

Lewis County Planning Commission

Public Meeting

Lewis County Courthouse, 2nd Floor
Commissioners' Hearing Room
351 NW North Street
Chehalis, WA 98532

May 19 and 20, 2009 @ 7:00 P.M.

AGENDA

- I. Call to Order**
 - A. Introduction of Planning Commissioners (roll call)

- II. Old Business**
 - A. Workshop to review Agricultural Resource Lands Designation maps

- III. Calendar**

The next meeting is tentatively scheduled for May 26, 2009 if it is needed.

- IV. Good of the Order**

- V. Adjourn**

This meeting site is barrier free.

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**Lewis County Planning Commission
Lewis County Courthouse
351 NW North St.
Chehalis, WA 98532**

**May 19, 2009 – 7:00 P.M.
Meeting Notes**

Planning Commissioners Present: Bob Guenther, Mike Mahoney, Rachael Jennings, Richard Tausch, Arny Davis

Planning Commissioners Excused: Bill Russell

County Commissioners Present: Lee Grose, Bill Schulte

Staff Present: Glenn Carter, Phillip Rupp, Pat Anderson

Consultants Present: Andy Lane, Cairncross and Hempelmann; Mike McCormick; Roger Wagoner and Stan May, BHC Consultants

Others Present: Please see sign-in sheet

Handouts/Materials Used:

- Agenda
- Soils Maps

I. Call to Order

Chairman Jennings called the meeting to order at 7:01 P.M. The Planning Commissioners introduced themselves.

II. Old Business

Mr. Lane stated in going through the maps from the east end of the county, there were two maps that the Planning Commission asked the consultants to outline some parcels that were difficult to follow. On those new maps, #14 and 15a, Mr. Lane would like to hold off on the discussion in the event there are some other areas that will need the same type of re-work.

Chairman Jennings stated she personally went into the Toledo area and would like to review the maps of that area again as well.

Mr. Lane stated the remaining maps, #8 through #1 contain overlapping areas and the scale on each map is different. Map #8 has areas that were covered on Maps #10 and #11.

Mr. Lane pointed out an area just south of the Dluhosh Rd. that is about 360+ acres and is in forest tax status. There are parcels around this parcel that have prime soils or prime if drained and some existing farms. Mr. Lane recommended including that 360+ parcel at the minimum. The areas shown in red have enough prime soils to justify inclusion.

Commissioner Guenther stated the large parcel has the headworks for the Onalaska water system on it. Mr. Lane did not know if that would have an impact, not knowing how deep the water lines are, etc.

Discussion followed. Commissioner Guenther suggested going up the Griel Rd and across the Centralia Alpha Rd. and include those parcels with the large 360 acre parcel.

Mr. Lane stated the consultants would take another look at this area and bring back a revised block.

Another area to consider is in the lower left corner of the map, just north of the Hyak Rd. This will be looked at again with specific parcels for more discussion.

Commissioner Mahoney asked to look at the parcels along Lucas Creek Rd. on the upper left side of the map, particularly the rectangular-shaped parcel east of the road.

After review of aerial photos, Mr. Lane stated it appears to be quite wet. This will be dropped.

Map #7 has some overlapping areas already considered. Commissioner Mahoney addressed the area in the lower right corner around Smokey Valley Rd., Lone Yew and Walker Rd. There are blocks inside the blocks that were not included. Mr. Lane stated these "holes" have timber and they are prime if drained so they were not considered.

Mr. Lane stated the predominant parcel size was considered in this area. Most of the areas that are already proposed are of a parcel size that would be included, as well as being prime if drained.

Commissioner Mahoney asked Mr. Lane to reconsider this area and include the areas left out to create a large block of ag land.

Chairman Jennings stated she realized Commissioner Mahoney's focus is on blocks but she would rather see the criteria apply and for it to fall into the criteria to be considered for agriculture. There is a need for contiguous lines but she did not wish to put people's land in the block and gridlock them just to create a line. If it fits the criteria and it is applicable to put it into ag, then it should go in. If it does not fit the criteria she is not willing to create straight lines.

Mr. McCormick stated the consultants were systematic and the two factors were timber and small parcels. The application of the criteria was fairly applied.

Chairman Jennings did not want to randomly include properties. When the proposal goes to the Growth Board there will not be any justification for it.

Mr. Lane stated some of the areas looked at previously where we filled in some blocks, which included prime soils and were generally timbered, were appropriate for inclusion. This area with timber and prime if drained soils is not the same situation.

