

Lewis County Planning Commission

Public Hearing

Bob Lyle Community Building
700 Main St.
Morton, WA 98356

June 16, 2009 @ 6:00 P.M.

and

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

June 17, 2009 @ 6:00 P.M.

AGENDA

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

- II. Old Business**
 - A. Public Hearing: Agriculture Resource Lands
 - Proposed County-wide designation of additional lands as Agricultural Resource Lands (ARL) and corresponding zoning map amendments
 - Proposed amendments to the Land Use Element and Natural Resource Lands policies of the Comprehensive Plan related to ARLs
 - Proposed Amendments to the Lewis County Code (LCC) chapter 17.30 related to ARLs

- III. Calendar**

The next meeting will be June 23: Workshop and Letter of Transmittal, Agricultural Resource Lands

- IV. Good of the Order**

- V. Adjourn**

This meeting site is barrier free.

People needing special assistance or accommodations should contact The Planning Division 72 hours in advance of the meeting. Phone: (360) 740-1146.

Lewis County does not discriminate on the basis of race, color, national origin, sex, religion or age.

**Lewis County Planning Commission
Public Hearing
Bob Lyle Community Building
700 Main St.
Morton, WA**

**Meeting Notes
June 16, 2009**

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

Commissioners Excused: Bill Russell, Jim Lowery, Bob Guenther

County Commissioners Present: Lee Grose, Ron Averill

Staff Present: Phillip Rupp, Barbara Kincaid, Pat Anderson

Consultants Present: Andy Lane, Cairncross & Hempelmann; Roger Wagoner, BHC Consultants; Mike McCormick

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Staff Report
- WAC Summary of ARL Criteria
- ARL Area Maps
- Lewis County Comp Plan
- Land Use Element

I. Call to Order

Chairman Jennings called the meeting to order at 6:00 P.M. Commissioners introduced themselves.

II. Old Business

The Chair recognized Mr. Andy Lane, Cairncross and Hempelmann, special counsel to the County on the ARL process. He gave some background on the Ag Resource Lands, and the County's responsibility to identify and designate ARL of long term commercial significance. The County has been under invalidity since 2004 and made some progress up to 2007 but the Growth Management Hearings Board wanted other lands considered. In 2008 and into 2009 the Planning Commission has been looking at additional lands for potential designation. Those lands include non-soil dependent uses, such as horticultural, poultry farms, etc. We were also directed to look at commercial ag uses in lands previously designated as Forest Resource Lands (FRL). During the 2007 round the universe of lands were only considered by NCRS as prime farm land. The Growth Board said we needed to consider lands that were prime if irrigated and prime if drained and prime if protected from flooding and lands around I-5 need to be looked at again. Mr. Lane stated there are also some code provisions that need amending.

During this review process we also need to identify lands that are on prime farmland soils that have timber operations on them. The issue there is whether these lands be converted to commercial ag use. One determination for this is if the land is primarily devoted to agriculture and if it is capable of being used for agriculture.

In the 2008-2009 process there have been 14 Planning Commission workshops and two public hearings, plus the public hearings tonight and tomorrow night. Another workshop will be held on the 23rd of June and recommendations will be forwarded to the BOCC. The BOCC hearing will be on July 27. The packet available at tonight's meeting includes a staff report that explains the process that the consultants and staff went through to make a recommendation to the Planning Commission. The underlined text reflects the information that came out of the workshops since the public hearings on March 31 and April 1.

Also in the packet is the Summary of Application of WAC ARL Criteria. For each of the maps on the wall there are a couple of pages that describe how the WAC administrative guide lines were applied for the context of that specific map, which are geography specific.

The packet has colored maps showing the 2007 ARL designation in brown and the 2009 proposed designations are in the pinkish-purple color. On the aerial maps, the yellow bordered lands were considered in 2007 and the red bordered lands are for the 2009 process.

