

## Commentary

### ATTACHMENT B – LEWIS COUNTY CODE 17.10.040 AMENDMENTS

A definition of “decision” is added. Project permits are defined by RCW 36.70B.020, as amended by Senate Bill 5290. There are three decisions that may be made by the review authority on project permits. When conditions are applied to an approval, the applicant has the burden of proof that they have met all conditions. If the conditions are not met, then the permit is no longer approved and is denied.

Permits may be denied when the applicant does not demonstrate that the applicable rules and requirements are met. Pursuant to RCW 36.70B.070 the review authority may request additional information as necessary to determine if the projects meet applicable rules and requirements. Pursuant to LCC 17.05.125(2), when the review authority requests, in writing, additional information, the applicant has 90 days to submit the information. The applicant may ask for an extension if they are unable to produce the information within 90 days. If the applicant does not provide the necessary information, within timeframe, to demonstrate that the project meets all applicable rules and requirements, then the application shall be denied. Pursuant to LCC 17.05.140(4) if a project is denied, the applicant may only submit a new application within one year for the same matter if new evidence is submitted or conditions have changed.

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## Chapter 17.10.040 "D" Definitions

"Dangerous wastes" means those wastes designated in WAC 173-303-070 through 173-303-120 as dangerous or extremely hazardous or mixed waste. The words "dangerous waste" refer to the full universe of wastes regulated by Chapter 173-303 WAC and are used interchangeably with "hazardous waste."

"Debris flow" means a rapidly down-slope-moving mass of a viscous water-saturated mixture of rock fragments, soil, and mud, with more than half of the particles being larger than sand size.

"Decision," on a project permit, means the following:

- "Approved" means the project meets all applicable rules and requirements.
- "Approved with Conditions" or "Conditionally Approved" means if the stated conditions are met and implemented the project will meet all applicable rules and requirements.
- "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.
- "Final approval" means the final official action taken by the Board of County Commissioners, or the administrator, as applicable under the provisions of Lewis County Code Title 16, Subdivisions, on the proposed plat, subdivision or dedication or portion thereof as previously received preliminary approval.
- "Issued" means the review authority has provided the written permit, either electronic or hard copy, to the legally responsible party or their designated representative.
- "Preliminary approval" means the official written action approving a proposed division of land, pursuant to Lewis County Code Title 16, Subdivisions, when provision of improvements or fulfillment of conditions are to occur prior to final approval. The applicant shall be entitled to final approval when the conditions are met or improvements are provided.

"Density," when referring to residential development, means a ratio comparing the number of dwelling units with land area, and is expressed as the number of residential dwelling units per acre of land in a residential development.

"Department" means the department of community development of Lewis County.

## **Commentary**

No changes proposed for the remainder of the "D" definitions.

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"Department," for the purposes of Chapter 17.110 LCC, State Environmental Policy Act, means any division, subdivision, or organizational unit of the county established by ordinance, rule, or order.

"Detached accessory dwelling unit" means a separate and complete dwelling unit not attached in any way to the main or existing dwelling unit; designed for occupancy by a family.

"Determination," as it relates to Chapter 17.38 LCC, Critical Areas, means an action by an agency or individual qualified in the science of identification and delineation of a critical area to identify, characterize, and/or locate a critical area.

"Developed land" means the total land area of any lot of record which has a building, parking area, and/or structure for a permitted or special use except the following uses: agriculture as defined above; the growth, harvest, and management of timber; or mining.

"Development" means any activity that requires federal, state, or local approval for the use or modification of land or its resource. These activities include, but are not limited to, subdivisions, short subdivisions, and large lot subdivisions; binding site plans; planned unit developments; variances; shoreline substantial developments; clearing activities; excavation and grading; conditionally allowed activities; building or construction; revocable encroachment permits; and septic approval.

"Development standards" means a minimum requirement or maximum allowable limit on the effect or characteristics of the use or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained pursuant to the Lewis County Code.

"Dwelling unit" means a building, or portion of a building or modular manufactured housing unit that is constructed or installed on a permanent foundation and designed for long-term human habitation, which has facilities for cooking, eating, sleeping, sewage, and bathing for use by one family (including resident domestic employees); the term does not include tents, campers, recreational vehicles, or travel trailers.