**DRAFT REVISIONS TO TITLES 16 AND 17 – PART 2**

**BASED ON THE PROPOSED CHANGES TO LCC CHAPTER 17.05**

*Please note: This document is the second half of a proposal that shows the changes that could occur to the Lewis County Code (as a result of the draft changes to LCC Chapter 17.05). These changes have been discussed at the Planning Commission meetings of January 12, February 9, and February 23, 2016. The entire track changes version of the document is available online at:* [*http://lewiscountywa.gov/planning-commission*](http://lewiscountywa.gov/planning-commission)*.*

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**Article I. General Provisions**

**17.30.010 Authority and title.**

This chapter is established pursuant to RCW [36.70A.060](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.060) and shall be known as the Lewis County resource lands ordinance. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.1, 1996]

**17.30.020 Purpose.**

(1) The purpose of this chapter is to identify and conserve long-term commercially significant forest, agricultural, and mineral resource lands designated pursuant to this chapter as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990) by supplementing the development regulations contained in various ordinances of Lewis County and other applicable state and federal laws by providing additional controls and measures to conserve resource lands and protect human health and safety. This chapter is adopted under the authority of Chapters [36.70](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70)A and [36.70](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70) RCW.

(2) The intent of this chapter is to facilitate the processing of relevant land use and development applications in a timely fashion with minimum intrusion on individual freedom, with a maximum of consistency and predictability. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.2, 1996]

**17.30.030 Policy.**

(1) It is a policy of Lewis County that the resource lands supporting agriculture, forest, and mineral extractive industries be conserved as identified in this chapter, and further that reasonable associated and incidental uses be identified which aid and assure the economic viability of the long-term commercial resource user. Reasonable regulation shall be achieved by the balancing of individual and collective interests.

(2) The countywide planning policies identified private property rights as the primary priority and all applications of this chapter shall be cognizant and consistent with private property rights.

(3) No permit granted pursuant to this chapter shall remove an applicant’s obligations with respect to applicable provisions of any other federal, state, or local law or regulation, including, but not limited to, the acquisition of any other required permit or approval.

(4) Mitigation Priorities.

(a) Avoid the impact altogether by not taking a certain action or parts of any action where reasonable nonresource land alternatives are available;

(b) Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectify the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reduce or eliminate the impact over time by preservation and maintenance of resource land functions during the life of the action;

(e) Compensate for the impact by replacing, enhancing, or providing substitute resources or environments in lieu of resource lands impacted; and/or

(f) Monitor the impact and take appropriate corrective measures where appropriate.

(5) Mitigation Application.

(a) Lewis County respects the right of property owners to use their property consistent with the guidelines presented. Priorities in subsection (4) of this section are preferences to guide development and may be mixed to facilitate reasonable use of property, with increasing mitigation applied to the greater impacts to protect the functions, systems, and values identified.

(b) The priorities in subsection (4) of this section shall not be used to deny a permit for activities specifically authorized on resource lands or buffers where reasonable nonresource land alternatives are unavailable.

(6) The assessor is required to consider the impact to property values by reason of restrictions in this chapter in assessing property in Lewis County.

(7) Existing property uses shall not be affected by this chapter. This chapter will apply only when regulations require a development permit from Lewis County. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.3, 1996]

**17.30.040 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

(1) Liberally construed to serve the purpose of this chapter;

(2) Deemed neither to limit nor repeal any other powers under state statute;

(3) Considered adequate mitigation under SEPA unless a proposed use or activity poses an unusual or extraordinary risk to a resource land system. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.4, 1996]

**17.30.050 Duration.**

The development regulations for resource lands, as set forth in this chapter, shall be reviewed during consideration of the implementing regulations for the Lewis County comprehensive plan, adopted pursuant to Chapter [36.70A](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A)RCW. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.5, 1996]

**17.30.060 Judicial review.**

Judicial review of any decision made hereunder shall be appealable pursuant to the Land Use Appeals Act, Chapter [36.70C](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70C) RCW. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.7, 1996]

**Article II. Definitions**

**17.30.070 Administrator.**

“Administrator” means the planning director of the Lewis County department of community development or his or her designee. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.080 Agricultural land - Agricultural resource land.**

“Agricultural land” or “agricultural resource land” means land primarily devoted to the commercial production of aquaculture, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.33.100) through [84.33.140](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.33.140), or livestock, and that has long-term commercial significance for agricultural production. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.085 Animal unit.**

“Animal unit” means 1,000 pounds of live weight. [Ord. 1197 §2, 2007]

**17.30.090 Best management practices.**

“Best management practices” means conservation practices or system of practices and management measures that:

(1) Maximize the economic return;

(2) Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment;

(3) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics; and

(4) Take into account site-specific conditions, including, but not limited to, soil, climate, topography, operator’s skills and abilities, and owner and/or operator’s goals. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.100 Biosolids.**

“Biosolids” means municipal sewage sludge or septage that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all the requirements of 40 CFR Part 503, Subpart A (which establishes “standards and general requirements, pollutant limits, management practices, and operational standards for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in treatment works”). Sewage sludge or septage, which does not meet all the requirements of Part 503, cannot be referred to as biosolids. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.105 Confined animal feeding operations.**

“Confined animal feeding operation” means a lot or facility (other than aquatic) where more than 300 animal units are confined and fed or maintained for a period of 45 days or more in any 12-month period, and in which crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season. [Ord. 1197 §2, 2007]

**17.30.110 Clustering.**

“Clustering” means the placement of dwellings and accessory buildings in a pattern of development, which reduces impervious surface area, lowers cost of development and maintenance, and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions characteristic of the property to development. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.120 Economic viability.**

“Economic viability” means that the profit (or return) can reasonably be expected to be high enough to justify the investment. The prudent investor will not invest in resource land activity unless there is a reasonable expectation of a competitive return on his investment. That is, the owner will expect to get all his investment back, plus at least the cost of investment capital, plus a management fee. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.130 Farm employee.**

For farm housing purposes, a “farm employee” shall be a person employed in the farming operation who makes over 50 percent of his or her gross income from the farming operation. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.140 Forest land - Forest resource land.**

“Forest land” or “forest resource land” means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW [84.33.100](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.33.100) through [84.33.140](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.33.140), for commercial purposes, and that has long-term commercial significance for growing trees commercially. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.150 Geologist.**

“Geologist” means a person who has earned his/her livelihood primarily from the field of geology for at least five years, and has received a degree in geology or a related field from an accredited four-year institution of higher education. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.160 Growing season.**

“Growing season” means the growing season for the soils meeting the land capability criteria set forth in the Lewis County comprehensive plan. Also, the portion of the year when soil temperatures are above biologic zero at 50 cm (19.7"). [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.170 Home-based industries.**

“Home-based industries” means a typically light industrial use located within a residential building, or a structural accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.180 Immediate family members.**

Repealed. [Ord. 1197 §2, 2007]

**17.30.190 Large lot subdivision.**

“Large lot subdivision” means the division of land for sale or lease within a designated resource land, no lot of which is less than five acres in size and one lot of which is at least 20 acres in size. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.200 Long-term commercial significance.**

“Long-term commercial significance” includes the growing capacity, productivity, soil composition of the land for long-term commercial production, and economic viability, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.210 Mineral resource lands.**

“Mineral resource lands” means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.220 Minerals.**

“Minerals” includes gravel, sand, rock, clay, coal, and valuable metallic substances. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

**17.30.230 Qualified forester.**

“Qualified forester” means a person with a bachelor of science degree in forestry or the equivalent in post-secondary education and work experience in forestry. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.240]

**17.30.240 Urban governmental services.**

“Urban governmental services” means those governmental services historically and typically delivered by cities, including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.250]

**17.30.250 Urban growth.**

“Urban growth” means growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.260]

**17.30.260 Urban growth area (UGA).**

“Urban growth area (UGA)” means those areas designated for urban growth by Lewis County pursuant to RCW [36.70A.110](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.110). [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.270]

**17.30.270 Wetlands delineation.**

Wetlands shall be defined and delineated in accordance with standards identified in the Lewis County critical lands ordinance. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996. Formerly 17.30.280]

**17.30.280 Reserved.**

[Ord. 1197 §2, 2007]

**Article III. General Requirements**

**17.30.290 Applicability.**

This chapter classifies and designates resource lands in Lewis County and establishes regulations for the protection of resource lands, human health, and safety. Lewis County shall not grant any permit, license, or other development approval to alter the condition of any land, water, or vegetation, or to construct or to alter any structure or improvement, nor shall any person alter the condition of any land, water, or vegetation, or construct or alter any structure or improvement, for any development proposal regulated by this chapter, except in compliance with the provisions of this chapter. Failure to comply with the provisions of this chapter shall be considered a violation and subject to enforcement procedures. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.1, 1996]

**17.30.300 Relationship to other regulations.**

Areas characterized by a particular resource land may also be subject to critical areas regulations due to the overlap of multiple functions of critical areas and resource lands. In the event of any conflict between these regulations and other regulations of the county, the resource lands regulations shall take precedence. No permit granted pursuant to this chapter shall remove the applicant’s obligation to comply in all respects with provision of any federal, state, or local law or regulation. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.2, 1996]

