

Ordinance 1340
Exhibit B: Amendments to Lewis County Code 17.05

Commentary

Change to LCC 17.05 are for consistency between 17.05 and 17.12.

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with a ~~strike through~~ and code text to be added is shown with an underline.*

Chapter 17.05

GENERAL PROVISIONS

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- 17.05.020 Statement of purpose.
- 17.05.030 Applicability.
- 17.05.040 Project permit application type.
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- 17.05.190 Refund of permit fees.

Commentary

17.05.040(1)(e)

This edit is for code consistency. Subsections (a) - (d) do not explain what actions are Type I, Type II, Type III or Type IV. Rather, the code section that describes the action also states what project permit application type is required. This is true for Type V as well. Lewis County Code Chapter 17.12 describes the actions and what permit application is required.

CHAPTER 17.05, GENERAL PROVISIONS

17.05.010 Statutory authority.

[No change]

17.05.020 Statement of purpose.

[No change]

17.05.030 Applicability.

[No change]

17.05.040 Project permit application type.

- (1) Project permit applications are categorized as one of five types described below. Tables 17.05-1 and 17.05-2 specify various permits that fall within the categories and the methods for processing the various project permits.
 - (a) Type I applications involve decisions that require little notice which are decided by the administrator.
 - (b) Type II applications are administrative actions that require notice of application and a notice of decision.
 - (c) Type III applications are quasi-judicial actions that require an open record hearing and decision before the hearing examiner.
 - (d) Type IV applications are quasi-judicial actions that require an open record hearing before the hearing examiner and a decision by the Lewis County board of county commissioners.
 - (e) Type V applications are governmental actions ~~that are those that~~ require a public hearing before the planning commission and a decision by the board of county commissioners. The process and noticing requirements for the amendments ~~is are~~ articulated in Chapter 17.12 LCC, ~~though noticing requirements are included within this section; if there is a conflict Chapter 17.12 supersedes Chapter 17.05.~~
 - ~~(i) Project-specific actions include modifications to development regulations, the comprehensive plan, or the zoning map that affect an individual or smaller group of parcels. Project-specific amendments are typically sought by an individual property owner or group of owners for their own benefit. The applications require public notice on the site and for neighbors and a quasi-judicial public hearing before the planning commission.~~

Commentary

Table 17.05-1

Noticing requirements are provided in Lewis County Code 17.12. Footnote 1 is updated to reference 17.12. Footnote 3 is removed because all noticing requirements for Type V actions are found in 17.12 and include when on-site noticing is required.

Prior to the COVID pandemic, physical copies of proposals were provided to libraries and senior centers across the county. This practice was ended in 2020 when libraries and senior centers were closed to the public due to the pandemic. For two years copies of proposals were provided online on the Community Development's webpage and physical copies were provided upon requests to members of the public. The legal notice of hearing states how the public can view the proposal and how to receive a copy. Lewis County Code 17.12 is amended to codify the new practice of providing copies online. This amendment is to maintain consistency between code sections.

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(ii) ~~Nonproject legislative actions include modifications to development regulations, the comprehensive plan, or zoning map that affect larger groups of parcels. Nonproject legislative actions are typically sought by the county to promote a public rather than an individual benefit.~~

- (2) If this chapter does not expressly provide for review using one of the five types of procedures, and another specific procedure is not required by law, the director shall classify the application as one of the five procedural types and it will be processed accordingly. Questions about what procedure is appropriate shall be resolved in favor of the type providing the greatest public notice and opportunity to participate.

Table 17.05-1
Permit Review Type – Process Chart

	I	II	III	IV	V ¹
REQUIRED PUBLIC NOTICE²					
Notice Period		At Least 15 <u>Calendar</u> Days Before the Decision	At Least 15 <u>Calendar</u> Days Before an Open Record Public Hearing		
Mailed Notice		X	X	X	X ³
Notice Posted on Road Frontages		X	X	X	X ³
Notice Published in Newspaper			X	X	X
~~Notice Posted at Libraries and Senior Centers~~					~~X~~
PUBLIC HEARING					
Planning Commission					X
Hearings Examiner			X	X	
DECISION-MAKING BODY					
Administrator	X	X			
Hearing Examiner			X		
Board of County Commissioners				X	X
APPEAL					
To Hearing Examiner (as Specified in LCC 2.25.130)	X	X			
To Appropriate Court/Hearings Board (as Defined in LCC 2.25.140)			X	X	X

