

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

**May 25, 2010  
Meeting Notes**

**Commissioners Present:** Richard Tausch, Jim Lowery, Mike Mahoney, Bill Russell

**Commissioners Excused:** Arny Davis, Rachael Jennings, Bob Guenther

**Staff Present:** Phillip Rupp, Barbara Kincaid, Pat Anderson

**Others Present:** Please see sign in sheet

**Handouts/Materials Used:**

- Agenda
- Meeting Notes from May 11, 2010
- Rezone Maps
- Matrix of Applications and Staff Review

**1. Call to Order**

Vice Chair Lowery called the meeting to order at 7:00 P.M. Introductions were made.

**2. Old Business**

**A. Approval of Meeting Notes**

Vice Chair Lowery entertained a motion to approve the meeting notes from May 11, 2010. The motion was made by Commissioner Russell, seconded by Commissioner Mahoney and the notes were approved.

**B. Workshop on Rezones**

Ms. Kincaid explained to the Commission that it would be working from the same matrix from meeting to meeting, adding new rezone groups for each meeting. The new group is shown in red font.

Mr. Rupp stated at the last meeting the Planning Commission received documents that were relevant to the review of these applications and these include the RCWs, 36.70A.070 GMA Planning for Counties, the WAC and the policies and objectives from our comp plan and some of the code material. The staff has reviewed the applications for consistency with these guidelines and policy statements and those are reflected in the summary of the matrixes. The purpose tonight is to get the Planning Commission's input as you consider the factors that are included in the guidelines.

The designations on the comprehensive plan were made in 1999 and 2000 with some as recent as the 2008 ARL review. They were made to be consistent with the Growth Management Act and the GMA has stayed intact with a few revisions to the WAC. When they were initially designated they met the requirements of the GMA. It is up to us to see if changes have occurred in the land and surrounding uses or if a mistake was made and if we can still consider it consistent with GMA.

Application #127: Commissioner Mahoney stated there is no reason not to keep it as ARL. Commissioner Russell stated it would create a spot zone regardless of the other criteria. It should stay as ARL.

Application #124: Commissioner Russell stated changing this designation would create a spot zone. Leave it as ARL.

Application #171: Commissioner Mahoney noted the staff comments state this area was broken out as its own parcel. He asked if this is a stand-alone parcel that can be considered separately from the rest of the farm. Mr. Rupp stated yes.

Commissioner Mahoney stated this had been looked at several years ago and it was shelved because of the agriculture resource discussions. At that time the owner talked about the steep slopes and that it was not part of the active farm because of the slopes. There is a more intense use further up the highway and the owner would like to be able to do the same. Commissioner Mahoney believes the steepness would preclude it from meeting the ARL standards. He suggested a drive-by to see if it is actively being used as farming.

Ms. Kincaid stated staff should look at it again. Commissioner Russell stated it is next to RDD 5 zoning with large lots and the whole area is steep.

Commissioner Mahoney asked if it is permissible for the Commissioners to visit these properties. Ms. Kincaid that is permissible but permission is needed by the owner to actually enter the property. Commissioner Russell stated some years ago legal counsel said it is absolutely allowed to conduct independent research but do not trespass.

Application #132: Mr. Rupp stated this property has split zoning on it: RDD20 and RDD5. The owner would like it all to be RDD5. Commissioner Mahoney's initial thought is to zone it RDD5. That zoning would still require the owner to meet all the health and safety requirements before a building permit is issued. Mr. Rupp stated a primary consideration is protecting the critical areas and by increasing density there is a tendency to jeopardize the quality of the aquifer.

Commissioner Mahoney stated this property being immediately adjacent to a UGA would be ideal for an RDD5 buffer before the more rural areas. Mr. Rupp stated the uses in the UGA just north of that property are the park and ball fields, so while urban in nature they are not developed to a very high intensity use.

Commissioner Mahoney felt that the bottom part could be rezoned. Mr. Rupp stated this is all one parcel according to the Assessor. We tried to see if there is any kind of legal separation but it is all one parcel. They would have to go through some sort of segregation to change that if it were to be rezoned. It is an awkward piece of property.

Commissioner Mahoney confirmed that there is no development on the property now and even under present zoning they could put a house on the either piece if they could meet all the requirements.

Commissioner Russell stated whatever decision is made it will be applied to both portions of the parcel; it cannot be split zoning. Mr. Rupp stated that was correct.

Application #15: Commissioner Mahoney asked why the stretch of land to the south is zoned RDD5. Mr. Rupp stated we must assume it was done to be consistent with the GMA. Mr. Rupp stated part of the effort of the original designation was to keep a balance of 1/3 split between 5, 10 and 20 acre densities. Where land was probably considered to be prime residential, wasn't farmed or in resource use, to keep that balance of residential development in the rural areas they may have identified certain areas like this for potential higher rural density development. That is a theoretical answer.

Commissioner Mahoney stated north of that is agriculture and both RDD10 and RDD5, so if it is our goal to protect that flatter farmable bottom ground and allow buildings to go up on the hill that makes sense. Overall, Commissioner Mahoney agrees with staff that this should be left RDD10.

