BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

IN THE MATTER OF: NOTICE OF PUBLIC HEARING TO CONSIDER ORDINANCE 1330, AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 17.12, PUBLIC PARTICIPATION PROGRAM, AND AMEND CHAPTER 17.05 GENERAL PROVISIONS, OF THE LEWIS COUNTY CODE.	RESOLUTION NO. 21-355

WHEREAS, Lewis County is required by RCW 36.70A.130 to periodically review and evaluate its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the Washington State Growth Management Act; and

WHEREAS, the Lewis County Comprehensive Plan (Ordinance 1287) was adopted in 2017 by the Board of County Commissioners and is consistent with RCW 06.70A, Growth Management; and

WHEREAS, RCW 36.70A.140 requires counties planning under the Growth Management Act to establish a public participation program that identifies early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations that implement such plans; and

WHEREAS, Lewis County Code (LCC) 17.12, Public Participation Process, (Ordinance 1179) was adopted in 2002 and amended (Ordinance 1297) in 2019; and

WHEREAS, as provided for by RCW 36.70A.130 and RCW 43.21C.440, the Lewis County Planning Commission elected to conduct a periodic review and update of LCC 17.12 to improve the public participation process; and

WHEREAS, on September 14, 2021, the Lewis County Planning Commission held a public hearing on the proposed code amendments in LCC 17.12 and 17.05; and

WHEREAS, following the public hearing, the Planning Commission deliberated and voted unanimously to transmit the amendments to the Lewis County Board of County of Commissioners (BOCC).

NOW THEREFORE BE IT RESOLVED that a hearing before the BOCC is hereby scheduled for October 26, 2021, to take public testimony and/or written comment on the adoption of Ordinance 1330, replacing Chapter 17.12 and amending Chapter 17.05 of the Lewis County Code; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication for the changes as required by law.

DONE IN OPEN SESSION this 5th day of October, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Amber Smith
By: Amber Smith,
Deputy Prosecuting Attorney

Vacant, Chair

ATTEST:

Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of
County Commissioners

Sean D. Swope
Sean D. Swope, Commissioner

NOTICE OF PUBLIC HEARING BEFORE THE LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS AND INTENT TO ADOPT

NOTICE IS HEREBY GIVEN that the LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS will hold a public hearing to adopt Ordinance 1330. The hearing will take place at or after 10 a.m. October 26, 2021, in the Commissioners' Hearing Room on the second floor of the Historic Courthouse in Chehalis, Washington. Interested parties are encouraged to check the Commissioners' Business Meeting agenda for the Zoom log-in details. The agenda will be posted at least 24 hours in advance of the meeting on the Lewis County Agendas & Calendar webpage.

The public hearing will consider Ordinance 1330, which repeals and replaces Lewis County Code (LCC) Chapter 17.12, Public Participation Program, and amends Chapter 17.05, General Provisions.

The new LCC 17.12 clarifies timing of amendments to the Lewis County Comprehensive Plan and development regulations, provides guidance regarding submittal requirements for map amendments, expands noticing requirements and adds approval criteria to guide the Planning Commission in making recommendations regarding map amendments. The LCC 17.05 amendment clarifies that the process laid out in LCC 17.12 applies to Type V permits.

During the hearing, individuals will be invited to speak and/or provide written statements regarding the proposed changes. All individuals wishing to speak are encouraged to attend. Written comments may be submitted in advance of the hearing by emailing Mindy Brooks at mindy.brooks@lewiscountywa.gov Senior Long Range Planner.

Details about the proposal will be available online at the agenda link provided above. Please select the agenda for October 5 (Notice) or October 26 (Hearing) to see the draft ordinance. The draft is subject to change before or at the hearing. If you wish to receive a paper copy of the proposals, contact Megan Sathre at megan.sathre@lewiscountywa.gov or (360)740-2677 and a copy will be mailed to you.

The meeting site is barrier free. People needing special assistance or accommodations should contact Rieva Lester at 360.740.1419 at the Community Development Department 72 hours in advance of the meeting.

