

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

**RE:**  
**AMENDING THE LEWIS COUNTY COMPREHENSIVE )**  
**PLAN LAND USE MAPS TO CORRECT MAPPING )**  
**INCONSISTENCIES AND ESTABLISHING A )**  
**SINGLE FOREST RESOURCE LAND DESIGNATION )**  
**CONSISTENT WITH THE GROWTH MANAGEMENT )**  
**ACT, RCW 36.70A )**

**RESOLUTION NO. 12-184**

WHEREAS, consistent with the Growth Management Act and authority granted under RCW 36.70A.130, the County is required to amend the Lewis County Comprehensive Plan Land Use Maps to comply with the Growth Management Act and to resolve challenges raised in an appeal outside of the yearly amendment process, and to consider such change as may be appropriate; and

WHEREAS, the Lewis County Planning Commission held two workshop meetings in 2012 to consider amending to the Lewis County Comprehensive Plan Land Use Maps to resolve certain matters raised in an appeal, Western Washington Growth Management Hearings Board Case No. 11-2-0003, and to comply with the Growth Board's orders issued in that case, and has conducted a public hearing on said proposed compliance amendment on May 22, 2012, the record of which is attached as Exhibit A and incorporated by reference; and

WHEREAS, the Board of County Commissioners has received recommendations from the Planning Commission and Planning Staff concerning said compliance amendment to the Lewis County Comprehensive Plan Land Use Maps, attached as Exhibit B and incorporated by reference; and

WHEREAS, this Board held a public hearing on the matter on June 4, 2012; and

WHEREAS, the Board has considered the Planning Commission recommendations, testimony taken at the Board hearing, and recommendations from County staff; and

WHEREAS, the proposed amendment is summarized as follows:

Amending the Comprehensive Plan Land Use Maps, adding a category called Forest Resource Lands & Forest Resource Land & Parks and any other map or text to reflect the changes related thereto (maps attached as Attachment A and incorporated by reference); and

WHEREAS, this resolution is in the best interest of the citizens of Lewis County;

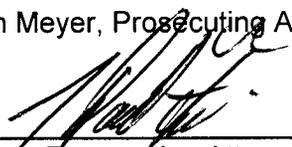
NOW THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Lewis County, Washington that the amendments identified below are adopted and the comprehensive plan land use maps are amended accordingly, including any text or map amendments necessary for consistency:

To wit: the Lewis County Comprehensive Plan is amended to reflect changes to the land use maps, in particular Forest Resource Land maps, adding a category called Forest Resource Lands & Forest Resource Land & Parks and any other map or text to reflect the changes related thereto (maps attached as Attachment A).

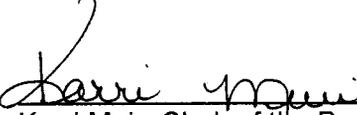
The amendments shall take effect immediately.

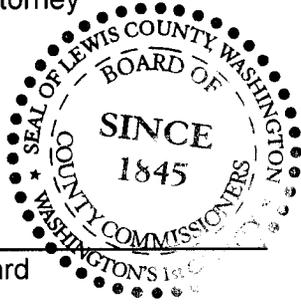
PASSED IN REGULAR SESSION THIS 4<sup>th</sup> day of June, 2012, after public hearings were held June 4, 2012, pursuant to Notice published in the *East County Journal* and the *Chronicle*.

APPROVED AS TO FORM:  
Jonathan Meyer, Prosecuting Attorney

By:   
Deputy Prosecuting Attorney

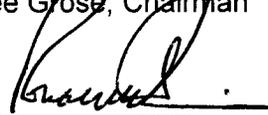
ATTEST:

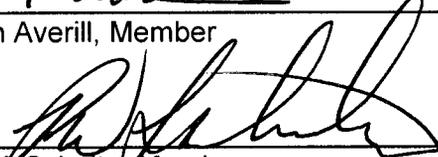
  
Karri Muir, Clerk of the Board



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

  
F. Lee Grose, Chairman

  
Ron Averill, Member

  
P.W. Schulte, Member

- seal -

# Resolution 12 - 184

## Exhibit A Letter of Transmittal

## 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.

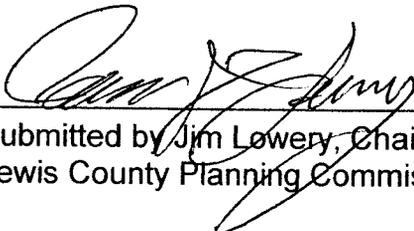
**Conclusions regarding the requests for map changes throughout Lewis County:**

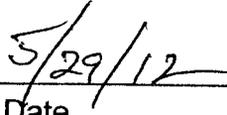
The proposed amendments to the Comprehensive Plan Land Use Map and Official Zoning Map correct mapping errors and inconsistencies:

- 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

  
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

Zoning Map as FRLLTCS, and add FRLLI previously omitted, and (2) to correct the Land Use map to reflect FRL without distinguishing between FRLLTCS and FRLLI. An amendment to the zoning text Chapter 17.30 Resource Lands is also proposed. The amendment reads “Contiguous” for purposes of this Chapter means land adjoining or touching by common corner or otherwise. Land divided by improved public rights-of-way or railroad rights-of-way or bodies of water subject to the Shoreline Management Act shall not be considered to be contiguous.

