

Lewis County Planning Commission **Public Hearing**

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

June 10, 2014 Meeting Notes

Planning Commissioners Present: Russ Prior, Bob Guenther, Sue Rosbach, Mike Mahoney, Richard Tausch, Clint Brown

Planning Commissioners Excused: Arny Davis

Staff Present: Glenn Carter, Lee Napier, Patrick Babineau, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Agreement between Lewis County and Eagle Cliff
- Staff Report
- Eagle Cliff Site Evaluation
- Correspondence from Department of Natural Resources to Eagle Cliff
- Maps of Site
- ARLs Exhibit from June 6, 2007 re: Soils Criteria

1. Call to Order

Chairman Mahoney called the meeting to order at 6:02 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

Chairman Mahoney stated the agenda would not be approved as it would be changed during the meeting.

3. Approval of Meeting Notes

A motion was made to table the approval of the meeting notes from May 15 until the next meeting. The motion was seconded and carried.

4. Old Business

Chairman Mahoney stated the agenda is not correct because there was to be a public hearing. It was not properly noticed and the neighbors of the requested rezone property need to be notified. In lieu of the public hearing there will be a workshop by the Planning Commission and all testimony received tonight will become part of the record. When the public hearing is held in late July everyone is welcome to come back.

Chairman Mahoney opened the workshop on the rezone and comprehensive plan amendment. He recognized Ms. Napier, Lewis County Community Development Director.

Ms. Napier clarified that the hearing scheduled for tonight was noticed properly for the Planning Commission process; it was not noticed for the opt-in process for Mineral Resource Land (MRL); therefore the entire process will be re-noticed and Ms. Napier proposed July 29 for the Planning Commission public hearing.

Commissioner Mahoney stated that the regularly scheduled Planning Commission meetings are on the second and fourth Tuesdays of each month. If the meeting is on July 29, that is the fifth Tuesday. Commissioner Guenther agreed with that meeting date; there were no objections. A motion was made by Commissioner Rosbach to hold the public hearing on July 29, seconded by Commissioner Brown. The motion carried.

Ms. Napier stated the SEPA notice would also be re-noticed. The County will not be reconsidering the determination of non-significance but it will re-issue to follow along with the comment period. That SEPA comment period is now closed and the County feels the SEPA was not adequately noticed.

Ms. Napier apologized for not having enough copies of the hearing packet and stated copies were being made and could also be mailed out if requested.

Ms. Napier stated the application before the Planning Commission is for a rezone, and it will be the annual comp plan amendment application. It was submitted to Community Development at the end of 2013 as required of all rezone applications. There are two parcels and one land owner. This is a comp plan amendment and the applicant has described the use associated with it, which in this case is a gravel operation and expansion of the gravel operation. That is not necessarily what is being considered. The County is considering the rezone which is a non-project and all materials deal with a non-project action. The action that the applicant will propose in the future is a project and falls under a different set of regulations. A gravel operation is considered a special use permit and goes before a hearings examiner. Ms. Napier emphasized that this application would not be seen when it becomes a project; the Planning Commission will consider the zoning text change and the comprehensive plan text change.

The application is for a 56-acre parcel which is currently zoned Agricultural Resource Land (ARL). In 1995 a permit was issued by the Department of Natural Resources (DNR) [for mining] and it went into production in 2012. The owners want to expand the operation which is reviewed by another provision in the code, but because of the desire to expand they are asking the County for a rezone application so the land use is consistent with their project.

Ms. Napier stated this property was designated ARL in the last growth management update; it was not operating as a mineral extraction as she previously indicated. It had an active DNR permit which has been clarified since the staff report was written.

In addition to requesting a rezone the property owners are requesting an opt-in to MRL, which is where the noticing was flawed.

Along with the staff report Ms. Napier has outlined some of the comp plans policies and goals and outlined the SEPA process which will be amending the noticing. Based on information received tonight Ms. Napier will be revising the staff report.