**17.30.310 Exemptions.**

The following activities shall be exempt from the provisions of this chapter:

(1) Existing and ongoing agricultural activities on lands designated as resource lands on the effective date of the ordinance codified in this chapter;

(2) Normal and routine maintenance and operation of existing irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, landscape amenities, farm ponds, fish ponds, manure lagoons, and animal water ponds; provided, that such activities do not involve conversion of any resource lands to other than resource land uses;

(3) Maintenance, operation, repair, or replacement of utility facilities and associated rights-of-way, including but not limited to reasonable access roads, and construction of utility facilities reasonably necessary;

(4) Passive recreational uses, sport fishing or hunting, scientific or educational review, or similar minimal-impact, nondevelopment activities;

(5) Site investigative work required by a city, county, state, or federal agency in conjunction with the preparation of a land use application submittal such as surveys, soil logs, percolation tests, and other related activities. In any such activity, resource lands are avoided where possible and minimized where necessary, and disbursed to the extent possible;

(6) Maintenance, operation, reconstruction of or addition to existing roads, streets, and driveways; provided, that reconstruction of any such facilities does not extend outside the previously disturbed area;

(7) Any projects currently under review and “vested” as that term is used in RCW [19.27.095](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=19.27.095) and [58.17.033](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=58.17.033) by local, state, or federal agencies prior to official adoption of the ordinance codified in this chapter are exempt from this chapter and will be grandfathered under previous resource lands protection measures; provided, however, “vested properties” shall include any property acquired for development purposes where the following qualifications have been met: (a) the purchase includes lands designated as resource lands pursuant to this chapter; (b) the purchaser can demonstrate through some objective means that the property was acquired for present development purposes (e.g., more than generalized intent, such as a feasibility study, nature of purchaser’s business, or other facts or data); and (c) the earnest money agreement is complete and binding on both parties within 90 days prior to the effective date of the ordinance codified in this chapter; and provided further, such additional vested rights shall be in effect only for the subdivision of such property in fact completed (final plat recorded) within 18 months of the effective date of the ordinance codified in this chapter. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.3, 1996]

**17.30.360 Nonconforming activities.**

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, shall be processed under this section and not under LCC Chapter 17.155. The nonconforming activity may continue subject to the following:

(1) Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter;

(2) Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter, except single-family dwellings and accessory structures may be expanded or altered as follows: reconstruction, remodeling, or maintenance of one-family dwellings and accessory structures existing on the effective date of the ordinance codified in this chapter shall be allowed; provided, that a one-time only expansion of the building footprint does not increase that footprint by more than 25 percent;

(3) Activities or Uses Which Are Abandoned. A use discontinued for 60 months shall be presumed abandoned, but such presumption may be rebutted. An abandoned use or structure is allowed to resume only if in compliance with this chapter; and

(4) Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction of the same facility is commenced within two years of such damage. The reconstruction or restoration shall not serve to expand, enlarge, or increase the extent of the nonconformity. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.8, 1996]

**17.30.380 Nonregulatory incentives.**

The following nonregulatory incentives shall apply to all resource lands:

(1) Assessment Relief.

(a) The Lewis County assessor shall consider the resource lands regulations contained in this chapter when determining the fair market value of land.

(b) Any owner of a resource land who has dedicated a conservation easement to or entered into a perpetual conservation restriction with a department of the local, state, or federal government or to a nonprofit organization to permanently control some or all of the uses and activities within this area may request that the Lewis County assessor re-evaluate that specific area with those restrictions.

(c) The administrator shall notify the assessor’s office of any application of this chapter, which results in building restrictions on a particular site.

(2) Open Space. Subject to the criteria established by law, any person who owns a resource land area as identified by this chapter may apply for current use assessment pursuant to Chapter [84.34](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.34) RCW. The Open Space Tax Act allows Lewis County to designate lands which should be taxed at their current use value. The county has programs for agricultural lands, small forest lands less than 20 acres in size, and other open spaces. Lewis County has adopted a public benefit rating system, which classifies properties on the basis of their relative importance of natural and cultural resources, the availability of public access, and the presence of a conservation easement. These features are given a point value, and the total point value determines the property tax reduction. Lands with an important habitat or species would commonly qualify for this voluntary program. Applications are approved by the board of county commissioners following a public hearing.

(3) Conservation Easement.

(a) Any person who owns an identified resource land as defined by this chapter may offer a conservation easement over that portion of the property designated a resource land naming the county or its qualified designee, under RCW [64.04.130](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=64.04.130), as the beneficiary of the easement. The purpose of the conservation easement shall be to protect, preserve, maintain, restore, limit the future use of, or conserve for open space purposes the land designated as resource lands, in accordance with RCW [64.04.130](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=64.04.130). Details governing easement restrictions and conditions of acceptance shall be negotiated between property owners and the county. Acceptance of such an easement and the consideration therefor, if any, shall be discretionary with the county and subject to the priorities for and availability of funds.

(b) The administrator may attach such additional conditions of acceptance as deemed necessary to assure the preservation and protection of the affected wetlands and buffers within conservation easements to assure compliance with the purposes and requirements of this chapter.

(c) The responsibility for maintaining conservation easements shall be held by the overlying lot owner(s) or other appropriate entity as approved by the administrator.

(d) Lewis County may establish appropriate processing fees for such conservation easements.

(4) Development Rights Transfer and Acquisition. Lewis County shall adopt a development rights transfer and/or acquisition program pertaining to development rights on designated resource lands by September, 1998. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.10, 1996]

**17.30.390 SEPA.**

This chapter is a written policy of Lewis County enforceable through the State Environmental Policy Act, Chapter [43.21C](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=43.21C) RCW and specifically RCW [43.21C.065](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=43.21C.065). [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.11, 1996]

**17.30.400 Judicial or legislative modification.**

Should the Growth Management Act (Chapter [36.70A](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A) RCW) or the implementing regulations (Chapter [360-190](http://www.codepublishing.com/cgi-bin/wac.pl?cite=360-190) WAC) be challenged or modified by a court of competent jurisdiction or modified by the Legislature in any way affecting this chapter, this chapter shall be brought before the board of county commissioners, not less than 30 days after such action is final, to determine what, if any, changes may be required by reason of such action. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.12, 1996]

**17.30.410 Cost recovery.**

Unfunded costs incurred by the county or its citizens which are properly chargeable to the state or state agencies shall be billed to such agencies consistent with applicable rules and regulations for such cost recovery. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.13, 1996]

**Article IV. Forest Resource Lands**

**17.30.420 Classification.**

Long-term commercially significant forest resource lands of Lewis County are classified according to the following:

(1) Private Forest Land Grades of the Washington State Department of Revenue (WAC [458-40-530](http://www.codepublishing.com/cgi-bin/wac.pl?cite=458-40-530)).

(a) The land grade system incorporates consideration of growing capacity, productivity, and soil composition of the land. Forest land of long-term commercial significance will generally have a predominance of the higher private forest land grades. However, the presence of lower private forest land grades within the areas of predominantly higher grades need not preclude designation of forest land.

(b) The Washington State Department of Community, Trade and Economic Development also recommends that each county determine which land grades constitute forest land of long-term commercial significance, based on local and regional physical, biological, economic, and land use considerations.

(c) The following table is a cross reference of tree species, growth potential, and corresponding land grades on a 50-year basis:

| **Washington State PrivateForest Land Grades** |
| --- |
| **Species** | **Growth Potential** | **Land Grade\*** |
| Douglas Fir | 136 feet and over | 1 |
| 118 - 135 feet | 2 |
| 99 - 117 feet | 3 |
| 84 - 98 feet | 4 |
| under 84 feet | 5 |
| Western Hemlock | 136 feet and over | 1 |
| 116 - 135 feet | 2 |
| 98 - 115 feet | 3 |
| 83 - 97 feet | 4 |
| 68 - 82 feet | 5 |
| under 68 feet | 6 |
| Red Alder | 117 feet and over | 6 |
| under 117 feet | 7 |

\*Land grade 1 = highest; land grade 7 = lowest

(d) The predominant species growing in Lewis County is Douglas fir. Most of Lewis County is composed of Land Grade 2 and Land Grade 3.

(e) A predominance of Forest Land Grade 2 and Forest Land Grade 3 shall be required for designation as forest land of long-term commercial significance.

(2) Minimum Block Size. A minimum block size of 5,000 contiguous acres managed as forest lands. These blocks consist of predominantly large parcels and which can be in multiple ownerships.

(3) Property Tax Classification. Property in the block is assessed or eligible to be assessed as open space or forest land pursuant to Chapter [84.33](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.33) or [84.34](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.34) RCW.

(4) Availability of Public Services Conducive to the Conversion of Forest Land. The property is located outside a designated urban growth area (UGA).

(5) Proximity of Forest Land to Urban and Suburban Areas and Rural Settlements. Forest lands of long-term commercial significance shall be located outside the urban and suburban areas and rural settlements. In addition to being located outside the UGAs, long-term forest lands should be far enough from urban areas that land use conflicts are minimized.