**RECOMMENDATION:**

At the May 22, 2012 Planning Commission meeting, the Planning Commission moved to recommend the map amendments and take no action on the text amendment.

Staff proposes (1) to correct the Official County Zoning Map and reflect the 1996-97 designations as FRLLI of parcels erroneously identified on the Zoning Map as FRLLTCS, and add FRLLI previously omitted, and (2) to correct the Comprehensive Plan Land Use map to reflect FRL without distinguishing between FRLLTCS and FRLLI, and 3) take no action to amend LCC Chapter 17.30 adding a new definition of “Contiguous”. The Board of County Commissioners shall either:

- Approve the recommendation of the Planning Commission
- Approve the recommendation of the Planning Commission with conditions
- Disapprove the recommendation of the Planning Commission

# **Resolution 12 - 184**

## **Exhibit B** Land Use Maps

BOCC Public Hearing Adopted June 4, 2012

Figure 4.17 (a)

# FUTURE

## LAND USE

### RURAL LANDS

Adopted and Ratified by the Board of County Commissioners April 4, 2002 pursuant to Ordinance 1179 Revised June 4, 2012

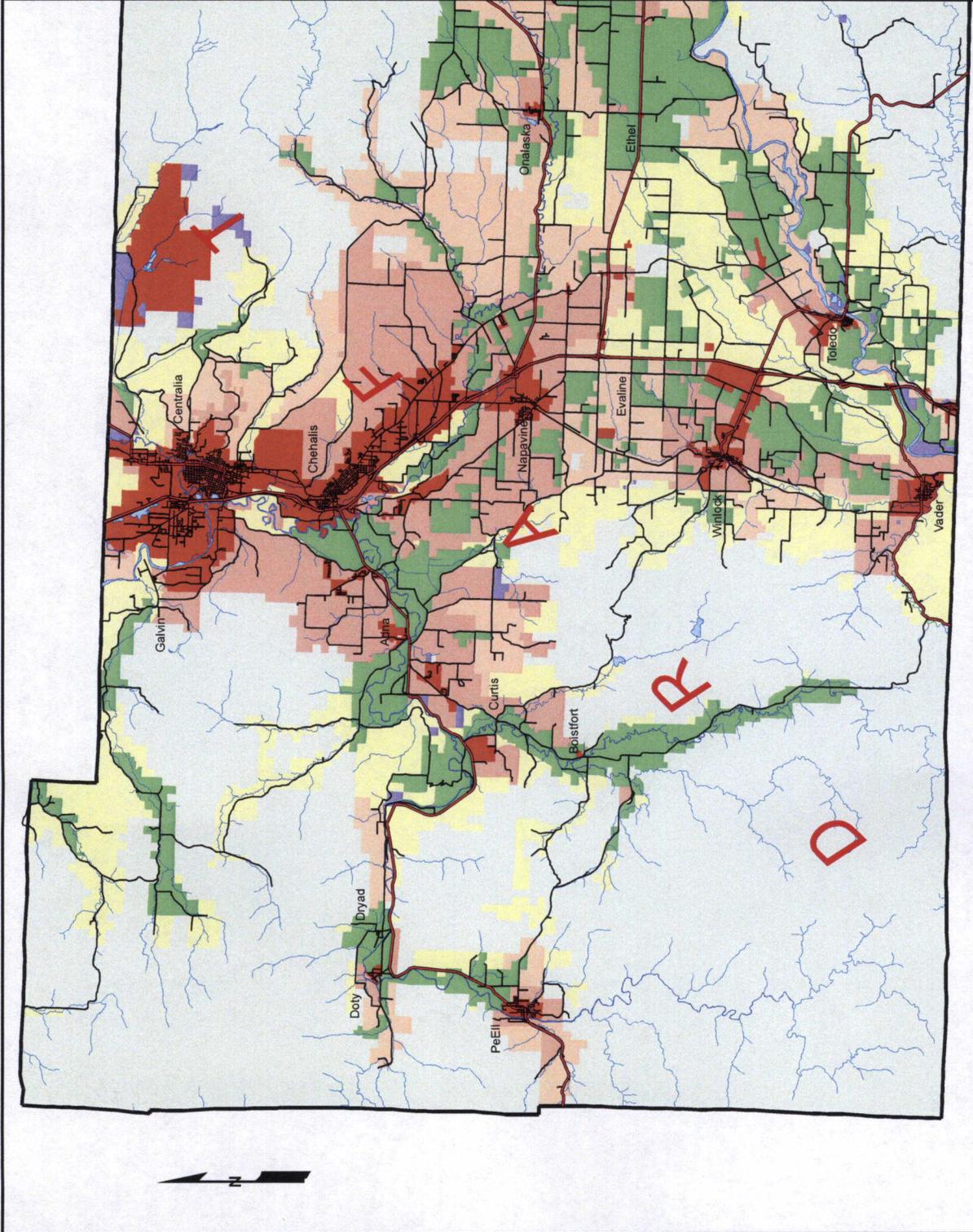


#### Legend

- RDD Zoning 1 Dwelling per 5 Acres
- RDD Zoning 1 Dwelling per 10 Acres
- RDD Zoning 1 Dwelling per 20 Acres
- Cities, UGAs and LAMIRDS
- Agricultural Resource Lands
- Forest Resource Lands and Parks
- Mineral Resource Lands

The map was compiled by Lewis County Geographic Information Services. The base map was developed by the Washington State Department of Natural Resources. The map is a vector map. The accuracy of this map has not been verified. It is intended for informational purposes only. Any reliance on this map should be made through the use of the Lewis County Geographic Information Services.

Projection: Lambert Conformal Conic  
Datum: 1983 North American Datum  
Units: US Feet  
Scale: 1:250,000



Lewis County, Washington

Comprehensive Plan

Figure 4.17 (b)

# FUTURE LAND USE RURAL LANDS

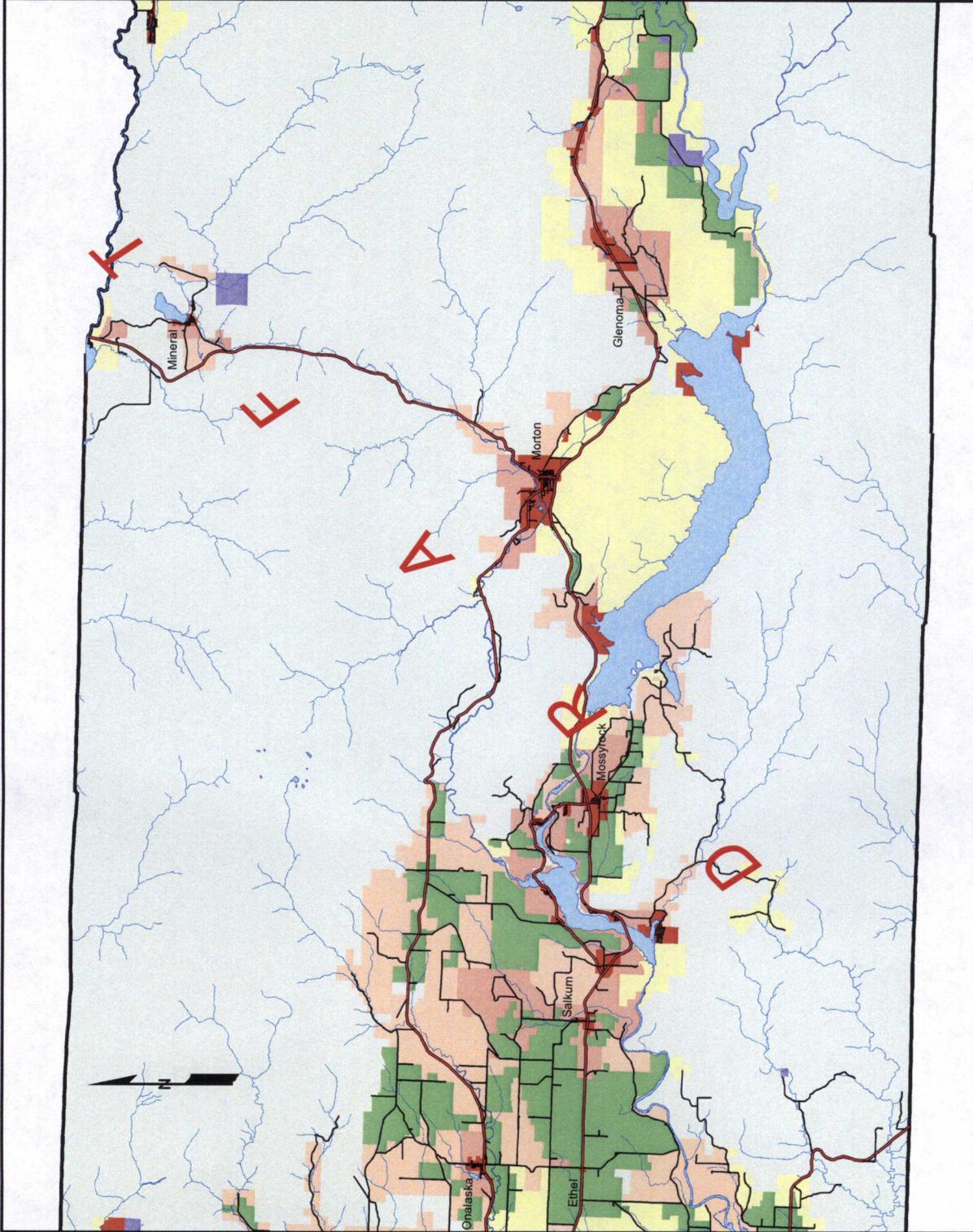
Adopted and Ratified by the Board  
of County Commissioners April 4, 2002  
pursuant to Ordinance 1179  
Revised June 4, 2012



