

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

IN THE MATTER OF:

RESOLUTION NO. 21-397

NOTICE OF PUBLIC HEARING TO CONSIDER
ORDINANCE 1332, AN ORDINANCE TO AMEND
CHAPTER 2.11, PLANNING SECTION AND
COMMISSION, OF THE LEWIS COUNTY CODE

WHEREAS, Chapter 36.70.030 RCW of the Planning Enabling Act grants the Board of County Commissioners (BOCC) authority to create and maintain a Planning Commission to assist the County in performance of its land use planning duties and responsibilities; and

WHEREAS, Lewis County Code (LCC) 2.11, Planning Section and Commission, (Ordinance 1186) was adopted in 2005 to form the Lewis County Planning Commission; and

WHEREAS, Chapter 36.70.070 through -0.120 RCWs of the Planning Enabling Act define the composition, appointments, terms, vacancies, removal and officers of a commission; and the amendments of LCC Chapter 2.11 meet those requirements.

NOW THEREFORE BE IT RESOLVED that a hearing before the BOCC is hereby scheduled for at or after 10 a.m. December 14, 2021, to take public testimony and/or written comment on the adoption of Ordinance 1332, amending Chapter 2.11, Planning Section and Commission, 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 23rd day of November, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Amber Smith
By: Amber Smith,
Deputy Prosecuting Attorney

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

ATTEST:



Sean D. Swope
Sean D. Swope, Vice Chair

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

F. Lee Grose
F. Lee Grose, Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON

DRAFT

AN ORDINANCE OF THE COUNTY OF LEWIS, TO REPEAL AND)
REPLACE CHAPTER 17.12, PUBLIC PARTICIPATION, AND AMEND)
CHAPTER 17.05, GENERAL PROVISIONS, OF THE LEWIS COUNTY)
CODE)

ORDINANCE NO. 1332

WHEREAS, Chapter 36.70.030 RCW of the Planning Enabling Act grants the Board of County Commissioners authority to create and maintain a Planning Commission to assist the County in performance of its land use planning duties and responsibilities; and

WHEREAS, Chapter 36.70.070 and -.080 RCWs of the Planning Enabling Act state that a commission may consist of seven members appointed by the chair of the Board of County Commissioners with approval by the majority of the board as long as the appointments result in each district being equally represented on the commission as nearly as mathematically possible; and

WHEREAS, Chapter 36.70.090 through -.120 RCWs of the Planning Enabling Act define the terms, vacancies, removal and officers of a commission; and

WHEREAS, the proposed amendments to Lewis County Code (LCC) 2.11, Planning Section and Commission, meet the requirements of Chapter 36.070.030 and -.070 through -.120 RCW; and

WHEREAS, the Lewis County BOCC finds that the proposed amendments to LCC Chapter 2.11 best serves the residents of Lewis County.

NOW THEREFORE, BE IT ORDAINED that the BOCC hereby adopts the amendments to the Lewis County Code Chapter 2.11, Planning Section and Planning Commission, as shown in Exhibit A; and

NOW THEREFORE, BE IT FURTHER ORDAINED that the BOCC hereby adopts Exhibit C as further findings of fact.

PASSED IN REGULAR SESSION THIS 14 DAY OF DECEMBER, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Deputy Prosecuting Attorney

Lindsey R. Pollock, DVM, Chair

ATTEST:

Sean Swopes, Vice Chair

DRAFT

DRAFT

Rieva Lester, Clerk of the Board

F. Lee Grose, Commissioner

EXHIBIT A – LEWIS COUNTY CODE 2.11 PLANNING SECTION AND COMMISSION

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

CHAPTER 2.11, PLANNING SECTION AND COMMISSION

2.11.010 Purpose

- (1) Title. The title of this chapter shall be the Lewis County planning section and commission chapter.
- (2) Purpose. The purpose of this chapter pursuant to RCW 36.70.040 shall be to ~~repeal Chapter 2.10 LCC, and to establish~~ and maintain a planning section, and ~~reconstitute and create a~~ planning commission, as follows:
 - ~~(a) To abolish the existing planning commission consisting of nine members, and to establish a new, reconstituted planning commission consisting seven members;~~
 - (a) To provide for eligibility and standards of conduct for appointment to staggered terms of planning commission members, and for their succession;
 - (b) To provide for appointment of a department of community development director and organization of a planning section of that department;
 - (c) To define the duties and responsibilities of the planning section, hearing examiner and planning commission; and
 - (d) To effect the promulgation and adoption of rules of procedure, pursuant to board of county commissioner guidelines, under which the planning commission shall conduct its business.

