

# Lewis County Planning Commission

## Public Meeting

Lewis County Courthouse, 2<sup>nd</sup> Floor  
Commissioners' Hearing Room  
351 NW North Street  
Chehalis, WA 98532

April 14, 2009 @ 7:00 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, March 31 and April 1, 2009
  - B. Workshop on Agricultural Resource Lands Designation
  - C. Letter of Transmittal on Agricultural Resource Lands Designation
  
- III. Calendar**

The next meeting will be April 28, 2009
  
- 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  
Lewis County Courthouse  
351 NW North St.  
Chehalis, WA 98532**

**April 14, 2009 – 7:00 P.M.  
Meeting Notes**

**Planning Commissioners Present:** Bill Russell, Bob Guenther, Mike Mahoney, Rachael Jennings, Richard Tausch, Arny Davis

**County Commissioners Present:** Bill Schulte

**Staff Present:** Glenn Carter, Barbara Kincaid, Pat Anderson

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

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

**Handouts/Materials Used:**

- Agenda
- Meeting Notes from March 24, March 31, and April 1, 2009

**I. Call to Order**

Chairman Jennings called the meeting to order at 7:05 P.M. Commissioners introduced themselves.

**II. Old Business**

**A.** The Chair entertained a motion to approve the meeting notes. Motion made by Commissioner Guenther, seconded by Commissioner Mahoney. Motion carried unanimously.

**B.** Chairman Jennings opened the workshop on Agricultural Resource Lands designations and recognized Mr. Andy Lane.

Mr. Lane stated II(C) on the Agenda is for the Letter of Transmittal and that has not been brought to the Planning Commission tonight. If the Planning Commission is resolved to move forward a decision after the meeting tonight the Letter of Transmittal will be at the meeting in two weeks, along with revised maps.

Mr. Lane stated the consultants have reviewed all the testimony and comments submitted and there are a couple of items that need to be discussed tonight.

Testimony from Tamara Baker identified two parcels that were not included in the proposed ARL and she wishes to be included at this time. These were reviewed previously and had been excluded because of being adjacent to UGAs. With her request there is no reason to not include them. The parcel numbers are 018051000000 (36 acres) and 0180510001000 (10 acres). The soils are drained and both parcels are currently in agricultural use.

Mr. Lane stated an area on Map #1, pointed out by Mr. Vince Panesko in the area of Lincoln Creek Rd and Cooks Hill Rd, has some property that would complete the proposed ARL.

Commissioner Mahoney stated this area floods every year and is used for some pasture. They are quite wet.

Commissioner Mahoney stated Mr. Panesko also identified property around Goodrich Road just south of the Thurston County line. The largest single land owner in that area is the City of Centralia and that land was not considered for that reason. The Thurston County line bisects some parcels and the land in Thurston County is already designated agricultural land. This should be considered.

Mr. Lane stated the City of Centralia property does have prime soils.

Commissioner Mahoney stated there are some small farms and there is also some parcelization.

Mr. Lane stated the properties being brought before the Commission are areas that have been looked at by the consultants and staff and the Planning Commission can make a recommendation on including them or not including them.

Commissioner Guenther stated if the criteria fits on any of the parcels it should be zoned agricultural land, including the City's property. He stated the County has 25,000 acres of DNR timberland. Testimony has been received that stated most of this land had been cleared of timber years ago for the purpose of agriculture. Perhaps the DNR land should be zoned as long term commercially significant land.

Mr. Lane stated all properties that met the criteria had been considered regardless of ownership. If there are additional properties, they can be looked at also.

Commissioner Guenther stated there was testimony that timberland can be cleared for agriculture more cheaply than buying land that is already cleared.

Mr. Lane stated the consultants had looked at land that had prime soils and was being used for timber; they had not been excluded, and some have been included.

Commissioner Mahoney stated his concern with considering the City of Centralia property is that the City, in partnership with the Chehalis Tribe, has established nature trails and recreational areas along the river. There may be long term plans for an establishment of a recreational area similar to Stan Hedwall Park for seasonal use. This would be a valuable asset to the entire community and Commissioner Mahoney would not like to see it zoned for agriculture if it would stop that type of development.

