

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

**Meeting Notes
June 23, 2009 – 7:00 P.M.**

Planning Commissioners Present: Bob Guenther, Jim Lowery, Mike Mahoney, Richard Tausch, Army Davis

Planning Commissioners Excused: Rachael Jennings, Bill Russell

Staff Present: Glenn Carter, Robert 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

Handouts/Materials Used:

- Agenda
- Meeting Notes from June 9, June 16, June 17, 2009
- Supplemental Maps
- Letter of Transmittal

I. Call to Order

In Chairman Jennings' absence Vice Chair Mahoney called the meeting to order at 7:03 P.M. Planning Commissioners introduced themselves.

II. Old Business

A. Vice Chair Mahoney entertained a motion to approve the meeting notes from June 9, 16 and 17, 2009. A motion was made by Commissioner Guenther, seconded by Commissioner Lowery. Motion approved unanimously.

B. Vice Chair Mahoney stated the only business on the agenda was the last workshop on the Agricultural Resource Lands designation and the consideration of the transmittal of the proposals to the BOCC. He asked Mr. Andy Lane to open the work session.

Mr. Lane gave a brief overview of the ARL process. He stated the County is required by the Growth Management Act (GMA) to designate agricultural resource lands of long term commercial significance. The County attempted to do that and in 2007 the process was found not to comply with the GMA and the Growth Board continued the County's invalidity. Since 2004 the County has been under invalidity. To resolve that a new process was adopted and lands were designated and generally the Growth Board approved it but identified certain shortcomings of that process, lands that were not examined by the County that the Board determined should have been considered. Those are the non-soil dependent agricultural uses occurring on non-prime farmland, such as

poultry operations, horticulture, Christmas trees, etc, and commercial agricultural operations that may be occurring in designated forest lands of commercial significance (FRL). The County also needed to consider prime farmlands if drained, or prime farmland if irrigated. The lands along I-5 that were not designated in 2007 the Board considered a blanket exclusion and directed the County to re-examine properties along I-5. These were mostly lands that were prime if drained.

There were issues with the County code, namely uses that were primary uses that the Board thought should be accessory uses and those proposed amendments are to be considered. For consistency with the Comprehensive Plan, there are amendments to the Comp Plan before the Planning Commission that explain the expanded scope of ARL review this time around.

Lands also considered this time were lands that have prime farmland soils and are currently being used for timber uses. A small portion of those lands is proposed for ARL designation.

Including the meeting tonight the Planning Commission has held 15 workshops on the ARL designations and four public hearings in 2008 and 2009. If the Planning Commission makes a recommendation tonight, that recommendation will go to the County Commissioners for a hearing and adoption on July 27. It will then go to the Growth Board for its approval.

Since the public hearings last week, staff and consultants have looked through the comments and have made specific recommendations based on those comments.

Vice Chairman Mahoney entered into the record comments that were received after the public hearing and before the end of the comment period. Those were from David Balmelli, Joe Balmelli, Eugene Butler, Family Forest Foundation, Futurewise, Dennis Hadaller, Herb and Shirley Hemenway, Susie Kyle, Julie Balmelli-Powe and Robert Thode. These materials were reviewed by the Planning Commissioners and staff.

Mr. Lane stated a letter of transmittal has been prepared with exhibits including the staff report, maps, the summary of the application of the WAC criteria and the proposed comprehensive plan and code amendments.

Mr. Lane stated Mr. Dave Balmelli submitted a declaration that his property has not been and will not be drained and that takes it out of prime farm land and will be recommended for removal from ARL consideration.

Other properties that are recommended for removal from ARL are two parcels from the Balmelli Family Limited Partnership which are not drained; two properties brought by Julie Balmelli-Powe, which are small parcel sizes and not drained; the third does not have a parcel number yet and this can be considered if that issue is resolved before the BOCC hearing; the City of Tacoma property shown on Map #14 has been removed

All removed properties are shown with cross-hatching.

Commissioner Davis stated Mr. Joe Balmelli has property in the Toledo area and asked if any of it is adjacent to a UGA.

Mr. Lane stated it is not close to a UGA.

Vice Chair Mahoney cited the tax parcel number and stated there is a declaration that the soils are not drained.

