

## Lewis County Planning Commission **Workshop**

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

### **February 24, 2015 - Meeting Notes**

**Planning Commissioners Present:** Russ Prior, District 3; Bob Guenther, District 3; Sue Rosbach, District 2; Mike Mahoney, District 1; Richard Tausch, District 2; Leslie Myers, District 1

**Staff Present:** Lee Napier, Glenn Carter, Dianne Dorey, Pat Anderson

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

#### **Handouts/Materials Used:**

- Agenda
- Meeting Notes
- Memo from Karen Witherspoon
- Memo from Dianne Dorey
- Leigh Application
- Lindeman Application
- Smith Application
- Notebuyers, LLC Application

#### **1. Call to Order**

Chair Mahoney called the meeting to order at 6:02. The Commissioners introduced themselves.

#### **2. Approval of Agenda**

The agenda was approved as presented.

#### **3. Approval of Meeting Notes**

A motion was made by Commissioner Rosbach to approve the meeting notes; seconded by Commissioner Tausch. The meeting notes from February 10, 2015 were approved as presented.

#### **4. New Business**

##### **A. Workshop on Open Space Applications**

Ms. Dorey, Lewis County Assessor, stated the Public Benefit Rating System committee met on February 11, 2015 to consider four applications for designation in the Open Space classification. In attendance were Karen Witherspoon, Leslie Myers, Vic Kvorhoff, Greg Lund, Jason Morgan, Dianne Dorey. Commissioner Fund was absent. All applications were scored with the minimum 3 points necessary to qualify in the category.

The first application was for Notebuyers LLC et al which was scored at a 50% reduction for Open Space Open Space. The others, Smith, Leigh and Lindeman, received a 40% reduction under Open Space Farm and Agricultural Conservation, which means at the end of ten years they are likely to return to

commercial farm production. Right now they will receive a lesser reduction than they would if they were continuously farming.

Ms. Dorey asked for questions. Commissioner Rosbach asked if the applicants needed to prove income on any of the parcels. Ms. Dorey stated once they go into farm and agricultural conservation they do not have to prove income. They are paying 40% off their market value instead of the \$500 or down to \$8 an acre in Open Space farm and ag. They need to pay a higher market value.

Chair Mahoney asked Ms. Dorey to explain the open space designations for the benefit of the new Commissioners. Ms. Dorey stated there are several categories in open space. One is Open Space Farm and Agriculture where they do have to prove income between 5 and 20 acres. Above 20 acres they do not have to prove income; they have to show that they are commercially farming. There is Open Space Open Space which is land left in its natural state. They get a point reduction and there is no requirement for income, however they cannot do anything with the land other than leave it in its natural state. They can have nature trails, they can camp on it, but they cannot develop it.

Open Space Farm and Agriculture is a program that the Legislature developed to allow people like seniors who can't farm and prove income to stay in the program and it is not punitive for up to ten years. They can get a child or grandchild to take over the farming or they have time to sell it before they are removed from the program. That's why they don't have to prove income and they have to pay a higher value per acre than they would if they were in the farm and ag where they proved income.

Commissioner Rosbach asked if they sell it within ten years do they pay full tax upon sale. Ms. Dorey stated they can if the new buyers say that they are not going to be able to farm it. While they are in this category they have to keep the farm in the condition that it can be ready to go back to farming, but they don't have to run cattle or raise a crop.

Chair Mahoney asked Commissioner Myers to sit on the committee and she was well-received.

Ms. Napier stated the Planning Commission needed to set a public hearing and forward a letter of transmittal to the Board of County Commissioners.

Commissioner Prior stated there was a letter included in the Notebuyers LLC application that spoke to illegal activity on the property. He asked why it was there. Chair Mahoney stated the property owner tried to develop it without the proper permits. There are several creeks running through the property which is located near an I-5 interchange. The Department of Ecology stated the property had to be restored. The owners could not develop it so they decided to put it into open space. Ms. Dorey stated had he obtained the permits before he started things might have turned out differently, but he did not. He started working and destroyed some wetland areas that he wouldn't have been able to develop, and now he has to restore the wetland areas. Commissioner Prior asked if he had done that. Ms. Dorey stated partially – it is a several year process to do that. The County allowed [open space designation] on the areas that he had restored. If he decides to get permits and develop the land then he would need to pay back taxes for the last seven years, plus interest and penalty.

Chair Mahoney entertained a motion to set a public hearing on open space applications for March 24. The motion was made by Commissioner Guenther; seconded by Commissioner Prior. The motion carried. Chair Mahoney thanked Ms. Dorey.

