

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
December 27, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, December 27, 2010, at 10:00 a.m. **COMMISSIONERS P.W. SCHULTE, RON AVERILL and F. LEE GROSE** were in attendance. **Chairman Schulte** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Averill** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, December 20, 2010. **Commissioner Grose** seconded the motion.

Motion carried 3-0

NOTICE

Commissioner Grose made a motion to approve Notice Agenda item one. **Commissioner Averill** seconded the motion. Candace Hallom read the item into the record.

1. Notice of Hearing: Fixing Posted Maximum Speed Limits on Various Roads in Lewis County, defining offenses and providing penalties for the violations thereon. Hearing will be held on or after 10:00 am, on Monday, January 10, 2011. Resolution No. 10-342

Tim Elsea, Public Works, stated the citizens of Lewis County asked that traffic investigations by the Public Works Department be done due to raised concerns about speed limits set on various roads. Investigations were made, and engineer's reports prepared for portions of the following roads; Bishop, Brockway, Adna School, and Chandler. A summary of the recommendations from these reports for adjustments to the current speed limits are as follows:

- Bishop Rd. (Interstate Rd to Chehalis City Limits): Reduce from 35 mph to 25 mph
- Brockway Rd. (MP 1.35 to MP 1.75): Reduce from 50 mph to 35 mph
- Adna School Road: Reduce from 50 mph to 20 mph
- Chandler Road (SR6 to Leudinghaus Rd): Reduce from 35 mph to 25 mph

Commissioner Averill asked why Brockway is being reduced.

Tim Elsea stated Public Works was contacted by residents asking them to perform a speed study on Brockway. In the past they lowered the speed limit on a portion of Brockway from 50 mph to 35 mph. They requested that we extend that 35 mph zone and because of the residential nature and the way the road is built it makes sense from an engineering stand point to lower that speed limit to 35 mph for .40 more miles of Brockway.

CONSENT

Commissioner Averill made a motion to approve Consent Agenda items two through seventeen. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

2. Resolution No. 10-343 Approval of warrants for payment.

Commissioner Averill stated this approves 329 warrants issued by the Auditor's Office for a total of \$1,584,263.38.

3. Resolution No. 10-344 Election of a BOCC Chairman for 2011.

Commissioner Averill stated this approves Commissioner Ron Averill as Chairman of the Lewis County Board of County Commissioners, and Commissioner F. Lee Grose as Vice-Chairman for the year 2011.

4. Resolution No. 10-345 Re-appointing a member to the Timberland Regional Library Board.

Commissioner Averill stated this approves Lewis County confirmation of the reappointment of Stephen Hardy (Mason County) to the Timberland Regional Library Board. All counties that belong to the Timberland Regional Library act in consort with each other and as new members of the Board come up they are proposed by their initiating county and then all other counties confirm those appointments.

Commissioner Grose stated this is an important step in the process because we want people on that board that support our policies as well others counties.

5. Resolution No. 10-346 Authorizing a working cash fund for the Vader Water Utility Fund 623.

Dawna Truman, Budget Office, stated this Resolution authorizes a working cash fund to make change for utilities customers of the Vader Water System. The \$200.00 will come from the Vader Water System Fund 623.

6. Resolution No. 10-347 Amendment #1 of the 2010-2011 Coordinated Prevention Grant Program between Lewis County and Department of Ecology.

Danette York, Public Health and Social Services, stated the CPG agreement is a "Multi-Phased" agreement and phase one ran from January 2010- December 2010.

This amendment allows for work to continue through June 30, 2011 for that first phase. The amendment does not change the total budgeted amount. No budget amendment is necessary.

7. Resolution No. 10-348 Re-appointing members to the Developmental Disabilities Advisory Board.

April Kelley, Social Service, stated the purpose of this Resolution is to re-appoint Sharon Fiman, Joan Wentzel, and Carmen Vermillion to the Lewis County Developmental Disabilities Advisory Board (DDAB).

Ron Averill stated this will be for three year terms. He asked, on the DDAB there are categories, what categories do these three represent?

April Kelley, Social Services, stated Joan is consumer, Carmen is a parent, and Sharon is with Social Services. Carmen and Sharon are stakeholders in District 1 and Joan is District 3.

Ron Averill stated the DDAB is a very important board for a community that has considerable and various problems. We get a lot of assistance from the State and various other groups. The DDAB looks at programs and makes recommendations to the BOCC on grants and how we spend the money.

