

**PROPOSED CODE AMENDMENTS:  
PROCESS TO CHANGE CODE AND COMPREHENSIVE PLAN**

**Section 1: Amend 17.05.100 as follows.**

**17.05.100 Notice.**

(1) Purpose. The purpose of this section is to assure that notice is available ~~by-for~~ people affected by proposals considered by the county under the terms of ~~this~~ Title 17.

(2) Notice. In addition to property-specific notice and publication which may be required by law or other provisions of this title, the following notices shall be provided for actions taken pursuant to this title:

(a) Special Use Permits. ~~The County shall post public notice signs for special use permit applications. A four foot by four foot wooden sign, painted white with three-inch red lettering, shall be located within 10 feet of the county right-of-way on any open public roads abutting the property or the property access road.~~ The signs shall be posted not less than ~~30-14~~ days prior to public hearings and shall be clearly visible from ~~the all adjacent~~ public rights-of-way. The signs shall ~~read~~ include the information listed ~~in RCW 36.70B.110(2):~~

~~Notice of land use action.  
Special use permit proceedings for a  
[Name of Facility]  
For information on the project and hearing dates, contact:  
Lewis County Department of Community Development,  
350 N. Market Blvd., Chehalis, WA 98532  
(360/740-1146)  
[Owner/developer's name and contact]~~

**Commented [FE1]:** Cite the RCW instead of the requirements below.

(b) Master Plan Proceedings. ~~The County shall post public notice signs for special use permit applications. A four foot by eight foot wooden sign, mounted with four inch by four inch or better posts, painted white with four inch lettering~~The signs shall be located within 10 feet of each county right-of-way abutting the property to be addressed in the master plan, and within 10 feet of any open public road which serves as access to the site, where the road does not abut the site. The signs shall be posted not less than ~~30-14~~ days prior to the hearings and shall be clearly visible from the public rights-of-way. The signs shall be maintained on the property until the hearings are complete and the decision issues. The signs shall ~~include the information required in RCW 36.70B.110(2) at minimum. read as follows:~~

~~Notice of land use action.  
Master plan proceedings for a  
[Name of Facility]  
For information on the project and hearing dates, contact:~~

Lewis County Department of Community Development  
350 N. Market Blvd., Chehalis, WA 98532  
(360/740-1146)  
[Owner/developer name and contact]

~~(c) Comprehensive Plan Development Regulation Changes Affecting More Than One Property. The county shall cause to be published, in addition to other notices required by law, a public notice, eleven inches by seventeen inches which shall identify the time, place, and purpose of the county proceedings and the contact sites at county offices for additional information. The county will include a subarea map showing the area affected, if less than the whole county. The notice shall be posted in at least two places of public assembly within each of the subareas affected, as shown on Map 106. A place of public assembly for these purposes shall include the senior centers, the post offices, or grocery stores nearest the area potentially affected.~~

~~(d) The county community development department shall develop guidelines for the timely removal of signs.~~

~~(e) Applicant shall prepare and install and remove all signs required by this section. [Ord. 1175 §2, 2000; Ord. 1170B, 2000]~~

**Commented [FE2]:** Not clear what the 11 by 17 notice refers to. Map 106 is no longer included in the zoning code. I moved the statement regarding post offices and grocery stores in 17.170.050(2).

## Section 2: Remove Chapter 17.12 in its entirety.

### **Chapter 17.12 PUBLIC PARTICIPATION PROGRAM\***

#### Sections:

~~17.12.010 Title.~~

~~17.12.020 Statutory authority.~~

~~17.12.030 Applicability.~~

~~17.12.040 Statement of purpose.~~

~~17.12.050 Process and procedures.~~

~~17.12.060 Additional considerations.~~

#### **17.12.010 Title.**

~~The ordinance codified into this Chapter shall be known as the Public Participation Program. [Ord. 1179, 2002]~~

#### **17.12.020 Statutory authority.**

~~This ordinance is adopted pursuant to the provisions of Chapter 36.70A RCW. [Ord. 1179, 2002]~~

