

Planning Commission Workshop



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

STAFF REPORT

Date: July 21, 2026
Staff: Natalie Kamieniecki, Senior Long-Range Planner
Attachments: A – Proposed Amendments – Code and Commentary

SUMMARY

Attached for your review are proposed amendments to Title 16 (Subdivisions), Title 17 (Land Use and Development Regulations), the Critical Aquifer Recharge Area (CARA) regulations, and the Lewis County Shoreline Master Program relating to the establishment of family burial grounds. Attachment A contains the proposed code amendments and supporting language for the Board's review.

The proposed amendments create a regulatory framework for family burial grounds authorized under Chapter 68.32 RCW while protecting public health and safety, neighboring properties, groundwater resources, and shoreline ecological functions.

Key amendments include:

- Establishing definitions and development standards for family burial grounds in Title 17.
- Requiring administrative Master Site Plan review based on objective standards.
- Amending subdivision regulations to ensure family burial grounds are permanently documented on final plats and disclosed to future property owners.
- Prohibiting family burial grounds within Category I Critical Aquifer Recharge Areas to protect sensitive drinking water resources.
- Prohibiting family burial grounds within shoreline jurisdiction through amendments to the Shoreline Master Program.

NEXT STEPS

The Planning Commission is scheduled to hold a public hearing on amendments to LCC pertaining to family burial grounds on August 11.

After close of the public hearing, the Planning Commission may deliberate and vote to transmit the proposed amendments to the Board of County Commission. After the Board of County Commissioners reviews the proposal, they will hold a public hearing before voting to adopt the amendments.

Commentary

ATTACHMENT A – LEWIS COUNTY CODE – FAMILY BURIAL GROUNDS

The proposed definition updates clarify and modernize terminology related to burial and cremation facilities while distinguishing between commercial and private burial uses. Existing definitions for cemetery are revised for consistency with state law and to clearly exclude family burial grounds. New definitions for animal crematorium, crematorium, columbaria, mausoleum, and family burial ground establish clear distinctions between human and animal cremation facilities, identify the components of cemetery facilities, and define the limited, noncommercial nature of family burial grounds. These updates improve regulatory clarity, reduce ambiguity, and provide a consistent framework for administering the new family burial ground provisions.

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Chapter 17.10

DEFINITIONS

17.10.010 "A" definitions

"Animal crematorium" means a building or facility containing one or more cremation chambers or retorts used for the cremation of animal remains, including companion animals, livestock, and other animals.

17.10.030. "C" definitions.

"Cemetery" means a place established, operated, or maintained for the permanent interment of deceased human remains, including one or more burial plots for earth interments, mausoleums for crypt interments, or columbaria for permanent cinerary interments. The term does not include a family burial ground as defined in this code.
~~means a place used and dedicated for burial of deceased humans with one or a combination of the following elements: (a) burial plot or plots for earth interments; (b) mausoleum for crypt interments; (c) columbarium for permanent cinerary interments.~~

"Columbaria" means a room or building with niches for funeral urns to be stored.

"Crematorium" means a building or facility containing one or more cremation chambers or retorts used for the cremation of human remains.

17.10.060. "F" definitions.

"Family burial ground" mean a privately owned, noncommercial burial area established on property 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.

17.10.130. "M" definitions.

"Mausoleum" means a permanent above-ground structure designed and intended for the entombment of human remains within one or more crypts.

Commentary

The proposed code allows family burial grounds as a permitted use, subject to development regulations and the newly added objective approval criteria for family burial grounds contained in LCC 17.142 - Land Use Standards. Because the standards are specific and measurable, permit review is administrative rather than discretionary, eliminating the need for public notice or a public hearing.

Applications are evaluated through the County's existing Master Site Plan review process based on compliance with the adopted code standards, providing a predictable, consistent, and efficient review process that is proportionate to the land use impacts of a private, noncommercial family burial ground.