Rieva Lester/Publish in the Chronicle and East County Journal on October 7 and October 13, 2021

LEWIS COUNTY PLANNING COMMISSION

Lorie Spogen, Chair

LETTER OF TRANSMITTAL

LEWIS COUNTY
SEP 15 2021
RECEIVED
COMMUNITY DEVELOPMENT

To: Lewis County Board of County Commissioners

From: Lewis County Planning Commission

Date: September 14, 2021

Subject: Transmittal to the BOCC: Amendment to Lewis County Code, Chapter 17.12 and 17.05, regarding the public participation process.

Dear Commissioners:

The purpose of this report is to transmit to the Board of County Commissioners draft amendments to the Lewis County Code, which would:

- Replace existing 17.12, Public Participation Process, to
  - Clarify roles and responsibilities of the Planning Commission,
  - Create a process for amending the Lewis County Comprehensive Plan,
  - Clarify noticing requirements and public participation, and
  - Establish approval criteria for review of Comprehensive Plan amendments; and
- Amend 17.05, General Provision, to maintain code consistency with 17.12.

Findings of Fact

1. Lewis County is required by RCW 36.70A.130 to periodically review and evaluate its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the Washington State Growth Management Act; and

2. RCW 36.170A.130(2)(a) requires that amendments to comprehensive land use plans not be made more than once per year except adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, including amendments to development regulations that are consistent with a comprehensive plan adopted under RCW 36.70A; and

3. The Lewis County Comprehensive Plan (Ordinance 1287) was adopted in 2017 by the Board of County Commissioners and is consistent with RCW 06.70A, Growth Management; and

4. RCW 36.70A.140 requires counties planning under the Growth Management Act to establish a public participation program that identifies early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations that implement such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments.; and

5. Lewis County Code (LCC) 17.12, Public Participation Process, (Ordinance 1179) was adopted in 2002, amended (Ordinance 1297) in 2019, and is consistent with RCW 36.70A.140; and

6. As provided for by RCW 36.70A.130 and RCW 43.21C.440, the Lewis County Planning Commission elected to conduct a periodic review and update of LCC 17.12 (Exhibit A) to improve the public participation process and to update LCC 17.05 (Exhibit B), General Provisions, to clarify the relationship to LCC 17.12. The updated public participation process is consistent with RCW 36.170A.130(2)(a), .020(11), .035, and .140 because it:

    a. Adds a schedule and timeline for consideration of comprehensive plan amendments to ensure local and state regulatory mandates can be met;

    b. Amends the noticing procedures to ensure notice is sent to affected interested parties. This includes publishing the notice in the newspaper, sending notice to potentially impacted property owners, sending notice to government agencies (e.g., school districts, fire districts), and posting a physical notice in a public location, such as along a public right-of-way; and

    c. Adds approval criteria to provide transparency to the public about the information considered by the Planning Commission in making a decision to amend the comprehensive land use plan or development regulations; and

7. Staff provided notice for a public hearing on the proposed code amendments in the manner prescribed in LCC 17.12 on August 24, 2021; and

8. On September 14, 2021, the Lewis County Planning Commission held a public hearing on the proposed code amendments in LCC 17.12 and 17.05; and

9. Following the public hearing, the Planning Commission deliberated and determined that the proposed amendments met the intent and requirements of the Growth Management Act and were in accordance with the public interest.

Recommendation

Based on the above findings, the Lewis County Planning Commission recommends that the Board of County Commissioners pass an ordinance that adopts the proposed changes to Lewis County Code 17.12, Public Participation Process, and 17.05, General Provisions.

Being duly authorized to transmit the recommendations on behalf of the Lewis County Planning Commission, I hereby respectfully submit the documents to the Lewis County Board of County Commissioners.

