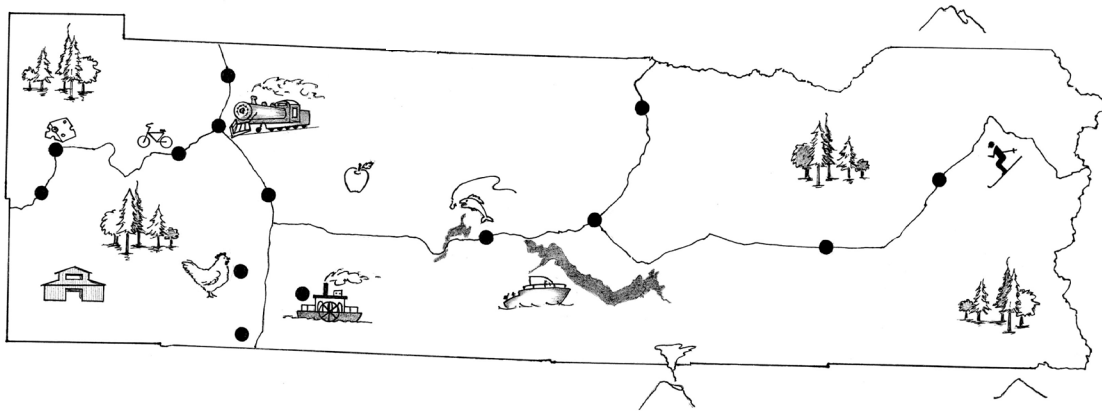


# Framework for Land Use Planning

**Your guide to Understanding Land Use Planning in Lewis County**



**Produced by:  
Department of Community Development**

**Consultant:  
John M. Kliem  
Creative Community Solutions, Inc.**

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## Chapter 1: Introduction

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Land use planning sometimes seems like a thousand-piece jigsaw puzzle with no picture on the box. There are so many individual pieces to sort through that it can be a daunting task just to start, not to mention guess what the completed picture will look like.

But as any good puzzle aficionado knows, there are strategies to follow. You start methodically by sorting the pieces into batches of straight edges, similar background colors and textures, and connecting shapes. Slowly the pieces begin connecting to one another and before long, all those tiny pieces come together to form a clear picture that makes sense.

Using the same approach, this guide will help you start assembling the thousand-piece puzzle of land use planning in Lewis County. The guide begins by first exploring topics that form the foundation to planning in Lewis County and then continues with specific topics that will fill out the “big picture.”

Keep in mind puzzles are most fun when you work together with others! Use the guide to talk about land use planning in the county with your neighbors, county staff, and elected officials.



## Chapter 2: Why is planning important to Lewis County residents?

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The goal of land use planning is to find a common vision on how to create a shared future that provides the most benefit for everyone. It represents the collective effort of people working together to decide how we:

- Respect one another's property rights;
- Create a variety of residential opportunities that reflect a wide range of lifestyle choices;
- Attract and retain thriving businesses and industries;
- Provide adequate public infrastructure and services that serve our needs;
- Create efficient ways to move around; and
- Protect natural settings and resources that make living in Lewis County so special.

Realizing that common vision through land use planning is not an easy, one-time task. Change, especially resulting from growth, is a constant in many communities. Change forces us to think about what is best in our community, what we want to preserve, problems we want to avoid, and opportunities to make current situations better. Land use planning is about having community conversations about change and taking actions. These conversations require everyone's involvement, the active listening and appreciation of your neighbors' values, and a willingness to find compromise. We are all different in greater and lesser ways, but working together, finding that common vision for Lewis County is possible.

The Lewis County Department of Community Development encourages everyone to participate by voicing your opinions and ideas about the county's vision for the future. You can do this by talking with county staff and participating at Lewis County Planning Commission and Board of County Commissioner meetings.

The one certainty we do know about land use planning is that if the citizens of Lewis County do not work together and plan for themselves, someone else will do it for us.



## Chapter 3: What is the legal authority for Lewis County land use planning?

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The authority for Lewis County to implement land use planning within its boundaries comes from Article 11, Section 10 of the Washington State Constitution. This constitutional provision gives the county the power to make and enforce police and sanitary regulations consistent with state law, including the Revised Code of Washington (RCW) and Washington Administrative Code (WAC).

The RCW includes a wide range of laws that Lewis County must follow when they plan and apply zoning within their jurisdictional boundaries. The most important of these laws are:

- The Planning Enabling Act in Chapter 36.70 RCW
- The Growth Management Act (GMA) in Chapter 36.70A RCW

The Planning Enabling Act was adopted in 1963 and it remains in effect today. The most important sections of this law for Lewis County are those provisions relating to planning commissions, the hearing examiner, and the adoption of comprehensive plans and development regulations.<sup>1</sup>

During the 1980's, Washington was experiencing growth at a record pace in many parts of the state. There was increasing concern that if growth continued in this uncoordinated and unplanned way, it would jeopardize the conservation of agriculture and forestry lands, pose a threat to the environment, hinder sustainable economic growth, or harm the health, safety, and welfare of the state residents.

