

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
June 4, 2012**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, June 4, 2012 at 10:00 a.m. **Commissioners F. Lee Grose, Bill Schulte and Ron Averill** 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, May 21, 2012. **Commissioner Averill** seconded the motion.

Motion Carried 3-0

RECOGNITION

Wendy Carolan

Commissioner Averill stated we are here this morning to recognize one of our veterans who served on our Veterans Affairs Board for the past six years. We have a number of veterans who have problems adjusting in society or have other problems and they need help. Many years ago the State Legislature established a fund that Counties could develop to assist indigent veterans needing assistance. We have established a Veterans Affairs Board to overlook the disbursement of those funds. Under Wendy's guidance we are also able to get them to other resources available from the Federal and State Government so they can get back on their feet and participate in society. Wendy has chaired this Veterans Affairs Board for all the six years she has been on this board. She has done a very good job and we have been fortunate to have her guidance in the disbursement of these funds. We want to thank Wendy for the contributions she has made to the veterans of Lewis County.

Wendy Carolan stated she really appreciates the opportunity she has had working for the advisory board. We have made a lot of accomplishments but there is much more to be done. Thank you for the honor and privilege to serve.

PROCLAMATION

1. Proclamation: Honoring the 2012 W.F. West High School Girls Fastpitch Team State Champions.

Commissioner Grose read the Proclamation into the record.

Commissioner Averill moved to approved Proclamation Item one. **Commissioner Schulte** seconded.

Chelsie Fechtner, WF West High School Senior, stated they have taken 3rd in State for the past two years before they took the championship this year.

Commissioner Averill stated this is a great achievement. There are a lot of teams in each of the divisions so to come to the top in this competition is a huge achievement. Congratulations.

Motion Carried 3-0

Commissioner Averill moved to approved Proclamation Item two. **Commissioner Schulte** seconded. **Commissioner Schulte** read the proclamation into the record.

2. Proclamation: Honoring the 2012 Pe Ell High School Girls Fastpitch Team State Champions.

Amanda Woods, Pe Ell High School Senior, stated this year was a lot of fun and the team is like a big family. There are three seniors on the team.

Motion Carried 3-0

Commissioner Averill moved to approved Proclamation Item three. **Commissioner Schulte** seconded. **Commissioner Averill** read the proclamation into the record.

3. Proclamation: Honoring the 2012 Pe Ell High School Girls Track Team State Champions.

Commissioner Averill stated when he was in school he ran track. Track and Field is a little bit of a different sport and is made of up individual contest that put together bring a team total. For Pe Ell three girls managed to win the State Championship by participating in more than one event.

Sami Robinson, Pe Ell High School, stated she took 1st in javelin, second in the long jump, second in the triple jump, and third in 100 hurdles.

Alissa Brooks-Johnson, Pe Ell High School, stated at state she did the 200 meter dash, the long jump, the 100 hurdles, and the 300 hurdles and took first in all of them. This is the third State Championship that they have won.

Sami Robinson stated Emily Denney finished fifth in the discus.

Motion Carried 3-0

Commissioner Averill moved to take a five minute recess for pictures. **Commissioner Schulte** seconded. Meeting recessed at 10:30 am

BOCC meeting come out of recess at 10:35 am

CONSENT

Commissioner Averill moved to approve Consent Agenda items four through ten. **Commissioner Schulte** seconded the motion. Candace Hallom read the items into the record.

4. Resolution No. 12-176 Approval of warrants for payment.

Commissioner Averill stated this Resolution approves 454 warrants issued by the Auditor's Office totaling \$1,001,460.88.

5. Resolution No. 12-177 Approving an agreement with the Washington State Office of Public Defense for Public Defense Improvement Funds.

Commissioner Averill stated this Resolution approves Amendment No. 1 to an Interagency Agreement between Lewis County and the Washington State Office of Public Defense including an additional distribution of funding in the amount of \$45,653.00 bringing the total amount for CY 2012 to \$91,306.00. These funds are committed to Public Defense improvement.

6. Resolution No. 12-178 Approving a professional service contract with Community Allied Behavioral Health for chemical dependency treatment.

Tara Smith, Public Health and Social Services stated this contract is to provide funding for chemical dependency treatment for low income and indigent adults in Lewis County who are identified as having a chemical dependency addiction. This contract started March 1, 2012 and will go through June 30, 2012 and is in the amount of \$62,000.00. This contract was awarded through an application process that started in January and is a new treatment agency in our community. They are two former Providence Addiction Recovery Center employees. When the hospital closed down their treatment facility they took their severance pay and retirement and decided to go out on their own.