(6) Local Economic Conditions Which Affect the Ability to Manage Timber Lands for Long-Term Commercial Production. Economic conditions should be conducive to long-term timber management. In Lewis County, unfavorable economic conditions include locations with high administrative costs due to complaints from nearby landowners, locations requiring extensive security control efforts, and locations in which allowable forest practices such as burning and chemical applications will significantly interfere with other permitted land uses. Favorable economic conditions include Land Grade 2 and Land Grade 3 forest soils, which provide (in conjunction with large parcel sizes) the growth potential to manage timber lands for long-term commercial production.

(7) History of Land Development Permits Issued Nearby. For Lewis County, this means that recent residential development is an indicator of a pattern or direction of growth that may be encroaching on the forest land. The above criteria are applied throughout unincorporated Lewis County to designate those forest lands of long-term commercial significance. Those lands that currently meet the criteria are shown on map entitled Lewis County Forest Lands, March 1996. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.1, 1996]

**17.30.430 Designation.**

Lands of Lewis County meeting the classification criteria for forest resource lands are hereby designated as forest resource lands in the following categories:

(1) Forest Land of Long-Term Commercial Significance. Primary forest lands are those forest lands meeting the classification criteria within the minimum blocks of 5,000 contiguous acres and all federally owned lands managed for their forest resources.

(2) Forest Land of Local Importance. Forest lands of local importance are those forest lands meeting the criteria of LCC [17.30.420](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.420)(1), (3), (4), (6) and (7) which fall outside a 5,000-contiguous-acre block and meet the following criteria:

(a) Formal Designation (“Opt-In”). Forest lands of local importance shall only be designated by the board of county commissioners upon a petition for such designation by the landowner pursuant to the requirements of LCC[17.30.560](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.560)(2).

(b) Minimum Acreage. Forest lands of local importance shall have a minimum parcel size of 20 acres. However, smaller parcel sizes shall be permitted for designation upon a showing of profitability in the form of a report from a qualified forester to provide a factual basis for designation as a forest land of local importance.

(c) Minimum Period for Commitment to Designation. The landowner petitioning for designation as a forest land of local importance shall be required to commit the property to remain in that designation for 10 years. The designation may be renewed by the landowner at the end of the 10-year period; provided, that renewal of the designation shall not be considered an amendment to the zoning regulations.

(d) Current Forest Land Use. The property is in open space or forest land classification pursuant to Chapter [84.33](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.33) or [84.34](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.34) RCW. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.2, 1996]

**17.30.440 Uses.**

The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses. Nothing in this section shall be construed in a manner inconsistent with the Washington State Forest Practices Act. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3, 1996]

**17.30.450 Primary uses.**

(1) The growing and harvesting of timber, forest products, and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto.

(2) Removal, harvesting, wholesaling, and retailing of vegetation from forest lands including, but not limited to, fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.

(3) Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur bearing animals, honeybees including feeding operations, Christmas trees, nursery stock and floral vegetation, and other agricultural activities and structures accessory to farming and animal husbandry.

(4) Extraction and processing of rock, gravel, coal, oil, gas, mineral, and geothermal resources. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(A), 1996]

**17.30.460 Accessory uses.**

Uses allowed outright where directly connected with and in aid of a forestry activity:

(1) One single-family dwelling unit or mobile home per lot, parcel, or tract;

(2) One accessory dwelling unit in conjunction with a single-family dwelling or mobile home. Kitchen facilities may not be provided in accessory dwelling units;

(3) Storage of explosives, fuels, and chemicals used for agriculture and forestry subject to all applicable local, state, and federal regulations;

(4) Forestry, environmental, and natural resource research;

(5) Public and semi-public buildings, structures, and uses including but not limited to fire stations, utility substations, pump stations, wells, and transmission lines;

(6) Dispersed recreation and recreation facilities such as primitive campsites, trails, trailheads, snowparks, warming huts for climbers and cross-country skiers, recreational vehicle parks, boat launches, and accessory uses;

(7) Aircraft landing fields, heliports;

(8) Watershed management facilities, including but not limited to diversion devices, impoundments, dams for flood control, fire control, and stock watering. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(B), 1996]

**17.30.470 Incidental uses.**

Uses which may provide supplementary income without detracting from the overall productivity of the forestry activity. The listed uses below are allowed where the following elements are found:

(1) Required Elements.

(a) The use will not adversely affect the overall productivity of the forest nor affect more than five percent of the prime soils (15 percent as provided below in LCC [17.30.490](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.490)(3)) on any forest resource lands (including all contiguous tracts or parcels in common ownership) on the date this chapter is effective.

(b) The use is secondary to the principal activity of forestry.

(c) The use is sited to avoid prime lands where feasible and otherwise to minimize impact on forest lands of long-term commercial significance.

(2) Uses Allowed as Incidental Activities.

(a) Residential subdivision consistent with the requirements of this chapter.

(b) Saw mills, shake and shingle mills, the production of green veneer and other products from wood residues, chippers, pole yards, log sorting and storage, debarking equipment, accessory uses including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue storage areas, and other uses involved in the harvesting and commercial production of forest products.

(c) Treatment of wastewater or application of biosolids when not a forest practice regulated by the state.

(d) State correction work camps to supply labor for forest management related work projects and for forest fire control.

(e) Plywood mills, particleboard plants, and drying kilns. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(C), 1996]

**17.30.490 Maximum density and minimum lot area.**

The minimum lot area for any new subdivision, short subdivision, large lot subdivision or exempt segregation of property shall be as follows, except for parcels to be used for uses and activities provided under LCC [17.30.440](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.440) through [17.30.470](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html%22%20%5Cl%20%2217.30.480):

(1) Primary Forest Land. The minimum lot area for subdivision of primary forest lands shall be 80 acres.

(2) Forest Land of Local Importance. The minimum lot area for subdivision of forest lands of local importance shall be 20 acres.

(3) Subdivision as an Incidental Use. A residential subdivision of land for sale or lease within primary or local forest lands, whether lots are over or under five acres in size, may be approved under the following circumstances:

(a) The total density, including existing dwellings, is not greater than one unit per 10 acres for resource lands and one unit per 20 acres for wetlands and areas mapped with hydric soils, steep slopes and flood hazard areas.

(b) Adequate water and provisions for septic capacity are in fact present.

(c) The project affects none of the prime soils on the contiguous holdings at the time of the adoption of this chapter, including all roads and accessory uses to serve the development; provided that, prime lands previously converted to nonforestry uses are not considered prime forest lands for purposes of this section.

(d) The plat shall set aside the balance of the parcel in a designated forest tract.

(e) The plat shall contain the note included in LCC 17.40.025. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.4, 1996]

**17.30.500 Setbacks.**

(1) Within Lands Adjacent to or Abutting Primary Forest Resource Lands. All structures shall maintain a minimum setback of 150 feet from property lines, except for structures not requiring building permits, and 200 feet for all wells, and uses and activities provided under LCC [17.30.440](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.440) through [17.30.470](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html%22%20%5Cl%20%2217.30.480); provided, however, the administrator may reduce the structure’s setback where:

(a) It is not reasonable to accomplish the setback given the topography, soils, or shape of the site.

(b) The owner requesting the administrative variance records a forestry easement for the benefit of the abutting primary forest resource lands, granting a right to all normal and customary forestry practices in accordance with best management practices.

(2) Within Land Adjacent to or Abutting Forest Resource Lands of Local Importance. All structures shall maintain a minimum setback of 150 feet from property lines, except for structures not requiring building permits, and 100 feet for all wells, and uses and activities provided under LCC [17.30.440](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.440) through 17.30.470

; provided, however, that the 150-foot resource lands setback shall not be required where the owner of lands adjacent to or abutting forest lands of local importance records a forestry easement for the benefit of the abutting forest resource lands of local importance, granting a right to all normal and customary forestry practices in accordance with best management practices. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(A), 1996; Ord. 1151A, 1997]

**17.30.510 Water supply.**

[Reserved]. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(B), 1996]

**17.30.520 Access.**

No permit from Lewis County shall imply any permanent vehicular access to residential properties across nonowned land. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(C), 1996]

**17.30.530 Surveys.**

Land surveys or other boundary line determinations shall be required in conjunction with the issuance of a building permit on property subject to the setback requirements set forth in LCC [17.30.500](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.500) to demonstrate compliance with the required setback. [Ord. 1197 §2, 2007; Ord. 1179M §1, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(D), 1996]

**17.30.550 Application process for exclusion from designation as a forest resource land (“opt-out”).**

Repealed. [Ord. 1179, 2002]

**17.30.560 Process for petitioning for designation as a forest land of local importance (“opt-in”).**

An “opt-in” provision is provided for the voluntary designation of properties as forest land of local importance by the property owner(s) upon the timely written notification to the administrator of their desire for such designation. Such application for designation shall be processed as a Type V amendment to the comprehensive plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter 17.12 LCC.

(1) Criteria for Approval of Applications for Voluntary Designation of Forest Lands of Local Importance. Lewis County shall approve applications for designation as forest land of local importance if the following criteria are met:

(a) The property meets the classification criteria set forth for forest lands of local importance in LCC [17.30.430](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html%22%20%5Cl%20%2217.30.430)(2); and

(b) The property owner, as part of the application, provides a notarized statement that he or she will voluntarily commit the subject property to the designation for a period of 10 years from the date of any approval of the application.

