

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

**AN ORDINANCE OF THE COUNTY OF LEWIS,)
AMENDING TITLES 16 AND 17 OF THE LEWIS)
COUNTY CODE TO CLARIFY AND STREAMLINE) **ORDINANCE 1269**
THE PERMITTING STANDARDS FOR VARIOUS)
LAND USES.)**

WHEREAS, the existing Lewis County Code (LCC) contains several duplicative and/or unorganized permit processing provisions; and

WHEREAS, this multitude of different provisions, as well as the unclear placement of the standards within the code, makes the administration of the code difficult for staff and confusing for applicants; and

WHEREAS, the revisions to the LCC included as part of this ordinance are meant to streamline the processes for permit review, and consolidate the different methods of processing applications to improve clarity and ease of understanding of the code; and

WHEREAS, the proposed code revisions would address the majority of permit review processes in a new LCC Chapter 17.05, and would remove all similar or duplicative review processes that are scattered elsewhere throughout Titles 16 and 17; and

WHEREAS, to ensure the legitimacy of the proposal, the Planning Commission held several separate workshops on the suggested revisions; and

WHEREAS, the Lewis County Planning Commission held a duly noticed public hearing on the code changes on April 26, 2016; and

WHEREAS, following that hearing, the Planning Commission voted unanimously to transmit the changes to the Board of County of Commissioners; and

WHEREAS, the Lewis County Community Development Department submitted a notice of the proposed changes to the Washington State Department of Commerce on March 25, 2016; and

WHEREAS, the Lewis County Community Development Department issued a Determination of Nonsignificance on the proposed changes on May 11, 2016; and

WHEREAS, the Lewis County BOCC held a public hearing on the proposed changes on June 6, 2016;

NOW THEREFORE BE IT RESOLVED that the Lewis County Board of County Commissioners do hereby amend portions of Titles 16 and 17 of the Lewis County Code as follows:

SECTION 1. Chapter 16.02 is amended as follows:

**Chapter 16.02
GENERAL PROVISIONS**

Sections:

- [16.02.010](#) Title.
- [16.02.020](#) Purpose.
- [16.02.030](#) General scope.
- [16.02.040](#) Specific exemptions.
- [16.02.050](#) Legal lot criteria for building or transfer of ownership.
- [16.02.055](#) Innocent Purchaser and Public Interest Exceptions.
- [16.02.060](#) Regulations mandatory.
- [16.02.070](#) Division of lots with more than one residential structure.
- ~~[16.02.080](#) Resource use notice.~~
- [16.02.085](#) Vacation of subdivision.
- [16.02.090](#) Alteration of subdivision.
- [16.02.095](#) Variances.
- ~~[16.02.100](#) Planned residential development.~~ [Development Standards](#)

16.02.010 Title.

The ordinance codified in this title shall be known as the “Lewis County Subdivision Code.” [Ord. 1169, §1,I,A (2000)]

16.02.020 Purpose.

The provisions contained in this title are necessary to regulate the subdivision of land in accordance with Chapter [58.17](#) RCW and the Lewis County comprehensive plan, and to promote the public health, safety, and general welfare of Lewis County. [Ord. 1169, §1,I,B, 2000]

16.02.030 General scope.

Subdivisions, short subdivisions, and large lot subdivisions or any redivisions thereof shall be presented for review in accordance with the provisions of this title. This title shall apply to all subdivisions and short subdivisions, and large lot subdivisions, and to any redivisions thereof of any property held in contiguous ownership as of July 26, 1999, unless specifically exempted by Section [16.02.040](#). [Ord. 1169, §1,I,C, 2000]

16.02.040 Specific exemptions.

The provisions of this title shall not apply to:

- (1) Cemeteries. Cemeteries and other burial plots while used for that purpose;
- (2) Testamentary Divisions. Divisions made by testamentary provisions or the laws of descent; provided there can be only one lot per heir or devisee. A map of the division must be recorded with the Lewis

County auditor when each parcel is transferred. The map must be signed by all beneficiaries to the property. Lots created through such divisions are deemed legal notwithstanding minimum lot size or density requirements imposed through the zoning ordinance. However, such lots and all land uses carried out on such lots are subject to all other standards and requirements of law, including, but not limited to, lot size requirements for on-site sewage disposal systems contained in Chapters [8.40](#) and [8.41](#) LCC;

(3) Assessor's Plats. Assessor's plats made in accordance with RCW [58.18.010](#), RCW [58.17.240](#), and RCW [58.17.250](#);

(4) Mobile Home Parks. A division for the purpose of lease when the land is to be developed as a mobile home park and a binding site plan has been approved pursuant to Chapter [15.30](#) LCC;

(5) Contiguous Lots. The transfer of ownership of contiguous platted lots if:

(a) The lots were created after June 9, 1937, or

(b) The lots transferred were created and separately developed prior to June 9, 1937;

(6) Condominiums. A division which is made by subjecting a portion of the land to Chapter [64.32](#) RCW (condominiums) and for which a binding site plan has been approved;

(7) Industrial and Commercial Site Plans. A division within an industrial or commercial zoning district is approved when the following conditions apply:

(a) The site plan limits the use of the land to industrial or commercial use,

(b) A preliminary binding site plan is approved pursuant to procedures in Chapter [16.15](#) LCC,

(c) For those portions of the land subject to the site plan that are to be leased, sold, or transferred, a final binding site plan is approved and recorded within two years of the preliminary binding site plan approval referenced in subsection (7)(b) of this section and in accordance with the procedural requirements in Chapter [16.10](#) LCC. Upon application within the time period and upon good cause shown, the administrator may grant one year time extensions to record the final binding site plan, and

(d) When a site plan meeting the requirements of subsections (7)(a) and (7)(b) of this section has been approved and the land which is subject to the site plan is thereafter proposed to be divided by lease, sale, and other transfer of ownership, the division shall not be effective until the requirements of subsection (7)(c) of this section have been met;

(8) Boundary Line Adjustment. A division made for the purpose of alteration by adjusting boundary lines which does not create any additional lot, tract, parcel, site or division and does not create a resulting lot, tract, parcel, site or division containing insufficient area and dimension to meet minimum requirements for

width and area of the zone. Boundary line adjustments shall be processed as a Type I permit subject to LCC Chapter 17.05. are subject to the following:

~~(a) Application. A complete application shall include:~~

~~(i) An adjusted legal description of the lots affected by the boundary line adjustment prepared and certified by a registered land surveyor or title company; and~~

~~(ii) A scale drawing of the lots affected, including all existing structures, wells, septic systems including reserve area, easements, roads, and other important existing features which may be relevant in reviewing the proposed boundary line adjustment; and~~

~~(iii) A notarized declaration that all parties involved consent to the proposed adjustment.~~

~~(b) Criteria for Approval. The proposed boundary line adjustment meets the following criteria:~~

~~(i) Only parcels that are legal lots of record for building sites shall be allowed to complete the boundary line adjustment process;~~

~~(ii) A boundary line adjustment shall not detrimentally affect access, be inconsistent with Lewis County development regulations, or adversely affect public health and safety;~~

~~(iii) If within an approved subdivision, a boundary line adjustment shall not violate the conditions of subdivision approval; and~~

~~(iv) The proposed boundary line adjustment shall not make any land use nonconforming or more nonconforming as defined by the Lewis County Code.~~

~~(ea) Review Process. Boundary line adjustment applications shall be reviewed by the department of community development and/or other appropriate county departments, state or federal agencies for conformity with existing regulations and policies:~~

~~(i) If a proposed boundary line adjustment has any structure(s), individual well(s), or septic system(s) the application shall be reviewed by Lewis County public health for compliance with health regulations. All costs for such review shall be paid in advance by the applicant.~~

~~(ii) If a proposed boundary line adjustment has a potential effect on existing access or drainage systems, the application shall be reviewed by Lewis County public works for compliance with access and stormwater requirements. All costs for such review shall be paid in advance by the applicant.~~

(b) Criteria for Approval. A proposed boundary line adjustment shall meet the following criteria:

(i) Only parcels that are legal lots of record for building sites shall be allowed to complete the boundary line adjustment process;

(ii) A boundary line adjustment shall not detrimentally affect access, be inconsistent with Lewis County development regulations, or adversely affect public health and safety;

(iii) If within an approved subdivision, a boundary line adjustment shall not violate the conditions of subdivision approval; and

(iv) The proposed boundary line adjustment shall not make any land use nonconforming or more nonconforming as defined by the Lewis County Code.

(c) Preliminary Approval. The applicant shall address all the conditions of the preliminary approval of a boundary line adjustment prior to recording the boundary line adjustment.

~~(iii) The administrator shall, within 30 days of receipt of a complete boundary line adjustment application, approve, deny or approve with conditions such application. The reason(s) for denial of an application shall be in writing.~~

(d) Recording of Approved Boundary Line Adjustments. Within 30 days of the final approval of a proposed boundary line adjustment, the legal description, scale drawing (map) and notarized declaration shall be recorded with the Lewis County auditor by either the applicant or the community development department; all costs associated with such recording shall be paid in advance by the applicant.

(e) Boundary Line Adjustment Limitation. An approved boundary line adjustment is only Lewis County's consent to the necessary transfer of property that must be accomplished by the owner(s) to change the property boundaries of the lots affected.

(f) Disclaimer. Approval of a boundary line adjustment does not represent or warrant that any lot so altered by an approved boundary line adjustment is suitable for development. All boundary line adjustments filed with the auditor shall contain the following on the recorded map:

The lots affected by this boundary line adjustment have not been reviewed for permit purposes for future development and/or construction by Lewis County Public Health and Social Services, Public Works, Community Development or other State and Federal agencies, and may not be suitable for development.

(9) Divisions of land into lots or tracts each one of which is:

(a) One-thirty-second of a section of land or larger, or 20 acres or larger if the land is not capable of description as a fraction of a section of land; or

(b) One-eighth of a section of land or 80 acres or larger if within a forest land of long-term commercial significance (FRL) zoning district; and

(c) For purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(10) Public Use and Benefit. Divisions of land relating to the acquisition or exchange of land by public agencies, taxing district, governmental body or utility provider authorized to hold land for public use and benefit, for public use and occupancy, including but not limited to land divisions made for road construction, electric power, water supply, sewer service or other utility facilities. The following shall be provided as a part of the exempt division of land for a public use and benefit:

(a) A record of survey for the segregated property, prepared by a professional land surveyor licensed by the state of Washington, shall be submitted; and

(b) A notice shall be placed on the face of the survey map stating:

This public use segregation is created solely for purposes of public use and benefit. Any subsequent conveyance of this property for purposes other than that approved for public use and interest shall comply with all current Lewis County Code requirements for subdivision and development at the time of such conveyance and subsequent property development.

(c) The remnant property shall have sufficient lot area to meet health department requirements, and all other criteria to comply with applicable Lewis County regulations;

(11) Conservation Lots. Conservation lots are created for purposes of environmental mitigation, conservation or restoration, owned in fee simple interest by a registered, nonprofit conservation land trust or government agency. Such lots may not be created so as to make the remaining lot unbuildable or less than the minimum lot size for the zoning in that area. For the purposes of this chapter, an unbuildable lot shall be defined as a lot which is unable to be developed without a variance or reasonable use exception. Surveys and/or deeds recorded for the purpose of creating such conservation lots shall:

(a) Be prepared by a professional land surveyor licensed by the state of Washington, and shall be submitted with a notice placed on the face of the survey map stating:

This conservation lot segregation is created solely for purposes of environmental mitigation, conservation or restoration. Any subsequent conveyance of this property shall continue use of the property for the purpose of environmental mitigation, conservation or restoration.

(b) Be annotated with language that prohibits human habitation, conversion of native vegetation to another use, or construction of buildings and other structures.

(c) Contain a note explaining the purposes of the exempt lot, such as the protection of a particular species, habitat conservation or critical area preservation, and listing the entity responsible for management of the exempt parcel.

(d) Be reviewed and approved by Lewis County community development prior to recording with the Lewis County auditor's office. [Ord. 1246 §1, 2013; Ord. 1243 §1 (Att. A), 2013; Ord. 1234 §1, 2011; Ord. 1169, §1,I,D, 2000]

16.02.050 Legal lot criteria for building or transfer of ownership.

"Subdivision" is the division or redivision of land for the purpose of sale, lease or transfer of ownership. All property under common ownership must be subdivided in accordance with the requirements of this title prior to sale, lease or transfer of ownership; provided, however, lots of record may be sold, leased or transferred without further compliance with this title. A lot is considered a valid lot of record if it meets any one of the criteria listed below. Even though a lot may be deemed legal, it is buildable only if it also meets the definition of "building site" in Section [16.04.080](#) or qualifies as a nonconforming use under local regulations.

(1) Lots of record include:

(a) Any parcel, the legal description of which was included in a deed recorded with the County Auditor prior to July 26, 1999 which parcel was both exempt from platting requirements and otherwise created in conformance with the health and development regulations in effect at the time of recordation.

(b) Any lot, the legal description of which has been recorded in a plat or short subdivision filed with the County Auditor after June 9, 1937.

(c) Any lot, the legal description of which is on file with the County Auditor in an assessor's plat recorded in accordance with Chapter [58.18](#) RCW.

(d) Any lot, the legal description of which is contained in a survey recorded with the County Auditor, no parcel of which is less than five acres in size, prior to July 26, 1999.

(e) Lots created by court order for adverse possessions or divorces in which the adverse possession or divorce decree is prior to July 26, 1999;

(f) Lots exempted under LCC [16.02.040](#), and lots transferred to a bona fide innocent purchaser for value in accordance with this title.

(g) Properties bisected by navigable streams or any public or railroad right-of-way (opened or unopened) create legal property boundaries. If the right-of-way is vacated and parcels on both sides are in same ownership, the lots are consolidated unless there is evidence of an action or intent to divide prior to the vacation;

(2) Lots of record do not include:

(a) Contiguous shoreline lots in the same ownership that were not in conformance with the Lewis County Shoreline Master Program on July 26, 1999 are deemed single, undivided lots; except that if each lot legally contained a dwelling on that date, and otherwise complied with the above-listed subdivision regulations, they remain separate legal lots; or

(b) Tax parcels in contiguous ownership, whether or not developed, shall be considered a single lot for purposes of this subdivision ownership. The extent of development on such parcel or parcels may be used to determine whether such development is conforming or nonconforming use pursuant to Chapter 17 LCC, but such development per se, does not create a legal lot of record for such tax parcels for purposes of sale, lease or transfer of ownership under Chapter [58.17](#) RCW or the terms of this Chapter 16 LCC.

(c) The transferred portion of a boundary line adjustment recorded with the County Auditor, which property shall be considered a legal part of the transferee's parcel. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1169, §1,I,E, 2000]

16.02.055 Innocent Purchaser and Public Interest Exceptions.

(1) Innocent purchaser exception. The Administrator shall determine that parcels which meet both of the following exception criteria are lots of record, for purposes of LCC [16.02.050](#)

(a) Zoning and Public Health. The parcel meets minimum zoning and public health dimensional requirements, including lot size, dimensions and frontage width, which are currently in effect or in effect at the time the parcel was created; and

(b) Status. The current property owner purchased the property for value and in good faith, and did not have knowledge of the fact that the property acquired was divided from a larger parcel in violation of the state and County regulations listed under "lots of record" in LCC [16.02.050](#).

(c) The County shall recognize as a building lot any parcel for which a building permit or septic tank permit was issued prior to July 26, 1999.

(2) Public Interest Exception, Mandatory. The Administrator shall determine that parcels which meet both of the following criteria are lots of record:

(a) Zoning and Public Health. The parcel meets minimum zoning and public health dimensional requirements currently in effect, including lot size, dimensions and frontage width; and

(b) Status.

(i) The property owner completes conditions of approval which the Administrator determines would otherwise be imposed if the parcel had been established through platting under current standards; or

(ii) The Administrator determines that improvements or conditions of approval which would have been imposed if the parcel had been established through platting are already present and completed.

(3) Public Interest Exception, Discretionary. The Administrator may, but is not obligated to determine that parcels meeting the following criteria are lots of record:

(a) Zoning and Public Health. The parcel lacks sufficient area or dimension to meet current zoning and public health requirements but meets minimum zoning dimensional requirements and health requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and

(b) Status.

(i) The property owner completes conditions of approval which the Administrator determines would otherwise be imposed if the parcel had been established through platting under current standards, or

(ii) The Administrator determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land;

(c) The Administrator shall consider the following factors as favoring a lot of record determination under the discretionary public interest exception, although no one factor is determinative:

(i) The parcel size is consistent with surrounding lots of record,

(ii) Presence of an existing residence on the parcel,

(iii) Recognition of the parcel does not adversely impact public health or safety, or interfere with the implementation of the comprehensive plan,

(iv) The parcel purchase value and subsequent tax assessments are consistent with a buildable lot of record. [Ord. 1169, §1,I,F, 2000]

16.02.060 Regulations mandatory.

Any map, plat, replat, or plan hereafter made of a proposed division of land pursuant to this title or any part thereof shall be presented for approval and be recorded as prescribed by this title. No such map, plat, replat, or plan shall be recorded or have any validity unless or until it is approved as may be required by this title. No person shall sell, lease, transfer or offer to sell, lease or transfer any lot, tract or parcel subject to the requirement of this title without first receiving approval hereunder and filing a map of the approved division with the Lewis County Auditor, provided that if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land is expressly conditioned on the recording of the plat containing the lot, tract, or parcel, the offer or agreement is not subject to

RCW [58.17.200](#) or [58.17.300](#) and does not violate any provision of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the plat is recorded. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1169, §1,I,G, 2000]

16.02.070 Division of lots with more than one residential structure.

(1) Except as limited by subsection (3) of this section, notwithstanding the maximum residential density otherwise allowed by Title [17](#) LCC, an undivided parcel on which two or more single-family or multiple-family dwellings are located on the effective date of this section may be subdivided to create lots for each of the structures if each of the following conditions are met:

- (a) Each of the single-family or multiple-family dwellings was constructed in compliance with all applicable codes and other law;
- (b) Each of the single-family or multiple-family dwellings has been occupied as a residence during the year preceding submittal of the preliminary subdivision application;
- (c) Any on-site sewage disposal system associated with any such dwelling is functioning properly, is located on the lot being created or is accessible to that lot through an easement, and has an available repair option capable of handling the daily design flow; and
- (d) None of the lots are large enough to allow them to be further subdivided under zoning regulations in effect at the time of division under this section.

(2) Lots created under the authority of this section are exempt only from the density and minimum lot size requirements of Title [17](#) LCC. Such lots and all land uses carried out on such lots are subject to all other standards and requirements of law, including, but not limited to, lot size requirements for on-site sewage disposal systems contained in Chs. 8.40 & 8.41 LCC.

(3) Exceptions.

- (a) Subsection (1) of this section does not apply to parcels on which more than two mobile homes are located.
- (b) Subsection (1) of this section does not apply to dwellings authorized as family member units.
- (c) Subsection (1) of this section may only be used when the base density would not allow the creation of lots for each of the existing dwellings. [Ord. 1169, §1,I,H, 2000]

~~16.02.080 Resource use notice.~~

~~The final plat of any subdivision, short subdivision or large lot subdivision, which is on or within five hundred feet of any agricultural or forest land designated Resource Lands or within one thousand feet of any land designated Resource Lands under Chapter [17.30](#) LCC shall contain the following notice:~~

~~The property in this plat is located near designated resource lands of long-term commercial significance. Activities on resource lands may affect residential properties, but so long as such activities are consistent with permit requirements or otherwise consistent with best management practices, such uses are protected under state and county laws.~~

~~[Ord. 1169, §1,I,I, 2000]~~

16.02.085 Vacation of subdivision.

When any person is interested in vacation of any short subdivision, large lot or final plat, or binding site plan, or portion thereof, or any area designated or dedicated for public use within such plat or plan, other than roads, that person shall submit an application request to the Board of County Commissioners consistent with the provisions of RCW [58.17.212](#). [Ord. 1169, §1,I,J, 2000]

16.02.090 Alteration of subdivision.

When any person is interested in altering any recorded final plat, that person shall submit an application request to the Board of County Commissioners consistent with the provisions of RCW [58.17.215](#). Any person interested in altering any recorded short subdivision or large lot subdivision shall submit an application request to the administrator for review and approval, consistent with the provisions of Chapter [16.10](#) LCC. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1169, §1,I,K, 2000]

16.02.095 Variances.

Variances ~~from the terms of this title~~ may be authorized in specific cases ~~from the terms of this title as will~~ when ~~not be~~ contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. ~~It shall be the duty of the Hearing Examiner to hear and decide on all variance requests. Variances shall be processed as a Type III application per LCC Chapter 17.05.~~

~~(1) Application Procedures. A variance from the terms of this title shall not be considered unless and until a written application for a variance is submitted to the county containing:~~

- ~~(a) Name, address and phone number of applicant;~~
- ~~(b) Name and notarized signature, address and phone number of the legal owner of subject property;~~
- ~~(c) Legal description of property;~~
- ~~(d) Zoning designations (if any) on the property;~~
- ~~(e) Description of variance being requested;~~
- ~~(f) A narrative statement demonstrating that the requested variance conforms to the following standards:~~

~~(i) That special conditions and circumstances exist which are peculiar to the land or structure, or building involved and which are not applicable to other lands, structures, or buildings in lands with the same zoning designations;~~

~~(ii) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties with the same zoning designations under the terms of this title;~~

~~(iii) That the special conditions and circumstances do not result from the actions of the applicant; and~~

~~(iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings within the same zoning designations.~~

~~(g) If the application includes a variance to a Resource Land designation under Title 17 LCC, the applicant must show that the requested variance conforms to the variance and siting criteria of that title.~~

~~(2) Public Hearing and Notification. The Hearing Examiner shall hold a public hearing on all variance requests. Notification of such hearings shall follow the same procedure as outlined in LCC 16.05.110.~~

~~(13) Conditions of Variance. The following conditions are necessary for approval of a variance:~~

~~(i) That special conditions and circumstances exist which are peculiar to the land or structure, or building involved and which are not applicable to other lands, structures, or buildings in lands with the same zoning designations;~~

~~(ii) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties with the same zoning designations under the terms of this title;~~

~~(iii) That the special conditions and circumstances do not result from the actions of the applicant; and~~

~~(iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings within the same zoning designations.~~

~~(2) Necessary Hearing Examiner Findings.~~

~~(a) In approving a variance, the Hearing Examiner shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible necessary to allow the reasonable use of land, building or structure.~~

(b) The Hearing Examiner shall further ~~make a finding~~ find that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

(c) Under no circumstances shall the Hearing Examiner grant a variance to allow a use not permissible under the terms of this Title within the zoning designation involved, or any use expressly or by implication prohibited by the terms of this Title.

(43) General Conditions and Safeguards. In granting any variance, the Hearing Examiner may prescribe such conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted. [Ord. 1169, §1,I,L, 2000]

16.02.100 Development standards.

Any subdivision approval under this title shall specifically include:

- (1) Road construction standards as set forth in Resolution 97-441, as it may hereafter be amended;
- (2) Health standards for wells and drain fields as set forth in Chapters [8.40](#) and [8.41](#) LCC;
- (3) Storm water standards as set forth in Chapter [15.45](#) LCC; and
- (4) Flood hazard standards as set forth in Chapter [15.35](#) LCC, provided, however, Lewis County is in the process of updating the flood hazard maps in concert with the U.S. Army Corps of Engineers. Where the U.S. Army Corps has identified a flood way or a flood plain on an official report on file with the County Public Works Director, said designated flood way or flood plain map shall supersede the FEMA/FIRM flood hazard maps. [Ord. 1169, §1,I,M, 2000]

SECTION 2. Section 16.04.043 is amended as follows:

16.04.043 Binding site plan.

“Binding site plan” means a drawing to a scale specified by this title which: (A) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this title; (B) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established ~~by the hearings examiner by the Site Plan Review Committee in 16.15.050 and 16.15.060 LCC~~; and (C) contains provisions making any development be in conformity with the site plan. [Ord. 1169, §1,II,E, 2000]

SECTION 3. Chapter 16.05 is amended as follows:

Chapter 16.05 SUBDIVISIONS

Sections:

Article I. General Provisions

[16.05.010](#) General provisions.

Article II. Purpose

[16.05.020](#) Purpose.

Article III. Scope

[16.05.030](#) Scope.

Article IV. Preliminary Plat Procedure

~~[16.05.040](#) Preapplication site inspection.~~

[16.05.050](#) Preliminary plat - Application.

~~[16.05.060](#) Fees.~~

~~[16.05.070](#) Copies required.~~

[16.05.080](#) Processing.

[16.05.090](#) Recommendations of other agencies.

[16.05.100](#) Hearing examiner hearing date.

~~[16.05.110](#) Notice of public hearing.~~

[16.05.120](#) Public hearings.

[16.05.130](#) Board action.

[16.05.140](#) Preliminary plat approval.

[16.05.150](#) Preparation of preliminary plats.

~~[16.05.160](#) Standard format.~~

[16.05.170](#) Subdivision design and minimum standards.

Article V. Final Plat Procedure

[16.05.180](#) Filing period.

[16.05.190](#) Review by Administrator.

[16.05.200](#) Submission to board.

[16.05.210](#) Board action.

[16.05.220](#) Approval and recording.

[16.05.230](#) Disapproval of final plat.

[16.05.240](#) Standard format.

[16.05.250](#) Surveys.

[16.05.260](#) Improvement agreement.

Article VI. Development and Subdivision Design Standards

- [16.05.270](#) Access.
- [16.05.280](#) Public roads - Design and construction standards.
- [16.05.290](#) Private roads.
- [16.05.300](#) Design - Lots.
- [16.05.310](#) Design - Blocks.
- [16.05.320](#) Setbacks.
- [16.05.330](#) Easements.
- [16.05.340](#) Design and construction standards - Utility installations.
- [16.05.350](#) Fire protection standards.
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- [16.05.380](#) Dedications of land for public uses and open space.
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Article VII. Modification and Appeals

- [16.05.400](#) Exemption in case of cluster and planned unit development.
- ~~[16.05.430](#) Appeals.~~

Article VIII. Enforcement and Penalties

- [16.05.460](#) Recording prohibited.
- [16.05.470](#) Permits prohibited.
- [16.05.480](#) Action to restrain violations.
- [16.05.490](#) Discontinuance of violation.
- [16.05.500](#) Violation - Penalties.
- [16.05.510](#) Criminal penalty.
- [16.05.520](#) Unlawful representations.

Article I. General Provisions

16.05.010 General provisions.

(1) Title. The title of this chapter shall be the Lewis County subdivision chapter.

(2) Suitability for Subdivision. Land found to be unsuitable for division for want of conformance to applicable regulation or evidence presented to the commission of flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of future residents shall not be permitted to be divided unless adequate methods are provided for overcoming these conditions.

(3) Conformance with Standards and Policies. All installation of improvements, including those serving but located outside the subdivision, shall be installed in conformance with all applicable regulations adopted by Lewis County.

(4) Administrator. The Lewis County Director of the Community Development Department or his designated representative, hereafter referred to as the Administrator, is vested with the duty of administering subdivision and platting regulations in the unincorporated areas of Lewis County, and may prepare and require the use of such forms as are essential to their administration. [Ord. 1169, §1,III,A, 2000]

Article II. Purpose

16.05.020 Purpose.

The purpose of this chapter is to regulate the division of land into five or more lots in compliance with RCW [58.17.030](#) as amended. [Ord. 1169, §1,III,B, 2000]

Article III. Scope

16.05.030 Scope.

(1) Applicability. Every subdivision of land into five or more lots as defined herein shall proceed in compliance with this chapter. Land divided by short subdivision within five years immediately preceding shall be subdivided pursuant to this chapter.

(2) Exemptions. The provisions of this chapter shall not apply to:

- (a) Cemeteries and other burial plots while used for that purpose;
- (b) Divisions of land into lots or tracts each of which is 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for the purposes of computing the size of any lot under this chapter which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;
- (c) Divisions made by testamentary provisions, or the laws of descent;
- (d) A division for the purpose of lease when no structure other than mobile homes or travel trailers are to be placed on the land and the county has approved a binding site plan for the use of the land in accordance with the requirements of Chapter [15.30](#) LCC as now or hereafter amended;
- (e) A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;
- (f) Divisions of land into lots or tracts zoned or designated within urban growth areas for industrial or commercial development, rural industrial and commercial areas, and urban commercial and

industrial reserve areas, when the county has approved a binding site plan for the use of the land in accordance with commercial binding site plan regulations, now or hereinafter existing.

(3) Redivision of Land Within an Existing Subdivision. The further division of any lot situated within an existing full subdivision established pursuant to either Chapter [58.16](#) or [58.17](#) RCW or this chapter, into four lots or less for purposes of sale, resale, lease or transfer of ownership shall proceed in compliance with Chapter [16.10](#) LCC, as now or hereinafter amended. [Ord. 1169, §1,III,C, 2000]

Article IV. Preliminary Plat Procedure

~~16.05.040 Preapplication site inspection.~~

~~Prior to the filing of a preliminary plat, the subdivider or the subdivider's agent, surveyor, or engineer shall request, in writing, a site inspection of the subject property from the Administrator.~~

~~(1) Site Inspection Fee. A nonrefundable fee as set forth in LCC [18.05.070\(2\)](#) shall be paid to the Lewis County planning department. If within a period of one year of the date of the site inspection a preliminary plat is filed for the property, the site inspection fee shall be deducted from the plat fee. (See Chapter [18.05](#) LCC for fee schedule.)~~

~~(2) Site Inspection Team. At the inspection the subdivider or his representative and the Administrator shall, if possible, be accompanied by the following:~~

~~(a) A representative of the Lewis County community development division, environmental services section;~~

~~(b) The Lewis County public works division subdivision and utility inspector;~~

~~(c) The natural resources conservation service district conservationist or his representative;~~

~~(d) A Lewis County community development division critical areas/resource lands (CARL) technician; and, if applicable~~

~~(e) The subdivider's "qualified critical area professional", as provided for in Chapter [17.35](#) LCC.~~

~~(3) Preliminary Sketch Map. A preliminary sketch map shall be prepared at a scale and in detail sufficient to indicate the essential characteristics of the proposed subdivision which may include the general layout of lots and their size, road locations and widths, the location of any important reservations or easements, the general nature and extent of drainage, and any other information that would assist the inspection team during their review.~~

~~(4) Review and Recommendations. The Administrator shall receive the written comments of the inspection team as they deem proper regarding the preliminary sketch map within seven days of the inspection. The Administrator shall then forward said comments along with a letter stating the site inspection requirement has been fulfilled to the subdivider.~~

~~(5) Determination of Soil Characteristics. For those proposed subdivisions which would utilize on-site subsurface sewage disposal, the subdivider shall satisfy the requirements of applicable sewage disposal system rules and regulations of the Lewis County health board, enforced by the environmental health section, or applicable regulations of the Washington Administrative Code for minimum lot size prior to the filing of any preliminary plat application.~~

~~(6) Consent to Access. The applicant shall permit free access to the land being subdivided to all agencies considering the subdivision for the period of time extending from the time of application to the time of final action. The public agencies shall make a good faith effort to notify the applicants when a site inspection will be made. [Ord. 1169, §1,III,D, 2000]~~

16.05.050 Preliminary plat - Application.

~~A preliminary plat application shall be processed as a Type IV application per LCC Chapter 17.05. Any person desiring to subdivide land in the unincorporated area of Lewis County shall submit an application for preliminary plat approval to the Administrator on such forms as required by the Administrator. In addition to sufficient copies of the preliminary plat the applicant shall submit a completed environmental checklist, CARL review, and designs for surface drainage and sewage disposal. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from date of filing thereof unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030 and Chapter 17.10 LCC, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. [Ord. 1169, §1,III,E, 2000]~~

16.05.060 Fees.

~~The fees for this chapter are set forth in LCC 18.05.070. [Ord. 1169, §1,III,F, 2000; Ord. 1158C, 1999]~~

16.05.070 Copies required.

~~A subdivider shall submit with his application either one reproducible mylar copy or 16 blueprint copies of the preliminary plat. [Ord. 1169, §1,III,G, 2000]~~

16.05.080 Processing.

Upon receipt of a complete preliminary plat application the Administrator shall affix a file number and date of receipt to the application and promptly forward copies of the plat with a request for comment to the following agencies as appropriate:

~~(1) County engineer (or, in the alternative, the applicant may elect to utilize a licensed engineer, as selected by the county engineer from a list of approved engineers, at the expense of the applicant);~~

~~(12) The Lewis County public works department; division subdivision and utility inspector, and~~

~~(2) tThe Lewis County community development division, subdivision and CARL technicians;department;~~

- (3) The Lewis County building official;
- (4) The Lewis County fire marshal;
- (5) The Lewis County environmental health section;
- (6) Other county officials concerned within the scope of their municipal functions;
- (7) The proper city officials when the subject property is within one mile of the corporate limits of any city or town;
- (8) Engineer of the Washington State Department of Transportation when the subject property is adjacent to the rights-of-way of existing or proposed state highways;
- (9) Local school district;
- (10) Local fire district;
- (11) Utility purveyors;
- (12) Lewis County natural resources conservation district;
- (13) Municipalities whose urban growth boundaries or urban reserve areas overlay any portion of the subject property;
- (14) Any other agency with interest, expertise, or jurisdiction. [Ord. 1169, §1,III,H, 2000]

16.05.090 Recommendations of other agencies.

- (1) Each of the departments, municipalities, districts, public officials, utility companies, or other public agencies shall ~~have 20 days after the plat has been received by their respective offices within which to~~ forward to the Administrator written reports of its comments and recommendations.
- (2) County Engineer - Public Works Division. The public works division shall submit a report on:
 - (a) The improvements required under the provisions of this chapter;
 - (b) Any easements that may be required;
 - (c) The effect of subdivision development on drainage in the general area, and the adequacy of the plan for handling drainage and storm water runoff submitted by the subdivider;
 - (d) Effects of the proposed subdivision on other public improvements under the jurisdiction of the county engineer/public works division;
 - (e) The accuracy of the technical information submitted;

(f) The adequacy of lot arrangement and dimensions for providing driveway access to buildings on such lots from an approved street;

(g) The adequacy of any proposed public and private roadways;

(h) The adequacy of transit stops, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

(3) Lewis County Environmental Health Section. The environmental health section shall submit a report on:

(a) Adequacy of the proposed method of sewage disposal;

(b) Adequacy of the proposed method of domestic water supply, and incorporating the determination of potability by the building official;

(c) The adequacy of lot arrangement and dimensions for obtaining any necessary sewage permits;

(d) Other matters related to the proposed subdivision which may affect public health.

(4) Lewis County Building Official. The county building official shall submit a report on:

(a) The adequacy of lot arrangement and dimensions for securing necessary building permits;

(b) Compliance with Chapter [15.15](#) LCC as now or hereafter amended;

(c) Compliance with the Chapter [15.35](#) LCC as now or hereafter amended;

(d) The availability of potable water.

(5) Lewis County Fire Marshal. The county fire marshal shall submit a report on:

(a) The adequacy of access for emergency vehicles;

(b) Adequacy of the water supply for fire protection purposes;

(c) Fire hydrant location and adequacy;

(d) Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the construction phase of the subdivision.

(6) The Administrator. After receiving ~~the comments from the departments or agencies a complete application~~, the Administrator shall submit a report ~~to the hearing examiner, as below stated, or return the application to the applicant for modification or correction within sufficient time so as to permit a hearing~~

~~decision within 90 days, unless the applicant consents in writing to an extension of such time. The Administrator shall submit a report to the hearing examiner regarding the conformance of the proposed subdivision to the requirements of this chapter. [Ord. 1169, §1,III,I, 2000]~~

16.05.100 Hearing examiner hearing date.

~~The Administrator, following the receipt of an application completed in compliance with the requirements of this article, the Administrator shall set the date for public hearing before the Lewis County hearing examiner. Said hearing shall be held in accordance with Chapter 2.25 LCC. Any application for which an environmental impact statement (EIS) is required shall not have its hearing until a final EIS for the project is issued. public notice and appeal period for an environmental review subject to LCC Chapter 17.110 shall be issued and expire prior to the public hearing. [Ord. 1169, §1,III,J, 2000]~~

~~16.05.110 Notice of public hearing.~~

~~The Administrator shall give notices of a public hearing before the hearing examiner as follows:~~

~~(1) By arranging for publication of notice of hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located to appear not less than 10 days prior to the hearing date.~~

~~(2) Through the U.S. Mail, postmarked at least 10 days prior to the date of the hearing to the following:~~

~~(a) The latest recorded adjacent property owners as shown by the records of the county assessor within at least 300 feet of any portion of the boundary of the subject property. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided;~~

~~(b) The legislative authority of any city or town within one mile of the proposed subdivision;~~

~~(c) The State Department of Transportation if the proposed subdivision is adjacent to the right-of-way of any state highway or within two miles of the boundary of a state or municipal airport.~~

~~(3) By posting notice of such hearing on the subject property and in at least five conspicuous places designed to attract public awareness of the proposal not less than 10 days prior to the hearing date.~~

~~(4) By any other reasonable method deemed appropriate by the Administrator.~~

~~(5) All hearing notices shall include the following:~~

~~(a) The date, time, and place of the hearing;~~

~~(b) A brief legal description of the location of the proposed subdivision and either a vicinity sketch or a location description in nonlegal language. [Ord. 1169, §1,III,K, 2000]~~

16.05.120 Public hearings.

(1) Scope and Continuance.

~~_(a) At the public hearing the hearing examiner shall consider all relevant evidence and shall take action to recommend to the board that the preliminary plat be approved, approved with conditions, or disapproved.~~

~~(b) Every recommendation to the board regarding the approval or disapproval of a preliminary plat shall be in writing and shall include findings of fact and conclusions to support the recommendation.~~

~~(ea) The hearing examiner shall consider the preliminary plat application for conformance to any adopted comprehensive plan, and planning standards, and specifications, including Article VI of this chapter and with other policies and standards of the county.~~

~~(b) The hearing examiner shall additionally ensure that and that:~~

~~(i) (i) ~~A~~ appropriate provisions are made for ~~the~~ public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts items, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;~~

~~(ii) (ii) ~~T~~he public use and interest will be served by the platting of the such subdivision and any dedications associated with the subdivision.~~

~~(c) If the examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the examiner shall recommend approval of the proposed subdivision and dedication. Dedication of land to any public body and/or provision of public improvements to serve the subdivision may be required as a condition of subdivision approval.~~

~~Dedications shall be clearly shown on the final plat; and (iii) if the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the examiner and the board shall adopt the designated name.~~

~~(d) The public hearing may be continued by the hearing examiner if the applicant consents to an extension of such time period and waives time limitations for land use application processing under state and local regulations. Should the hearing examiner find that additional information is needed to evaluate the proposed subdivision for purposes of making a recommendation to the board, but~~

~~that the subdivider does not consent continuance and waiver, hearing examiner may consider the need for additional information as sufficient cause for recommending denial of an application.~~

~~(2) Records. Records of the hearing examiner's hearings on preliminary plats shall be kept by the Administrator for review by the board prior to its next regularly scheduled public meeting and shall be open to public inspection.~~

~~(3) Report to Board. Not later than 14 days following the conclusion of the hearing the hearing examiner, in accordance with Chapter 2.25 LCC, except as amended hereunder, shall submit its written report and recommendations to the board. Any recommended conditions of approval and a statement of findings shall be precisely stated in the hearing examiner's report and shall include recommended protective improvements. [Ord. 1169, §1,III,L, 2000]~~

16.05.130 Board action.

(1) Upon receipt of the hearing examiner's recommendations, the board shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing examiner. During its consideration, the board shall inquire into the public use and interest to be served by the establishment of the subdivision, or any dedication, based on the record established at the public hearing. If, after considering said recommendations at a public meeting, the board deems a change in the hearing examiner's recommendation approving or disapproving any preliminary plat is necessary, the board shall adopt its own recommendations and approve or disapprove the preliminary plat.

(2) Every decision made by the board under this chapter to approve or disapprove a preliminary plat shall be in writing and shall include findings of fact and conclusions to support the decision.

(3) Records. Records of the public hearings and public meetings concerning a preliminary plat shall be kept by the Administrator and by the clerk of the board, respectively, and shall be open to public inspection. [Ord. 1169, §1,III,M, 2000]

16.05.140 Preliminary plat approval.

(1) Approval of the preliminary plat by the board shall provide notice to the subdivider that he/she may proceed to develop the subdivision's facilities and required improvements.

~~(2) Facilities and required improvements must be with assurance of final plat approval subject to subsection (3) of this section if within five years the facilities and required improvements are developed or bonded in strict accordance with the standards established by this chapter and imposed by the board.~~

~~The authorization shall not imply approval to convey lots.~~

~~(3) Work Schedule – Inspections.~~ Any improvement work requiring review and approval by the county engineer/public works division shall not commence until the preliminary plat has been approved by the board and until the improvement plans have been checked for accuracy and approved by the county engineer/public works division. As the improvement work is undertaken, the subdivider shall arrange all

~~these the~~ inspections required by the county engineer/public works division. No stage of construction shall proceed until the preceding stage has been inspected.

~~(4) The approval of a preliminary plat shall not imply the approval to convey lots. Transferring of lots depicted on a preliminary plat shall not occur until a final plat has been recorded.~~

~~(5) A final plat in conformance with the approved preliminary plat must be submitted within the time period established in 17.05.140.~~

~~(3) Expiration. The approval given to a preliminary plat shall expire five years following approval by the board, unless within those five years an application for final plat approval is filed with the Administrator. A subdivider who files a written request with the board 30 days before the expiration of this five-year period shall be granted one, and may be granted additional, one-year extensions upon a showing that the subdivider has attempted in good faith to submit the final plat within the five-year period. Absent the granting of additional one-year extensions, if the final plat is not approved within six years from the date of original approval by the board, such approval of the preliminary plat shall be null and void. These expiration provisions shall apply retroactively to any preliminary plat pending before the board as of the date of approval of this codification, where the authority to proceed with the filing of a final plat has not lapsed under any applicable prior Lewis County time periods.~~

~~(4) Minor or Major Adjustments. Once the a preliminary plat has been approved, it shall not be no alterations shall be made altered without receiving additional approvals. Minor or major adjustments may be applied for by the plat applicant.~~

~~(i) Minor adjustments shall be addressed as a Type I application. , with approval requiring the concurrence of the Department of Community Development and Department of Public Works.~~

~~(ii) Major adjustments shall be addressed as a Type IV application. Major adjustments, by contrast, are alterations that which are determined to be of a substantial nature by the Planning Manager Administrator, and requireing reconsideration of one or more of the approval elements under LCC 16.05.120(e). Major adjustments may be applied for by the plat applicant, and shall be resubmitted to the hearing examiner, and to the Board, in accordance with the public hearing process under LCC 16.05.050 through 16.05.130. [Ord. 1169, §1,III,N, 2000]~~

16.05.150 Preparation of preliminary plats.

The preparation of every preliminary plat shall be made by or under the direction of a land surveyor or engineer licensed by the state of Washington. [Ord. 1169, §1,III,O, 2000]

16.05.160 Standard format.

~~Every preliminary plat shall consist of one or more maps, the horizontal scale for which shall not be greater than 50 feet or less than 200 feet to the inch, together with any written data necessary to clearly show the following information:~~

- (1) The name of the proposed subdivision. This name shall not duplicate or nearly duplicate the name of any other subdivision in the county unless it is an addition thereto;
- (2) The name of the subdivider;
- (3) The name of the land surveyor or engineer;
- (4) The boundary lines of the proposed subdivision;
- (5) The total acreage of the proposed subdivision;
- (6) Any monuments and markers of record;
- (7) The boundaries of all blocks and lots within the proposed subdivision together with the numbers to be assigned to each lot and block. Parcels dedicated to the public shall be shown by letter designation;
- (8) The total number of lots;
- (9) The smallest, largest, and average lot sizes in the tract;
- (10) The location, width, and names of all existing or proposed streets, alleys, or easements within the tract or adjacent thereto and indication as to whether the proposed roads will be public or private;
- (11) The location and size, where known, of all existing structures, watercourses, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important existing features within the proposed development, provided that the applicant may request a variance in accordance with LCC 16.02.095 from surveying and mapping of watercourses;
- (12) Contours of sufficient interval to show the general topography of the proposed subdivision;
- (13) The approximate profile of all proposed streets;
- (14) The location of land intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of the property owners within the proposed subdivision with the purpose, conditions or limitation of such reservations clearly indicated. The ownership of all such parcels shall also be indicated;
- (15) The date, north arrow, proposed methods of sewage disposal, proposed source and method of domestic water supply;
- (16) The probable boundaries of any portion or portions of the plat for which successive or separate final plats are to be filed;
- (17) The eventual use of each lot shall be identified (i.e., single-family residential, multifamily residential, commercial, industrial, etc.);

~~(18) The names and addresses of all other land owners within the boundaries of the plat besides the subdivider. [Ord. 1169, §1,III,P, 2000]~~

16.05.170 Subdivision design and minimum standards.

Every subdivision shall conform with ~~the~~ design standards ~~articulated as provided for~~ in Article VI of this chapter. [Ord. 1169, §1,III,Q, 2000]

Article V. Final Plat Procedure

16.05.180 Filing period.

At any time within ~~the time period established in LCC 17.05.140, five years of the date of preliminary plat approval following board approval of a preliminary plat,~~ the subdivider may cause the subdivision to be surveyed and a final plat to be prepared. The original copy shall be filed with the Administrator. Any failure to record a final plat within time limits specified in LCC ~~17.05.140 16.05.140(3)~~ shall terminate all proceedings. ~~The final plat shall be prepared in accordance with the provisions of LCC 16.05.240 and shall be submitted to the Administrator not less than 15 days prior to the date of the meeting at which the board will be requested to act thereon.~~ [Ord. 1169, §1,III,R, 2000]

16.05.190 Review by Administrator.

The Administrator shall verify:

- (1) That the final plat meets all standards established by Chapter [58.17](#) RCW and this chapter relating to final plats;
- (2) That all conditions of preliminary plat approval have been met. No agency shall modify the conditions of approval without the consent of the subdivider;
- (3) That the proposed final plat bears all the dedications, acknowledgments, and endorsements required by LCC [16.05.240](#)(2). The subdivider shall be responsible for obtaining the endorsement of the county treasurer and the signature of the property owner(s) and the signature of the subdivider's surveyor prior to filing;
- (4) That a title report from a title insurance company authorized to do business in the state of Washington confirms that title of the land in the proposed subdivision is vested in the name of the owner(s) whose signatures appear in the plat dedication. The report shall have been issued within 30 days of the filing of the final plat;
- (5) That all private facilities and improvements required to be provided by the subdivider have been completed and that any such required public facilities or improvements have been completed or that the requirements of LCC [16.05.260](#) have been satisfied;
- (6) That any maintenance agreement required by LCC [16.05.360](#) has been submitted with the final plat;

(7) That the recommendation of any agency furnishing sewage disposal or supplying water as to the adequacy of the proposed means of sewage disposal and water supply has been received. [Ord. 1169, §1,III,S, 2000]

16.05.200 Submission to board.

The Administrator shall acknowledge the receipt of final plat application which meets the requirements of this article and shall forward the original to the board. [Ord. 1169, §1,III,T, 2000]

16.05.210 Board action.

(1) The board, at its next public meeting, shall determine:

- (a) Whether the requirements of state law and this chapter, which were in effect at the time of preliminary plat approval, have been satisfied by the subdivider;
- (b) Whether all conditions of preliminary plat approval have been met;
- (c) Whether, if necessary, the requirements of LCC [16.05.260](#) have been satisfied.

(2) The board shall thereupon approve or disapprove the proposed final plat. Every decision made by the board under this chapter to approve or disapprove a final plat shall be in writing and shall include findings of fact and conclusions to support the decision. [Ord. 1169, §1,III,U, 2000]

16.05.220 Approval and recording.

The action by the board approving a final plat shall become effective when the subdivider has filed the original copy of the final plat for record in the office of the county auditor, with the notation made of the fact thereof that the same has been approved by the board as herein provided. Failure to so file with the county auditor within 60 days after board action shall automatically cause a lapse of approval, and the same shall not be filed until further approval has been granted by the board. The final plat shall be duly filed with and recorded by the county auditor upon receipt of the full amount of the filing fee according to the provisions of RCW [36.18.010](#). Two paper copies of the filed final plat shall be returned to the subdivider. [Ord. 1169, §1,III,V, 2000]

16.05.230 Disapproval of final plat.

Should for any reason the board disapprove a proposed final plat they shall so advise the subdivider thereof in writing stating the reasons of disapproval and advising of the appeal procedure. [Ord. 1169, §1,III,W, 2000]

16.05.240 Standard format.

(1) Maps and Drawings. Every final plat shall consist of one or more sheets each 18 inches by 24 inches clearly and legibly drawn on stable base mylar polyester film. All drawings and lettering on the final plat shall be in permanent black ink. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. The plat scale shall not be more than 50 feet to the inch nor less than 200 feet to the inch. If more than one sheet is

required, each sheet shall be numbered, indexed, and contain the subdivision name. All signatures shall be written in permanent black ink. Every final plat shall include an accurate map of the subdivided land based upon a complete survey thereof. The map shall include the following:

- (a) The perimeter of the plat shall be depicted with heavier lines than appear elsewhere in the plat;
- (b) All section, township, municipal, and county lines lying within or adjacent to the subdivision;
- (c) The location of all monuments or other evidence used as ties to establish subdivision boundaries;
- (d) The location of all permanent control monuments found and established within the subdivision;
- (e) The length and bearings of all straight lines; the radii, arcs, and semi-tangents of all curves;
- (f) The boundaries of the subdivision with complete bearings and lineal dimensions;
- (g) The length of each lot line together with bearings and other data necessary for the location of any lot in the field;
- (h) The location, width, centerline, and name of all streets within or adjoining the subdivision;
- (i) The location and width, shown with broken lines, and description of all easements;
- (j) The numbers assigned to all lots and blocks within the subdivision;
- (k) Delineation of the floodplain when present.

(2) Written Data. In addition to map(s) and drawings, every final plat shall contain the following written data:

- (a) Subdivision name;
- (b) Legal description of the land within the subdivision;
- (c) The certification of the registered land surveyor who made or under whose supervision was made the survey of the subdivision, in substantially the following language:

I _____, Professional Land Surveyor, do hereby certify that the Plat of _____ is based on an actual survey and that the distances, courses, and angles are shown thereon correctly and that monuments have been set and lot corners staked on the ground as shown on the plat.

Signature of Land Surveyor

(d) A certificate of dedication or a separate written instrument which shall include the following:

Know all men by these present that _____ do hereby declare this plat and dedicate to the public forever all roads and ways shown hereon together with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.

Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner.

In witness whereof, we have hereunto set our hand(s) and seal this _____ day of _____, 20____.

Signed and sealed _____

State of Washington }

}ss.

County of Lewis }

This is to certify that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public, personally appeared _____ to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year last above written.

Notary Public in and for the

State of Washington, residing at

(e) The endorsements of the required county officials which shall be as follows, but do not signify acceptance of any improvements of property into county ownership and the county will have no responsibility for their maintenance unless separate agreements to that effect are concluded.

(i) Examined for survey datum, rights-of-way layout, and design of bridges and other structures required by a resolution of approval and approved.

Dated _____

County Engineer

(ii) Examined for ability to conform to Lewis County Health District Regulations pertaining to water supply and sewage disposal and approved.

Dated _____

Health Officer, Lewis

County Board of Health

(iii) I certify that all taxes and delinquent assessments for which the property may be liable as of this date have been paid and that deposits as required by law against taxes that may become payable in the year have been made.

Dated _____

County Treasurer

(iv) Examined for conformance to the conditions of preliminary plat approval and approved.

Dated _____

Director of Community

Development Dept.

(v) Examined and approved.

Dated _____

Chairman, Board of

County Commissioners

(vi) Filed for record at the request of _____, this ____ day of _____, 20__ at ____ minutes past ____ o'clock __M, and recorded in Volume ____ of Plats, on Page _____, Records of Lewis County, Washington.

Lewis County Auditor

Deputy Auditor

[Ord. 1169, §1,III,X, 2000]

16.05.250 Surveys.

- (1) Accuracy. A traverse of the boundaries of the subdivision and all lots and blocks shall close within an error of one foot in 5,000 feet.
- (2) Orientation of Subdivision. Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown.
- (3) Permanent Control Monuments. Permanent control monuments shall be established at:
 - (a) All angle points on the boundaries of the subdivision;
 - (b) The intersections of the centerline of all roads within the subdivision;
 - (c) The beginnings and ends of all curves on centerline;
 - (d) Monuments shall be of the type shown on the monument and brass plug standard in the Lewis County road standards for urban and rural design. [Ord. 1169, §1,III,Y, 2000]

16.05.260 Improvement agreement.

- (1) Prior to the approval of any final plat by the board, the subdivider shall either install all required improvements and repair any existing streets or other facilities damaged in the development of the subdivision or else execute and file an agreement between himself and Lewis County specifying the period acceptable to the county within which he shall complete all remaining public improvement work to the satisfaction of the county. If he/she shall fail to complete such work within such period, the county may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall provide for the inspection of all improvements by the county. Such agreement may also provide for:
 - (a) The construction of improvements in units;

- (b) The extension of time under conditions specified therein;
- (c) The termination of the agreement upon the completion of construction of improvements deemed by the county to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider; and
- (d) For progressive remittances to the subdivider for any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in subsection (2) of this section; providing however, that no such progress payments shall be made for more than 90 percent of the value of any installment of work; and provided, that each installment of work shall be completed to the satisfaction of the county.

(2) Bonds.

(a) With the improvement agreement required by this article the subdivider shall submit a performance bond conditioned upon full construction of all required improvements in an amount equal to 125 percent of the estimated costs of said improvements. These estimated costs shall be verified by the county engineer. Said bond shall be executed by a surety company authorized to transact surety business in the state of Washington;

(b) In lieu of a corporate surety, the subdivider may deposit with the county auditor cash or other securities not subject to impairment or discharge in bankruptcy and readily convertible into cash by the county, in an amount fixed by the county engineer at 125 percent of the estimated costs of said improvements.

(3) Monitoring of Improvement Agreements. The Administrator shall monitor the progress of all improvement work covered by improvement agreements and two weeks before the expiration of the period specified for the completion of all improvement work, should said work not be completed to the satisfaction of the county, shall notify the board of said expiration.

(4) Forfeiture of Surety. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and improvement agreement, the county shall complete the same and shall call upon the surety for reimbursement, or appropriate from any deposit funds for reimbursement. If the amount of the surety bond or deposit is less than the costs and expenses incurred by the county, the subdivider shall be liable to the county for the difference.

(5) Release of Surety. No progress payments from such cash deposit or release of surety bond or cash deposit shall be made except upon certification by the county engineer and the Administrator that the work covered thereby has been satisfactorily completed and approval by the board has been granted.

