



Community Development

The Lewis County Code proposed amendments are presented with development regulations on the odd pages, edits shown in <u>underline</u> for text to be added and <u>strike through</u> for text to be removed, and commentary on even pages. Complete new chapters are not underlined for ease of reading. Commentary is an explanation of the code amendments and serves as legislative intent. Commentary is not required for every proposed code amendment.

Public comments may be provided on both the development regulations and the commentary; however, the development regulations are what will be adopted and will apply to new development in Lewis County.

Public comments may be provided when the record is open. The record is open when a public hearing on the development regulations are noticed in the newspaper. To receive the notices directly, please subscribe to the Lewis County Planning Announcements.

Question should be directed to Mindy Brooks at mindy.brooks@lewiscountywa.gov or 360-740-2610.

Project webpage: <u>lewiscountywa.gov/departments/community-development/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/</u>

LEWIS COUNTY CODE 17.10.010 "A" DEFINITIONS

Chapter 17.10.010 "A" Definitions

"Accessory building" means a detached subordinate building in which an accessory use is located.

"Accessory use" means a subordinate use which is customarily associated with or related to the primary uses of the premises, and which does not alter or change the character of the premises.

"Administrator" means the director of the community development department or his/her designee.

"Agricultural activities," for the purposes of Chapter 17.40 LCC, Right to Farm, mean conditions or activities which occur on a farm in connection with the commercial production of farm and timber products and include, but are 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; maintenance of stream banks and watercourses; and conversion from one agricultural activity to another.

"Agricultural activities, existing ongoing" means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and/or raising or keeping livestock. Agricultural activities include associated activities, including the operation and maintenance of farm and stock ponds, drainage ditches, operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, and normal operation, maintenance, and repair of existing serviceable agricultural structures, facilities or improved areas, and the practice of aquaculture. Agricultural activities include, but are not limited to, growing mint, bulb farming, haying, growing blueberries, hybrid poplars, Christmas trees, and other nursery and horticultural activities which may involve any rotation, not otherwise classified as a forest practice. To assure preservation of agricultural land, the ability to switch from one crop or activity to another to meet market forces is essential and shall be considered "existing and ongoing agricultural" use when such conversions occur. Further, land devoted to agricultural purposes shall be considered existing and ongoing even if inbetween crop activities are limited to having or grazing. Land shall cease to be existing and ongoing agriculture if: (a) platted or otherwise developed for nonagricultural purposes; (b) converted to nonagricultural use; or (c) the land has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conversation program.

Forest practices not regulated under Chapter 76.90 RCW and WAC Title 222 are not included in this definition.

"Affordable housing" is defined in RCW 84.14.010, new in 2024 (ESSB 6175).

"Agritourism" definition according to RCW 4.28.832.

"Agriculture" means the use of land for horticulture, floriculture, viticulture, dairy, apiary, vegetable or animal products, or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and the necessary accessory uses for packing, treating, or storing the product; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. The retention of idle land that is registered in a federal or state soils conservation program and the activities identified in the definition for "agricultural activities, existing ongoing" in this section are also considered agriculture. Forest practices are not included in the definition. For the purposes of agricultural uses regulated under the voluntary stewardship program and the shoreline master program, the definitions in RCW 90.58.065 shall apply instead of this definition.

"Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty (30) percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

"Agritourism" means any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to: Farming; ranching; historic, cultural, and on-site educational programs; recreational farming programs that may include on-site hospitality services (e.g., farm stays, restaurant, retail); guided and self-guided tours; petting zoos; farm festivals; corn mazes; harvest-your-own operations; hayrides; barn parties including weddings; horseback riding; fishing; and RV parks and camping.

[No Changes to the remaining "A" Definitions]

LEWIS COUNTY CODE 17.10.020 "B" DEFINITIONS

New Chapter 17.127 Energy Facilities is added to the Lewis County Code and includes battery energy storage systems as an accessory use to energy production. Minor and major reflect state thresholds.

Chapter 17.10.020 "B" Definitions

"Bathroom" means a room that includes a toilet, sink and bathtub or shower. A room that includes only a toilet and sink is considered a half-bathroom.

"Battery Energy Storage System" (BESS) means an energy storage system that can store and deploy generated energy, typically a group of batteries that charge (i.e., collect energy) and store electrical energy from the grid or energy generation facility and then discharge that energy at a later time to provide electricity or other grid services when needed. BESS generally consists of batteries, battery storage containers, on-site switchyard, inverters, associated interconnection transmission line, and supervisory control and data acquisition system.

"Battery Energy Storage System – Minor" have an aggregate energy capacity less than or equal to 1MWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

<u>"Battery Energy Storage Systems – Major" have an aggregate energy capacity greater than 1MWh or are comprised of more than one storage battery technology in a room or enclosed area.</u>

<u>"Battery Energy Storage Facilities" is defined as one or more battery cells for storing electrical energy in a Battery Energy Storage System with a Battery Management System.</u>

[No Change to the remaining "B" Definitions]

LEWIS COUNTY CODE 17.10.030 "C" DEFINITIONS

Chapter 17.10.030 "C" Definitions

"Cabin" means a recreational dwelling used for transient accommodations which may include separate kitchen, bedroom and bathroom facilities. Cabins may be factory assembled structures, constructed dwellings with foundations, yurts or similar recreational structures.

"Camper club" means a type of master planned resort where camping sites are leased by members of an organization, but the parcel or tract of land is under the ownership of the organization.

"Campground" means any parcel or tract of land under the control of any person, organization, or governmental entity where two or more camping sites are offered for transient accommodations for a fee.

"Campground, primitive" means a campground with a minimal level of amenities that does not provide power, water or septage connections at individual camping sites.

"Camping, dispersed" means camping outside of a designated campground where no services or amenities, such as power, water, septage or trash removal, are provided.

"Camping site" means a space or area within a recreational vehicle park or campground designated for recreational vehicles or tents.

"Cannabis production" means the growing and wholesaling of cannabis (aka marijuana) by any person or entity that holds a valid license issued by the Washington State Liquor Control Board under WAC 314-55-075 as now in effect or hereafter amended.

"Cannabis retailer" means a retail outlet that sells usable cannabis (aka marijuana), cannabis-infused products, and cannabis paraphernalia and is owned by any person or entity that holds a valid cannabis retailer license issued by the Washington State Liquor Control Board under WAC 314-55-079 as now in effect or hereafter amended.

"Cemetery" means a place used and dedicated for burial of deceased humans with one or a combination of the following elements: (a) burial plot or plots for earth interments; (b) mausoleum for crypt interments; (c) columbarium for permanent cinerary interments.

Cohousing includes any dwelling where there are private bedrooms and common areas shared by the occupants. In Chapter 17.42, Table 2, specific types of cohousing, such as assisted living facilities, are specifically listed.

See "A" Definitions for apartment. When there are multiple apartment buildings on a single lot, or contiguous lots under the same management, then it is an apartment complex.

New section RCW 36.70A.142 (2022), HB 1799: Development regulations newly developed, updated, or amended after January 1, 2025 allow for the siting of organic materials (OM) management facilities as identified in local solid waste management plans (SWMP) to meet OM reduction and diversion goals. Siting must be allowed under state law and was already added to Lewis County code. Definition for Organic Material is added to "O" Definitions Organic Materials composting

"Channel migration zone" means the area along a river or stream within which the channel can reasonably be expected to migrate over time as a result of normally occurring processes. It encompasses that area of lateral stream channel movement that can be identified by credible scientific information that is subject to erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion. For the purpose of this code, linear facilities parallel to the direction of flow, including roads and railroads and flood control levees permanently maintained by a public agency, may be considered to form the boundary of a channel migration zone.

