

# Lewis County Planning Commission

## Public Meeting

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

**November 27, 2007 @ 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 November 13, 2007.
- III. New Business**
  - A. Workshop on Birchfield FCC Traffic Study
  - B. Workshop on Critical Areas Ordinance
- IV. Calendar**
  - A. Next meeting December 11, 2007: Workshop on Critical Areas Ordinance and Birchfield FCC Development Regs.
- V. Good of the Order**
- VI. Adjourn**

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**Meeting Notes from Lewis County Planning Commission  
Public Meeting  
November 27, 2007  
Lewis County Courthouse  
351 NW North St.  
Chehalis, WA 98532**

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

**Planning Commissioners Excused:** Larry Hewitt

**Legal Counsel Present:** Michael Golden, Prosecuting Attorney

**Staff Present:** Bob Johnson, Phillip Rupp, Kernan Lien, Pat Anderson

**Consultants Present:** Perry Shea

**Public Present:** Please see sign-in sheet

**Handouts/Materials Used:**

- Agenda
- Meeting Notes from November 13, 2007
- Technical Memorandum from David Sherrard, Parametrix

**I. Call to Order**

Chairman Guenther called the meeting to order at 7:00 p.m. Commissioners introduced themselves.

**II. Old Business**

Chairman Guenther entertained a motion to approve the meeting notes from November 13, 2007. Commissioner Russell stated there was an error on page 12 that reads "Chairman Russell" and it should read "Commissioner Russell". Commissioner Jennings moved to approve with correction. Commissioner Russell seconded. Motion carried.

Chairman Guenther stated at the last meeting some comments were made by the public to the Planning Commission and that the positive comments to the Planning Commission were appropriate. He stated he did not believe that negative comments to staff were appropriate. Chairman Guenther stated he wants everyone to understand that the history of this dais is very important to this County and for the Planning Commission to allow the public to go after the planners and staff will not happen again. If the public makes derogatory comments about staff, he asked the Planning Commissioners to ask specifically what the issue is. He stressed that these meetings will be conducted as professional business meetings.

Chairman Guenther also stated that the Planning Commission is working without legal counsel. He was asked by staff to write a letter to the Board of County Commissioners asking for legal counsel and chose not to do so because he wanted to involve the Planning Commission's opinion on that decision. If the Commissioners choose to do that, a letter will be written before the next scheduled Planning Commission meeting.

Commissioner Russell stated he had a conversation with Michael Golden, Prosecuting Attorney, who is present and perhaps he could address the issue.

Mr. Michael Golden stated he does intend to provide legal counsel at each of the Public Hearings. That will not necessarily be the case at the workshops; if there is an issue that may be problematic, or staff foresees there may be a need for counsel during a workshop, he will make sure legal counsel is present. For each of the Public Hearings beginning in January, there will be legal counsel present.

Mr. Golden commended the Planning Commission on the excellent job of working through the ag lands issues. The Commission worked well with staff and staff worked well with the consultants and the result was a good process, which has gone forward to the Hearings Board. A motion was filed for an extension to file objections and he believes if opponents need more time to come up with an argument that is a good thing.

Mr. Golden stated another issue needing to be addressed is critical areas ordinance. We've got more time on that than we did on ag lands. The Planning Commission's approach to the ag lands issue was to find a way to have more flexibility and insert it into the process. This was something his office focused on and Community Development focused on, and something the Planning Commission ultimately decided was appropriate and forwarded it to the BOCC. He believes that flexibility was a very good approach. The State does mandate that we take certain actions; it does not, however, mandate that we do anything greater and more intrusive upon private property rights than is necessary. Where there is room to be flexible in the application, for example, agricultural lands, it is appropriate to do so, and in the same fashion with regards to Critical Areas Ordinances. It is Mr. Golden's belief that it is appropriate to do so. There will be a presentation of Critical Areas materials to the Planning Commission and as the County goes through the CAO process, Mr. Golden intends to do what he can to assist the planning department and the Planning Commission in finding ways to insert areas of flexibility within the requisite structure that is imposed upon us by the State.

