

# Lewis County Planning Commission

## Public Meeting

In-Person & Virtual Meeting via Zoom

**February 28, 2023 - Meeting Notes**

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

**Staff Present:** Lee Napier, Community Development Director; Mindy Brooks, Senior Long Range Planner; Megan Sathre, Office Assistant Senior; Barbara Russell, Prosecuting Attorney;

### **Materials Used:**

- Agenda
- Draft Meeting Notes – February 14, 2023
- Commissioner Binders
- Staff Presentation: Comprehensive Plan Periodic Update

### **1. Zoom Guidelines**

The clerk dispensed with the Zoom Guidelines.

### **2. Call to Order**

A. Determination of a Quorum

7 Commissioners were present; there was a quorum.

### **3. Approval of Agenda**

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

### **4. Approval of Meeting Notes**

The Chair entertained a motion to approve the meeting notes from February 14, 2023. Commissioner Corbin made a motion to approve the notes as presented; second by Commissioner Russell. The motion carried unanimously.

## 5. Public Comment

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

## 6. Training - Commissioner Binders

Lewis County staff created binders for each of the Planning Commissioners. Mindy Brooks, Senior Long Range Planner for Lewis County, walked through the binder materials (*available to view online*). The following questions and conversation were had throughout the training.

Commissioner Russell commented on the topic of the Discussion Phase of a public hearing. He said that discussion is the opportunity to delve into items that may not be clear or properly represented, so that when the time comes for deliberation the other commissioners know where he is coming from. Mindy confirmed Russell's statement and added that if the commissioners hear something in the testimony or see something in the record that is not making sense, discussion is the time to ask staff to explain. It is also a time where commissioners can ask staff to confirm if they are correct or incorrect in their understanding of something. Barbara also added that she would always rather the Commissioners ask a question whenever it comes up then assume an answer or assume they can't ask.

Commissioner Corbin asked if recusal would be more appropriate to do before the Public Comment period. Mindy explained that the Public Comment period is not the same as Testimony. Public Comment is if anyone would like to address the Commissioners about an item not on the agenda. Recusals will take place once they have reached the Public Hearing portion of the agenda. Mindy and Barbara also made notes about recusal that it should not be viewed as a bad thing. Everyone owns property or runs a business and there will come a time when a Commissioner should not participate in the decision-making because it personally affects them and that is perfectly fine.

Commissioner Alves asked if there is there ever a time during testimony when someone who's already spoken can come back up for Commissioners to ask them an additional question or receive follow up information. Barbara responded that it depends on the context. During a quasi-judicial hearing, we have to be very consistent with how much time people get for testimony. However, if during the question and answer period, someone is asking a question and someone else has an answer, they can come back up and speak. During testimony, each person needs to be given a consistent amount of time. Mindy recommended that when the testimony is over, Commissioners should direct staff to get that answer before moving into deliberations. The problem with asking people to come back to the podium is that they would likely not just answer the question and be done. They will likely use it as an opportunity to provide more testimony.

Corbin asked about the process of people donating their allotted testimony time to other individuals. Mindy responded that a maximum amount of time should be decided upon prior to the testimony beginning so that one person cannot take the time of many people. Typically, a

person may have a maximum of 6 minutes to speak if other people would like to donate their time. Barbara added that the person donating their time must be present on Zoom or in the room.

Russell asked if during discussion he asks people what they think about something, that would technically be asking how they are going to vote. Mindy responded that it depends on what is being asked and the type of meeting that is being held. Barbara added that the strict structure of discussion vs deliberation really only applies to quasi-judicial matters. Everything else can be more fluid with how you discuss and deliberate. Staff are just trying to encourage Commissioners to ask questions of each other if desired.

Mindy encouraged the commissioners to not move an item forward until they are comfortable with the information and have asked their questions. Unless there is a hard deadline, it is OK to have more than one workshop or to continue a hearing. Commissioners can request additional information from staff to bring back before another workshop or continued hearing. Commissioners should not feel pressured to move quickly if there is no deadline.

## **7. Workshop – Comprehensive Plan Periodic Update – Population & Housing**

Mindy Brooks, Senior Long Range Planner for Lewis County gave a presentation on the Comprehensive Plan Periodic Update regarding Population and Housing. *See presentation for details.* The following questions were asked through the presentation.

Russell stated that at some point wetlands were handled by the Department of Ecology, but then counties and cities needed to take responsibility for it. Russell asked about when the Growth Management Act required counties to start doing their own work for critical areas. Mindy responded that the Growth Management Act (GMA) was adopted in 1995. Lee further explained that the GMA was enacted in the early 1990s and at that point counties were either mandated in or opt in. Lewis County did not opt in and they were not mandated in, but we did have to start planning under GMA for just the designation of resource lands and critical areas. Shortly thereafter, in the early 2000s Lewis County was mandated in because of our population growth. So in terms of history, we didn't opt in, we were mandated in. We did start planning under the optional piece, and then were mandated before we could complete that work. Counties do have the option to ask for peer review if they do not have the technical expertise to evaluate critical areas. The peer review and support comes from Ecology or a hired outside consultant. Mindy added that some counties are still not fully planned under GMA because of their smaller population.

