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

November 10, 2009 – 7:00 P.M.
Meeting Notes

Planning Commissioners Present: Rachael Jennings, Bob Guenther, Jim Lowery, Arny Davis, Mike Mahoney
Planning Commissioners Excused: Richard Tausch, Bill Russell
County Commissioners Present: Ron Averill
Staff Present: Phillip Rupp, Glenn Carter, Barbara Kincaid
Others Present: Please see sign in sheet

Handouts/Materials Used:

- **Agenda**
- **Meeting Notes from October 27, 2009**
- **Staff Report re: Comp Plan Amendments**
- **Memo from Barbara Kincaid re: Rezone Application #156**
- **Map of Rezone Application #156**
- **Staff Report re: Centralia UGA**
- **Letter from City of Centralia re: UGA**

I. Call to Order
Chairman Jennings called the meeting to order at 7:01 P.M. Commissioners introduced themselves.

II. Old Business
A. Approval of meeting notes
Chairman Jennings entertained a motion to approve the meeting notes of October 27, 2009. Commissioner Mahoney made the motion; Commissioner Lowery seconded. Motion carried.

B. Public Hearing on 2009 Comprehensive Plan Amendments
Chairman Jennings opened the public hearing.

Mr. Rupp stated there were several elements to the public hearing, all of which are annual amendments to the Comprehensive Plan and implementing ordinances and maps. These include text and code revisions, Rezone Application #156, and the rescission of the UGA affecting approximately 80 acres.

Commissioner Lowery asked why the school capital facility plans needed to go through the Planning Commission.

Mr. Rupp stated it enables the school districts to collect impact fees, which is required by State statute. Also, the Comprehensive Plan speaks of a variety of capital facilities throughout the County. The school districts are one of those; parks are another, and it is also stated in the Growth Management Plan that we need to include them in our Comprehensive Plan.

Commissioner Lowery asked if the same thing is done with ports and cities and other jurisdictions that have capital facilities plans.

Ms. Kincaid stated the schools are considered a public facility. Lewis County has children that attend schools in the districts; each of the cities are also required through the GMA to have inventory and adopted comprehensive plan policies whereby we include and adopt the individual plans of those public services or facilities. The schools do adopt their own school capital facility plans.

Commissioner Lowery understands that the school boards work with their superintendents to do capital facility plans and then it goes through another approval process and he is curious about the logic of this process.

Mr. Rupp stated part of it is the schools are a public facility and the other part is that the County adopts the plans but they do not modify them. That is the difference in process. The superintendents go through the public hearing on the contents of the plan; the Planning Commission just adopts the plan, not the content.

Commissioner Mahoney stated that school impact fees have not yet been approved by the County but there are other funding sources and the plans being in the Comp Plan facilitates the schools' access to state and federal funding.

Ms. Kincaid stated the capital facilities and utilities element of the County Comprehensive Plan must include those entities. The Growth Management Plan states the population that is supported by the County will have schools, roads, sewer and water. Each jurisdiction has its own capital facilities plan and the Countywide Planning Policies ensures that all the jurisdictions are compatible with the GMA.

i. Text and Code Revisions
Mr. Rupp stated the County is attempting to add language to the Comp Plan to allow a regional auctioneering facility to be developed close to a major transportation corridor. There is not such language in the Comp Plan now and the language on Page 6 (g) of the staff report is the proposed language. That would facilitate the Lewis County Code to add as a special use a large regional auctioneering facility to be developed along major transportation corridors. Consequently we are also proposing revisions to the Lewis County Code found on Page 5 that would insert that particular use as a new special use permitted under the special use process. As a special use the Hearings Examiner can condition it that any negative impacts can be mitigated by site improvements, etc.

In order to include that provision in our Code, we need to provide a definition of major auctioneering facilities, which we propose to do under LCC 17.10. We also need to add it as a permitted use in the land use table of LCC 17.42.

Mr. Rupp stated these revisions will go to the BOCC as a resolution and ordinance appropriately designed to address the code change and the Comp Plan text change. He asked for questions.

Commissioner Lowery asked if the language would allow something other than an auctioneering facility, such as a bio-mass facility, etc.

Mr. Rupp stated it could; it facilitates revisions to the Lewis County Code because this is a policy statement that the Board may adopt to open up that possibility. A bio-mass facility would need to be added as a specified use in the special use category, which we do not have currently.

