



Community Development

125 NW Chehalis Avenue
Chehalis WA 98532

The Lewis County Code proposed amendments are presented with development regulations on the odd pages, edits shown in underline for text to be added and ~~strike through~~ 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: lewiscountywa.gov/departments/community-development/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/

Commentary

LEWIS COUNTY CODE 17.30 Resource Lands.

Chapter 17.30 RESOURCE LANDS

Sections:

Article I. General Provisions

- 17.30.010 Authority and title.
- 17.30.020 Purpose.
- 17.30.030 Policy.
- 17.30.040 Interpretation.
- 17.30.050 Duration.
- 17.30.060 Judicial review.

Article II. Reserved

Article III. General Requirements

- 17.30.290 Applicability.
- 17.30.300 Relationship to other regulations.
- 17.30.310 Exemptions.
- 17.30.360 Nonconforming activities.
- 17.30.370 Notification of proximity to natural resource lands - Conflict mitigation.
- 17.30.380 Nonregulatory incentives.
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- 17.30.400 Judicial or legislative modification.
- 17.30.410 Cost recovery.

Article IV. Forest Resource Lands

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- 17.30.430 Designation.
- 17.30.440 ~~Uses~~ Purpose.
- 17.30.450 ~~Primary~~ Permitted uses.
- ~~17.30.460 Accessory uses.~~
- ~~17.30.470 Incidental uses.~~
- ~~17.30.475 Special uses.~~
- 17.30.490 Maximum density and minimum lot area.
- 17.30.500 Setbacks.
- 17.30.510 Water supply.
- 17.30.520 Access.
- 17.30.530 Surveys.
- 17.30.560 Process for petitioning for designation as a forest land of local importance ("opt-in").

Commentary

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

Article V. Agricultural Resource Lands

- 17.30.570 Farmland of local importance.
- 17.30.580 Maps and inventory.
- 17.30.590 Use exceptions in ARL.
- 17.30.600 Relief from errors in ARL designation.
- 17.30.605 Uses Purpose.
- 17.30.610 Primary Permitted uses.
- ~~17.30.620 Accessory uses directly connected with agricultural activity.~~
- ~~17.30.623 Accessory uses not directly connected with agricultural activity.~~
- ~~17.30.630 Incidental uses.~~
- ~~17.30.635 Special uses.~~
- 17.30.650 Maximum density and minimum lot area.
- 17.30.660 Setbacks.
- 17.30.670 Process for petitioning for designation as a farmland of local importance ("opt-in").
- 17.30.680 Nonregulatory incentives.

Article VI. Mineral Resource Lands

- 17.30.720 Classification.
- 17.30.730 Designation.
- 17.30.740 Maps and inventory.
- 17.30.750 Primary Permitted uses.
- ~~17.30.760 Accessory uses.~~
- ~~17.30.770 Incidental uses.~~
- 17.30.790 Standards for existing permits.
- 17.30.800 Lot size/density.
- 17.30.810 Setbacks - Buffers.
- 17.30.820 Preferential right to manage resources - Right to mine.
- 17.30.850 Process for petitioning for designation as a mineral resource land ("opt-in").

Commentary

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Article 1. General Provisions

[No Change]

Article II. Reserved

[No Change]

Article III. General Requirements

17.30.290 Applicability.

[No Change]

17.30.300 Relationship to other regulations.

[No Change]

17.30.310 Exemptions.

The following activities shall be exempt from the provisions of this chapter:

- (1) Existing and ongoing agricultural activities may persist on lands designated as resource lands on the effective date of the ordinance codified in this chapter;
- (2) Normal and routine maintenance and operation of existing irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, landscape amenities, farm ponds, fish ponds, manure lagoons, and animal water ponds; provided, that such activities do not involve conversion of any resource lands to other than resource land uses;
- (3) Maintenance, operation, repair, or replacement of utility facilities and associated rights-of-way, including but not limited to reasonable access roads, and construction of utility facilities reasonably necessary;
- (4) Passive recreational uses, sport fishing or hunting, scientific or educational review, or similar minimal-impact, nondevelopment activities;
- (5) Site investigative work required by a city, county, state, or federal agency in conjunction with the preparation of a land use application submittal such as surveys, soil logs, percolation tests, and other related activities. In any such activity, resource lands are avoided where possible and minimized where necessary, and disbursed to the extent possible;

