

Lewis County Planning Commission

Public Meeting

In-Person & Virtual Meeting via Zoom

July 26, 2022 - Meeting Notes

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

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

Others Present: Public Participants; Bob De Goede; Tammy Barconni, City of Chehalis; Hillary Hoke, City of Centralia

Materials Used:

- Agenda
- Draft Meeting Notes – July 12, 2022
- Staff Presentation: Centralia UGA Expansion
- Staff Presentation: Chehalis Breen UGA Expansion
- Staff Presentation: Chehalis Westlund-Enbody UGA Expansion
- Staff Presentation: Adna Grocery Rezone
- Staff Presentation: De Goede Rezone

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 Corbin 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 July 12, 2022. Commissioner Corbin made a motion to approve; second by Commissioner Russell. The motion carried unanimously.

5. Public Comment

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

6. Public Hearing - Urban Growth Area (UGA) Expansion Proposals

Lorie: Tonight's we have three public hearings. All three are related to proposed expansions of urban growth areas; however, we will do one hearing at a time for clarity. The first hearing will be on the City of Centralia UGA expansion, the second on City of Chehalis Breen UGA expansion and finally the third on the City of Chehalis Westlund-Enbody UGA expansion. Would the commissioners like to set a time limit for the hearing?

Commissioner Corbin made a motion to limit each hearing to one hour and make adjustments accordingly. The motion was seconded by Commissioner Russell. The motion passed unanimously.

These public hearings will proceed in an orderly fashion and I would like to ask everyone's cooperation. We will start with a few specific questions, then a brief staff presentation, followed by questions from the Commissioners, and finally take public testimony on each proposal individually.

We are concerned that this hearing be fair in form and substance as well as appearance. Therefore, I would like to ask if anyone in the audience objects to the participation of any member of this Commission in public hearings on the Centralia or Chehalis UGA expansion proposals. If so, please raise your hand in Zoom or unmute your phone and say "yes" or step up to the podium. *There were no responses.*

Is there anyone in the audience who believes that the public was not notified of the hearings in a timely manner? If so, please raise your hand in Zoom or unmute your phone and say "yes" or step up to the podium. *There were no responses.*

Is there anyone in the audience who believes that this Commission does not have jurisdiction in these matters? If so, please raise your hand in Zoom or unmute your phone and say "yes" or step up to the podium. *There were no responses.*

Do any Commissions have an interest in the property that is subject of the Centralia, Chehalis Breen or Chehalis Westlund-Enbody UGA expansions? Do any of you stand to gain or lose any financial benefit because of the outcome of these hearings? Or are you otherwise unable to hear

and consider these items in a fair and objective manner? If so, please raise your hand and state your interest, benefit, or inability to hear and consider this matter in a fair and objective manner.

Have any of the Commission members engaged in communication outside these hearings with opponents or proponents on the issues to be heard? If so, that member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication.

Jason: I do know the owners of the Centralia property, the Ashes and Althausers, but we have not discussed this property.

Bob: I know Joe Enbody, but have not spoken to him in about three years.

Frank: I live near the Breen property that is being discussed, but I do not know the Breen's and have had no contact with anyone for or against it.

Lorie: I also own property near the Breen's, but do not know the owner or have had discussions related to it.

The purpose of these hearings is for the Commission to hear and consider the pertinent facts relating to this proposal.

We will begin with the City of Centralia UGA expansion hearing. I will turn it over to staff.

Centralia UGA Expansion

A. Staff Presentation

Mindy Brooks, Senior Long Range Planner for Lewis County Community Development gave a presentation on the City of Centralia UGA Expansion. The staff report was sent to commissioners on June 17, 2022 and posted online for the public to review.

A reminder, because amending a UGA is a change to the Lewis County Comprehensive Plan, the same criteria apply as do for rezones. And just like rezones, Planning Commission is only charged with if the UGA expansion is appropriate here based on these approval criteria. Planning Commission is not charge with evaluating future development impacts – that would happen with future development permitting.

The City of Centralia has requested an expansion of their Urban Growth Area (UGA) boundary to accommodate the 2040 population forecast of 26,280 people. The site is 45.17 acres, consisting of 16 parcels, bound on the north by Graf/Military Road and east by Scheuber Road South. The intended future land use of the site is low density residential with a zoning designation of R4 (4 units per acre).

Staff displayed a map of where the site is in relationship to the full Centralia UGA (shown in brown dash line) as well as the full water service area in solid black line.

One of the primary criteria for UGA expansion is the need analysis. Centralia's 20-year population forecast is 26,280 people, which equates to 10,905 dwelling units. Centralia's Land Capacity Analysis updated 2022 shows that the existing UGA can accommodate 6,842 units, leaving a need of 4,063 units by 2040 to meet the 20-year forecast. Centralia does have a need. The proposed UGA expansion can accommodate 80 new units, which goes towards meeting the need.

Another significant criteria is related to conforming to GMA. GMA requires that cities can demonstrate they will be able to serve UGA expansion areas. The city doesn't need to be able to serve it today – they need to show they can serve it within the 20-year planning horizons. The Centralia Water System can support an estimated 14,382 dwelling units. The total need based on the 20-year forecast is 10,905 dwelling units; therefore, there is more capacity in the current system than is needed within the 20-year planning period. The current sewer system can serve a population of 18,865-22,535. The current 2022 population is 18,360 therefore there is capacity in the existing sewer system to serve the additional 80 units the UGA expansion will provide. Per the ILA the County is responsible for the existing roads until annexation and development, then it's the city's responsibility. The developer will be required to complete road improvements within the development.

Going back to the approval criteria LCC 17.12.100. The applicable state rules and local policies are met. The full set of findings against this criteria are found in the June 17 staff report, attachment D. There is demonstrated need for housing. Centralia can serve the area with water, sewer and transportation. And it is not spot zoning because the future zoning will be consistent with the surrounding zoning. So, staff find that the criteria are met based on the information in record to-date.

Written testimony has come in on the proposal. We sent the commissioners the three pieces of testimony that arrived by noon today. We received two more this afternoon. All testimony has been posted to the webpage. The primary concerns that were listed in the written testimony included; increased traffic, flooding, runoff, erosion, landslide risk, water supply, and impacts to wildlife.

B. Commissioner Questions

Bob: On the drawing that was shown there are many homes that are already pre-existing and they look to be on some pretty good size lots. Can you tell me how they will be affected by the one and four? Are they going to be able to take advantage of that?

Hillary: If they choose to, yes. I believe three of the four are participants in the petition.

Lorie: We are using the forecasted population to decide if there's need. Is the City of Centralia bound to provide a UGA that meets the need or can Centralia decide not to grow? Is it an option?

Mindy: Under growth management, all jurisdictions are required to provide, within the 20 year planning horizon, enough land and capacity within that land, to serve the estimated population growth. It is usually an iterative process over time for UGAs to grow and for cities to change zoning densities within the city boundaries themselves. They can up zone from a lower density to a higher density. That is often a way that cities will meet need. It's an iterative process over a period of time because there is a recognition that it takes a while to build out your capacity analysis and make sure you can serve everywhere.

Lorie: The person who was concerned about flooding - where do they think they might get flooding?

Hillary: Probably from runoff of future development, but the area, if brought into the UGA, would be subject to city standards of stormwater runoff controls. So, they would have to design a stormwater system to retain any runoff on site.

Mindy: To clarify, there is no floodplain on the Centralia proposal.

Kathy: Have there been traffic studies proposed on this area? The reason I am asking is because I am familiar with those roads and they are somewhat narrow. When you are going to add additional homes, has a traffic study been prepared for this?

Hillary: Not at this time because there isn't an actual development proposal yet. At the time the proposal is submitted they will be required to submit a traffic analysis.

Mindy: When we get UGA expansions or rezones, there's generally no development proposed at the time so there is no way to do a traffic analysis or other analysis like that. Those would come at the time of development with the permits themselves.

Frank: My chief concern is to understand that this is not additional building in the floodplain – this is high and dry. So there's no risk to flooding versus stormwater runoff and construction runoff.

Hillary: There are no floodplain areas within the boundaries of this proposal.

Staff identified that the BOCC hearing room was not able to hear the Zoom participants. Commissioner Spogen called a 5 minute recess to resolve the technical issue. The issue was resolved.

Amber Smith, Civil Deputy Prosecuting Attorney: I wanted to clarify one thing for the record, ask one question, and give one recommendation. Clarifying for the record that this evening we did

have a technical difficulty where Zoom participants could not be heard and we are going to give them the opportunity to publically participate now that we have gotten that corrected. Earlier in this hearing, the audience was asked three questions regarding disclosures and several of the commissioners indicated that they were acquaintances of land owners affected by the UGA proposals, knew some of the individuals that were the initial applicants of the UGA expansion proposals, or owned land near the UGA expansion proposals. Commissioners that disclosed connections to these particular projects, as a result of these connections or proximity to the properties, do you believe you are capable of fairly and impartially making a decision today?

Jason: Yes

Frank: Yes

Bob: No issues

Lorie: No issues for me as well.

Amber: My one recommendation is that because there were technical difficulties and if someone did try to unmute to communicate any concerns that they had, can we please go through those opening screening questions one more time, just in case someone wants to participate or engage in those questions.

Lorie: Are there any members of the public who would like to provide public comments? *There were no members of the public who wished to provide comment.*

We are concerned that this hearing be fair in form and substance as well as appearance. Therefore, I would like to ask if anyone in the audience objects to the participation of any member of this Commission in public hearings on the Centralia or Chehalis UGA expansion proposals. If so, please raise your hand in Zoom or unmute your phone and say "yes". *There was a hand raised in the room. The individual stepped up to the podium, but misunderstood the question being asked and did not have any objection to the participation of any member of the Commission in this public hearing.*

Frank: Point of order and clarification – I thought my motion was to limit each hearing to one hour and we would be doing them in order. Are we doing them all as a group of three?

Mindy: We are doing them in order, but we are asking these questions as a group of three so we don't have to repeat it three times. It's a lot of questions. But then each of the hearings is a separate hearing. We will close the record on one before moving to the next so each is a solid record.

Frank: Do we need to then start the hour over for the Centralia UGA Expansion hearing? Do we know where we are at in the hour? Do we know if the hour has even started?