In response, the Washington State Legislature passed the Growth Management Act (GMA) in 1990. GMA created a mandatory planning framework to address growth problems in counties and cities that experienced significant population increases in the previous ten years.

When GMA first passed, 16 counties were required to plan under the act because of their growth rates.<sup>2</sup> Pursuant to RCW 36.70A.040, after May 16, 1995, counties with a population that has increased by more than 17% over the previous 10 year period were required to plan under the act. This included Lewis County.<sup>3</sup>

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<sup>1</sup> The Lewis County Planning Commission operates under this law; see [Chapter 2.11 LCC](#).

<sup>2</sup> There were 13 rural counties in the state that chose to plan under the act; the legislature allowed two of the smaller ones to eventually withdraw.

<sup>3</sup> When GMA requires a county to plan, all cities in that county must follow the law's requirements, regardless of its size or growth rate.

Key concepts to understand about GMA are:

- It has 13 goals Lewis County must achieve through its comprehensive plan and development regulations.
- While a comprehensive plan and development regulations must meet GMA specifications, Lewis County has some choice in how it does this given its unique characteristics.
- The county and its cities must plan together within a coordinated planning framework known as the [Countywide Planning Policies](#).
- Lewis County, in consultation with the cities, designate and maintain urban growth areas to determine where urban growth should go over a 20-year planning period to avoid costly, concentrated development patterns that do not have adequate public facilities and services.
- Rural areas, outside of incorporated cities and their urban growth areas, must remain rural and growth at urban densities is generally not allowed.
- The county must conserve resource lands (agricultural, forest and mineral) and protect critical areas through its comprehensive plan and development regulations.
- The Lewis County Comprehensive Plan must provide policies that address land uses, rural uses, housing, capital facilities, utilities, and transportation.
- Development regulations adopted by the county cannot conflict with its Comprehensive Plan.

The Washington Administrative Code (WAC) contains specific instructions on how to implement sections of the GMA. The three most important ones are:

- Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands, and Critical Areas under [Chapter 365-190 WAC](#),
- Rural element requirements, including defining rural character and designating Limited Areas of More Intense Rural Development (LAMIRDs), [Chapter 365-196-425 WAC](#); and
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations, [Chapter 365-196 WAC](#).

There are other important state laws and rules that affect county planning as well that this guide will discuss in later sections.



## Chapter 4: How do comprehensive plans and development regulations manage growth?

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The Comprehensive Plan works in concert with county development regulations to manage growth in accordance with GMA. Let us look how each one works.

### **The Lewis County Comprehensive Plan**

The Comprehensive Plan is a document that describes how the county will guide public and private decisions for managing growth consistent with GMA. The plan's goals are to promote:

- Strong central cities
- Vital small communities
- Employment near transportation infrastructure
- Settlements tied to natural lands
- Clustered developments that retain natural character
- Facilities for growth
- Flexible uses on agricultural lands

The plan delves into detail on how to move forward with these goals through its five elements, or chapters. Each element contains specific goals, policies, and objectives for:

- Land Use – Determines the appropriate location for urban and rural land uses that will protect rural character, resource lands, and the natural environment.
- Economic Development – Increases wages, employment, and commercial and industrial development through land use decisions.
- Housing – Promotes the development of a variety of housing types that serves the needs of all residents in the urban and rural areas of the county.
- Transportation – Adopts guidance for ensuring a safe and efficient transportation network that serves the needs of county residents and the economy.
- Utilities and Transportation – Identifies and plans which public facilities and services are appropriate for urban and rural areas of the county.

The elements contain recommendations for adopting regulations, encouraging voluntary actions at solving community issues, and identifying capital facilities and transportation needs over a six-year planning period. When changes in land use regulations become necessary, such as rezones that alter a map in the plan, the policies in the elements also play an essential role in evaluating if an amendment is appropriate.

While all the elements in the comprehensive plan are important, the Land Use Element is the “first among equals.” Its role in describing how and where growth occurs drive how the other elements provide for economic development, housing, transportation, and capital facilities that appropriately support both existing development and future growth.

The Land Use Element manages growth in the county by dividing land uses into either urban or rural areas.

Urban areas are the county’s Urban Growth Areas (UGAs), which includes the nine cities plus lands next to city limits that will accommodate their growth over a 20-year planning period. Urban areas have concentrated populations living in a wide range of housing types at higher densities than in rural areas. Urban areas are served by public infrastructure, streets, sewer, water, and services. The urban areas also are the county’s primary centers of commerce and industry. To learn more about UGAs or how communities in the county become a city, please see Chapter 5.

Rural areas comprise the rest of Lewis County beyond UGA boundaries. These areas include the county’s natural resource lands (see Chapter 7), small unincorporated communities known as Limited Areas of More Intensive Rural (see Chapter 6), and rural homes and small businesses located on larger properties.

