

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LEWIS COUNTY, WASHINGTON**

**AN ORDINANCE OF LEWIS COUNTY, WASHINGTON )  
AMENDING CHAPTER 17. 200.020(1) LEWIS COUNTY )  
CODE, OFFICIAL ZONING MAP, CORRECTING ) **ORDINANCE NO. 1238**  
INCONSISTENCIES RELATING TO MAPPED )  
FOREST RESOURCE LANDS )**

WHEREAS, consistent with the Growth Management Act and authority granted under RCW 36.70A.130, the County is amending Lewis County Code Chapter 17.200.020(1) Official Zoning Map to comply with the Growth Management Act and to resolve challenges to County action raised in an appeal and to comply with the Growth Management Hearings Board orders issued on that appeal; and

WHEREAS, the Lewis County Planning Commission and the Board of County Commissioners have held public meetings and hearings, consistent with the public participation provisions of Lewis County, to take public testimony and consider the matter as required under state law to resolve the appeal and comply with the Growth Board's orders issued in Washington Growth Management Hearings Board Case No. 11-2-0003; and

WHEREAS, the Board of County Commissioners received findings and recommendations from the Planning Commission concerning proposed amendments to Title 17 Lewis County Code ; and

WHEREAS, the Board of County Commissioners has considered the testimony from the public hearing, and has reviewed and considered the recommendations of the Planning Commission and County staff, and finds that the proposed amendments are in the best interest of the public; and

WHEREAS, some parcels previously classified by the Board of County Commissioners as Forest Resource Land of Local Importance (FRLLI) in 1996 and 1997 are incorrectly depicted on the current Official Zoning Map as Forest Resource Land of Long Term Commercial Significance; and

WHEREAS, the zoning map changes are procedural, serving only to correct the inadvertent and improper mapping of said forest resource lands; and

NOW THEREFORE, BE IT ORDAINED by the Lewis County, Washington Board of County Commissioners that:

Lewis County adopts the following amendments to Lewis County Code Chapter 17.200.020(1):

The Official Lewis County Zoning Map is hereby amended as depicted on the map attached hereto as Attachment A to correct mapping errors and inconsistencies concerning mapped Forest Resource Lands, to show the 1996-97 classifications approved by Lewis County as Forest Resource Land of Local Importance (FRLLI) and erroneously identified on the Zoning Map as Forest Resource Land of Long Term Commercial Significance (FRLLTCS), and to make

any and all changes in Lewis County Code Chapter 17 as may be necessary to correct any and all text and mapping consistent with the same.

2. The Board adopts and incorporates herein by reference the findings and recitals made by staff and the Planning Commission in the transmittal and recommendation attached hereto.

3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid at law, such decision shall not affect the validity of the remaining portions of this Ordinance.

The provisions of this Ordinance are in the public interest and this Ordinance shall take effect immediately upon adoption by the Board.

PASSED IN REGULAR SESSION THIS 4<sup>th</sup> day of June, 2012, after a public hearing was held June 4<sup>th</sup>, 2012 pursuant to Notice published in the *East County Journal* on May 9th, 2012.

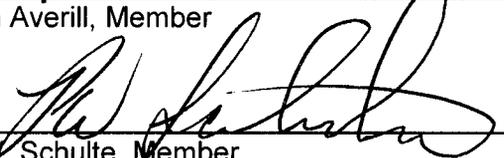
APPROVED AS TO FORM:  
Jonathan Meyer, Prosecuting Atty.

  
\_\_\_\_\_  
By: Civil Deputy Prosecuting Atty.

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

  
\_\_\_\_\_  
F. Lee Grose, Chairman

  
\_\_\_\_\_  
Ron Averill, Member

  
\_\_\_\_\_  
P.W. Schulte, Member

ATTEST:

  
\_\_\_\_\_  
Karri Muir, Clerk of the Board



## LETTER OF TRANSMITTAL

**To:** Lewis County Board of County Commissioners

**From:** Lewis County Planning Commission

**Date:** May 22, 2012

**Subject:** Transmittal to the BOCC: Findings and Conclusions Regarding 2012 amendments – RE: Amending the Lewis County Comprehensive Plan Land Use Map and Zoning Map to correct errors and inconsistencies per the final decision and order of the Washington Growth Management Hearings Board, Western Region.