"Classification," as it relates to Chapter 17.38 LCC, Critical Areas, means defining the value and hazard categories to which critical areas will be assigned.

"Clearing" means destruction of vegetation by manual, mechanical, or chemical methods resulting in exposed soils.

"Closed record appeal" means an administrative appeal on the record to Lewis County, as defined under LCC 2.25.010(3).

"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.

"Cohousing" means a type of residential community characterized by attached dwelling units and includes a common area, such as dining room, kitchen, lounges, meeting rooms, recreation or laundry facilities, storage, guest rooms, library, workshops, and/or childcare, to serve only the co-housing community.

"Commercial" activities are primarily for a business or retail purpose, including but not limited to selling, offering for sale, displaying, distributing, or providing of goods, merchandise, or services as well as any advertising, promotion, or conveying of information or materials related to such goods, merchandise, or services, together with associated transport, storage, assembly, and repair.

"Community center" means land and/or building(s) owned by a public agency or private nonprofit entity used for social, civic, educational, or recreational purposes, which mainly serves the community where it is located; including but not limited to community halls and centers, grange halls, senior citizen centers, teen centers, youth clubs, field houses, and churches. The facilities are available for occasional public meetings. They may also have the minimal kitchen facilities required for occasional banquets. Private clubs as defined in this title are not included.

"Correctional facility" definition under RCW70.48.020(2). See Detention facility definition on Definition "D" LCC 17.10.040.

Cottage housing is a type of manufactured home or mobile home park with a limitation on the size of each dwelling units. This type of housing is more affordable than traditional single family housing because the land under each dwelling unit is often leased.

Crisis housing aims to remove them from an otherwise harmful environment and allowing them to improve their situations from a safe and stable environment. Situations that may be alleviated through crisis accommodation.

"Compensatory mitigation project," as it relates to Chapter 17.38 LCC, Critical Areas, means actions necessary to replace project-induced critical area and associated buffer losses and includes, but is not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.

"Complex, apartment" means a group of residential buildings containing apartment dwelling units, located within a single development or property, usually managed by a single company or owner.

"Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Composting facility" means a solid waste facility specializing in the composting of one or more organic feedstocks under controlled conditions pursuant to Chapter 70.95 RCW to promote aerobic decomposition yielding a marketable, nuisance-free product for reuse or as a soil conditioner. Feedstocks may include but are not limited to yard waste or food waste.

"Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense. It does not include state or federal correctional facilities.

"Confined animal feeding operation" means a lot or facility (other than an aquatic facility) 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.

"Conical surface," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning (RA), 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.

"Consistent or consistency" means a project's conformance with the county's development regulations or, in the absence of applicable development regulations, the appropriate elements of the county comprehensive plan or subarea plans adopted under Chapter 36.70A RCW.

"Convenience grocery or fuels" means a store designed and intended to serve the daily or frequent needs of nearby residents or visitors. The store may sell nonfood items such as household supplies, gas, pharmaceuticals, and items for personal hygiene.

"Cottage housing" means three or more detached single family dwelling units located on one legal lot and sharing one primary access point, when each unit does not exceed 1,000 square feet in floor area.

"Country inn" means a restaurant or restaurant/lounge facility designed to encourage a rural dining experience which is dependent upon a rural location for appropriate ambiance.

"County commission" means the county commission of Lewis County.

"Crisis housing, safe and shelter" means housing provided to people experiencing temporary or ongoing conditions of mental or physical health challenges, such as domestic violence, elder abuse, and child abuse. Homelessness is not included in this definition.

[No Change to the remaining "C" Definitions]

LEWIS COUNTY CODE 17.10.040 "D" DEFINITIONS

Chapter 17.10.040 "D" Definitions

"Dangerous wastes" means those wastes designated in WAC 173-303-070 through 173-303-120 as dangerous or extremely hazardous or mixed waste. The words "dangerous waste" refer to the full universe of wastes regulated by Chapter 173-303 WAC and are used interchangeably with "hazardous waste."

"Debris flow" means a rapidly down-slope-moving mass of a viscous water-saturated mixture of rock fragments, soil, and mud, with more than half of the particles being larger than sand size.

"Decision," on a project permit, means the following:

- (a) "Approved" means the project meets all applicable rules and requirements.
- (b) "Approved with conditions" or "conditionally approved" means if the stated conditions are met and implemented the project will meet all applicable rules and requirements.
- (c) "Denied" means the project does not meet all applicable rules and requirements; the applicant failed to provide requested evidence necessary to determine if the project meets all applicable rules and requirements; or the applicant has not satisfied the conditions of approval.
- (d) "Final approval" means the final official action taken by the board of county commissioners, or the administrator, as applicable under the provisions of LCC Title 16, Subdivisions, on the proposed plat, subdivision or dedication or portion thereof as previously received preliminary approval.
- (e) "Issued" means the review authority has provided the written permit, either electronic or hard copy, to the legally responsible party or their designated representative.
- (f) "Preliminary approval" means the official written action approving a proposed division of land, pursuant to LCC Title 16, Subdivisions, when provision of improvements or fulfillment of conditions is to occur prior to final approval. The applicant shall be entitled to final approval when the conditions are met or improvements are provided.

"Density," when referring to residential development, means a ratio comparing the number of dwelling units with land area, and is expressed as the number of residential dwelling units per acre of land in a residential development.

"Department" means the department of community development of Lewis County.

"Detached bedrooms" are a bedroom not attached to the primary structure and may or may not include a bathroom. Detached bedrooms do not include kitchen facilities. If the structure includes a bedroom, bathroom and kitchen then it is a dwelling unit.

"Detention facility" defined under RCW 70.48.020. See correctional facility definition on Definition "D" LCC 17.10.030

"Department," for the purposes of Chapter 17.110 LCC, State Environmental Policy Act, means any division, subdivision, or organizational unit of the county established by ordinance, rule, or order.

"Detached accessory dwelling unit" means a separate and complete dwelling unit not attached in any way to the main or existing dwelling unit; designed for occupancy by a family.

"Detached bedroom" means a detached incidental structure containing a bedroom and may contain living and bathroom facilities. Detached bedrooms do not include kitchen facilities.

"Determination," as it relates to Chapter 17.38 LCC, Critical Areas, means an action by an agency or individual qualified in the science of identification and delineation of a critical area to identify, characterize, and/or locate a critical area.

"Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety (90) days. It does not include state or federal detention facilities.

"Developed land" means the total land area of any lot of record which has a building, parking area, and/or structure for a permitted or special use except the following uses: agriculture as defined above; the growth, harvest, and management of timber; or mining.

"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, subdivisions, short subdivisions, and large lot subdivisions; binding site plans; planned unit developments; variances; shoreline substantial developments; clearing activities; excavation and grading; conditionally allowed activities; building or construction; revocable encroachment permits; and septic approval.

"Development standards" means a minimum requirement or maximum allowable limit on the effect or characteristics of the use or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained pursuant to the Lewis County Code.

"Disturbance area" refers to a region of land or habitat that has been altered by natural events or human activities, leading to changes in its physical, chemical, or biological properties. These disturbances can affect vegetation, soil, water, and wildlife, consequently impacting the ecological balance and health of the area.