Ms. Napier asked for questions. Commissioner Prior asked if all the work shown on the aerial photographs has been completed since 2012. Ms. Napier stated that was her understanding; in reviewing earlier photographs there were disturbances but the photo quality is difficult to tell what was happening, but it was not mining. There may be people attending the meeting who would know more.

Commissioner Guenther understood that this property was designated ARL and then the mining started in 2012. Was the mine started on agricultural resource land? Ms. Napier stated she understands it was started with an active permit from DNR dated 1995.

Commissioner Prior asked if there are time frames when work has to begin after a permit is issued by DNR. Ms. Napier stated she does not have a copy of the DNR permit; she has received a lot of information that she has not had time to go through and it may be included in that.

Chairman Mahoney asked if the properties adjacent to the property in question are already in MRL. Ms. Napier stated the Foster Creek mine, shown with hash marks and yellow outline (in the site evaluation report), are the properties that are being considered and they are both designated ARL.

Chairman Mahoney stated public testimony would be taken and recommended people also provide written testimony for the record of the July 29 hearing. Ms. Napier stated anyone within a quarter mile proximity of the property boundaries would receive a mailing with further instructions as to how to comment.

Chairman Mahoney asked speakers to limit their time to about three minutes so everyone would have time to speak and to state their names and addresses for the record.

Commissioner Guenther asked that the Commissioners receive written comments well before the public hearing so they could be reviewed prior to the hearing.

Col. Ron Averill, US Army retired, 2523 Graf Rd, Centralia, is currently the president of the Farm Bureau. The application is within the Planning Commission's bounds to change the zoning from ARL to MRL; however, we are short on agricultural resource land, especially with decent soil. The property is currently being farmed for Christmas trees, which is a farm product. In the County's goals, objectives and policies 1.18 states: "Mineral extraction sites should be restored in a fashion consistent with Washington and Lewis County laws and regulations." The property owner did have a natural resources inspection, which was included in the packet. The concern is that the inspection was March 14, 2013 and there were deficiencies found and actions were to be taken to achieve compliance. There are two things that were not compliant: the plan and permit conditions and inadequate setbacks. There were more disturbances since previous inspection and there was a caution to retain enough topsoil for reclamation. The disturbance did not coincide with the map of record and as a result an expanded reclamation permit application was required. That was to have been submitted by May 25, 2013 and it is not part of this record.

Col. Averill was concerned that if this does go to mining that there will not be the capability to reclaim the property after they are done. This is a requirement; there does not appear to be enough topsoil maintained to restore the property to farming once the mining is done.

Looking at the black and white aerial photo it appears that there is drainage to the river. Col. Averill suggested that a public works biologist look at this to ensure there is no violation.

Mick Phillips, 724 Columbia St, NW, Olympia, was representing neighbors of the mining site. He stated that when people realized this project would have a significant effect on them they responded. Mr. Phillips thanked Ms. Napier for her impartiality and approach to this project. She has not been able to look at about 350 pages of public record request responses from DNR that goes back to the application and SEPA done in 1992 for the permit that was issued in 1994. That permit prohibits stockpiling and other things. The approval by the County and by DNR includes a proposal for a 20-acre pond in the middle of a 60-acre pasture. Specifically, none of 39.95 acres will be disturbed. The only area that will be disturbed is 20 acres. During the ARL process when this land was designated ag, there was no reason to challenge that because the proposal was always a pond that would be excavated in an undisturbed pasture. When Ms. Napier talks about a land use that needs to be consistent with the project, his position is that the land use should be consistent with the project as approved and not challenged by the neighbors in the 1990s or since because it was a 20-acre pond in a 60-acre pasture.