One project coming before the Planning Commission is Birchfield. That FCC has been very long in the making and there is a set of recommendations and a finding by the Hearing Examiner which references the need to impose impact fees. Mr. Golden has met with the BOCC and has a degree of direction from them as to which way they are likely to go. No decisions have been made at this point with regard to how this is finally going to look, but the options are impact fees that focus only on FCCs or countywide impact fees, and how those impact fees, whether they are focused on FCCs or countywide, will be applied to, for example, school districts, whether they will be required to adopt actual impact fees or whether voluntary agreements can be entered into. There are several factors to be considered. As the Planning Commission makes its determinations on the application and forward those to the BOCC the Prosecuting Attorney's office will be simultaneously working on developing impact fee ordinance. The idea is to not cause any unnecessary delay.

Mr. Golden met with Mr. Virgil Fox and his counsel today and they made it clear that time is of the essence. Mr. Golden does not believe the County has caused or will cause any delay in the matter.

### **III. New Business**

As there were no further discussions, Chairman Guenther asked staff to update the Planning Commission on tonight's agenda.

Mr. Kernen Lien stated Birchfield is not technically "new business", that it is old business that is being picked up again to refresh the Planning Commissioners' memories.

Consolidated hearings were held on the Birchfield FCC in May and those were followed up with a couple workshops. A site visit to Birchfield was made on May 22 and 23. On May 29 the Commission worked through 36.70A 350 on how it applies to fully contained communities and the interim Public Works director at that time, John Huestis, answered some traffic questions.

Both the traffic engineer who worked on Birchfield, and subsequently Mr. Huestis, have left the County, so the Commissioners asked to bring back the consultant who had reviewed the traffic impact analysis to the meeting to clarify some issues, and Mr. Perry Shea is in attendance tonight.

Mr. Lien briefly went through the Planning Commission schedule for Birchfield FCC for the next few meetings.

Commissioner Mahoney asked if a map was available for the roadways around Birchfield to make it easier to follow along.

Mr. Lien stated there was a map; he made copies and distributed them.

Mr. Perry Shea, Olympia, is a professional registered engineer in Washington, Oregon, Idaho and Alaska. His primary expertise is transportation planning and traffic engineering. He gave some background of his jurisdictional work. He has been working with Lewis County since 2000 and prepared the transportation element of the Comprehensive Plan. Although he has not been involved with Lewis County for a couple years, he did review some larger projects, such as Napavine Industrial Park, Cardinal Glass, as well as Birchfield.

Mr. Shea was not involved in the final reviews of the EIS, although he provided the initial review and worked collaboratively with DOT and the consultant team that prepared the document.

Mr. Shea did review questions that the Planning Commission addressed at earlier meetings. As an overview, it is important to note that while this EIS was prepared on the master plan, and did a good job of outlining certain thresholds by these horizon years, each phase of development that comes in will be required to do a formal traffic impact

analysis based on that time. All changes must be documented from what was originally assumed in the baseline analysis. When the first phase of development comes through, Birchfield will be required to prepare a formal traffic study through the land use process, the SEPA process, and that document will then validate assumptions and determine whether or not the mitigation that was originally assumed is valid or if it needs to be upgraded or improved. That would happen as each subsequent phase comes on board. After each phase, the Planning Commission will do another analysis of how traffic actually accesses the facility. We make assumptions of travel behaviors, and we assume people will take the fastest route. As the development continues to grow, traffic counts will be conducted again and additional analysis will be performed to determine whether or not those intersection improvements are needed, or are we at a threshold where a certain road needs to be upgraded.

Commissioner Russell asked if Mr. Shea physically looked at the roads as part of the review.