(2) Process for Approval of Applications for Designation as Forest Land of Local Importance.

(a) Designation of Forest Land of Local Importance shall be considered as a Type V application.

(b) The board of county commissioners shall make a final decision following the receipt of the recommendation of the planning commission. The board shall hold a public hearing on the matter and make written findings for its decision. Such findings shall be available to the public upon request. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.8, 1996]

**Article V. Agricultural Resource Lands**

**17.30.570 Farmland of local importance.**

“Farmland of local importance” is an overlay district in which property owners who wish to protect large unbroken tracts of land may create an overlay zone in the RDD underlying districts that limits minimum lot size to large parcels and protects and encourages the preservation of larger farms and farm forests where conflicts may arise between these activities and other forms of development allowed in the underlying zones.

The designation of farmlands of local importance is applied to those agricultural lands voluntarily nominated by the landowner which are not designated commercial farmland and meet the following criteria:

(1) Formal Designation (“Opt-In”). Farmlands of local importance shall only be designated by the board of county commissioners upon a voluntary petition for such designation by the landowner pursuant to the requirements of LCC [17.30.670](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.670). Such applications shall be processed as a Type V amendment to the county comprehensive plan and development regulations.

(2) Minimum Acreage. There is no minimum acreage requirement. Farmlands of local importance shall be designated upon a showing that the property meets the Consolidated Farm Services Agency, USDA, definition of commercial agriculture.

(3) Minimum Period for Commitment to Designation. The landowner petitioning for designation as a farmland of local importance shall be required to commit the property to remain in that designation for 10 years. The designation may be renewed by the landowner at the end of the 10-year period; provided, that renewal of the designation shall not be considered an amendment to the comprehensive plan or zoning regulations.

(4) Current Agricultural Land Use. The property is currently devoted to agricultural activities. [Ord. 1197 §2, 2007; Ord. 1179R §1, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.3, 1996. Formerly 17.30.590]

**17.30.580 Maps and inventory.**

(1) This section shall apply to all lots, tracts, or parcels on designated agricultural resource land located within the jurisdiction of Lewis County. The approximate location and extent of farmlands of long-term commercial significance shall be displayed on assessor’s maps marked with significant agricultural lands on file at Lewis County and in the database of the Lewis County Geographic Information System.

(2) In the event of a conflict between the information shown on the maps referred to above and the database and information shown as a result of field investigation, the latter shall prevail.

(3) In the event any farmland of long-term commercial significance shown on the maps referenced above and the database are in conflict with the criteria of this chapter the criteria of this chapter shall prevail. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.4, 1996. Formerly 17.30.600]

**17.30.590 Use exceptions in ARL.**

(1) This section is intended to provide relief for property owners in ARL where prime soils, as listed in the comprehensive plan, do not underlie the entire parcel. The special use process (Chapter [17.158](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17115.html%22%20%5Cl%20%2217.115) LCC) for residential, recreational, and other nonresource uses shall be used to determine if, and under what conditions, such uses shall be permitted. [Ord. 1197 §2, 2007]

**17.30.600 Relief from errors in ARL designation.**

(1) Property owners who believe a parcel has been included in agricultural resource land in error may request redesignation of that parcel as a Type V application per LCC Chapter 17.05.

(2) Property owners who claim a parcel was included in agricultural resource land in error due to incorrect mapping of prime soils, as listed in the land use element of the comprehensive plan, shall provide a written report by a certified soils scientist documenting the actual soils conditions on the parcel. The application shall be considered a Type V application per LCC Chapter 17.05.

(3) Property owners who claim a parcel was included in agricultural resource land in error because soils on the parcel are classified by the National Resources Conservation Service as “prime farmland if drained” and the soils are not drained; or “prime farmland if drained and either protected from flooding or not frequently flooded during the growing season” and the soils are not drained and are not protected from flooding or are subject to flooding during the growing season; or “prime farmland if irrigated” and the parcel is not irrigated due to lack of necessary water rights shall provide a written declaration documenting the drainage or irrigation status of the soils on the parcel. The reclassification will be considered a Type V application per LCC Chapter 17.05.

(4) Property owners who claim a parcel was included in agricultural resource land in error due to an incorrect assessment of the presence of a commercial, non-soil-dependent agricultural use shall provide a written declaration documenting the absence of such use thereby rendering the parcel no longer devoted to or capable of long-term commercial agriculture. The reclassification will be considered a Type V application per LCC Chapter 17.05.. [Ord. 1207 §2 (Exh. D), 2009; Ord. 1197 §2, 2007]

**17.30.605 Uses.**

The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of agricultural lands, and discourage incompatible uses. All primary and accessory uses shall be entitled to protection under the protective provisions of LCC 17.40 [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5, 1996. Formerly 17.30.610]

**17.30.610 Primary uses.**

(1) Agriculture and agricultural activities including aquaculture, viticulture, floriculture, horticulture, general farming, dairy, the raising, feeding, and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation, agricultural processing facilities, commercial greenhouse operations that are an integral part of a local soil-based commercial agricultural operation, wholesale nurseries, and other agricultural activities.

(2) Removal, harvesting, wholesaling, and retailing of vegetation from agricultural lands including, but not limited to, fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.

(3) One single-family dwelling unit or mobile home.

(4) Growing and harvesting of timber. [Ord. 1207 §2 (Exh. D), 2009; Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1151 § 5.5(A), 1996. Formerly 17.30.620]

**17.30.620 Accessory uses.**

Uses allowed outright where directly connected with and in aid of an agricultural activity:

(1) Storage of explosives, fuels, and chemicals used for agriculture and forestry subject to all applicable local, state, and federal regulations;

(2) Structures accessory to farming, animal husbandry, and the growing and harvesting of timber;

(3) Agricultural, environmental, and natural resource research;

(4) Private aircraft landing fields, heliports;

(5) Watershed management facilities, including, but not limited to, diversion devices, impoundments, private dams for flood control, fire control, stock watering, and private hydroelectric generating facilities;

(6) Storage and application of agricultural waste;

(7) Disposal of farm-generated solid waste and application of biosolids;

(8) Agricultural storage, distribution, marketing and processing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities;

(9) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses (RCW [36.70A.177](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.177));

(10) Family day care and home businesses. [Ord. 1207 §2 (Exh. D), 2009; Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(B), 1996. Formerly 17.30.630]

**17.30.630 Incidental uses.**

Uses which may provide supplementary income without detracting from the overall productivity of the farming activity. The listed uses below are allowed where the following elements are found:

(1) Required Elements.

(a) The use will not adversely affect the overall productivity of the farm nor affect any of the prime soils on any farm (including all contiguous tracts or parcels in common ownership) on the date this chapter is effective; provided, however, that prime lands previously converted to noncrop-related agricultural uses, including residential, farm and shop buildings, and associated yards, parking and staging areas, drives and roads, are not considered prime farmlands for purposes of this section.

(b) The use is secondary to the principal activity of agriculture.

(c) The use is sited to avoid prime lands and otherwise to minimize impact on farmlands of long-term commercial significance.

(2) Uses Allowed as Incidental Activities.

(a) Residential subdivision consistent with the requirements of this chapter;

(b) Saw mills, shake and shingle mills, and the production of other products from wood residues, chippers, pole yards, log sorting and storage, debarking equipment, accessory uses including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue storage areas, and other uses involved in the harvesting and commercial production of forest products;

(c) Agribusiness such as but not limited to retail sales of agricultural products, veterinary clinics, auction yards, farm equipment sale and repair;

(d) Regulated treatment of wastewater;

(e) Composting where there is no net loss of soil, managed according to an approved nutrient management plan in conjunction with the local conservation district and NRCS standards and all applicable environmental, solid waste, access, and health regulations. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(C), 1996. Formerly 17.30.640]

**17.30.650 Maximum density and minimum lot area.**

The minimum lot area for any new subdivision, short subdivision, large lot subdivision or exempt segregation of property shall be as follows, except for parcels to be used for uses and activities provided under LCC [17.30.610](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.610) through [17.30.630](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html%22%20%5Cl%20%2217.30.640):

(1) Development Standards - Division of Land for Sale or Lease. The minimum lot area for subdivision of agricultural resource lands shall be 20 acres; provided, however, that a residential subdivision of land for sale or lease, whether lots are over or under five acres in size, may be approved under the following circumstances:

(a) The total density of residential development on the entire contiguous ownership, including existing dwellings, is not more than one unit per 20 acres;

(b) Adequate water and provisions for septic capacity are in fact present;

(c) Development of the subdivision affects none of the prime soils on the contiguous holdings at the time of the adoption of the ordinance codified in this chapter, including all roads and accessory uses to serve the development;

(d) The plat shall set aside the balance of the prime farmlands in a designated agricultural tract;

(e) The plat shall contain the note included in LCC 17.40.025.