#### B. Update on Shoreline Master Program

Ms. Napier stated portions of the Shoreline Master Plan are out for review with the Citizens Advisory Committee (CAC). It is hoped that the review by that group will be completed by February 27. It is anticipated that the Plan can be introduced to the Planning Commission in March. There is a delay with the Department of Ecology and Ms. Napier asked if the update with the Planning Commission could begin on March 24.

Chairman Mahoney stated the County will have very little choice in accepting the document; there will be very few decisions to make because the Department of Ecology has the authority and the power and they are dictating the plan. Ms. Napier stated the history of why the Shoreline Master Plan has to be updated will be covered. One reason is the old plan is 40 years old, so it would make sense to update it. Some of the prescribed things that have to go into the plan are a bit controversial. These updates are and have been occurring across the state; so many counties each year are assigned to update their plans.

Chair Mahoney stated some of the changes came from the Legislature and the current plan is very outdated. The Planning Commission's review of the plan will begin on March 24. Ms. Napier asked for any points of interest from Commissioner Prior and Chair Mahoney's review.

Commissioner Prior asked if the delay is because comments have not been received from the Citizen's Advisory Committee. Ms. Napier stated one of the delays is because Department of Ecology received several plans at the same time and Chrissy Bailey is asking for a little more time to review the document.

Commissioner Prior stated one of the issues that came up is the County's Critical Areas Ordinance (CAO). A letter was drafted by the consultant that Commissioner Prior thought was "giving away the farm." He asked the status of that letter, which was a draft of responses to DOE's comments on the issues related to the CAO. Commissioner Prior stated he did not see any effort on the consultant's part to fight back; he thought they were caving in, and Commissioner Prior thought he [the consultant] should be taking a stand on some of the comments. Ms. Napier stated she would follow up on that.

Commissioner Prior stated the document (Plan) is huge and ~~he has not read all of it.~~ He **he** did not think the other Planning Commissioners should be expected to read it in detail. **He has read everything that was submitted to the Citizens Advisory Committee.** He asked the method Ms. Napier is proposing to get people up to speed enough to make a meaningful decision about where to go. Ms. Napier stated part of the reason a couple of the Commissioners were chosen to be on the CAC was because the Planning Commission was not expected to read the entire document. The Shoreline Master Plan (SMP) is about 800 pages alone; it does not include the shoreline inventory, the cumulative impact analysis, or restoration. She would like the Planning Commission to focus on the regulations that affect the public. That is included in the SMP. It is still a lengthy document. What Chairman Mahoney has suggested, and what Brad Medrud has heard is that the Planning Commissioners would like an executive summary or some highlights. That can be brought back to this group to get a sense of questions that you may have. Ms. Witherspoon, Senior Project Planner, is reviewing the Plan from a regulatory eye, and also

recognizes we are going from one level of review to another level of review. She has been on staff for a year and has a tendency to know what is sensitive in the community; she is looking for consistency and for things to pull out that may be of interest or concern to the public. Ms. Napier thought most of the impacts were related to single family residences; we need to let people know how it will affect them in that perspective.

Chairman Mahoney stated at one of the CAC meetings he suggested to Mr. Medrud that the document stay in a format and be kept small enough that the average citizen could look at it and find what they needed to know. If it is an 800+ page document no one is going to read or understand and it will cause problems. He objected to that approach and he didn't think it was necessary. He did not think state law requires that we have that intense a document. If DOE thinks that size document helps things they are wrong. People are going to ignore it because they can't find what they want. He thought the simpler the document the easier it is to administer.

Chair Mahoney asked how many meetings this review would require and who would be speaking to the Commissioners. Ms. Napier stated Mr. Medrud would be attending four meetings. The grant funding runs out on July 1 so it will be a push to get as much done as possible by that time. Chair Mahoney stated there were a couple of other members of the CAC who might be able to attend the Planning Commission meetings and offer their perspective. They are Ron Averill and Dick Larman. Ms. Napier stated she would contact them. She agreed about the bulky document but she was not sure how the checklist could be fulfilled with dotting all of the i's and crossing all of the t's. It would be best to focus on the SMP and make certain that that is clear. Part of the 800 pages includes all of the county information, Centralia, Chehalis, Morton and Winlock. The Planning Commission is only going to look at the contents of the Plan and only for Lewis County. The jurisdictional maps are not included. Chairman Mahoney thought it would be important to people to understand how those maps came to be; it was a different committee from the CAC; all of the political entities were involved.

Commissioner Guenther asked if the political entities were DOE. Chair Mahoney stated it was DOE, Corps of Engineers, EPA, Centralia, Chehalis and Winlock. Ms. Napier stated they were using established baseline maps to determine where the shoreline jurisdiction might lie. Chair Mahoney stated the jurisdictions came up with their own terminology (flood course) and those were political decisions, not scientific decisions.