Utilizing the master site plan review process also significantly reduces application costs and processing time compared to a discretionary Hearing Examiner review while maintaining appropriate oversight through objective development standards. This approach is consistent with the Legislature's intent to expand opportunities for family burial grounds by providing a practical and accessible regulatory framework that facilitates their establishment while protecting public health, safety, and surrounding properties.

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Chapter 17.42

RURAL AREA ZONING SUMMARY

17.42.020 Land use summary.

See Table 2 of this section.

Use Type	Rural		LAMIRD Type 1		LAMIRD Type 2		LAMIRD Type 3		Resource			Other Rural		UGA		UGA-Small Towns								
	RDD	SRDC	1RDD	2SOTMU	RRC	CC	TSA	STI	FC	RAI	ARL	FRL	MRL	MPR	Park	MID	RL	RM	RH	MU	CBZ	AX	IND	OS
RESIDENTIAL																								
Family Burial Ground	P	P	P	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X	X

	Rural		LAMIRD Type 1		LAMIRD Type 2	LAMIRD Type 3		Resource		Other Rural	UGA	UGA-Small Towns												
Use Type	RDD	SRDD	1RDD	2SOTMU	RRC	CC	TSA	STI	FC	RAI	ARL	FRL	MRL	MPR	Park	MID	RL	RM	RH	MU	CBZ	AX	IND	OS
Legend:																								
LAMIRD = Limited Area of More Intense Rural Development				RAI = Regional Area Industrial				UGA = Urban Growth Area				P = Permitted use												
RDD = Rural Development District				ARL = Agricultural Resource Land				MPR = Master Planned Resort				P - ac. = Permitted accessory use												
STMU = Small Town Mixed Use				FRL = Forest Resource Land				MID = Major Industrial Area				A = Administrative review												
RRC = Rural Residential Center				MRL = Mineral Resource Land				RL = Residential Low Density				SUP = Special use permit												
CC = Commercial Crossroads				CBZ = Commercial Business District				RM = Residential Medium Density				X = Prohibited												
TSA = Tourist Service Area				AX = Airport District				RH = Residential High Density																
STI = Small Town Industrial				IND = Industrial				MU = Mixed Use																
FC = Freeway Commercial				OS = Open Space																				

Notes:																								
¹	Multifamily residential housing, which is three or more dwelling units per parcel, is allowed if there is a centralized wastewater treatment facility with adequate capacity. In LAMIRDS, no more than four dwelling units per parcel are allowed.																							
²	In the Residential High Density (RH) zone, new accessory dwelling units are permitted if there is an existing primary single-family residence dwelling on the lot.																							
³	New single-family residential dwellings are allowed in the Residential High Density (RH) and Mixed Use (MU) zones if there is no sewer available within 200 feet of the parcel.																							
⁴	New single-family residential dwellings and outbuildings such as a garage associated with a single-family residential dwelling are allowed in the Mixed Use (MU) zone as live-work, pursuant to LCC 17.17.240.																							

Commentary

The proposed code prohibits the establishment of family burial grounds within Category I Critical Aquifer Recharge Areas (CARAs) to protect the County's most sensitive groundwater resources and public drinking water supplies. Category I CARAs encompass areas with the highest potential for contaminants to reach aquifers serving public water systems. Although properly sited family burial grounds generally present a low risk to groundwater, human interment has the potential to introduce biological or chemical constituents into the subsurface. Given the importance of protecting drinking water resources and the difficulty of remediating groundwater contamination, staff recommends that a precautionary approach is appropriate in these highly sensitive recharge areas. The prohibition provides a clear, objective standard that avoids the need for complex site-specific hydrogeologic analyses while providing certainty for applicants and County staff. This limitation is narrowly tailored, as family burial grounds remain an allowable use within qualifying areas of a property or properties outside Category I CARAs. The amendment balances private property rights with the County's responsibility to protect critical areas, safeguard public health, and ensure the long-term viability of public drinking water resources.