#### **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. [Ord. 1179, 2002]~~

#### **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. [Ord. 1179, 2002]~~

#### **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 legal basis for the decisions to be considered, and proposals for specific modifications. 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. Requests for new agenda items~~

must be made through the amendment process. 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 portion of its program, it will publish a notice of public hearing and circulate a draft proposal for comment and public hearing.~~

~~(b) The draft proposal shall be made available to the public at least 15 days prior to the scheduled hearings. To facilitate public review, copies of the proposal with related materials and information shall be available at the Lewis County Planning Department and on-line at its web page, and at locations in the affected area. Such locations may include:~~

~~(i) Timberland Regional libraries (5) located at: Chehalis, Centralia, Salkum, Randle, and Winlock.~~

~~(ii) Lewis County Senior Centers (5) located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock~~

~~(c) Copies of the proposal shall also be sent to the state Office of Community Development for their 60-day review. Materials shall also be sent to all incorporated cities and recognized tribes in the County; and to state, local, and federal agencies which have requested in writing that they receive copies of all notice materials.~~

~~(d) Notice of public hearings shall be published in the newspaper of record and in the newspaper of largest circulation in the area affected. The notice shall also be posted in locations of public interest as identified in the public notice provisions of LCC 17.05.100(2)(c) and any provisions of state law. Notices 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.~~

~~(e) Public hearings shall have three components:~~

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

~~(ii) Opportunity for public questions and questions from the Planning Commission; and~~

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

~~(f) During the public testimony portion of the program, witnesses are expected to address the matters on the agenda and not query staff or the Commission. Staff and the Commission will not comment or respond unless specifically invited by the witness. At the conclusion of testimony, a witness may be asked questions to clarify or focus their point. Testimony may be directed to the written proposal, either in favor or opposition, to changes the witness desires the County to~~

consider, and to choices, alternatives, and environmental consequences of the proposed development.

~~(g) Speakers shall be drawn first from a sign-up sheet which will be available at the entry as people enter the hearing hall. 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 each speaker(s) may have, and may or may not permit a speaker to address the Commission a second time based on time available and the need to maintain an orderly public hearing.~~

~~(h) The public will generally be given one week after the final public hearing to deliver any final written comments to the Planning Commission.~~

~~(i) After public hearings, the Planning Commission shall conduct one or more workshops to consider the matters presented. The Planning Commission shall then make its recommendations to the Board of County Commissioners.~~

### ~~(3) Board of County Commissioner Hearings~~

~~(a) The Board of County Commissioners shall publish a notice of public hearing on the materials directed by the Planning Commission. Such materials shall be made available to the public in the same manner as the Planning Commission materials.~~

~~(b) The Board of County Commissioners will follow the same hearing process format as the Planning Commission, with the same guidelines as set forth above; Except, that all written comments must be received by the Board of County Commissioners by the close of the public participation portion of their final public hearing, to be considered. The County shall consider both substantive and environmental issues.~~

~~(c) After the public hearing, the Board of County Commissioners may hold one or more workshops to consider matters raised during the hearings or in the writings submitted, and shall take such final action at a public hearing or meeting, as the Commission deems appropriate and in the public interest.~~

### ~~(4) The Record.~~

~~The County will retain a running copy of all materials received or submitted during workshops and public hearings. The record shall identify, at the least:~~

~~(a) The time and date of the meeting;~~

~~(b) The nature of the proceeding (e.g., workshop, public hearing);~~

~~(c) Subject(s) addressed;~~

~~(d) Persons addressing the subject(s), and~~

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

~~Minutes shall be maintained concurrently and should be approved at the next scheduled meeting. [Ord. 1179, 2002]~~

~~**17.12.060 Additional considerations.**~~

~~(1) All related comprehensive plan amendments and development regulations are to be considered concurrently.~~

~~(2) To aid and assure public participation, and to assure consideration of cumulative impacts, the Board of County Commissioners may consider use of citizen advisory committees, technical panels, consultant teams or groups, individually or in concert where appropriate to aid community understanding and processing of GMA issues. No specific format is required, but the goal of public participation is to be encouraged. [Ord. 1179, 2002]~~

