

LEWIS COUNTY
WASHINGTON

PLANNING COMMISSION

REFERENCE GUIDE

2ND & 4TH TUESDAYS, 6:00 PM
LEWIS COUNTY HISTORICAL COURTHOUSE



Lewis County Planning Commission Cheat Sheet – Page 1 – **Workshop**

Agenda Item	Commissioners' Role	What you can say
Adopt Agenda	Motion, Second Deliberation Vote	I move to adopt the agenda as presented. I second. <i>(If you have changes)</i> I would like to add/subtract/rearrange the agenda. I move to adopt the agenda with edits as proposed by Commissioner ... I second.
Adopt Meeting Notes	Motion, Second Deliberation Vote	I move to adopt the agenda as presented. I second. <i>(If you have amendments)</i> I have changes to page X, paragraph Y ... I move to adopt the agenda with edits as proposed by Commissioner ... I second.
Public Comments	Listen It is not necessary to respond	<i>(If they go over the 3 minutes, Chair interrupts)</i> That's 3 minutes, thank you for your comments.
Workshop	Listen Ask questions of staff/applicant Request info from staff/applicant Determine if you are ready for public hearing	<i>(Each Commissioner should get to speak once before anyone goes again)</i> I have questions regarding ... I would like to request information before the next meeting ... I still need additional information from staff before I'm ready to hear from the public. I need to know ... I have all the information I need from staff on this topic and am ready to hear from the public. <i>(It is not necessary to vote on the hearing date, but if there is disagreement about the date)</i> I move to hold the public hearing on Month, Day, Year.
Good of the Order	Bring up topics not on the agenda Alert the commissioners/staff to important issues	I would like to ask my fellow commissioners about <i>[topic]</i> There is a training on <i>[topic]</i> that I would like to attend and share what I learn with the Commission. I've been asked to serve on <i>[committee]</i> and would like to know if that is appropriate.
Calendar	Tell everyone if you will be absent	I won't be at the Month Day, Year Planning Commission meeting. <i>(You do not need to share the reason, unless you want to.)</i>

Lewis County Planning Commission Cheat Sheet – Page 2 – **Public Hearing**

Agenda Item	Commissioners' Role	What you can say
<i>Adopt Agenda, Meeting Notes, Good of Order, Calendar See page 1</i>		
Public Comments	Listen	<i>(If comments are on hearing item, Chair interrupts)</i> Sir/Mam, this is the time for public comment. Testimony on [topic] will be heard later in the agenda.
Disclosures	Disclose ex parte information or communications	<i>(Let staff know before the hearing, staff will help with wording)</i> On Date, I ... and heard information pertaining to I am able to continue to hear [topic] without bias.
Recusals	Speak with staff ahead of hearing	I am going to recuse myself from the hearing on [topic] <i>(Leave the room, do not listen. You may return when the hearing is over.)</i>
Staff Presentation	Listen	<i>(All questions should have been asked at the workshop)</i> I do have one clarifying question of staff/applicant ...
Testimony	Listen It is not necessary to respond	<i>(If they go over the 3 minutes, Chair interrupts)</i> That's 3 minutes, thank you for your comments.
Discussion	Ask questions of staff/applicant based on written or oral testimony	<i>(Each Commissioner should get to speak once before anyone goes again)</i> In the testimony, [topic] was brought up. Staff/applicant can you please respond to that. I've heard a lot about [topic] and I'd like more information before deliberating. <i>(Once done with discussion, Chair)</i> The record is now closed on [topic]. Staff, do you have a draft motion for us to consider?
Vote	Motion, Second Deliberation Vote	I move to ... <i>(read draft motion or propose your own)</i> I second. <i>(Each Commissioner should get to speak once before anyone goes again)</i> I agree with approving/rejecting, because ... <i>[state your rationale]</i> I am concerned about ...
	<i>(If you would like to wait to vote)</i> Move to Continue	I move to table the motion and continue the hearing to Month Day, Year. I second. <i>(Chair)</i> Reminder that the record is closed. No additional testimony may be submitted. The continued hearing for deliberation and vote, will occur on Month Day, Year at 6:00pm.