The Land Use Element has one other important function – it describes how to protect critical areas, such as wetlands, and shorelines. The Land Use Element adopts the Lewis County Shoreline Master Program by reference, making it part of the Comprehensive Plan.

Finally, it is important to recognize that the purpose of the Comprehensive Plan is not to prohibit growth in either the urban or rural areas of Lewis County but to find community agreement on a common strategy for accommodating all uses within the laws set forth in GMA.

## **Development Regulations**

One tool to implement the Comprehensive Plan are development regulations. Development regulations are the laws in the Lewis County Code (LCC) that place controls on the development of land and its use. Each development regulation must have a direct or indirect policy connection to one or more of the elements in the Comprehensive Plan. A development regulation that fails to do so, or goes against a policy in the plan, fails the consistency requirements under GMA and must be repealed or revised.



[Title 17 LCC](#), Land Use and Development Regulations, is the primary source for Lewis County's development regulations. Many people simply refer to this title as the "zoning code," but it really has a greater span of regulations than just zoning regulations. There are 40 Chapters in the Title containing a variety of provisions for:

- Establishing zoning districts for different urban and rural land uses;
- Showing the location of urban and rural zoning districts on a map;
- Designate resource lands ;
- Protecting critical areas;
- Managing shoreline development through the Shoreline Master Program;
- Applying development standards specific uses;
- Providing procedures for processing development permits;
- Administering the State Environmental Policy Act (SEPA); and,
- Amending the Comprehensive Plan and the development regulations.

While Title 17 LCC is accessible online for anyone to read, it is important to consult with Department of Community Development staff to help in interpreting it. An easy mistake often made when reading the code is to overlook one or more sections that also may apply to your inquiry.

There are other parts of the county code that implement the Comprehensive Plan as well. [Title 16 LCC](#), Subdivisions, regulates the division of land. [Title 12 LCC](#), Public Roads and Places, cover issues relating to utilities and road development standards. [Title 8 LCC](#), Health and Safety, provides requirements for on-site sewage systems and Group B water systems.



## Chapter 5: What is an Urban Growth Area (UGA)?

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Under GMA, development at urban densities may happen only within a designated Urban Growth Area (UGA). A UGA is land earmarked for future residential, commercial, and industrial growth at urban densities. It includes a city and unincorporated properties necessary for accommodating growth over a 20-year period. However, it is possible under certain situations to have a UGA without an incorporated city.<sup>4</sup>

UGAs support compact land development patterns that depend on public infrastructure improvements not available in rural areas, such as streets capable of handling heavier traffic volumes, and sewer, water, and stormwater collection systems. They also rely on higher levels of service for many public services, such as police and fire, than normally found in rural areas.

### **Why does the GMA require UGAs?**

There are several reasons why it is important for the county to establish UGA boundaries that separate urban growth from rural areas.

The first is to avoid the loss of or impact to resource lands, which include agricultural, forest, and mineral lands. Haphazard residential and commercial development on or alongside these lands can severely impact their long-term sustainability to the county's economy.

Another reason is that sprawling, low-density residential development not supported by adequate infrastructure can damage the rural environment. Concentrated development relying on-site sewage disposal systems can contaminate residential wells and water quality in nearby lakes and streams. And it is costly to extend public services to low density residential development.

Finally, uncoordinated, low-density growth detracts from rural character – the very reason people enjoy country living. The loss of large areas of open land also reduces the sustainability of wildlife resources.

### **How are UGA boundaries decided?**

Lewis County has the responsibility under GMA to determine the size of a UGA boundary based on the county's assigned 20-year population projection and each UGA's ability to provide the necessary urban public facilities and services. UGA boundaries become official only when adopted through the Lewis County Comprehensive Plan.

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<sup>4</sup> RCW 36.70A.110 and WAC 365-196-310

By state law, the county must use the 20-year population projections prepared by the Office of Financial Management to determine UGA boundaries.<sup>5</sup> Because the county receives only a countywide number, it must consult with its cities to analyze past population and market trends to make assumptions about what might happen in the future.<sup>6</sup>

The next step entails delineating UGA boundaries. Lewis County does this in consultation with a city to ensure that the designated area is:

- Consistent with the Countywide Planning Policies;<sup>7</sup>
- Able to accommodate its assigned 20-year growth projection at urban densities;
- No larger than necessary; and
- Can be adequately served by urban facilities and services.

The county and the city must coordinate closely with one another in this task to ensure their comprehensive plans match. Because each city is unique, a final decision on a UGA boundary by the county is a “tailor made” one.

The county bears the burden of proof for demonstrating that a UGA boundary is consistent with GMA and the Countywide Planning Policies. If challenged by members of the public or a city, the county must defend its actions, whether before the Growth Management Hearings Board or the courts.

The county also has the responsibility for regulating land uses within the unincorporated portion of the UGA until such time a city annexes it. Lewis County cooperates with the cities to ensure development in these areas reflect their comprehensive plans and development regulations. Overtime, the expectation is that all land within the unincorporated areas of a UGA will develop at urban densities and eventually annex into the city.