III. Centralia UGA Rescission and Rezone
Mr. Rupp stated during the workshop there was a stipulated agreement between Lewis County, the City of Centralia, Futurewise and appellants to the original urban growth boundary that was adopted in 2007. It was agreed that if the City of Centralia was to withdraw 80 acres from the UGA and the County would agree to that and rezone it back to RDD-20, the appeal would be dropped. The City submitted a letter requesting that change and we are by agreement processing that amendment to the UGA. We are recommending changing the boundary to exclude approximately 80 acres that abuts the Chehalis River. We would rezone that to RDD-20.

Commissioner Mahoney noted that the 80 acres is entirely within the floodway and can never be built on.

ii. Rezone Application #156
Ms. Kincaid stated this particular application needed to go through a separate process with a longer notification notice. Testimony will be taken on Application #156, a proposal to rezone approximately 2200 acres in the Mineral area near Mineral Lake. This application has been submitted by Forecastle Timber Company, seeking to rezone the current long term forest designation to the local importance forest designation. A memo was sent to the Planning Commission dated September 22 and Ms. Kincaid asked that to be entered into the record for the public hearing. Also provided was an e-mail received from Mr. and Mrs. Larson, Mineral, stating their position on this rezone request.

The code requires that a letter is mailed to all property owners within a quarter mile of the parcel boundaries. Approximately 100 letters were sent out and many phone calls were received by Ms. Kincaid from people asking for information. Ms. Kincaid urged those people to attend the hearing or send letters stating their views. She asked for questions from the Commission.

Commissioner Guenther stated there are already roads into this area. If it is rezoned to 20 acre parcels, would additional roads need to be constructed to service those parcels?

Ms. Kincaid stated the partition of land into 20 acres or larger is not regulated under the County's subdivision ordinance. There would be no oversight through the subdivision process for the improvement of the transportation network. Access permits through Public Works would still be required to build a home and therefore private road standards would need to be met.

As there were no other comments from the Commission, Chairman Jennings opened the public testimony portion of the hearing.

Chairman Jennings stated testimony would be taken first on the school capital facility plans.

Mr. Rupp entered into the record the staff report and recommendations for the school capital facility plans.

Mr. Doug Skinner, Superintendant, Napavine School District, thanked the Planning Commission and staff for the time and effort put into this hearing. Mr. Skinner urged the Commission to support and adopt the recommendation before it and adopt the capital facility plans for the districts.

Ms. Sharon Bower, Superintendant, Toledo School District, thanked the Commission for its time and staff's help. The Toledo School District adopted the school capital facility plan and recommends this plan is adopted.

Mr. Steve Bodnar, Superintendant, Centralia School District, on behalf of the schools' Board of Directors recommended the adoption of the capital facility plan. A public hearing was held in July followed by review. He thanked staff and Ms. Marnie Allen for all the help received during this process. This plan gave an in-depth look at the impacts that growth will have on the school districts.

Ms. Mary Lou Bissett, Assistant Superintendant, Chehalis School District, thanked the Commission for being allowed to speak and recommended adoption of the capital facility plan. It has been approved by the School Board. She also thanked County staff and Ms. Allen for working with the district on this plan.

Chairman Jennings asked if anyone wished to speak on the Centralia UGA rescission. No one wished to speak.

The Chair asked for testimony on Rezone Application #156. She asked if speakers would please limit their time to ten minutes each.

Ms. Kincaid asked that her previous comments be entered into the record.

Mr. Mike Heinz, 168 Mineral Hill Rd., Mineral, stated the area that is being proposed for rezone is a very nice rural area for fishing and hunting. He believes the zoning is perfect as it is. He urged the Planning Commission to not change the zoning.

Mr. Eugene Butler, 196 Taylor Rd., Chehalis, stated he is supportive of staff recommendation regarding Application #156. Regarding the auctioneering facility, he believes that provision is inconsistent with the requirements of the Comprehensive Plan and the Growth Management Act for maintaining areas that are rural in character. There are exceptions under the code but those exceptions apply to major areas zoned for industrial purposes which also allow commercial uses, such as the industrial site at the steam plant. Mr. Butler does not believe this is the kind of exception for more intensive use that is covered under the code as it exists. Because we are talking about a special use permit which is a use that should be allowable throughout a zone, it is inconsistent with that and that is not the proper method for solving the issues that are here. The Planning Commission should consider solving it in a way that is authorized by the GMA. Mr. Butler has also submitted written testimony.