Text amendments to the Comprehensive Plan show changes as strike through for deletions and the underlined text that is new text. A couple of provisions in the County Code were also amended. These are in the packets.

Chairman Jennings opened the public hearing. She read into the record the legal notices published in the Chronicle on May 30, 2009 and the East County Journal on June 3, 2009 for these public hearings.

Chairman Jennings stated anyone wanting to give testimony would be timed and would have three minutes to speak. She explained how the timer worked.

Commissioner Davis stated if testimony takes more than three minutes the public is encouraged to submit written testimony.

Chairman Jennings stated under the code there is normally a week to submit written testimony; however because of the time constraints, it will be accepted until 5:00 P.M. on June 19. She reminded the public there will still be an opportunity to speak before the BOCC on July 27. Written testimony can be mailed or hand-delivered to the Community Development Department at 2025 NE Kresky Avenue, Chehalis, 98532 or fax it to (360) 740.1245.

Mr. Jay Hall, 160 Carroll Rd., Chehalis, stated he appreciated the time the Planning Commission has spent on the ARL lands. He believes staff made the correct decision in removing his property from ARL designation. He stated the reasons and thanked the Planning Commission.

Mr. Dennis Hadaller, Mossyrock, submitted a signed declaration regarding his 313 acre parcel on highway 12. 198 acres is in timber today and has been in timber since Washington became a state. The remainder is mostly Salkum and Prather soils and he has hired a soils scientist to study the soils. He provided income tax records that show the losses on the land. He stated agriculture on that property is just not viable.

Mr. Fred Breed, 114 Rainier Dr, Salkum, stated he previously served on the Planning Commission and he feels the ARL process has gone on long enough.

III. Calendar

The public hearing will continue on Wednesday, June 17, 6:00 P.M. at the Courthouse in Chehalis. Written comments will be accepted until Friday, June 19, 5:00 P.M.

The next regularly scheduled meeting will be June 23 for the Letter of Transmittal on ARLs.

IV. Good of the Order

Commissioner Davis stated he assumed staff had seen the letter from Tacoma Power.

Mr. Lane stated Tacoma Power has land shown on Map #14. Tacoma Power's land will not be included in the ARL recommendation.

V. Adjourn

As there was no other business before the Planning Commission a motion was made and seconded to adjourn. The meeting adjourned at 6:22 P.M.

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

**Meeting Notes
June 17, 2009**

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

Planning Commissioner Excused: Bob Guenther, Jim Lowery, Bill Russell

County Commissioners Present: Bill Schulte

Staff Present: Bob Johnson, Phillip Rupp, Barbara Kincaid, Pat Anderson

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

Others Present: Please see sign in sheet

Handout/Materials Used:

- Agenda
- Staff Report
- Summary of WAC ARL Criteria
- ARL Area Maps
- Proposed Comp Plan Amendments
- Proposed Land Use Code Amendments

I. Call to Order

Chairman Jennings called the meeting to order at 6:02 P.M. The Planning Commissioners introduced themselves.

Chairman Jennings stated there is a sign in sheet for public testimony. She recognized Mr. Andy Lane.

Mr. Lane stated he is special counsel to the County on the ARL process and he gave a brief overview of that process.

Under GMA the County is required to designate agricultural lands of long term commercial significance and went through that process but Growth Management Board found errors. In 2004 the County was put under an order of invalidity and since that time it has been working to resolve the agricultural designation process to get out of invalidity.

In 2007 a part of the process was completed and the County believed it had a package that would satisfy the requirements of the law and although the Growth Board found that generally what had been done was good more lands should have been considered. In 2008 and 2009 the County looked at additional lands that the Growth Board wanted examined further. These include lands that have soils that are prime farmland if they are

drained, prime if irrigated, or prime if drained and protected from flooding. We also looked at lands without prime soils that had non-soil dependent agricultural uses on them, such as horticulture, poultry operations, Christmas trees, etc.

Another category of lands that needed to be looked at are lands that were used for commercial agricultural production but were in areas that had been previously designated as Forest Resource Lands (FRL).

