

Lewis County Planning Commission

Public Meeting

Lewis County Courthouse, 2nd Floor
Commissioners' Hearing Room
351 NW North Street
Chehalis, WA 98532

October 28, 2008 @ 6:00 P.M.

AGENDA

- I. Call to Order**
 - A. Introduction of Planning Commissioners (roll call)

- II. Old Business**
 - A. Approval of meeting notes from October 14, 2008
 - B. 3rd Workshop: Comp Plan Update and Letter of Transmittal
 - C. Workshop: Critical Areas Ordinance

- III. New Business**
 - A. 6-Year Transportation Plan presented by Rod Lakey, Public Works
 - B. 1st Workshop: Impact Fees; set Public Hearing for November 18

- IV. Calendar**

Next Meeting November 18:

 - Workshop: Critical Areas Ordinance and Letter of Transmittal
 - Public Hearing: Impact Fees

- V. Good of the Order**

- VI. Adjourn**

This meeting site is barrier free.

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Lewis County does not discriminate on the basis of race, color, national origin, sex, religion or age.

**Meeting Notes from Planning Commission Meeting
October 28, 2008 – 6:00 P.M.
Lewis County Courthouse
351 NW North St.
Chehalis, WA 98532**

Planning Commissioners Present: Mike Mahoney, Bill Russell, Bob Guenther, Richard Tausch, Arny Davis

Planning Commissioners Absent: Rachael Jennings, Larry Hewitt

County Commissioners Present: Lee Grose

Staff Present: Glenn Carter, Phillip Rupp, Barbara Kincaid, Pat Anderson

Others Present: Please see sign-in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from October 14, 2008
- Memo from Parametrix re: Recommendations for Additional Changes to Draft Code
- Critical Areas Ordinance Draft dated 10.15.08
- Comments List re: CAO
- Comments Response Matrix
- Code Proposed Revisions Matrix
- Memo from Parametrix re: Alternative for 5 acre lots
- Memo from Parametrix re: Flood Rise Standards

I. Call to Order

Chairman Guenther called the meeting to order at 6:05 P.M. Planning Commissioners introduced themselves.

II. Old Business

A. The Chair entertained a motion to approve the meeting notes from October 14, 2008. Motion made and seconded and carried unanimously.

B. 3rd Workshop on Comprehensive Plan Update. Chairman Guenther recognized Mr. Roger Wagoner, BHC Consultants.

Mr. Wagoner stated several comments have been received since the public hearing which resulted in the recommendation that a couple policies are added to the element. Another public hearing will be held on November 18 to consider these new policies.

Mr. Wagoner summarized the comments received. One referred to impact fees and no policy has been included in this regard as the County has not made a determination about impact fees at this time.

A comment was received regarding water service. Mr. Wagoner clarified that water is not an urban service under GMA and cities are allowed to provide water service to rural areas.

The County commented regarding utility policies related to solid waste. A couple policies have been added to acknowledge that information.

A letter has been received from WDFW relating to in-stream flows and this is better addressed in the land use element of the comprehensive plan. The land use element will be considered after the agricultural resource lands issue is resolved.

Ms. Kincaid stated after reviewing all the comments received, staff believes the drafts presented at tonight's meeting are sufficient to go to public hearing on November 18.

Chairman Guenther asked if there would be a Letter of Transmittal on November 18.

Ms. Kincaid stated there would be a Letter of Transmittal for all three elements of the Comprehensive Plan.

Commissioner Mahoney stated there is normally a seven-day written testimony period and asked if that issue may not allow the Letter of Transmittal to be forwarded.

Ms. Kincaid stated the Lewis County Code allows discretion for whether or not there is a written-comment period.

Commissioner Russell asked how much written comment had been received after the public hearings on the other elements.

Mr. Wagoner stated except for the WDFW letter, the previously mentioned letters were all that were received.

Commissioner Russell made a motion to move the Capital Facilities element to public hearing on November 18. Motion was seconded and carried unanimously.

C. Workshop: Critical Areas Ordinance. Mr. Rupp stated Parametrix prepared considerable material for tonight's meeting and it is listed on the memorandum from Mr. Rupp. There are seven items that are responses to comments from the public summarizing changes that have been made from the original text. The focus tonight will be the summary of the revisions and the draft dated 10.15.08 that resulted from those revisions.