Dwelling: zoning designations are consistent and implement land use designations that accommodate future housing needs by income bracket as allocated through the countywide planning process. (RCW 36.70A.070(2)(c) - Amended in 2021 with HB 1220) Housing necessary for affordability by all income brackets ranges from multi-family, middle housing, and single-family. Definitions have been added for clarity. See use tables and small towns to see where medium-high density housing is proposed.

"Dwelling, apartment" a set of attached dwelling units with shared access from a common area, such as a hall, stairwell or courtyard.

"Dwelling, condominium" means a building, or group of buildings, in which dwelling units are individually owned, and common areas and facilities are owned by all the owners on a proportional, undivided basis.

"Dwelling unit" means a building, or portion of a building or modular manufactured housing unit that is constructed or installed on a permanent foundation and designed for long-term human habitation, which has facilities for cooking, eating, sleeping, sewage, and bathing for use by one family (including resident domestic employees); the term does not include tents, campers, recreational vehicles, or travel trailers—one (1) or more attached rooms designed for occupancy by a person or persons for living and sleeping purposes, containing kitchen and bathroom facilities and rooms with internal accessibility, for use solely by the dwelling's occupants.

"Dwelling unit, attached" means a dwelling unit that shares at least one wall with another dwelling unit.

LEWIS COUNTY CODE 17.10.050 "E" Definitions

Electric Vehicle charging stations definition reflects RCW 64.38.062.

Regulations define emergency for an emergency plan amendment. RCW 36.70A.130(2)(b) and WAC 365-196-640(4)

Emergency housing defined under RCW 36.70A.030(14).

Essential public facilities are regulated under state law 36.70A.200. The difference between the local and major types are now defined in the Land Use Table, 17.42, and the terms "local" and "major" are no longer used. This creates clarify for staff and the public.

Chapter 17.10.050 "E" Definitions

"Early notice," for the purposes of Chapter 17.110 LCC, State Environmental Policy Act, means the county's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

"Economic viability," for the purposes of Chapter 17.30 LCC, Resource Lands, means 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.

"Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

"Emergency amendment" means an amendment to the Comprehensive Plan completed outside of the periodic update or annual docket when it is deemed by the Board of County Commissioners that there is a threat to life and property under the current comprehensive. The process includes a moratoria or interim zoning control, public notice, and opportunity for public comment. Emergency amendments must follow WAC 365-196-640.

"Emergency housing" means temporary indoor accommodation for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

"Essential public facilities" means those facilities that are typically difficult to site, such as airports, State education facilities and State or regional transportation facilities as defined in RCW 47.06.140, State and local correctional facilities, solid waste handling facilities, and inpatient facilities, including substance abuse facilities, mental health facilities, behavioral health facilities, and group homes.

"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.

Adding definition of Essential Rural retail services to clarify uses on the Land Use Table. This reflects RCW 36.70A.070 specific to LAMIRDs.

"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 an appropriate agency and which have the potential for material local impact. Such facilities include, but are not limited to, 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, and energy facilities proposed by a utility not headquartered in Lewis County.

"Essential rural retail services" means services including grocery, pharmacy, hardware, automotive parts, and similar uses that sell or provide products necessary for health and safety, such as food, medication, sanitation supplies, and products to maintain habitability and mobility.

"Event center" means a facility that provides a venue to host reoccurring events such as concerts, theatrical performances, sporting events, exhibitions, shows, ceremonies, weddings or other similar activities. The facility may include both indoor and outdoor event space. The facility may include restaurant or retail uses, provided the restaurant or retail use is clearly accessory to the primary event use.

[No Changes to the remaining "E" Definitions]

LEWIS COUNTY CODE 17.10.060 "F" Definitions

The legislature passed a bill making it illegal to regulate that people living in a dwelling unit must be related to each other. Lewis County Code allowed up to six people who were not related to each other to reside in a dwelling unit; however, there cannot be a limitation. Therefore, this definition is struck. If the term family is used in Lewis County Code it will be reviewed and updated to conform to state law.

State requirements - Family day care providers definition was added and are allowed in all residential dwellings located in areas zoned for residential or commercial RCW 36.70A.450. This corresponds to proposed uses in UGA Small Town zones for family day care providers in 17.17.110.

Chapter 17.10.060 "F" Definitions

"FAA" means the Federal Aviation Administration.

"Family" means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of eight or fewer residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where six or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.

"Family day care provider" means an establishment for group care of nonresident adults or children which is accessory to a single-family residence that is the abode of the person or persons under whose direct care and supervision the clients are placed. Day care consists of both adult day care, and child day care facilities, licensed by the State. A maximum of 12 adults or children in any 24-hour period, including children who reside at home, are permitted.

"Farm," for the purpose of Chapter 17.40 LCC, Right to Farm, means the land, buildings, manure lagoons, ponds, freshwater culturing and growing facilities, and machinery used in commercial production of farm and agricultural products.

"Farm enhancement" means promoting proposed agricultural production by application of structural, cultural, and management practices, including eliminating safety hazards such as excessive grades.

"Farm product" for the purpose of Chapter 17.40 LCC, Right to Farm, 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.

"Farmland," for the purpose of Chapter 17.40 LCC, Right to Farm, means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquaculture or other agricultural commodities.

"Flood" or "flooding" means a general or temporary condition of partial or complete inundation of normal dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood - 100-Year Flood/Base Flood. "100-year flood" or "base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. For purposes of this chapter, Lewis County adopts the Federal Emergency Management Act (FEMA) flood hazard classifications.

"Floor area" means the sum expressed in square footage of the gross horizontal area of the floor or floors of the building, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and areas having a ceiling height of seven feet or more, but excluding roofed areas open on two or more sides, areas having a ceiling height of less than seven feet and areas used exclusively for storage or housing of mechanical or central heating equipment.

"Floor area of a nonresidential building" (to be used in calculating parking requirements) means the floor areas of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and similar areas.

"Forest industries" means the growth, harvest, and management of timber, associated forest practices and the manufacture of wood products.

"Forest practice" means any activity conducted on or directly pertaining to forest land and related to growing, harvesting, or processing timber as defined in Chapter 222-16 WAC.

"Forest products" means products obtained from stands of forest trees which have been either naturally or artificially established.

"Forestry" or "forest industries" means growth, removal, harvesting, management, wholesaling, and retailing of forest vegetation including, but not limited to timber, fuel wood, cones, Christmas trees, shrubs, ferns, berries, mistletoe, herbs, and mushrooms; as well as associated forest practices, including but not limited to storage of explosives, fuels, and chemicals used for forestry subject to all applicable local, state, and federal regulations.

LEWIS COUNTY CODE 17.10.070 "G" Definitions

The new Energy Facilities development regulations includes geothermal resources; and therefore, a definition has been added.

Chapter 17.10.070 "G" Definitions

"Geothermal resources" includes the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or that may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, exclusive of helium or oil, hydrocarbon gas or other hydrocarbon substances, but including, specifically:

- (a) All products of geothermal processes, including indigenous steam, and hot water and hot brines;
- (b) Steam and other bases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations;
- (c) Heat or other associated energy found in geothermal formations; and
- (d) Any by-product derived from them.

"Glare" means the effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

[No Changes to the remaining "G" Definitions]

LEWIS COUNTY CODE 17.10.080 "H" Definitions

Legislative intent.