Mr. Jay VanderStoep, attorney at 345 NW Pacific Avenue, Chehalis, is representing Forecastle Timber Company. On November 6 a memo was submitted to the Planning Commission with exhibits which he projected on a screen. To the west of the parcel is a vast forest land that extends nearly to Centralia and to the east is another large forest area that goes to Packwood and beyond. The parcel in question is bordered by a river, a railroad, a road and a lake. The County staff recommendation is that the land should remain in forest land designation long term significance because it is part of 5000 contiguous acres of forest land.

We are not asking to take this out of forest land. It will remain forest land. The reason we do not believe it fits in the current designation is because the code says "forest lands of long term commercial significance are primary forest lands, those meeting the classification criteria within the minimum blocks of 5000 contiguous acres". There is one definition of contiguous land and it is in 16.04.096 which states: "contiguous land in Lewis County is land adjoining and touching other land and having the same owner regardless". The staff report is stating that this land touches all the forest land to the west and to the east. This land does not touch or adjoin other forest land. It touches and adjoins a road, a railroad, a lake and a river. There are hundreds of contiguous ownerships in Lewis County where one person owns land on both sides of a road or railroad, etc. The County treats those as separate parcels; they are not contiguous under County Code. To say this is contiguous but those are not gives two definitions that do not fit. He quoted from 16.02.050 regarding legal lot criteria for building or a transfer of ownership, which states properties bisected by navigable water, a public or railroad right of way, create legal property boundaries. This property, then, is not contiguous with the forest land to the west and to the east.

As Mr. Chris Butler covers the definitions, the essence of what the code says is that long term commercial significance is real active commercial forestry land. If the application was in the swaths to the east and the west no one would write letters or come to testify because they are remote, which argues why this is exactly the same: it is local significance.

Under no circumstance will your decision result in heavy development: it is one in twenty. No matter what the zoning was, at least half or more of this property could never be developed because it has steep slopes. The question before you is not intense development or not. It is very modest development or not. The reason it is in Lewis County's interest, and respectfully to the Mineral residents why it is in the community's best interest, is no economic benefit is being provided to this County or to the Mineral community. If you had a moderate number of vacation homes you would bring in tourist dollars and it is also a gateway to Lewis County.

Commissioner Guenther asked if there has been any research done on how many 20-acre developments there may be.

Mr. VanderStoep stated Mr. Butler would address that.

Commissioner Mahoney stated if the rezone is granted it goes beyond how it will be developed because we lose control. At that point, the land could be sold off into 20-acre parcels and that is his concern, not that there may be some summer homes built there. Once the rezone becomes a fact, then we lose the control over how that land would be developed.

Mr. VanderStoep stated most of the land would remain in forestry. If there is a limited number of one in twenty lots, most of those would remain in forestry as well. There are significant restrictions on any forest resource land. He also stated this is not the county's property to control. It is the county's property to put boundaries on, in terms of development, and these boundaries are still quite restricted.

Mr. Chris Butler, 475 NW Chehalis Avenue, Chehalis, spoke in behalf of Forecastle Timber in support of the request for Rezone Application #156. Mr. Butler believes the code is very clear that this property is better suited for the local importance designation. He referred to LCC 17.30.420 which speaks to classification of forest lands. If the land has all the items listed in this code, the land is long term

commercially significant. He entered into the record three exhibits. The first was the Savio property which is a private contiguous holding of one timber company equating to 24,000 acres. The second is the Green Mountain Block, southeast of Mossyrock. This showed the holdings of two companies with state land in the middle, equating to 25,000 acres of contiguous forest land. The third exhibit is the property in question. The first two blocks [exhibits] of forest land did not adjoin a county road. Private logging roads are the only entrance to these lands. He referenced the map of Application #156. Looking at the NW corner and the SE corner there is a difference in shading of what is Forecastle Timber property. Does the County consider the roads and railroad separation for zoning purposes? Yes. Mr. Butler pointed out a small triangular piece west of Mineral Hill Rd that is zoned RDD-5 and another at the far southeast, south of the Tacoma Eastern RR which is another piece of Forecastle Property zoned RDD-10. If a building permit was requested for either of these, they would be considered a legal lot of record. If this code creates legal lots it must also create boundaries and if it creates boundaries then the property cannot be contiguous. That is the crux of the argument.