### Legend

-  RDD Zoning  
1 Dwelling per 5 Acres
-  RDD Zoning  
1 Dwelling per 10 Acres
-  RDD Zoning  
1 Dwelling per 20 Acres
-  Cities, UGAs and LAMIRDS
-  Agricultural Resource Lands
-  Forest Resource Lands and Parks
-  Mineral Resource Lands

This map was compiled by Lewis County Geographic Information Services. The base map was developed by the Washington State Department of Natural Resources by aerobically and digitally using United States Geological Survey data. It is intended for informational purposes only. Any further use of this information should be brought to the attention of Lewis County Geographic Information Services.  
Projection: Lambert Conformal Conic  
Datum: 1983 North American Datum  
U.S. State Plane Zone 5026



Lewis County, Washington

Comprehensive Plan

Figure 4.17 (c)

FUTURE

LAND USE

RURAL LANDS

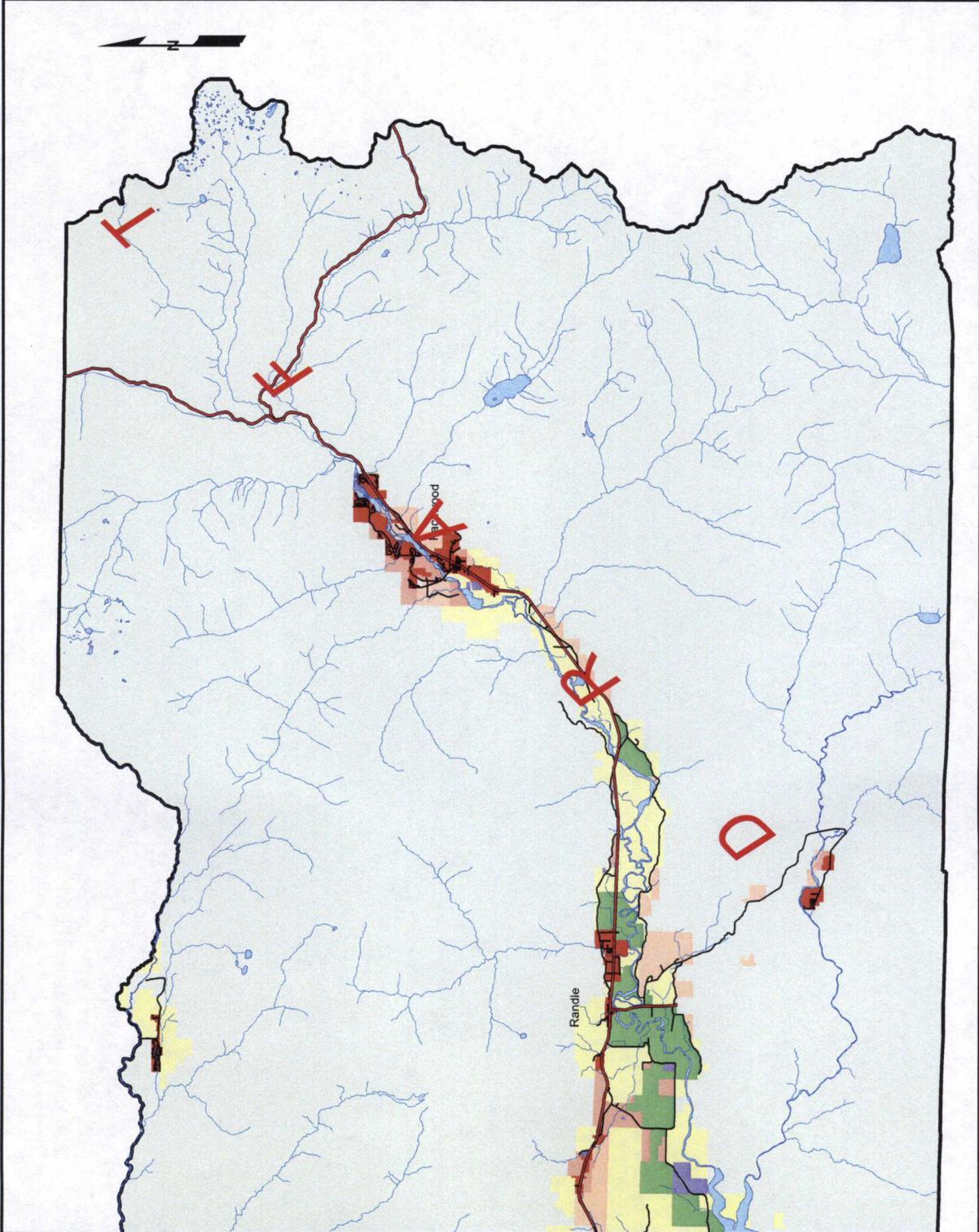
Adopted and Ratified by the Board  
of County Commissioners April 4, 2002  
pursuant to Ordinance 1179  
Revised June 4, 2012



Legend

- RDD Zoning  
1 Dwelling per 5 Acres
- RDD Zoning  
1 Dwelling per 10 Acres
- RDD Zoning  
1 Dwelling per 20 Acres
- Cities, UGAs and LAMIRDS
- Agricultural Resource Lands
- Forest Resource Lands and Parks
- Mineral Resource Lands

This map was compiled by Lewis County Geographic Information Services. The base map was developed by the Washington State Department of Natural Resources. The map is a generalization of the base map and it should be used for informational purposes only. Any possible errors are the responsibility of the user. The map is not a legal document. Projections: Lambert Conformal Conic Datum: 1983 North American Datum UTM 12 North Zone Zone 5026



Date: April 17, 2012

File: O:\maps\planning\complan2012\future\_land\_use3DRAFT.mxd

# **Resolution 12 - 184**

## **Attachment A** Forest Resource Lands

Figure 4.19 (a)

# FOREST RESOURCE LANDS

Adopted and Ratified by the Board  
of County Commissioners April 4, 2002  
pursuant to Ordinance 1179  
Revised June 4, 2012



### Legend

- Forest Resource Lands
- Federal Forest (No Cutting)
- Wilderness Areas (No Cutting)

This map was compiled by Lewis County Geographic Information Services. The base map was developed by the Washington State Department of Natural Resources. The map is not intended to be used for any other purpose. The map is not intended to be used for informational purposes only. Any possible errors should be brought to the attention of Lewis County Geographic Information Services.

Projection: Lambert Conformal Conic  
Datum: 1983 North American Datum  
U.S.G.S. State Plane Zone 5026