Commentary

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- (6) Maintenance, operation, reconstruction of or addition to existing roads, streets, and driveways; provided, that reconstruction of any such facilities does not extend outside the previously disturbed area;
- (7) Any projects currently under review and “vested” as that term is used in RCW 19.27.095 and 58.17.033 by local, state, or federal agencies prior to official adoption of the ordinance codified in this chapter are exempt from this chapter and will be grandfathered under previous resource lands protection measures; provided, however, “vested properties” shall include any property acquired for development purposes where the following qualifications have been met: (a) the purchase includes lands designated as resource lands pursuant to this chapter; (b) the purchaser can demonstrate through some objective means that the property was acquired for present development purposes (e.g., more than generalized intent, such as a feasibility study, nature of purchaser’s business, or other facts or data); and (c) the earnest money agreement is complete and binding on both parties within 90 days prior to the effective date of the ordinance codified in this chapter; and provided further, such additional vested rights shall be in effect only for the subdivision of such property in fact completed (final plat recorded) within 18 months of the effective date of the ordinance codified in this chapter.

17.30.360 Nonconforming activities.

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, shall be processed under this section and not under Chapter 17.155 LCC. The nonconforming activity may continue subject to the following:

- (1) Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit reviewed as a Type III application per Chapter 17.05 LCC or other approval issued pursuant to the provisions of this chapter;
- (2) Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit reviewed as a Type III application per Chapter 17.05 LCC or other approval issued pursuant to the provisions of this chapter, except single-family dwellings and accessory structures may be expanded or altered as follows: reconstruction, remodeling, or maintenance of one-family dwellings and accessory structures existing on the effective date of the ordinance codified in this chapter shall be allowed; provided, that a one-time only expansion of the building footprint does not increase that footprint by more than 25 percent;
- (3) Activities or Uses Which Are Abandoned. A use discontinued for 60 months shall be presumed abandoned, but such presumption may be rebutted. An abandoned use or structure is allowed to resume only if in compliance with this chapter; and

Commentary

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- (4) Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction of the same facility is commenced within two years of such damage. The reconstruction or restoration shall not serve to expand, enlarge, or increase the extent of the nonconformity.

17.30.370 Notification of proximity to natural resource lands – Conflict mitigation.

[No Change]

17.30.380 Nonregulatory incentives.

[No Change]

17.30.390 SEPA.

[No Change]

17.30.400 Judicial or legislative modification.

[No Change]

17.30.410 Cost recovery.

[No Change]

Article IV. Fores Resource Land

17.30.420 Classification.

[No Change]

17.30.430 Designation.

[No Change]

17.30.440 Uses Purpose.

[No Change]

17.30.450 ~~Primary Permitted Uses~~.

See 17.42, Table 2, Land Use Summary.

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- (1) ~~The growing and harvesting of timber, forest products, and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto.~~
- (2) ~~Removal, harvesting, wholesaling, and retailing of vegetation from forest lands including, but not limited to, fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.~~
- (3) ~~Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock and floral vegetation, and other agricultural activities and structures accessory to farming and animal husbandry.~~
- (4) ~~Rural governmental services, subject to a Type II administrative approval.~~
- (5) ~~Extraction and processing of rock, gravel, coal, oil, gas, mineral, and geothermal resources.~~

17.30.460 ~~Accessory Uses.~~

~~Uses allowed outright where directly connected with and in aid of a forestry activity:~~