Definition of Hostel according to RCW 79A.05.270: For purposes of *this chapter, "hostel" means a simple basic structure that serves as a safe, low-cost accommodation for mobile people of all ages from this country and abroad. It was added the language short stay to the definition

Chapter 17.10.080 "H" Definitions

"Hazard to air navigation," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

"Hazard tree" means any tree that is susceptible to imminent fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of causing personal injury or damaging a property's permanent physical improvements.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

"Hazardous waste" means and includes all dangerous and extremely hazardous waste as defined by RCW 70.105.010, and by Chapters 8.15, 8.20 and 8.45 LCC. Treatment of hazardous waste means, in addition to the meanings in Chapters 8.15, 8.20 and 8.45 LCC, the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

"Hazardous waste treatment and storage facilities" means facilities that require an interim or final status permit from the Department of Ecology under the Dangerous Waste Regulations, Chapter 173-303 WAC, and permitting under Chapters 8.15, 8.20 and 8.45 LCC. This does not include hazardous waste incineration and land disposal facilities that are state preempted.

"Hearing examiner" means the hearing examiner of Lewis County.

"Height," for the purpose of determining the height limits in all zones set forth in Chapter 17.80 LCC, Airport Obstruction Zoning, and shown on the approach and clear zone map, shall be mean sea level elevation unless otherwise specified.

"Home-based business" means limited commercial activities within dwelling unit provided that the business does not interfere with the residential character of the neighborhood through noise, traffic, over-sized vehicles, signs, other outward manifestation or safety hazards that may be generated. Home-based business may involve new structures and activity outside of the dwelling units. Home-based business may also be referred to as "cottage industry" or "home based industry".

"Home based industry" means small industrial, commercial, manufacturing, or service operations on land which is accessory to the operator's residential use. A home based industry is limited in size and scale, but may involve new structures and activity outside the residence. Such uses may retain the uses existing at the date of the adoption of this chapter or new facilities or activities consistent with this title.

"Horizontal surface," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, 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.

- (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.

"Hostel" means a simple basic structure that serves as a safe, short-stay, low-cost accommodation for transient people of all ages from this country and abroad.

[No Changes to the remaining "H" Definitions]

LEWIS COUNTY CODE 17.10.090 "I" Definitions

Chapter 17.10.090 "I" Definitions

[No Changes proposed to the "I" Definitions]

LEWIS COUNTY CODE 17.10.100 "J" Definitions

Chapter 17.10.100 "J" Definitions

"Junk" means old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; waste paper, plastic and other waste or discarded material which might be prepared to be used again in some form; any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of his/her own business or materials or objects held and used by a manufacturer as an integral part of his/her own manufacturing processes.

"Junk yard" means a property or portion there of that is used for storage of junk.

LEWIS COUNTY CODE 17.10.110 "K" Definitions

Chapter 17.10.110 "K" Definitions

"Kitchen" means a room or space with a sink, refrigerator, oven/stovetop and other appliances used for cooking. A room or space with a sink and refrigerator, but with no oven/stovetop is not considered a kitchen.

LEWIS COUNTY CODE 17.10.120 "L" Definitions

Lot, parent; Lot, unit: In 2023, Washington state law changed to require unit lot subdivisions be included in short plat regulations for all cities, towns, and counties. RCW 58.17.060(3), established by Engrossed Second Substitute Senate Bill (ESSSB) 5258 (Chapter 337, 2023 Laws).

Chapter 17.10.120. "L" Definitions

"Larger than utility runway," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, 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.

Loading Space, Off-Street. "Off-street loading space" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery trucks, expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading spaces are not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

"Lodging unit" means a building or portion thereof made available to the public for transient accommodations, and individually designated by number, letter, or other means of identification. Hotels, motels, bed and breakfasts and short-term rentals are considered lodging.

"Lot clustering" means a method of aggregating permitted densities on smaller tracts or area within a larger defined area for the purpose of creating economical building lots with spatially efficient sizes, reducing development cost, increasing energy efficiency and reserving areas of land that are suitable for agricultural, forestry, open space, or other future-approved development purposes.

"Lot coverage" means the percent of a lot or parcel which is, or will be, covered by structures.

"Lot, parent" means is a lot which is subdivided into unit lots through a subdivision process.

"Lot, unit" means a subdivided lot, that allows for individual ownership of at least one primary dwelling unit, created from a parent lot and approved through the unit lot subdivision process.

LEWIS COUNTY CODE 17.10.130 "M" Definitions

Chapter 17.10.130. "M" Definitions

"Manufacturing" means establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

"Marijuana processing" means converting harvested marijuana into usable marijuana and marijuanainfused products by any person or entity that holds a valid marijuana processor license issued by the Washington State Liquor Control Board under WAC 314-55-077 as now in effect or hereafter amended.

- (a) "Type 1 marijuana processing" means marijuana processing as provided under WAC 314-55-077 that is limited to drying, curing, trimming, and packaging marijuana for retail sale.
- (b) "Type 2 marijuana processing" means marijuana processing as provided under WAC 314-55-077 that extracts concentrates, infuses products, or involves the mechanical and/or chemical processing in addition to or instead of drying, curing, trimming, and packaging for retail sale.

"Marijuana production" means the growing and wholesaling of marijuana by any person or entity that holds a valid license issued by the Washington State Liquor Control Board under WAC 314-55-075 as now in effect or hereafter amended.

"Marijuana retailer" means a retail outlet that sells usable marijuana, marijuana-infused products, and marijuana paraphernalia and is owned by any person or entity that holds a valid marijuana retailer license issued by the Washington State Liquor Control Board under WAC 314-55-079 as now in effect or hereafter amended.

"Micro-brewery" means producing less than 15,000 barrels annually; micro-distillery means less than 60,000 gallons annually; micro-winery means producing less than 99,999 liters annually; micro-cidery means producing less than 60,000 barrels annually.

"Mining" means quarrying or extraction of material including but not limited to sand, gravel, rock, clay, coal and valuable metallic and nonmetallic substances from the earth and associated 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.

"Miscellaneous or future marijuana uses" are marijuana activities other than marijuana production, processing, and retail.

- (a) If any future marijuana activity regulated under Chapter 314-55 WAC, now or as hereafter amended or replaced, falls outside of the definitions of marijuana retailer, production, or processing herein, such activity shall be subject to this title's provisions pertaining to marijuana uses to the extent possible, except as otherwise specified in this section.
- (b) Persons growing medical marijuana solely for their own use (including members of a medical marijuana cooperative under WAC 314-55-410 et seq., now or as hereafter amended) shall be treated as a noncommercial greenhouse use under this title instead of as marijuana production or processing, so long as the marijuana activity complies with applicable state law and does not include any solvent- or CO2-based extraction. If the marijuana activity fails to comply with applicable state law and/or includes solvent- or CO2-based extraction, it shall be regulated as marijuana production or processing, as appropriate under this title.

"Mitigation" means actions taken to replace, compensate for, or enhance critical area functions impacted by a land use development permitted under this chapter. Mitigation may include individual actions or a combination of actions that follow mitigation sequencing in LCC 17.38.080(2) and generally fall into the following categories: protection/maintenance, enhancement, restoration, or creation.

Mitigation - Creation (Establishment). "Creation," as it relates to Chapter 17.38 LCC, Critical Areas, means the manipulation of the physical, chemical, or biological characteristics of a site where the resource did not previously exist. Establishment results in a gain in area. For example, activities related to wetlands typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

Mitigation - Enhancement. "Enhancement," as it relates to Chapter 17.38 LCC, Critical Areas, is the manipulation of the physical, chemical, or biological characteristics of a site to heighten, intensify, or improve specific ecologic function(s) or to change the growth stage or composition of the vegetation present. Enhancement projects result in a change in some ecological functions and can lead to a decline in other ecological functions, but do not result in a gain in overall area. Enhancement activities related to wetlands typically consist of planting vegetation, controlling nonnative or invasive species, modifying a site to influence hydroperiods, or some combination of these activities.