Note – Inside the city limits, the city is required to develop its own comprehensive plan, pursuant to GMA, and its own development regulations, including zoning.

### **Are all UGAs associated with a city?**

No. In fact, the unincorporated community of Onalaska is an example a “non-metropolitan” UGA. Pursuant to RCW 36.70A.350, an urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community.

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<sup>5</sup> To learn more about GMA growth projections, see Office of Financial Management [Growth Management Act County Projections](#)

<sup>6</sup> The Lewis County Countywide Planning Policies, Appendix B

<sup>7</sup> [Lewis County Countywide Planning Policies](#)

### **Is it possible for a LAMIRD to become a non-metropolitan UGA?**

A LAMIRD could become a UGA once it demonstrates it meets GMA and Countywide Planning Policies requirements. The county would need to demonstrate that a LAMIRD has urban density development patterns, population growth, and the capacity to construct and maintain urban facilities and services over a 20-year planning period.

While private developers normally cover the cost for planning and constructing new fully contained communities, Lewis County would need to assume the role and expense of documenting that a LAMIRD should become a UGA.

Since counties are primarily rural facility and service providers, supporting an urbanized community may also require Lewis County to evaluate its own capacity to take on a greater role as an urban facility and service provider within a non-metropolitan UGA.

### **Where can I find more information?**

To read the complete requirements for UGAs under state law, check out RCW 36.70A.110 and WAC 365-196-310.

The Municipal Research Services Center (<https://mrsc.org/Home.aspx>) provides a summary of the Growth Management Act that includes a discussion about Urban Growth Areas.

The Washington State Department of Commerce, Growth Management Services, has published an Urban Growth Area Guidebook, which goes into detail about establishing and managing UGAs.



## Chapter 6: What is a LAMIRD?

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LAMIRD is short for Limited Area of More Intensive Rural Development.

The GMA includes Type 1, 2, and 3 LAMIRDs as a way for county governments to allow flexible planning for more intensively developed rural areas of the county outside of UGAs and Resource Lands.<sup>8</sup> LAMIRDs allow land development in rural areas while keeping rural character.

Lewis County has designated Type 1 and 3 LAMIRDs. Type 1 are residential or mixed use areas. Type 3 are industrial areas. Lewis County has not designated Type 2 LAMIRDs.

### **What are Type 1 LAMIRDs and where do you find them in Lewis County?**

Lewis County designed Type 1 LAMIRDs throughout the county when it adopted its first Comprehensive Plan consistent under the GMA. Type 1 LAMIRDs include those small rural communities, neighborhoods, or crossroad developments that existed before 1995 when Lewis County began planning under GMA.<sup>9</sup> Most parcels within these LAMIRDs are smaller than typically found in the rest of unincorporated rural areas of Lewis County.

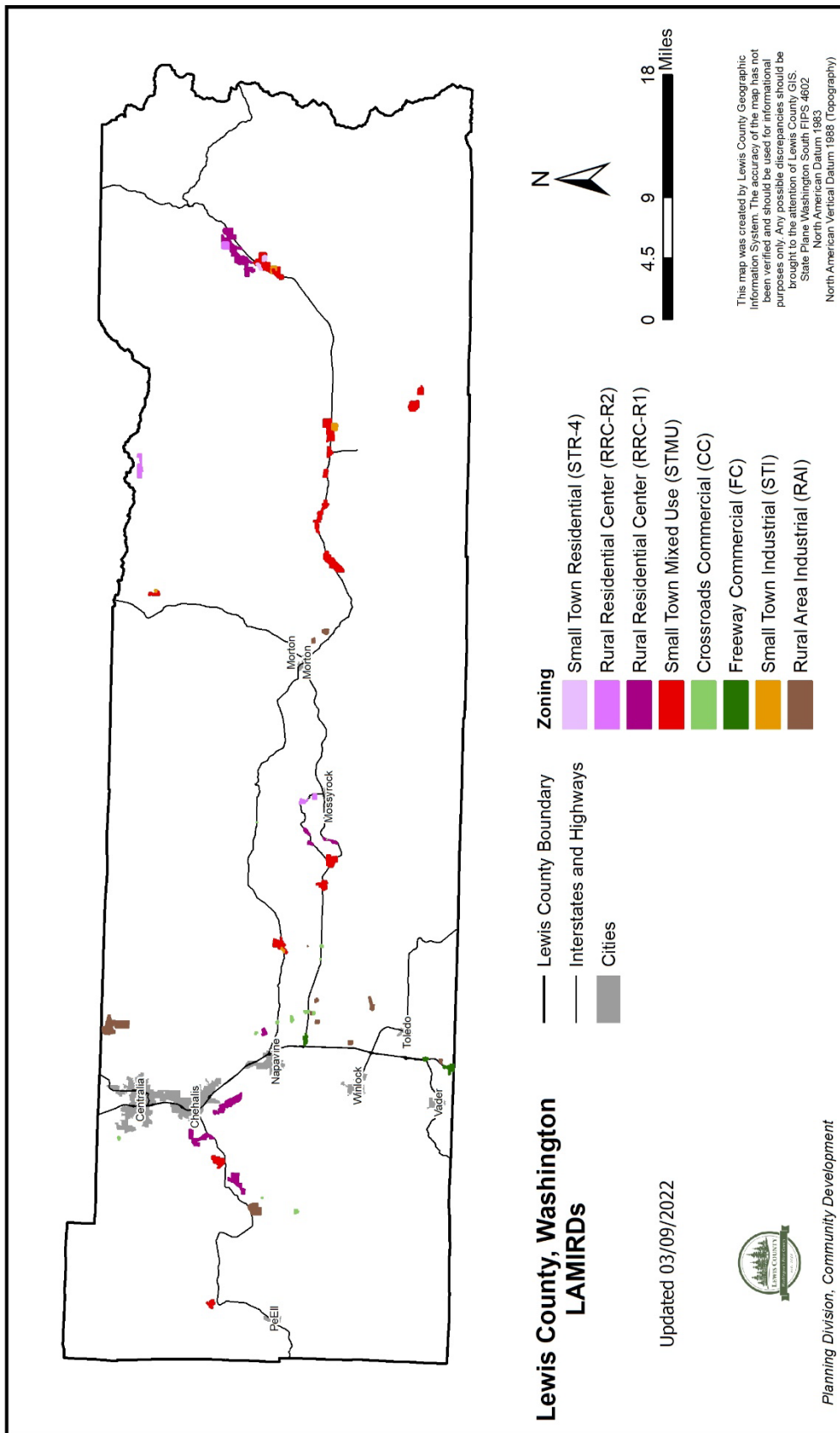
The Lewis County Comprehensive Plan currently has thirty designated Type 1 LAMIRDs ranging in size and intensity of land development. For instance, Dorn's Corner is the smallest at 1.6 acres and Mayfield Village is the largest at 856 acres. In total, there are approximately 2,500 acres of land falling within the boundaries of Type 1 LAMIRDs in Lewis County.

