

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

IN THE MATTER OF:

RESOLUTION NO. 21-309

NOTICE OF PUBLIC HEARING TO CONSIDER
ORDINANCE 1328, AN ORDINANCE TO AMEND
LEWIS COUNTY CODE (LCC) 15.35 FLOOD
DAMAGE PREVENTION

WHEREAS, as required by the State Shoreline Management Act (SMA) (RCW 90.58), local governments are required to prepare and adopt an SMP based on the State's SMP Guidelines; and

WHEREAS, RCW 90.58.080(4)(a) requires counties to periodically review their SMP to ensure the SMP stays current with changes in laws and rules, remains consistent with other Lewis County plans and regulations, and is responsive to changed circumstances, new information and improved data; and

WHEREAS, Lewis County as part of the periodic review undertaking prepared a draft SMP with associated amendments to LCC 15.35 Flood Damage Prevention, LCC 17.25 Shoreline Management, and LCC 17.38 Critical Areas; and

WHEREAS, the Lewis County Planning Commission held workshops on the draft amendments to LCC 15.35 Flood Damage Prevention, LCC 17.25 Shoreline Management, and LCC 17.38 Critical Areas on January 26, 2021, February 9, 2021 and May 11, 2021; and held a duly noticed public hearing on the amendment on June 8, 2021; and

WHEREAS, following the public hearing, the Planning Commission voted unanimously to transmit the amendment to the Lewis County Board of County Commissioners.

NOW THEREFORE BE IT RESOLVED that a hearing before the Board of County Commissioners is hereby scheduled for September 14, 2021, to take public testimony and/or written comment on the adoption of Ordinance 1328, amending Chapter 15.35 Flood Damage Prevention of the Lewis County Code; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication for the changes as required by law.

DONE IN OPEN SESSION this 24th day of August, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Eric Eisenberg
By: Eric Eisenberg,
Chief Civil Deputy Prosecuting Attorney

Gary Stamper
Gary Stamper, Chair

ATTEST:



Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of
County Commissioners

Sean D. Swope
Sean D. Swope, Commissioner

LETTER OF TRANSMITTAL

To: Lewis County Board of County Commissioners
From: Lewis County Planning Commission
Date: June 8, 2021
Subject: Transmittal to the BOCC: Findings and Conclusions regarding Draft Revisions to Lewis County Shoreline Master Program

Dear Commissioners:

The purpose of this report is to transmit the draft revisions to the Lewis County Shoreline Master Program (SMP) to the Lewis County Board of County Commissioners (BOCC) for board consideration.

General findings of fact:

1. As required by the State Shoreline Management Act (SMA) (RCW 90.58), local governments are required to prepare and adopt an SMP based on the State's SMP Guidelines.
2. Lewis County last adopted the Shoreline Master Program in 2017.
3. RCW 90.58.080(4)(a) requires counties to periodically review their SMP to ensure the SMP stays current with changes in laws and rules, remains consistent with other Lewis County plans and regulations, and is responsive to changed circumstances, new information and improved data.
4. Lewis County is undertaking their periodic review and prepared a draft SMP with associated amendments to Lewis County Code (LCC) 15.35 Flood Damage Prevention, LCC 17.25 Shoreline Management, and LCC 17.38 Critical Areas.
5. Lewis County Planning Commission had three open public workshops on January 26, 2021, February 9, 2021 and May 11, 2021.
6. Staff at Lewis County issued a SEPA Determination of Nonsignificance for the draft on May 11, 2021.
7. Staff at Lewis County sent the draft to Washington State Department of Commerce on April 28, 2021 for the 60-day review.
8. The Planning Commission held a duly noticed Public Hearing on the proposed SMP update at its meeting of June 8, 2021

June 8, 2021

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9. The Planning Commission deliberated the proposed revisions following the Public Hearing and voted to recommend that the BOCC approve of the proposal as written.

Conclusions

Based on the above findings and conclusions, the Planning Commission recommends that the Lewis County BOCC review the proposed SMP, LCC 15.35, LCC 17.25, and LCC 17.38 and forward the documents to the Department of Ecology for their review and ultimate approval.

Being duly authorized to transmit the recommendations on behalf of the Lewis County Planning Commission, I hereby respectfully submit this to the Lewis County Board of County Commissioners.

Submitted by Lorie Spogen Date 6-9-2021
Lorie Spogen, Chair
Lewis County Planning Commission

**NOTICE OF PUBLIC HEARING BEFORE THE
LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS
AND INTENT TO ADOPT**

NOTICE IS HEREBY GIVEN that the **LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS** will hold a public hearing to adopt **Ordinance 1328**. The hearing will take place at or after 10 a.m. September 14, 2021, in the Commissioners' Hearing Room on the second floor of the Historic Courthouse in Chehalis, Washington. Interested parties are encouraged to check the Commissioners' Business Meeting agenda for the Zoom log-in details. The agenda will be posted at <https://lewiscountywa.gov/offices/commissioners/agendas-calendar/> at least 24 hours in advance of the meeting.

The public hearing will consider Ordinance 1328, which corrects a minor error under Lewis County Code Section 15.35.510, Shoreline Management Permits.

