

Commentary

ATTACHMENT A – LEWIS COUNTY CODE 17.05 AMENDMENTS

Lewis County Code Chapter 17.05 is being amended to implement new requirements under RCW 36.70B that were adopted by SB5290. The new requirements include:

1. Setting reasonable deadlines for completing review of routine project permits.
2. Establishing a clear procedure for permit processing and creating transparency for when the timeframe can be paused.
3. Establishing a schedule for partial fee refunds when adopted deadlines are not met.

It is important to note that not all project permits are subject to the new requirements. In addition, building permits are not subject to the new requirements. Additional information about these is included with the specific commentary.

Commentary is adopted as legislative intent that provide additional description related to the code amendments.

Code text to be removed is shown with a ~~strike-through~~
and code text to be added is shown with an underline.

Chapter 17.05

GENERAL PROVISIONS

Sections:

- 17.05.010 Statutory authority.
- 17.05.020 Statement of purpose.
- 17.05.030 Applicability.
- 17.05.040 Project permit application type.
- 17.05.050 Preapplication.
- 17.05.060 Contents of application.
- 17.05.070 Determination of completeness - Lapsed applications - Postponed applications.
- 17.05.080 Notice of application.
- 17.05.090 Vesting of permits.
- 17.05.100 Consolidation of project permit applications.
- 17.05.110 Integration of State Environmental Policy Act (SEPA) review with review of project permit application.
- 17.05.120 Public hearings.
- 17.05.125 Time frames for decisions.
- 17.05.130 Notice of decisions.
- 17.05.140 Duration of decisions.
- 17.05.150 Revocation of approval.
- 17.05.160 Appeals.
- 17.05.170 Administration and interpretation.
- 17.05.180 Fees.
- 17.05.190 Refund of permit fees.

Commentary

No changes proposed for 17.05.010 through 17.05.030

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

17.05.010 Statutory authority.

The ordinance codified in this title is adopted pursuant to the provisions of Chapter 36.70A RCW, which empowers a county to enact a zoning ordinance and provide for its administration, enforcement, and amendment.

17.05.020 Statement of purpose.

The purpose and intent of the title is to further the goals and policies of the Lewis County comprehensive plan by providing the authority for and procedures to be followed in regulating the physical development of Lewis County.

17.05.030 Applicability

- (1) Unless otherwise provided, the regulations identified in this chapter shall apply to the following Lewis County Code (LCC) provisions:
 - (a) LCC Title 16, Subdivisions;
 - (b) LCC Title 17, Land Use and Development Regulations; and
 - (c) All other code sections that refer to this section for administration.
- (2) Building permits subject to the State Environmental Policy Act (SEPA) shall follow the procedures of this chapter. Building permits exempt from SEPA shall be subject to the procedures identified within LCC Title 15 and not this chapter.
- (3) In the event of a conflict between this chapter and any other applicable process, unless specifically provided otherwise, the director shall, in his or her sole discretion, determine the appropriate regulation, considering the following principles:
 - (a) State or federal provisions shall apply over local provisions;
 - (b) Specific provisions shall apply over general provisions; and
 - (c) Later enacted provisions shall apply over provisions enacted earlier.

Commentary

No changes proposed for 17.05.040.

*Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.*

17.05.040 Project permit application type.

- (1) Project permit applications are categorized as one of five types described below. Tables 17.05-1 and 17.05-2 specify various permits that fall within the categories and the methods for processing the various project permits.
 - (a) Type I applications involve decisions that require little notice which are decided by the administrator.
 - (b) Type II applications are administrative actions that require notice of application and a notice of decision.
 - (c) Type III applications are quasi-judicial actions that require an open record hearing and decision before the hearing examiner.
 - (d) Type IV applications are quasi-judicial actions that require an open record hearing before the hearing examiner and a decision by the Lewis County board of county commissioners.
 - (e) Type V governmental actions are those that require a public hearing before the planning commission and a decision by the board of county commissioners. The process and noticing requirements for the amendments are articulated in Chapter 17.12 LCC; if there is a conflict, Chapter 17.12 LCC supersedes Chapter 17.05 LCC.
- (2) If this chapter does not expressly provide for review using one of the five types of procedures, and another specific procedure is not required by law, the director shall classify the application as one of the five procedural types and it will be processed accordingly. Questions about what procedure is appropriate shall be resolved in favor of the type providing the greatest public notice and opportunity to participate.

Commentary

No changes proposed for Table 17.05-1.