Each Type 1 LAMIRD has a set, designated boundary that cannot expand under GMA regulations. 365-196-425 WAC requires that the boundaries of Type I LAMIRDs be set based on the development patterns that existed at the time the county was required to plan under GMA, which was 1995 for Lewis County. Vacant land within the boundary is allowed to be developed and existing development can change, as long as it is consistent with the development character in terms of size, scale, use and intensity.

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<sup>8</sup> Resource Lands are designated Agriculture, Forestry, and Mineral Lands

<sup>9</sup> RCW 36.70A.070(5)(d), WAC 365-196-425(6) and WAC 365-196-425(6)(c)(i)



## **Are there different Type 1 LAMIRDs in the county?**

Yes. The county has eight categories of Type 1 LAMIRDs that reflect differing development patterns. Each category allows for different uses and minimum lot sizes. The Type 1 LAMIRDs in the county include:

- Small Towns - Mixed Use
- Small Town - Residential
- Small Towns - Industrial
- Crossroad Commercial
- Freeway Commercial
- Tourist Services Areas
- Rural Area Industrial
- Rural Residential Centers

The Comprehensive Plan and the zoning code specify the development requirements for each of the Type 1 LAMIRDs.<sup>10</sup>

## **Is new development allowed within a Type 1 LAMIRD?**

While Type 1 LAMIRD boundaries cannot expand, GMA does allow new development and redevelopment to happen within LAMIRD existing boundaries if the development is consistent with the zoning code. For instance, infill development in the Rural Residential Center will be less intensive than in the Small Town Residential.<sup>11</sup> There are over 1,400 total acres within the county's Type 1 LAMIRDs available for new development that is consistent with its Comprehensive Plan and zoning code designation.<sup>12</sup>

## **What type of public services can development in Type 1 LAMIRDs receive?**

GMA allows "rural services" within LAMIRDs, which include domestic water systems, fire and police protection, transportation improvements, public transit services, and other public utilities and services associated with rural development not typically associated with urban areas. Rural services do not include storm or sanitary sewers, except in rare circumstances to protect basic public health, safety, and the environment. These services must also be financially supportable at rural densities and will not lead to future urbanized development.

Urban services may be provided to certain LAMIRDs. For example, Lewis County Water District #3 provides public water to the Packwood STMU LAMIRD. Extending urban services outside of UGA is not typical and must meet specific criteria.

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<sup>10</sup> Descriptions of these LAMIRDs are available in the Lewis County Comprehensive Plan, Land Use Element, pages LU-28 through 31 and in Lewis County Code Sections 17.42 through 17.75.

<sup>11</sup> WAC 365-196-425(6)(c)(i)(D)

<sup>12</sup> It is important to note that there have been cases brought before the Growth Management Hearings Board about development within Type 1 LAMIRDs. It is important to consider these cases when making future decisions about creating new parcels within a Type 1 LAMIRD.