~~[\*Note: this chapter was adopted under Ord. No. 1179, originally enumerated as existing "Ch.17.15".]~~

**Section 3: Amend 17.165 as follows:**

**Chapter 17.165**  
**SITE-SPECIFIC AMENDMENTS AND FEES**

Sections:

- [17.165.010](#) Site-specific zoning code aAmendments.
- ~~[17.165.020](#) Fees.~~
- ~~[17.165.030](#) Refund of permit fees.~~
- ~~[17.165.040](#) 17.165.030 Site-specific Ccomprehensive plan amendments~~
- [17.165.040](#) Fees

**17.165.010 Site-Specific Zoning Code Amendments.**

(1) A site-specific zoning code amendment shall be processed as a quasi-judicial application with a public hearing before the hearing examiner and a final decision by the Board of County Commissioners. Permit processing and notice requirements shall be similar to the applicable requirements specified for subdivisions in LCC 16.05.080 through 16.05.130.

(2) Applications shall occur on forms provided by the County, include the number of copies necessary and contain a SEPA checklist as part of the submittal.

(3) Applications shall be submitted by December 31<sup>st</sup> for consideration in the following year. Proposed rezones shall be considered no more frequently than once per year to ensure that the cumulative effect of all proposals may be considered.

(4) Site-specific rezones may be initiated upon petition of 50 percent of the owners of the land of any area or district encompassed in the rezone proposal.

(5) Rezone Conditions. Site-specific rezones must meet the following conditions:

(A) Appropriate provisions are made for public health, safety, and general welfare.

(B) The public use and interest will be served by the change.

(C) The requested change is consistent with the comprehensive plan map and future land use designation policies.

(D) The amendment is consistent with the locational criteria and the purpose statement of the zoning district.

(E) The amendment does not create a spot zone or special privilege that neighboring properties do not enjoy.

(F) There are adequate public facilities and services to serve the requested change.

**Commented [FE1]:** Added based on Karen's comment.

**Commented [FE2]:** Do we want this to include something about half assessed land value?

(G) The amendment either:

- (i) Responds to a substantial change in conditions applicable to the area within which the subject property lies;
- (ii) Better implements applicable comprehensive plan policies than the current map designation; or
- (iii) Corrects an obvious mapping error.

**Commented [FE3]:** Changed to better reflect both legislative and site-specific rezones.

(1) Upon referral by the county commission or by its own initiation, the planning commission may recommend amendments to the provisions of LCC Title 17 as per state statute.

(2) Upon petition of 50 percent of the owners of the land of any area or district hereafter regulated under the provisions of this title, the planning commission shall consider any changes affecting such district or area and, after holding such public hearing or hearings as the size and character of the district is believed to warrant, shall report its findings to the county commission with its recommendations.

(3) Amendments affecting or changing zone district boundaries or regulations of land uses previously affected by the ordinance shall be accompanied by a detailed map showing any and all of such proposed changes. [Ord. 1170B, 2000]

**17.165.020 Fees.**

The Lewis County Schedule of Fees is established by local Resolution on file with the Board of County Commissioners and codified under Title 18 LCC. [Ord. 1170B, 2000]

**17.165.030 Refund of permit fees.**

(1) The application may be withdrawn within 30 days of submittal by the owner or agent of the owner. A request for a refund shall be in writing.

(2) A full refund may be granted where no work shall have commenced on the project for which such application has been made.

(3) A partial refund may be granted where work has commenced on the project, based on work actually done.

(4) At the election of the Administrator or his/her designee, a site inspection may be conducted prior to any refund to verify item (2) and to assure that such withdrawal is in the public interest. Such inspections shall be reported back in writing to the Administrator or his/her designee.

(5) No refunds shall be made for projects/applications which are requested withdrawn when the refund would draw on county funds in a budget year other than the one in which the application and fees were collected.

