

Lewis County Planning Commission **Public Meeting**

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

June 11, 2013 - Meeting Notes

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

Staff Present: Stan May, Glenn Carter, Fred Chapman, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from May 28, 2013
- Staff Report: LC C Title 15.35 Flood Damage Prevention
- Power Point on Chapter 15.35
- Lewis County Chapter 15.35 Update
- Countywide Planning Policies (CWPP)
- Power Point on CWPPs

1. Call to Order

Chairman Davis called the meeting to order at 6:02 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

The agenda was approved as presented.

3. Approval of Meeting Notes

Chairman Davis entertained a motion to approve the meeting notes from May 28, 2013. Commissioner Brown made a minor correction on page 6, last paragraph. The sentence ending with "Forecastle" should have a question mark. A motion was made by Commissioner Mahoney to approve with the correction; seconded by Commissioner Lowery. The motion passed.

4. Old Business

A. Letter of Transmittal: Public Benefit Rating System (Open Space)

Chairman Davis stated there were eight properties being recommended for open space. He asked if there was any further discussion on the issue. Commissioner Mahoney made a motion to sign the letter of transmittal and forward it to the BOCC. The motion was seconded and passed.

B. Workshop on Flood Damage Prevention Update, Chapter 15.35

Stan May stated he believed the glitches in the Flood Damage Prevention update had been resolved. The staff report was revised to add better explanations. He went through the chapter with a Power Point starting with the purpose of the update and the reasons for the proposed freeboard increase.

Commissioner Prior addressed Mr. Chapman stating that Mr. Chapman had indicated he had already sent in the package for a new CRS rating. The 3' freeboard was not included in that and if the freeboard is changed would there be a waiting period before it impacted the CRS rating?

Mr. Chapman stated that once the report is submitted there is a 150-day period for evaluation of the data. If the freeboard change is included before that time is up, the County will get credit. The report was sent in on April 15; an extension could be granted if necessary.

Commissioner Prior stated he assumed that increasing the freeboard would have an impact on the CRS rating, potentially putting the County into a better category. Mr. May stated it depended on all the factors that come into play; the freeboard is only one factor and it will have an impact.

Mr. May stressed that this is part of the development code and comes into play only when someone applies for a permit. Existing buildings and structures are not affected. People can raise these buildings if they want to but the code will not affect them. It only applies to new development and to substantial improvements such as remodels and repairs and other work that exceeds 50% of the market value of the structure.

Chairman Davis stated that if there is a flood event and a structure receives 50% of market value, the structure cannot be rebuilt if it is in the floodway. Mr. May stated that was correct. Chairman Davis stated the code would not apply if the structure is outside of the floodway and receives 50% damage. Mr. May stated that was also correct.

Commissioner Brown asked if he has a home and it is one foot above freeboard, and new homes that are built around him are at three feet, will that adversely impact the value of his home at one foot? Mr. May stated that could happen.

Commissioner Lowery stated in the written testimony there were several people who were under the impression that they would have to do something with their existing home. He asked if staff responded to those comments to let them know that was not true. Mr. Chapman stated he did respond. The statement was that lending institutes would not finance a home if it was not elevated at three feet. Mr. Chapman's response was that if a home is one foot above freeboard, it is compliant. It has no impact if someone is at a higher regulatory standard. A home can be elevated to any height; it just has to be compliant.

Commissioner Lowery stated that from what he read in the letters, if the 3' freeboard is passed, people have to change their existing home as it sits now. Bad information is out there and he asked how that can be resolved. Mr. Chapman stated through the process we are going through now.

Chairman Davis questioned whether or not a raised home would impact market value. An older home that is not raised is grandfathered in; the house was that way before the regulation. Thinking about what a prospective buy looks at in a home, he thinks a negative impact will be more the exception rather than the rule.

Mr. May continued with the Power Point and the tables showing the code section and why a change was proposed. Section 15.35.210 is for consistency with the Lewis County building code which has been in

effect since 2009. Contractors are already required to build 1' above BFE (base flood elevation) so this is not new. Anything waterproofed, such as underground electrical, can be below that level.

Mr. May stated 15.35.260 – 290 were added as staff proposals.

Commissioner Mahoney asked if anything in this section affects gravel roads, pole barns or ag buildings that are constructed in such a way that water is not a detriment. Mr. Chapman stated no; most of those are already flood-proofed.

Discussion followed regarding nonresidential construction (15.35.280). Mr. Carter stated there is a definition for 'structure.' Insurance does not extend to non-residential, non-commercial, non-industrial buildings. If the concern is with outbuildings that do not fit into those categories is there a way to have the definition read: "structure means a walled and roofed building that is not insured under the NFIP"? It may not be wise to refer to insurance in the definition and create another issue somewhere else in code. Perhaps something could be done in section .280.

Chairman Davis thought if non-residential construction was addressed somehow, or what it does not apply to, with additional word-smithing.

Mr. May stated this is not new language. It was modified to the three feet, but code has always said that it has to be at the flood protection elevation. If code was going to be changed to three feet, it needs to be specific in all of those places. He suggested adding a paragraph that states that this section does not apply to pole buildings, residential or agricultural out buildings and other accessory structures.

Chairman Davis thought that would be helpful. Mr. Carter agreed and asked if they are all barns. If we encompass all of the types of out buildings and put it in the definitions, that term can be used as a parenthetical, i.e. (excluding accessory buildings), after non-residential structure. A definition needs to be added, whatever the definition will be.

Mr. May stated he would work on that provision.

Mr. May stated no new testimony has been received on the chapter, and no testimony was received on provisions other than the freeboard issue.

Commissioner Guenther confirmed that staff had responded to the written comments. Mr. Chapman stated the comments were answered via email and there is documentation.

