

# Planning Commission Workshop



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

## STAFF REPORT

**Date:** October 28, 2025  
**Staff:** Natalie Kamieniecki, Senior Long-Range Planner  
**Attachments:** Attachment A - Lewis County Code Amendments 17.38  
Attachment B – Lewis County Code Amendments 17.10

## BACKGROUND

On October 14, 2025, the Planning Commission held a workshop related to code updates to the Critical Areas Ordinance development regulations, Chapter 17.38, Critical Areas. The chapter is being updated to address changes in state law and best available science and is the final component of the Comprehensive Plan Periodic Update.

Overall, the Critical Areas Ordinance requires minimal revisions. The following topics were the focus of the October 14<sup>th</sup> meeting: code reorganization; hazard tree removal; wetland setback requirements on 35% slopes; fencing and signage requirements for wetlands and streams in land divisions; and clarification on how aquatic habitat is classified when maintained by a Port District or Irrigation District.

The Critical Area Ordinance, Chapter 17.38, and related studies can be accessed here: <https://lewiscountywa.gov/departments/community-development/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/critical-areas-ordinance/> or hard copy upon request. The Critical Area regulations will be presented to the Planning Commission at workshop(s) and public hearing as follows:

- October 28 – Critical Areas Development Regulations workshop
- November 10 – Public Hearing to take testimony

## SUMMARY

Prior to each Planning Commission meeting, a staff report with attachments will be sent to the commissioners and posted online. Staff request that commissioners read all the materials before the workshops and submit questions to staff, which will help staff hone the presentations.

At the October 28, County staff will present additional information regarding the following topics:

1. Aquatic Habitat: A new subsection, 17.38.465(4), has been added to the code to clarify the applicability of aquatic habitat regulations. The following is a revised version of the proposed new section to consider, updated to address Commissioner comments and provide additional clarity:  
"Aquatic habitat does not include such artificial features or constructs as irrigation delivery systems,

irrigation infrastructure, irrigation canals, or drainage ~~ditches~~ features that lie within the boundaries of and are maintained by a port district or an irrigation district or company. A pre-existing Type F stream cannot be declassified as aquatic habitat as a result of a Port District or Irrigation District purchasing property with preexisting drainage features or altered stream conditions."

2. Wetlands: Questions from the Planning Commission sought clarification regarding the proposed additional setback related to wetland buffer measurement and setbacks from bluffs exceeding 35%. This new code is in response to best available science, specifically [#05-06-008, revised July 2018, Appendix 8-C: Guidance on Buffers and Ratios for Western Washington](#), page 13 8C.2.5.2 Condition 2 The effectiveness of buffers at removing pollutants before they enter a wetland decreases as the slope increases.
3. Hazard Trees: Language regarding hazard and emergency tree removal has been added to the permit exemption section. In emergency situations where the risk of tree failure poses an **immediate threat** to life safety, removal may occur before obtaining a permit. The tree(s) must meet the County's definition of a "hazard tree" (LCC 17.10.080). Documentation from a qualified professional must be submitted either prior to removal or, in the case of emergency, within the 14-day period following removal, as prescribed in LCC 17.38.060 (2)(i)(ii). Following such an emergency, restoration and/or mitigation must occur for any impacts to critical areas and buffers caused by the removal. Restoration and mitigation efforts must begin within one year of the emergency date. Hazard trees removed from buffer areas must be retained on-site as snag trees to provide habitat enhancement opportunities.
4. Land Divisions: The requirement to demarcate critical area buffers is not new to the existing code. The existing land division code already requires buffer marking. Impact minimization strategies also include fencing, signage and marking requirements for a range of development proposal types. The code amendment clarifies that for **critical area tracts or easements** created through the subdivision process, the edges of wetland and stream buffers must be appropriately fenced and signed to protect from disturbance and intrusion, and to ensure protection in perpetuity of the critical areas and their buffers - even if the property is sold multiple times or remains undeveloped for years after the subdivision is completed.

Signage and fencing requirements are reviewed during the subdivision approval process and are based on site-specific conditions and recommendations outlined in the qualified professional's critical areas report. For example, subdivisions with larger lots may need minimal fencing or signage as opposed to a smaller lot development where it may be appropriate to require both fencing and signage that is more protective to the critical area. Rate and spacing of fencing and signage may also be more substantial or minimal based on the habitat and water quality features and sensitivities.

## 5. NEXT STEPS

A public hearing before the Planning Commission on the Critical Area Ordinance draft development regulations will take place on November 10 at 6:00pm. Written testimony may be submitted starting on October 23 and ending on November 7 at 4:00pm. Oral testimony may be provided at the hearing.

The public is encouraged to attend all Planning Commission meetings in person at 125 NW Chehalis Avenue, Chehalis or via Zoom. Please check the Lewis County Event Calendar to confirm location and dates <https://lewiscountywa.gov/departments/community-development/events/>. The Zoom link is on the agenda for each meeting. The October 28, 2025 Planning Commission meeting is a workshop; therefore, no testimony will be taken. Public Testimony will be taken at the public hearing scheduled for November 10, 2025.

All materials are posted the Lewis County Comprehensive Plan Periodic Update webpage <https://lewiscountywa.gov/departments/community-development/rezones/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/>. The development regulations can be found under Task 7. Hard copies are available upon request.