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

Table 17.05-1
Permit Review Type – Process Chart

	I	II	III	IV	V¹
REQUIRED PUBLIC NOTICE²					
Notice Period		At Least 15 Calendar Days Before the Decision	At Least 15 Calendar Days Before an Open Record Public Hearing		
Mailed Notice		X	X	X	X
Notice Posted on Road Frontages		X	X	X	X
Notice Published in Newspaper			X	X	X
PUBLIC HEARING					
Planning Commission					X
Hearing Examiner			X	X	
DECISION-MAKING BODY					
Administrator	X	X			
Hearing Examiner			X		
Board of County Commissioners				X	X
APPEAL					
To Hearing Examiner (as specified in LCC 2.25.130)	X	X			
To Appropriate Court/Hearings Board (as defined in LCC 2.25.140)			X	X	X
1 Please refer to Chapter 17.12 for noticing requirements. Where there is conflict the noticing requirements of Chapter 17.12 LCC supersede Table 17.05-1.					
2 Notice of SEPA determination may be combined with other notices, so long as the requirements of WAC 197-11-510 and LCC 17.110.170 are met.					

Commentary

Table 17.005-2 is amended to add the timeframe for decision, aka the deadline for making a final decision on the permit.

The timeframe for decision is not specified by RCW 36.70B, unless the local jurisdiction does not adopt timeframes by January 1, 2024 in which case the timeframes in RCW 36.70B are applied.

Lewis County is adopting timeframes for decision that are reasonable, allow sufficient time for staff to review permit applications and make a decision. This is based on current staffing levels at the departments of Community Development, Public Works and Public Health & Social Services, all of which have a role in some permits.

The current timeframe for decision for all permits except final plats is 120 days. That is being revised to:

- Type 1 process - 65 days
- Type 2 process - 100 days
- Type 3 process - 170 days

Master Site Reviews are a permit process that provides overarching review of a project and determines all of the necessary permits to complete the project. MSRs are currently processed but were not included in Table 17.05-02; that is being corrected with this code amendment. MSRs are a Type 1 process and will have a timeframe for decision of 65 days.

RCW 36.70B.140 allows for complicated reviews on limited project permits to be excluded from the timelines. Master planned industrial and resort areas, new fully contained communities and shoreline conditional use and variances present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

The table is being updated to include the timeframe for decisions related to plats within the table instead of in section 17.05.125. This will provide clarity for staff and the customer. Final plat timeframes for decision are staying the same at 30 or 90 days.

Code text to be removed is shown with a strike through
and code text to be added is shown with an underline.

Table 17.05-2
Process Required for Different Permit Types

	I	II	III	IV	V	<u>Decision Timeframe</u>	<u>Code Reference</u>
Interpretations							
Code Interpretation - Written	X					65 days	
Permits and Reviews							
<u>Master Site Review</u>	<u>X</u>					65 days	
Special Use			X			170 days	17.158
Evaluation of Conformance with Special Use Permit			X			170 days	
Administrative Approval		X				100 days	17.160
Administrative Reduction		X				100 days	
Master Plan – Rural Area Uses			X				17.120*
<i>*Code reviser's note: Chapter 17.120 LCC was repealed by Ord. 1292.</i>							
Master Planned Industrial - Binding Site Plan			X			210 days	17.20A , 17.20B
New Fully Contained Community Urban Growth Area					<u>X</u>	N/A	17.20E
Master Planned Resort - Binding Site Plan			X			210 days	17.20E
SEPA		X ¹				100 days	
<u>Shoreline</u>							17.25
<u>Exemption</u>	<u>X</u>					65 days	
<u>Substantial Development</u>		<u>X</u>				100 days	
<u>Conditional Use</u>			<u>X</u>			210 days	
<u>Variance</u>			<u>X</u>			210 days	
Nonconforming Use Determination							
Continuation of Nonconforming Use	X					65 days	17.155.010 ²
Expansion of a Nonconforming Use			X			170 days	17.155.010 ²
Change to Another Nonconforming Use			X			170 days	17.155.010 ²
Boundary Line Adjustments and Land Divisions							
Boundary Line Adjustment	X					65 days	16.02.040 (8)
Subdivision							16.05
<u>Preliminary Plat</u>			<u>X</u>			170 days	
<u>Final Plat</u>	<u>X</u>					90 days	
Short Subdivision							16.10
<u>Preliminary SP Decision</u>	<u>X</u>					65 days	
<u>Final SP Review</u>	X					30 days	
Large Lot Subdivision							16.12
<u>Preliminary LLS Decision</u>	<u>X</u>					65 days	
<u>Final LLS Review</u>	<u>X</u>					30 days	

Commentary

The table is being updated to include the timeframe for decisions related to plats within the table instead of in section 17.05.125. This will provide clarity for staff and the customer. Final plat timeframes for decision are staying the same at 30 or 90 days.