Mr. Lane stated the threshold question: Is it in ag or is it capable of being used for agriculture.

Commissioner Mahoney stated the City applies treated water to the land and it is possible grass is being taken off that land for some purpose. There has been no testimony on this.

Commissioner Guenther brought up the issue of “capable of being used”. There is timber land north of the Lewis and Clark State Park that has been cleared and ready to be re-planted and all around it is farm land. He questioned whether enough consideration had been given to timber land.

Commissioner Mahoney stated there has been testimony from several people that prime lands being utilized for timber, not included in forest resource land designation, should be included as ag resource land, especially since prime uses include timber production.

Commissioner Davis stated all these points are very valid. There are some fundamental things the Planning Commission is trying to accomplish. The County has specific criteria for ARLs and believes it is defensible and will meet muster with the Growth Management Board. He does not necessarily agree with the criteria; however that is what we need to deal with. With the exception of a few properties on the I-5 corridor, which he believes will have a positive economic impact for the County, he wants invalidity lifted and we need a vehicle for people to get out of ARL.

Commissioner Mahoney asked if new land is being considered and was not included for the public hearings, does the public hearing process need to happen again.

Mr. Lane stated as long as it is within the scope of what was put before the public, and so far everything that was proposed and could be included, it is fair game. He reminded the Commission that there will still be a public hearing before the BOCC.

Commissioner Russell asked if we are planning for long term commercial significance or are we planning on lifting invalidity. He sees the County moving into a direction where there is not a concern about what will be here in 20 or 30 years, but to get out of invalidity. Island zoning has also been discussed but nearly every map has island zoning in it. How is that island zoning going to survive? A 100-acre parcel of land that can have five houses on it is not going to sell to a farmer who wants to farm. The RCWs state that we need to start with prime soils and work from there; it does not say we need to designate every piece of ground that has prime soils on it. He is disappointed that the County has not consulted viability experts regarding crops and lands that will survive the 20 or 30 year test. There are a lot of parcels on these maps that he does not know what will keep them as agricultural lands for the long term.

Chairman Jennings stated a lot of those issues were raised, such as spot zoning. Long term commercial significance has been an issue, especially the smaller acreage. The Growth Board is not looking at that, however.

Commissioner Russell states the Legislature has given the County the authority to review those lands.

Mr. Lane stated all the properties were reviewed using the criteria. If there appear to be islands, they are included because of soils, predominate parcel size in the area and capability of being used for ag. The concept of the criteria and the statutory definitions is that the cumulative effect of that identifies those lands that are of long term commercial significance. Whether that is true in fact may or may not be the case. The Planning Commission's knowledge of what happens in a particular area is not always consistent with GMA requirements. The areas that appear as islands have been reviewed and the consultants believe they meet the criteria. The maps are all at slightly different scales so what may appear as an island on one map may actually be a large amount of property.

Mr. Lane stated that is all he wanted to bring to the attention of the Commission.

Commissioner Mahoney asked the other Planning Commissioners if they are generally satisfied with the product to take to the BOCC. He has some serious concerns about what we are committing the County to. Politically it is important to get out of invalidity; his personal feelings are that this should be as objective as possible. If severe restrictions that accompany ARL designations are put on properties it should be property that is truly for long term commercial significance. Petitioners have appealed this in the past and have prevailed and their testimony would generally put every piece of property that could be potentially used for ag into some type of natural resource designation without consideration of the other ten criteria or the needs of the county and this is unacceptable.

If we look at the ground being long term commercially significant, it must first be viable. If it cannot survive it cannot be considered significant. The Technical Advisory Committee included experienced crop farmers, dairymen, beef and timber people, and the general recommendations of the TAC were totally disregarded by the Growth Board and thrown out by the Hearings Board and the petitioners.

Before we go further, unless there is a consensus that we can live with some mildly altered form of this product, we should start over again. He asked the opinions of the other Commissioners.