8. Resolution No. 10-349 Appointment of new members to the Lewis County Emergency Planning Committee (LEPC).

Ross McDowell, LCSO, stated several personnel changes have resulted in changes to the members on the LEPC. The main focus of this committee is to look at how to deal with hazardous chemical storage in Lewis County. In 1986 this committee was passed as part of our Comprehensive Emergency Management Plan. We had our last meeting on the 21st of December, 2010 where we had some of the applicants attend to see what exactly is going on in the County and to make sure they did want to be part of this group. New members are:

- Law Enforcement: Jason Ashley, Jim Rich, and Stacy Brown.
- Emergency Management: Ross McDowell
- Fire Services: Kevin Johnson
- Public Works: Kevin Korpi
- Solid Waste: Steve Skinner
- Public Health: Danette York
- Environmental Health: Mike Hamling
- Providence Hospital: Karina Murphy

9. Resolution No. 10-350 Rescinding Resolution for WSU Extension petty cash account.

Ron Averill stated this approves rescinding the petty cash fund for the WSU Extension Department under Current Expense Fund 001. This fund is no longer needed.

10. Resolution No. 10-351 Approving medical rates for E911/Communications employees represented by Teamsters for 2011, and

11. Resolution No. 10-352 Approving medical rates for AFSCME 1341-S employees for 2011.

Eileen Sherlock, Human Resources, stated she is speaking to Resolution No. 10-351 and 10-352. Lewis County has set Health and Welfare employer contributions for Lewis County Employees not to exceed \$835.00 per employee per month for 2011. The Teamster members of E911 Communications were set at a maximum employer contribution at \$816.09 per month. The AFSCME Sheriff's Clerk member maximum employer contribution was set at \$805.65 per month. These Resolutions makes employer E911 Communications and AFSCME Sheriff Clerk's contribution consistent with the established amount of \$835.00.

Ron Averill stated health insurance has increased dramatically and employees have had to pay more out of their own pockets. We just had a dramatic change, we were predominantly under Washington Counties Insurance Pool which is being disestablished at the end of this month and we will go under Premera with contribution rates raised about 29%. We have been working with contracts for both our non-represented and represented employees. The two we are looking at today are union contracts that are being re-negotiated. The County did agree to raise the amount paid so there will be less of a burden on each individual employee.

12. Resolution No. 10-353 Approving an Inter-local Agreement with the City of Chehalis for the use of Vaccon Services.

Tim Elsea, Public Works, stated every year we have the opportunity to use the City of Chehalis vaccon truck to clean catch basins. This resolution approves an inter-local agreement that will allow that.

Commissioner Averill asked if the county crews use their truck or if they do the work for us.

Tim Elsea stated the City of Chehalis does all the work.

Commissioner Averill stated we have a lot of areas where the County helps out the cities and this is one area where we are reversing it and asking for their help.

13. Resolution No. 10-354 Approving Tim Elsea as FEMA Applicant Agent and Merilee Kenyon as Alternate Applicant Agent.

Tim Elsea, Public Works, stated Rod Lakey was the acting Public Works Director and was appointed as FEMA Applicant Agent. This resolution will appoint Tim Elsea as Applicant Agent and will continue with Merilee Kenyon as the Alternate Applicant Agent. This will be retroactive for declared natural disasters of 2006, 2007, and 2009, as well as any declaration that may occur in 2011.

14. Resolution No. 10-355 Establishing a Casual Water Treatment Plant Operator II position.

Tim Elsea, Public Works, stated we just went into receivership on the Vader Water System. We advertised for a Water Treatment Plant Operator II but had a very small applicant pool, so we decided to go back out and re-advertise for the position. We are requesting that we hire a Casual Water Treatment Plant Operator to run as an interim for a maximum of two months at a rate of \$20.81 per hour.

15. Resolution No. 10-356 Approval of a Personal Services Agreement with Robert Weidner.

Tim Elsea, Public Works, stated Public Works is requesting the BOCC authorize a renewal agreement with Robert K. Weidner to act on behalf of Lewis County in Washington D.C. for Public Land, Environment & Natural Resources in conjunction with Secure Rural Schools funding. The annual dues are \$7,500.00. These dues will allow Weidner to monitor and provide information on matters affecting public lands within member counties. This resolution will authorize the Chairman of the Board of County Commissioners to sign a Personal Services Agreement with Robert K. Weidner and Lewis County.

Ron Averill stated this is very important for Lewis County operating as a timber county. Commissioner Grose sits on the Forest Counties group at the Washington Association of Counties.

Commissioner Grose stated that while the Secure Rural Schools money amount has gone down we get a substantial amount of that funding for roads that are tied to the national forest. This funding is ending this year and Mr. Weidner has been a vital link in securing that money for the future. They are working on a program right now to try to get an appropriation for the next ten years. This money is allowed us to do things with the County Roads that we would not have been able to do otherwise.