(6) Withdrawal of an application shall constitute full surrender of any express or implied rights inherent in an application which has been perfected and accepted by the community development department or its designees. [Ord. 1170B, 2000]

**17.165.0340 Comprehensive plan amendments.**

(1) All comprehensive plan amendments shall be conducted in accordance with Chapter 17.170.

(2) Where a site-specific Comprehensive Plan Amendment is proposed, the amendment must conform with the applicable criteria for site-specific rezones listed in 17.165.020(3)

**Commented [FE4]:** Changed to point to public participation program in 17.170 (existing 17.12)

(1) Purpose. The purpose of this section is to promote coordinated review of comprehensive plan amendments and assure that both individual and cumulative affects of proposed changes may be evaluated.

(2) Schedule.

(a) The county shall publish a notice of the schedule in September of each years to permit people to plan and organize proposed amendments.

(b) The county shall accept recommendations for change through the last business day of December of each year. Applicants shall identify the specific change requested and identify the property or properties affected by the change; and if the change is parcel-specific, the owners of the property affected and the owners of property within 500 feet of the proposed change will be notified.

(c) The county staff will present the requested changes to the Planning Commission at its first meeting in February and the Planning Commission will identify the proposals consistent with county policies and appropriate for consideration for change.

(d) The Planning Commission will recommend specific comprehensive plan changes to be scheduled for public hearing at its first meeting in March, will hold public hearings in April, and will make recommendations to the Board of County Commissioners by the Board of County Commissioner's first meeting in May. The timing of the process are targets and will be followed consistent with the needs of notice and public participation.

(e) The Board of County Commissioners may take such steps as it deems appropriate, but if changes are to be made, the target for action is July of each year to permit changes to be incorporated into county capital facility plans and budgets.

(f) The Board of County Commissioners may adjust this schedule by resolution where GMA proceedings adversely affect the County's ability to adhere to this schedule. [Ord. 1179, 2002; Ord. 1175 § 2, 2000]

**17.165.040 Fees.**

The applicable fees for Site-Specific Rezones and Site-Specific Comprehensive Plan amendments, as adopted in Title 18 and as may be changed from time to time, shall be provided for the review of the application.

**Commented [FE5]:** Added based on Karen's comment

**Section 4: Create a new section 17.170.**

**Chapter 17.12170  
PUBLIC PARTICIPATION PROGRAM\* LEGISLATIVE AMENDMENTS**

**Commented [FE1]:** Moved to 17.12 to new number 17.170

Sections:

- [17.12170.010](#) Title under Growth Management Act.
- ~~17.12.020~~ ~~Statutory authority.~~
- [17.12170.030](#) Applicability.
- [17.12170.040](#) Statement of purpose.
- [17.12170.050](#) Process and procedures.
- [17.12170.060](#) Additional considerations.

**17.12170.010 Title under Growth Management Act.**

~~For the purposes of Chapter 36.70A RCW, this ordinance shall be known as the Public Participation Program. The ordinance codified into this Chapter shall be known as the Public Participation Program. [Ord. 1179, 2002]~~

**17.12.020 Statutory authority.**

~~This ordinance is adopted pursuant to the provisions of Chapter 36.70A RCW. [Ord. 1179, 2002]~~

**17.12170.030 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. [Ord. 1179, 2002] Site-specific changes to the zoning code are addressed through LCC 17.165.

**17.12170.040 Statement of purpose.**

Lewis County encourages public participation in the Growth Management process. ~~The Public Participation Program~~ This chapter is intended to help serve the public interest by detailing the overall process to facilitate public participation. [Ord. 1179, 2002]

**17.12170.050 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 legal basis for the decisions to be considered, and proposals for specific modifications. The public is invited to observe the workshops, and the Planning 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. Requests for new agenda items must be made through the amendment process. 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 portion of its program, it will publish a notice of public hearing and circulate a draft proposal for comment and public hearing.

