

**MINUTES**  
**BOARD OF COUNTY COMMISSIONERS**  
**SPECIAL MEETING**

**April 28, 2003**

**6:00 p.m.**

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, April 28, 2003, at 6:00 p.m. Commissioners Bob Beerbower and Al Carter were present. Also in attendance was Sandra Daniels, Clerk of the Board. Commissioner Morrisette was recused. Commissioner Beerbower served as Chairman for this meeting.

**HEARINGS**

**Consider Appeal, Bascom Pacific LLC:** There was a public hearing to consider the application by Bascom Pacific LLC to rezone approximately 170 acres of land that is currently zoned General Development 5 (GD-5) to Industrial (I-2).

The proposal is located on approximately 170-acres of the east half of Grays Harbor County's Tax Assessor Parcel #170803200000, north of SR 12 and west of Clemons Road, Section 03, Township 17 N, Range 8 W.W.M., Grays Harbor County, Washington.

A SEPA Determination of Non-Significance (DNS), dated August 14, 2001, was issued under WAC 197-11-340.

Chairman Beerbower asked for a staff report. Jane Hewitt, Grays Harbor County Planner, reported that the applicant and the Board of County Commissioners have received a packet containing the following materials and she requested that they be entered into the record without reading:

1. Original application, site plan, maps and other submitted materials.
2. SEPA Determination of Non-Significance.
3. SEPA Checklist.
4. Original staff report containing findings of fact, conclusions and staff recommendations.
5. Verbatim transcript of September 3<sup>rd</sup> and October 7<sup>th</sup> proceedings of the Planning Commission with Commissioners' deliberations deleted.

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 2

6. Verbatim transcript of January 6, 2003 Planning Commission hearing with Commissioners' deliberations deleted.
7. All written comment received to-date. Transcripts for public testimony were included.
8. Mailing lists and affidavit of publication from The Vidette.

Ms. Hewitt reported that a number of written comments have been received since the packet was prepared and those documents were also provided. Ms. Hewitt referenced the following documents received:

1. A letter dated April 28, 2003 received from Michael Tracy, Executive Director for Grays Harbor Economic Development Council.
2. An undated letter from Bernice L. Lybye.
3. An undated letter from Gary and Maureen Espedal.
4. An undated letter from John A. Rabey.
5. A letter from Edwards and Hagen forwarding a letter dated April 23, 2003 from Sid Snyder.
6. A letter dated April 25, 2003 received from Lonnie Crumley, LWC Consulting.
7. A letter dated April 23, 2003 received from Pat and Lori Reule.
8. A letter dated March 1, 2003 received from Julie Rabey.
9. A letter dated March 3, 2003 from Tim Gregg, Washington State Department of Natural Resources, addressed to Julie Rabey.

Ms. Hewitt reported that additionally what is not included in the packet is the color map attachment that was included with Lonnie Crumley's letter. She submitted the map and explained there was not a way to adequately copy the map. For the record Ms. Hewitt reported it is an aerial photo that shows Spaulding Creek in relation to the residences that are along the creek.

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 3

Commissioner Beerbower asked for testimony from the applicant. Brian Carbaugh, Washington Area Manager for Forest Systems, reported that he resides at 2096 North River Road, Cosmopolis, Washington. His office telephone number is 360-533-1241. Mr. Carbaugh reported that Forest Systems, LLC is the timberlands and property manager for the landowner (Bascom Pacific, LLC). The subject property is a portion of a larger block of Bascom Pacific property located in the Central Park area. He provided a map showing property ownership and described the subject property. Mr. Carbaugh reported that Bascom Pacific, LLC c/o Forest Systems, LLC is in the business of managing timberlands for timber and natural resource purposes and is not in the development business. He explained that they are responsible for optimizing the overall values of the properties under their management and the subject property has been identified as having potential for higher and better use than that of timber production. Mr. Carbaugh reported that a consultant was hired to appraise portions of the property consisting of but not limited to the parcel proposed for rezone. The purpose was to assess the highest and best use of the appraised property and to establish current market value. He explained this appraisal summarized the current access, land uses, land values and zoning of the appraisal property and its neighboring property. The conclusion in summary indicated excellent access with the best land uses for those lands appraised as continued forestry, low-density single-family dwellings and along with industrial commercial uses on limited portions of the property. Mr. Carbaugh stated that this property having industrial commercial potential that this rezone application focuses on. The parcel chosen for this rezone proposal was based on all the information gathered in the assessment work. It is the perfect fit with adjoining property already rezoned to I-2. Mr. Carbaugh reported that all of the timberlands are open to non-motorized recreational day uses except in periods of extreme fire danger and this policy will continue. Mr. Carbaugh summarized and requested that the Board of County Commissioners give strong consideration to the proposal and allow Bascom Pacific the same consideration given to similar rezone applicants in the past by approving the rezone request. He reserved the right to respond to questions.