Commissioner Averill stated we were put into a quandary when Providence, due to financial problems, decided to close the Providence Addition Recovery Center at Providence Hospital in Centralia. On the good side Providence gave a lot of help to Wendy and David to get their business started. They are currently located on Kresky Blvd.

7. Resolution No. 12-179 Approving an agreement with the Washington State Military Department for FFY 2011 State Homeland Security Program funding.

Michael Strozyk, Director of Central Services, stated annually we receive a contract that is a pass through contract starting at the Federal Government through the State Patrol and ends with the State Department of Military and is then allocated out to the Homeland Security Regions and then down to the local level. This funding is in the amount of \$41,557.00. Although we classify it under the FFY 2011 the dates that the contract is applicable is September 2011 to May 2014. Although it is \$41,557.00, 33% of that has to be allocated to Law Enforcement under the Law Enforcement Terrorism Prevention Program. This will leave about \$28,000.00 at a local level for communications, training, exercises, planning, and other equipment as determined by the Lewis County Homeland Security Committee.

8. Resolution No. 12-180 Authorizing the acquisition of additional right of way for Chandler Road, Doty, WA.

Larry Unzelman, Real-estate Service Manager, stated Chandler Road, north of Doty will require a culvert replacement. This project will require additional right of way from three property owners. The attached resolution would grant authority to the Public Works Department to acquire the necessary additional right of way for the culvert replacement project. Procedures for acquiring necessary right of way, adopted by Resolution 09-381, will be followed.

9. Resolution No. 12-181 Approving an interagency agreement with the Washington Department of Transportation regarding use of radio communication sites.

Larry Unzelman, Real-estate Services Manager, stated Lewis County and the Washington State Department of Transportation (WSDOT) share various radio communication sites throughout Lewis County. The sites are commonly referred to as the Hopkins Hill Radio Site, the Dog Mountain Radio site, Bennett Road Stockpile and the Lewis County Courthouse Radio Tower. To authorize the shared use of these sites, for the past several years Lewis County has leased radio communication sites from the WSDOT, and WSDOT has leased radio communication sites from the County. Rather than continue to administer individual leases, WSDOT and the County are proposing to enter into an interagency agreement to provide for reciprocal use of these sites. This resolution would approve the interagency agreement and authorize the Board of County Commissioners to sign the agreement.

Commissioner Averill stated previously when we had individual contracts for each site there was a fee or rental charge for it. Now that we are doing this sharing agreement there is no charge to any of the parties.

10. Resolution No. 12-182 Approving an inter-local agreement with Cowlitz County for work done by County Crews.

Tim Elsea, Director of Public Works, stated RCW 39.34 and RCW 47.28.140 permit governmental entities to contract between each other for reimbursable work. Cowlitz County has requested an agreement for our road crews to do stripping of approximately 1180 miles of various roads in Cowlitz County. Lewis County has the personnel and equipment to provide the striping services. This Resolution will allow Cowlitz County to request services and compensate Lewis County for this service based on a reimbursable work order. The estimated cost for the labor and equipment is \$81,769.88 with an additional administrative fee of \$1,500.00 for a total of \$83,269.88. This work is only to be done if it does not interrupt or interfere with Lewis County's regular schedule and will be completed by December 31, 2012. Cowlitz County will provided materials to include traffic paint and beads for the project. We performed this service for them last year and it was very successful.

Motion Carried 3-0

HEARING

- **Hearing: Non-exclusive franchise to Fatbeam, LLC-Resolution No. 12-183**

Hearing: Non-Exclusive Franchise to National Frozen Foods

Chairman Grose announced the hearing and asked for a Staff Report.

Larry Unzelman, Real-estate Service Manager, stated Fatbeam, LLC has requested a non-exclusive franchise for the construction, operation and maintenance of a fiber network on Bryden Ave, Mt Vista Rd, and N Scheuber Rd rights of way in Lewis County. This non-exclusive franchise will authorize the use of road right of way for 5 years for this purpose. Resolution 12-151 passed by the BOCC on May 14, 2012, set June 4, 2012 as the date for hearing on the matter. This franchise is being granted pursuant to and in conformance with RCW 36.55 and Lewis County Code 12.25 through 12.50, for a non-exclusive Franchise to construct, operate and maintain a fiber network within Bryden Ave, Mt Vista Rd and N Scheuber Rd rights of way. RCW 36.55 requires that no hearing be held on a proposed franchise grant until 5 days after the last publication date, and 15 days after posting of the notice thereof in three public places. Publication must be twice in the official newspaper for publication in the County. Publication occurred on May 16 & 23, 2012 in the East County Journal and May 17 & 24, 2012 in the Chronicle, and the franchise was posted in three public places.