During the hearing, individuals will be invited to speak and/or provide written statements regarding the proposed changes. All individuals wishing to speak are encouraged to attend. Written comments may be submitted in advance of the hearing to:

Lee Napier lee.napier@lewiscountywa.gov

Details about the proposal are available at <https://lewiscountywa.gov/departments/community-development/track-planning-projects/shoreline-master-program-periodic-review/> Printed copies are available at the Lewis County Community Development Department at 2025 NE Kresky Ave., Chehalis WA. Due to COVID-19 and the physical closures of the Timberland Regional Libraries and Senior Centers, copies are not available at those locations. If you wish to receive a paper copy of the proposals, contact Community Development at 360.740.1146 and a copy will be mailed to you.

The meeting site is barrier free. People needing special assistance or accommodations should contact Rieva Lester at 360.740.1419 at the Community Development Department 72 hours in advance of the meeting.

Rieva Lester/Publish in the Chronicle and East County Journal on August 26 and September 1 2021

DRAFT

ORDINANCE 1328

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

**AN ORDINANCE OF THE COUNTY OF LEWIS,)
CORRECTING A MINOR ERROR UNDER LEWIS)
COUNTY CODE SECTION 15.35.150, SHORELINE)
MANAGEMENT PERMITS)**

WHEREAS, Lewis County promotes the public health, safety, and general welfare by minimizing public and private losses due to flood conditions in specific areas; and

WHEREAS, Lewis County Code (LCC) Section 15.35, Flood Damage Prevention, establishes requirements for preventing flood damage in specific areas; and

WHEREAS, Section 15.35.150 establishes procedures for obtaining shoreline management and floodplain development permits; and

WHEREAS, Section 15.35.150 errors in referencing the joint aquatics resources application (JARPA) as a "joint aquatics application permit;" and

WHEREAS, Lewis County proposes correcting this error by amending Section 15.35.150 by replacing "joint aquatics application permit" with "joint aquatics resources application (JARPA);" and

WHEREAS, Lewis County held open public workshops with the Lewis County Planning Commission on January 26, 2021, February 9, 2021 and May 11, 2021 to discuss the proposed amendment; and

WHEREAS, staff at Lewis County issued a SEPA Determination of Nonsignificance for the draft on May 11, 2021; and

WHEREAS, staff at Lewis County sent the draft to Washington State Department of Commerce on April 28, 2021 for the 60 day review; and

WHEREAS, on June 8, 2021, the Lewis County Planning Commission conducted a joint public hearing with Washington State Department of Ecology, noticed in accordance with the standards in LCC 17.12; and

WHEREAS, following the public hearing, the Lewis County Planning Commission voted unanimously to recommend approval of the amendment to Section 15.35.150 LCC to the Lewis County Board of County Commissioners (BoCC) for their consideration; and

WHEREAS, on August 24, 2021, the BOCC passed Res. 21-XXX to hold a public hearing on Ordinance 1328, and directed the Clerk of the Board to provide notice of the hearing; and

WHEREAS, the Lewis County BoCC held a duly noticed public hearing on the proposed amendment to Chapter 15.35.150 LCC on September 14, 2021; and

WHEREAS, the Lewis County BoCC finds that the proposed amendment to Section 15.35.150 LCC best serves the residents of Lewis County;

NOW, THEREFORE BE IT HEREBY ORDAINED that the Lewis County BoCC approve the following;

Section 1. Amend Section 15.35.150 to read as follows:

15.35.150 Shoreline ~~management~~ permits or exemptions.

A shoreline ~~management substantial development permit~~ or exemption shall accompany a joint aquatics resources application ~~permit application (JARPA) form~~ and a floodplain development permit. A shoreline ~~management substantial development permit~~ or exemption issued pursuant to Chapter 90.58 RCW (Shoreline Management Act of 1971) and the Lewis County shoreline ~~management~~ master program and Chapter 17.25 LCC may serve as the flood hazard zone permit for those developments and structures that are within both a flood hazard zone and an area under jurisdiction of the Shoreline Management Act. [Ord. 1245 §1, 2013; Ord. 1145C § 3, 2000; Ord. 1157, 1998; Ord. 1145 § 6(A)(4), 1995]

SECTION 2. All provisions of the Lewis County Code not specifically addressed herein shall remain in full force and effect.

SECTION 3. If any part of this ordinance is found to be invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain valid and continue in full force and effect.

SECTION 4. This ordinance is in the public interest and shall be effective immediately.

PASSED IN REGULAR SESSION THIS _____ DAY OF _____, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Deputy Prosecuting Attorney

Gary Stamper, Chair

ATTEST:

Lindsey R. Pollock, DVM, Vice Chair

Rieva Lester, Clerk of the Board

Sean Swope, Commissioner

BOCC AGENDA ITEM SUMMARY

Resolution:**BOCC Meeting Date:** Aug. 24, 2021**Suggested Wording for Agenda Item:****Agenda Type:** Legal Notice

Notice of Public Hearing to consider Ordinance 1328, an ordinance to amend Lewis County Code (LCC) 15.35 Flood Damage Prevention

Contact: Lee Napier**Phone:** 360.740.2606**Department:** CD - Community Development**Description:**

Notice of Public Hearing to consider Ordinance 1328, an ordinance to amend Lewis County Code (LCC) 15.35 Flood Damage Prevention

Approvals:**Publication Requirements:****User****Status****Publications:**

The Chronicle and The East County Journal

PA's Office

Pending

Additional Copies:

Mindy Brooks, Doyle Sanford

Cover Letter To: