

EXHIBIT A – LEWIS COUNTY CODE 17.12 PUBLIC PARTICIPATION PROGRAM

For ease of readability, this code is a full replacement of existing 17.12 and is not underlined.

CHAPTER 17.12, PUBLIC PARTICIPATION PROGRAM

17.12.010 Purpose and applicability

The purpose of this Chapter establishes procedures for amending the comprehensive plan and the development regulations found in LCC Titles 16 and 17 and sets forth the responsibilities of the department of Community Development ("department"), the Planning Commission ("commission"), and final approval by the Board of County of Commissioners ("board").

17.12.020 Amendments amending the comprehensive plan or development regulations.

- (1) This subsection, 17.12, applies to Type V application actions that require a public hearing before the Planning Commission and a decision by the Board of County Commissioners and is one or more of the following types:
 - (a) An amendment to a comprehensive plan goal or policy;
 - (b) An amendment to the Shoreline Master Program;
 - (c) An amendment to the Comprehensive Plan maps; or
 - (d) An amendment to development regulations, including the zoning map.
- (2) Each amendment type above is a legislative matter, except for an amendment for a site-specific rezone, which is a quasi-judicial matter that requires both an amendment to the comprehensive plan and development regulations.
- (3) The county must adopt all amendments to the Comprehensive Plan simultaneously each year and may not adopt amendments more frequently than once per year, except for amendments that qualify for one of the following exceptions:
 - (a) The initial adoption of a subarea plan;
 - (b) Adoption or amendment of the Shoreline Master Program under procedures set forth in Chapter 90.58 RCW;
 - (c) The amendment of the capital facilities element concurrent with adoption or amendment of the county budget;

- (d) Amendments to development regulations consistent with the Comprehensive Plan and countywide planning policies;
- (e) Amendments needed to resolve an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board or the court; or
- (f) Amendments necessary in cases where the board finds an emergency exists.

17.12.030 Amendments – filing requirements and docketing.

- (1) An amendment to the comprehensive plan may be filed by:
 - (a) Any person or entity;
 - (b) The department; or
 - (c) The Commission or Board by majority vote.
- (2) The department encourages applicants for an amendment to request a preapplication meeting as provided under LCC 17.05.050 before formally filing an application. Except for quasi-judicial matters, the department or applicant may discuss proposals with the Planning Commission before an application is submitted. In quasi-judicial matters, no such discussion is permitted: all contact with the Planning Commission on a specific proposal shall be on the record in writing or at the public hearing.
- (3) Except as provided under LCC 17.12.020(3), an amendment must be filed with the department on forms provided by the department on or before the last business day of December for inclusion on the following year's docket, except that a county-initiated amendment is not subject to this deadline.
- (4) An amendment, excepting those filed by the county, must include all fees required by the adopted fee schedule.
- (5) The department shall review the completeness of the amendment received on or before the last business day of December before adding it to the docket. If the department determines that an application remains incomplete by the following first day of April, the department shall consider the application lapsed.

17.12.040 Amendments – Department review and staff report

- (1) The department shall review complete applications for comprehensive plan and development regulation amendments as provided below:

- (a) Where a development regulation amendment requires a comprehensive plan amendment, the department shall process both amendments simultaneously.
- (b) The department shall complete environmental review for each amendment, consistent with the requirements of RCW Chapter 43.21C and LCC Chapter 17.110.
 - i. After receipt and review of the environmental checklist for an amendment, the department must issue a threshold determination.
 - ii. If environmental review determines that the amendment may have a significant impact on the environment, and if acceptance of a final environmental impact statement is not complete by the first day of April, the department shall move that amendment for consideration until the following year's docket.
- (c) The department shall prepare a staff report that includes recommendations and/or options for each docketed amendment. The department shall forward both the report and the result of the environmental review to:
 - i. The Planning Commission;
 - ii. The applicant and the applicant's designated representative; and
 - iii. To the applicable city staff if the proposed amendment applies to land within a city's Urban Growth Area.
- (d) The staff report shall evaluate the proposed amendment(s) in relationship to the approval criteria under LCC 17.12.100. If the proposed amendment includes land within a city's Urban Growth Area, the staff report shall also address any comments from the city regarding consistency with the applicable city comprehensive plan and the ability of the city to provide needed utility services.

