

# Agenda for BOCC Update

March 12 at 11:00am<sup>1</sup>

March 13 @ 9:00AM

Department: Community Development

Present: 3/12/18 - Lee Napier, Graham Gowing, Doyle Sanford, Eric Eisenberg, Erik Martin, Fred Evander, Commissioner Fund, Commissioner Stamper, Commissioner Jackson, Linda Williams  
Note Taker: Graham Gowing

3/12/18

## Updates and Actions:

### 1. Cowlitz River Bank Erosion-near Coal Creek Dr.

#### a. Project and Permitting

Lee informed the BOCC a member of congress walked Coal Creek Dr. Dale Lewis, from Jaime Herrera-Butler's office, would like to waive the Environmental Assessment. Lewis County had planned on waiving the EA, as well. Citizens living in the area of discussion have explored the option of using personal funds to construct a berm. There seems to be confusion about permitting requirements by the citizens looking into options for the bank erosion. Lee asked if the Board would like her to contact the community about the permitting requirements. Commissioner Stamper indicated there is no need to. Commissioner Stamper has attempted to contact Donnie Steele to discuss his contract with the Timberline home owners. Commissioner Stamper would like to focus on Lewis County's project. Lee reiterated permitting will be a requirement. Erik M. is hoping the proper channels are being used by the citizens in their attempt to receive funding from FEMA. The majority of the work would be under Lewis County jurisdiction rather than Federal jurisdiction, according to Lee. Erik M. does want to make sure the funding request by the residents of the area does not jeopardize or effect the County project being funded by FEMA.

Commissioner  
Stamper will  
contact Donnie  
Steele

### 2. Interlocal Agreements

#### a. Chehalis

Lee wants to be able to move forward with the ILA in the near future. Commissioner Fund thinks revenue sharing is a sticking point with the City. Lee believes revenue sharing at the time of annexation may spur more productive conversation between the parties. Commissioner Jackson would like to see uniform ILAs from community to community. Commissioner Stamper indicated

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<sup>1</sup> Items not covered on March 12<sup>th</sup> will be covered on March 13<sup>th</sup>

that different communities may have different thoughts on revenue sharing and may cause the communities not to proceed with the ILAs. Commissioner Jackson agrees with including revenue sharing in all ILAs with potentially allowing the cities to strike the clause. Fred indicated the language in the draft ILA encourages settlement of issues prior to being sent to the Boundary Review Board. Eric E. suggested inserting the word *may* into this particular section of the ILA to allow for more flexibility and encourage additional conversation between parties.

**b. Morton-Letter sent terminating agreement**

The letter was signed and sent to the city of Morton. Lee spoke with a representative from Morton and clarified that even with the termination of the ILA, the County is still available and willing to answer questions the city may have.

**3. Planning Division**

**a. Update Comprehensive Plan and Critical Area Ordinance**

**i. Hirst (SB 6091) Implementation**

Lee presented a memo concerning ESSB 6091. She explained why drilling a well prior to building a structure that requires water is a good policy for the customer. Lee informed the Board water may not be available if the home was built prior to having a well log.

Community Development has started tracking permits and collecting fees, as mandated by ESSB 6091, for permits applications submitted after 1/19/18. She did indicate permit application and permits issued are still up from last year.

Much of the time, lenders are requiring proof of adequate water prior to lending. Commissioner Stamper asked if the County required proof of adequate water before getting a building permit. Lee responded by saying yes, but it was a little different. In the past, a well driller's statement was allowed but that was not a guarantee adequate water was available at that certain location. Eric E. informed the BOCC he does believe the bill directs the permitting agency to require a well log prior to permit issuance. He has spoken with other attorneys about well logs being a legal requirement verse a company policy. Most counties in Washington have been requiring a well to be drilled prior to building permit issuance. Commissioner Stamper did express some concern about the building process slowing down due to the requirement of having a well drilled at time of application.

**3/13/18 – 9:03 – Present – Commissioner Stamper, Commissioner Fund, Steve Bloomstrom, Lee Napier, Graham Gowing, Doyle Sanford, Fred Evander, Eric Eisenberg**

**Note Taker: Graham Gowing**

Commissioner Stamper asked what the County has done in the past regarding people drilling wells. Lee said we required well drillers statements or logs. Adequate water supply is required. It was said again that lenders are beginning to require septic and water proof prior to loaning funds. Mr. Bloomstrom asked if a composting toilet is allowable. Eric E. confirmed they are allowable and Doyle added adequate water is still necessary even with a composting toilet. Eric E. added that other things can be worked on/accomplished if the customer is waiting for a well driller. Lee informed the BOCC that Community Development has been fielding calls about the Hirst decision for months, as much of the public anticipated some sort of new legislation about wells coming. Commissioner Stamper asked if other counties had adopted anything. Lee informed the BOCC other counties had already been requiring well logs prior to ESSB 6091 being passed. The change for many other counties would just be collecting new fees and recording covenants. Commissioner Fund said Jim Waldo expressed concern that ESSB 6091 may leave counties vulnerable in regards to lawsuits. Commissioner Stamper then asked if this would be part of the comp plan. Lee answered yes. Fred confirmed the Hirst Decision will be addressed in the comp plan by explaining how Lewis County is conducting business after the Senate bill passed. Eric E. said regulating the legislation to a lower standard puts the County at risk. Commissioner Stamper then said he supports requiring a well log at the time a building application is submitted. Mr. Bloomstrom asked if a policy like this could only be implemented for certain areas, for example the Boistfort area. Doyle responded by saying it is unknown where all the “problem water spots” are. Fred informed the BOCC most people are already drilling wells before applying for building permits. Commissioner Stamper would like to move forward with enacting this policy. Commissioner Fund asked if the Washington State Department of Ecology (DOE) has input or direction. Lee responded by saying the DOE is working with planning units for implementation of the Hirst Decision. Commissioner Fund agreed with the policy of requiring a well log at the time of application.

#### **4. PSA Contracts**

##### **a. Planning**

Lee has executed a couple of agreements. John Kliem will be under contract for miscellaneous planning.

##### **b. VSP**

John Kliem will also work on VSP.

##### **c. Skookumchuck Wind Energy**

A developer agreement has been reached with RES. An EIS will be issued. John Kliem will assist with the EIS process. Karen Witherspoon will be the lead on this project.

Lee wants to enter into an agreement with Foster Pepper (Attorney at Law).

Commissioner Stamper said proceed with all (4 a-c).

Commissioner Fund left the meeting at 9:44. There was not a quorum at 9:44.

**5. Follow up Steve Bloomstrom**

**6. Permit Center**

**a. Monthly report**

**Topics for next update currently scheduled for April 10, 2018**

**Actions to be requested: Input and direction as to the topics outlined above**