

# Planning Commission Workshop



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

## STAFF REPORT

**Date:** June 16, 2026  
**Staff:** Natalie Kamieniecki, Senior Long-Range Planner  
**Re:** **Family Burial Grounds**  
**Attachments:** (None)

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## INTRO

The workshop process is intended to identify and vet potential land use, environmental, public health, and administrative considerations associated with family burial grounds before formal regulations are developed. To maximize the productivity of future workshops and assist staff in preparing focused policy options, Planning Commissioners are encouraged to provide comments, questions, concerns, and general ideas regarding the issues outlined in this report no later than Monday, June 22, 2026. Early feedback will help staff better understand areas of interest, identify additional topics for evaluation, and develop draft code language that reflects Planning Commission direction and the community values at large.

## BACKGROUND

During the 2025 legislative session, the Washington State Legislature adopted Substitute House Bill (SHB) 2239, which amended Chapter 68.32 RCW to authorize the establishment of family burial grounds on private property under specified conditions. The legislation became effective on June 11, 2026, and establishes standards governing the location, use, and recording of family burial grounds.

SHB 2239 recognizes family burial grounds as a lawful use and creates a process for recording such burial grounds with the county auditor. Importantly, Section 8 of the bill expressly preserves the authority of counties and cities to adopt local ordinances regulating or prohibiting the establishment of new family burial grounds and the expansion of existing family burial grounds.

Prior to the enactment of SHB 2239, Lewis County did not contemplate or allow for onsite private burials and family burial grounds. The Lewis County Comprehensive Plan, zoning code, development regulations, and permitting procedures contain no standards addressing the siting, review, establishment, maintenance, expansion, or long-term

management and documentation of family burial grounds. As a result, there is currently no regulatory framework available to evaluate proposals for family burial grounds or to address potential impacts associated with their establishment.

The creation of family burial grounds presents several land use and public health considerations that warrant further evaluation. These considerations include, but are not limited to, impacts on critical areas, wetlands, aquifer recharge areas, drinking water supplies, groundwater resources, shorelines, required setbacks from property lines and public rights-of-way, future subdivision and land division activities, legal access, title and ownership records, and long-term maintenance responsibilities. Additional review is necessary to determine whether local standards are needed to address these issues and ensure consistency with existing County land use policies and environmental regulations.

SHB 2239 became effective before Lewis County had an opportunity to develop implementing regulations. As a result, applications and recordings for family burial grounds could occur pursuant to the RCWs and in the absence of local review standards. The Board of County Commissioners has therefore enacted a temporary six-month moratorium pursuant to RCW 36.70A.390. The purpose of the moratorium is to maintain the status quo of not allowing family burial grounds while staff evaluates and prepares development regulations and permitting procedures for consideration by the Planning Commission and Board of County Commissioners.

**STATE REQUIREMENTS:**

The owner of the property on which a family burial ground is located may not offer plots in the family burial ground for sale or charge fees for any goods or services provided by the owner in connection with the burials in the family burial ground. The owner of the property on which a family burial ground is located shall record every burial within 30 days after the burial with the county auditor. Additional state considerations include:

- 1) A person may designate an area of land owned by the person as a family burial ground. If a property is co-owned by two or more persons, a family burial ground may be established only with the written consent of all co-owners of the property. A family burial ground may not be established on any property co-owned by a combination of persons and legal entities.
- 2) A family burial ground may not be established within:
  - a) 150 feet of a designated critical area;
  - b) 100 feet of the property line of a public right of way or boundary of an easement;

- c) 100 feet of an existing well source used for drinking water or 200 feet of an existing spring source used for drinking water;
  - d) 25 feet from an existing parcel boundary.
- 3) A family burial ground may not comprise greater than 10 percent of the area of the parcel upon which it is established.

