

### LEWIS COUNTY CODE 17.15 AMENDMENTS

The amendments to LCC 17.15 are intended to clarify the three options available to cities within Lewis County and the processes agreed to under each option.

#### 17.15.010

Lewis County has sole planning authority to establish the Urban Growth Area boundary and to designate land use and zoning within the unincorporated Urban Growth Area until a city annexes land. The purpose of this code is to provide for a smooth transition from county to city authority by allowing cities to better plan for annexation.

#### 17.15.020

Currently there are three options available to cities. The change combines the existing options 2 and 3. Both options rely on the County issuing land use permits. Option 2 allows the cities to apply their zoning designations and development regulations to the unincorporated UGA; however, the County would issue land use permits following the cities development regulations. The reason is because the County cannot abdicate their jurisdiction related to Shoreline, special flood hazard area, public rights-of-way or health (e.g., septic). It will be easier for the applicants to house all land use permit review with the County rather than bouncing the applicant between the County and cities. Option 2 will allow the city to issue building permits and perform building inspections. For a city to be included in Option 2, they will need to sign-on to the Interlocal Agreement that further clarifies the roles and responsibilities, as well as processes.

## Chapter 17.15 URBAN GROWTH AREAS - CITIES

### Sections:

- 17.15.010 Purpose.
- 17.15.015~~20~~ Three options Applicability.
- 17.15.018~~30~~ Option 1 - Continued County standards.
- 17.15.024~~0~~ Option 2 - Incorporation of zoning ~~standards~~ and development regulations by reference.
- 17.15.025~~0~~ ~~Option 3 - Incorporation and administration by agreement.~~
- 17.15.050 Urban Growth Area Amendments.
- 17.15.036~~0~~ Violations.

### **17.15.010 Purpose.**

The purpose of this section is to articulate the optional methods to regulate unincorporated urban growth areas associated with cities in Lewis County. Such rules will facilitate the development of the areas in a manner consistent with the comprehensive plan of the city to which the urban growth area will ultimately be annexed. Nothing in this Chapter reduces the authority and obligation of Lewis County to comply with the Growth Management Act requirements as specified in RCW 36.70A and WAC 365-196, and the guidance provided by the Washington State Department of Commerce related to the Growth Management Act.

### **17.15.015~~20~~ Three Options Applicability.**

~~Lewis County utilizes three options to administer urban growth areas. This chapter applies to incorporated cities in Lewis County, Washington. Cities may choose one of the following options below. If the city is not listed under Option 2, then the city shall be considered an Option 1 city.~~

- (1) Option 1. The county administers the urban growth area, ~~and relies completely on county regulations and has sole authority to issue development and building permits.~~ This option applies to cities ~~that are not listed under 17.15.020(2), that have not zoned their urban growth area and/or do not wish to have their urban growth area develop at urban densities until the time of annexation.~~
- (2) Option 2. The county administers the urban growth area, ~~and relies on county regulations, except for~~ relies on city zoning standards and development regulations adopted by reference under 17.15.040. Cities that opt-in to Option 2 are required to sign an Interlocal Agreement.
- (3) ~~Option 3. A city administers the urban growth area through standards identified in an approved interlocal agreement.~~

## **Commentary**

### **17.15.030**

Option 1 is intended to maintain rural character within the unincorporated urban growth area until the city chooses to annex land. The County retains all zoning and development authority.

### **17.15.040**

Option 2 is intended to allow urban uses to be developed at urban densities within the unincorporated urban growth area in anticipation of annexation. The County adopts by reference the city's zoning designation and development regulations, except those regulations for which the County must retain authority: critical areas, shoreline, flood management, etc. The County will apply its regulations related to public rights-of-way.

**17.15.01830 Option 1 – Continued County standards.**

- (1) Purpose. The purpose of these provisions is to maintain the rural character of the urban growth area until such time as the city annexes land.
- (42) Zoning Designations and Development Regulations. Any land within a city an unincorporated urban growth area associated with a city which is not designated in a city land use map, or for which a city does not wish to have urban growth occur prior to annexation, not listed under 17.15.040, shall be designated by the County as Rural Development District at one dwelling unit per five acres (RDD-5) and shall rely entirely on the Lewis County Code until such time as the city annexes the property.:
- (a) ~~Rural development district at one dwelling unit per five acres (RDD-5) and treated as such within a long-term growth area until such time as the city adopts specific land use designations for the property or annexes the property.~~
- (b) ~~All other county standards will continue to apply.~~

**17.15.0240 Option 2 – Incorporation of zoning standards and development regulations by reference.**

- (1) Purpose. The purpose of these provisions is to allow development in the unincorporated urban growth area that is consistent with the city's permitted uses to support future annexation.
- (42) Adoption by Reference. Lewis County adopts by reference the zoning designations standards and development regulations adopted by the following cities, as it now exists or is hereafter amended, except any section or subsection of the city zoning or development regulations specific to critical areas, shoreline management, flood management, SEPA, public rights-of-way, or on-site well or septic, and as further specified through an interlocal agreement:
- (a) Centralia, Title 19, Subdivisions, and Title 20, Zoning.
- (b) Chehalis, Title 17, Uniform Development Regulations.
- (c) Morton, Title 17, Zoning.
- (d) Mossyrock, Title 26, Land Use and Development.
- (f) Pe Ell, Title 20, Planning and Development, Title 28, Subdivisions, and Title 36, Zoning.
- (g) Toledo, Title [Reserved].
- (e) ~~Any city where a previous interlocal agreement has been discontinued, unless the city specifically requests to be reviewed under Option 1.~~

## Commentary

### 17.15.040(3)

The city has the authority to rezone properties within the UGA provided the new zoning designations conform to the city's adopted comprehensive plan. The city must notify the County and the city must provide an electronic file with the changed zoning designation so that the County can update the GIS data.