Mr. Shea stated he did look at them two years ago. He stated the state highway is in good shape, although it has minimum shoulders. He stated some of the facilities don't meet current county collector standards or arterial standards. These facilities have a certain threshold of capacity, but it is also about safety and maneuverability and traveling on those roads. Because of the narrow shoulders and driveways, etc, the capacity is somewhat reduced. With 170 homes predicted for the first phase, traffic will probably be doubled at the Birchfield Boulevard. It will need to be determined if that level of traffic requires certain improvements to be made. You will be over the roadway standard thresholds of ADT (average daily traffic) and you will need to look at the type of improvement that may be required to collector standard or arterial standard. Mr. Shea has not looked at that, other than reading the Hearings Examiner conditions about roadway adequacy and making sure those projects are in the County's 6-year transportation improvement plan as well as looking at impact fees and how to fund these facilities: what proportionate share is the responsibility of the developer, etc.

Mr. Shea conducted a roadway adequacy analysis which describes what the current facility can handle and how much traffic this development will add to the system before an overlay, additional widening, better shoulders, turn lanes, etc. are required.

Commissioner Mahoney stated the Commission was told it would take 5 to 7 years to do a major re-build on a road, from the decision to make improvements until completion. The Commission is also being told if the FCC goes ahead, then all these facilities have to be in place when the need arises, not 7 years after the need arises. To have a road at over capacity for 7 years while the preliminary work is being done, is not acceptable. We are dependant on consultants to tell us when that need is going to arise.

Mr. Lien stated a couple projects that would be required for Birchfield to be built out were put into the 6-year transportation plan that was just adopted by Public Works: Middle Fork Rd. rehabilitation and Forest Napavine Rd. rehabilitation.

Commissioner Mahoney asked what rehabilitation means: left-turn lanes, wider shoulders.

Mr. Lien stated for Middle Fork Rd. it is minor widening, base stabilization, guard rails, intersection improvements and basically the same things for Forest Napavine Rd.

Chairman Guenther asked if there is a dollar amount on these improvements.

Mr. Lien stated for Middle Fork Rd. it is \$4.7 million and for Forest Napavine Rd. it is \$2.9 million.

Mr. Shea stated he is unsure where the 7 years came from, but he stated first the project needs to be on the 6-year TIP (transportation improvement plan), which it is, and this is very important. If funding is available or grants are in place, construction could begin within 18 months. Going through design, permitting, environmental compliance, and another year to construct would mean a three-year window to do a rehabilitation project.

Mr. Rupp stated the County is going through a comprehensive plan elements update now. Under GMA there is a concurrency requirement that requires the County to make sure the transportation network is planned for in the TIP and funded to be in compliance with the Growth Management Act. We began that process last year and we will pick it up again through 2008. Part of that process is to review the transportation element to make sure it is concurrent with planned development in the area.

Commissioner Jennings asked if these improvements are triggered by the Birchfield development.

Mr. Rupp stated in this particular case, certain improvements would be required; however, we have to assess the entire county for concurrency, not a particular area. As development occurs since the last update, we are required to review it to ensure there are adequate public facilities to provide safe transportation.

Commissioner Jennings asked if they are not up to standard at this time.

Mr. Rupp stated we will be in the process of reviewing the concurrency.

Commissioner Jennings stated that the two allocations for Middle Fork and Forest Napavine Rd. are triggered by the Birchfield development.

Mr. Rupp stated yes.

Commissioner Jennings asked if there has been any negotiation under way that a certain percentage is being brought in by Birchfield.

Mr. Rupp stated that process would take place as Mr. Shea indicated as the development occurs on the site and is part of the discussion for impact fees.

Commissioner Jennings stated you are allocating it now and not in negotiations at all with how much will be covered by them.

Mr. Rupp stated there are now no negotiations with Birchfield regarding this.

Chairman Guenther asked if this upgrade is to take care of the first phase of Birchfield, what about other phases down the road. If we spent \$7.3 million in upgrading the roads at this time for the first phase, what happens when we have to spend another \$7 million for another total overhaul on the road? He stated it would be wise to overhaul the road for the predicted analysis.

Mr. Shea assumes the Middle Fork Rd. would be rehabilitated to an arterial level, not a collector standard. The \$4.8 million, he believes, is based on an arterial upgrade. A facility at that level can carry a lot of traffic because there are not a lot of other interference items, such as driveways. Other improvements that are needed are intersections. Intersections will fail before the roadway link does. A strategy of improvements has been laid out for turn pockets on Forest Napavine Rd. and Jackson Highway to provide better access and to reduce the potential of traffic conflicts.