Mike Daniels, Director of Community Development with Pacific International Engineering, 606 Columbia Street NW, Suite 103, Olympia, Washington, provided testimony. Mr. Daniels reported he is a representative of Bascom Pacific, LLC, and their land management company, Forest Systems Inc. His testimony is in support of Rezone Application No. 2002-1117. Mr. Daniels stated that after his initial presentation and presentation by any opposition to the proposal, he would like to reserve the right to respond to questions and make clarifications prior to the Board concluding the public testimony portion of the hearing and beginning deliberations. Mr. Daniels read into the record a letter of support received from Sid Snyder. He testified this is a “non-specific project” application. He explained that a specific use or uses have not yet been

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 4

identified, and when identified will be subject to additional public review and application permit approvals prior to any implementation. He explained that in any major development SEPA is required for review even with a zone that fits the proposed use. A public process is also included for review of the application. Any proposed use would be subjected to the process that is required for rezone request. Mr. Daniels reported that at the present time they could not define the exact use or uses of the proposed site. They do know what is not allowed in the current or proposed zone designations. He stated that retail and commercial uses are not allowed in the I-2 zone being proposed. He explained that the application is identical or very similar to other previous cases heard before the Board in recent years. It is not unusual to hear a rezone application without a specific land use yet identified. No ordinance, policy or past practice of the County reveals any requirement that a specific use need to be identified prior to favorable consideration of a rezone. Mr. Daniels provided examples of significant rezones with no proposed use identified, but approved by the Planning Commission and County Commissioners. Included was the Martin rezone of approximately 150 acres of agriculturally zoned land to I-2 designation. Also included was the Satsop Development Park involving in excess of 350 acres of GD-5 converted to I-2 designation and immediately adjacent to the proposed site is the Shirley Robbins SBR Company, and the Rognlin's rezone encompassing a combined 72 acres conversion to I-2 designation. Mr. Daniels referenced Case No. 2002-0014 and Case No. 2002-1572. He stated that County Planning Staff in preparing their findings of fact, conclusions and recommendation to approve the rezone in their report to the Board, was prepared after full review of the County's current Comprehensive Land Use Plan, Zoning Ordinance and existing zoning and land use of the area. Mr. Daniels stated that the Planning Staff determined, as they had in identical rezone cases of adjacent property, that the proposed rezone, because it is a non-project, does not in and of itself have a probable significant adverse impact to the environment. Staff determined that phased review is appropriate because the application is for a non-project. They recognized like case no. 2002-0014 and no. 2000-1572, included in the record by reference, that impacts could not be judged until such time as a specific land use was identified. That assessment concluded, in conformance with land use law, that most specific land use proposals would be subject to compliance of SEPA and include public process prior to implementation of a change in use, thereby giving any interested party the opportunity to comment on any proposed specific land use change. Mr. Daniels explained that a rezone does not, in and of itself, authorize the change in land use of this property. In cases such as this the County Assessor does not change the tax status of the parcel when it is rezoned unless or until the land use changes to a use allowed in the new zone, or some other use that is different than the current use of forestry. The property currently is taxed as open space timberland. When the land use changes the property owner will be subject to tax penalties as all or a portion of the site is removed from the open space designation. Other agencies such as Washington State