During the process this year we heard about the ability to convert timberlands located on prime farmland soils. We have looked at lands that are currently in timber use and evaluated those for potential agricultural designation as well. The Growth Board wanted the County to reevaluate the analysis of lands along I-5 and there are some lands in that area that are now proposed for ARL.

In addition to the designation on the maps we are proposing amendments to some of the Comprehensive Plan policies to clarify the additional lands being considered, and an amendment to the Land Use code.

Mr. Lane stated the packets for tonight's hearing include the maps of all the areas and the Summary of Application of WAC ARL Criteria. In this summary there are pages that apply to each of the maps. This document explains how the ag designation criteria set out in the administrative rules of the State were considered by the County. Also in the packet are the proposed Comprehensive Plan amendments and provisions in the County Code.

Mr. Lane stated there have been 14 workshops before the Planning Commission, two public hearings in March and April, and public hearings last night and tonight. A workshop is scheduled for June 23 and the intention is for the Planning Commission to make a recommendation to the Board of County Commissioners. The BOCC has scheduled a public hearing for July 27 to review this material. After the BOCC takes its action we will go to the Growth Board and explain what we have done and hopefully get a resolution on this before the end of the year.

Chairman Jennings opened the public hearing. She stated the notice for the public hearing was published in the Chronicle on May 30 and in the East County Journal on June 3. Written testimony was received from Futurewise dated June 17, 2009.

Chairman Jennings stated written testimony would be accepted until 5:00 P.M. on Friday, June 19, 2009 at Lewis County Community Development, 2025 NE Kresky Avenue, Chehalis, or faxed to 360.740.1245.

Three minutes will be allowed for each speaker tonight. The Chair opened the oral testimony.

Mr. Steve Stinson, Executive Director of the Family Forest Foundation, stated converting forest land to agricultural use makes little sense. Rather than using the agricultural

resources lands processes as a back door regulatory attempt to rezone current forest land parcel size, perhaps the County should support incentives to family forest land owners to maintain their lands in forest use. This could be done by supporting the family forest habitat conservation plan. This provides regulatory relief and stability on a voluntary basis on 133,000 acres of low elevation land. The Board urges the Planning Commission to remove all current use forest land from this list of potential rezones.

Mr. Stinson thanked the Planning Commissioners for the effort put into this process and urged them to come to a reasonable conclusion in a timely fashion. From a citizens' perspective, it is time to move from invalidity to planning for the future.

Mr. Herb Hemenway submitted written testimony.

Mr. Neil Amundsen, Centralia, thanked the Planning Commission for its effort and stated it needs to move forward; timeliness is very important. Lewis County is ideally located for future development and job growth. It is at the intersection of the BPA power grid, the Williams Gas Pipeline, I-5 and the Burlington Northern main line. Those four elements in the same place are very rare for economic development and job creation. While the County has been under invalidity, it has lots hundreds, if not thousands of jobs that have gone to other counties or states.

Mr. Amundsen urged the Planning Commission to accept the staff and consultant recommendations so the County can move forward in the process and get our youth employed.

Mr. Fred Breed, Salkum, thanked the Planning Commission for its hard work. Mr. Breed was on the planning commission for eleven years and not a lot has happened regarding invalidity since that time. He stated the County has been under invalidity long enough; it is time to move on. Mr. Breed and others support the County.

Ms. Doreen Milward, Cushman Law Offices, represented Dennis Hadaller. She summarized previous testimony presented to the Planning Commission. Ms. Milward stated the County is not bound by any previous designation decisions. She stated thousands of acres have been proposed for ag resource land that will have no foreseeable profitable farming.

Designating land for ag prevents all other possible uses and when it comes time to compete for master plan sites, lands in Lewis County will be last on everyone's list.

Finally, evidence has been given that shows Mr. Hadaller's land is unable to turn a profit by farming and she cited reasons why Mr. Hadaller's land should not be considered for long-term commercial significance designation.