16. Resolution No. 10-357 Approving amended Inter-local Agreement between Lewis, Clark, Skamania, Cowlitz, and Wahkiakum Counties to remove the sunset clause for the Lower Columbia Fish Recovery Board.

Commissioner Averill stated this approves an amendment to an Inter-local Agreement between Lewis County and Clark, Skamania, Cowlitz, and Wahkiakum Counties to remove the sunset clause for the Lower Columbia Fish Recovery Board (LCFRB). The Legislature removed the sunset clause during the 2010 session. This resolution complies with the legislation; however, it provides that the agreement will be reconsidered no later than July 1, 2015.

Commissioner Grose stated the LCFRB is responsible for salmon restoration in the Lower Columbia River and responsible for administering funds to fund projects for fish habitat.

Commissioner Averill stated this is the famous board who decided that we did not have enough water in the upper Cowlitz Basin and decided that they were going to require that not only we meter wells but also severely restrict the number of wells that could be dug each year none of which was done with best available sciences. Thanks to Commissioner Grose, who stepped in and challenged this, they have been forced to withdraw this for reconsideration.

Commissioner Grose stated the LCFRB is the lead agency for the water resource inventory in our area which Commissioner Averill refers to meaning they are the ones that pay the bills for the WRIA group.

17. Resolution No. 10-358 Approving the Lewis County Juvenile Probation Unit represented by Teamsters 252 to modify their Health and Welfare Insurance within the existing UEBT plan offering.

Eileen Sherlock, Human Resources, stated the Juvenile Unit requested a plan change within the UEBT trust.

Commissioner Averill stated we have had a number of our represented units that formally were under the Washington Insurance Plan and because they are in Teamsters or associated with Teamsters have chosen to go to the Teamsters Insurance Plan.

Motion Carried: 3-0

Commissioner Averill moved to take a five minute recess while we set up for the Hearing on the Comp Plan. Commissioner Grose seconded. Meeting recessed at 10:33 am

HEARING: Comp Plan Amendment

BOCC meeting come out of recess at 10:42 am

Chairman Schulte announced the hearing and asked for a staff report.

Robert Johnson, Community Development, stated the Planning Commission has been hard at work for the past year looking at a number of items. A lot of this has been in conjunction with what has been going on in the South County with regards to the Sub-Area Planning. That Subarea Plan, even though it is in the works is not part of this hearing nor is it a part of the recommendations that have been transmitted forward from the Planning Commission. That Subarea Plan has been a process requiring changes not only in the Comprehensive Plan and Development Regulations but in the Countywide Planning Policies as well. There have been rezones requested that were submitted and reviewed by the Planning Commission and there were some rezone requests that were held over and remanded by the BOCC last year. He then explained a map posted on the wall that had been used throughout the public process with the Planning Commission. He noted there was one request number 156 that has been rather controversial, it is a rezone request by Forecastle. Notice of Hearing was published with all the property parcel numbers with rezone requests. The City of Toledo, following a needs analysis, requested an additional 149 acres for their Urban Growth Area to support anticipated growth. A plan for future development of the Industrial Park at Trans Alta (IPAT) has been prepared by the Lewis County Economic Development Council aimed at increasing the County's ability to attract large industrial users. A summary of amendments to the Comprehensive Plan are as followed:

- Land Use Element
 - Introducion
 - Urban Growth Areas Sub-Element
 - Rural Areas Sub-Element
 - Land Use Urban and Rural Sub-Element Glossary
- Economic Development Element
- Land Use Maps
- Capital Facilities & Utilities Profile
- Economic Profile
- Capital Facilities & Utilities Element

DEVELOPMENT CODE AMENDMENTS

Chapter 16.15 Binding Site Plans is proposed to be amended to provide standards for applications and County review and approval of proposed sector plans in the Economic Development UGAs. This is a revision to the current chapter.

Chapter 17.200 Zoning Maps is proposed to be amended to incorporate adopted rezones, changes to the City of Toledo Urban Growth Area, and designation of the Industrial Park at Trans Alta, including amendments to all other zoning maps to reflect the same.

Chapter 17.20 Urban Growth Areas:

- **Chapter 17.20A Industrial Land Bank Urban Growth Area** includes current adopted provisions in 17.20.015, 17.20.020, 17.20.030, 17.20.040, and 17.20.050.