**Dear Commissioners:**

The Lewis County Planning Commission, during the month of May 2012, held a public hearing and workshops to review and formulate recommendations for amending the Lewis County zoning map, Comprehensive Plan map, and the development code to comply with the Growth Hearings Board decision.

As Chairman of the Planning Commission, I am transmitting herewith the recommendations of the Planning Commission pertaining to the above topics. The subject of the Planning Commission's focus has been:

LEWIS COUNTY REZONE APPLICATION MAP & TEXT AMENDMENTS  
SEP12-0006,

COMPREHENSIVE PLAN AMENDMENTS  
Official Lewis County Land Use Map

DEVELOPMENT CODE AMENDMENTS

Section 17.200.020(1) Official Lewis County Zoning Map

The attached staff report (**Attachment A**) and the following findings and conclusions are presented to the Board of County Commissioners for consideration:

**General findings of fact:**

- 1) The amendment(s) were reviewed by the Lewis County Planning Commission taking into account the comprehensive plan, the zoning ordinances, planning policies, the GMA and development regulations, Growth Hearing Boards orders, staff reports, public and applicant testimony.
- 2) The Planning Commission also specifically identified the findings listed below:
  - i) The amendments were consistent with the Growth Management Act and authority granted under RCW 36.70A.130, where the County is required to amend Lewis County Code Chapter 17.200.020(1) Official Zoning Map to comply with the Growth Management Act and to resolve challenges to County action raised in an appeal,
  - ii) The amendments were consistent with the Growth Management Act and authority granted under RCW 36.70A.130, where the County is required to amend Lewis County Comprehensive Land Use Map to comply with the Growth Management Act and to resolve challenges to County action raised in an appeal,
- 3) The amendments were presented at a public forum and public testimony was taken consistent with the state regulations and LCC 17.12.
- 4) The Planning Commission reviewed the proposed code changes to add a definition of contiguous but recommends not adopting the change and respectfully asks the BOCC not to adopt the change of definition.

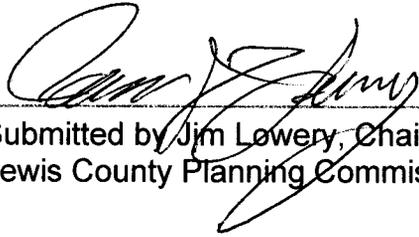
**Conclusions regarding the requests for map changes throughout Lewis County:**

The proposed amendments to the Comprehensive Plan Land Use Map and Official Zoning Map correct mapping errors and inconsistencies:

- 1) Based on the above findings one (1) map amendment to the Comprehensive Plan Land Use map to reflect FRL without distinguishing between FRLTCS and FRLLI will correct inconsistencies.

2) Based on the above findings one (1) map amendment to the Official County Zoning Map will correct that map to reflect the 1996-97 designations and classifications as FRLLI of parcels erroneously identified on the prior Zoning Map as FRLTCS, and add parcels designated in 1996-97 as FRLLI erroneously omitted from that map.

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



Submitted by Jim Lowery, Chairman  
Lewis County Planning Commission

5/29/12  
Date

LEWIS COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

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STAFF REPORT

**To:** Lewis County Board of County Commissioners  
**From:** Jerry Basler  
**Date:** May 25, 2012  
**Subject:** Lewis County Map Amendment(s)

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**ISSUE:**

Amend the Lewis County Comprehensive Plan Land Use Map, Zoning Map & Text to correct inconsistencies per the final decision and order of the Washington Growth Management Hearings Board, Western Region.