### 17.15.040(4)

It is intended that the UGA be annexed by the city over time. Long plats, which are five (5) or more lots, are not appropriate prior to annexation because they create an economic disincentive for annexation and place a maintenance burden on Lewis County for urban transportation and stormwater infrastructure. Short plats and boundary line adjustments, that meet the city's standards for lot size and density, will continue to be allowed prior to annexation.

(4)(a) In general, subdivisions that create lots that are at least 2 acres in size can be approved. Subdivisions that create lots smaller than 2 acres in size can be approved but only up to 4 lots.

(4)(b) Subdivisions that are intended for multifamily development, as defined here, will not be approved because the infrastructure to serve that density of development is urban; therefore, annexation needs to occur first.

(4)(c) There are no limitations on subdivisions for industrial or commercial development, as long as city services are being provided.

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- (2) ~~Zoning Requirements. To ensure that city zoning standards are effectively addressed, Lewis County will send the project applications and a review form to each city when a project occurs in their urban growth area. The city should review the proposal for consistency with their underlying zoning requirements.~~
- (a) ~~Whether the use is allowed in the underlying city defined zone.~~
- (b) ~~Whether the use development or improvements meets the required setbacks.~~
- (c) ~~Whether the use meets the allowed height standards.~~
- (3) Zoning Designations and Development Regulations. Consistent with the city's comprehensive plan and countywide planning policies, the city shall have the authority to amend zoning designations that apply within the unincorporated urban growth area and to amend development regulations that are adopted by reference pursuant to 17.15.040(2). The city shall provide notice to Lewis County Department of Community Development, at least 14 days prior to the first public hearing to consider amendments to the zoning designations or development regulations. Within 30 days of adoption by the city, the city shall provide a GIS electronic file with the zoning designations to the Lewis County Department of Public Works, GIS Division.
- (4) Subdivisions.
- (a) Single family residential. Divisions of land that will create five (5) or more lots for single family residential development, where any lot is less than two (2) acres in size, shall not be approved within the unincorporated urban growth area. Divisions of land that will create five (5) or more lots for single family residential development, where all lots are two (2) acres in size or larger, or divisions of land that will create four (4) or fewer lots or adjust boundaries of existing lots, shall conform to the city lot size and density standards as adopted by reference pursuant to 17.15.040(2), except for the purposes of this code section, single family residential development does not include multifamily residential as defined by 17.15.040(4)(b) below.
- (b) Multifamily residential. No subdivisions that create new lots for multifamily residential development will be approved within the unincorporated urban growth area. For the purposes of this code section, multifamily residential development includes duplexes, triplexes, quadplexes, townhomes or more than five (5) attached dwelling units, and any configuration thereof.
- (c) Industrial and commercial. Divisions of land that create lots for industrial or commercial development may be approved within the unincorporated urban growth area provided that all development will be connected to city services including water, sewer and stormwater.

## **Commentary**

### **17.15.040(5)**

The purpose of the UGA is to support the expansion of urban services and development of the area at urban densities, which is 4 dwelling units per acre or denser. On-site wells and septic systems are rural services, not urban services, and are generally not appropriate in UGA. However, on-site septic systems for residential uses may be approved with limitations for parcels located over a CARA.

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(35) Water and Sewer Requirements.

(a) ~~Where a connection to city water or sewer is required~~ available within 200 feet of the site, Lewis the County will include, as a condition of approval of any division of land, including boundary line adjustments, a requirement also ensure that the applicant coordinate works with the city to ensure that the project is installed according to city water and sewer standards.

(b) ~~Parcels located over a critical aquifer recharge area, on a pre-existing lot, if city sewer is not available within 200 feet, an on-site domestic septic system at a gross density greater than one system per residence per acre may be permitted pursuant to Chapter 17.38.830(2)(e) LCC.~~

(6) ~~Code Enforcement. The County shall be responsible for code enforcement within the unincorporated urban growth area related to violations of development standards as specified by 17.15.040(2) and an interlocal agreement.~~

(7) ~~Interlocal Agreement. The County and any city listed under 17.15.040(2) shall enter into an interlocal agreement to further clarify co-management of zoning designations and development regulations within the unincorporated urban growth area.~~

(4) ~~Other Requirements. Beyond these basic requirements, county standards related to critical areas, building codes, SEPA, land divisions, and other items will apply.~~

