

PURPOSE AND GUIDELINES

**Chapter 17.05  
GENERAL PROVISIONS**

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Prior legislation: Ords. 1170B, 1174A, 1175 and 1179.

**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.

**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 applications are actions that require a public hearing before the planning commission and a decision by the board of county commissioners.

(i) Project-specific actions include modifications to development regulations, the comprehensive plan, or the zoning map that affect an individual or smaller group of parcels. Project-specific amendments are typically sought by an individual property owner or group of owners for their own benefit. The applications require public notice on the site and for neighbors and a quasi-judicial public hearing before the planning commission.

(ii) Nonproject legislative actions include modifications to development regulations, the comprehensive plan, or zoning map that affect larger groups of parcels. The process for the amendments is articulated in Chapter [17.12](#) LCC, though noticing requirements are included within this section. Nonproject legislative actions are typically sought by the county to promote a public rather than an individual benefit.

(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.

**Table 17.05-1**  
**Permit Review Type - Process Chart**

	Type				
	I	II	III	IV	V <sup>1</sup>
<b>REQUIRED PUBLIC NOTICE<sup>2</sup></b>					
Notice Period		At Least 15 Days Before the Decision	At Least 15 Days Before an Open Record Public Hearing		
Mailed Notice		X	X	X	X <sup>3</sup>
Notice Posted on Road Frontages		X	X	X	X <sup>3</sup>
Notice Published in Newspaper			X	X	X
Notice Posted at Libraries and Senior Centers					X
<b>PUBLIC HEARING</b>					
Planning Commission					X
Hearing Examiner			X	X	
<b>DECISION-MAKING BODY</b>					
Administrator	X	X			
Hearing Examiner			X		
Board of County Commissioners				X	X
<b>APPEAL</b>					
To Hearing Examiner (as Specified in LCC <a href="#">2.25.130</a> )	X	X			
To Appropriate Court/Hearings Board (as Defined in LCC <a href="#">2.25.140</a> )			X	X	X

<sup>1</sup> Notice associated with nonproject specific Type V actions may incorporate notice provisions far beyond those shown within the matrix including workshops, press releases, online information, etc. The information shown above for nonproject Type V actions should be considered the absolute minimum necessary to achieve a code or comprehensive plan change.

<sup>2</sup> Notice of SEPA determinations may be combined with other notices, so long as the requirements in WAC [197-11-510](#) and LCC [17.110.170](#) are met.

<sup>3</sup> Notice required on-site and to neighbors when part of a project-specific amendment.

**Table 17.05-2**  
**Process Required for Different Permit Types**

	I	II	III	IV	V	Code Reference
<b>Interpretations</b>						
Code Interpretation - Written	X					
<b>Permits and Reviews</b>						
Special Use			X			<a href="#">17.158</a>
Evaluation of Conformance with Special Use Permit			X			
Administrative Approval		X				<a href="#">17.160</a>
Administrative Reduction		X				
Master Plan - Rural Area Uses			X			17.120*
*Code reviser's note: Chapter 17.120 LCC was repealed by Ord. 1292.						
Master Planned Industrial - Binding Site Plan			X			<a href="#">17.20A</a> , <a href="#">17.20B</a>
New Fully Contained Community Urban Growth Area	See Applicable Code Section					<a href="#">17.20D</a>
Master Planned Resort - Binding Site Plan			X			<a href="#">17.20E</a>
SEPA		X <sup>1</sup>				
<b>Nonconforming Use Determination</b>						
Continuation of Nonconforming Use	X					<a href="#">17.155.010</a> <sup>2</sup>
Expansion of a Nonconforming Use			X			<a href="#">17.155.020</a> <sup>2</sup>
Change to Another Nonconforming Use			X			<a href="#">17.155.040</a> <sup>2</sup>
<b>Boundary Line Adjustments and Land Divisions</b>						
Boundary Line Adjustment	X					<a href="#">16.02.040</a> (8)
Subdivision			X	X		<a href="#">16.05</a>
Short Subdivision	X					<a href="#">16.10</a>
Large Lot Subdivision	X					<a href="#">16.12</a>