[Ord. 1169, §1,III,Z, 2000]

Article VI. Development and Subdivision Design Standards

16.05.270 Access.

Access to the subdivision entrance shall be by public road. [Ord. 1169, §1,III,AA, 2000]

16.05.280 Public roads - Design and construction standards.

All subdivision streets and roads to become part of the county public road system shall conform to the Lewis County road standards for urban and rural design or any variance granted thereto, as approved by the board, in effect at the time any preliminary plat of the subdivision is submitted for approval. [Ord. 1169, §1,III,BB, 2000]

16.05.290 Private roads.

Private roads shall be allowed in subdivisions when the following criteria are met:

- (1) Location. The road location is approved by the county engineer.
- (2) Construction Specifications. The private roads shall be constructed to no less than those standards for private roads contained in the Lewis County road standards for urban and rural design, as approved by the board by ordinance or resolution, in effect at the time any preliminary plat is submitted for approval.
- (3) Ownership. Private roads within subdivisions shall be owned by a property owner's association and provisions shall be established for their maintenance and repair as specified in LCC [16.05.360](#). [Ord. 1169, §1,III,CC, 2000]

16.05.300 Design - Lots.

- (1) Access. Each lot shall be provided with satisfactory access by means of a public road connecting to an existing public road or by some other legally sufficient right of access which is permanent and inseparable from the lot. Existing forest service roads are not considered suitable access for subdivision purposes unless this provision is waived by the board upon the recommendation of the forest supervisor of the appropriate national forest.
- (2) Design. Each lot shall be designed to provide an identifiable feasible building site taken as a rectangle of not less than 1,200 square feet with the narrowest dimension of not less than 16 feet and, if required, an identifiable feasible drainfield area and well location.
- (3) Size. The minimum area of each lot shall be determined as follows:
 - (a) When served by sanitary sewers and community or public water supply the minimum lot size shall be 6,000 square feet;
 - (b) When served by individual septic tanks and drain fields and/or individual water supply, minimum lot sizes shall meet the requirements of the sewage disposal rules and regulations of the Lewis County board of health;
 - (c) When other methods of sewage disposal are used such as a community septic system, minimum lot sizes shall be as recommended by the Lewis County board of health or the

Washington State Department of Health. If off-lot location of the community drain field is approved and if there is a public water supply then the minimum lot size provided in subsection (3)(a) of this section can be used.

(4) Width. The minimum width for each lot as measured between the midpoints of the side lot lines shall be 60 feet.

(5) Frontage. A minimum road frontage of 30 feet shall be required for each lot.

(6) Reverse Frontage Lots. No residential lot shall have road frontage along two opposite boundaries unless topographical features or the need to provide separation of lots from traffic arterials, commercial activities, or industrial activities justify the designing of reverse frontage lots. For such lots a strip of land not less than 10 feet wide in addition to any other minimum dimension required herein shall be provided along the lot line adjoining such arterials or other disadvantageous use across which there shall be no right of vehicular access.

(7) Design. All lots shall be of compact design; lot lines shall be straight lines except insofar as they may follow the radius of a road curve and may form a three-, four-, or five- sided figure. No easement for access or unusual features as provided in LCC [16.05.330](#)(2) and (3) shall be permitted to bisect a lot.

(8) Markers. Each lot shall have lot markers made of wood with lettering of lot and block numbers and located to be visible from the road and to be in place prior to final plat approval. [Ord. 1169, §1,III,CC, 2000]

16.05.310 Design - Blocks.

(1) Length. In general, blocks shall be as long as is reasonably possible, consistent with the topography and the needs of convenient access, circulation, control, and safety of street traffic and the type of land use proposed, but ordinarily block lengths shall not exceed 1,500 feet or be less than 500 feet.

(2) Width. Except for reverse frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed; that is normally not less than 200 feet for the sum of two lot depths.

(3) Super Blocks. For large parcels with access provided by a series of cul-de-sacs or loop streets entering from the periphery and for large parcels platted into half acre and larger lots, the criteria in subsections (1) and (2) of this section shall be disregarded in favor of considerations on an individual basis. Blocks of acreage-type lots shall have block lengths and widths that will lend themselves to later resubdivision in accordance with the standards prescribed in this chapter.

(4) Crosswalks. In industrial and commercial plats, crosswalks of not less than 10 feet in width will be constructed at each intersection of roadways. Crosswalks may be required at the midpoint of any block exceeding 1,000 feet in length where such a crosswalk is deemed essential to provide circulation or pedestrian access to business concerns, schools, playgrounds, shopping centers, and other community

facilities. The necessity of such crosswalks shall be left to the discretion of the Administrator. [Ord. 1169, §1,III,EE, 2000]

16.05.320 Setbacks.

The designed provision for any building site within a subdivision shall be in compliance with the requirements of Chapters [15.15](#) and [17.145](#) LCC as now or hereafter amended. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1169, §1,III,FF, 2000]

16.05.330 Easements.

(1) Public Utilities. The subdivider shall submit a letter to the Administrator from each of the proposed service utilities informing the Administrator that the proposed utility construction is adequate and satisfies the needs of both the subdivider and the utility, and is adequate to meet the requirements of the subdivision. The letter shall inform the Administrator as to the general construction plan agreed upon between the subdivider and the utility.

(2) Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines shall be of such width as is adequate for the purpose, including any necessary maintenance roads.

(3) Watercourses. Where a subdivision is traversed by a watercourse, drainage way, waste way, channel, or stream, there may be required a storm water easement or drainage right-of-way extending 15 feet landward from the ordinary high water mark and conforming substantially to the line of such watercourse, drainage way, waste way, channel, or stream. [Ord. 1169, §1,III,GG, 2000]

16.05.340 Design and construction standards - Utility installations.

(1) Public Water Supply. For connection to existing Group A public water systems, installation shall be to the design and construction standards of the supplying utility. For newly created Group A water systems and Group B water systems, installation shall meet Lewis County and Department of Health standards and specifications.

(2) Sanitary Sewers. Installation of sanitary sewers shall be to the design and construction standards of the supplying utility.

(3) Electrical Power, Telephone, Cable Television, and/or Natural Gas. Electrical power and telephone cable shall be provided to each lot. Natural gas and television cable may be required where feasible. Installation shall be to the standards of the supplying utility. Undergrounding shall be required except where determined by the supplying utility not to be feasible. [Ord. 1169, §1,III,HH, 2000]

16.05.350 Fire protection standards.

(1) When Required. The installation of fire hydrants and the sizing of water lines for fire flow shall be required for all subdivisions which either create a new Group A public water supply or connect to an existing Group A system.

(2) Fire Flow Sizing. Water distribution mains on which fire hydrants shall be located shall be sized to the standards specified in a current Insurance Service Office's Guide for Determination of Fire Flow.

(3) Hydrants. When hydrants are required, the spacing between hydrants shall be determined by the appropriate fire protection agency except in those instances where that agency fails to make such a determination in which case said spacing shall be that specified by a current Washington State Chapter, American Public Works Association Standards and Specifications.

(4) Ingress - Egress. For subdivisions of 20 units or more, at least two ingress-egress routes may be required by the County fire marshal or fire protection agency. [Ord. 1169, §1,III,II, 2000]

16.05.360 Maintenance agreements.

(1) When Maintenance Agreements Required. Maintenance agreements, in a form approved by the Administrator, shall be required for all subdivisions which have private roads, common areas, recreation areas, or utility systems, any of which are jointly owned. These agreements shall be accompanied by a certificate from a private attorney assuring perpetual maintenance of the appropriate property or improvements and shall be submitted prior to final plat approval.

(2) Minimum Contents and Requirements. All maintenance agreements shall at a minimum provide for the following:

- (a) Membership of lot owners in a property owner's association established for the maintenance and repair of the appropriate property or improvements;
- (b) An equitable means of assessment for maintenance or necessary improvement costs;
- (c) Ownership of all improvements; and
- (d) Any other matters necessary to guarantee a workable organization.

(3) Encumbrance. Maintenance agreements shall be of record in the office of the Lewis County auditor and shall be referenced by identifying notation on the final plat. [Ord. 1169, §1,III,II, 2000]

16.05.370 Flood protection.

Any subdivision which falls within an area of special flood hazard (100-year frequency floodplain) as identified by the Federal Emergency Management Agency shall comply with all the requirements of the National Flood Insurance Program and Chapter [15.35](#) LCC. [Ord. 1169, §1,III,II, 2000]

16.05.380 Dedications of land for public uses and open space.

(1) Necessity of Dedications - Public Uses. The burden of proof for the necessity of reservations for public uses shall rest with the agency or individuals deeming it necessary.

(2) When Required. The board may require that suitable land be reserved for such public uses as parks, playgrounds, recreation areas, fire stations, schools, or utility facilities, and the preservation of natural features and amenities where such reservations would be appropriate. Such lands shall remain undeveloped for the period of time set by the board to permit the affected agency to purchase the land.

(3) General Requirements. Each required reservation shall be suitable in size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned. The area shall be shown and marked on the final plat as being reserved for the intended purpose. [Ord. 1169, §1,III,LL, 2000]

16.05.390 Nonresidential subdivisions.

(1) A nonresidential subdivision shall be subject to all the requirements of plat approval set forth in this subdivision chapter. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the board of county commissioners of Lewis County.

(2) In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;
- (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated;
- (c) Special requirements may be imposed by the board with respect to street, curb, gutter, and sidewalk design and construction;
- (d) Special requirements may be imposed by the board with respect to the installation of public utilities, including water, sewer, and storm water drainage;
- (e) Reasonable effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing residential areas and provisions for a noise and sight buffer and a permanently landscaped buffer strip when necessary;
- (f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing residential areas. [Ord. 1169, §1,III,MM, 2000]

Article VII. Modification and Appeals

16.05.400 Exemption in case of cluster and planned unit development.

The standards and requirements of this chapter may be modified by the board, upon the recommendation of the hearing examiner in the case of cluster development or planned unit development. The review process shall be the same as for a preliminary and final plat and shall be recorded the same as a subdivision plat. Cluster and planned unit development are also subject to the following provisions:

(1) Special Requirements.

(a) Areas and facilities of joint use shall be retained in title by the developers or deeded to an organization;

(b) All building permits shall ~~only~~ be issued in conformance with an approved ~~development~~ site plan for the development, unless variances therefrom are granted by the board. Minor deviations from the approved site plan may be reviewed as a Type I application. Major deviations which would alter the size or scale of the development, or significantly affect one of the findings or conditions of the approval, shall be reviewed as a Type IV application.

~~(2) Information Required.~~

~~(a) Preliminary Site Plan. Sixteen blueprint copies or one reproducible mylar copy showing the following shall be submitted:~~

~~(i) All information required in LCC 16.05.160,~~

~~(ii) Location, dimensions (including heights), and gross floor area of the proposed buildings unless waived by the Administrator,~~

~~(iii) Amount and location of off-street parking,~~

~~(iv) Sketches of proposed buildings (perspective to establish the character) unless waived by the Administrator,~~

~~(v) General landscaping, fencing, recreation facilities, and usable open space,~~

~~(vi) Storm drainage plan,~~

~~(vii) Circulation plan (vehicular and pedestrian),~~

~~(viii) Density of residential development,~~

~~(ix) Service areas for business, multi-family, or industrial development, if any,~~

~~(x) Any other information which the applicant feels would aid in the review of the proposal.~~

~~(2b) Final Site Plan. Every final site plan shall have the same standard format as that required for final plats in LCC [16.05.240](#) and shall also contain that information required for preliminary site plans with the exception of the information required by LCC [16.05.160](#). [Ord. 1169, §1,III,NN, 2000]~~

~~**16.05.430 Appeals.**~~

~~Any final decision approving or disapproving any plat shall be reviewable pursuant to Chapter [2.25](#) LCC and Chapter [36.70C](#) RCW before the superior court of Lewis County. The cost of transcript of all records ordered certified by the court for such review shall be borne by the applicant for such review. [Ord. 1169, §1,III,OO, 2000]~~

Article VIII. Enforcement and Penalties

16.05.460 Recording prohibited.

No map, plat, replat, or plan of a subdivision subject to the provisions of this chapter shall be recorded or received for recording in any public office unless or until that map, plat, replat, or plan shall bear the certified final approval of the board of county commissioners. [Ord. 1169, §1,III,PP, 2000]

16.05.470 Permits prohibited.

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this chapter or local regulations adopted pursuant thereto unless the authority to issue such permits finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with the provisions of this chapter and each purchaser or transferee may bring action to recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter, as well as costs of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming this property to these requirements, bring action to rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney's fees occasioned thereby. [Ord. 1169, §1,III,QQ, 2000]

16.05.480 Action to restrain violations.

Whenever any parcel of land is divided into five or more lots, tracts, or parcels of land, and any person, firm, or corporation or any agent of any of them sells, leases, transfers, or offers or advertises for sale, lease, or transfer any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions for sale, lease, transfer, or offers for sale, lease, or transfer and compel compliance with all provisions of this article on those lands which previously have been subdivided, sold, leased, transferred, or offered for sale, lease, or transfer in noncompliance with this chapter. The costs of such action shall be taxed against the person, firm, corporation, or agent selling, leasing, or transferring the property. [Ord. 1169, §1,III,RR, 2000]

16.05.490 Discontinuance of violation.

In the enforcement of this chapter, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in, or who has engaged in, such action or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of Lewis County. A violation of such assurance shall constitute a prima facie proof of a violation of this chapter. [Ord. 1169, §1,III,SS, 2000]

16.05.500 Violation - Penalties.

Any person who violates any court order or injunction issued pursuant to this chapter shall be subject to a fine of not more than \$5,000 or imprisonment for not more than 90 days or both. [Ord. 1169, §1,III,TT, 2000]

16.05.510 Criminal penalty.

Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this chapter or any subsequent regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be subject to the penalties in RCW [58.17.300](#). [Ord. 1169, §1,III,UU, 2000]

16.05.520 Unlawful representations.

It shall be unlawful for any person, firm, or corporation owning a plat or subdivision of land within the county to represent that any improvement upon any of the streets, alleys, or other public ways of said plat or subdivision has been constructed according to the plans and specifications approved by the county engineer or has been supervised or inspected by the county engineer when such improvement has not been so constructed, supervised, or inspected. [Ord. 1169, §1,III,VV, 2000]

SECTION 4. Chapter 16.10 is amended as follows:

**Chapter 16.10
SHORT SUBDIVISIONS**

Sections:

Article I. General provisions

[16.10.010](#) Purpose.

Article II. Scope

[16.10.200](#) Applicability.

[16.10.220](#) Redivision.

[16.10.230](#) Alterations, revisions and corrections.

Article III. Procedure

[16.10.240](#) Designation of Administrator.

[16.10.250](#) Application.

~~[16.10.260](#) Fees.~~

~~[16.10.270](#) Time for administrative action.~~

[16.10.290](#) Posting of markers.

[16.10.300](#) Administrative action.

[16.10.310](#) Final plat approval.

~~[16.10.320](#) Appeals.~~

~~[16.10.330](#) Variance.~~

[16.10.340](#) Penalties and enforcement.

[16.10.350](#) Notice of infraction.

[16.10.360](#) Additional enforcement.

[16.10.370](#) Recording.

~~[16.10.380](#) Recodified.~~

Article IV. Short Subdivision Application, Map, and Supporting Information

~~[16.10.390](#) Application.~~

~~[16.10.400](#) Additional information required for a complete application.~~

~~[16.10.410](#) Preliminary short plat map.~~

[16.10.420](#) Final short plat map.

Article V. Design Standards and Guidelines

[16.10.430](#) Road standards.

[16.10.440](#) Road maintenance agreements.

[16.10.450](#) Lots - Arrangement and dimensions.

[16.10.460](#) Clustering.

Article VI. Environmental Health Standards

[16.10.470](#) Sewer availability.

[16.10.480](#) Water supply standards.

Article VII. Assessor Notification

[16.10.490](#) Segregation notification.

Article I. General provisions

16.10.010 Purpose.

The purpose of this chapter is to regulate the division of land into four lots or fewer, at least one of which is less than five acres in size. [Ord. 1169, §1,IV,A, 2000]

Article II. Scope

16.10.200 Applicability.

(1) Every division of land for the purpose of sale, lease or transfer of ownership into four or less lots within the unincorporated area of Lewis County shall proceed in compliance with this chapter, except as exempted under LCC [16.02.040](#) or subject to the provisions of Chapter [16.12](#) LCC.

(2) All contiguous land shall be included within the short subdivision boundary. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1169, §1,IV,B, 2000]

16.10.220 Redivision.

Land within a short subdivision which has been approved within five years immediately preceding may not be further divided in any manner until a final plat thereof has been approved and filed for record pursuant to Lewis County regulations concerning the subdivision of property into five or more lots, tracts or parcels. When the original short subdivision contains less than four lots, the above prohibition shall not apply if such additional lots do not increase the original subdivision into more than four lots. After five years, further divisions may be permitted. [Ord. 1169, §1,IV,C, 2000]

16.10.230 Alterations, revisions and corrections.

Any person desiring approval of an alteration to an existing short subdivision shall submit an application to the administrator. The application shall include the information required for a short subdivision of land pursuant to LCC ~~17.0516.10.390~~, including the notarized signatures of the majority of those persons having an ownership interest in the portion of the short subdivision being altered. If the short subdivision is subject to restrictive covenants or easements which were filed at the time of short subdivision approval, and the application for an alteration would result in a change to these covenants or easements, the application shall contain an agreement signed by all parties subject to the covenants or easements providing that the parties agree to terminate or alter the relevant covenants or easements to accomplish the purpose of the alteration of the short subdivision or portion thereof. [Ord. 1169, §1,IV,D, 2000]

Article III. Procedure

16.10.240 Designation of Administrator.

The director of the community development department the county shall be designated as administrator and shall be responsible for interpreting, developing and applying the provisions and requirements of this chapter. [Ord. 1169, §1,IV,E, 2000]

16.10.250 Application.

~~A short plat application shall be processed as a Type I application per LCC Chapter 17.05, reproducible copy of the application and preliminary short plat map as hereinafter defined, proposing the short subdivision, shall be submitted to the planning section of the Lewis County department of public services,~~

upon forms furnished by said body which shall affix thereto a file number and the date of receipt. [Ord. 1169, §1,IV,F, 2000]

16.10.260 Fees.

The fees for this chapter are set forth in LCC 18.05.080. [Ord. 1169, §1,IV,G, 2000; Ord. 1158C, 1999]

16.10.270 Time for administrative action.

~~When the administrator has received a complete short subdivision application (applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Lewis County environmental services section), the administrator then shall affix a file number and date of receipt to the application and shall forward copies to the environmental services section, the public works division, the appropriate sections within the department of community development, and any other public agencies which may have an interest in the proposed subdivision. Upon receipt of the application, the appropriate divisions shall, within 20 days, return their written comments to the administrator. The administrator shall approve, deny or return the application to the applicant for modification or correction within 30 days, unless the administrator makes written findings that a specific amount of additional time is needed for processing. If no action is taken by the applicant in response to modifications or corrections required by the administrator within 60 days of notification of such modifications or corrections, the administrator shall make a finding of same, and the administrator may deny the application. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1174A, § 1, 2001; Ord. 1169, §1,IV,H, 2000]~~

16.10.290 Posting of markers.

Where identification markers are found necessary by any of the reviewing offices to assist in making its determination, such markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies or departments. Identification may alternatively be made by flag, sign, paint or any other adequate identifying marker. Identification markers shall be clearly understandable by the reviewing agencies. [Ord. 1169, §1,IV,I, 2000]

16.10.300 Administrative action.

(1) Upon reviewing an application for preliminary short subdivision approval, the administrator shall consider and review the proposed short subdivision with regard to:

- (a) The public health and safety;
- (b) Adequate access, including streets and roads;
- (c) Adequate sewage disposal and potable water supply;
- (d) Conformance with the general purposes of the Lewis County comprehensive plan, and conformance with all other county regulations and state law;

(e) The physical characteristics of the short subdivision site, including drainage, flood, inundation and swamp conditions, pursuant to RCW [58.17.120](#).

(2) In areas known to have poor drainage patterns, or where site visits reveal it necessary, storm water management and site drainage patterns shall be subject to the approval of the public works division.

(3) Following the review the administrator shall do one of the following:

(a) Approve the preliminary short subdivision; or

(b) Approve the preliminary short subdivision with conditions; or

(c) Disapprove the short subdivision and the short plat thereof and so advise the subdivider in writing stating the reasons of disapproval and advising of the appeal procedure. [Ord. 1169, §1,IV,K, 2000]

16.10.310 Final plat approval.

Following approval of the preliminary short subdivision, the subdivider shall be notified that he/she may proceed to develop or bond the short subdivisions facilities and required improvements ~~with assurance of final short subdivision approval. A final short plat in conformance with the approved preliminary short plat must be submitted within the time period established in 17.05.140. The approval given to a preliminary short subdivision shall expire five years from the date of preliminary short subdivision approval. Final short plats shall be required to meet the requirements of LCC 16.10.420.~~ [Ord. 1169, §1,IV,L, 2000]

~~16.10.320 Appeals.~~

~~(1) Hearing Examiner. Any final decision of the Administrator in the interpretation and application of this chapter may be appealed to the county hearing examiner pursuant to county procedures and regulations thereto, except as otherwise stated hereunder.~~

~~(2) Standards of Review. The hearing examiner may reverse or affirm wholly or in part the decision of the Administrator.~~

~~(3) Judicial Review. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court of Lewis County, Washington, pursuant to county procedures and regulations under Chapter 2.25LCC, Hearing Examiner. [Ord. 1169, §1,IV,M, 2000]~~

~~16.10.330 Variance.~~

~~(1) The hearing examiner shall hear and decide requests for variances as provided in Chapter 16.02 LCC.~~

~~(2) Application for a variance request shall be submitted in conjunction with any short subdivision application, and any notice required for such application shall include notice of the request for variance. [Ord. 1169, §1,IV,N, 2000]~~

16.10.340 Penalties and enforcement.

It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter. Under RCW [58.17.300](#), any such person or other such party who violates Chapter [58.17](#) RCW or such provision of this chapter as are required thereunder, with respect to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be subject to the penalties in RCW [58.17.300](#).

(1) Any offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land prior to short subdivision approval is permitted if it is conditioned upon the recording of the short subdivision containing the lot, tract or parcel of land under this chapter, the offer or agreement is not subject to RCW [58.17.300](#) and does not violate any provision of this chapter. All other offers or agreements are prohibited prior to final short subdivision approval.

All payments on account of an offer or agreement thereby conditioned shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be deemed permitted until the final short plat thereof is properly recorded.

(2) No building permit, on-site sewage permit, nor any other development permit shall be issued by Lewis County for any lot, parcel or tract of land created or divided in violation of this chapter, without the approval of the local health officer, if applicable, and in conjunction with Administrator approval under LCC [16.02.055](#).

(3) In addition to any other authority authorized by state or county laws, violations may be addressed in accordance with Chapter [1.20](#) LCC. [Ord. 1169, §1,IV,O, 2000]

16.10.350 Notice of infraction.

A notice of infraction may be issued by the Administrator or designee pursuant to the provisions of LCC [1.20.040](#). [Ord. 1180 §22, 2002; Ord. 1169, §1,IV,P, 2000]

16.10.360 Additional enforcement.

The office of the Lewis County prosecuting attorney may bring such additional injunctive, declaratory, or other actions ~~under~~ as are necessary to ensure compliance with this chapter, and county and state laws, and the costs of such action shall be taxed by the prosecuting attorney against the person committing the violation. In the enforcement of this chapter and Chapter [58.17](#) RCW, the prosecuting attorney may accept assurance of discontinuance of any act or practice deemed in violation thereof from any person engaging in, or who has engaged in, such act or practice. A violation of such assurance shall for purposes of prosecution constitute and serve as prima facie proof of violation of this chapter or Chapter [58.17](#) RCW. Acceptance of such assurance does not relieve a party from compliance with this chapter or state law. With respect to enforcement of Chapter [58.17](#) RCW and with court actions filed

pursuant to this chapter, any such assurance shall be in writing and be filed with and subject to the approval of the superior court. [Ord. 1169, §1,IV,Q, 2000]

16.10.370 Recording.

At any time within the five years following approval of the preliminary plat, the subdivider may cause the short subdivision to be surveyed (if required) and a final short plat to be prepared. The applicant shall be required to prepare a final short plat in accordance with LCC [16.10.420](#). Following the submittal of the final short plat and a filing fee made payable to the Lewis County auditor, the applicant shall record the final short plat with the Lewis County auditor and the short subdivision shall become effective. Failure to so file with the county auditor within 60 days after final approval shall automatically cause a lapse of approval, and the same shall not be filed until further approval has been granted by the administrator. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1169, §1,IV,R, 2000]

~~**16.10.380 Revisions to short subdivisions.**~~

~~Any revision to an approved short subdivision application shall require an additional fee as set forth in LCC [18.05.080\(2\)](#), made payable to Lewis County planning section. [Ord. 1169, §1,IV,S, 2000]~~

Article IV. Short Subdivision Application, Map, and Supporting Information

~~**16.10.390 Application.**~~

~~An application form, provided by the Lewis County planning section, shall be completed, signed and notarized. The application form shall contain the following information:~~

- ~~(1) The name, address, and telephone number of the divider;~~
- ~~(2) The names and addresses of all owners of the property being divided, and any engineers or surveyors who may have worked on the subdivision;~~
- ~~(3) The assessor's tax number(s) for the parcel(s) and a copy of the assessor's map showing all tax parcels contained within this application;~~
- ~~(4) Reference to any short subdivision which included the same land;~~
- ~~(5) Existing and proposed land uses; if a lot is designated for a use not requiring evaluation by the Lewis County environmental services section, the lot shall be considered limited to that use and normal environmental services section review shall not be deemed necessary for that lot or short subdivision approval. Lots not intended for human habitation, or other uses not requiring the sewage disposal, shall specifically state such use on the face of the final plat;~~
- ~~(6) Existing sewage disposal (including permit number and date of approval) and proposed sewage disposal; if a public or private sewer system is proposed, the location of the facility and the approximate location of collection lines or disposal area, if applicable, shall be shown;~~
- ~~(7) Existing and proposed water supply;~~

~~(8) A certification by the subdivider showing the entire contiguous land in which there is an interest by reason of ownership by any person, firm or corporation, and all persons with interest of record therein. [Ord. 1169, §1,IV,T, 2000]~~

~~16.10.400 Additional information required for a complete application.~~

~~A complete application shall also include the following information:~~

~~(1) Each lot is to be assigned a lot number, beginning with number one and proceeding in a consecutive sequence;~~

~~(2) Documentation of existing easements affecting the short subdivision; each proposed lot which does not front on a public road shall be provided with easement(s) for legal access;~~

~~(3) Applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Lewis County environmental services section;~~

~~(4) For any public or municipal sewer system, a letter of commitment from an approved sewer purveyor stating the ability to provide service to each of the proposed lots;~~

~~(5) For any public or municipal water system, a letter of commitment from an approved water purveyor stating the ability to supply water to each of the proposed lots;~~

~~(6) Certification that all adjoining land is owned by others not associated by a land development business relationship with the owner;~~

~~(7) Where short plat maps have been derived from, or make reference to, a segregation survey which has been recorded at the Lewis County auditor's office, then a copy of said survey shall be required;~~

~~(8) A copy of the short plat map indicating topographical features such as streams, swales and the direction of the natural drainage pattern of the site; contours shall be provided when and as required by the reviewing offices if needed to make their respective determinations;~~

~~(9) Copies of any existing or proposed road maintenance agreement, well maintenance agreement, community on-site disposal system maintenance agreement or restrictive covenants which apply to the short subdivision. [Ord. 1169, §1,IV,U, 2000]~~

~~16.10.410 Preliminary short plat map.~~

~~A preliminary short plat map shall be prepared on a sheet of paper that is of reproducible material, and shall be of the following dimensions: eight and one-half by 14 inches, 11 by 17 inches or 18 by 24 inches. All drawing and lettering on the short plat map shall be in permanent black ink. Surveys shall not be required for preliminary short plat maps. All preliminary short plat maps shall contain the following information:~~

~~(1) The date, scale (not more than 200 feet to the inch) and the north arrow;~~

- (2) ~~The name of the subdivider;~~
- (3) ~~Designation of the quarter-quarter section, section, township and range;~~
- (4) ~~The boundary lines of the entire parcel, lots and their dimensions, drawn to scale;~~
- (5) ~~A number assigned to each lot. Lot numbers are to begin with number one and proceed in a consecutive sequence;~~
- (6) ~~The location, width and names of all public and private roads within or adjoining the short subdivision;~~
- (7) ~~The connection between any internal road system of the short subdivision and the public road to be used for access;~~
- (8) ~~Location and widths of all existing and proposed easements and rights of way for public services, ingress and egress or utilities within the area contained in the short subdivisions;~~
- (9) ~~The location of existing houses, outbuildings or other structures and the approximate location of any septic systems and wells;~~
- (10) ~~The boundaries of any land to be reserved for the common use of the property owners of the short subdivision;~~
- (11) ~~Point of proposed access for each lot to the public road, whether each lot shall use a common access or have individual access;~~
- (12) ~~Location (to the extent possible) of all section and section subdivision lines referenced in the legal description of the entire property to be subdivided;~~
- (13) ~~Vicinity sketch of the area in which the short subdivision is located may be required. [Ord. 1169, §1, IV, V, 2000]~~

16.10.420 Final short plat map.

Surveys in accordance with the survey recording act shall be required for all short plat maps ~~;~~ ~~provided,~~ that the Administrator may waive this requirement if the cost of surveying, as documented by a licensed surveyor (said documentation shall be reviewed by the Lewis County surveyor), exceeds the value of the land as assessed by the Lewis County assessor's office; also provided, that the Administrator may waive this requirement if there is sufficient survey data and monumentation, which means that all of the boundaries are included in a previous survey, recorded by a licensed surveyor, unless a boundary is controlled by a physical barrier such as a river, and that at least two corners are monumented. All permanent monuments within the short subdivision shall be located and described, and all exterior corners on the boundaries of the short subdivision shall be monumented. All markers set shall be marked with the land surveyor's registration number. All monuments and markers shall be shown on the face of the final short plat. The final short plat map shall be prepared on stable base mylar polyester film or

equivalency. Sheet size shall be 18 by 24 inches. All drawings and lettering on the short plat map shall be clearly and legibly drawn in permanent black ink. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. If more than one sheet is required, each sheet shall be numbered, indexed and contain the short subdivision number. In addition to that information required on the preliminary short plat map, the final short plat map shall also include the following information:

- (1) Legal description of the land contained within the short subdivision.
- (2) The short plat shall be tied to the nearest controlling corner to determine the boundary of the property.
- (3) The perimeter of the plat shall be depicted with heavier lines than elsewhere on the plat.
- (4) The "as-built" location of physical features both on and outside the land to be subdivided which shall serve the short subdivision, such as existing roads, utilities, railroad rights-of-way, fences and wells.
- (5) The face of any short plat containing a private road shall bear the following language:

WARNING: Lewis County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing access to the property described in this short plat.

- (6) The face of all short plats shall bear the following statements:

The lots contained within this short subdivision shall not be redivided for five (5) years from the date of approval without compliance with the requirements of the Lewis County Subdivision Ordinance No. 1083, and as thereafter amended. The approval of this short subdivision does not guarantee the issuance of any other permit or approvals.

(7) The short subdivision shall include the notarized signatures of all parties with any interest in the land subdivided, consenting to the preparation and recording of the plat;

~~(87) When surveyed and prepared by a surveyor, t~~he short plat shall be signed and sealed by a registered land surveyor, and shall contain the following language:

This map correctly represents a survey made by me or under my direction in conformance with the Survey Recording Act at the request of _____ On (Month/Day/Year).

Signature of Surveyor:

(Certificate of License Number to follow)

(89) If the short subdivision is subject to a dedication, a certificate on the short plat map or separate written instrument shall be required.

(10) Community Development Certification. All final short plats shall be endorsed by Lewis County Community Development Department and contain the following language:

Examined and approved this _____ day of _____, 20_____.

Director of Community Development Dept.

(911) Treasurer's Certification. No final short plat shall be filed with the county auditor until the county treasurer has certified that all delinquent taxes and assessment on the property as of the date of filing have been paid. The subdivider shall provide evidence that all taxes have been paid.

(129) Auditor's Certificate. All final short plats shall be endorsed by the Lewis County auditor and shall contain the following language:

Filed for record at the request of _____, this _____ day of _____, 20_____ and recorded in Volume _____ of short plats, on Page _____, Records of Lewis County, Washington.

Lewis County Auditor

(131) If a title report is used in the preparation of the short subdivision, a copy shall be provided to the Administrator, and placed in the short subdivision file but shall not be recorded with the auditor. [Ord. 1169, §1,IV,W, 2000]

Article V. Design Standards and Guidelines

16.10.430 Road standards.

All private roads shall be required to meet the requirements of the Lewis County private road standards, as adopted or hereafter amended. Lewis County shall have no responsibility to maintain or improve any roads which have not been dedicated to the county. The county has no responsibility to enforce any private road maintenance agreements. [Ord. 1169, §1,IV,X, 2000]

16.10.440 Road maintenance agreements.

All private roads serving the short subdivision shall require a road maintenance agreement, unless a variance is approved. [Ord. 1169, §1,IV,Y, 2000]

16.10.450 Lots - Arrangement and dimensions.

The lot arrangement and dimensions shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing permits to build upon all lots or fractional parts in compliance with Chapter [15.15](#) LCC, Building Setback Regulations, and “The Sewage System Rules and Regulations of the Lewis County Board of Health” and Chapters [8.40](#) and [8.41](#) LCC. In order to provide for adequate access a minimum road frontage of 30 feet shall be required for each lot; provided, that in circumstances where an easement for access to a single lot is not more than 150 feet in length, a minimum road frontage shall be required consistent with County road standards. [Ord. 1169, §1,IV,Z, 2000]

16.10.460 Clustering.

The county encourages the clustering of residential and commercial lots. The net size of individual lots may be reduced so long as the gross land area of the land to be subdivided meets the requirements of the Lewis County comprehensive plan. All land reserved as open space shall be so stated on the face of the short plat map and shall be subject to covenants consistent with comprehensive plan guidelines. This open space may be dedicated to the public pursuant to LCC 16.10.050 or to the short subdivision lot owner’s association. [Ord. 1169, §1,IV,AA, 2000]

Article VI. Environmental Health Standards

16.10.470 Sewer availability.

(1) All lots to be served by septic systems shall require soil evaluation tests in order to assess soil percolation rates and the relative suitability of soil conditions under the current regulation requirements.

(2) Each lot shall contain sufficient square footage to meet minimum health requirements.

(3) General Requirements. Prior to short subdivision approval the applicant shall specify the proposed means of sewage disposal for the short subdivision. Every short subdivision shall have a method of sewage disposal which is reliable, safe, and meets all of the requirements of the state and county health regulations.

(4) Individual On-Site Sewage Systems. The land divider may choose to designate individual on-site sewage systems as the means for sewage disposal in a short subdivision unless a public sewer system is available. If the short subdivision is to be served by an individual on-site sewage disposal system, each system shall be entirely contained on the same lot as the dwelling to which it is intended to serve or on other land on which the lot owner possesses an easement interest. Prior to short subdivision approval, the environmental services section shall determine whether soils on each lot will safely accommodate individual on-site systems if such systems are properly constructed and managed. If conditions are found to be unsuitable for individual on-site sewage systems, or such systems cannot be accomplished consistent with state and county health regulations, individual on-site sewage systems shall not be allowed. When individual on-site sewage systems are to serve a short subdivision’s sewage disposal needs, this shall be so stated on the final short plat. It shall be the responsibility of each individual lot

owner to obtain required on-site sewage disposal systems pursuant to the state and county health regulations.

(5) Community On-Site Sewage Systems. When the Lewis County environmental services section determines that individual disposal systems to serve each lot are unsuitable, and a public sewer system is not available, the land divider may, if feasible, install an on-site community disposal system. The on-site community sewage system need not serve lots which can accommodate individual on-site sewage disposal systems. Prior to short plat approval the community system shall be constructed by the land applicant in accordance with engineering plans approved by all public agencies of jurisdiction. The short subdivision lot owner's association, or an approved public utility that is qualified to operate and maintain on-site sewage systems, shall manage the community disposal system. Maintenance and operation of the system shall be consistent with all state health and environmental requirements. When an on-site community sewage system is to be utilized to serve the short subdivision's disposal needs, the system shall be entirely within the subdivision or short subdivision boundaries or on land controlled by the system ownership.

(6) Public Sewer System. When a public sewer system is available to serve the short subdivision, then all lots shall utilize the sewer system to satisfy its sewage disposal requirements in compliance with Lewis County Board of Health Ordinance H98-326, and as amended, Section 12 (LCC [8.40.070](#)).

(7) Short subdivisions contiguous to lakes, streams, or other bodies of water shall be required to take the following precaution to prevent pollution of said bodies of water from septic tank effluent: A setback line from the ordinary high water mark consistent with state health law shall be established, within which no part of a sewage storage, treatment or disposal facility shall be established. [Ord. 1169, §1,IV,BB, 2000]

16.10.480 Water supply standards.

(1) Lots which exceed the minimum land area requirements of "The Sewage System Rules and Regulations of the Lewis County Board of Health" for individual wells and septic systems do not need to be served by an approved public water supply system; provided, that the short subdivision meets the following: Prior to the final approval of the short subdivision the applicant shall demonstrate to the environmental services section that a potable water source is available to serve all lots. If the environmental health officer is uncertain regarding the ability of the water source to provide long-term safe and adequate water to the subdivision, the applicant shall be required to conduct a water source study completed by a qualified professional.

(a) Prior to short subdivision approval, subdivisions proposing individual wells for source water may be required to drill one well per plat. The demonstrated well shall provide at least 400 gallons per day as evidenced in a pump test or well driller's log. The quality of water shall be approved by the Lewis County environmental services section, including location and construction as per well log, site plan and/or site visit, bacteria, nitrates, and possibly arsenic. If the water source does not meet these standards, such fact shall be a basis to deny the short subdivision if no other means of providing water to the short subdivision can be accomplished.

(2) Approved Public Water System. An approved public water system shall be provided to each lot with less than the minimum gross land area required by current on-site regulations for individual septic systems and wells. The applicant shall provide a public water supply facility and a complete water distribution system and may dedicate it to a short subdivision lot owner's association, or a public agency if a satellite maintenance agency approved by the Lewis County environmental services section is unavailable. The dedication shall include a water supply and distribution system which includes the well, reservoir and/or treatment system and the land upon which they are located or upon land which the lot owner's association shall have control and shall grant utility easements for the distribution system. The applicant may retain ownership of the system or dedicate it to a responsible person, either of which shall operate and maintain the system consistent with state requirements if a satellite management system is unavailable.

(3) Subdivision Water Supply System - Commitment. An approved public water system which has been developed and approved to serve a short subdivision shall be reserved for the exclusive use of the short subdivision; provided, that service connections located outside of the subdivision, in excess of those required to serve the total number of lots within the short subdivision, may be authorized by the entity or person owning the system. The public water system must also demonstrate substantial compliance with Chapter [246-290](#) or [246-291](#) WAC, as now or hereafter amended, including monitoring data on record, satisfactory construction records and plans on file, and not under any compliance or enforcement order. The public water system shall also demonstrate adequate water rights, if required, from the Washington State Department of Ecology. [Ord. 1169, §1,IV,CC, 2000]

Article VII. Assessor Notification

16.10.490 Segregation notification.

When it comes to the attention of the assessor of Lewis County that a division of land that appears to be subject to the requirements of this chapter has been made but not contained within a short plat or final plat, he shall forthwith notify the planning section of such division. Upon investigation, should the planning section consider the division as an illegal short subdivision, the planning section shall notify the Lewis County prosecuting attorney. [Ord. 1169, §1,IV,DD, 2000]

SECTION 5. Chapter 16.12 is amended as follows:

Chapter 16.12 LARGE LOT SUBDIVISIONS

Sections:

Article I. Purpose

[16.12.010](#) Purpose.

Article II. Scope

[16.12.020](#) Applicability.

Article III. Procedure

[16.12.240](#) Designation of Administrator.

[16.12.250](#) Application.

~~[16.12.260](#) Fees.~~

~~[16.12.270](#) Time for administrative action.~~

[16.12.290](#) Posting of markers.

[16.12.300](#) Administrative action.

[16.12.310](#) Final large lot subdivision approval.

~~[16.12.320](#) Appeals.~~

~~[16.12.330](#) Variance.~~

[16.12.340](#) Penalties and enforcement.

[16.12.350](#) Notice of infraction.

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~~[16.12.380](#) Recodified.~~

Article IV. Large Lot Application, Map, and Supporting Information

~~[16.12.390](#) Application.~~

~~[16.12.400](#) Additional information required for a complete application.~~

~~[16.12.410](#) Preliminary large lot subdivision map.~~

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Article V. Design Standards and Guidelines

[16.12.430](#) Road standards.

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[16.12.450](#) Lots - Arrangement and dimensions.

Article VI. Environmental Health Standards

[16.12.470](#) Sewer availability.

[16.12.480](#) Water supply standards.

Article VII. Assessor Notification

[16.12.490](#) Segregation notification.

Article VIII. Simple Segregations - Alternate Procedure

- [16.12.500](#) Definition.
- [16.12.510](#) Purpose.
- [16.12.520](#) Application and approval.
- [16.12.530](#) Limit on further segregation.

Article I. Purpose

16.12.010 Purpose.

The purpose of this chapter is to regulate the division of land into lots less than 20 acres in size, of which no lot is less than five acres in size or one-one hundred twenty-eighth of a section of land in size. [Ord. 1169, §1,V,A, 2000]

Article II. Scope

16.12.020 Applicability.

Every division of contiguous land, for purposes of sale or lease, into two or more lots, all of which are five acres or one-one hundred twenty-eighth of a section of land or larger, and any one of which is smaller than 20 acres or thirty-second of a section, shall proceed in compliance with this chapter. For purposes of applicability, the size of all parcels shall be measured to the centerline of any abutting right-of-way. [Ord. 1179B Ex. A, 2003; Ord. 1169, §1,V,B, 2000]

Article III. Procedure

16.12.240 Designation of Administrator.

The director of the community development department the county shall be designated as administrator, and shall be responsible for interpreting, developing and applying the provisions and requirements of this chapter. [Ord. 1169, §1,V,C, 2000]

16.12.250 Application.

~~A large lot subdivision shall be processed as a Type I application. A reproducible copy of the application and preliminary large lot subdivision map as hereinafter defined, proposing the large lot subdivision, shall be submitted to the planning section of the Lewis County department of public services, upon forms furnished by said body which shall affix thereto a file number and the date of receipt. [Ord. 1169, §1,V,D, 2000]~~

16.12.260 Fees.

~~The fees for this chapter are set forth in LCC 18.05.080. [Ord. 1169, §1,V,E, 2000; Ord. 1158C, 1999]~~

16.12.270 Time for administrative action.

~~When the administrator has received a complete large lot subdivision application (applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Lewis County environmental services section), the administrator then shall affix a file~~

~~number and date of receipt to the application and shall forward copies to the environmental services section, the public works division, the appropriate sections within the department of public services – community development division, and any other public agencies which may have an interest in the proposed subdivision. Upon receipt of the application, the appropriate divisions shall, within 20 days, return their written comments to the administrator. The administrator shall approve, deny or return the application to the applicant for modification or correction within 30 days, unless the administrator makes written findings that a specific amount of additional time is needed for processing. If no action is taken by the applicant in response to modifications or corrections required by the administrator within 60 days of notification of such modifications or corrections, the administrator shall make a finding of same, and the administrator may deny the application. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1174A § 2, 2001; Ord. 1169, §1,V,F, 2000]~~

16.12.290 Posting of markers.

Where identification markers are found necessary by any of the reviewing offices to assist in making its determination, such markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies or departments. Identification may alternatively be made by flag, sign, paint or any other adequate identifying marker. Identification markers shall be clearly understandable by the reviewing agencies. [Ord. 1169, §1,V,G, 2000]

16.12.300 Administrative action.

(1) Upon reviewing an application for preliminary large lot subdivision approval, the planning section shall consider and review the proposed large lot subdivision with regard to:

- (a) The public health and safety;
- (b) Adequate access, including streets and roads;
- (c) Adequate sewage disposal and potable water supply;
- (d) Conformance with the general purposes of the Lewis County comprehensive plan, and conformance with all other county regulations and state law;
- (e) The physical characteristics of the large lot subdivision site, including drainage, flood, inundation and swamp conditions, pursuant to RCW [58.17.120](#).

(2) In areas known to have poor drainage patterns, or where site visits reveal it necessary, storm water management and site drainage patterns shall be subject to the approval of the public works division.

(3) Following the review the administrator shall do one of the following:

- (a) Approve the preliminary large lot subdivision; or
- (b) Approve the preliminary large lot subdivision with conditions; or

(c) Disapprove the large lot subdivision and so advise the subdivider in writing stating the reasons of disapproval and advising of the appeal procedure. [Ord. 1169, §1,V,H, 2000]

16.12.310 Final large lot subdivision approval.

Following approval of the preliminary large lot subdivision, the subdivider shall be notified that he/she may proceed to develop or bond the large lot subdivisions facilities and required improvements. A final large lot subdivision in conformance with the approved large lot subdivision must be submitted within the time period established in 17.05.140.~~with assurance of final large lot subdivision map approval. The approval given to a preliminary large lot subdivision shall expire five years from the date of preliminary large lot subdivision approval. Final large lot subdivisions maps shall be required to meet the requirements of LCC 16.12.420.~~ [Ord. 1169, §1,V,I, 2000]

~~16.12.320 Appeals.~~

~~(1) Hearing Examiner. Any final decision of the administrator in the interpretation and application of this chapter may be appealed to the county hearing examiner pursuant to county procedures and regulations thereto, except as otherwise stated hereunder.~~

~~(2) Standards of Review. The hearing examiner may reverse or affirm wholly or in part the decision of the administrator.~~

~~(3) Judicial Review. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court of Lewis County, Washington, pursuant to county procedures and regulations under Chapter 2.25LCC, Hearing Examiner. [Ord. 1169, §1,V,J, 2000]~~

~~16.12.330 Variance.~~

~~(1) The hearing examiner shall hear and decide requests for variances as provided in Chapter 16.02 LCC.~~

~~(2) Application for a variance request shall be submitted in conjunction with any large lot subdivision application, and any notice required for such application shall include notice of the request for variance. [Ord. 1169, §1,V,K, 2000]~~

16.12.340 Penalties and enforcement.

It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter. Under RCW [58.17.300](#), any such person or other such party who violates Chapter [58.17](#) RCW or such provision of this chapter as are required thereunder, with respect to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be subject to the penalties in RCW [58.17.300](#).

(1) Any offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land prior to large lot subdivision approval is permitted if it is conditioned upon the recording of the large lot subdivision containing the lot, tract or parcel of land under this chapter, the offer or agreement is not subject to

RCW [58.17.300](#) and does not violate any provision of this chapter. All other offers or agreements are prohibited prior to final large lot subdivision map approval. All payments on account of an offer or agreement thereby conditioned shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be deemed permitted until the final large lot subdivision map is properly recorded.

(2) No building permit, on-site sewage permit, nor any other development permit shall be issued by Lewis County for any lot, parcel or tract of land created or divided in violation of this chapter, without the approval of the local health officer, if applicable, and in conjunction with Administrator approval under LCC [16.02.055](#). [Ord. 1169, §1,V,L, 2000]

16.12.350 Notice of infraction.

A notice of infraction may be issued by the Administrator or designee pursuant to the provisions of LCC [1.20.040](#). [Ord. 1180 § 23, 2002; Ord. 1169, §1,V,M, 2000]

16.12.360 Additional enforcement.

The office of the Lewis County prosecuting attorney may bring such additional injunctive, declaratory, or other actions under as are necessary to ensure compliance with this chapter, and county and state laws, and the costs of such action shall be taxed by the prosecuting attorney against the person committing the violation. In the enforcement of this chapter and Chapter [58.17](#) RCW, the prosecuting attorney may accept assurance of discontinuance of any act or practice deemed in violation thereof from any person engaging in, or who has engaged in, such act or practice. A violation of such assurance shall for purposes of prosecution constitute and serve as prima facie proof of violation of this chapter or Chapter [58.17](#) RCW. Acceptance of such assurance does not relieve a party from compliance with this chapter or state law. With respect to enforcement of Chapter [58.17](#) RCW and with court actions filed pursuant to this chapter, any such assurance shall be in writing and be filed with and subject to the approval of the superior court. [Ord. 1169, §1,V,N, 2000]

16.12.370 Recording.

At any time within the five years following approval of the preliminary plat, the subdivider may cause the large lot subdivision to be surveyed (if required) and a final large lot subdivision map to be prepared. The applicant shall be required to prepare a final large lot subdivision map in accordance with LCC [16.12.420](#). Following the submittal of the approved final large lot subdivision map and a filing fee made payable to the Lewis County auditor, the applicant shall record the final large lot subdivision map with the Lewis County auditor and the large lot subdivision map shall become effective. Failure to so file with the county auditor within 60 days after final approval shall automatically cause a lapse of approval, and the same shall not be filed until further approval has been granted by the administrator. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1169, §1,V,O, 2000]

~~16.12.380 Revisions to large lot subdivisions.~~

~~Any revision to an approved large lot subdivision application shall require an additional fee as set forth in LCC [18.05.080\(2\)](#), made payable to Lewis County planning section. [Ord. 1169, §1,V,P, 2000]~~

Article IV. Large Lot Subdivision Application, Map, and Supporting Information

~~16.12.390 Application.~~

~~An application form, provided by the Lewis County planning section, shall be completed, signed and notarized. The application form shall contain the following information:~~

- ~~(1) The name, address, and telephone number of the divider;~~
- ~~(2) The names and addresses of all owners of the property being divided, and any engineers or surveyors who may have worked on the subdivision;~~
- ~~(3) The assessor's tax number(s) for the parcel(s) and a copy of the assessor's map showing all tax parcels contained within this application;~~
- ~~(4) Reference to any large lot subdivision which included the same land;~~
- ~~(5) Existing and proposed land uses; if a lot is designated for a use not requiring evaluation by the Lewis County environmental services section, the lot shall be considered limited to that use and normal environmental services section review shall not be deemed necessary for that lot or large lot subdivision approval. Lots not intended for human habitation, or other uses not requiring the sewage disposal, shall specifically state such use on the face of the final plat;~~
- ~~(6) Existing sewage disposal (including permit number and date of approval) and proposed sewage disposal; if a public or private sewer system is proposed, the location of the facility and the approximate location of collection lines or disposal area, if applicable, shall be shown;~~
- ~~(7) Existing and proposed water supply;~~
- ~~(8) A certification by the subdivider showing the entire contiguous land in which there is an interest by reason of ownership by any person, firm or corporation, and all persons with interest of record therein. [Ord. 1169, §1, V, Q, 2000]~~

~~16.12.400 Additional information required for a complete application.~~

~~A complete application shall also include the following information:~~

- ~~(1) Each lot is to be assigned a lot number, beginning with number one and proceeding in a consecutive sequence;~~
- ~~(2) Documentation of existing easements affecting the large lot subdivision; each proposed lot which does not front on a public road shall be provided with easement(s) for legal access;~~
- ~~(3) Applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Lewis County environmental services section;~~

(4) For any public or municipal sewer system, a letter of commitment from an approved sewer purveyor stating the ability to provide service to each of the proposed lots;

(5) For any public or municipal water system, a letter of commitment from an approved water purveyor stating the ability to supply water to each of the proposed lots;

(6) Certification that all adjoining land is owned by others not associated by a land development business relationship with the owner;

(7) Where large lot subdivision maps have been derived from, or make reference to, a segregation survey which has been recorded at the Lewis County auditor's office, then a copy of said survey shall be required;

(8) A copy of the large lot subdivision map indicating topographical features such as streams, swales and the direction of the natural drainage pattern of the site; contours shall be provided when and as required by the reviewing offices if needed to make their respective determinations;

(9) Copies of any existing or proposed road maintenance agreement, well maintenance agreement, community on-site disposal system maintenance agreement or restrictive covenants which apply to the large lot subdivision. [Ord. 1169, §1,V,R, 2000]

16.12.410 Preliminary large lot subdivision map.

A preliminary large lot subdivision map shall be prepared on a sheet of paper that is of reproducible material, and shall be of the following dimensions: eight and one-half by 14 inches, 11 by 17 inches or 18 by 24 inches. All drawing and lettering on the large lot subdivision map shall be in permanent black ink. Surveys shall not be required for preliminary large lot subdivision maps. All preliminary large lot subdivision maps shall contain the following information:

(1) The date, scale (not more than 200 feet to the inch) and the north arrow;

(2) The name of the subdivider;

(3) Designation of the quarter-quarter section, section, township and range;

(4) The boundary lines of the entire parcel, lots and their dimensions, drawn to scale;

(5) A number assigned to each lot. Lot numbers are to begin with number one and proceed in a consecutive sequence;

(6) The location, width and names of all public and private roads within or adjoining the large lot subdivision;

(7) The connection between any internal road system of the large lot subdivision and the public road to be used for access;

~~(8) Location and widths of all existing and proposed easements and rights of way for public services, ingress and egress or utilities within the area contained in the large lot subdivisions;~~

~~(9) The location of existing houses, outbuildings or other structures and the approximate location of any septic systems and wells;~~

~~(10) The boundaries of any land to be reserved for the common use of the property owners of the large lot subdivision;~~

~~(11) Point of proposed access for each lot to the public road, whether each lot shall use a common access or have individual access;~~

~~(12) Location (to the extent possible) of all section and section subdivision lines referenced in the legal description of the entire property to be included in the large lot subdivision;~~

~~(13) Vicinity sketch of the area in which the large lot subdivision is located may be required. [Ord. 1169, §1,V,S, 2000]~~

16.12.420 Final large lot subdivision map.

~~Surveys shall be required for all large lot subdivision maps. Map standards shall be substantially the same as the requirements for short plats in 16.10.420, provided that LCC 16.10.420(6) shall not apply. ; provided, that the Administrator may waive this requirement if the cost of surveying, as documented by a licensed surveyor (said documentation shall be reviewed by the Lewis County surveyor), exceeds the value of the land as assessed by the Lewis County assessor's office; also provided, that the Administrator may waive this requirement if there is sufficient survey data and monumentation, which means that all of the boundaries are included in a previous survey, recorded by a licensed surveyor, unless a boundary is controlled by a physical barrier such as a river, and that at least two corners are monumented. All permanent monuments within the large lot subdivision shall be located and described, and all exterior corners on the boundaries of the large lot subdivision shall be monumented. All markers set shall be marked with the land surveyor's registration number. All monuments and markers shall be shown on the face of the final large lot subdivision map. The final large lot subdivision map shall be prepared on stable base mylar polyester film or equivalency. Sheet size shall be 18 by 24 inches. All drawings and lettering on the large lot subdivision map shall be clearly and legibly drawn in permanent black ink. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. If more than one sheet is required, each sheet shall be numbered, indexed and contain the large lot subdivision number. In addition to that information required on the preliminary large lot subdivision map, the final large lot subdivision map shall also include the following information:~~

~~(1) Legal description of the land contained within the large lot subdivision.~~

~~(2) The large lot subdivision shall be tied to the nearest controlling corner to determine the boundary of the property.~~

~~(3) The perimeter of the plat shall be depicted with heavier lines than elsewhere on the plat.~~

~~(4) The "as-built" location of physical features both on and outside the land to be subdivided which shall serve the large lot subdivision, such as existing roads, utilities, railroad rights-of-way, fences and wells.~~

~~(5) The face of any large lot subdivision map containing a private road shall bear the following language:~~

~~WARNING: Lewis County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing access to the property described in this large lot subdivision.~~

~~(6) When surveyed and prepared by a surveyor, the large lot subdivision map shall be signed and sealed by a registered land surveyor, and shall contain the following:~~

~~This map correctly represents a survey made by me or under my direction in conformance with the Survey Recording Act at the request of _____ On (Month/Day/Year).~~

~~Signature of Surveyor:~~

~~_____~~

~~(Certificate of License Number to follow)~~

~~(7) If the large lot subdivision is subject to a dedication, a certificate on the large lot subdivision map or separate written instrument shall be required.~~

~~(8) Treasurer's Certification. No final large lot subdivision map shall be filed with the county auditor until the county treasurer has certified that all delinquent taxes and assessment on the property as of the date of filing have been paid. The subdivider shall provide evidence that all taxes have been paid.~~

~~(9) Auditor's Certificate. All final large lot subdivision maps shall be endorsed by the Lewis County auditor and shall contain the following language:~~

~~Filed for record at the request of _____, this _____ day of _____, 20____ and recorded in Volume _____ of Large Lot Subdivisions, on Page _____, Records of Lewis County, Washington.~~

~~Lewis County Auditor~~

~~_____~~

~~(10) If a title report is used in the preparation of the large lot subdivision map, a copy shall be provided to the~~

~~Administrator, and placed in the large lot subdivision file but shall not be recorded with the auditor. [Ord. 1169, §1, V, T, 2000]~~

Article V. Design Standards and Guidelines

16.12.430 Road standards.

All private roads shall be required to meet the requirements of the Lewis County private road standards, as adopted or hereafter amended. Lewis County shall have no responsibility to maintain or improve any roads which have not been dedicated to the county. The county has no responsibility to enforce any private road maintenance agreements. [Ord. 1169, §1,V,U, 2000]

16.12.440 Road maintenance agreements.

All private roads serving the large lot subdivision shall require a road maintenance agreement, unless a variance is approved. [Ord. 1169, §1,V,V, 2000]

16.12.450 Lots - Arrangement and dimensions.

The lot arrangement and dimensions shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing permits to build upon all lots or fractional parts in compliance with Chapter [15.15](#) LCC, Building Setback Regulations, Chapter [17.145](#) LCC, Supplemental Requirements, and "The Sewage System Rules and Regulations of the Lewis County Board of Health," in order to provide for adequate access a minimum road frontage of 30 feet shall be required for each lot; provided, that in circumstances where an easement for access to a single lot is not more than 150 feet in length, a minimum road frontage shall be required consistent with County road standards. [Ord. 1179 §3 (Exh. B), 2002; Ord. 1169, §1,V,W, 2000]

Article VI. Environmental Health Standards

16.12.470 Sewer availability.

- (1) All lots to be served by septic systems shall require soil evaluation tests in order to assess soil percolation rates and the relative suitability of soil conditions under the current regulation requirements.
- (2) Each lot shall contain sufficient square footage to meet minimum health requirements.
- (3) General Requirements. Prior to large lot subdivision approval the applicant shall specify the proposed means of sewage disposal for the large lot subdivision. Every large lot subdivision shall have a method of sewage disposal which is reliable, safe, and meets all of the requirements of the state and county health regulations.
- (4) Individual On-Site Sewage Systems. The land divider may choose to designate individual on-site sewage systems as the means for sewage disposal in a large lot subdivision unless a public sewer system is available. If the large lot subdivision is to be served by an individual on-site sewage disposal system, each system shall be entirely contained on the same lot as the dwelling to which it is intended to serve or on other land on which the lot owner possesses an easement interest. Prior to large lot subdivision approval, the environmental services section shall determine whether soils on each lot will safely accommodate individual on-site systems if such systems are properly constructed and managed. If conditions are found to be unsuitable for individual on-site sewage systems, or such systems cannot be

accomplished consistent with state and county health regulations, individual on-site sewage systems shall not be allowed. When individual on-site sewage systems are to serve a large lot subdivision's sewage disposal needs, this shall be so stated on the final large lot subdivision map. It shall be the responsibility of each individual lot owner to obtain required on-site sewage disposal systems pursuant to the state and county health regulations.