Commissioner Russell stated he is not a farmer. Everything he has learned about farming he has learned by sitting on this commission from farmers and others. When the experts are talking to us, we need to pay attention. They know what they are talking about. He believes there is enough leeway to make decisions for Lewis County. If we are going to set aside land for long term it needs to survive long term.

Commissioner Guenther cited an example. There was property at Highway 12 and I-5 on the west side that the owners wished to have exempted from ARL. Across the freeway to the east are 365 acres, part has been cleared and farmed, some still in timber. How is it fair that we exempt on the east side and put the west side into ARLs?

Commissioner Davis stated the economic impact of properties on I-5 is his only exception for moving forward with what the Commission is being told is defensible criteria. He does not disagree with any of the testimony of the Commissioners, about

how it is not quite right; however, the County has been in invalidity since 2004. The properties on the I-5 corridor are going to have a tax and job and economic impact far beyond any agriculture resource land capabilities ever, and there is other land in the County that can and does fit in. Anything we do will not be 100% right but we need to figure out a way to work through this. If the Growth Board approves of it and will deny any appeals based on the criteria, with the exception of those economic impacts on I-5, Commissioner Davis is willing to move this along to the BOCC.

Commissioner Guenther agreed with Commissioner Davis but stated if there are exceptions on I-5, what about exceptions on Highway 12.

Commissioner Tausch agreed with Commissioners Russell, Guenther and Mahoney.

Commissioner Russell stated if we are able to come up with a vehicle that Commissioner Davis discussed and the invalidity does not get lifted, what happens?

Chairman Jennings stated the majority of the Commission is not satisfied with what has been presented. Every rendition of the ARLs is scrapped. There has been a lot of time and effort put into this and while not everyone will be satisfied we must continue to move forward. She asked for guidance from the consultants.

Mr. Lane stated his job in particular is to present something that is defensible and achieves what the GMA and Growth Board require but it is the Commission's plan. He asked if there was specific direction from the Planning Commission, or if it would prefer a workshop with discussion to flush out some of the troublesome parts of the proposal. Do we start from scratch or do we look at re-evaluating some areas.

Chairman Jennings conducted a poll of the Commissioners: is it each person's interest to scrap what has been done so far or discuss moving forward.

Commissioner Russell is not enthusiastic in scrapping the project and starting over. He believes problems can be resolved with more in-depth discussion.

Chairman Jennings asked if Commissioner Russell wants the consultants to go back with feedback from the Commission and review what has been presented.

Commissioner Russell asked why the review can't be done right here. He does not think every map will be rejected; there are particulars that need to be addressed. If we are going to apply the criteria, we need to do that here with all of us involved in the discussion and make decisions.

Commissioner Guenther did not feel the entire project should be scrapped. The development of I-5 is important. He mentioned the natural resource lands because of the amount of land that in 100 years may be agricultural land of long term commercial significance. That might be an avenue to replace land lost by designating industrial land along the I-5 corridor.

Commissioner Mahoney stated he has problems with the way the process has taken place. He suggested that rather than staff and consultants keeping the Planning Commission out of the process early on and then having to take it to public hearing and make decisions, it would have been better to include us up front to make sure we had bought off on the criteria and the way that criteria was applied.

The basic process he agrees with: start with the land and apply the ten criteria. Philosophically he cannot agree with ignoring the input of the Technical Advisory Committee and the actual verbiage in the NRCS documents which appears to be happening. We are making a political decision and it should be a scientific or objective decision and it is not.

Having said that, most of the ground Commissioner Mahoney objects to being included does not make any difference. The NRCS maps are inaccurate in its definition and as an example the inclusion of the bottom ten miles of Lincoln Creek is scientifically unsupportable. But that does not make any difference because the ground is not developable and it is not going to be used for anything in the foreseeable future other than seasonal poor quality pasture. What we do doesn't matter and getting us out of invalidity is important.

Commissioner Mahoney agrees with Commissioner Davis that with exception of three or four major pieces of property and a few isolated small pieces, he would be ready to forward this to the BOCC.

Commissioner Tausch had nothing to add.