- Chapter 17.20B Master Planned Major Industrial Reclaimed Surface Coal Mine Urban Growth Area is a new chapter that establishes the basis for designating and regulating new development on the IPAT site.
- Chapter 17.20C Economic Development Urban Growth Areas is a new chapter that establishes the basis for designating and regulating new development in non-municipal Economic Development Urban Growth Areas established through subarea plans. A new zone “Economic Development District” is proposed for establishing the development standards and procedures for approvals of intensive development within the EDUGAs.
- Chapter 17.20D New Fully Contained Community Urban Growth Area includes current adopted provisions in 17.20.051 and 17.20.060.
- Chapter 17.20E Master Planned Resorts is a new chapter that establishes the basis for designating and regulating development in large scale urban master planned resorts, consistent with the GMA.

Each of these chapters addresses the unique approaches necessary to accommodate effective permitting and approval procedures for the individual types of urban growth.

Chairman Schulte asked if there were any questions.

Eugene Butler, Chehalis, asked last November before the Planning Commission there was a provision in the subdivision regulation that called for a hearing examiner. He doesn't see that language in this proposal and asked if that language went forward.

Robert Johnson stated that Legal counsel and he looked at the State enabling Legislation in 58.17 RCW; there is not requirement by the State for a Public Hearing. Currently, there is no requirement in County Code respective to commercial industrial binding site plans for a public hearing

Eugene Butler asked if that language move forward into Ordinance 1218.

Robert Johnson stated the language from the hearing moved forward. There is no specific requirement for a public hearing.

Eugene Butler asked again was that specific language present in today's recitation of 1218.

Chairman Schulte asked **Mr. Butler** which specific language he is looking for.

Eugene Butler stated it was specific language relating to a hearing examiner and the question was whether there was a process surrounding that hearing examiner.

Robert Johnson stated to his understanding there is no language regarding a hearing examiner process.

Eugene Butler then asked, in regard to the Forecastle timber proposal. There is a deviation from the recommendations of the Planning Commission. He stated there is a process in the Planning and Enabling Act for the County Commissioners to propose a deviation requiring a specific notice of public hearing. Was there a notice of intent to change the language?

Glen Carter stated to Eugene that we do not understand the question.

Eugene Butler stated there is a process for the BOCC to enact changes of the recommendation of the Planning Commission but that process requires that a Notice of Intent to make those changes be given to the public. He asked, was the Notice of Intent to change provided for review today?

Robert Johnson replied the Planning and Enabling Act has been substantially amended by RCW 36.70A and RCW 36.70B as well as other regulations. The Comprehensive Plan and implementing development regulations have to be considered by the BOCC all at one time so the changes to those can be deliberated upon at this public hearing. We are planning under the Growth Management Act which sets up a different process for considering Comprehensive Plans and development regulations.

Glen Carter stated from what he understands of what has happened over the past several weeks, there was a new notice sent out with reference to this particular hearing with reference in part to the rezones. In that notice there was reference specific to the Mineral Lake Rezone. There were deliberations held at public hearings of the Planning Commission in Mineral Lake and here in Chehalis. There were also deliberations and hearing with reference to other rezone applications. The proposal is the same proposal as was in front of the Planning Commission, anything presented here today in the way of evidence or additional testimony is something the BOCC would have to consider.

Ron Nilson, Mineral, stated it is not clear why there are two Ordinance 1219's and one does not include approving the Mineral Lake rezone.

Robert Johnson stated those are draft documents and depending on which alternative the BOCC selects that will determine which one they will sign.

Ron Nilson, Mineral, asked does the BOCC strongly consider the Planning Commission.

Robert Johnson stated the BOCC considers all testimony and recommendations.

Ed Brown, Mineral, asked if there was a meeting in December in Mineral called by the County entities that was an invitation only meeting for those who was positive toward the rezone.

BOCC replies we did not call a meeting.

Ron Nelson, stated he was at the invitation only meeting in Chehalis in which the property owners, their attorney, surveyor, and Commissioner Grose was present. He asked what kind of a meeting was that since a County Commissioner was present.

Bill Schulte stated if only one Commissioner was there then it is a meeting and not an open public meeting.

Ron Nilson asked what is the point of one Commissioner being at that meeting.

Commissioner Grose stated you would have to ask the people who called that meeting as he was not the one that called the meeting.

Chairman Schulte 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 asked that his previous comments be adopted into the record.

Commission Averill stated these are Comprehensive Plans that cover a wide variety of areas. Please state specifically about what areas you are speaking.

Craig Kline, Centralia, stated 25 year resident of Lewis County speaking in favor of the IPAT. He is concerned with the County's ability to provide family wage jobs. Currently we have unemployment exceeding 12%. This rezone will begin the process of bringing industry into our County that can provide those jobs.