**BACKGROUND:**

In its Final Decision and Order (“FDO”) in *Nilson, et.al. v Lewis County* (Case No. 11-2-0003) the Washington Growth Management Hearings Board, Western Region (“Growth Board”), found that Lewis County’s interpretation of the “5,000 contiguous acres” clause in LCC 17.30.430(2) was consistent with and implemented the Comprehensive Plan, but that the application of that interpretation to Forecastle’s “opt-in” request resulted in “mapping inconsistencies” in the Land Use and Zoning Map to the extent that the Forecastle property was designated Forest Resource Land of Local Importance (FRLLI) but “similarly-situated lands” retained their designation as Forest Resource Land of Long Term Commercial Significance (FRLLTCS) under LCC 17.30.430. The Growth Board ordered the County to resolve these inconsistencies.

**DISCUSSION:**

In the compliance process, the County Staff has learned:

- (1) That the 1996 ordinance creating the FRLLTCS and FRLLI classifications permitted the County to classify and designate only FRLLTCS, but permitted the County to designate land as FRLLI if the landowner affirmatively applied to “opt in” to the FRLLI classification and otherwise met the criteria; and
- (2) That the County received a number of applications in 1996 and 1997 to opt-in to FRLLI and some of those applications were granted, but the 2000 Land Use and Zoning Map failed to reflect those distinctions.
- (3) The Staff proposes (1) to correct the County Zoning Map and reflect the 1996-97 designations as FRLLI of parcels erroneously identified on the

# **Ordinance 1238**

## **Attachment A**

Amendment to LCC 17.200.010(1)  
Official Lewis County Zoning Map



## BOCC EXECUTIVE SUMMARY

**Proposed Action(s):** Hold a public hearing to consider adoption of Ordinance No. 1238, amending the Lewis County Official Zoning Map and to amend the Lewis County Comprehensive Plan to correct inconsistencies in mapping and designation of Forest Resource Lands.

**Summary prepared by:** Jerry Basler, Planner

**Date:** May 3, 2012

**Date of Notice of Hearing BOCC action:** June 4, 2012

**Date of Public Hearing:** June 4, 2012

**Date of Final Board Action:** June 4, 2012

**Summary of proposal(s):** Planning staff and the Planning Commission, at the request of the Board, has been preparing amendments to the Lewis County Comprehensive Plan Land Use Map, and to the implementing development regulations in LCC Chapter 17.200.020(1) Official Lewis County Zoning Map.

The proposed actions will amend the Comprehensive Plan Land Use Map, addressing mapping inconsistencies related to the Forest Resource Lands designation, and will include map amendments to Title 17 to the Lewis County Code including such amendments to the official zoning map as are necessary to correct mapping inconsistencies.

After a duly advertised public hearing the Planning Commission adopted a set of findings and conclusions and transmitted their recommendation to approve amendments to the Lewis County Comprehensive Plan Land Use Map, and include

In its Final Decision and Order ("FDO") in *Nilson, et.al. v Lewis County* (Case No. 11-2-0003) the Washington Growth Management Hearings Board, Western Region ("Growth Board"), found "mapping inconsistencies" in the Land Use and Zoning Map related to mapping of Lewis County's two classifications of Forest Resource Land of Long Term Commercial Significance for purposes of RCW 36.70A.170 of the Growth Management Act (FRL): (1) Forest Resource Land of Local Importance (FRLLI) and (2) Forest Resource Land of Long Term Commercial Significance (FRLLTCS).

The Growth Board ordered the County to resolve these inconsistencies. In the compliance process, the County Staff has learned that the 1996 ordinance creating the FRLLTCS and FRLLI classifications permitted the County to classify designated FRL only as FRLLTCS, but permitted the County to classify designated FRL as FRLLI if the landowner affirmatively applied to "opt in" to the FRLLI classification and otherwise met the criteria; and that the County received a number of applications in 1996 and 1997 to opt-in to the FRLLI classification and some of those applications were granted, but the 2000 Land Use and Zoning Maps failed to properly reflect those classifications. The proposed ordinance corrects the mapping errors amends the zoning map to show such land as was previously classified by board actions.