17.12.050 Amendments – Public hearing notice.

- (1) The department shall publish notice of the public hearing at least once in the official county newspaper and on the Lewis County website at minimum 15 calendar days before the Planning Commission public hearing. The notice shall include:
 - (a) A summary of the amendment;
 - (b) The date, time, and place of the hearing;
 - (c) A statement that documents pertaining to the amendment, including a staff report and SEPA determination, are available for public review, including where the public may access them; and,

- (d) A general explanation of the process for submitting comments.
- (2) The department shall provide physical copies of the amendment and related materials to:
- (a) Timberland Regional Libraries located at: Chehalis, Centralia, Salkum, Randle, and Winlock; and
 - (b) Lewis County senior centers located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock.
- (3) The county shall send notice to the appropriate city, when the proposed amendment is within or would expand the Urban Growth Area, and to agencies, school districts, and fire districts that will potentially be affected by the proposed amendment at least 15 calendar days prior to the hearing.
- (4) For public hearings involving a quasi-judicial amendment application, the county shall provide the following notice in addition to the requirements of subsection (1) of this section:
- (a) The county shall mail notice to the applicant and the applicant's representative, agencies with jurisdiction, and to property owners as follows:
 - (i) For site-specific amendments to the Comprehensive Plan and development regulations: At least 15 calendar days prior to the scheduled hearing date, hearing notice shall be mailed to all property owners within one-quarter mile of the external boundaries of the subject property as shown by the records of the county assessor. Except, if the subject property is located within a LAMIRD, the notice shall be mailed to all property owners within 500 feet of the external boundaries of the subject property as shown by the records of the county assessor.
 - (b) The county shall post a sign giving notice of the hearing in a conspicuous location on the property at least 15 calendar days prior to the hearing.

17.12.060 Amendments – Review for quasi-judicial actions.

An application for a site-specific comprehensive plan and zoning map amendment is a quasi-judicial action as defined in RCW 42.36.010 and is subject to the appearance of fairness doctrine, Chapter 42.36 RCW. For all quasi-judicial amendments, the commission and board of commissioners shall process the application in accordance with Chapter 42.36 RCW in addition to all other requirements of this chapter.

17.12.070 Amendments – Review and recommendation by Planning Commission.

- (1) The commission shall hold at least one public hearing on an amendment to consider public comment before beginning its deliberations.

- (2) At the completion of its deliberations, the commission shall vote to recommend adopting, not adopting, or amending the proposed plan, plan amendments or development regulation in relationship to the approval criteria under LCC 17.12.100.
- (3) The commission recommendation shall include findings of fact, the reasons for the recommendation, and decision.
- (4) Final recommendations on amendments by the commission should be complete and forwarded to the board on or about October 1st.

17.12.080 Review by state agencies.

- (1) At least sixty (60) days before the board reviews the recommendation of the commission, the department shall issue a Notice of Intent to Adopt an Amendment to the Department of Commerce.
- (2) The department will forward the commission recommendations and all state agency comments to the board on or about December 1st.

17.12.090 Amendment – Review and decision by the board.

- (1) Upon receipt of a recommendation from the commission and after the sixty (60) day review period by state agencies, the board shall consider and act on all amendments concurrently. Final action by the board on amendments should occur on or about the following February 1st.
- (2) The board shall consider all proposals concurrently to evaluate the cumulative effect of the various amendments.
- (3) If the Board agrees with the recommendation(s) of the commission, it shall adopt the amendment(s) by ordinance consistent with the commission's recommendation.
- (4) If the Board does not agree, either in whole or in part, with a recommendation of the commission, the Board may proceed as follows:
 - (a) The board of commissioners may hold a public hearing with notice as provided under Section 17.12.040 (1) and (3).
 - (b) Upon conclusion of the public hearing, the board shall deliberate and act on the amendment when it reaches a decision. The board may:
 - i. Adopt the amendment with modifications by ordinance that includes findings of fact;
 - ii. Reject the amendment; or

- iii. Remand the proposed amendment to the planning commission for further review for the next year's docket.

17.12.100 Approval criteria

- (1) To approve a comprehensive plan amendment, the Planning Commission and the Board of Commissioners shall find that:
 - (a) The amendment conforms to the requirements of the Growth Management Act, is consistent with the county-wide planning policies and the comprehensive plan, including any interlocal planning agreements, if applicable.
 - (b) The application and any studies submitted to the department, the Planning Commission, and the Board of Commissioners demonstrates a need for the amendment.
 - (c) The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
 - (i) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan; and
 - (ii) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
 - (iii) The anticipated impact upon designated agricultural, forest and mineral resource lands.
 - (d) The amendment does not include or facilitate spot zoning.
- (2) To approve an amendment to the development regulations, the Planning Commission and Board of Commissioners shall find that the amendment is consistent with the Comprehensive Plan and in the public interest.

Existing 17.12 is fully replaced.

~~17.12.010 Title.~~

~~The ordinance codified into this chapter shall be known as the public participation program.~~

~~17.12.020 Statutory authority.~~

~~This ordinance codified in this chapter is adopted pursuant to the provisions of Chapter [36.70A](#) RCW.~~

~~17.12.030 Applicability.~~

~~This chapter applies to long-range planning issues, including changes to the county comprehensive plan or development regulations, in proceedings not involving a hearing examiner.~~

~~17.12.040 Statement of purpose.~~

~~Lewis County encourages public participation in the growth management process. The public participation program is to help serve the public interest by detailing the overall process to facilitate public participation.~~

~~17.12.050 Process and procedures.~~

~~(1) The Initial Phase—Workshops.~~

~~(a) At this phase a topic is introduced to the planning commission and the stage is set for an amendment of either the comprehensive plan or the development regulations. New topics may be identified by the public, through the amendment process by the board of county commissioners or by the planning commission.~~