 [Ord. 1207 §2 (Exh. D), 2009; Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 §5.6, 1996. Formerly 17.30.660]

**17.30.660 Setbacks.**

(1) For All Non-Farm-Related Development Within Agricultural Resource Areas or on Lands Adjacent to or Abutting Agricultural Resource Lands. All structures shall maintain a minimum setback of 100 feet and all wells shall be set back 200 feet from designated agricultural tracts or any tracts used for agricultural purposes within the past five years, except for structures, uses, and activities provided under LCC [17.30.610](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.610) through [17.30.650](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.650); provided, however, the administrator may reduce the setback where:

(a) It is not reasonable to accomplish the setback given the topography, soils, or shape of the site; and

(b) The owner requesting the administrative variance records an agricultural easement for the benefit of the abutting commercial lands of significance, granting a right to all normal and customary agricultural primary or accessory practices in accordance with recommended best management practices in Lewis County. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.7(A), 1996. Formerly 17.30.670]

**17.30.670 Process for petitioning for designation as a farmland of local importance (“opt-in”).**

An “opt-in” provision is provided for the voluntary designation of properties as farmland of local importance by the property owner(s) upon the timely written notification to the administrator of their desire for such designation. Such application for designation shall be processed as a Type V amendment to the comprehensive plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter [17.12](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1712.html#17.12) LCC.

(1) Criteria for Approval of Applications for Voluntary Designation of Farmlands of Local Importance. Lewis County shall approve applications for designation as farmland of local importance if the following criteria are met:

(a) The property meets the classification criteria set forth for farmlands of local importance in LCC [17.30.570](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.570); and

(b) The property owner, as part of the application, provides a notarized statement that he or she will voluntarily commit the subject property to the designation for a period of not less than 10 years from the date of any approval of the application.

(2) Process for Approval of Applications for Designation as Farmland of Local Importance.

(a) Designation of Farmland of Local Importance shall be considered as a Type V application.

(b)  The board of county commissioners shall make a final decision following the receipt of the recommendation of the planning commission. The board shall hold a public hearing on the matter. The board shall make written findings for its decision and such findings shall be available to the public upon request. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.10, 1996. Formerly 17.30.700]

**17.30.680 Nonregulatory incentives.**

(1) Assessment Relief.

(a) The Lewis County assessor shall consider the agricultural resource lands regulations contained in this chapter when determining the fair market value of land.

(b) Any owner of an agricultural resource land who has dedicated a conservation easement to or entered into a perpetual conservation restriction with a department of the local, state, or federal government, or to a nonprofit organization, to permanently control some or all of the uses and activities within this area may request that the Lewis County assessor reevaluate that specific area with those restrictions.

(c) The administrator shall notify the assessor’s office of any application of this chapter, which results in building restrictions on a particular site.

(2) Open Space. Subject to the criteria established by law, any person who owns a designated agricultural resource land as identified by this section may apply for current use assessment pursuant to Chapter [84.34](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=84.34) RCW. The Open Space Tax Act allows Lewis County to designate lands which should be taxed at their current use value. The county has programs for agricultural lands, small forest lands less than 20 acres in size, and other open spaces. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.10, 1996. Formerly 17.30.710]

**Article VI. Mineral Resource Lands**

**17.30.720 Classification.**

Mineral resource lands of Lewis County are classified according to the following:

(1) Existing Permitted Surface Mining Operations. The contiguous ownership of existing permitted mining operations (including dormant operations) operating under authority of Chapter [78.44](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=78.44) RCW, the Washington State Surface Mining Act, where the remaining operation has extractive minerals valued in excess of $1,000,000.

(2) Areas Containing Mineral Deposits the Significance of Which Cannot Be Evaluated from Available Data.

(a) Areas where a qualified geologist can demonstrate a high likelihood for occurrence of mineral deposits. A qualified geologist shall provide adequate evidence, for the above, in the form of a report and any associated maps that would provide evidence of mineral resources sufficient to meet the following criteria:

(i) The site has extractive materials having a probable value in excess of $500,000 for valuable metallic substances and $1,000,000 for gravel, sand, coal, and other minerals; and

(ii) The site has the potential for economically viable production of extractive materials for the foreseeable future;

(b) Greater than 50 percent of the linear frontage of the perimeter of any proposed designated lands shall abut parcels that are equal to or greater than two and one-half acres in size. Abutting parcels with industrial or wholesale uses are exempt from this parcel size calculation but shall be included in the calculation of total linear frontage; and

(c) The site is outside any designated urban growth area at the time of application for redesignation.

(3) Mines of Local Importance. Mines not otherwise meeting the criteria noted above certified by a qualified geologist as having significant economic importance either due to their location or nature, quantity, or quality of mined product. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.1, 1996]

**17.30.730 Designation.**

(1) Lands of Lewis County meeting the classification criteria set forth in LCC [17.30.720](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.720)(1) are designated as mineral resource lands of long-term commercial significance. Other lands may be designated pursuant to LCC [17.30.850](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.850) within 90 days of the effective date of the ordinance codified in this chapter upon a finding of meeting the classification criteria set forth in LCC [17.30.720](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.720)(1) by the board of county commissioners.

Lands which have been erroneously designated as mineral resource lands of long-term commercial significance may petition for exclusion from that designation through the process set forth for such exclusion in LCC [17.30.840](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.840).

(2) Other lands of Lewis County meeting the classification criteria set forth in LCC [17.30.720](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.720)(2) or (3) are eligible for designation as mineral resource lands of long-term commercial significance subject to approval of a redesignation application pursuant to LCC [17.30.850](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.850).

Mineral resource land may be so designated upon initiation either of the county or a property owner or owners. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.2, 1996]

**17.30.740 Maps and inventory.**

(1) The sand and gravel and ledge rock testing inventory of the Washington State Department of Transportation (WSDOT) Materials Testing Laboratory (“Approved Source of Materials - Lewis County Pits”) or any material to be tested in the future that meets WSDOT specifications.

(2) U.S. Department of the Interior, Geological Survey Bulletin 1053, 1958, “Geology and Coal Resources of the Centralia-Chehalis District, Washington.”

(3) Washington Department of Natural Resources, Division of Geology and Earth Resources Bulletin 47, 1984, “Coal Reserves of Washington.”

(4) Washington Department of Natural Resources, Division of Geology and Earth Resources, Map GM-22, 1978, “Mineral Resources of Washington.”

(5) Washington Division of Mines and Geology Bulletin 37, “Inventory of Washington Minerals,” Part I, “Nonmetallic Minerals,” 1960; Part II, “Nonmetallic Minerals,” 1956; and subsequent updates thereto. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.3, 1996]

**17.30.750 Primary uses.**

(1) Quarrying and mining of minerals or material, including, but not limited to, sand and gravel, sand, rock, clay, coal, and valuable metallic and nonmetallic substances.

(2) The exploitation, primary reduction, treatment, and processing of minerals or materials, together with the necessary buildings, structures, apparatus, or appurtenances on said property where at least one of the major mineral or material constituents being exploited is from said property, including, but not limited to, concrete hatching, asphalt mixing, brick, tile, terra cotta, and concrete products, manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to convert the minerals and materials to marketable products.

(3) Agricultural crops, open field growing, stock grazing, and the harvesting of any wild crop such as marsh hay, ferns, moss, berries, etc. which may coexist with mineral extraction activities within a common ownership.

(4) Existing surface mining operations, operating under the authority of the Washington State Surface Mining Act, Chapter [78.44](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=78.44) RCW.

(5) Mining-related activities and structures.

(6) The maintenance of gas, electric, water, communication, and public utility facilities.

(7) Residences existing at the time of adoption of the ordinance codified in this chapter and any accessory uses, including home occupations associated with such residences. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(A), 1996]

**17.30.760 Accessory uses.**

Uses allowed outright where directly connected with and in aid of a mining activity:

(1) One single-family dwelling or mobile home per contiguous ownership or one single-family dwelling or mobile home per 10-acre unit of that contiguous ownership, whichever is the lesser acreage;

(2) Home occupations associated only with the dwelling;

(3) Buildings accessory to a single-family dwelling or mobile home, such as garages, storerooms, woodsheds, laundry rooms, playhouses, greenhouses, hobby shops, animal or fowl shelters, or similar and related accessory uses;

(4) Storage of explosives, fuels, and chemicals used for agriculture, mining, and forestry subject to all applicable local, state, and federal regulations;

(5) Watershed management facilities including, but not limited to, diversion devices, impoundments, dams for flood control, fire control, stock watering, and hydroelectric generating facilities, when associated with a permitted use or structure. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(B), 1996]

**17.30.770 Incidental uses.**

Uses which may provide supplementary income without detracting from the overall productivity of the mining activity. The listed uses below are allowed where the following elements are found:

(1) Required Elements.

(a) The use will not adversely affect the overall productivity of the mining activity.

(b) The use is secondary to the principal activity of mining.

(c) The use is sited to avoid prime lands where feasible and otherwise to minimize impact on mineral lands of long-term commercial significance.

(2) Uses Allowed as Incidental Activities.

(a) The growing and harvesting of forest products, the operation of portable sawmills and chippers and activities and structures incidental to each, and accessory facilities including, but not limited to, scaling and weigh stations, temporary crew quarters, storage and maintenance facilities, residue storage and disposal areas, and other uses and facilities involved in the harvesting and commercial production of forest products which may coexist with mineral extraction activities within a common ownership.