Commissioner Prior stated he focused on the shoreline jurisdiction of the Cowlitz River and it made sense to him. The shoreline jurisdiction on the upper Cowlitz was determined on a reasonably scientific and technical basis. He is not familiar with the western portion of the County.

Commissioner Rosbach asked if there was a shoreline map; she had not seen one. Ms. Napier stated there are many maps. If there is a particular area that is of interest she can help the Commissioners find it through ezview. The maps are not available through GIS yet.

Commissioner Guenther stated he would be interested in the dating of some of the high water marks that have come up. Until the airport dike was breached the people in Adna were high and dry. Chair Mahoney stated generally the jurisdiction maps aren't too bad; there are a couple of areas that might be a little conservative. Commissioner Guenther stated there are high water marks that happened because of other circumstances. Commissioner Prior stated those areas would be easily checked and it would be

useful to have the ability to zoom in on the maps in this room. As questions like this come up the area can be zoomed in and if it is not included then the question goes away. Ms. Napier stated it might be a little clumsy but for purposes of this conversation we can probably get there.

Ms. Napier asked Commissioner Guenther if he was asking if the maps were influenced by other events; was he concerned that the 2010 FEMA maps were used as part of the shoreline jurisdiction. Commissioner Guenther stated there are areas in Adna that during the 2007 event were high and dry until the dike overflowed at the Chehalis Airport. When the dike was breached to relieve the pressure, that's when the folks in Adna flooded. It was not as a result of a flow coming down the river.

Ms. Napier stated she believed that when the shoreline maps were presented to the community in the fall of 2013 they did include that information. The community and the County Commissioners did not want that information to be included. There was re-negotiation to not include the Best Available Science because the Best Available Science, according to Ecology, was the FEMA maps that had not been adopted by the community. The County argued that the maps were not correct and the coalition was formed to work with FEMA and Ecology to come up with a better source of Best Available Science. That gave some work to negotiate the Adna area and the Chehalis main stem. The County was able to bring forth the suggestions by the coalition to modify the 2010 maps. They were not adopted by FEMA but DOE accepted them as an amendment to the maps. Ms. Napier believes that has been addressed but she stated she would bring back the areas that were talked about to make sure they are the same as the area to which Commissioner Guenther was speaking.

Chairman Mahoney asked Ms. Napier to explain the packets that were distributed to the Commissioners. Ms. Napier stated with several issues coming before the Planning Commission and new Planning Commission members she thought some training would be in order. The Legislature has passed some new laws relating to open government training. That training is required by boards such as the Planning Commission. Using the new technology in the hearing room that training could be done during a regular meeting when the Planning Commission has a full board.

Ms. Napier encouraged the Commissioners to review the Overview of Open Government PowerPoint in advance so they are familiar with the topic. The Open Public Records Act has an on-line video which Ms. Napier would be willing to share. She was not sure how beneficial it would be to the Planning Commissioners because a lot of it relates to what staff does. The work that the Planning Commission does creates the records that staff needs to be able to retrieve. It may be helpful to understand some of the records that staff tracks and why staff does things the way it does. The last packet is the Open Public Meetings Act and that is the video that Ms. Napier would like to show at a future meeting. It is about 16 minutes long. She asked if there were any concerns about the training.

Several of the Commissioners stated it would be a good idea. Ms. Napier stated she has been watching the parliamentary blog and she will share that as well.

Commissioner Prior asked Mr. Carter if there was anything in the new law specific to Planning Commissions. Mr. Carter stated the law requires all boards and commissions of counties and cities to receive the training. To use the Attorney General's program is uniform and it is known what everyone receives in the way of training.

## **5. Old Business**

There was no old business.

## **6. Calendar**

The next meeting will be on March 24, 2015, a public hearing on the Open Space applications and a workshop on the Shoreline Master Plan. Commissioner Rosbach will not be available for that meeting. Chairman Mahoney asked anyone else who cannot attend to please contact Pat Anderson.

## **7. Good of the Order**

Commissioner Prior asked if there had been any progress in getting the seventh Commissioner. Ms. Napier stated she just learned that Mr. Jeff Millman, Winlock, will be appointed to the Planning Commission. She also stated that the County will be advertising for a long range planner and that she will be working with John Kliem in the interim.

Commissioner Guenther stated the Legislature called a meeting for March 4 and the Gifford Pinchot partners are going to testify before the Forest group about what is being done in the east end in Forestry.

## **8. Adjourn**

The meeting adjourned at 6:58 p.m.