

Lewis County Planning Commission *Workshop*

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

March 22, 2016 - Meeting Notes

Planning Commissioners Present: Jeff Millman, District 2; Bob Whannell, District 3; Mike Mahoney, District 1; Stephen Hueffed, District 2; Leslie Myers, District 1

Planning Commissioners Excused: Sue Rosbach, District 2; Russ Prior, District 3

Staff Present: Lee Napier, Director of Community Development; Eric Eisenberg, Prosecuting Attorney's Office; Fred Evander, Senior Planner; Brianna Teitzel and Pat Anderson, Planning Staff

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes
- Staff Report: Administrative Code
- Draft Revisions Chapter 17.05.080
- Draft Revisions Chapter 17.80
- Staff Report: Revisions to Rural Element
- Draft Rural Element
- General Summary of Outreach Themes
- Staff Report: Shoreline Restoration Plan
- Draft Shoreline Restoration Plan
- Draft Revisions Chapter 17.40
- Correspondence from Lorie Spogen

1. Call to Order

Chair Mahoney called the meeting to order at 6:04 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

Under Item 6, Calendar, the agenda was changed to read "workshop" rather than "public hearing."

3. Approval of Meeting Notes – March 8, 2016

Chair Mahoney entertained a motion to approve the meeting notes. The motion was made by Commissioner Myers; seconded by Commissioner Millman. The motion carried.

4. Old Business

- A. Code Changes to Titles 16 and 17

Mr. Evander stated that at the last meeting there was discussion about reviewing the standards for the notice of applications, standards for airport overlay zones, and changes to the agriculture, forestry and mining section. Mr. Evander also stated that he had received a letter and documents from Ms. Lorie Spogen regarding the permitting time frames which would be discussed.

Mr. Evander continued with Section 17.05.080, stating there were two issues: appropriate notice for different types of applications, and whether to include adjacent parcels within that mailing radius. The proposed change would remove the adjacent parcels from the mailing radius. Regarding the notice posting, Mr. Evander added a sentence on page 2 under (3); however, after conferring with the projects planner, this may not be done. He recommended removing the underscored portion and stated that the information is posted to the web and that that statement could be included. In response to questions, Mr. Evander stated the draft changes recommend that the County will furnish and post the signs, and the clock for approval starts when there is a determination of a complete application. Posting of the sign is to be within 14 days of issuing the letter of completeness.

Mr. Evander referred to Chapter 17.80, Airport Obstruction Zoning. He stated that Commissioner Prior was correct in that the conical zones were wrong. Conical zones are always 20:1 slope, so the code that mentions conical zones at a 34:1 slope is incorrect. This change is reflected in 17.80.040 (a)(i), and in (d)(i). Commissioner Hueffed stated 17.40.080 (a)(ii) also shows a 34:1 slope. Mr. Evander stated that is correct because the outward slope (approach zone) is different from the upward slope (conical zone), and the approach zone should be 34:1.

Mr. Evander moved on to the natural resource land notification. The Right to Engage in Agriculture, Forestry and Mine was sent to the Farm Bureau and based on their responses, staff felt that what it was trying to say was unclear and wants to take another look at the Right to Farm chapter. Staff is looking at a scaled-back change which does not combine all of the sections. It is intended to combine the notification for all of the resource lands in one section. That is proposed to go into Section 17.30.380. Based on that, there are revisions to Chapter 17.40, Right to Farm. It removes provisions related to notice, and on page 4 it references an RCW related to right to farm and the standards in Section 17.30.080.

Chairman Mahoney asked why the distances are different (1320 feet, 500 feet) for the various resource lands. Mr. Evander stated that is how the code is written currently. Chair Mahoney thought the distances should all be the same because a logging activity is just as intrusive as a mining or agricultural activity.

Mr. Evander referred to Ms. Spogen's letter. One of her points was being explicit about time frames. In 17.05.125 Mr. Evander was not explicit about time limits; the time limits written in are according to State law. There was discussion about whether or not the number of days should be in Lewis County Code. If the State should change its requirements then the County would need to be sure to update its code to comply.

Ms. Spogen stated that Mr. Evander is recommending using RCW 36.70b.080, which is 120 days. In RCW 58.17.140 it allows 90 days or 20 days for extensions. These timelines give an applicant a way to make sure the County keeps on task so as not to allow a permit to take a very long time to complete. She

would like the timelines to be in the code because those rules are what will decide who is right and who is wrong.

Chairman Mahoney asked if it would be possible to incorporate timelines within the page of the various types of permits, Type I through V. Mr. Evander stated he thought it would be easier to include it in the text. He stated the distinction between the proposed changes and Thurston County's is that Thurston County walks the applicant through each type of application from start to finish. Lewis County has generalized everything, starting with pre-application, contents of application, and the determination of completeness states that within 28 calendar days after receiving the application, the department shall provide a written determination stating that it is complete or incomplete. Lewis County states that once, compared to Thurston County stating it four or five times. What could be done is to put 17.05.080 into the code after one of these sections. If someone submits any application this is what they can expect.

Mr. Eisenberg explained that if State law is changed, the County needs to comply with State law. He also stated that many times the law is subject to interpretation. He thought that if the timelines were going to be included, that to put them altogether in one place makes sense. He also stated that the County needs to be mindful of stating consequences if a timeline is broken by either the County or the applicant.

Chairman Mahoney stated he is leaning towards putting the timelines into the code.