~~(b) The planning commission will hold a series of background workshops identifying the reasoning and legal basis for the decisions to be considered, and the proposals for specific modifications.~~

~~(i) The public is invited to observe the workshops, and the commission will endeavor to provide adequate time at the end of the meetings for public comment or input. The workshops are not public hearings, and although members of the public may be allowed to comment on materials presented, or to identify new information or questions they may wish the planning commission to consider, it is important that such comments and information relate to the topics on the agenda.~~

~~(ii) The public may submit written comments on any agenda item, at any time.~~

~~(2) Phase 2—Planning Commission Hearings.~~

~~(a) Once the planning commission has completed the workshop phase of the planning process, staff will publish a notice of the public hearing and circulate a draft proposal for public comment.~~

~~(b) Circulation of Proposed Draft.~~

~~(i) The proposed draft will be made available to the public at least 15 days prior to the scheduled hearing. To facilitate the easy review of the materials, copies of the proposal and related materials and information will be made available through a variety of different methods and at a variety of sites – including physically at the Lewis County planning department, through email to any departmental mailing lists, posted online at the county web page and physically sent to strategic locations in the affected area. Such locations may include:~~

~~(A) Timberland regional libraries (five) located at: Chehalis, Centralia, Salkum, Randle, and Winlock.~~

~~(B) Lewis County senior centers (five) located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock.~~

~~(ii) Copies of the proposal shall also be sent to the state Office of Community Development for 60-day review, and to state, local, tribal and federal agencies that have requested copies of the notice materials.~~

~~(c) Notice of Hearing.~~

~~(i) The notice of the public hearing shall be published in the newspaper of record and in the newspaper of largest circulation in the area affected, and shall be subject to any additional provisions of state law.~~

~~(ii) The notice shall be published and posted not less than 10 days prior to the hearings and shall identify the time, place, and purpose of the hearings and the locations where information may be reviewed.~~

~~(d) Public Hearing. A public hearing shall have three components:~~

~~(i) Staff summary of the materials presented.~~

~~(ii) Opportunity for public questions and questions from the planning commission.~~

~~(iii) Opportunity for public testimony.~~

~~(e) Public Testimony.~~

~~(i) During the public testimony portion of the program, members of the public are expected to address the matters on the agenda and not to query staff or the commission.~~

~~(ii) At the conclusion of an individual's testimony, the planning commission may ask follow-up questions of the person to clarify or focus their point. The planning commission may similarly ask questions of staff.~~

~~(iii) Testimony may be directed to the written proposal, either in favor or opposition, to changes the individual desires the county to consider, and to choices, alternatives, and environmental consequences of the proposed development.~~

~~(iv) Speakers shall be drawn first from a sign-up sheet which will be available at the entry as people enter the hearing room. The commission will then hear from others who did not sign up,~~

~~but who may wish to be heard, time permitting. The chair, at his or her discretion, may provide reasonable limits on the time allotted for each speaker(s). The chair may similarly permit (or not permit) a speaker to address the commission a second time based on the time available and the need to maintain an orderly public hearing.~~

~~(v) The public will generally be given one week after the final public hearing to deliver any final written comments to the planning commission.~~

~~(f) Recommendation.~~

~~(i) After the public hearing, the planning commission may conduct one or more workshops to consider the matters presented.~~

~~(ii) The planning commission shall then make its recommendations to the board of county commissioners.~~

~~(3) Board of County Commissioner Determination.~~

~~(a) Upon the receipt of a planning commission recommendation, the board of county commissioners may hold one or more workshops to consider matters raised during the hearings or the writings submitted. If, during this time, the board feels that the planning commission did not effectively consider certain items, the board may elect to hold a formal public hearing on the issue or remand the issue back to the planning commission.~~

~~(b) If no further review is deemed necessary, the board may approve the proposal by ordinance or deny the proposal.~~

~~(4) The Record.~~

~~(a) The county will retain a running copy of all materials received or submitted during any workshops and public hearings for the proposal. The record will identify, at the least:~~

~~(i) The time and date of the meetings held throughout the process.~~

~~(ii) The nature of the proceedings (e.g., workshop, public hearing).~~

~~(iii) Subject(s) addressed. _____~~

~~(iv) Persons addressing the subject(s).~~

~~(v) Documents received during the proceedings.~~

~~(b) Minutes should be recorded for each of the meetings and hearings throughout the update and should be approved at the next scheduled meeting.~~

17.12.060 Additional considerations.

~~(1) To ensure cumulative impacts from proposals are effectively considered, all related comprehensive plan amendments and development regulations are to be considered concurrently.~~

~~(2) To aid and assure public participation, the board of county commissioners may consider the use of citizen advisory committees, technical panels, consultant teams and/or groups, individually or in concert where appropriate, to aid in the understanding and processing of GMA issues. No specific format is required, but the goal of public participation is encouraged.~~