(b) Public and semipublic buildings, structures, and uses including, but not limited to, fire stations, utility substations, pump stations, and wells.

(c) Commercial extraction and processing of oil, gas, and geothermal resources.

(d) Permanent saw mills, shake and shingle mills, plywood mills, green veneer plants, particle board plants and other products from wood residues, chippers, pole yards, log sorting and storage, buildings for debarking, and drying kilns and equipment.

(e) Structures for agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur-bearing animals, honeybees including feeding operations, Christmas trees, nursery stock, and floral vegetation and other agricultural structures accessory to farming and animal husbandry.

(f) Forestry, environmental, and natural resource research facilities.

(g) Telecommunication facilities and electrical transmission lines. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(C), 1996]

**17.30.790 Standards for existing permits.**

All mining sites for which state or federal mining permits are required and which are subject to this chapter shall be subject to the conditions of those permits. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(A), 1996]

**17.30.800 Lot size/density.**

Prior to full utilization of a designated mineral resource land’s mineral resource potential, subdivisions, short subdivisions, and large lot segregations below 10 acres are prohibited. Exceptions may be made, if it is found by Lewis County to be a necessary part of or accessory to mining operations. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(B), 1996]

**17.30.810 Setbacks - Buffers.**

(1) Within Designated Mineral Resource Lands. Mining operations which are operating under valid state or federal surface mining permits shall use the setback and/or buffer standards contained within any reclamation plan required pursuant to the state or federal laws pertaining to mining land reclamation.

(2) Within Lands Abutting Mineral Resource Lands. Structures requiring a building permit shall maintain a minimum 50-foot setback from the boundary of any designated mineral resource land; provided, however, the administrator may reduce the setback where:

(a) It is not reasonable to accomplish the setback given the topography, soils, or shape of the site.

(b) The owner requesting the administrative variance records a mineral resources easement for the benefit of the abutting commercial lands of significance, granting a right to all normal and customary mineral extraction and processing practices in accordance with best management practices. [Ord. 1197 §2, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(C), 1996]

**17.30.840 Process for petitioning for exclusion from designation as a mineral resource land (“opt-out”).**

Repealed. [Ord. 1179C §1, 2003]

**17.30.850 Process for petitioning for designation as a mineral resource land (“opt-in”).**

An “opt-in” provision is provided for the voluntary designation of properties as mineral resource land by the property owner(s) upon the provision of written notification to the administrator of their desire for such designation. Such application for designation shall be processed as a Type V amendment to the comprehensive plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter [17.12](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1712.html#17.12) LCC.

(1) Criteria for Approval of Applications for Voluntary Designation of Mineral Resource Land. Lewis County shall approve applications for designation of mineral resource land if the following criteria are met:

(a) The property meets the classification criteria for mineral resource lands set forth in LCC [17.30.720](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.720); and

(b) The property owner, as part of the application, provides a notarized statement that lie or she will voluntarily commit the subject property to the designation for a period until full utilization of the mineral resource potential occurs.

(2) Process for Approval of Applications for Voluntary Designation as Mineral Resource Land.

(a) Voluntary designations of mineral resource lands shall be processed as a Type V application per LCC Chapter 17.05.

(b) Board Decision. The board of county commissioners shall make a final decision following the receipt of the recommendation of the planning commission. The board may hold a public hearing on the matter. The board shall make written findings for its decision available to the public upon request. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.7, 1996]

 **Chapter 17.35
CRITICAL AREAS\***

**\*ENTIRE CHAPTER NOT SHOWN DUE TO LENGTH**

**ONLY SECTIONS .460 TO .520 SHOWN**

**17.35.460 Application requirements.**

No separate “application” or permit is required for this chapter if the criteria and requirements of this section are addressed in connection with a land use or development permit required by Lewis County. An activity that alters a critical area or associated buffer that is not addressed by an existing permit shall require an approval administered in accordance with procedures adopted by the administrator. [Ord. 1204 Exh. A § 2, 2008]

**17.35.480 Appeals.**

Any decision made in the administration of this chapter may be appealed in accordance with the appeal provisions provided for the underlying permit per LCC Chapter 17.05.

**17.35.520 Nonconforming activities.**

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, shall be processed under this section and not under 17.155. The nonconforming activity may continue subject to the following:

(1) Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter;

(2) Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter, except one-family dwellings and accessory structures may be expanded or altered as follows: Reconstruction, remodeling, or maintenance of one-family dwellings and accessory structures existing on the effective date of the ordinance codified in this chapter shall be allowed; provided, that a one-time only expansion of the building footprint does not increase that footprint by more than 25 percent;

(3) Activities or uses which are abandoned. A use discontinued for 60 months shall be presumed abandoned, but such presumption may be rebutted. An abandoned use or structure is allowed to resume only if in compliance with this chapter; and

(4) Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction of the same facility is commenced within two years of such damage. The reconstruction or restoration shall not serve to expand, enlarge, or increase the extent of the nonconformity. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1150 § 3.8, 1996]

**Chapter 17.35A
CRITICAL AREAS\***

**\*ENTIRE CHAPTER NOT SHOWN DUE TO LENGTH**

**ONLY SECTIONS .460 TO .530 INCLUDED**

**17.35A.460 Application requirements.**

No separate “application” or permit is required for this chapter if the criteria and requirements of this section are addressed in connection with a land use or development permit required by Lewis County. An activity that alters a critical area or associated buffer that is not addressed by an existing permit shall require an approval that shall be administered in accordance with procedures adopted by the administrator. [Ord. 1204 Exh. A § 2, 2008]

**17.35A.480 Appeals.**

Any decision made in the administration of this chapter may be appealed in accordance with the appeal provisions provided for the underlying permit per LCC Chapter 17.05.

**17.35A.520 Nonconforming activities.**

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, shall be processed under this section and not under 17.155. The nonconforming activity may continue subject to the following:

(1) Nonconforming uses shall not be expanded or changed in any way that increases the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter;

(2) Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit or other approval issued pursuant to the provisions of this chapter, except one-family dwellings and accessory structures may be expanded or altered as follows: reconstruction, remodeling, or maintenance of one-family dwellings and accessory structures existing on the effective date of the ordinance codified in this chapter shall be allowed; provided, that a one-time only expansion of the building footprint is allowed if expansion outside the critical area or buffer is not feasible, and provided the expansion is outside a waterbody or wetland and in the direction opposite from the critical areas protected, does not increase that footprint by more than 25 percent and; provided, that if on a geologically hazardous area a technical report demonstrates that the use does not constitute a risk to occupants or adjacent lands;

(3) Activities or uses which are abandoned. A use discontinued for 60 months shall be presumed abandoned, but such presumption may be rebutted. An abandoned use or structure is allowed to resume only if in compliance with this chapter; and

(4) Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction of the same facility is commenced within two years of such damage. The reconstruction or restoration shall not serve to expand, enlarge, or increase the extent of the nonconformity, except as provided in subsection (2) of this section. [Ord. 1204 Exh. A § 2, 2008]

**17.35A.530 Reasonable use and variances.**

Permit applicants who are unable to comply with the specific standards of this chapter may seek approval pursuant to the reasonable use or variance standards and procedures provided for in this section. If an applicant for a proposal demonstrates to the satisfaction of the administrator that application of the standards of this chapter would constitute an extraordinary hardship to the applicant, a variance to such standards shall be granted if the applicant also demonstrates all the following to the satisfaction of the administrator:

(1) Reasonable Use Standard. This chapter is not intended to preclude all reasonable economic use of property. If the application of this chapter would deny all reasonable economic use of the subject property, including agricultural use, use or development shall be allowed if an applicant for a proposal demonstrates all the following to the satisfaction of the administrator:

(a) There is no portion of the site where the provisions of this chapter allow reasonable economic use, including agricultural use or continuation of legal nonconforming uses;

(b) That there is no feasible alternative to the proposed activities, including locating the activity on a contiguous parcel that has been under the ownership or control of the applicant since the effective date of the ordinance codified in this chapter, change in use, reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the critical area and its related buffer;

(c) That the proposed activities will result in minimum feasible alteration or impairment to the critical area’s functional characteristics and its existing environment;

(d) That disturbance of critical areas has been minimized by locating any necessary alteration as far as possible from critical areas and the project employs all reasonable methods to avoid or mitigate adverse effects on critical area functions and values, including maintaining existing topography, and hydrology and maintaining or enhancing existing vegetation through site planning including road or driveway location. Disturbance or activities shall be located in a related buffer to the extent possible rather than in the critical area;

(e) That the proposed activities will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, or sensitive species or habitats;

(f) That the proposed activities will not significantly affect the quality of ground water or surface water quality;

(g) That the proposed activities comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;

(h) That any and all alterations to critical areas and their related buffers will be mitigated as required by the provisions of this chapter;

(i) That there will be no injury to nearby public or private property and no significant effect upon the health, safety, or welfare of persons within or outside of the property; and

(j) That the inability to derive reasonable economic use of the property is not the result of deliberate actions by the applicant or prior owners after the effective date of the ordinance codified in this chapter.

