

Lewis County Planning Commission

Public Hearing

Bob Lyle Community Building

700 Main St.

Morton, WA 98356

March 31, 2009 @ 6:00 P.M.

and

Lewis County Courthouse, 2nd Floor

Commissioners' Hearing Room

351 NW North Street

Chehalis, WA 98532

April 1, 2009 @ 6:00 P.M.

AGENDA

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

- II. Old Business**
 - A. Approval of meeting notes from March 24, 2009
 - B. 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 April 14: 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**

**March 31, 2009 – 6:00 P.M.
Meeting Notes**

Planning Commissioners Present: Arny Davis, Bob Guenther, Mike Mahoney, Rachel Jennings, Bill Russell

Staff Present: Phillip Rupp, Glenn Carter, Pat Anderson

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

County Commissioners Present: Lee Grose

Others Present: Please see sign in sheet

Handout/Materials Used:

- Agenda
- DCD Staff and Consultants Report, January 13, 2009
- Summary of Application of WAC ARL Criteria
- ARL Maps, Aerial and Overlay
- Comprehensive Plan Text Amendment Proposal
- Development Regulations Amendment Proposal

I. Call to Order

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

II. Old Business

A. The meeting notes from March 24, 2009 were tabled.

B. Chairman Jennings opened the public hearing and introduced two letters into the record: Tamara Baker, 575 Newaukum Valley Rd, Chehalis; and Richard Roth, 193 Roth Rd, Winlock, March 30, 2009.

Andy Lane provided an overview of the hearing, stating this is part of the compliance effort of the County to get into compliance with the ARL portion of the Growth Management Act (GMA). Some agricultural land designations in 2007 were approved but the GMA stated others needed some closer examination. The new areas include areas that include soils that are considered prime if drained and prime if irrigated. Also included are non-soil dependent uses not looked at in 2007.

We are also looking at commercial ag uses in designated FRL and we are making corresponding comprehensive plan amendments. In the packet is the staff report explaining where we are, including memos that explain soils uses and how the consultants and staff analyzed everything to make recommendations to the Planning

Commission. Also included is the WAC criteria and draft comprehensive plan and development regulations amendments.

Mr. Lane pointed out on the board displayed a summary of the analysis we must go through to consider if the land should be designated as agricultural resource or not. The chart on the right is land use factors; the chart on the left is development related considerations. Maps on the wall are the aeriels and overlays of the areas being considered. 2007 ag designations are shown in brown on the colored maps; this year's recommendations are in maroon.

Chairman Jennings asked if everyone who wishes to testify has signed in.

The Chair opened the hearing for oral testimony. She stated there will be a three minute time limit for testimony. The timer will show green for 2.5 minutes; at 30 seconds the timer will show yellow and at three minutes will show red.

Jay Hall, 160 Carroll Rd., Chehalis, submitted a letter regarding the ARLs. He has serious misgivings about the method used to identify and classify ag resource lands. The WAC states cities and counties shall involve the public in classifying and identifying agricultural resource lands and should include public participation of various groups. It should include early and timely notification of such hearings. He read from the WAC. Mr. Hall stated he was pleased to see the information on the website. Beyond the legal notification, the Planning Commission has barely met the minimum for public notification and tonight's attendance reflects that.

LCC 17.30, LC Resource lands: The purpose of this chapter is to identify long term commercially significant resource lands. In LCC 17.30.030 the policy identifies property rights and the Planning Commission shall be cognizant of that policy.

Chairman Jennings informed Mr. Hall that his time had expired.

Mr. Eugene Butler asked staff where and when the notices were published for this hearing. He has followed the Chronicle and has not seen notice of this hearing. He pointed out that the public participation code states notice of publication shall be published in the paper of record and in the paper with the largest circulation. He believes the meeting should be rescheduled.

Dennis Hadaller, 3411 US Hwy 12, Mossyrock, agreed with the public notice issue. He stated he never saw it in the Chronicle.

Mr. Hadaller is representing himself as his attorney could not attend. The meeting notes of Feb 24, page 5, the first paragraph talks about rocks in the soil. Pages 6 and 7 should be gone through closely.

He explained how he put his land together and it is not farm ground. Two thirds of the 313 acres has been in timber since before Washington was a state and is still in timber.

He put it in open space in 1997. Had it not been for the GMA this land would be a good tax base for the Onalaska school district and for Lewis County. He will be delivering a letter tomorrow from his law firm.

Chairman Jennings asked Mr. Hall if he wished to complete his testimony.

Mr. Hall continued his statement regarding the countywide planning policies. He feels his private property rights have been ignored and the consultants are lumping every 20 acre parcel with prime soils and he does not think all these parcels are economically viable. He cannot turn a profit running cows on 20 acres. He does not intend to raise cattle forever. In an article from the Chronicle on Friday, Jan 16, 2004, Mike McCormick stated agriculture in Lewis County is fading. The dairy and cattle industry is leaving western Washington; it is not happening because of Lewis County but because the cost of farming in western Washington is becoming cost prohibitive.

