



Comprehensive Plan Periodic Update Proposed Development Regulations – Critical Areas Ordinance

**Lewis County Planning Commission – Workshop
October 14, 2025**

10/14/2025

Periodic Update

- ~~Comprehensive Plan~~
- ~~Zoning Designations~~
- ~~Development Regulations~~
- Critical Areas Ordinance
 - Planning Commission Workshop October 14
 - Planning Commission Public Hearing October 28

Tentative BOCC hearings in September.

- Workshop December 3
- Public Hearing December 9



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Staff Report

- Cover memo – summary of big topics
- Attachments – development regulations
 - Commentary on the left
 - Code on the right
 - Underlined if new; strike through if removed
- Links to related documents:
<https://lewiscountywa.gov/departments/community-development/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/critical-areas-ordinance/>



Workshop Agenda

- Code Reorganization
- Critical Areas Report
- Land Divisions
- General Mitigation & Monitoring
- Wetlands
- Fish & Wildlife Habitat
- Geologically Hazardous Areas
- Critical Aquifer Recharge Areas
- Nonconforming Activities
- Next Steps



10/14/2025

Why update the CAO?

- Required as part of Periodic Update
- Must incorporate Best Available Science
- The CAO is Chapter 17.38 of the Lewis County Code



Code Reorganization

- Article II. Activities Allowed With Out a Critical Areas Permit has been relocated in the code to a new section LCC 17.38.060.
- Fish and Wildlife Habitat Conservation Areas. Stream Classifications previously located in Table 17.38-6 to new section LCC 17.38.420 (1).
- Other Jurisdictional Permits. New code section LCC 17.38.020 (5) replaces and clarifies LCC 17.38.205.
- General updates to Ecology Manuals and citation to applicable state rules.



Code Reorganization

- Stream Buffer classification and width information in LCC 17.38.430 **is not new**. This section was relocated from LLC 17.38.420.
- LCC 17.38.435 **is not new**. It replaces the previous Stream Buffer width reduction or averaging LCC 17.38.430



Critical Areas Report

- LCC 17.38.040 has been updated to clarify mapping resources applicable when determining that a critical area report is required.
- LCC 17.38.070 adds that geologically hazardous areas and critical aquifer recharge areas require a critical area report.
- The administrator may waive portions of the submittal requirements, if they determine that they are not applicable to the proposed activity



Land Division

- LCC 17.38.0102 include updated language including:
 - Land that is located wholly within a wetland, stream, aquatic habitat, and/or related buffer may not be subdivided
 - Each lot contains sufficient developable area to accommodate the allowed use(s) in that zone, including required facilities and site amenities outside of the critical area and its buffer.
 - Critical area tracts created by the subdivision must have appropriate fencing and signage.



General Mitigation & Monitoring

- 17.38.080 (2) Clarifies that mitigation sequencing applies to critical areas and their buffers
- 17.38.090 (1) (a) Allows for a ten-year mitigation monitoring period on a case-by-case basis
- 17.38.090 (1) (c) Allows for flexibility of mitigation monitoring requirements for small projects



Wetlands

- 17.38.210 (2) Wetland assessment reports are required when wetland conditions are known or likely to be present based on visual observations or publicly available data
- 17.38.220 (1) Wetland delineations are valid for five (5) years; after such date the County shall determine whether a revision or additional assessment is necessary
- Table 17.38-2 Adds provisions to allow home based business.



Wetlands

- New footnote to Table 17.38-3 Buffer widths in the table assume it is vegetated with a native plant community appropriate for the ecoregion or with one that performs similar functions
- 17.38.270 (2) new code section for measurement where a buffer terminates within a continuous slope of 35% or greater, the buffer shall be extended to a point 25 feet beyond the top of bank of the sloped area



Wetlands

- LCC 17.38.280 includes updated language regarding the following:
 - Clarifies the criteria for allowing reduced buffers for functionally disconnected wetlands
 - legally established buffers are vested, provided they are equal to or greater than 50 percent of the standard buffer width and that development addresses impact minimization measures in Table 17.38-4.



Wetlands

- LCC 17.38.290 (3) (c) Establishes new criteria for buffer averaging to ensure no net loss of buffer functions and values, consistent with best available science and the impact minimization measures
- LCC 17.38.300 (2) clarifies that buffer mitigation shall replace the buffer functions lost from development
- LCC 17.38.300 (5) (b) (iv) adds a provision allowing the Director to approve innovative mitigation projects that are supported by best available science



Fish and Wildlife Habitat Conservation Areas

- LCC 17.38.410 (1) (a) (ii) Impacts to aquatic buffers that exceed the allowances may only be approved through a reasonable use exception or a variance
- LCC 17.38.410 (1) (b) (i) WDFW consultation is required, at the discretion of the administrator, for projects located in areas known or likely to be habitat for locally important species. Threatened, Endangered, and Sensitive species; WDFW Priority Species; WDFW Priority Habitats; and Species and Habitats of Local Importance.



Fish and Wildlife Habitat Conservation Areas

- 17.38.465 (4) New subsection: "Aquatic habitat does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie **within the boundaries of and are maintained by a port district or an irrigation district or company.**"



Geologically Hazardous Areas

- LCC 17.38.600 while allowing for natural processes, and protecting stream habitats.



Critical Aquifer Recharge Areas

- LCC17.38.830 (1) (b) Prohibitions on certain injection wells within critical aquifer recharge areas category I and II as directed by comment from the Department of Health.
- Updated definition: "Wellhead protection area" means the area (surface and subsurface) managed to protect ground-water-based public water supplies, **protective areas associated with public drinking water sources established by water systems and approved or assigned by the state Department of Health**



Nonconforming activities

- LCC 17.38.1000 is updated to include roads, trails, utilities and other infrastructure. Nonconforming activity is permitted to continue subject to the provisions listed in LCC 17.38.1000.



Take Home Messages

- Few changes based on Best Available Science
- Biggest changes to wetland and stream buffers, reasonable use and mitigation
- More flexibility for Public Works
- More flexibility for accommodating innovation



Next Steps

- Set date for Planning Commission Public Hearing
 - November 10
 - November 12
- Dec 3 – *Tentative* BOCC Workshop
- Dec 9 – *Tentative* BOCC Public Hearing

- Questions?