Mr. Balmelli had submitted eight declarations and only one of the declarations was available to the Planning Commission. Some of these declarations were on properties (on Tune Rd.) that were in the original designation and would not be considered this time.

Mr. Rupp stated Ms. Anderson would retrieve the documents from the Community Development Department and bring them to the meeting so this issue could be resolved tonight.

Vice Chair Mahoney asked if there were any other properties to discuss.

Commissioner Guenther referred to the letter from the Family Forest Foundation that Forest Resource Lands were being changed to ARL. Commissioner Guenther did not recall any conversations stating FRL would become ARL; only timberland that had not been designated.

Mr. McCormick stated that was correct; Forest Resource Land would not have its designation changed.

Vice Chair Mahoney recessed the meeting at 7:44 P.M. until Ms. Anderson returned. The meeting reconvened at 8:00 P.M.

Mr. Lane stated it was confirmed that there were declarations for six Balmelli parcels that have soils that are not drained and therefore will not be considered for ARL designation. Mr. McCormick pointed out the parcels on the map.

Vice Chairman Mahoney asked for questions or comments from the Commission.

Commissioner Guenther stated the proposed ARL designations that have been reviewed are additions to the lands that have already been designated. Some lands have not been talked about but those were designated in 2007.

Commissioner Davis stated he believes some land has been missed both for ag designation and land that should not have been included. The percentage of those lands is small enough to move the recommendation forward. The Tune Rd. property talked about earlier, which was designated in 2007, probably would not qualify under the new criteria.

Vice Chair Mahoney stated the ARL process has been very long and very difficult and most of the Planning Commissioners are not entirely pleased with the final product. He believes the general feeling is that too much land has been zoned ag that will never be used for commercial agriculture. The rules that have come from the courts have dictated this process and therefore this product is as good as it can be without the County staying in invalidity.

Commissioner Guenther stated there is no way a small farm can make it now or can be considered commercially viable. He hopes that when this goes before the Growth Management Board that there will be opportunities for the people in ag resource land “jail” to be able to go through the process to get out.

Commissioner Guenther moved to forward the letter of transmittal to the Board of County Commissioner. Commissioner Tausch seconded. The motion carried unanimously.

Vice Chair Mahoney thanked the consultants and staff for all their work as well as all those land owners who testified and provided documentation.

Mr. McCormick thanked the Planning Commissioners for the methodical and thorough process and commended them for making it work.

Commissioner Lowery stated the positive side of this is that invalidity locks up lots of land that keeps property owners outside of ag land from doing anything with their land. Hopefully this proposal will be accepted by the Growth Board so those folks can do with their property what they have wanted to do for the last ten years.

3. Calendar

The next meeting will be July 28 at the Courthouse beginning at 7:00, which will be the second workshop on the Channel Migration Zone.

4. Good of the Order

Mr. Dennis Hadaller, Mossyrock, stated he is disappointed that Maps 9 and 11 were not looked at. These maps split his property and he does not feel he got a fair consideration. He stated he does not have irrigation rights and the soil is not drained.

Mr. Gene Butler, Chehalis, complimented the Planning Commission for attempting to comply with the rules. He suggested that land that was not in a proposal needs to have procedures followed that are required: send your recommendation forward and put it on your annual amendment process. Then that property will be dealt with specifically as an annual amendment and would not be confused with other issues you have been dealing with. It would take care of the notice problem, that people did not have notice that this was being considered.

Ms. Powe also thanked the Planning Commission and asked for clarification on a couple of issues. She was unsure of where the Tune Road issue left off.

Commissioner Davis stated that property was designated in 2007 and was not addressed this time.

Ms. Powe asked what her next step would be.

Mr. Lane stated it would need to go through the annual amendment cycle.

Vice Chair Mahoney stated Ms. Powe would need to request a rezone and it would go through the annual comprehensive plan amendment cycle, but not until after the Growth Board has made its decision.

Ms. Powe asked about a parcel on Schueber Rd. that had a declaration and she was not sure if it was removed from the proposed designation.

Mr. Lane stated she should look at the packet that goes to the BOCC and if the parcel had not been taken out to address it at the BOCC hearing on July 27.

5. Adjourn

The meeting adjourned at 8:34 P.M.