¹ ~~Notice associated with nonproject specific Type V actions may incorporate notice provisions far beyond those shown within the matrix including workshops, press releases, online information, etc. The information shown above for nonproject Type V actions should be considered the absolute minimum necessary to achieve a code or comprehensive plan change. Please refer to 17.12 for noticing requirements. Where there is a conflict, the noticing requirements of 17.12 supersede Table 17.05-1.~~

² Notice of SEPA determinations may be combined with other notices, so long as the requirements in WAC 197-11-510 and LCC 17.110.170 are met.

³ ~~Notice required on-site and to neighbors when part of a project-specific amendment.~~

Commentary

17.05.060

Contents of Type V permit applications are described in *Lewis County Code 17.12*.

17.05.070

For code consistency, all noticing requirements for Type V permits are found in *Lewis County Code 17.12*.

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Table 17.05-2
Process Required for Different Permit Types

[No Change]

17.05.050 Preapplication.

[No change]

17.05.060 Contents of application.

- (1) Except as provided elsewhere in this code, the department shall establish and may revise written submittal requirements for each type of project permit application required by this title. The department shall prescribe checklist forms, which shall clearly describe the material that must be submitted for an application to be accepted for processing.
- (2) Except for Type V governmental actions, which are addressed in Chapter 17.12 LCC, ~~At~~ minimum, a project permit application and any supplemental application shall include the following:
 - (a) A completed original project application form signed by the owner(s) of the property which is the subject of the application;
 - (b) A completed original supplemental application form;
 - (c) Parcel identification number;
 - (d) A copy of the preapplication meeting summary, if applicable;
 - (e) The applicable fee(s) adopted in LCC Title 18 for the application(s);
 - (f) If applicable, a State Environmental Policy Act Environmental Checklist;
 - (g) Permit-specific information required by submittal checklists distributed by the department in accordance with this section, or other relevant sections of Lewis County Code; and
 - (h) Any additional information, identified by the review authority needed to provide the department with sufficient information about the proposed project.

17.05.070 Determination of completeness – Lapsed applications – Postponed applications.

[No change]

Commentary

17.05.080

For code consistency, all noticing requirements for Type V permits are found in Lewis County Code 17.12.

17.05.120

For code consistency, all public hearings requirements for Type V permits are found in Lewis County Code 17.12.

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17.05.080 Notice of application.

[No change]

17.05.090 Vesting of permits.

[No change]

17.05.100 Consolidation of project permit applications.

[No change]

17.05.110 Integration of State Environmental Policy Act (SEPA) review with review of permit application.

[No change]

17.05.120 Public hearings.

- (1) No more than one open record public hearing shall be conducted for each project application, unless the application has been individually reviewed subject to LCC 17.05.100 or has been submitted as separate project permits.
- (2) All hearing examiner hearings shall be conducted in accordance with LCC 2.25.120.
- (3) All ~~nonproject specific~~ Type V permits governmental actions shall follow the public workshop and hearing procedures in Chapter 17.12 LCC.
- ~~(4) All hearings for project specific Type V permits shall follow procedures similar to those articulated in LCC 17.12.070; provided, that the hearing shall be a quasi-judicial hearing rather than a legislative hearing.~~

Commentary

17.05.125

For code consistency, all noticing requirements for Type V permits are found in Lewis County Code 17.12.

17.05.130

For code consistency, all noticing requirements for Type V permits are found in Lewis County Code 17.12.

17.05.160

For code consistency, all noticing requirements for Type V permits are found in Lewis County Code 17.12.

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17.05.125 Time frames for decisions.

[No change]

17.05.130 Notice of decision.

[No change]

17.05.140 Duration of decisions.

[No change]

17.05.150 Revocation of approval.

[No change]

17.05.160 Appeals.

(1)——Appeals of Type I, II, III and IV proposals shall occur in accordance with the appropriate portion of LCC 2.25.130 or 2.25.140.

(2)——~~Appeals of Type V proposals shall occur pursuant to Chapter 36.70A RCW.~~

17.05.170 Administration and interpretation.

[No change]

17.05.180 Fees.

[No change]

17.05.190 Refund of permit fees.

[No change]