Other issues: it is astonishing to look at the pictures and what is on the ground and how much things have changed. There are 2007 materials that were submitted to DNR that indicate that of the 20 acres that were permitted 2.5 acres have been disturbed to a depth of about ten feet. Up to 2012 there was a modest amount of ground being disturbed. There are photos that reflect what the 60 acres look like today. The comments about the current operation being inconsistent with what was approved are accurate. We don't think it's appropriate for someone to violate the rules and then try to convince the County that this is a major industrial project and the zoning should be changed to allow it. Our position is simple: the 20-acre permit is there; it has not been challenged or appealed. The owner of the property can do whatever he wants within the ag zone on that property. Changing that is inappropriate. Does Lewis County believe that it has a permit that will be required if the applicant is able to convince DNR to expand the pit based upon the recommendation of changing the zoning? Mr. Phillips' understanding is that the permit will be expanded by DNR; that there is no Lewis County permit, so [the Planning Commissioners] are deciding whether this should be a 60-acre pit or whatever it will be ultimately if you allow it.

Finally, if ag is changed to forestry it can still go back to ag. If it is mined it is never going to be forestry or ag. It is forever gone. We ask that you leave it as ag; the property owner can have his 20-acre pond. The property does not need to be rezoned to let him have a permit for what he already has a permit for.

Commissioner Prior asked who Mr. Phillips represented. Mr. Phillips stated he represents the people who say the 20-acre mine is fine – don't expand it and don't rezone it.

James Wallace, 445 Lone Yew Rd, Toledo, stated that this property is prime ag land with 10-12 feet of good topsoil. Historically it has been ag land and it is surrounded by ag land, even though some of the land to the east is designated MRL. To destroy this prime ag land to make a bigger rock pit when there are permitted rock pits near it does not make any sense. The original vision for this property was to have a pond in the middle of the field and leave the rest for ag or grazing cattle. It needs to be kept that way as there is a shortage of prime ag land.

Jesse Gac, 148 Rupp Rd, Toledo, stated he lives on top of the hill that overlooks the mining process. He sees it and hears it all the time and it looks a lot larger than 20 acres. He believes there is evidence to

show that it has grown where it shouldn't and his concern was for that and the impact to the environment for where he lives. He is concerned that if the mining continues his home could slide down the hill.

Commissioner Guenther asked how deep the mine is anticipated to go. An unidentified speaker stated 50 feet.

Commissioner Prior asked Mr. Gac how active the mine has been recently. Mr. Gac moved to his home in 2009 and there was nothing but small evergreens and pasture at that time. In 2012 the mining started and it has been pretty active ever since.

Lawna Crossfield, 241 Foster Creek Rd, Toledo, stated her husband bought the land in the spring of 2012. By July of that year there was a lot of activity and recently a bunch of trees were being cleared out. She opposes the rezone.

Scott Crossfield, 241 Foster Creek Rd, Toledo, stated he lives southeast of the pit. He wanted to retire in this area overlooking the Cowlitz River valley. By the time the activity began and he talked to neighbors he felt it was too late to do anything. It has continued to grow and they have cleared out Christmas trees and lines have gone in to where they want to expand the pond. He has already lost part of his view and it is an eyesore; it's an ear sore (the rock crusher was working all day); it is a nose sore. He has not talked to the owners. He would like them to finish the pit, sell the gravel and then reclaim the land to the peaceful valley that it was.

Commissioner Guenther asked Mr. Crossfield what "nose sore" meant. Mr. Crossfield stated the rock is gathered on the south side where the crusher is. When he talked to the neighbors they talk about the dust they have to deal with. Mr. Crossfield has been spared from that because of the wind. Periodically [the property owners] burn and he doesn't know if it is Christmas trees. Smoke from that goes across the valley.

Commissioner Rosbach asked Mr. Crossfield if the pit wasn't already there when he moved in 2012. Mr. Crossfield stated he looked at the house in February and it was May when it was purchased. He had returned to Virginia during that time. When he came back in July he saw everything there. In February it looked like a drain field. Within a year it took off.