Mobile food unit: definition accord to RCW 43.20.025.

Mobile home: consistency between building and zoning chapter - make sure definitions match each other and state law, review regulations in building code Chapter 15 for compliance. Manufactured housing is regulated the same as site built housing. RCW 36.01.225 amended in 2019. A local government may require that manufactured homes: (1) are new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood, but may not discriminate against consumer choice in housing.

17.42 Table 2 lists Duplex, which is two attached dwelling units, and Multifamily. The definition of Multifamily should match that use table.

Mitigation - Protection/Maintenance (Preservation). "Protection/maintenance," as it relates to Chapter 17.38 LCC, Critical Areas, means removing a threat to, or preventing the decline of, critical area conditions by an action in or near the area. This includes the purchase of land or easements, or, in the case of wetlands, projects to repair water control structures or fences. Preservation does not result in a gain of critical area acreage.

Mitigation - Restoration. "Restoration," as it relates to Chapter 17.38 LCC, Critical Areas, means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the area to its natural or historical functions. For the purpose of tracking net gains in critical areas acreage, restoration is divided into re-establishment and rehabilitation.

- (a) Re-establishment results in a gain in critical areas acres (and functions). Examples of reestablishment activities that are related to wetlands include removing fill material, plugging ditches, or breaking drain tiles, among others.
- (b) Rehabilitation results in a gain in ecological function but does not result in a gain in critical area acreage. Rehabilitation activities related to wetland mitigation may involve breaching a dike to reconnect wetlands to a floodplain or other similar projects.

"Mobile food unit" means a readily movable food establishment. This includes mobile food trucks, trailers and mobile restaurants.

"Mobile home <u>or manufactured home"</u> means a detached single-family dwelling unit as defined and regulated under Chapter 15.25 LCC.

"Mobile home" means a detached single-family dwelling unit as defined and regulated under Chapter 15.25 LCC.

"Mobile home park" means any parcel or adjacent parcels of land as defined and regulated under Chapter 15.30 LCC.

"Modular/manufactured home" means a structure constructed offsite and assembled onsite which conforms to IBC requirements.

"Multifamily development" means two three or more dwelling units on one lot of record whether or not attached.

"Multifamily dwelling" means a single building containing two three or more attached residential dwelling units.

	IFWIS	COUNTY	CODE	17.10.140	"N" Definition
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Nuclear definitions to support new Energy code.

Chapter 17.10.140. "N" Definitions

"Native vegetation" means plant species which are indigenous to the site in question.

"Nonconforming structure" means a building or structure, or portion thereof, which was lawfully erected and maintained prior to the adoption of these regulations, but which does not conform to the regulations of the zone in which it is located.

"Nonconforming use" means a use of land which was lawfully established and maintained prior to the adoption of these regulations, but which does not conform to the regulations of the zone in which it is located.

Nonconforming Use, Airport Obstruction Zoning. "Nonconforming use" for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, means any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of the chapter or an amendment thereto.

"Nonprecision instrument runway," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, 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.

"Nuclear reactor" is defined as a facility where nuclear fission reaction occurs. A nuclear facility includes an area, structure, or activity related to nuclear operations, ensuring safe operations and compliance with safety standards. The U.S. Nuclear Regulatory Commission (NRC) regulates nuclear reactors to ensure safety and environmental protection.

"Nuclear reactor - micro", also known as microreactors, are compact nuclear reactors that can generate up to 20 megawatts of thermal energy. They are subcategory of Small Modular Reactors (SMRs) and are designed to generate electricity on a smaller scale than traditional nuclear reactors.

LEWIS COUNTY CODE 17.10.150 "O" Definitions

Organic materials and facility: New section RCW 36.70A.142 (2022), HB 1799: Development regulations newly developed, updated, or amended after January 1, 2025 allow for the siting of organic materials (OM) management facilities as identified in local solid waste management plans (SWMP) to meet OM reduction and diversion goals. Siting must be allowed under state law and was already added to the Lewis County code.

Chapter 17.10.150. "O" Definitions

"Obstruction," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in LCC 17.80.040.

"Open record appeal hearing" means a hearing defined under LCC 2.25.010(9).

"Open record hearing" means a hearing as defined under LCC 2.25.010(9).

Open Space. As used within this title, "open space" shall have the same definition as in LCC 16.04.185. "Open space" should not be confused with the "open space open space," "open space agricultural," or "open space timber" designations, which are tax designations assigned by the county under Chapter 3.50 LCC and Title 84 RCW. Such tax designations may be secured in any zone under this title and may be granted, amended, or deleted as provided in the applicable tax code and regulations.

"Ordinance," for the purposes of Chapter 17.110 LCC, State Environmental Policy Act, means the ordinance, resolution, or other procedure used by the county to adopt regulatory requirements.

"Ordinary high water mark (OHWM)" on all lakes and streams means that mark which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter; provided, that for:

- (a) Lakes, where the ordinary high water mark cannot be found, it shall be the line of mean high water;
- (b) Streams, where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

"Organic materials" means materials derived from living organisms, including vegetative food processing residue; food residuals; agricultural residuals; compostable products; non-recyclable compostable paper; clean wood; or landscaping residue. It does not include biosolids.

"Organic materials composting facility" means structure(s) and/or premises designed, intended to be used, or used to conduct composting. Composting Facility includes Small Composting Facilities, Large Composting Facilities, Agricultural Composting Facilities, and Organics Consolidation Facilities or Operations. Composting facility does not include any structure or premises at which only individual residential use composting is conducted or land upon which finished or matured compost is applied.

"Outpatient treatment center" means a facility that provides medical or mental health services to individuals who do not require overnight accommodation. Includes clinics offering counseling, physical rehabilitation, and routine diagnostic services. Excludes hospitals, residential treatment centers, and urgent care centers providing emergency medical services.

[No Changes to the remaining "O" Definitions]

	I FWIS	COUNTY	CODF 17	10.160	"P" Definition
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Definition of Permanent supportive housing according to RCW 36.70A.030(31).

Chapter 17.10.160. "P" Definitions

Parcel. For "parcel" see "contiguous land" definition at LCC 16.04.178.

"Park" means private or public areas of land that are designated for active or passive recreational uses. The areas may include buildings, athletic fields, and spectator seating facilities.

Parking Space, Off-Street. "Off-street parking space" means, for the purpose of this title, an area that:

- (a) Is located totally outside of any street, alley, or public right-of-way;
- (b) Is adequately sized to park an automobile, with room for opening doors on both sides of the vehicle; and
- (c) Is sited appropriately to offer sufficient maneuvering room and access to a public street or alley.

"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services.

"Permitted use" means a principal use of a site allowed as a matter of right in conformance with applicable zoning, building, and health codes, and not subject to special review or conditions under this title beyond those specifically set forth in zoning district regulations.

"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.

"Planning commission" means the planning commission of Lewis County.

Definition of Professional Service according to RCW 18.100.030.

