

Lewis County Planning Commission

Public Meeting

Virtual Meeting via Zoom

May 24, 2022 - Meeting Notes

Planning Commissioners Present: Lorie Spogen, District 1; Jason Alves, District 1; Gretchen Fritsch, District 3, Bob Russell, District 2; Corbin Foster, AL;

Planning Commissioners Excused: Frank Corbin, District 3

Staff Present: Lee Napier, Community Development Director; Mindy Brooks, Senior Long Range Planner; Megan Sathre, Office Assistant & Clerk; Amber Smith, Prosecuting Attorney

Others Present: Public Participants

Materials Used:

- Agenda
- Draft Meeting Notes – May 10, 2022
- Staff Report: YMCA Rezone
- Staff Presentation: YMCA Rezone

1. Zoom Guidelines

The Chair dispensed with the Zoom Guidelines.

2. Call to Order

A. Determination of a Quorum

4 Commissioners were present; there was a quorum.

3. Approval of Agenda

The Chair entertained a motion to approve the agenda. Commissioner Russell made the motion to approve the agenda; second by Commissioner Alves. The motion carried unanimously.

4. Approval of Meeting Notes

The Chair entertained a motion to approve the meeting notes from May 10, 2022. Commissioner Russell made a motion to approve; second by Commissioner Fritsch. The motion carried unanimously.

5. Workshop

A. YMCA Rezone Proposal

Mindy Brooks, Senior Long Range Planner with Community Development gave a presentation on the YMCA rezone proposal.

Tonight is the second workshop on the YMCA rezone proposal. Prior to tonight you have received two staff reports. The first was sent on April 15 and included the full proposal and staff findings. The second was sent May 13 and included staff and YMCA responses to Commissioners questions from the first workshop. Those materials are also posted online for the public to review. A reminder, workshops are an opportunity for the Commissioners to learn about the proposal and ask questions. No public comments on the rezone proposal will be taken this evening. We are glad there are many people listening in tonight. You will have an opportunity to provide your comments to the Planning Commission as testimony for the hearing.

We provided a thorough overview last time, so we will just summarize to refresh everyone's memory. Rezones are when a private property owner wants to change their underlying zone designation. For example, someone may have ARL land and want to change it to RDD-20. To change the zoning, we must first change the Comprehensive Plan map. In this example for ARL to go to RDD-20, first the Comp Plan map must be amended from Resource Land to Other Rural Lands. Amending the Comp Plan map is a quasi-judicial action, which means all the information Commissioners get must come through open public meetings.

First, the proposal is submitted by the property owner as a rezone application to Community Development. Next staff reviews to make sure we have all the information needed to process the application. Once staff determine an application is complete, we post a notice of application and the public can comment on the application. Next staff issues a non-project SEPA Determination. The determination is also noticed and the public can comment on the SEPA determination. Then, staff package all of the information, including all of the public comments to date, and share with the Planning Commission in form of a staff report and presentation. That is the step we are at right now. After the workshops, Planning Commission will hold a public hearing to receive testimony from the public. Planning Commission will weigh the evidence and testimony, and make a recommendation on the rezone proposal to BOCC. Before the PC recommendation is given to BOCC, Commerce has a 60-day review period. Commerce is verifying that all state rules are met. After Commerce review, the Planning Commission's recommendation is transmitted to BOCC and they hold a public hearing and make a final decision.

These are the criteria Planning Commission and BOCC uses to make a decisions on rezones. First, all the GMA rules and the Countywide Planning Policies must be met. The first staff report included findings against the rules and we will go over those tonight. Second, there must be a demonstrated need for the amendment. Need could be that the land is not suited for the existing allowed uses or other uses would better serve the County's planning goals. Third, is the amendment in the public's best interest? This is the most discretionary criteria. Fourth, the amendment cannot facilitate spot zoning. That means the rezone is not creating an island of zoning that is inconsistent with land around it.

Rezoning is quasi-judicial. That means all information must come to Planning Commission through an open public meetings. You may not do outside research. If you need specific information, ask staff and we will get it for you. You may not talk with the public about rezone proposals – public comments needs to be provided at specific steps throughout the process including the upcoming Public Hearing. You may not attend meetings host by the community or the applicant about rezone proposals. If you are a coffee shop and someone brings the rezone up to you, you need to politely tell them you cannot discuss it outside of your meetings. Last time you asked about reading newspaper articles about the rezone. Please use good judgement. If you read an article and feel that what you learned by influence your decision, then you need to disclose that. Remember - Disclosure is not a bad thing. It doesn't mean you did something wrong. Disclosure is just transparency. When in doubt, please ask staff.