Lewis County Planning Commission Cheat Sheet – Page 3 – Responses to Rude Comments

Sometimes during heated topics the public or fellow commissioners may say rude comments or make inappropriate statements. Rude and inappropriate comments/statements are not allowed – everyone should behave in a respectful manner. The mantra is “disagree agreeably.” It is the Chair’s responsibility to maintain order during the meeting, but anyone may say the following.

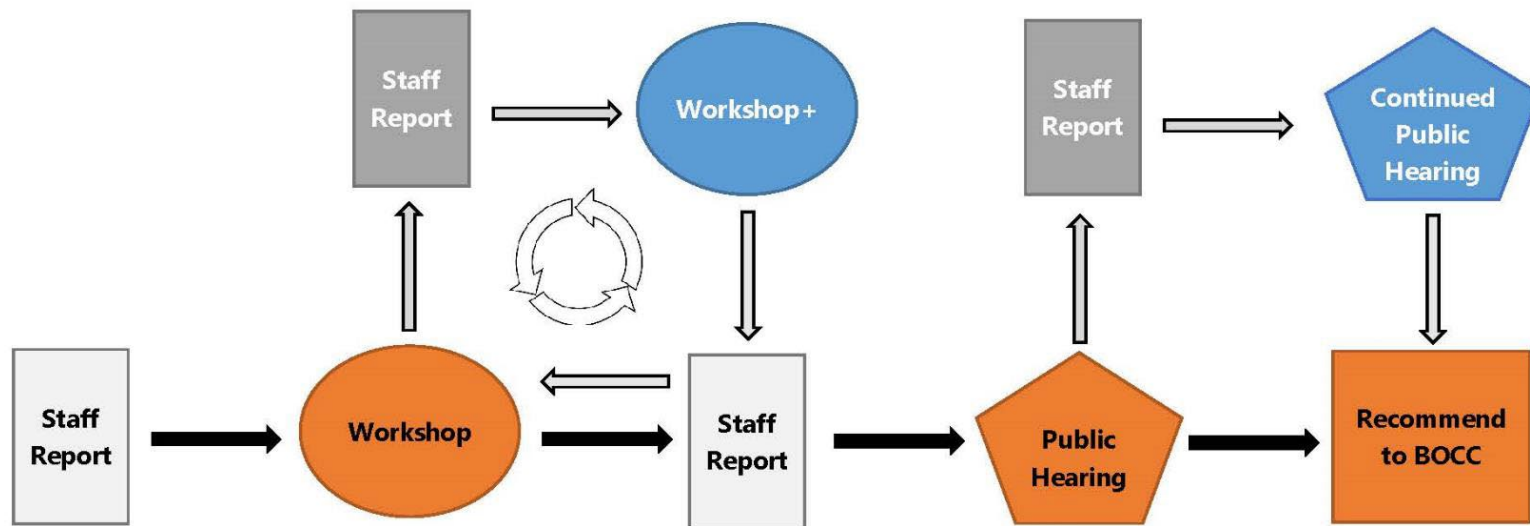
Situation	What you can say
When comments are not relevant or bring up topics outside the scope of the hearing	<i>(Chair)</i> Please kindly keep your remarks strictly to the topic under discussion.
Whispering while others have the floor	<i>(Chair)</i> Please kindly refrain from sidebar conversations.
Clapping or booing	<i>(Chair)</i> Disruptive behavior like clapping and booing is not allowed. If you want to show your support or opposition to something being said, you may silently give a thumbs up or down. <i>(If they don't stop)</i> If you continue to be disruptive, you will be asked to leave.
Accusing a commissioner of ex parte communications	<i>(If you have disclosed the communication previously)</i> I have made a disclosure about that communication and it does not impact my ability to be fair and unbiased when hearing this topic. <i>(If you have not disclosed the communication and need to)</i> On Date, I ... and heard information pertaining to I am able to continue to hear [topic] without bias. <i>(If the accusation is false)</i> I did not attend that meeting. <i>(OR)</i> I have had no communication with PERSON. <i>(If you need advice)</i> Point of order. I would like advice from staff on how to proceed.
Stating that a commissioner should recuse themselves	<i>(If you have disclosed a conflict previously)</i> I have made a disclosure about XYZ and it does not impact my ability to be fair and unbiased when hearing this topic. <i>(If you need advice)</i> Point of order. I would like advice from staff on how to proceed.
Name calling, swearing, shouting, etc. at commissioners, staff or other members of the public present.	<i>(Chair)</i> Sir/Mam, I must insist on courtesy and respect while you are making your comments. <i>(Chair)</i> Sir/Mam, you need to refrain from name calling/swearing/shouting during this meeting. If you continue to be disruptive, you will be asked to leave.
Member of the public shouting out during Planning Commission discussion or deliberation	<i>(Chair)</i> Sir/Mam, the time for public comment/testimony is closed. Everyone is given equal time to provide testimony to the commission. It is now time for the commission to discuss and deliberate without interruption. <i>(If they don't stop)</i> If you continue to be disruptive, you will be asked to leave.