Barbara Healy, 146 Rupp Rd, Toledo, moved into her house on July 15, 2005. In 2012 she started hearing all the noise and seeing what was happening. She was also concerned about a landslide. She opposes the rezone.

Pat Wallace, 174 Rupp Rd, Toledo, lives right above the pit. She has a flat roof on her home and she has been consumed with dirt and dust since the start-up. She opposes the rezone. The land is farmland which has been farmed by her father-in-law and it is the intention to keep it in the Wallace family.

Dale Wallace, 174 Rupp Rd, Toledo, stated there are a lot of gravel bars in the river and he would like to see rock come out of the river bars instead of using good farm land. There are 10-12 feet of good topsoil and it is going to be needed to raise crops for people to live on.

Alan Good, 265 Rupp Rd, Toledo, stated he owns three rock pits in Lewis County. He has lived on Rupp Rd since 1974. He has had to go through permitting for expansion of his rock pits and there has been a lot of scrutiny. He has had to stay within his boundaries. To jump out of the boundaries and then try to get a permit is overstepping. He will have more comments after he learns more. He knows what he has had to go through and the steps they are doing is not what he had to do with Lewis County. He had guidelines to go by and everyone should have to go by them.

Mr. Good does see a problem with the bridge. There is a blind corner by his house and he is sure there will be an accident there some time. Two trucks cannot pass each other. Mr. Good pointed out on the map where the bridge and his private road are located.

Chairman Mahoney asked Ms. Napier to have the map with the roads identified at the public hearing.

Commissioner Prior asked Mr. Good if his mines are alluvial systems such as this one. Mr. Good stated his are hard rock quarry where he drills and blasts. He does not own one that is an alluvial system.

Commissioner Guenther stated the Planning Commission makes a recommendation to the Board of County Commissioners who make the final decision. Chairman Mahoney stated it is the Planning Commission's job to collect and review all of the information so it can make a recommendation to the BOCC.

Commissioner Brown asked Mr. Good if he has seen an increase in traffic with the increase in mining. Mr. Good stated they are pushing a lot of rock out of there, plus there is a mine down the road. There is a bad corner and the County needs to do something.

Ralland Wallace, 275 Mandy Rd, Toledo, has lived there for 75 years. His property borders three sides of the pit. From reading the permit and seeing what is going on he does not think it is in compliance. As for safety, the county road is narrow and the bridge is very dangerous. He is not opposed to doing what they wanted in the 20-acre pit but then it needs to be reclaimed. He objects to the rezone. There will be a big hole there when they are done and the first high water will suck his land into that hole. Mr. Wallace submitted photos for the record.

Teresa Kaiser, 534 Jackson Highway, S., has noticed a lot of change. She has a nursery and greenhouse and has noticed a change in her water – it has an odor that was not there before. She believes the mining operation has had an effect on the water in the valley. She opposes the rezone. She agreed with the traffic issue. She has gone to the pit and asked that the employees slow down. There is no posted speed limit on the road; there are children on the road that she worries about.

Markelly Wallace, 330 Mandy Rd, Toledo, opposes the rezone.

Kurt Wallace, 344 Mandy Rd, Toledo, lives about a quarter of a mile from the rock pit and it used to be beautiful and green. He is worried about his animals and children on the road and his water smells like there are dead mice in the well. The road is too narrow when a bus is on the road. He would not like to see the rock pit get any bigger. He has no objection to them using the permit that they have but he would not like to see it get any bigger than it is.

Jim Shannon, 242 Smokey Valley Rd, Toledo, opposes the rezone. It is an eyesore and the dust and equipment can be seen from the freeway.

Gail Wallace (no address given) stated high water from the river used to come onto the property where the pond is now. If high water comes again all of the topsoil will go into the pit. Mr. Wallace stated the land has been farmed since 1900, with the Wallace family farming it since 1945. It is good farmland and it needs to be kept as farmland.