(5) Community On-Site Sewage Systems. When the Lewis County environmental services section determines that individual disposal systems to serve each lot are unsuitable, and a public sewer system is not available, the land divider may, if feasible, install an on-site community disposal system. The on-site community sewage system need not serve lots which can accommodate individual on-site sewage disposal systems. Prior to large lot subdivision approval the community system shall be constructed by the land applicant in accordance with engineering plans approved by all public agencies of jurisdiction. The large lot subdivision lot owner's association, or an approved public utility that is qualified to operate and maintain on-site sewage systems, shall manage the community disposal system. Maintenance and operation of the system shall be consistent with all state health and environmental requirements. When an on-site community sewage system is to be utilized to serve the large lot subdivision's disposal needs, the system shall be entirely within the subdivision or large lot subdivision boundaries or on land controlled by the system ownership.

(6) Public Sewer System. When a public sewer system is available to serve the large lot subdivision, then all lots shall utilize the sewer system to satisfy its sewage disposal requirements in compliance with Lewis County Board of Health Ordinance H-98-326, and as amended, Section 12 (LCC [8.40.070](#)).

(7) Large lot subdivisions contiguous to lakes, streams, or other bodies of water shall be required to take the following precaution to prevent pollution of said bodies of water from septic tank effluent: A setback line from the ordinary high water mark consistent with state health law shall be established, within which no part of a sewage storage, treatment or disposal facility shall be established. [Ord. 1169, §1,V,X, 2000]

16.12.480 Water supply standards.

(1) Lots which exceed the minimum land area requirements of "The Sewage System Rules and Regulations of the Lewis County Board of Health" for individual wells and septic systems do not need to be served by an approved public water supply system; provided, that the large lot subdivision meets the following: Prior to the final approval of the large lot subdivision the applicant shall demonstrate to the environmental services section that a potable water source is available to serve all lots. If the environmental health officer is uncertain regarding the ability of the water source to provide long-term safe and adequate water to the subdivision, the applicant shall be required to conduct a water source study completed by a qualified professional.

(a) Prior to large lot subdivision approval, subdivisions proposing individual wells for source water may be required to drill one well per plat. The demonstrated well shall provide at least 400 gallons per day as evidenced in a pump test or well driller's log. The quality of water shall be approved by the Lewis County environmental services section, including location and construction as per well

log, site plan and/or site visit, bacteria, nitrates, and possibly arsenic. If the water source does not meet these standards, such fact shall be a basis to deny the large lot subdivision if no other means of providing water to the large lot subdivision can be accomplished.

(2) Approved Public Water System. An approved public water system shall be provided to each lot with less than the minimum gross land area required by current on-site regulations for individual septic systems and wells. The applicant shall provide a public water supply facility and a complete water distribution system and may dedicate it to a large lot subdivision lot owner's association, or a public agency if a satellite maintenance agency approved by the Lewis County environmental services section is unavailable. The dedication shall include a water supply and distribution system which includes the well, reservoir and/or treatment system and the land upon which they are located or upon land which the lot owner's association shall have control and shall grant utility easements for the distribution system. The applicant may retain ownership of the system or dedicate it to a responsible person, either of which shall operate and maintain the system consistent with state requirements if a satellite management system is unavailable.

(3) Subdivision Water Supply System - Commitment. An approved public water system which has been developed and approved to serve a large lot subdivision shall be reserved for the exclusive use of the large lot subdivision; provided, that service connections located outside of the subdivision, in excess of those required to serve the total number of lots within the large lot subdivision, may be authorized by the entity or person owning the system. The public water system must also demonstrate substantial compliance with Chapter [246-290](#) or [246-291](#) WAC, as now or hereafter amended, including monitoring data on record, satisfactory construction records and plans on file, and not under any compliance or enforcement order. The public water system shall also demonstrate adequate water rights, if required, from the Washington State Department of Ecology. [Ord. 1169, §1,V,Y, 2000]

Article VII. Assessor Notification

16.12.490 Segregation notification.

When it comes to the attention of the assessor of Lewis County that a division of land that appears to be subject to the requirements of this chapter has been made but not contained within a large lot subdivision map, he shall forthwith notify the planning section of such division. Upon investigation, should the planning section consider the division as an illegal large lot subdivision, the planning section shall notify the Lewis County prosecuting attorney. [Ord. 1169, §1,V,Z, 2000]

Article VIII. Simple Segregations - Alternate Procedure

16.12.500 Definition.

A simple segregation is the creation of up to four tracts, five acres in size or larger, leaving no tract less than five acres in size. [Ord. 1169, §1,V,AA, 2000]

16.12.510 Purpose.

The purpose of this section is to create an alternate process to facilitate the occasional segregation of a simple segregation tract, where the purposes of this section are otherwise met. [Ord. 1169, §1,V,BB, 2000]

16.12.520 Application and approval.

(1) Simple segregations shall be processed as a Type I application.

~~The application shall show a map of the property and provide legal descriptions for each parcel to be segregated, and the remainder parcel, in a form capable of recording.~~

(2) The application ~~form s~~ shall ~~show identify~~ that the proposed tract is lawfully zoned for 5-acre tracts and has lawful access to public road. ~~The proposed covenants shall identify that tracts approved under this section have not been reviewed for building permit purposes and may not be suitable for development.~~

(3) ~~For a determination of To show~~ suitability of the land for current development, the owner of the tracts to be sold or the applicant for a building permit on a lot must show:

(a) The tract has access to water as required by state law.

(b) The tract has a suitable building site outside of critical areas and is consistent with criteria in the critical areas ordinance.

(c) The tract has a conforming septic and reserve area consistent with Health Department requirements, Chapters [8.40](#) and [8.41](#) LCC.

(4) Upon written findings that the two items in section (2) above are satisfied, the Administrator shall approve the simple segregation, which shall be recorded. The ~~covenants conditions~~ of approval shall provide all tracts are legal lots of record for purposes of sale, but with no warranty that the lots are buildable under County rules and regulations. If the applicant submits the additional information required in (3) above, the Administrator may include a written finding and conditions that the lot is a lawful building lot as of the date of approval ~~and the covenants may provide the lot is a lawful building lot as of the date of approval.~~ [Ord. 1169, §1,V,CC, 2000]

16.12.530 Limit on further segregation.

No lot in a recorded segregation may be further divided within a period of five years from the date of recording without filing for a plat, short subdivision, or large lot subdivision as provided in this chapter. [Ord. 1169, §1,V,DD, 2000]

SECTION 6. Chapter 16.14 is amended as follows:

Chapter 16.14 RECREATIONAL VEHICLE PARK DIVISIONS

Sections:

Article I. Scope - Administration

- [16.14.010](#) Applicability.
- [16.14.020](#) Administration.

Article II. Design

- [16.14.030](#) General.
- [16.14.040](#) Density.
- [16.14.050](#) Screening and buffering.
- [16.14.060](#) Common facilities, recreation areas, and open spaces.
- [16.14.070](#) State Environmental Policy Act review.
- [16.14.080](#) Significant natural features.
- [16.14.090](#) Access and circulation.

Article III. Required Improvements

- [16.14.100](#) Roads.
- [16.14.110](#) Off-site traffic impacts.
- [16.14.120](#) Bridges.
- [16.14.130](#) Signs.
- [16.14.140](#) Drainage.
- [16.14.150](#) Water supply.
- [16.14.160](#) Sewage disposal and service buildings.
- [16.14.170](#) Solid waste.
- [16.14.180](#) Fire protection.
- [16.14.190](#) Electric utilities.
- ~~[16.14.200](#) Surveys.~~

Article I. Scope - Administration

16.14.010 Applicability.

This chapter ~~constitutes~~ establishes a “binding site plan process” for recreational vehicle park divisions as permitted by RCW [58.17.035](#), where ~~the~~ lots, tracts or parcels are created ~~are~~ for the purpose of rent or lease, ~~and shall be initiated by special use permit application under LCC 17.115.030(18), processed under LCC 18.05.072.~~ [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.020 Administration.

~~(1) Recreational vehicle park divisions shall be processed as a Type III binding site plan application per LCC 17.05. The applicable standards in LCC 16.14 and LCC 16.15 shall apply. The administrative binding site plan review of recreational vehicle park divisions shall be based upon the hearing examiner public hearing procedures prescribed in LCC 17.115.040 to 17.115.060, and shall require the following:~~

~~(1) Upon receipt of a complete application the administrator will review the application for completeness, and set the matter for public hearing. The hearing examiner shall function as a moderator during the hearing, while the administrator shall issue the written decision approving the application with or without conditions, denying the application, or remanding the application for revision or amendment.~~

~~(2) By this approval authority, and if the administrator determines that any delay in satisfying conditions and requirements for approval will not adversely impact the public health, safety or welfare, the administrator may allow requirements to be satisfied prior to issuing the first building permit for the site, or prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy, or in accordance with an approved phasing plan;~~

~~(3) As the alternative to subsection (2), the administrator may require a surety for improvements within recreational vehicle park divisions as provided for under LCC 16.05.260 (Improvement Agreement).~~

~~(4) The binding site plan shall contain a provision requiring that any development of the site shall be in conformity with the approved binding site plan.~~

~~(2) The design and improvement standards listed in LCC 16.14.030 through 16.14.190 shall apply to recreational vehicle park divisions.~~

~~(35) All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the owner, purchaser, and any other person acquiring a possessory, ownership, security, or other interest in any property subject to the binding site plan.~~

~~(6) After approval of a binding site plan for land zoned and used for recreational vehicle parks divisions, the applicant shall record the approved binding site plan with the incorporated survey requirements stated in LCC 16.14.200, as one recording document labeled as "Binding Site Plan.", and in the same format as a final plat.~~

~~(7) The process and procedures of LCC 16.15.060 to 16.15.080, 16.15.130, and 16.15.150 to 16.15.160, of the industrial/commercial binding site plan process shall also be applied by the administrator. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]~~

Article II. Design

16.14.030 General.

(1) All recreational vehicle park divisions shall conform with the Lewis County comprehensive plan and/or applicable community development plan, the Lewis County Zoning Code, Chapter [58.17](#) RCW, and the

requirements of this title, provided, in the event of a discrepancy between the standards established herein and those contained in any other applicable plan, control, or ordinance, the stricter standards shall apply.

(2) All improvements required by this title, including but not limited to roads, bridges, drains, culverts, storm-water and sanitary sewer systems, fire protection systems, wells and water systems, parks, telephone and electrical systems, and related structures or devices, shall be designed in accordance with the standards currently in effect at the time of preliminary site plan approval.

(3) Upon submittal for re-approval, preliminary site plans shall proceed in compliance with the regulations and standards applicable at the time of re-approval.

(4) Every recreational vehicle site shall contain at least 500 square feet space.

(5) Recreational vehicle sites shall be designed in such a manner as to provide a minimum of 10 feet separation between vehicles.

(a) Accessory structures may be located no closer than 10 feet to any recreational vehicle site nor closer than five feet to any other accessory structure.

(b) Each recreational vehicle rental space shall be numbered on the site plan and the number shall be prominently displayed on the site.

(6) An organization or individual with proper funding and training to maintain common facilities and operate the parks shall be continuously provided. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.040 Density.

(1) For the purposes of this title the maximum density in recreational vehicle park divisions shall be:

(a) A maximum density of fifteen (15) lease spaces per acre when a community septage system with individual lease space connections or individual holding tanks for each space are provided.

(b) A maximum density of seven (7) lease spaces per acre when only a central septage dump station is provided.

(2) Recreational vehicle sites shall be occupied on a temporary basis only by no more than one recreational vehicle and appurtenances (one towing/towed vehicle, a boat, an awning, etc.) at any given time.

(3) Minimum parcel size is two and one-half acres; provided, a larger minimum parcel size may required by the State or local departments for septage disposal, stormwater management, and public water supply. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.050 Screening and buffering.

(1) Screening and buffering areas shall be established with a minimum width of 25 feet along all exterior property lines.

(2) Screening and buffering areas shall not contain any constructed facilities, erected or placed, with the exception of utility lines, fencing, or security posts; provided, that trails may be located within those buffer areas which are at least 50 feet in width.

(3) Screening and buffering areas shall be left in their natural state, or, if necessary, supplemented by screening plants.

(4) Perimeter buffers shall be supplemented by a fence or other device where trespass is a potential problem.

(5) The purpose of screening and buffers is to protect on a year-round basis the adjacent property or roadways from unsightliness, visual distraction and/or noise impacts. The buffer area may be reduced where it can be demonstrated that alternative screening can adequately accomplish the purposes stated in this subsection. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.060 Common facilities, recreation areas, and open spaces.

(1) Common facilities such as service buildings, water systems, sanitary sewage disposal facilities including septic tanks and drainfields, recreation space, open space, roads, paths, permanent buildings, and facilities for other general purposes shall be designed to accommodate the level of full potential use and occupancy of the recreational vehicle development.

(2) Paths or trails to common facilities shall not interfere with or cross a recreational vehicle site, and shall consider pedestrian safety at those points where trails or paths intersect roads.

(3) At least 25 percent of the total land area within a recreational vehicle park division shall be dedicated, in perpetuity, for open space.

(a) The amount of open space shall not include roads, but may include land devoted to common facilities or land left undeveloped or preserved.

(b) At least one-half of the open space must be suitable for active recreational pursuits.

(c) Such open areas and landscaping shall be continually and properly maintained. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.070 State Environmental Policy Act review.

All recreational vehicle park divisions shall comply with the environmental review provisions of Chapter 17.100 LCC. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.080 Significant natural features.

Steep slopes, geological hazard areas, marsh or wetland areas, areas subject to flooding or having bad drainage, streamways, tidelands, aquifer recharge areas, and areas containing critical wildlife and habitat may be included within the boundaries of a recreational division, however, improvements required for development shall proceed in compliance with administrative rules and procedures prescribed pursuant to ~~Chs~~Chapters 17.30, ~~&~~ 17.35, and 17.35A LCC. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.090 Access and circulation.

Access and circulation shall be designed with appropriate consideration for existing and projected roads, anticipated traffic patterns, topographic and drainage conditions, public convenience and safety, and the proposed uses of the land served. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

(1) Recreational vehicle park divisions shall have an access road connecting to an existing public road, designed in accordance with Lewis County road standards.

(2) Recreational vehicle parks shall be served by at least one major access road to and from the development, and shall contain provisions for one or more emergency exit(s).

(3) Roads within the confines of the recreational vehicle park division shall provide for access to each recreational vehicle site, and ease of movement within the development.

(4) Recreational vehicle park divisions shall incorporate standard 60-foot wide rights-of-way where public roads are to be dedicated. Private road easements shall also be 60 feet wide, and shall be established by recording of a separate instrument or by declaration of easement dedication, graphically portrayed on the binding site plan. However, easement width for private roads may be reduced pursuant to recommendation by the County Engineer. In instances where the standard 60-foot wide easement is not required, provisions for parallel easements for utility installation and maintenance may be required if deemed necessary by the County Engineer. All reduced width easements shall be designed to include provisions for emergency vehicle turnarounds.

(5) All dead-end roads shall be designed to include provisions for emergency vehicle turnarounds in accordance with the Lewis County private road standards.

(6) Roads shall be designed with appropriate lighting and marked to insure traffic safety.

(7) Security fences or other means may be employed to ensure use of private roads by appropriate parties. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

Article III. Required Improvements

16.14.100 Roads.

Roads in recreational vehicle park divisions shall comply with the current Lewis County Private Road Standards. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.110 Off-site traffic impacts.

Recreational vehicle park division shall proceed in compliance with the off-site traffic impacts provisions in ~~Chapter-~~ 17.145 LCC. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.120 Bridges.

The design and construction of any bridge in a recreational vehicle park division shall be in accordance with county standards and shall be approved by the County Engineer prior to approval of the final binding site plan. All bridge designs shall be certified by a licensed civil engineer. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.130 Signs.

Road signs shall be installed in accordance with applicable federal, state and Lewis County standards. Road names shall be approved by the County Building Official. Traffic signs and safety devices shall be provided and installed by the applicant in accordance with the Manual on Uniform Traffic Control Devices. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.140 Drainage.

Drainage facilities adequate to prevent erosion, flooding or hazard to the use of the recreational vehicle sites, property, or facilities within the recreational vehicle park division, or to adjacent private or public property shall be installed according to a drainage plan approved by the County Engineer in accordance with county standards, pursuant to ~~Chapter-~~ 15.45 LCC (Stormwater Management). The plan shall show full details, including the locations, lengths, and sizes of culverts, and the method and location of run-off water disposal. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.150 Water supply.

(1) Applicants for recreational vehicle park divisions shall provide proof of water availability for a public water system, adequate in quantity and quality, in accordance with the rules and regulations of the Washington State Department of Health and the county health department regarding source, source protection, facilities for withdrawal, treatment, storage, transmission and distribution.

(2) Potable water shall be available within 200 feet every recreational vehicle site. Adequate disposal for faucet overflow shall be provided at each distribution point. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.160 Sewage disposal and service buildings.

Installation of sewage disposal systems and service buildings within recreational vehicle park divisions shall be in compliance with regulations and standards of the Washington State Department of Health, the Washington State Department of Ecology, and, in particular, the Holding Tank Policies of the Lewis County Health Officer and the county health department, and shall be approved only after a site inspection by the county health department.

(1) Each recreational vehicle park division shall be provided with sanitary dumping station(s), holding tanks or a community sewage treatment system, as necessary. Sanitary dumping stations and holding tanks shall not be required if community sewer connections are provided to all recreational vehicle sites.

(2) Service buildings containing the necessary toilet and other plumbing fixtures shall be provided in recreational vehicle park divisions. Service buildings shall be located at a maximum of 400 feet from each recreational vehicle site.

(3) Seasonal recreational vehicle park divisions shall provide, in the alternative, individual holding tanks for each site or provide a community sewage treatment connection for each site; no portable dump tanks shall be permitted.

(4) Transient recreational park divisions shall prohibit the use of non-commercially manufactured, portable dump tanks and of all dump tanks in excess of 35 gallons capacity. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.170 Solid waste.

Adequate provisions for the storage, collection, and disposal of solid waste shall be provided within the recreational vehicle park division. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.180 Fire protection.

(1) A water supply adequate for fire protection in accordance with the International Fire Code and local fire district recommendations consistent with state law, is required for all recreational vehicle park divisions.

(2) An approved fire fighting vehicle and/or other permanent fire fighting devices or equipment shall be installed within the confines of recreational vehicle park divisions when required by either the Washington State Department of Natural Resources, the U.S. Forest Service, the appropriate local fire district, or County Fire Marshal.

(3) Fire pits shall be constructed of concrete, rock, brick, cement blocks, or similar material, and shall be equipped with spark arresting devices, and may be used only in compliance with open burning regulations and burn bans.

(4) Fire break trails shall be provided around the periphery of the development. Additional fire break trails may be required as a result of administrative review. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.190 Electric utilities.

No new recreational vehicle park division shall be serviced by overhead utilities, and all electrical utilities associated or incidental to the development of recreational vehicle facilities shall be designed, installed and maintained in conformance with the rules, regulations, and standards of the Washington State Department of Labor and Industries. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

~~16.14.200 Surveys.~~

~~(1) The survey and preparation of every recreational vehicle park binding site plan shall be made by or under the supervision of a licensed land surveyor registered by the state of Washington.~~

~~(2) All surveys shall conform to standard practices and principles for land surveying. (See Chapter 323-130 WAC, as amended.)~~

~~(3) The department of public works shall be furnished all documents and calculations necessary to determine the accuracy of surveys.~~

~~(4) The surveyor shall provide the health department and planning department data indicating the developed area and undeveloped area within the recreational vehicle park division.~~

~~(5) Permanent control and road monuments directly related to the recreational vehicle park division shall be constructed of materials as per Lewis County standards.~~

~~(6) Road monuments shall be set in such a manner that future road development or utility installation will not disturb the accuracy of their position.~~

~~(7) The outside boundaries of recreational vehicle park divisions shall be surveyed and marked at the corners with an iron pipe or rebar having surveyor's cap and license number.~~

~~(8) Surveys shall include a section tie which shall be graphically portrayed on the recreational vehicle binding site plan.~~

~~(9) A survey is not necessary until after summary or preliminary recreational vehicle park binding site plan approval. However, approximate outside boundaries shall be marked prior to summary or preliminary binding site plan review. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]~~

SECTION 7. Chapter 16.15 is amended as follows:

Chapter 16.15 INDUSTRIAL - COMMERCIAL BINDING SITE PLANS

Sections:

[16.15.010](#) Binding site plan option.

[16.15.020](#) Site plan requirement.

~~[16.15.030](#) Presubmission conference.~~

~~[16.15.040](#) Application content.~~

~~[16.15.050](#) Review.~~

[16.15.060](#) Findings and conclusions.

[16.15.065](#) Approval.

[16.15.070](#) Amendment.

[16.15.080](#) Dedication.

[16.15.090](#) Development.

[16.15.100](#) Duration of approval.

~~16.15.110 Appeals.~~

[16.15.120](#) Design standards and improvements.

[16.15.130](#) Increased public service standards, roads, sewers, water, stormwater.

[16.15.140](#) Waiver of standards and provisions.

[16.15.150](#) Noncompliance with site plan.

[16.15.160](#) Violation and penalties.

~~16.15.170 Notice.~~

[16.15.180](#) Recording.

16.15.010 Binding site plan option.

In lieu of subdivision approval, a subdivider or developer of commercially or industrially zoned property may choose to request approval of a binding site plan pursuant to this chapter and RCW [58.17.035](#). All development within economic development urban growth areas established through subarea planning shall be approved through the binding site plan process. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,A, 2000]

16.15.020 Site plan application. requirement.

A proposed binding site plan shall be processed as a Type III application. Site plan approval is required prior to the issuance of building permits. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,B, 2000]

~~16.15.030 Presubmission conference.~~

~~(1) Prior to applying for site plan approval outside of economic development UGAs, an applicant may request a presubmission conference. Such presubmission review shall not be binding upon either party.~~

~~(2) Persons intending to submit applications for binding site plan approvals in economic development UGAs shall attend a presubmission conference. The purpose of the conference is to discuss the nature of the proposed development, application and permit requirements, fees, review process and schedule, applicable plans, policies and regulations. In order to expedite development review, the county may invite all affected jurisdictions, agencies and/or special districts to the presubmission conference.~~

~~The county shall provide a description of the requirements for a complete application; a general summary of the permit review procedures; references to the relevant code provisions or development standards that may apply to the proposal; and any other relevant information that the county may deem pertinent to the proposal. A record of the conference shall be prepared by the county and made available to all attendees.~~

~~It is not possible for the presubmission conference to be an exhaustive review of all potential issues. The discussions at the meeting or the materials cited in this section shall not bind the county or prohibit the county's future application or enforcement of all applicable law. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,C, 2000]~~

~~16.15.040 Application content.~~

~~Each application for site plan approval shall contain 10 copies of the following information:~~

- (1) The title and location of the proposed development;
- (2) Contact information for the applicant, property owner, of any architect, planner, designer, or engineer responsible for preparation of the plan, and of any authorized representative of the applicant;
- (3) Title report (dated within the last 30 days);
- (4) Vicinity map of the area where the site is located;
- (5) SEPA environmental checklist;
- (6) The proposed use of the site and buildings;
- (7) The current zoning of the proposed development site and zoning within 300 feet of the site;
- (8) Total area of the development site and of existing and proposed impermeable surfaces to an accuracy of one hundredth acre;
- (9) The proposed number of residential units in the development;
- (10) The proposed area, in square feet, of existing and proposed gross building floor area;
- (11) A site plan drawing of one or more sheets at a scale of not less than one inch to 100 feet stamped and signed by a registered engineer, architect, or land surveyor, showing, at minimum:
 - (a) The location of all existing and proposed structures, including buildings, fences, culverts, bridges, roads, and streets;
 - (b) The boundaries of the property proposed to be developed;
 - (c) All proposed and existing buildings and setback lines sufficiently accurate to ensure compliance with setback requirements and building heights in stories and feet;
 - (d) Areas, if any, to be preserved as buffers or to be dedicated to a public, private, or community use or for open space under the provisions of this title;
 - (e) All existing and proposed easements;
 - (f) The location of all existing and proposed utility structures and lines;
 - (g) Existing and proposed stormwater retention, drainage, and treatment systems;
 - (h) Means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets, and roads;

~~(i) The location and design of off-street parking and loading areas, showing their size, locations of internal circulation, and parking spaces;~~

~~(j) Landscaping location and type;~~

~~(k) Location of any regulated sensitive areas such as wetlands, steep slopes, wildlife habitat, floodplains, and associated buffers as identified by a qualified critical area professional defined in LCC 17.35A.330;~~

~~(l) Location of proposed monument signs;~~

~~(m) Fire hydrant locations;~~

~~(12) Contours of sufficient interval to indicate the topography of the entire tract for a sufficient distance beyond the boundaries of the proposed project, as follows:~~

~~(a) Up to five percent slope – two-foot contours;~~

~~(b) Five percent and greater slope – five-foot contours;~~

~~(13) Proposed methods of off-site mitigation of environmental impacts and preservation of environmental priority areas, if any;~~

~~(14) Any other information as required by the county shall be furnished, including, but not limited to, traffic studies, wetland reports, elevations, profiles, and perspectives, to determine that the application is in compliance with this code.~~

~~Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView;~~

~~(15) Fees. The applicant shall pay the required fees as set forth in the county's fee schedule or other applicable resolutions or ordinances when submitting a binding site plan. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1, VI, D, 2000]~~

16.15.050 Review.

~~The binding site plan application shall be reviewed by a committee including, but not limited to: representatives of the community development department, health department, public works department, and the Lewis County planning commission (the "committee"). The community development department shall chair the committee, shall coordinate communications with the applicant, and shall compile all the committee's reports of findings and recommendations to the hearings examiner. The committee shall review the proposed binding site plan application for compliance with the provisions of this chapter and other applicable laws and regulations. The committee may require additional information necessary for such review. The committee shall determine whether the proposed use is served and makes adequate provision for the public health and safety. The committee may recommend approval with or without~~

~~conditions, deny or return the application to the applicant for modification or correction within 30 days, unless the committee makes written findings that a specific amount of additional time is needed for processing. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1174A § 3, 2001; Ord. 1169, §1,VI,E, 2000]~~

16.15.060 Findings and conclusions.

~~A proposed binding site plan shall~~ A binding site plan shall not be approved unless ~~the committee makes written findings that:~~

- (1) Appropriate provisions are made for ~~the~~ public health and safety, and for such open spaces and drainage ways, streets or roads, alleys, other public ways, public transportation, potable water supplies, sanitary sewers, stormwater facilities, and where applicable, parks and recreation, schools, sidewalks, and other features assuring safe walking conditions for students who only walk to and from school;
- (2) The public use and interest will be served by the approval of such binding site plan and any dedication;
- (3) The proposed binding site plan is in conformity with the comprehensive plan, applicable zoning and other development regulations;
- (4) Public facilities required by the proposed binding site plan will be adequate and available to serve the proposed uses concurrently with the development phasing and financing to assure retention of an adequate level of service;
- (5) The project is within an approved sewer service area for projects on sewer, and adequate capacity exists or is planned with funding sources in place. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,F, 2000].

16.15.065 Approval.

Apart from the provisions of this chapter, the provisions for approval of preliminary and final plats in Chapter [16.05](#) LCC shall apply to preliminary and final binding site plans. [Ord. 1218 §1 (Exh. A), 2010].

16.15.070 Amendment.

An approved binding site plan shall not be altered unless such amendment ~~is approved~~ has been approved. If ~~such an applicant proposes a substantial~~ amendment ~~to a binding site plan is determined to be substantial~~, the county ~~may shall require that an application be submitted~~ process the amendment as a Type III application. Minor amendments may be ~~approved~~ reviewed by the department of community as a Type I application ~~development~~ if no significant changes are proposed to the size, scale and intensity of the approved binding site plan ~~are proposed~~. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,G, 2000]

16.15.080 Dedication.

- (1) The ~~committee~~ hearing examiner may require the dedication of land to a public body and/or the provision of public improvements to serve the binding site plan as a condition of ~~binding site plan~~ approval. Dedication shall be clearly shown on the plan.

(2) A site plan shall not be finally approved until or concurrent with a dedication of any required rights-of-way, easements, and land. [Ord. 1169, §1,VI,H, 2000]

16.15.090 Development.

Lot sales and development permits, including building permits, may be issued concurrently with final binding site plan approval, but all such permits shall require a certificate of occupancy under the IBC for use and no such certificate shall be issued unless all dedications and public facilities and services necessary to serve the project and other improvements called for by the binding site plan are complete and have been accepted by the county, or adequately guaranteed for timely completion through bonds approved by the public works director. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,I, 2000]

16.15.100 Duration of approval.

~~(1) The duration of the Approval for a binding site plan shall be the same as the preliminary approval for land divisions specified in LCC 17.05.140. n shall be effective for a period of not more than 10 years from the date of final approval based on the proposed phasing plan and such terms and interim milestones as the county may deem appropriate. During this time the terms and conditions upon which approval was given will not be changed except as provided by LCC 16.15.070.~~

~~(2) Whenever a planned use of a land is to be implemented in phases over a period of more than three years, the applicant may submit an application requesting review and approval of a phased development plan. Approval may be granted for an extended period of development upon finding that such plan is of sufficient flexibility to vary with changing circumstances and that such approval is in the public interest. Such application shall outline and such approval shall specify with particularity which aspects of the site plan are vested and which are subject to subsequent changes in county or other standards or regulations. The approval of such phased plan shall identify the duration of the approvals granted. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,J, 2000]~~

16.15.110 Appeals.

~~(1) Any decision of the Committee may be appealed to the hearing examiner within ten (10) days of the date of the written decision by the Committee in accordance with LCC 2.25.130. The hearing examiner may reverse or affirm wholly or in part the decision of the Committee. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court under Chapter 2.25 LCC. The cost of transcription of any records ordered certified for such review shall be borne by the applicant for such review.~~

~~(2) In the event the Committee fails to issue a written decision in accordance with the requirements of 16.15.050, the applicant may, with 10 days written notice to the Committee, demand an open record public hearing on the application. Upon receipt of such demand, the Committee shall issue a final decision within 10 days or publish a 10-day notice of the public hearing for the next available hearings examiner date. [Ord. 1169, §1,VI,K, 2000]~~

16.15.120 Design standards and improvements.

All site plans are subject to and shall comply with those construction and facility improvement standards set forth in county development standards. [Ord. 1169, §1,VI,L, 2000]

16.15.130 Increased public service standards, roads, sewer, water, stormwater.

If a building or occupancy permit is sought after final site plan approval which would result in a greater density or different use than that approved for the original development, higher public services may be required as a result. The building permit shall not be granted until the public services serving the lot are built to the higher standard, or an agreement and bond to guarantee such construction is accepted by the ~~Committee~~county. [Ord. 1169, §1,VI,M, 2000]

16.15.140 Waiver of standards and provisions.

To encourage innovative design, the ~~committee hearing examiner shall review proposed site plan designs that conflict with adopted engineering standards for sewer, water, road, or stormwater standards, and may modify- adopted engineering standards for sewer, water, road, or stormwater such standard or provision upon~~ the finding that the proposal is consistent with sound engineering practices, the proposal will better serve the county interests than the county standards, and the county will not otherwise be harmed by the change. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,N, 2000]

16.15.150 Noncompliance with site plan.

Development of the area subject to the approved site plan shall conform with the approved site plan. Any development, use, or density which fails to substantially conform to the site plan as approved by the ~~Committee hearing examiner shall~~ constitutes a violation of this chapter. ~~To remedy the noncompliance,~~ The county may ~~issue a order~~ stop work ~~order~~ on any such violation, ~~and~~ may decline to issue any approvals or permits within the plan area until the violation is corrected, ~~or may seek to revoke approval of the site plan subject to LCC 17.05.150.~~ [Ord. 1169, §1,VI,O, 2000]

16.15.160 Violation and penalties.

Any person, firm, corporation, or association, or agent thereof, who violates any provision of this chapter shall be subject to the penalties in LCC [1.20.020](#) & -.040, and general provisions of Chapter [1.20](#) LCC. [Ord. 1169, §1,VI,P, 2000]

~~**16.15.170 Notice.**~~

~~The Community Development Department Director shall maintain a roster of pending cases and shall provide notice of any convening of the of the Committee and its agenda to a person who has requested such notice in writing. [Ord. 1169, §1,VI,Q, 2000]~~

16.15.180 Recording.

Final binding site plans shall be recorded in the manner of and in the same format as a final plat. [Ord. 1218 §1 (Exh. A), 2010; Ord. 1169, §1,VI,R, 2000]

SECTION 8. Chapter 17.05 is amended as follows:

PURPOSE AND GUIDELINES

Chapter 17.05 GENERAL PROVISIONS

Sections:

- ~~17.05.010 Statutory authority~~
- ~~17.05.020 Statement of purpose.~~
- ~~17.05.030 Interpretation and conflict.~~
- ~~17.05.040 Vesting of permits.~~
- ~~17.05.045 Contents of application.~~
- ~~17.05.050 Administrative responsibilities.~~
- ~~17.05.060 Title.~~
- ~~17.05.070 Application.~~
- ~~17.05.080 Establishment of districts.~~
- ~~17.05.090 Adoption of district zoning maps.~~
- ~~17.05.100 Notice.~~

17.05.010 Statutory authority.

~~This ordinance 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. [Ord. 1170B, 2000]~~

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. [Ord. 1170B, 2000]~~

17.05.030 Interpretation and conflict.

~~In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for development. In the event that uncertainty is deemed to exist on the official Lewis County zoning map, zoning district boundaries shall be on section lines; lot lines; the center lines of highways, streets, alleys, railroad rights of way or such lines extended; municipal corporation lines; natural boundary lines, such as streams and topography; the ordinary high water mark (OHWM) of lakes and streams subject to Shoreline Management Program jurisdiction; or other lines to be determined by the use of scales shown on said map. Where a zoning district line purposely divides a land parcel, such parcel shall be subject to the procedures and requirements of the respective districts as applied. In the event that districts are overlaid by Shoreline Management Program designation(s), the most restrictive regulations of either the Shoreline Management Program or the official Lewis County Zoning Ordinance shall apply. [Ord. 1170B, 2000]~~

17.05.040 Vesting of permits.

(1) ~~Project Permits Defined.~~ For the purpose of this section, “project permit” and “project permit application” shall be as defined in RCW 36.70B.020(4):

~~Any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, master plans, conditional uses, special use permits, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.~~

(2) ~~Project Permits Applied for or Approved Prior to Effective Date.~~

~~(a) Project permits which have been applied for or approved by Lewis County on or before the effective date of the ordinance codified in this section are hereby deemed to be vested under the zoning and land use regulations in effect at the time of the complete application therefor.~~

~~(b) Future building permits that may be required to construct or complete the project as originally approved shall be subject to the building codes in effect at the time of the completed project permit application.~~

(3) ~~Project Permit Applications Submitted After the Effective Date.~~

~~(a) Project permit applications 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 application; provided, that the county has not subsequently notified the applicant that the application is incomplete.~~

~~(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 that may be required to construct or complete the project as originally approved shall be subject to the building codes in effect at the time of the completed project permit application.~~

(4) ~~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. [Ord. 1170B, 2000]~~

17.05.045 Contents of application.

~~(1) For a "project permit application", defined in LCC 17.10.173 and referenced in RCW 36.70B.080, to be deemed complete for purposes of beginning the formal project review and starting the review clock, the basic submittal information in section (3), below, shall be provided; EXCEPT, that such basic submittal information shall not be required in addition to the application requirements under LCC 15.30.040, 15.35.140, 15.45.130, 15.45.150, 16.05.050, 16.10.390, 16.12.390, 16.15.040, 17.20.030, 17.30.320, 17.35.460, and LCC Chapters 17.115, 17.120 & 17.160, unless expressly indicated on the face of the permit application or as a supplemental written requirement from the Administrator included with the application. FURTHER, the Administrator may waive any portion of the following basic submittal information on the face of any application form or by separate written notification for a particular project permit application.~~

~~(2) In processing project permit applications under Titles 15, 16 & 17 LCC, including 'vested' permits under LCC 17.05.040, additional information or studies may be requested in writing by the Administrator if needed to address particular aspects of the project or site. While the project review clock will formally stop during the time that the additional information is being assembled, department review of other aspects of the project will continue. If the application is deemed incomplete or if additional information is required, and except where otherwise expressly provided for in Titles 15, 16 & 17 LCC, the applicant shall have one hundred eighty calendar days to submit the required information to the community development department. The department shall notify the applicant as to when the one hundred eighty-day period will end. If the applicant does not submit the required information within the one hundred eighty-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time.~~

~~The Administrator may grant an extension if the required studies or information warrant additional time.~~

~~(3) Except as otherwise described above, an application for a project permit shall contain the following basic submittal information in clear and intelligible form:~~

~~(a) An application form provided by Lewis County containing all of the information requested on the form, including a single applicant contact to receive all determinations and notices;~~

~~(b) A narrative summary of all uses and activities proposed to occur on-site, including hours of operation for nonresidential uses and activities. For nonresidential developments, provide a statement which indicates whether hazardous materials, as defined in LCC 17.35.240 LCC, will be used, stored or disposed of on-site, or as a result of site activities;~~

~~(c) Full size copies (quantity as stated on application form) and a site plan drawing or drawings of a type and a scale to be designated by the Administrator, which shall include or show:~~

- ~~(i) The location and height of all existing and proposed structures, including, but not limited to, mobile/manufactured homes, houses, sheds, garages, barns, fences, culverts, bridges, storage tanks, signs and exterior lighting,~~
- ~~(ii) The boundaries, including dimensions, of the property proposed to be developed,~~
- ~~(iii) Setback distance measurements from all property lines (or road access easements) to all existing and proposed buildings. For mobile (manufactured) home parks, show location and size of all home pads with dimensions of each yard and all proposed lighting,~~
- ~~(iv) All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of this title,~~
- ~~(v) The location of all existing and proposed easements,~~
- ~~(vi) The location of any area protected by (covenanted) setbacks on the project site (or other location, as applicable) for water supply sources,~~
- ~~(vii) The location of all existing and proposed public and on-site utility structures and lines, including existing and proposed on-site sewage systems, sewer lines, water lines, wells and springs (including those within two hundred feet of the project site, depending on the applicant's ability to gain access to adjacent properties or to secure records of existing Washington State Department of Ecology or Lewis County well log records). [*If off-site utilities are proposed, a letter must be provided from the utility purveyor indicating under what conditions they are willing to serve the proposal. See also subsection (ix), immediately below],~~
- ~~(viii) Existing location and name of drainage/surface water on-site,~~
- ~~(ix) Proposed stormwater drainage facilities type and location,~~
- ~~(x) All means, existing and proposed, of vehicular and pedestrian ingress and egress to and from the site, including disabled parking and access provisions, if applicable, and the size and location of sidewalks (within urbanized/subdivision areas), driveways, streets, internal circulation roads, and fire access roads, and including existing and proposed road names and existing county and state rights-of-way,~~
- ~~(xi) Known adjacent/neighbor accesses to public road,~~
- ~~(xii) The location and size of all parking and outside storage areas,~~
- ~~(xiii) The location of all loading spaces, including, but not limited to, loading platforms and loading docks,~~
- ~~(xiv) A north arrow, map scale, date, site address and directions to the site,~~

~~(xv) If required for stormwater, aesthetics, buffering or mitigation, all existing vegetation proposed to remain and all proposed landscaping, including location and type,~~

~~(xvi) Location of any existing critical areas or buffers affecting the site, both on-site and on adjacent properties, including but not limited to shorelines, wetlands, streams, steep slopes and special habitats. Off-site information obtained from available county mapping is sufficient.~~

~~(c) Vicinity sketch, at a scale to be determined by the Administrator, indicating the boundary lines and names of adjacent developments, streets and boundary lines of adjacent parcels, and the relationship of the proposed development to major roads and highways, schools, parks, shopping centers and similar facilities. A topographic map may also be requested by the Administrator;~~

~~(d) Written estimate of trips to and from the site daily for the proposed use. Specifically list trucks and other traffic;~~

~~(e) Description of proposed grading, including a written estimate of both cut and fill quantities in cubic yards and a map showing the location of cut and fill areas;~~

~~(f) The number of square feet covered by each existing and proposed building, total square feet in graveled, paved or covered surfaces, whether covered by buildings, driveways, parking lots or any other structure, and the total number of square feet in the entire subject parcel or parcels;~~

~~(g) The proposed number of dwelling units in the development, including the density calculation method used in deriving the total number of units for the project;~~

~~(h) For projects where new or altered on-site sewage systems are proposed, a soils report, as prescribed in Ch. 8.40 LCC, Lewis County Onsite Septic System, shall be submitted or soil test pits shall be dug in the proposed location of the on-site sewage system, as prescribed in said Chapter. The location of the soil test pits shall be shown on the site plan. During project review, county staff will initially perform the soils review. In some instances, the applicant may be required to retain the services of an on-site sewage system designer, as defined in said Chapter, to conduct further analysis of soil and site conditions;~~

~~(i) Applicable fees;~~

~~(j) Applicable environmental documents, e.g. SEPA Checklist, critical areas administrative review form or written agreement to complete an environmental impact statement;~~

~~(k) There may be additional submittal requirements for certain special uses, as listed in Chapter 17.115 LCC;~~

~~(l) In addition to the information listed in subsections (3)(c)(i) through (xii) above, for multifamily developments (more than two dwelling units on a single parcel) and planned residential developments, the following information is required:~~

~~(i) Program for development, including estimated phasing or timing of development and estimated build-out data for each year during the construction period;~~

~~(ii) Provisions to assure permanence and maintenance of common open space through homeowner's association formation, condominium development or other means acceptable;~~

~~(iii) Dwelling unit breakdown by type and size;~~

~~(m) In addition to the information listed in subsections (3)(c)(i) through (xii) above, for planned rural residential developments, the following information is required:~~

~~(i) The location of both prime farmland soils and land grades 2 & 3 forest soils for purposes of agricultural resource lands and forest resource lands, respectively, as defined by Ch.17.30 LCC;~~

~~(ii) General land uses adjoining a proposed development;~~

~~(iii) The approximate location of any designated resource use parcels, designated long-term commercially significant agriculture or forest areas, identified critical areas, designated open space, greenbelts, parks, and wildlife corridors adjoining the proposed subdivision;~~

~~(iv) Intended use of a resource use parcel, including the siting of any residence(s);~~

~~(v) If not all of the allowable density is used, the number of lots which may be created in the future shall also be noted on any recorded platting document. Any imposed limitations on the use and further subdivision of any resource use parcel shall be noted on any recorded plat. These limitations shall be effective until such time as the property is annexed;~~

~~(vi) Proposed ownership of resource use parcel and open space areas;~~

~~(vii) Provisions to assure permanence and maintenance of any commonly owned open space through homeowners association formation or other means acceptable;~~

~~(n) Each application for a quasi-judicial rezone shall contain only the following in clear and intelligible form:~~

~~(i) A rezone application form containing all of the information requested on the form, including detailed responses to the following questions:~~

~~(A) What is the relationship between the proposed use of the land to be zoned and the surrounding land uses (i.e., is your proposed use of land significantly different than existing land uses surrounding your property)? Explain;~~

~~(B) Why is the property not usable by you as presently zoned, including the events which lead you to this conclusion?~~

~~(C) How have conditions affecting the subject site changed to make the proposed zone more appropriate than the existing zone?~~

~~(D) How would the proposed zone change be in the interests of not only the applicant but the public as a whole?~~

~~(E) Does the rezone request conform with the Lewis County Comprehensive Plan?~~

~~(ii) Site plan drawing or drawings, of a type and a scale to be determined by the Administrator, which shall include or show:~~

~~(A) A narrative summary of all uses and activities proposed to occur on site,~~

~~(B) The location of all existing and proposed structures, including, but not limited to, mobile homes, houses, sheds, garages, barns, fences, culverts, bridges, storage tanks, signs, and exterior lighting,~~

~~(C) The boundaries, including dimensions, of the property proposed to be developed,~~

~~(D) The location of all existing and proposed easements,~~

~~(E) A north arrow, map scale, date, site address and directions to the site,~~

~~(F) Location of any existing critical areas or buffers affecting the site, both on-site and on adjacent properties, including, but not limited to, shorelines, wetlands, streams, steep slopes and special habitats. Off-site information obtained from available county mapping is sufficient.~~

~~(G) The boundaries and land use of all adjacent parcels,~~

~~(iii) Topographic map showing two-foot contours for the entire subject parcel or parcels and a minimum of fifty feet into adjacent parcels, based on available county information. Contours may be placed on the site plan or on a separate map of the same scale. The topographic information may be generalized to the smallest, even-numbered, contour interval that is legible in areas of steep slopes where two-foot contour lines would otherwise be illegible to read,~~

~~(iv) Applicable fees,~~

~~(v) Applicable environmental documents, e.g. SEPA checklist, CARL, administrative review form or written agreement to complete an environmental impact statement. [Ord. 1174A §9, 2001]~~

~~**17.05.050 Administrative responsibilities.**~~

~~The Community Development Department is responsible for the administration of this title.* The department shall act as a coordinating agent to ensure that the regulatory process is expeditious and shall recognize input provided by state agencies or other County departments having appropriate expertise or jurisdiction, including: the Public Works Department for road and stormwater; the fire chief of the appropriate district for fire-related issues; the health and social services department for domestic water, septic and sewage, waste disposal, and septage; the health department for solid waste; and the community development department for land use, building and construction, and general site design. All departments of county government shall endeavor to cooperate fully with the community development department in the exercise of their duties relative to land use controls and regulations. [Ord. 1170B, 2000]~~

~~*Note: Office of Prosecuting Attorney oversees and administers codification and publication of this title.~~

~~**17.05.060 Title.***~~

~~This title may be cited as either:~~

- ~~(1) Official Lewis County Zoning Ordinance; or~~
- ~~(2) Title 17, Lewis County Code; or~~
- ~~(3) Lewis County Zoning Code. [Ord. 1170B, 2000]~~

~~*Note: currently codified as “Land Use and Development Regulations”~~

~~**17.05.070 Application.**~~

~~This title shall be applicable within lands regulated by the Lewis County comprehensive plan. [Ord. 1170B, 2000]~~

~~**17.05.080 Establishment of districts.**~~

~~For the purpose of furthering the goals and policies of the comprehensive plan and to carry out the provision of this title, Lewis County is hereby divided into the following districts:~~

Chapter	Abbreviation	District
17.45	STMU	Small Towns - Mixed Use/Commercial
17.50	STR-4	Small Towns - Residential
17.55	STI	Small Towns - Industrial

Chapter	Abbreviation	District
17.60	CC	Crossroads Commercial
17.65	FC	Freeway Commercial
17.70	TCA	Tourist Services Areas Overlay
17.75	RAI	Rural Area Industrial
17.80	RA-P	Packwood Airport Obstruction Zoning Overlay
17.85	RA-TW	Ed Carlson Memorial Field Airport Obstruction Zoning Overlay
17.90	RA-CC	Chehalis Centralia Airport Obstruction Zoning Overlay
17.95	RRC*	Rural Residential Centers
17.100	RDD	Rural Development District
17.105	RAD	Rural Agricultural District Overlay
17.107	AFPOD	Agriculture and Forest Protection Overlay District

*[Note: originally adopted as "RCC" as a scrivener's error, and corrected on codification]

Land within the UGAs (Chapters 17.15 and 17.20 LCC) shall be governed by the provisions of the chapters and associated maps. [Ord. 1179, 2001; Ord. 1170B, 2000]

~~17.05.090 Adoption of district zoning maps.~~

~~The boundaries and district classification hereby established are shown on a map and series thereof, entitled the "Official Lewis County Zoning Map." Such maps are enumerated in Chapter 17.200 LCC and all such maps, together with notations, references, data, and other information shown thereon are by reference made part of this title. [Ord. 1170B, 2000]~~

~~17.05.100 Notice.~~

~~(1) Purpose. The purpose of this section is to assure that notice is available by people affected by proposals considered by the county under the terms of this Title 17.~~

~~(2) Notice. In addition to property-specific notice and publication which may be required by law or other provisions of this title, the following notices shall be provided for actions taken pursuant to this title:~~

~~(a) Special Use Permits. A four foot by four foot wooden sign, painted white with three-inch red lettering, shall be located within 10 feet of the county right-of-way on any open public roads abutting the property or the property access road. The sign shall be posted not less than 30 days prior to public hearings and shall be clearly visible from the public right-of-way. The sign shall read:~~

~~Notice of land-use action.
Special use permit proceedings for a
[Name of Facility]
For information on the project and hearing dates, contact:
Lewis County Department of Community Development,
350 N. Market Blvd., Chehalis, WA 98532
(360/740-1146)
[Owner/developer's name and contact]~~

~~(b) Master Plan Proceedings. A four foot by eight foot wooden sign, mounted with four inch by four inch or better posts, painted white with four inch lettering shall be located within 10 feet of each county right-of-way abutting the property to be addressed in the master plan, and within 10 feet of any open public road which serves as access to the site, where the road does not abut the site. The sign shall be posted not less than 30 days prior to the hearings and shall be clearly visible from the public right-of-way. The sign shall be maintained on the property until the hearings are complete and the decision issues. The sign shall read as follows:~~

~~Notice of land-use action.
Master plan proceedings for a
[Name of Facility]
For information on the project and hearing dates, contact:
Lewis County Department of Community Development,
350 N. Market Blvd., Chehalis, WA 98532
(360/740-1146)
[Owner/developer name and contact]~~

~~(c) Comprehensive Plan Development Regulation Changes Affecting More Than One Property. The county shall cause to be published, in addition to other notices required by law, a public notice, eleven inches by seventeen inches which shall identify the time, place, and purpose of the county proceedings and the contact sites at county offices for additional information. The county will include a subarea map showing the area affected, if less than the whole county. The notice shall be posted in at least two places of public assembly within each of the subareas affected, as shown on Map 106. A place of public assembly for these purposes shall include the senior centers, the post offices, or grocery stores nearest the area potentially affected.~~

~~(d) The county community development department shall develop guidelines for the timely removal of signs.~~

~~(e) Applicant shall prepare and install and remove all signs required by this section. [Ord. 1175 §2, 2000; Ord. 1170B, 2000]~~

Chapter 17.05
GENERAL PROVISIONS

Sections:

- 17.05.010 Statutory authority.
- 17.05.020 Statement of purpose.
- 17.05.030 Applicability.
- 17.05.040 Project permit application type.
- 17.05.050 Pre-application.
- 17.05.060 Contents of application.
- 17.05.070 Determination of completeness – Lapsed applications – Postponed applications.
- 17.05.080 Notice of application.
- 17.05.090 Vesting of permits.
- 17.05.100 Consolidation of project permit applications.
- 17.05.110 Integration of State Environmental Policy Act (SEPA) review with review of project permit application.
- 17.05.120 Public hearings.
- 17.05.130 Notice of decisions.
- 17.05.140 Duration of decisions.
- 17.05.150 Revocation of approval.
- 17.05.160 Appeals.
- 17.05.170 Administration and interpretation.
- 17.05.180 Fees.
- 17.05.190 Refund of Permit Fees.