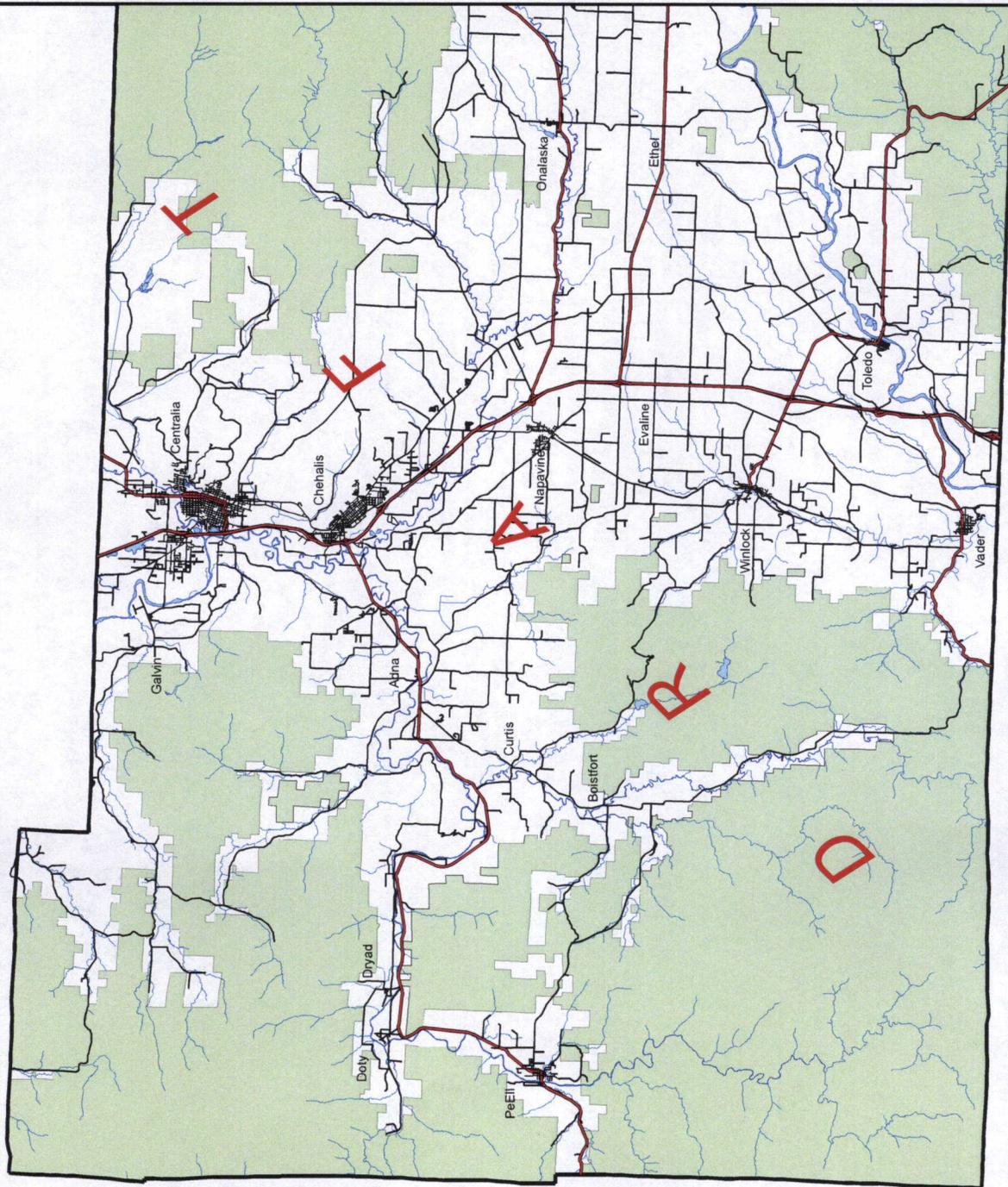


Figure 4.19 (b)

# FOREST RESOURCE LANDS

Adopted and Ratified by the Board  
of County Commissioners April 4, 2002  
pursuant to Ordinance 1179  
Revised June 4, 2012



### Legend

- Forest Resource Lands
- Federal Forest (No Cutting)
- Wilderness Areas (No Cutting)

This map was compiled by Lewis County Geographic Information Services. The base map was developed by the Washington State Department of Natural Resources by scanning and digitizing United States Geological Survey 1:250,000 scale maps. The map is intended for informational purposes only. Any possible information discrepancies should be brought to the attention of Lewis County Geographic Information Services.

Projection: Lambert Conformal Conic  
Datum: 1983 North American Datum  
U.S.G.S. State Plane Zone 5026

