

Lewis County Planning Commission
Public Meeting - 6:00 p.m.

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

August 28, 2012 - Meeting Notes

Planning Commissioners Present: Clint Brown, Richard Tausch, Jim Lowery, Arny Davis, Bob Guenther, Mike Mahoney

Planning Commissioners Excused: Russ Prior

Staff Present: Lynn Deitrick, Stan May, Danette York, Bill Teitzel, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from July 24, 2012
- Staff Memo re: Boundary Line Adjustments
- Draft BLA Regulations, Attachment A
- BLA Existing Code Language, Attachment B

1. Call to Order

Chairman Lowery called the meeting to order at 6:00 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

The agenda was approved as presented.

3. Approval of Meeting Notes – July 24, 2012

Chairman Lowery entertained a motion to approve the meeting notes from July 24, 2012. Commissioner Brown made the motion; Commissioner Tausch seconded. There were no corrections and the motion carried.

4. Old Business

A. Second Workshop on Boundary Line Adjustments (BLA)

Mr. Deitrick stated Ms. Danette York, Human Services Director, and Mr. Bill Teitzel, Inspections and Enforcement Supervisor, were in attendance and would answer questions that the Planning Commissioners had on the BLA code language.

Ms. York stated upon reviewing whether or not Environmental staff should be looking at BLA requests she thought that the current code as written should require Environmental Health staff to physically review every BLA. She had a conversation with Mr. Bob Johnson and Mr. Deitrick and with the Prosecutor's Office about her concerns and whether she understood the code correctly. She thought one of two things: either Environmental Health needs to be more involved and look at every BLA, which she did not think was necessary, or the code needs to be changed. A committee was formed to look at the code and the document that is in front of the Commissioners is the first draft.

Chairman Lowery stated one concern was that the code went from one page to nearly three pages which make it appear more complicated, and to have more agencies involved puts a burden on the citizens.

Mr. Deitrick remembered one of the concerns was that Health was going to review the BLA and what the costs associated with the review would be. The size of the ordinance is something that can be worked on but he thought the Commissioners wanted to ask questions that were specific to Health.

Chairman Lowery asked how often Health would be involved in this process.

Ms. York stated the intent of the draft is for Environmental Health to be involved only if necessary and that would involve a tiered fee approach. If Environmental staff did not need to be involved, which in most cases would be empty lots with no plan for development, there would be no fee charged.

Commissioner Guenther spoke for Commissioner Prior, who was absent. Commissioner Prior's question at the last meeting was if there was a piece of property with no well or septic system why would Health have to look at it. Mr. Deitrick responded that they don't know for sure that there are no undiscovered wells or septic systems and it would be a way for Health to "triage."

Ms. York thought it had been decided that Health would not look at them if they were empty lots. However, for those that Health does not look at there needs to be a disclaimer. If Health does not look at the property, and states that a septic and well can be placed on the property, it could lead to problems in the future. That property might not be developed for 20 years and rules can change in that time to not allow a septic or well. Health does not want someone to say that a BLA was allowed and so it was assumed that building on that property was allowed. The County would be covered because of the disclaimer: We didn't say you could build on this property; we said you could do a boundary line adjustment.

Commissioner Brown understood Ms. York to say that Health would not review all BLAs. Under C in the code, it says boundary line adjustments shall be reviewed by the Department of Community Development. Under "i" it reads: "If existing lots were created by a recorded subdivision or short subdivision, and/or any lot contains a permitted structure where approval was conditioned on the use of on-site septic system(s) or individual well(s), the proposed boundary line adjustment shall be reviewed by the Lewis County Health Department for compliance with health regulations. All costs for such review shall be paid in advance by the applicant." Commissioner Brown could not envision very many parcels that don't fall under recorded subdivision, short subdivision, or lots containing permitted structures with approved septic systems or wells.

Ms. York suggested the verbiage may need to be changed because the intent was to say that if a lot has a septic system or well, or a building that requires a septic or a well, Health needs to review it. If it is empty land without any of those then Health does not need to review it.

Mr. Deitrick stated under subdivisions, those are reviewed by Health and they are reviewed as to their build-ability, and that includes well locations and septic areas. Test holes are done during those subdivisions. If there is a BLA request then those would have to be reviewed because they may be in an area where those test holes were located. Commissioner Brown stated that is in the current code already, so why re-invent the wheel by adopting a new code. Mr. Deitrick stated the old code read "may" and the proposed draft reads "shall."