Mindy: I would suggest revising the time limit and just setting an hour time limit that we will go to for all three of them since it is hard to know how long each one will take.

Commissioner Corbin made a motion to rescind his last motion, if the second will concur, and to propose a new motion to allow for public hearing for all three proposals to conclude at 9:00pm and extended at the next available opportunity if needed. The motion was seconded by Commissioner Alves. The motion passed unanimously.

Is there anyone in the audience who believes that the public was not notified of the hearings in a timely manner? If so, please raise your hand in Zoom or unmute your phone and say "yes." *There were no responses.*

Is there anyone in the audience who believes that this Commission does not have jurisdiction in these matters? If so, please raise your hand in Zoom or unmute your phone and say "yes." *There were no responses.*

Do any Commissions have an interest in the property that is subject of the Centralia, Chehalis Breen or Chehalis Westlund-Enbody UGA expansions? Do any of you stand to gain or lose any financial benefit because of the outcome of these hearings? Or are you otherwise unable to hear and consider these items in a fair and objective manner? If so, please raise your hand. *There were no responses.*

Have any of the Commission members engaged in communication outside these hearings with opponents or proponents on the issues to be heard? If so, that member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication. *There were no additional responses.*

Commissioner Spogen returned to the Centralia UGA hearing and asked if any of the commissioners had questions for staff or the applicant before moving to public testimony.

Bob: Why is there only 4 lots per acre? Or will that be sorted out later?

Hillary: We are going to propose 4 lots per acre (R4) because the zone immediately adjacent to this property is zoned R4.

Bob: Which is why staff said this is not spot zoning.

Hillary: Correct.

C. Public Testimony

Commissioner Spogen opened oral testimony on the Centralia UGA Expansion proposal. Staff requested that their opening remarks and presentation be added to the record. Guidelines were given for how testimony was to proceed.

Steven Boman: I'm here to represent the Pathway Church. They were wondering if the city is going to require them to hook up to the sewer, and if they do, what would be the cost. They have a house and church on the property. They were also wondering who would be responsible for the water runoff from the proposed apartment and housing just south of the church. I believe there's 16 acres. A representative from that complex did talk to the pastors and they said they wanted the church to establish a runoff pond and the church doesn't want to do that. The ground is very clayish and with pavement and they're quite a bit below level of that property next door. The property next door and to the south which is around 16 acres is very high and kind of rounded so they would see a significant amount of runoff on their property. They want to know if they are responsible for it or if the people who own the 16 acres and are paving are responsible. Already, with the runoff the church has on their own property is causing flooding in the basement. There would be major flooding if it got worse than it currently is. Also, we have 22 people show up at the last two Sunday services at the church. It is a very small rural church. They would be impacted a great deal if the fees were very much to hook up to the sewer system. We certainly do currently have a good sewer system on the property. It would be a heavy financial burden if they were required to hook up to that. The main concerns of the church are the runoff and the hookup fees.

Richard Budziak: My neighbors and I share a lot of the same concerns. When we talk about flooding, it's not traditional types of flooding around here. Yes, we are most certainly outside of the floodplain. We are not going to flood from torrential rains because it soaks into the ground here. I've lived on the east side on seminary hill and now I've lived over here on this side of the city and the soil is completely different. The soil is way softer. I have never seen undermining like this anywhere. I think you're asking for trouble down the road, especially if you are talking about digging some retention pond. There's no way the ground will hold that. You put the weight of the pavement over that and we will definitely have some things that give way over the next 20-50 years. This house I've been living in has been moving since I've lived in it the past three years. I've finally got it slowed down, but I have a construction company coming out in the next year to go down to bedrock to get it to stop. The other impact would be the roads. They are not set up well. You come up to the hospital and you're good, but once you get beyond Graff Road and Scheuber, those are steep ditches. I don't know how you'd get transit back there very well. The police and fire coverage. There's probably much more suitable areas, probably over in the Logan District or Ham Hill might have some properties that are better suited. I know from experience that the soil on that side of Centralia is a lot stiffer so you'd have a lot of erosion problems.

Dean Warner: My wife and I attend Pathway Church so I wanted to speak briefly. I have not seen the map before what I saw on the screen briefly here. My suggestion is that if a contractor is allowed to build, that part of the property becomes the retention pond, not the Pathway Church. I know that's between the contractor and the church, but the contractor is responsible for any retention pond because of that subdivision. I also suggest that when the subdivision is built, there is a diversion area for the runoff so it does not come towards the church's property. They could build a large French drain and shoot it on towards the river, towards the ditch, whatever. Like Steve pointed out, the property has had flooding problems already with heavy rain. There's

been issues with the sewer system when there is too much water. We need to do our part to encourage you to demand that the contractor provide the runoff system instead of letting it go on someone else's property.

Gretchen: Is Pathway Church on a map we already have in our packet? Is it directly adjacent to this property?

Mindy: I will figure out which parcel it is and show you in a second.

Joe Wiley: Just to address the sewer issue that was raised – we moved here 27 years ago to the Swanson Heights area. We had contacted the city engineer at the time and said “we heard there might be a sewer put in. Is that true?” and the city said there were no plans for a sewer. It had been annexed into the city by the time we got there. A few years later, they put in a sewer and you had to sign up for it right away. It was about \$25,000. We did get a decent 2% loan on that, but you had to sign up and that included the side sewer that you had to pay for yourself in addition to the group of 32 homes that were up there that were added to the sewer system. That is added income for the city. I don't know if the UGA is annexed into the city or not – that's not really clear to me – whether it becomes city limits or whether the county retains the land. Levi Althaus, when he came and talked to the neighbors in the area, said that he really wanted to appeal to so many of the Tumwater folks that wanted to live in Centralia. He wanted to provide a place for them to live and said there's just a great need for housing in the area to provide for them. There's just several concerns in dealing with this proposal. One is the ecosystem and water runoff. Interestingly, the other testimony that came said that the soil is quite permeable on the Graff Road area. Where we are is on the hill just south of this area, the soil is not permeable at all – it does not percolate. So, I think the runoff, especially with the concrete and the asphalt would be a lot more than what we have. Displacement of wildlife was also expressed is some of the things that were mentioned earlier. I thought schools were overcrowded. It seemed like there was room for expansion for schools and water and sewer, so maybe that's an issue. I am concerned about the traffic. I've heard several different proposals – 40 housing units, 80 units, 180 units, I'm not sure. I'm assuming they're buying off all the area and developing it all, but if there were 100 new dwellings there, that could be potentially 200 cars and with the awkward access to Mellen Street, that could be potentially awkward. It sounds like no studies are going to be done until the developer submits their proposal and that's concerning to me. It seems like these studies should be done sooner.

D. Commissioner Discussion & Deliberation

Mindy shared screen with the Public Works GIS map (which is online and available to the public for review) to show where the Pathway church is located in response to Gretchen's earlier inquiry.

Commissioner Spogen prefaced the commissioner's discussion by reviewing the approval criteria and making note of criteria 3: "Public interest will be served."

Jason: Can the city please address the retention pond issue. Is there any way you would allow a pond to go on someone else's property?

Hillary: We would not force anyone to. If they want to enter into an agreement we would take a look at it. It would have to be agreed by both parties with the appropriate easements, covenants, and legal documents on file to allow that.

Jason: To clarify, without both party's interest in doing that, there's no way that would be forced on the church?

Hillary: That is correct.

Jason: In terms of the runoff concerns, can the city explain how that would be addressed if things move forward?

Hillary: The developer will have to hire a licensed engineer to draft a system, and the science behind it will have to show that it will work.

Kathy: Regarding sewer/water hookup that the gentleman was speaking of, would this property and adjacent properties be deemed needing to hook up to water and sewer since they may already have a well and septic system in place?

Hillary: The majority of properties are already connected to city water and power. Once sewer is available, they will be required to connect.

Jason: What would be their options should that arise if it is not financially feasible?

Hillary: I have not been at the city long enough to participate in that process yet. I know historically there were options for low interest loans. City council at one time had an ordinance that waved the capital facilities charges. There are options for low interest loans, waving the fee, or outside loans.

Kathy: How many homes in that area would that impact?

Hillary: I believe there are currently 12 and to my knowledge they are all connected to water and power, but sewer is not available to all yet.

Lorie: How many homes could be permitted if this moves forward?

Hillary: Zoning would be for four units per acre which would allow for about 180 homes, but we do anticipate 20%-25% of the acreage being removed for infrastructure. Plus, we anticipate another 20%-25% for steep slopes. Not all property owners will be required to sell and develop at the highest and best use of the lot size. So, we anticipate probably somewhere between 40 and 60 units.

Mindy: The proposal we received from the city is 80 dwelling units. That is the land use capacity analysis Hillary is speaking about. When you do a capacity analysis there is an empirical number based on lot size and zoning and that is often not achieved on any particular lot due to many things – infrastructure, take outs for critical areas, market factors, etc. So the proposal was 80 dwelling units that we are considering.

Lorie: Under the third criteria, the public interest, you have determined that there is sewer, water, and transportation. Do you anticipate having enough fire and police support?

Hillary: We approached both the Centralia Police Department and Riverside Fire Authority who would service that area upon bringing them into the UGA if that were to happen and neither expressed any concerns.

Mindy: For those two particular things, the state land use laws require adequacy of public service at the time of development and so those are issues must be addressed at the time of development if there were any capacity issues with any of the public service providers – fire, school district, etc. - would have to be developed at the time of development.

Lorie: When does the UGA get annexed into the city?

Hillary: It is up to the property owners. They would have to petition to annex. It doesn't happen automatically.

Lorie: I think it was expressed initially that the county would be responsible for upgrades and roads and that type of thing.

Mindy: We have an Interlocal agreement (ILA) and we maintain the roads until time of annexation. It is also county zoning until time of annexation.

Frank: I want to express my understanding of the church's situation and would like for them to enter into good faith negotiations with the contractors at the appropriate time and to work on whatever mitigation measure you feel you need, which would be standard practice for anybody. This isn't the end of the process, it is just the beginning. The things that concern you the most are happening down the road. Don't lose heart.

