

Lewis County Planning Commission Workshop

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

January 12, 2016 - Meeting Notes

Planning Commissioners Present: Russ Prior, District 3; Jeff Millman, District 2; Sue Rosbach, District 2; Mike Mahoney, District 1; Leslie Myers, District 1

Staff Present: Lee Napier, Director of Community Development; Glenn Carter, Civil Deputy Prosecuting Attorney; Fred Evander, Senior Long Range Planner; Brianna Teitzel, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from December 8, 2015
- 2016 Work Plan
- Memo re: LCC 17.05
- Draft Code 17.05
- Memo re: LCC 17.25
- Draft Code 17.25

1. Call to Order

Chair Mahoney called the meeting to order at 6:03 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

The agenda was approved as presented.

3. Approval of Meeting Notes – December 8, 2015

The Chair entertained a motion to approve the meeting notes. Commissioner Prior made the motion; Commissioner Myers seconded. The motion carried.

4. New Business

A. Election of Officers

Chair Mahoney asked for nominations for Chair. Commissioner Prior nominated Mike Mahoney. Commissioner Rosbach seconded. The motion carried.

Chair Mahoney asked for a nomination for Vice Chair. Commissioner Millman nominated Sue Rosbach; Commissioner ~~Millman~~ Myers seconded. The motion carried.

5. Old Business

A. Proposed Work Program for 2016

Mr. Evander called attention to the Work Plan matrix in the Commissioners' packets and highlighted the main topics of discussion. He stated that depending on the comments that come back from Department of Ecology on the Shoreline Master Program there may be another workshop before the public hearing on that issue. The public hearing is tentatively scheduled for March 8.

Commissioner Millman asked for clarification on the outreach meetings on the matrix. Mr. Evander stated it was his goal to visit outlying areas and hold meetings, similar to what was done in Morton in October of 2015, or schedule a tour if that was feasible.

Chair Mahoney stated he did not see the point in holding a meeting elsewhere unless there was something specific to that area to address. He did not think the attendance would warrant such a meeting. He thought a tour was a good idea.

Mr. Evander suggested targeting areas like Packwood, Randle, and Onalaska.

Mr. Evander stated the binders before the Planning Commissioners were the Comprehensive Plan which would be used for discussion during the coming year.

B. Consideration of Countywide Planning Policies

Mr. Evander stated in July there were some items brought to his attention in the Countywide Planning Policies that might be addressed by the Planned Growth Committee. These included how the policies might affect the possibility of constructing a sewer in Packwood; the inclusion of pressure requirements in standards for water system expansions; and the consideration of population projections throughout the County.

There was further discussion regarding a sewer system in Packwood and issues to try to get resolved in the Countywide Planning Policies: the sewer service area vs LAMIRD and/or UGA.

C. Workshop on Proposed Changes to Administrative Code LCC 17.05

Mr. Evander stated Chapter 17.05 in the packets is basically a new chapter. Staff tried to simplify it and put things in a logical sequence.

Section 17.05.040 specifies the project permit application types. Staff proposes going to five types rather than the current eight or nine. Type V are the applications that require a public hearing before the Planning Commission and ultimate decision by the Board of County Commissioners.

Mr. Evander summarized the other sections.

Commissioner Prior spoke to 17.050.080, page 9, C (b) (ii) of the memo. If an applicant owns property adjoining the 500' radius, and the permit is for a 10-acre piece and he owns 500 acres adjoining it but it is not part of the permit, it would not be fair to include the 500 acres as part of the noticing requirement. Mr. Evander asked if the notice should be 500' regardless of who owns property around the subject property. Chair Mahoney stated it would make a difference depending on what the application is for. If it is a sewage treatment plant then 500' is not enough. Any commercial endeavor needs to provide wide notification.

Mr. Evander stated he would give this section more consideration.

Mr. Carter stated that the Type V by definition are legislative actions and affect areas. There might be something broader than the 500' because the project is likely to affect an area rather than a specific parcel. Mr. Evander stated the 500' is just for mailed notices.