Code text to be removed is shown with a *strike through* and code text to be added is shown with an *underline*.

	I	II	III	IV	V	Decision Timeframe	Code Reference
Simple Segregation							16.12.500 - 16.12.530
<u>Preliminary SS Decision</u>	<u>X</u>					<u>65 days</u>	
<u>Final SS Review</u>	<u>X</u>					<u>30 days</u>	
Recreational Vehicle Binding Site Plan			X			170 days	16.14
Binding Site Plan			X			<u>170 days</u>	16.15
Final Plat	See Applicable Code Section						16.05 (Long Plats), 16.10 (Short Plats), 16.12 (Large Lots)
Preliminary Plat Alteration/Amendment	See Applicable Code Section						16.05.140 (Subdivisions), 16.15.070 (Binding Site Plan)
<u>Minor</u>	<u>X</u>					<u>65 days</u>	
<u>Major</u>			<u>X</u>			<u>170 days</u>	
Final Plat Alteration/Amendment	See Applicable Code Section						16.02.090
Not requiring SEPA			X			<u>170 days</u>	16.02
Requiring SEPA			X			<u>170 days</u>	16.02
<u>Short/Large Lot Subdivision Alteration</u>	<u>X</u>					<u>65 days</u>	16.10.230
Plat Vacation	See Applicable Code Section						16.02.085
					X	<u>N/A</u>	
Modifications and Variances							
Administrative Variance (Resource Land Setbacks)	X					<u>65 days</u>	17.30
Hearing Examiner – Setback or Height Variance			X			<u>170 days</u>	17.162
Land Division Variance			X			<u>170 days</u>	16.02.095
Plan and Code Amendments							
Site Specific Rezones/CP Map Amendments					X	<u>N/A</u>	
General Legislative Amendments (Zone, CP Text Changes, Nonspecific Site Amendments)					X	<u>N/A</u>	17.12
Industrial Land Bank Comprehensive Plan Designation/Establishment of Zoning Criteria					X	<u>N/A</u>	17.20A
Master Planned Resort Comprehensive Plan Designation/Establishment of Zoning Criteria					X	<u>N/A</u>	17.20E
Resource Land of Local Importance Designation					X	<u>N/A</u>	17.30.560 , 17.30.670 , 17.30.850
¹ SEPA follows the mailing notification of the underlying project permit. No SEPA mailing is required for Type I applications.							
² These provisions apply, unless otherwise addressed in a resource land or critical areas chapter.							

Commentary

No changes proposed for 17.05.050.

Currently, all application checklists include a list of what is required on the site plan. Requirements that are consistent across all site plan application checklist is being moved from the applications to LCC 17.05.060 for clarity. The application checklists will be updated to reference this code subsection and to list only those items that are in addition to the codified list or refine the codified list.

A new requirement is that all site plans be drawn to scale. This is necessary to determine if setbacks from property boundaries or between existing and proposed structures will be met. This is also necessary to determine where existing and proposed improvements are in relationship to critical areas. Site plans do not need to be produced using software and may be hand-drawn using grid paper, unless otherwise required per the application checklist.

Land divisions must have a survey map that is drawn by a Washington State Professional Land Surveyor (PLS). This is not required for other site plans, only for survey maps. In addition, survey maps must be 18" x 24" in size. This is also not required for other site plans, only for survey maps. All site plans and survey maps will be submitted electronically; however, the final survey map that will be recorded must be a hard copy with the necessary stamps, signatures and notarizations. This information is provided on the application form.

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

17.05.050 Preapplication.

Applicants may request a preapplication meeting for all applications. The purpose of a preapplication is to conduct a review of the development application prior to submittal to the department.

Preapplication review may include a discussion of the requirements for application completeness and review processes, permit or approval requirements, design standards, design alternatives, potential fees, environmental impact avoidance, other required permits, or other general development issues and questions from the applicant. To expedite development review, the department may invite all affected jurisdictions, agencies and/or special purpose districts to the preapplication meeting.

17.05.060 Contents of application.

- (1) Except as provided elsewhere in this code, the department shall establish and may revise written submittal requirements for each type of project permit application required by this title. The department shall prescribe checklist forms, which shall clearly describe the material that must be submitted for an application to be accepted for processing.
- (2) When a site plan is required per the project permit application prescribed checklist all of the following shall be included. Additional information may be required per the prescribed checklist. All site plans and maps shall be drawn to scale and shall include a scale bar and north arrow. When a survey map is required, the survey map shall be 18 inches by 24 inches in size and drawn by a Washington State Professional Land Surveyor (PLS).
 - (a) A label identifying the permit application name; examples include, but are not limited to Master Site Plan, Boundary Line Adjustment, Special Use Permit, Septic Permit, etc.
 - (b) Property boundary lines, parcel number(s) and street address.
 - (c) Location and width of all existing public roads, private roads, ingress, egress, or easements within or adjacent to the property.
 - (d) Location of all existing and proposed driveways.
 - (e) Location and footprint of all existing and proposed structures, with dimensions.
 - (f) All existing and proposed structures labeled with the existing or proposed use; examples include, but are not limited to, house, deck, garage, barn, shed, fence, culvert, retaining wall, etc.
 - (g) Number of bedrooms in each existing and proposed structure.