Commissioner Davis stated as we get closer to I-5 with the smaller parcels, we will need to forego blocking up areas. There will be more checkerboard areas and he is willing to accept that to protect the property rights of the people who have developed and may not have prime soils.

Mr. Lane referred to the east side of I-5 and north of Winlock. The area east of Meyer Rd and north of Hart Rd. has quite a bit of prime soils and some of the larger parcels are 60-80 acres. They were not included previously because they are in trees. Mr. Lane will give an outline of the parcels that may be appropriate to include. This will be brought back at the next meeting.

Commissioner Guenther suggested also looking north of Park Rd. which shows prime soils from Tanner Rd. to the gas storage site.

Looking at the west side of I-5, the lands that have timber on them are mostly prime if drained soils. There are some large areas in the center of the map, north of McClure Rd. One is about 400 acres in forest tax status.

Commissioner Guenther pointed out the area just south and west of Roth Rd which is nearly all prime. There are some small parcels also.

Mr. McCormick stated there is a fairly substantial block of prime soils that starts at the Winlock City limits, east of the Roth Rd and runs south and southwest and connects with the South Military Rd at about the Leak Dr, extending south to the Saari Rd. That area has a predominance of forest and the properties are owned by timber companies. There are also clusters of small parcels. This will probably require some additional attention.

Mr. Lane wanted to look a little closer along the Winlock Vader Rd. where a couple of proposed areas have prime if drained soils. One is a little over 100 acres and one is a little under 100 acres. They appear to be in active ag use.

Due north of those properties around Jones Rd. is another large parcel that is in timber and it will be included in the new maps.

Map #5 has quite a lot of overlap with Map #8 and Map #4 and the smaller scale includes a lot of property. Mr. Lane suggested going to Map #4 first.

On Map #4, east of Chehalis near the Logan Hill Rd and Macomber Rd, there are some large blocks of prime soils. The initial recommendation did not include lands in this area because it is timbered.

Commissioner Mahoney stated the area along Centralia Alpha Rd. has deep gullies, some cleared areas and mostly timber. It is heavily parcelized and the animal shelter is located there. He does not think this should be considered for commercial agriculture.

Commissioner Guenther asked about the parcel outlined in red on the south side of Centralia Alpha Rd and the parcel directly below it that appears to be all prime soils.

Mr. Lane stated they are 40-acre parcels. The parcel north of the Centralia Alpha Rd was in the original recommendation and was an old poultry farm. There are some 40-acre parcels that have predominately prime and others that are only partially prime. Mr. Lane stated there is not a particular recommendation for this area.

Mr. Lane suggested looking at the other parcels on this map that have trees. In the center of Map #4 is a considerable amount of prime soils on some large parcels. An area being recommended for inclusion is along Pleasant Valley Rd, is in forest tax use and is about 400 acres.

Commissioner Mahoney did not think this should be included. There is no irrigation there.

Mr. Lane stated the smaller parcels south of the large parcel are all in forest tax status. He recommended including the entire area west of Brown Rd E. Mr. McCormick agreed with that recommendation.

The next area with timber is south of Haywire Rd and Conrad Rd. There is a 196-acre parcel in forest tax status and some 40-acre parcels around it. Commissioner Davis didn't see any reason to not include this in ag resource land, excluding the small parcels along Monroe Rd.

Mr. Lane proceeded to the I-5 area at the new interchange, Exit 74, which is near the Maurin Rd. and west of the freeway. There are more public facilities because there is more access to the interstate; as far as other criteria that come into play, there is not anything that would require the consultants to make a recommendation to change it.

Commissioner Mahoney stated there is city water and part of it has city sewer.

Mr. Lane stated city sewer cannot go beyond the UGA.

Commissioner Mahoney stated there was testimony that some people are already on city sewer that would predate this recommendation. There are fire hydrants along Rice Rd. and it is heavily parcelized and developed. From the Newaukum River to the highway there are some large open fields between the highway and from the river to the freeway there are a lot of small parcels. It is wet through there. Commissioner Mahoney suggested from 13th Street to the Rush Rd exit, and from the River to the freeway not be included.

Commissioner Davis stated that however the criteria can be applied to this particular area and find a way to not have it designated as he would be in favor of that decision.

Mr. Lane stated if the parcels were physically touching the UGA we generally tried to exclude them from the recommendation. There are some notable exceptions: large parcels that are adjacent to Winlock's UGA that are still in agricultural use. Generally, because of the effect of the urban development in the UGA on adjacent parcels, we tried to keep those out.

