

Lewis County Planning Commission

Public Hearing

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

September 9, 2008 @ 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 August 26, 2008
 - B. Flood Hazard Management Plan Letter of Transmittal
 - C. Public Hearing on Toledo UGA Amendment Proposal. Presented by Andre Stone
 - D. 5th Workshop: Comprehensive Plan Housing Element. Presented by BHC
 - E. Letter of Transmittal to BOCC on Birchfield FCC

- III. Calendar**

Next meeting September 16: Special Meeting

 - Public Hearing: Countywide Planning Policies
 - 2nd Workshop: Capital Facilities

- IV. Good of the Order**

- V. Adjourn**

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**Meeting Notes from Planning Commission Meeting and Public Hearing
September 9, 2008 – 7:00 P.M.
Lewis County Courthouse
351 NW North St.
Chehalis, WA 98532**

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

Staff Present: Glenn Carter, Phillip Rupp, Fred Chapman, Andre Stone, Pat Anderson

Consultants Present: Roger Wagoner, BHC Consultants

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from August 26, 2008
- Letter from WDFW re: Lewis County UGA Expansions
- Staff Report from Andre Stone re: Toledo UGA Amendment Proposal
- 2008 Toledo Map, Existing and Proposed UGA
- 2008 Toledo Map of Proposed UGA
- Letter from Futurewise re: Toledo UGA Proposal
- Letter from Eugene Butler re: Toledo UGA Proposal
- Letter from Vince Panesko
- Letter from WDFW

I. Call to Order

Chairman Guenther called the meeting to order at 7:02 P.M. Planning Commissioners introduced themselves.

II. Old Business

A. The Chair entertained a motion to approve the meeting notes from August 26, 2008. Motion made and seconded and carried unanimously.

B. Flood Hazard Management Plan Letter of Transmittal

Mr. Fred Chapman stated this is a planning document for flood plain management for Lewis County and the incorporated jurisdictions. It is a guidance document that is part of requirements under ISO and CRS, which is an insurance underwriter for FEMA. Lewis County is a community rating system member, which is an elite group of communities in the country which qualify for reduced flood premiums based on our efforts to manage the flood plain. We are currently a 7 and we are going through an audit. We have made all the corrections and changes that were identified at the last meeting and prior workshops. We have incorporated recommended language changes from Department of Ecology.

Mr. Chapman asked if there were any questions from the Planning Commission.

As there were no further comments, Chairman Guenther entertained a motion to move the Letter of Transmittal forward to the Board of County Commissioners.

Commissioner Mahoney made the motion to send the entire packet to the BOCC; Commissioner Jennings seconded. Motion carried.

C. Public Hearing on Toledo UGA Amendment Proposal.

Mr. Andre stone stated a brief workshop would be necessary before the public hearing and recapped the staff report submitted on August 12. Two maps were included in the packet: Toledo's proposed UGA expansion and the existing UGA.

Staff reviewed the proposal in regards to conformance with the WAC, RCW, Lewis County Comprehensive Plan and Countywide Planning Policies. Based on those criteria, the proposal has adequately represented Toledo's need for land for future development. Staff is recommending approval of the 185 acre expansion.

Chairman Guenther asked for questions from the Commission.

Commissioner Russell asked for clarification on the conformance with the state statute #1 and #2 which are very similar questions but have different answers.

Mr. Stone stated the existing land area, the 185 acres, using the definition provided for in the WAC and RCW, staff determined that the land was not characterized by urban growth. However, staff did make the determination that it is adjacent to land characterized by urban growth.

The Chair opened the Toledo UGA proposal public hearing.

Mr. Stone identified three documents to be considered at the public hearing: a letter from WDFW, a letter from Futurewise, and a letter from Mr. Vince Panesko.

Mr. Eugene Butler stated he submitted a letter and opposes this proposal. The proposal includes lands that are under the invalidity order and the ag land status has not been resolved. The five acre tracts adjacent to the high school are not considered urban growth. The remaining land is more than 3/8 of a mile from any area characterized by urban growth.

It appears there is a lack of public facilities and services to serve the proposed development.

The staff report does not address the use of the land as agricultural land although it has been alluded to that there is ag land in that vicinity.

Mr. Butler cited court-developed standards and required elements of agricultural land, which were included in his letter.

Toledo Mayor Jerry Pratt submitted a letter to the Planning Commission. He stated he lives next to the proposed expansion and that there are no farms there and that the phone company is located there.

Ms. Birdie Woody stated she owns three parcels on Plomondon Rd and lives there and is familiar with the soil, which does not grow very much. She buys hay for her cows because she cannot grow enough hay for them.

Ms. Woody has fifteen [rental] houses for which there are waiting lists for people wanting to live in Toledo. Ms. Woody stated Toledo needs to grow and she is in favor of this proposal.

Mr. Sam Woody stated the soils are not suitable for farming, regardless of studies that have been conducted. The location of the proposed UGA makes perfect sense for the natural growth of Toledo. Toledo city limits on the east borders the Cowlitz River which prohibits progression in that area.

Mr. Woody and his wife own a real estate appraisal company and stated there is a shortage of homes in the Toledo area. He supports this proposal.

Commissioner Mahoney stated Mr. Butler testified that there is a map that shows soil types and it is not included in the packet.

Commissioner Davis stated Mr. Butler used the term “commercially viable agricultural land” and Commissioner Davis challenges that.

Commissioner Russell stated Mr. Butler stated that the staff report did not mention agriculture. On page 6, Goal 8 does talk about agricultural lands and uses. Also, we requested to know how the current residents of Toledo feel about this proposal and asked if that information would be available at the next workshop. Also mentioned is the shortage of housing and he asked if there is a way to determine buildable lots within the City.

Mayor Pratt stated in the city of Toledo there is one available buildable lot and the owner is not willing to sell it.

Mr. Butler stated the map of soil types has not been seen by the Planning Commission as Mr. Butler submitted his letter just prior to the opening of the meeting. That letter attaches a page from the soils survey as well as a part of a page from Exhibit XII-50. Those should answer the questions raised by Commissioner Mahoney.

As there was no other testimony, Chairman Guenther closed the oral portion of the public hearing. Written testimony will be accepted until September 16, 2008.

D. Workshop on Comprehensive Plan Housing Element.

Mr. Roger Wagoner responded to comments received at the last meeting. Mr. Douglas Hayden and Mr. Butler submitted comments and believe the housing element should encourage the development of a County housing authority. This is discussed in the element, describing what a housing authority does and how it is formed. Not included is a specific policy that spoke to the county creating a housing authority. It is the consultant's opinion that a housing authority would be a collaborative effort of the County and cities and/or some non-profit housing developers. The current countywide planning policies do not speak to this particularly and Mr. Wagoner wrote generic language. If the Planning Commission elects to make that recommendation more assertively, it could be incorporated before it is sent to the BOCC.

Mr. Hayden and Mr. Butler stated that the housing element should address the impacts of flooding. Mr. Wagoner stated this is a good comment; however he believes this is better placed in other documents. The Flood Hazard Management Plan is a more appropriate place to address ways for people to be housed in the County. A comment was made in the document that there are many other hazards that put people at risk. Another document the County has adopted is the All Hazard Mitigation Plan which sets up bases and policies to provide for people to be removed from risk. If the Planning Commission feels there needs to be stronger language, Mr. Wagoner will be sure to include it.

There was a comment regarding fully contained communities. Mr. Wagoner stated an FCC did not come up specifically in the work with the advisory committee; however, it is Mr. Wagoner's opinion that the language should be included in the land use element since approval of an FCC is a land use action and includes more than the issue of affordable housing.

Finally, Mr. Hayden and Mr. Butler commented that transportation is very important, especially to people with limited income. Mr. Wagoner agrees with this and at this point he is not charged with a transportation update but is working with Public Works. Starting public transportation service in a rural county is difficult and expensive, but he believes language has been inserted in Goal 1 which does speak to the need of good transportation service.

An oral comment by Larry Cook stated the need for addressing how flooding affects communities, particularly people with limited income. This is an important issue and that type of policy language is better placed in other documents, such as the Flood Hazard Management Plan and the All Hazard Management Plan.

Mr. Wagoner entertained questions. There were none.

Mr. Wagoner asked staff if the elements of the Comprehensive Plan would be subject to public hearings.

Mr. Stone stated there would be one letter of transmittal representing all three elements presented to the Board of County Commissioners for its public hearing.

Commissioner Jennings understood some material regarding the breakdown of property in the Centralia industrial proposal was to be submitted to the Planning Commission and asked the status of that request.

Mr. Rupp stated that material would be brought to another workshop before going to the BOCC.

Chairman Guenther clarified that what the Planning Commission is asking for is the amount of industrial land available in the City of Centralia that is of a contiguous nature, and of a large scale.

The Chair recessed the meeting at 7:39 and reconvened at 7:53.

E. Letter of Transmittal to BOCC on Birchfield FCC.

Commissioner Russell stated the Letter of Transmittal distributed tonight is different from the letter included in the mailed packet.

Mr. Rupp stated the original letter had some errors which he explained. The cover letter referenced documents that would be attached to the letter of transmittal to the BOCC, which are the development regulations, monitoring agreement and the draft impact fees ordinance. The first two were not included as the Planning Commission has already seen those. The draft impact fee ordinance is not the draft that will be presented at the workshops or public hearings. The prosecuting attorney and staff is in the process of drafting an ordinance and comments regarding such will be taken at workshops and public hearings at a later date.