17.05.010 Statutory authority.

This ordinance 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. [Ord. 1170B, 2000]

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. [Ord. 1170B, 2000]

17.05.030 Applicability.

A. Unless otherwise provided, the regulations identified in this chapter shall apply to the following Lewis County Code (LCC) provisions:

1. Title 16, Subdivisions;
2. Title 17, Land Use and Development Regulations; and

3. All other code sections that refer to this section for administration.

B. 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 Title 15 and not this chapter.

C. 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:

1. State or federal provisions shall apply over local provisions;

2. Specific provisions shall apply over general provisions; and

3. Later enacted provisions shall apply over provisions enacted earlier.

17.05.040 Project permit application type.

A. 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.

1. Type I applications involve decisions that require little notice which are decided by the administrator.

2. Type II applications are administrative actions that require notice of application and a notice of decision.

3. Type III applications are quasi-judicial actions that require an open record hearing and decision before the hearing examiner.

4. 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.

5. Type V applications are actions that require a public hearing before the Planning Commission and a decision by the Board of County Commissioners.

a. 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.

b. 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 17.12, 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.

B. 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.

DRAFT

17.05-1 Permit Review Type – Process Chart

	<u>Type</u>				
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u> ¹
<u>REQUIRED PUBLIC NOTICE²</u>	-	-	-	-	-
<u>Notice Period</u>		<u>At Least 15 Days before the Decision</u>	<u>At Least 15 Days before an Open Record Public Hearing</u>		
<u>Mailed Notice</u>	-	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> ³
<u>Notice Posted On Road Frontages</u>	-	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> ³
<u>Notice Published in Newspaper</u>	-	-	<u>X</u>	<u>X</u>	<u>X</u>
<u>Notice Posted at Libraries and Senior Centers</u>	-	-	-		<u>X</u>
<u>PUBLIC HEARING</u>	-	-	-	-	-
<u>Planning Commission</u>	-	-	-	-	<u>X</u>
<u>Hearing Examiner</u>	-		<u>X</u>	<u>X</u>	-
<u>DECISION-MAKING BODY</u>	-	-	-	-	-
<u>Administrator</u>	<u>X</u>	<u>X</u>	-	-	-
<u>Hearing Examiner</u>	-		<u>X</u>	-	-
<u>Board of County Commissioners</u>	-	-	-	<u>X</u>	<u>X</u>
<u>APPEAL</u>	-	-	-	-	-
<u>To Hearing Examiner (as Specified in 2.25.130)</u>	<u>X</u>	<u>X</u>	-	-	-
<u>To Appropriate Court/ Hearings Board (as Defined in 2.25.140)</u>	-		<u>X</u>	<u>X</u>	<u>X</u>

¹ 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.

² 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.

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

Table 17.05-2 Process Required for Different Permit Types

	<u>Type</u>					<u>Code Reference</u>
	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>	
-						
<u>Interpretations</u>	-	-	-	-	-	-
<u>Code Interpretation – Written</u>	X	-	-	-	-	-
-	-	-	-	-	-	-
<u>Permits and Reviews</u>	-	-	-	-	-	-
<u>Special Use</u>	-	-	X	-	-	<u>17.158</u>
<u>Evaluation of Conformance with Special Use Permit</u>	-	-	X	-	-	-
<u>Administrative Approval</u>	-	X	-	-	-	<u>17.160</u>
<u>Administrative Reduction</u>	-	X	-	-	-	-
<u>Master Plan - Rural Area Uses</u>	-	-	X	-	-	<u>17.120</u>
<u>Master Planned Industrial – Binding Site Plan</u>	-	-	X	-	-	<u>17.20A, 17.20B</u>
<u>New Fully Contained Community Urban Growth Area</u>	<u>See Applicable Code Section</u>					<u>17.20D</u>
<u>Master Planned Resort – Binding Site Plan</u>	-	-	X	-	-	<u>17.20E</u>
<u>SEPA</u>	-	X ¹	-	-	-	-
-	-	-	-	-	-	-
<u>Nonconforming Use Determination</u>	-	-	-	-	-	-
<u>Continuation of Nonconforming Use</u>	X	-	-	-	-	<u>17.155.010</u> ²
<u>Expansion of a Nonconforming Use</u>	-	-	X	-	-	<u>17.155.020</u> ²
<u>Change to Another Nonconforming Use</u>	-	-	X	-	-	<u>17.155.040</u> ²
-	-	-	-	-	-	-
<u>Boundary Line Adjustments and Land Divisions</u>	-	-	-	-	-	-
<u>Boundary Line Adjustment</u>	X	-	-	-	-	<u>16.02.040(8)</u>
<u>Subdivision</u>	-	-	-	X	-	<u>16.05</u>
<u>Short Subdivision</u>	X	-	-	-	-	<u>16.10</u>
<u>Large Lot Subdivision</u>	X	-	-	-	-	<u>16.12</u>
<u>Simple Segregation</u>	X	-	-	-	-	<u>16.12.500 – 16.12.530</u>
<u>Recreational Vehicle Binding Site Plan</u>	-	-	X	-	-	<u>16.14</u>
<u>Binding Site Plan</u>	-	-	X	-	-	<u>16.15</u>
<u>Final Plat</u>	<u>See Applicable Code Section</u>					<u>16.05 (Long Plats), 16.10 (Short Plats), 16.12 (Large Lots)</u>
<u>Preliminary Plat Alteration/Amendment</u>	<u>See Applicable Code Section</u>					<u>16.05.140 (Subdivisions), 16.15.070 (Binding Site Plan)</u>

<u>Final Plat Alteration/Amendment</u>	<u>See Applicable Code Section</u>					<u>16.02.090</u>
<u>Plat Vacation</u>	<u>See Applicable Code Section</u>					<u>16.02.085</u>
-	-	-	-	-	-	-
<u>Modifications and Variances</u>	-	-	-	-	-	-
<u>Administrative Variance</u>	<u>X</u>					
<u>Variance</u>	-	-	<u>X</u>	-	-	<u>17.162</u>
<u>Land Division Variance</u>	-	-	<u>X</u>	-	-	<u>16.02.095</u>
-	-	-	-	-	-	-
<u>Plan and Code Amendments</u>	-	-	-	-	-	-
<u>Site Specific Rezones/CP Map Amendments</u>	-	-			<u>X</u>	-
<u>General Legislative Amendments (Zone, CP Text Changes, Non-Specific Site Amendments)</u>	-	-	-		<u>X</u>	<u>17.12</u>
<u>Industrial Land Bank Comprehensive Plan Designation/Establishment of Zoning Criteria</u>	-	-	-		<u>X</u>	<u>17.20A</u>
<u>Master Planned Resort Comprehensive Plan Designation/Establishment of Zoning Criteria</u>					<u>X</u>	<u>17.20E</u>
<u>Resource Land of Local Importance Designation</u>					<u>X</u>	<u>17.30.560, 17.30.670, 17.30.850</u>

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

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

17.05.050 Pre-Application

Applicants may request a pre-application meeting for all applications. The purpose of a pre-application is to conduct a review of the development application prior to submittal to the department. Pre-application 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 pre-application meeting.

17.05.060 Contents of application.

A. 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.

B. At minimum, a project permit application and any supplemental application shall include the following:

1. A completed original project application form signed by the owner(s) of the property which is the subject of the application;
2. A completed original supplemental application form;
3. Parcel identification number;
4. A copy of the pre-application meeting summary, if applicable;
5. The applicable fee(s) adopted in LCC 18 for the application(s);
6. If applicable, a State Environmental Policy Act Environmental Checklist;
7. 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
8. 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.

A. Within twenty-eight 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:

1. The application is complete.
2. The application is incomplete and what is necessary to make the application complete.

B. 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.

1. When additional information is required, the applicant shall have ninety 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 ninety-day period, the project permit application shall automatically lapse.

2. 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.

3. Upon submittal of the additional information, the review authority shall, within fourteen calendar days, issue a letter of completeness or, in accordance with subsection (B)(1) of this section, identify what additional information is required.

4. 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.

C. When an application is deemed complete, the review authority shall:

1. Forward the application(s) for processing and the scheduling of a public hearing, if a hearing is required;

2. 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

3. Provide notice of the application, in accordance with Section 17.05.080.

D. 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.

A. Timing. Within fourteen days of issuing a letter of completeness under Section 17.05.070, the county shall issue a notice of application for all applications that require public notice per Table 17.05-1 of this section. The notice of application and the SEPA threshold determination shall be issued at least fifteen days prior to the date of a decision or a public hearing.

B. 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.

C. Distribution.

1. Mailing. The director shall mail a copy of notices of application and hearings to:

a. The applicant and the applicant's representative. Electronic mailing may be used.

b. Owners of property within a radius of five hundred 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).

i. 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.

ii. 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.

c. County departments, and agencies with jurisdiction, including tribal governments.

d. Community groups or local governments that the administrator may identify as having an interest in the proposal.

e. Other persons who request such notice in writing.

2. 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.

3. 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.

a. 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.

b. 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.

4. 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.

A. Project Permit Applications Submitted After the Effective Date.

(a) A project permit application submitted after the effective date of the ordinance 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.

B. 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. [Ord. 1170B, 2000]

17.05.100 Consolidation of project permit applications.

A. 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.

B. 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.

C. 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.

A. 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 LCC 17.110 and Chapter 197-11 WAC.

B. To the maximum extent possible, SEPA review shall be combined and integrated in all project permit application processing.

17.05.120 Public hearings

A. No more than one open record public hearing shall be conducted for each project application, unless the application has been individually reviewed subject to 17.05.100 or has been submitted as separate project permits.

B. All hearing examiner hearings shall be conducted in accordance with LCC 2.25.120.

C. All nonproject specific Type V permits shall follow the public workshop and hearing procedures in LCC 17.12.

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

17.05.125 Timeframes for Decisions

A. Decisions for permits in Table 17.05-2, other than plats, shall be issued within 120 days of a complete application.

B. Decisions on plats shall be issued in within the following number of days from a complete application:

1. Ninety (90) days for long plats.

2. Thirty (30) days for short plats.

3. Thirty (30) days for final plats.

C. When the timeframes 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 timeframe necessary for the completion of the application, and be completed as early as possible before the conclusion of the time period.

D. Exceptions. Exceptions to the time limits for a final decision include:

1. 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;

2. Any time required for the applicant to correct plans, perform studies, or provide additional required information;

3. 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;

4. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW;

5. Projects involving the siting of essential public facilities;

6. Any remand to the public hearing body in LCC Table 17.05-1 by the decision-making body; or

7. Instances where an applicant has requested individual review of the application pursuant to LCC Section 17.05.100(B).

17.05.130 Notice of decisions.

A. 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.

B. Content. The notice of decision shall include, at a minimum, the following information:

1. The decision on the project permit application.

2. Any SEPA threshold determination made pursuant to Chapter 43.21C RCW.

3. The procedure for appeal, if any.

4. 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.

5. 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 (B).

C. Distribution. The notice of decision shall be mailed to the following:

1. The applicant.

2. Any parties of record.

3. Any agencies with jurisdiction over the project permit application or any agencies that commented on the project permit or legislative application.

D. Exemptions. A notice of decision shall not be required for any project or legislative permit that is does not require a notice of application.

17.05.140 Duration of decisions.

A. Duration of Approval.

1. All project permit approvals shall be valid for a period of three years, after which they shall automatically expire, unless otherwise stated.

2. 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.

3. Site development activity permits shall be subject to the duration and extension requirements set forth elsewhere within the code.

B. Extensions.

1. 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 (B)(3) 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.

2. Nonphased Development Extensions. Applications specifically approved for development may receive one one-year extension in accordance with the criteria in subsection (B)(3) of this section.

3. 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.

a. The extension request is submitted in writing at least thirty calendar days prior to the expiration of the permit or any prior extension approval;

b. 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;

c. The director finds that there is tangible progress being made; and

d. 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.

C. 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.

D. 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.

A. 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:

1. The approval or permit was obtained by fraud.

2. The use for which such approval or permit was granted is not being executed.

3. 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.

4. 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.

B. 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 Section 17.05.080.

17.05.160 Appeals.

A. 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.

B. Appeals of Type V proposals shall occur pursuant to Chapter 36.70A RCW.

17.05.170 Administration and interpretation.

A. Authority. Except as otherwise stated, the director is responsible for administering and interpreting the provisions of this title and those titles listed in Section 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.

B. 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.

C. Interpretation.

1. Director's Administrative Interpretation. The director may initiate a code interpretation whenever necessary and the interpretation will be made available pursuant to this chapter.

2. 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.

3. 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 Chapter 18 shall be assessed.

4. 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.

A. The Lewis County Schedule of Fees is established by local Resolution on file with the Board of County Commissioners and codified under Title 18 LCC. [Ord. 1170B, 2000]

17.05.190 Refund of permit fees.

A. 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 Title 18 LCC.

SECTION 9. Chapter 17.07 is amended as follows:

**Chapter 17.07
VIOLATIONS AND CIVIL PENALTIES**

Sections:

[17.07.010](#) Violations and civil penalties.

[17.07.020](#) Public nuisance.

[17.07.030](#) Liability for damages.

~~[17.07.040](#) Code interpretations.~~

17.07.010 Violations and civil penalties.

(1) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this title.

(2) Each violation of the provisions of this title or the provisions of any regulation, order, permit or ruling promulgated pursuant thereto, shall constitute a civil infraction. Infractions shall be processed according to the provisions of Chapter [1.20](#) LCC and subject to the penalties of that chapter. In addition, any violation of the provisions of this title or the provisions of any regulation, order, permit or ruling promulgated pursuant thereto shall be a misdemeanor. Each violation shall constitute a separate offense for each and every day or portion thereof during which the violation is committed, continued, or permitted.

(3) The provisions of this chapter are in addition to or as an alternative to, and not in lieu of, any other penalty, sanction or right of action provided in this title or by law, including a civil action in superior court. The initiation of a civil infraction or a civil action does not preclude initiation of criminal proceedings or the denial of any permit for violation of this title. [Ord. 1192 §1, 2006]

17.07.020 Public nuisance.

Any violation of the provisions of this title or any order, permit, or ruling made in connection with administration or enforcement of this title is a public nuisance and the Lewis County prosecuting attorney may institute an action in superior court to prevent, restrain, correct or abate the violation(s). The court shall adjudge to the plaintiff such relief, by way of injunction or otherwise, as may be proper in order to fully effectuate the purposes of this title and of the regulations adopted and orders and rulings made pursuant thereto. [Ord. 1192 §1, 2006]

17.07.030 Liability for damages.

Any person subject to the regulatory provisions of this title who violates any provision of this title or the provisions of a permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area, within a reasonable time, to its condition prior to such violation. The Lewis County prosecuting attorney shall bring suit for damages under this section on behalf of the county. [Ord. 1192 §1, 2006]

~~**17.07.040 Code interpretations.**~~

~~Any person who has submitted a land use proposal for pre-application review and comment may appeal to the hearing examiner, in accordance with the provisions of Chapter 2.25 LCC, an interpretation by the county of any provision of this title if the person first makes a written request to the director of community development for a written interpretation of the provision to be appealed. [Ord. 1192 §1, 2006]~~

SECTION 10. Chapter 17.20A is amended as follows:

**Chapter 17.20A
INDUSTRIAL LAND BANK URBAN GROWTH AREA**

Sections:

[17.20A.010](#) Purpose.

~~[17.20A.015](#)~~ ~~[17.20A.020](#)~~ Designation of industrial land bank other than reclaimed surface coal mine sites.

~~[17.20A.020](#)~~ ~~Permitted uses.~~

[17.20A.030](#) ~~Application~~Process for designation of industrial land bank.

[17.20A.040](#) ~~Application for master plan~~Complete application vesting.

~~[17.20A.050](#)~~ ~~Process~~ Master plan approval.

17.20A.010 Purpose.

The purpose of this chapter is to provide guidelines for the planning and development of the urban growth areas in the county which are or may be designated as industrial land banks not associated with a city. [Ord. 1219 §1 (Exh. A), 2010]

17.20A.015-020 Designation of industrial land bank other than reclaimed surface coal mine sites.

Consistent with the requirements of RCW [36.70A.367](#), a bank of up to two master planned locations for major industrial activity outside an urban growth area may be designated within Lewis County. The following criteria shall be used in reviewing any application for any master planned location/industrial land bank designation:

- (1) Only two sites shall be designated as consistent with RCW [36.70A.367](#).
- (2) In addition to meeting the requirements of RCW [36.70A.367](#)(2) and (8), any site proposed for designation under that section shall:
 - (a) Be located adjacent to or within 10 miles of a city or urban growth area;
 - (b) Contain large, developable lots or parcels of a size not readily available within cities or urban growth areas, consistent with RCW [36.70A.367](#)(8);
 - (c) Require that at least 50 percent of the industries locating within the industrial land bank be either rail-dependent or dependent on an interstate highway for transportation needs;
 - (d) Be located in an area with sufficient infrastructure or in an area where necessary infrastructure can be readily and efficiently provided; and
 - (e) Be located in an area not overly constrained by resource land or critical area constraints.
- (3) No development in a designated industrial land bank shall be approved until all the requirements of this chapter have been met. [Ord. 1219 §1 (Exh. A), 2010]

~~17.20A.020 Permitted uses.~~

~~Specific permitted uses on the property shall be established through the master plan process and the approved master plan shall become the subarea plan and development code for the property, identifying uses, standards and procedures for approval, consistent with the intent and purpose of the Lewis County comprehensive plan and the criteria in LCC 17.20A.015(2). [Ord. 1219 §1 (Exh. A), 2010]~~

17.20A.030 Application Process for designation of industrial land bank.

~~Proposals for development in a d(1) Designation of ed master planned an industrial land bank in the Comprehensive Plan shall be processed as a Type V application. in the form of an application including the information listed below. When proposed by an applicant, Tthe application must be signed by the owners of at least 50 percent of the property for which the application is intended, or by their representative. The application shall identify:~~

- ~~(1) The owner or owners of the property to be planned, which shall be the entire parcel or parcels designated as an industrial land bank in the comprehensive plan.~~
- ~~(2) The legal description of the property to be developed including all separate ownerships within the development area.~~
- ~~(3) A map or series of maps at a scale directed by the administrator showing:~~
- ~~(a) Boundaries of the designated area;~~
 - ~~(b) Boundaries of individual ownerships;~~
 - ~~(c) Dedicated rights-of-way or easements over, across, or under the property;~~
 - ~~(d) Existing roads, highways, and driveways abutting the site and within one-half mile of the site;~~
 - ~~(e) Property ownerships within one-half mile of the site;~~
 - ~~(f) Wells within the development area or within 1,000 feet of the boundary of the site, which are used for domestic use identified through well logs or water right records;~~
 - ~~(g) A general identification and location of all critical areas (Chapters 17.35 and 17.35A LCC) on the site or within 1,000 feet of the site and any streams or water bodies subject to jurisdiction under Chapter 90.58 RCW, the State Shoreline Management Act; and~~
 - ~~(h) A land use plan showing proposed land use categories and areas, circulation, critical area buffers and open space.~~
- ~~(4) A phasing plan which describes the proposed phases for development and how the phases are designed to assure the overall coordinated development of the site and its integration into the surrounding community.~~
- ~~(5) An environmental checklist or a request to proceed directly to scoping under SEPA. Any environmental review shall provide special studies as directed by the administrator, which address:~~
- ~~(a) On-site and off-site critical areas, issues, protection, and mitigation;~~
 - ~~(b) Transportation. Present facilities and upgrades if required, new facilities and phasing, on-site and off-site impact and mitigation required; and~~
 - ~~(c) Water, wastewater, stormwater facilities in place, facilities necessary to serve the new development by phase, and potential impact on off-site facilities, critical areas, or water resources.~~
- ~~(6) An inventory of land meeting the requirements of RCW 36.70A.365(2)(h) and 36.70A.367(2)(c). [Ord. 1219 §1 (Exh. A), 2010]~~

~~17.20A.040 Complete application vesting.~~

~~Upon receipt of a master plan application under this chapter, and the payment of the prescribed fee in the county fee schedule, the county shall, within 28 days, issue a letter of completeness or identify the specific information required for a complete application. If no letter is sent, the application shall be deemed complete upon the twenty-ninth day after receipt of the application. If a letter is sent, the application shall be deemed complete upon receipt of the information identified in the letter. If the applicant does not submit the necessary information in writing to complete an application within a 90-day period, the county shall make findings and issue a decision that the application is rejected. If the county rejects an application, all vesting rights are lost. [Ord. 1219 §1 (Exh. A), 2010]~~

~~17.20A.050 Process—Master plan approval.~~

~~(1) Environmental review shall be noticed and processed in accordance with Chapter 17.110 LCC, and address applicable items for hearing examiner consideration pursuant to LCC 17.20A.030(5). An open record appeals hearing before the hearing examiner arising from such environmental review shall be consolidated with the public hearings described below. Public participation in subsequent appeals shall be limited to parties and issues to the appeal, in accordance with Chapter 17.110 LCC.~~

~~(2) Once environmental review is complete, the application shall be processed as one consolidated public hearing before the hearing examiner as an application for a master plan, and before the planning commission as an application for amendments to the comprehensive plan and development regulations. This process shall incorporate specific public participation procedures pursuant to RCW 36.70A.140.~~

~~(3) The planning commission shall hold one or more workshops to be briefed on the legal basis for the application; the results of the environmental review; the staff review and public comments pertaining to the proposal to be considered by the hearing examiner; and the draft proposals for amendments to the comprehensive plan and development regulations, as authorized in RCW 36.70A.365 and 36.70A.367. The workshop(s) shall include discussion of all aspects of the commission's responsibilities under RCW 36.70A.365(2) and 36.70A.367(2) as they pertain to the application.~~

~~(4) The county will publish a notice of public hearing and circulate the draft proposals for comment and public hearing. Notice of the consolidated public hearing shall be by publishing notice of the hearing not less than 10 days prior to the hearing and mailing notice to all property owners of record within 1,000 feet of the site. The county staff report and supporting materials shall be available to the public at the time of publication and mailing of the notice.~~

~~(a) The draft proposal shall be made available to the public at least 15 days prior to the scheduled hearings. To facilitate public review, copies of the proposals with related materials and information shall be available at the Lewis County department of community development and online at its web page, and at locations in the affected area. Such locations may include:~~

~~(i) Timberland Regional libraries (five) located at: Chehalis, Centralia, Salkum, Randle, and Winlock.~~

~~(ii) Lewis County Senior Centers (five) located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock.~~

~~(b) Copies of the proposal shall also be sent to the State Department of Commerce for the 60-day Growth Management Act review. Materials shall also be sent to all incorporated cities and recognized tribes in the county and to state, local, and federal agencies which have requested in writing that they receive copies of all notice materials.~~

~~(5) In the consolidated hearing, the hearing examiner shall hold an open record hearing with respect to the master plan. In the consolidated public hearing, the planning commission shall hold a hearing with respect to amendments to the comprehensive plan and development regulations. Following the consolidated public hearing, the hearing examiner and planning commission shall deliberate and make their respective recommendations to the board of county commissioners on the master plan and amendments to the comprehensive plan and development regulations. The planning commission may hold one or more workshops to consider matters raised during the hearings, and shall take final action recommending approval, denial, or approval with conditions at a public meeting. The county will retain a record of all materials received or submitted during its workshops and the consolidated public hearing.~~

~~(6) The final decision on the master plan and on the amendments to the comprehensive plan and development regulations shall be made by the board of county commissioners after the receipt of the written recommendations from both the planning commission and the hearing examiner.~~

~~(a) The board of county commissioners shall publish a notice of public hearing on the written recommendations received from the hearing examiner and the planning commission, and make those recommendations available to the public in advance of hearing. Such materials shall be made available to the public in the same manner as the planning commission materials are made available under LCC 17.12.050(2)(b), and public notice of the hearing will be provided in the same manner as LCC 17.12.050(2)(d).~~

~~(b) The board of county commissioners will follow the hearing process format set forth for the planning commission in LCC 17.12.050(2)(e) through (g). All written comments must be received by the board of county commissioners by the close of the public participation portion of the public hearing to be considered. The board may accept, modify, or reject the recommendation of the hearing examiner and planning commission. Once adopted, the comprehensive plan and development regulations shall identify the zoning map and development regulations for the master plan area. A master plan may be amended through the same process as the original adoption. Any adopted development regulation shall become a map and separate chapter of the county zoning ordinance.~~

~~(7) Amendment to the comprehensive plan and development regulations to support a master plan is a legislative process with appeal pursuant to Chapter 36.70A RCW. Adoption of the site plan approval~~

evidenced in the master plan is adjudicative under Chapter 36.70B RCW, with appeal pursuant to Chapter 36.70C RCW.

(8) Phasing of development, expansion, future use of land, abandonment of site and reversion to previous land use zoning shall be addressed as follows:

~~(a) The county recognizes that economic and other considerations may necessitate that development of industrial land bank urban growth areas may have to be phased. For phasing to be approved, the overall project plan, including general timelines for construction, illustrating building footprints and projected uses shall be detailed sufficiently to direct subsequent approvals of site and building development. Application for permits for the first phase of the development shall be filed within five years of the effective date of the master plan approval, unless the master plan phasing agreement provides for a longer period of time.~~

~~(b) Expansion or amendment of the major industrial development:~~

~~(i) Beyond the boundaries of the original site plan and established urban growth area shall require a new master plan application and hearings as described in LGC 17.20.030; or~~

~~(ii) Within the boundaries of the original site plan and established urban growth area shall require master plan approval amendment before the hearing examiner, as described in LGC 17.20.030.~~

~~(c) Use of the subject property will be bound by the approved application and/or development agreement, and no other use is allowed without approvals required under subsection (6) of this section. A future application for a major industrial development that utilizes the same land area within the previously established urban growth area is approvable if the required code and statutory criteria are met. Final legislative approval following master plan approval would be unnecessary in this case, as the urban growth area is already established on the comprehensive plan maps.~~

~~(d) The owners of land zoned and used for major industrial development shall be responsible for appropriate and suitable environmental remediation and/or restoration of the site in the case of abandonment of the industrial or commercial operation. The responsible party shall be identified in the development agreement and/or master plan approval. The responsibility for appropriate and suitable environmental remediation and/or restoration will be determined through environmental review of the application and commensurate with the impacts of the specific use permitted. An environmental remediation and/or restoration plan shall be established in the development agreement and master plan approval.~~

(29) Proximity to an industrial land bank, major industrial development urban growth area or development, or extension of infrastructure shall not provide a basis for a comprehensive plan amendment to change the land use zone designation for property adjacent to a major industrial development to a land use district with greater development density or more intensive uses. [Ord. 1219 §1 (Exh. A), 2010]

17.20A.040 Application for master plan

(1) Master plans submitted for development under this chapter, and designed in conformance with an adopted industrial land bank, shall be processed as a Type III binding site plan application. The permitting process and criteria for approval for the application shall be similar to the requirements for master plan approval for major industrial development - reclaimed surface coal mine sites in LCC 17.20B.025-.030; provided that 17.20B.030(1) shall not apply. The criteria in RCW 36.70A.367 shall be considered as part of the review.

17.20A.020 Permitted uses.

(2) Specific permitted uses on the property shall be established through the ~~master plan~~ binding site plan process, ~~and the approved master plan shall become the subarea plan and development code for the property, identifying uses, standards and procedures for approval, consistent with the intent and purpose of the Lewis County comprehensive plan and the criteria in LCC 17.20A.015~~ 20(2). Permitted uses shall be limited to those specified in RCW 36.70A.367. [Ord. 1219 §1 (Exh. A), 2010]

SECTION 11. Chapter 17.20B is amended as follows:

Chapter 17.20B MASTER PLANNED MAJOR INDUSTRIAL RECLAIMED SURFACE COAL MINE URBAN GROWTH AREA

Sections:

- [17.20B.010](#) Purpose.
- [17.20B.015](#) Designation of industrial land bank - Reclaimed surface coal mine sites.
- [17.20B.020](#) Permitted uses.
- [17.20B.025](#) Master plan approval for major industrial development - Reclaimed surface coal mine sites.
- ~~[17.20B.030](#) Application.~~
- ~~[17.20B.040](#) Complete application vesting.~~
- [17.20B.0350](#) Criteria for approval.

17.20B.010 Purpose.

The purpose of this chapter is to provide guidelines for the planning and development of ~~the~~ urban growth areas in the county which are or may be designated as industrial land banks located on reclaimed surface coal mine sites and are not associated with a city. [Ord. 1219 §1 (Exh. A), 2010]

17.20B.015 Designation of industrial land bank - Reclaimed surface coal mine sites.

Consistent with the requirements of RCW [36.70A.368](#), a master planned location for major industrial activity outside an urban growth area on lands formerly used or designated for surface coal mining and supporting uses may be designated within Lewis County. The following criteria shall be used in reviewing

any application for designation of a master planned reclaimed surface coal mine industrial land bank under this section:

(1) Designation of a master planned reclaimed surface coal mine industrial land bank under this section is not subject to the requirements of RCW [36.70A.130](#)(2) and may be considered at any time.

(2) Any site proposed for designation under RCW [36.70A.368](#) shall be located on lands:

(a) That were formerly used or designated for surface coal mining and supporting uses;

(b) That consist of an aggregation of land of one thousand (1,000) or more acres, which is not required to be contiguous; and

(c) That are suitable for manufacturing, industrial, or commercial businesses.

(3) ~~New infrastructure is provided for.~~ Provision for new infrastructure may be demonstrated by a plan for extending or otherwise supplying needed infrastructure; actual construction of new infrastructure is not required for designation.

(4) Environmental review shall be at the programmatic level, unless the designation is being reviewed concurrent with a proposed major industrial project development application, in which case environmental review shall be at the project level. [Ord. 1219 §1 (Exh. A), 2010]

17.20B.020 Permitted uses.

(1) A property designated in the comprehensive plan for ~~one of the specific uses identified above a major industrial development on a reclaimed surface coal mine~~ may only be used for the purposes listed in [RCW 36.70A.368](#) ~~the specific applicable section of the Act, as listed above. Only one section shall apply to any designated property, unless otherwise detailed in the master plan.~~

(2) Specific permitted uses on the property shall be detailed through the ~~applicable~~ master plan process described below. ~~and the p~~ Permitted uses, standards, and procedures for approval are set out in the applicable provisions of Title [16](#) LCC and this title. [Ord. 1219 §1 (Exh. A), 2010]

17.20B.025 Master plan approval for major industrial development - Reclaimed surface coal mine sites.

(1) This section applies to specific projects proposed within sites designated pursuant to ~~RCW~~ [36.70A.368](#) and LCC [17.20B.015](#), Designation of industrial land bank - reclaimed surface coal mine sites.

(2) Application for the development of a major industrial reclaimed surface coal mine master plan shall be processed as a Type III binding site plan application. The application must be signed by the owners of at least 50 percent of the property subject to the master plan.

~~(23)~~ Environmental review shall be noticed and processed in accordance with Chapter [17.110](#) LCC. An open record appeals hearing before the hearing examiner arising from such environmental review shall be consolidated with the public [review hearings process](#) described ~~below~~^{above}. Public participation in subsequent appeals shall be limited to [the](#) parties and issues to the appeal, in accordance with Chapter [17.110](#) LCC.

~~(3) Once environmental review is complete, the application shall be processed as one consolidated public hearing before the hearing examiner as an application for a master plan.~~

~~(4) The hearing examiner shall hold an open record public hearing.~~

~~(5) The final decision on the master plan shall be made by the hearing examiner.~~

~~(6) The final decision on the master plan is a land use decision appealable pursuant to Chapter [36.70C](#) RCW.~~

~~(47)~~ Except for permits and approvals to be issued by agencies other than the county, final approval of a master plan under this section authorizes the application for building permits, subject to the terms and conditions of master plan approval.

~~(58)~~ Phasing of development, expansion, and future use of land, ~~abandonment of site and reversion to previous land use zoning~~ shall be addressed as follows:

(a) The county recognizes that economic and other considerations may necessitate that the development phasing of a major industrial development ~~may have to be phased~~. Project phasing may occur in accordance with the standards for land divisions in LCC 17.05.140. ~~For phasing to be approved, the overall project plan, including general timelines for construction, illustrating building footprints and projected uses shall be detailed sufficiently to direct subsequent approvals of site and building development. Application for permits for the first phase of the development shall be filed within five years of the effective date of the master plan approval, unless the master plan phasing agreement provides for a longer period of time;~~

(b) Expansion or amendment of the major industrial development beyond the boundaries of the designated area shall require full approval as described above; ~~and~~

(c) Future use of the land site is determined and bound by the original application and/or development agreement, ~~and No~~ other use is allowed without an amendment of the approved master plan. [Ord. 1219 §1 (Exh. A), 2010]

~~17.20B.030 Application.~~

~~The applicant shall submit an application with the information required below. The application must be signed by the owners of at least 50 percent of the property subject to the master plan. The application shall identify:~~

~~(1) The owner or owners of the property included in the master plan, which shall be the entire parcel or parcels designated in the comprehensive plan;~~

~~(2) The legal description of the property, the entire designated parcel or parcels, together with each separate ownership within the designated area;~~

~~(3) A map or maps at a scale of one inch equals 500 feet or as approved by the county showing:~~

~~(a) Boundaries of the designated area;~~

~~(b) Boundaries of individual ownerships;~~

~~(c) Dedicated rights-of-way or easements over, across, or under the property;~~

~~(d) Existing roads, highways, and driveways abutting the site and within one-half mile of the site;~~

~~(e) Property ownerships within one-half mile of the site;~~

~~(f) Domestic water wells within the development area or within 1,000 feet of the site boundary, identified through well logs or water rights records;~~

~~(g) A general identification and location of all critical areas on the site or within 1,000 feet of the site and the specific identification of all Type 1,2, and 3 streams under State Department of Fish and Wildlife criteria, and any streams or water bodies subject to jurisdiction under Chapter 90.58 RCW, the State Shoreline Management Act; and~~

~~(h) A site map showing planned land use categories and areas, circulation, critical areas and buffers, and open spaces.~~

~~(4) A phasing plan showing the proposed phases of development and the design of the phases ensuring the overall coordination of site improvements and the integration of the development into the surrounding area.~~

~~(5) An environmental checklist or a request to proceed directly with SEPA scoping for an environmental impact statement. Environmental review shall provide technical analysis addressing:~~

~~(a) On-site and off-site critical areas, impacts, and associated protection and mitigation measures;~~

~~(b) Transportation including existing facilities' capacities and necessary improvements, new facilities with phasing, on-site and off-site impacts and association mitigation measures; and~~

~~(c) Water, wastewater, stormwater facilities necessary to support the proposed development, phasing of improvements, impacts and mitigation of off-site facilities, critical areas or water resources. [Ord. 1219 §1 (Exh. A), 2010]~~

~~17.20B.040 Complete application vesting.~~

~~Upon receipt of a master plan application under this chapter, and the payment of the prescribed fee in the county fee schedule, the county shall, within 28 days, issue a letter of completeness or shall identify the additional specific information required for a complete application. If no letter is sent, the application shall be deemed complete upon the twenty-ninth day after receipt of the application. If a letter is sent, the application shall be deemed complete upon receipt of the information identified in the letter. If the applicant does not submit the necessary information in writing to complete an application within a 90-day period, the county may reject the application and all vesting rights are lost. [Ord. 1219 §1 (Exh. A), 2010]~~

17.20B.050-030 Criteria for approval.

In addition to any other findings required by law, the hearing examiner shall make written findings for specific projects proposed within sites designated pursuant to RCW [36.70A.368](#) and this chapter pertaining to the following:

- (1) The site must consist of 1000 or more acres of land formerly used or designated for surface coal mining and supporting uses that has been or will be reclaimed as land suitable for industrial development;
- (2) New infrastructure including transportation, wastewater disposal, water service, school, fire and public safety must be capable of meeting demand generated by the planned industrial development;
- (3) The master plan shall identify buffers to separate the master planned industrial development from incompatible but lawful rural areas, if any;
- (4) Environmental review must be conducted as required in Chapter [17.110](#) LCC and ~~C~~Chapter [43.21C](#) RCW. Environmental review may be processed as a planned action as long as it meets the provisions of RCW [43.21C.031](#) and the county has adopted a planned action ordinance;
- (5) The master plan shall be consistent with county regulations established for the protection of critical areas;
- (6) The water and wastewater facilities developed for the industrial park shall not be used or available outside of the boundaries of the designated master planned industrial development ~~in order~~ to assure that the new development will not encourage urban growth outside the boundaries of ~~the an~~ approved urban growth area~~(s)~~;
- (7) Facilities, including water and wastewater utilities, may be provided to the master planned development by outside service providers, including municipalities and special purpose districts;
- (8) Urban growth will not occur in adjacent nonurban areas;
- (9) The ~~plan is consistent with the~~ following permitted uses ~~are permitted~~:
 - (a) Industrial;

(b) Manufacturing;

(c) Commercial, provided that commercial uses are directly related to manufacturing or industrial uses. Commercial uses shall not exceed 10 percent of the total gross floor area of buildings and facilities;

(d) Resource related, including resource uses defined in Chapter [17.30](#) LCC and renewable resources as provided in RCW [19.280.020](#); and

(e) Uses not specifically listed above may be approved, so long as the use is consistent with the applicable standards or criteria in RCW 36.70A.368, the Lewis County Code, and the Lewis County Comprehensive Plan. by the board of county commissioners upon recommendation of the hearing examiner if a finding is made that the uses meet the intent of RCW 36.70A.368;

(10) Significant adverse impacts of development within ~~the~~ designated master planned industrial ~~park~~ developments shall be mitigated. [Ord. 1219 §1 (Exh. A), 2010]

SECTION 12. Chapter 17.20C is amended as follows:

Chapter 17.20C ECONOMIC DEVELOPMENT URBAN GROWTH AREAS

Sections:

- [17.20C.010](#) Purpose.
- [17.20C.020](#) Designation of nonmunicipal economic development urban growth areas (EDUGAs).
- [17.20C.030](#) Economic development district (EDD).
- [17.20C.035](#) Table of uses.
- [17.20C.040](#) Development standards for lots not included in sectors.
- [17.20C.050](#) EDUGA sector development.
- [17.20C.055](#) Uses in EDUGA sectors.
- ~~[17.20C.060](#) Complete application vesting.~~
- [17.20C.0670](#) Application and approval.

17.20C.010 Purpose.

The purpose of this chapter is to provide guidelines for the planning and development of the urban growth areas in the county which are or may be designated for economic development rather than residential uses and which are not associated with a city. [Ord. 1219 §1 (Exh. A), 2010]

17.20C.020 Designation of nonmunicipal economic development urban growth areas (EDUGAs).

The county may designate nonmunicipal urban growth areas to implement subarea plans. Designation of these areas shall occur as a Type V application per 17.05. The intent of this designation is to establish areas for economic development ~~purposes opportunities~~ including industry, tourism, and mixed use

retail/commercial ~~uses-activities~~ based on forecasted demand that is beyond the capacity or ~~location suitability~~ of other urban lands. The Lewis County comprehensive plan and the county-wide planning policies ~~established-provide~~ the basis for subarea planning and the resulting designation of the EDUGAs. ~~Subarea plans are adopted into the comprehensive plan and implemented through this chapter.~~ In designating the EDUGAs, the subarea plan ~~shall identify~~ the demand, suitable locations, sizes, infrastructure requirements, and environmental protection measures specific to the ~~areasm~~. EDUGAs may be designated based on the following criteria:

- (1) Access from major highways or arterials is available;
- (2) Lands are vacant or existing development is very minimal;
- (3) Existing parcel sizes are very large – generally 20 acres or more;
- (4) The presence of critical areas is minimal; and
- (5) Urban utilities and services are, or will be, available at the time of development. [Ord. 1219 §1 (Exh. A), 2010]

17.20C.030 Economic development district (EDD).

The purpose of the economic development district is to establish areas that allow larger manufacturing businesses, light and medium agricultural processing uses, campus style business parks and office facilities, tourist-related and regional commercial uses in stand-alone or mixed use planned developments within the economic development UGA. The EDD is also intended to provide for enterprises that do not fit neatly under either manufacturing or commercial designations and to provide a receiving area for mixed use planned development, larger regional retail uses, and other uses that are not accommodated in existing zoning designations. Planned sector developments approved through the binding site plan process are the preferred uses in that they are designed to make the most economic use of urban land and provide the highest level of benefit to the community. [Ord. 1219 §1 (Exh. A), 2010]

17.20C.035 Table of uses.

Reserved. [Ord. 1219 §1 (Exh. A), 2010]

17.20C.040 Development standards for lots not included in sectors.

The following standards apply to individual freestanding uses contained on a single lot or parcel not part of a sector:

- (1) Minimum lot area: 20,000 square feet.
- (2) Minimum lot width: 100 feet.
- (3) Setbacks: Front yard: 30 feet when abutting a local access road or a collector road, 50 feet when abutting an arterial.

- (4) Side yard: 15 feet from property line.
- (5) Rear yard: 20 feet from property line.
- (6) Maximum lot impervious coverage: 30 percent.
- (7) Maximum height: 35 feet. [Ord. 1219 §1 (Exh. A), 2010]

17.20C.050 EDUGA sector development.

Sector developments in EDUGAs are large master planned complexes featuring intensive use of the land for single-purpose or mixed uses. Sector development in EDUGAs is permitted through a Type III binding site plan application (Chapter 16.15 LCC). Binding site plan approvals shall be made on a parcel basis. Approval of proposals for parcels larger than 20 acres shall bind the entire parcel. Approval for proposals on parcels smaller than 20 acres shall require assembly of enough land to reach the 20-acre threshold. Each EDUGA may include approved binding site plans predominately intended for industrial, retail/commercial, or tourist-oriented development, or a combination thereof. A mix of uses may be approved based on the application evidence. Each approved binding site plan shall constitute a “sector” of the EDUGA and shall be an overlay zone according to the prevailing (60 percent or more) land area devoted to industrial, retail/commercial, or tourist-oriented uses. [Ord. 1219 §1 (Exh. A), 2010]

17.20C.055 Uses in EDUGA sectors.

- (1) Industrial sectors are designated for manufacturing, processing, and transportation uses as defined in this section. All other uses including, but not limited to, retail, tourist services, and residential may not occupy more than 40 percent of the sector except as accessory uses to the principal uses.
- (2) Retail/commercial sectors are designated for uses that include local-, and region-serving shopping, office, business service and community uses as defined in this section. All other uses including, but not limited to, industry, tourist services, and residential may not occupy more than 40 percent of the sector except as accessory uses to the principal uses.
- (3) Regional tourist-oriented sectors are designated for uses that include hotels, entertainment, recreation theme parks, and other hospitality uses as defined in this section. All other uses including, but not limited to industry, major retail, and residential may not occupy more than 40 percent of the sector except as accessory uses to the principal uses.

TABLE 17.20C.055-1:

EDUGA Permitted Uses

(Reserved)

[Ord. 1219 §1 (Exh. A), 2010]

~~17.20C.060 Complete application vesting.~~

~~Upon receipt of a master plan application under this chapter, and the payment of the prescribed fee in the county fee schedule, the county shall, within 28 days, issue a letter of completeness or shall identify the additional specific information required for a complete application. If no letter is sent, the application shall be deemed complete upon the twenty-ninth day after receipt of the application. If a letter is sent, the application shall be deemed complete upon receipt of the information identified in the letter. If the applicant does not submit the necessary information in writing to complete an application within a 90-day period, the county may reject the application and all vesting rights are lost. [Ord. 1219 §1 (Exh. A), 2010]~~

17.20C.0670 Application and approval.

Development proposals for sites within ~~other nonmunicipal economic development~~ UGAs shall be submitted and reviewed as ~~provided by the a~~ Type III binding site plan application, using the criteria and approval requirements of Chapter 16.15 LCC. [Ord. 1219 §1 (Exh. A), 2010]

SECTION 13. Chapter 17.20E is amended as follows:

**Chapter 17.20E
MASTER PLANNED RESORTS**

Sections:

- 17.20E.010 Purpose.
- 17.20E.020 Designation criteria for master planned resorts.
- 17.20E.030 Permitted uses.
- 17.20E.040 Minimum standards.
- ~~17.20E.050 Complete application vesting.~~
- 17.20E.0560 Master plan approval.
- 17.20E.0670 Approved master planned resort.

17.20E.010 Purpose.

Master planned resorts in Lewis County are intended to enhance and diversify the recreational and economic opportunities that complement the natural and cultural attractiveness of the area without ~~significant~~ having significant adverse impacts on environmental and natural features, cultural or historic resources and their settings, or existing development. This chapter provides for the development of planned resorts with well-designed visitor-oriented accommodations, including residential, recreational, and commercial uses consistent with the comprehensive plan. [Ord. 1219 §1 (Exh. A), 2010]

17.20E.020 Designation criteria for master planned resorts.

Master planned resorts may be ~~sited and designated when~~ developed as a Type III binding site plan application when:

- (1) The comprehensive plan specifically identifies policies to guide the development of master planned resorts;

(2) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned resort, except in areas otherwise designated for urban growth under RCW [36.70A.110](#);

(3) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forest land or agricultural land under RCW [36.70A.170](#);

(4) The county ensures that the resort plan is consistent with the development regulations established for critical areas; and

(5) On-site and off-site infrastructure and service impacts have been fully considered and appropriate mitigation measures have been established. [Ord. 1219 §1 (Exh. A), 2010]

17.20E.030 Permitted uses.

The following uses are permitted provided the uses are part of an approved master planned resort pursuant to this chapter:

(1) Visitor-oriented accommodations such as lodges, hotels, motels, bed and breakfast facilities, rental homes and cabins, rental condominiums, rental townhouses, time-share units, similar transient lodging facilities, convention and conference facilities, and appropriate support facilities.

(2) Residential dwellings such as single-family dwellings, multifamily dwellings, condominiums, townhouses, time-share units, and other residential dwellings compatible with the purposes of this section.

(3) Developed recreational facilities such as golf courses, clubhouses, pro shops, and sports and spa facilities, and undeveloped recreational areas.

(4) Boat docks and marinas compatible with the purposes of this section and the Lewis County shoreline master program.

(5) Commercial facilities and services such as restaurants, barber shops, beauty salons, specialty shops, real estate and other professional offices, grocery stores, pet boarding and care facilities, and other such services which provide for the needs of the community's residents and visitors and which are compatible with the purposes of this section.

(6) Open space areas such as lakes, wetlands, golf courses, greenbelts, buffers, and wildlife preserves.

(7) Facilities necessary for public safety such as fire and security stations, waste disposal, and utilities within the master planned resort or the county, notwithstanding any limiting provision of this chapter to the contrary.

(8) Transportation related facilities, emergency medical facilities, and storage structures and areas, provided these uses are ancillary to the master planned resort.

(9) Cultural community and entertainment facilities such as theaters, amphitheatres, galleries, arts and craft centers, and interpretive centers which are compatible with the purposes of this section. [Ord. 1219 §1 (Exh. A), 2010]

17.20E.040 Minimum standards.

The following minimum standards apply to all master planned resorts:

(1) A master planned resort, when approved in accordance with this chapter, is established as an overlay zone and, as such, does not alter the existing, underlying zoning designation. Development standards of this chapter shall, as applied to an approved master planned resort, supersede those of the underlying zone.

(2) Master planned resorts are urban-scale developments located in the rural area.

(3) The resort, including buffers and open space under the control of the development, is sited on a parcel or parcels of land no less than ~~100~~ 40 contiguous acres.

(4) Existing state or county roads are adequate, or need minimal improvements, to serve the development.

(5) Capital facilities, utilities, and services, including those related to sewer, water, stormwater, security, fire suppression, and emergency medical, provided on site shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts; provided, that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities; provided, that such facilities and utilities serve only the master planned resort or urban growth areas.

(6) At least 40 percent of the total of the site area, shall be dedicated to a mixture of permanent open space, natural areas, and/or active recreational areas, excluding streets and parking areas.

(7) Active recreational uses such as golf courses, pools, tennis courts and playing fields shall be provided to adequately meet the needs of the residents and guests of the master planned resort.

(8) The maximum density for residential dwellings including hotel and motel units shall not exceed two units per gross acre of the overall master planned resort. Residential dwellings for long-term occupancy shall be limited to no more than 10 percent of the total number of residential units.

(9) Parking shall be provided for in accordance with a transportation management plan as submitted with the application and approved for the project.

(10) The minimum lot area, width, frontage and yard requirements, setback standards, street standards, and building heights otherwise applying to development in the underlying zone(s) may be modified consistent with the master planned resort, as approved in conformance with this chapter.

(11) The tract or tracts of land included in a proposed master planned resort must be in one ownership or control or the subject of a joint application by the owners of all the property included.

(12) All uses within the master planned resort shall be harmonious with each other through the use of special design, placement, or screening.

(13) Unless otherwise approved in accordance with applicable sign regulations, on-premises signs and off-premises signs shall be designed and erected in conformance with design guidelines, as submitted and approved with the project and off-premises signs shall be limited to those necessary for directional purposes.

(14) Commercial services provided as part of the master planned resort shall be contained within the development and shall be oriented to serve the master planned resort. The protection of public views shall be considered in orienting such commercial services. [Ord. 1219 §1 (Exh. A), 2010]

~~17.20E.050 Complete application vesting.~~

~~Upon receipt of a master plan application under this chapter, and the payment of the prescribed fee in the county fee schedule, the county shall, within 28 days, issue a letter of completeness or shall identify the additional specific information required for a complete application. If no letter is sent, the application shall be deemed complete upon the twenty-ninth day after receipt of the application. If a letter is sent, the application shall be deemed complete upon receipt of the information identified in the letter. If the applicant does not submit the necessary information in writing to complete an application within a 90-day period, the county may reject the application and all vesting rights are lost. [Ord. 1219 §1 (Exh. A), 2010]~~

17.20E.060-050 Master plan approval.

~~(1) Environmental review shall be noticed and processed in accordance with Chapter 17.110 LCC. An open record appeals hearing before the hearing examiner arising from such environmental review shall be consolidated with the public hearings, described below. Public participation in subsequent appeals shall be limited to parties and issues to the appeal, in accordance with Chapter 17.110 LCC.~~

~~(2) Once environmental review is complete, the application shall be processed as one consolidated public hearing before the hearing examiner as an application for a master plan, and before the planning commission as an application for amendments to the comprehensive plan and development regulations. This process shall incorporate specific public participation procedures pursuant to RCW 36.70A.140.~~

~~(3) The planning commission shall hold one or more workshops to be briefed on the legal basis for the application; the results of the environmental review; the staff review and public comments pertaining to the proposal to be considered by the hearing examiner; and the draft proposals for amendments to the comprehensive plan and development regulations, as authorized in RCW 36.70A.365 and 36.70A.367.~~

The workshop(s) shall include discussion of all aspects of the commission's responsibilities under RCW ~~36.70A.365(2)~~ and ~~36.70A.367(2)~~ as they pertain to the application.

~~(4) The county will publish a notice of public hearing and circulate the draft proposals for comment and public hearing. Notice of the consolidated public hearing shall be by publishing notice of the hearing not less than 10 days prior to the hearing and mailing notice to all property owners of record within 1,000 feet of the site. The county staff report and supporting materials shall be available to the public at the time of publication and mailing of the notice.~~

~~(a) The draft proposal shall be made available to the public at least 15 days prior to the scheduled hearings. To facilitate public review, copies of the proposals with related materials and information shall be available at the Lewis County department of community development and on-line at its web page, and at locations in the affected area. Such locations may include:~~

~~(i) Timberland Regional libraries (five) located at: Chehalis, Centralia, Salkum, Randle, and Winlock.~~

~~(ii) Lewis County Senior Centers (five) located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock.~~

~~(b) Copies of the proposal shall also be sent to the State Office of Community Development for their 60-day review. Materials shall also be sent to all incorporated cities and recognized tribes in the county and to state, local, and federal agencies which have requested in writing that they receive copies of all notice materials.~~

~~(5) In the consolidated hearing, the hearing examiner shall hold an open record hearing with respect to the master plan. In the consolidated public hearing, the planning commission shall hold a hearing with respect to amendments to the comprehensive plan and development regulations. Following the consolidated public hearing, the hearing examiner and planning commission shall deliberate and make their respective recommendations to the board of county commissioners on the master plan and amendments to the comprehensive plan and development regulations. The planning commission may hold one or more workshops to consider matters raised during the hearings, and shall take final action recommending approval, denial, or approval with conditions at a public meeting. The county will retain a record of all materials received or submitted during its workshops and the consolidated public hearing.~~

~~(6) The final decision on the master plan and on the amendments to the comprehensive plan and development regulations shall be made by the board of county commissioners after the receipt of the written recommendations from both the planning commission and the hearing examiner.~~

~~(a) The board of county commissioners shall publish a notice of public hearing on the written recommendations received from the hearing examiner and the planning commission, and make those recommendations available to the public in advance of hearing. Such materials shall be made available to the public in the same manner as the planning commission materials are made~~

available under LCC ~~17.12.050(2)(b)~~, and public notice of the hearing will be provided in the same manner as LCC ~~17.12.050(2)(d)~~.

