

Lewis County Planning Commission **Public Meeting**

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

January 22, 2013 - Meeting Notes

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

Staff Present: Glenn Carter, Martin Roy, Stan May, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from January 8, 2013
- Large Lot Subdivisions Update
- Title 17 Update

1. Call to Order

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

2. Approval of Agenda

Mr. May asked to add an item to New Business: update on the Shoreline Master Program. The agenda was approved with this addition.

3. Approval of Meeting Notes

The Chair entertained a motion to approve the meeting notes from January 8, 2013. Commissioner Mahoney made the motion; Commissioner Brown seconded. There were no corrections and the notes were approved.

4. Old Business

There was no old business.

5. New Business

A. Large Lot Subdivisions Draft Update

Mr. May stated the draft did not include the entire subdivision code because there are only a few places that require amending. It is staff's intention to match up the minimum lot size that can be created with an exemption to line up with the maximum lot size for zoning. The maximum lot size for zoning is 80 acres which is in Forest Resource Land. Currently if someone has a large parcel over 20 acres and they want to break it up they only need to survey it and have it recorded, regardless of the zoning. The proposed changes will require the recorder, if the parcel is less than 80 acres, to see if it matches the zoning. If it matches the zoning then a subdivision permit is required before recording.

Currently the subdivision code, Title 16, shows specific exemptions. The one we are concerned about is in 16.01.040 (9) Defining of Land. It states *"The land to which this title applies is any parcel, the division of which will create or leave a parcel less than 20 acres in size."* If breaking up property will leave anything less than 20 acres then a permit is required. For 20 acres or more it just needs to be recorded. Throughout this document the "less than 20" will be changed to "less than or equal to 80." This change will need to be made in several places so the code is consistent. It will also require a definition in Title 17. Mr. May pointed out the changes in other sections of Title 16.

Article VIII is for Simple Segregations and new language will make it a little easier to subdivide. This allows for the division of large pieces of land into parcels five acres or larger in size. What staff is proposing to add is: *"or, the creation of any number of tracts that are 20 acres or greater."* This will make it easier for people to break up larger parcels of land as long as they meet the zoning requirements. There will be fewer requirements and it will be less expensive.

Chairman Davis asked if someone has 17 acres can they divide it up into three five acre parcels and keep two acres as open space. Mr. May stated that would be allowed.

Commissioner Brown asked for an explanation for using 20 acres or one thirty-second of a section. Mr. May stated 20 acres is one thirty-second of a section; 40 acres is a sixteenth of a section, etc.

Commissioner Prior asked if a parcel is in a skewed section that is not 640 acres then one-one hundred twenty-eighth is less than 5 acres. Mr. May stated this is using a definition to define 5 acres. It can be 5 acres or one-one hundred twenty-eighth of a section. Commissioner Prior stated not all sections are 640 acres.

Mr. Roy, Lewis County Surveyor, stated the rule for one-one hundred twenty-eighth of a section is if the section is short or large, then that becomes the criteria. 5 acres is designated to simplify so the layman can understand it is 5 acres, but the reality is one-one hundred twenty-eighth. If a section is short then it would be 4.3 or 4.7 acres. Rules are interpreted literally so if a section was significantly larger than 640 you could get additional lots. Lot sizes also go to the center of a road.

Commissioner Prior stated he was not sure of the differences between a lot, a tract and a parcel. In Title 16 there is no definition for a parcel or a tract.

Mr. Roy stated a tract usually refers to land set aside for water, etc. Generally "lot" and "parcel" are inter-changeable.

Commissioner Brown asked if the County looks at the terms as being interchangeable. In Title 16 sometimes "lot" is used and sometimes "parcel. He asked if this could be a problem.

Mr. Carter understood that "tracts" was the most general of terms; "parcels" are the tax term and "lots" mean legal lots of record, or properties that can be developed. He is not sure if that is how they are consistently used. A tax parcel is for the purpose of paying taxes but it may not be developable because it is not a legal lot of record.

Mr. Carter stated for purposes of this proposal, staff is not trying to re-write the whole code. If we were to correct that problem there would be a lot more changes made to Title 16 and that might be more than we can manage at this time. It probably should be addressed at some time.

Mr. May stated he would do some research to see if there is something more definitive in the County. If not, perhaps the State has something more definitive. He continued to say that this sort of issue is to be cleaned up over the next couple of years.

Commissioner Mahoney stated in the agricultural resource land work there was a lot of talk about parcelization. Looking at the maps the Commissioners had no way of knowing if they were looking at a parcel or a lot of record and it makes a difference. Definitions are important.

Mr. May stated the change to Title 17 is in 17.30.190 Large Lot Subdivision. The definition needs to be changed for the consistency between the two titles. The recommendation is to change the definition of Large Lot Subdivision in Title 17 so that it matches the definition in 16.04.183.

Commissioner Mahoney asked what keeps lands from being contiguous: rights of way, streams, railroads, etc. Mr. May stated for subdivisions "contiguous" is all tracts under the same ownership. Mr. Carter stated that was the problem with Forecastle because the definition of "contiguous" came out of the sub-division code. In one title "contiguous" could have one definition and in another title it might have another definition. From title to title there could be variance if it makes sense in that context.