Commentary

No changes proposed for 17.05.06(2).

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

- (h) Distance between existing and proposed structures and property boundaries.
 - (i) Distance between all existing and proposed structures, if within ten (10) feet.
 - (j) Location of all existing wells and sanitary control areas, septic systems and reserve areas, water lines, and other utility lines.
 - (k) Location of all existing and proposed stormwater facilities.
- (23) Except for Type V governmental actions, which are addressed in Chapter 17.12 LCC, at minimum, a project permit application and any supplemental application shall include the following:
- (a) A completed original project application form signed by the owner(s) of the property which is the subject of the application;
 - (b) A completed original supplemental application form;
 - (c) Parcel identification number;
 - (d) A copy of the preapplication meeting summary, if applicable;
 - (e) The applicable fee(s) adopted in LCC Title 18 for the application(s);
 - (f) If applicable, a State Environmental Policy Act environmental checklist;
 - (g) Permit-specific information required by submittal checklists distributed by the department in accordance with this section, or other relevant sections of Lewis County Code; and
 - (h) Any additional information, identified by the review authority needed to provide the department with sufficient information about the proposed project.

Commentary

Pursuant to RCW 36.70B the timeframes for decision do not begin until an application is deemed procedurally complete. A definition of procedural completeness is added for clarity and matches the definition in RCW 36.70B. All other amendments to subsection 17.05.070 are non-substantive.

17.05.070 Determination of Completeness

- (1) ~~Procedurally complete. An application will be deemed procedurally complete based solely on the procedural requirements as outlined on the permit application. Time frames for decision, as specified in Table 17.05-2, shall begin on the date the application is deemed procedurally complete.~~
- (2) Within 28 calendar days after receiving a project permit application, the department shall ~~mail, electronically mail, or provide in person~~ a written determination to the applicant, stating that either:
 - (a) The application is procedurally complete.
 - (b) The application is procedurally incomplete and what information is necessary to make the application procedurally complete.
- (3) ~~Incomplete or incorrect Applications.~~ When an application is determined to be procedurally incomplete or incorrect, the review authority shall identify, in writing, the specific requirements or information necessary to constitute a procedurally complete application.
 - (a) When additional information is required, the applicant shall have 90 calendar days from the date of the written notification of incompleteness to submit the required information to the ~~department~~ review authority. If the applicant does not submit ~~the~~ all required information within the 90-day period, the project permit application shall automatically lapse.
 - (b) Prior to the lapse date, the applicant may request, in writing, an extension in order to provide the required information. The review authority may grant up to two ~~three-month~~ 90-day extensions if it is determined that the required studies or information warrants additional time. Financial hardship shall not be considered for extensions of deadlines.
 - (~~d~~c) Lapsed applications will not be further processed; however, they may be resubmitted as a new application with the submittal of full fees. Resubmittal of lapsed applications shall be governed by the regulations in effect at the time of the resubmittal.
- (~~e~~3) Upon submittal of the additional information, the review authority shall, within 14 calendar days, issue a letter of completeness or, in accordance with subsection (2)(a) of this section, identify what additional information is required.

Commentary

17.05.070(4)(b) is amended to include the timeframe for decision within the information provided to the applicant, as required by RCW 36.70B.

17.05.080 is clarified that the notice of application is sent when the application is deemed procedurally complete, not prior. All other amendments to subsection 17.05.080 are non-substantive.

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

- (4) ~~If the review authority fails to provide the written notice within 28 days, the application shall be automatically deemed procedurally complete.~~
- (35) When an application is deemed procedurally complete, the review authority shall:
- (a) Forward the application(s) for processing and the scheduling of a public hearing, if a hearing is required;
 - (b) Send a written notice to the applicant that acknowledges the completeness of the application, states the vesting date when applicable, lists the name and telephone number of a department contact person, and describes the expected review schedule, timeframe for decision, and including the date of a hearing, if applicable; and
 - (c) If applicable, provide notice of the application, in accordance with LCC 17.05.080.
- (46) The determination of procedural completeness does not preclude the review authority from requesting additional information or studies either at the time of the notice of procedural completeness or afterward if new information becomes required or if there are changes in the proposed project.