(k) In the case of development of a single-family dwelling on a single contiguous parcel under one ownership as of the effective date of the ordinance codified in this chapter, the director may approve up to 2,500 square feet of land disturbance as part of ministerial building permit approval without meeting criteria in subsections (1)(a) and (b) of this section; provided, that additional disturbance may be allowed for a driveway required to be longer than 50 feet in order to meet criteria in subsection (1)(d) of this section.

(2) Notice of a reasonable use request shall be given in conjunction with the notice of any permit application; provided, that if such permit application does not require a public hearing, the reasonable use request for a use other than specified in subsection (1)(k) of this section shall be scheduled for hearing before the administrator upon the same notice as provided for other public hearings required by county subdivision ordinance.

(3) Variance Standards. In cases where the reasonable use criteria do not apply, or for variance from other standards of this chapter, the hearing examiner may grant a variance from the requirements in this chapter in accordance with the procedure and criteria in LCC [17.162](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17160.html%22%20%5Cl%20%2217.160.010). [Ord. 1204 Exh. A § 2, 2008]

**Chapter 17.40
RIGHT TO FARM, FOREST AND MINE**

Sections:

[17.40.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1740.html#17.40.010)    Title.

[17.40.020](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1740.html#17.40.020)    Purpose.

[17.40.025](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1740.html%22%20%5Cl%20%2217.40.020)    Notification of proximity to natural resource lands – conflict mitigation.

[17.40.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1740.html#17.40.040)    Right to farm.

[17.40.050](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1740.html#17.40.050)    Right to mine.

**17.40.010 Title.**

This chapter shall be cited as the Lewis County right to farm, forest, and mine chapter. [Ord. 1197 §3, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 1, 1991]

**17.40.020 Purpose.**

The purpose of this chapter to promote and protect agriculture, forestry and mining activities on designated resource lands in Lewis County.

(1) Where nonresource land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in natural resource land improvements to the detriment of adjacent natural resource land uses and the economic viability of the county’s resource industry as a whole. It is the purpose and intent of this chapter to reduce the loss of its natural resource lands by limiting and defining the circumstances under which natural resource lands management operations may be considered a nuisance. This chapter is not to be construed as in any way modifying or abridging county, state or federal laws; rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and county regulations.

(2) An additional purpose of this chapter is to promote a good neighbor policy between natural resource lands and nonresource land property owners by advising purchasers, developers and users of property adjacent to or near natural resource land management operations of the inherent potential problems associated with such purchase of the property, including, but not limited to, the use of chemicals, or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, odor and the hours of operation that may accompany natural resource land management operations. It is intended that through mandatory disclosures purchasers and users will better understand the impact of living near natural resource lands and be prepared to accept attendant conditions as the natural result of living in or near natural resource lands and rural areas.

(3) An additional purpose of this chapter is to provide notice, through a disclosure statement, of the potential incompatibilities, inconveniences and discomforts that may arise from natural resource land management activities.

**17.40.025 Notification of proximity to natural resource lands – conflict mitigation**

(1) Properties located a certain distance from resource lands shall be provided notice of the resource related activities as follows:

(a) Required Notice Provisions:

1. NOTICE: The subject property is within or near land designated for long-term commercially significant resource use in which natural resource activities are permitted and encouraged, including a variety of activities that may not be compatible with residential or other types of development for certain periods extending beyond the normal workday and/or work week. In addition to other activities, these may include noise, dust, smoke, visual impacts, and odors. When performed in accordance with best management practices, these resource utilization activities are to be expected and shall not be subject to legal action or public nuisance.
2. For mineral resource lands, the notice shall also inform the project proponent that an application may be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(b) For building or development permits, this notice shall be provided as a condition of permit approval.

(c) Where the approval is a subdivision or binding site plan, the notice shall be recorded on the face of the plat.

 (2)  This notice shall be provided for projects on:

(a) Lands within 1,320 feet of designated agricultural resource lands.

(b) Lands within 500 feet of designated forest resource lands.

(c) Lands within 1,320 feet of designated mineral resource land.

**17.40.040 Right to farm.**

No agricultural activity, operation, facility or appurtenances thereof, as defined in RCW 7.48.310, shall be or become a nuisance as defined in Chapter [1.22](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty01/LewisCounty0122.html#1.22) LCC, regardless of past or future changes in the surrounding area’s land use or zoning designation, when conducted or maintained: for commercial purposes, in a manner consistent with current best management practices, and in a manner not superseding local, state or federal regulations. This policy recognizes that best

(1) Notwithstanding any other provision in this chapter, agricultural activities conducted on ARL or RDD farmlands, if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

(2) If that agricultural activity is undertaken in conformity with generally accepted agricultural and management practices and with federal, state and local laws and regulations and health department guidelines, the activity is presumed to be good agriculture practice and not adversely affecting the public health and safety.

(3) A farm operation shall not be restricted in its activities to time of day or days of the week, but shall be conducted according to generally accepted agricultural and management practices. [Ord. 1197 §3, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 4, 1991]

**40.050**

**RURAL ZONES**

## Chapter 17.42RURAL AREA ZONING SUMMARY

Sections:

[17.42.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html#17.42.010)    Purpose.

[17.42.015](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html#17.42.015)    Conflicts.

[17.42.020](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html#17.42.020)    General conditions.

[17.42.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html#17.42.030)    Land use summary – Local areas of more intensive rural development.

[17.42.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html#17.42.040)    Land use summary – Rural lands.

### 17.42.010 Purpose.

Rural lands are divided into a number of zoning districts. The uses permitted in each of the zoning districts are set forth on a zoning chart which is intended to identify uses and limitations. [Ord. 1197 §4, 2007; Ord. 1179, 2002]

### 17.42.015 Conflicts.

Where there are conflicts between the text and the zoning summary charts at LCC [17.42.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html#17.42.030) and [17.42.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html#17.42.040), said charts shall prevail. [Ord. 1197 §4, 2007; Ord. 1179, 2002]

### 17.42.020 General conditions.

In order to assure protection of the elements of rural character defined in state law, Lewis County has identified a four-tier system of uses in rural lands. The four tiers are as follows:

|  |  |
| --- | --- |
| Tier I: | Permitted uses commonly found in rural areas of Lewis County. |
| Tier II: | Administrative review and special use permits to assure that the project is consistent with development regulations and meets the rural cluster standards for Lewis County. |
| Tier III: | Uses commonly found in and appropriate for rural areas, but limited in number, reflecting the need to avoid undue proliferation so as to protect rural character. |
| Tier IV | Master planned resorts, fully-contained communities, and major industrial sites which may be located in rural areas if they meet the statutory criteria for siting. |

[Ord. 1197 §4, 2007; Ord. 1179, 2002]

### 17.42.030 Land use summary – Local areas of more intensive rural development.

See Table 1 of this section. [Ord. 1197 §4, 2007; Ord. 1179, 2002]

| **TABLE 1: Rural Area Land Use – LAMIRDS Zoning Summary** |
| --- |
| **Use Tier** | **Uses of****Rural Area Lands** | **17.45****Small Town Mixed Use** | **17.50****Small Town Residential** | **17.55****Small Town Industrial** | **17.60****Crossroad Commercial** | **17.65****Freeway Commercial** | **17.95****Rural Residential Center/Shoreline Residential** |
| I | Sales service(nonresource use) | P - to 10,000 ft.2 | X | P - related to industrial or resource use | P - < 5,000ft2(small scale) | P - to 10,000 ft.2per use | X |
| II | SUP- >10,000ft2 |   |   |   |   |
| I | Retail sales (nonresource use) | P - to 10,000 ft.2 | X | P - related to industrial or resource use | P- < 5,000ft2(primarily serve local) | P - to 10,000 ft.2 per use | X |
| II | SUP- >10,000ft2 |   |   |   |
| I | Professional services (includes offices)(nonresource use) |  P |  X |  P |  P- < 5,000 ft2 |  P |  X |
| II | Essential public facilities – Local | SUP | SUP | SUP | SUP | SUP | SUP |
| n/a | Major | Amend CP | Amend CP | Amend CP | Amend CP | Amend CP | Amend CP |
| I | Public facilities, public services, and utilities |  P |  P |  P |  P |  P |  P |
| I | Schools, cemeteries, religious, community centers |  P |  P |  X |  P |  P |  P |
| I | Recreation, hospitality, and tourist: |  |  |  |  |  |  |
|   | Bed and breakfast (up to 10 guest suites); | P | P | X | P | P | P |
|   | Motels (100 units); | P | X | X | X | P | X |
|   | Restaurants (150 seats) | P | X | X | X | P | X |
| I | Residential single family,4 units/acre | P | P | X | P on existing lots | X (except caretaker) | n/a |
| I | Residential centers | n/a | n/a | n/a | n/a | n/a | Density set on map |
| I | Residential: duplex, multifamily, 6 units/acre |  P |  P |  X |  P on existing lots |  X |  X |
| I | Retirement, boarding, convalescent home(not state licensed)6 persons (in addition to owner’s family) | P | P | X | P on existing lots | X | P |
| II | > 6 persons | SUP | SUP | X | SUP | SUP | SUP |
| II | Group homes (applies to all state-licensed facilities) | SUP |  SUP |  X |  X |  X |  SUP |
| II | Animal kennels | SUP | X | SUP | SUP | SUP | X |
|  I | Home occupations (cottage industries)A. In existing residence or associated outbuildings, by owner-occupant, plus 2 nonresident FTE. No exterior appearance of the business except a small sign. No vehicles used off-site for the business; okay to park vehicles overnight. |  P   |  P   |  P   |  P   |  P   |  P   |
| II | B. Businesses with up to 5 on-site nonresident FTE plus owner-occupant. May include new structures up to 5,000 ft.2. | A | A | A | A | A | X |
| II | C. Uses permitted through the special use permit process, Up to 10,000 ft.2 with up to 10 nonresident FTE on site. | SUP | SUP | SUP | SUP | SUP | X |
| II | Manufacturing, assembly, and process of goods | SUP- to 5,000ft2 | X | P to 20,000ft2SUP >20,000 ft2 | X | SUP- to 10,000ft2 | X |
| II | Storage, transportation & handling of goods | SUP- to 5,000ft2 | X | P to 20,000ft2(via Tier I)SUP>20,000 ft2 | X | SUP- to 10,000ft2 | X |
| II | Shoreline uses from (SMP) Shoreline Master Program – Permit exempt |  P(Use density, DRs, or SMP, whichever is more restrictive) |  P(Use density, DRs, SMP, whichever is more restrictive) |  P(Use density, DRs, or SMP, whichever is more restrictive) | X | n/a |  P(Use density, DRs, or SMP whichever is more restrictive) |
| II | Shoreline permit also required for non-exempt activity within 200 ft. of shoreline |   |   |   |
| I | On-site treatment/ storage of hazardous waste | P - accessory | P- accessory | P - accessory | P - accessory | P - accessory | P - accessory |
| KEY | P = Permitted Use | SUP = Special Use Permit |   |
|   | A = Administrative Review | X = Prohibited |   |
|   | n/a = not applicable |   |   |   |   |

