

LEWIS COUNTY PLANNING COMMISSION

Frank Corbin, Chair

LETTER OF TRANSMITTAL

To: Lewis County Board of County Commissioners

From: Lewis County Planning Commission

Date: November 13, 2024

Subject: **Transmittal to the BOCC – Amendment to Lewis County Code, Chapters 17.05, 17.10 and 17.130 regarding permit process timeframes associated with SB5290**

Dear Commissioners:

The purpose of this report is to transmit to the Board of County Commissioners (BOCC) draft amendments to the Lewis County Code. The draft amendments are found in the October 23, 2024 Planning Commission Staff Report, Attachment A-C, available online at <https://lewiscountywa.gov/departments/community-development/events/planning-commission-11-12-2024/>.

1. Summary of Amendments to 17.05:

- Timeframes – Set the timeframes to make a decision based on the recommended timeframes in RCW 36.70B, except for complicate Type 3 applications (e.g., master site plans, shoreline variances, EIS) and all Type 5 applications which are not subject to the RCW.
- Contents of Application – Move the site plan requirements from the application checklist to 17.05.060 to make it clear what must be included on all site plans. Additional application requirements will remain on the individual checklists.
- Pausing the Timeframe – This is already allowed per the RCW; the amendment clarify that when information or corrections are asked of the applicant the timeframe is paused until all information or corrections are provided and then the timeframe resumes.
- Hearing Examiner – The timeframe is based on the date of the hearing. If the date of the hearing occurs within 170 days then the timeframe is met. The Hearing Examiner has 10

days after the hearing to render a decision. In addition, the Hearing Examiner may, by mutual agreement with the applicant, continue the hearing to a later date.

- Denials – Currently, the review authority may deny an application if the project does not meet the applicable rules and requirements. LCC 17.05.125(2) is amended to clarify that, within the 90 days or agreed-to extension, if the applicant does not provide the additional information requested to demonstrate that the project will meet the applicable rules and requirements, then the application will be denied.
 - Applicability – Clarify that standalone permits under Title 8, 12, 13 or 15 are not subject to the timeframes in this code section.
 - Refunds – Set the refund schedule based on the requirements of RCW 36.70B. Note – RCW 36.70B.160(1) allows the review authority to implement three of ten options and then not be required to issue refunds. Currently Lewis County implements none of the ten options. However, Community Development is working on two options: full fee cost-recovery and on-call services. If those are achieved and a third option is implemented, then no fee refunds for missing timeframes will be required.
2. Summary of Amendments to 17.10: A definition of “decision” on a project permit is added. Denied means the project does not meet all applicable rules and requirements; the applicant failed to provide requested evidence necessary to determine if the project meets all applicable rules and requirements; or the applicant has not satisfied the conditions of approval.
 3. Summary of Amendments to 17.130 – Clarification that determination of adequate facilities does not apply to any project that is exempt from a SEPA threshold determination. This is important for meeting the timeframes.

Findings of Fact

4. On May 8, 2023 the Washington State Governor did sign into law Senate Bill 5290 which amended RCW 36.70B.140, 36.70B.020, 36.70B.070, 36.70B.080, and 2 36.70B.160; reenacted and amended RCW 36.70B.110; and added a new section to chapter 36.70B RCW to consolidate permit review processes.
5. Lewis County is required to comply with RCW 36.70B by the effective date of January 1, 2025 and amendments to Chapters 17.05, General Provisions, 17.10, Definitions, and 17.130, Adequate Public Facilities of the Lewis County Code are necessary to comply with Senate Bill 5290.

6. A notice for a public hearing before the Lewis County Planning Commission on the proposed the amendments was provided in the manner prescribed in Chapters 17.05 and 17.12 of Lewis County Code on October 23, 2024; and
7. The Lewis County Planning Commission held a public hearing on the proposed population and housing allocations on November 12, 2024, and following the public hearings, the Lewis County Planning Commission deliberated and determined that the proposed amendments presented in the October 23, 2024 Staff Report meet the intent and requirements of the state statues 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 Chapters 17.05, General Provisions, 17.10, Definitions, and 17.130, Adequate Public Facilities of the Lewis County Code as shown in October 23, 2024 Staff Report, Attachment A-C.

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.

Submitted by  Date 11-13-24
Frank Corbin, Chair
Lewis County Planning Commission