Chapter 17.38

CRITICAL AREAS

Article V

Critical Aquifer Recharge Areas

[No changes to sections 17.38.800 through 17.38.820]

17.38.830. Standards.

- (1) Prohibited Activities. The following activities are prohibited in Category I and II areas due to the probability or potential magnitude of adverse effects on ground water:
- (a) Landfills, including, but not limited to, hazardous or dangerous waste disposal facilities as defined in Chapter 173-303 WAC, municipal solid waste landfills as defined in Chapter 173-351 WAC, and limited purpose landfills as defined in Chapter 173-350 WAC.
 - (b) Underground injection wells, Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells, such as:
 - (i) Industrial process water and disposal wells; and
 - (ii) Radioactive waste disposal.
 - (c) Wood product preserving or treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade).
 - (d) Facilities that store, process, or dispose of radioactive substances.
 - (e) Dry cleaners or other facilities that store, process, or dispose of chemicals containing perchloroethylene (PCE).
 - (f) Gas stations or other facilities that utilize methyl tertiary butyl ether (MTBE).
 - (g) Electroplating facilities.
 - (h) Other activities that the administrator or health officer determines would:
 - (i) Significantly degrade ground water quality;
 - (ii) Significantly reduce the recharge of aquifers that are currently used or potentially usable as a potable water source; ~~or~~

Commentary

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(iii) Significantly reduce the recharge of an aquifer that acts as a significant source of in-stream river or stream flows;~~;~~ or

(iv) Determination of these potential impacts must be made based on credible scientific information.

(i) The establishment of new family burial grounds is prohibited within Category 1 critical aquifer recharge areas.

Commentary

The proposed amendment prohibits the establishment of family burial grounds within Lewis County's Shoreline Master Program (SMP) jurisdiction by identifying the use as prohibited in the Shoreline Use Table. The Washington Shoreline Management Act and the County's SMP regulate shoreline uses by identifying those that are permitted, conditional, or prohibited within each shoreline environment. Family burial grounds are a primary land use and are not identified in the SMP as an allowed use, water-dependent use, water-related use, water-enjoyment use, or as a common accessory use associated with shoreline development. Because the use does not require a shoreline location to function and provides no demonstrated shoreline-dependent purpose, its establishment within shoreline jurisdiction is inconsistent with the fundamental policy of the Shoreline Management Act to prioritize water-oriented uses and protect shoreline ecological functions.

Prohibiting family burial grounds within shoreline jurisdiction also avoids the potential for future conflicts with shoreline ecological protection, flood hazards, erosion, public access, and shoreline restoration objectives. Property owners continue to have reasonable opportunities to establish family burial grounds located outside shoreline jurisdiction in accordance with the Lewis County Code.

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LEWIS COUNTY SHORELINE MASTER PROGRAM

Specific Shoreline Use Policies & Regulations

5.03 Allowed Shoreline Uses Table 0-1: Permitted, Conditional, and Prohibited Uses

Shoreline Uses (1)	High Intensity	Shoreline Residential	Rural/Urban Conservancy	Natural	Aquatic (2)
Key: P = Permitted Use, C = Conditional Use, X = Prohibited					
<u>Family Burial Grounds</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Notes:

(14) Family burial grounds, as authorized under Chapter 68.32 RCW, are prohibited within shoreline jurisdiction.

Commentary

The proposed family burial ground regulations establish clear standards for the creation, location, and long-term management of private, noncommercial burial grounds while protecting public health, safety, and neighboring properties. The code establishes development standards, including maximum size, setbacks from property lines, roads, critical areas, and potable water sources, and prohibits on-site cremation activities. It also creates a permitting process, requires survey and recording of burial locations with the Lewis County Auditor, protects recorded burial grounds from future land disturbance, clarifies ownership eligibility, and confirms that family burial grounds do not lose their legal status simply because no additional interments occur. Collectively, these provisions provide a predictable regulatory framework that supports private family burial rights while ensuring compatibility with surrounding land uses and compliance with state law.

Chapter 17.142

LAND USE STANDARDS

17.142.110 Family Burial Grounds

(1) Applicability. A family burial ground may be established on property owned by:

(a) One or more natural persons; or

(b) A revocable or irrevocable trust established primarily for the benefit of one or more members of the same family, provided that:

(i) The trust holds legal title to the property;

(ii) The trust's beneficiaries consist primarily of members of the same family or their lineal descendants; and

(iii) The property is not owned or operated for commercial cemetery purposes.