Mr. Carter stated the County's code is full of things that need to be re-defined or simplified. We are going to embark on that process but it will be phased. It is important to scrub the code so it is clear to everyone what they need to do.

Mr. May summarized that the changes are in different areas but they are doing the same thing. He asked the Commissioners to review these changes and they will be discussed at the next meeting. A public hearing will be needed for the final changes.

B. Title 17 Update

Mr. May stated there is an advisory committee to work on the Title 17 re-organization. He briefly spoke to the problem statement and identified the goals. This update will be the first stab at a code scrub. The committee will re-organize and streamline Title 17 to start and is not looking at any substantive changes this time through. We will clean up things that lack clarity and get rid of duplications. There will be one consistent application process, one consistent procedure on how these things work.

The goals are to make the information clear and comprehensive, usable by everyone, structured to make it easy to amend, and minimize substantive changes.

Mr. May will work up an outline, take it to the advisory committee and then bring it to the Planning Commission. Hopefully the end product will be a new title and the new Unified Development Code. A draft should be available in early summer.

C. Update on Shorelines Master Program

Mr. May stated the consultants are trying to establish a jurisdiction for the shoreline regulations. The state law behind it is slightly different than it was when the code was originally written in the 1970s. The regulations today say that the shoreline jurisdiction is the floodway plus 200 feet on either side. In the previous SMP it was strictly ordinary high water plus 200 feet, and that may still apply where there is no floodway. Where there is science that supports a defined floodway then that has to be the starting point. In addition to that, there are associated wetlands. These are hydrologically connected wetlands to the floodway and will be included in the shoreline jurisdiction.

Mr. May stated the flood plain is the area that is potentially inundated by a 100-year flood. The flood way is where the water actually moves with higher velocities that will do potential damage.

Mr. Carter explained that flood ways are defined differently under FEMA: Take the flood plain and move in equally from either side and the flood way begins where the water level is raised one foot. The flood way is not technically defined as having a current.

Mr. May stated the flood way is the starting point for the Shorelines Master Program. The County and the other jurisdictions are working with Ecology to refine the places that would be in the flood way that we know to be dry, or that we know are not dangerous. We are modifying the boundary that we are using for the Shoreline Master Program in some places.

Mr. Carter stated Larry Karpack, Watershed Science and Engineering, and Dave Curtis of WEST Consultants have been doing most of the Chehalis work and they say that they can draw pretty precisely what the parameters of the flood way work out to be. The flood way is a precise term for the purpose of their measuring.

Mr. May projected some maps where the biggest differences will be seen and things that are of the most interest to most people. He pointed out Centralia and Chehalis, the fairgrounds and airport.

Commissioner Mahoney stated there might be some serious concerns with the way the flood way is shown on the maps now. When the additional 200 feet is added, it will include hillsides, roadways and developed areas, where building was done above the water but will be within the 200 feet.

Mr. May stated that the shoreline jurisdictions affect the development code. At the airport, for example, if a new building is built the shoreline will be taken into consideration. If there is not going to be any building done then the existing development will not be affected. The Shoreline Development program does not establish "no build" zones but does make sure that land is used for enjoyment of the shoreline and for business of the shoreline, etc. It does not necessarily stop development.

Mr. May pointed out the channel migration zone (CMZ) on the Cowlitz River and stated that the most hazardous section of the CMZ was used as the boundary.

The maps are at Ecology for their final review. As soon as there is an okay to move ahead the advisory committees will be organized and the science group will start with the inventory and characterization of the shoreline.

Commissioner Guenther asked how the CMZ might affect timber. Commissioner Guenther asked if there is a time as to when the river has migrated to a certain area. Mr. May stated the channel migration is established for development; he did not know about logging. Commissioner Guenther asked if the river has not migrated there in a number of years is there a timeline?

Commissioner Mahoney thought that came under the forest practices act. Mr. May stated there are severe, moderate and low risk areas and we are looking at the closest in; he did not think the timeline was 100 years for the severe area.

Commissioner Prior stated time is not part of the question. The question is what is the erodability of the bank? If it is an erodible bank then someday there could be a catastrophic event.

Commissioner Brown asked if the maps Mr. May was showing were available for review. Mr. May stated they are too big to email and they are not for public use. They are for internal use at this time. He stated the Commissioners could come to the Community Development office to look at them.

Commissioner Prior stated that Mr. May used the term "hydrologically connected" regarding wetlands. He thought Mr. May should have said "hydraulically" connected, which means there is saturation between a wetland and a stream that is under the jurisdiction of the SMP. Mr. May stated he was correct and those would be identified by the science team.

6. Calendar

Commissioner Mahoney stated he received an email from Susan Johnson with the Auditor's office. A group will be meeting in February to look at seven applications for tax relief for agricultural designation and he thought there would be a presentation by Ms. Diane Dorey in March.

The next meeting will be on February 12.

7. Good of the Order

No one wished to speak.

8. Adjourn

A motion was made and seconded to adjourn; adjournment was at 7:17 p.m.