

Planning Commission

Community Development • 125 NW Chehalis Avenue, Chehalis, WA 98532 • Phone: (360) 740-1146



MEMO TO FILE

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From: Mindy Brooks, Director, Community Development
Meja Handlen, Director, Public Health & Social Services
Kirsten Wecker, Manager, Public Health & Social Services
Jeff Landrum, Specialist - Water, Public Health & Social Services

RE: Comprehensive Plan Periodic Update – Development Regulations, Futurewise Comments

This memo responds to comments from Futurewise provided to the Planning Commission on July 3, 2025 regarding the proposed development regulations.

Topic 1: Section 17.142.160, Multifamily Housing in LAMIRDS

LAMIRDS in Lewis County have a designated logical outer boundary based on development patterns that existed when Lewis County became a fully planning county and include vacant lands as appropriate to create a logical outer boundary. In 2022, SB5275 clarified that new development, redevelopment and infill is allowed within LAMIRDS, including new subdivisions and changes in use. Sufficient capacity in the existing municipal systems to serve the new development is required; however, RCW 36.70.070 does not state that the water or sewer system has to have existed as of any specific date. In 2025, SB5471, which amended RCW 36.70A.280, similarly does not state that the sewer system has to have existed as of any specific date. The Lewis County Comprehensive Plan includes the definition of rural character to include Type 1 LAMIRDS with "a mix of housing types including ... townhomes and cottage housing" WAC 365-196-320 states that outside of urban growth areas sanitary sewer systems are appropriate in limited circumstances when necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development." Therefore, if a sewer system were constructed in a Type 1 LAMIRD to protect public health or the environment and is financially supportable at the rural densities defined by Lewis County's rural character, then after that sewer system is in existence, up to four dwelling units per parcel could be allowed and served by the existing sewer service. The RCWs and WACs do not require a timeframe for which sewer existed in order to allow middle housing in Type I LAMIRDS.

Further, the Commerce HAPT model expects that some portion of affordable housing options be provided in rural areas and Lewis County has chosen to focus that housing in Type 1 LAMIRDS where the existing rural character includes a diversity of housing types, including middle housing. It is appropriate to contain housing in these existing neighborhoods and villages because most have or are located near essential retail services, as defined in 2024 by SB5275 to be "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.” It is clear from the recent changes to the RCW’s that the Washington State Legislature believes it is appropriate and indeed excepts middle housing options in Type I LAMIRDs to support people living and working in farming, forestry and recreational tourism industries.

Topic 2: Water Quantity

Lewis County must adhere to Washington State regulations regarding water adequacy determinations for proposed development, including Instream Flow Rule and the “Campbell and Gwinn” decision. Lewis County is aware of both doctrines and incorporates them into any adequate water determinations.

After “Hirst-fix” (SB6091) passed in 2018, the State allowed that Counties may use guidance from Ecology as provided in Watershed Water Availability planning documents. These documents incorporate future growth projections, basin-wide water availability assessments, and groundwater use projections to augment permit-exempt withdrawal limitations and maintain instream flow under the Streamflow Restoration Act (RCW 90.94.020). In the Cowlitz Basin, Water Resource Inventory Area (WRIA), 26 a permit-exempt groundwater withdrawal is currently limited by RCW 90.44.050. In the Upper Chehalis Basin (WRIA 23) and Nisqually Basin (WRIA 16), if the well is drilled after January 19, 2018, it is also subject to further limitations under RCW 90.94. Lewis County permit and application reviews requiring an adequacy of water determination are made following the guidance provided by Ecology in the Watershed planning documents for each WRIA in accordance with the intent of SB 6091 and Ecology’s “Streamflow Restoration Policy and Interpretative Statement” (POL-2094).

The second topic is conformance with the Washington Supreme Court Decision in “Ecology v. Campbell and Gwinn” (2002). In that case, a multi-lot residential developer proposing homes on individual wells was found to only be allowed one permit exempt withdrawal for the entire project. This is a maximum of 5,000 gpd for domestic or group domestic use. Given that the domestic in-home portion of a residence’s water usage, when assessing the need for a water right, will be at least 350 gpd in Lewis County (under LCC 8.55.110(3)), this decision, which was preceded by an Attorney General Opinion (AGO 1997) with similar intent, imposes a potential maximum limit of 14 homes on a permit exempt withdrawal in Lewis County. Furthermore, whether that withdrawal is made in one group-use well or multiple individual wells, the limitation of one-permit exemption (5,000 gpd) applies to a developer project that requires domestic potable water. Therefore, when Lewis County reviews subdivision development projects for water adequacy, as required by State Law, we apply the limitation of one permit exempt withdrawal as prescribed under RCW 90.44.050 and/or RCW 90.94.

It was asserted that each *parcel* that existed in 2002 is allowed only one permit exempt withdrawal. This interpretation does not align with Lewis County’s understanding of the “Campbell and Gwinn” decision and appears to go beyond the Court’s findings. The Court decision states that if a developer proposes a project that will utilize a water right permit-exempt groundwater withdrawal, then the project must be limited to only one permit-exempt withdrawal. The Court did not claim that each parcel existing in 2002 is in itself a “project”.

A residential development project may span multiple parcels, or it may be proposed on a parcel that was created without the State requirement for a water adequacy review after 2002. Lewis County does

not equate every parcel that existed in 2002 as an individual and unique “project”. Lewis County finds that a developer proposing to subdivide a parcel under County platting regulations (short plat, long plats, large lot subdivisions requiring adequacy of water reviews under LCC) are allowed only one permit exempt withdrawal with the limitations prescribed under RCW 90.44.050 or RCW 90.94.

Topic 3: Resiliency Element

The proposed [Lewis County Comprehensive Plan](#) includes a new Climate and Resiliency element, see page 92-97. RCW 36.70A.070(9)(e)(ii) states “A natural hazard mitigation plan or similar plan that is guided by RCW **36.70A.020**(14), that prioritizes actions that benefit overburdened communities, and that complies with the applicable requirements of this chapter, including the requirements set forth in this subsection (9)(e), may be adopted by reference to satisfy these requirements, except that to the extent any of the substantive requirements of this subsection (9)(e) are not addressed, or are inadequately addressed, in the referenced natural hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of this subsection (9)(e).” In 2023, Lewis County updated the [Hazard Mitigation Plan](#); it was approved by FEMA in 2025. Lewis County is relying on the Hazard Mitigation Plan to address most of the goals and policies in the Climate and Resiliency element of the Comprehensive Plan and the Shoreline Management Plan and Critical Areas Ordinance to address the remaining. Please note, only 16% of the Lewis County population lives within a flood risk area and most of those people are located in the City of Centralia and City of Chehalis. Much of the flood risk in Lewis County outside of the cities is related to access and response if roads and bridges are damaged; these risks are addressed in the Hazard Mitigation Plan through County actions to maintain and improve public infrastructures and facilities.

Lewis County has an adopted and compliant Shoreline Management Program (SMP) and the County is updating the Critical Areas Ordinance (CAO) to address changes in state law since 2017. The County will maintain compliance with State laws regarding new private development within the regulated floodplain through the County’s SMP and CAO. The CAO Update is being adopted under a separate ordinance than the Comprehensive Plan and development regulations and may include updates to Chapter 17, Land Use and Development Regulations, of the Lewis County Code.