Chairman Jennings asked if anyone else wished to speak. As there was no one, the Chair recessed the public hearing to April 1, 2009 to be held at the Lewis County Courthouse.

III. Calendar:

The next meeting will be held on April 14, a workshop on the ARLs and the Letter of Transmittal.

IV. Good of the Order

Commissioner Guenther stated the paper of record is the East County Journal and he stated we may need to think about publishing in the paper of largest circulation.

V. Adjourn

Commissioner Mahoney moved to adjourn, Commissioner Russell seconded. Motion carried. Adjournment was at 6:28 P.M.

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

**April 1, 2009 – 6:00 P.M.
Meeting Notes**

Planning Commissioners Present: Bill Russell, Mike Mahoney, Bob Guenther, Rachael Jennings, Richard Tausch, Arny Davis
Staff Present: Phillip Rupp, Glenn Carter, Pat Anderson
Consultants Present: Andy Lane, Cairncross and Hemplemann, Roger Wagoner, BHC Consultants, Mike McCormick
County Commissioners Present: Ron Averill
Others Present: Please see sign in sheets

Handouts/Materials Used:

- Agenda
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- Summary of Application of WAC ARL Criteria
- ARL Maps, Aerial and Overlay
- Comprehensive Plan Text Amendment Proposal
- Development Regulations Amendment Proposal

I. Call to Order

Chairman Jennings called the meeting to order at 6:06 P.M, stating it was a continuation of the ARL public hearing from March 31 in Morton. Commissioners introduced themselves.

II. Old Business

A. The meeting notes from March 24, 2009 were tabled until the April 14, 2009 meeting.

B. Chairman Jennings stated that at the previous meeting, March 31, there was concern that the public hearings had not been properly published. The public hearing was published in the March 18, 2009 edition of the East County Journal on page 12.

Chairman Jennings cited other advertising: packets went to the posting places, which include all Senior Centers and Timberland Libraries; postcards were sent out to the posting places as well as to all cities, all granges, and the Lewis County Farm Bureau, and a press release went to the Chronicle. Chairman Jennings stated there was adequate notification and all documents were posted on the web site.

Chairman Jennings opened the public hearing and asked Andy Lane to provide an overview on the Agricultural Resource Lands designation process.

Mr. Lane stated the materials that are available for the public to review, in addition to the agenda for tonight's hearing, include a staff report with memos, a paper that summarizes

the WAC ARL criteria and is applied consistent with the maps on the walls; proposed comprehensive plan amendments showing the revisions in the agriculture designation process and code amendments to implement the changes for ag designation.

The changes in the ag designation process is part of the Growth Board compliance effort. In 2007 there were lands designated ARL that went back to the Growth Management Board for review and they found the County did not look at enough types of lands, therefore the County needs to revisit the lands that were not reviewed in 2007, specifically lands that were designated by the National Resources Conservation Service (NRCS) as prime farmland if drained and prime farmland if irrigated.

Also being considered at this time are agricultural uses that are not dependent on soils, such as poultry, Christmas tree farms, horticultural operations, etc. Lands previously designated as Forest Resource Lands (FRL) are also being considered.

One area that the County had to revisit is land that is in the vicinity of I-5. The Growth Board felt too much weight was give to certain WAC criteria.

Mr. Lane stated there are two informational boards displayed which show the analysis that went into looking at land and determining whether or not it is appropriate for ARL designation. The first board is the land related factors, the land primarily devoted to agriculture; and the second board addresses development related considerations. These are the WAC criteria and were developed by the State Department of Community Trade and Economic Development (CTED) and must be considered for long-term commercial significance for agricultural production.

As the audience testifies, Mr. Lane encouraged them to frame their testimony in light of the analysis on the boards. That will be helpful for the Planning Commission to evaluate the testimony.

Chairman Jennings read into the record documents received today for consideration: a memo from Andy Lane re: Soil productivity and Growing Capacity; a letter from Cushman Law Offices re: designation of long-term commercially significant agricultural lands; a letter from Eugene Butler et al; a letter from Futurewise with attachments.

Chairman Jennings opened the oral testimony portion of the hearing and stated each person will have three minutes to speak.

Mr. Scott Blinks spoke on behalf of the Carlson family, parcel number 014859, a 143 acre parcel located just north of I-5 and Highway 12. The request from the Carlson family is that it not be designated as ARL. The property is not viable as agricultural property. Mr. Blinks provided a letter as part of the testimony.