Chairman Guenther stated considerations must be made for left turns across traffic.

Mr. Shea stated DOT uses thresholds for when a left turn lane is required. Interchange ramps will require some level of improvement, such as the intersection with the highway; Middle Fork and Jackson Highway were also listed. They have taken it out through the full build-out, but we need to understand the impact today to address Commissioner Mahoney's concern about the long lead time for construction and timing. We can't wait for the end of phase one to upgrade the road. Plan now for target points and that will take shape when you go through individual SEPA reviews.

Mr. Rupp emphasized that the development requests for permits will be coming in to the City and the City will review that particular development request for concurrency. The GMA requires that those be programmed for development within six years. No permits will be issued until that is programmed.

Commissioner Russell stated you are superficially fixing a roadway so it will pass muster temporarily for Birchfield to build up. He asked what would happen if it built up very quickly. He doesn't think the developer will spend this kind of money and turn down the potential to build 180 homes right away. He asked why we make improvements for three to five years when we know that full build-out is going to require much more.

Mr. Shea stated the actual carry capacity of the Middle Fork Rd when it is upgraded to arterial status will carry about 15,000 cars a day.

Commissioner Russell asked if the intersection improvements, etc, would happen at the same time.

Mr. Shea stated if you know the need is going to be there and your development proposal is to be on line in 3-4 years, it is smart to package all those improvements together.

Commissioner Russell gave an example of Meridian in Graham. After three improvement programs, the road is still inadequate to handle the traffic. He does not want to see that happen in Lewis County.

Mr. Shea stated he looks at traffic loading for at least 20 years of growth potential. For Middle Fork Rd, it wouldn't be for traffic today that we are planning. We would look at 20 to 25 years, and not just Birchfield, but background traffic, ambient growth that is occurring, such as Onalaska or other areas that may influence these corridors. This planning would also include intersections. It would look at 20 or 25 years so we are not doing a rebuild in seven or ten years.

Commissioner Mahoney stated the \$7.3 for the Forest Napavine Rd and Middle Fork Rd. is not an upgrade to arterial status.

Mr. Lien stated it does not say upgrade to arterial status; it says minor widening, base stabilization, etc.

Commissioner Jennings asked if Public Works could be contacted and asked if it can upgrade to arterial status.

Mr. Shea stated from the materials he has reviewed, it would go from a collector to an arterial. Whether the dollar amounts reflect that, he's not sure. Given the main routes, that is a logical connection to Birchfield, so we wouldn't want that to be a collector. We would want to upgrade it to arterial status because it is a main feeder from SR 508 and that is where most of the traffic is going to be. It will have more traffic from that point than Middle Fork Rd. Make sure that corridor is the choice people are making rather than the highway, and then upgrade Tauscher Rd. to accommodate that traffic. When the project phases move forward, we will know what traffic is doing and will have the upgrades that are needed. If more traffic stays on SR 508 we want to understand that impact. Other things may come out based on traffic behavior or growth.

Commissioner Mahoney stated if we go ahead and approve the FCC and two years down the road, we have to tell Birchfield that they cannot get any more permits until the roads are improved, that will not be a good situation. We must plan better than that.

Mr. Rupp stated that the Hearings Examiner recommendation is that impact fees must be in place before it could be approved by the BOCC. That is why the Board is looking at some form of impact fees that would allow them to address the problems that you are bringing up.

Commissioner Mahoney stated that needs to be included in any recommendation we make. Birchfield needs to be assured that no moratorium will be placed on permits while the roads are upgraded.

Mr. Rupp stated that is a concern to convey to the BOCC.

Chairman Guenther stated his agreement with Commissioner Russell about the Graham area. He is expecting our community to grow similarly to the Graham area, and it is not just Birchfield.

Mr. Rupp stated when we review impact fees, that type of consideration needs to be made, whether it applies only to Birchfield or countywide.