Commissioner Davis stated he liked Commissioner Guenther's idea about the natural resource lands. He believes this could be set aside regardless of criteria because it is the right thing to do. In doing that, the Planning Commission feels that while the criteria does apply to certain lands within I-5 and Highway 12, the economic impact for Lewis County will be stifled if that land is off limits to development. It has not been explained why this would not work except for perhaps extending the invalidity. If someone is going to bring hundreds of jobs to Lewis County and it involves a piece of property in ARL, there must be a vehicle for that to happen. He is thinking of the economy. Everything, including agriculture, relies on our economy.

Commissioner Mahoney asked if he is correct in understanding that once a piece of property is zoned and the County Commissioners make it so, to change it the applications must go through the Planning Commission once a year and then the Planning Commission makes recommendations to the BOCC.

Mr. Lane stated that is correct.

Commissioner Mahoney stated in that case the entire process could take up to two years and then there would be avenues of appeal open to them if they don't get what they want.

It is not a short term, easy process, and that is a concern of the Planning Commission. Once it is designated ARL and a property owner wants to get it changed, and regardless of the appropriateness of that request, it is not an easy process. Commissioner Mahoney does not have an issue with RDD-20 zoning for a large part of the County.

Mr. McCormick stated he appreciates the sentiment of the Planning Commission; however he has some dissatisfaction in not being able to help the Planning Commission move forward in a way that is productive, in terms of statutory requirements and the needs of Lewis County as the Commission sees them.

The description of the de-designation process is accurate. It is not the way to provide for economic development in Lewis County. The way for Lewis County to have productive economic growth is to plan for it and to size the Urban Growth Areas to accommodate for future needs and provide the infrastructure that supports that. There are not going to be isolated islands. We all recognize the advantage of the I-5 corridor and our earlier attempts to retain the maximum available raw land in the I-5 corridor were not successful. In retrospect he is not convinced it was well-founded. The answer for that is to use the other provisions of the Growth Management Act, whether it is industrial land banks or another similar effort which brought Cardinal Glass to the County. It will not be easy but the County demonstrated its tenacity and creativity to be able to do that. That is what it will take to provide the necessary land and infrastructure to support future economic development in Lewis County. It will not be the ease of de-designating agricultural land.

Commissioner Russell asked Mr. McCormick what he felt would be the best way to provide agricultural lands for 20-50 years from now and if Mr. McCormick felt what has been done so far is the best way to achieve that, or is it the best way to get out of invalidity.

Mr. McCormick stated he is a planner and planners are optimistic. We are planning under constraints of the statute and even though Mr. McCormick had his hand in the creation and interpretation of it, he is not going to say it is perfect. He is frustrated by the lack of ability to develop anything meaningful and useful in terms of what is commercial significance. He believes the statute is deficient. He cannot make a decision for the County in terms of the direction the County wishes to proceed. His job is to give his best professional advice and he has done that to the best of his ability. He cannot answer Commissioner Russell's question. It is a political judgment and it needs to be one that the Planning Commission feels is right and clearly the Commission is not ready to go there with the plan before it.

Chairman Jennings stated the Commissioners, planning staff and consultants would review these issues in a work shop, item by item. It appears the Planning Commissioners do not wish to scrap the entire process but look again at how certain areas were designated.

Discussion followed about whether or not to continue tonight going through the maps one by one.

Mr. McCormick stated the consultants had some sense of the areas and the issues but the issue raised about how to treat forest land with prime soils stretches beyond the 25,000 acres of DNR land. If we are going to look at those criteria, it applies to all timberland under prime soils and that is a substantial amount of additional territory. We are not prepared to have a thoughtful discussion about it at this time.

Commissioner Mahoney agrees that the statute is deficient and that leaves it up to the County to define it for itself and then the Hearings Board can say we are right or wrong. There is strong evidence supporting a more restrictive approach to what is prime farm ground of long term commercial significance even before we get into the other ten criteria. If we go back to look at forest ground then we will need to look at the prime if drained and prime if irrigated.