Mr. Butler read from 17.30.430 which lists criteria for designation. The question for the Planning Commission: is this contiguous? Staff says yes. We do not believe it is based on the application of the code.

If this property was to develop into a series of 20-acre lots, roads would have to be improved. You can service one home on a driveway. The first building permit requested on this piece of property would not trigger any upgrade of the road system. The second building permit requires everything from the exit from the public road to the building site to be upgraded to county private road standards. That is a point that the client recognizes.

Regarding the question of how many 20-acre lots there would be, Mr. Butler did not know. There are large amounts of land that can never be developed because of the very steep slopes. What this proposal seeks to do is give some latitude to its use. If this property had no contour you could create lots that were perfect rectangles that could be managed properly, have road systems that would be less intrusive on the resource. With the configuration of the topography and shoreline setbacks, critical areas, etc, trying to design 80 acre lots is an impractical use. The local importance zone allows for a cluster division, in principle, and would allow the best sites to be developed and lock up the ground that is best suited for timber into large scale tracks. The opt-in provisions are in place; forestry use would not go away, rather it is a balance of the use.

Commissioner Guenther asked if a county road were to go through the Port Blakely property, it would not be considered contiguous.

Mr. Butler stated that is how he would interpret the code.

Commissioner Guenther stated if there was a county road through there, Port Blakely could change the zoning to local significance. If it is not contiguous, they could do that. Once these roads are upgraded to county specifications to ten houses, who will maintain them?

Mr. Butler stated they would be private roads and there would be no burden on the taxpayers to maintain them.

Commissioner Guenther stated some land in Eastern Washington is much like part of the slopes on this subject property. The amount of road they had to build to access those lots took a lot of ground out of forest productivity. He believes this issue needs to be considered.

Mr. Ronald Nilson, Mineral resident, stated a site visit would give an idea of what the land looks like. There are very steep slopes and there have been landslides in this area in the past; the slopes are unstable. The Mineral Hill road has probably required more maintenance than any other section of road in the county for that distance. It has been washed out in heavy slides and that is the access to Highway 7. The roads on the land are logging roads. There is a letter from the Mineral Fire Commissioners stating they could not service this area because of the poor quality of the roads.

Development has been considered in Mineral before and history tells us that this is a difficult area for development. Nothing addresses the effect on the fire district in Mineral, the school district, the police protection or emergency medical assistance. There is also an issue of pollution and the effects on wildlife. Mr. Nelson believes that if management of 80-acre parcels is difficult imagine the difficulty in managing 20-acre parcels. He is opposed to changing the zoning on this land.

Chairman Jennings asked if anyone else would like to speak.

Ms. Marnie Allen, ESD 112, represents the six Lewis County school districts who are asking the County to adopt text amendments to the land use plan. She is in support of the staff recommendation and she supports changing the text to reference the updated capital facility plans that the school districts have prepared. Those updated plans take information from the county regarding the forecast population and housing and puts them into context for schools. They address the requirements under the GMA and under the County's Comprehensive Plan to ensure there are adequate public facilities to serve planned growth, which includes schools.

The Winlock Superintendant was out of town and he asked Ms. Allen to speak for him to convey his school board's support of the proposed text amendments.

Ms. Allen stated she would be happy to summarize what is in the plans if necessary or answer questions.

There were no questions.

Ms. Roberta Church, 165 Mineral Hill Rd, has an undergraduate degree in forest management and supports leaving this property in long-term forestry. Ms. Church would like to see Mineral stay the way it is; she does not want a tourist town. Mineral is at a high elevation and many times a four-wheel drive vehicle is required. While she has no complaints about snow plows or sanding trucks, visitors or potential vacation home residents have no idea what has to be dealt with during winter weather. Mineral Hill Road cannot handle more people; there are no shoulders and it is not built for a lot of traffic.

Mr. Scott Lennon, 9500 Glen Line Parkway, Burnaby, BC, is an employee with Ritchie Brothers Auctioneers. He is supportive of the proposed Lewis County text amendment. His company has carefully analyzed the current zoning in Lewis County for locations that are considered suitable for relocation of the Maytown facility. He thanked staff for their work and he feels confident that the proposed text amendment is consistent with rural character as defined in the WAC. More importantly,

this is a company willing to plan and build a facility that meets the spirit of a rural community. This type of facility has been recently completed in Medford, Minnesota that works well in a rural community. He appreciates the time put into this and looks for support on the text amendment.