17.05.080 Notice of application.

- (1) Timing. Within 14 calendar days of ~~issuing a letter of an application being deemed procedurally completeness~~ under LCC 17.05.070, the ~~county~~ review authority shall issue a notice of application for all applications that require public notice per Table 17.05-1. The notice of application and the SEPA threshold determination shall be issued at least 15 calendar days prior to the date of a decision or a public hearing.
- (2) Content. The notice shall be dated and shall include, but not be limited to, the information required in RCW 36.70B.110(2) as hereafter amended.
- (3) Distribution.
- (a) Mailing. The director shall mail a copy of notices of application and hearings to:
 - (i) The applicant and the applicant's representative. Electronic mailing may be used.
 - (ii) Owners of property within a radius of 500 feet of the property which is the subject of the application; provided, that an expanded radius shall be required for master planned industrial developments per RCW 36.70A.367(3)(k).

Commentary

No changes proposed for 17.05.080(3)(a) through (d).

*Code text to be removed is shown with a ~~strike-through~~
and code text to be added is shown with an underline.*

- (A) The department shall use the records of the Lewis County assessor's office for determining the address of all of the owner(s) of record within the appropriate radius.
- (B) The failure of a property owner to receive notice shall not affect the decision if the notice was sent in accordance with this subsection. A certificate or affidavit of mailing shall be evidence that notice was properly mailed to parties listed or referenced in the certificate.
- (iii) County departments, and agencies with jurisdiction, including tribal governments.
- (iv) Community groups or local governments that the administrator may identify as having an interest in the proposal.
- (v) Other persons who request such notice in writing.
- (b) Publication. When required per Table 17.05-1, the department shall publish a summary of the notice in a newspaper of general circulation, including the date, time and place of the proposed hearing, the nature and location of the proposal and instructions for obtaining further information.
- (c) Posting. When required per Table 17.05-1, the department shall place a notice sign(s) on the project site that is clearly visible and readily readable from each right-of-way that provides primary vehicular access to the subject property. The county shall remove and properly dispose of the notices after a decision on the project.
 - (i) At minimum, the public notice signs shall state the nature and location of the proposal; instructions for obtaining further information; and, if applicable, the date, time, and place of the public hearing.
 - (ii) At least two days before any hearing, the person responsible for posting the sign shall execute and submit an affidavit to the review authority certifying where and when the sign notices were posted.
- (d) For notices that are required to be mailed pursuant to this chapter, the department may substitute a postcard notification that includes a short summary of information and provides the recipient with instructions regarding obtaining a complete notice either electronically or in person.

Commentary

No changes proposed for 17.05.090 through 17.05.100, other than nonsubstantive clarifications.

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

17.05.090 Vesting of permits.

- (1) Project Permit Applications Submitted After the Effective Date.
 - (a) A project permit application submitted after the effective date of the ordinance codified in this section shall be vested under the zoning and land use regulations in effect at the time of a procedurally complete application.
 - (b) If the county has notified the applicant that the application is incomplete, the application shall not be deemed vested until the date the county notifies the applicant that the application is procedurally complete.
 - (c) ~~Future~~ Building permits shall be subject to the building codes in effect at the time of the complete building permit application.
- (2) Additional Provisions.
 - (a) Nothing herein shall restrict the county's authority to impose conditions on project permits pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and WAC 197-11-600.
 - (b) Nothing herein shall be construed to restrict the county's ability, to the extent otherwise permitted by law, to apply new regulations to a project permit or project permit application.

17.05.100 Consolidation of project permit applications.

- (1) Consolidation. Whenever possible, the department shall consolidate review for all project permit applications related to the same proposal to provide an integrated process and avoid duplication. Consolidated permit processing should generally follow the review, approval process and time frame of the highest numbered permit type represented among the consolidated permits, except that processing may be halted as needed for lower permit types when waiting on higher type permit review steps or actions. Type V is considered the highest and Type I is considered the lowest.
- (2) Applicant to Request Individual Review. Applicants may request individual review of project applications that otherwise would be consolidated. Processing such a request will occur at the discretion of the administrator.

Commentary

No changes proposed for 17.05.110 through 17.05.120.

The current timeframe for decision for all permits except final plats is 120 days. That is being revised to:

- Type 1 process - 65 days
- Type 2 process - 100 days
- Type 3 process - 170 days

The timeframes for decision on final plats is removed from this section and added to Table 17.05-2. This allows staff and the customer to refer to one table for all timeframes.