Ms. Julie Powe, Chehalis, presented testimony and summarized her position. She requested her parcels be removed from the ARL designation proposal as none are drained or protected from flooding and all three parcels flood frequently. A large percentage of

two of the parcels have slopes of up to 30% which would make it difficult to use farm machinery on them.

Ms. Powe requested that the Commission respond to public testimony as soon as possible so there is an opportunity to appeal before the final plan is made.

Mr. Joe Balmelli stated his land is class 4 which is described as having very severe limitations that reduce the choice of plants or that require very careful management, or both. He did not understand how this can be considered prime land.

Ms. Brenda Balmelli has property on Rice Road. She submitted a declaration regarding the drainage and irrigation of the land, along with her previous testimony and photographs of a problem with the river cutting a new channel. This will eventually prevent irrigating from the river, which she is currently able to do. Heavy traffic on the road from nearby residential areas prevents irrigating and fertilizing. Ms. Balmelli requested removal of her property from the ARL designation.

Mr. Dick Larman, Executive Director of Lewis County Economic Development Council, spoke in support of adoption of this plan. This process has been difficult for years but the County needs to move forward. If we do not move forward there will be less investment for public infrastructure in Lewis County; there are state agencies that will not pay for infrastructure if there is an invalidity order in place. More importantly, private sector businesses will not invest here if they are not sure if they will be able to get services. We need certainty in land use and infrastructure plans to ensure the viability and stability of businesses.

Mr. Larman stated out of the 14 school districts in Lewis County, only two are holding even; one has gained a few students, but the rest have steadily and drastically declined in student populations. The population has increased in those school districts, which means we are aging and we are not replacing our population with productive, economically viable human beings. We must have room to develop jobs, we must move forward. Mr. Larman encouraged the Planning Commission to proceed.

Mr. Gail Shaw, Chairman of the Industrial Commission, stated having jobs in Lewis County is the prime object of several of Lewis County's organizations. Lewis County has lost young workers because the jobs available are limited in type and scope and the County has not had the opportunity to provide jobs in certain industries.

The opportunity that the Planning Commission has is to get the County out of invalidity and Mr. Shaw stated the Industrial Commission supports the program as it presently stands and encouraged moving forward.

Mr. Mark Bigelow, Olympia Master Builders, stated the Commissioners have the best interests of the County in mind and appreciated the time they have put in. Because of the mandates set by the Growth Management Board, correct decisions, for the residents, cannot always be made. The Olympia Master Builders supports, even with all the flaws,

the proposal before the Planning Commission. Given the alternative of staying under invalidity it is best to move along.

Ms. Julie Powe represented the Balmelli Family Limited Partnership. She requested removal of two parcels from the ARL designation because of the proximity to population areas which would allow for more intense use. Ms. Powe stated there is access to city water and sewer is only a quarter mile away; the property is at the new Exit 74 interchange; the border is shared with the Chehalis UGA; there are commercial properties to the north and east. In settling with the State the property received unrestricted access at the LaBree Rd and Hamilton Rd N intersection, keeping open the possibility of development of this property in the future. The soils are type 4 and are not drained and cannot be irrigated. Ms. Powe submitted a declaration regarding the soils.

No one else wished to speak.

Chairman Jennings closed the public hearing and reminded the audience that written testimony can be submitted until June 19 at 5:00 P.M.

III. Calendar

The next meeting will be on June 23, 7:00 P.M.: a workshop on ARL and the Letter of Transmittal to the BOCC.

IV. Good of the Order

Commissioner Mahoney thanked everyone who has testified at the workshops under the good of the order and at the public hearings or provided written testimony. It is helpful to get firsthand information on specific parcels. Our conclusions may not be the same as the public's because there are restrictions under the law as to what the County can and cannot do.

V. Adjourn

A motion was made and seconded to adjourn; adjournment was at 6:45 P.M.