This is a quick summary of the YMCA proposal – we gave a longer overview at the last workshop. The site is north of Mineral Lake. YMCA has request to apply the Master Planned Resort overlay zone to 500 acres of Forest Resource Land, shown in orange on the map. To do this, the Comp Plan map designation needs to change from Resource Land to Other Rural Land. YMCA would like to develop an overnight youth camp for 400 campers, 100 staff, cabins, tents sites and trails and dock. One thing you need to keep in mind is that this is a non-project application, there is no project proposal even though they've stated their intended future plans. The project level impacts are not known at the time of rezone because there is no development proposed – it is just a change of zoning. The actual project and development will require future permits and SEPA review to address project-level impacts.

Staff prepared detailed findings that were part of the first staff report. Findings are where staff evaluate the proposal, SEPA determination and public comments to-date and tell you if we think each criteria are met or not. I'm going to go over the main points of the findings.

The first approval criterion is that the proposal conforms to the Growth Management Act (GMA) and the Countywide Planning Policies (CWPP). GMA and CWPP are actually dozens of criteria. The staff provided findings against all applicable laws and policies in Exhibit E of the first staff report. Exhibit E is 17 pages long, lots of rules need to be met but I encourage you to read it in full. I will just cover some of the main findings.

The GMA has a rule about Master Planned Resorts (MPR). MPR are an allowed use provided the rules are met. According to RCW 26.70A.360, "A Master Planned Resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities." That is what YMCA is proposing.

The criteria are primarily about containing the MPR and making sure impacts are addressed including infrastructure, services and environmental protection. The criteria also are about increasing jobs and economy. Providing access to unique recreational opportunities. And having minimal impact on forestry lands. The terms of the SEPA MDNS are clear that project-level impacts to infrastructure, services and the environment will be addressed through subsequent permitting process and project-level SEPA determinations, so those criteria are met. The MPR will add jobs and increase tourism. The impact to forest land is negligible and the MPR overlay requires that 40% of the land be preserved as open space. Finally, the location is unique and will encourage recreation.

The Countywide Planning Policies also call for use of MPR zone to encourage recreational opportunities suited to the unique opportunities in rural Lewis County. There are no MPRs right now, this would be the first one. This location is unique because it's on Mineral Lake and within 15 miles of Mt Rainier.

The second criteria is a demonstrated need. There are no MPRs in Lewis County even though the CWPP and the GMA encourage MPR to increase recreational access and eco-tourism. In addition, YMCA stated a need based on increase demand for this type of overnight camp facility.

The third criteria is the most open ended. There is guidance, but you are allowed to consider more than what is listed. The impacts of development will be addressed during the second phase of the project. Many permitting steps, including the Binding Site Plan, will require project-level SEPAs. All LCC development regulations will need to be met. Also, staff find that the MPR will provide recreational access and jobs and have a negligible impact on forest lands.

The last criterion is that the rezone does not facilitate spot zoning. The reason why this criterion is used is to prevent a single property being zoned something very different from the surrounding uses. This is not the case with the YMCA proposal. A MPR is a unique allowance that creates a new type of use under GMA and is encouraged by our Comp Plan. This is also a 500 acres site and the use is consistent with surrounding uses, namely recreation.

Based on the analysis and the conditions of the SEPA MDNS, staff finds that the YMCA's application to amend the comprehensive plan map from Resource Land to Other Rural Land and application of the MPR overlay zone designation meets the approval criteria of LCC 17.12.100. However, you are not a rubber stamp. There is still a public hearing where new information may be introduced into the record. That information may change the findings, in particular your opinion about if the proposal is in the public's best interest.

Gretchen: What is our role right now? Are we talking about the change in the overlay – allowing the potential for such a thing to occur - not the project itself or specific developments?

Mindy: You are deciding if these uses are appropriate and should be allowed on this particular site. There is a lot of work that comes next that is not in the Planning Commission's charge to determine. You are determining if this should be an allowed use in this location. The project level decisions will be made by county staff and the Hearings Examiner.

Bob: The only thing we are only allowing in this discussion is the Master Planned Resort overlay, correct?

Mindy: Yes, your discussion is about whether you should be allowing the Master Planned Resort overlay on these pieces of property, which requires a change to the Comprehensive Plan map. The Master Planned Resort, as it is written in our Lewis County Code, allows lots of different uses such as hotels, single family residence, etc. The SEPA determination is a Mitigated Determination of Non-Significance (MDNS). One of the primary ways it mitigates is by stating that certain uses are not allowed, even though they technically would be under a Master Planned Resort overlay. In this context, it was narrowed to only the things that would be likely in a youth camp.