Mr. David Sherrard stated the memo dated 10.20.08 contains a list of all the exhibits. Two additional exhibits have been received: an e-mail from DOE that addresses wetland buffers, dated 10.27.08, and a memo dated 10.28.08 from Parametrix addressing minimum rise standards for flood plains.

There are two matrices: one that includes all of the revisions made to the code since 2006 and one that responds to the individual comments. We will propose that you adopt that as one of your findings. We have made the 33 changes that are in the cover memo. There is an additional proposal made by the Lewis County Building Official who noticed there is a provision in the existing code regarding fill.

Mr. Sherrard has responded to a number of proposed changes; many of which clarify the code and some propose to use standards that were proposed in the wetlands section for the aquatic habitat stream set back section so they will be similar and consistent.

Mr. Sherrard asked for questions from the Planning Commission.

Commissioner Tausch asked if the special flood hazard areas are defined in the Code.

Mr. Sherrard stated they are defined as the Flood Insurance Rate Maps. They can also be defined based on actual flood experience. The way the code has been structured the administrator of that section can use the best available information, which can be the actual location of flooding.

Commissioner Tausch stated he is opposed to zero rise as he understands it as it is absolute. If a homeowner wanted to bring in gravel for a driveway, there would be a minimal rise.

Mr. Sherrard stated there would be a minimal rise in that case. A surface course for the driveway would not necessarily be considered fill, but maintenance. The standard the County uses and one that has been developed by the Federal Emergency Management is a one foot rise. Because modeling of the County's flood plain is not available, Mr. Sherrard is recommending a zero rise as an interim standard until the County has some means of meeting the one foot cumulative rise.

Commissioner Tausch asked about a homeowner needing to install a mound system septic where fill could not come from his property.

Mr. Sherrard stated there is a provision in the existing Code for variances that can be allowed in a variety of cases, including public health and safety. The Code is flexible enough to address minor cases. There are compensatory requirements for large amounts of fill.

Commissioner Tausch recalled that the Flood Hazard Management Plan made reference to the one foot rise and asked if this document should be compatible with that.

Mr. Sherrard stated he believes it is compatible. The no rise standard is an enforceable standard that can be applied at this time. For the one foot rise standard as he understands it there is no way of establishing compliance.

Commissioner Tausch asked if anything was considered between zero and one foot.

Mr. Sherrard stated if the modeling is not available to establish a one foot rise then one inch cannot be established either.

Commissioner Tausch asked if Parametrix had considered the comments from Cairncross and Hemplemann regarding this draft.

Mr. Sherrard stated he had and the reasoning for recommending zero rise as an interim standard is because it can be calculated and enforced. The one foot standard is a generally accepted standard; however there is no way it can be realistically met in Lewis County. The code has been worded that as soon as the County has the information needed to establish a one foot rise, then that becomes the standard.

Commissioner Tausch is against the zero rise but believes the one foot rise is too much the other way. He asked if there are any jurisdictions that have something in between.

Mr. Sherrard stated there are; however, in general most have a zero rise or a one foot standard. The standard FEMA methodology is to establish the floodway, which does not allow any fill within the floodway but there is no prohibition to fill outside the floodway. One alternative approach is to treat the entire flood plain the same and allow a certain amount of fill for every parcel.

Commissioner Davis referred to page 4 of 5 of the memo. Number 2 states fill must be free of fine materials that could be subject to movement by floodwaters. Commissioner Davis stated floodwaters can move some pretty substantial materials. If there is good quality soil and it is appropriate for the fill that is being done, that sentence is not clear.

Mr. Sherrard stated the intent is to not use fill material that will be carried away by the flood. There are a number of things that can be done from a design point of view, such as rip rap the edges. This provides the option of having a design that will meet the standards.

Commissioner Davis stated emphasizing the design is preferable to discussing the fineness of the material. The dikes are rip rap and they did not hold up.

Commissioner Mahoney asked if the cities' UGAs cannot be infringed upon by this code.

Mr. Rupp stated the County has interlocal agreements with Centralia and Chehalis that allow those cities to develop regulations and implement them outside the city limits and within the Urban Growth Areas. Unless those interlocals are in place the implementation of the Critical Areas Ordinance lies with the County.