~~(b) The board of county commissioners will follow the hearing process format set forth for the planning commission in LCC 17.12.050(2)(e) through (g). All written comments must be received by the board of county commissioners by the close of the public participation portion of the public hearing to be considered. The board may accept, modify, or reject the recommendation of the hearing examiner and planning commission. Once adopted, the comprehensive plan and development regulations shall identify the zoning map and development regulations for the master plan area. A master plan may be amended through the same process as the original adoption. Any adopted development regulation shall become a map and separate chapter of the county zoning ordinance.~~

~~(7) Amendment to the comprehensive plan and development regulations to support a master plan is a legislative process with appeal pursuant to Chapter 36.70A RCW. Adoption of the site plan approval evidenced in the master plan is adjudicative under Chapter 36.70B RCW, with appeal pursuant to Chapter 36.70C RCW.~~

~~(8) Phasing of development, expansion, and future use of land, abandonment of site and reversion to previous land use zoning shall be addressed as follows:~~

~~(a) The county recognizes that economic and other considerations may necessitate that the development phasing of a master planned resort will require phasing. Project phasing may occur in accordance with the standards for land divisions in LCC 17.05.140. For phasing to be approved, the overall project plan, including general timelines for construction, illustrating building footprints and projected uses shall be sufficiently detailed to direct the subsequent approval of site and building development. The first phase of the development shall be initiated within five years of the effective date of the master plan approval, unless the permit approval provides for a greater period of time.~~

~~(b) Expansion or amendment of the approved master planned resort:~~

~~(i) Beyond the boundaries of the original site plan and established urban growth area, shall require a new master plan application and hearings as described required in this chapter, or~~

~~(ii) Within the boundaries of the original site plan, and established urban growth area shall require a master plan approval amendment by the hearing examiner.~~

~~(c) Use of the subject property will be bound by the approved application and/or development agreement, and No other use is allowed without the receipt of necessary approvals required under subsection (6) of this section. A future application for a master planned resort that utilizes the same land area within the previously established urban growth area is approvable if the required code and statutory criteria are met. Final legislative approval following master plan approval would~~

~~be unnecessary in this case, as the urban growth area is already established on the comprehensive plan maps noted in Chapter 17.200 LCC.~~

(d) The owners of land ~~approved zoned~~ and used for ~~a~~ master planned resort development shall be responsible for appropriate and suitable environmental remediation and/or restoration of the site in the case of abandonment of the project. The responsible party shall be identified in the development agreement and/or master plan approval. The responsibility for appropriate and suitable environmental remediation and/or restoration will be determined through environmental review of the application and commensurate with the impacts of the specific use permitted. An environmental remediation and/or restoration plan shall be established in the development agreement and master plan approval.

~~(92)~~ Proximity to a master planned resort ~~designation, urban growth area or~~ development or an associated extension of infrastructure shall not provide a basis for a comprehensive plan amendment to change the land use ~~zone designation~~ for property adjacent to the resort to a land use district with greater development density or more intensive uses. [Ord. 1219 §1 (Exh. A), 2010]

17.20E. ~~070-060~~ Approved master planned resort.

(1) The approved master planned resort binds the project proponents and their successors to the proposed project as approved, applicable development standards of this chapter, and conditions of approval, if any. Approval of the master planned resort confirms that the proposal is consistent with the purpose of and provisions for master planned resorts and the comprehensive plan, and provides the basis upon which subsequent permits, including building permits, may be reviewed and issued.

~~(2) The master planned resort approval shall remain valid for 15 years; provided, the first phase of development has been approved and construction begun within five years of the master planned resort approval.~~ [Ord. 1219 §1 (Exh. A), 2010]

SECTION 14. Chapter 17.30 is amended as follows:

**Chapter 17.30
RESOURCE LANDS**

Sections:

Article I. General Provisions

- [17.30.010](#) Authority and title.
- [17.30.020](#) Purpose.
- [17.30.030](#) Policy.
- [17.30.040](#) Interpretation.
- [17.30.050](#) Duration.

[17.30.060](#) Judicial review.

Article II. Definitions

[17.30.070](#) Administrator.
[17.30.080](#) Agricultural land - Agricultural resource land.
[17.30.085](#) Animal unit.
[17.30.090](#) Best management practices.
[17.30.100](#) Biosolids.
[17.30.105](#) Confined animal feeding operations.
[17.30.110](#) Clustering.
[17.30.120](#) Economic viability.
[17.30.130](#) Farm employee.
[17.30.140](#) Forest land - Forest resource land.
[17.30.150](#) Geologist.
[17.30.160](#) Growing season.
[17.30.170](#) Home-based industries.
[17.30.180](#) Repealed.
[17.30.190](#) Large lot subdivision.
[17.30.200](#) Long-term commercial significance.
[17.30.210](#) Mineral resource lands.
[17.30.220](#) Minerals.
[17.30.230](#) Qualified forester.
[17.30.240](#) Urban governmental services.
[17.30.250](#) Urban growth.
[17.30.260](#) Urban growth area (UGA).
[17.30.270](#) Wetlands delineation.
[17.30.280](#) Reserved.

Article III. General Requirements

[17.30.290](#) Applicability.
[17.30.300](#) Relationship to other regulations.
[17.30.310](#) Exemptions.
~~[17.30.320](#) Application requirements – General.~~
~~[17.30.330](#) Designation of the administrator.~~
~~[17.30.340](#) Appeals.~~
~~[17.30.350](#) Penalties and enforcement.~~
[17.30.360](#) Nonconforming activities.
[17.30.370](#) ~~Variances.~~ Notification of proximity to natural resource lands – conflict mitigation
[17.30.380](#) Nonregulatory incentives.
[17.30.390](#) SEPA.

[17.30.400](#) Judicial or legislative modification.

[17.30.410](#) Cost recovery.

Article IV. Forest Resource Lands

[17.30.420](#) Classification.

[17.30.430](#) Designation.

[17.30.440](#) Uses.

[17.30.450](#) Primary uses.

[17.30.460](#) Accessory uses.

[17.30.470](#) Incidental uses.

~~[17.30.480](#) Essential public facilities.~~

[17.30.490](#) Maximum density and minimum lot area.

[17.30.500](#) Setbacks.

[17.30.510](#) Water supply.

[17.30.520](#) Access.

[17.30.530](#) Surveys.

~~[17.30.540](#) Notification of forest practices – Conflict mitigation.~~

[17.30.550](#) Repealed.

[17.30.560](#) Process for petitioning for designation as a forest land of local importance (“opt-in”).

Article V. Agricultural Resource Lands

[17.30.570](#) Farmland of local importance.

[17.30.580](#) Maps and inventory.

[17.30.590](#) Use exceptions in ARL.

[17.30.600](#) Relief from errors in ARL designation.

[17.30.605](#) Uses.

[17.30.610](#) Primary uses.

[17.30.620](#) Accessory uses.

[17.30.630](#) Incidental uses.

~~[17.30.640](#) Essential public facilities.~~

[17.30.650](#) Maximum density and minimum lot area.

[17.30.660](#) Setbacks.

[17.30.670](#) Process for petitioning for designation as a farmland of local importance (“opt-in”).

[17.30.680](#) Nonregulatory incentives.

Article VI. Mineral Resource Lands

[17.30.720](#) Classification.

[17.30.730](#) Designation.

[17.30.740](#) Maps and inventory.

- [17.30.750](#) Primary uses.
- [17.30.760](#) Accessory uses.
- [17.30.770](#) Incidental uses.
- ~~[17.30.780](#) Essential public facilities.~~
- [17.30.790](#) Standards for existing permits.
- [17.30.800](#) Lot size/density.
- [17.30.810](#) Setbacks - Buffers.
- [17.30.820](#) Preferential right to manage resources - Right to mine.
- ~~[17.30.830](#) Mining use notices.~~
- [17.30.840](#) Repealed.
- [17.30.850](#) Process for petitioning for designation as a mineral resource land (“opt-in”).

Article I. General Provisions

17.30.010 Authority and title.

This chapter is established pursuant to RCW [36.70A.060](#) and shall be known as the Lewis County resource lands ordinance. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.1, 1996]

17.30.020 Purpose.

(1) The purpose of this chapter is to identify and conserve long-term commercially significant forest, agricultural, and mineral resource lands designated pursuant to this chapter as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990) by supplementing the development regulations contained in various ordinances of Lewis County and other applicable state and federal laws by providing additional controls and measures to conserve resource lands and protect human health and safety. This chapter is adopted under the authority of Chapters [36.70A](#) and [36.70](#) RCW.

(2) The intent of this chapter is to facilitate the processing of relevant land use and development applications in a timely fashion with minimum intrusion on individual freedom, with a maximum of consistency and predictability. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.2, 1996]

17.30.030 Policy.

(1) It is a policy of Lewis County that the resource lands supporting agriculture, forest, and mineral extractive industries be conserved as identified in this chapter, and further that reasonable associated and incidental uses be identified which aid and assure the economic viability of the long-term commercial resource user. Reasonable regulation shall be achieved by the balancing of individual and collective interests.

(2) The countywide planning policies identified private property rights as the primary priority and all applications of this chapter shall be cognizant and consistent with private property rights.

(3) No permit granted pursuant to this chapter shall remove an applicant's obligations with respect to applicable provisions of any other federal, state, or local law or regulation, including, but not limited to, the acquisition of any other required permit or approval.

(4) Mitigation Priorities.

- (a) Avoid the impact altogether by not taking a certain action or parts of any action where reasonable nonresource land alternatives are available;
- (b) Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reduce or eliminate the impact over time by preservation and maintenance of resource land functions during the life of the action;
- (e) Compensate for the impact by replacing, enhancing, or providing substitute resources or environments in lieu of resource lands impacted; and/or
- (f) Monitor the impact and take appropriate corrective measures where appropriate.

(5) Mitigation Application.

- (a) Lewis County respects the right of property owners to use their property consistent with the guidelines presented. Priorities in subsection (4) of this section are preferences to guide development and may be mixed to facilitate reasonable use of property, with increasing mitigation applied to the greater impacts to protect the functions, systems, and values identified.
- (b) The priorities in subsection (4) of this section shall not be used to deny a permit for activities specifically authorized on resource lands or buffers where reasonable nonresource land alternatives are unavailable.

(6) The assessor is required to consider the impact to property values by reason of restrictions in this chapter in assessing property in Lewis County.

(7) Existing property uses shall not be affected by this chapter. This chapter will apply only when regulations require a development permit from Lewis County. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.3, 1996]

17.30.040 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Liberally construed to serve the purpose of this chapter;

(2) Deemed neither to limit nor repeal any other powers under state statute;

(3) Considered adequate mitigation under SEPA unless a proposed use or activity poses an unusual or extraordinary risk to a resource land system. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.4, 1996]

17.30.050 Duration.

The development regulations for resource lands, as set forth in this chapter, shall be reviewed during consideration of the implementing regulations for the Lewis County comprehensive plan, adopted pursuant to Chapter [36.70A](#) RCW. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.5, 1996]

17.30.060 Judicial review.

Judicial review of any decision made hereunder shall be appealable pursuant to the Land Use Appeals Act, Chapter [36.70C](#) RCW. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.7, 1996]

Article II. Definitions

17.30.070 Administrator.

“Administrator” means the planning director of the Lewis County department of community development or his or her designee. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.080 Agricultural land - Agricultural resource land.

“Agricultural land” or “agricultural resource land” means land primarily devoted to the commercial production of aquaculture, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](#) through [84.33.140](#), or livestock, and that has long-term commercial significance for agricultural production. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.085 Animal unit.

“Animal unit” means 1,000 pounds of live weight. [Ord. 1197 §2, 2007]

17.30.090 Best management practices.

“Best management practices” means conservation practices or system of practices and management measures that:

(1) Maximize the economic return;

(2) Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment;

(3) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics; and

(4) Take into account site-specific conditions, including, but not limited to, soil, climate, topography, operator's skills and abilities, and owner and/or operator's goals. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.100 Biosolids.

"Biosolids" means municipal sewage sludge or septage that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all the requirements of 40 CFR Part 503, Subpart A (which establishes "standards and general requirements, pollutant limits, management practices, and operational standards for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in treatment works"). Sewage sludge or septage, which does not meet all the requirements of Part 503, cannot be referred to as biosolids. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.105 Confined animal feeding operations.

"Confined animal feeding operation" means a lot or facility (other than aquatic) where more than 300 animal units are confined and fed or maintained for a period of 45 days or more in any 12-month period, and in which crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season. [Ord. 1197 §2, 2007]

17.30.110 Clustering.

"Clustering" means the placement of dwellings and accessory buildings in a pattern of development, which reduces impervious surface area, lowers cost of development and maintenance, and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions characteristic of the property to development. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.120 Economic viability.

"Economic viability" means that the profit (or return) can reasonably be expected to be high enough to justify the investment. The prudent investor will not invest in resource land activity unless there is a reasonable expectation of a competitive return on his investment. That is, the owner will expect to get all his investment back, plus at least the cost of investment capital, plus a management fee. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.130 Farm employee.

For farm housing purposes, a "farm employee" shall be a person employed in the farming operation who makes over 50 percent of his or her gross income from the farming operation. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.140 Forest land - Forest resource land.

"Forest land" or "forest resource land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW [84.33.100](#) through [84.33.140](#), for commercial

purposes, and that has long-term commercial significance for growing trees commercially. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.150 Geologist.

“Geologist” means a person who has earned his/her livelihood primarily from the field of geology for at least five years, and has received a degree in geology or a related field from an accredited four-year institution of higher education. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.160 Growing season.

“Growing season” means the growing season for the soils meeting the land capability criteria set forth in the Lewis County comprehensive plan. Also, the portion of the year when soil temperatures are above biologic zero at 50 cm (19.7”). [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.170 Home-based industries.

“Home-based industries” means a typically light industrial use located within a residential building, or a structural accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.180 Immediate family members.

Repealed. [Ord. 1197 §2, 2007]

17.30.190 Large lot subdivision.

“Large lot subdivision” means the division of land for sale or lease within a designated resource land, no lot of which is less than five acres in size and one lot of which is at least 20 acres in size. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.200 Long-term commercial significance.

“Long-term commercial significance” includes the growing capacity, productivity, soil composition of the land for long-term commercial production, and economic viability, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.210 Mineral resource lands.

“Mineral resource lands” means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.220 Minerals.

“Minerals” includes gravel, sand, rock, clay, coal, and valuable metallic substances. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.230 Qualified forester.

“Qualified forester” means a person with a bachelor of science degree in forestry or the equivalent in post-secondary education and work experience in forestry. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.240]

17.30.240 Urban governmental services.

“Urban governmental services” means those governmental services historically and typically delivered by cities, including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.250]

17.30.250 Urban growth.

“Urban growth” means growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.260]

17.30.260 Urban growth area (UGA).

“Urban growth area (UGA)” means those areas designated for urban growth by Lewis County pursuant to RCW [36.70A.110](#). [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.270]

17.30.270 Wetlands delineation.

Wetlands shall be defined and delineated in accordance with standards identified in the Lewis County critical lands ordinance. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.280]

17.30.280 Reserved.

[Ord. 1197 §2, 2007]

Article III. General Requirements

17.30.290 Applicability.

This chapter classifies and designates resource lands in Lewis County and establishes regulations for the protection of resource lands, human health, and safety. Lewis County shall not grant any permit, license, or other development approval to alter the condition of any land, water, or vegetation, or to construct or to alter any structure or improvement, nor shall any person alter the condition of any land, water, or vegetation, or construct or alter any structure or improvement, for any development proposal regulated by this chapter, except in compliance with the provisions of this chapter. Failure to comply with the provisions of this chapter shall be considered a violation and subject to enforcement procedures. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.1, 1996]

17.30.300 Relationship to other regulations.

Areas characterized by a particular resource land may also be subject to critical areas regulations due to the overlap of multiple functions of critical areas and resource lands. In the event of any conflict between these regulations and other regulations of the county, the resource lands regulations shall take precedence. No permit granted pursuant to this chapter shall remove the applicant's obligation to comply in all respects with provision of any federal, state, or local law or regulation. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.2, 1996]

17.30.310 Exemptions.

The following activities shall be exempt from the provisions of this chapter:

- (1) Existing and ongoing agricultural activities on lands designated as resource lands on the effective date of the ordinance codified in this chapter;
- (2) Normal and routine maintenance and operation of existing irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, landscape amenities, farm ponds, fish ponds, manure lagoons, and animal water ponds; provided, that such activities do not involve conversion of any resource lands to other than resource land uses;
- (3) Maintenance, operation, repair, or replacement of utility facilities and associated rights-of-way, including but not limited to reasonable access roads, and construction of utility facilities reasonably necessary;
- (4) Passive recreational uses, sport fishing or hunting, scientific or educational review, or similar minimal-impact, nondevelopment activities;
- (5) Site investigative work required by a city, county, state, or federal agency in conjunction with the preparation of a land use application submittal such as surveys, soil logs, percolation tests, and other related activities. In any such activity, resource lands are avoided where possible and minimized where necessary, and disbursed to the extent possible;
- (6) Maintenance, operation, reconstruction of or addition to existing roads, streets, and driveways; provided, that reconstruction of any such facilities does not extend outside the previously disturbed area;
- (7) Any projects currently under review and "vested" as that term is used in RCW [19.27.095](#) and [58.17.033](#) by local, state, or federal agencies prior to official adoption of the ordinance codified in this chapter are exempt from this chapter and will be grandfathered under previous resource lands protection measures; provided, however, "vested properties" shall include any property acquired for development purposes where the following qualifications have been met: (a) the purchase includes lands designated as resource lands pursuant to this chapter; (b) the purchaser can demonstrate through some objective means that the property was acquired for present development purposes (e.g., more than generalized intent, such as a feasibility study, nature of purchaser's business, or other facts or data); and (c) the earnest money agreement is complete and binding on both parties within 90 days prior

to the effective date of the ordinance codified in this chapter; and provided further, such additional vested rights shall be in effect only for the subdivision of such property in fact completed (final plat recorded) within 18 months of the effective date of the ordinance codified in this chapter. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.3, 1996]

~~17.30.320 Application requirements – General.~~

~~This chapter is an overlay similar to Chapter 43.21C RCW. No separate application or permit is required. The criteria and requirements of this section must be addressed, however, in connection with all land use or development permits issued by Lewis County. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.4, 1996]~~

~~17.30.330 Designation of the administrator.~~

~~The planning director of the Lewis County department community development or his or her designee shall be responsible for applying the provisions and requirements of this chapter. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.5, 1996]~~

~~17.30.340 Appeals.~~

~~(1) Any decision of the administrator in the administration of this chapter may be appealed by the applicant to the hearing examiner. The decision shall be based on the record at the time the decision was issued.~~

~~(2) Appeals shall be filed in writing in duplicate with the hearing examiner within 10 calendar days of the date of the action being appealed. The appeal must specify the code section under which error is alleged and state facts from the record to demonstrate prima facie violation of the section in question.~~

~~(3) Upon the filing of an appeal, the hearing examiner shall set the time and place at which the matter will be considered. At least 10 calendar days' notice of such time and place, together with one copy of the written appeal, shall be given to the appellant. The appeal shall follow the requirements for a closed record appeal in Chapter 2.25 LCC.~~

~~(4) The hearing examiner may reverse or affirm wholly or in part the decision of the administrator. The hearing examiner may also remand if it appears that new or supplemental information may change the result reached. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.6, 1996]~~

~~17.30.350 Penalties and enforcement.~~

~~(1) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter. Any such person or other such party who violates such provision of this chapter shall be subject to the enforcement provisions of Chapter 17.07 LCC.~~

~~(2) A notice of violation and order for the penalty may be issued by the administrator or designee when there is a finding by such official that a violation of this chapter has occurred or is occurring.~~

~~The administrator shall issue such notice and order in writing to the person(s) creating, causing, participating in, or allowing the violation pursuant to LCC 1.20.040.~~

~~(3) The office of the Lewis County prosecuting attorney may bring such additional injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter, and county and state laws, and the costs of such action shall be taxed by the prosecuting attorney against the person committing the violation.~~

~~In the enforcement of this chapter the prosecuting attorney may accept assurance of discontinuance of any act or practice deemed in violation thereof from any person engaging in, or who has engaged in, such act or practice. A violation of such assurance shall for purposes of prosecuting constitute and serve as prima facie proof of violation of this chapter. Acceptance of such assurance does not relieve a party from compliance with this chapter or state law. With respect to court actions filed pursuant to this chapter, any such assurance shall be in writing and be filed with and subject to the approval of the superior court. [Ord. 1197 §2, 2007; Ord. 1192 §5, 2006; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.7, 1996]~~

17.30.360 Nonconforming activities.

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, shall be processed under this section and not under LCC Chapter 17.155. The nonconforming activity may continue subject to the following:

- (1) Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter;
- (2) Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter, except single-family dwellings and accessory structures may be expanded or altered as follows: reconstruction, remodeling, or maintenance of one-family dwellings and accessory structures existing on the effective date of the ordinance codified in this chapter shall be allowed; provided, that a one-time only expansion of the building footprint does not increase that footprint by more than 25 percent;
- (3) Activities or Uses Which Are Abandoned. A use discontinued for 60 months shall be presumed abandoned, but such presumption may be rebutted. An abandoned use or structure is allowed to resume only if in compliance with this chapter; and
- (4) Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction of the same facility is commenced within two years of such damage. The reconstruction or restoration shall not serve to expand, enlarge, or increase the extent of the nonconformity. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.8, 1996]

17.30.370 Notification of proximity to natural resource lands – conflict mitigation

(1) Properties located a certain distance from resource lands shall be provided notice of the resource related activities as follows:

(a) Required Notice Provisions:

- (i) NOTICE: The subject property is within or near land designated for long-term commercially significant resource use in which natural resource activities are permitted and encouraged, including a variety of activities that may not be compatible with residential or other types of development for certain periods extending beyond the normal workday and/or work week. In addition to other activities, these may include noise, dust, smoke, visual impacts, and odors. When performed in accordance with best management practices, these resource utilization activities are to be expected and shall not be subject to legal action or public nuisance.
- (ii) For mineral resource lands, the notice shall also inform the project proponent that an application may be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(b) For building or development permits, this notice shall be provided as a condition of permit approval.

(c) Where the approval is a subdivision or binding site plan, the notice shall be recorded on the face of the plat.

(2) This notice shall be provided for projects on lands within 1,320 feet of designated resources lands.

17.30.370 Variances.

~~(1) If an applicant for a proposal demonstrates to the satisfaction of the administrator that application of the standards of this chapter would constitute an extraordinary hardship to the applicant, a variance to such standards shall be granted if the applicant also demonstrates all the following to the satisfaction of the administrator:~~

~~(a) That no commercially viable use with less impact on the resource lands is possible which would not pose an extraordinary hardship on the applicant;~~

~~(b) That there is no commercially viable alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the resource land and its related buffer;~~

~~(c) That the proposed activities will result in minimum feasible alteration or impairment to the resource land's functional characteristics and its existing environment;~~

~~(d) That disturbance of resource lands has been minimized by locating any necessary alteration in a related buffer to the extent possible;~~

~~(e) That the proposed activities will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, or sensitive species or habitats;~~

~~(f) That the proposed activities will not significantly affect the quality of groundwater or surface water;~~

~~(g) That the proposed activities comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;~~

~~(h) That any and all alterations to resource lands and their related buffers will be mitigated as required by the provisions of this chapter;~~

~~(i) That there will be no injury to nearby public or private property and no significant effect upon the health, safety, or welfare of persons within or outside of the property; and~~

~~(j) That the need for a variance is not the result of deliberate actions by the applicant or prior owners after the effective date of the ordinance.~~

~~(2) Notice of a variance request shall be given in conjunction with the notice of any permit application; provided, that if such permit application does not require a public hearing, the variance request shall be scheduled for hearing before the administrator upon the same notice as provided for other public hearings required by county subdivision ordinance. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.9, 1996]~~

17.30.380 Nonregulatory incentives.

The following nonregulatory incentives shall apply to all resource lands:

(1) Assessment Relief.

(a) The Lewis County assessor shall consider the resource lands regulations contained in this chapter when determining the fair market value of land.

(b) Any owner of a resource land who has dedicated a conservation easement to or entered into a perpetual conservation restriction with a department of the local, state, or federal government or to a nonprofit organization to permanently control some or all of the uses and activities within this area may request that the Lewis County assessor re-evaluate that specific area with those restrictions.

(c) The administrator shall notify the assessor's office of any application of this chapter, which results in building restrictions on a particular site.

(2) Open Space. Subject to the criteria established by law, any person who owns a resource land area as identified by this chapter may apply for current use assessment pursuant to Chapter [84.34](#) RCW. The Open Space Tax Act allows Lewis County to designate lands which should be taxed at their current use value. The county has programs for agricultural lands, small forest lands less than 20 acres in size, and

other open spaces. Lewis County has adopted a public benefit rating system, which classifies properties on the basis of their relative importance of natural and cultural resources, the availability of public access, and the presence of a conservation easement. These features are given a point value, and the total point value determines the property tax reduction. Lands with an important habitat or species would commonly qualify for this voluntary program. Applications are approved by the board of county commissioners following a public hearing.

(3) Conservation Easement.

(a) Any person who owns an identified resource land as defined by this chapter may offer a conservation easement over that portion of the property designated a resource land naming the county or its qualified designee, under RCW [64.04.130](#), as the beneficiary of the easement. The purpose of the conservation easement shall be to protect, preserve, maintain, restore, limit the future use of, or conserve for open space purposes the land designated as resource lands, in accordance with RCW [64.04.130](#). Details governing easement restrictions and conditions of acceptance shall be negotiated between property owners and the county. Acceptance of such an easement and the consideration therefor, if any, shall be discretionary with the county and subject to the priorities for and availability of funds.

(b) The administrator may attach such additional conditions of acceptance as deemed necessary to assure the preservation and protection of the affected wetlands and buffers within conservation easements to assure compliance with the purposes and requirements of this chapter.

(c) The responsibility for maintaining conservation easements shall be held by the overlying lot owner(s) or other appropriate entity as approved by the administrator.

(d) Lewis County may establish appropriate processing fees for such conservation easements.

(4) Development Rights Transfer and Acquisition. Lewis County shall adopt a development rights transfer and/or acquisition program pertaining to development rights on designated resource lands by September, 1998. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.10, 1996]

17.30.390 SEPA.

This chapter is a written policy of Lewis County enforceable through the State Environmental Policy Act, Chapter [43.21C](#) RCW and specifically RCW [43.21C.065](#). [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.11, 1996]

17.30.400 Judicial or legislative modification.

Should the Growth Management Act (Chapter [36.70A](#) RCW) or the implementing regulations (Chapter [360-190](#) WAC) be challenged or modified by a court of competent jurisdiction or modified by the Legislature in any way affecting this chapter, this chapter shall be brought before the board of county commissioners, not less than 30 days after such action is final, to determine what, if any, changes may be

required by reason of such action. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.12, 1996]

17.30.410 Cost recovery.

Unfunded costs incurred by the county or its citizens which are properly chargeable to the state or state agencies shall be billed to such agencies consistent with applicable rules and regulations for such cost recovery. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.13, 1996]

Article IV. Forest Resource Lands

17.30.420 Classification.

Long-term commercially significant forest resource lands of Lewis County are classified according to the following:

(1) Private Forest Land Grades of the Washington State Department of Revenue (WAC [458-40-530](#)).

(a) The land grade system incorporates consideration of growing capacity, productivity, and soil composition of the land. Forest land of long-term commercial significance will generally have a predominance of the higher private forest land grades. However, the presence of lower private forest land grades within the areas of predominantly higher grades need not preclude designation of forest land.

(b) The Washington State Department of Community, Trade and Economic Development also recommends that each county determine which land grades constitute forest land of long-term commercial significance, based on local and regional physical, biological, economic, and land use considerations.

(c) The following table is a cross reference of tree species, growth potential, and corresponding land grades on a 50-year basis:

Washington State Private

Forest Land Grades

Species	Growth Potential	Land Grade*
Douglas Fir	136 feet and over	1
	118 - 135 feet	2
	99 - 117 feet	3
	84 - 98 feet	4

Washington State Private

Forest Land Grades

Species	Growth Potential	Land Grade*
	under 84 feet	5
Western Hemlock	136 feet and over	1
	116 - 135 feet	2
	98 - 115 feet	3
	83 - 97 feet	4
	68 - 82 feet	5
	under 68 feet	6
Red Alder	117 feet and over	6
	under 117 feet	7

*Land grade 1 = highest; land grade 7 = lowest

(d) The predominant species growing in Lewis County is Douglas fir. Most of Lewis County is composed of Land Grade 2 and Land Grade 3.

(e) A predominance of Forest Land Grade 2 and Forest Land Grade 3 shall be required for designation as forest land of long-term commercial significance.

(2) Minimum Block Size. A minimum block size of 5,000 contiguous acres managed as forest lands. These blocks consist of predominantly large parcels and which can be in multiple ownerships.

(3) Property Tax Classification. Property in the block is assessed or eligible to be assessed as open space or forest land pursuant to Chapter [84.33](#) or [84.34](#) RCW.

(4) Availability of Public Services Conducive to the Conversion of Forest Land. The property is located outside a designated urban growth area (UGA).

(5) Proximity of Forest Land to Urban and Suburban Areas and Rural Settlements. Forest lands of long-term commercial significance shall be located outside the urban and suburban areas and rural settlements. In addition to being located outside the UGAs, long-term forest lands should be far enough from urban areas that land use conflicts are minimized.

(6) Local Economic Conditions Which Affect the Ability to Manage Timber Lands for Long-Term Commercial Production. Economic conditions should be conducive to long-term timber management. In

Lewis County, unfavorable economic conditions include locations with high administrative costs due to complaints from nearby landowners, locations requiring extensive security control efforts, and locations in which allowable forest practices such as burning and chemical applications will significantly interfere with other permitted land uses. Favorable economic conditions include Land Grade 2 and Land Grade 3 forest soils, which provide (in conjunction with large parcel sizes) the growth potential to manage timber lands for long-term commercial production.

(7) History of Land Development Permits Issued Nearby. For Lewis County, this means that recent residential development is an indicator of a pattern or direction of growth that may be encroaching on the forest land. The above criteria are applied throughout unincorporated Lewis County to designate those forest lands of long-term commercial significance. Those lands that currently meet the criteria are shown on map entitled Lewis County Forest Lands, March 1996. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.1, 1996]

17.30.430 Designation.

Lands of Lewis County meeting the classification criteria for forest resource lands are hereby designated as forest resource lands in the following categories:

(1) Forest Land of Long-Term Commercial Significance. Primary forest lands are those forest lands meeting the classification criteria within the minimum blocks of 5,000 contiguous acres and all federally owned lands managed for their forest resources.

(2) Forest Land of Local Importance. Forest lands of local importance are those forest lands meeting the criteria of LCC [17.30.420](#)(1), (3), (4), (6) and (7) which fall outside a 5,000-contiguous-acre block and meet the following criteria:

(a) Formal Designation ("Opt-In"). Forest lands of local importance shall only be designated by the board of county commissioners upon a petition for such designation by the landowner pursuant to the requirements of LCC [17.30.560](#)(2).

(b) Minimum Acreage. Forest lands of local importance shall have a minimum parcel size of 20 acres. However, smaller parcel sizes shall be permitted for designation upon a showing of profitability in the form of a report from a qualified forester to provide a factual basis for designation as a forest land of local importance.

(c) Minimum Period for Commitment to Designation. The landowner petitioning for designation as a forest land of local importance shall be required to commit the property to remain in that designation for 10 years. The designation may be renewed by the landowner at the end of the 10-year period; provided, that renewal of the designation shall not be considered an amendment to the zoning regulations.

(d) Current Forest Land Use. The property is in open space or forest land classification pursuant to Chapter [84.33](#) or [84.34](#) RCW. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.2, 1996]

17.30.440 Uses.

The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses. Nothing in this section shall be construed in a manner inconsistent with the Washington State Forest Practices Act. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3, 1996]

17.30.450 Primary uses.

(1) The growing and harvesting of timber, forest products, and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto.

(2) Removal, harvesting, wholesaling, and retailing of vegetation from forest lands including, but not limited to, fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.

(3) Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur bearing animals, honeybees including feeding operations, Christmas trees, nursery stock and floral vegetation, and other agricultural activities and structures accessory to farming and animal husbandry.

(4) Extraction and processing of rock, gravel, coal, oil, gas, mineral, and geothermal resources. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(A), 1996]

17.30.460 Accessory uses.

Uses allowed outright where directly connected with and in aid of a forestry activity:

(1) One single-family dwelling unit or mobile home per lot, parcel, or tract;

(2) One accessory dwelling unit in conjunction with a single-family dwelling or mobile home. Kitchen facilities may not be provided in accessory dwelling units;

(3) Storage of explosives, fuels, and chemicals used for agriculture and forestry subject to all applicable local, state, and federal regulations;

(4) Forestry, environmental, and natural resource research;

(5) Public and semi-public buildings, structures, and uses including but not limited to fire stations, utility substations, pump stations, wells, and transmission lines;

(6) Dispersed recreation and recreation facilities such as primitive campsites, trails, trailheads, snowparks, warming huts for climbers and cross-country skiers, recreational vehicle parks, boat launches, and accessory uses;

(7) Aircraft landing fields, heliports;

(8) Watershed management facilities, including but not limited to diversion devices, impoundments, dams for flood control, fire control, and stock watering. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(B), 1996]

17.30.470 Incidental uses.

Uses which may provide supplementary income without detracting from the overall productivity of the forestry activity. The listed uses below are allowed where the following elements are found:

(1) Required Elements.

(a) The use will not adversely affect the overall productivity of the forest nor affect more than five percent of the prime soils (15 percent as provided below in LCC [17.30.490\(3\)](#)) on any forest resource lands (including all contiguous tracts or parcels in common ownership) on the date this chapter is effective.

(b) The use is secondary to the principal activity of forestry.

(c) The use is sited to avoid prime lands where feasible and otherwise to minimize impact on forest lands of long-term commercial significance.

(2) Uses Allowed as Incidental Activities.

(a) Residential subdivision consistent with the requirements of this chapter.

(b) Saw mills, shake and shingle mills, the production of green veneer and other products from wood residues, chippers, pole yards, log sorting and storage, debarking equipment, accessory uses including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue storage areas, and other uses involved in the harvesting and commercial production of forest products.

(c) Treatment of wastewater or application of biosolids when not a forest practice regulated by the state.

(d) State correction work camps to supply labor for forest management related work projects and for forest fire control.

(e) Plywood mills, particleboard plants, and drying kilns. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(C), 1996]

17.30.480 Essential public facilities.

[Reserved]. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(D), 1996]

17.30.490 Maximum density and minimum lot area.

The minimum lot area for any new subdivision, short subdivision, large lot subdivision or exempt segregation of property shall be as follows, except for parcels to be used for uses and activities provided under LCC [17.30.440](#) through [17.30.4780](#):

(1) Primary Forest Land. The minimum lot area for subdivision of primary forest lands shall be 80 acres.

(2) Forest Land of Local Importance. The minimum lot area for subdivision of forest lands of local importance shall be 20 acres.

(3) Subdivision as an Incidental Use. A residential subdivision of land for sale or lease within primary or local forest lands, whether lots are over or under five acres in size, may be approved under the following circumstances:

(a) The total density, including existing dwellings, is not greater than one unit per 10 acres for resource lands ~~and~~, one unit per 20 acres for wetlands and areas mapped with hydric soils, ~~and~~ steep slopes and flood hazard areas.

(b) Adequate water and provisions for septic capacity are in fact present.

(c) The project affects none of the prime soils on the contiguous holdings at the time of the adoption of this chapter, including all roads and accessory uses to serve the development; ~~however provided that~~, prime lands previously converted to nonforestry uses are not considered prime forest lands for purposes of this section.

(d) The plat shall set aside the balance of the parcel in a designated forest tract.

(e) The plat shall contain the ~~note included in LCC 17.30.370 covenants in LCC 17.30.540~~. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.4, 1996]

17.30.500 Setbacks.

(1) Within Lands Adjacent to or Abutting Primary Forest Resource Lands. All structures shall maintain a minimum setback of 150 feet from property lines, except for structures not requiring building permits, and 200 feet for all wells, and uses and activities provided under LCC [17.30.440](#) through ~~17.30.480~~[17.30.470](#); provided, however, the administrator may reduce the structure's setback where:

(a) It is not reasonable to accomplish the setback given the topography, soils, or shape of the site.

(b) The owner requesting the administrative variance records a forestry easement for the benefit of the abutting primary forest resource lands, granting a right to all normal and customary forestry practices in accordance with best management practices.

(2) Within Land Adjacent to or Abutting Forest Resource Lands of Local Importance. All structures shall maintain a minimum setback of 150 feet from property lines, except for structures not requiring building permits, and 100 feet for all wells, and uses and activities provided under [LCC 17.30.440 through 17.30.470](#) ~~LCC 17.30.440 through 17.30.480~~; provided, however, that the 150-foot resource lands setback shall not be required where the owner of lands adjacent to or abutting forest lands of local importance records a forestry easement for the benefit of the abutting forest resource lands of local importance, granting a right to all normal and customary forestry practices in accordance with best management practices. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(A), 1996; Ord. 1151A, 1997]

17.30.510 Water supply.

[Reserved]. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(B), 1996]

17.30.520 Access.

No permit from Lewis County shall imply any permanent vehicular access to residential properties across nonowned land. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(C), 1996]

17.30.530 Surveys.

Land surveys or other boundary line determinations shall be required in conjunction with the issuance of a building permit on property subject to the setback requirements set forth in LCC [17.30.500](#) to demonstrate compliance with the required setback. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(D), 1996]

~~**17.30.540 Notification of forest practices – Conflict mitigation.**~~

~~(1) Continued forest management by definition requires the eventual harvesting of the trees, site preparation, and replanting. It is important that people choosing to live within or adjacent to commercial forest land be aware of the inevitability of forest practices and understand the necessary management activities that are required to harvest and sustain a future commercial forest crop. The following language indicating proximity, within 500 feet, to designated forest land shall be required on all final plats, short plats, and binding site plans approved by Lewis County. NOTICE AND COVENANT: The subject property is within or near land designated for commercial forest management and subject to a variety of activities that may not be compatible with residential development for certain periods of limited duration. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, herbicides, and associated management activities. When performed~~

~~in accordance with county, state, and federal law, these forest management activities are not subject to legal action or public nuisance.~~

~~(2) In addition, at the time of building permit issuance, applicants shall be required to sign and record with the county auditor a statement acknowledging that their property is located within 500 feet of designated forest land and subject to customary forest practices.~~

~~(3) The following language shall be required for both plats and building permits:~~

~~NOTICE AND COVENANT: The subject property is within or near land designated for commercial forest management and subject to a variety of activities that may not be compatible with residential development for certain periods of limited duration. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, herbicides, and associated management activities. When performed in accordance with county, state, and federal law, these forest management activities are not subject to legal action or public nuisance.~~

~~(4) Where the approval is a plat pursuant to LCC 17.30.490(3), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(E), 1996]~~

17.30.550 Application process for exclusion from designation as a forest resource land (“opt-out”).

Repealed. [Ord. 1179, 2002]

17.30.560 Process for petitioning for designation as a forest land of local importance (“opt-in”).

An “opt-in” provision is provided for the voluntary designation of properties as forest land of local importance by the property owner(s) upon the timely written notification to the administrator of their desire for such designation. Such application for designation shall be processed as ~~an a~~ Type V amendment to the comprehensive plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter [17.12](#) LCC.

(1) Criteria for Approval of Applications for Voluntary Designation of Forest Lands of Local Importance. Lewis County shall approve applications for designation as forest land of local importance if the following criteria are met:

(a) The property meets the classification criteria set forth for forest lands of local importance in LCC [17.30.430](#)(2); and

(b) The property owner, as part of the application, provides a notarized statement that he or she will voluntarily commit the subject property to the designation for a period of 10 years from the date of any approval of the application.

(2) Process for Approval of Applications for Designation as Forest Land of Local Importance.

(a) Designation of Forest Land of Local Importance shall be considered as a Type V application.

~~(a) Administrator's Action. The administrator shall determine if the application is complete. If additional information is necessary, the application shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.~~

~~(b) Planning Review and Recommendation. The Lewis County planning commission shall hold a public hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall consist of publication of a legal notice in a newspaper of general circulation in Lewis County. Notice shall state the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.~~

~~(c) Following the planning commission hearing, the planning commission shall make a recommendation. The administrator shall forward the recommendation to the board of county commissioners within five working days of the planning commission recommendation. The administrator shall also provide the applicant written notice of the planning commission recommendation.~~

~~(d) The Board Decision. The board of county commissioners shall make a final decision following the receipt of the recommendation of the planning commission. The board shall hold a public hearing on the matter. The board shall and make written findings for its decision, and s Such findings shall be available to the public upon request. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.8, 1996]~~

Article V. Agricultural Resource Lands

17.30.570 Farmland of local importance.

"Farmland of local importance" is an overlay district in which property owners who wish to protect large unbroken tracts of land may create an overlay zone in the RDD underlying districts that limits minimum lot size to large parcels and protects and encourages the preservation of larger farms and farm forests

where conflicts may arise between these activities and other forms of development allowed in the underlying zones.

The designation of farmlands of local importance is applied to those agricultural lands voluntarily nominated by the landowner which are not designated commercial farmland and meet the following criteria:

(1) Formal Designation (“Opt-In”). Farmlands of local importance shall only be designated by the board of county commissioners upon a voluntary petition for such designation by the landowner pursuant to the requirements of LCC [17.30.670](#). Such applications shall be processed as a Type Va amendment to the county comprehensive plan and development regulations.

(2) Minimum Acreage. There is no minimum acreage requirement. Farmlands of local importance shall be designated upon a showing that the property meets the Consolidated Farm Services Agency, USDA, definition of commercial agriculture.

(3) Minimum Period for Commitment to Designation. The landowner petitioning for designation as a farmland of local importance shall be required to commit the property to remain in that designation for 10 years. The designation may be renewed by the landowner at the end of the 10-year period; provided, that renewal of the designation shall not be considered an amendment to the comprehensive plan or zoning regulations.

(4) Current Agricultural Land Use. The property is currently devoted to agricultural activities. [Ord. 1197 §2, 2007; Ord. 1179R §1, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.3, 1996. Formerly 17.30.590]

17.30.580 Maps and inventory.

(1) This section shall apply to all lots, tracts, or parcels on designated agricultural resource land located within the jurisdiction of Lewis County. The approximate location and extent of farmlands of long-term commercial significance shall be displayed on assessor’s maps marked with significant agricultural lands on file at Lewis County and in the database of the Lewis County Geographic Information System.

(2) In the event of a conflict between the information shown on the maps referred to above and the database and information shown as a result of field investigation, the latter shall prevail.

(3) In the event any farmland of long-term commercial significance shown on the maps referenced above and the database are in conflict with the criteria of this chapter the criteria of this chapter shall prevail. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.4, 1996. Formerly 17.30.600]

17.30.590 Use exceptions in ARL.

(1) This section is intended to provide relief for property owners in ARL where prime soils, as listed in the comprehensive plan, do not underlie the entire parcel. The special use process

(Chapter ~~17.115-17.158~~ LCC) for residential, recreational, and other nonresource uses shall be used to determine if, and under what conditions, such uses shall be permitted. [Ord. 1197 §2, 2007]

17.30.600 Relief from errors in ARL designation.

(1) Property owners who believe a parcel has been included in agricultural resource land in error may request redesignation of that parcel ~~as pursuant to the comprehensive plan amendment provisions of LCC 17.165.040a Type V application per LCC Chapter 17.05.~~

(2) Property owners who claim a parcel was included in agricultural resource land in error due to incorrect mapping of prime soils, as listed in the land use element of the comprehensive plan, shall provide a written report by a certified soils scientist documenting the actual soils conditions on the parcel. The application ~~shall be considered a Type V application per LCC Chapter 17.05. fee for a comprehensive plan amendment set by LCC 17.165.020 shall be waived for property owners submitting a request for redesignation under this subsection (2)~~

(3) Property owners who claim a parcel was included in agricultural resource land in error because soils on the parcel are classified by the National Resources Conservation Service as “prime farmland if drained” and the soils are not drained; or “prime farmland if drained and either protected from flooding or not frequently flooded during the growing season” and the soils are not drained and are not protected from flooding or are subject to flooding during the growing season; or “prime farmland if irrigated” and the parcel is not irrigated due to lack of necessary water rights shall provide a written declaration documenting the drainage or irrigation status of the soils on the parcel. The reclassification will be considered a ~~Type V application per LCC Chapter 17.05.comprehensive plan amendment set by LCC 17.165.020 and the fee shall be waived for property submitting a request under this subsection (3)~~

(4) Property owners who claim a parcel was included in agricultural resource land in error due to an incorrect assessment of the presence of a commercial, non-soil-dependent agricultural use shall provide a written declaration documenting the absence of such use thereby rendering the parcel no longer devoted to or capable of long-term commercial agriculture. The reclassification will be considered a ~~Type V application per LCC Chapter 17.05.comprehensive plan amendment set by LCC 17.165.020 and the fee shall be waived for property submitting a request under this subsection (4).~~ [Ord. 1207 §2 (Exh. D), 2009; Ord. 1197 §2, 2007]

17.30.605 Uses.

The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of agricultural lands, and discourage incompatible uses. All primary and accessory uses shall be entitled to protection under the protective provisions of LCC 17.30.680.*40 [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5, 1996. Formerly 17.30.610]

~~*Code reviser's note: Ord. 1197 repealed LCC 17.30.680 and readopted the provisions of that section in LCC 17.40.050.~~

17.30.610 Primary uses.

(1) Agriculture and agricultural activities including aquaculture, viticulture, floriculture, horticulture, general farming, dairy, the raising, feeding, and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation, agricultural processing facilities, commercial greenhouse operations that are an integral part of a local soil-based commercial agricultural operation, wholesale nurseries, and other agricultural activities.

(2) Removal, harvesting, wholesaling, and retailing of vegetation from agricultural lands including, but not limited to, fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.

(3) One single-family dwelling unit or mobile home.

(4) Growing and harvesting of timber. [Ord. 1207 §2 (Exh. D), 2009; Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1151 § 5.5(A), 1996. Formerly 17.30.620]

17.30.620 Accessory uses.

Uses allowed outright where directly connected with and in aid of an agricultural activity:

(1) Storage of explosives, fuels, and chemicals used for agriculture and forestry subject to all applicable local, state, and federal regulations;

(2) Structures accessory to farming, animal husbandry, and the growing and harvesting of timber;

(3) Agricultural, environmental, and natural resource research;

(4) Private aircraft landing fields, heliports;

(5) Watershed management facilities, including, but not limited to, diversion devices, impoundments, private dams for flood control, fire control, stock watering, and private hydroelectric generating facilities;

(6) Storage and application of agricultural waste;

(7) Disposal of farm-generated solid waste and application of biosolids;

(8) Agricultural storage, distribution, marketing and processing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities;

(9) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site.

Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses (RCW [36.70A.177](#));

(10) Family day care and home businesses. [Ord. 1207 §2 (Exh. D), 2009; Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(B), 1996. Formerly 17.30.630]

17.30.630 Incidental uses.

Uses which may provide supplementary income without detracting from the overall productivity of the farming activity. The listed uses below are allowed where the following elements are found:

(1) Required Elements.

- (a) The use will not adversely affect the overall productivity of the farm nor affect any of the prime soils on any farm (including all contiguous tracts or parcels in common ownership) on the date this chapter is effective; provided, however, that prime lands previously converted to noncrop-related agricultural uses, including residential, farm and shop buildings, and associated yards, parking and staging areas, drives and roads, are not considered prime farmlands for purposes of this section.
- (b) The use is secondary to the principal activity of agriculture.
- (c) The use is sited to avoid prime lands and otherwise to minimize impact on farmlands of long-term commercial significance.

(2) Uses Allowed as Incidental Activities.

- (a) Residential subdivision consistent with the requirements of this chapter;
- (b) Saw mills, shake and shingle mills, and the production of other products from wood residues, chippers, pole yards, log sorting and storage, debarking equipment, accessory uses including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue storage areas, and other uses involved in the harvesting and commercial production of forest products;
- (c) Agribusiness such as but not limited to retail sales of agricultural products, veterinary clinics, auction yards, farm equipment sale and repair;
- (d) Regulated treatment of wastewater;
- (e) Composting where there is no net loss of soil, managed according to an approved nutrient management plan in conjunction with the local conservation district and NRCS standards and all applicable environmental, solid waste, access, and health regulations. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(C), 1996. Formerly 17.30.640]

~~17.30.640 Essential public facilities.~~

~~[Reserved]. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(D), 1996. Formerly 17.30.650]~~

17.30.650 Maximum density and minimum lot area.

The minimum lot area for any new subdivision, short subdivision, large lot subdivision or exempt segregation of property shall be as follows, except for parcels to be used for uses and activities provided under LCC [17.30.610](#) through ~~17.30.640~~[17.30.630](#):

(1) Development Standards - Division of Land for Sale or Lease. The minimum lot area for subdivision of agricultural resource lands shall be 20 acres; provided, however, that a residential subdivision of land for sale or lease, whether lots are over or under five acres in size, may be approved under the following circumstances:

- (a) The total density of residential development on the entire contiguous ownership, including existing dwellings, is not more than one unit per 20 acres;
- (b) Adequate water and provisions for septic capacity are in fact present;
- (c) Development of the subdivision affects none of the prime soils on the contiguous holdings at the time of the adoption of the ordinance codified in this chapter, including all roads and accessory uses to serve the development;
- (d) The plat shall set aside the balance of the prime farmlands in a designated agricultural tract;
- (e) The plat shall contain the ~~covenants and protections set out in the following language~~[note included in LCC 17.30.370.](#)

~~NOTICE AND COVENANT: The subject property is designated or within 1,320 feet of land designated for long-term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry, and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right to Farm Ordinance No. 1119).~~

[Ord. 1207 §2 (Exh. D), 2009; Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 §5.6, 1996. Formerly 17.30.660]

17.30.660 Setbacks.

(1) For All Non-Farm-Related Development Within Agricultural Resource Areas or on Lands Adjacent to or Abutting Agricultural Resource Lands. All structures shall maintain a minimum setback of 100 feet and all wells shall be set back 200 feet from designated agricultural tracts or any tracts used for agricultural purposes within the past five years, except for structures, uses, and activities provided under LCC [17.30.610](#) through [17.30.650](#); provided, however, the administrator may reduce the setback where:

(a) It is not reasonable to accomplish the setback given the topography, soils, or shape of the site; and

(b) The owner requesting the administrative variance records an agricultural easement for the benefit of the abutting commercial lands of significance, granting a right to all normal and customary agricultural primary or accessory practices in accordance with recommended best management practices in Lewis County. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.7(A), 1996. Formerly 17.30.670]

17.30.670 Process for petitioning for designation as a farmland of local importance (“opt-in”).

An “opt-in” provision is provided for the voluntary designation of properties as farmland of local importance by the property owner(s) upon the timely written notification to the administrator of their desire for such designation. Such application for designation shall be processed as ~~an~~ a Type V amendment to the comprehensive plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter [17.12](#) LCC.

(1) Criteria for Approval of Applications for Voluntary Designation of Farmlands of Local Importance. Lewis County shall approve applications for designation as farmland of local importance if the following criteria are met:

(a) The property meets the classification criteria set forth for farmlands of local importance in LCC [17.30.570](#); and

(b) The property owner, as part of the application, provides a notarized statement that he or she will voluntarily commit the subject property to the designation for a period of not less than 10 years from the date of any approval of the application.

(2) Process for Approval of Applications for Designation as Farmland of Local Importance.

~~(a) Administrator’s Action. The administrator shall determine if the application is complete. If additional information is necessary, the application shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.~~

~~(b) Planning Review and Recommendation. Designation of Farmland of Local Importance shall be considered as a Type V application.~~

~~The Lewis County planning commission shall hold a public hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall consist of publication of a legal notice in a newspaper of general circulation in Lewis County. Notice shall state the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons~~

~~owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.~~

~~(c) Following the planning commission hearing, the planning commission shall make a recommendation. The administrator shall forward the recommendation to the board of county commissioners within five working days of the planning commission recommendation. The administrator shall also provide the applicant written notice of the planning commission recommendation.~~

~~(db) The Board Decision.~~ The board of county commissioners shall make a final decision following the receipt of the recommendation of the planning commission. The board shall hold a public hearing on the matter. The board shall make written findings for its decision and such findings shall be available to the public upon request. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.10, 1996. Formerly 17.30.700]

17.30.680 Nonregulatory incentives.

(1) Assessment Relief.

(a) The Lewis County assessor shall consider the agricultural resource lands regulations contained in this chapter when determining the fair market value of land.

(b) Any owner of an agricultural resource land who has dedicated a conservation easement to or entered into a perpetual conservation restriction with a department of the local, state, or federal government, or to a nonprofit organization, to permanently control some or all of the uses and activities within this area may request that the Lewis County assessor reevaluate that specific area with those restrictions.

(c) The administrator shall notify the assessor's office of any application of this chapter, which results in building restrictions on a particular site.

(2) Open Space. Subject to the criteria established by law, any person who owns a designated agricultural resource land as identified by this section may apply for current use assessment pursuant to Chapter [84.34](#) RCW. The Open Space Tax Act allows Lewis County to designate lands which should be taxed at their current use value. The county has programs for agricultural lands, small forest lands less than 20 acres in size, and other open spaces. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.10, 1996. Formerly 17.30.710]

Article VI. Mineral Resource Lands

17.30.720 Classification.

Mineral resource lands of Lewis County are classified according to the following:

(1) Existing Permitted Surface Mining Operations. The contiguous ownership of existing permitted mining operations (including dormant operations) operating under authority of Chapter [78.44](#) RCW, the Washington State Surface Mining Act, where the remaining operation has extractive minerals valued in excess of \$1,000,000.

(2) Areas Containing Mineral Deposits the Significance of Which Cannot Be Evaluated from Available Data.

(a) Areas where a qualified geologist can demonstrate a high likelihood for occurrence of mineral deposits. A qualified geologist shall provide adequate evidence, for the above, in the form of a report and any associated maps that would provide evidence of mineral resources sufficient to meet the following criteria:

(i) The site has extractive materials having a probable value in excess of \$500,000 for valuable metallic substances and \$1,000,000 for gravel, sand, coal, and other minerals; and

(ii) The site has the potential for economically viable production of extractive materials for the foreseeable future;

(b) Greater than 50 percent of the linear frontage of the perimeter of any proposed designated lands shall abut parcels that are equal to or greater than two and one-half acres in size. Abutting parcels with industrial or wholesale uses are exempt from this parcel size calculation but shall be included in the calculation of total linear frontage; and

(c) The site is outside any designated urban growth area at the time of application for redesignation.

(3) Mines of Local Importance. Mines not otherwise meeting the criteria noted above certified by a qualified geologist as having significant economic importance either due to their location or nature, quantity, or quality of mined product. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.1, 1996]

17.30.730 Designation.

(1) Lands of Lewis County meeting the classification criteria set forth in LCC [17.30.720](#)(1) are designated as mineral resource lands of long-term commercial significance. Other lands may be designated pursuant to LCC [17.30.850](#) within 90 days of the effective date of the ordinance codified in this chapter upon a finding of meeting the classification criteria set forth in LCC [17.30.720](#)(1) by the board of county commissioners.

Lands which have been erroneously designated as mineral resource lands of long-term commercial significance may petition for exclusion from that designation through the process set forth for such exclusion in LCC [17.30.840](#).

(2) Other lands of Lewis County meeting the classification criteria set forth in LCC [17.30.720](#)(2) or (3) are eligible for designation as mineral resource lands of long-term commercial significance subject to approval of a redesignation application pursuant to LCC [17.30.850](#).