Commissioner Davis stated if we took all those parcels along I-5 to Rice Rd we would be left with three or four good sized parcels to the west.

Commissioner Mahoney stated the only prime soils are along the river and west of Rice Rd. Everything from Rice Rd to the freeway is prime if drained or prime if protected from flooding, which it is not.

Mr. Lane stated the initial recommendation was based on what was evident on the aerial photographs.

After discussion, Mr. Lane suggested including this area with the others that will be brought back to the Planning Commission for more analysis to either include or exclude it.

Commissioner Guenther did not think this particular area would take a lot away from the agricultural community and we need places for economic development.

Mr. Lane stated the consultants will re-examine the application of criteria and find more updated data on the interchange. The aeriels we have do not show what is happening there now. We will apply the criteria and come back with a revised recommendation on that. We have identified some criteria that can apply and we want to be able to articulate that for the BOCC and the Growth Board.

Commissioner Tausch wished to look more closely at the area around Penning Rd and Frogner Rd. There is farming there and reasonably large parcels.

Mr. Lane stated it includes about 140 acres and because of the criteria it should be included.

Chairman Jennings asked the Commissioners if they wanted to recess for the evening or take a short break. It was the consensus of the Commission to recess until Wednesday night.

Commissioner Guenther stated he would not be able to attend the meeting on Wednesday.

III. Calendar

There will be another ARL workshop at 7:00 P.M. on Wednesday, May 20.

IV. Good of the Order

Mr. Rupp stated occasionally Community Trade and Economic Development (CTED) offers a short course on planning under GMA. It talks about the legal basis for planning and is geared for planning commissioners and legislative bodies. There is such a course being offered in Centralia on July 9 from 6-9 P.M. If anyone wishes to attend he or she should let Mr. Rupp know. The location has not been determined yet.

Mr. Jay Hall requested relief from ARL designation for his property, parcel number 018007004000. His request is based on a precedence set in a previous meeting on some parcels in the Toledo area which had parcelization around it. Currently Mr. Hall's parcel is zoned RDD-5. With the exception of two ten-acre parcels west of his parcel and a neglected 19-acre parcel, the largest immediate parcel is 5 acres. There is a mobile home park adjacent to his parcel as well as several 1-acre lots.

V. Adjourn

A motion was made and seconded to adjourn. Adjournment was at 9:07 P.M.

**Lewis County Planning Commission
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351 NW North St.
Chehalis, WA 98532**

**May 20, 2009 – 7:00 P.M.
Meeting Notes**

Planning Commissioners Present: Mike Mahoney, Rachael Jennings, Richard Tausch, Arny Davis

Planning Commissioners Excused: Bill Russell, Bob Guenther

County Commissioners Present: Bill Schulte, Ron Averill

Staff Present: Phillip Rupp, Glenn Carter, Pat Anderson

Consultants Present: Andy Lane, Cairncross and Hempelmann, Mike McCormick, Roger Wagoner and Stan May, BHC Consultants

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Soils Maps

I. Call to Order

Chairman Jennings called the meeting to order at 7:02 P.M. Commissioners introduced themselves.

II. Old Business

Mr. Lane explained that the Planning Commission started reviewing the maps starting with Map #18 at the east end of the county and went through Map #7, skipping #5 and finishing last night with Map #4. After reviewing the final four maps tonight there will be some areas that the Commission requested specific recommendations on and if more requests result from tonight's review, they will all be brought back on the 26th.

Map #5 has some overlapping areas from Map #4 and Map #8. There is one area to review in the center of the map around the Centralia Alpha Rd and Logan Hill Rd. Mr. Lane stated the staff and consultants had no recommendation to consider this area mostly because of the parcelization.

Mr. Lane stated the eastern-most piece that was recommended to be designated agriculture will be taken out. There were no other areas on this map that the consultants recommended.

Chairman Jennings stated the property along the Interstate and Jordan Rd. had not been discussed. This area had testimony given regarding the offer from Ritchie Brothers.

Commissioner Mahoney stated that entire area is close to development and commercial growth on both sides of the freeway and he would be in favor of taking all of it out. He remembered that one of the criteria was an opportunity for more valuable use.

Mr. Lane stated the recommendation to include it was because of the prime soils. The difference on the other side of the Interstate is there are a lot of already sub-divided smaller parcels. There are also smaller parcels on the north and south of the parcel Commissioner Mahoney mentioned.

Commissioner Davis stated he would like to see that taken out of the recommendation if at all possible.