Ms. York stated the old code requires Health to review every BLA and that is what we are trying to get away from. Section B (ii) reads: “only parcels that are legal lots and also qualify as building sites shall be allowed to complete the BLA process.” We can’t say that a lot is qualified as a building site without saying it has access to potable water and appropriate sewage treatment. Health would have to look at every one of them and we don’t want to do that. Beyond the fact that it takes resources and charges the individual, we are putting the County at risk because we are saying the lot is buildable. If a permit is not taken out right away for a septic system or water it may no longer be eligible for those permits in a few years. The County does not want to have to allow a sub-standard system because the rules have changed. Section (b) (v) states that the review may include other agencies or departments, which could be Public Works.

Chairman Lowery asked why the word “may” couldn’t be changed to “shall” and leave the rest alone. Ms. York stated it’s because Health doesn’t want to review every boundary line adjustment.

Commissioner Mahoney stated the draft document uses the word “lot” and asked how this differs from “parcel” in other documents. Mr. Deitrick stated it doesn’t – there were some issues in the older version with definition. It may or may not be a parcel by definition. Parcels can include rights of way or old roads that have not been deeded to another party.

Commissioner Mahoney then asked if the cost to be paid by the applicant has been established. Ms. York stated the cost cannot be established until the Board of County Commissioners approves the code change. The cost will also be approved by the BOCC. It will be a tiered system depending on the type of review that is required. A desk review will be a lower fee than if someone has to do a site visit. Currently there is only a review charge and it is about \$300.

Commissioner Davis asked if a septic system has been approved by the County, does the property owner have three years before they have to have it reviewed again? Ms. York thought the time frame was one or two years.

Commissioner Davis asked why there couldn’t be a bigger window. Mr. Teitzel stated that things could change at the State level for the on-site program. Ms. York stated the County follows the State code and the codes change. We need to be careful that if we give someone an opportunity to put in a septic system that the rules have not changed. She stated she would confirm that time frame.

Commissioner Davis asked if this would then just need a desk review. Ms. York stated possibly – she could not think of a reason why someone would have to go back to look at the site unless the lot changed. Commissioner Davis asked if it would still cost \$300. Ms. York stated the BLA review fee is about \$300. If someone needs a new septic permit because they let one expire, there would be a different fee. The review would start all over whether it’s a desk review or a site review. It could possibly cost less; right now there is not a lesser fee for an expired permit.

Commissioner Davis stated if a landowner could not build for whatever reason and had to go through the whole process again after being formally approved by the County, and if there are no changes at the state level, then a desk review should be sufficient.

Mr. Teitzel stated if someone has a designed system that has not been constructed and they have a permit, usually it only takes a buy-off from the design engineer. A review would not have to start at the beginning again.

Mr. Teitzel stated the goal is to make sure that the public can do what they want to do and that there are no surprises.

Chairman Lowery thanked Ms. York and Mr. Teitzel for coming to the meeting and clarifying some things for the Commissioners.

Mr. Deitrick stated the Planning Commission could set a public hearing if they have enough information.

Commissioner Tausch asked if some of the language would be changed. Mr. Deitrick stated he and Ms. York would discuss it. The code needs to be changed by the end of the year but there is no urgency.

Commissioner Brown stated it seemed to him that the original code was fairly simple and it has become more complicated. He thought a little more work would make it understandable.

Commissioner Mahoney stated any change in the language would not be substantive and suggested setting the public hearing, with the understanding that there would be a workshop following the hearing for any final questions.

Chairman Lowery stated the intent was not to change anything but to clarify and simplify the language. Mr. Deitrick stated that was correct, and that the majority of what was added to the ordinance is to put applicants on notice that this is not the final. When the BLA is recorded, there must also be a change of ownership. This information could also be included on the application.

A vote was taken to decide whether or not there should be another work session. The final vote was 4-3 to not hold another work session.

Commissioner Guenther made a motion to set the public hearing on September 25, 2010.
Commissioner Mahoney seconded. The motion carried.

Commissioner Mahoney asked that the new language be available to the Planning Commissioners with adequate time to study it.

5. New Business

There was no new business.

6. Calendar

The next meeting will be on September 25, a public hearing on the boundary line adjustment code.

7. Good of the Order

Commissioner Guenther stated he recently transferred property into his name and that the County was very cognizant that the parcels were correct before the transfer. It went well and it was because all of this took place.

8. Adjourn

A motion was made and seconded to adjourn. The meeting adjourned at 6:34 p.m.