(2) Prohibited Uses.

Family burial grounds shall not include crematoriums. The cremation of human remains within a family burial ground, including temporary, portable, or one-time on-site cremation activities, is prohibited.

(3) Development Standards.

Family burial grounds shall comply with all of the following standards:

(a) The maximum burial-ground area shall be 10,000 square feet or ten percent of the parcel area, whichever is less.

(b) A minimum setback of 25 feet shall be maintained from all parcel boundaries.

(c) A minimum setback of 100 feet shall be maintained from all public rights-of-way and access easements.

(d) A minimum setback of 150 feet, or the applicable critical area buffer required by LCC 17.38, whichever is greater, shall be maintained from all critical areas.

(e) A minimum setback of 100 feet shall be maintained from any existing or proposed well used for potable water.

Commentary

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(f) A minimum setback of 200 feet shall be maintained from any existing spring used as a potable water source.

(g) Any mausoleum, crypt, columbarium, memorial, or other burial structure shall be designed and located so that human remains are not visible from any public right-of-way or adjoining parcel under different ownership.

(4) Land Use Permit Required.

(a) Prior to the establishment of a family burial ground, the property owner shall obtain an administrative permit from the Lewis County Community Development Department.

(b) A family burial ground containing any mausoleum, crypt, columbarium, or other structure exceeding four feet in height above finished grade shall require approval of a Special Use Permit.

(5) Recording Requirements.

(a) As a condition of permit approval, the location of the family burial ground shall be surveyed by a licensed land surveyor and recorded with the Lewis County Auditor.

(b) Following establishment of the family burial ground, each individual interment shall be recorded with the Lewis County Auditor within 30 days of the interment.

(c) If all human remains are lawfully disinterred and the family burial ground is discontinued, the property owner shall notify the Lewis County Community Development Department and record the discontinuation with the Lewis County Auditor.

(6) Development Restrictions.

No grading, excavation, utility installation, structure, or other land-disturbing activity shall occur within a recorded family burial ground unless authorized by law.

(7) Abandonment.

A family burial ground shall not be considered abandoned solely because additional interments cease.

Commentary

Title 16 - Subdivisions is amended to clarify that, unlike commercial cemeteries, family burial grounds are not exempt from subdivision regulations because they are generally located on private residential or rural properties that may later be divided.

Requiring family burial grounds to be identified on plats, protected by easements, and disclosed through the land division process ensures that their location is permanently documented, and reduces the likelihood of future disturbance of human remains. These amendments integrate family burial grounds into the County's existing subdivision framework while imposing only those requirements necessary to provide long-term identification, protection and notice to future property owners.

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Chapter 16.02

GENERAL PROVISIONS

[No changes to section 16.02.010 through 16.02.030]

16.02.040. Specific exemptions.

The provisions of this title shall not apply to:

- (1) Cemeteries. Cemeteries and other burial plots while used for that purpose: excluding family burial grounds;

[No changes to the remainder of section 16.02.040 and no changes to section 16.02.050 through 16.02.100]

Commentary

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Chapter 16.05 SUBDIVISIONS

Article III Scope

16.05.030 Scope.

- (1) Applicability. Every subdivision of land into five or more lots as defined herein shall proceed in compliance with this chapter. Land divided by short subdivision within five years immediately preceding shall be subdivided pursuant to this chapter.
- (2) Exemptions. The provisions of this chapter shall not apply to:
 - (a) Cemeteries and other burial plots while used for that purpose; excluding family burial grounds;

[No changes to the remainder of Article III]

Article VI Development And Subdivision Design Standards

[No changes to sections 16.05.270 through 16.05.320]

16.05.330. Easements.

- (1) Public Utilities. The subdivider shall submit a letter to the administrator from each of the proposed service utilities informing the administrator that the proposed utility construction is adequate and satisfies the needs of both the subdivider and the utility, and is adequate to meet the requirements of the subdivision. The letter shall inform the administrator as to the general construction plan agreed upon between the subdivider and the utility.
- (2) Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines shall be of such width as is adequate for the purpose, including any necessary maintenance roads.
- (3) Watercourses. Where a subdivision is traversed by a watercourse, drainage way, waste way, channel, or stream, there may be required a stormwater easement or drainage right-of-way extending 15 feet landward from the ordinary high water mark and conforming substantially to the line of such watercourse, drainage way, waste way, channel, or stream.