- (1) ~~One single family dwelling unit or mobile home per lot, parcel, or tract;~~
- (2) ~~One accessory dwelling unit in conjunction with a single family dwelling or mobile home. Kitchen facilities may not be provided in accessory dwelling units;~~
- (3) ~~Storage of explosives, fuels, and chemicals used for agriculture and forestry subject to all applicable local, state, and federal regulations;~~
- (4) ~~Forestry, environmental, and natural resource research;~~
- (5) ~~Recreational vehicle parks and campgrounds that meet the requirements of Chapter 17.144 LCC, RV Parks and Campgrounds;~~
- (6) ~~Recreational facilities such as dispersed camping, trails, trailheads, snowparks, warming huts for climbers and cross-country skiers, boat launches, and accessory uses. Dispersed camping must be associated with other recreational facilities;~~
- (7) ~~Aircraft landing fields, heliports;~~
- (8) ~~Watershed management facilities, including but not limited to diversion devices, impoundments, dams for flood control, fire control, and stock watering.~~

Commentary

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17.30.470 Incidental uses.

Uses which may provide supplementary income without detracting from the overall productivity of the forestry activity. The listed uses below are allowed where the following elements are found:

(1) — Required Elements.

- (a) — The use will not adversely affect the overall productivity of the forest nor affect more than five percent of the prime soils (15 percent as provided below in LCC 17.30.490(3)) on any forest resource lands (including all contiguous tracts or parcels in common ownership) on the date this chapter is effective.
- (b) — The use is secondary to the principal activity of forestry.
- (c) — The use is sited to avoid prime lands where feasible and otherwise to minimize impact on forest lands of long-term commercial significance.

(2) — Uses Allowed as Incidental Activities.

- (a) — Residential subdivision consistent with the requirements of this chapter.
- (b) — Saw mills, shake and shingle mills, the production of green veneer and other products from wood residues, chippers, pole yards, log sorting and storage, debarking equipment, accessory uses including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue storage areas, and other uses involved in the harvesting and commercial production of forest products.
- (c) — Treatment of wastewater or application of biosolids when not a forest practice regulated by the state.
- (d) — State correction work camps to supply labor for forest management related work projects and for forest fire control.
- (e) — Plywood mills, particleboard plants, and drying kilns.

17.30.475 Special uses.

The following uses may locate in privately owned forest resource lands with a special use permit:

- (1) Marijuana production.
- (2) Type 1 marijuana processing.

Commentary

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17.30.490 Maximum density and minimum lot area.

[No Change]

17.30.500 Setbacks.

[No Change]

17.30.510 Water supply.

[No Change]

17.30.520 Access.

[No Change]

17.30.530 Surveys.

[No Change]

17.30.560 Process for petitioning for designation as a forest land of local importance ("opt-in").

[No Change]

Article V. Agricultural Resources Lands

17.30.570 Farmland of local importance.

[No Change]

17.30.580 Maps and inventory.

[No Change]

17.30.590 Use exceptions in ARL.

[No Change]

17.30.600 Relief from errors in ARL designation.

[No Change]

Commentary

The Land use Summary Table in LCC 17.42 includes all primary and accessory uses allowed in the ARL zone; therefore 17.30.610 and .620 are redundant and removed.

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17.30.605 Uses Purpose.

The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of agricultural lands, and discourage incompatible uses. All primary and accessory uses shall be entitled to protection under the protective provisions of Chapter 17.40 LCC.

~~17.30.610 Primary Permitted uses.~~

See 17.42, Table 2, Land Use Summary.