Planning goal criteria #5, economic development, as well as other criteria support exclusion of this parcel. The Carlson's are in contract with a worldwide industrial entity that wants to relocate to Lewis County at the I-5/Highway 12 intersection. This parcel is

the only parcel in the State of Washington suitable for this industry development. Other criteria will be addressed by Mr. Chris Butler on behalf of the Carlson family.

Mr. Joe Carlson stated property rights need to be preserved for individual land owners.

Mr. Chris Butler was asked to look at this as a land surveyor and because of his past experience on the Planning Commission with regard to ARL designation. Mr. Butler is asking for certain points of view to be considered and a letter was submitted with these points.

Ms. Sally Foister asked the Planning Commission to remove parcel number 017968003000 from ARL designation to allow for it to be broken up. It is about 37 acres, most of it in timber. About 5 acres is in grass and is intersected by Bonneville power lines. The soil is not agricultural soil. Ms. Foister submitted a letter from Bonneville explaining its easement.

Ms. Tamara Baker, 575 Newaukum Valley Rd, Chehalis, has farmed this property for 39 years and it has been family farmed for over 100 years. Ms. Baker does not believe this has been zoned agriculture and would like to keep it in agriculture. She stated it is important to maintain local farms. Ms. Baker provided written testimony.

Commissioner Mahoney stated this issue had come up with other parcels. He confirmed with Mr. Phil Rupp that there is a provision in the County Code that any property owner can opt into an ag zone. The Community Development department can help someone do that and explain the criteria required.

Mr. Richard Roth provided a letter to the Planning Commission dated March 30 and highlighted some points in that letter. He is pleased that some land in his area has been designated as resource land. Ups and downs in trends and markets should not be a criterion for ag designation. Mr. Roth and his family have been on the farm since 1902; it is Prather type II soil and has had various crops and uses throughout the years depending on the market. Some of these include milk, eggs, hogs, prunes and grains to feed the hogs. Strawberries were grown for a period of time. Even though crops and the industry changes and the long term significance look bleak sometimes, the land is productive. It must be managed properly.

If good soils like the Prather soils are divided up into 5 acre pieces it will not be viable for commercial farming and it is important to have this land for agriculture. Agricultural land needs our protection.

Ms. Doreen Milward, Cushman Law Offices, represents Mr. Dennis Hadaller. She summarized points from her last letter stating that the 2007 designations have not been finalized according to the Prosecuting Attorney's office, whose statement was included in her last correspondence.

Ms. Milward stated the County can differ from what the NRCS has proposed to be prime soils in Lewis County. The old soils survey of 1986 stated the soils were only prime if irrigated. Now those soils are prime whether they are irrigated or not and additional soils have been added and to be considered prime if irrigated.

Ms. Milward prepared copies of crop yield for various soils and there are large variations in the soil types and what the NRCS is calling prime. She suggested adding an additional element that factors in the vegetative productivity. Under WAC section 2 you have the authority to consider the needs of the industry. You have no need to have unproductive land labeled as farm land. You can use the guides for the yields provided by the NRCS and suggested adding additional criteria to the relief section, 17.30.600, stating that if people cannot meet these minimums that have been set by the Ag department there is some relief. If people want to opt in they can but they should not be forced to.

Mr. Robert Thode provided written testimony. He asked that the Planning Commission remember this is long term commercially significant ag land that is to be considered. While there is no legal definition of that term there must be some common sense used.

When Mr. Thode was before the Planning Commission in 2007 and asked for reconsideration and also noted there was a piece adjacent to his property that was an obvious error. The reconsideration was not looked at and the error is still on the map. Isolated parcels should not be considered; ag should be designated in zones. When he was on the Technical Advisory Committee there was a recommendation of 2500 acres for each block. A zone shows people what to expect there and farmers know where to go to find land where there will not be conflicting land uses. He suggested to at least look at 500 acre blocks; anything less is not defensible for a zone.

Timber land is expensive to clear but it is far cheaper to clear stumps out of the ground than it is to buy land away from hobby farmers. If you decide you need additional land reserved for ag then you should be looking at timber land and zoning that.

Mr. Jay Hall submitted a letter requesting relief from agricultural resource land designation. Parcel number 018007004000, 24 acres, should not be included in ARL. After reviewing the WAC criteria, he believes his property illustrates the conflict with Criteria #6 which is land use settlement patterns and their compatibility with ag practices. There is quite a bit of parcelization in this area and most parcels average less than 5 acres. His parcel is not consistent with adjacent land use patterns.

Mr. Ron Mael , 375 Hamilton Rd, summarized his written testimony submitted at the last workshop. 375 and 337 Hamilton Rd is between exits 72 and 74 on the west side of the freeway. It is within 60' of the Chehalis UGA and Napavine city limits are within one half mile. There are utilities within one half mile. His property is highly erodible, is in the FEMA 100 flood map and does not have prime soil.