Teri Dietz, 603 State Route 506, Toledo, lives north of the rock pit across the river. She agrees about the noise, dust and smoke and the horrible sight. Mandy Road is a 2-lane farm road, it is not industrial. The DNR permit was for a 20-acre pond in a 60-acre pasture and that's what the property owner purchased in 2012. The current operation is not consistent with what the permit was for. It doesn't sound like it was ever for a mining operation. She opposes the rezone.

Jean Enbody, 618 State Route 506, Toledo, stated she gets smoke and dust and noise and opposes the rezone.

Wayne Adams, 330 Rogers Rd, addressed the traffic issue. He stated the traffic starts at about 4:30 or 5:00 going into the pit. The large trucks and pup trailers start after that with 20-25 trucks crossing the intersection. There are school children at the intersection of Mandy and Rogers Rd. He does not know the weight limit on the bridge. Coming towards Mandy and Rogers you can't see the top of the hill until you are in the bridge area. It is a blind corner. Mandy and Rogers has a four-way stop but no one stops there. Gravel has had to be brought in to fill holes from the pup trailers where they cut the corner. They are destroying the road from the bridge. The traffic would warrant some type of study. He is surprised that the bridge has not been torn out because you cannot pass on the bridge, even in cars. Trucks would be impossible.

Stephen Healy, 146 Rupp Rd, stated when he moved in 2005 to the current residence the fields were idyllic pastoral settings. He understood they would remain that way and that is why he bought that house. Over the years he has noticed a big change. There used to be thousands of geese and ducks and they don't come any more. Elk and deer don't come any more since the pit started. He does not appreciate that it will be opened up to a huge quarry and destroy the value of the properties. No one wants to look at the quarry and huge piles of gravel. He is opposed to the rezone and will fight it.

Ruth Adams, 330 Rogers Rd, stated her family has had property there since 1870. She was gone for a period of time and came back and built on the corner of Rogers and Mandy. At that time there was no stop required from Mandy Rd onto Rogers Rd. That was changed to no stop from southbound Mandy onto Rogers. That created problems because there was no visibility coming south on Mandy to turn right. She asked that it be reassessed and it was made into a 3-way stop. No one stops and the trucks go through. If someone sees something you can hear brakes squealing. She is sure something is going to happen. She is opposed to the expansion.

Chairman Mahoney stated he appreciated the attendance and input tonight. He encouraged everyone to come back on July 29. Anyone who has pictures or written testimony should try to get it to Community Development before July 29. Testimony can be received at 2025 NE Kresky Ave, Chehalis, 98532.

A question was asked about when to expect notice about the next meeting. Ms. Napier stated she anticipates sending notices out at the end of this week. There will also be information about where and how to send testimony. She encouraged people to get testimony to her department before the mailing to the Planning Commission. While there are 30 days to comment, if you want the Planning Commission to receive your testimony in advance of the hearing, that deadline would be before July 11. The SEPA will be re-issued with the 14-day comment period. When it is re-noticed we will include the upcoming Planning Commission meeting and the information that a SEPA determination has been re-issued. If people leave their names and addresses tonight they will be included in the mailing.

Chairman Mahoney stated information will be on the County website: www.lewiscountywa.gov. All of the testimony will be reviewed by the Planning Commission and a recommendation would be sent to the Board of County Commissioners who will hold their own public hearing and make a decision.

Ms. Napier stated Mr. Phillips has information related to this site. She will send a memo and an index of information to the Planning Commission. The information in the index covers the period from 2005 to 2012. The Planning Commission received a summary of planning commission discussions regarding agricultural resource lands from a technical advisory committee. There was information tonight about ag resource land and this paper will be good background for the Planning Commission.

Chairman Mahoney closed the workshop on the rezone and called a brief recess.

5. New Business

There was no new business

6. Calendar

Chairman Mahoney stated he would not be available on July 8. Ms. Napier stated on May 2 the moratorium on marijuana product and facilities was extended and the Planning Commission would need to start looking at land use controls at the July 8 meeting. Ms. Napier would like to hire a consultant to work with the Planning Commission.