Application #168: The owners requested an opt-out of ARL; the parcel meets the ARL criteria.

Commissioner Mahoney asked if the owner wanted to deed a portion of this to a child and have two ownerships, would that be allowed. Ms. Kincaid stated with the way the code is written, segregating it through a deed would not be allowed. In the code and state law there is a provision that a property owner through the testamentary division can create an additional legal lot for a person who is named in his/her will.

Commissioner Mahoney stated prior to the execution of the will that would not be allowed. Ms. Kincaid stated it is not allowed to subdivide a parcel into two pieces through a deed.

Application #92: This was designated recently as ARL and the criterion remains the same. Commissioner Mahoney stated this was looked at extensively during the ARL discussions and as a result the area between I-5 and LaBree Road and Hamilton Road was kept out of ARL; everything across the river was put into ARL. He sees no reason to revisit that and the zoning should remain ARL.

Application #85: Part of this group of parcels was zoned ARL in 2008. The remaining parcels have a request to go from RDD10 to RDD5. Retention of the RDD10 zone provides rural residential development opportunities that fit the existing land use pattern. It provides a buffer between farm zones and preserves the rural character. There was no discussion to change the zoning.

Application #80: This is a large group of parcels with several applicants; in 2008 520 acres were designated ARL. It appears what is identified on the map is not 660 acres. Mr. Rupp stated he would check on this application for clarification and have it ready for review at the next meeting.

Application #83: Any change to this property would constitute a spot zone. Commissioner Russell asked if it is the staff's recommendation that this remain RDD20. Mr. Rupp stated staff is not making any recommendations; only factors are being noted of factors to consider when a recommendation is ultimately made by the Planning Commission.

Application #112: This property was designated ARL in 2008; underlying soils are prime and conditions have not changed to warrant a change in zoning. Vice Chair Lowery stated this looks like an island zoning the way it is. Mr. Rupp stated it is across the road from ARL and when the ARL was being done it was apparent it was being farmed and was viewed as part of a larger block.

Ms. Kincaid stated all the soils in this area are prime. Commissioner Russell asked if the ownership is the same on both sides of the railroad. Ms. Kincaid stated no. Commissioner Mahoney asked what the county UGA is to the east. It was identified as Cardinal Glass.

That concluded the review of the applications. Vice Chair Lowery stated two applications would be brought back: #80 and #171.

### **III. Calendar**

The next meeting will be on June 8 with another workshop on rezones: Geographic location: West of I-5, South of King Rd.

### **IV. Good of the Order**

Mr. Jay Dayton spoke to Application #15. There is one parcel that is north of application #15 that has been divided into three parcels of five or six acres, which Mr. Dayton owns. He would also like to be able to divide the other parcel into three lots. The parcels to the west are smaller and have houses on them. Between his property and Frogner Road three new residences have been built and south of that the zoning is RDD5. Mr. Dayton is surrounded by smaller parcels and that is why he is requesting RDD5 zoning.

Commissioner Russell wanted clarification on Mr. Dayton's question.

Mr. Dayton understands that the land would not qualify to be zoned to RDD5. He is surrounded by 5 acre or less parcels and therefore is requesting RDD5.

Commissioner Russell asked Mr. Dayton if he thinks the zoning map is incorrect or if he knows that the surrounding parcels are smaller. The area is zoned RDD10.

Mr. Dayton stated most of the parcels are five or less; some are a little larger. The area around there is growing with residences.

Commissioner Mahoney asked if Mr. Dayton is actively growing timber on the property at this time. Mr. Dayton stated it is small.

Commissioner Mahoney stated the Planning Commission would be holding a public hearing later in the year and it would be appropriate for Mr. Dayton to put his concerns into writing for that hearing.

Mr. Rupp stated the public hearing would probably be in September. Mr. Dayton stated he would get proof that the parcel to the north is divided. He thanked the Commission.

Ms. Kincaid stated there will be information on the web site and that is a good way to follow the schedule and learn when the hearings will be held. Anyone can call Community Development for information as well.

Ms. Diana Gilk is the owner of Application #112. Ms. Gilk stated she is no longer raising chickens and one of the barns is falling down. If she were to continue to raise chickens it would cost \$100,000 to update the barns. She did not think she could break up her property but now it looks like she can. She asked if that is correct.

Ms. Kincaid stated the original zoning was RDD10 at the time of the request but since then it has been re-designated as ARL and the minimum lot size is 20 acres. We are reviewing this as an ARL designation request to go to RDD5. Having people come in and tell us about their property is very helpful and it is important to make those statements for the record as part of the public hearing, or provide them in writing.

Ms. Gilk asked if she could keep one 20 acre parcel and sell a 10 acre parcel. Ms. Kincaid stated the minimum lot size for her designation is 20 acres so she could not divide her land into two separate parcels.

There was no one else wishing to comment.

**V. Adjourn**

A motion was made and seconded to adjourn. Adjournment was at 8:18 P.M.