Mr. Bob Johnson recommended that the County Engineer is invited to the next meeting to give the Commission an idea of how the capital facilities planning is done, particularly as it relates to county roads. One thing missing is a preconception that the developers are going to pay for the entire cost. Under the law, they are only required to pay a proportionate share of the impacts that may be associated with a project. They can only do that if the level of service drops below the adopted standard. Even then, some jurisdictions lower their level of service to accommodate that. When Public Works looks at this, they look at the current level of service, anticipated growth, development patterns, and they look well out into the future. The funding is complicated as well. Typically funding comes from various sources such as state or federal, and that proportionate share by the developer in the guise of impact fees is only about 10-13% of the cost, depending upon what the impacts are. If Birchfield had 95% of the impacts on that road beyond the level of service, then they may have to pay those impact fees, but typically that does not occur.

Commissioner Russell stated 13% out of \$7 million is a lot of money for the County to pay. He wants to make sure we are adequately planning for this development to be able to handle what is, in all of our hopes, a bright future for everyone, including the developer. He believes this is going to be a good development. Let's be sure things don't fall through the gap where the rest of the County has to pick up the bill. He believes it is a good idea for the road engineer to come to a meeting.

Commissioner Tausch stated he understands when these upgrades are complete, they can accommodate about 15,000 cars a day. As a comparison, what will the Middle Fork Rd. handle today?

Mr. Shea stated based on its current condition, it is probably under 3,000 in 24 hours on an average. Turn pockets and acceleration lanes increase your capacity substantially, but if you don't improve the whole thing, you are back to the capacity you are seeing today.

Commissioner Tausch asked what Mr. Shea sees as requirements for the first phase of Birchfield.

Mr. Shea stated if you currently have 700-800 a day now, after building Phase I, you are getting close to what that road can handle based on its width and shoulders before you need to do something to it.

Commissioner Tausch stated that about 2000 cars are not utilizing that road and 170 homes would mean about 1700 cars. He asked if that means that as the road is today it can handle 170 homes.

Mr. Shea stated if the road is in the same condition as it was a couple years ago, there is not an issue. On segments that are bituminous, there may be some maintenance issues which may need to be handled through a chip seal project. It is Mr. Shea's opinion that something will need to be done to the road beyond Phase 1, but it is adequate up through Phase 1.

The first immediate need will be Forest Napavine and the first link of Middle Fork Rd. where there is more traffic until it has a chance to divide out. That's part of the blueprint. You need to know what the ultimate plan is for the circulation system and not be narrow minded with Middle Fork itself, but consider what needs to happen globally, so that you understand it and also the people who drive the roads every day know there is a plan in place to fix these problem areas as they come up.

The fact that this is in the TIP now is an important step. If you implement the impact fee ordinance, you have a good funding tool that allows you to leverage grant dollars. Those fees can be used as your local match and it allows your County to compete with other jurisdictions your size for those dollars. Mr. Shea encourages impact fees.

Commissioner Tausch stated that looking at all these numbers, he understands that the 15,000 cars a day are enough to handle the entire development and asked if that was correct.

Mr. Shea stated that is correct. Based on the benefits of the Fully Contained Community retaining traffic (keeping the traffic internally) the impacts of traffic on the County and the cities will be reduced. Even at the highest level of traffic, it will be about 15% under the 15,000 threshold on the Middle Fork Rd. He feels comfortable that with an arterial status for that road and making turn lane improvements at major intersections and signals, the road will be in good shape. The Forest Napavine Rd. has to be improved, as well as the whole system. Monitoring and evaluations will be required every step of the way to confirm whether or not we are on track.

Chairman Guenther stated the Commission had talked about the road at the north end of the development going to Centralia Alpha Rd. Considering the overall analysis of doing road construction, that may be something to think about as an alternative to get traffic out of the development during construction on Middle Fork Rd.

Mr. Shea stated that it is important to have more than one access point to serve the development. The primary road is Middle Fork Rd. and eventually you are up to

Centralia Alpha Rd. There is an access road in the commercial section of the development. That loop is important. Going into Phase II that connection should be made because you need to have an alternate route, not only for emergency services, but if there should be a road blockage, there is an outlet to Middle Fork.