Lewis County Planning Commission Cheat Sheet – Page 4 – Process

The typical process is along the bottom in orange. However, the Planning Commission may choose to hold multiple workshops until you have received all requested information from staff/applicant and exhausted your questions based on that information. Proceed to the hearing only when you have no more questions for staff/applicant and are ready to hear from the public.

On easy topics, Planning Commission may decide to deliberate and vote immediately after testimony. However, if you need more information from staff/applicant based on what you hear in the testimony, you may continue the hearing. Or, if you would like some time to consider the information in the record, you may continue the hearing. Unless there is a mandatory deadline, the process and schedule is the Planning Commission's to set and you should not feel pressured to hurry.

PLANNING COMMISSION PROCESS FLOW CHART



Note – On quasi-judicial items, all information must be presented during an open public meeting or formally entered into the public record. Commissioners may not do outside research. If you need information on something related to a quasi-judicial item, ask staff or the applicant during the workshop on that item or during commission discussion following testimony.



Community Development

2025 NE Kresky Ave

Chehalis, WA 98532

Phone: (360) 740-1146

Planning Commission Training

Lewis County Planning Commission

2023



Agenda

1. Roles and Responsibilities
2. Review of Process
3. Legislative vs Quasi-Judicial
4. LCC 17.12 Approval Criteria
5. Decision Making
6. Appearance of Fairness and Remedial Disclosures
7. Public Records Act