Chairman Guenther entertained a motion to move forward the letter of transmittal on the Birchfield FCC to the BOCC. Commissioner Hewitt made the motion to include the attachments; Commissioner Jennings seconded. Discussion followed.

Commissioner Russell stated he does not see where Lewis County would receive the benefits equal to the amount of money that is being asked of the tax payers to put up for this project. Some issues: sewage treatment, water rights, water availability, schools, police protection.

Commissioner Jennings stated the ordinance would not look like the draft ordinance attached.

Mr. Rupp stated it would not have the same material included. This is the second draft that has been looked at and another draft would be coming from the consultants in another week. Planning and the prosecuting attorney would wordsmith it to prepare it for a review by the planning commission and at a public hearing.

Commissioner Mahoney stated the condition is the adoption of the impact fee ordinance. These documents are not part of the packet that would be forwarded, but rather a first look at what is to come.

Mr. Rupp stated there will be a reference to an impact fee ordinance that the BOCC will need to adopt before the FCC can be officially adopted.

Commissioner Mahoney stated he has concerns about the way the monitoring agreement is presently written, particularly the kicking in of the monitoring agreement after 800 units are built before there is any compliance authority. At this point Commissioner Mahoney is not willing to move that document forward.

Commissioner Tausch asked if the monitoring agreement has been finalized or if it would come back to the Planning Commission like the impact fee ordinance will.

Mr. Rupp stated the monitoring agreement has been a subject of workshops by the Planning Commission and there was a consensus that it is acceptable. This is not the final decision on the Birchfield FCC or any element. The BOCC will hold public hearings on this issue, including the monitoring agreement, development regulations and impact fee ordinance. The Planning Commission gives a recommendation based on the record of workshops; the final decision rests with the BOCC.

Chairman Mahoney stated the letter of transmittal states the Planning Commission recommends the approval of the Birchfield FCC with following conditions. One of the conditions is that the monitoring agreement as it stands today is part of that packet; the development regulations are accepted as they stand today. The comprehensive plan amendment and the 20-year population allocation are completed. The condition that we have not talked about is the impact fees ordinance.

Mr. Rupp stated that is correct, and that these issues were discussed with the Hearing Examiner.

Commissioner Davis stated he respects Commissioner Russell's opinions. Commissioner Davis is pro growth and pro economic development with the caveat that the County not be at risk for economic development; that the developer is at risk for economic development. With those caveats in mind and Commissioner Russell's comments, he cautiously moves forward with the letter of transmittal.

Chairman Guenther stated without the conditions, he would not sign the letter of transmittal. He believes it is time to move this forward to the BOCC so it can make the decision about the impact fees. Chairman Guenther is not in favor of improvements at the taxpayers' expense.

Commissioner Jennings stated she was pleased to see the impact fees under way. She is disappointed that it is at such a late time, asking the Commission to forward the letter of transmittal to the BOCC. The monitoring agreement does not address long term how it is going to serve the water supply or sewage disposal at full build-out. The City of Chehalis has not come forward to discuss the water supply, which the Planning Commission asked for some time ago. Commissioner Jennings is apprehensive about moving this forward.

Commissioner Russell stated that this process will move forward to the BOCC and it is ultimately the BOCC's decision. The question before us is: Is this in the best interest of the County and are we willing to recommend that the County Commissioners approve this document. Commissioner Russell cannot do that.

The question was called for closing the debate. The debate was closed.

The Chair called for the vote for moving forward the Letter of Transmittal for Birchfield FCC. The vote for the record: In favor: Commissioners Hewitt, Guenther, Jennings and Tausch. Against: Commissioners Davis, Russell and Mahoney. Motion carried 4 to 3.

III. Calendar

The next meeting is a special meeting on September 16 to hold a public hearing on the Countywide Planning Policies and the second workshop on the Capital Facilities element.

Commissioner Jennings stated the calendar was e-mailed to the Commissioners and the meetings are scheduled for Wednesdays and Thursdays and asked the purpose of the change.

Mr. Rupp stated the dates are proposed because of Election Day and Veterans Day.

Commissioner Mahoney asked for information on the public hearing on the Critical Areas Ordinance in Morton on September 23.

Mr. Rupp stated the meeting will begin at 7:00 P.M. at the Bob Lyle Community Building, 700 Main St. in Morton.

IV. Good of the Order

Mr. Eugene Butler asked, regarding the impact fees ordinance, if that ordinance would be processed through the Planning Commission or go directly to the BOCC.

Mr. Rupp stated there has not been a definitive decision from the BOCC but staff intends to bring it to the Planning Commission for review and comment.

Chairman Guenther stated the fact that this document would come back to the Planning Commission influenced his personal vote on the issue.

Mr. Glenn Carter stated the impact fees ordinance would be brought to the Planning Commission.

The Chair thanked the Commission for the work on this issue and understands it was a difficult decision.

V. Adjourn

The meeting was adjourned at 8:15 P.M.