Bob: I would echo what Commissioner Corbin said, the process is only starting. The question to the board is whether it legal for the city to take this project action. I haven't been on the board that long, but I'm starting to learn that a lot of these issues come up and people are concerned whether the stripe is going to be yellow or white and that only comes up at project planning. Staff did a good job with this one.

Lorie: I would encourage everyone to notice what is on the screen because that is the criteria that we have to make the decision.

Commissioner Russell move to send a letter of transmittal recommending that the Board of County Commissioners pass an ordinance to amend the Lewis County Comprehensive Plan map to expand the urban growth area as shown in the of the City of Centralia proposal. The motion was seconded by Commissioner Corbin. The motion passed unanimously.

Commissioner Spogen closed the hearing on the Centralia UGA Expansion. There was a 2 minute recess before the next item.

Chehalis Breen UGA Expansion

A. Staff Presentation

Mindy Brooks, Senior Long Range Planner for Lewis County Community Development gave a presentation on the City of Chehalis Breen UGA Expansion. The staff report was sent to commissioners on June 27, 2022 and posted online for the public to review.

Here are the approval criteria for amending the urban growth area, which is an amendment to the Lewis County Comprehensive Plan.

The Breen site shown on this map is 109.8 acres, consisting of one parcel, and bound on the north by Hamilton Road and east by Interstate 5. The intended future land use of the site is low density residential with a zoning designation of R4 (4 units per acre).

First looking at need, Chehalis's 20-year population forecast is 11,230 people, which equates to 7,711 dwelling units. Chehalis's land capacity analysis shows that the existing UGA can accommodate 1,195 units, leaving a need of 6,516 units by 2040 to meet the 20-year forecast. Chehalis does have need. Breen will add 456 new units, which goes towards meeting need.

Next is the GMA rules related to providing service to the expansion areas. There is sufficient water supply to serve the proposal UGA expansion. However, there are system upgrades needed to provide water to the area. The upgrades are identified in the CIP and will be funded through General Fund, grants and the developer. Sewer upgrades are needed and identified in the CIP. The funding for the upgrades are already in the budget. There is an ILA between the County and city for roads. The County is responsible for transportation until annexation, then it is the city's responsibility. New roads will be paid for by the developer.

The applicable state rules and local policies are met. The full set of findings against this criteria are found in the June 17 staff report, attachment D. There is demonstrated need for housing. With upgrades identified in the existing plans and funding secured, the City of Chehalis can serve the area with water, sewer and transportation within the 20-year planning period. And it is not spot zoning because the future zoning will be consistent with the surrounding zoning. So, staff find that the criteria are met based on the information in record to-date.

Written testimony was received on this proposal. We received one piece of written testimony before noon today and that was sent to the Planning Commissioners. We received another piece of testimony and that has been put on the webpage for everyone to review. The primary concerns in the testimony are increased traffic, increased noise, flooding, pollution from herbicides and fertilizers and pesticides, and impacts to wildlife. One thing I forgot to mention at the workshop is that there are floodplains located on this proposal and the city will be required to place those in a conservation easement in order to extend the UGA. That would be a condition of this approval.

That concludes staff presentation. I will now turn it over to Lorie for Commissioner questions. Tammy from the City of Chehalis is on Zoom to answer questions as well.

B. Commissioner Questions

Lorie: Mindy, would you like you opening remarks and presentation added to the testimony?

Mindy: Yes, I would.

Bob: My question is relating to the letters I was reading today. A family wrote a couple letters and commented on both of these projects. Their concerns were salmon and runoff. Most of you know this is near and dear to me – critical areas and buffers and river buffers – so I kind of know the answer, but I'm interested to hear from Tammy on how we are going to protect the Newaukum River with existing buffers and an additional buffer over the 200 foot river buffer.

Tammy was having technical issues and was not able to answer Commissioner Russel's question before moving to public testimony.

C. Public Testimony

Commissioner Spogen opened oral testimony and gave guidelines for how the testimony would proceed. Commissioner Corbin asked for the approval criteria to be put on the screen for the public to see while testifying. Commissioner Corbin encouraged the audience to address the criteria.

Mary Verner: I own a small family farm that is diagonally directly across from the property that is proposed to be part of the expanded UGA area. As the crow flies, a crow could jump from my tree on my back pasture on to this land – it is very close. I have serious concerns with public interest and the future zoning of this property. Although I applaud the City of Chehalis' goal to provide more housing for its future population growth, this is the wrong place for this high density proposal. As proposed, the parcel has historically been agricultural and residential zoning of one unit per 20 acres would become one acre per 12 units for a total of 456 new residential units in what is now a family farm with one residence on it. Also, because the river runs through this property only 38 acres are designated for development of that very high density residential use. The remaining 72 acres are critical area. That critical area floods. My property floods. My neighbor's property floods. The flooding is increasing. This property that is

proposed for development floods and the city and county have not paid close enough attention to the impacts on the critical areas. Although, the critical areas are addressed, I don't think they are addressed realistically. The county has recently made investments to try to stop the undermining of Newaukum Valley Road. As a result the river meanders and continues to meander very close to my neighbor's property, almost undermining their foundations. This is not a good location for high density multi-family housing. The traffic infrastructure in the area is already failing. The traffic from this new high density residential area would feed onto Hamilton Rd which is a frontage road of I-5 between Rush Road and Liberty Road exits. The Rush Road exit is a mess. If you haven't traveled there recently, try to. Try to travel through there and get through the jams of the truck traffic, pedestrian traffic, and vehicular traffic on both sides of the freeway. Investments need to be made in traffic management long before this property should be built out. It should not be built out to this density. I try to not get involved in other people's uses of their own property, but I have no choice in this matter to speak out. This is the wrong use on the wrong piece of property.

Tamera Baker: I oppose this UGA expansion. My mom is Virginia Breen and I was raised on this farm. The crops that were raised were wheat, hay, oats, and beef cattle. It shows it is significant agriculture land and also that it has been in my family at least 150 years. I farmed it with no lease. I signed the lease in January 2014. Growing up on this property, it floods significantly. The fills and redirecting of flood waters and run off would put devastation harm to health, life, and property of others. It has wetlands, a shoreline river, two ponds and a lake. The river has endangered fish including steelhead and cutthroat. It has an eagle and there would be no protection for the wildlife. The light, noise, and traffic pollution is horrendous at Exit 72 and no plan for it. The greater other resource is there'd be more police and fire department needed. Open space would be taken. Also, in the GMA it says that it should be protected, the farmland preservation, in Chapter 89.10 RCW and 89.10.05, 89.10.010 and that they're supposed to protect the farms, which this obviously does not. It does the opposite. When the farm is put under, it is under forever for farming and development and it should not be developed in the UGA. Also, the legislation also protects the critical areas which the city is supposed to identify and they obviously haven't because there is significant wetlands and other critical areas. Also, I have a letter that my son will turn in from our attorney.

Kodie Baker: It was my grandma's property. I do not want this to go into the UGA. It has been farmland for 100 years or so. It was zoned RDD-20. One and twenty on it. I don't even see where you can put one and twenty on it. It is farmland and most of it is either wetlands or flooded in the winter. It is an extremely wet piece of property. I would say the best piece of the property is already zoned in the UGA up by I-5, which is up on the hill where there is no water, along Hamilton Road. When the zoning took place, my grandma was totally against being in the city limits and that she compromised with them to keep that part in the city limits. We have an eagle nests along the river. There's ponds all through that property from the drainage ditches and stuff that my grandpa made. I don't see where that would be feasible to turn farmland into a housing development. It's definitely not something that I see for the City of Chehalis to annex into urban growth. Traffic wise, like said before, Exit 72 is a mess. I don't where we can add any

more there until Napavine or the county or state figure out what they can do. I think we are losing farmland right and left. I thought the growth management was supposed to protect farmland. I don't understand how they can keep pulling this farmland in. If we do, we aren't going to have any left. There's more critical areas than what everyone is saying. Flooding can affect a lot of people.

Alison Simpson: We moved up here in December 2020 with our whole family from California where we had lived our entire lives. Even though it was hard for us to leave, we looked forward to living on a farm. We choose this property because of the beautiful farmland and natural resources surrounding it. We were assured we didn't have to worry about urban growth creeping in based on the integrity of Lewis County honoring the GMA to protect farmland, shoreline, forests, and other resource lands. Furthermore, all the surrounding areas on the Newaukum River are one house per 20 acres. That's the way we want it to stay. Incorporating this land into the UGA would violate RCW 89.10.010 which is in place to protect valuable farmland. This area has been farmed for over 100 years and is still productive. The owner, Virginia Breen, who passed away about a week after we moved here, was dedicated to keeping her property farmland and forest. She was highly opposed to urban growth. It is a shame that anyone would go against what she wanted and what she worked so hard for. Furthermore, incorporating this area into the UGA violates the GMA RCW 36.78.0403B and GMA RCW 36.78.061 which are in place to identify and protect critical areas. In this area proposed for incorporation there is a river, lake, and two ponds. There are endangered fish in the river and it's supposed to be protected as an area habitat for wildlife. There's also eagles nests, hawks nests, both birds of prey protected under federal and state law. According to GMA wetlands and shorelines are to be protected from urban growth development. Another reason this area is not suitable for development is because it is a flood zone. The floodways are critical areas and should not be incorporated into the UGA and that any filling would redirect floodwaters which could be catastrophic, especially for us. Runoff is a hazard to our health, safety, and property which can cause irreparable harm. Finally, one of the reasons we left the bay area was to get away from noise pollution, light pollution, and traffic. We specifically chose this property because we could raise our family on a farm away from all that pollution and it backs right up to where we moved to. Even though we have only been here for a year and a half, Lewis County feels like our home. We are thankful for our friends, neighbors, and the peacefulness of being out in the county. We don't want to have to move again. We contacted a law firm in Seattle to discuss this because we already planted so many trees. They are environmentally friendly. **Staff stated three minutes were up and to wrap up remarks.*

Rob Simpson: I agree with everything Alison said. I just wanted to add to...the whole traffic...the Newaukum River... the flooding is.... In January we were three feet from going under. Any fill, anything on this land would be devastating to everyone downstream. We all know, we learned the hard way moving up here, it floods. The water has to go somewhere. The majority of that property, the bottom portion of that, is our property. I could throw a rock across the river and hit it. There's also five acres of that property on the other side of the Newaukum, which is land locked, which I don't want my property, which has the only driveway access to that land being

used by power of eminent domain. It's just a bad idea for everyone. Then the traffic...we already went to Napavine and there's an ARCO truck stop going in at Exit 72 and there's been a purchase of another truck stop just north of that which is all going to impact everything in that area, and it's already bad enough. To add 400 and some units, we're just a sinking ship. It is not a good idea.