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

- (3) Combined Public Meetings or Open Record Hearings. A public meeting or open record hearing required by this chapter may be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with the provisions of Chapter 36.70B RCW.

17.05.110 Integration of State Environmental Policy Act (SEPA) review with review of project permit application.

- (1) Project permit applications and planned actions subject to the provisions of SEPA, Chapter 43.21C RCW, shall be reviewed in accordance with the policies and procedures contained in Chapter 17.110 LCC and Chapter 197-11 WAC.
- (2) To the maximum extent possible, SEPA review shall be combined and integrated in all project permit application processing.

17.05.120 Public hearings.

- (1) No more than one open record public hearing shall be conducted for each project application, unless the application has been individually reviewed subject to LCC 17.05.100 or has been submitted as separate project permits.
- (2) All hearing examiner hearings shall be conducted in accordance with LCC 2.25.120.
- (3) All Type V governmental actions shall follow the public workshop and hearing procedures in Chapter 17.12 LCC.

17.05.125 Timeframes for decisions.

- ~~(1) Decisions for permits in Table 17.05-2, other than plats, shall be issued within 120 days of a complete application.~~
- ~~(2) Decisions on plats shall be issued in within the following number of days from a complete application:~~
 - ~~(a) Ninety days for long plats.~~
 - ~~(b) Thirty days for short plats.~~
 - ~~(c) Thirty days for final plats.~~

Commentary

17.05.125(3) is moved to the new 17.05.125(1).

A definition of timeframes is added for clarity.

Pursuant to RCW 36.70B, the timeframe for decision may be paused when staff determine that additional information is needed. For example, if a wetland delineation is required as part of the application and is submitted, then the application is complete. However, if the wetland delineation is missing vital information, such as an assessment based on USACE criteria, then the timeframe will be paused until the applicant provides all required information within the wetland delineation. Once all information is provided then the timeframe will continue from where it was paused.

Deadlines for when additional information must be provided is included to ensure that review continues efficiently. To allow for time to procure additional professional services, the applicant may request additional extensions.

In the rare situation when there is disagreement that specific information is required for a decision to be made, and the requested information is therefore not provided by the applicant, then the application will be denied. This allows the applicant the opportunity to appeal the decision and provide evidence that the requested information is not required. It is not anticipated that this will occur frequently, but is included to allow a pathway to remedy disputes.

The Hearing Examiner schedule is outside of the control of Lewis County. Therefore, the timeframe for decision shall be met when the public hearing occurs within 170 days (or the specified timeframe). Pursuant to LCC 2.25, the Hearing Examiner is allowed up to 10 days after the hearing to produce a written decision. In addition, the Hearing Examiner may coordinate with the applicant and staff to continue the hearing past 170 days if necessary.

Code text to be removed is shown with a *strike through*
and code text to be added is shown with an underline.

- ~~(3) When the time frames above have or will be exceeded, staff shall send a letter to the applicant explaining why no decision on the proposal has been made. This letter should include a description of the estimated time frame necessary for the completion of the application, and be completed as early as possible before the conclusion of the time period.~~
- (1) Timeframes. Staff shall make decisions on permits based on the timeframes specified in Table 17.05-2, except as provided for in (3) of this section. When the timeframes have or will be exceeded, staff shall send a written letter to the applicant explaining why no decision on the permit has been made and the estimated time to issue a decision.
- (2) Missing or incorrect information. At any point during the specified timeframe for decision, the review authority may request, in writing, additional information or studies that are necessary to issue a decision and the timeframe for decision shall be paused until the applicant submits all requested information.
- (a) When additional information is requested, the applicant shall have 90 calendar days from the date of the written notification to submit all required information to the review authority.
- (b) Upon submittal of all requested information the timeframe for decision shall be continued.
- (c) If the applicant does not submit all requested information within the 90-day period and does not request an extension pursuant to (2)(d) of this subsection, then the permit application shall be denied.
- (d) Prior to the end of the 90-day period, the applicant may request, in writing, an extension. The review authority may grant an extension of any period of time if it is determined that the required information or studies warrants the additional time. Financial hardship shall not be considered for extensions of deadlines. The timeframe for decision shall remain paused during the extension and shall continue upon submittal of all requested additional information.
- (3) Hearing Examiner timeframe. The timeframe for decision for permits decided by the Hearing Examiner shall be based on the date of the public hearing. Pursuant to LCC Chapter 2.25, the Hearing Examiner shall have ten (10) days following close of the hearing to render a decision, which may extend the timeframe for decision to 180 days without a fee refund being required. Through mutual agreement by the applicant and the review authority, the Hearing Examiner may continue a hearing beyond the 170 day timeframe without a fee refund being required.