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 5

Department of Transportation and County Public Works reserved any comments until specific land use applications for the site were made. This is common practice in review of all rezone applications. The Planning Commission and County Commissioners approved rezones to I-2 designation of adjacent properties totaling approximately 75 acres as submitted by Rognlin's and Shirley Robbins. These cases concluded with approvals in the year 2000 based on identical staff analysis, findings of fact, conclusions and recommendations as made in this case and were based on the current adopted Comprehensive Land Use Plan of Grays Harbor County. The staff report referenced the County's current Comprehensive Plan and the record of previous cases all identify the proposed area as urbanizing, and found that this application for rezone is totally consistent with the goals and objectives of the land uses for the area. Mr. Daniels stated that there has been only one staff report has been prepared and presented and that is the staff report referenced. The staff has not changed their recommendation, findings of fact or conclusions since the original recommendation was prepared. The application and supporting documentation before the Commissioners is consistent with the County's adopted Land Use Plan and all referenced previous cases. The staff report is complete and the applicant concurs with its findings of fact and recommendation. In addition to SEPA documentation required, the applicant has voluntarily analyzed the site with the use of a qualified biologist to determine what wet lands and/or streams exist on the site so that proper buffers could be established and maintained for the development and use of the site. A copy of that threshold review as prepared by the biologist working for Pacific International Engineering at the time is included in the materials. Mr. Daniels explained that since the time of the review Mr. Boyle, the biologist performing the work, has joined Grette and Associates as a principle in that firm. Mr. Scott Maheary is representing Grette and Associates at this hearing and is available to respond to issues or answer questions during testimony.

Mr. Daniels indicated that they have received and reviewed Lonnie Crumley's letter dated April 25, 2003 and disagrees with his conclusions. The applicant does not agree that a mixed land use in the general area cannot be compatible. The applicant fully understands the need to protect the wetlands and those protections will be provided as required by law.

The proposal is an acknowledgment of the terrain and drainage of the site and the applicant believes that more adequate protections can be provided. Based on employing best management practices they have determined that approximately 105 of the 170 acres are suitable for development. The balance would be left as natural or enhanced buffers.

Mr. Daniels referred to a letter from Michael Tracy, Executive Director for Grays Harbor Economic Development Council, supporting Bascom Pacific's application. Mr. Tracy

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 6

stated that this property is in an excellent location – adjacent to other industrial property, near infrastructure, buffered from residential areas and with little to no environmental impacts. Grays Harbor County needs clean, properly-zoned, industrial land to advance the growth of jobs and investment in the community. This rezone will have a positive impact for the future.

In conclusion Mr. Daniels stated that they believe the Comprehensive Land Use Plan and the previous decisions of the County support the County staff report in this case. They requested that the County Commissioners affirm the staff report, conditions and recommendations and approve the request for the rezone.

Mr. Daniels requested the right to answer questions or make clarifications prior to closing the public testimony portion of the hearing.

Wayne Hagen, attorney with Edwards and Hagen, 110 West Market, Suite 202, Aberdeen, Washington, reported he represents the applicant, Bascom Pacific, LLC. Mr. Hagen submitted a letter from Thomas O. Quigg, Broker of Windermere Real Estate/Grays Harbor. The letter is in support of the rezone application and is addressed to Brian Shea, Director of Building and Planning Division. Mr. Hagen read the letter received from Mr. Quigg and requested that it be entered into the record. Mr. Hagen requested that Bascom Pacific be given the same benefit that other applicants have had and create some opportunities for industrial development in Grays Harbor County.

He discussed creating opportunities for private industrial development in Grays Harbor County. Mr. Hagen explained that he was involved in previous rezones that are adjacent to the proposed site. He referred to declarations in support of the rezone from Scott Rognlin and Randy Rognlin. Mr. Hagen commented that because this is a non-project specific rezone is inconsequential. Staff completed a Determination of Non-Significance and found no significant impact. The rezone will not have any significant impact on the environment or the surrounding community. Mr. Hagen explained that because the rezone takes place does not change the stream that was referenced in Mr. Crumley's material nor does it change access to the highway. It does not change the procedures that someone has to go through in order to be permitted and operate a business. Mr. Hagen explained that when a specific use or uses have been identified they will be subject to additional public review and applications permit approvals prior to any implementation. He reported that DOT and DNR both responded with "no comment". Grays Harbor Conservation District commented by saying "no comment". Mr. Hagen explained a rezone changes the potential uses and before those uses can be implemented they must begin the approval procedure again. Mr. Hagen asked that they be given a chance to bring something good to the community. He stated that the rezone does not allow

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 7

anybody to do anything closer to the creek than they are currently allowed to do. Mr. Hagen asked the Board to support the staff recommendation and approve the rezone and give Bascom Pacific the same opportunity that other applicants have been given on identical properties in the past.