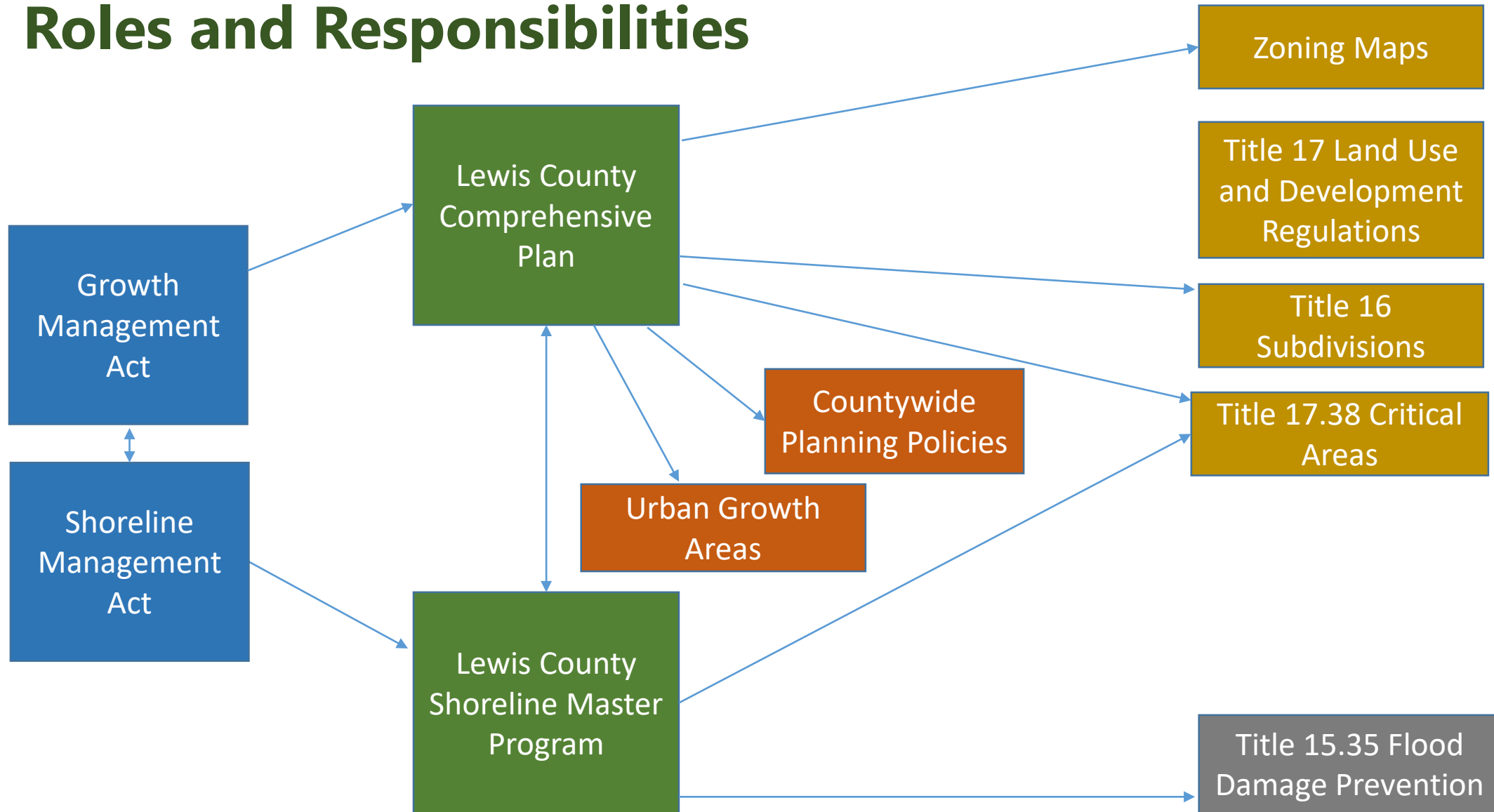
Roles and Responsibilities

Purpose of Planning Commission is to assist Community Development in:

1. Adopting and amending the Comprehensive Plan goals, policies and map
2. Adopting and amending the Shoreline Management Plan
3. Adopting and amending zoning designations
4. Adopting and amending development regulations (Lewis County Code)



Roles and Responsibilities



Roles and Responsibilities

Planning Commission assist by:

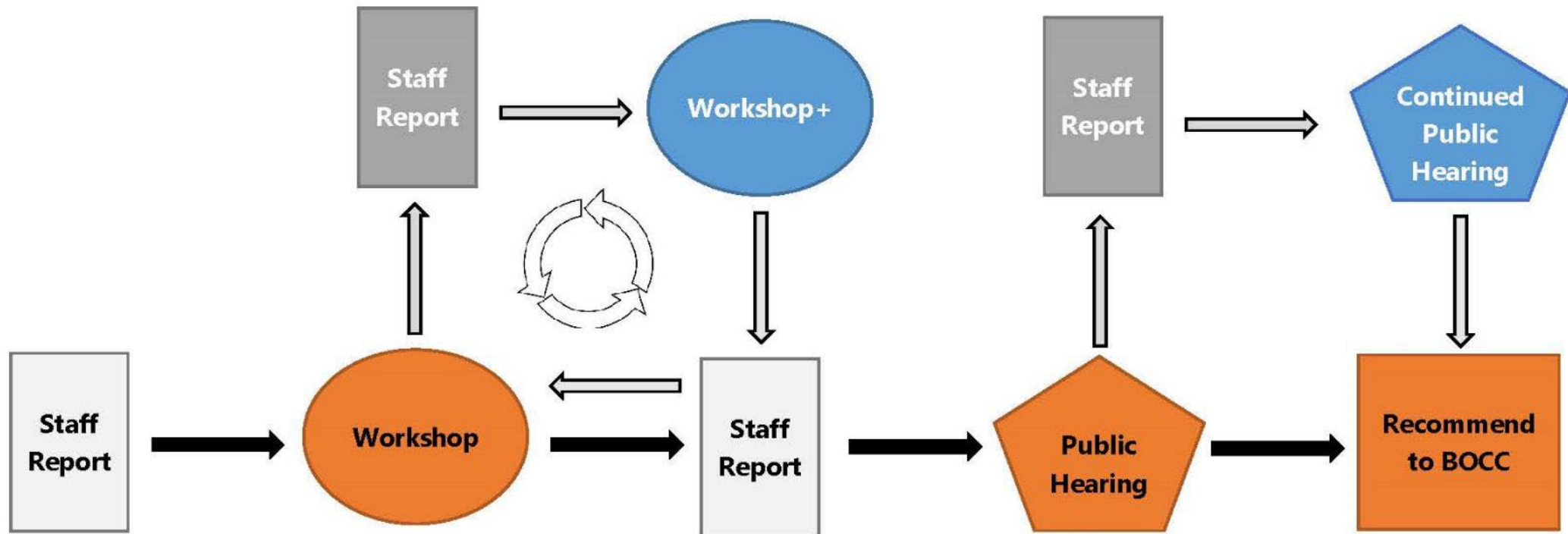
1. Holding public hearings
2. Making findings and conclusions
3. Transmitting a recommendation to BOCC