- ~~(1) — Agriculture and agricultural activities including aquaculture, viticulture, floriculture, horticulture, general farming, dairy, the raising, feeding, and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation, agricultural processing facilities, commercial greenhouse operations that are an integral part of a local soil-based commercial agricultural operation, wholesale nurseries, and other agricultural activities.~~
- ~~(2) — Removal, harvesting, wholesaling, and retailing of vegetation from agricultural lands including, but not limited to, fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.~~
- ~~(3) — One single family dwelling unit or mobile home.~~
- ~~(4) — Rural governmental services, subject to a Type II administrative approval.~~
- ~~(5) — Growing and harvesting of timber.~~

~~17.30.620 Accessory uses directly connected with agricultural activity.~~

~~Uses allowed outright where directly connected with and in aid of an agricultural activity:~~

- ~~(1) — Storage of explosives, fuels, and chemicals used for agriculture and forestry subject to all applicable local, state, and federal regulations;~~
- ~~(2) — Structures accessory to farming, animal husbandry, and the growing and harvesting of timber;~~
- ~~(3) — Agricultural, environmental, and natural resource research;~~
- ~~(4) — Private aircraft landing fields, heliports;~~
- ~~(5) — Watershed management facilities, including, but not limited to, diversion devices, impoundments, private dams for flood control, fire control, stock watering, and private hydroelectric generating facilities;~~

Commentary

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- ~~(6) — Storage and application of agricultural waste;~~
- ~~(7) — Disposal of farm-generated solid waste and application of biosolids;~~
- ~~(8) — Agricultural storage, distribution, marketing and processing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities;~~
- ~~(9) — Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses (RCW 36.70A.177);~~
- ~~(10) — Family day care and home businesses.~~

~~17.30.623 Accessory uses not directly connected with agricultural activity.~~

~~Uses allowed outright where not directly connected with and in the aid of an agricultural activity:~~

- ~~(1) — An accessory dwelling unit, subject to the standards in Chapter 17.102 LCC, when the unit is not located outside the general area already developed for buildings and residential uses, and does not otherwise convert more than one acre of prime agricultural soils on agriculturally zoned land to nonagricultural use.~~

~~17.30.630 Incidental uses.~~

~~Uses which may provide supplementary income without detracting from the overall productivity of the farming activity. The listed uses below are allowed where the following elements are found:~~

- ~~(1) — Required Elements.~~
 - ~~(a) — The use is secondary to the principal activity of agriculture.~~
 - ~~(b) — The use is sited to promote successful agriculture for the long term on the remaining balance of the parcel. The location of the incidental use, for example, may be sited on soils that are less suitable for agriculture, may be contiguous to a road or other land use that is less conducive to farming, or may be sited to avoid the need to put other infrastructure across an area desirable for agriculture.~~

Commentary

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~~(2) — Uses Allowed as Incidental Activities.~~

- ~~(a) — Residential subdivision consistent with the requirements of this chapter;~~
- ~~(b) — Saw mills, shake and shingle mills, and the production of other products from wood residues, chippers, pole yards, log sorting and storage, debarking equipment, accessory uses including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue storage areas, and other uses involved in the harvesting and commercial production of forest products;~~
- ~~(c) — Agribusiness such as but not limited to retail sales of agricultural products, veterinary clinics, auction yards, farm equipment sale and repair;~~
- ~~(d) — Regulated treatment of wastewater;~~
- ~~(e) — Composting where there is no net loss of soil, managed according to an approved nutrient management plan in conjunction with the local conservation district and NRCS standards and all applicable environmental, solid waste, access, and health regulations.~~

17.30.635 Special uses.

The following uses may locate in privately owned agricultural resource lands with a special use permit:

- ~~(1) Marijuana production.~~
- ~~(2) Type 1 marijuana processing.~~

17.30.650 Maximum density and minimum lot area.

[No Change]

17.30.660 Setbacks.

[No Change]

17.30.670 Process for petitioning for designation as a farmland of local importance (“opt-in”).

[No Change]

17.30.680 Nonregulatory incentives.

[No Change]

Commentary

Article VI. Mineral Resource Lands

17.30.720 Classification.

[No Change]

17.30.730 Designation.

[No Change]

17.30.740 Maps and inventory.

[No Change]

17.30.750 Primary Permitted uses.

See 17.42, Table 2, Land Use Summary LCC.