## **ISSUES AND PRELIMINARY RECOMMENDATIONS**

### 1. Issue: Land Use Considerations

#### Staff Recommendation:

##### A. Definitions

- New definition - "Family Burial Grounds" A privately owned, noncommercial burial area established on property owned by one or more natural persons for the interment of family members, descendants, and other persons authorized under Chapter 68 RCW. A family burial ground is not a commercial cemetery or funeral establishment and shall not involve the sale of burial rights, burial plots or burial services to the public.
- Update definition for "cemetery" to clearly distinguish as separate from "family burial grounds"
- Add definitions for crematorium, mausoleum, columbaria,
- Potentially add definition for funeral home as it is not currently defined in the code and is referenced in the land use summary table.

B. Review Procedure. Staff recommend an Administrative Review Permit for family burial grounds that consist of in-ground only burial sites with no associated structures. Proposals that include structures, such as crematoriums, mausoleums to require a Special Use Permit due to their increased potential impacts and operational considerations. Staff recommends that a formal survey be required of the area established for the burial ground.

##### C. Standards

- Allow primarily in zones that permit a single-family dwelling including RDD 5, 10 & 20, ARL and FLR
- Do not allow in STMU, RRC, CC, TSA, STI, FC, RAI, MPR, PARK, MID, RM, RH, MU, CBZ, AX, IND and OS.
- Minimum parcel size of 2 acres.
- Maximum burial grounds area not to exceed 10% of the total lot area not to exceed a maximum of 10,000 square feet.

2. Issue: Land Divisions

Staff Recommendation: Staff recommend that the family burial grounds be identified as an easement (not separate tract) on the plat survey for both Short Plats and Formal Plats. Long term identification includes demarking the area with appropriate fencing, signage, determination of maintenance responsibilities and access considerations. Consideration of access foot pathway or road to recorded family burial grounds for descendants and lawful visitors. Include plat notes and restrictions such as: "No grading, excavation, unauthorized structures, utility installation, or land disturbance shall occur within a recorded burial area unless authorized by law". Update definition in LCC 16.02.040 for "cemeteries" to specifically exclude family burial grounds.

3. Issue: Heath Department

Staff Recommendation: Setbacks from well and septic systems will occur during land use permitting per existing permit review procedures. Family burial grounds shall not be established within 100 feet of an existing well source used for drinking water or 200 feet of an existing spring source used for drinking water.

4. Issue: Compliance with Critical Areas and Shoreline

Staff Recommendation: When necessary, through the land use review process critical area reports will be required in accordance with the procedures contained in LCC 17.38.050. Staff recommendations:

- Maintain a minimum of 150 feet from the edge of the following critical areas: wetlands, streams, and steep slopes/landslide hazard areas. Certain critical area classifications may require larger buffers, in which case the prescribed buffer identified in the Critical Areas Report shall apply. If the required buffer is less than 150 feet, staff recommends that the 150-foot state setback be applied, consistent with state law. Prohibit buffer reductions in wetland and streams.
- Prohibit within Channel Migration Zones, Critical Aquifer Recharge (category 1 only) and Frequently Flooded Areas.
- Prohibit in the 200 foot Shoreline Jurisdiction.
- Permit on erosion hazard and seismic hazard subject to development regulations and building code requirements.

5. Issue: Recording Requirements

Staff Recommendation: Recording the location of the family burial grounds with the County Auditor shall be in the form of a survey and made a condition of land use approval. Following establishment and recording of the burial grounds, each individual interment shall be recorded with the County Auditor within 30 days.

Require that discontinuation of the family burial ground by means of disinterment of all burials is reported to the Planning Department and recorded with the Auditor.

6. Issue: Development Review Coordination and Future Identification  
Staff Recommendation: Create GIS data set that allows quick discovery during development review coordination across departments for Planning, Environmental Health, and Public Works review.

### **NEXT STEPS**

The Planning Commission is scheduled to hold an additional workshop on family burial grounds on July 14, 2026. Following direction and feedback received during the workshop process, staff will continue evaluating the issues identified in this report, research additional topics raised by the Planning Commission and the public, and prepare draft code amendments for further review. Staff have tentative set the public hearing before Planning Commission for August 11, 2026, subject to change.