Russell commented that when looking at the Population Allocation table and having a county that has a large unincorporated area, we have to spend a third of our time figuring out how to put more people further from the cities and that doesn't seem like a good effort. Russell asked if the cities get bigger will the unincorporated population get smaller. Mindy responded he is correct about his concerns related to population growth. Staff has not settled on the best methodology for estimating the unincorporated Lewis County – meaning outside the UGAs -

growth going forward because there is a lot of capacity for growth in the rural areas. There's a lot of vacant land in rural Lewis County that can be developed with single-family residential. In particular, LAMIRDs have a high capacity for growth. It is difficult to accurately reflect that without blowing up the numbers. Barbara added that in regards to the UGAs, the numbers are going to often look odd since Commerce includes the UGAs as part of the cities. Russell stated that if that number remains big, then we're forced to look at things like multiplexes on 5 acres and thing like that, but if that number were really small then we wouldn't be pestered with putting together policies on how to get more people a 5 acre parcel. Mindy responded that the county wouldn't be required to meet the housing allocations, but we feel that there are very good reasons to try to figure out how to make sure there are affordable housing options for people living in the rural areas.

Alves asked what incentivizes mayors to give an accurate representation for housing allocations. Mindy responded that each city must demonstrate that they will be able to serve in their population for the next 20 years, which means their capital facilities plan must show it can serve the population and that results in taxes. It is important for them to keep this as realistic as possible. They do not want to undercut either because they want to have access to grants available to address with the growth that is coming. So the best thing for us is to be as right as possible and that is why we do population allocations every 5 years. Mindy and Barbara noted that each of the cities much provide their reasoning and supporting evidence for their population and housing allocations and that will be transmitted to the Planning Commission.

Russell noted the issue in housing allocation is that the big number for unincorporated Lewis County requires that we have to have housing for the 0-30% range that does not make sense. Mindy agreed with Commissioner Russell because rural areas cannot be zoned for apartment complexes.

Corbin asked if a jurisdiction has to restrict building permits if a developer wants to put in some high-scale housing exceeding the amount of housing for that income level bracket. Mindy responded that the county is not required to hit those numbers; it is guidance. We meet the intent of House Bill 1220 through zoning and removing regulatory barriers. Corbin responded that it seems that there's pressure to zone and remove regulatory barriers to satisfy numbers instead of what we really want to see in our community. Mind confirmed that's right. The state is basically telling you no, that you're going to zone for these types of housing. There's another bill that is in the legislature right now that is being fought against, but it is likely to pass at this point, that eliminates sign-family zoning across the board for cities. The state is taking away local power over these decisions on housing.

Fritsch noted that the LAMIRDs in Packwood have some tightly packed housing and what is making them unaffordable isn't the size of the lot or house, but the market. Fritsch asked how that affordability can be addressed. Mindy responded that affordable housing is not just a zoning issue, there are many issues making housing unaffordable, but the only few things that we can address through land use is zoning. Currently Packwood doesn't have multi-family

housing except for in a few locations. The Packwood Subarea Plan looks at multifamily housing in the downtown corridor and there is a lot of capacity for multifamily housing in that area when sewer is constructed.

Corbin made a comment about the community of Seabrook and asked how they got their community built through the Growth Management Act restrictions. Mindy responded that they are a planned unit development – a contained community. Corbin asked if that type of development could be done in Lewis County. Lee responded that Seabrook is in Grays Harbor County which is not a fully planning county for GMA. They don't have LAMIRDs like we do. That particular area is a community that was already served by the Pacific Beach water and sewer so it was already zoned resort residential and had the available infrastructure.

Chastain asked who sets up the zoning. Mindy responded that within the city or UGA, the city council makes the decision. If you are in the county, the Board of County Commissioners makes the decision.

Spogen asked why, pending finding an error, the Commissioners would not vote yes to adopt the Population and Housing Allocations. Mindy responded that she hopes it will all be very simple and the Commissioners can vote yes. Barbara added that the Commissioners might vote no if a city does not provide evidence of their research. Mindy stated that the cities are doing really good work, but often the public does not pay attention to these kinds of topics until there's a public hearing. There may be public testifying against it.

## **8. Good of the Order:**

### **A. Staff**

Mindy reminded the Commissioners that the next meeting on March 14<sup>th</sup> will take place in Packwood at the Community Hall. The hearing is at 6:00 as usual, but staff will be doing an open house before that at 4:30 for the public to come learn about the Subarea Plan and ask questions. The Commissioners do not need to attend the open house, but are welcome to if they like. This is not a quasi-judicial matter so commissioners can talk to the public as much as they would like. There is a Zoom option, but we hope everyone can come out to Packwood if possible. Also, the meeting will be more clunky since we will not have access to all our regular technology.

Spogen asked how staff is advertising the open house and hearing. Mindy responded that the subarea plan has been advertised in many different ways and there have been a lot of community meetings about it. We have been doing press releases on the Subarea Plan and work with the East County Journal to publish an article about the upcoming hearing. We always do legal notices for every hearing. Staff have hung posters around town (grocery store, post office coffee shop, library, etc.) before every event including each Planning Commission workshop and we will hang a poster this Friday about the hearing. We also post on Facebook. And we have an

email listserv where people can sign up for Packwood specific emails. There are also hard copies of the plan at the Packwood Timberland Library.

### **B. Planning Commissioners**

There were no items from the Planning Commissioner.

### **9. Calendar**

The next meeting of the Planning Commission will occur on March 14, 2023 and the agenda item is a public hearing on the Packwood Subarea Plan.

### **9. Adjourn**

Commissioner Corbin made a motion to adjourn. The meeting adjourned at 7:40 p.m.