2.11.020 Planning section.

[No Change]

2.11.030 Planning commission.

- (1) ~~Created and~~ Composition. Pursuant to RCW 36.70.040 ~~and 36.70.070, there is hereby reconstituted and created a~~ the Lewis County planning commission, ~~shall~~ consisting of seven members, including:
 - (a) Two commission members who reside in each of the county districts; and

- (b) One at-large commission member.
- (2) Purpose. ~~which~~ The planning commission shall assist the planning section in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and the adoption of development regulations for Lewis County, Washington, and shall hold public hearings and shall make findings and conclusions which shall be transmitted to the planning section for transmittal to the board of county commissioners, together with such comments and recommendations as the section deems necessary.
- (3) Appointment. Existing members of the planning commission may retain their positions and current terms. Vacancy resulting from the expiration of a term of office, resignation or any other reason shall be filled by appointment by the chairman of the board of county commissioners from a list of not less than one nominee residing in the respective district by the respective district county commissioner of the vacating member, except the at-large position may be filled by one nominee from any district. ~~Members of the planning commission shall be appointed by the chairman of the board of commissioners, with the approval of the board of commissioners; provided, each member of the board of commissioners shall submit to the chairman a list of not less than three nominees residing in his~~their ~~county commissioner's district, and the chairman shall make his~~their ~~appointments from such lists so that, as nearly as mathematically possible, each commissioner district is equally represented, as follows: two planning commission members from each county commissioner district. The initial appointments to the planning commission shall be made effective the first day of February 2005. Thereafter, each four-year term shall commence on the first day of January of the year when the term created herein shall expire and the four-year anniversary thereof.~~
- (4) Eligibility of Appointed Members. The board of county commissioners shall nominate and select planning commission members to independently and responsibly serve their fellow citizens. The ~~BOCC~~ board of county commissioners shall appoint planning commission members:
 - (a) Without respect to political affiliations;
 - (b) Who represent varying geographic, demographic, and socioeconomic perspectives;
 - (c) Who, collectively, represent a broad range of local opinion, experience, and expertise, and are entrusted to make recommendations reflecting the broad interests of the community;
 - (d) Who are free of incompatible ~~ility~~ associations or, conflict of interests, subject to ultimate decision by the board of county commissioners ~~and association with other municipal organizations, agencies, and entities within Lewis County.~~
- (5) Terms. Newly appointed planning commissioner members, other than those appointed to fill an existing term, shall have a term of four years, beginning on January first of the year; except the

at-large position, which shall have a term of three years, beginning on January first of the year. Members who are appointed to fill a vacated existing term that has not expired shall complete the existing term. The terms of office for appointed planning commission members shall be staggered as follows: one commission member shall be appointed for one year; two commission members shall be appointed for three years; and two commission members shall be appointed for four years, and upon the expiration of the term of such original members, the term of office of each shall be four years; provided, that the staggering of terms shall be so arranged that the expiration of terms shall not coincide for all commission members from any county commissioner's district; provided, however, that members of the abolished planning commission shall not serve out the terms of office to which they were appointed, but may be eligible for appointment under the reconstituted commission. No appointed commission member shall serve more than three consecutive full terms.

- (6) Moving. If a member of the planning commission moves their permanent residence out of the district they were appointed to represent, the member must tender their resignation from the planning commission; except if the member holds the at-large position, in which case they may remain on the planning commission and must inform the community development director of the change of residence. If a member moves permanent residences but remains within the district they were appointed to represent, the member may remain on the planning commission and must inform the community development director of the change of residence.
- (7) Vacancies. Each vacancy resulting from the expiration of a term of office shall be filled by appointment by the chairman of the board of commissioners from a list of not less than one nominee residing in the respective district by the respective district county commissioner of the vacating member, for a period of four years. Vacancies occurring for any reason other than expiration of a term of office shall be by appointment as set forth hereinabove from the same county commissioner's district as the vacating member, for the period of the unexpired term of the office being filled.
- (7) Organization. With its first meeting after the passage of these provisions on February 15, 2005, and as codified in this chapter, and the appointment of its membership, the planning commission shall meet to organize itself by electing a chairman and vice-chairman to serve until the expiration of the calendar year 2005. Thereafter, tThe planning commission shall at its first regular meeting in January of each year organize itself by electing a chairman and vice-chairman to serve until the expiration of the calendar year, and shall hold not less than one regular meeting per month; provided, that if no matter requiring planning commission consideration is pending in any given month, the meeting may be canceled in advance by the chairman or secretary of the commission. The planning commission may appoint standing or special committees to which may be assigned specific responsibilities and authority, which shall make no recommendations except to the planning commission or to others it specifies.

- (8) Meetings. The planning commission shall set a regular meeting schedule consisting of not less than one regular meeting per month; provided, that if no matter requiring planning commission consideration is pending in any given month, the meeting may be canceled in advance by the chairman or secretary of the commission.
- (9) Meetings, Quorum. Four members of the planning commission shall constitute a quorum. All actions of the planning commission shall be determined by a majority vote at a meeting at which a quorum is present, except in the event any state law or county code shall require a vote larger than majority, such provision shall govern.
- (10) Powers and Duties - Conduct of Hearings. The powers and duties of the planning commission shall be such as are prescribed by Chapter 36.70 RCW, as amended, and other applicable laws of the state; and the planning commission shall also perform such other duties as are not inconsistent with the laws of the state, at the direction of the board of county commissioners.
- (a) The planning commission shall also conduct such hearings as are required by Chapters 36.70 and 36.70A RCW, and as to all other applicable provisions of the Lewis County Code and laws of the state, and shall make findings of fact and conclusions therefrom which shall be transmitted to the planning section for transmittal to the board of county commissioners or examiner, with such comments and recommendations as the planning section shall deem necessary.
- (b) In formulating its recommendations to the planning section for transmittal to the board of county commissioners, the planning commission and its advisory committees may be required to conduct public hearings; however, in any event all such meetings of the commission or its advisory committees shall be conducted in a manner consistent with the Code of Ethics for Municipal Officers, Chapter 42.23 RCW, the Open Public Meetings Act, Chapter 42.30 RCW, and applicable public participation policies of the county.

2.11.040 Financing and planning.

[No Change]

**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 1332. The hearing will take place at or after 10 a.m. December 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 least 24 hours in advance of the meeting on the [Lewis County Agendas & Calendar webpage](#).

The public hearing will consider Ordinance 1332, which amends Lewis County Code (LCC) Chapter 2.11, Planning Section and Commission.

The amendments clarifies the composition and appointments of Lewis County Planning Commission members. The amendments also add a new provision that addresses what happens when a member moves out of the district they were appointed to represent.

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 by emailing Mindy Brooks at mindy.brooks@lewiscountywa.gov, Senior Long Range Planner.

Details about the proposal will be available online at the agenda link provided above. Please select the agenda for November 23 (Notice) or December 14 (Hearing) to see the draft ordinance. The draft is subject to change before or at the hearing. If you wish to receive a paper copy of the proposals, contact Megan Sathre at megan.sathre@lewiscountywa.gov or 360-740-2677 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 Lewis County Commissioners' Office 72 hours in advance of the meeting.

BOCC AGENDA ITEM SUMMARY

Resolution:

BOCC Meeting Date: Nov. 23, 2021

Suggested Wording for Agenda Item:

Agenda Type: Legal Notice

Notice of public hearing to consider ordinance 1332, an ordinance to amend Chapter 2.11, Planning Section and Commission, of the Lewis County Code.

Contact: Megan Sathre

Phone: 360-740-2677

Department: CD - Community Development

Description:

Notice of public hearing to consider ordinance 1332, an ordinance to amend Chapter 2.11, Planning Section and Commission, of the Lewis County Code.

Approvals:

User	Status
Lee Napier	Pending
PA's Office	Pending

Publication Requirements:

Publications:

The Chronicle

Additional Copies:

Mindy Brooks, Lee Napier

Cover Letter To: