianna said an administrative error that delayed notice to some of the parties of record.

In response to a question from Commissioner Stamper, Brianna said the move allows the commissioners to change the Comp Plan only. She said Jorgensen would still have to go through the permitting process and undergo an environmental review to use the land for mining.

Mossyrock UGA

Brianna outlined the specifics of the reduction to the Mossyrock Urban Growth Area. Brianna said the proposal would amend the Comprehensive Plan, changing 60.24 acres from Unincorporated Urban Growth Area to Other Rural Lands. She said it would change the zoning from Urban Growth Area to RDD-5.

She said Mossyrock indicated it was requesting the change due to the inability to provide infrastructure in the area.

Commissioner Pollock asked whether the proposal fits within the county's strategic plan. Eric said the area would not be prime for services for an urban growth area. He said removing the area from the UGA would allow the county to identify an area that better fits the needs for a UGA.

Utilities and Capital Facilities Element

Brianna outlined the specifics of the update to the Utilities and Capital Facilities Element.

Brianna said the county hired KMB Architects to identify projects. She said the Capital Facilities Committee used the consultant's findings to create a list to be included in the Comp Plan.

Commissioner Stamper asked if there were any questions.

Robin Pedrazzetti of Winlock asked if the county has no other option than to approve the rezone for Jorgensen.

Commissioner Stamper said Jorgensen would have to go through a permitting process to mine the property.

Eric Eisenberg restated that mining could be allowed on RDD-20 land. He said he did not believe "background law" would prevent the commissioners from moving forward.

Eric said there is nothing that says a mine in RDD-20 land must be smaller than a mine in Mineral Resource Lands.

Ron Averill of Centralia asked if Commerce responded regarding the request. Lee Napier said the Department of Commerce is to circulate the Comp Plan for review. She said Commerce did not respond by the Jan. 12, 2021, deadline and that the lack of response indicates Commerce had no objections.

Shirley Lewis of Winlock asked an applicant can simply say the area is zoned for mining. Eric said they could, but that the Hearings Examiner would determine whether the project meets General Land-Use Standards.

Tammy Wells of Winlock said she has concerns about when she will be allowed to share her comments.

Commissioner Stamper then closed the question-and-answer portion of the hearing.

Brianna, Lee and Eric asked that their previous comments be adopted into the record.

Commissioner Stamper asked if anyone wanted to speak for or against the resolution.

Rieva Lester read written testimony from Tammy Wells.

Ron Averill said he is pleased to see Mossyrock take land out of the UGA since it cannot develop the area. He urged the commissioners to approve the Mossyrock UGA request.

Rieva read written testimony from Ken and Robin Pedrazzetti.

Shirley Lewis said the process to receive approval for mining is too easy and that the two mines – Good's Quarry and Jorgensen – could blame one another if problems arise.

Rieva read aloud written testimony from the following:

- Tyler Gaskill
- Heather Burgess
- Julie Woolford
- Ted and Paulette Rautio
- Lovejoy Schell
- Georgie Nelson

Rieva Lester noted that the written comments in their entirety were being included in the record.

Commissioner Stamper closed the hearing.

Eric discussed what could take place if the commissioners ruled against the request. He said county code does not allow the commissioners to consider the concerns voiced by the neighbors. He said the commissioners must abide by the vested law. He said the commissioners could direct the Planning Commission to review and possibly change the opt-in method.

Commissioner Swope asked if there are any studies showing damage to the homes and wells. Eric said private homeowners could file a nuisance challenge in response to damages to homes and wells.

Commissioner Pollock made a motion to approve the four-part 2020 comprehensive plan update and associated development regulations as they were presented today: the Padula rezone, the Jorgensen Timber rezone, the reduction to the Mossyrock UGA, and the update to the Utilities and Capital Facilities Element, all as recommended by the Planning Commission and presented by staff."

Commissioner Swope seconded.

Motion passed 3-0.

COVID-19

No update.

ANNOUNCEMENTS

No announcements.

PRESS CONFERENCE

No questions.

ADJOURNMENT

The BOCC Business Meeting adjourned at 11:52 a.m., with the next Business Meeting scheduled for 10 a.m. Monday, February 22, 2021, in the Commissioners' Hearing Room (Room 223).

Please note that minutes from the BOCC Business Meeting are not verbatim. A recording of the meeting may be purchased at the BOCC office, or video footage can be viewed online at no charge at <https://lewiscountywa.gov/offices/commissioners/bocc-meetings/>.



ATTEST:

Rieva Lester, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Gary Stamper, Chair

Lindsey R. Pollock, DVM, Vice Chair

Sean Swope, Commissioner