Frank DeVaul, Chehalis, business owner in Lewis County. He supports the approval of the changes to the IPAT in regard to allowing it to develop. This is one of the unique things about Lewis County; they have always as a County responded to needs within the County. We don't sit back and wait for someone else to come in and solve problems for us. This supports the needs of Lewis County to supply family wage jobs, and supply land for large industrial capital intensive industrial development. This will provide an increased tax base helping supply infrastructure needs. We have a historic opportunity before us today and no single action can provide for a better opportunity for the future of Lewis County's economic development.

Dennis Matson, Thurston County, speaking in favor of IPAT rezone. Many States and communities are aggressively developing industrial lands for such larger industrial projects. Washington State is currently not one of those States doing this. Lewis County is the only County looking at trying to develop larger industrial zoned properties. He provided to the Clerk examples of a large number of projects that could fit an IPAT.

Tim Browning, Centralia, has a deep commitment to this County. We have a unique opportunity with this property, providing opportunity for larger scale development in an environment that is not available in most places. He is very impressed with the commitment of this Board, Transalta, and all the people involved

in it to not only bring jobs and industry here but to be a good community partner respecting the environment while they are doing it.

Bob Guenther stated he is president of the Thurston Lewis Mason Central Labor Council which has over 15,000 members in the region. He is testifying in favor of the IPAT. His council is working hard to keep the power plant running through 2025 but they need to be thinking about what needs to be done as a County for transition.

Roger Fish, Director and Mine Manager at TransAlta Centralia, he stated he is responsible for reclamation at the Centralia mine in the management of Trans Alta's land assets. In 1971 the mine produced its first coal and 35 years later the reserves have run out. IPAT could have a much longer history providing good paying jobs for many generations of Lewis County resident.

Charlie Lascrain, Cinebar, speaking in favor of IPAT. He stated beside the obvious plus of family wage jobs and increased tax base for Lewis County, after working with various owners of the mine as a surveyor these lands are perfect for such a development. Also, as a resident he was fortunate in obtaining two degrees at Centralia's College and its growth has afforded opportunities for learning many trades and skills. This IPAT is an excellent place for those students to put their skills to work here in Lewis County.

Dick Larman, Lewis County EDC, is in full support of the IPAT. Lewis County has an aging population and desperately needs method for families here to help recapture the population. Having an aging population as an Economic Development strategy is a losing proposition.

Jim Lowery, Centralia, is here in support of IPAT. He thinks this gives Lewis County the best ability to improve upon the consequences of unemployment and the issues that come with transitions.

Bill Lotto, Chehalis, speaking in favor of IPAT. Approving this request can represent a major step for citizens in Lewis County. The site and benefits from designations have received much study and review. There has been uncertainty which has existed over a small parcel of land in the proposal. That appears to have been resolved and there is no need for any changes in the existing proposed boundaries.

Barb Hins-Turner, Centralia College, speaking in favor of IPAT. Speaking to the history of the Center of Excellence, in 2005 the State Board of Technical Colleges designated Centralia College as the Statewide Center of Excellence for Clean Energy; and, in 2010 the US Dept. Of Energy broadened the scope to develop the Pacific Northwest Center of Excellence through clean energy in Washington, Oregon, Idaho, and Montana with Centralia College leading that initiative. We have the best and most effective energy program in the Pacific Northwest and are placing students across the Country. The students do not want to go out of town they would like to stay locally and that is why she is urging the Commissioners to approve this project.

Steve Rambo, Chehalis, speaking on behalf of Ordinance 1219 would like to reconsider the application on his mother's parcel, for financial stability the likelihood of her needing to subdivide the property becomes a greater need. He asked for consideration for rezone on his mother's property and approval of his application for rezoning.

Mike Meske, thirteen month resident of Lewis County, purchased a place outside of Toledo and is opposed to the UGA Toledo due to not wanting to be in the City. Likes the area, the City has not followed up on their meetings.

Jerry Dexter Salsman, speaking on Toledo UGA, property was initially placed in the UGA and was removed and now is included again. He is opposed to being placed in the UGA.

Sandra Meske, Toledo, is opposes to the Toledo UGA. She moved into the country and wants to stay in the country. Toledo UGA would restrict them from doing what they do now on the property, having horses and other things. We were never informed by any communication that property was being considered by the City.

Andy Lane, speaking in support of Toledo UGA, presented a letter of support to the BOCC. Under the Growth Management Act, the State comes up with population forecast for the Counties and then Counties take that population forecast and allocate it among the Cities and County. The City of Toledo is obligated to provide sufficient land to support that population. The request for UGA expansion is to comply with the obligations under the Growth Management Act.