## **What are Type 3 LAMIRDs and where do you find them in Lewis County?**

GMA allows the designation of Type 3 LAMIRDs, which are areas of small-scale business and cottage industries that serve the existing and projected rural population. Expansion of Type 3 LAMIRDs is allowed, including the redevelopment of uses and new use on undeveloped lands, as long as the businesses and industries are consistent with rural character. New residential development is prohibited in Type 3 LAMIRDs. Public services and facilities are allowed as long as they are limited to those services required to serve nonresidential uses.

Type 3 LAMIRDs include land designated as freeway commercial (FC), crossroads commercial (CC), rural area industrial (RAI) and small town industrial (STI) on the zoning map.

## **Can the county create new LAMIRDs?**

While the GMA does not allow the county to create new Type 1 LAMIRDs, it does allow it to create new Type 2 and 3 LAMIRDs within its Rural Development Districts.<sup>13</sup>

Type 2 LAMIRDs allow for small-scale tourist or recreational uses that rely on a rural location and setting and that do not include residential uses.<sup>14</sup> This LAMIRD allows the redevelopment of an existing site, intensification of an existing site, or completely new development on a previously undeveloped site. The county may allow public services and facilities to serve the recreation or tourist use if it does not lead low-density sprawl on the site or surrounding area. Lewis County currently has no Type 2 LAMIRDs designated.

Type 3 LAMIRDs may allow isolated small-scale businesses and cottage industries not principally designed to serve the rural population and nonresidential uses but do supply job opportunities for rural residents.<sup>15</sup> The county may allow Type 3 LAMIRDs on existing lots or on undeveloped sites. Lewis County currently has no Type 3 LAMIRDs designated.

Both Type 2 and 3 LAMIRDs must prove that they:

- Are isolated, both from urban areas and from each other;
- Are small in scale;
- Are consistent with the county's rural character;
- Do not include new residential development;
- Do not require public services and facilities beyond what is available in the rural area; and
- Are compatible with surrounding Resource Lands and industries.

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<sup>13</sup> The county has three Rural Development Districts (RDD): RDD-5, RDD-10, and RDD-20 under Chapter 17.100 of the Lewis County Code.

<sup>14</sup> WAC 365-196-425(c)(ii)

<sup>15</sup> WAC 365-196-425(c)(iii)



GMA allows the county to designate Type 2 and 3 in Rural Development Districts as special uses without the need to change the future land use map in the Comprehensive Plan.

### **Where can I find more information?**

[Chapter 365-196 WAC](#), Growth Management Act – Procedural Criteria for Adopting Comprehensive Plans and Development Regulations, sets the rules for how Lewis County prepares a Comprehensive Plan that is consistent with [Chapter 36.70A RCW](#), Growth Management – Planning by Selected Counties and Cities.

[WAC 365-196-425](#), Rural Element, provides specific provisions relating to LAMIRDs.

Another resource to check out is [A Short Course on Local Planning Resource Guide](#) published by the Washington State Department of Commerce, Growth Management Services. Beginning on page 69, the guide discusses LAMIRDs in its Rural Areas section.

There have been cases brought before the state’s Growth Management Hearing Board and the Washington State court system related to development within LAMIRDs. These decisions provide greater guidance and place requirements on how counties in the state manage development in LAMIRDs. The research paper “[The Evolution of Growth Management in Washington: 25 Years and Counting](#)” by Paul Parker, J.D., describes some of these cases and their related issues.



## Chapter 7: What are Resource Lands?

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Resource lands in Lewis County include agricultural, forest, and mineral lands without urban growth that have “long-term commercial significance.” The Growth Management Act (GMA) requires Lewis County to “classify” and “designate” resource lands and to adopt a comprehensive plan and development regulations that conserves them.<sup>16</sup>

“Classify” under GMA means to adopt a criteria for identifying what are agricultural, forest, and mineral resource lands. A critical factor in the classification process is to determine if the resource land has “long-term commercial significance.” This term refers to the land’s capacity to produce natural resources at a commercially sustainable level during a twenty-year planning period. Criteria include soil type, water, slopes, etc.

“Designate” means to apply the classification criteria to parcels throughout the county. If a parcel meets the criteria, then it becomes designated as an agricultural, forest, or mineral resource land of long-term commercial significance. The county’s official designations for these parcels in its comprehensive plan and zoning code are Agricultural Resource Lands (ARL), Forest Resource Lands (FRL), and Mineral Resource Lands (MRL).

Resource lands were classified and designated when Lewis County began planning under GMA. The [Land Use Element](#) in the Lewis County Comprehensive Plan and [Chapter 17.30](#) in the Lewis County Code describes the classification process, provides maps, and contains policies and regulations to conserve each resource land for future use. Once a property is designated a resource land it is very difficult to change that designation unless there was an error made during the original designation process. Just because a property is no longer used for agriculture or forestry isn’t a reason to change its designation. If the land still meets the criteria, then it is still resource land.