"Primary surface," for the purpose of Chapter <u>17.80</u> LCC, Airport Obstruction Zoning, 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 <u>17.80.035</u>. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

"Priority habitat and species database" means the database for the Washington Department of Fish and Wildlife Priority Habitats and Species Program, which provides the following products:

- (a) Lists of the Washington Department of Fish and Wildlife's most important habitats and species;
- (b) Management recommendations for each priority habitat and species; and
- (c) Maps showing the geographic location of priority habitats and species.

"Priority habitats" means areas associated with a species listed as endangered, threatened or sensitive by the Washington Department of Fish and Wildlife Priority Habitat and Species Program and which, if altered, may reduce the likelihood that the species will maintain or increase its population over the long term.

"Priority species" means animal species listed by the Washington Department of Fish and Wildlife Priority Habitats and Species Program that are of concern due to their low population and/or their sensitivity to habitat manipulation.

"Professional office" means a room or group of rooms used to conduct the business of a profession, business, service, government, or other organization, but excluding those uses which are primarily retail or wholesale in nature that have offices as part of their operation.

"Professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which prior to the passage of this chapter and by reason of law could not be performed by a corporation, including, but not by way of limitation, certified public accountants, chiropractors, dentists, osteopaths, physicians, podiatric physicians and surgeons, chiropodists, engineers, architects, veterinarians and attorneys-at-law allows.

"Prohibited use" means a use that is not allowed to be constructed or developed; provided, that existing uses may be continued as provided in Chapter 17.155 LCC, Nonconforming Uses.

"Project permit" or "project permit application" means any land use or environmental permit or license required from Lewis County for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, special use permits, shoreline substantial project permits, variances, lot consolidations, site plan reviews, 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 definition.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit or legislative action prior to the local government's decision. A public meeting may include, but is not limited to, a meeting of a special review district, a community council meeting, or a scoping meeting for a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings of a public meeting may be recorded and a report or recommendation may be included in the county's official file.

"Public recreation" means those recreation facilities developed and maintained by any department or branch of the federal, state or local government, or special purpose district, and used for public recreational purposes.

"Public sewer" means, for land use planning purposes, a system intended to dispose of sewage that meets the definition in LCC 8.40.040.

"Publicly accessible" or "public access" means an area, space or facility that is open and easily accessible to the general public for use without a fee.

LEWIS COUNTY CODE 17.10.170 "Q" DEFINITIONS

Receiving correct and accurate wetland reports is an important part of ensuring that Lewis County meets the Washington State Critical Areas Ordinance. Wetland reports can be complicated and require extensive knowledge and expertise to ensure that all state and federal guidelines are met. It is appropriate to require that those who are conducting these assessments and delineations are certified as a Professional Wetland Scientist or a similar set of certifications that assure baseline knowledge and training. Based on the criteria, the minimum qualifications are a 2-year associates degree in a scientific field and three certifications from the Wetland Training Institute, as well as minimum 2-years professional experience and continuing education credits every 5 years, which amounts to refresher courses or training in new state or federal requirements.

It is not necessary that the person conducting the assessment/delineation themselves meet these qualifications if they are employed by a consulting firm that does have qualified professionals. It is assumed that the qualified professionals within the consulting firm can review the wetland report prior to submission to the County to ensure that all applicable local, state and federal rules and requirements are met.

If a new person is entering the field, to obtain the years' of experience, that person would either need to work for a consulting firm that has qualified professionals, or needs to have a mentor who meets the criteria and "signs off" on assessment and report for the period of time stated.

A provision is included because there may be persons who have submitted wetland reports to Lewis County prior to January 1 whom would not meet the qualifications and would therefore be disqualified. In order to provide them time to obtain the necessary qualifications, Lewis County will continue to accept reports from those persons for the next 5 years. In the interim, Lewis County would use on-call professional services to provide 3rd party review of those reports.

Clarification is added, when there is a statement about professional experience that means either 2-years full time or 4-years part time experience.

Chapter 17.10.170 "O" Definitions

"Qualified critical area professional" means a person, or a team of persons or organization with combined experience, education, and professional degrees and/or training pertaining to the critical area in question, and with experience in performing delineations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The administrator may require professionals to demonstrate the basis for qualifications and shall make final determination as to qualifications. An unqualified professional who submitted a critical area report to Lewis County prior to January 1, 2026, may continue to submit critical area reports through December 31, 2030 subject to third party review and associated fees as determined by the adopted fee schedule. A professional may be found to be unqualified if they consistently submit reports or assessments that do not meet industry standards or frequently contain egregious errors.

- (a) "Qualified wetlands professional" means either: A qualified professional for wetlands must have a degree in biology, ecology, soil science, botany, or a closely related field and demonstrate professional experience in wetland identification, delineation, and assessment in the Pacific Northwest. Qualified professionals preparing wetland mitigation plans must have, in addition to the qualifications above, demonstrated professional experience in hydrology and other disciplines essential to the success of mitigation plans. This expertise may be provided in a team of qualified professionals each of which has expertise in relevant areas.
 - (a) A person with a bachelor's degree in biology, ecology, soil science, botany, or a closely related scientific field, whom maintains a wetland certification from an accredited program such as Professional Wetland Scientist (PWS) through the Society of Wetland Scientists, and has a minimum of two (2) years' experience delineating wetlands using the most current Army Corps of Engineers and Washington State Department of Ecology methods for the Pacific Northwest; or
 - (b) A person with a minimum of four (4) years' experience completing wetland assessments and delineations, using the most current Army Corps of Engineers and Washington State Department of Ecology methods for the Pacific Northwest, under the direct supervision of a qualified wetland professional who meets criteria (a) above.
- (b) A qualified professional for habitat conservation areas must have "Qualified habitat conservation professional" means a person with a bachelor of science degree in wildlife biology, ecology, fisheries, or closely related field and demonstrated two (2) years professional experience related to the subject species/habitat type.

- (c) A qualified professional for geologically hazardous areas must be "Qualified geological hazard professional" means a Washington State licensed professional geologist, a professional licensed engineering geologist or a professional geotechnical engineer, or equivalent licensed engineer with specific education and demonstrated professional competence related to geologic hazards. For mine hazard assessments, a qualified professional must be a professional mining engineer, or other professional engineer with demonstrated professional competence related to mine hazards. For foundation design for mine hazard areas, a qualified professional must be a professional engineer with demonstrated professional competence related to foundation design.
- (d) A qualified professional for critical aquifer recharge areas "Qualified critical aquifer recharge Area (CARA) professional" means a Washington State licensed hydrogeologist, geologist, or a professional engineer, with specific education and demonstrated professional competence related to ground water hazards.
- (e) A qualified professional for frequently flooded areas "Qualified floodplain professional" means a Washington State licensed engineer or land surveyor (for documentation of lowest floor elevations, only), with specific education and demonstrated professional competence related to flood hazard assessment and construction requirements.

"Qualified forester" means a person with a bachelor of science degree in forestry or the equivalent in post-secondary education and <u>demonstrated two (2) years</u> work experience in forestry.

LEWIS COUNTY CODE 17.10.180 "R" DEFINITIONS

Religious organization: This definition follows the State definition under RCW 36.01.290(6)(c). Religious organizations must be permitted density bonus for affordable housing under 36.70A.545 allowed for emergency shelters and emergency housing.

Chapter 17.10.180 "R" Definitions

"Reclamation" means the process of reconverting disturbed lands to their former use or other compatible uses.