Commissioner Rosbach asked why there is anything to discuss since marijuana is federally illegal. Mr. Carter stated that in the event that the federal government was to change its opinion, or if it was removed from Schedule I that would legalize it, or if Congress were to change the federal law then Lewis County needs to be ready to put it in a particular place.

Commissioner Brown understood that under current law the cities and County can regulate or outright ban the growth and/or sale of the product. Mr. Carter stated the County's position is that under Section Eleven of the constitution, which grants counties the police power, that we have the right to ban the growth and processing and retail of marijuana. That is also the Attorney General's opinion. It is also the County's position that under federal law it is prohibited and that federal law is incorporated into state law under Article 1 Section 2 of the Washington Constitution which says that federal law is supreme in Washington. That is not something that the Attorney General addressed.

Commissioner Brown asked what the Planning Commission is being asked to address. Mr. Carter stated the Planning Commission is being asked to address, if in fact federal law changes and if state law preempts our police power (which it can do), a place to put this and we don't want to start that process

at the time it happens. It will most likely be a conditional zoning: conditioned on the change in federal law.

Chairman Mahoney stated that during tonight's workshop there were several reports of potential violations by the present mining company. He asked the legal obligation to inform the Prosecuting Attorney or the BOCC or DOE. Running a stop sign with a loaded truck is dangerous. There are regulations that control pollution and noise. We have been told that there are violations. What do we do about them?

Mr. Carter stated there are several areas of jurisdiction. One is DNR, another is Code Enforcement (noise, odor, smoke) and also Public Works because of the road and the bridge. Mr. Carter thought an engineering review might be needed to ensure that appropriate standards apply to that road and bridge.

Commissioner Brown believes the road issue needs to be addressed immediately. Mr. Carter agreed. It is not to say that the other issues are not important as well. Chairman Mahoney thought the Sheriff's department should have a deputy out there and issue tickets for a few days. He asked Mr. Carter to pass on the concerns to the proper people.

Commissioner Rosbach stated if this was permitted for a 20-acre pond and it is now substantially bigger and doing more than they were permitted for, whose jurisdiction is that? Commissioner Prior stated it would be DNR. Mr. Carter stated it is the state's jurisdiction.

Ms. Napier stated a lot of the issues were the land use versus the policy of the comp plan so we need to be mindful of separating those related to the comp plan decision. What she heard is that the operation of the pit has exceeded what was permitted in 1995. She does not know what was permitted or what is being mined now and she will research it. If they are operating within the 1995 permit parameters then they are fine. If they are operating outside of that then we need to look at that. Some of the things we heard have to do with the expansion of the operation and that is regulated by a special use permit and is possibly a local code enforcement issue in addition to DNR.

Chairman Mahoney asked if the County is obligated or has a means of communicating with DNR that the testimony we received tonight indicate potential problems. Ms. Napier stated she will have a follow-up conversation with DNR to see if we are processing just a rezone or if we also need to get moving on a special use permit and land use permit.

Chairman Mahoney stated if they are pulling Christmas trees out of the ground and burning them and the burn area is larger than allowed then they are in violation of quality control.

Commissioner Prior asked if it is discovered they are out of compliance for their 1995 permit is that grounds for denying the rezone. Mr. Carter stated he did not know.

Chairman Mahoney stated he believed the Commissioner's job was to determine whether or not changing the zoning is appropriate for that specific location. What he heard tonight to tell him that it is not appropriate is the quality and depth of the soils that are there. This area is recognized as being prime agricultural soil.

Commissioner Guenther stated that whole valley was a channel migration zone and what happened to deposit that rock is from the Cowlitz River. Who are we to say that in another 50 years the channel will migrate against the hill? The river might change because of the pit. Commissioner Prior stated that may be but our issue is zoning. His expertise as a geologist can't be used to tell where the river is going to go.