(5) ~~Purpose. The purpose of these provisions is to provide a simplified method to apply the plans and regulations of each city to the applicable urban growth area.~~

**~~17.15.0250 — Option 3 — Incorporation and administration by agreement.~~**

(1) ~~Administration of Urban Growth Area through Interlocal Agreement. Cities may administer the review of development within their urban growth areas when an interlocal agreement has been reached with Lewis County.~~

(2) ~~Lewis County will retain administration and permitting authority over items such as right-of-way use or access permits, flood damage prevention standards, board of health standards, including standards for on-site sewage systems (Chapter 8.40 LCC) and Group B public water systems (Chapter 8.55 LCC), code enforcement activities, and provisions for marijuana land uses. The county will also retain SEPA lead agency status for any county-sponsored projects within the unincorporated urban growth area.~~



## Commentary

### 17.15.050

Lewis County is required, through their comprehensive plan, to demonstrate that the urban growth areas are appropriately sized and zoned to accommodate the 20-year population and housing allocations. Cities are required to provide urban services (e.g., municipal water and sewer) to the UGA over the 20-year planning horizon as well. Therefore, only the city or county may propose changes to the urban growth area boundary and a change to the boundary must be accompanied by the necessary studies to demonstrate the RCWs and WACs are met.

Ensuring that a UGA boundary amendment meets the applicable state laws requires significant time and staff resources. Under state law, amendments to the comprehensive plan maps, which includes UGA boundary amendments, can be made one time per year. In order for a UGA boundary amendment to be considered by the County, it must be placed on the Lewis County Planning Commission docket, which is adopted at the first business meeting of every calendar year.

### 17.15.050(4)

Any amendment to the size of the UGA will alter the Land Capacity Analysis. If a city would like to make amendments to the UGA boundary, the city must update their Land Capacity Analysis to demonstrate that the UGA boundary amendment is necessary to accommodate the city's allocated 20-year population. In addition, the city's capital facilities plan must include information about how water and wastewater services, along with other public services, will be provided to the lots at the time of development.

There are additional requirements under the Growth Management Act. For example, a traffic impact analysis may be required and if there are impacts to a state or federal transportation system, coordination with WSDOT or USDOT may be required. Another example, if there are critical areas located in the urban growth area, additional analysis regarding the suitability of the parcels to accommodate urban development may be required.

The County's process to adopt a UGA boundary amendment typically takes one full year, after all necessary reports and analysis are completed. The Planned Growth Committee, made up of the mayor (or designee) of each city and the chair of the BOCC, are required to review and consider the UGA boundary amendment prior to Planning Commission.

**17.15.050     Urban Growth Area Amendments.**

- (1) Purpose. The purpose of these provisions is to create a clear and efficient process for cities to propose amendments to the County's comprehensive plan as it relates to urban growth area boundaries (RCW 36.70A.110).
- (2) Applicability. Only the county or an incorporated city within Lewis County may propose amendments to the urban growth area boundary.
- (3) Timing.
  - (a) Amendments to the boundary of an urban growth area may be proposed by the County or city at the following times:
    - (i) During the first 12 months of the state-mandated comprehensive plan periodic update grant funding cycle;
    - (ii) The calendar year following County adoption of the updated 20-year population allocation; or
    - (iii) Not more than annually, based on an update to the County or city capital facilities plan.
  - (b) The comprehensive plan map may be amended not more than once per year pursuant to RCW 36.70A.130. All proposed comprehensive plan map amendments shall be consolidated.
- (4) Process.
  - (a) The city shall adopt a resolution requesting the County consider the urban growth area amendment(s) and the resolution shall include the following as exhibits:
    - (i) Findings against applicable Growth Management Act requirements and Countywide Planning Policies.
    - (ii) An updated land capacity analysis, following the County methodology, that demonstrates the urban growth area will accommodate the adopted population and housing allocations.
    - (iii) Any amendments to city capital facilities plans necessary to address the anticipated changes in future use and provision of public services including, but not limited to, water, wastewater and electrical systems.
    - (iv) A traffic impact analysis, if applicable.

## **Commentary**

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- (v) A completed SEPA checklist; if significant adverse environmental impact is determined by the County, the city is responsible for any necessary follow-on studies.
- (b) The County shall review the materials for completeness and following determination that 17.15.050(4) requirements are complete, the County shall forward the request to the Planned Growth Committee. The Planned Growth Committee shall make a recommendation to the Lewis County Planning Commission, which shall hold a public hearing. Following close of the record, the Planning Commission shall deliberate and make a recommendation to the Lewis County Board of County Commissioners who will hold a public hearing and make a final determination. The County shall provide notice to the city at least 14 calendar days prior to any public hearing(s). The County shall provide the notice of decision within ten (10) calendar days of close of the hearing.

#### **17.15.0360 Violations.**

Regardless of the option chosen in this chapter, a violation of any adopted code or standard pertaining to conduct or development in the urban growth area or the urban growth area's administration is punishable as a civil violation under LCC 1.20.040 and shall be a public nuisance subject to all remedies as may be available under the law. The penalties in this provision are cumulative and separate to any other available penalties, civil or criminal, established under other law.