Chairman Beerbower asked for testimony from the public. Testimony was received as follows:

Korey Stamon, 147 West Wynooche Road, Montesano, reported he is one of the adjoining property owners and for the record he has spoken previously against the application for rezone. Mr. Stamon submitted petitions of surrounding areas that the rezone will impact. He reported that he has 71 names and that does not represent the people that the rezone will impact. He presented 2 large parcel maps showing the surrounding areas. Mr. Stamon commented that his source of water is a well and he expressed concern regarding his water source. He expressed concern with the stream and how it will affect his well. Mr. Stamon spoke in opposition to the rezone request.

Joe Stipic, resident of 625 BelAire, Aberdeen, spoke in support of the rezone request. Mr. Stipic reported that he is an owner and president of Northwest Rock. He stated that he is representing himself and an LLC that has an interest in Clemons Hill Development. He stated that he is not representing Northwest Rock and no other shareholder of Northwest Rock has an ownership interest or any interest in the LLC. He reported that Northwest Rock does not need the rezone to have access to I-2 property in this area. Mr. Stipic addressed numerous issues regarding the rezone. He stated that he did speak with Commissioner Morrisette expressing support for the rezone and he did not believe that it was ex parte communication because he is not the landowner or applicant. He provided additional information regarding his interest in the property and the rezone. Mr. Stipic spoke in support of the rezone application.

Pat Reule, resident of 171 West Wynooche, Montesano, provided testimony. He explained that this is his fourth time to testify. He commented his concerns are with how the stream runs down and feeds the water wells. Mr. Reule commented that water is involved in this issue. He discussed his quality of life and how it will be impacted. Mr. Reule asked the Board to deny the rezone request.

John Rabey, resident of 212 West Wynoochee Road, Montesano, gave testimony. Mr. Rabey reported that his property is adjacent to the proposed site. He discussed concerns with the Environmental Checklist done by Pacific International Engineering. He suggested that the documents are incomplete and contain false data. Mr. Rabey expressed concern by the fact that no specific project is proposed for the rezone. He

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 8

outlined numerous reasons for denying the application. He discussed numerous sections of the Environmental Checklist. Mr. Rabey testified in opposition to the rezone request.

Gary Espedal, resident of 71 West Wynooche Road, Montesano, reported that he submitted a letter opposing the rezone request. Mr. Espedal testified that with the current industrial sites available, the non project designation of the rezone, and the effect a rezone would have on the residents he urged the Board to reject the rezone application.

Mary Law Hansen, resident of 425 Val Vista Drive, Montesano, asked questions regarding plans for development in the area. She discussed long term goals for the County. Ms. Hansen asked for verification of the term “design something” and what was intended.

Chairman Beerbower responded that a County Comprehensive Plan has been addressed and public hearings have been conducted. Brian Shea has been given the responsibility to complete the project.

Ruth Webb, resident of 122 Wynooche Valley Road, Montesano, expressed concern with current traffic including rock trucks on Wynooche Valley Road. Mrs. Webb asked that consideration be given regarding additional traffic created from the rezone.

Ron Jugten, resident of Val Vista, provided testimony. He reported that he is not familiar with the current issue. Mr. Jugten asked questions regarding zoning and if other zoning laws would be affected in the area. Chairman Beerbower explained that only 170 acres of the parcel are being considered for the rezone to Industrial (I-2). Mr. Jugten asked questions regarding zoning requirements and possible proposals for the property. Brian Shea, Director of Planning and Building, explained zoning requirements. Mr. Jugten expressed opposition to the rezone request.