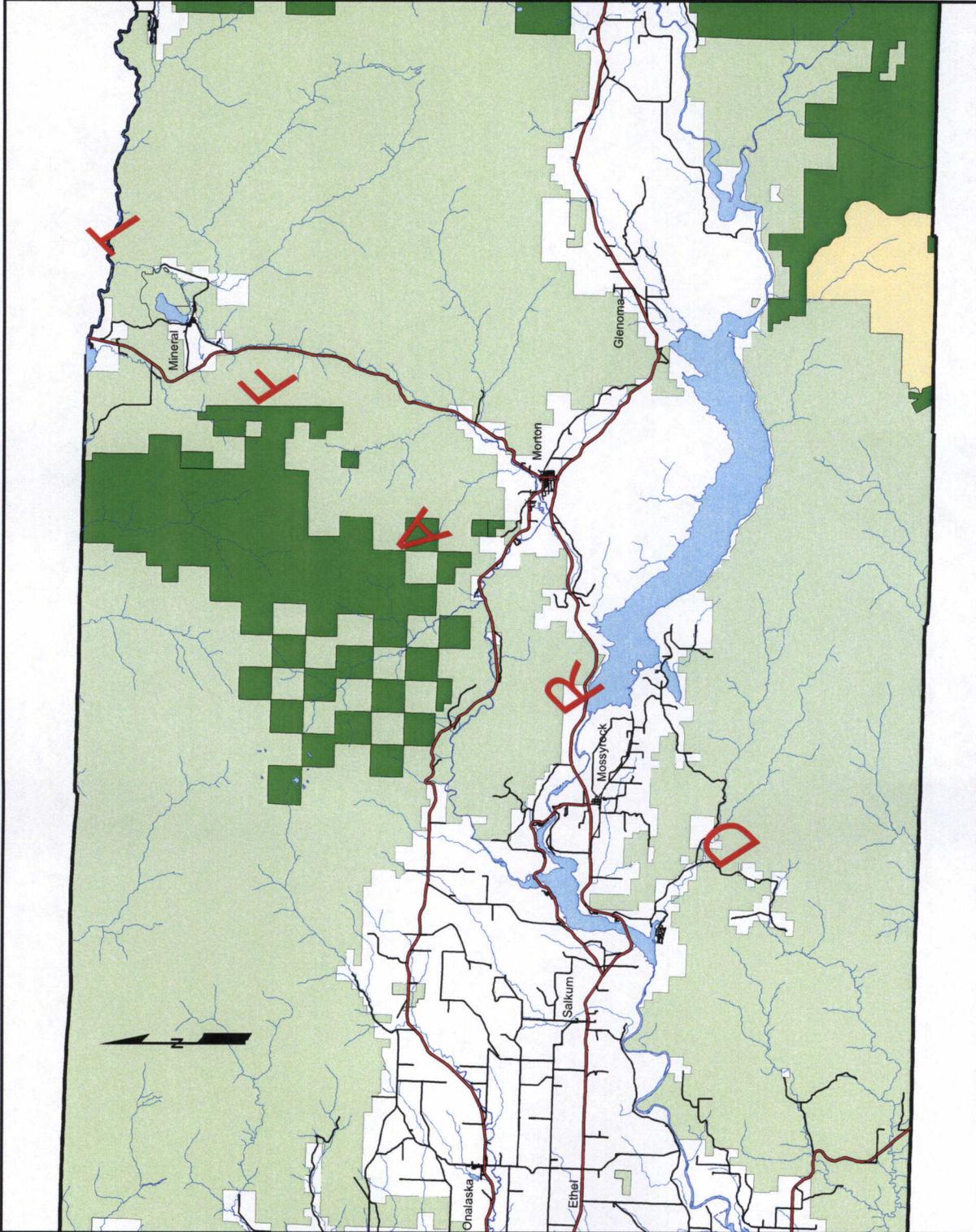


Figure 4.19 (c)

# FOREST RESOURCE LANDS

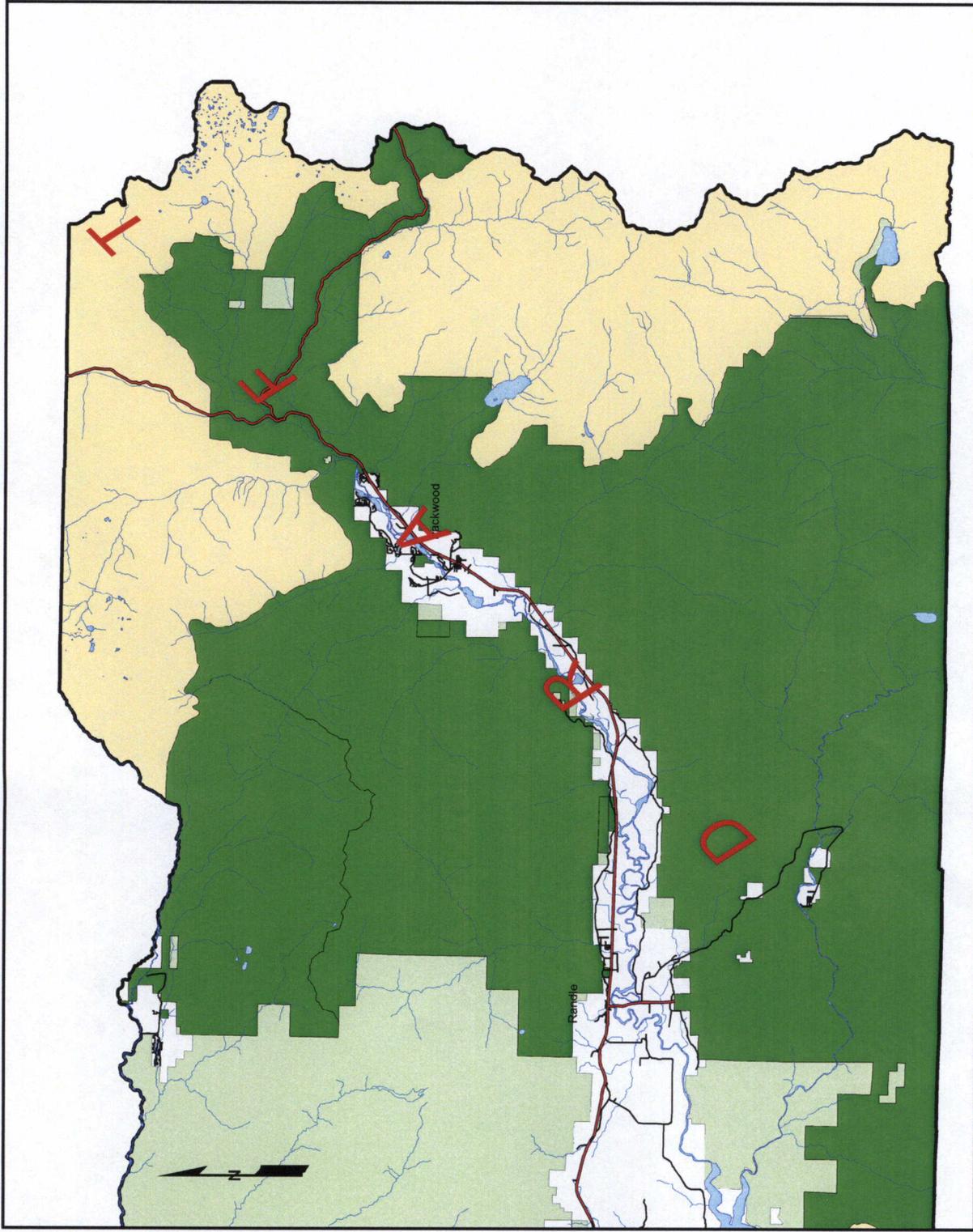
Adopted and Ratified by the Board  
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pursuant to Ordinance 1179  
Revised June 4, 2012