Mr. Lane stated one of the criterion is the history of land development permits issued nearby and we are limited in applying that in any meaningful way because much of the area is subject to invalidity; therefore development permits have not been allowed.

Chairman Jennings asked if we could qualify Cardinal's development further west.

Mr. Lane stated the Cardinal property is quite far away and he would be reluctant to use that approval as being comparable to the permit approval for the area. It is unfortunate that this criterion cannot be meaningfully applied. This particular parcel does seem to satisfy the criteria for including it. Certainly there are some arguments to be made for not including it. We heard from the property owner that there is interest in it for development but where that fits on the criteria without being able to judge development permits nearby makes it difficult to take that into consideration.

Commissioner Mahoney stated that in the Hearings Board decision they spoke to the fact that the County has the right to consider economic development but we could not use a broad brush to encompass the I-5 corridor. Here we are looking at specific properties, like we did in the Rice Rd area, and he believes the County has a legitimate interest in not designating this for ag use. There is an obvious potential advantage to the County to leave it out.

Commissioner Davis stated the parcel sizes to the north and south and how that is developing and being close to the UGA gain a strong enough case to stretch a little with the Growth Management Hearings Board.

Mr. Lane stated the issue of economic development was addressed mostly in the Supreme Court decision and the Court did not get into any specific analysis of what sort of criterion might be acceptable for that. What the Court said was that if they had had a chance to review it, because the County had not provided the Court with that information, they were unable to determine if that analysis was within the parameters permissible by the WAC criteria. Whatever that economic analysis is it must still be within the limits set by the criteria. There is the land value under alternative uses criterion. The Growth Board has been reluctant to accept that because in their words, anything is going to be

more valuable than agriculture. That observation was also made by the Supreme Court in the Benaroya case when they were looking at what does “devoted to agriculture” mean.

Mr. McCormick stated his concern regarding the evaluation under alternative uses, if it is outside of the UGA there is some risk that you are constrained by what would be permitted uses. There is currently no GMA compliant proposal and that makes it harder to make that argument. As he understands the activity that is proposed there, it is not permitted under the current zoning and that would make it harder to make the argument for that one parcel.

Mr. Lane stated strictly applying the criteria, the development-side of criteria to consider, is going to be predominate parcel size and that could go both ways: smaller parcels north and south and land value under alternative uses, which is something the Board has been slow to accept if not rejecting it totally. He believes Mr. McCormick is right that it is more difficult to consider proximity to a UGA with this type of use because the UGA is not adjacent to this area and has actually been pulled back slightly. There are arguments on both sides and it is hard to say which way the Growth Board will go.

Mr. McCormick stated the consultants are giving their best advice based on what they know. There are degrees of risk with options and he senses a high degree of interest in the Planning Commission not recommending this to be included. If this is one of the places you want to take that risk, knowing that the consultants think it is risky, that is within your prerogative to include it in the recommendation to the County Commissioners.

Commissioner Davis recommended this is one place where we stretch. Even to the extent that as the consultants come back with the finals to work on next Tuesday, and you want to keep it in there because you don't want to run the risk, he would at least want a caveat in the Letter of Transmittal stating we would not like it included.

Commissioner Tausch thought it should be excluded from ag; Commissioner Mahoney did not think it should be included in ag as that there will be other uses for it. The larger parcels close to the interchange and UGA would be better served for some type of industrial or commercial use. The fact that there has been a legitimate offer made on it and there is testimony that it is not being used for ag, should keep it from being ag.

Chairman Jennings stated it is the desire of the Planning Commission to remove it.

Map #3, in the lower right hand corner, shows an area of about 130 acres that was originally recommended for ARL designation. It has prime if drained soils mostly. It is an island that Commissioner Russell asked that we look at a little more closely. All of the parcels are in agricultural tax status.

It was decided to not include this parcel.

Commissioner Davis wanted to discuss the area around Forth Rd. This has been flooded recently.

Mr. Lane stated it appeared from the aerial photo that it had been drained.

Commissioner Mahoney stated there is only a portion of the land that is farmed, and it is for pasture. Two of the three homes flooded last year. He would like not to include it.

All the Commissioners agreed to not include it.

Map #1 has two areas that have some islands proposed for designation. Both are surrounded by Forest Resource Land.

Commissioners Mahoney and Davis stated both of these areas are very wet and there are some commercial businesses. Development would be difficult and farming would be nearly impossible.

After discussion it was decided to keep both areas out: The Deep Creek area and the Bunker Creek area.