### Why are resource lands important to Lewis County?

Agriculture, forestry, and mineral production are major components of the Lewis County economy. Some facts to consider about resource lands in Lewis County:

- The total market value of farm products from Lewis County is over \$136 million.
- Directly or indirectly, the forest products industry creates nearly 6,000 jobs in the county with a payroll of more than \$303 million and over \$10 million in tax dollars.
- Road building and construction would not be economically possible without the ready availability of sand and gravel resources located within Lewis County.

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<sup>16</sup> [RCW 36.70A.060](#) requires counties to adopt regulations that conserve resource lands and [Chapter 365-190 WAC](#) provides the minimum guidelines for classifying them.

An even more important consideration for conserving these resource lands is how they embody the “Lewis County way of life” for so many residents. Farming and forestry play a significant role in our identity as a community. The open space of resource lands also provides valuable fish and wildlife resources as well as protection for other properties from natural hazards such as flooding. Protecting them today will ensure that they will be available for future generations of Lewis County residents.

### **How do we conserve resource lands?**

Limiting their change to other uses is the first step in conserving resource lands for future generations. Once agricultural, forest, and mineral lands become homes and businesses, the county loses its resource production capacity forever.

Many communities in our state have lost their resource lands because they failed to conserve them for their intended purpose in a comprehensive manner. When communities fail to guide growth in a thoughtful way, agricultural and forest lands can disappear quickly to other uses or access to valuable mineral lands that support growth in other parts of the county is no longer available. Also, most agricultural and forestry operations are most efficient when preserved in large sections rather than interspersed among properties with different uses. That is why identifying the location of these lands now and limiting the types of develop that may occur on them so critical for their long-term conservation.

Determining how growth occurs near resource lands is an equally important consideration in their conservation. Agricultural, forest, and mineral land operations do create intensive impacts that can be a nuisance to adjacent properties. Resource operations can create noise, odor, truck traffic, visual clutter, and sometimes even dangerous situations.

Many newcomers to rural areas often are not aware of these impacts. Allowing concentrated residential or commercial growth to happen next to these resource lands eventually leads to conflict that reduces quality of life and property values for everyone. That is why it is in the best interest of everyone to keep properties adjacent to resource lands rural – which means larger parcel sizes and limiting urban-type development on them. The county has also adopted a [Right to Farm](#) law that promotes and protects farming and forestry activities in its resource and rural zoning districts.

Through this approach, Lewis County is working hard for all its citizens to find an appropriate balance between conserving resource lands and protecting property rights in our rural areas.

### **How can I find out more about conserving resource lands?**

Check out the [Land Use Element](#) of Lewis County Comprehensive Plan. This plan contains goals, policies, and maps that guide the county’s approach to resource land conservation. The county zoning code, [Chapter 17.30](#) provides specific regulations on how land may develop both in resource lands and on adjacent parcels.

To learn about GMA requirements that guide county decisions for conserving resource lands, please read [Chapter 365-190 WAC, Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands, and Critical Areas.](#)

To learn more about agricultural lands and the Voluntary Stewardship Program in Lewis County, read the Lewis Conservation District's 2019-2021 Biennial Report on their website <https://lewisconservation.files.wordpress.com/2021/10/2-year-report-2019-2021.pdf>

The Washington Department of Natural Resources has published a report with maps rock aggregate resources in Lewis County. The download location of this report <https://washingtonstategeology.wordpress.com/2015/07/23/newly-published-rock-aggregate-inventory-map-of-lewis-county-washington/>

Please note that the Open Space Taxation Act provides tax relief for farm and forestry land and is separate from GMA requirements for conserving resource lands. You can access a pamphlet to learn more about this program [https://dor.wa.gov/sites/default/files/legacy/docs/pubs/prop\\_tax/openspace.pdf](https://dor.wa.gov/sites/default/files/legacy/docs/pubs/prop_tax/openspace.pdf)



## Chapter 8: What are the Rural Development Districts?

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The Land Use Element in the Comprehensive Plan and [Chapter 17.100](#) in the Lewis County Code (LCC) have designated rural lands that are not Resource Lands or LAMIRDs as Rural Development Districts (RDD). There are three categories of Rural Development Districts lands based on allowed density (the number of dwelling units allowed on a parcel):

- RDD-5 which allows one dwelling unit per five acres;
- RDD-10 which allows one dwelling unit per 10 acres; and
- RDD-20 which allows one dwelling per 20 acres.

Rural Development District lands allow a wide range of uses and activities typical of low-density rural areas: homes, home-based or small businesses, tourist uses, and some governmental services serving rural needs. Rural Development Districts also allow for agricultural and forestry uses. Critical area constraints, such as steep slopes, wetlands, and 100-year floodplains, are common as well.

The Lewis County Comprehensive Plan and development regulations manage these lands to maintain their rural character. Developed properties rely on on-site sewage systems and individual wells, although small water systems may serve some areas.