### Legend

- Forest Resource Lands
- Federal Forest (No Cutting)
- Wilderness Areas (No Cutting)

This map was compiled by Lewis County Geographic Information Services  
by scanning and digitizing United States Geological Survey  
Forest Resource Lands data. The map is for informational purposes only. Any  
discrepancies should be brought to the attention of Lewis County Geographic  
Information Services.  
Lewis County Geographic Information Services  
1943 North Main Street  
P.O. Box 30246



## 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 errors and inconsistencies in mapping and classifications 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 classification, 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 errors and 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 the following:

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 relating to the mapping of the two classifications of Forest Resource Land of Long Term Commercial Significance ("FRL") in the county, Forest Resource Land of Local Importance ("FRLLI") and 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 FRL only as FRLLTCS, but permitted the County to classify 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 FRLLI and some of those applications were granted, but the 2000 Land Use and Zoning Maps failed to reflect those changes in classifications. The proposed ordinance corrects the omission of FRLLI and 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 of the proposed compliance comprehensive plan amendments, and proposed compliance amendments to the implementing development regulations so that the effects are weighed 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 order.

**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 and to correct errors.

**BOCC AGENDA ITEM SUMMARY** (revised 02/24/99)

AGENDA ITEM #: \_\_\_\_\_ RESOLUTION #: 12 - 184 BOCC MEETING DATE: June 4, 2012

SUGGESTED WORDING FOR AGENDA ITEM:  Notice  Action  Discussion  Hearing

Adoption of amendments to the Lewis County Comprehensive Plan Land Use Maps, pursuant to Chapter 36.70A RCW, the Growth Management Act, to comply with a Growth Management Hearings Board Decision in Case number 11-2-0003.

**BRIEF REASON FOR BOCC ACTION:**

This action will remedy mapping inconsistencies concerning mapped Forest Resource Land designations in Lewis County and can be made outside of the yearly Comprehensive Plan amendment cycle. Comprehensive plan and development regulations amendments require notice, and a public hearing to be held in front of the Board on June 4, 2012.

SUBMITTED BY: Bob Johnson PHONE: x 2606 DATE SUBMITTED: May 3, 2012

CONTACT PERSON WHO WILL ATTEND BOCC MEETING: Bob Johnson, DCD Director

**TYPE OF ACTION NEEDED:**

- Approve Resolution
- Approve Ordinance (Traffic or other)
- Execute Contract / Agreement
- Other (please describe): \_\_\_\_\_
- Call for Bids / Proposals
- Bid Opening
- Notice for Public Hearing \*(see Publication Requirements)

\*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 9, 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: RA  
Prosecuting Attorney: FE

**EMPLOYEE ITEMS:** (relating to employment, salary, position, reclassification, union, etc.)

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

**BANKING OR REVENUE ITEMS:**

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

**BUDGET AND PAYROLL ITEMS:**

Budget Officer: N/A  
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)	Additional copies: _____ <u>Bob Johnson</u>
File originals: <u>BOCC mtg folder</u>	<u>Jerry Basler</u>
File copy: <u>hearing/bid folder</u>	<u>Donna Olson</u>
File copy: <u>working file</u>	<u>Dawna Truman</u>