Stacy Smith: My property is adjacent to the proposed developed area. Floods have been mentioned already. We've had the two largest floods on record. In the past year my entire property floods, except a small area around my home. I keep sheep, chickens. Every year the water is encroaching more and more and I am running out of safe places to keep my animals. I moved up here also from Southern California. I moved up here from Orange County and I offer you a perspective asking you in the interest of public interest, where does growth for growth's sake end? If you were to take a look at Orange County from Google Earth above, you will see it has become a scar on this earth. There was a river down there known as the Santa Ana River. It was channelized, entirely filled with concrete to eliminate flood zones so all of that land could be carved up and sold off to the highest developer. It is all done. There is no more space down there to continue developing. There is draught. There is no water. There's plenty of Target's, Taco Bells, Kohl's, plenty of resources and perhaps you think will make our property values go up, but I ask you to consider the thoughtfulness in planning Chehalis as a place of preservation, as a place where farmland is still important, where families are still important, where growth for growth's sake is not the most important thing. I know that limiting housing limits the amount of people that can go here and I understand that limits economic growth, but if we have something special, something to offer, because we will not carve up and sell off to the highest bidder, our property values will go up because people know that we value community. People know that we value land and that we value the things that are lost when we build for building sake. I moved away 1,000 miles from entire family and friends. I miss them dearly, but I did it for my three boys because I wanted them to have something better. I wanted them to move to a community where community is valued. I have never felt so welcomed as I have felt in Chehalis in the past 5 years. I feel a part of something. I was so worried that it would be lost in the pandemic when we all went off to our spaces, but I found, thank God, that it is has not been lost. I hate to see it lost in development and I ask you to please, I urge you, to please consider that growth for growth's sake is not in the best interest of the public. We have bald eagles, we have blue herons. My boys and I watch them on a daily basis. We have wetlands. We have beauty and if we compromise that for development we will lose something we can never get back.

Lorie: You mentioned that your property floods. Could you tell me generally where you are located compared to this property?

Stacy: I am adjacent to this property. Mary submitted paperwork that shows my location. I am at 347. The Newaukum Valley River backs entirely behind me, and over adjacent to the side where the proposed development is. If you look at the 2007 US Geological report you can see my home on that flood report and you can see how the water came

up over the entire property except for a circle around my house and I have since then seen that increase.

D. Commissioner Discussion & Deliberation

Lorie: Thank you everyone for your testimony. You are passionate, which we all understand. I'd like to open up the subject for discussion among the commissioners.

Bob: Thanks Tammy for going through the work to get back on Zoom, it's important to have you here. I saw some letters today from people and heard people today talk about critical areas, flood impact. You know my background, but can you speak to how carefully that is going to be looked at as you look at an application for development?

Tammy: Before this project can even come into our Urban Growth Area, the property owner is going to have to put a covenant on the areas in the floodplain. They have to extinguish all of their development rights for that floodplain area and then at the time of development we will look at the wetlands, have them analyzed to see what type of wetlands they are, and then we have setbacks and regulations that secure them.

Bob: We are talking the Newaukum River here. My understanding is that the setback are 200 feet, but if there are other setback to the floodplain that even move it back further, we will protect critical areas in the floodplain, correct?

Tammy: Yes, that is correct. The Floodplain setback is roughly at least 1,000 yards. Looking at a floodplain map, that whole area that is considered the special flood hazard area that has been identified by FEMA, which is going to have to have all their development rights on that partition. That part of the property is going to have to be extinguished.

Lorie: What is your thought about flooding?

Tammy: The property does flood. I can't deny that it floods. Again, I think by putting a covenant on the floodplain we are going to make effort to preserve the floodplain. It can't be developed and it will have to stay and continue to provide its function.

Lorie: But you don't have any latitude to determine an area that may flood because flooding is becoming more critical to that area. You don't have any way that you can determine where flooding might occur, you can only go by what your FEMA maps tell you. Is that correct?

Tammy: That is correct. I have to use the FEMA maps that are approved by FEMA and the city has adopted.

Lorie: What about, someone mentioned that you are having some degradation of the road due to flooding in that area. Is that a problem in your mind? What is causing that?

Tammy: I am not aware of degradation of the road. I would reiterate, however, that our Interlocal agreement does require that the county takes care of roads.

Lorie: What is the current designation of the land today?

Tammy: The area that is in our Urban Growth Area, the area right along the road, is zoned commercial and industrial.

Mindy: The zoning designation is RDD-20.

Lorie: Even though it has been farmed historically, the RDD-20 allows a person theoretically to put one home per 20 acres currently.

Mindy: Right. RDD-20 allows farming as a use, but it is not designated as farmland in the county.

Gretchen: Even though the entire acreage could technically house a certain number of houses, there were obvious places where it could not. It didn't even propose that on the steep hill side. This proposal, you are talking about really large setbacks and we have heard about ponds and lakes on the property. Is that taken into account when you are proposing the 456 homes? I'm looking at a map right now – is that in the northwest corner butting up against the I-5? Looking at the map it appears that a significant portion of that property would not be buildable. I am wondering if you are going off total acreage and that 456 number will go down as you apply these setbacks or is the 456 already been accounted for?

Tammy: Yes, it will go down as we start getting into development. 456 is just looking at the total acreage. Again, it is just a ballpark number – the maximum it could be, but it will go down.

Gretchen: The lady who spoke last estimated that the number would be cut in half. Do you have any estimate yourself?

Tammy: No, I don't have an estimate without a proposal because part of the request that we've had for some commercial and industrial use in there as well. They do have an area of this site that is already in our UGA and it is already zoned commercial and industrial. So, it's going to be up to the developer to tell us how they want to do it.

Gretchen: I heard someone say that the owner of the property is deceased, Virginia Breen. Is that accurate?

Tammy: Yes, the application came to us from her estate.

Lorie: Mrs. Simpson brought up several examples of code while she was providing testimony. I'm not familiar with the one she provided.

Mindy: The Growth Management Act requires that the county protect significant agricultural lands. We do that when we adopt our comprehensive plan. We assign ARL zoning designations to lands that are considered of long term commercial significance or that are locally significant for agriculture. When we adopt those designations, we meet our obligation underneath the GMA for protecting agricultural lands.

This land is not zoned ARL. Therefore, it is not considered a significant agricultural land. That doesn't mean that it hasn't been used for agricultural purposes. You can certainly use this site for agricultural purposes for a very long time, but that doesn't mean it meets the State GMA criteria as an area that has been designated ARL. We have met the GMA criteria for designation of agricultural lands.

Critical areas are met by the application of protections for critical areas and shoreline. There are setbacks. While the property is in the county, it will have to meet the county setbacks for critical areas. We have shoreline management program that applies to the river itself. So we meet our critical area obligation by having a critical area ordinance and a shoreline master program.

Lorie: The traffic issues that were brought up would be analyzed during the next phase, right? Obviously there are traffic issues out there. I don't know of things that are in the pipeline right now would make a difference or not, but evidently you guys would figure that out at the time.

Mindy: That would be up to the city. Once something comes forward for annexation and development, there would need to be a traffic analysis, and that would be met at the time of development.

Lorie: Who does determine how Lewis County or the City of Chehalis grows? Are we bound by the Growth management Act to grow? Or, if not, who determines that?

Mindy: Every jurisdiction is required to provide adequate land and density to meet the 20 year population forecast, which is set by the office of financial management and is updated every 5 years. We will actually be getting an update this year. Once a population is assigned to a city and the county, that jurisdiction must plan for the population over the 20 year horizon, meaning that over that period of time each jurisdiction must demonstrate that they can provide sufficient housing and jobs to meet that demand. That can be accomplished by expansion of UGA. It can also be accomplished by increasing the density of housing or commercial uses or industrial uses within the existing city limits. It is up to the city to determine how they will accommodate the growth over time. It is up to the county, to decide where it is appropriate to expand urban growth areas because the land is county jurisdiction until annexed, and that is what the criteria of LCC 17.12.100 are for.

Frank: I have some serious concerns about the environmental impacts regarding flooding. I have serious concerns about the traffic. We have a number of proposed companies, according to public testimony, so I'm not providing any information outside of this public hearing. We have other companies lined up to come into the area. I frequent the area because I don't live too far away. As I have stated earlier, I can make a sound judgement call on this one, but I do have serious concerns about the flooding and traffic impacts. We have a truck stop right now – Loves – and it has an adverse effect on traffic at exit 72 and I don't know where the planning process was that dropped the ball. Whether it was the city of Napavine or somebody else, and I am not disparaging any staff because we have wonderful staff working for the county that do a fantastic job, but nonetheless we have Exit 72 that is a mess. I drive that just about every day and it's getting insane. So they moved a stop sign to try to help the flow of traffic that helped, but that was a Band-Aid on a very large surgical wound that needs to be fixed. So, unlike the other expansions that we've considered since I've been on the Planning Commission now for a couple year, this one is the only one that bothers me and it's not because I have a person impact, but because I have seen it, I have experienced it, I know lots of people who have experienced it and there seems to be no checks and balances when it comes to developing the area. I am not against development, but nothing was fixed when Loves went in and it should have been. I think the process somewhere failed us and I am feeling pretty strong about this, that I don't want a repeat of Loves. If we have another truck stop coming in and add to it is another large housing development that will increase traffic. Could they be mitigated at the phase down the road when we get to the project level? Perhaps. We don't have anything to say about that. When it comes to flooding, the Chehalis Basin has some 60 proposals to try to help mitigate flooding basin wide. Is there a way we can ensure that happens on this property? No, we are not the Chehalis Basin Flood Authority. We have a very small piece of a very large process, and I have serious concerns about traffic and flooding and environment in this particular case. How can the city of Chehalis assure me, assure this board, if anybody else has similar concerns that I have? I have never been so outspoken since I've been on this board so forgive me, but I want some assurance somehow. I would like the City of Chehalis to assure us that mistakes that have happened in the past won't happen again and that we do what we can to mitigate flooding. Not just increase buffers, but to actually do something to solve our flooding problems. If we can do a model project with the Breen property that can set a standard for the rest of the county or the rest of the basin I would be all for it.