Exhibits:

A. Lewis County Code Chapter 17.12
B. Lewis County Code Chapter 17.05

Submitted by Lorie Spogen Date Sept. 14, 2021
Lorie Spogen, Chair
Lewis County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON

AN ORDINANCE OF THE COUNTY OF LEWIS, TO REPEAL AND REPLACE CHAPTER 17.12, PUBLIC PARTICIPATION, AND AMEND CHAPTER 17.05, GENERAL PROVISIONS, OF THE LEWIS COUNTY CODE	))))	**ORDINANCE NO. 21-1330**

WHEREAS, Lewis County is required to plan under the Growth Management Act in accordance to RCW 36.70A.040; and

WHEREAS, RCW 36.70A.140 requires counties planning under the Growth Management Act to establish a public participation program that identifies early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations that implement such plans; and

WHEREAS, Lewis County Code (LCC) 17.12, Public Participation Process, (Ordinance 1179) was adopted in 2002, amended (Ordinance 1297) in 2019, and is consistent with RCW 36.70A.140; and

WHEREAS, as provided for by RCW 36.70A.130 and RCW 43.21C.440, the Lewis County Planning Commission elected to conduct a periodic review and update of LCC 17.12 to improve the public participation process and to update LCC 17.05, General Provisions, to clarify the relationship to LCC 17.12; and

WHEREAS, staff provided notice for a public hearing on the proposed code amendments in the manner prescribed in LCC 17.12 on August 24, 2021; and

WHEREAS, on September 14, 2021, the Lewis County Planning Commission held a public hearing on the proposed code amendments in LCC 17.12 and 17.05

WHEREAS, following the public hearing, the Lewis County Planning Commission voted unanimously to recommend approval of the replacement of LCC Chapter 17.12 and amendments to LCC Chapter 17.05 to the Lewis County Board of County Commissioners (BOCC) for their consideration; and

WHEREAS, on October 5, 2021, the BOCC passed Res. 21-XXX to hold a public hearing on Ordinance 1330 and directed the Clerk of the Board to provide notice of the hearing; and

WHEREAS, the Lewis County BOCC held a duly noticed public hearing on the proposed replacement of LCC Chapter 17.12 and amendments to LCC Chapter 17.05 on October 26, 2021; and

WHEREAS, the Lewis County BOCC finds that the replacement LCC Chapter 17.12 is consistent with RCW 36.70A.130(2)(a), .020(11), .035, and .140 as described in Exhibit C Further Findings of Fact; and

WHEREAS, the Lewis County BOCC finds that the proposed replacement LCC Chapter 17.12 and amendments to LCC Chapter 17.05 best serves the residents of Lewis County;

DRAFT

NOW THEREFORE, BE IT ORDAINED that the BOCC hereby repeals and replaces Lewis County Code Chapter 17.12, Public Participation Program, as shown in Exhibit A; and

NOW THEREFORE, BE IT FURTHER ORDAINED that the BOCC hereby adopts the amendments to the Lewis County Code Chapter 17.05, General Provisions, as shown in Exhibit B; and

NOW THEREFORE, BE IT FURTHER ORDAINED that the BOCC hereby adopts Exhibit C as further findings of fact.

PASSED IN REGULAR SESSION THIS _____ DAY OF _____, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

_____
By: Deputy Prosecuting Attorney

ATTEST:

_____
Rieva Lester, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

_____
Gary Stamper, Chair

_____
Lindsey R. Pollock, DVM, Vice Chair

_____
Sean Swope, Commissioner

DRAFT

BOCC AGENDA ITEM SUMMARY

Resolution:

BOCC Meeting Date: Oct. 5, 2021

Suggested Wording for Agenda Item:

Agenda Type: Legal Notice

Notice of Public Hearing to consider Ordinance 1330, an ordinance to repeal and replace Chapter 17.12, Public Participation Program, and amend Chapter 17.05 General Provisions, of the Lewis County Code.

Contact: Megan Sathre

Phone: 360-740-2677

Department: CD - Community Development

Description:

Notice of public hearing to consider Ordinance 1330, an ordinance to repeal and replace Chapter 17.12, Public Participation Program, and amend Chapter 17.05 General Provisions, of the Lewis County Code.

Approvals:

User	Status
Amber Smith	Pending
Eric Eisenberg	Pending
PA's Office	Pending

Publication Requirements:

Publications:

The Chronicle, The East County Journal

Additional Copies:

Mindy Brooks, Lee Napier

Cover Letter To: