



Comprehensive Plan Periodic Update Proposed Development Regulations – Critical Areas Ordinance

**Lewis County Planning Commission – Public Hearing
November 10, 2025**

11/10/2025

Public Hearing Agenda

- Why update the Critical Areas Ordinance
- Where we are in the Periodic Update
- Staff Reports, Review Materials and website link
- Take home messages
- Questions
- Potential motions (based on workshop discussions)
- Next steps



Why update the CAO?

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



Staff Report

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



Take Home Messages

- Very little changes – CAO is in good shape.
- Reorganization of code sections makes the proposed amendments look like more is being changed than is.
- Changes are based on:
 - Best Available Science
 - Clarity
 - Request of Public Works or State Department of Health



Substantive Changes

- Critical Area Reports
- Mitigation sequencing
- Hazard tree removal
- Demarking buffer during land divisions
- Wetland buffers and slopes
- Drainage facilities managed by ports or drainage districts
- Other minor clarifications



Questions?



11/10/2025

Potential Motion

I move to forward a transmittal letter to the Board of County Commissioners recommending adoption of the amendments to Chapter 17.10 and 17.38. as presented in the October 8, 2025 staff report, with the following changes:

- 17.38.465 (4) "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 Department of Natural Resources mapped stream cannot be automatically declassified as aquatic habitat as a result of a Port District or Irrigation District purchasing property with preexisting drainage features or altered stream conditions."
- 17.38.0102 (1) (b) Easements or Tracts. Prior to the final approval of any land division, the part of the critical area and required buffer that is located on the site shall be protected by clearly indicating ~~showing~~ the boundary of the critical area and its buffer with appropriate fencing and signage and placing a restriction on the use of the area. Type of signage, and/or where necessary fencing, to be considered within the subdivision review based on recommendations in the critical areas report and site-specific conditions.



Next Steps

- Dec 3 – *Tentative* BOCC Workshop
- Dec 9 – *Tentative* BOCC Public Hearing



11/10/2015



**This Slide Intentionally
Left Blank**

Code Reorganization

- Article II. Activities Allowed With Out a Critical Areas Permit is relocated to new section 17.38.060.
- Fish and Wildlife Habitat Conservation Areas. Stream Classifications previously in Table 17.38-6 to new section 17.38.420 (1).
- Other Jurisdictional Permit Requirements. Previously 17.38.205 is now new section 17.38.020 (5)
- General updates to Ecology Manuals and citation to applicable state rules.
- Stream Buffer classification and width information previously section 17.38.430 is relocated to 17.38.420.
- Stream Buffer width reduction or averaging previously section 17.38.435 is now section 17.38.430.



Critical Areas Report

- 17.38.040 is updated to clarify applicable mapping resources when determining a critical area report is required.
- 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



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 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.
- New footnote to Table 17.38-3 Buffer widths in the table assume buffer is vegetated with a native plant community appropriate for the ecoregion or with one that performs similar functions.
- LCC 17.38.280 (2) (e) Clarifies the criteria for allowing reduced buffers for functionally disconnected wetlands.



Wetlands

- 17.38.280 (3) 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.
- 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.
- **Note:** Wetland buffer on steep slopes is addressed in the Geotech section of this presentation.



Fish and Wildlife Habitat Conservation Areas

- LCC 17.38.410 (1) (a) (ii) Impacts to aquatic buffers that exceed allowances may only be approved through a reasonable use exception or a variance
- 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 or threatened species.
- 17.38.465 (4) New subsection regarding aquatic habitat designation when 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.
- **Note:** Proposed motion includes addressing a component of best available science for wetlands to maintain a 25-foot buffer from top of slope when wetlands or buffer are present a 35% steep slope.



Critical Aquifer Recharge Areas

- 17.38.830 (1) (b) Prohibitions on certain injection wells within critical aquifer recharge areas category I and II as directed by comment from the State 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.



Land Division

- 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.
- **Note:** Potential motion regarding clarification on site and circumstance of when applicable.



Staff Report

- Links to Previous Staff Reports and Presentations can be found on the county's Comprehensive Plan Periodic Update:

<https://lewiscountywa.gov/departments/community-development/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/planning-commission-materials/>



Periodic Update

- ~~Comprehensive Plan~~
- ~~Zoning Designations~~
- ~~Development Regulations~~
- Critical Areas Ordinance
 - Planning Commission Public Hearing tonight
November 10

Tentative BOCC hearings in September.

- Workshop December 3
- Public Hearing December 9



10/14/2025