Mr. Shelly Smith, 174 Mineral Hill Rd, is not in favor of further development on the property. He would like to see it remain the same.

No one else wished to speak and Chairman Jennings closed the oral testimony portion of the hearing. The BOCC has a hearing scheduled for the Comprehensive Plan amendments on December 7, 2009. She asked if the Planning Commission would like to hold a workshop next week or would it like to review the Letter of Transmittal tonight.

The Commissioners agreed to move ahead with the Letter of Transmittal.

Chairman Jennings closed the public hearing and called for a brief recess, reconvening at 8:33 P.M.

The Planning Commissioners has the draft Letter of Transmittal for the 2009 Comprehensive Plan and development regulations amendments before them. Chairman Jennings acknowledged Ms. Kincaid.

Ms. Kincaid stated the Transmittal letter brings together all of the recommendations for the Comp Plan Amendment docket for this year, including all the rezones. She asked for questions from the Commissioners. There were none.

Commissioner Mahoney made a motion to forward the Letter of Transmittal with all attachments as it was presented. Commissioner Guenther seconded. The Chair asked for discussion.

Commissioner Mahoney referred to the 80-acre parcel on Galvin Rd. in Centralia. He stated this is in the floodway and should never have any permanent structures on it; however he believes it should be in the Centralia UGA and should be accessible to the public for a recreational resource. Being zoned RDD-20 will not preclude any of that as he understands it. He is in favor of rezoning it back to RDD-20.

Commissioner Mahoney has an issue with the Mineral property. The staff recommendations on the other rezones he believes were correct. He is a strong advocate of property rights and if there is a better use than growing trees, he does not want to tell the property owner no. He generally believes that thirty or forty homes at that site would not hurt anything but done improperly it could be very bad. He supports staff recommendation.

Commissioner Davis will not support the transmittal if the recommendation for Application #156 remains as it is. There were good comments regarding the sensitivity issues; he believes most of the rules in place would manage it well. He also believes that common sense would play out well there.

Commissioner Guenther stated he will support it as proposed. He does have some concern about property rights, but what he has seen done in other parts of the state and using up good forest land for a road to a good view is not in the best interest of the County.

Commissioner Lowery stated he has no issue with the capital facilities plans for the school districts or the text and code amendments or the UGA issue. He does have some concerns about the Mineral Lake

property but he missed meetings when this was discussed and does not have enough information for an opinion.

There were no other comments and Chairman Jennings called for a vote. In favor of forwarding the Letter of Transmittal were Commissioners Mahoney, Guenther and Jennings. Opposed was Commissioner Davis. Commissioner Lowery abstained. The motion carried.

Chairman Jennings thanked everyone for participating in the public hearing.

III. Calendar
There are no meetings scheduled for the rest of 2009.

IV. Good of the Order
Commissioner Mahoney thanked everyone who attended all of the Planning Commission meetings. So many times there is no input from the public, and regardless of a person's views, it is helpful to have input. Having voted for the Letter of Transmittal, and seeing a County Commissioner and a County attorney present, a question is the legality of a county road breaking up contiguous property. He believes this will need to be addressed by them.

An unidentified speaker stated there were a lot of people who could not make the drive to Chehalis from Mineral. If a meeting was held in Mineral you would fill the house with people who are most likely against development of this property. He would recommend holding a meeting in Mineral.

Chairman Jennings stated individuals may still write to the County Commissioners expressing their views before the BOCC hearings.

Mr. Rupp stated the BOCC hearing on this material is scheduled for December 7, 2009.

Ms. Kincaid explained for people who do not often participate in this process that what happened tonight is the recommendation from the Planning Commission, which is the advisory body to the BOCC. The BOCC will then enact upon, adopt or not adopt these recommendations at their hearing on December 7. This is strictly the advisory action that precedes the BOCC hearing of this material.

County Commissioner Ron Averill stated a member of the Planning Commission is coming to the end of her term on the Commission on December 31, 2009. He is happy to announce that Rachael Jennings has accepted another four-year term.

Commissioner Guenther stated more than one County Commissioner has told him that property rights are your own business as long as it does not affect someone else. When he sees the citizens of Mineral talking about their wishes and the fact that the lake and their well being could be affected, he considers that affecting someone else.

Chairman Jennings agreed and thanked Commissioner Guenther for his statement.

V. Adjourn
A motion was made and seconded to adjourn. Adjournment was at 8:48 P.M.