Mr. McCormick stated he is not concerned about the prime if drained and prime if irrigated. The parameters around that are well established. He understands requiring the property owner to take the initiative to determine whether or not his land meets the criteria is an issue and he respects that. The comment regarding commercial significance and the opening that the Supreme Court created in their decision would be plowing some interesting new ground. The statement about the Hearings Board and the Courts beyond is particularly timely and salient when we start to consider and use factors that bring that into play in a way that is insistent and is clearly articulated and is defensible, which is what you would want to do.

Commissioner Mahoney stated if we have to deal with the Hearings Board and the Courts and appeals regardless of what decisions we make, he wants the product to be right and give the reasons for the decisions.

Commissioner Davis asked Mr. McCormick if the Commission was to embrace the criteria with the exception of our short term horizon of economic impact for the County, the I-5 interchanges and some portions of Highway 12, and we recommend that these properties are not included in ARL, in spite of the criteria, would that blow the whole package out of the water?

Mr. Lane stated it did the last time.

Mr. McCormick stated there is a potential risk to do it this time.

Chairman Jennings understands from the Commission that it needs to be part of the process. The next meeting is April 28 and these issues will be readdressed at that time.

Mr. Lane proposed that on April 28 the consultants come back with a proposed schedule and topics to focus on the issues that the Commission has raised and incorporate those into the existing criteria, or if we need to consider other things on top of that. There is a

compliance hearing with the Growth Board on Wednesday and the schedule will be discussed with them at that time. The proposed schedule will not be possible and we will see what we can arrange. There will be some limitations on scheduling because of what the Growth Board will agree to and what the other parties will or will not agree to. So far all the parties have been supportive of extensions of the compliance deadline. They want to see a product that they like, also.

Commissioner Davis stated he is willing to come earlier or meet more frequently if that will help expedite the process. Commissioner Russell concurred.

Commissioner Guenther stated tonight was a very healthy discussion and that is a good sign. He believes a good decision will be reached for the citizens and the County.

Commissioner Guenther has been attending the Legislature and stated the State parks are in trouble. He asked what will happen if the State decides it needs to sell Lewis and Clark Park. Perhaps we could consider long term commercial significance for that 600 acres and the area just south of the Park, which is not designated ag land now when it was 100 years ago.

Commissioner Russell wanted to consider the percentage of prime soils on a piece of property for the property to be designated as a whole. Another issue is the handling of Christmas trees and poultry. The only difference between Christmas trees and forest resource lands is the number of years they harvest the trees. There is not much soil difference or slope difference, and we need to find a better vehicle for handling those two items. He is pleased that the Commission is not content with dumping this on the BOCC to resolve it.

Chairman Jennings asked Commissioner Russell what was the previous percentage of prime soils coverage on a piece of property.

Commissioner Russell stated when it was discussed before the Commission was comfortable with 50%.

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

Mr. Eugene Butler agreed that the discussion tonight was very healthy. He encouraged taking a couple of weeks to look at the issues. Regarding the Growth Board activity, he would support Mr. Lane's approach that more time is necessary to meet compliance. He commended the Commission about looking seriously at the forest issues and all the other ag issues. He believes there is some room to talk about the I-5 corridor and providing a consistent methodology for dealing with it.

Mr. George Gill expressed his appreciation to the Commission for its considerable time put into this process. Mr. Gill owns property on S. Schueber Rd and noted some criteria that did not apply to his property for ag designation. Some of these include city services close by, a covenant stating the City of Centralia has a right to annex the property, wetlands on the property, proximity to UGA, and others.

Commissioner Mahoney strongly supports protecting highly productive agricultural land. We do not have an abundance of high quality ground and he cannot support protecting marginally productive ground. When we do that we force our citizens to find ways around the law and we end up with a bunch of 20-acre hobby farms and we do not assist commercial farming at all. To support marginally productive ground will have unintended consequences that will in the long term hurt the community. He hopes this can be looked at again in the next few weeks.

**V. Adjourn**

Commissioner Russell made a motion to adjourn; motion seconded and adjournment was at 8:35 P.M.