Rural Development Districts also play a vital role as a buffer separating UGAs and LAMIRDs from Resource Lands. Maintaining this distance between them uses reduces the potential for conflicts created by agricultural, forestry, and mining operations.

In each Rural Development District, there are lots smaller than the required 5, 10, or 20-acre density allowance. For example, in the RDD-20 areas there are lots smaller than 20-acres in size. These are “legal nonconforming lots of record” created before the current zoning code. Despite their size, these lands are available for development if they meet all other requirements under the county’s code.<sup>17</sup>

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<sup>17</sup> See [Chapter 17.155.065](#)



## Chapter 9: Washington State rules for new cities

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### What are the minimum requirements for establishing a city under state law?

If an area within Lewis County wants to consider becoming a city under state law, it must first meet the following requirements:

1. Be within a designated Urban Growth Area<sup>18</sup>
2. Have at least 1,500 residents – or – be greater than 3,000 residents if within five air miles of city that has a population of 15,000 or more<sup>19</sup>

“Resident” means registered voter because the residents of the proposed city will have to vote on incorporation.

### What are the steps to incorporation?

Once an area satisfies the two requirements above, the incorporation process may begin moving forward following the steps described below.

1. A registered voter residing in the proposed city files a Notice of Proposed Incorporation with the County Auditor.<sup>20</sup>
2. The Lewis County Boundary Review Board holds a public meeting for people to share their opinion for or against the petition.<sup>21</sup>
3. The proponent(s) now have 180 days after the first meeting before the Boundary Review Board to collect signatures on an incorporation petition from at least 10 percent of the registered voters living within the boundaries of the proposed city. The County Auditor must certify all signatures on the incorporation petition. <sup>22</sup>
4. The Lewis County Boundary Review Board holds a public hearing on the proposed incorporation and may:
  - a. Approve the proposal as submitted;
  - b. Modify the proposal by adjusting its boundaries, including the required removal of any area not within an Urban Growth Area;
  - c. Reject a proposed incorporation if it is less than 7,500 in population; or
  - d. Issue a recommendation against incorporation for an area greater than 7,500 in population.<sup>23</sup>

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<sup>18</sup> RCW 36.93.150(2)

<sup>19</sup> RCW 35.02.010

<sup>20</sup> RCW 35.02.015; the petition must include information described under RCW 35.02.030

<sup>21</sup> RCW 35.02.015

<sup>22</sup> RCW 35.02.020 and RCW 35.02.035

<sup>23</sup> RCW 36.93.150 and .153

When making its decision, the Boundary Review Board must consider the wide range of factors described under RCW 36.93.170. The board must evaluate the proposed city's:

- Population and population density;
  - Land uses and proposed plans and development regulations;
  - Capacity to financially support and sustain public facilities and services through taxation;
  - Potential impacts to the environment and surrounding land uses;
  - Effect of incorporation on other governmental entities in the county, including existing service agreements; and
  - Likelihood of growth occurring over the next ten years.
5. If the Boundary Review Board issues a decision approving the incorporation, or a recommendation against incorporation under 4.d above, the county will hold an election within the area of the proposed city.<sup>24</sup>
  6. If a majority of the registered voters approve the incorporation, the last step is to hold another election to fill elective positions.

### **Why do some communities choose to incorporate as a city?**

The pros and cons for annexation revolve around unique community concerns about and expectations for local government. For some residents, local control over issues such as public service levels or land use development is important. Others ask about the cost to taxpayers – would our local tax dollars support roads, public facilities and services, and roads? Sometimes community identity is so strong that residents feel it is important to separate itself from the larger unincorporated county.

Preparing an incorporation study is the best way to explore whether incorporation makes sense for establishing a new city for a community. Incorporation studies typically examine the same range of issues the Lewis County Boundary Review would consider if it received an incorporation petition (see below).

### **How often does incorporation happen in the state?**

After just two new incorporations in the 1970s and 1980s, incorporation petitions surged in the 1990s, especially in the Puget Sound region. This included 15 new incorporations from 1990 to 2003. The cities that incorporated during this period were urban growth areas with large populations and distinct community identities, such as University Place, Federal Way, and Spokane Valley. However, since 2003, no new cities have successfully incorporated within the state.

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<sup>24</sup> RCW 35.02.78

## **Where can I find more information?**

The primary information resource for incorporation procedures is [Chapter 35.02 RCW, Incorporation Proceedings](#). [Chapter 36.93 RCW, Local Governmental Organization – Boundaries – Review Boards](#), also provides additional detail on incorporation procedures and the role of the Lewis County Boundary Review Board.

The Municipal Research Services Center (MRSC.org) provides additional guidance on incorporation. Their topic page Municipal Incorporation provides general information and provides a link to their thorough guidance document, Municipal Incorporation Guide <https://mrsc.org/Home/Explore-Topics/Legal/General-Government/Municipal-Incorporation.aspx>



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### **Staff contact**

Mindy Brooks, 360-740-2610

[mindy.brooks@lewiscountywa.gov](mailto:mindy.brooks@lewiscountywa.gov)