Chairman Grose asked if there were any more questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Larry Unzelman asked that his previous comments be adopted into the record.

Chairman Grose asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion.

Commissioner Schulte moved to approve Resolution No. 12-183. **Commissioner Averill** seconded the motion. Candace Hallom read the item into the record.

Resolution 12-159 In the Matter of a nonexclusive Franchise to Fatbeam, LLC, to construct, operate and maintain Telecommunications Facilities on County Rights-of-Way; and setting forth conditions accompanying a grant of a nonexclusive Franchise; and providing for County Administration and regulation of the nonexclusive Franchise.

Motion Carried 3-0

- **Hearing: Adoption of amendments to the LC Comprehensive Plan Land use maps-Resolution No. 12-184**
- **Adoption of Ordinance 1238- amending Chapter 17.200.020(1), the official Lewis County Zoning Maps.**

Chairman Grose announced the hearing and asked for a Staff Report.

Robert Johnson, Director of Community Development, stated the purpose of this hearing is in response to a Growth Board Order arising from a rezone that took place in 2010. The decision the Board made in 2010 was appealed and the Growth Board issued a final decision and order and the action being proposed today would resolve the issues with respect to that. There are copies of the packet for the Comprehensive Plan changes and the Development Regulation Zoning changes with all the staff material available for the public to view. This hearing and the hearing before the Planning Commission was noticed and published in The East County Journal on May 9th and May 16, 2012. The Planning Commission held a workshop on May 8, 2012 and had a public hearing on May 22, 2012. They transmitted their recommendation to approve the map changes to the comprehensive plan, land use element, and the resource lands map. They also made recommendations to adopt the change to the official zoning map LCC 17.200.020 (1). There was also a proposal to amend and add a definition to “contiguous” and the Planning Commission did not recommend that nor does the staff recommend that you adopt any definition as proposed.

Glenn Carter, Prosecutors Office, stated normally we come to you on Comprehensive Plan matters once a year in November or December. The reason that we are coming to you in June is because this is a compliance matter and compliance is an exception to the once a year amendments to the Comprehensive Plans. We are dealing only with the Mineral Lake Rezone. What the Growth Board ruled on the appeal for this particular Mineral Lake Rezone is that the rezone of this property into the second of the two classification of Forest Resource Land (FRL) that we have in Lewis County going from Forest Resource Lands of Long Term Commercial Significance (FRLLTCS) to Forest Resource Lands of Local Importance (FRLLI) classification. The Growth Board presumed that there were other properties in Lewis County that should have been changed at the same time. The Growth Board finds that there are inconsistencies with respect to this particular land being rezoned to FRLLI and other land remaining

FRLLTCS. The important part about this is to understand that all of these lands, regardless if they are classified as FRLLI or FRLLTCS, are both FRLLTCS for purposes of the Growth Management Act (GMA). As a result of the rezone and anything that we do today there will be no reduction in FRL for purposes of the GMA in Lewis County. What we are dealing with is not a de-designation of FRL, what we are dealing with is a change of classification. What we have proposed in addressing this alleged inconsistency is to determine if there were inconsistencies. Through the work we have dealt with we have come up with three proposals. With respect to the Land Use Map, when we changed the zoning to the Mineral property we changed that classification to FRLLI and it appeared different on the Land Use Map. Working with Staff we will address those inconsistencies by providing only a designation of FRL on the Land Use Map so there will not be a distinction in the classifications. The classification will be found on the zoning map. In the process of going through compliance, staff was contacted by Mr. Stinson who indicated that his land was actually classified as FRLLI back in 1996 and 1997. We have found and located records that the BOCC did receive opt in applications to rezone their properties from FRLLTCS to FRLLI. In 1996 and 1997 we found there were these properties that did opt in and were granted that opt in status but for whatever reason the maps did not show them as FRLLI. The third thing we are proposing to do is correct that mapping error. The fourth eliminate is one that was proposed before the Planning Commission and that concerned the definition of contiguous. The Growth Board found that we reinterpreted it differently from back in 1996 and 1997. One of the proposals was to change that definition to contiguous. Contiguous is addressed in other parts of the code. The proposal was to try to come up with a definition to address all the situations that could arise and we came up with a definition and the Planning Commissioners were concerned that it was not flexible, comprehensive, or could not deal with all the situations that might arise. They felt that the existing process that had been used was flexible, comprehensible, and in conjunction with the criteria spelled out in the code.