Bob: I really appreciate the responses from the YMCA and staff. You talk about 40% open space restriction that the county would put on this overlay. Is that the currently what can be done in Open Space in Lewis County?

Mindy: This is a requirement of the Lewis County Code (17.20E) Open space means not development. Trails and other recreational amenities are allowed in the open space area, but not cabins, parking lots and other development – that development has to be part of the other 60%.

Bob: Can staff look at that wording of open space to make it clearer?

Lorie: If the youth camp were not to move forward, can the only thing that could be on that property due to the SEPA conditions be something similar to the youth camp?

Mindy: Yes, that is correct. The SEPA MDNS is explicit that if this particular project does not proceed, the site will revert to Forest Resource Land.

Lorie: Staff said that there is no other Master Planned Resort overlays in Lewis County. So, what is the 4H Youth Camp considered?

Mindy: A camp isn't a Master Planned Resort. There are campgrounds that are not considered a MPR. This would be our first official MPR. Anyone who wants to zone land as MPR would need to go through a rezone application process.

Mindy continued her presentation. At the last workshop, commissioners had 12 total questions – 6 were answered by staff and the other 6 by YMCA. All responses were included in the staff report sent on May 13th and posted online. I'll go over the county staff responses to the first six questions:

1. Logging history of the site
2. MPR overlay zone and forest harvest
3. FRL allowed uses
4. Economic base of Mineral
5. Housing profile of Mineral
6. Supporting Services

First, the logging history of the site. It has been a timber town since 1897. There was mining of arsenic until the 1920's. Mineral Lake Lumber Co. Mill burned in 1922 and was never replaced. Forest Resource Land (FRL) owners around the area include Forecastle Timber, Twin Creeks Timber, and Taylor Timber Investments. Aerial photos show the harvests that occurred over the last 15 years.

What are the allowed uses in the FRL zone? Currently with the FRL zoning - The property owner can grow and harvest timber and other forest vegetation And one single-family residence per lot is allowed. The map shows the lots lines – there are more than 20 lots around Mineral lake that are currently FRL. Each could be sold individually and developed with a single-family house and each property owner could harvest timber.

The next question was if harvesting of timber is allowed in the MRP overlay zone. No, timber harvest is not allowed in the MRP overlay zone However, selective tree removal is allowed. For example, when cabins are built trees will have to be removed. That is OK. Today, the orange area on the map is FRL and forest harvest is allowed. If the rezone is approved forest harvest will not be allowed in the orange areas, only selective tree removal.

As was mentioned at the last YMCA meeting, it is difficult to determine specifics about unincorporated towns like Mineral. I was able to find some information:

- 1920 estimated population = 1,000, supported by timber mills
- 2019 estimated population = 205
- Mineral Lake webpage suggests primarily tourism-based economy – camping, fishing, boating, hiking, etc.

Housing is also difficult without a specific housing profile for Mineral. Mindy displayed a map showing single-family land uses in purple and multi-family in brown. A search of short term rental webpages showed 7 STRs in the town or near town and another 7 or more in the surrounding area.

In terms of supporting services, Mineral has a market, a tavern, two hotels/lodges and campgrounds. There is also a fire department and a post office.

Bob: Looking at the aerial photos of the timber harvest, there's nice protection of the lake with buffers of trees that have to remain.

Mindy invited representatives from the YMCA to address any of the questions that were also answered in their written report.

Gwen: Thank you for having us here. We included a letter of responses to your questions so I just wanted to open it up to questions or additional information you would like.

The Commissioners noted how well the questions were written/provided in the report.

Gretchen: The questions regarding the community impact will be addressed during the project permitting/development, correct?

Mindy: Yes, we have no way of knowing the exact impact without proposed development. The impacts will be addressed through project-level SEPA and meeting Lewis County Code development regulation.

Gretchen: Will the county be conducting those studies or with the YMCA?

Mindy: The YMCA would be the applicant and are responsible to providing the underlying data. The YMCA will be required to submit their environmental analyses, Traffic Impact Analysis, etc. The county is the lead agency, so we would be making the determinations of whether they are meeting the various laws.

Gretchen: Would that also come through Planning Commission or does it only go through Community Development?

Mindy: No, the project-level applications will not go through Planning Commission. Your decision is whether this is an appropriate use that can be allowed on this site. Once that decision is made, the next steps will be processed through permits. Most Lewis County departments will be involved in project-level permitting; Public Health, Transportation, etc. When we get to project level stuff, public noticing will be triggered and there will be opportunities for people to comment throughout the process.