Commentary

For all land divisions containing a family burial ground, a statement shall be placed on the face of the final plat identifying the location of the family burial ground and notifying future property owners of its existence. The statement shall also indicate that the family burial ground may not be disturbed except for lawful interment or disinterment.

If a family burial ground is located within a common area intended to provide access for more than one parcel, the land division shall include a recorded access and maintenance agreement for the family burial ground. This requirement does not apply to family burial grounds located entirely within a single parcel and outside of a common area. Nothing in this section precludes a property owner from voluntarily recording an access easement to a family burial ground located entirely within a single parcel.

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(4) Family burial grounds. Where a subdivision contains an established family burial ground, the family burial ground shall be depicted on the final plat within a designated easement. A note shall be placed on the face of the plat stating:

" No grading, excavation, utility installation, structure, or other land-disturbing activity, except as necessary for internment of human remains, shall occur within a recorded family burial ground."

"Prior to any disinterment, relocation, or removal of human remains, the property owner or applicant shall contact the Washington State Department of Archaeology and Historic Preservation (DAHP) and comply with all applicable state laws and permitting requirements"

(5) Common areas. A maintenance agreement meeting the requirements of LCC 16.05.360 shall be recorded to provide for the maintenance of all common areas and access easements associated with the family burial ground. Family burial ground shall be demarcated with appropriate fencing and signage as determined by the property owner.

[No changes to sections 16.05.340 through 16.05.390]

Commentary

The same plat notes and easements are required for each type of division of land.

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Chapter 16.10

SHORT SUBDIVISIONS

Article V

Design Standards and Guidelines.

[No changes to sections 16.10.430 through 16.10.450]

16.10.460 Family burial grounds.

(1) Family burial grounds. Where a subdivision contains an established family burial ground, the family burial ground shall be depicted on the final plat within a designated easement. A note shall be placed on the face of the plat stating:

" No grading, excavation, utility installation, structure, or other land-disturbing activity, except as necessary for internment of human remains, shall occur within a recorded family burial ground."

"Prior to any disinterment, relocation, or removal of human remains, the property owner or applicant shall contact the Washington State Department of Archaeology and Historic Preservation (DAHP) and comply with all applicable state laws and permitting requirements"

(2) Common areas. A maintenance agreement meeting the requirements of LCC 16.05.360 shall be recorded to provide for the maintenance of all common areas and access easements associated with the family burial ground. Family burial ground shall be demarcated with appropriate fencing and signage as determined by the property owner.

Commentary

The same plat notes and easements are required for each type of division of land.

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Chapter 16.12

LARGE LOT SUBDIVISIONS

Article V

Design Standards and Guidelines

16.12.460 Family burial grounds.

(1) Family burial grounds. Where a subdivision contains an established family burial ground, the family burial ground shall be depicted on the final plat within a designated easement. A note shall be placed on the face of the plat stating:

" No grading, excavation, utility installation, structure, or other land-disturbing activity, except as necessary for interment of human remains, shall occur within a recorded family burial ground."

"Prior to any disinterment, relocation, or removal of human remains, the property owner or applicant shall contact the Washington State Department of Archaeology and Historic Preservation (DAHP) and comply with all applicable state laws and permitting requirements"

(2) Common areas. A maintenance agreement meeting the requirements of LCC 16.05.360 shall be recorded to provide for the maintenance of all common areas and access easements associated with the family burial ground. Family burial ground shall be demarcated with appropriate fencing and signage as determined by the property owner.