Cal Prescott, resident of 803 Clemons Road, Montesano, expressed concern with traffic at the intersection of Clemons Road and Highway 12. He commented that it is a dangerous situation with potential problems. Mr. Prescott discussed a possible overpass at the intersection. He commented on the chip grinding operation and problems resulting from the operation of the chip grinding. Mr. Prescott testified in opposition to the rezone request.

Lee Miller, resident of Meadow Drive, expressed concern with Commercial zoning in the residential area. Mr. Miller discussed the existing bark/chip grinding operation and problems resulting from the operation of the business.

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 9

There was no further public comment. Chairman Beerbower asked the applicant to respond to questions. He asked questions regarding the issue involving the stream. The applicant responded that the stream is not in the rezone area and is located in the northern boundary of the rezone area. The stream has been renamed to Spaulding Creek and is managed with appropriate buffers.

Mike Daniels responded that State Law dictates the minimum buffer for Type 4 or Type 3 streams. Mr. Daniels reported this is a Type 3 stream. The culvert project will make fish passage possible. Mr. Daniels explained that law dictates that you avoid impact, minimize impact or mitigate impact. The issue regarding the logging plan is under current zone and the logging plan is in place. Mr. Carbaugh reported that the timber was scheduled to be logged this year. Due to a low market it has not been logged. He explained that regardless of the decision of the rezone request the logging plan is still in place and they will continue to manage the property under forest management until a land use change occurs.

Mr. Hagen reported that the logging plan will have to comply with the Forest Practices Act and the setbacks along the creek as outlined by state law whether or not the rezone is approved.

Commissioner Carter asked questions regarding the buffer. Scott Maheary, Marine Biologist, responded to areas of concern including the stream and the slopes around the parcel perimeter. Under Washington Department of Ecology guidelines, Type 4 streams should be buffered 150-feet with low mass wasting potential and 225-feet with high mass wasting potential.

Mr. Daniels provided clarification on some of the statements made by opponents. He stated that Bascom Pacific did not designate the area as urbanizing. The County did in their Comprehensive Plan that was adopted and used in other cases adjacent to this property as well as throughout the County. He reported that the Planning Commission did not unanimously approve or deny the application. There was descending votes on the Planning Commission including the chairman of the Planning Commission that disagreed with the denial. Mr. Daniels reported that the applicant respects the adjoining property owners and their rights and respects the process. Fish enhancement with Spaulding Creek is important to the applicant and they are in full support of those activities.

Mr. Hagen requested that for the record Scott Maheary read his background and credentials to support the opinions he rendered. Mr. Maheary read into the record the following information:

Minutes

Board of County Commissioners – April 28, 2003

Special Meeting, 6:00 p.m.

Page 10

1. He holds a Bachelor of Science degree from Central Washington University in Biology with a specialization in Ecology.
2. He holds a Wetlands Delineation Certification to the Corp of Engineers Certification Program.
3. He has been in the business for 4 years and works for Grette and Associates. He formerly worked for Pacific International Engineering.

Mr. Hagen stated their application fits within the Comprehensive Plan. He explained specific projects would be addressed at the appropriate time. He commented that he believes Northwest Rock and Rognlin's are the largest residential landowners in the area. Scott Rognlin resides in the area and he supports the rezone application. Mr. Hagen summarized that people who work and reside in the community believe this project is appropriate and he asked that the Board approve the findings and conclusions presented by staff.

Chairman Beerbower asked for further testimony. There was no additional testimony and the hearing was closed.

Commissioner Carter moved and it was seconded to continue a decision on the matter to Monday, May 5, 2003 at 2:00 p.m. to allow for final review.

Minutes  
Board of County Commissioners – April 28, 2003  
Special Meeting, 6:00 p.m.  
Page 11

The meeting adjourned at 7:55 p.m. to Monday, May 5, 2003 at 2:00 p.m.

BOARD OF COMMISSIONERS  
for Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2003

---

BOB BEERBOWER, Commissioner, District 1

*recused*

---

DENNIS MORRISETTE, Chairman

---

AL CARTER, Commissioner, District 3

ATTEST:

---

Sandra Daniels  
Clerk of the Board