Mr. May stated he hoped that this chapter could be moved on. He did not know if the definition would prevent that.

Commissioner Tausch stated he would like to see what other counties are doing in this regard. Thurston County is one of the most restrictive counties and is at a two-foot freeboard. No one is at a three-foot. What do they know that we don't know? Another concern was commercial properties. If a big box store wants to come into the area and they have to put in two more feet of fill on 80,000 square feet that would be a substantial cost increase. Will that indirectly affect their desire to come to Lewis County, and affect the economy and potential jobs?

Mr. May discussed the three options that staff recommended: 1) continue to workshop the proposal as is; 2) take action on current proposal (leaving the three foot freeboard unresolved); 3) revise the proposal to leave the freeboard unchanged at one foot and take action.

Commissioner Prior was concerned about the cost of raising a home. At the previous meeting Mr. Chapman stated a 2000 square foot home raised three feet would cost about \$2,000. He asked if a 4000 square foot home would cost \$4,000. Mr. Chapman stated it is just the cost of materials and labor, which depends on the size and layout of the home. The \$2,000 was an example given by the Master Builders.

Chairman Davis asked the Commissioners if they had a preferred option. Commissioner Mahoney stated his first reaction to the three foot freeboard was another regulation that was not needed. After discussion he thinks the three foot freeboard is reasonable but he is not sure if the county should impose it. He thought it should come down to what the public good is for the county and if there is something for the county to gain by going to three feet. The potential for savings on flood insurance is far from a sure thing. He is not convinced that the three feet needs to be incorporated into the ordinance, although it is a reasonable thing to do.

Commissioner Lowery stated the three foot freeboard has caused us to look at the whole ordinance. There have been some good discussions. At this point he is comfortable with going with option 3. The three foot freeboard can be revisited at a later time when there is more information, especially after the final flood plain maps are available.

Commissioner Brown agreed and was comfortable with option 3 without the three foot freeboard. More information is needed which is clear by the public comments and questions from the Planning Commission.

Commissioner Guenther feels better about the three foot elevation now than he did some time ago. The problem he has is the public does not feel good about it yet. He agrees the three foot freeboard should be brought up again at another time and continue with the education of the public.

Commissioner Prior agrees generally. The reason he would support a three-foot increase is because of what it would do to the County's CRS rating. Currently we are rated 7 which is only one above New Orleans, which doesn't make sense to him. He believes the County should do everything it can to get discounts on flood insurance. He is willing to table the three foot freeboard for now.

Commissioner Brown stated a previous discussion was if this was adopted it would apply only to unincorporated Lewis County. If this is taken up again there should be some coordination with the incorporated areas to get everyone on board. That would increase the chances of getting the rate reduced.

Commissioner Prior stated the County's rating is independent of what the incorporated areas do.

Commissioner Brown asked earlier if there is a guarantee that if the County does this and the incorporated areas do not that there will be a reduction in the rating. Mr. May stated this code and the rating is done for the unincorporated areas of the County. The CRS rating is included in that. The point of trying to bring up coordination with the cities is appreciated.

Commissioner Lowery made a motion to adopt option 3, leaving the freeboard unchanged at one foot. Commissioner Mahoney seconded. The motion carried.

Commissioner Guenther stated the municipalities do have a bearing on flooding. There were people in residential Adna in 2007 who would not have been flooded if the airport levee had not been breached.

Mr. May stated if he drops the three-foot freeboard requirement the ordinance is back to the original language. He asked if that was satisfactory. Chairman Davis stated even with the one-foot language the clarification/definition for outbuildings is a good idea.

Commissioner Lowery stated the ordinance is still talking about a one-foot freeboard and the rules that apply to that. What came out of this was confusion about existing language. If the language can be clarified it will be helpful in the future.

Mr. Carter stated it would require a simple definition and parenthetical. It could be moved on to the BOCC subject to making the appropriate change. The Commission agreed.

Mr. May stated he would have the new language at the next meeting, as well as the Letter of Transmittal.

5. New Business

A. Countywide Planning Policies

Mr. May stated this year's modification to the Countywide Planning Policies is fairly simple. The Planned Growth Committee (PGC) has met three times and there were some discussions about UGA changes and population allocations. At this time there are no changes proposed. There were no additions to the CWPPs; most of the changes are to clean them up. The PGC put the population projections in and revised the process as to how to adopt the Countywide Planning Policies with Appendices A and B. There were a few grammar and punctuation corrections.

Specific changes include page 2, clarifying what Appendix A is and what Appendix B is. Appendix A is the process on amending the CWPPs.

On page 4 there is an addition of Policy 1.12.8, which is the Population Allocations as Appendix B. Mr. May explained the tables in Appendix B.

Mr. May stated the next step is to hold a public hearing and move the CWPPs on to the Board of County Commissioners. Commissioner Lowery made a motion to hold the public hearing on the CWPPs July 9. Commissioner Brown seconded. Motion carried.

Commissioner Prior asked if the CWPPs have to be amended every year and what drives the amendments. Mr. May stated the CWPPs are to guide comprehensive plan development – all of the cities' comp plans must be consistent with the CWPPs. The CWPPs are developed by the elected officials in the county and adopted by the BOCC. The development code must be consistent with the comprehensive plan. Yearly updates are not necessarily required.

6. Calendar

The next meeting will be on June 25. There will be a public hearing on Title 16: Subdivision Exemptions.

7. Good of the Order

Commissioner Mahoney stated the Citizens Advisory Committee for the Shoreline Master Program met for the first time on June 5. He and Commissioner Prior are on that committee. The next meeting will be in early July.

8. Adjourn

The meeting adjourned at 7:22 p.m.