Sandra Bickar, speaking on the Toledo UGA. Here to present the information they wrote in a letter. They are in support of their neighbors who are directly involved with the UGA, we wish to state our opposition to any drawing lines to any restriction, We realize Toledo needs more tax base but there is other land available. They moved to South County to be in the country and respectfully request that this proposal be denied.

Chuck Maduell provided to the Clerk a draft resolution that he feels would better address this. He stated he is here on behalf of Forecastle Timber company. The proposed re-designation would retain their status as forest resource land under the Growth Management Act. These re-designated lands would continue to be subject to the same use and development restrictions that they currently are. The proposed re-designation also complies with the designation criteria in the code. He stated 830 acres would have a change in density from 80 acre to 20 acre lots. The net effect of this re-designation would be eight additional dwelling units.

Ken Jones, Forecastle Timber, stated he is one of the two owners of the subject property in Mineral. This parcel is currently zoned in 80 acres parcels. They recommend that they put the parcel into 20 acre parcels. They feel that this application will minimize the impact and maximize the use of the forest land. In addition, this approval will lead to economic impact on Lewis County as well especially in terms of increased tax rolls for property tax.

Eugene Butler, Chehalis, speaking in opposition of the Forecastle Timber proposal. This is a proposal that has been rejected by the Planning Commissioner two years in a row. It has been rejected with a reason that is solid within the Planning Code. Previously, he submitted a memorandum to the Planning Commission outlining the reasons why this is contrary to the Planning Code. He objects to the finding H, I, J, K, L, M, and N that do not properly outline the fact that we are talking about contiguous land.

Dale Merten, speaking on the Toledo UGA and the process he was involved with as a member of the South Lewis County Subarea Planning Committee. The involvement with the Planning Committee was very comprehensive and very meticulous. Even though the Subarea Comprehensive Plan didn't make this recommendation for the UGA it was a consideration. We understood the State requirement to expand the UGA and feel the result wouldn't have been any different.

Chris Butler, Butler Surveying Chehalis, stated application 171 Claquato Farms property in Adna included a property that doesn't belong. The northern most piece of the property north of the highway is erroneously included in this request for rezone. It was segregated into two pieces the southern piece is what is being requested. Second, regarding application 156, we have heard many times the question of contiguous and the debate on contiguous has been voracious at times as to whether a property is contiguous. Our definition is verbatim in the County Code. It is not artificial it is not arbitrary. The point of order is there are few if any other properties in Lewis County that would fit this mold and asks for approval on applications 171 and 156.

Commissioner Averill asked according to application 171 what we have is not correct.

Chris Butler showed the BOCC where on the map the property is that should not be included with this rezone.

Ron Nilson, Mineral, provided printed material to the BOCC; a letter sent to Gary Alexander, a letter to the DNR land acquisitions person, three maps for general use, aerial photo of property, fact sheet, and news articles of meetings held. If this is approved it will not stand up to appeals. The Planning Department has recommended against it, the Planning Commission has recommended against it, and he is surprised that Mr. Johnson is now recommending approval.

Jerry Pratt, Toledo Mayor, apologized to the citizens who were not provided answers to their questions. He stated this is a UGA and does not put them into the City. The City of Toledo has farms in the City and they do not disallow farms. They have had to look out twenty years for the City and have worked very hard on this. He asked the BOCC to consider this UGA.

Commissioner Grose asked if the UGA is approved at a later date will the City be required to annex the entire UGA expansion.

Robert Johnson stated the City is allowed to annex any or all of it.

Commissioner Schulte asked what the biggest change is to go from County to City UGA.

Robert Johnson stated the big issue is burning is prohibited in a UGA and the other issue is the City is allowed through inter-local agreements to zone extra territorially the land that is in the UGA.

Commissioner Schulte asked the City can rezone it before they are annexed?

Robert Johnson stated yes, but there is a process requiring public involvement.

Commissioner Averill noted there were several pieces of communication that came in last week and wanted to make sure they were submitted for the record:

Nisqually river Council

City of Toledo

Message from Jim and Sandy Bickar

Letter from Vince and Leslie Kernnigburger

Letter from Mike and Sandra Meske

Letter from Jerry Dexter Salsman

Chairman Schulte asked if there were any other statements for public testimony. There were none. He closed the hearing.

Commissioner Grose moved to recess for 10 minutes. Commissioner Averill seconded, meeting recessed at 12:12 pm.

BOCC came out of recess at 12:38 pm

Commissioner Schulte announced the BOCC will go into workshop to consider testimony on all proposed actions.