Commentary

Some project permits consolidate other permits within the review. For example, a subdivision includes a road approach and road review. When non-project permits are consolidated with a project permit, then the project permit timeframes apply to all consolidated permits. However, if the road approach or road review permit were applied for separately, without a project permit, then the timeframe for decision does not apply. This is also true for well or septic permits. In addition, pursuant to RCW 36.70B.050(4) building permits are excluded from the timeframe for decision. Note - Please refer to Second Substitute Senate Bill 5290, page 5, line 14, which struck building permits from the list of permit types that are considered a project permit and subject to new mandatory timeframes for decision.

No changes proposed for 17.05.130.

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

- (4) Exceptions. Exceptions to the ~~timeframes~~ limits for a ~~final~~ decision include:
- (a) ~~Standalone project permits that are reviewed solely under the following title of the Lewis County Code:~~
- Titles 8, Health and Safety.
 - Title 12, Public Roads and Places.
 - Title 13, Public Utilities.
 - Title 15, Building and Construction.
- (~~a~~)b) Project permit application decisions that are dependent upon amendments to the comprehensive plan or development regulations, in which case the amendment shall be processed first;
- (~~b~~) Any ~~time required for the applicant to correct plans, perform studies, or provide additional required information;~~
- (c) Cases when significant project revisions have been made or requested by the applicant, which do not constitute new applications, in which case the timeframe for decision period will be restarted and calculated from the date ~~time~~ that the department determines the revised application to be procedurally complete;
- (d) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter [43.21C](#) RCW;
- (e) Projects involving the siting of essential public facilities;
- (f) Any remand to the public hearing body in Table 17.05-1 by the decision-making body; or
- (g) Instances where an applicant has requested individual review of the application pursuant to LCC [17.05.100](#)(2).

17.05.130 Notice of decisions.

- (1) Timing. Whenever a final decision has been made that requires a notice of decision, the review authority shall issue the notice within seven days of the final decision.

Commentary

No changes proposed for 17.05.130 through 17.05.140.

*Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.*

- (2) Content. The notice of decision shall include, at a minimum, the following information:
 - (a) The decision on the project permit application.
 - (b) Any SEPA threshold determination made pursuant to Chapter 43.21C RCW.
 - (c) The procedure for appeal, if any.
 - (d) A statement that the complete case file, including findings, conclusions and any conditions of approval, is available for review. The statement shall list the place, days and times when the case file is available and the name and telephone number of the department representative to contact about reviewing the file.
 - (e) The notice of decision may be a copy of the report or decision, if such report or decision contains the information required in this subsection (2).
- (3) Distribution. The notice of decision shall be mailed to the following:
 - (a) The applicant.
 - (b) Any parties of record.
 - (c) Any agencies with jurisdiction over the project permit application or any agencies that commented on the project permit or legislative application.
- (4) Exemptions. A notice of decision shall not be required for any project or legislative permit that does not require a notice of application.

17.05.140 Duration of decisions.

- (1) Duration of Approval.
 - (a) All project permit approvals shall be valid for a period of three years, after which they shall automatically expire, unless otherwise stated.
 - (b) Preliminary approval of land divisions shall be valid for the period specified in RCW 58.17.140, after which it shall expire. Prior to expiration, a complete application for final plat approval meeting all the legal requirements and conditions of approval shall be made.
 - (c) Site development activity permits shall be subject to the duration and extension requirements set forth elsewhere within the code.

Commentary

No changes proposed for 17.05.140.

*Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.*

- (2) Extensions.
- (a) Phased Development Extensions. Type III and Type IV applications specifically and expressly approved for phased development may receive multiple two-year extensions from the phasing schedule in accordance with the criteria in subsection (2)(c) of this section, so long as at least one phase was given final approval within the two years prior to each such subsequent extension request. The first extension shall be processed as a Type I application; subsequent extensions shall be processed as a Type II application.
 - (b) Nonphased Development Extensions. Applications specifically approved for development may receive one one-year extension in accordance with the criteria in subsection (2)(c) of this section.
 - (c) Criteria for Extensions. The director may approve, approve with conditions, or deny any timely request for an extension based on the review of the following criteria. Extensions shall be processed as a Type I application.
 - (i) The extension request is submitted in writing at least 30 calendar days prior to the expiration of the permit or any prior extension approval;
 - (ii) The director finds there are no significant concerns presented with a granting of an extension, or those concerns can be adequately mitigated by minor revisions to the original approval;
 - (iii) The director finds that there is tangible progress being made; and
 - (iv) The director finds there are no significant changes in conditions which would render approval of the extension contrary to the public health, safety or general welfare.
- (3) Effect of Expiration. Once a permit is expired, it cannot be used to support further development. New applications shall be subject to the regulations in effect at the time of the submittal of the application.
- (4) Permit Denials. If a project permit application is denied, the department shall not accept a new application for substantially the same matter within one year from the date of the final county action denying the prior application, unless the denial was without prejudice, or in the opinion of the director, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

Commentary

No changes proposed for 17.05.150 through 17.05.170.