This is a compliance matter and is not subject to the once-a-year limitation on amendments to the Comprehensive Plan. Following a public hearing on June 4, 2012, the Board will conduct a workshop to consider all comprehensive plan amendments, and proposed amendments to the implementing development regulations so that the effects weigh together, consistent with the requirements of the Growth Management Act, Chapter 36.70A RCW.

**Result of disapproval:** In the event the Board does not approve the amendment, the Comprehensive Plan Land Use Map will not be amended, and no changes to the development regulations will be made in response to the Growth Board's orders.

**Staff recommendation:** Approve the resolution to correct mapping inconsistencies on the Comprehensive Land Use Map, and Ordinance 1238, amendments to Chapter 17.200.020(1) Official Lewis County Zoning Map Lewis County, and to any other text and map as required for consistency.

**BOCC AGENDA ITEM SUMMARY**

(revised 02/24/99)

AGENDA ITEM #: \_\_\_\_\_ ORDINANCE #: 1238 BOCC MEETING DATE: June 4, 2012

SUGGESTED WORDING FOR AGENDA ITEM:  Notice  Adoption  Discussion  HearingAdoption of Ordinance No. 1238, amending Chapter 17.200.020(1) the Official Lewis County Zoning Map to correct identified errors and mapping inconsistencies concerning Forest Resource Land Classifications in Lewis County.**BRIEF REASON FOR BOCC ACTION:**Amendments to the Lewis County Official Zoning Map are done by ordinance, and require published notice of a public hearing and intent to adopt prior to final action by the Board of County Commissioners. The hearing and final action will be on June 4, 2012.

Bob Johnson

PHONE: x 2606

DATE

May 3, 2012

SUBMITTED:

CONTACT PERSON WHO WILL ATTEND BOCC MEETING:

Bob Johnson, DCD Director

**TYPE OF ACTION NEEDED:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Approve Resolution                   | <input type="checkbox"/> Call for Bids / Proposals  |
| <input checked="" type="checkbox"/> Approve Ordinance (Traffic or other) | <input type="checkbox"/> Bid Opening  |
| <input type="checkbox"/> Execute Contract / Agreement                    | <input checked="" type="checkbox"/> Notice for Public Hearing *(see Publication Requirements) |
| <input type="checkbox"/> Other (please describe): _____                  |   |

**\*PUBLICATION REQUIREMENTS:** Resolution e-mailed to Clerk Not applicable

Hearing Date: June 4, 2012

*(Must be at least 10 days after first publication date)*

Publish Date(s): May 3, 2012

*(2 weeks for routine budget, property disposal / auction or vacations)  
(3 weeks for property lease)*Publication(s):  EAST COUNTY JOURNAL CHRONICLE OTHER: \_\_\_\_\_**ALL AGENDA ITEMS:**Department Director / Head: \_\_\_\_\_  
Prosecuting Attorney: \_\_\_\_\_**EMPLOYEE ITEMS:** (relating to employment, salary, position, reclassification, union, etc.)

Personnel Director: \_\_\_\_\_

**BANKING OR REVENUE ITEMS:**

Treasurer: \_\_\_\_\_

**BUDGET AND PAYROLL ITEMS:**

Budget Officer: \_\_\_\_\_

Chief Accountant: \_\_\_\_\_



Fund: 121

Department: Com. Dev.

Total Amount: N/A

**APPROVALS MUST  
BE OBTAINED  
BEFORE  
SUBMITTING ITEM  
TO BOCC CLERK****CLERK'S DISTRIBUTION OF SIGNED DOCUMENTS:**

Send cover letter: \_\_\_\_\_

*(city/state/zip)*

File originals: BOCC mtg folder

File copy: hearing/bid folder

File copy: working file

Additional copies: \_\_\_\_\_

Bob Johnson

Jerry Basler

Donna Olson

Dawna Truman