- (1) ~~Quarrying and mining of minerals or material, including, but not limited to, sand and gravel, sand, rock, clay, coal, and valuable metallic and nonmetallic substances.~~
- (2) ~~The exploitation, primary reduction, treatment, and processing of minerals or materials, together with the necessary buildings, structures, apparatus, or appurtenances on said property where at least one of the major mineral or material constituents being exploited is from said property, including, but not limited to, concrete hatching, asphalt mixing, brick, tile, terra cotta, and concrete products, manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to convert the minerals and materials to marketable products.~~
- (3) ~~Agricultural crops, open field growing, stock grazing, and the harvesting of any wild crop such as marsh hay, ferns, moss, berries, etc., which may coexist with mineral extraction activities within a common ownership.~~
- (4) ~~Existing surface mining operations, operating under the authority of the Washington State Surface Mining Act, Chapter 78.44 RCW.~~
- (5) ~~Mining-related activities and structures.~~
- (6) ~~The maintenance of gas, electric, water, communication, and public utility facilities.~~
- (7) ~~Rural governmental services, subject to a Type II administrative approval.~~
- (8) ~~Residences existing at the time of adoption of the ordinance codified in this chapter and any accessory uses, including home occupations associated with such residences.~~

Commentary

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~~17.30.760 Accessory uses.~~

~~Uses allowed outright where directly connected with and in aid of a mining activity:~~

- ~~(1) One single-family dwelling or mobile home per contiguous ownership or one single-family dwelling or mobile home per 10-acre unit of that contiguous ownership, whichever is the lesser acreage;~~
- ~~(2) Home occupations associated only with the dwelling;~~
- ~~(3) Buildings accessory to a single-family dwelling or mobile home, such as garages, storerooms, woodsheds, laundry rooms, playhouses, greenhouses, hobby shops, animal or fowl shelters, or similar and related accessory uses;~~
- ~~(4) Storage of explosives, fuels, and chemicals used for agriculture, mining, and forestry subject to all applicable local, state, and federal regulations;~~
- ~~(5) Watershed management facilities including, but not limited to, diversion devices, impoundments, dams for flood control, fire control, stock watering, and hydroelectric generating facilities, when associated with a permitted use or structure.~~

~~17.30.770 Incidental uses.~~

~~Uses which may provide supplementary income without detracting from the overall productivity of the mining activity. The listed uses below are allowed where the following elements are found:~~

- ~~(1) Required Elements.~~
 - ~~(a) The use will not adversely affect the overall productivity of the mining activity.~~
 - ~~(b) The use is secondary to the principal activity of mining.~~
 - ~~(c) The use is sited to avoid prime lands where feasible and otherwise to minimize impact on mineral lands of long-term commercial significance.~~
- ~~(2) Uses Allowed as Incidental Activities.~~
 - ~~(a) The growing and harvesting of forest products, the operation of portable saw mills and chippers and activities and structures incidental to each, and accessory facilities including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue storage and disposal areas, and other uses and facilities involved in the harvesting and commercial production of forest products which may coexist with mineral extraction activities within a common ownership.~~

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- (b) ~~Repealed by Ord. 1274.~~
- (c) ~~Commercial extraction and processing of oil, gas, and geothermal resources.~~
- (d) ~~Permanent saw mills, shake and shingle mills, plywood mills, green veneer plants, particle board plants and other products from wood residues, chippers, pole yards, log sorting and storage, buildings for debarking, and drying kilns and equipment.~~
- (e) ~~Structures for agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation and other agricultural structures accessory to farming and animal husbandry.~~
- (f) ~~Forestry, environmental, and natural resource research facilities.~~
- (g) ~~Telecommunication facilities and electrical transmission lines.~~

17.30.790 Standards for existing permits.

[No Change]

17.30.800 Lot size/density.

[No Change]

17.30.810 Setbacks - Buffers.

[No Change]

17.30.820 Preferential right to manage resources - Right to mine.

[No Change]

17.30.850 Process for petitioning for designation as a mineral resource land ("opt-in").

[No Change]

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