Commissioner Averill asked what the difference between FRLLI and FRLLTCS. What separates them?

Mike McCormick, Planning Consultant, stated there are seven criteria for FRLLTCS and five for FRLLI. Two elements that affect this is the size and the second is in the case of FRLLI there can be other development adjacent to it.

Ron Nielson, Mineral, asked if this has been approved by the Growth Management Hearing Board.

Glenn Carter stated this has not at this time, the process is that the County is coming back with their compliance on how the County sees it is going to comply with this order and then this will go to the Growth Board who will hold a hearing on the action with respect to the compliance.

Ron Nielson asked if there is going to be more land taken out of productivity when you go from 80's to 20's.

Glenn Carter stated we do not know for sure how the land will be used in the future. With respect to residential uses only 1 in 20 as opposed to 1 in 80 applies to only residential uses. Theoretically the FRL in either classification could be used for a saw mill or other commercial purposes allowed in FRL regardless. Part of the proposal is that 1200 plus will have no residential uses. It is hard for us to speculate how this land will be used.

Ron Nielson asked why did you withdraw the determination of non-significant.

Mike McCormick stated this is merely correcting mapping errors and they are exempt from SEPA so there is no requirement to go through the SEPA process for what we are proposing.

Glenn Carter stated the Board will have an opportunity to consider a definition and if they decide to adopt a definition then there would be a SEPA process that would need to be done. If they take our recommendation of not adopting then there would not be a SEPA process beyond that.

Ron Nielson stated there are 800 acres across the Mineral Hill Road from the Forecastle property surrounded by County or State roads. Will it fall in the same category you are proposing here?

Mike McCormick stated if the property owner of that property chose to make an application and in their judgment met the criteria required under Lewis County Code then that would be something the County would consider in the process but there is no way to predict that.

Chairman Grose asked if there were any more questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Robert Johnson, Glenn Carter, Mike McCormick asked that their previous comments be adopted into the record.

Ron Nielson provided written documentation to the Clerk. He asked the Board to rescind their order of 80's to 20's for Forecastle Timber. In terms of government transparency and public notice the County has been lacking. There was a fifteen day notice in which we could review paperwork at the Community Development Office and he went seven days before the 22nd hearing and it was not available. The document he currently has doesn't show the maps in color which makes it hard to see.

Eugene Butler, Chehalis, provided his written testimony to the Clerk and stated he opposes this proposal. He stated there have been attempts this morning to justify this and by analogy we have three classifications for rural residential lands 5, 10, and 20 acres and two classifications for forest land. They are distinct classification in the

zoning codes as we have written it. He agrees with the Planning Commission and staff that the definition of contiguous is not proper. Adopting the map error is ok.

Glenn Carted stated we have set out these arguments and the pleading we have filed with Superior Court in the case is that there is a failure on the part of the petitioners to recognize that FRLLI is an opt in designation. The opt in is at the initiative of the owner.

The Board went into recess at 11:55 am, for 20 minutes. The Board came out of recess at 12:15pm.

Glenn Carter stated he read the submission provided by Mr. Neilson which consisted of a letter written to the Board from Wyatt Golding. It has various attachments which are some of the submission that were made to the Planning Commission as part of this process. He also read the memorandum by Mr. Butler which reflects his previous testimony. We believe the proposal that we have made provides the information that the public needs.

Commissioner Averill moved to strike all reference in Ordinance 1238 regarding the definition of "contiguous". **Commissioner Schulte** seconded.

Motion 3-0

Chairman Grose asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion.

Commissioner Averill moved to approve Resolution No. 12-184. **Commissioner Schulte** seconded the motion. Candace Hallom read the item into the record.

Resolution 12-184 Amending the Lewis County Comprehensive Plan Land Use Maps to Correct Mapping Inconsistencies and Establishing a Single Forest Resource Land Designation Consistent with the Growth management Act, RCW 36.70A.

Motion Carried 3-0

Commissioner Schulte moved to approve Ordinance 1238. **Commissioner Averill** seconded the motion. Candace Hallom read the item into the record.

Ordinance 1238 An Ordinance of Lewis County, Washington Amending Chapter 17.200.020 (1) Lewis County Code, Official Zoning Map, Correcting Inconsistencies Relating to Mapped Forest Resource Lands.

Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 12:27 pm on June 4, 2012. The next public meeting will be held Monday, June 11, 2012, 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:

F. Lee Grose, Chairman

Clerk of the Board
Lewis County Commissioners

P.W. Schulte, Commissioner

Ron Averill, Commissioner