Commissioner Mahoney stated he believed that road was to be shut off and there would only be a single access onto the Middle Fork Rd.

Mr. Lien stated there are several accesses: the main road, Birchfield Parkway, a secondary access going into the Commercial district, and the one referenced by Commissioner Mahoney is an access that is furthest to the east (which is Mr. Fox's driveway). There are three accesses now, and it is Mr. Fox's driveway that would be closed.

Mr. Shea stated there is a certain amount of traffic that would be allowed to develop within the development at a point where a secondary release for safety is needed. That first loop needs to be in place when it goes into Phase II.

Mr. Rupp asked Mr. Shea the importance of the extension to the north now as opposed to later.

Mr. Shea stated the north connection is definitely needed at full build-out. He does not believe it is needed during rehabilitation of Middle Fork because there are other strategies that can be implemented into the design so the contractors know how to stage the work to limit the construction to people on the corridor. He feels comfortable that this improvement would be in the latter phase. He strongly recommends that an additional access point gets put in early in the development.

Chairman Guenther stated fire districts had been present at some meetings, discussing the vicinity of the development to their home stations. One statement was if that road were in there, it would give them quick access from another fire district. If this development is approved, we need to make sure we have the roadways that service that project and not have to do two or three phases to facilitate it.

Commissioner Mahoney asked Mr. Shea if he has looked at traffic patterns within the development.

Mr. Shea stated he looked at the second connection of circulation. He did not do a more refined analysis of how traffic circulates once it gets in.

Commissioner Mahoney stated there is a place where the parkway crosses the Newaukum, but if it becomes four lanes, it will not be a problem.

Mr. Rupp stated he will request Mr. Ken Hash, Public Works director, attend the next meeting.

Chairman Guenther asked if there were any other questions. Hearing none, he called for a recess.

Chairman Guenther reconvened the meeting at 8:20 p.m. and opened the workshop on critical areas ordinance.

Mr. Lien stated there are two new Commissioners since the last work on the CAO. Commissioner Mahoney was part of the critical areas technical group so has some background. The Commission did an extensive amount of work in 2006 and best available science reports were prepared for the different critical areas, some proposed code was drafted by Parametrix and we were in the process of working that through the Planning Commission. There are a couple sections in the code that we still need to get through and that will be picked up at the beginning of the year.

During the last legislative session, Senate Bill 5248 was passed, which essentially put a moratorium on adopting any critical area ordinance as it affects agricultural lands and agricultural uses. There was an agriculture element to the critical areas ordinance that had been proposed, a draft form plan to work with the conservation district. With the new bill that is something we will not be able to do. The Legislature recognizes there is a conflict between preserving agricultural lands and the critical areas ordinance and restrictions against that. As a result, they adopted this moratorium. The Ruckelshaus Center at the University of Washington will look at this conflict and make some recommendations to the Legislature. A new deadline for adoption will be July 1, 2010. Any new deadline on CAOs as it pertains to ag lands after that has to be adopted by December 1, 2011.

Commissioner Mahoney asked Mr. Lien how the Commission's work on designating ag lands affect that. Are ag lands restrictions strictly for the ground zoned agriculture, or is it for anything being used for agriculture?

Mr. Lien interpreted it to be anything that is used as agriculture, which is on page 2 of the Bill, section 2, section 1.

Mr. Lien stated another thing the act did was adopt another definition of agriculture activities which is consistent with the shorelines management act. He is not sure how that relates to any definition of agriculture activity that was adopted from the recent ARL issues.

CTED has some recommendations that jurisdictions that adopted items related to the critical areas ordinance as they apply to agriculture before the moratorium are still in effect. That would be our current CAO that we have right now.

We have some new recommendations on how to address the new act on page 3, (b) (i). Option A is adopt a new CAO with language stating new critical areas ordinance does not apply to agriculture activities, keep the current sections of the CAOs that apply to ag activities, and the general exemptions in the current CAO states that all existing and on-

going agricultural activities are exempt. We would keep that section of the current code when we adopt the new code, realizing we will have to update after Ruckelshaus' recommendations.