Commissioner Mahoney stated zero rise won't mean anything if the Cities who have control over the bottlenecks in the river don't have to comply with the code. Until there is a comprehensive flood management program that works this is just paperwork that complies with State requirements but doesn't accomplish anything.

Mr. Sherrard stated it does accomplish something because there is a lot of flood plain outside of Chehalis and Centralia. The current code allows fill in all of the flood plain that is outside of the currently designated flood way. The flood experience of the last two floods indicates that the existing flood way map is not adequate.

Commissioner Russell referenced number ten, page 2 of 5 in the memo. He asked if the County's identified priority species are being substituted by the States'.

Mr. Sherrard stated it is identifying those that were specified in the County code to remove any confusion that we might be including all species listed by the State.

Mr. Sherrard stated he believes the code appropriately responds to all the comments received as outlined in the comment matrix.

Commissioner Davis asked if there were any changes resulting from the Bio Recycling Corporation comments.

Mr. Sherrard stated the letter refers to regulations in the Critical Aquifer Recharge Area regulations that do not have proposed changes and that are currently in effect. The various items indicated do not necessarily need a definition in the local ordinance because there is a definition in the WAC administered by the Health Department that adequately defines these items.

Chairman Guenther asked staff to draft a letter of transmittal for the next meeting on November 18, 2008.

Mr. Sherrard stated he assumed there was no objection in including the revisions by the Building Official regarding fill. Mr. Sherrard will consult with Mr. Chapman further to address the Planning Commission's questions.

III. New Business

A. 6-Year Transportation Plan

Mr. Rupp asked if he could discuss Impact Fees while Mr. Lakey is preparing his Power Point.

Mr. Rupp stated the Prosecuting Attorney's office and planning staff has met with the consultants of the Birchfield FCC regarding how to deal with impact fees as they relate to Birchfield.

The applicant requests that the Board take no action on the Birchfield FCC in 2008 but postpone it until impact fees are in place complete with ordinances and fee structures. There is a lot of technical work to be done by the school districts and the development of capital facility plans for each district, and the County in terms of technical information

regarding traffic flows and impacts. Staff anticipates bringing impact fees back in mid 2009 for review before going to the Board.

Commissioner Russell asked if the State Legislature or State Supreme Court made the requirement that we use impact fees in lieu of anything else.

Mr. Carter stated with respect to a Fully Contained Community, they have required impact fees.

There was discussion regarding the impact fee schedule, services that impact fees can be applied to, and the work that needs to be done by the school district and other providers.

Chairman Guenther recognized Mr. Rod Lakey, Public Works Assistant Engineer. Mr. Lakey explained how a transportation plan is created using the rating system to rank the project and the selection of the projects for the 6-year plan. The scoring considers support by other plans, the funding mechanisms and geographic equity. After the preliminary selection is made, adjustments are made depending on funding, individual merits of the project and the budget constraints. Many of the County roads are funded by the County.

Mr. Lakey stated there will be a couple public meetings and then a hearing prior to adoption by the BOCC, which will be November 17, 2008 for the 2009 to 2014 STIP.

Mr. Lakey proceeded with a Power Point showing the various projects, locations, costs and approximate time schedules for the projects. The preliminary projects for next year will be approximately \$14 million worth of construction and \$71 million for the six-year plan. There are six major projects in design which include three major roads and three major bridge projects for 2009.

Commissioner Russell asked why Covel Creek Road has not been done since it has been funded since 2005 and scheduled for work in 2006 and 2007, funded again in 2008 and now the TIP shows it needs \$119,000.

Mr. Lakey stated there is a discrepancy with right of way and a culvert with the Forest Service which has just recently come to the attention of the Forest Service. There is an agreement with the Forest Service to maintain the surface only. The money is available but until the issue with the right of way is settled, the work cannot be completed.

Commissioner Grose' comment was inaudible.

Mr. Lakey closed his presentation by stating there is a form available for suggested projects that will be added to the evaluation process.

IV. Calendar

The next meeting is November 18. The Planning Commission will review a Letter of Transmittal for the Critical Areas Ordinance and hold a public hearing on the Capital Facilities element with the intent of forwarding a Letter of Transmittal to the BOCC. The meeting will begin at 7:00 P.M.

V. Good of the Order

No one wished to comment.

VI. Adjourn

Motion made and seconded to adjourn. Adjournment was at 7:35 P.M.