An area to review is on the north side of the map near the county line. Thurston County has ARL designated lands on its side of the county line near the Goodrich Rd. The large area of prime soils belongs to the City of Centralia and is being developed with nature trails and public recreation. It borders the UGA and the City may expand its wastewater treatment plant.

It was decided to not include it in ARL designation.

Mr. Lane pointed out another area south of the UGA and Cooks Hill Rd and west of I-5 along Schueber Rd. This area borders the city limits and generally we have tried to avoid recommending including parcels that are immediately adjacent to a UGA. There have been exceptions for large parcels or active farms.

Commissioner Davis stated there was testimony regarding this area being filled.

Mr. Lane suggested because the northern part of this area is adjacent to the UGA and considering the testimony from Mr. Gill there is rationale to exclude it.

Chairman Jennings asked for a revised map to show the boundaries of the area being considered for withdrawal.

Commissioner Davis questioned the parcels south of Bunker Creek Rd and west of Deep Creek Rd. There is some minor and historic farming but it is also wet on one end. There is timber on the other end. The ground is similar to the parcels that were withdrawn further north on Bunker Creek Rd.

Mr. Lane stated visually it appears to be different from the area on the north end of Bunker Creek Rd.

Commissioner Mahoney asked to look a little more closely at the Lincoln Creek area. The majority of the area is wet; some is drained and some parcels have cattle on them in the dryer months. He recommended taking out the parcel going up Mattson Rd. It is not being actively farmed and it is very wet and not drained. Most of the Lincoln Creek property is sitting idle.

Mr. Lane stated that completed the review of the maps. The plan is to come back with the revisions of specific recommendations requested by the Planning Commission. There was also some specific direction on other areas and those changes will be made. On Tuesday, May 26, those questions can be answered, including the Toledo area that Chairman Jennings would like to look at again.

We still anticipate holding the public hearings on June 16 and 17 in Morton and Chehalis respectively.

Commissioner Mahoney asked to look at Map #4 again in the area of the Newaukum Hill. Testimony was given about the small parcels and a Bonneville substation being located there. Commissioner Mahoney suggested the parcels be removed from the ARL proposal.

Mr. Jay Hall pointed out the transmission lines locations through his property on Carroll Rd.

Chairman Jennings stated some previously reviewed property with power lines was removed and she believed it was appropriate to remove this property also.

Mr. McCormick stated this would be reviewed again.

III. Calendar

The next meeting will be Tuesday, May 26, 7:00 P.M. with a continuation of the ARL discussion. Mr. Lane stated the revised maps would be available at that time. The maps on which we had specific direction we will not have for next Tuesday, only those maps with questions or that needed delineation on parcel lines.

IV. Good of the Order

Mr. Lane stated the public hearings would be held on June 16 in Morton and June 17 in Chehalis, both beginning at 6:00 P.M.

Mr. Eugene Butler read a letter from Mr. Richard Curtis, who was unable to attend. Mr. Curtis' letter stated land is being used as designated under the use code and therefore parcelization should not make the land ineligible for ARL.

Mr. Butler stated most of the zoning codes he knows about require aggregation of parcels under a single ownership. He does not know if the Lewis County Code has such a provision. That is what Mr. Curtis is referring to: aggregating parcels under a single ownership and he is attempting to provide the Commission with a quick method of accomplishing that.

Mr. Dennis Hadaller stated he was disappointed about the decision on the property at Exit 68. It has been in ag land for as long as he can remember. There is a process to make this fair to everybody. The owner can get out by using the 365 process.

Mr. Hadaller had an issue with Maps #5 and #9 that shows his land. The parcelization cannot be seen on the map that surrounds Mr. Hadaller's 300+ acres.

Mr. Hadaller thought the public hearing should be started later than 6:00 because people have to work.

Ms. Julie Powe referred to the small parcels on the east side of Scheuber Rd that were discussed earlier tonight. The Scheuber Rd. drainage ditch runs into Coal Creek: it was a recommendation that anything west of the Scheuber Rd. drainage ditch and the creek be taken out and only run the ARL up to the west side of that waterway.

Mr. Ron Mauel spoke of his property on Hamilton Rd. The soils are not drained, the parcels are 6 acres and Exits 72 and 74 and the UGA for Napavine are all in the immediate vicinity. The City of Chehalis is directly across from his property. He also has the Bonneville Power lines running through his property. He would like to be excluded from ARL designation.

V. Adjourn

A motion was made and seconded to adjourn. The meeting adjourned at 9:10 P.M.