Robert Johnson stated the first item is the amendments to the County Comprehensive Plan. He suggested the testimony today has some very distinct issues mainly designation of property rezones. Testimony from the IPAT was exclusively in favor of that proposal. The Planning Commission recommended the changes to the industrial park, adopting the development regulation changes that are concurrent with that designation.

Ron Averill stated the IPAT site at TransAlta involves 4,000 plus acres but the IPAT will not use all 4,000 acres. It is characterized by terrain which is not buildable. The purchase included the additional 300 acres that makes it 1300 plus acres for the IPAT to use.

Robert Johnson stated when the legislation was adopted the intent was to have a large block of 1000 or more acres for major users needing large parcels. The Environmental Impact Statement would be to adopt the findings of the Planning Commission as well as to adopt and approve the final environmental impact statement for the industrial park at TransAlta.

Robert Johnson stated Chris Butler brought up property in Claquato Farms that the north parcel was wrongly included. Robert Johnson is asking that the BOCC initial the map showing the information removed.

Commissioner Averill moved that the map for Claquato Farm be adopted to exclude the areas that were not intended to be included. Commissioner Grose seconded.

Motion Carried: 3-0

Robert Johnson stated there were two zoning requests. Those parcels were zoned Agricultural Resource Land. The record indicates there was a declaration submitted with the request that that property was not prime by virtue of the fact that it is drained. Request application 173 has no declaration that the property was drained and it was the recommendation by the Planning Commission not to approve that request.

Commissioner Grose stated this brings us back to where the boundaries of properties should exist within an agricultural resource zone. He suggested we remand this to the next year for further review.

Commissioner Grose moved to remand application 173 back for further review. Commissioner Averill seconded with the note that he sat in on the Planning Commission meetings and knows how much they look at those parcels. He feels that sending this particular piece back won't result in much of a change but is willing to give it a chance.

Motion Carried: 3-0

Robert Johnson spoke to the maps in the Toledo UGA. He stated the staff report, Letter of Transmittal from the Planning Commission, and a recommendation from the Planned Growth Committee are also part of the record.

Commissioner Schulte stated it is his understanding the City needs to designate some land in the UGA and if we don't then we need to explain why in writing we disagreed with this.

Robert Johnson confirmed.

Commissioner Averill stated this is one of those areas where public officials have to make some difficult decision. We would like to please everybody but it is impossible to do that. While we all espouse property rights, unfortunately the facts of society are that growing populations and economic development have demanded that there be land use regulations. In the cities one of the requirements of the Growth Management Act is to plan out for twenty years. The requirement of the City is to designate where they think that population would grow and then as that growth takes place they may annex within the UGA and to do that annexation at least 60% of them have to approve that annexation.

Robert Johnson stated the other land use action is the rezone application for Forecastle in regards to the rezoning of 830 acres.

Commissioner Grose asked if this is the same application submitted by Forecastle the previous two years.

Robert Johnson stated the application the previous years was to rezone the entire parcel. This rezone application is slightly different in that it proposes to rezone only a portion of that property to local importance and also has specific covenants with regard to development potential on the other land. He then explained some of the covenants. The Currently they can develop every eighty acres to have a house on it.

Commissioner Schulte stated we have gotten letters from many different groups wanting to preserve that property. Under this proposal we would be protecting the majority of this property from further development.

Robert Johnson stated providing they file a covenant restricting land use as has been suggested in some of the meetings we have had.

Glen Carter replied he understands there is an undertaking by the applicant that they would impose some kind of covenant, conditions, and restrictions with respect to the remaining land. Those restrictions are not in place at this time and would require a further act by them to impose those restrictions.

Commissioner Averill asked if we could include those conditions into this resolution.

Glen Carter stated you could in accepting the application condition it upon agreeing to add the covenants and restrictions.

Commissioner Grose stated one of the concerns voiced by the Nisqually River Council was the fact that this was an area that they want to be able to preserve and protect for the purposes of the scenery that exists there. For him to vote in favor of this kind of rezone he would need more assurance from the applicant that the request of preserving scenery is recognized.

Glen Carter stated the application is made by the applicant and the applicant has not included any third party management condition. They provide for no residential use at least for a generation.