Planning Commission is the recommending body
BOCC is the final decision maker



Planning Commission Process

PLANNING COMMISSION PROCESS FLOW CHART



Staff Report(s)

Includes:

1. Background information
2. Primary issues/topics/changes
3. Findings of fact
4. Next steps
5. Attachments

Please read the staff report before the workshop and prepare your questions.



Workshop(s)

Includes:

1. Staff presentation
2. Commissioner Q&A
3. Decide – another workshop or public hearing

Exhaust all commissioner questions at the workshop before moving to hearing.



Public Hearing

Includes:

1. Legal Notice 14 days in advance of hearing
2. Written testimony from the public before the hearing
3. Staff presentation
4. Oral testimony at the hearing
5. Commissioner Q&A based on testimony
 - *Time to ask questions of staff/applicant based on testimony*
 - *Request additional information based on testimony*
6. Close the record – no new information may be added
7. Motion & Deliberate
 - *STATE YOUR RATIONAL based on the information in the record*
8. Vote



What is “the record”?

“The record” is the body of information that Planning Commission must use as the basis of your recommendation.

“The record” is available to the applicant and public to provide counterpoints and additional factual information.

The record includes:

- Application (*if applicable*)
- Staff report(s)
- Staff presentation(s)
- Meeting minutes
- Written and oral testimony
- Commissioner notes



Legislative vs Quasi-Judicial

- **Legislative:** Large, generalized changes to the zoning code or Comp Plan goals and policies that affect a large number of citizens.
- **Quasi-judicial:** Individual or particular changes to specific lots/parcels affecting an individual or specific set of citizens. (Site-specific rezones, UGA amendments, Open Space Lands)



Roles and Responsibilities

Purpose of Planning Commission is to assist Community Development in:

1. Adopting and amending the Comprehensive Plan goals, policies - **Legislative**
2. Adopting and amending the Shoreline Management Plan – **Legislative**
3. Adopting and amending the Comprehensive Plan map – **Quasi-judicial (may be Legislative)**
4. Adopting and amending zoning designation – **Quasi-judicial**
5. Adopting and amending development regulations (Lewis County Code) – **Legislative**



Outside Research

- **Legislative:** Outside research is allowed and engagement is encouraged
 - Enter everything you learn into the record so everyone has the same information during deliberations
 - Enter into the record verbally at a workshop or hearing, or provide it in writing to staff for inclusion in a staff report
- **Quasi-judicial:** No outside research or discussion with the community outside an open public meeting is allowed.
 - If you want specific information, ask for it at a workshop or hearing



LCC 17.12 Approval Criteria

In order to recommend approval, Planning Commission must find that:

1. The proposal conforms to Growth Management Act, Lewis County Comprehensive Plan and Countywide Planning Policies
2. There is a demonstrated need
3. Public interest will be served by approval
 - Anticipated effect on schools, fire districts, etc.
 - Anticipated effect on ag, forest or mineral resource lands
 - Anticipated effect on population, employment distribution
4. Isn't spot zoning



LCC 17.12 Approval Criteria

1. Conforms with the laws

- Revised Code of Washington (RCW)
- Washington Administrative Code (WAC)
- Lewis County Comprehensive Plan
- Countywide Planning Policies (CWPP)



LCC 17.12 Approval Criteria

2. Demonstrated Need

- Population growth
- Housing needs
- Job needs
- Resource lands
- Critical Areas
- Etc.