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

17.05.150 Revocation of approval.

- (1) Any approval granted in accordance with the procedures of this chapter may be revoked if any one or more of the following grounds are established:
 - (a) The approval or permit was obtained by fraud.
 - (b) The use for which such approval or permit was granted is not being executed.
 - (c) The approval or permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval or permit, or in violation of any statute, resolution, code, law or regulation.
 - (d) The use for which the approval or permit was granted was so exercised as to be detrimental to the public health or safety, or to constitute a nuisance.
- (2) The hearing examiner shall hold a hearing on any proposed revocation after giving written notice to the permittee and/or owners of property consistent with LCC 17.05.080.

17.05.160 Appeals.

Appeals of Type I, II, III and IV proposals shall occur in accordance with the appropriate portion of LCC 2.25.130 or 2.25.140.

17.05.170 Administration and interpretation

- (1) Authority. Except as otherwise stated, the director is responsible for administering and interpreting the provisions of this title and those titles listed in LCC 17.05.030, as well as Lewis County county-wide planning policies, and Lewis County comprehensive plan. However, approval authority rests with various entities based on permit type, as identified in Table 17.05-1.
- (2) Third Party Review. At any point during review of an application, the department may require, or the applicant may request, third party review in cases where additional professional or technical expertise is required due to scale or complexity and/or in cases where independent review is deemed necessary. The timeframe for decision shall be paused during third party review. The timeframe for decision shall continue at the completion of third party review and submission of all required additional information that results from third party review. All third party review shall occur at the applicant's expense.

Commentary

No changes proposed for 17.05.080.

Pursuant to RCW 36.70B, if the timeframe for decision is exceeded then then county must refund part of the application fee. However, if the local jurisdiction implements 3 of 10 options listed within the RCW, then they do not have to issue a refund. Currently Lewis County has not implemented any of the 10 options. Lewis County is actively pursuing 2 options - fee cost recovery and on-call services. If those are implemented along with one additional option, then refunds will not be issued.

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

(3) Interpretation.

- (a) Director's Administrative Interpretation. The director may initiate a code interpretation whenever necessary and the interpretation will be made available pursuant to this chapter.
- (b) Director's Informal Interpretation. The director may respond to informal inquiries from the public regarding code provisions in terms of applicability and interpretation prior to and outside of the context of a specific project permit application. These requests are neither subject to appeal nor binding on the department.
- (c) Director's Formal Interpretation. Any person(s) may submit a formal request for a code interpretation from the director and the interpretation will be made available by the department pursuant to this chapter. Formal director interpretations are Type I applications and may be appealed. A fee based on LCC Title 18 shall be assessed.
- (d) Permanent Record. All code interpretations and hearing examiner decisions on such interpretations shall be retained by the department. Further, they may be prioritized and considered in the next applicable code update. Code interpretations shall be made available to the public and available for inspection.

17.05.180 Fees.

The Lewis County schedule of fees is established by local resolution on file with the board of county commissioners and codified under LCC Title 18.

17.05.190 Refund of permit fees.

Refunds for permits subject to this chapter shall occur in accordance with the Lewis County schedule of fees established by local resolution on file with the board of county commissioners and codified under LCC Title 18 or shall occur if the timeframe for decision is exceeded. If a timeframe for decision is exceeded, a refund shall be issued to the applicant based on the schedule found in Table 17.05-3. Refunds are not required for any application determined to be procedurally complete after the review authority has instituted three (3) of the options listed under RCW 36.70B.160(1)(a) through (j).

Commentary

Code text to be removed is shown with a ~~strike through~~
and code text to be added is shown with an underline.

Table 17.05-3

Timeframe Exceeded Refund Schedule

Timeframe	10% Refund	20% Refund
<u>30 Calendar Days</u>	<u><36 Calendar Days</u>	<u>>37 Calendar Days</u>
<u>65 Calendar Days</u>	<u><78 Calendar Days</u>	<u>>79 Calendar Days</u>
<u>90 Calendar Days</u>	<u><108 Calendar Days</u>	<u>>109 Calendar Days</u>
<u>100 Calendar Days</u>	<u><120 Calendar Days</u>	<u>>121 Calendar Days</u>
<u>170 Calendar Days</u>	<u><204 Calendar Days</u>	<u>>205 Calendar Days</u>