(b) The draft proposal shall be made available to the public at least 15 days prior to the scheduled hearings. To facilitate public review, copies of the proposal with related materials and information shall be available at the Lewis County Planning Community Development Department and on-line at its web page, and at locations in the affected area. Such locations may include:

(i) Timberland Regional libraries (5) located at: Chehalis, Centralia, Salkum, Randle, and Winlock.

(ii) Lewis County Senior Centers (5) located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock.

(iii) Other areas such as post offices, or grocery stores that are located near the potentially affected area.

Commented [FE2]: Included from 17.05.100(2)

(c) Copies of the proposal shall also be sent to the state Office of Community Development Washington State Department of Commerce for their 60-day review. Materials shall also be sent to all affected incorporated cities and recognized tribes in the County; and to state, local, and federal agencies which have requested in writing that they receive copies of all notice materials.

(d) Notice of public hearings shall be published in the newspaper of record and in the newspaper of largest circulation in the area affected. The notice shall also be posted in locations of public interest as identified in the public notice provisions of LCC 17.05.100(2)(c) and any provisions of state law. Notices 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.

(e) Public hearings shall have three components:

(i) Staff summary of the materials presented;

(ii) Opportunity for ~~public questions and~~ questions from the Planning Commission; and

(iii) Opportunity for public testimony.

(f) During the public testimony portion of the program, witnesses are expected to address the matters on the agenda and not query staff or the Planning Commission. Staff and the Planning Commission will not comment or respond unless specifically invited by the witness. At the conclusion of testimony, a witness may be asked questions to clarify or focus their point. Testimony may be directed to the written proposal, either in favor or opposition, to changes the witness desires the County to consider, and to choices, alternatives, and environmental consequences of the proposed development.

(g) Speakers shall be drawn first from a sign-up sheet which will be available at the entry as people enter the hearing hall. The Planning 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 each speaker(s) may have, and may or may not permit a speaker to address the Planning Commission a second time based on time available and the need to maintain an orderly public hearing.

(h) The public will generally be given one week after the final public hearing to deliver any final written comments to the Planning Commission.

(i) After public hearings, the Planning Commission ~~shall~~may conduct one or more workshops to consider the matters presented. The Planning Commission shall then make-forward its recommendations to the Board of County Commissioners.

(3) Upon receipt of the amendments, the Board of County Commissioners may review the proposal in accordance with its established procedures. Board of County Commissioner Hearings

~~(a) The Board of County Commissioners shall publish a notice of public hearing on the materials directed by the Planning Commission. Such materials shall be made available to the public in the same manner as the Planning Commission materials.~~

~~(b) The Board of County Commissioners will follow the same hearing process format as the Planning Commission, with the same guidelines as set forth above; Except, that all written comments must be received by the Board of County Commissioners by the close of the public participation portion of their final public hearing, to be considered. The County shall consider both substantive and environmental issues.~~

~~(c) After the public hearing, the Board of County Commissioners may hold one or more workshops to consider matters raised during the hearings or in the writings submitted, and shall take such final action at a public hearing or meeting, as the Commission deems appropriate and in the public interest.~~

(4) The Record.

The County will retain a ~~running copy~~record of all materials received or submitted during workshops and public hearings. The record shall identify, at the least:

- (a) The time and date of the meeting;
- (b) The nature of the proceeding (e.g., workshop, public hearing);
- (c) Subject(s) addressed;
- (d) Persons addressing the subject(s), and
- (e) Documents received during the proceedings.

Minutes shall be maintained concurrently and should be approved at the next scheduled meeting. [Ord. 1179, 2002]

**17.~~12~~170.060 Additional considerations.**

(1) All related comprehensive plan amendments and development regulations are to be considered concurrently.

(2) To aid and assure public participation, and to assure consideration of cumulative impacts, the Board of County Commissioners may consider use of citizen advisory committees, technical panels, consultant teams or groups, individually or in concert where appropriate to aid community understanding and processing of GMA issues. No specific format is required, but the goal of public participation is to be encouraged. [Ord. 1179, 2002]

[\*Note: this chapter was adopted under Ord. No. 1179, originally enumerated as existing "Ch.17.15".]