Commissioner Brown asked what the legal question is that we are being asked to decide in order to change this from agricultural to mineral land.

Ms. Napier tried to focus on the testimony, appreciating the concerns of the neighbor, and what she was hearing about the resource. Should the resource be ag or should it be mineral? That is the discussion we need to have: what is the critical resource that we are protecting here?

Commissioner Prior asked Mr. Carter's opinion.

Mr. Carter stated he could not say it any better than Ms. Napier did and the question is whether it is appropriate for this to be changed from agricultural to mineral resource. Is it appropriate as agricultural resource land or appropriate as mineral resource land?

Commissioner Brown stated at some point a determination was made that it would be agricultural resource land and the County Commissioners agreed. Why are we asking to second-guess and readdress what has already been determined by our predecessors? Mr. Carter stated it is because a request has been made by the land owner to change it from one resource category to another. We do change from forest to agricultural and we change the other direction and it is okay under our code and policies to do that when the question is presented.

Commissioner Brown stated the letter from March 2014 says it is binding on future entities and owners, and that they want this to be designated MRL in perpetuity. Mr. Carter believed that to be true. Under the appropriate circumstances ag can be changed to RDD-5. Zoning is not set in stone. It might not be appropriate to change to MRL but the question is being presented to us and our code allows in appropriate circumstances to change the classifications.

Commissioner Brown asked if the other mineral resource lands in that area were originally agricultural lands and changed at a request of the owner or were they originally designated resource land. Ms. Napier stated to her knowledge they were originally designated MRL. She will double check.

Chairman Mahoney stated the County has only changed one parcel from agricultural to MRL since the ARL designation. It was a hard rock pit that was originally developed by DOT. There were no objections and it made sense to make the change. In hard rock there is no topsoil and in this case there is ten feet of topsoil and that makes a difference.

Commissioner Guenther stated the Wallace family developed the rock pits years before the County designated ARL. When the Planning Commission looked at the possibility of people changing their zoning it recommended to the BOCC that people had the right to make a change if they presented a good case. He has not seen the case presented by the owners of this pit. He would like to see them at the meeting.

Ms. Napier stated she had spoken to the applicant and that the Planning Commissioners expected to see them; she didn't see them at the meeting and she will encourage them to attend on the 29th.

Chairman Mahoney stated the Planning Commissioners had talked about the fees paid by the applicant. There were three different mechanisms through which they could have requested a change at no cost to them and they have been paying ag taxes. If they get a change their tax rates will go up. The Chair did not think the fees should be waived. He recommended another workshop to digest information that would be received. He asked Mr. Carter to come up with the legal requirement to make the change and how narrow the Planning Commission needs to keep its focus. A lot of what was brought up is out of the scope of what the Commission is supposed to do.

There was discussion about the date for another workshop. Commissioner Brown suggested that the workshop be held after the public hearing. Chairman Mahoney suggested the 22nd and Ms. Napier stated that Mr. Carter would not be available at that time and that is why the 29th was chosen for the public hearing.

Commissioner Prior stated that based on what Ms. Napier said, the value of the minerals versus the value of the ag, both have value. Chairman Mahoney stated minerals have the higher value. Commissioner Prior stated once the decision is made to go MRL and they make a mine out of it there will be no going back. We need to keep that in mind.

The discussion on the rezone application concluded.

Chairman Mahoney asked Mr. Babineau to give his background. Mr. Babineau stated he lives in Olympia and has a Master's Degree in Regional Planning. He worked for about 11 years with Growth Management in the Department of Commerce and he has also worked with the Department of Transportation. He will be the long range planner for Lewis County.

Ms. Napier stated the department is happy to have Mr. Babineau. In his past jobs he looked out for the interests of local governments. He has great one-on-one skills helping negotiate through tough projects and she was sure the Planning Commissioners would enjoy working with him.

7. Good of the Order

There were no comments.

8. Adjourn

Adjournment was at 8:15 p.m.