"Recreation areas" are those areas: (a) within five air miles of national park/national forest; (b) within one air mile of Riffe Lake, Mayfield Lake, Mineral Lake, Carlysle Lake; (c) within one-half mile of the Cowlitz, Chehalis, Tilton, Skookumchuck, and Newaukum Rivers, and Lincoln and Winston Creeks, and (d) all state parks.

"Recreational facility, local" means a park facility that serves a local population and includes limited and basic recreational facilities such as playgrounds, trails, open space and ballfields.

"Recreational facility, regional" means a facility that attracts a regional clientele, such as country clubs and golf courses, sports complexes, and intensive commercial recreational uses such as a golf driving range, race track, an amusement park, a paintball facility, or a gun club.

"Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use, certified as an RV by the Washington State Department of Labor and Industries. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, park trailers and motor homes.

"Recreational vehicle park" means any parcel or tract of land under the control of any person, organization, or governmental entity where two or more camping sites are offered for recreational vehicle transient accommodations.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

"Religious use" means a structure or group of structures devoted to spiritual or moral teachings. Associated activities include personal social services to the community.

"Resource uses" are all primary and accessory uses defined in the county's resource land ordinance, Chapter 17.30 LCC.

"Restaurant" means an establishment where food and beverages are prepared and served for consumption either on or off premises. The term shall include cafes, coffee houses, cabarets, and dining rooms, but shall not include taverns. Restaurants may include cocktail lounge and facilities for dancing and live entertainment of patrons; provided, that these activities are clearly accessory to food service; and provided further, that these activities are not expressly prohibited in a specific zone.

"Retirement and convalescent homes" is a residential arrangement where nonfamily members are brought together in a home or residential care facility which does not require state licensing. (For facilities requiring state licensing, see "Group Home.")

"Road" means the entire width between the right-of-way lines of every way for vehicular traffic that has been dedicated, platted, or granted as an easement for that purpose on public or private lands. The term does not include an alley, drainage easement, or path, but is intended to include the primary right(s) of way to which properties have vehicular access.

"Rooming house" means any dwelling in which, for compensation, three or more persons, either individually or as families, are housed or lodged, with or without meals. A boarding house, lodging house, tourist home or furnished room house shall be deemed rooming houses. A rooming house with six or more sleeping units, occupied by transients, shall be deemed a hotel.

"Runway," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

"Rural governmental services" means those governmental services historically and typically delivered at an intensity usually found in rural areas including but not limited to domestic water systems, fire and police facilities, and schools. Storm and sanitary sewers are typically not a rural governmental service unless otherwise authorized by RCW 36.70A.110(4). A complete definition is provided within the Growth Management Act (RCW 36.70A.030(17)) and the Lewis County comprehensive plan.

LEWIS COUNTY CODE 17.10.190 "S" Definitions

Short term rentals are defined by Washington State and this definition conforms with additional clarification specific to Lewis County. In particular, month-over-month leases are an affordable housing option, particularly in remote small towns with seasonal employment related to the National Forest Service, Mount Rainier National Park and White Pass Ski Resort.

Lewis County is proposing comprehensive energy code and is adding definitions that relate.

Chapter 17.10.190 "S" Definitions

"Seat" means, for purposes of determining the number of off-street parking spaces for certain uses, the number of seats; or the number of seating units installed or indicated; or each 24 lineal inches of benches, pews, or space for loose chairs.

"Self-storage" means a facility where an individual stores personal belongings in rented stalls, bays or lockers and that is designed for self-service access.

Sensitive, Endangered, Threatened Species. Lewis County adopts the state classifications as set forth in WAC 232-12-001, 232-12-011, and 232-12-014.

"SEPA rules," for the purposes of Chapter 17.110 LCC, State Environmental Policy Act, means Chapter 197-11 WAC adopted by the Department of Ecology as revised.

"Setback" means a distance from a fixed boundary, property line, or right-of-way as set forth in this title. A front setback is measured to the street or point of access. A side setback is measured to an abutting property on the same street or access. A rear setback is the side of the structure away from the street or point of access, and is measured to the nearest property line. A structure may have two front yards.

"Sewage sludge" means semisolid matter consisting of settled sewage solids combined with varying amounts of water and dissolved material, remaining after the completion of wastewater treatment.

"Short term rental" means a lodging use, that is not a hotel, motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest for a fee for fewer than thirty (30) consecutive nights and for no more than 180 days during a calendar year. "Short-term rental" does not include the following:

- (i) An owner-occupied dwelling unit within which no more than three individual rooms are rented at any time.
- (ii) A dwelling that is rented on a month-by-month basis where the renter is required to sign a full month lease.
- (iii) A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the secretary of state, state of Washington, or is classified by the federal internal revenue service as a public charity or a private foundation, and provides temporary housing to individuals Certified on 7/12/2024 Combined Chapter 64.37 RCW Page 1 who are being treated for trauma, injury, or disease, or their family members.

Sleeping Unit: Zoning must reflect sufficient land capacity for all income housing needs, including emergency housing and permanent supportive housing. (RCW 36.70A.070(2)(c) - Amended in 2021 with HB 1220)

"Sign" means any communication device visible from any public right-of-way, bicycle or pedestrian path, or sidewalk such as a placard, billboard, display, structure, fixture, messages, design, letters, symbols, light figure, illustration, set of pennants, or other device intended to identify, inform, advertise, or attract attention to any private or public premises to aid in promoting the sale of products, goods, services or events or to identify a building or place using graphics, letters, figures, illustration, symbols, trademarks or written copy., and placed mainly outdoors so as to be seen from any public or quasi-public place. Excluded from this definition are official traffic, directional, or warning devices; other official public notices; signs required by law; or flag of government; or painted wall designs or patterns that do not represent a product, service or trademark or that do not identify the user are not considered signs. other noncommercial institution.

"Significant" means a reasonable likelihood of more than a moderate impact. The determination of the significance of the impact should consider the physical setting, the magnitude or duration of the impact, along with its chance of occurring.

"Single-family dwelling" means a building designed or used for residence purposes by not more than one family, and containing one dwelling unit only.

"Site area" means the measured square footage of any lot, tract, or parcel of land or contiguous lots for purposes of determining density.

"Sleeping unit" means the sleeping provisions and measure of density provided in co-housing. A sleeping unit in co-housing equals one-quarter (1/4) of a one dwelling unit. For example, in zoning where 3 (three) dwelling units per lot are allowed, 12 sleeping units would be permitted.

"Small Wind Energy System (SWES)" means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes any of the following to accomplish this production: a wind turbine, rotor blades, tower, foundation, and associated control or conversion electronics, which has a rated capacity of not more than 25kW, less than 120 feet high and which is intended to primarily reduce on-site consumption of utility power.

"Solar Power Production Facilities" or "SPPF" means a utility on an area of land designated for the purpose of producing photovoltaic electricity with a nameplate capacity of over one hundred kilowatts (100 KW) and includes, but is not limited to, an assembly of solar panels and solar equipment that converts sunlight into electricity and then stores and/or transfers that electricity. Solar Power Production Facilities may include mechanical buildings and other uses that are typical to a SPPF, however offices and other commercial uses are prohibited.