Commissioner Russell asked if Mr. Lien is proposing changing the language in "A" which is the recommendation to activities rather than lands.

Mr. Lien stated that is correct. He stated we would adopt the new code and keep anything in the existing code as it applies to agricultural activities.

Mr. Lien stated there is a lot of work to do on the CAOs and it is not critical to make a decision on these issues tonight. There will be a schedule for the Planning Commission in the coming year and the CAOs are currently scheduled out to the fall.

Commissioner Mahoney stated the two options on page 3 are what the Commission would be looking at and make the decision toward the end of the year.

Mr. Lien stated that is correct.

Commissioner Mahoney asked for some idea of what the major topics of discussion would be regarding the CAOs.

Mr. Lien stated he would like to work through the two sections of code we haven't looked at yet at the first meeting in January. After recommendations are made, he would like to re-draft the code and take that proposal before the Planning Commission. There will be a couple workshops on those, a couple informational meetings with the public, one in East County and in Chehalis, and make any changes that need to be made at that time and hold the public hearings later in the summer.

Commissioner Mahoney stated where the county codes differ significantly from state requirements it would be helpful to know what the actual requirements of the state are and look at what we are doing. He agreed with Mr. Golden's suggestion of flexibility. People think regulations are being imposed on them and if we can make it a more cooperative venture between land owners and the County and the State, there will be more acceptance from the general public. Making the codes easier to understand will be very beneficial.

Mr. Lien stated the balance is: being easier to understand is more one size fits all, whereas when they are more complicated they allow more flexibility.

Commissioner Mahoney stated once critical areas are identified, such as alluvial fans, that there would be something in the code that says all perspective buyers must be informed that they are there.

Mr. Lien stated everything that has been done so far and is on the County's website for public viewing.

Mr. Lien stated CAOs are only scheduled once a month for next year, at the second meeting. This will allow time to prepare materials between meetings.

#### **IV. Calendar**

Mr. Rupp reviewed the draft calendar for next year. This is only a draft and staff will be adding additional information.

Commissioner Mahoney stated the calendar schedules rezones in March and continues into June. He asked if it is anticipated to have considerable public involvement in the rezones.

Mr. Rupp stated there are 150 requests for rezones that have been tabled for a couple years. He anticipates there will be people showing up for those rezones.

Commissioner Russell stated there is the potential that a number of those have been resolved with the forwarding of the ARLs to the board.

Mr. Rupp stated it is still necessary to bring them to the Planning Commission and BOCC and hold a public hearing. There are several that were affected by the moratorium and there are some that are outside the invalidity order and moratorium and staff would like to begin processing those as soon as possible.

Commissioner Mahoney asked why they have been unresolved for so long.

Mr. Rupp stated it is because of the compliance issues of the comprehensive plan and that it has been under invalidity. We feel we can comfortably move forward with those requests that are outside the moratorium and invalidity order. We are not initiating any work on those that fall within the moratorium and invalidity order.

Commissioner Jennings stated she will not be attending the December 11, 2007 meeting.

Commissioner Russell stated that in past years there has only been one meeting in December to allow Commissioners to have some family time. He thanked staff for continuing that tradition.

#### **V. Good of the Order**

Chairman Guenther stated the discussion of Birchfield tonight sounded like it was a done deal. He believes the Commission needs to look at it in that way in order to know what problems might be encountered. It is not a done deal and he does not want the public to think it is a done deal, but the Commission has to ask the tough questions.

Mr. Vince Panesko stated his address is Richland but he is a Lewis County landowner and he is representing all land owners. He stated he liked what he heard about impact fees on the transportation. He stated out of town people come to our area and buy property with grand schemes and they think that the County is going to do everything for

them. He believes impact fees need to be identified in documents so developers are aware that the County is not going to carry them.

**VI. Adjourn**

As there were no other comments, Chairman Guenther entertained a motion to adjourn. Motion was made and seconded. Motion carried. Adjournment was at 8:44 p.m.