LCC 17.12 Approval Criteria

3. Public Interest

- Anticipated effect on schools, fire districts, etc.
- Anticipated effect on ag, forest or mineral resource lands
- Anticipated effect on population, employment distribution

Land Use based!

If the issue has no impact on land use or is not impacted by land use, then it is not relevant.



LCC 17.12 Approval Criteria

3. Public Interest

- Who is the public?
 - Adjacent property owners
 - Neighborhood
 - Lewis County
 - Washington State



LCC 17.12 Approval Criteria

4. Not Spot Zoning

- No islands of zoning that are inconsistent with the surrounding area
- Except when explicitly allowed by state law – mining, master planned resort



LCC 17.12 Approval Criteria

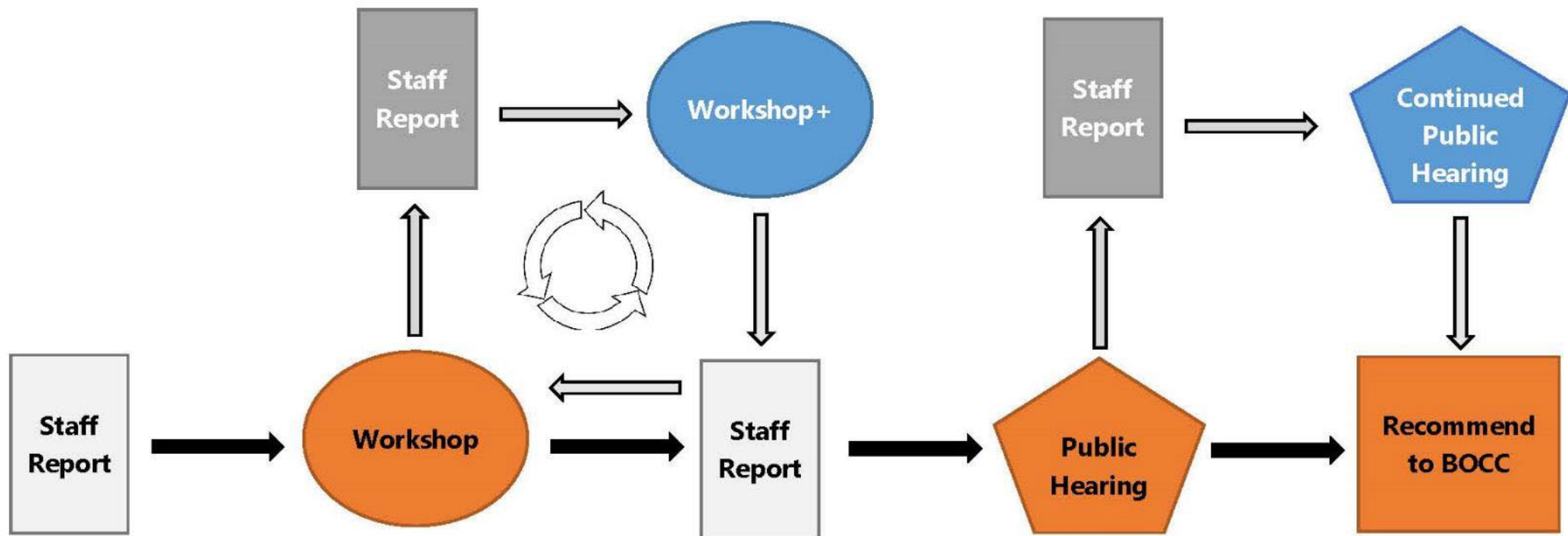
The staff report(s) will always include a staff analysis as to if the approval criteria are met.

The analysis is based on the information in the record and may change as additional information is added to the record.