Mindy: Your charge is to determine if you think this use is appropriate for this location. You get some latitude in that, because you have an open discretionary criteria related to the public interests. You are free to make your decision that way, as to if it's in a public interest, and if this is the right use for this location. What I can tell you is that in terms of flooding the proposal is to place a conservation easement on the existing floodplain so that no development can take place in area. That is a requirement of the GMA, to not expand the Urban Growth Area to include a floodplain unless you basically tender all development on that space. The city is also beholden to meet critical areas and shorelines. Those are the assurances I can provide. Other than that we don't have a development proposal, so we can't really speak to indirect impacts.

Lorie: Isn't it true that they can use that area to mitigate their stormwater?

Mindy: I would defer to the city to answer whether they can do stormwater management within the floodplain under the city's rules.

Tammy: We follow the 2019 Western Washington Stormwater Manual and it does allow for some dispersion, but they have to do a pretreatment before they can disperse into that area, which means that they'd still have to have some sort of infiltration pond that would allow for cleaning the water up just a little bit before it ends up in a buffer or wetland or in the shoreline.

Frank: Tammy, you have heard my rant and I appreciate you listening. I hope you understand my passion and concern for this area. Again, I'm sensitive to the environment, especially along a river that is struggling to restore aquatic species habitat. Namely, the spring Chinook and other aquatic species. I understand the connection that people have to land. I cannot make a decision based on a person's feelings. I have to try to make a decision based on the law and facts. The things that bother me the most are the flooding and traffic, which is just getting outrageous there. Tammy, make me feel better.

Tammy: I would reiterate what Mindy has already told you, that the floodplain itself is going to have to have conservation easement placed on it so that they extinguish all of their development rights and the floodplain can extend and include the wetlands and the lakes depending on how a biological study comes out on that. As far as the traffic goes, we do analyze that at the time of development, but I will tell you that in that process we send out the traffic study to WSDOT and the county and other affected areas so that would be Napavine. Everyone gets a chance to let us know what their issues are. WSDOT and the county have been very good about getting their comments in so that we can mitigate any impacts in that way.

Frank: Thank you. I heard you both loud and clear. I appreciate you Mindy and Tammy.

Lorie: Is there a water right on this farm currently?

Mindy and Tammy did not have an answer to this question.

Jason: Is this currently being farmed?

Public participants showed thumbs up to indicate that the land is currently being farmed.

Tammy: I don't believe that there is right now. I believe that the estate is being overseen.

Mindy: Farming is an existing allowed use under RDD-20, so anyone who owns the property can farm it.

Jason: I know it doesn't meet the letter of the law as agriculture land, but there's also the spirit of the law that I don't know always gets taken into consideration. Even though it's not zoned ARL, has it been used in that way for a significant amount of time? Is there any other reason we wouldn't apply the same protections other than that it is not designated ARL?

Mindy: Most of our zones are RDD zones which allow for agricultural, forestry uses, and even mining practices. All kinds of things are allowed on those sites because historically many of our sites have been used that way, but it doesn't mean that they necessarily meet the GMA criteria of being of long-term commercial significance or local significance. If the estate had wanted to consider long-term protection of this as an agricultural land they could have come in for a rezone to that affect and we would have looked at it, similar to how we are looking at mining to see if the property meets the criteria. We allow many uses on sites that people may or may not be doing, but it doesn't mean they are necessarily critical to meeting the overall county objectives to maintaining farmland.

Jason: Is it a clerical thing?

Mindy: We designate farmland at the time of comprehensive plan periodic update based on a set of criteria that the state put forward to determine if land is significant from a long-term commercial significance and that has to do with soil characteristics, water availability, and a number of physical characteristics. The county does that designation. We also designate things that are in agricultural use for tax purposes, meaning the land isn't designated as ARL but the owner is farming the land. So we take a comprehensive approach to make sure we are maintaining farmland long-term and per state laws. Then we simply allow everyone to farm their land. Anybody who wants to farm their land has the right to do it.

Amber: Mindy is correct, but to put this into perspective to that designations do matter, even if uses are permissible and other types of designations, and because this particular parcel that we're looking at is not designated as agricultural resource land, that means that the agricultural resource land state statues don't apply in this circumstance. In the circumstance what we are looking at is the code that is for the Growth Management Act, looking specifically at the expansion of urban growth areas. If this was an agricultural resource land we could very well have other criteria to look at. The staff, Mindy and Community Development, would use that to help guide their reports that they have. At this point of time, the use, even if it has been farmland for a century, designation does matter. It is not designated as agricultural resource land. That is why those particular statuses are not germane at this point.

Frank: Does Chehalis believe that this is their only and best option for adding to their housing inventory or is this one shot and done? Are there other options that you have to seek a designation change?

Tammy: We have other areas, the next application would be an example of that. Once we start moving out everything that we have to look at starts having critical area concerns so we have to look at everything very carefully. We have a population coming in.

Frank: I want to clarify and put this out for the audience that whatever the commission recommends, it still goes to the Board of County Commissions, and they can choose either way to go themselves. This is the beginning of a much larger process.

Lorie: Is this in the channel migration zone?

Tammy: I don't believe so.

Lorie: The only reason I ask is that it could be a cause of any road issues or anything that the neighbors have noticed during flood events. Sometimes they see things that aren't on the maps.

Mindy: We don't have any channel migration zone mapped for this site. The site does have shoreline environment on it. *Mindy shared screen to display the Public Works GIS map of this site.* The Channel migration zone is the area where there's a high likelihood that the channel will move over time and there are different severities of channel migration zones and different regulations related to what you can and can't do it terms of development in the channel migration zone. You can develop within the channel migration zone with appropriate engineering. The area where you can't develop is within the floodway itself. The river in blue, the yellow is the rural urban conservancy for the shoreline environment, and the FEMA Flood Areas. The 100-year floodplain would be required to be put in a conservation easement if the UGA is expanded.

Lorie: Can they use that pond for mitigation for stormwater?

Mindy: It would have to meet the stormwater rules that Tammy said earlier.

Bob: I have great faith in the city and the county based on the 18 years of experience doing wetlands and doing development and things don't get missed. The wetlands are going to be looked at and the setbacks are going to be laid in. This conservation easement, my comment was going to be, that's awesome. That is something that is moving us forward to protection of the floodplain because you don't put a conservation easement in it and I own it. I can do all kinds of things down in there, but you do a conservation easement and I would think that's going to be a real amenity. There's an easement, its written file, so I think it's really good. Traffic really sucks, but I go back to land use. Somebody's got that land and they have the right to be able to ask for it and traffic needs to be fixed down there. That's my background – I'll be supporting it.

Lorie: Can you clarify what the conservation easement requires of the owner?

Tammy: A conservation easement for this particular site will require the owner to extinguish, or give up, all of their development rights in that area. So it will have to be surveyed, identified, and have a legal document. All of that will have to be recorded before it's brought into the UGA through our comprehensive plan process.

Lorie: It requires them to take it out of any development rights in the future, right?

Tammy: Correct.

Bob: I suspect it also says things like you can't mow in there. You can't cut anything in there. You can't ride 4 wheelers in there, because that's what the open space stuff says. If it matches the open space stuff it will be hands off for those people.

Tammy: That is correct.

Frank: Will they be required to do environmental enhancements? Restoration to the habitat areas?

Bob: Why? It's really nice wetlands and habitat right now. Just stay out of it.

Frank: Well, the fish aren't really thriving right now.

Bob: I don't mean to be flippant. These are going to get scored, delineated, and they are going to be wetlands that have setbacks on them.

Frank: That is one piece of the puzzle. One of the pieces of testimony we got had a pretty compelling argument in it about hazardous material runoff. We have organic farmers in the area. Does it actually introduce the increased pesticides and stuff like that? I understand what you are saying and I'm not against it. I appreciate the fact that there will be larger buffers. I would like to see that anyway. That's just a small piece of the overall problem when we talk about flood mitigation and habitat restoration. I do have faith in Chehalis, but somewhere along the lines someone dropped the ball on Exit 72 and I can't get away from that. I just want to be careful as we move along but I don't think I have a whole lot of discretion.

Lorie: Should we ask how everyone [commissioners] is thinking about this proposal?

Mindy: I would recommend that you put a motion on the table and allow people to vote on it.

Commissioner Corbin moved to send a letter of transmittal recommending that the Board of County Commissioners reject the City of Centralia proposal to amend the Lewis County Comprehensive Plan map to expand the urban growth as shown in the City of Chehalis Breen proposal. The motion was seconded by Commissioner Spogen.

Commissioner Spogen opened the floor for discussion before moving to a vote.

Lorie: I totally agree with you Frank that the traffic is so bad down there. I think that maybe the same estate is planning the truck stop somewhere down there so they are probably more familiar with what is proposed to be put in to mitigate this problem, but my feeling is that until we get that figured out, this should be put on hold. It is probably a perfect place to put houses someday because you got the water, sewer, and close to the freeway. It may be a perfectly fine place, but I don't think its fine today.

Bob: I obviously differ. I know just across the river there are companies getting ready to build factories on the Newaukum. There is going to be hellacious traffic. I totally understand that. I just don't see how you can pick winners and losers when it's land use. That's my statement.

Frank: You know, Bob, I appreciate that. That's the hard part about sitting in these chairs. Our decisions like that, but at some point we have to make a decision and my gut is telling me not to support this one at this time. This doesn't mean it can't be brought up again.

Lorie: I feel the same way. It is probably the best for private property rights. I think it is probably a suitable use. I don't really understand the commercial and industrial that borders it. Where the houses are going to be in the middle of the truck stop of what. I just think until we get these other things figured out is just seems kind of...

Gretchen: As a farmer myself, I am totally uncomfortable with this use of land even though technically, as Jason was trying to say, it is residential land. I don't know anyone living on a 20 acre piece of land that doesn't have animals, a garden. Or an orchid. I feel like to move that border of city and slam it up against the agricultural land like that is not the best use of that land. I am not supportive of this particular expansion here.

Bob: I mentioned to Kathy, who is new, that I love sitting on this committee. Here's what I would tell people who are sitting in the audience, we don't talk to each other. We don't know each other. It's really fun for me to work with people on tough deals. Right now there is a motion and a second to reject the proposal. Unless someone else has something let's take a vote on this.

Kathy: This is my first time on this committee. I live south of the proposal area and I am involved every day getting off and on that exit. I think that they are putting the cart before the horse on this and I also reject the proposal.

The clerk called for the vote.

The motion passed with 5 yes votes and 2 no votes.

A 2 minute recess was taken before moving to the next agenda item.

Chehalis Westlund-Enbody UGA Expansion

A. Staff Presentation

Mindy Brooks, Senior Long Range Planner for Lewis County Community Development gave a presentation on the City of Chehalis Breen UGA Expansion. The Westlund-Enbody staff report was sent to the commission on June 17, 2022. Staff found an error the parcel list for this proposal and sent a corrected staff report on July 15, 2022. The correct report is also posted online.

These are the approval criteria for amending the urban growth area.

The site is 247 acres, consisting of 8 parcels and is bound on the east by Jackson Highway and south by Rush/Kirkland Road (Map 1). The intended future land use of the site is mixed commercial and residential use, including multi-family residential.

First looking at need, Chehalis's 20-year population forecast is 11,230 people, which equates to 7,711 dwelling units. Chehalis's land capacity analysis shows that the existing UGA can accommodate 1,195 units, leaving a need of 6,516 units by 2040 to meet the 20-year forecast. Chehalis does have need. Westlund/Enbody will provide 1,224 new units, which goes towards meeting the need.

Next is the GMA rules related to providing service to the expansion areas. There is sufficient water supply to serve the proposal UGA expansion. However, there are system upgrades needed to provide water to the area. The upgrades are identified in the CIP and will be funded through General Fund, grants and the developer. Sewer upgrades are needed and identified in the CIP. The funding for the upgrades are already in the budget. There is an ILA between the County and city for roads. The County is responsible for transportation until annexation, then it is the city's responsibility. New roads will be paid for by the developer.

The applicable state rules and local policies are met. The full set of findings against this criteria are found in the June 17 staff report, attachment D. There is demonstrated need for housing. With upgrades identified in the existing plans and funding secured, the City of Chehalis can serve the area with water, sewer and transportation within the 20-year planning period. And it is not spot zoning because the future zoning will be consistent with the surrounding zoning. So, staff find that the criteria are met based on the information in record to-date.

We received two pieces of written testimony. They were sent to the Planning Commissioners. The comments included increased traffic, increased flood risk, water and sewer, pollution from herbicides and fertilizers and pesticides, and impacts to wildlife. I will also say that this is similar case to the other one where there is floodplains on the site and there would be a required conservation easement to be placed on the floodplain as it comes into the UGA if you approve that.

Mindy concluded her presentation and turned it back over to Chair Spogen for commissioner questions.

B. Commissioner Questions

There were no questions from the commissioners.

C. Public Testimony

Lorie: Staff, would you like your opening remarks and presentation to be added to the testimony?

Mindy: Yes, please.

Chair Spogen opened the oral testimony and gave guidelines for how the testimony would proceed.

Camilo Funnegra: I have been a homeowner on Newaukum Village Drive for 18 years. I am here not just as a homeowner, but also as the president of the Newaukum Village homeowners association as well as I have the board with me. We are an association of 75 homes. The development is adjacent to the golf course. Obviously our biggest concern currently is traffic. Traffic has become a big issue for all of us, especially for our community because of Jackson Highway. Jackson Highway has become a major thoroughfare for people that are commuting into Chehalis from areas like Onalaska, Cinebar, Toldeo, those areas. We've actually had instances where there have been accidents at the entrance to our community. Currently, there is only one road into that development, which would be Golf Course Rd. It is a very narrow road. There's apartments and homes on the south side of it. The entrance to our community is a private road. Because we own the road and because of the level of traffic that we have had going into for people that are using our private road to go into the gold course, we have had to install speed bumps. It's a nuisance for our community. We don't care for the speed bumps, but we had to do it from a liability standpoint because of the level of traffic and the speeders we were getting for the people going into the gold course. We appreciate the golf course, there's nothing against that. Our concern is traffic. Not only as things move forward, but also as well as from the safety of emergency vehicles that they won't have an entrance to the community. Our request that is if anything is done with this proposed development that a requirement be made for multiple entrances into the community. Currently, one entrance will not suffice. If they are planning on putting in 1224 units there's too much traffic as there is now. What's it going to be like if there are two cars per household? Safety is very important for us.

Lorie: Can you clarify your road agreement between the HOA and the proposed development?

Camilo: There is no road agreement. There is no easement. There is nothing. We own the private road. There are a lot of folks currently who are using that road to go to the golf course.

Lorie: The HOA owns the road, but the applicants drive over the road. People that want to go to the applicants area will use those roads.

Camilo: Yeah. Currently right now they are using the road. We don't have a gate on it. It's going to cost... if it progresses we are going to have to put in some sort of deterrent because otherwise the wear and tear and speeding in our community... we have kids. We have a lot of elderly people. The last thing we need is for someone to get hurt because of increased traffic.

Sheila Unger: I moved to Newaukum Village in 2002, which was 20 years ago. At that time, we had approximately 44 houses there. In 2004 the Newaukum golf course earned top honors for the best subdivision in Lewis County. Within a month of moving my family to Newaukum Village we found out the water was not potable and the water table had gone down from 38 gallons per minute to 12 gallons per minute. There were 44 homes and the developer had sold all the lots, made his money, and did nothing to upgrade the system. The homeowners living there were stuck. After several meetings and conferring with the City of Chehalis we were encouraged to apply for a Public Works Trust Fund Grant and the City decided to support the grant. We received a grant of \$775,000 to put in and hook up to the city water line. The benefit was that we actually had fire hydrants along our residences, which we did not have before. We were assured by the City that any future developers would pay a latecomers fee to the homeowners association. The agreement documenting this was prepared by the city and recorded on July 31, 2007 and it expires after 15 years, which is this Saturday. The developer for division 3 came in with this and paid the \$3,800 hookup fee for each of the lots he was developing in division 3, and that was 38 homes. Shortly after that, the city of Chehalis allowed Mr. Hubbard to build 11 rental houses on Newaukum Golf Drive that is a private road 40 feet wide. There was no short plats submitted and he did not pay a latecomers fee because the city claimed our water line went to the end of Birdy drive, which is the end of our private road, and his houses were up by Jackson Highway so the water lien didn't go in front of his houses. So he got away with putting in 11 houses and didn't pay the hookup fee. Then when he got away with 11 houses he put in 16 townhouses. Our water line stopped at the end of Birdy Drive, which is the entrance to his townhouses. But again, he didn't have to pay. There was humming and hawing and reasons. I wrote him a letter to ask him why. They couldn't really tell me because... well they actually sent me, but it doesn't make any sense. After that, Mr. Hubbard was allowed to build 10 rental houses on 3080 Jackson Highway, which is just down the road from ours. And if that weren't enough then they have 20 additional homes and lots built on Abram Lane. The lots out there are 0.17 – 0.18 hundredths of an acre. In addition to that, Mr. Hubbard in building 18 new other townhouse at the end of the road where the other 16 townhouses are. *Staff stated the three minutes were up and to wrap up remarks. Right after, the podium microphone turned off and staff asked Sheila to restate her final remarks.* I want to be a good neighbor and I don't know if they do or not because we've had the latecomer's agreement developed by the city. All the homes since I moved there, be it 108 rental houses, townhouses, or the like. We got reimbursed for 8 homes and the city came up with a reason like the water didn't go up in front of the homes. *Staff stated it was time to conclude their statement.* I just want to say we want to be a good neighbor, but I don't trust the city to develop this and be a good neighbor to the rest of us. The houses they have on Abram Ln, the people parking in the street... *Chair Spogen thanked Sheila and stated that in order to keep it fair for everyone Sheila could no longer speak.*

Dean Warner: First of all, I want to thank you to the commissioners for doing your job. It's probably a thankless job, so thank you. We appreciate what you do. I mostly want to reiterate a couple of things that Lizard said and I am speaking just as a homeowner there. The traffic in our subdivision is quite a bit. We have a bunch of children that live there now. Jane has lived there since 1996. We got married in 1997 in February. We have been there quite a while. I think Jane was the 4th resident in there. As far as planning this subdivision I am all for growth. I used to build houses and I am all for doing it, still do when I get a chance. But, we need more roads into that area. Like Lizard said, to prevent that we would have to pay for a gate, which is inordinately expensive and we have talked about it but we would have to pay someone to man the gate and enforce that. That's just not reasonable for us and we don't want to do that anyway. I am trying to encourage you to make a stipulation that the city get two new roads and do what they can with Golf Course Road. It's a real sharp corner to enter or exit there and I don't know the law about taking a little bit of land and making that entrance a little wider. The road itself, like Sheila said, is only 40 feet wide. It is barely adequate as it is. I would like whoever does the planning to stipulate that there must be an additional entrance off Jackson Highway and another entrance off Kirkland Road. That would access the freeway. It would add to the confusion at exit 72, but our problem is our local traffic in the subdivision. A couple years ago there were 3 or 4 kids playing and one of the speeders who happened to be a resident almost hit those kids. We don't need any more of that and neither does anybody else. So if you can, I want to encourage you to stipulate those additional two entrances that will be wide enough for everybody.

Lorie: That concludes the oral testimony and it is now close.

D. Commissioner Discussion & Deliberation

Lorie: One of the main things seems to be the main access points. Does this not have more than one access?

Tammy: At this time we only have one access. However, during development, the fire code will kick in and the fire code is going to require additional access points so that traffic can get out during an emergency while the fire trucks are trying to get in.

Lorie: Are you estimating that it is going to come off Kirkland Road or Jackson Highway?

Tammy: That is going to be up to our developer to tell us how they would like to do that. We don't prescribe that.

Lorie: Essentially what you are saying is the firemen will tell you, you have to have it, and they'll have to figure out how to get it.

Tammy: Exactly. The fire code will dictate how many exits and entrances they will have to have. They have to provide those or they won't get their development.

Bob: The same things I said last time apply. The city did good planning. They're doing it per the GMA. I have been talking to these people about traffic for years on Jackson Highway so I don't think it's any different. I will vote yes for this one just like I did for the last one. I don't think this one is any different.

Lorie: The one thing that testimony provided didn't address that it does actually wrap around and come out Kirkland Road. We are kind of focused just on the one on Jackson Highway. We have to keep that in mind. Of course, that does throw you back on the same intersection we were just talking about.

Bob: Is Kirkland Road the same one that runs through the industrial park? Which one is Kirkland Road?

Lorie: No, it's the one that goes by the Ribeye and McDonalds and out to the country.

Frank: It goes right in front of my house. Kirkland road is not a very good road for lots of traffic. We already have lots of traffic. It is very windy, two 90 degree corners. I think that in this particular case the concerns about traffic and access are mitigatable. I think these can be mitigated in the next process, whereas, the other property we were talking about was almost to the point where I couldn't see it being mitigated. The issues of flooding and traffic mitigated. We're not as flood prone. We are not exempt from flooding. Our road did flood this last winter. We were closed by the county building between the county building and the Olsen property. We only had one way out ourselves. I don't know if this particular property....

Lorie: Yeah, but you can get another way out. You can go to the right and hit Forest Napavine...

Frank: Yeah, that's the saving grace for us is that we do have second way out. I think that the golf course property and that private road, that's something that can be easily fixed. I think Chehalis is perfectly capable of doing that.

Lorie: I agree with you on that because the people that pull out on Jackson Hwy, I don't understand the private road issue, that is something someone else needs to figure out, but if they pull out on Jackson Highway, turn left and go on Bishop, they can go into Marin to go through the port and LaBree road exit. There's nobody there. They can get off that way. They could of course go down to Exit 72 or they could go back to the right and hit Forest Napavine. I feel that there are more options.

Frank: I agree there's more options. I think there's solutions that are available for all these problems we are talking about. At exit 72 we have the previously identified serious traffic issues. Right now, I-5 is a parking lot several days a week now. When I first came here there would be traffic on Sundays, but now my wife who commutes to the Centralia hospital gets stuck in traffic. We left Vancouver to get away from traffic. Now we've got it

on our doorstep so there's going to have to be a lot of mitigations in a lot of places. And this is one area that perhaps with Jackson Highway is the secondary route for traffic. So all of that I-5 traffic that gets backed up, is not only on Kirkland road but is also on Chehalis Industrial park and up Jackson Highway. We need to get in front of this train.

Lorie: I do think they are working on it at Exit 72. Kirkland road I don't know if anyone has plans for that. The people who are coming out of this development are going to go one way or another way.

Lorie: In addressing the water issues that were brought up with the hookups and all that, that's something that needs to be addressed at the time of the project. They should go in and tell the commissioners if they feel it is not being done fairly. At that point, I think it would be explained or resolved.

Bob: I am having trouble with one piece of property on one side of the road that has the same issues as another piece of property and we are talking as if we know how they are going to come out. That's not what we are asked to do. It's about whether its legal for the city to ask us to put it in the UGA. They are not going to get in the critical areas.

Lorie: We are trying to deciding whether it's in the public interests. Is there impact on all of these different things? It's kind of a subjective thing. I think this got put on in the last couple of years or has this always been on there.

Mindy: These are the criteria that you worked on last year with John Kleen. These are updated clearer criteria and you did add the public interest criterion specifically because of a previous case, there was no way to consider public interest outside the criteria. What you are finding is that it is great to have a public interest criteria, but it is subjective so it makes it harder.

Commissioner Russell moved to send a letter of transmittal recommending that the Board of County Commissioners pass an ordinance to amend the Lewis County Comprehensive Plan map to expand the urban growth area as shown in the City of Chehalis Westlund-Enbody proposal. The motion was seconded by Commissioner Alves.

Lorie asked if there was any discussion prior to voting.

Gretchen: I don't know why this feels different, but it does. I feel more at ease with this. There's less conflicts between the neighbors in the area and are with issues that can be addressed. Versus the total loss of farmland which is why I voted against the previous one. This seems like a different animal. This seems to be surrounded on three of the four sides by that very similar type of density and development. It seems to make sense to me here.

Frank: The issues that were raised are mitigatable.

The clerk called for the vote.

The motion passed with 7 yes votes.

There was a 2 minute recess before moving to the next agenda item.

7. Workshop – Rezones

A. De Goede Rezone

Mindy Brooks, Senior Long Range Planner for Community Development gave a presentation on the De Goede rezone proposal. Staff sent a packet of materials to the Planning Commission, including a detailed staff report, on Friday July 15. Those materials are posted online for the public to review.

Staff presentation will start with an overview of the rezone process. Next I will summarize the proposal, staff findings and SEPA Determination. Then close with next steps. I will pause along the way for questions, but do feel free to interrupt me.

Planning Commission has seen this process a number of times and you are probably getting familiar with it. But because we may have members of the public watching who are not familiar with it, I want to walk through the process. Rezones are an amendment to the Lewis County Comprehensive Plan. We take in rezone applications for rezones Sept – Dec of each year. It takes at least one year to process a rezone because there's a lot of steps. We are at step 5 – Planning Commission workshop. Next will be a public hearing with Planning Commission. Then the Department of Commerce has a 60-day review period. And finally Board of County Commissions has a public hearing and makes a final decision.

These are the approval criteria that Planning Commission and BOCC must use when making decisions about amendments to the comp plan map, including rezones. I will go over staff findings against the approval criteria later in the presentation. A reminder – rezones are a non-project action. Planning Commission is not charged with assessing future potential impacts of a specific project or development. The actual project and development will require future permits to address project-level impacts. Planning Commission is only considering if the use is appropriate for this site.

Rezones are a quasi-judicial action. That means all information must come to Planning Commission through an open public meeting. You may not do outside research. You may not go see the site. You may not talk with the public about rezone proposals outside of a public meeting. You may not attend outside meetings, such as a meeting hosted by the applicant. If you need specific information, ask staff and we will get it for you. If you hear about the rezone outside of one of your meetings, please let me know. You may need to disclose it. Disclosure is not a bad thing. It doesn't mean you did something wrong. Disclosure is about transparency.

The site is located just north of Highway 12 near the town of Mossyrock. The request is a rezone from ARL to RDD-5, which is 5-acre minimum lot size. The owner did not specify a future use or development. RDD-5 allows single family residential. Please see LCC 17.42, Table 2, for a full list of allowed uses.

I want to note that this map is slightly different than the map in the staff report. The map on the left is the staff report map and the map on the right is today. You can see a couple boundary line adjustments along the western property line.

This map is from the 2009 comp plan periodic update. The area circled is the site. In 2009, the ARL zone designation was expanded to include the site. The brown on the map was existing ARL zoning in 2009 and the reddish were the propose ARL zone expansions.

These two maps are roughly the same scale. On the left you see the 2010 parcel map. Parcel 0285190065001 is highlighted. When the ARL zone was applied in 2009, the parcel that is the subject of the rezone, shown in pink on the right, did not exist. The pink parcel on the right was created in 2020. Staff believe the ARL was applied to the entirety of Parcel 0285190065001 in yellow. In 2020, De Goede did many lot line amendments – some consolidations, some divisions and some boundary line adjustments. The steep portion of the original Parcel 0285190065001 was divided to separate the flat agricultural lands from the steep hillside. This was done because the steep hillside is not suitable for agricultural uses.

Here is a map of the slopes. You can see that the 2020 lot division split the steep hillside from the lower flat portions of the De Goede properties. Those lower new parcels are 20 acres each and have been sold.

We will go through the approval criteria displayed on the screen.

The primary rule for this finding is WAC 365-190-050(3): The land has long-term commercial significance for agriculture. Staff finds due to its steepness the parcel does not have long-term commercial significance for agriculture. There are no adequate roads that access the parcel; it is accessed by a private dirt road.

There two Lewis County Comprehensive Plan policies that directly relate to allowing changes to the ARL zone designations. Staff find that the steep hillside was designated in error and is not suitable for agricultural uses. Therefore criterion 1 is met.

The second criterion is demonstrated need. In this case the need is to fix and error. Therefore, this criterion is met.

The third criterion is whether the proposal is in the public's interest. There is no proposed future use. If the site is divided into 5 acres lots, as allowed by RDD-5, and developed with residential uses then the site could add between 25-40 residents. A rezone itself has no associated development therefore there is no impact on water, septic, transportation, fire, etc. Future

development could have impacts on fire or transportation. Those future development impacts would be assessed during future project permitting. Because the site is not suitable for long-term agricultural uses, there is no impact on resource lands. Therefore, this criterion is met.

And finally, it's not spot zoning because the RDD-5 zone would be expand to the parcel. The zoning will be consistent. Therefore, this criterion is met.

Based on the analysis of the information in the record to date, staff finds that the De Goede application to amend the zoning from Agricultural Resource Land to RDD-5 meets the approval criteria of LCC 17.12.100.

The SEPA review resulted in a determination of non-significance because it is a rezone. Rezones have no associated development. The SEPA Determination was noticed on July 12, 2022 and we received one comment from Washington State Department of Transportation. The comment was a warning that they would not allow an at grade access to Highway 12 by a private driveway or road. This site does not abut Highway 12 and is access by a private road at this time.

Mindy concluded her presentation and turned it over to the commissioners for questions.

Bob: In reading the contour map, everything's flat to the left of that ridge line, is that correct?

Mindy: If it is white it is not 15% steep so it is relatively flat. Everything else is 15-30% steep or more.

Bob: What is the benefit of going to RDD-5? How many acres is that? You said 40 houses... it must be 200 something acres.

Lorie: it's not 40 houses, its 40 residents. It means how many people they can be in four houses or something.

Mindy: The site is 27.5 acres. If you round down to 25 acres you can get 5 lots and each lot can be developed with a single-family residence and ADU. That's where you get the 25 – 40 residents depending on how a developer would develop the sites.

Bob: Looking at that from my experience, rather than chopping it up, not that I can do anything about this land use issue again, simple segs versus short plat. That one looks like one someone should do a short plat on.

Bob: You will have to deal with all the steep slopes and everything everyone else has to do.

Frank: Potentially there could be a little bit of development down the road. I don't see any reason that this could be problematic other than steep slopes. But all that stuff comes at a later phase in the process.

Lorie: After the Growth Management Act, did Lewis County have a period of time when we could declare that we thought our property had an error?

Mindy: We have done another periodic update since then in 2017.

Lorie: I was thinking when they first made the designation where they got down and took the map out, it seemed like there were so many years where they could...

Lee: Prior to my time here, yes, there was a point in time in which a property owner who felt like their property was designated in error could petition that. I believe that was occurring in 2009-2011, but that now has passed.

Lorie: So now this is the only option to correcting an error.

Frank: If the zoning changes to RDD-5, would the tax bill go up?

Mindy: The property would be assessed based on the new tax designation so it would no longer be agricultural use. It would be assessed on the new use which I assume would mean more taxes.

Frank: (To Bob De Goede) You understand that and are okay with that, right?

Bob De Goede: Yes, we understand that.

Here is your process [*Mindy displayed a flow chart on the screen*]. We are at workshop. Tonight you need to decide if you are ready to move forward to public hearing or move to another workshop. In making this decision, think about if you have more questions or requests for information from staff or the applicant. You should exhaust all of your questions and questions before moving to public hearing.

You don't need to vote to move to hearing. This is just a discussion and if the general consensus of the Commissioners is to move to hearing that is what we will do. If you would like another workshop, we may need to schedule a special meeting. We are getting tight on time to move rezones forward and meet the annual deadline for Comp Plan map amendments. If you are ready to move to a public hearing, the hearing would be on August 23. I will turn it over the Chair Spogen to discuss the next step.

The Commissioners agreed they are ready to move to public hearing.

B. Adna Grocery Rezone

Mindy Brooks, Senior Long Range Planner for Community Development gave a presentation on the Adna Grocery rezone proposal. Staff sent a packet of materials to Planning Commission, including a detailed staff report, on Friday July 15. Those materials are posted online for the public to review.

We just covered a rezone, so I'm going to skip the rezone process overview. We'll go right into summary of the proposal, staff findings and SEPA Determination. The applicant is here tonight if you have questions.

The site is located on Bunker Creek Road in Adna. The site is roughly $\frac{3}{4}$ acre. The current zoning is ARL and the request is to be rezoned to STMU. The intended future use the same – gas station and grocery. The owners also stated they want to add a restaurant.

In the map you can see the reddish area is zoned Small Town Mixed Use. STMU is a Type I Limited Area of more Intense Rural Development (or LAMRID). As a reminder, boundaries Type I LAMIRDS are based on development patterns that existing in 1995. The boundaries of Type I LAMIRDS cannot change, unless there is an error in the boundary.

Adna Grocery is clearly part of the town's development pattern and it existed in 1995. Assessor Office data have the structure being used as a grocery and gas station dating back to 1983. Staff believe it was a mistake that the parcel was not included in the Type I LAMIRD boundary. This rezone is to correct that error.

We will go through the approval criteria.

I typically don't go over all of the GMA findings and just direct commissioners to the staff report. But in this case, I want to highlight one GMA rule - WAC 365-196-245(6) which is the LAMIRD rule. This says that Type I LAMIRD boundaries must be based on the date when the county had to start planning under GMA. For Lewis County, that's 1995. Boundaries of the LAMIRD must include areas that have consistent character and development patterns. The intent is to keep the boundaries tight and not allow development to sprawl out.

Adna was designated a Type I LAMIRD because it's a village and rural activity center. Adna Grocery, per the Assessor's Office was a grocery store since at least 1983, well before Lewis County had to start planning. The store and gas station were then and are now part of the Adna village and rural activity center. It's an error that Adna Grocery is not part of the LAMIRD. Therefore, this criterion is met.

When we talk about need we are often talking about accommodating population growth or providing resources. In this case the need is to fix an error. Therefore, this criterion is met.

There is no impact on population growth. There is likely a positive impact on employment if a restaurant is added. Since there is no development proposed with a rezone, there are no development impacts. In the future, if there is development proposed, future permitting would address development impacts. This was zoned ARL in error. The use is grocery store and gas station and has not been used for agriculture. So there are no impacts on resource lands. Therefore, this criterion is met.

Bob: So there's an error, but why does that matter to the owner? Because of his restaurant is he trying to get it out of error to do it?

Mindy: Right now the use is a non-conforming use and if we change the zone to STMU the use would be conforming, so it will make it easier to do things like add a restaurant. You are not allowed to come more out of conformance when you are a non-conforming use.

Bob: So we will fix the mistake and then like everyone else he will have to go through the Planning Department to get his restaurant?

Mindy: Yes, but the planning process will be easier because he will be in conforming use.

It's not spot zoning because the STMU zone would be expanded across the street to pick up the parcel. The zoning will be consistent. Therefore, this criterion is met.

Based on the analysis of the information in the record to date, staff finds that the Adna Grocery application to amend the rezone the site from Agricultural Resource Land to Small Town Mixed Use meets the approval criteria of LCC 17.12.100.

The SEPA review resulted in a determination of non-significance because a rezone. Rezones have no associated development. The SEPA Determination was noticed on July 12 and no comments were received.

Bob: The Adna grocery store is right on the river. Critical areas are my only concern. Whatever you do to protect the river I would really appreciate it.

Frank: Protecting the river is going to be part of the permitting process, right?

Mindy: The development that's already there is non-conforming development with the shoreline. You can't come more out of non-compliance. You can't be more non-conforming so if there were an expansion of anything then it would need to conform to our shoreline management and critical areas. What is there today is allowed to stay.

Frank: So then a future restaurant is within the existing footprint?

Mindy: That would be fine and if there were expansion of a building it would need to be expanded outside of the flood area. There is already impact to the flood plain at this site.

Gretchen: Is their property going to be an island or will it pick up the Bunker Creek road as well?

Mindy: It'll be contiguous so it'll pick up the road as well. We won't create an island of STMU.

Gretchen: So will there be other properties that get absorbed into that?

Mindy: No, the other property owners have not requested the rezone. And as you move up to the North, the properties become very narrow and are not developed with similar uses and at some point it becomes entirely flood plain. This one is appropriate mostly because it has been a grocery store in commercial use for a very long time.

Gretchen: So the LAMIRD footprint will be there, but then the property is in it? It's a little confusing what the new map will look like if that chunk is included.

Mindy: We will do a little kick out of the STMU zoning and pick up the road and the lot.

Gretchen: Since this was an error was made by the county, does the applicant have to pay the fees?

Mindy: The fees are still due because of the time it takes the staff to process these. Even though it is an error there is a significant amount of time it takes to process it through.

Here is your process [*Mindy displayed a flow chart on the screen*]. We are at workshop. Tonight you need to decide if you are ready to move forward to public hearing or move up to another workshop. In making this decision, think about if you have more questions for staff or the applicant. You should exhaust all of your questions for staff or the applicant before moving to public hearing.

You don't need to vote to move to hearing. This is just a discussion and if the general consensus of the Commissioners is to move to hearing that is what we will do. If you would like another workshop, we may need to schedule a special meeting. We are getting tight on time to move rezones forward and meet the annual deadline for Comp Plan map amendments. If you are ready to move to a public hearing, the hearing would be on August 23.

I will turn it over the Chair Spogen to discuss the next step.

The commissioners agreed they are ready to move to public hearing.

8. Good of the Order:

A. Staff

Mindy: The commissioners received a draft submittal letter for the YMCA today. I wanted to make sure we captured the spirit of the things you want to convey to the BOCC so that they understood the struggle.

Frank: I think you took my soap box and crafted it very nicely.

Mindy: There's no vote needed to send the transmittal letter. There's no hurry to submit it so you can read it and we will review it next time. I would like to do that as well with our transmittal letters for the decisions you guys made this evening because I feel like there's a lot of

conversation about those to make sure that we're capturing not just that you recommended it or don't recommend it, but to capture that. If you are okay with it, just give me the leeway and I will take stab at drafting those and I will bring them back for you to review as well.

Bob: Are you looking for pros and cons? Are you wanting some of the positives people said and some of the negatives?

Mindy: Not necessarily the testimony, unless you want me to highlight something. What we did for the YMCA Transmittal letter was explain the three main issues or concerns that you had or that you struggled with in making the decision. So, what I would probably do is just try to capture three or four main points.

Lorie: I like how you did it because it gives them an idea of what we went through, assuming they don't watch the YouTube recorded video. It give them an idea of the items that were addressed.

Frank: Can the Board of County Commissioners watch our videos?

Mindy: Yes, absolutely. This is public record. This has all been done according to public record law and meet the requirements and so these are public meetings and anyone is free to watch them. We would certainly want the BOCC to watch and read previous testimony and to read the staff report and to become as familiar as possible with the content before making a decision.

Frank: Your transmittal was outstanding. Thank you. I would love for you to take a stab at the rest of these.

Mindy: Thank you. Yes, I will take a stab at them and bring them back.

Lorie: If you want anybody to email you anything they particularly want to see in there, we wouldn't have to do a whole other meeting to do that.

Bob: When we send a recommendation 7-0 it is simple, but if the vote is 5-2 we ought to say what the issues were that those two people have because I would be interested.

Mindy: I think it is perfectly fine if you wanted to share what you would like included in the transmittal letter as long as it has been part of the record already. If you want something said in a particular way, you are certainly free to share that with me.

Amber: If you do have recommendations that you would like to have Mindy incorporate into that letter of transmittal, please send it directly to her, not to everyone else. Mindy can under the OPMA take advisement from each of you collectively so long as you don't actively communicate with one another.

B. Planning Commissioners

Frank: I will miss the next meeting on August 9th.

Lorie: I will also not be able to attend as I am recused from the mining item. That will leave Bob in charge.

9. Calendar

The next meeting of the Planning Commission will occur on August 9, 2022 and the agenda item is a public hearing on the Good-Avapollo Mining Opt-In Rezone.

10. Adjourn

Commissioner Corbin made a motion to adjourn. The meeting adjourned at 9:39 p.m.