Mineral resource land may be so designated upon initiation either of the county or a property owner or owners. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.2, 1996]

17.30.740 Maps and inventory.

(1) The sand and gravel and ledge rock testing inventory of the Washington State Department of Transportation (WSDOT) Materials Testing Laboratory (“Approved Source of Materials - Lewis County Pits”) or any material to be tested in the future that meets WSDOT specifications.

(2) U.S. Department of the Interior, Geological Survey Bulletin 1053, 1958, “Geology and Coal Resources of the Centralia-Chehalis District, Washington.”

(3) Washington Department of Natural Resources, Division of Geology and Earth Resources Bulletin 47, 1984, “Coal Reserves of Washington.”

(4) Washington Department of Natural Resources, Division of Geology and Earth Resources, Map GM-22, 1978, “Mineral Resources of Washington.”

(5) Washington Division of Mines and Geology Bulletin 37, “Inventory of Washington Minerals,” Part I, “Nonmetallic Minerals,” 1960; Part II, “Nonmetallic Minerals,” 1956; and subsequent updates thereto. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.3, 1996]

17.30.750 Primary uses.

(1) Quarrying and mining of minerals or material, including, but not limited to, sand and gravel, sand, rock, clay, coal, and valuable metallic and nonmetallic substances.

(2) The exploitation, primary reduction, treatment, and processing of minerals or materials, together with the necessary buildings, structures, apparatus, or appurtenances on said property where at least one of the major mineral or material constituents being exploited is from said property, including, but not limited to, concrete hatching, asphalt mixing, brick, tile, terra cotta, and concrete products, manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to convert the minerals and materials to marketable products.

(3) Agricultural crops, open field growing, stock grazing, and the harvesting of any wild crop such as marsh hay, ferns, moss, berries, etc. which may coexist with mineral extraction activities within a common ownership.

(4) Existing surface mining operations, operating under the authority of the Washington State Surface Mining Act, Chapter [78.44](#) RCW.

(5) Mining-related activities and structures.

(6) The maintenance of gas, electric, water, communication, and public utility facilities.

(7) Residences existing at the time of adoption of the ordinance codified in this chapter and any accessory uses, including home occupations associated with such residences. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(A), 1996]

17.30.760 Accessory uses.

Uses allowed outright where directly connected with and in aid of a mining activity:

(1) One single-family dwelling or mobile home per contiguous ownership or one single-family dwelling or mobile home per 10-acre unit of that contiguous ownership, whichever is the lesser acreage;

(2) Home occupations associated only with the dwelling;

(3) Buildings accessory to a single-family dwelling or mobile home, such as garages, storerooms, woodsheds, laundry rooms, playhouses, greenhouses, hobby shops, animal or fowl shelters, or similar and related accessory uses;

(4) Storage of explosives, fuels, and chemicals used for agriculture, mining, and forestry subject to all applicable local, state, and federal regulations;

(5) Watershed management facilities including, but not limited to, diversion devices, impoundments, dams for flood control, fire control, stock watering, and hydroelectric generating facilities, when associated with a permitted use or structure. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(B), 1996]

17.30.770 Incidental uses.

Uses which may provide supplementary income without detracting from the overall productivity of the mining activity. The listed uses below are allowed where the following elements are found:

(1) Required Elements.

(a) The use will not adversely affect the overall productivity of the mining activity.

(b) The use is secondary to the principal activity of mining.

(c) The use is sited to avoid prime lands where feasible and otherwise to minimize impact on mineral lands of long-term commercial significance.

(2) Uses Allowed as Incidental Activities.

(a) The growing and harvesting of forest products, the operation of portable sawmills and chippers and activities and structures incidental to each, and accessory facilities including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue

storage and disposal areas, and other uses and facilities involved in the harvesting and commercial production of forest products which may coexist with mineral extraction activities within a common ownership.

(b) Public and semipublic buildings, structures, and uses including, but not limited to, fire stations, utility substations, pump stations, and wells.

(c) Commercial extraction and processing of oil, gas, and geothermal resources.

(d) Permanent saw mills, shake and shingle mills, plywood mills, green veneer plants, particle board plants and other products from wood residues, chippers, pole yards, log sorting and storage, buildings for debarking, and drying kilns and equipment.

(e) Structures for agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation and other agricultural structures accessory to farming and animal husbandry.

(f) Forestry, environmental, and natural resource research facilities.

(g) Telecommunication facilities and electrical transmission lines. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(C), 1996]

~~**17.30.780 Essential public facilities.**~~

~~Essential public or regulated facilities, such as roads, bridges, pipelines, and other utility transmission facilities, are facilities which by their nature are commonly located outside of urban areas and may need large areas of accessible land. Such areas are permitted where:~~

~~(1) Identified in the comprehensive plan of a public agency or regulated utility.~~

~~(2) The potential impact on mineral lands is specifically considered in the siting process. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(D), 1996]~~

17.30.790 Standards for existing permits.

All mining sites for which state or federal mining permits are required and which are subject to this chapter shall be subject to the conditions of those permits. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(A), 1996]

17.30.800 Lot size/density.

Prior to full utilization of a designated mineral resource land's mineral resource potential, subdivisions, short subdivisions, and large lot segregations below 10 acres are prohibited. Exceptions may be made, if it is found by Lewis County to be a necessary part of or accessory to mining operations. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(B), 1996]

17.30.810 Setbacks - Buffers.

(1) Within Designated Mineral Resource Lands. Mining operations which are operating under valid state or federal surface mining permits shall use the setback and/or buffer standards contained within any reclamation plan required pursuant to the state or federal laws pertaining to mining land reclamation.

(2) Within Lands Abutting Mineral Resource Lands. Structures requiring a building permit shall maintain a minimum 50-foot setback from the boundary of any designated mineral resource land; provided, however, the administrator may reduce the setback where:

(a) It is not reasonable to accomplish the setback given the topography, soils, or shape of the site.

(b) The owner requesting the administrative variance records a mineral resources easement for the benefit of the abutting commercial lands of significance, granting a right to all normal and customary mineral extraction and processing practices in accordance with best management practices. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(C), 1996]

17.30.820 Preferential right to manage resources - Right to mine.

(1) Applicability. Within designated mineral resource lands in Lewis County, there is established a preferential right to mine.

(2) Description of Preferential Rights.

(a) No resource use or any of its appurtenances shall be, be adjudged to be, or become a nuisance, public or private, by any changed conditions in or about the locality thereof after the same has been in operation for more than one year, when such operation was not a nuisance at the time the operation began; provided, that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such operation or its appurtenances.

(b) A resource operation shall not be found to be a public or private nuisance if the operation conforms to local, state, and federal law.

(c) This chapter shall supersede any and all ordinances, or portions of ordinances, as the case may be, of the county now in effect or hereafter adopted that would otherwise make the operation of any such resource operation or its appurtenances a nuisance; provided, however, that the provisions of this subsection shall not apply whenever a nuisance results from the neglect or improper operation of any such resource operation or any of its appurtenances. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(D), 1996]

~~17.30.830 Mining use notices.~~

~~(1) For Properties Designated Mineral Resource Land Pursuant to the Application of the Property Owner under LCC 17.30.850. Within two weeks of designation as mineral resource land, pursuant to LCC 17.30.850, the property owner(s) of said land shall submit to the administrator, or the administrator~~

may thereafter submit, for recording with the county auditor a written notice of designation. This notice shall be in a form authorized by the administrator and shall include the following:

~~(a) The legal description of the property subject to the designation.~~

~~(b) The sixteenth section or sections in which lie the following:~~

~~(i) The designated property; and~~

~~(ii) Any other property within one-quarter mile of the boundary of the designated property.~~

~~(c) The following statement:~~

~~The property described herein is adjacent to or within one-quarter mile of land managed for commercial mining. Mining operations may be carried out now or in the future. Lewis County has established designated Mineral Resource Land that sets as a priority the use of these lands for mining and allows commercial forest management and agriculture. The normal and usual practices associated with said operations when performed in accordance with county, state, and federal law, shall not be subject to legal action as a public or private nuisance.~~

~~(2) For Properties Designated Mineral Resource Land Pursuant to LCC 17.30.730(1). Within four months of the effective date of the ordinance codified in this chapter, the administrator shall submit to the county auditor for recording a written notice of all designated mineral resource lands. This notice shall be in a form similar to subsection (1) of this section.~~

~~The administrator shall execute and acknowledge the notice, and no affected property owner shall be charged a fee for recording the notice.~~

~~(3) For All Properties Within One-Quarter Mile of Designated Mineral Resource Land. All plats, short plats, binding site plans, and building permits issued by Lewis County after the effective date of the ordinance codified in this chapter for development activities on any property designated as mineral resource land or within one-quarter mile thereof shall contain a notice as specified in subsection (1)(c) of this section, which shall be recorded with the Lewis County auditor. With any plat approval, the notice shall be a covenant running with the land, binding all lots within the subdivision. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(E), 1996]~~

17.30.840 Process for petitioning for exclusion from designation as a mineral resource land (“opt-out”).

Repealed. [Ord. 1179C §1, 2003]

17.30.850 Process for petitioning for designation as a mineral resource land (“opt-in”).

An “opt-in” provision is provided for the voluntary designation of properties as mineral resource land by the property owner(s) upon the provision of written notification to the administrator of their desire for such designation. Such application for designation shall be processed as a Type V n-amendment to the

comprehensive plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter [17.12](#) LCC.

(1) Criteria for Approval of Applications for Voluntary Designation of Mineral Resource Land. Lewis County shall approve applications for designation of mineral resource land if the following criteria are met:

(a) The property meets the classification criteria for mineral resource lands set forth in LCC [17.30.720](#); and

(b) The property owner, as part of the application, provides a notarized statement that lie or she will voluntarily commit the subject property to the designation for a period until full utilization of the mineral resource potential occurs.

(2) Process for Approval of Applications for Voluntary Designation as Mineral Resource Land.

(a) ~~Voluntary designations of mineral resource lands shall be processed as a Type V application per LCC Chapter 17.05.~~

~~Administrator's Action. The administrator shall determine if the application is complete. If additional information is necessary, the application shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.~~

~~(b) Planning Commission Review and Recommendation. The Lewis County planning commission shall hold a public hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall consist of publication of a legal notice in a newspaper of general circulation stating the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.~~

~~Following the planning commission hearing, the planning commission shall make a recommendation. The administrator shall forward the recommendation to the board of county commissioners within 15 working days of the planning commission recommendation. The administrator shall also provide the applicant written notice of the planning commission recommendation.~~

(eb) Board Decision. The board of county commissioners shall make a final decision following the receipt of the recommendation of the planning commission. The board may hold a public hearing on the matter. The board shall make written findings for its decision available to the public upon request. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.7, 1996]

SECTION 15. Section 17.35.460 is amended as follows:

17.35.460 Application requirements.

~~This chapter is an overlay similar to Chapter 43.21C RCW. No separate “application” or permit is required. The criteria and requirements of this section must be addressed, however, in connection with all land use or development permits issued by Lewis County. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1150 § 3.4, 1996] No separate “application” or permit is required for this chapter if the criteria and requirements of this section are addressed in connection with a land use or development permit required by Lewis County. An activity that alters a critical area or associated buffer that is not addressed by an existing permit shall require an approval administered in accordance with procedures adopted by the administrator.~~

SECTION 16. Section 17.35.470 is repealed as shown below:

~~**17.35.470 Designation of the administrator.**~~

~~The planning manager of the Lewis County department of community development or his or her designee shall be responsible for applying the provisions and requirements of this chapter.* [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1150 § 3.5, 1996]~~

SECTION 17. Section 17.35.480 is amended as follows:

17.35.480 Appeals.

~~(1) Any decision of the administrator in the administration of this chapter may be appealed by the applicant to the hearing examiner. The decision shall be based on the record at the time the decision was issued.~~

~~(2) Appeals shall be filed in writing in duplicate with the hearing examiner within 10 calendar days of the date of the action being appealed. The appeal must specify the code section under which error is alleged and state facts from the record to demonstrate prima facie violation of the section in question.~~

~~(3) Upon the filing of an appeal, the hearing examiner shall set the time and place at which the matter will be considered. At least 10 calendar days’ notice of such time and place, together with one copy of the written appeal, shall be given to the appellant. The appeal shall follow the requirements for a closed record appeal in Chapter 2.25 LCC.~~

~~(4) The hearing examiner may reverse or affirm wholly or in part the decision of the administrator. The hearing examiner may also remand if it appears that new or supplemental information may change the result reached. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1150 § 3.6, 1996]~~

Any decision made in the administration of this chapter may be appealed in accordance with the appeal provisions provided for the underlying permit per LCC Chapter 17.05.

SECTION 18. Section 17.35.490 is repealed as shown below:

~~17.35.490 Penalties and enforcement.~~

~~(1) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter. Under RCW 58.17.300, any such person or other such party who violates Chapter 58.17 RCW or such provision of this chapter as is required thereunder, with respect to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor and each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of said RCW chapter or portions of this chapter as are required thereunder shall be deemed a separate and distinct offense.~~

~~(2) In addition to or in lieu of the penalties in subsection (1) of this section, any person, firm, corporation, association, or agent thereof that violates the provisions of this chapter shall be subject to the enforcement provisions of Chapter 17.07 LCC. [Ord. 1192 §6, 2006; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1150 § 3.7(A), 1996]~~

SECTION 19. Section 17.35.500 is removed in its entirety as shown below:

~~17.35.500 Notice of violation and order.~~

~~A notice of violation and order for the penalty may be issued by the administrator or designee when there is a finding by such official that a violation of this chapter has occurred or is occurring.~~

~~(1) The administrator shall issue such notice and order in writing to the person(s) creating, causing, participating in, or allowing the violation.~~

~~(2) The notice of violation and order shall contain the following:~~

~~(a) The name and mailing address of the property owner or other person(s) to whom the notice of violation is directed by the administrator;~~

~~(b) A street address or legal description adequate for the identification of the activity, property, or portion thereof upon which the violation is based;~~

~~(c) A description of the violation and a reference to the nature of the regulation violated which is sufficient to reasonably apprise the recipient of the nature of the violation;~~

~~(d) A statement of the action required or action to be terminated to correct the violation and a time or date by which the corrective action must be completed so as to avoid penalty and legal actions for injunctions and abatement;~~

~~(e) A statement that a civil penalty for each violation may be assessed against the person(s) to whom the notice and order to correct the violation is directed for each and every day for which the violation continues;~~

~~(f) A statement that the violation may also constitute a criminal gross misdemeanor for each and every day, or portion of a day, for which the violation continues.~~

~~(3) The notice shall be served upon the person(s) to whom it is directed, either personally or by mailing a copy of the notice by certified mail, postage prepaid, and return receipt requested, to such persons at their last known mailing address. Proof of service shall be made at the time of service by written declaration under penalty of perjury executed by the party effecting such service, and declaring the date of service and, in the case of personal service, the time of service, and the manner by which service was made.~~

~~(4) Except in criminal enforcement actions, upon the written request by the person(s) upon whom service was made, or their legal representative, and for good cause shown (as with substantial completion of corrective actions or unforeseeable circumstances which render good faith attempts at completion impossible), the administrator may extend the time or date originally set for completion of corrective action.~~

~~(5) Except in criminal enforcement actions, an informal administrative conference involving the person(s) receiving the notice may be conducted at any time by the administrator for the purposes of presenting facts and law relating to an alleged violation, promoting communication between the parties, and providing a nonadversarial forum for the resolution of any violation. The administrator shall determine whether or not to hold such conference, the attendance, and the agenda thereof, and, at the conclusion of the conference, may independently affirm or revoke the notice and penalty, or modify such notice and penalty by joint stipulation of the parties. [Ord. 1192 §7, 2006; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1150 § 3.7(B), 1996]~~

SECTION 20. Section 17.35.510 is removed in its entirety as shown below:

~~17.35.510 Additional enforcement actions.~~

~~The office of the Lewis County prosecuting attorney may bring such additional injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter, and county and state laws, and the costs of such action shall be taxed by the prosecuting attorney against the person committing the violation. In the enforcement of this chapter and Chapter 58.17 RCW, the prosecuting attorney may accept assurance of discontinuance of any act or practice deemed in violation thereof from any person~~

~~engaging in, or who has engaged in such act or practice. A violation of such assurance shall for purposes of prosecuting constitute and serve as prima facie proof of violation of this chapter or Chapter 58.17 RCW. Acceptance of such assurance does not relieve a party from compliance with this chapter or state law. With respect to enforcement of Chapter 58.17 RCW and with court actions filed pursuant to this chapter, any such assurance shall be in writing and be filed with and subject to the approval of the superior court. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1150 § 3.7(C), 1996]~~

SECTION 21. Section 17.35.520 is amended as follows:

17.35.520 Nonconforming activities.

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, shall be processed under this section and not under 17.155. The nonconforming activity may continue subject to the following:

- (1) Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter;
- (2) Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter, except one-family dwellings and accessory structures may be expanded or altered as follows: Reconstruction, remodeling, or maintenance of one-family dwellings and accessory structures existing on the effective date of the ordinance codified in this chapter shall be allowed; provided, that a one-time only expansion of the building footprint does not increase that footprint by more than 25 percent;
- (3) Activities or uses which are abandoned. A use discontinued for 60 months shall be presumed abandoned, but such presumption may be rebutted. An abandoned use or structure is allowed to resume only if in compliance with this chapter; and
- (4) Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction of the same facility is commenced within two years of such damage. The reconstruction or restoration shall not serve to expand, enlarge, or increase the extent of the nonconformity. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1150 § 3.8, 1996]

SECTION 22. Section 17.35A.460 is amended as follows:

17.35A.460 Application requirements.

No separate "application" or permit is required for this chapter if the criteria and requirements of this section are addressed in connection with a land use or development permit required by Lewis County. An activity that alters a critical area or associated buffer that is not addressed by an existing permit shall

require an approval that shall be administered in accordance with procedures adopted by the administrator. [Ord. 1204 Exh. A § 2, 2008]

SECTION 23. Section 17.35A.470 is repealed in its entirety as shown below:

~~17.35A.470 Designation of the administrator.~~

~~(1) The planning manager of the Lewis County department of community development or his or her designee shall be responsible for applying the provisions and requirements of this chapter.~~

~~(2) The director is authorized to adopt such rules as are necessary and appropriate to implement this chapter.~~

~~(3) The director may prepare and require the use of such forms as are necessary to its administration. [Ord. 1204 Exh. A § 2, 2008]~~

SECTION 24. Section 17.35A.480 is amended as follows:

17.35A.480 Appeals.

~~(1) Any decision of the administrator made in the administration of this chapter may be appealed in accordance with the appeal provisions provided in for the underlying permit per LCC Chapter 17.05. If no appeal is provided, the applicant may submit an appeal to the hearing examiner. The decision shall be based on the record at the time the decision was issued.~~

~~(2) Appeals shall be filed in writing in duplicate with the hearing examiner within 10 calendar days of the date of the action being appealed. The appeal must specify the code section under which error is alleged and state facts from the record to demonstrate prima facie violation of the section in question.~~

~~(3) Upon the filing of an appeal, the hearing examiner shall set the time and place at which the matter will be considered. At least 10 calendar days' notice of such time and place, together with one copy of the written appeal, shall be given to the appellant. The appeal shall follow the requirements for a closed record appeal in Chapter 2.25 LCC.~~

~~(4) The hearing examiner may reverse or affirm wholly or in part the decision of the administrator. The hearing examiner may also remand if it appears that new or supplemental information may change the result reached. [Ord. 1204 Exh. A § 2, 2008]~~

SECTION 25. Section 17.35A.490 is repealed in its entirety as shown below:

~~17.35A.490 Penalties and enforcement.~~

~~(1) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter.~~

~~(2) Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall be subject to enforcement pursuant to LCC 1.20.020. In addition, pursuant to LCC 1.20.010 any violation of this chapter shall be a misdemeanor under RCW 36.32.120(7).~~

~~(3) In addition to or in lieu of the above penalty, an action may be instituted in superior court to prevent, restrain, correct or abate any violation of this chapter, or of any order or ruling made in connection with administration or enforcement. The court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto. [Ord. 1204 Exh. A § 2, 2008]~~

SECTION 26. Section 17.35A.520 is amended as follows:

17.35A.520 Nonconforming activities.

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, shall be processed under this section and not under 17.155. The nonconforming activity may continue subject to the following:

(1) Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter;

(2) Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter, except one-family dwellings and accessory structures may be expanded or altered as follows: reconstruction, remodeling, or maintenance of one-family dwellings and accessory structures existing on the effective date of the ordinance codified in this chapter shall be allowed; provided, that a one-time only expansion of the building footprint is allowed if expansion outside the critical area or buffer is not feasible, and provided the expansion is outside a waterbody or wetland and in the direction opposite from the critical areas protected, does not increase that footprint by more than 25 percent and; provided, that if on a geologically hazardous area a technical report demonstrates that the use does not constitute a risk to occupants or adjacent lands;

(3) Activities or uses which are abandoned. A use discontinued for 60 months shall be presumed abandoned, but such presumption may be rebutted. An abandoned use or structure is allowed to resume only if in compliance with this chapter; and

(4) Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction of the same facility is commenced within two years of such damage. The reconstruction

or restoration shall not serve to expand, enlarge, or increase the extent of the nonconformity, except as provided in subsection (2) of this section. [Ord. 1204 Exh. A § 2, 2008]

SECTION 27. Section 17.35A.530 is amended as follows:

17.35A.530 Reasonable use and variances.

Permit applicants who are unable to comply with the specific standards of this chapter may seek approval pursuant to the reasonable use or variance standards and procedures provided for in this section. If an applicant for a proposal demonstrates to the satisfaction of the administrator that application of the standards of this chapter would constitute an extraordinary hardship to the applicant, a variance to such standards shall be granted if the applicant also demonstrates all the following to the satisfaction of the administrator:

(1) Reasonable Use Standard. This chapter is not intended to preclude all reasonable economic use of property. If the application of this chapter would deny all reasonable economic use of the subject property, including agricultural use, use or development shall be allowed if an applicant for a proposal demonstrates all the following to the satisfaction of the administrator:

(a) There is no portion of the site where the provisions of this chapter allow reasonable economic use, including agricultural use or continuation of legal nonconforming uses;

(b) That there is no feasible alternative to the proposed activities, including locating the activity on a contiguous parcel that has been under the ownership or control of the applicant since the effective date of the ordinance codified in this chapter, change in use, reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the critical area and its related buffer;

(c) That the proposed activities will result in minimum feasible alteration or impairment to the critical area's functional characteristics and its existing environment;

(d) That disturbance of critical areas has been minimized by locating any necessary alteration as far as possible from critical areas and the project employs all reasonable methods to avoid or mitigate adverse effects on critical area functions and values, including maintaining existing topography, and hydrology and maintaining or enhancing existing vegetation through site planning including road or driveway location. Disturbance or activities shall be located in a related buffer to the extent possible rather than in the critical area;

(e) That the proposed activities will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, or sensitive species or habitats;

- (f) That the proposed activities will not significantly affect the quality of ground water or surface water quality;
- (g) That the proposed activities comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;
- (h) That any and all alterations to critical areas and their related buffers will be mitigated as required by the provisions of this chapter;
- (i) That there will be no injury to nearby public or private property and no significant effect upon the health, safety, or welfare of persons within or outside of the property; and
- (j) That the inability to derive reasonable economic use of the property is not the result of deliberate actions by the applicant or prior owners after the effective date of the ordinance codified in this chapter.
- (k) In the case of development of a single-family dwelling on a single contiguous parcel under one ownership as of the effective date of the ordinance codified in this chapter, the director may approve up to 2,500 square feet of land disturbance as part of ministerial building permit approval without meeting criteria in subsections (1)(a) and (b) of this section; provided, that additional disturbance may be allowed for a driveway required to be longer than 50 feet in order to meet criteria in subsection (1)(d) of this section.

(2) Notice of a reasonable use request shall be given in conjunction with the notice of any permit application; provided, that if such permit application does not require a public hearing, the reasonable use request for a use other than specified in subsection (1)(k) of this section shall be scheduled for hearing before the administrator upon the same notice as provided for other public hearings required by county subdivision ordinance.

(3) Variance Standards. In cases where the reasonable use criteria do not apply, or for variance from other standards of this chapter, the hearing examiner may grant a variance from the requirements in this chapter in accordance with the procedure and criteria in LCC [17.162160.010](#). [Ord. 1204 Exh. A § 2, 2008]

SECTION 28. Chapter 17.40 is amended as follows:

Chapter 17.40 RIGHT TO FARM

Sections:

[17.40.010](#) Title.

[17.40.020](#) Purpose.

- [17.40.030](#) Definitions.
- [17.40.040](#) Policy on agricultural nuisances.
- [17.40.050](#) Disclosure.
- [17.40.060](#) Recommended practices.

17.40.010 Title.

This chapter shall be cited as the Lewis County right to farm chapter. [Ord. 1197 §3, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 1, 1991]

17.40.020 Purpose.

It is the purpose of this chapter to promote and protect agriculture and farm forestry in the Agricultural Resource Lands (ARL), Forest Resource Lands (FRL), and Rural Development District (RDD) zones through the enhancement, protection and perpetuation of the ability of farmers to conduct farming and forestry in accordance with RCW [7.48.305](#).

(1) Where nonresource land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in natural resource land improvements to the detriment of adjacent natural resource land uses and the economic viability of the county's resource industry as a whole. It is the purpose and intent of this chapter to reduce the loss of its natural resource lands by limiting and defining the circumstances under which natural resource lands management operations may be considered a nuisance. This chapter is not to be construed as in any way modifying or abridging county, state or federal laws; rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and county regulations.

(2) An additional purpose of this chapter is to promote a good neighbor policy between natural resource lands and nonresource land property owners by advising purchasers, developers and users of property adjacent to or near natural resource land management operations of the inherent potential problems associated with such purchase of the property or residence, including, but not limited to, the use of chemicals, or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, odor and the hours of operation that may accompany natural resource land management operations. It is intended that through mandatory disclosures purchasers and users will better understand the impact of living near natural resource lands and be prepared to accept attendant conditions as the natural result of living in or near natural resource lands and rural areas.

(3) An additional purpose of this chapter is to provide notice, through a disclosure statement, of the potential incompatibilities, inconveniences and discomforts that may arise from natural resource land management activities.

~~(4) The following language indicating proximity, within 1,320 feet, to designated agricultural land shall be required on all final plats, short plats, large lot subdivisions, and binding site plans or building permits approved by Lewis County within the agricultural resource areas.~~

~~(5)* In addition, at the time of building permit issuance, applicants shall be required to sign and record with the county auditor a statement acknowledging that their property is located within 1,320 feet of designated agricultural area and that if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.~~

~~(6)* The language required is as follows:~~

~~NOTICE AND COVENANT: The subject property is within or near land designated for long-term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry, and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right-to-Farm Ordinance No. 1119).~~

~~(7) Where the approval is a plat pursuant to LCC 17.30.660(1), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1197 §3, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 2, 1991]~~

~~*Code revisor's note: Ord. 1197 adopted these provisions as well as duplicate provisions in LCC 17.40.050 without reference to each other.~~

17.40.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm and timber products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; smoke; operation of machinery and pumps; movement, including but not limited to use of current county roads and ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways and similar features and maintenance of stream banks and watercourses; and conversion from one agricultural activity to another.

(2) “Farm” means the land, buildings, manure lagoons, ponds, freshwater culturing and growing facilities, and machinery used in commercial production of farm products.

(3) “Farmland” means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquaculture or other agricultural commodities.

(4) “Farm product” means those plants and animals (and the products thereof) useful to human beings which are produced on farms and include, but are not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including breeding, grazing and feed lots, fruits, vegetables, flowers, seeds, grasses, nursery products, trees and forest products including Christmas trees and timber, freshwater fish and fish products, rabbits, apiaries, equine and similar products, or any other product which incorporates the use of food, feed, fiber or fur.

(5) “Generally accepted agricultural and management practices” or “best management practices” means sound, economically feasible farming techniques and practices as defined and/or recommended by the American Society of Agronomy, United States Department of Agriculture Soil Conservation Service, Washington State Cooperative Extension Service, and other professional or industrial agricultural organizations.

(6) “Person” means an individual, firm, copartnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district. [Ord. 1197 §3, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 3, 1991]

17.40.040 Policy on agricultural nuisances.

No agricultural activity, operation, facility or appurtenances thereof shall be or become a nuisance as defined in Chapter [1.22](#) LCC, regardless of past or future changes in the surrounding area’s land use or zoning designation, when conducted or maintained for commercial purposes, and in a manner consistent with current best management practices, not superseding local, state or federal regulations and involving uses allowed under the Agriculture Resource Land (ARL) and Rural Development District (RDD) zones.

(1) Notwithstanding any other provision in this chapter, agricultural activities conducted on ARL or RDD farmlands, if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

(2) If that agricultural activity is undertaken in conformity with generally accepted agricultural and management practices and with federal, state and local laws and regulations and health department guidelines, it is presumed to be good agriculture practice and not adversely affecting the public health and safety.

(3) A farm operation shall not be restricted in its activities to time of day or days of the week, but shall be conducted according to generally accepted agricultural and management practices. [Ord. 1197 §3, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 4, 1991]

17.40.050 Disclosure.

Disclosure of proximity to agricultural activities shall occur in accordance with RCW 64.06.022 and the standards in LCC 17.30.370.

~~(1) The statement set forth in subsection (2) of this section shall be used under the following circumstances and in the following manners:~~

~~(a) Lewis County shall mail a copy of the disclosure, with an explanatory informational attachment, to all landowners whose parcel(s) lie within an area or within 500 feet of an area designated as a natural resource land beginning in the year 1999 and every three years thereafter; provided, that no liability shall attach to Lewis County for any actions or omissions under this subsection.~~

~~(b) Upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means, the seller shall be required to record with the county auditor a statement containing the language set forth in subsection (3) of this section in conjunction with the deed conveying the real property; provided, however, that the real property is located within one mile of the Agriculture Resource Land (ARL) or Rural Development District (RDD) zones in compliance with RCW 7.48.305 and 64.06.022, the Washington Right to Farm Act.~~

~~(c) The following shall constitute the disclosure required by this section:~~

~~It is important that people choosing to live within or adjacent to agricultural land be aware of the inevitability of agricultural activities and understand the necessary activities that are required to sustain agricultural use of the land. The following language indicating proximity, within 1,320 feet, to designated agricultural land shall be required on all final plats, short plats, large lot subdivisions, and binding site plans or building permits approved by Lewis County within the agricultural resource areas.~~

~~(2)* In addition, at the time of building permit issuance, applicants shall be required to sign and record with the county auditor a statement acknowledging that their property is located within 1,320 feet of designated agricultural area and that if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.~~

~~(3)* The language required is as follows:~~

~~NOTICE AND COVENANT: The subject property is within or near land designated for long-term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry,~~

~~and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right-to-Farm Ordinance No. 1119).~~

~~(4) Where the approval is a plat pursuant to LCC 17.30.660(1), the notice shall be a covenant running with the land binding all lots within the subdivision.~~

~~(5)** Notwithstanding any other provision in this chapter, agricultural activities conducted on ARL or RDD farmlands, if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.~~

~~(6)** If that agricultural activity is undertaken in conformity with generally accepted agricultural and management practices and with federal, state and local laws and regulations and health department guidelines, it is presumed to be good agriculture practice and not adversely effecting the public health and safety.~~

~~(7)** A farm operation shall not be restricted in its activities to time of day or days of the week, but shall be conducted according to generally accepted agricultural and management practices. [Ord. 1197 §3, 2007]~~

~~*Code revisor's note: Ord. 1197 adopted these provisions as well as duplicate provisions in LCC 17.40.020 without reference to each other.~~

~~**See also LCC 17.40.040.~~

17.40.060 Recommended practices.

(1) To minimize possible adverse environmental effects, those engaged in agricultural activities shall apply chemical products in accordance with all label instructions and shall abide by all applicable state and federal laws and regulations as well as with generally accepted agricultural and management practices.

(2) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to generally accepted agricultural and management practices, recognizing that those practices may be subject to varying conditions including, but not limited to, geographic location, weather, soil types and conditions, type of crop or livestock, and management systems. [Ord. 1197 §3, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 5, 1991. Formerly 17.40.050]

SECTION 29. Chapter 17.42 is amended as follows:

RURAL ZONES

Chapter 17.42 RURAL AREA ZONING SUMMARY

Sections:

- [17.42.010](#) Purpose.
- [17.42.015](#) Conflicts.
- [17.42.020](#) General conditions.
- [17.42.030](#) Land use summary – Local areas of more intensive rural development.
- [17.42.040](#) Land use summary – Rural lands.

17.42.010 Purpose.

Rural lands are divided into a number of zoning districts. The uses permitted in each of the zoning districts are set forth on a zoning chart which is intended to identify uses and limitations. [Ord. 1197 §4, 2007; Ord. 1179, 2002]

17.42.015 Conflicts.

Where there are conflicts between the text and the zoning summary charts at LCC [17.42.030](#) and [17.42.040](#), said charts shall prevail. [Ord. 1197 §4, 2007; Ord. 1179, 2002]

17.42.020 General conditions.

In order to assure protection of the elements of rural character defined in state law, Lewis County has identified a four-tier system of uses in rural lands. The four tiers are as follows:

- Tier I: Permitted uses commonly found in rural areas of Lewis County.
- Tier II: Administrative review and special use permits to assure that the project is consistent with development regulations and meets the rural cluster standards for Lewis County.
- Tier III: Uses commonly found in and appropriate for rural areas, but limited in number, reflecting the need to avoid undue proliferation so as to protect rural character.
- Tier IV: Master planned resorts, fully-contained communities, and major industrial sites which may be located in rural areas if they meet the statutory criteria for siting.

[Ord. 1197 §4, 2007; Ord. 1179, 2002]

17.42.030 Land use summary – Local areas of more intensive rural development.

See Table 1 of this section. [Ord. 1197 §4, 2007; Ord. 1179, 2002]

**TABLE 1: Rural Area Land Use
– LAMIRDS Zoning Summary**

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
I II	Sales service (nonresource use)	P - to 10,000 ft. ² SUP- >10,000ft ²	X	P - related to industrial or resource use	P - < 5,000ft ² (small scale)	P - to 10,000 ft. ² per use	X
I II	Retail sales (nonresource use)	P - to 10,000 ft. ² SUP- >10,000ft ²	X	P - related to industrial or resource use	P- < 5,000ft ² (primarily serve local)	P - to 10,000 ft. ² per use	X
I	Professional services (includes offices) (nonresource use)	P	X	P	P- < 5,000 ft ²	P	X
II n/a	Essential public facilities – Local Major	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP
I	Public facilities, public services, and utilities	P	P	P	P	P	P
I	Schools, cemeteries, religious, community centers	P	P	X	P	P	P
I	Recreation, hospitality, and tourist: Bed and breakfast (up to 10 guest suites);	P P	P P	X X	P P	P P	P P

**TABLE 1: Rural Area Land Use
– LAMIRDS Zoning Summary**

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
	Motels (100 units);	P	X	X	X	P	X
	Restaurants (150 seats)	P	X	X	X	P	X
I	Residential single family, 4 units/acre	P	P	X	P on existing lots	X (except caretaker)	n/a
I	Residential centers	n/a	n/a	n/a	n/a	n/a	Density set on map
I	Residential: duplex, multifamily, 6 units/acre	P	P	X	P on existing lots	X	X
I	Retirement, boarding, convalescent home (not state licensed) 6 persons (in addition to owner's family)	P	P	X	P on existing lots	X	P
II	> 6 persons	SUP	SUP	X	SUP	SUP	SUP
II	Group homes (applies to all state-licensed facilities)	SUP	SUP	X	X	X	SUP
II	Animal kennels, shelters, boarding, grooming and hospitals	A	X	P	P/A ¹	P	X
I	Home occupations (cottage industries) A. In existing residence or associated outbuildings, by owner-	P	P	P	P	P	P

**TABLE 1: Rural Area Land Use
– LAMIRDS Zoning Summary**

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
II	occupant, plus 2 nonresident FTE. No exterior appearance of the business except a small sign. No vehicles used off-site for the business; okay to park vehicles overnight. B. Businesses with up to 5 on-site nonresident FTE plus owner-occupant. May include new structures up to 5,000 ft. ² .	A	A	A	A	A	X
II	C. Uses permitted through the special use permit process, Up to 10,000 ft. ² with up to 10 nonresident FTE on site.	SUP	SUP	SUP	SUP	SUP	X
II	Manufacturing, assembly, and process of goods	SUP- to 5,000ft ²	X	P to 20,000ft ² SUP >20,000 ft ²	X	SUP- to 10,000ft ²	X
II	Storage, transportation & handling of goods	SUP- to 5,000ft ²	X	P to 20,000ft ² (via Tier I) SUP >20,000 ft ²	X	SUP- to 10,000ft ²	X

**TABLE 1: Rural Area Land Use
– LAMIRDS Zoning Summary**

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
II	Shoreline uses from (SMP) Shoreline Master Program – Permit exempt	P (Use density, DRs, or SMP, whichever is more restrictive)	P (Use density, DRs, SMP, whichever is more restrictive)	P (Use density, DRs, or SMP, whichever is more restrictive)	X	n/a	P (Use density, DRs, or SMP whichever is more restrictive)
II	Shoreline permit also required for non-exempt activity within 200 ft. of shoreline						
I	On-site treatment/ storage of hazardous waste	P - accessory	P- accessory	P - accessory	P - accessory	P - accessory	P - accessory

KEY P = Permitted Use

SUP = Special Use Permit

A = Administrative Review

X = Prohibited

n/a = not applicable

¹ Animal kennels, shelters, boarding, grooming and hospitals are permitted outright in the majority of Crossroad Commercial areas. When an application is submitted for the Galvin and Dorn's Corner Crossroad Commercial areas, the proposal requires an Administrative Approval to ensure that notice is provided to nearby landowners.

17.42.040 Rural area land use zoning summary.

See Table 2 of this section. [Ord. 1210 §1 (Exh. 1, Att. C), 2009; Ord. 1197 §4, 2007; Ord. 1179, 2002].

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
I	Single family residential	P	P	P
I	Additional residential	Family member unit limited	Family member unit limited	Family member unit limited
I	Family member unit Additional accessory use	P P	P P	P P
III	Clustering: -Location: No more than 24 new cluster subdivision units in any 1/2 mile radius; provided such limit does not apply where there is a physical barrier visually separating the facilities -Size: [Most rural developments are 6 due to water right limitations] Cluster Subdivision - up to 6 Cluster Subdivision >6	P SUP	P SUP	P SUP
I	Cemeteries	P	P	P
	Churches:			
I	up to 6,000 sq.ft., 5 acres developed	P	P	P
II	up to 10,000 sq.ft., on 10 acres	A	A	A
I	Schools – in or within 5 miles of a small town	P	P	P
	Community centers, grange halls, buildings of public assembly			
I	up to 6,000 sq.ft., 5 acres developed	P	P	P
II	up to 10,000 sq.ft., on 10 acres	A	A	A
II	Group homes (applies to all state-licensed facilities)	SUP	SUP	SUP
III	Retirement, convalescent homes, and similar uses not requiring state licensing. Number: Up to two per subarea; up to 6 persons; 7 - 20 persons	P SUP	P SUP	P SUP
II	Utilities, roads, support facilities; and public facilities, public services, including parks	A	A	A
	Essential public facilities			
II	Local	SUP	SUP	SUP

n/a	Regional	Amend CP	Amend CP	Amend CP
I	Home-Based Business (cottage industries) A. In an existing residence or associated outbuilding, by the occupant and 2 FTE employee(s), for a total of 3, where there is no outward manifestation of the business other than a small sign, or vehicles used off site for business purposes. Overnight parking of vehicles and off site okay.	P	P	P
II	B. Businesses which have up to 5 FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 sq.ft.	A	A	A
III	C. Uses permitted through the special use permit process. Such uses may be up to 10,000 sq.ft. and may have up to 10 FTE on site. Special use — no more than 10 per subarea in planning.	SUP	SUP	SUP
III	Isolated Small Business (Nonresource) A. Businesses which have up to 5 FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 sq.ft. Number: No more than 20 per subarea	A	A	A
III	B. Uses permitted through the special use permit process. Such uses may be up to 10,000 sq.ft. and may have up to 10 FTE on site. Number: No more than 20 per subarea	SUP	SUP	SUP
Section 1				
III	A. Bed and Breakfast -Location: existing or new residential construction -Size: up to 10 rooms for rent Number: 2 new per subarea outside identified recreation area	P	P	P
III	B. Motels/Inns, up to 30 rooms -Location: arterial or state highway -Size: 5 acres or less Number: 2 new units per subarea outside identified recreation areas	SUP	SUP	X
III	C. Country Inn -Location: Recreation areas -Size: 10-acre minimum lot size Number: Two per subarea outside recreation area (no more than five total per subarea)	X	SUP	SUP
III	D. Food service establishments, up to 50 seats	SUP	SUP	X

	-Location: arterial or state highway -Size: 5 acres or less -Number: 2 per subarea outside identified recreation areas			
III	E. Recreation service retail not to exceed 5,000 sf (Boat shop, boat & tackle shop, camping supplies, limited grocery and sundries, including storage) -Location: State highway or direct access to recreation area -Size: 2 acres or less, not to exceed 5,000 sq. ft. per building -Number: 4 new per subarea outside identified recreation areas	A	A	A
III	F. Campgrounds and Recreation Facilities -Location: Recreation areas -Size: Up to 100 sites and/or up to 10 acres Over 100 sites and/or up to 40 acres IV Over 100 sites and/or more than 40 acres	SUP RMP MPR	SUP RMP MPR	SUP RMP MPR
IV	Over 100 sites and/or more than 40 acres	MPR	MPR	MPR
III	G. New regional auctioneering facility and supporting uses on sites not less than 80 acres nor greater than 240 acres -Number: 2 new per subarea	SUP	SUP	SUP
III	H. RV parks -Location: recreation areas or 2 miles from <u>state</u> - hwy. -Size: Up to 100 sites and/or up to 10 acres Over 100 sites and/or up to 40 acres IV Over 100 sites and/or more than 40 acres	SUP RMP MPR	SUP RMP MPR	SUP RMP MPR
III	I. Convenience grocery or fuels -Location: on state highway or arterial -Size: one acre or less developed portion -Number: 2 new per subarea outside recreation areas (Also Ppermitted as accessory use to “E” above.)	P	P	P
II	J. Shoreline permitted/conditional uses per shoreline master program and critical area requirements -SMA-exempt activities must be consistent with shoreline master program	A	A	A
II	SMA non-exempt activities -Residential uses must comply with zoning limits	Substantial dev. permit	Substantial dev. permit	Substantial dev. permit
III	K. Tourist/rest stops -Freeway, a cluster of uses -Location: on lots which have a portion within 500 ft. of an Interstate 5 on/off-ramp	A	A	A

	-Uses: A-D, G above -Size limits: double A-E, I above			
III	L. Rural Resorts (replaces stand-alone resorts) -Location: recreation areas -Size: < 75,000 sq. ft. developed floor area and/or 15 acres impervious surface -Number: Two per subarea outside recreation areas (limit of five)	SUP	SUP	SUP
IV	Larger Projects	MPR	MPR	MPR

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
Section 2*				
II	A. New equestrian facilities with events up to 100 participants (up to 6 events per year may draw larger (e.g., 4H or similar) shows)	SUP	SUP	SUP
IV	Larger new facilities	MPR	MPR	MPR
II	B. Motor sports up to 20 acres developed	X	SUP	SUP
IV	Larger facilities	MPR	MPR	MPR
II	C. New or non-exempt commercial sport facilities (e.g., including but not limited to soccer, baseball, track and field)	SUP	SUP	SUP
I	Isolated commercial events (no permit facilities required) (e.g., soccer tournament)	P	P	P
II	D. New, outdoor pistol, rifle, skeet, and other related facilities	X	SUP	SUP
II	Indoor pistol, rifle, skeet, and other related facilities	A	A	A
	E. New golf courses, driving ranges, and related facilities			
II	200 acres or less	SUP	SUP	SUP
IV	>200 acres -accessory uses must meet rural criteria	MPR	MPR	MPR
II	F. Special purpose subdivisions (such as water ski lakes, air parks, and equestrian subdivisions) -Location: In special subdivisions; requires subdivision approval	A	A	A
Section 3				
I	Animal kennels, shelters, boarding, grooming and hospitals	P	P	P

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
II	New private aviation facilities, 9 or fewer permanently-based aircraft, or a private aviation subdivision	SUP	SUP	SUP
II	New public aviation facilities, 10 or more permanently-based aircraft (see LCC 17.115158.030(6)) [Essential Public Facility]	SUP	SUP	SUP
II	Expansion of existing, lawful nonconforming use	A	A	A
II	A. Only on developed legal lot	SUP	SUP	SUP
	B. Nonconforming uses may be changed to new nonconforming use, but new use must meet current critical area, road, stormwater, well, and septic criteria			
I	Mineral resource use			
II	Below DNR threshold	P	P	P
	New or expansion of existing approved mine area	SUP	SUP	SUP
I	Forestry uses listed in LCC 17.30.450(1) and (2)	P	P	P
II	Forest resource accessory use, mills, log yards	P	P	P
	A. Temporary (less than 1 year/portable)	P/SUP over 20 acres	P/SUP over 20 acres	P/SUP over 20 acres
	B. Permanent (fixed installation or more than 1 year)			
I	Agricultural uses as listed in LCC in LCC 17.30.610 , 17.30.620 and 17.30.630 **	P	P	P

KEY: P = Permitted Use

A = Administrative Review

X = Prohibited

SUP = Special Use Permit

RMP = Rural Master Plan

MPR = Master Planned Resort
(county and state planning requirements)

MIP = Major Industrial Park (county and state planning requirements)

* [Section 2] Exempt Activities: Facilities used for personal or limited activities - no charge or cover costs.

** The following agricultural uses require special use permits through the hearing examiner:

- Agricultural processing facilities.
- Commercial greenhouse operations.
- Wholesale nurseries.
- Watershed management facilities, including, but not limited to, diversion devices, impoundments, private dams for flood control, fire control, stock watering, and private hydroelectric generating facilities.

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
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- Storage and application of agricultural waste.
- Disposal of farm-generated solid waste and application of biosolids.
- Regulated treatment of wastewater.
- Composting managed according to an approved nutrient management plan in conduction with the local conservation district and NRCS standards and all applicable environmental, solid waste, access, and health regulations.
- Confined animal feeding operations.
- Storage of explosives, fuels, and chemicals used for agriculture and forestry, subject to all local, state, and federal regulations.
- Private aircraft landing fields, heliports.
- Agricultural storage and processing.

SECTION 30. Chapter 17.80 is amended as follows:

**Chapter 17.80
PACKWOOD AIRPORT OBSTRUCTION ZONING (RA-P)**

Sections:

- [17.80.010](#) Short title.
- [17.80.020](#) Definitions.
- [17.80.030](#) Airport ~~overlay maps-zones.~~
- [17.80.035](#) Airport zones.
- [17.80.040](#) Airport zone height limitations.
- [17.80.050](#) Use restrictions.
- [17.80.060](#) Nonconforming uses.
- [17.80.070](#) Permits - Future uses.
- [17.80.080](#) Permits - Existing uses.
- [17.80.090](#) Permits - Nonconforming uses abandoned or destroyed.
- [17.80.100](#) Variances.
- [17.80.110](#) Obstruction marking and lighting.
- [17.80.120](#) Special use permit.
- ~~[17.80.130](#) Fees.~~
- ~~[17.80.140](#) Appeals - Procedure.~~
- ~~[17.80.150](#) Appeal from the examiner.~~
- ~~[17.80.160](#) Hearing notice.~~
- ~~[17.80.170](#) Recessed hearings.~~

~~17.80.180 Enforcement.~~

~~17.80.190 Violation Penalties.~~

~~17.80.200 Conflicting regulations.~~

17.80.010 Short title.

This chapter shall be known and may be cited as the ~~Packwood A~~airport obstruction zoning chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 1, 1993]

17.80.020 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words and phrases shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion.

(1) “Airport” means the Packwood Airport, ~~Ed Carlson Memorial Airport, or Chehalis/Centralia Airport.~~

(2) “Airport elevation” means the highest point of an airport’s usable landing area measured in feet from sea level. ~~This is 1,053 feet above mean sea level for the Packwood Airport.~~

~~(a) For the Packwood Airport this elevation is 1,053 feet above mean sea level.~~

~~(b) For the Ed Carlson Memorial Field Airport, this elevation is 375 feet above mean sea level.~~

~~(c) For the Chehalis-Centralia Airport, this elevation is 174 feet above mean sea level.~~

(3) “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in LCC [17.80.040](#). The perimeter of the approach surface coincides with the perimeter of the approach zone.

(4) “Approach, transitional, horizontal, and conical zones” are set forth in LCC [17.80.030](#).

(5) “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

(6) “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(7) “Height” ~~means~~, for the purpose of determining the height limits in all zones set forth in this chapter and shown on the approach and clear zone map, ~~the datum~~ shall be mean sea level elevation unless otherwise specified.

(8) "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone. ~~This is 1,203 feet above mean sea level for the Packwood Airport.~~

(a) For the Packwood Airport, this horizontal plane is 1,203 feet above mean sea level.

(b) For the Ed Carlson Memorial Field Airport, this horizontal plane is 525 feet above mean sea level.

(c) For the Chehalis-Centralia Airport, this plane is 324 feet above mean sea level.

(9) "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft. This definition shall only apply to the Chehalis-Centralia Airport.

~~(910)~~ "Nonconforming use" means any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

(11) "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. This definition shall only apply to the Chehalis-Centralia Airport.

~~(1012)~~ "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in LCC [17.80.040](#).

~~(1113)~~ "Person" means an individual, firm, copartnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district.

~~(1214)~~ "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in LCC [17.80.030](#). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

~~(135)~~ "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

~~(1416)~~ "Structure" means an object, including a mobile object, constructed or installed by persons, including but without limitation buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

~~(1517)~~ “Transitional surfaces” means those surfaces that extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

~~(1618)~~ “Tree” means any object of natural growth.

~~(1719)~~ “Utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

~~(1820)~~ “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 2, 1993]

17.80.030 Airport overlay maps zones.

~~(1) General.~~ In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the ~~Packwood Airport~~ Packwood, Ed Carlson Memorial Field, and Chehalis-Centralia airports. ~~Such zones are shown on the Packwood Airport approach and clear zone map, which will be made a part of this chapter.~~

~~(1) For the Packwood and Ed Carlson Memorial Field airports, such zones are shown on the airport approach and clear zone map, which is adopted by reference as part of this chapter.~~

~~(2) For the Chehalis-Centralia Airport, such zones are shown on the Chehalis-Centralia Airport Imaginary Surfaces Drawing, prepared in conjunction with the Airport Master Plan (2000), Map 85 at 17.200.030 which is adopted by reference as part of this chapter.~~

An area located in more than one of the ~~following~~ zones is considered to be only in the zone with the more restrictive height limitation.

17.80.035 Airport zones

The various zones are hereby established and defined as follows:

~~(1a) Approach Zone. Visual Runway Visual Approach Zone.~~

~~(a) Packwood Approach Zone. For the Packwood Airport, T~~he inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide for Runway 1/19. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

~~(b) Ed Carlson Approach Zone. For the Ed Carlson Memorial Field Airport, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide for Runway 6/24. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~

(c) Chehalis-Centralia Larger than Utility Approach Zone. For the Chehalis-Centralia Airport, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(2b) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(3e) Horizontal Zone.

(a) For the Packwood and Ed Carlson Memorial Field airports, the horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(b) For the Chehalis-Centralia Airport, the horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(4d) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at 20:1 therefrom for a horizontal distance of 4,000 feet. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 §3, 1993]

17.80.040 Airport zone height limitations

(1) General. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(a) ~~Visual Runway Visual~~ Approach Zone.

(i) For the Packwood Airport, slopes 20 feet outward for each foot upward (20:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(ii) For the Ed Carlson Memorial Airport, slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(iii) For the Ed Carlson Memorial Airport and Chehalis-Centralia Airport, slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(b) Transitional Zones. Slopes seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. ~~The airport elevation is 1,053 feet above mean sea level.~~

(c) Horizontal Zone. Established at 150 feet above the airport elevation.

(i) For the Packwood Airport, ~~or~~ at a height of 1,203 feet above mean sea level.

(ii) For the Ed Carlson Memorial Field Airport, at a height of 525 feet above mean sea level.

(iii) For the Chehalis-Centralia Airport, at a height of 324 feet above mean sea level.

(d) Conical Zone. Slopes 20 feet outward for each foot upward (20:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 4, 1993]

(2) All structures shall be limited in height consistent with Federal Aviation Regulations (FAR) Part 77 for airport operations or the height limitations of the district, whichever is less. Nothing in this ordinance shall restrict the height of a structure to 15 1/2 feet or less.

17.80.050 Use restrictions.

(1) Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Uses within the mapped areas ~~(see Map 82 at LCC 17.200.020(82))~~ shall be consistent with RCW [36.70A.547](#) to discourage the siting of incompatible uses adjacent to public aviation airports.

(a) The mapped area is the minimum area necessary to protect general airport activities.

(b) Incompatible uses shall include residential uses, places of public assembly, and medical facilities involving the care of people or animals. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 5, 1993]

17.80.060 Nonconforming uses.

(1) Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was

begun prior to the effective date of the ordinance codified in this chapter, and is diligently prosecuted. However, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Administrator under the procedures specified in LCC [17.80.070](#) through [17.80.130](#). No permit shall be granted that would permit a nonconforming tree to become higher or a nonconforming structure to be made or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when application for a permit is made.

(2) Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 6, 1993]

17.80.070 Permits - future uses.

(1) Except as specifically provided in subsections (2) and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with LCC [17.80.100](#).

(2) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones;

(3) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones;

(4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.080 Permits - Existing uses.

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the

effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.090 Permits –Nonconforming uses abandoned or destroyed.

Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.100 Variances.

~~(1) Variances from the standards of this chapter shall be processed in accordance with LCC 17.162.010.~~

~~The Lewis County hearing examiner shall hear and decide requests for variances from any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter.~~

~~(2) Application for a variance request shall be submitted to the Administrator and shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace.~~

~~(3) Standards of Review. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the relief granted will not create a hazard to air navigation and will not be contrary to the public interest, but will do substantial justice, and will be in accordance within the spirit of this chapter.~~

~~(4) Conditions of Approval. Any variance granted may be subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.~~

~~(5) Review of Variance Request by the Packwood Airport Board. No application for variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the Packwood Airport board for advice as to the aeronautical effects of the variance. If the airport board does not respond within 15 days after receipt, the hearing examiner may act on his/her own to grant or deny said application. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]~~

17.80.110 Obstruction marking and lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the planning commission, this condition may be modified to

require the owner to permit the airport owner, at its own expense, to install, operate, and maintain the necessary markings and lights. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

17.80.120 Special use permit.

Any proposed use located in an approach zone shall be treated as a Type III special use application per LCC 17.05.