"Solid waste disposal facilities or sites" means the location where any final treatment, unitization, processing, or deposition of solid waste occurs in accordance with Chapters 8.15, 8.20, and 8.45 LCC. For the purposes of this title, "interim solid waste handling sites" of the following types are included: transfer stations, baling and compaction sites, source separation centers, and treatment sites. Drop boxes which provide the general public with containers to collect materials to be recycled and household hazardous waste collection stations for transfer elsewhere are excluded, but are defined as transitory solid waste facilities. For the purposes of this title, three types of solid waste disposal facilities or sites are defined:

- (a) Demolition materials, inert materials, limited purpose landfills and wood waste landfills.
- (b) Sewage sludge when a unitization permit is issued by the Lewis County department of public health and social services in accordance with WAC 173-304-300, biosolids application when siting approval is given by the Washington State Department of Ecology in accordance with Chapter 173-308 WAC, and any application site for compost which comes under Lewis County environmental health division regulation and has received the appropriate permits.
- (c) All other solid waste disposal facilities and sites of a permanent nature including, but not limited to, landfills, incinerators, and transfer stations, in accordance with Chapters 8.15, 8.20, and 8.45 LCC.

"Special use" means a use permitted only after "public" review and approved by the hearing examiner, and to which "special" conditions may be attached by the hearing examiner to address mitigation requirements by reason of the specific location of a proposed use.

"Sport center, outdoors" means outdoor spaces for active and passive recreation that are provided to the public, typically for a fee, including but not limited to golf courses, ball fields, tennis courts, swimming, bike trails, hiking trails, ziplines, and other similar uses and associate accessory uses and buildings such a clubhouse, offices, bathrooms, picnic shelters, food stands, warming huts, etc.

"Standalone food or beverage manufacturing" means a food or beverage processing use that is not accessory or incidental to a primary underlying agricultural use. The use may include the assembly or manufacturing of packaging for the processed product. Processing or manufacturing uses that are accessory or incidental to a primary agricultural use are considered an "agricultural" use for the purpose of Chapter 17.42 LCC. "Standalone food or beverage manufacturing" does not include the extraction of ground or surface water for bottled water and/or facilities for producing bottled water.

"Standalone retail, sales, or professional services" means retail, sales or professional services uses that are not associated with a single-family structure.

"Storage, personal" means a space or structure used for storage of personal belongings, such as a garage or shed; not including junkyards.

Supportive housing emergency: Zoning must reflect sufficient land capacity for all income housing needs, including emergency housing and permanent supportive housing. (RCW 36.70A.070(2)(c) - Amended in 2021 with HB 1220). Transitional housing: Definition according to RCW 84.36.043.

"Stormwater management facilities" include measures to control stormwater flow and water quality, and may include, but are not limited to, ditches designed and intended primarily for conveyance, biofiltration swales, filter strips, bubble diffusers, detention ponds, retention ponds, wet ponds, and similar facilities.

"Streams" means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates clear evidence of the passage of water, including, but not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water during the entire year. The definition does not include watercourses that were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches, or storm or surface water runoff features, unless the artificially created watercourse contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created watercourse.

"Structure," for the purpose of this title, means anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including unroofed paved areas, fill, any vehicle, or any fence six feet or less in height.

"Structure," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, 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.

"Supportive housing, permanent" also known as "Permanent supportive housing," means subsidized leased housing, utilizing admissions practices with lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing and which is paired with on-site or off-site voluntary services.

"Supportive housing, shelter" also known as "Emergency shelter," means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. RCW 36.70A.030(15)

"Supportive housing, transitional" also known as "Transitional housing," means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

[No Changes to the remaining "S" Definitions]

LEWIS COUNTY CODE 17.10.200 "T" Definitions

Month-to-month rentals are a residential use, not a transient accommodation. Reducing the number of days from 30 to 28, as single family residence can be rented monthly as a residential use.

Tandem parking: <u>SB 6015</u>

Tasting room defined under WAC 314-28-005

Chapter 17.10.200 "T" Definitions

"Tandem parking" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.

"Tasting room" includes both off-site tasting rooms operated by, and on-site tasting rooms operated at, a licensed distillery or craft distillery premises.

"Tent" means a temporary structure, enclosure or shelter, except a yurt, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

"Tiny home", also called an "efficient dwelling unit", means a dwelling unit having a total floor area of not less than 220 square feet and not more than 1,000 square feet and that contains a living space, a bathroom and kitchen facilities.

"Transient accommodations" means any facility such as a hotel, motel, bed and breakfast, <u>resort, short-term rental</u>, campground, RV park or any other facility or place offering lodging units or camping sites to guests for a fee for periods no longer than 30 28 consecutive days, except campground/RV parks which may offer camping sites for periods no longer than 210 consecutive days.

"Transitional surfaces," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, 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.

"Tree," for the purpose of Chapter 17.80 LCC, Airport Obstruction Zoning, means any object of natural growth.

"Trucking company" means a business that specializes in transporting goods by truck.

LEWIS COUNTY CODE 17.10.210 "U" Definitions

Unit lot subdivision: In 2023, Washington state law changed to require unit lot subdivisions be included in short plat regulations for all cities, towns, and counties. RCW 58.17.060(3), established by Engrossed Second Substitute Senate Bill (ESSSB) 5258 (Chapter 337, 2023 Laws).

Chapter 17.10.210 "U" Definitions

"Unit lot subdivision" means division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.

[No Changes to the remaining "U" Definitions]

LEWIS COUNTY CODE 17.10.220 "V" Definitions

Chapter 17.10.220 "V" Definitions

[No Changes proposed to the "V" Definitions]

LEWIS COUNTY CODE 17.10.230 "W" DEFINITIONS

In Lewis County, property owners frequently apply for wedding venues as commercial use. An event center may be used as a wedding venue; however, an event center is also advertised for rent for any other event space such as birthdays, family reunions, business conferences, etc. If a venue is only going to be advertised for rent as a wedding venue, then it can be permitted as a standalone wedding venue, not an event center. If the venue is advertised for any rental use, then it is an event center and must meet those standards.

Chapter 17.10.230 "W" Definitions

"Warehouse or warehousing" means facilities for storage of goods, machinery, and/or equipment in an enclosure.

"Watershed" means an area draining to the surface water systems of the Chehalis, Cowlitz, Deschutes, or Nisqually Rivers.

"Wedding venue" means an indoor or outdoor facility that is advertised for rent as a location to hold a wedding ceremony or reception. An event center that is advertised for rent including but not limited to wedding ceremonies or receptions; then the venue shall be defined as an event center.

"Wellhead protection area" means the area (surface and subsurface) managed to protect ground-water-based public water supplies.

"Wetland mitigation bank" means a site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of unavoidable impacts to wetlands or other aquatic resources that typically are unknown at the time of certification to compensate for future, permitted impacts to similar resources.

"Wetland mosaic" means an area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50 percent of the total area of the entire mosaic, including uplands and open water.

"Wetlands" are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

"Wholesale use" means an establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

"Wind farm" means a single wind turbine exceeding 120 feet in height above grade or more than one wind turbine of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels.

"Wind turbine" means any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the turbine apparatus and any other buildings, support structures or other related improvements necessary for the generation of electric power.

"Wind Turbine Total Height" means the distance measured from the grade plane to the tip of the rotor blade when extended vertically to its highest point.

[No Changes to the remaining "W" Definitions]

LEWIS COUNTY CODE 17.10.240 "X" Definitions

Chapter 17.10.240 "X" Definitions

[No Changes proposed to the "X" Definitions]

LEWIS COUNTY CODE 17.10.250 "Y" Definitions

Chapter 17.10.250 "Y" Definitions

[No Changes proposed to the "Y" Definitions]

LEWIS COUNTY CODE 17.10.260 "Z" Definitions

Chapter 17.10.260 "Z" Definitions

[No Changes proposed to the "Z" Definitions]