**Table 17.05-2**  
**Process Required for Different Permit Types**

	Type					Code Reference
	I	II	III	IV	V	
Simple Segregation	X					<a href="#">16.12.500 - 16.12.530</a>
Recreational Vehicle Binding Site Plan			X			<a href="#">16.14</a>
Binding Site Plan			X			<a href="#">16.15</a>
Final Plat	See Applicable Code Section					<a href="#">16.05</a> (Long Plats), <a href="#">16.10</a> (Short Plats), <a href="#">16.12</a> (Large Lots)
Preliminary Plat Alteration/Amendment	See Applicable Code Section					<a href="#">16.05.140</a> (Subdivisions), <a href="#">16.15.070</a> (Binding Site Plan)
Final Plat Alteration/Amendment	See Applicable Code Section					<a href="#">16.02.090</a>
Plat Vacation	See Applicable Code Section					<a href="#">16.02.085</a>
<b>Modifications and Variances</b>						
Administrative Variance	X					
Variance			X			<a href="#">17.162</a>
Land Division Variance			X			<a href="#">16.02.095</a>
<b>Plan and Code Amendments</b>						
Site Specific Rezones/CP Map Amendments					X	
General Legislative Amendments (Zone, CP Text Changes, Nonspecific Site Amendments)					X	<a href="#">17.12</a>
Industrial Land Bank Comprehensive Plan Designation/Establishment of Zoning Criteria					X	<a href="#">17.20A</a>
Master Planned Resort Comprehensive Plan Designation/Establishment of Zoning Criteria					X	<a href="#">17.20E</a>
Resource Land of Local Importance Designation					X	<a href="#">17.30.560</a> , <a href="#">17.30.670</a> , <a href="#">17.30.850</a>

<sup>1</sup> SEPA follows the mailing notification of the underlying project permit. No SEPA mailing is required for Type I applications.

<sup>2</sup> These provisions apply, unless otherwise addressed in a resource land or critical areas chapter.

[Ord. 1269 §8, 2016]

#### **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. [Ord. 1269 §8, 2016]

#### **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) 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.

#### **17.05.070 Determination of completeness - Lapsed applications - Postponed applications.**

(1) 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 complete.

(b) The application is incomplete and what is necessary to make the application complete.

(2) Incomplete or Incorrect Applications. When an application is determined to be incomplete or incorrect, the review authority shall identify, in writing, the specific requirements or information necessary to constitute a 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. If the applicant does not submit the 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 extensions if it is determined that the required studies or information warrants additional time. Financial hardship shall not be considered for extensions of deadlines.

(c) Upon submittal of the additional information, the review authority shall, within fourteen calendar days, issue a letter of completeness or, in accordance with subsection (2)(a) of this section, identify what additional information is required.

(d) 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.

(3) When an application is deemed 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, including the date of a hearing, if applicable; and

(c) Provide notice of the application, in accordance with LCC [17.05.080](#).

(4) The determination of completeness does not preclude the review authority from requesting additional information or studies either at the time of the notice of 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 days of issuing a letter of completeness under LCC [17.05.070](#), the county 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 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).
- (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.

#### **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 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 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.

(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 nonproject specific Type V permits shall follow the public workshop and hearing procedures in Chapter [17.12](#) LCC.

(4) All hearings for project specific Type V permits shall follow procedures similar to those articulated in LCC [17.12.050](#)(2); provided, that the hearing shall be a quasi-judicial hearing rather than a legislative hearing.

**17.05.125 Time frames 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.

(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.

(4) Exceptions. Exceptions to the time limits for a final decision include:

(a) 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 time period will be calculated from the time that the department determines the revised application to be 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.

(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.

(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.

#### **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.**

(1) 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](#).

(2) Appeals of Type V proposals shall occur pursuant to Chapter [36.70A](#) RCW.

#### **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. All third party review shall occur at the applicant's expense.

(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](#). [Ord. 1269 §8, 2016]

#### **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](#).