~~Any use allowed under any other zoning ordinance which will be located in an approach zone shall be treated as a special use under that ordinance and shall be subject to all provisions and procedures required for special uses under that ordinance. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]~~

17.80.130 Fees.

~~The fees for this chapter are set forth in Chapter 17.165 LCC. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 12, 1993]~~

17.80.140 Appeals – Procedure.

~~(1) Any person aggrieved, or taxpayer affected, by any decision of the Administrator made in his/her administration of airport zoning regulations adopted by this chapter may appeal the decision to the hearing examiner in accordance with Chapter 2.25 LCC to hear and decide such appeals. Similarly, if the board of county commissioners is of the opinion that a decision of the Administrator is an improper application of airport zoning regulations of concern to the board of county commissioners, the board of county commissioners may appeal to the hearing examiner to hear and decide such appeals.~~

~~(2) All appeals taken must be taken within 10 days after the Administrator has rendered his/her decision.~~

~~(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the hearing examiner, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the hearing examiner or notice to the Administrator on due cause shown.~~

~~(4) The hearing examiner shall fix a reasonable time for the hearing of appeals within 45 days after the filing of the appeal, unless the examiner notices the parties with a written finding that a specific amount of additional time is needed for the hearing of an appeal. Public notice shall be given by publication of notice in the official newspaper of Lewis County not less than 10 days prior to the hearing. Following hearing the hearing examiner shall render its decisions within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.~~

~~(5) The hearing examiner may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Administrator. [Ord. 1174A §4, 2001; Ord. 1174 §5, 2000; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 §10, 1993]~~

~~17.80.150 Appeal from the examiner.~~

~~A final decision from an appeal to the examiner may be appealed to that superior court of Lewis County, Washington, by means of a land use petition under Chapter 36.70C RCW for "land use decisions" as therein defined. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 11, 1993]~~

~~17.80.160 Hearing notice.~~

~~Each notice of hearing authorized by this chapter shall be published in the official newspaper at least 10 days prior to the date of hearing.~~

~~(1) In addition, a notice of hearing on a variance or an amendment to the approach and clear zone map or text shall be mailed to all taxpayers of record whose lands are located within 500 feet of the lands for which the variance or map amendment has been requested. The mailing shall be to that address employed by the Lewis County treasurer for the mailing of property tax statements.~~

~~(2) The failure of a person to receive the notice prescribed in this section is not jurisdictional and shall not impair the validity of the hearing.~~

~~(3) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 13, 1993]~~

~~17.80.170 Recessed hearings.~~

~~Any hearing authorized or required by this chapter may be recessed to a later time or date in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 13, 1993]~~

~~**17.80.180 Enforcement.**~~

~~It shall be the duty of the administrator to administer and enforce the regulations prescribed herein. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 9, 1993]~~

~~**17.80.190 Violation – Penalties.**~~

~~(1) Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder, shall be subject to the enforcement provisions in Chapter 17.07 LCC.~~

~~(2) In addition or in lieu of the above penalty, an action may be instituted in superior court to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under authority of this chapter or Chapter 14.12 RCW, or of any order or ruling made in connection with administration or enforcement. The court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto. [Ord. 1192 §2, 2006; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 14, 1993]~~

~~17.80.200 Conflicting regulations.~~

~~Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structure or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 15, 1993]~~

SECTION 31. Chapter 17.85 is repealed in its entirety as shown below, and the regulations for Ed Carlson Memorial Field Airport are hereafter placed in Chapter 17.80:

**~~Chapter 17.85
ED CARLSON MEMORIAL FIELD AIRPORT OBSTRUCTION ZONING~~**

Sections:

~~17.85.010 Short title.~~

~~17.85.020 Definitions.~~

~~17.85.030 Airport zones.~~

~~17.85.040 Airport zone height limitations.~~

~~17.85.050 Use restrictions.~~

~~17.85.060 Nonconforming uses.~~

~~17.85.070 Permits - Future uses.~~

~~17.85.080 Permits - Existing uses.~~

~~17.85.090 Permits - Nonconforming uses abandoned or destroyed.~~

~~17.85.100 Variances.~~

~~17.85.110 Obstruction marking and lighting.~~

~~17.85.120 Special use permit.~~

~~17.85.130 Fees.~~

~~17.85.140 Appeals - Procedure.~~

~~17.85.150 Appeal from the examiner.~~

~~17.85.160 Hearing notice.~~

~~17.85.170 Recessed hearings.~~

~~17.85.180 Enforcement.~~

~~17.85.190—Violation—Penalty.~~

~~17.85.200—Conflicting regulations.~~

17.85.010 Short title.

This chapter shall be known and may be cited as the “Ed Carlson Memorial Field Airport Obstruction Zoning Ordinance.” [Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 1, 1996]

17.85.020 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words and phrases shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion.

(1) “Airport” means the Ed Carlson Memorial Field.

(2) “Airport elevation” means the highest point of an airport’s usable landing area measured in feet from sea level. This is 375 feet above mean sea level for the Ed Carlson Memorial Field Airport.

(3) “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in LCC 17.85.040. The perimeter of the approach surface coincides with the perimeter of the approach zone.

(4) Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in LCC 17.85.030.

(5) “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

(6) “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(7) Height. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the approach and clear zone map, the datum shall be mean sea level elevation unless otherwise specified.

(8) “Horizontal surface” means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone. This is 525 feet above mean sea level for the Ed Carlson Memorial Field Airport.

(9) “Nonconforming use” means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

(10) “Obstruction” means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in LCC 17.85.040.

(11) “Person” means an individual, firm, co-partnership, association, corporation or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district.

(12) “Primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in

~~LCC 17.85.030. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.~~

~~(13) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.~~

~~(14) "Structure" means an object, including a mobile object, constructed or installed by persons, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.~~

~~(15) Transitional Surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.~~

~~(16) "Tree" means any object of natural growth.~~

~~(17) "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.~~

~~(18) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures. [Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 2, 1996]~~

17.85.030 Airport zones.

~~(1) General. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Ed Carlson Memorial Field Airport. Such zones are shown on the Ed Carlson Memorial Field approach and clear zone map, which will be made a part of this chapter. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows.~~

~~(2) Establishment and Definition of Airport Zones.~~

~~(a) Visual Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide for Runway 5/23. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~

~~(b) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.~~

~~(c) Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 foot radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.~~

~~(d) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at 34:1 therefrom for a horizontal distance of 4,000 feet. [Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 3, 1996]~~

17.85.040 Airport zone height limitations.

~~(1) General. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows.~~

~~(2) Establishment of Height Limitations.~~

~~(a) Visual Runway Visual Approach Zone. Slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.~~

~~(b) Transitional Zones. Slope seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. The airport elevation is 375 feet above mean sea level.~~

~~(c) Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 525 feet above mean sea level.~~

~~(d) Conical Zone. Slopes 34 feet outward for each foot upward (34:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 4, 1996]~~

~~17.85.050 Use restrictions.~~

~~Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 5, 1996]~~

~~17.85.060 Nonconforming uses.~~

~~(1) Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter, and is diligently prosecuted. However, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the county Administrator under the procedures specified in LCC 17.85.070 through 17.85.130. No permit shall be granted that would permit a nonconforming tree to become higher or a nonconforming structure to be made or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when application for a permit is made.~~

~~(2) Marking and Lighting. Notwithstanding the preceding provision of the section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereof of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 6, 1996]~~

~~17.85.070 Permits - Future uses.~~

~~(1) Except as specifically provided in sub-sections (2) and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient~~

~~particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with LCC 17.85.100.~~

~~(2) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.~~

~~(3) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.~~

~~(4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.01, 1996]~~

17.85.080 Permits - Existing uses.

~~No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.02, 1996]~~

17.85.090 Permits - Nonconforming uses abandoned or destroyed.

~~Whenever the Lewis County administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.03, 1996]~~

17.85.100 Variances.

~~(1) The Lewis County hearing examiner shall hear and decide requests for variances from any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter.~~

~~(2) Application for a variance request shall be submitted to the Lewis County administrator and shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace.~~

~~(3) Standards of Review. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the relief granted will not create a hazard to air navigation and will not be contrary to the public interest, but will do substantial justice, and will be in accordance within the spirit of this chapter.~~

~~(4) Conditions of Approval. Any variance granted may be subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.~~

~~(5) Review of Variance Request by the Ed Carlson Memorial Field Board. No application for variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the Ed Carlson Memorial Field board for advice as to the aeronautical~~

effects of the variance. If the airport board does not respond within 15 days after receipt, the hearing examiner may act on his own to grant or deny said application. [Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.04, 1996]

17.85.110 Obstruction marking and lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the planning commission, this condition may be modified to require the owner to permit the airport owner, at its own expense, to install, operate, and maintain the necessary markings and lights. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.05, 1996]

17.85.120 Special use permit.

Any use allowed under any other zoning ordinance which will be located in an approach zone shall be treated as a special use under that ordinance and shall be subject to all provisions and procedures required for special uses under that ordinance. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.06, 1996]

17.85.130 Fees.

The fees for this chapter are set forth in Chapter 17.165 LCC for each permit application, application to amend a permit, or variance application. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 7.07, 1996]

17.85.140 Appeals – Procedure.

(1) Any person aggrieved, or taxpayer affected, by any decision of the administrator made in his administration of airport zoning regulations adopted by this chapter may appeal the decision to the hearing examiner in accordance with Chapter 2.25 LCC to hear and decide such appeals. Similarly, if the board of county commissioners is of the opinion that a decision of the administrator is an improper application of airport zoning regulations of concern to the board of county commissioners, the board of county commissioners may appeal to the hearing examiner to hear and decide such appeals.

(2) All appeals taken must be taken within ten days after the administrator has rendered his decision.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrator certifies to the hearing examiner, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the hearing examiner or notice to the administrator on due cause shown.

(4) The hearing examiner shall fix a reasonable time for the hearing of appeals within 45 days after the filing of the appeal, unless the examiner notifies the parties with a written finding that a specific amount of additional time is needed for the hearing of an appeal. Public notice shall be given by publication of notice in the official newspaper of Lewis County not less than ten days prior to the hearing. Following hearing the hearing examiner shall render its decisions within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.

(5) The hearing examiner may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that

~~end shall have all the powers of the administrator. [Ord. 1174A §5, 2001; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 8.01, 1996]~~

~~17.85.150 Appeal from the examiner.~~

~~A final decision from an appeal to the examiner may be appealed to that superior court of Lewis County, Washington, by means of a land use petition under Chapter 36.70C RCW for land use decisions as therein defined. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 8.02, 1996]~~

~~17.85.160 Hearing notice.~~

~~Each notice of hearing authorized by this chapter shall be published in the official newspaper at least 10 days prior to the date of hearing.~~

~~(1) In addition, a notice of hearing on a variance or an amendment to the approach and clear zone map or text shall be mailed to all taxpayers of record whose lands are located within 300 feet of the lands for which the variance or map amendment has been requested. The mailing shall be to that address employed by the Lewis County treasurer for the mailing of property tax statements.~~

~~(2) The failure of a person to receive the notice prescribed in this section is not jurisdictional and shall not impair the validity of the hearing.~~

~~(3) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 9.01, 1996]~~

~~17.85.170 Recessed hearings.~~

~~Any hearing authorized or required by this chapter may be recessed to a later time or date in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 9.02, 1996]~~

~~17.85.180 Enforcement.~~

~~It shall be the duty of the county administrator to administer and enforce the regulations prescribed in this chapter. County planning staff shall have the duty to administer and approve permits. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 10.01, 1996]~~

~~17.85.190 Violation - Penalty.~~

~~(1) Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall be subject to the enforcement provisions in Chapter 17.07 LCC.~~

~~(2) In addition or in lieu of the above penalty, an action may be instituted in superior court to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under authority of this chapter or Chapter 14.12 RCW, or of any order or ruling made in connection with administration or enforcement. The court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto. [Ord. 1192 §3, 2006; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 § 10.02, 1996]~~

~~17.85.200 Conflicting regulations.~~

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structure or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1148 Art. 11, 1996]

SECTION 32. Chapter 17.90 is repealed in its entirety as shown below, and the regulations for the Chehalis – Centralia Airport are hereafter placed in Chapter 17.80:

~~Chapter 17.90~~
~~CHEHALIS-CENTRALIA AIRPORT OBSTRUCTION ZONING~~

Sections:

~~17.90.010 – Short title.~~

~~17.90.020 – Definitions.~~

~~17.90.030 – Airport zones.~~

~~17.90.040 – Airport zone height limitations.~~

~~17.90.050 – Use restrictions.~~

~~17.90.060 – Nonconforming uses.~~

~~17.90.070 – Permits – Future uses.~~

~~17.90.080 – Permits – Existing uses.~~

~~17.90.090 – Permits – Nonconforming uses abandoned or destroyed.~~

~~17.90.100 – Variances.~~

~~17.90.110 – Obstruction marking and lighting.~~

~~17.90.120 – Special use permit.~~

~~17.90.130 – Fees.~~

~~17.90.140 – Appeals – Procedure.~~

~~17.90.150 – Appeal from the examiner.~~

~~17.90.160 – Hearing notice.~~

~~17.90.170 – Recessed hearings.~~

~~17.90.180 – Enforcement.~~

~~17.90.190 – Violation – Penalty.~~

~~17.90.200 – Conflicting regulations.~~

~~17.90.010 Short title.~~

~~This chapter shall be known and may be cited as the “Chehalis-Centralia Airport Obstruction Zoning Ordinance.” [Ord. 1170B, 2000]~~

~~17.90.020 Definitions.~~

~~As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words and phrases shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion.~~

~~(1) “Airport” means the Chehalis-Centralia Airport.~~

~~(2) “Airport elevation” means the highest point of an airport’s usable landing area measured in feet from sea level. This is 174 feet above mean sea level for the Chehalis-Centralia Airport.~~

~~(3) “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in LCC 17.90.040. The perimeter of the approach surface coincides with the perimeter of the approach zone.~~

~~(4) Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in LCC 17.90.030.~~

~~(5) “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 34:1 for a horizontal distance of 4,000 feet.~~

~~(6) “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.~~

~~(7) Height. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the approach and clear zone map, the datum shall be mean sea level elevation unless otherwise specified.~~

~~(8) “Horizontal surface” means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone. This is 324 feet above mean sea level for the Chehalis-Centralia Airport.~~

~~(9) “Larger than utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.~~

~~(10) “Nonconforming use” means any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.~~

~~(11) “Nonprecision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.~~

~~(12) “Obstruction” means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in LCC 17.90.040.~~

~~(13) “Person” means an individual, firm, copartnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district.~~

(14) "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in LCC 17.90.030. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(15) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

(16) "Structure" means an object, including a mobile object, constructed or installed by persons, including but without limitation buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(18) Transitional Surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

(19) "Tree" means any object of natural growth.

(20) "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(21) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures. [Ord. 1170B, 2000]

17.90.030 Airport zones.

(1) General. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Chehalis Centralia Airport. Such zones are shown on the Chehalis Centralia Airport Imaginary Surfaces Drawings, prepared in conjunction with the Airport Master Plan (2000), Map 85 at 17.200.020, which will be made a part of this chapter. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows.

(2) Establishment and Definition of Airport Zones.

(a) Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(b) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(c) Horizontal Zone. The horizontal zone is established by swinging arcs of 10,000-foot radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(d) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at 34:1 therefrom for a horizontal distance of 4,000 feet. [Ord. 1170B, 2000]

17.90.040 Airport zone height limitations.

(1) General. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess

of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows.

(2) Establishment of Height Limitations.

(a) Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone. Slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(b) Transitional Zones. Slope seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. The airport elevation is 174 feet above mean sea level.

(c) Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 324 feet above mean sea level.

(d) Conical Zone. Slopes 34 feet outward for each foot upward (34:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. [Ord. 1170B, 2000]

17.90.050 Use restrictions.

(1) Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Uses within the mapped areas (see Map 84 at LCC 17.200.020(84)) shall be consistent with RCW 36.70A.547 to discourage the siting of incompatible uses adjacent to public aviation airports.

(a) The mapped area is the minimum area necessary to protect general airport activities.

(b) Incompatible uses shall include residential uses, places of public assembly, and medical facilities involving the care of people or animals. [Ord. 1170B, 2000]

17.90.060 Nonconforming uses.

(1) Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter, and is diligently prosecuted. However, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Administrator under the procedures specified in LCC 17.90.070 through 17.90.130. No permit shall be granted that would permit a nonconforming tree to become higher or a nonconforming structure to be made or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when application for a permit is made.

(2) Marking and Lighting. Notwithstanding the preceding provision of the section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and

~~maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. [Ord. 1170B, 2000]~~

~~17.90.070 Permits – Future uses.~~

~~(1) Except as specifically provided in subsections (2) and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with LCC 17.90.100.~~

~~(2) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.~~

~~(3) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.~~

~~(4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this chapter. [Ord. 1170B, 2000]~~

~~17.90.080 Permits – Existing uses.~~

~~No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. [Ord. 1170B, 2000]~~

~~17.90.090 Permits – Nonconforming uses abandoned or destroyed.~~

~~Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. [Ord. 1170B, 2000]~~

~~17.90.100 Variances.~~

~~(1) The Lewis County hearing examiner shall hear and decide requests for variances from any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter.~~

~~(2) Application for a variance request shall be submitted to the Administrator and shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace.~~

~~(3) Standards of Review. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the relief granted will not create a hazard to air navigation and will not be contrary to the public interest, but will do substantial justice, and will be in accordance within the spirit of this chapter.~~

~~(4) Conditions of Approval. Any variance granted may be subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.~~

~~(5) Review of Variance Request by the Chehalis-Centralia Airport Board. No application for variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the Chehalis-Centralia Airport board for advice as to the aeronautical effects of the variance. If the airport board does not respond within 15 days after receipt, the hearing examiner may act on his/her own to grant or deny said application. [Ord. 1170B, 2000]~~

~~17.90.110 Obstruction marking and lighting.~~

~~Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the planning commission, this condition may be modified to require the owner to permit the airport owner, at its own expense, to install, operate, and maintain the necessary markings and lights. [Ord. 1170B, 2000]~~

~~17.90.120 Special use permit.~~

~~Any use allowed under any other zoning ordinance which will be located in an approach zone shall be treated as a special use under that ordinance and shall be subject to all provisions and procedures required for special uses under that ordinance. [Ord. 1170B, 2000]~~

~~17.90.130 Fees.~~

~~The fees for this chapter are set forth in Chapter 17.165 LCC. [Ord. 1170B, 2000]~~

~~17.90.140 Appeals – Procedure.~~

~~(1) Any person aggrieved, or taxpayer affected, by any decision of the administrator made in his/her administration of airport zoning regulations adopted by this chapter may appeal the decision to the hearing examiner in accordance with Chapter 2.25 LCC to hear and decide such appeals. Similarly, if the board of county commissioners is of the opinion that a decision of the administrator is an improper application of airport zoning regulations of concern to the board of county commissioners, the board of county commissioners may appeal to the hearing examiner to hear and decide such appeals.~~

~~(2) All appeals taken must be taken within 10 days after the administrator has rendered his/her decision.~~

~~(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrator certifies to the hearing examiner, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the hearing examiner or notice to the administrator on due cause shown.~~

~~(4) The hearing examiner shall fix a reasonable time for the hearing of appeals within 45 days after the filing of the appeal, unless the examiner notices the parties, unless the examiner notices the parties by written finding that an extended hearing date setting is needed. Public notice shall be~~

~~given by publication of notice in the official newspaper of Lewis County not less than 10 days prior to the hearing. Following hearing the hearing examiner shall render its decisions within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.~~

~~(5) The hearing examiner may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrator. [Ord. 1174A §6, 2001; Ord. 1174 §6, 2000; Ord. 1170B, 2000]~~

~~17.90.150 Appeal from the examiner.~~

~~A final decision from an appeal to the examiner may be appealed to that superior court of Lewis County, Washington, by means of a land use petition under Chapter 36.70C RCW for land use decisions as therein defined. [Ord. 1170B, 2000]~~

~~17.90.160 Hearing notice.~~

~~Each notice of hearing authorized by this chapter shall be published in the official newspaper at least 10 days prior to the date of hearing.~~

~~(1) In addition, a notice of hearing on a variance or an amendment to the approach and clear zone map or text shall be mailed to all taxpayers of record whose lands are located within 500 feet of the lands for which the variance or map amendment has been requested. The mailing shall be to that address employed by the Lewis County treasurer for the mailing of property tax statements.~~

~~(2) The failure of a person to receive the notice prescribed in this section is not jurisdictional and shall not impair the validity of the hearing.~~

~~(3) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television. [Ord. 1170B, 2000]~~

~~17.90.170 Recessed hearings.~~

~~Any hearing authorized or required by this chapter may be recessed to a later time or date in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. [Ord. 1170B, 2000]~~

~~17.90.180 Enforcement.~~

~~It shall be the duty of the administrator to administer and enforce the regulations prescribed in this chapter. [Ord. 1170B, 2000]~~

~~17.90.190 Violation -- Penalty.~~

~~(1) Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall be subject to the enforcement provisions in Chapter 17.07 LCC.~~

~~(2) In addition or in lieu of the above penalty, an action may be instituted in superior court to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under authority of this chapter or Chapter 14.12 RCW, or of any order or ruling made in connection with administration or enforcement. The court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the~~

case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto. [Ord. 1192 §4, 2006; Ord. 1170B, 2000]

~~17.90.200 Conflicting regulations.~~

~~Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structure or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. [Ord. 1170B, 2000]~~

SECTION 33. Chapter 17.114 is repealed in its entirety as shown below:

**~~Chapter 17.114
FOREST PRACTICES
DEVELOPMENT MORATORIA*~~**

Sections:

- ~~17.114.010— Authority.~~
- ~~17.114.020— Interpretation and conflict.~~
- ~~17.114.030— Purpose.~~
- ~~17.114.040— Definitions.~~
- ~~17.114.050— Exemptions.~~
- ~~17.114.060— Administration.~~
- ~~17.114.070— Development moratoria.~~
- ~~17.114.080— Request for removal of development moratoria.~~
- ~~17.114.090— Request for single-family dwelling exception.~~
- ~~17.114.100— Fees.~~
- ~~17.114.110— Reconsideration and appeals.~~

~~*[Note: Ord. 1195 repealed this chapter as to forest practices development moratoria approved by the county after July 22, 2007, the effective date of RCW 76.09.240. Moratoria approved prior to this date are grandfathered and subject to this chapter.]~~

~~17.114.010 Authority.~~

~~This chapter was established pursuant to Chapter 76.09 RCW. [Ord. 1195 § 2, 2007]~~

~~17.114.020 Interpretation and conflict.~~

~~In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for development regulation. In the event that forest practices regulated lands are overlaid by shoreline management jurisdiction, Endangered Species Act jurisdiction, or any other local state or federal regulation, the most restrictive regulations shall apply. [Ord. 1195 § 2, 2007]~~

~~17.114.030 Purpose.~~

~~As of July 27, 1997, all property on which a Class II, III or IV special forest practice approval has been issued (per Chapter 76.09 RCW), or where the timber harvesting takes place with an application, are subject to a six-year moratorium on development approvals. Lewis County is required to deny all development permits, including building permits and subdivision applications, on these properties. This is required by state law, RCW 76.09.060. However, the state law also provides for the county to adopt a process by which the moratorium can be waived or removed. This chapter provides a waiver process by which the applicant may obtain the necessary permits to build a single-family home and/or outbuildings on an existing lot during the six-year moratorium. The chapter also provides a moratorium removal process by which an applicant may have the six-year moratorium on development removed, although conditions may be placed on that removal. [Ord. 1195 § 2, 2007]~~

17.114.040 Definitions.

~~(1) In addition to the following definitions, this chapter shall rely upon existing definitions contained within the Washington State Forest Practices Act (Chapter 76.09 RCW), Rules for the Washington State Forest Practices Act (Chapter 222-16 WAC), and Chapters 17.05 and 17.10 LCC.~~

~~(2) In the event of a conflict between the definitions provided in RCW, WAC or other LCC sections and the definitions provided in this section, the definitions in this section shall govern.~~

~~(a) "Administrator" means the director of the community development department of his/her designee.~~

~~(b) "Applicant" means the person, party, firm, corporation, legal entity, or agent thereof that proposes forest practices on property in Lewis County for the property owner.~~

~~(c) "Christmas trees" means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species. (RCW 76.48.020(1))~~

~~(d) "Classes of forest practices" means the four classifications of forest practices activities described in WAC 222-16-050. The class of forest practices is determined by considering several factors including but not limited to the type of activity proposed (e.g., harvesting, thinning, etc.), its scale, the affected environment, and the future use of the site. The description of the classes of forest practices paraphrased below are intended to summarize the classifications and do not supersede the specific definitions described in Chapter 222-16 WAC and Chapter 76.09 RCW:~~

~~(i) Class I are those minor forest practices that have no direct potential for damaging a public resource. Examples of Class I forest practices include timber harvests on parcels where contiguous ownership is less than two acres in size that are not within a shoreline designation or UGA, and none of the operation takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary high water mark of a Type 4 Water or flowing Type 5 Water (see Chapter 222-16 WAC for definitions of water types); the culture and harvest of Christmas trees and seedlings; tree planting and seeding; and cutting and/or removal of less~~

than 5,000 board feet of timber for personal use (e.g., firewood, fence post, etc.) in any consecutive 12-month period. Class I forest practices do not require approval of a permit by DNR.

(ii) Class II are those forest practices which have less than an ordinary potential for damaging a public resource. Examples of Class II forest practices include the construction of advance fire trails; timber harvests of less than 40 acres; and the partial cutting of 40 percent or less of the live timber volume on a site. Class II forest practices require notification to DNR prior to being conducted; they do not require an application. Property logged pursuant to a Class II permit must be reforested and is intended to remain in timber production.

(iii) Class III are those forest practices not listed under Class I, II, and IV. Class III forest practices require permit approval by the DNR. Property logged pursuant to a Class III permit must be reforested and is intended to remain in timber production.

(iv) Class IV forest practices are divided into two categories as follows:

(A) Class IV-General are those forest practices occurring on lands within UGAs; lands platted after January 1, 1960, or on lands which are being converted to a use other than commercial timber production. Examples of Class IV-General forest practices include harvest of timber and conversion of land to residential or commercial uses. Reforestation is not required under a Class IV-General forest practices permit as the property subject to the permit is being converted to a nonforestry use. All Class IV-General forest practices are considered conversion forest practices.

(B) Class IV-Special are those forest practices which have the potential to result in a substantial impact to the environment. Examples of Class IV-Special forest practices include forest practices conducted on lands designated as critical wildlife habitat for threatened or endangered wildlife species; timber harvest in national, state or local parks; and forest practices involving the filling or draining of more than 0.5 acres of wetland. Class IV-Special forest practices include two subcategories: conversion and nonconversion. Class IV-Special conversion forest practices include those practices which result in the conversion of timberland to a non-forestry use, such as residential, commercial or industrial. Class IV-Special nonconversion forest practices include those practices that will result in uses of the property consistent with timber growing.

(e) "Comprehensive plan" means the current comprehensive plan for Lewis County.

(f) "County" means Lewis County.

(g) "Critical areas" means wetlands, flood hazard areas, fish and wildlife habitat areas, aquifer recharge areas, and geologically hazardous areas as regulated under Chapter 17.35 LCC.

~~(h) "Department" means the Lewis County community development department.~~

~~(i) "Development" means any activity that requires federal, state, or local approval for the use or modification of land or its resource. These activities include, but are not limited to, subdivision, short subdivision, and large lot subdivisions; binding site plans; planned unit developments; variances; shoreline substantial development; clearing activity; excavation and grading; embankment; activity conditionally allowed; building or construction; revocable encroachment permits; and septic approval.~~

~~(j) "Diseased tree" shall mean a tree that in the opinion of the department or an expert approved by Lewis County (such as but not limited to an experienced forester or landscape architect) has a strong likelihood of infecting other trees or brush in the area or becoming dangerous as a result of the disease.~~

~~(k) "Forest land" as defined in the Washington State Forest Practice Act means all land which is capable of supporting a merchantable stand of timber and is not actively used for a use which is incompatible with timber growing.~~

~~(l) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to the growing, harvesting, or processing of timber, including but not limited to: road and trail construction; harvesting, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.~~

~~(m) "Forest practices application or notification" means the application or notification required to be submitted to the Washington State Department of Natural Resources or Lewis County for the conduct of forest practices.~~

~~(n) "Hazard tree" means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.~~

~~(o) "Hearing examiner" means the Lewis County hearing examiner as established by Chapter 2.25 LCC.~~

~~(p) "Nonconversion" means any Class II, Class III, or Class IV Special Forest Practice as defined by WAC 222-16-050 where land is being retained for uses consistent with timber growing. Examples include but are not limited to the cutting and removal of trees and the replanting for commercial forest production.~~

~~(q) "Nonforestry use" means an active use of land which is incompatible with timber growing.~~

(r) "Owner" means any person or persons having a legal or equitable property right or interest, whether they may be legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, option or optionee, and beneficiary or grantor of a trust and deed of trust.

(s) "Professional forester" means a person with a college degree in forestry or the equivalent in post-secondary education and work experience in forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from a SAF accredited forestry school, or urban foresters with a degree in urban forestry. [Ord. 1195 § 2, 2007]

17.114.050 Exemptions.

(1) The following activities are exempted from the provisions of this chapter:

(a) Class I forest practices located outside of UGAs are exempt unless:

(i) It involves a conversion to a nonforestry use; or

(ii) It occurs on lands platted after January 1, 1960.

(b) Class I forest practices located within UGAs that do not involve road construction or timber harvesting.

(c) Forest practices on lands in a UGA where the landowner submits a 10-year statement of nonconversion to the Department of Natural Resources (reforestation agreement) together with either an acceptable 10-year forest management plan or proof that the land is currently enrolled in current use assessment timber lands, under the provisions of Chapter 84.33 RCW.

(d) The division of land into lots, each of which is one thirty-second of a section of land or larger, or 20 acres or larger; provided, the proposed division meets the minimum lot size or density requirements in LCC Title 17.

(e) Repair or remodeling within the existing footprint of existing structures.

(f) Reconstruction of a structure damaged or destroyed due to fire, explosion, wind, flood, earthquake, or other similar calamity.

(g) Hazard Tree Removal:

(i) Tree cutting shall be authorized only when it is demonstrated to the satisfaction of the department that an imminent threat exists to public health or safety, or the safety of private or public property. In these cases, the landowner shall be required to submit a report from a registered landscape architect, professional forester, or other expert approved by Lewis County which demonstrates that an imminent threat exists and the specific actions which must occur to abate the threat.

~~(ii) Tree cutting shall be limited to the topping or trimming of trees, unless total removal is justified by the landowner's expert. All vegetation removed (tree stems, branches, tops, etc.) shall remain within the open space or buffer area. [Ord. 1195 § 2, 2007]~~

17.114.060 Administration.

~~(1) Approvals Required. An approval pursuant to this chapter must be obtained from Lewis County for the following:~~

~~(a) Request for Removal of Development Moratorium. An approved request for removal of development moratorium shall be required prior to the approval of any development permits by Lewis County for land which is subject to a development moratorium except for the construction of one single-family residence.~~

~~(b) Request for Single-Family Dwelling Exception. An approved request for single-family dwelling exception shall be required prior to the construction of a single-family residence or related improvements on land which is subject to a development moratorium.~~

~~(2) Application Requirements.~~

~~(a) Preliminary review. The provisions for conducting a preliminary review of the completeness of any application filed pursuant to this chapter are set forth in LCC [17.05.045\(2\)](#).~~

~~(b) Application Filing. An application shall be required for all approvals pursuant to this chapter.~~

~~(c) Application Site Plan. All applications shall include a site plan of the proposal that includes the following, if applicable:~~

~~(i) Drafted at a scale no smaller than one inch to 200 hundred feet with the scale being shown on the drawing;~~

~~(ii) Harvest boundaries and tree retention areas;~~

~~(iii) North arrow;~~

~~(iv) The approximate location of any structures;~~

~~(v) The location of all existing and proposed streets, rights-of-way, easements, landings within the proposal;~~

~~(vi) The location of future land development, including stormwater management facilities, and vegetation to be retained for site landscaping, open space, wildlife habitat, screening, and/or buffers;~~

~~(vii) Critical areas and critical area buffers;~~

~~(3) Public Notice Requirements for the Request for Removal of Development Moratoria.~~

~~(a) Public notice provisions for notice of application and threshold determination shall be as set forth in LCC 17.110.170.~~

~~(b) Notice of Public Hearing. The administrator shall give notices of a public hearing before the hearing examiner as follows:~~

~~(i) By arranging for publication of notice of hearing in a newspaper of general circulation within the county not less than 10 days prior to the hearing date.~~

~~(ii) Through the U.S. Mail, postmarked at least 10 days prior to the date of the hearing to neighboring property owners within 300 feet of the property for the moratorium removal has been requested.~~

~~(4) Review.~~

~~(a) Initial Review. The department shall conduct an initial review of any application in accordance with the provisions outlined in LCC 17.05.045.~~

~~(b) Any property owner subject to a moratorium may request release from the six-year moratorium concurrently with or prior to an application for a permit for a development proposal. To the extent possible, the request for release should be processed concurrently with the applicable development permit.~~

~~(c) Review Responsibilities.~~

~~(i) The department is responsible for administration, circulation, review and approval of an application for single family dwelling exceptions.~~

~~(ii) The hearing examiner shall be the decision authority for requests to remove a development moratorium and administrative appeals.~~

~~(iii) Other county departments and state agencies, as determined by the department, may review an application and forward their respective recommendations to the administrator or examiner as appropriate.~~

~~(d) Compliance with Other Codes. An application filed pursuant to this chapter shall also comply with the following titles of the Lewis County Code, as now existing or hereafter amended:~~

~~(i) LCC Title 17, Land Use and Development Regulations;~~

~~(ii) LCC Title 16, Subdivisions;~~

~~(iii) LCC Title 15, Buildings and Construction;~~

~~(iv) The Lewis County comprehensive plan; and~~

~~(v) The Lewis County shoreline master program.~~

~~(e) Burden of Proof. The applicant has the burden of proving that the proposed application complies with the standards set forth in this chapter.~~

~~(f) Denial. The administrator or hearing examiner as applicable shall deny an application that does not meet all of the provisions in this chapter. [Ord. 1195 § 2, 2007]~~

17.114.070 Development moratoria.

(1) General Requirements.

~~(a) All development moratoria established pursuant to this chapter shall be mandatory.~~

~~(b) Development applications and project construction for any development activity shall be prohibited for a term of six years on a site subject to a moratorium.~~

(2) Actions That Result in a Development Moratorium. The following actions shall result in a six-year development moratorium being imposed:

~~(a) The notification by DNR of Class II forest practices.~~

~~(b) The approval by DNR of a Class III or IV Special forest practices permit.~~

~~(c) The violation Class IV General forest practices permit.~~

~~(d) Activity that meets the definition of Class II forest practices on a parcel without an approved forest practices notification.~~

~~(e) Activity that meets the definition of Class III or IV forest practices on a parcel without an approved forest practices application.~~

(3) Consequences of a Development Moratorium.

~~(a) Lewis County shall terminate review of any application for development of land which is found to be subject to a six-year development moratorium.~~

~~(b) A new application shall be required for development of the site after the six-year moratorium expires.~~

~~(c) Lewis County shall not accept applications for any development of land which is subject to a six-year moratorium; except as provided for in LCC 17.114.060(2).~~

~~(d) Per RCW 76.09.060, all development moratoria imposed by Lewis County shall apply to the entire parcel.~~

~~(e) Prior to any development permit application, the property owner shall be required to submit a Class IV-General permit application on land that was cleared without a required forest practices application or notification, or in violation of a Class II, Class III, or Class IV-Special permit.~~

~~(f) Lewis County shall notify the appropriate state agency if a forest practices activity that meets the definition of a Class II, III, or IV-Special forest practices has been initiated on a parcel without an approved forest practices application or notification.~~

~~(4) Effective Date of a Moratorium.~~

~~(a) The six-year development moratorium shall be imposed from the effective date of the applicable Class II notification, Class III or Class IV-Special forest practices permit.~~

~~(b) If forest practices occur on a site without the appropriate permit, a six-year development moratorium shall be imposed from the date the unpermitted forest practices were documented by Lewis County or DNR.~~

~~(c) Where a site is subject to an approved Class II notification, or Class III or IV-Special forest practices permit, forest practices occurring at the site which are outside the scope of the approved permit shall be considered unpermitted forest practices for moratorium purposes. In these cases, a six-year development moratorium shall be imposed from the date the unpermitted forest practices were documented. [Ord. 1195 § 2, 2007]~~

17.114.080 Request for removal of development moratoria.

~~(1) Any development moratorium established pursuant to LCC 17.114.070 may be considered for removal by the hearing examiner when the following requirements are met:~~

~~(a) Public Hearing Required.~~

~~(i) The department shall set a date for public hearing before the examiner after all the requests for additional information or plan correction, as set forth in LCC 17.114.060(3), have been satisfied, and either a determination of nonsignificance or a mitigated determination of nonsignificance (DNS or MDNS) or environmental impact statement (FEIS or FSEIS), if required, has been issued.~~

~~(ii) The public hearing shall follow the public notice and hearings procedures set forth in LCC 17.114.060(3)(b) and Chapter 2.25 LCC.~~

~~(b) Review Criteria. The examiner shall consider the removal of a development moratorium established pursuant to this chapter when the following criteria are met:~~

~~(i) The forest practices conducted on the site meet the standards set forth in WAC Title 222.~~

~~(ii) Corrective actions are implemented which would bring the forest practices into compliance with WAC Title 222.~~

~~(iii) If critical areas or critical area buffers have been damaged, the examiner may impose increased critical area buffer standards together with additional requirements to mitigate the damage.~~

~~(iv) The entire site shall have been reforested in accordance with the requirements set forth in Chapter 222-34 WAC.~~

~~(c) Approval.~~

~~(i) The hearing examiner shall review all requests for removal of a development moratorium, any comments received, and applicable county regulations or policies, and may inspect the property prior to rendering a decision.~~

~~(ii) The hearing examiner may approve an application for a request to remove a development moratorium, approve the application with conditions, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with requirements of this chapter.~~

~~(d) Required Written Findings and Determinations. Removal of a development moratorium may be approved by the examiner if the following findings can be made regarding the proposal and are supported by the record:~~

~~(i) The removal of the six-year development moratorium will not be detrimental to the public health, safety, and general welfare.~~

~~(ii) The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.~~

~~(iii) The removal of the six-year development moratorium will not result in significant adverse environmental impacts.~~

~~(iv) The removal of the six-year developmental moratorium is consistent with the review criteria in LCC 17.114.080(1)(b).~~

~~(v) The removal of the six-year development moratorium is consistent with the goals, objectives, and policies of the comprehensive plan and the provisions of this chapter. [Ord. 1195 § 2, 2007]~~

~~17.114.090 Request for single-family dwelling exception.~~

~~(1) The administrator may grant an exception to the mandatory six-year development moratorium to allow the construction of one single-family dwelling unit and associated accessory structures pursuant to the following standards:~~

~~(a) General Requirements.~~

~~(i) The area that is permitted to be developed pursuant to this administrative exception shall not exceed two acres in size;~~

~~(ii) Upon approval of a single-family dwelling unit exception, a memorandum of agreement (MOA) shall be recorded with the Lewis County auditor by the landowner which includes a site plan depicting the area of the parcel to be dedicated for the single-family dwelling, yard area, permitted accessory structures, and access road. The MOA shall identify the actions to be taken by the landowner to correct any violations of county ordinances or regulations;~~

~~(iii) The development moratorium shall remain in effect for all other non-forestry uses of the site.~~

~~(b) Review Criteria. One single-family dwelling, permitted accessory structures, lawn and landscaped area, and access road may be constructed together with site development activities necessary to construct the dwelling on land subject to a development moratorium; provided, that:~~

~~(i) The construction of the single-family dwelling, lawn and landscaping area, accessory structures, and access road are in compliance with all applicable county regulations;~~

~~(ii) The landowner corrects any violations of critical area and resource lands if any have occurred on the parcel;~~

~~(iii) Reforestation of the site has occurred if required pursuant to Chapter 222-34 WAC.~~

~~(c) Required Written Findings and Determinations. A single-family dwelling unit exception may be approved by the administrator on a site that is subject to a six-year development moratorium, only if of the following written findings can be made regarding the proposal and are supported by the record:~~

~~(i) The single-family exception to the six-year development moratorium will not be detrimental to the public health, safety, and general welfare.~~

~~(ii) The single-family exception to the six-year development moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal.~~

~~(iii) The single-family exception to the six-year development moratorium will not result in significant adverse environmental impacts.~~

~~(iv) The granting of the single-family exception to the six-year development moratorium is consistent with the review criteria in LCC 17.114.090(1)(b).~~

~~(v) The single-family exception to the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the comprehensive plan and the provisions of this chapter. [Ord. 1195 § 2, 2007]~~

~~**17.114.100 Fees.**~~

~~Fees for permits, approvals, modifications and appeals under this chapter shall be as set forth in the LCC Title 18 and the Lewis County schedule of fees. The schedule of fees is established by local resolution on file with the board of county commissioners and referenced under LCC Title 18. [Ord. 1195 § 2, 2007]~~

~~**17.114.110 Reconsideration and appeals.**~~

~~Procedures for appeal of any administrative decision and procedures for reconsideration or appeal of a hearing examiner decision issued pursuant to this chapter are set forth in Chapter 2.25 LCC. [Ord. 1195 § 2, 2007]~~

SECTION 34. Chapter 17.115 is repealed in its entirety as shown below, and special use provisions are hereafter addressed in Chapter 17.158:

~~**Chapter 17.115
SPECIAL USE PERMITS**~~

~~Sections:~~

~~17.115.010 Purpose.~~

~~17.115.020 General criteria.~~

~~17.115.030 Special uses.~~

~~17.115.040 Application.~~

~~17.115.050 Hearing examiner review.~~

~~17.115.060 Special proceedings.~~

~~**17.115.010 Purpose.**~~

~~The purpose of this chapter is to identify the criteria by which special uses are to be considered by the hearing examiner. [Ord. 1170B, 2000]~~

~~**17.115.020 General criteria.**~~

~~The county adopts the following criteria as general criteria which shall be required as part of every special use permit issued by the County.~~

~~(1) The maximum environmental noise levels established by Chapter 173-60 WAC and incorporated herein by reference, together with any adjustments authorized therein.~~

~~(2) The air quality standards adopted by the Southwest Washington Air Pollution Control authority and any SWAPCA permit issued for a project.~~

~~(3) The terms of any permit issued for a project by a resource agency, including Washington State Department of Fish and Wildlife, HPA, water quality permit, Chapter 90.48 RCW, shoreline permit, Chapter 90.58 RCW, or permit issued by the U.S. Army Corps of Engineers.~~

~~(4) Conditions imposed in any final environmental determination, Mitigated Determination of Nonsignificance or Final Environmental Impact Statement under Chapter 43.21C RCW.~~

~~(5) Adequate provision must be made for potable water, waste disposal, parking, transportation, and storm water control.~~

~~(6) The general criteria shall be applied to all special uses and shall be the criteria for those uses not specifically identified below.~~

~~(7) No special use permit shall be approved in any subarea or location where the limits identified in LCC 17.42.040 for projects have been reached. [Ord. 1179, 2002; 1170B, 2000]~~

17.115.030 Special uses.

The following special uses shall be reviewed as provided in this chapter and shall be subject to the general criteria and the special criteria identified below.

~~(1) Group homes and other state-licensed residential care facilities. The hearings examiner shall make a written finding that all terms of the state license which govern location and physical development of the facility are met by the application.~~

~~(2) Rural resorts as identified in Tables 1 and 2, LCC 17.42.030 and 17.42.040.~~

~~(a) Special Conditions.~~

~~(i) Uses which propose development on more than 40 acres must be processed as a master plan pursuant to Chapter 17.120 LCC.~~

~~(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.~~

~~(3) Recreation and camping facilities such as mining camps, river camps, and hunting and hiking camps which provide necessary facilities to permit use and enjoyment of the Lewis County out of doors.~~

~~(a) Special Conditions.~~

~~(i) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.~~

~~(4) Sports facilities and clubs including golf courses, playing fields for outdoor sports and other facilities, as identified in Tables 1 & 2, LCC 17.42.030 and .040:~~

~~(a) Special conditions:~~

~~(i) Uses which are larger than 40 acres must be processed as a master plan pursuant to Chapter 17.120 LCC.~~

~~(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.~~

~~(iii) As to pistol, rifle, skeet, and other shooting facilities which encourage education and training in the safe use of lawful firearms, the application shall include noise and range safety evaluation for property within one half mile of the proposed range. The hearing examiner must specifically find that the range does not pose a safety hazard to any resident within the study area.~~

~~(5) Private aviation facilities (facilities providing landing surface and takeoff for aircraft or heliports used by nine or fewer aircraft):~~

~~(a) Special conditions.~~

~~(i) All landing strips shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute nuisance to neighboring uses. The hearing examiner shall find, in writing, that the applicant has secured easements and other rights necessary to implement runway protection zones and other safety regulations required by the FAA consistent with the proposed aviation use.~~

~~(ii) The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights.~~

~~(iii) New private use landing strips and heliports shall be allowed in a rural or resource zone by a special use permit, with standards set forth in FAA regulations in effect on the date of application* and subject to the same notice requirements of subsection (6)(v) of this section.~~

~~(iv) For purposes of this section, an ultra light aircraft for personal use does not require a permit under this section and shall be considered an accessory use for any residential site in excess of five acres.~~

~~(6) Public aviation facilities (facilities providing landing surface and takeoff for 10 or more general aviation aircraft) (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the hearing examiner)~~

~~(a) Special conditions.~~

~~(i) The minimum lot size shall be 60 acres.~~

~~(ii) The centerline of any such landing area shall not be located within 500 feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a special use permit application, shall be acceptable.~~

~~(iii) The field shall comply with the standards set forth in FAA regulations in effect on the date of application*.~~

~~(iv) Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent state and county codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft.~~

~~(v) Notification of special use permit application hearing shall go, by first class mail, to residents within 1,000 feet from any point on a proposed aircraft landing area.~~

~~This notification requirement is in addition to all other notification requirements for special use permit applications found in LCC 17.05.100, and those appropriate notification requirements of this chapter. In addition to public notice designed to meet the requirements of Chapter 17.12 LCC, recognizing the initial hearing will be before the Lewis County hearing examiner rather than before the planning commission. Notification for hearing examiner public hearings shall be published at least 10 days prior to any public hearing and such notice of hearing shall be published in the newspaper of record and in the newspaper of widest circulation in the area affected.~~

~~(vi) In addition to the requirements for a special use permit, the requirements of RCW 36.70.547 shall be met.~~

~~(vii) Such facilities shall be located on parcels where the aircraft allowed are at least 500 feet off of the ground prior to crossing a property line on takeoff or landing.~~

~~(viii) No residential structure shall be closer than 1,000 feet to the proposed air facility;~~

~~(ix) No place of public assembly shall be located within one half mile of the end of any such facility.~~

~~(x) The hearing examiner shall find, in writing, that the applicant has secured easements and other rights necessary to implement runway protection zones and other safety regulations required by the FAA consistent with the proposed aviation use.~~

~~(7) Residential, recreational, and other non-resource uses permitted under Chapter 17.30 LCC, Resource Lands.~~

~~(a) Special condition: Such uses shall demonstrate that the use does not adversely affect the overall productivity of the total resource parcel for the intended resource use by reason of the nonresource activity proposed.~~

~~(8) Home based businesses and isolated small businesses.~~

~~(a) Special conditions.~~

~~(i) Any new facilities shall be located more than 200 feet from lands designated as critical areas, and shall be required to identify and take steps to protect resource activities where such activities occur nearby.~~

~~(ii) All home occupation facilities must be located on property contiguous to the parcel upon which the owner or manager resides.~~

~~(iii) A permit granted under this section is applicable to the facilities approved, so long as all criteria for home based industries are met. Where an owner desires to move and to move the business as a home based industry, a new permit will be required for the new location.~~

~~(iv) The cumulative affect of similar uses in the neighborhood must be identified to assure that the land is capable of accommodating the use without creating the need for new services or facilities which are not rural in nature.~~

~~(9) Expansion of existing nonconforming commercial or industrial uses. (See also the requirements at 17.155)~~

~~(a) Special conditions.~~

~~(i) Use must have existed before July 26, 1999.~~

~~(ii) The new structure must not exceed 10,000 square feet.~~

~~(10) Cluster subdivisions greater than six units.~~

~~(a) Special conditions.~~

~~(i) Must be on properties 40 acres and larger.~~

~~(ii) No more than 24 cluster subdivision units in any 1/2-mile radius, except where separated by a visual geographic barrier.~~

~~(iii) The hearing examiner shall examine the existing and proposed development within a one-mile radius of the perimeter of the proposed site to protect rural character and shall:~~

~~(A) Determine the nature of existing development and availability of adequate facilities.~~

~~(B) Determine the likelihood of probably future cluster development.~~

~~(C) Determine the cumulative effect of such existing and probable future development.~~

~~(iv) The hearing examiner shall make written findings that the area in which the cluster is located is within the population targets of Table 4.3, p. 4-63 of the Lewis County comprehensive plan.~~

~~(v) The hearing examiner shall identify necessary conditions, including caps or specific limitations to assure that urban development defined in RCW 36.70A.030(17) as prohibited outside urban growth areas by RCW 36.70A.110 does not occur, and that the rural character identified in the comprehensive plan and RCW 36.70A.030(16) and RCW 36.70A.070(5)(b) is protected, and to achieve the specific requirements of RCW 36.70A.070(5)(c).~~

~~(11) Essential public facilities—local. All facilities identified as essential public facilities—local. (Essential public facilities—major, such as a solid waste disposal facility or hydroelectric project, must be sited and approved as a comprehensive plan amendment.)~~

~~(a) Special conditions.~~

~~(i) The use is located in accordance with the criteria identified in a comprehensive plan adopted by the service provider.~~

~~(ii) If outside a UGA, the use can be accommodated without requiring urban services or promoting urban growth in rural areas.~~

~~(12)(A) Small towns—mixed use/commercial buildings in excess of 5,000 sq.ft. Projects in small towns—mixed use/commercial exceeding 5,000 square feet.~~

~~(B) Small towns—industrial uses in excess of 20,000 sq.ft. Projects in small towns—industrial exceeding 20,000 square feet.~~

~~(a) Special conditions.~~

~~(i) The facility contains uses of a type and scale found in small towns.~~

~~(ii) That off-street parking is sized to accommodate the intended uses.~~

~~(iii) That the adequacy and rural facility tests of Chapters 17.130 and 17.150 LCC are met.~~

~~(13) Recreational vehicle park. A recreational vehicle park is a facility for the short- or long-term use of recreational vehicles, as distinguished from mobile homes or camp sites approved under other sections of this Code.~~

~~(a) Special conditions.~~

~~(i) Recreational vehicle parks shall conform to the requirements of the recreational vehicle park ordinance set forth in Title 16 of this Code. Per Tables 1 & 2, at LCC 17.42.030 and .040, RV Parks up to 100 sites or up to 10 acres are processed through a Special Use Permit; those over 100 sites and up to 40 acres go through a Rural Master Plan process, and those having more than 100 sites and larger than 40 acres go through as a Master Plan Resort.~~

~~(14) Creation of new surface mining areas or the expansion of the surface mining areas.~~

~~(a) Applicability. This section applies to the creation of new surface mining areas or the expansion of lawfully permitted activities beyond the approved DNR reclamation plan area in effect on July 26, 1999; provided, however, this does not cover any mining activity which is less than three acres in size and less than 5,000 yards per year.~~

~~(b) Mine development standards. All permits issued pursuant to this section shall require the following minimum standards. The hearing examiner may increase buffers and mitigation where good cause is shown.~~

~~(i) Setbacks/Screening.~~

~~(A) A fifty (50) foot setback from the mine property and from all abutting property, consistent with and subject to the reduction provisions of Section 17.30.810 LCC, shall be maintained for areas of direct cut or fill connected with resource extraction operations. For mining operations, setbacks may be increased when necessary to protect lateral support of abutting properties or public rights of way.~~

~~(B) A twenty five (25) foot screen within the fifty (50) foot setback on the mine property, consisting of site obscuring vegetation, berms, or other methods to conceal the mine from public rights of way or property used for residential purposes as approved by Lewis County shall be maintained.~~

~~(C) Any direct extraction operation areas within a public utility right of way shall be subject to the written conditions of approval from the affected utility, which shall be incorporated into the permit.~~

~~(D) A two hundred (200) foot setback shall be maintained between any mining activity and any existing structure occupied for sleeping or eating purposes but not including accessory structures such as barns or out buildings, existing at the date of application.~~

~~(ii) Road use—In order to assure maintenance and development of adequate county roadways, owners of surface mining operations may be required to enter into a haul route agreement with the County Engineer upon adoption and implementation of a Haul Route Agreement Program. The haul route agreement shall address impacts immediately attributable to project use.~~

~~(iii) Traffic safety—The operator may be required to install traffic improvement, control, and warning signs to assure adequate access and traffic safety.~~

~~(iv) Noise/Bright lights~~

~~(A) No development or activity shall exceed the maximum environmental noise levels established by Chapter 173-60 WAC.~~

~~(B) Bright lights shall be shaded or shielded from adjoining residential properties.~~

~~(v) Surface mining operation with critical aquifer recharge areas—The purpose of this section is to protect critical aquifer recharge areas as required by RCW 36.70A.060(2). Any surface mining operation within a critical aquifer recharge area (as designated in Chapter 17.35 LCC) shall meet the following standards:~~

~~(A) Fuel tanks and oil drums shall be double containment construction and protected by bermed areas having adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Fuel nozzles shall not contain locking devices. Fuel storage shall be above ground. Fueling of mobile equipment shall be located at least twenty feet above the seasonal high ground water level or within lined and bermed areas with adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Where the nature of the operation is such that the machinery cannot be moved for fueling, or the aquifer is less than twenty (20) feet from the surface, the Hearings Examiner may approve an alternative fueling plan which accomplishes aquifer protection.~~

~~(B) All operations shall maintain a fuels/hazardous waste management plan maintained by the operator and available on the site at all times.~~

~~(C) Surface mines shall not use any noxious, toxic, flammable, compactable, or combustible materials not specifically authorized by Lewis County Department of Health for backfill or reclamation. Non-contaminated process water used for gravel washing shall be routed to settling ponds to minimize off-site discharges. A general permit from the Department of Ecology for process and storm water discharge may substitute for these requirements.~~

~~(D) On-site truck and equipment wash runoff shall be routed to retention facilities equipped with an oil-water separator prior to its release to settling ponds.~~

~~(E) Use of chemicals, petroleum or hazardous products, and disposal of such products, in concrete or asphalt plant operations within critical aquifer recharge areas shall meet all the standards set forth in Chapters 90.48 RCW and 173.303 WAC.~~