Commissioner Averill stated we have existing land uses for this area being Agricultural forest lands of Long Term Commercial Significance. Even though it is in that designation the minimum division of parcels is 80 acres and on that 80 acres one house may be built and logging may proceed according to forest practices. Which means if I divide it up to 24 lots they will get house down around the lake and will also get forest practices on all of the parcels. For that reason there is an attractiveness to what the property owners want to do by virtue of putting 1200 acres into forest reserve and agreeing that they would further put restriction on that piece

of property where no homes will be built on it, thereby protecting the view on the large segment of land. There is an economic imperative, we have a community that has been shrinking and is largely an older population. We had to close the school, the Fire District struggles to get the necessary money to provide services. Development in that area would provide new income allowing that community to improve. The only alternate is for someone to provide money to the property owner to purchase the property and turn it into conservation land. There was a suggestion that the County purchase it. There isn't enough money in the coffers of the County to run our regular services much less come up with the millions of dollars that it would require to buy 2000+ acres of forest land. What is being offered by the developer provides for more protection of that pristine area than we would get if we allowed 80 acre parcels to be developed.

Commissioner Grose stated he would like more assurances from the property owner. We have two schools of thought, both entered at this meeting today: the people in Toledo not wanting their land included in a UGA because they bought that property and they have the property right to do with their property what they want; and, then on the other hand we have people who own some land who would like it rezoned so they can do what they want with it. As Commissioner Averill stated if the property owner in Mineral wants they can build on the property currently. The concerns he has with regard to the application are there are no assurances included in it that possibly would allow for a third party to manage the forest land that is created. He would like to see more spelled out in exhibit E to provide for this assurance.

Commissioner Schulte asked what added benefit would we get from a third party administrator.

Commissioner Averill stated DNR has some legislation pending that will allow them to go into a new category of Forest Management for conservation purposes. DNR manages school land and other lands in this area but those are managed for forest production rather than conservation and this is being changed.

Commissioner Grose replied there are land management companies out there, but some of these are into the idea that land management is doing nothing or other management for effective production of forest. The fact is the life cycle of Douglas Fir is such that clear cutting becomes essential; the management of that forest is to prepare that Douglas Fir. The third party is to work with someone who is into it for the effective and active management of the resource.

Commissioner Averill suggested that we add the language as the condition of approval.

Commissioner Schulte stated there are forest management plans required on these properties. Would it be best to say according to an approved forest management plan without a requirement of a third party administrator?

Robert Johnson asked if they would like the wording subject to an approved forest management plan approved by the Board of County Commissioners with a drop

dead date that if it is not done and approved by then then the property would revert back to its original zoning?

Commissioner Grose moved to recess for 15 minutes. Commissioner Averill seconded, meeting recessed until 2:00 pm.

BOCC came out of recess at 2:35 pm

Glen Carter explained the changed made to the resolution and read the items into the record.

Commissioner Averill moved to substitute the original Ordinance 1219 for this amended version of 1219 and, second, substitute the original Resolution No. 10-359 with this amended version of No. 10-359 which includes Forecastle in the plan. Commission Grose seconded both motions.

Motion Carried: 3-0

Commissioner Schulte asked if there was any further discussion. There was none. He closed the workshop and asked for a motion.

Commissioner Averill made a motion to approve Resolution No. 10-359. **Commissioner Grose** seconded the motion. Candace Hallom, read the item into the record.

Resolution No. 10-359: Amending the Lewis County Comprehensive Plan, Including; The Land Use Element and Map Designation; The Capital Facilities & Utilities Element; Amending the Economic Development Element; Designating the Industrial Park at TransAlta; and Amending the Urban Growth Area for the City of Toledo

Robert Johnson stated this Resolution adopts all of the changes to the Comprehensive Plan including the Land Use Maps, the zoning re-designations, adds the designation of the Industrial Park at TransAlta, adds the Toledo Urban Growth Area as approved, approves all recommended rezones, and adds application 156 Forecastle Timber with very specific conditions that must be met before that takes effect. This has been done after public hearings properly noticed in The Chronicle and in The East County Journal under provisions of RCW 36.70 A. All rezone and comprehensive plan amendments were considered together so the BOCC could assess the impacts.

Motion Carried: 3-0

Commissioner Averill moved to approve Ordinance No.1218. **Commissioner Grose** seconded. Candace Hallom, read the item into the record.

Ordinance No. 1218: An Ordinance of the County of Lewis Amending portions of Chapter 16.15 Lewis County Code, Related to Subdivision and Commercial/Industrial Binding Site Plans.

Motion Carried: 3-0

Commissioner Averill moved to approve Ordinance No. 1219. **Commissioner Grose** seconded. Candace Hallom, read the item into the record.

Ordinance No. 1219: An Ordinance of the County of Lewis Adopting Amendments to Title 17 of the Lewis County Code.

Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 2:45 pm. on December 27, 2010. The next public meeting will be held Monday, January 3, 2011, 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:

Ron Averill, Chairman

Clerk of the Board
Lewis County Commissioners

P.W. Schulte, Commissioner

F. Lee Grose, Commissioner