Commissioner Hueffed stated it appeared that everyone agreed on what is expected and how to hold the system accountable. He asked if there was a way within the code to require that there is appropriate information that confirms timelines and accountability steps, without continually tweaking the code. Mr. Evander thought Commissioner Hueffed was asking for performance measurements, to see how the County is doing. It is not something that is done now in Lewis County but many governments are going to dashboards to see how things are going.

Chairman Mahoney suggested having a timeline laid out so the applicant knows what the consequences are for both the applicant and the County. He asked the Planning Commissioners to look over the document and bring back suggestions.

Mr. Evander asked if the Planning Commission was ready to set a public hearing date. Chair Mahoney stated there would be time for one more workshop before the public hearing. He entertained a motion to set the public hearing on proposed changes to Titles 16 and 17 for April 26. Commissioner Whannell made the motion; seconded by Commissioner Myers. The motion carried unanimously.

B. 2017 Comprehensive Plan Update

Mr. Evander stated he has received approximately 215 surveys regarding the Rural Element of the Comprehensive Plan. He has spoken to a number of different groups: Centralia College, Senior Centers, various community groups, and he has heard fairly consistent comments, which are shown on the response sheet summary.

Chair Mahoney stated viable small towns are not really possible without natural resource harvesting. Small mills employ people in small areas and provide economic stability. If large manufacturers or

factories come in then there are huge suburbs and the rural atmosphere is lost. Lewis County has always been a timber county and what agriculture it had has been decimated by the ease of transporting fresh foods from foreign countries or milk from Idaho. How do we maintain a rural county and have viability and jobs at the same time? Without revitalizing the timber industry, he did not see how that was possible, although tourism might be an answer.

Mr. Evander stated Lewis County has resources other than natural resources; it is a matter of utilizing them. An example is Toledo. It is focusing on fiber optics, it is building a quality town where people want to live and commute twice a week to Portland or Seattle. Mr. Evander lived on Whidbey Island and there were several technical companies moving there for the quality of life. They started international companies and were running them from a small business front or their homes. Lewis County also has a great environment, it is close to Portland and Seattle and people can choose to live here and do something similar.

Mr. Evander moved on to the Rural Element of the Comprehensive Plan. He stated the current rural element is all text, explaining the LAMIRDS, rural areas, etc. Staff would like a more visual element, depicting the various types of rural development. Mr. Evander hopes to get to a definition of rural character that is more flexible than what is currently found in the Comp Plan.

The first pages show maps of the County followed by illustrations with descriptions of the development types. Also listed are the areas where each type of development can be found within the County.

The Goals and Policies show types of development that are consistent with the rural character of Lewis County. Some of the Goals and Policies have been revised but the intent is to make them simpler. Many of them are verbatim out of the Growth Management Act (GMA). Staff has tried to define them in the manner that is consistent with the GMA and keep them consistent with rural character. The substantive Policies have been retained or reworded to make them easier to understand.

Chair Mahoney referenced Policy R 2.1 and stated that it is in direct conflict with WAC and RCW imposed on Lewis County for its agricultural resource lands. Existing cottage industries were allowed; no new ones are allowed. He would support anything that might be added to change that. He stated that most farmers feel that farmers markets, events, etc. are absolutely necessary. Only a small percentage of agricultural ground in Lewis County would sustain a family by itself.

Mr. Evander stated what is depicted in the farm cluster/rural compound illustration is what he would like to explore. What GMA is trying to do is preserve agricultural ground. In some ways they are not talking specifically about uses so if we can show the compound, and that the land is still preserved, then whatever use is within the compound should be allowed. He will continue to explore this.

Commissioner Hueffed stated that is what would keep the rural character and create jobs.

Mr. Evander stated the farm cluster and the small towns are both ways to keep rural character. There is an emphasis on keeping small towns viable because healthy rural lands are dependent on healthy small towns; they are the service centers for people who live in rural areas.

Mr. Evander asked the Planning Commissioners to study this a little more. If they agree with it then he will type up some documentation that is required for the Rural Element and it will be included as an appendix.

C. Shoreline Master Program Update

Mr. Evander stated the Shoreline Restoration Plan is not regulatory but it will be submitted with the Shoreline Master Program. Department of Ecology is requiring it but there does not need to be a public hearing with the Planning Commission or with the Board of County Commissioners (BOCC). There are a list of projects that could be done which are primarily from existing documents, and also from other opportunities that have been seen in the County. The purpose of the document is to guide restoration efforts over the next 20 years. The Conservation District has seen it and can use it in their grant applications.

Mr. Evander stated the Planning Commission can look at it and make recommendations and it can be considered as part of the public hearing, but that is not required. Commissioner Whannell asked if Lewis County has the authority to grant permission for any of the projects. Mr. Evander stated shoreline restoration projects will either go through Community Development for permitting or through Department of Fish and Wildlife. Some of the culvert projects will go through Lewis County but larger projects will not. Chair Mahoney asked if anything in the document can force a landowner to either give up his rights to his property or force him to do something for the river on his own. Mr. Evander stated on page 1, under Purpose and Intent, it states projects on public or private land represent voluntary actions and are not intended to require the restoration of the property, and willing cooperation is required by the landowner.

5. New Business

There was no new business.

6. Calendar

The next meeting will be on April 12, a workshop on the Administrative Code, Titles 16 and 17.

7. Good of the Order

There were no comments.

8. Adjourn

The business before the Planning Commission concluded and the meeting adjourned at 7:54 p.m.