

**LEWIS COUNTY COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**

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# **STAFF REPORT**

**To: Planning Commission**  
**From: Barbara Kincaid**  
**Date: December 30, 2008**  
**Subject: 2007 Comprehensive Plan Amendment Compliance Issues**

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## **ISSUE**

A recent decision from The Western Washington Growth Management Hearings Board (Growth Board) found some of the County's 2007 Comprehensive Plan amendments noncompliant with the Growth Management Act (GMA).<sup>1</sup>

The compliance issues raised by the Growth Board include the expansion of the Napavine and Toledo UGAs, the Curtis Rail Yard LAMIRD, and the failure of the County to accurately reflect modified population and acreage totals in the Land Use Element, specifically the Birchfield population allocation on page 4-17 and acreage totals in Table 4.1 on page 4-3 of the Land Use Element.

## **BACKGROUND**

Lewis County adopted annual Comprehensive Plan amendments (Resolution 07-359 and Ordinance 1198) on December 10, 2007. These amendments included urban growth area (UGA) expansions for the cities of Mossyrock, Toledo, and Napavine, and boundary adjustments for two Limited Areas of More Intense Rural Development (LAMIRDs). One located in Ethel and the other at the Curtis Rail Yard.

All three UGA expansions and the Curtis Rail Yard LAMIRD boundary adjustment were petitioned to the Growth Board for review. The petitioners also challenged that Resolution 07-359 failed to amend acreage totals to accurately reflect the enactment of the new UGAs and to include the population allocated to the Birchfield Fully Contained Community (FCC).

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<sup>1</sup> Western Washington Growth Management Hearings Board FINAL DECISION AND ORDER Case No. 08-2-0007c

The Growth Board found the Toledo and Napavine UGA expansions and the Curtis Rail Yard LAMIRD boundary adjustment noncompliant with the GMA. It also found the County erred by not modifying Table 4.1 to reflect the accurate acreage totals after enacting new UGAs and that the County should include the Birchfield FCC population allocation totals in the Land Use element.

## **ANALYSIS**

Lewis County must enact amendments to appropriately respond to the Growth Board's findings of noncompliance. And it must do so in a manner that allows for and encourages public participation. Lewis County Code (LCC) 17.12 ensures such involvement by requiring Planning Commission workshops and a public hearing prior to enactment of legislative land use decisions.

Staff and legal counsel have reviewed the Growth Board's Final Decision and Order No. 08-2-0007c and propose the following actions:

### **TOLEDO UGA EXPANSION**

- Take no action at this time.
  - Neither Toledo nor the County intends to submit a response in support of the 2007 UGA expansion. The Growth Board concluded that the County may not expand the Toledo UGA to include land under invalidity.

### **CURTIS RAIL YARD LAMIRD**

- Take no action at this time.
  - McFarland Cascade and the Port of Chehalis intend to (and have requested the County to) await the result of the 2009 Agricultural Resource Land (ARL) designation compliance process. The Growth Board concluded that until invalidity is removed from the affected land in the Curtis Rail Yard, the County may not consider it for inclusion within a LAMIRD.
  - Depending on the results of that process, there may then be a motion to lift the invalidity as to those parcels within the Curtis LAMIRD that remain subject to invalidity.

### **TEXT AMENDMENTS TO THE LAND USE ELEMENT**

- Strike Table 4.1 on page 4-3. The Growth Management Act does not require such a table to be in the comprehensive plan, a fact echoed by the Growth Board. Having to continually update this table due to constant changes such as annexations, UGA expansions, and rezones is burdensome for staff and the Planning Commission and County Commissioners.
- Add a sentence to the text regarding Birchfield on page 4-17 that discusses the expected future population of 6300 residents by 2025.

- Pages 4-3 and 4-17 with proposed amendments are attached to this report.

### **NAPAVINE UGA EXPANSION**

- Napavine proposes to revise its 2007 UGA boundaries. The Growth Board concluded Napavine inappropriately applied a market factor to existing housing and that the County did not prove a reasonable market factor was used in the needs analysis, thus causing an overstatement of land needed for the City to accommodate future projected growth.
- The City has reevaluated and submitted a revised needs analysis supporting a UGA expansion of approximately 398 acres. This represents a reduction of approximately 392 acres from the 2007 expansion.
- County staff has reviewed the revised analysis and agrees with Napavine's proposal and believes the City has taken a conservative approach by proposing the following:
  - Use the largest assumption for persons per household (pph).
  - Reduce the market factor from 50 and 100% to a broadly accepted rate of 25%.
  - Use 4 dwelling units per acre (du/ac) for density.
  - Exclude hydric soils from critical area acreage total to recognize additional potentially developable lands.
  - Consider right-of-ways outside of critical areas to accurately assess land that is not developable.
- Staff has attached Napavine's proposal, revised map and needs analysis to this report for your review and consideration.