



January 2, 2023

Memo to File: YMCA Rezone Final Order Summary

Note – All County materials related to the YMCA rezone are available on the Lewis County webpage <https://lewiscountywa.gov/departments/community-development/rezones/>

BACKGROUND

On December 30, 2020, the YMCA of Greater Seattle applied for a rezone of parcels located on the north side of Mineral ([Vicinity Map](#)) and permit number RZ20-0002 was assigned. The rezone request was to apply a Master Planned Resort overlay zone to the Forest Resource Land (FRL) zoning designation. The application was deemed complete by the county staff on July 26, 2021. Notice of Application (NOA) was issued on August 5, 2021; the notice was mailed to properties within ¼ mile of the property and posted on the property. Public comments on the NOA were due on August 20, 2021; comments were provided by 27 individuals. The applicant responded to public comments on October 5, 2021. The SEPA determination (SEP20-0033) was issued on February 23, 2022; the notice was mailed to properties within ¼ mile of the property and posted on the property. Public comments on the SEPA determination were due on March 8, 2022; public comments were provided by 4 individuals, as well as by local and state agencies.

County staff evaluated the rezone application based on the criteria found in [Lewis County Code 17.12.110](#). The evaluation, as presented to Planning Commission, is found in the [April 15, 2022 Staff Report](#) and [May 13, 2022 Staff Report](#). The Planning Commission held a public hearing on June 28, 2022 to consider the rezone application and continued the hearing to July 12, 2022. Notice of hearing was published in the Chronicle and East County Journal, mailed to properties within ¼ mile of the property and posted on the property. The Planning Commission recommended approval of the rezone and provided a [Transmittal Letter](#) to the Board of County Commissioners (BOCC) on September 15, 2022. The BOCC held a duly noticed public hearing on November 8, 2022 and following the close of the hearing adopted Ordinance 1337 that included denial of the YMCA rezone. The YMCA filed an appeal of the decision on December 12, 2022, but agreed to allow the BOCC reconsider the rezone request. The BOCC held a duly noticed public hearing on February 14, 2023 and continued the hearing to February 27, 2023. The hearing was continued again to March 3, 2023, at which time the BOCC adopted Ordinance 1343 that upheld the decision to deny the rezone. The YMCA appeal proceeded following the second denial.

SUMMARY OF FINAL ORDER

The court found that Lewis County demonstrated bias towards the YMCA and intended to restrict their speech in Lewis County by denying the rezone. Rezones may only be approved or denied based on the proposed land use, which in this case is a limited resort. The approval criteria are found in [Lewis County Code 17.12.110](#) and include whether the anticipated effect of the rezone on population growth, employment growth, conversion of land, service providers (e.g., fire district), transportation facilities, etc. can be mitigated through future permitting processes. For example, during future project permitting the Adequate Public Facilities form will be sent to services providers (e.g., fire district). The service provider may indicate that they cannot serve the proposed development and the permit may be conditionally approved, impacts could be mitigated, or the permit could be denied. If the anticipated effects of future development are likely to be addressed during future project permitting, then those effects are not necessarily a reason to deny the rezone.

The court has ordered Lewis County to approve the rezone request within 30 days of the final order being signed, which occurred on December 22, 2023. The court confirmed that the SEPA Mitigated Determination of Nonsignificance (MDNS) conditions of approval are relevant and may be applied to the land use decision. They also found that the topic of arsenic in the groundwater is relevant and has allowed a condition of approval for additional monitoring and treatment to protect public health. No other conditions of approval may be added to ordinance. The final order is available through [Washington Courts Online Case Search](#), using Case No. 22-2-03384-34.

NEXT STEPS

Staff have prepared Ordinance 1353 based on the requirements of the final order. The BOCC will hold a hearing on January 16, 2024 at 10:00am; however, no testimony will be accepted because the decision and conditions of approval have been determined by the court's final order and cannot be altered. The public is invited to attend the hearing in person or watch the hearing on Zoom. The hearing will be noticed in the same manner as prior hearings.

Questions should be directed to Mindy Brooks, Senior Long Range Planner, at mindy.brooks@lewiscountywa.gov or 360-740-2610.