~~(vi) Public safety—Owners of surface mines shall ensure their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that ground vibrations comply with all state laws about peak particle velocity, air pressure, and other state requirements, including but not limited to Chapter 9 of the Blasting Guidance Manual identified below. All fly-rock shall be contained within the site. All activities shall comply with the standards set forth in official guidelines, including but not limited to Office of Surface Mining U.S. Department of Interior, Blasting Guidance Manual, 1987 ed., Explosives: WAC 296-52-493, Part F.~~

~~(vii) Surface water permit—WDOE NPDES Sand and Gravel General Permit or individual permit, as appropriate, shall be a condition of approval and incorporated herein by reference.~~

~~(viii) Hours of operation—Regular hours of operation shall be between the hours of six-thirty (6:30) o'clock AM and seven (7) o'clock PM; blasting shall only occur during the time period between ten (10) o'clock AM and four (4) o'clock PM. Prior to any blast, twenty-four (24) hours notice shall be given to all property owners or residences within five hundred (500) feet of any mine property line. If a blast does not occur as scheduled in a notification, twenty-four (24) hour renotification shall be required. The Hearings Examiner may inquire into the proposed hours of operation and set additional limits when deemed necessary to protect quiet enjoyment of neighboring residential properties. The Hearing Examiner may include provisions for exceptions from established regular hours of operation. Extended hours may be requested and approved under conditions set by the hearings examiner, particularly for work on public works contracts where an emergency may require work outside regular hours.~~

~~(c) Preferential right to manage resources and resource use notice. For those land owners of designated Mineral Resource Lands who choose to use their property for resource management, the provision of "Right to Mine" shall fully apply.~~

~~(d) Mining use notices—Designated Mineral Resource Lands.~~

~~(i) For properties designated Mineral Resource Land in the comprehensive plan and development regulations, the property owner(s) of said land shall submit to the County, for recording with the County Auditor, a written notice of the designation. This notice shall be in a form authorized by the Director of the Community Development Department and shall include:~~

~~(A) The legal description of the property subject to the designation~~

~~(B) The 1/16 section or sections which lie adjacent to the property designated in (A) above and any other property within 500 feet of the boundary of the designated property.~~

~~(C) The following statement:~~

NOTIFICATION

~~This notification is to inform property owners that the property described herein is adjacent to or within 500 feet of the property line of land managed for mining. Mining operations may be carried out now or in the future. Lewis County has established designated Mineral Resource Land that sets as a priority the use of these lands for mining. The normal and usual practices associated with said operations when performed in accordance with county, state, and federal law, shall not be subject to legal action as a public nuisance.~~

~~The mineral right owner/operator shall execute and acknowledge the notice, and pay the fee to the County for recording the notice.~~

~~(ii) For properties designated Mineral Resource Land pursuant to the comprehensive plan and development regulations, the Director of the Community Development Department shall submit to the County Auditor for recording, a written notice of all Designated Mineral Resource Lands. This notice shall be in a form similar to the NOTIFICATION just prior above. The Director of the Community Development Department shall execute and acknowledge the notice, and no affected property owner shall be charged a fee for recording the notice.~~

~~(iii) For all properties within 500 feet of the property line of a parcel which includes designated Mineral Resource Lands, all plats, short subdivisions, large lot subdivisions, development permits and building permits issued by Lewis County after the effective date of this Chapter for development activities within 500 feet of property designated Mineral Resource Land, or within 500 feet thereof, shall contain a notice as specified in the NOTIFICATION just prior above.~~

~~(e) Project notification.~~

~~(i) Posted by the applicant on the county road nearest the proposed entrance, 4' x 4' sign identifying the time, place, and purpose of the proceedings~~

~~(ii) Mailed to property owners of record within 500 feet of the boundary of property on which the mine is to be located, but not greater than 1/4 section, so long as the proposed mine is less than 80 acres in size.~~

~~(f) Exceptions--This permit process shall not be applicable to mines regulated under federal mining laws.~~

~~(15) Auctioneering Facilities. Auctioneering facilities to serve the equipment needs of the transportation, industrial and agricultural industries (including the local and regional markets) are permitted as a special use. These facilities are deemed to be consistent with the rural character and development patterns of Lewis County as long as the following conditions are met:~~

~~(a) Site Characteristics.~~

~~(i) The site shall be at least 80 gross acres but shall not exceed 240 gross acres.~~

~~(ii) The building area on the site shall not exceed 80,000 gross square feet.~~

~~(iii) The site shall be located within one mile measured horizontally from a major transportation corridor.~~

~~(b) Services. The use does not require urban services.~~

~~(c) Preservation of Rural Areas.~~

~~(i) Critical areas on the site shall be preserved with their buffers.~~

~~(ii) No critical areas variances shall be granted except as needed to provide access and/or necessary utilities to the site.~~

~~(d) Off-Site Impacts. The special use shall adequately mitigate potential off-site impacts, including, but not limited to, parking, noise, lighting, fumes and dust. [Ord. 1210 §1 (Exh. 1, Att. C), 2009; Ord. 1179B Ex. B, 2003; Ord. 1170B, 2000]~~

~~*[Codifier's Note: FAA regulations referenced are FAR Title 14, Part 157, Section 157.3, and as thereafter amended.]~~

~~**17.115.040 Application.**~~

~~The application shall include a special report to be prepared in connection with the environmental checklist which shall identify:~~

~~(1) The owner or owners of the property to be mined; a copy of the lease if the applicant is the tenant on a site.~~

~~(2) The legal description of the property to be mined—the entire parcel to be included in the special use approval, which may be less than the entire ownership, together with each separate ownership within the development area~~

~~(3) The application shall identify all uses proposed for the site, including direct or accessory uses. No use shall be permitted on a mineral site which is not shown on the map approved by the hearings examiner.~~

(4) A map or series of maps at a scale of 1" = 100 feet, which shows:

- (a) Boundaries of the designated area
- (b) Boundaries of individual ownerships, or leasehold interests if the mine is confined to a leasehold area
- (c) Dedicated rights of ways or easements over, across, or under the property to be reviewed for approval
- (d) Existing roads, highways, and driveways abutting the site and within 500 feet of the site, and the principal access from the site to the nearest arterial or state highway
- (e) Property ownerships within 500 feet of the site.
- (f) Wells within the development area or within 500 feet of the boundary of the site which are used for domestic use or identified through well log or water right records.
- (g) A general identification and location of critical areas on the site or within 500 feet of the site and the identification of all Type 1, 2, and 3 streams under WDF&W criteria, and any streams or water bodies subject to jurisdiction under Chapter 90.58 RCW, the State Shoreline Management Act.
- (h) For mineral extraction special use permits only: A mine plan consistent with DNR reclamation requirements, together with a proposed phasing plan.
- (i) An environmental checklist. The environmental checklist shall specifically address:
 - (i) On-site and off-site critical areas, issues, protection, and mitigation.
 - (ii) Transportation—Present facilities and upgrades if required, new facilities, and phasing impact and mitigation required.
 - (iii) Stormwater, including facilities in place, facilities necessary to serve the new development by phase, and potential impact on off-site facilities, critical areas, or water resources, and all Type 4 and 5 streams affected by mines or accessory activities.
 - (iv) For mineral extraction special use permits only: Blasting, if applicable, and potential risks and mitigation.
 - (v) Water source and uses and affect on neighboring properties. [Ord. 1170B, 2000]

17.115.050 Hearing examiner review.

(1) All special use permits shall be heard by the hearings examiner. The hearings examiner shall approve the special use permit upon written findings that:

~~(a) The plan is consistent with and promotes the goals of the comprehensive plan and the general and special conditions of the special use;~~

~~(b) Adequate provision is made for public services and facilities concurrent with the development;~~

~~(c) Adequate protection is given adjacent properties from the impacts of safety, noise, fugitive dust, odor, and runoff;~~

~~(d) Where state law establishes specific standards for operations (e.g. noise), such standards are to be specifically referenced in any permit; and~~

~~(e) Adequate protection is given critical areas, including surface and ground water consistent with the critical areas requirements of Chapter 17.35 LCC.~~

~~(f) Access to public streets is consistent with county standards.~~

~~(g) The provisions of Chapter 17.145 LCC have been met.~~

~~(2) The hearings examiner may condition such special use permit based on written recommendations in environmental documents, and as otherwise necessary to comply with the requirements of this chapter, the County Comprehensive Plan, development regulations, and environmental regulations.~~

~~(3) The hearing examiner shall hold an open record hearing and shall issue a decision which shall be final for County purposes. Any party aggrieved by the decision of the hearing examiner, with standing as provided by Chapter 36.70C RCW, LUPA, may appeal such decision pursuant to LCC 2.25.140, with further appeal to Superior Court pursuant to Chapter 2.25 LCC. [Ord. 1179, 2002; 1170B, 2000]~~

17.115.060 Special proceedings.

In addition to other remedies available under the laws of the State of Washington:

~~(1) For mine sites only: The hearings examiner shall, upon the request of the County or the petition of one or more property owners within one-half mile of a mine site, conduct a public hearing to determine:~~

~~(a) The extent of lawfully permitted mining activity on July 26, 1999~~

~~(b) Whether the current mining operation is operating within the boundaries of a lawful pre-existing mine site~~

~~(c) Whether a special use permit is required to continue mining operations.~~

~~(2) For any special use permit: The hearings examiner shall, upon the request of the County or petition of one or more residents within one-half mile of a special use permit site, conduct a public hearing to determine whether the terms of the permit are being followed. If the hearings examiner finds the conditions of the permit are not followed, the examiner may require modification of the permit to solve the~~

~~problem. Where offsite damage has occurred, the examiner may suspend the permit until all necessary corrections are made, or when uncompensated damages have occurred attributable to mine operations, the examiner may condition reopening of permit upon payment of any damages caused by mining operations, including but not limited to replacing potable water supplies. Payment may be made under protest, or bond posted if the operator wishes to proceed and appeal the determination under LCC 2.25.130.~~

~~(3) Upon receipt of a petition under either (1) or (2) above, the County shall notify all property owners abutting or within 500 feet of the property which is the subject of the special use permit, to notify them of the proceeding and of their right to participate. The notice of the proceeding shall also be published in the newspaper of record.~~

~~(4) For mine sites only: Variances may be granted to a special use permit holder for the "Hours of Operation" provisions noted in LCC 17.115.030(19)(b)(viii) if findings are made that immediate compliance with any requirements cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors requiring operations beyond such limitations. Any variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances, and shall otherwise comply with all other applicable regulations. Variances shall be reviewed and administratively issued by the Director of Community Development or his/her designee only upon application in writing and after being provided such information as may be requested. No variance shall be issued for a time period to exceed twenty-one (21) days, except upon due notice to the public and a public hearing before the hearing examiner, and no more than one variance in any 90-day period shall be issued without such notice and hearing on any subsequent variance request. [Ord. 1170B, 2000]~~

SECTION 35. Chapter 17.120 is amended as follows:

Chapter 17.120 MASTER PLANS—RURAL AREA USES

Sections:

- [17.120.010](#) Purpose.
- [17.120.020](#) Application.
- [17.120.030](#) Complete application—vesting.
- [17.120.040](#) Process.

17.120.010 Purpose.

The purpose of the master plan process is to identify a means of planning development for an entire property as a prerequisite for development on any portion of the property. ~~The master plan process is required for Tourist Services Area development under Chapter 17.70 LCC and for Rural Area Industrial development under Chapter 17.75 LCC. [Ord. 1170B, 2000]~~

17.120.020 Application.

~~The proponent of any A master plan for rural area uses shall be processed as a Type III application. Where the division of land is sought as part of the application, the applicant may submit a binding site plan for the proposal, instead of a master plan, so long as the site plan addresses the requirements included within this chapter. specific proposal shall submit an application with the information required below.~~ The application must be signed by the owners of at least 50% percent of the property subject to the plan. ~~The application shall identify:~~

~~(1) The owner or owners of the property to be planned, which shall be the entire parcel designated in the comprehensive plan.~~

~~(2) The legal description of the property to be planned the entire designated parcel, together with each separate ownership within the development area.~~

~~(3) A map or series of maps at a scale of 1" = 500 feet, or as approved by the Administrator as necessary to adequately illustrate the proposed development, which shows:~~

~~(a) Boundaries of the designated area.~~

~~(b) Boundaries of individual ownerships.~~

~~(c) Dedicated rights of ways or easements over, across, or under the property.~~

~~(d) Existing roads, highways, and driveways abutting the site and within one-half mile of the site.~~

~~(e) Property ownerships within one-half mile of the site.~~

~~(f) Wells within the development area or within 1,000 feet of the boundary of the site which are used for domestic use or identified through well log or water right records.~~

~~(g) A general identification and location of all critical areas on the site or within 1,000 feet of the site and the specific identification of all Type 1, 2, and 3 streams under WDF&W criteria, and any streams or water bodies subject to jurisdiction under Chapter 90.58 RCW, the State Shoreline Management Act.~~

~~(h) A land use plan map showing planned land use categories and areas, circulation, critical area buffers, and open space.~~

~~(4) A phasing plan which shows the proposed phases for development and how the phases are designed to assure the overall coordinated development of the site and its integration into the surrounding community.~~

~~(5) An environmental checklist or a request to proceed directly to scoping under SEPA. Any environmental review shall provide special studies which address:~~

~~(a) On-site and off-site critical areas, issues, protection, and mitigation.~~

~~(b) Transportation—Present facilities and upgrades if required, new facilities and phasing, on-site and off-site impact and mitigation required.~~

~~(c) Water, Wastewater Stormwater—Facilities in place, facilities necessary to serve the new development by phase, and potential impact on off-site facilities, critical areas, or water resources. [Ord. 1170B, 2000]~~

17.120.030 Complete application—vesting.

~~Upon receipt of an application and the payment of the prescribed fee in the County fee schedule, the County shall, within 28 days, issue a letter of completeness or identify the specific information required for a complete application. If no letter is sent, the application shall be deemed complete upon the 29th day after receipt of the application. If a letter is sent, the application shall be deemed complete upon receipt of the information identified in the letter. If the applicant does not submit the necessary information in writing to complete an application within a 90-day period, the County shall make findings and issue a decision that the application is rejected. If the County rejects an application, all vesting rights are lost. [Ord. 1170B, 2000]~~

17.120.030 Master Plan Required.

The master plan process is required for Tourist Services Area development under Chapter 17.70 LCC and for Rural Area Industrial development under Chapter 17.75 LCC. [Ord. 1170B, 2000]

17.120.040 Process.

Master plans must identify compliance with the comprehensive plan and detail the source and adequacy of water, waste-water treatment, fire control, transportation, storm water treatment, surface and ground water protection, critical areas and protection, and mitigation of adjacent properties from direct impacts from noise, fugitive dust, odor, and runoff.

(1) The hearings examiner shall review the master plan and make written findings on the following issues:

(a) The plan is consistent with and promotes the goals of the comprehensive plan and the implementing development regulations.

(b) Adequate provision is made for public services and facilities concurrent with the development, ~~provided that uses approved within the master plan shall not require the provision of municipal sewers.~~

(c) On site public services or facilities are limited to the project area and not available to spur growth outside the master plan area.

- (d) Adequate provision is given adjacent properties from the impacts of noise, fugitive dust, odor, and runoff.
- (e) Adequate protection is given critical areas, including surface and ground water.
- (f) County standards are met as provided in Chapter [17.145](#) LCC.

(2) The hearings examiner may condition such master plan based on written recommendations in environmental documents, the comprehensive plan, and as otherwise necessary to comply with the requirements of this ordinance.

~~(3) The hearings examiner shall hold an open record hearing and shall issue a final decision.~~

~~(4) A master plan under this chapter is a quasi-judicial process to enable development of the subject property consistent with the guidelines and standards of this chapter. A final decision shall be final unless appealed pursuant to Chapter [36.70C](#) RCW. [Ord. 1170B, 2000]~~

SECTION 36. Chapter 17.125 is amended as follows:

**Chapter 17.125
ESSENTIAL PUBLIC FACILITIES**

Sections:

[17.125.010](#) Purpose.

~~17.125.020~~ Definitions.

[17.125.030](#) Procedure.

17.125.010 Purpose.

The purpose of this chapter is to identify means of siting essential public facilities within the rural zones of Lewis County. Within incorporated IUGAs [UGA's*] city criteria shall prevail. [Ord. 1170B, 2000]

~~17.125.020 Definitions.~~

~~(1) "Essential public facilities—major" means those facilities which are not required to be located in Lewis County, but which may be designated for Lewis County by the appropriate agency and which have the potential for material local impact. Such facilities include state prisons and correctional facilities administered by the Washington State Department of Corrections, regional or international airports operated by authorities not located in Lewis County, energy facilities proposed by a utility not headquartered in Lewis County.~~

~~(2) "Essential public facilities—local" means transportation, utility, and education facilities; special needs facilities; solid waste facilities; port facilities administered by ports; juvenile detention facilities; community jail and other facilities all administered by an agency or entity headquartered in Lewis County. Local~~

~~general aviation airports owned and/or operated by municipal authorities shall be an essential public facility. [Ord. 1170B, 2000]~~

17.125.030 Procedure.

(1) Essential public facilities—major. All ~~such major essential~~ facilities may be considered ~~for Lewis County~~ through a Type V comprehensive plan amendment ~~and rezone per LCC Chapter 17.05.~~ The sponsoring agency may request such an amendment ~~and such request shall be considered by the Lewis County Planning Commission, which shall make a recommendation to the Lewis County Board of County Commissioners.~~ Areas of specific consideration shall include the need for the facility, the ability of the community to provide adequate public facilities and ~~to meet adequacy/concurrency requirements, the impact on designated resource lands, and~~ the ability of the community to adequately mitigate, or compensate, where appropriate, local residences significantly impacted by the project.

(2) ~~The comprehensive plan amendment shall include a master plan which may deal with all development related issues on the site. In such event the comprehensive plan amendment shall include both a rezone and a master plan approval which, if approved, would permit immediate development of the facility. Alternatively, the proponent may request a two-phase application in which the initial comprehensive plan designation would be a request for the land, together with guiding development criteria, and~~ When consistent with requirements in the comprehensive plan and zoning code, future development of essential public facilities plans would may be considered as part of a Type III site wide master plan submitted pursuant to Chapter 17.120 LCC.

(3) Essential public facilities—local. All facilities identified as essential public facilities—local shall be processed as a Type III application per LCC 17.05 ~~are considered allowed uses through the special use permit process identified in Chapter 17.115 LCC.~~ [Ord. 1179, 2002; Ord. 1170B, 2000]

(a) Special conditions.

(i) The use is located in accordance with the criteria identified in a comprehensive plan adopted by the service provider.

(ii) If outside a UGA, the use can be accommodated without requiring urban services or promoting urban growth in rural areas.

~~*[Note: interim UGA's have been supplanted by UGA's, as set forth in the Comprehensive Plan]~~

SECTION 37. Section 17.145.070 is repealed as follows:

~~**17.145.070 Height limitations.**~~

~~(1) This section only applies to Chapters 17.80, 17.85, and 17.90.~~

~~(2) All structures shall be limited in height consistent with Federal Aviation Regulations (FAR) Part 77 for airport operations or the height limitations of the district, whichever is less. Nothing in this ordinance shall restrict the height of a structure to 15-1/2 feet or less. [Ord. 1170B, 2000]~~

SECTION 38. Chapter 17.155 is amended as follows:

**Chapter 17.155
NONCONFORMING USES AND PARCELS**

Sections:

- [17.155.010](#) Continuation.
- [17.155.020](#) Expansion of nonconforming use.
- [17.155.030](#) Zone district change - continuation.
- [17.155.040](#) Change to another nonconforming use.
- [17.155.050](#) Damage or destruction - rebuilding permitted.
- [17.155.060](#) Lots of record.
- [17.155.065](#) Nonconforming lots of record.

17.155.010 Continuation.

Except as otherwise provided in this chapter, the lawful use of any building or structure (whether or not covered by UBC or L&I), building, land, or premises, existing on the effective date of adoption or amendment of this ordinance, may be continued although such use does not conform to the provisions hereof. If such nonconforming use is discontinued for a period of 36 months or more, any future use of said building, land, or premises shall be consistent with the provisions of Title [17](#). [Ord. 1170B, 2000]

17.155.020 Expansion of nonconforming use.

Nonconforming uses may be extended throughout any building or structure (whether or not covered by UBC or L&I) partially occupied by such use at the time of passage of this ordinance. The expansion of a nonconforming use by addition or enlargement shall be ~~conditionally permitted, as provided in LCC 17.160.020-.030~~ reviewed as a Type III application per LCC 17.05. The expansion must be on the lot of record as it existed at the time the use became nonconforming and the use shall not expand on adjacent lots. The expansion shall be approved if it is consistent with the applicable zoning regulations except the use restrictions and complies with Chapter ~~17.160~~[17.158](#) LCC. [Ord. 1170B, 2000]

17.155.030 Zone district change - continuation.

When a zone district is changed, existing nonconforming uses may be continued consistent with the provisions of this title. [Ord. 1170B, 2000]

17.155.040 Change to another nonconforming use.

The change of a nonconforming use to another type of a nonconforming use shall be ~~conditionally permitted, as provided in LCC 17.160.020-.030~~ processed as a Type III application per LCC 17.05. The

change of nonconforming use shall be approved if it is consistent with the applicable zoning regulations, except the use restrictions, and complies with LCC ~~17.158~~~~17.160.030(2) to (6)~~, providing that such change does not require the provision of water and sewer utility services at a level greater than that currently available to the subject property, and that the new nonconforming use does not result in greater impacts upon surrounding properties than did the original nonconforming use. [Ord. 1170B, 2000]

17.155.050 Damage or destruction - rebuilding permitted.

If a nonconforming use or physical feature of a building or structure or group of buildings or structures on one site is damaged or destroyed by any means, that use shall be permitted to be rebuilt equal to the square footage of damaged or destroyed building(s), and for the same use and location on the site. Any such rebuilding shall meet current building codes in Title 15 LCC in effect at the time of the application for reconstruction. Rebuilding shall be timely if application for development is filed within 36 months of such damage. [Ord. 1170B, 2000]

17.155.060 Lots of record.

Lots of record shall be as defined in LCC 16.02.050. [Ord. 1170B, 2000]

17.155.065 Nonconforming lots of record.

Any permitted use or structure is allowed on legal lots of record which do not meet the minimum lot size or width requirements of the zone, provided that setback requirements and all other applicable requirements conform to Lewis County regulations. [Ord. 1253, 2014]

SECTION 39. Chapter 17.158, to address Special Use Permits, is established as follows:

Chapter 17.158
SPECIAL USE PERMITS

Sections:

17.158.010 Purpose.

17.158.012 Special use permits.

17.158.020 General criteria.

17.158.024 Special use criteria

17.158.030 Special uses.

17.158.040 Revisions to special use permits.

17.158.010 Purpose.

Special use permits may be allowed as set forth in this chapter. Special use permits shall be reviewed as a Type III application.

17.158.012 Special use permits.

Special use permits shall run with the land and be binding on all parties with an interest in the land to which the permit attaches. [Ord. 1170B, 2000]

17.158.020 General criteria.

The county adopts the following criteria as general criteria which shall be required as part of every special use permit issued by the County.

(1) The maximum environmental noise levels established by Chapter 173-60 WAC and incorporated herein by reference, together with any adjustments authorized therein.

(2) The air quality standards adopted by the Southwest Washington Air Pollution Control authority and any SWAPCA permit issued for a project.

(3) The terms of any permit issued for a project by a resource agency, including Washington State Department of Fish and Wildlife, HPA, water quality permit, Chapter 90.48 RCW, shoreline permit, Chapter 90.58 RCW, or permit issued by the U.S. Army Corps of Engineers.

(4) Conditions imposed in any final environmental determination, Mitigated Determination of Nonsignificance or Final Environmental Impact Statement under Chapter 43.21C RCW.

17.158.024 Special use criteria.

Beyond the general criteria noted above, the hearing examiner shall ensure that any specific standards of the use district defining the special use are fulfilled, and shall find adequate evidence showing that the proposed special use at the proposed location:

(1) Will be harmonious and in accordance with the general and specific objectives of the Lewis County comprehensive plan and zoning regulations.

(2) Will be adequately served by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and waste disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(3) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

(4) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.

(5) Will have vehicular approaches to the property designed as to not create an interference with traffic on surrounding public streets.

(6) Will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of major importance. [Ord. 1170B, 2000]

(7) Will ensure adequate protection is given critical areas, including surface and ground water consistent with the critical areas requirements of Chapter 17.35 or 17.35A LCC.

The hearings examiner may condition such special use permit based on written recommendations in environmental documents, and as otherwise necessary to comply with the requirements of this chapter, the County Comprehensive Plan, development regulations, and environmental regulations.

17.158.030 Special uses.

The following special uses shall be reviewed as provided in this chapter:

(1) Group homes and other state-licensed residential care facilities. The hearings examiner shall make a written finding that all terms of the state license which govern location and physical development of the facility are met by the application.

(2) Rural resorts as identified in Tables 1 and 2, LCC 17.42.030 and 17.42.040.

(a) Special Conditions.

(i) Uses which propose development on more than 40 acres must be processed as a master plan pursuant to Chapter 17.120 LCC.

(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(3) Recreation and camping facilities subject to a special use permit such as mining camps, river camps, and hunting and hiking camps which provide necessary facilities to permit use and enjoyment of the Lewis County out of doors.

(a) Special Conditions.

(i) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(4) Sports facilities and clubs including golf courses, playing fields for outdoor sports and other facilities, as identified in Tables 1 & 2, LCC 17.42.030 and -.040:

(a) Special conditions:

(i) Uses which are larger than 40 acres must be processed as a master plan pursuant to Chapter 17.120 LCC.

(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(iii) As to pistol, rifle, skeet, and other shooting facilities which encourage education and training in the safe use of lawful firearms, the application shall include noise and range safety evaluation for property within one half mile of the proposed range. The hearing examiner must specifically find that the range does not pose a safety hazard to any resident within the study area.

(5) Private aviation facilities (facilities providing landing surface and takeoff for aircraft or heliports used by nine or fewer aircraft).

(a) Special conditions.

(i) All landing strips shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute nuisance to neighboring uses. The hearing examiner shall find, in writing, that the applicant has secured easements and other rights necessary to implement runway protection zones and other safety regulations required by the FAA consistent with the proposed aviation use.

(ii) The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights.

(iii) New private use landing strips and heliports shall be allowed in a rural or resource zone by a special use permit, with standards set forth in FAA regulations in effect on the date of application* and subject to the same notice requirements of subsection (6)(v) of this section.

(iv) For purposes of this section, an ultra-light aircraft for personal use does not require a permit under this section and shall be considered an accessory use for any residential site in excess of five acres.

(6) Public aviation facilities (facilities providing landing surface and takeoff for 10 or more general aviation aircraft) (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the hearing examiner)

(a) Special conditions.

(i) The minimum lot size shall be 60 acres.

(ii) The centerline of any such landing area shall not be located within 500 feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a special use permit application, shall be acceptable.

(iii) The field shall comply with the standards set forth in FAA regulations in effect on the date of application*.

(iv) Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent state and county codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft.

(v) Notification of special use permit application hearing shall go, by first class mail, to residents within 1,000 feet from any point on a proposed aircraft landing area.

This notification requirement is in addition to all other notification requirements for special use permit applications found in LCC Chapter 17.05, and those appropriate notification requirements of this chapter. Notice of hearing shall be published in the newspaper of record and in the newspaper of widest circulation in the area affected.

(vi) In addition to the requirements for a special use permit, the requirements of RCW 36.70.547 shall be met.

(vii) Such facilities shall be located on parcels where the aircraft allowed are at least 500 feet off of the ground prior to crossing a property line on takeoff or landing.

(viii) No residential structure shall be closer than 1,000 feet to the proposed air facility,

(ix) No place of public assembly shall be located within one half mile of the end of any such facility.

(x) The hearing examiner shall find, in writing, that the applicant has secured easements and other rights necessary to implement runway protection zones and other safety regulations required by the FAA consistent with the proposed aviation use.

(7) Home based businesses and isolated small businesses that require a special use permit.

(a) Special conditions.

(i) Any new facilities shall be located more than 200 feet from lands designated as critical areas, and shall be required to identify and take steps to protect resource activities where such activities occur nearby.

(ii) All home occupation facilities must be located on property contiguous to the parcel upon which the owner or manager resides.

(iii) A permit granted under this section is applicable to the facilities approved, so long as all criteria for home based industries are met. Where an owner desires to move and to move the business as a home based industry, a new permit will be required for the new location.

(iv) The cumulative effect of similar uses in the neighborhood must be identified to assure that the land is capable of accommodating the use without creating the need for new services or facilities which are not rural in nature.

(8) Cluster subdivisions greater than six units.

(a) Special conditions.

(i) Must be on properties 40 acres and larger.

(ii) No more than 24 cluster subdivision units in any 1/2-mile radius, except where separated by a visual geographic barrier.

(iii) The hearing examiner shall examine the existing and proposed development within a one-mile radius of the perimeter of the proposed site to protect rural character and shall:

(A) Determine the nature of existing development and availability of adequate facilities.

(B) Determine the likelihood of probably future cluster development.

(C) Determine the cumulative effect of such existing and probable future development.

(iv) The hearing examiner shall identify necessary conditions, including caps or specific limitations to assure that urban development defined in RCW 36.70A.030(17) as prohibited outside urban growth areas by RCW 36.70A.110 does not occur, and that the rural character identified in the comprehensive plan and RCW 36.70A.030(16) and RCW 36.70A.070(5)(b) is protected, and to achieve the specific requirements of RCW36.70A.070(5)(c).

(9)(A) Small towns—mixed use/commercial buildings in excess of 10,000 sq.ft. Projects in small towns—mixed use/commercial exceeding 10,000 square feet.

(B) Small towns—industrial uses in excess of 20,000 sq.ft. Projects in small towns-industrial exceeding 20,000 square feet.

(a) Special conditions.

(i) The facility contains uses of a type and scale found in small towns.

(ii) That off-street parking is sized to accommodate the intended uses.

(iii) That the adequacy and rural facility tests of Chapters 17.130 and 17.150 LCC are met.

(10) Recreational vehicle park. A recreational vehicle park is a facility for the short- or long-term use of recreational vehicles, as distinguished from mobile homes or camp sites approved under other sections of this Code.

(a) Special conditions.

(i) Recreational vehicle parks shall conform to the requirements of the recreational vehicle park ordinance set forth in Title 16 of this Code. Per Tables 1 & 2, at LCC 17.42.030 and .040, RV Parks up to 100 sites or up to 10 acres are processed through a Special Use Permit; those over 100 sites and up to 40 acres go through a Rural Master Plan process, and those having more than 100 sites and larger than 40 acres go through as a Master Plan Resort.

(11) Creation of new surface mining areas or the expansion of the surface mining areas.

(a) Applicability. This section applies to the creation of new surface mining areas or the expansion of lawfully permitted activities beyond the approved DNR reclamation plan area in effect on July 26, 1999; provided, however, this does not cover any mining activity which is less than three acres in size and less than 5,000 yards per year.

(b) Mine development standards. All permits issued pursuant to this section shall require the following minimum standards. The hearing examiner may increase buffers and mitigation where good cause is shown.

(i) Setbacks/Screening.

(A) A fifty (50) foot setback from the mine property and from all abutting property, consistent with and subject to the reduction provisions of Section 17.30.810 LCC, shall be maintained for areas of direct cut or fill connected with resource extraction operations. For mining operations, setbacks may be increased when necessary to protect lateral support of abutting properties or public rights of way.

(B) A twenty-five (25) foot screen within the fifty (50) foot setback on the mine property, consisting of site obscuring vegetation, berms, or other methods to conceal the mine from public rights of way or property used for residential purposes as approved by Lewis County shall be maintained.

(C) Any direct extraction operation areas within a public utility right of way shall be subject to the written conditions of approval from the affected utility, which shall be incorporated into the permit.

(D) A two hundred (200) foot setback shall be maintained between any mining activity and any existing structure occupied for sleeping or eating purposes but not including accessory structures such as barns or out buildings, existing at the date of application.

(ii) Road use—In order to assure maintenance and development of adequate county roadways, owners of surface mining operations may be required to enter into a haul route agreement with the County Engineer upon adoption and implementation of a Haul Route Agreement Program. The haul route agreement shall address impacts immediately attributable to project use.

(iii) Traffic safety—The operator may be required to install traffic improvement, control, and warning signs to assure adequate access and traffic safety.

(iv) Noise/Bright lights

(A) No development or activity shall exceed the maximum environmental noise levels established by Chapter 173-60 WAC.

(B) Bright lights shall be shaded or shielded from adjoining residential properties.

(v) Surface mining operation with critical aquifer recharge areas—The purpose of this section is to protect critical aquifer recharge areas as required by RCW 36.70A.060(2). Any surface mining operation within a critical aquifer recharge area (as designated in Chapter 17.35A LCC) shall meet the following standards:

(A) Fuel tanks and oil drums shall be double containment construction and protected by bermed areas having adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Fuel nozzles shall not contain locking devices. Fuel storage shall be above ground. Fueling of mobile equipment shall be located at least twenty feet above the seasonal high ground water level or within lined and bermed areas with adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Where the nature of the operation is such that the machinery cannot be moved for fueling, or the aquifer is less than twenty (20) feet from the surface, the Hearings Examiner may approve an alternative fueling plan which accomplishes aquifer protection.

(B) All operations shall maintain a fuels/hazardous waste management plan maintained by the operator and available on the site at all times.

(C) Surface mines shall not use any noxious, toxic, flammable, compactable, or combustible materials not specifically authorized by Lewis County Department of Health for backfill or reclamation. Non-contaminated process water used for gravel washing shall be routed to settling ponds to minimize off-site discharges. A general permit from the Department of Ecology for process and storm water discharge may substitute for these requirements.

(D) On-site truck and equipment wash runoff shall be routed to retention facilities equipped with an oil-water separator prior to its release to settling ponds.

(E) Use of chemicals, petroleum or hazardous products, and disposal of such products, in concrete or asphalt plant operations within critical aquifer recharge areas shall meet all the standards set forth in Chapters 90.48 RCW and 173.303 WAC.

(vi) Public safety—Owners of surface mines shall ensure their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that ground vibrations comply with all state laws about peak particle velocity, air pressure, and other state requirements, including but not limited to Chapter 9 of the Blasting Guidance Manual identified below. All fly-rock shall be contained within the site. All activities shall comply with the standards set forth in official guidelines, including but not limited to Office of Surface Mining U.S. Department of Interior, Blasting Guidance Manual, 1987 ed., Explosives: WAC 296-52-493, Part F.

(vii) Surface water permit—WDOE NPDES Sand and Gravel General Permit or individual permit, as appropriate, shall be a condition of approval and incorporated herein by reference.

(viii) Hours of operation—Regular hours of operation shall be between the hours of six-thirty (6:30) o'clock AM and seven (7) o'clock PM; blasting shall only occur during the time period between ten (10) o'clock AM and four (4) o'clock PM. Prior to any blast, twenty-four (24) hour notice shall be given to all property owners or residences within five hundred (500) feet of any mine property line. If a blast does not occur as scheduled in a notification, twenty-four (24) hour renotification shall be required. The Hearings Examiner may inquire into the proposed hours of operation and set additional limits when deemed necessary to protect quiet enjoyment of neighboring residential properties. The Hearing Examiner may include provisions for exceptions from established regular hours of operation. Extended hours may be requested and approved under conditions set by the hearings examiner, particularly for work on public works contracts where an emergency may require work outside regular hours.

(c) Exceptions--This permit process shall not be applicable to mines regulated under federal mining laws.

(12) Auctioneering Facilities. Auctioneering facilities to serve the equipment needs of the transportation, industrial and agricultural industries (including the local and regional markets) are permitted as a special use. These facilities are deemed to be consistent with the rural character and development patterns of Lewis County as long as the following conditions are met:

(a) Site Characteristics.

(i) The site shall be at least 80 gross acres but shall not exceed 240 gross acres.

(ii) The building area on the site shall not exceed 80,000 gross square feet.

(iii) The site shall be located within one mile measured horizontally from a major transportation corridor.

(b) Services. The use does not require urban services.

(c) Preservation of Rural Areas.

(i) Critical areas on the site shall be preserved with their buffers.

(ii) No critical areas variances shall be granted except as needed to provide access and/or necessary utilities to the site.

(d) Off-Site Impacts. The special use shall adequately mitigate potential off-site impacts, including, but not limited to, parking, noise, lighting, fumes and dust. [Ord. 1210 §1 (Exh. 1, Att. C), 2009; Ord. 1179B Ex. B, 2003; Ord. 1170B, 2000]

*[Codifier's Note: FAA regulations referenced are FAR Title 14, Part 157, Section 157.3, and as thereafter amended.]

[Ord. 1179, 2002; 1170B, 2000]

17.158.040 Revisions to special use permits.

Revisions to special use permits may be processed as a Type I application; provided that the proposed changes are within the scope and intent of the original permit. "Within the scope and intent of the original permit" shall mean the following:

(1) Lot coverage and height may be increased a maximum of 10 percent from the provisions of the original permit; provided that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further that any revisions authorized under this paragraph shall not exceed height, lot coverage, setback, or any other requirements of the regulations for the area in which the project is located.

(2) Landscaping may be added to a project without necessitating an application for a new permit; provided that the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the regulations for the area in which the project is located.

(3) The use authorized pursuant to the original permit is not changed.

(4) No additional over-water construction will be involved for shoreline conditional use permits.

(5) No substantial increase in adverse environmental impacts will be caused by the project revision. [Ord. 1170B, 2000]

Revisions beyond the scope and intent of the original permit shall be processed as a Type III application.

SECTION 40. Chapter 17.160 is amended as follows, and provisions for Special Use Permits and Variances are hereafter addressed in Chapter 17.158 and Chapter 17.162 respectively:

Chapter 17.160
PROCEDURES FOR ~~VARIANCES, ADMINISTRATIVE APPROVALS AND,~~
~~ADMINISTRATIVE REDUCTIONS, SPECIAL USES, AND APPEALS~~

Sections:

- 17.160.010 ~~Process for administrative approval and administrative reduction.~~ Variances.
- ~~17.160.020~~ ~~Special use permits.~~
- ~~17.160.030~~ ~~Special use criteria.~~
- ~~17.160.040~~ ~~Revisions to special use permits.~~
- 17.160.050 Conditions for Administrative approval uses.
- ~~17.160.055~~ ~~Process for administrative approval and administrative reduction.~~
- ~~17.160.060~~ ~~Appeals.~~
- ~~17.160.070~~ ~~Fees.~~
- ~~17.160.080~~ ~~Date of expiration.~~

~~17.160.010 Variances.~~

~~(1) The hearing examiner shall have authority to grant a variance from the provisions of this title when, in the opinion of the hearing examiner, the conditions set forth in LCC 17.160.010(2) herein have been found to exist. In such cases, a variance may be granted which is in harmony with the general purpose and intent of this title so that the spirit of this title shall be observed; provided that no variance shall be granted which authorizes a use which is not permitted by the underlying zoning.~~

~~(2) Before any variance may be granted, it shall be shown that the following circumstances are found to apply:~~

~~(a) That any variance granted shall not constitute a grant of special privilege, be based upon reasons of hardship caused by previous actions of the property owner, nor be granted for pecuniary reasons alone.~~

~~(b) Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surrounding, the strict application of this title is found to cause a hardship and deprive the subject property of a reasonable use or improvement generally allowed in the zone classification. Aesthetic considerations or design preferences without reference to restrictions based upon the physical characteristics of the property do not constitute sufficient hardship under this section.~~

~~(c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity. [Ord. 1179, 2002; Ord. 1170B, 2000]~~

~~17.160.020 Special use permits.~~

~~Upon application, the hearing examiner may grant special use permits for such uses as set forth in this ordinance. Special use permits shall run with the land and be binding on all parties with an interest in the land to which the permit attaches. [Ord. 1170B, 2000]~~

~~17.160.030 Special use criteria.~~

~~Before approving an application for a special use permit, the hearing examiner shall ensure that any specific standards of the use district defining the special use are fulfilled, and shall find adequate evidence showing that the proposed special use at the proposed location:~~

~~(1) Will be harmonious and in accordance with the general and specific objectives of the Lewis County comprehensive plan and zoning regulations.~~

~~(2) Will be adequately served by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and waste disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.~~

~~(3) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.~~

~~(4) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.~~

~~(5) Will have vehicular approaches to the property designed as to not create an interference with traffic on surrounding public streets.~~

~~(6) Will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of major importance. [Ord. 1170B, 2000]~~

~~17.160.040 Revisions to special use permits.~~

~~The hearing examiner may approve revisions to special use permits; provided that the proposed changes are within the scope and intent of the original permit. "Within the scope and intent of the original permit" shall mean the following:~~

~~(1) Lot coverage and height may be increased a maximum of 10 percent from the provisions of the original permit; provided that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further that any revisions authorized under this paragraph shall not~~

~~exceed height, lot coverage, setback, or any other requirements of the regulations for the area in which the project is located.~~

~~(2) Landscaping may be added to a project without necessitating an application for a new permit; provided that the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the regulations for the area in which the project is located.~~

~~(3) The use authorized pursuant to the original permit is not changed.~~

~~(4) No additional over-water construction will be involved for shoreline conditional use permits.~~

~~(5) No substantial increase in adverse environmental impacts will be caused by the project revision. [Ord. 1170B, 2000]~~

17.160.010 Process for administrative approval and administrative reduction.

An application for an administrative approval and administrative reduction shall be processed as a Type II application.

17.160.050 Conditions for certain Administrative-administrative approval uses.

(1) Home occupation.

(a) No more than two persons, other than family residing on the premises, shall be engaged in such occupation.

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding four square feet in area, nonilluminated and mounted on the property; except day care facilities with 10 children or less may use yard areas for recreation.

(d) No traffic shall be generated by such home occupations in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard.

(e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lots, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

(2) Temporary second dwelling.

(a) A temporary second dwelling unit of no more than 1,248 square feet in area, in the form of a manufactured home, a fully serviced travel trailer or motor home, to provide:

(i) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders or disabilities, or risks of such disorders or disabilities, require daily supervision and care where such care is provided by members of the family who reside on the property; or

(ii) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs daily supervision and care as described in (a) above.

(b) Approval Requirements: Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

(i) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.

(ii) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (i) above.

(iii) The temporary home shall also be approved by the Lewis County Health Officer as a medical hardship placement.

(iv) When daily supervision and care is no longer necessary, this approval shall automatically lapse, without further notice, and the temporary home shall be immediately removed or converted to a conforming use.

(v) The permit shall be valid for one year. The permittee may apply for renewal on a yearly basis; provided that supporting documentation from a licensed medical doctor is furnished by the permittee affirming that the circumstances supporting the original permit remain in effect, and that the permit continues to satisfy standards established by the Lewis County Health Officer for medical hardship placements.

(vi) A covenant shall be filed that restricts lease, sale or transfer of the property while the temporary dwelling is in place.

(vii) The use will not be hazardous or disturbing to existing or future neighboring uses.

(viii) Evidence of adequate off-street parking space shall be provided.

(ix) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.

(c) Penalties: False statements or false supporting documentation submitted with the application or failure to comply with any of the approval requirements shall be cause for revocation of the permit and may result in criminal prosecution. [Ord. 1253, 2014; Ord. 1170B, 2000]

~~17.160.055 Process for administrative approval and administrative reduction.~~

~~(1) The application for an administrative approval and administrative reduction shall include the application together with appropriate documentation of compliance with approval requirements.~~

~~(a) The filing fee;~~

~~(b) Stamped and addressed envelopes for all property owners within 500 feet of the external boundaries of the subject property or the nearest resident property owner adjacent to the subject property, but only within 1,500 feet of the project site;~~

~~(c) Three copies of a site plan at an appropriate scale showing:~~

~~(i) Locations of property boundaries;~~

~~(ii) Locations and sizes of structures;~~

~~(iii) Access and parking areas;~~

~~(iv) Locations and types of water and sewer services; and~~

~~(v) Locations and types of structures on adjacent properties.~~

~~(2) Upon receipt of application materials, the community development department shall:~~

~~(a) Send a notice of the proposal to all owners of property as identified in subsection (1)(b) of this section at least 10 days prior to the decision date.~~

~~(b) The applicant shall also post public notices of the proposal on all road frontages of the subject property so as to be visible to adjacent property owners and to passing motorists.~~

~~(c) Said notices shall be provided to the applicant by the community development department and shall remain in place for at least 10 days prior to the decision.~~

~~(d) An affidavit of posting that shall be signed and returned at least one week prior to the decision shall also be provided at the time of application.~~

~~(3) The community development department shall approve or deny all applications that do not require a public hearing.~~

~~(4) Property owners who have been notified of the proposal may submit to the community development department a written request for a public hearing.~~

~~(a) The request must be submitted within 10 days from the date printed on the mailed notice or 10 days from the posting of notice on the property, whichever is later.~~

~~(b) The request shall document valid grounds for holding a hearing, specifying how the proposal adversely impacts him or her.~~

~~(c) The community development department will submit the application to the hearing examiner, who shall hold a public hearing and approve or deny the administrative approval application.~~

~~(d) The hearing examiner shall base a decision upon compliance with the criteria established for the proposal and the requirements of this section.~~

~~(5) If the permit is denied, the applicant shall be notified in writing. The grounds for denial and the applicant's right to appeal shall be set forth in this notification.~~

~~(6) Any party of record may appeal the decision.~~

~~(a) Parties of record shall be defined as the applicant, the owner of the property, any person who has submitted a written response to the proposal, and any person who has testified at a required hearing.~~

~~(b) Each application for appeal of an administrative approval shall be accompanied by a fee. [Ord. 1253, 2014]~~

~~17.160.060 Appeals.~~

~~The hearing examiner shall have the authority to hear and decide, in conformity with this title, appeals from any order, requirements, permit decision, or decision made by an administrative official in the administration or enforcement of this title where more than one interpretation is possible; provided that such appeal shall be filed in writing within fourteen (14) days of the action being appealed. [Ord. 1170B, 2000]~~

~~17.160.070 Fees.~~

~~Fees for variances, special uses, administrative approval uses, administrative reductions, and appeals shall be as set forth in the Lewis County fee schedule in LCC Title 18. [Ord. 1253, 2014; Ord. 1170B, 2000]~~

~~17.160.080 Date of expiration.~~

~~The hearing examiner shall have the authority to fix a date of expiration for any or all approvals, conditions attached to special use permits, variances, or expansions of nonconforming uses. [Ord. 1170B, 2000]~~

SECTION 41. Chapter 17.162 is added as follows:

Chapter 17.162
PROCEDURES FOR VARIANCES

Sections:

17.162.010 Variances

17.162.010 Variances.

Variances shall be processed as a Type III application per LCC Chapter 17.05. Variances may be granted that are in harmony with the general purposes and intent of this title; provided that no variance shall be granted which authorizes a use which is not permitted by the underlying zoning.

(1) Conditions for Variances from General Zoning Regulations

Before any variance may be granted, it shall be shown that the following circumstances are found to apply:

(a) That any variance granted shall not constitute a grant of special privilege, be based upon reasons of hardship caused by previous actions of the property owner, nor be granted for pecuniary reasons alone.

(b) Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surrounding, the strict application of this title is found to cause a hardship and deprive the subject property of a reasonable use or improvement generally allowed in the zone classification. Aesthetic considerations or design preferences without reference to restrictions based upon the physical characteristics of the property do not constitute sufficient hardship under this section.

(c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity. [Ord. 1179, 2002; Ord. 1170B, 2000]

(2) Conditions for Airport Variances

(a) Variances shall be required for any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed within an airport overlay zone established in LCC 17.80, 17.85 or 17.90.

(b) Application for a variance request shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace.

(c) Standards of Review. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary

hardship and the relief granted will not create a hazard to air navigation and will not be contrary to the public interest, but will do substantial justice, and will be in accordance within the spirit of this chapter.

(5) Conditions of Approval. Any variance granted may be subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.

(6) Review of Variance Request by Airport Board. No application for a variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the respective airport board for advice as to the aeronautical effects of the variance. If the airport board does not respond within 15 days after receipt, the hearing examiner may act on his/her own to grant or deny said application. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

SECTION 42. Chapter 17.165 is repealed in its entirety as shown below:

**Chapter 17.165
AMENDMENTS AND FEES**

Sections:

~~17.165.010 Amendments.~~

~~17.165.020 Fees.~~

~~17.165.030 Refund of permit fees.~~

~~17.165.040 Comprehensive plan amendments~~

~~17.165.010 Amendments.~~

~~(1) Upon referral by the county commission or by its own initiation, the planning commission may recommend amendments to the provisions of LCC Title 17 as per state statute.~~

~~(2) Upon petition of 50 percent of the owners of the land of any area or district hereafter regulated under the provisions of this title, the planning commission shall consider any changes affecting such district or area and, after holding such public hearing or hearings as the size and character of the district is believed to warrant, shall report its findings to the county commission with its recommendations.~~

~~(3) Amendments affecting or changing zone district boundaries or regulations of land uses previously affected by the ordinance shall be accompanied by a detailed map showing any and all of such proposed changes. [Ord. 1170B, 2000]~~

~~17.165.020 Fees.~~

~~The Lewis County Schedule of Fees is established by local Resolution on file with the Board of County Commissioners and codified under Title 18 LCC. [Ord. 1170B, 2000]~~

17.165.030 Refund of permit fees.

- (1) The application may be withdrawn within 30 days of submittal by the owner or agent of the owner. A request for a refund shall be in writing.
- (2) A full refund may be granted where no work shall have commenced on the project for which such application has been made.
- (3) A partial refund may be granted where work has commenced on the project, based on work actually done.
- (4) At the election of the Administrator or his/her designee, a site inspection may be conducted prior to any refund to verify item (2) and to assure that such withdrawal is in the public interest. Such inspections shall be reported back in writing to the Administrator or his/her designee.
- (5) No refunds shall be made for projects/applications which are requested withdrawn when the refund would draw on county funds in a budget year other than the one in which the application and fees were collected.
- (6) Withdrawal of an application shall constitute full surrender of any express or implied rights inherent in an application which has been perfected and accepted by the community development department or its designees. [Ord. 1170B, 2000]

17.165.040 Comprehensive plan amendments.

- (1) Purpose. The purpose of this section is to promote coordinated review of comprehensive plan amendments and assure that both individual and cumulative affects of proposed changes may be evaluated.
- (2) Schedule.
 - (a) The county shall publish a notice of the schedule in September of each years to permit people to plan and organize proposed amendments.
 - (b) The county shall accept recommendations for change through the last business day of December of each year. Applicants shall identify the specific change requested and identify the property or properties affected by the change; and if the change is parcel-specific, the owners of the property affected and the owners of property within 500 feet of the proposed change will be notified.
 - (c) The county staff will present the requested changes to the Planning Commission at its first meeting in February and the Planning Commission will identify the proposals consistent with county policies and appropriate for consideration for change.
 - (d) The Planning Commission will recommend specific comprehensive plan changes to be scheduled for public hearing at its first meeting in March, will hold public hearings in April, and will

~~make recommendations to the Board of County Commissioners by the Board of County Commissioner's first meeting in May. The timing of the process are targets and will be followed consistent with the needs of notice and public participation.~~

~~(e) The Board of County Commissioners may take such steps as it deems appropriate, but if changes are to be made, the target for action is July of each year to permit changes to be incorporated into county capital facility plans and budgets.~~

~~(f) The Board of County Commissioners may adjust this schedule by resolution where GMA proceedings adversely affect the County's ability to adhere to this schedule. [Ord. 1179, 2002; Ord. 1175 § 2, 2000]~~

SECTION 43. Chapter 17.200 is amended as follows:

Chapter 17.200 MAPS

Sections:

[17.200.010](#) Purpose.

[17.200.020](#) Interpretation and conflict between zoning boundaries

[17.200.030](#) List of adopted maps.

17.200.010 Purpose.

The purpose of this chapter is to identify the maps which are incorporated into the Lewis County development regulations which delineate zoning districts. Where a conflict exists between the map and the text, the text shall prevail. The zoning districts may be refined from time to time by adoption of amendments (rezones) to the zoning map, in accordance with this text and Chapters [36.70](#) and [36.70A](#) RCW and Chapter [1.05](#) LCC. Regardless of copies, the official zoning map shall be located in the board of county commissioners (BOCC) office. The community development department shall be the final authority as to the current boundaries of the zoning districts. [Ord. 1223 §1 (Exh. A), 2011; Ord. 1179, 2002; Ord. 1170B, 2000]

17.200.020 Interpretation and conflict between zoning boundaries

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for development. In the event that uncertainty is deemed to exist on the official Lewis County zoning map, zoning district boundaries shall be on section lines; lot lines; the center lines of highways, streets, alleys, railroad rights of way or such lines extended; municipal corporation lines; natural boundary lines, such as streams and topography; the ordinary high water mark (OHWM) of lakes and streams subject to Shoreline Management Program jurisdiction; or other lines to be determined by the use of scales shown on said map. Where a zoning district line purposely divides a land parcel, such parcel shall be subject to the procedures and requirements of the respective districts as applied. In the event that districts are overlaid

by Shoreline Management Program designation(s), the most restrictive regulations of either the Shoreline Management Program or the official Lewis County Zoning Ordinance shall apply. [Ord. 1170B, 2000]

17.200.0320 List of adopted maps.

SUBGROUP I - PURPOSE AND GUIDELINES

(1) Official Lewis County Zoning Map

(2) Other maps as referenced within this title.

[Ord. 1241 (Att. B), 2012; Ord. 1238 (Att. A), 2012; Ord. 1230 §2 (Att. B), 2011; Ord. 1228 §2 (Exh. A), 2011; Ord. 1223 §1 (Exh. A), 2011; Ord. 1219 §§2-5, 2010; Ord. 1210 §§2, 3, 2009; Ord. 1207 §1, 2009; Ord. 1205 §1, 2009; Ord. 1203 §1, 2008; Ord. 1201 §1, 2008; Ord. 1198 §1, 2007; Ord. 1197 §1, 2007; Ord. 1179N §§1, 2, 2007; Ord. 1179I §§1-3, 2004; Ord. 1179H §2, 2004; Ord. 1179E §1, 2003; Ord. 1179B §3, 2003; Ord. 1179, 2002; 1170B, 2000]

SECTION 44. All provisions of the Lewis County Code not specifically addressed herein shall remain in full force and effect.

SECTION 45. 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 46. This ordinance is in the public interest and shall be effective on July 1, 2016.

PASSED IN REGULAR SESSION THIS _____ **day of** _____, **2016**, after public hearings were held, pursuant to notices published in the *East County Journal* on _____, 2016.

APPROVED AS TO FORM:
JONATHAN MEYER, PROS. ATTORNEY

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Eric Eisenberg, Deputy Prosecuting Attorney

P.W. Schulte, Chair

Karri Muir, CMC, Clerk of the Board

Gary Stamper, Vice Chair

Edna Fund, Commissioner