Planning Commission Process

PLANNING COMMISSION PROCESS FLOW CHART



Decision Making

Includes:

1. Staff report(s)
2. Staff presentation(s)
3. Q&A based on reports/presentations
4. Written testimony from the public before the hearing
5. Staff presentation
6. Oral testimony at the hearing
7. Commissioner Q&A based on testimony
 - *Time to ask questions of staff/applicant based on testimony*
 - *Request additional information based on testimony*
8. Close the record – no new information may be added
9. Motion & Deliberate
 - *STATE YOUR RATIONAL based on the information in the record*
10. Vote



Motions & Deliberations

1. Close the record
2. Make a motion
3. Second a motion
 - If no second, it doesn't move forward
4. Deliberate, state your opinions and rationale
5. Vote



Types of Motions

- 1. Main Motion** – starts the process, needs a second
- 2. Amend Main Motion** – minor clarification or corrections to the main motion
 - If person who made main motion and the person who seconded agree, proceed
- 3. Substitute Motion** – propose a substantively different alternative to main motion
 - If substitute passes, main dies
 - If substitute fails, main is still up for consideration
- 4. Call the Question** – a motion to end debate and vote
- 5. Motion to Table** – if seconded, discussion ends and motion is immediately tabled
 - A subsequent motion to bring off the table is required to reopen



Example – Main Motion

Staff will always provide a draft motion for consideration

“I move to write a letter of transmittal to the Board of County Commissioners recommending approval of amendments to Lewis County Code 17.12.345.”



Point of Order

Staff are here to help.

If you need help with wording a motion or amending a motion, say “point of order” and ask staff.

If you have any process questions, say “point of order” and ask staff.



Deliberation - Rationale for Decision

Motion >> Second >> Deliberation >> Vote

- Say why you support or oppose the motion
- Tie it to the approval criteria and information in the record

“I support the rezone because it’s going to bring 100 jobs to the county.”

“I oppose the rezone because the scale of development doesn’t meet neighborhood character.”



Appearance of Fairness Doctrine

The doctrine requires that quasi-judicial public hearings meet two requirements:

1. Must be procedurally fair.
2. Must appear to be conducted by impartial decision-makers.



Appearance of Fairness Doctrine

"Ex parte" communications between a decision-maker and a proponent or opponent of the matter being decided are prohibited ([RCW 42.36.060](#)).



What to say if approached

If you are approached by a constituent on a quasi-judicial matter or are invited to a meeting you can say ...

- I'm glad your are interested in that, but I can't talk about it outside of our meetings.
- You are welcome to attend the meetings and to provide comments to the Planning Commission, but I cannot discuss it now.

Tell staff about any and all ex parte communications, even if you say the above statements. Tell staff date, who and topic.



Appearance of Fairness Doctrine

Disqualifying decision-makers from quasi-judicial hearings:

1. Commissioners who have prejudged the issues;
2. Commissioners who have a bias in favor of one side in the proceeding;
3. Commissioners who have a conflict of interest; or
4. Commissioners who cannot otherwise be impartial.



Disclosure vs Recusal

Disclosures:

- Not punitive – it's about transparency
- Tell staff right away of ex parte communications or potential conflicts of interest
- Disclose at next open public meeting
- Usually, you can continue to participate after making a disclosure

You need to recuse yourself if you:

- Have interest in a property that is directly impacted by the decision
- May gain or lose financial benefit as a result of the decision
- Cannot make an unbiased decision



Public Records Act

What is it?

The PRA is a means for the public to have open and transparent access to how its government works.

This includes the Lewis County Planning Commission.



Public Records Act

RCW 42.56.010 "Public Record"

Any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.



Public Records Act

RCW 42.56.010 "Writing"

Handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.



Public Records Act

What to do when someone requests copies of Planning Commission records:

- Request can be verbal or in writing, no specific form is required.
- A response to a records request along with a reasonable time estimate is required no later than five days after the request is made.
- If someone makes a record request, notify Community Development Staff immediately so the request can be processed.
- Failure to comply with the PRA creates costly strict liability consequences.



Public Records Act

What does this mean?

1. Any “writings” you personally have, generate, or retain regarding the Planning Commission are subject to the PRA.
 - Give staff notes after taking final action on a topic
2. If members of the public request verbally or in writing to you copies of those records, you must let Community Development Staff know immediately because there are responsive actions that must be taken in short timelines.
3. Compliance in the PRA makes government open and accessible to public for whom we serve.



All written materials must be retained as part of the public record.

Notes must be turned over to staff upon final action on a topic.

You may retain a copy for your records.