Chair Mahoney asked what the county's options are if someone deliberately gives false information to obtain a permit. Mr. Carter stated the county would need to go to court and ask the court to rescind the permit based on fraud. That would be subject to time limitations, which would not be very long – maybe three years. The intent of the system is that building permits when issued provide predictability and certainty, and therefore the courts may not be real receptive. If a permit was issued with mistaken information, not fraudulent information, then there would be very few options to revoke the permit.

Mr. Evander clarified the types of permits and what the Planning Commission's role is, if any.

Commissioner Prior asked for clarification on 17.05.030, C (2) and (3). He asked if there is sound legal footing for those statements. Mr. Carter stated they are consistent with the rules of legislative construction. Where there is a conflict, state or federal provisions will apply over local provisions because they are supreme to local provisions.

17.05.040 (4)(a) – there are two #4s. Commissioner Prior asked that the "Type" listed second in each sentence be eliminated for ease of reading. In (what should be) 5, Commissioner Prior thought that the two paragraphs in "a" are inconsistent with each other. Mr. Evander stated he could delete the word "legislative" in the first paragraph.

D. Workshop on Proposed Changes to Shoreline Code LCC 17.25

Mr. Evander stated when the Planning Commission makes an action on the Shoreline Master Program, it will include definitions, methods to determine and regulate critical areas, criteria for granting permits, methods for considering appeals, and more. Staff felt it did not make sense to duplicate that in the code. Everything will be included in the Shoreline Master Program and therefore it is not needed in Lewis County Code. Based on that, there is a simple code change to LCC 17.25. He read the changes in the handout.

Commissioner Prior asked, regarding 17.25.160, if the County will still be able to deal effectively with someone if he does something fraudulently under the Shoreline Master Program. Mr. Evander stated he believes it points to State law and there is a way to deal with it in State law. He will verify that.

There was nothing further on LCC 17.25 and Mr. Evander stated he would like to discuss the work program further. He stated the matrix had some dates specified for public hearings. He asked Ms. Napier if the Planning Commission needs to set the public hearings for everything that is close to completion. Ms. Napier stated typically the Planning Commission sets the public hearing at the end of a workshop. There needs to be at least a month between the workshop and the public hearing for the noticing requirements. Staff will try to predict when there will be a public hearing but it will ultimately fall to the Planning Commissioners. Public participation in both the workshop and the public hearing will determine when a hearing will be set, or if another workshop is required. She suggested Mr. Evander aim for public hearing dates and remind the Commissioners of what is coming up. She asked the Commissioners to help staff meet the goals as 2016 will be a very busy year. She reminded everyone

that 2017 will also be very busy, with the completion of the Comprehensive Plan slated for June 30 of that year. That deadline most likely will not be extended by Commerce.

Mr. Evander stated staff will prepare topics in advance so the Planning Commission will know when a public hearing needs to be held. There was discussion on LCC 6.15, Kennels, and it was decided to hold another workshop on January 26 and set the public hearing at that time for February 23.

Commissioner Prior asked if staff will be working on the comp plan or if there will be a consultant. Ms. Napier stated both. In-house will include Mr. Evander, Ms. Teitzel, Mr. Carter, Mr. Eisenberg and herself. There will be a Transportation Element and Public Works may be working on it or contracting out some pieces. There is also the Capital Facilities Element which will involve Central Services and Public Works, plus other communities that have facilities that are important to the County's long range plan. John Kliem may be helping, as well as the Planned Growth Committee which will work on the Countywide Planning Policies. Depending on what unfolds with each chapter, there may be a need to bring in other consultants.

6. Calendar

The next meeting will be on January 26, 2016, a workshop on the Housing Element of the Comprehensive Plan, and a workshop on LCC 6.15, Kennels.

7. Good of the Order

There were no comments.

8. Adjourn

The meeting adjourned at 7:48 p.m.