Mr. Julie Powe would like to speak for three families. The first is the Balmelli Family Limited Partnership with 21 parcels off the new Exit 74. She provided written testimony

that listed the parcel numbers. She requested that these parcels not be considered for ARL for a number of reasons: their proximity to populated areas; access to city water and sewer is ¼ mile away; there is excellent access to the public services. Part of the Balmelli's property was purchased for the on ramp for Exit 74; they share a border with the Chehalis UGA; 19 of the 21 parcels are less than 20 acres; 14 acres are less than 10 acres and they were recorded before 1999. Soils are Type IV and are not drained or irrigated. Ms. Powe asked that the parcels not be considered for ARL.

Commissioner Russell asked Ms. Powe if all the parcels are legal lots of record and Ms. Powe stated they are.

Ms. Powe had other parcels to speak about and Chairman Jennings asked if Ms. Powe would please wait until everyone had a chance to speak.

Mr. Eugene Butler stated land already designated as ARL should remain as ARL and that the land proposed by the staff to be designated ARL should also be designated. There have been substantial efforts in those proposals and he believes additional efforts need to be done to complete the process. Materials have been prepared to illustrate these concerns and have been distributed to the Planning Commission. There is also an analysis of additional lands that should be considered and a CD with ARL and FRL land maps.

In 2006 the County changed the allowable uses in ARL to allow the growing and harvesting of timber outright. It could also render lands with prime soils on a map using the current NRCS definitions of prime soils. As a result we can now identify those areas where timber is grown as to the existence of prime soils. The objection that it must be converted to agricultural use to be designated as ARL no longer applies because the land is devoted to resource use and will continue to be in resource use whether trees are replanted or other related agricultural uses are permitted. Land now in trees on prime soils is capable of being devoted to agriculture and must be considered for ARL. His maps identify these lands.

Ms. Susie Kyle, 186 Tingle Rd, Winlock, stated she is passionate about preserving farm land, small family farms and preserving our food supply. She has been farming since 1995, sells at farmers markets in three counties and has helped develop a special dressing and has recently opened a café at Thorbeck's Fitness Center, where there is a local seasonal menu to support local farms.

Ms. Kyle is concerned that we have become dependent upon foreign food because we now import more than we export and we are paving our farmland. A solution to this is a local sustainable food system and we need farm land to do this.

If the County could give equal resources to protecting and supporting local agriculture we could help to strengthen the economy through the rebirth of the small family farm. We could build an organic processing plant at the Winlock Industrial Park and there is a lot of potential for value-added products in all our local grocery stores. We need to form a

citizen's agriculture committee to support agriculture. Whatever land does get designated, we need to have a support system to help this agriculture be successful.

Ms. Brenda Balmelli stated her family has 71 acres located on Rice Road and cited several reasons for that property not to be designated ARL: the LaBree Rd overpass is less than one mile away; the Chehalis Industrial Park is there; the Chehalis City limits is very close by and her property has city water. The property line is only 600' from I-5 and there are commercial businesses nearby.

Ms. Balmelli stated they raise some cattle and grow some grass hay but because the ground is not well drained it is not desirable for crops. If the river changes direction again it will no longer have irrigation, either. She would like her property to be available for future commercial development.

Chairman Jennings asked Ms. Powe if she wished to testify on the other properties.

Ms. Powe stated she owns three parcels of land that total 20 acres: Parcel numbers 022283006001, 022295003001 and 022295003003. A house and farm buildings cover about 2 acres; the remaining 18 acres are divided into three pieces separated by South Schueber Rd., the Schueber Rd. drainage ditch and Coal Creek. All the land is undrained and not irrigated. There are 40% slopes on a portion and 30% slopes on another portion. Ms. Powe provided written testimony showing the parcel lines and slopes.

Ms. Powe represented Mr. Joe Balmelli regarding eight parcels. She read his letter and submitted it to the Planning Commission. Mr. Balmelli asked not to be included in the ARL designation, citing several reasons, including poor quality soils.

Chairman Jennings closed the oral testimony portion of the public hearing stating written testimony would be accepted at the Community Development Department until April 13, 2009, 5:00 P.M. Testimony can be mailed to 2025 NE Kresky Ave, Chehalis, 98532.

IV. Good of the Order

Mr. Dennis Hadaller asked if there would be a workshop of the Planning Commission members and what the process and time frame would be before the ARL material goes to the Board of County Commissioners and if there is a timeline for completing this.

Chairman Jennings stated the next meeting will be a workshop on ARL designations, scheduled for April 14, 2009, 7:00 P.M. Questions can be addressed and if the Planning Commissioners have issues with several parcels a letter of transmittal will not be signed at that time. Until the workshop is completed, it is unknown when the determination will be final.

V. Adjournment

A motion was made and seconded to adjourn. Adjournment was at 7:12 P.M.