Gwen: YMCA did conduct three community meetings last year to build relationships and hear concerns. We want to continue to include community voice.

Gretchen: Do you have an ongoing dialogue with the community members?

Gwen: We have committed to communication. It has been a few months so we are sending out an update. As we progress we will continue to keep people updated. We have an email list and website with information.

Amber: The Planning Commission's role in this particular step of the process is to determine if the YMCA proposal meets the Master Planned Resort overlay uses approval criteria of county code 17.12.100. That is the only question you are charged with answering.

Mindy continued her presentation. We are currently at our second workshop. We have discussed doing a site visit. That isn't typically part of the process but commissioners were interested in seeing the site first hand. Technically the site visit would be a 3rd workshop, occurring before the hearing.

Staff sent a poll and the majority of Commissioners indicated that they could attend a site visit on June 25th from 1-5pm. Before we proceed with a site visit, I want to go over how it will work. The YMCA rezone is a quasi-judicial action, so the on-site workshop will need to be closely choreographed. Commissioner Spogen, you remember the Packwood site visit, which was part of a subarea planning effort. It was not quasi-judicial. So you were able to walk around and talk with members of the public, very casual – that is not the case for this rezone. For this, the commissioners would be brought to the site and assemble in one location. Map 1 shows the site and the green circle where you'd assemble. The Public would arrive and would assemble, along with the applicant, as shown in the second map. We would have to keep you the commissioners separate from the public. It would be a workshop, so no comments on the rezone would be taken. We would discuss the site and you can ask questions of the applicant. The public can listen. We would not walk around. The location we chose gives you a view of the lake and the site. After the meeting, the public would leave, then you'd get back on the vans and leave. I want to make sure you have the correct expectations before we schedule the workshop. It will be 4 hours of your Saturday. I'd like to hear from you if you still want to proceed with a site visit.

The Commissioners expressed that this type of site visit is not what they originally believed it would be and agreed that they would not like to move forward with it, given the circumstances. Chair Spogen asked if staff could create a video to capture what the site and surrounding area looks like. Staff responded that they could do photos, videos, or other options to show the commissioners what the site looks like. Commissioners expressed that they are disappointed that they can't have a more informal discussion with the public but understand that because this a quasi-judicial action, and is tightly governed by state law, informal conversations cannot occur.

Mindy asked if the commissioners are ready to move to a public hearing on June 28th. In thinking about if you are ready to move to a public hearing: Do you have additional questions for staff or YMCA? Do you need additional information from staff or YMCA?

Gretchen: Do we anticipate the public being allowed into the courthouse for the June 28th hearing?

Mindy: No, the hearing will be on Zoom. We do not have security in the building after hours. We hope to find a remedy, but that won't happen before June 28th.

Lorie: If we go to a public hearing and receive a lot of public comment, can we then go back to a workshop after that?

Mindy: In a complicated case like this rezone, commissioners may want staff to follow up with more information or commissioners may want to have additional discussions. It is not required to make a decision on the same night as the public hearing.

Amber: If issues aren't resolved during the public hearing, you may continue the hearing to a separate date and time. This will allow for staff to provide additional information or respond to commissioner questions. Once you are satisfied you can make a decision.

The Commissioners expressed they are ready to move to the public hearing.

Mindy: June 9th we will publish a notice of hearing in the Chronicle and send the notice to parties of the record, which includes anyone who was provided comments or expressed a request to receive information on the project. The notice will also be posted on our webpage. On June 17th the commissioners will receive a final staff report, which will also be posted on the webpage. Written testimony will be accepted after June 9th and continue to be accepted until 5:00pm on the date of the hearing. Staff will provide a copy of the written public comments to the commissioners the day before the hearing. If any written testimony comes in between the 27th and 5:00pm on the 28th, those will be brought to the hearing.

6. Public Comment

There were no members of the public who wanted to provide public comment.

7. Good of the Order

A. Staff

Mindy notified the group that staff has started the recruitment process to fill Stephen Hueffed's position. He represented District 2 and so the new members will need to be someone from that district. Anyone who is interested should email committees@lewiscountywa.gov and be sure to put "Planning Commission" in the subject line. Commissioner Hueffed's term ends on December 31, 2023.

B. Planning Commissioners

There were no items from the commissioners.

8. Calendar

The next meeting of the Planning Commission will occur on June 14, 2022 and the agenda item is a public hearing on the SEPA code amendment.

9. Adjourn

Commissioner Russell made a motion to adjourn. The meeting adjourned at 7:13 p.m.