### 17.42.040 Rural area land use zoning summary.

See Table 2 of this section. [Ord. 1210 §1 (Exh. 1, Att. C), 2009; Ord. 1197 §4, 2007; Ord. 1179, 2002].

| **Table 2: Rural Area Land Use Zoning Summary** |
| --- |
| **Tier** | **Use** | **R 1-5** | **R 1-10** | **R 1-20** |
| I | Single family residential | P | P | P |
| I | Additional residential | Family member unit limited | Family member unit limited | Family member unit limited |
| I | Family member unitAdditional accessory use | PP | PP | PP |
| III | Clustering:-Location: No more than 24 new cluster subdivision units in any 1/2 mile radius; provided such limit does not apply where there is a physical barrier visually separating the facilities-Size: [Most rural developments are 6 due to water right limitations]Cluster Subdivision - up to 6Cluster Subdivision >6 | PSUP | PSUP | PSUP |
| I | Cemeteries | P | P | P |
|   | Churches: |   |   |   |
| I | up to 6,000 sq.ft., 5 acres developed | P | P | P |
| II | up to 10,000 sq.ft., on 10 acres | A | A | A |
| I | Schools – in or within 5 miles of a small town | P | P | P |
|   | Community centers, grange halls, buildings of public assembly |   |   |   |
| I | up to 6,000 sq.ft., 5 acres developed | P | P | P |
| II | up to 10,000 sq.ft., on 10 acres | A | A | A |
| II | Group homes (applies to all state-licensed facilities) | SUP | SUP | SUP |
| III | Retirement, convalescent homes, and similar uses not requiring state licensing. up to 6 persons;7 - 20 persons | PSUP | PSUP | PSUP |
| II | Utilities, roads, support facilities; and public facilities, public services, including parks | A | A | A |
|   | Essential public facilities |   |   |   |
| II | Local | SUP | SUP | SUP |
| n/a | Regional | Amend CP | Amend CP | Amend CP |
| I | Home-Based Business (cottage industries)A. In an existing residence or associated outbuilding, by the occupant and 2 FTE employee(s), for a total of 3, where there is no outward manifestation of the business other than a small sign, or vehicles used off site for business purposes. Overnight parking of vehicles and off site okay. |  P |  P |  P |
| II | B. Businesses which have up to 5 FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 sq.ft. | A | A | A |
| III | C. Uses permitted through the special use permit process. Such uses may be up to 10,000 sq.ft. and may have up to 10 FTE on site.  | SUP | SUP | SUP |
| III | Isolated Small Business (Nonresource)A. Businesses which have up to 5 FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 sq.ft. |  A |  A |  A |
| III | B. Uses permitted through the special use permit process. Such uses may be up to 10,000 sq.ft. and may have up to 10 FTE on site. | SUP | SUP | SUP |
| Section 1 |
| III | A. Bed and Breakfast-Location: existing or new residential construction-Size: up to 10 rooms for rent | P | P | P |
| III | B. Motels/Inns, up to 30 rooms-Location: arterial or state highway-Size: 5 acres or less | SUP | SUP | X |
| III | C. Country Inn-Location: Recreation areas-Size: 10-acre minimum lot size | X | SUP | SUP |
| III | D. Food service establishments-Location: arterial or state highway-Size: 5 acres or less | SUP | SUP | X |
| III | E. Recreation service retail not to exceed 5,000 sf(Boat shop, boat & tackle shop, camping supplies, limited grocery and sundries, including storage)-Location: State highway or direct access to recreation area-Size: 2 acres or less, not to exceed 5,000 sq. ft. per building | A | A | A |
| IIIIV | F. Campgrounds and Recreation Facilities-Location: Recreation areas-Size: Up to 100 sites and/or up to 10 acresOver 100 sites and/or up to 40 acresOver 100 sites and/or more than 40 acres | SUPRMPMPR | SUPRMPMPR | SUPRMPMPR |
|  |  |  |  |  |
| III | G. New regional auctioneering facility and supporting uses on sites not less than 80 acres nor greater than 240 acres | SUP | SUP | SUP |
| III | H. RV parks-Location: recreation areas or 2 miles from state hwy.-Size: Up to 100 sites and/or up to 10 acresOver 100 sites and/or up to 40 acres | SUPRMP | SUPRMP | SUPRMP |
| IV | Over 100 sites and/or more than 40 acres | MPR | MPR | MPR |
| III | I. Convenience grocery or fuels-Location: on state highway or arterial-Size: one acre or less developed portion(Also permitted as accessory use to “E” above.) | P | P | P |
| II | J. Shoreline permitted/conditional uses per shoreline master program and critical area requirements-SMA-exempt activities must be consistent with shoreline master program | A | A | A |
| II | SMA non-exempt activities-Residential uses must comply with zoning limits | Substantial dev. permit | Substantial dev. permit | Substantial dev. permit |
| III | K. Tourist/rest stops-Freeway, a cluster of uses-Location: on lots which have a portion within 500 ft. of an Interstate 5 on/off-ramp-Uses: A-D, G above-Size limits: double A-E, I above | A | A | A |
| III | L. Rural Resorts (replaces stand-alone resorts)-Location: recreation areas-Size: < 75,000 sq. ft. developed floor area and/or 15 acres impervious surface | SUP | SUP | SUP |
| IV | Larger Projects | MPR | MPR | MPR |

| **Table 2: Rural Area Land Use Zoning Summary** |
| --- |
| **Tier** | **Use** | **R 1-5** | **R 1-10** | **R 1-20** |
| Section 2\* |
| II | A. New equestrian facilities with events up to 100 participants (up to 6 events per year may draw larger (e.g., 4H or similar) shows) | SUP | SUP | SUP |
| IV | Larger new facilities | MPR | MPR | MPR |
| IIIV | B. Motor sports up to 20 acres developedLarger facilities | XMPR | SUPMPR | SUPMPR |
| II  | C. New or non-exempt commercial sport facilities (e.g., including but not limited to soccer, baseball, track and field) | SUP | SUP | SUP |
| I | Isolated commercial events (no permit facilities required) (e.g., soccer tournament) | P | P | P |
| II | D. New, outdoor pistol, rifle, skeet, and other related facilities | X | SUP | SUP |
| II | Indoor pistol, rifle, skeet, and other related facilities | A | A | A |
|   | E. New golf courses, driving ranges, and related facilities |   |   |   |
| II | 200 acres or less | SUP | SUP | SUP |
| IV | >200 acres-accessory uses must meet rural criteria | MPR | MPR | MPR |
| II | F. Special purpose subdivisions(such as water ski lakes, air parks, and equestrian subdivisions)-Location: In special subdivisions; requires subdivision approval | A | A | A |
| Section 3 |
| I | Animal hospital/boarding | P | P | P |
| II | New private aviation facilities, 9 or fewer permanently-based aircraft, or a private aviation subdivision | SUP | SUP | SUP |
| II | New public aviation facilities, 10 or more permanently-based aircraft (see LCC [17.158.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17115.html%22%20%5Cl%20%2217.115.030)(6))  | SUP | SUP | SUP |
|  |  |  |  |  |
|  |  |  |  |  |
| III | Mineral resource useBelow DNR thresholdNew or expansion of existing approved mine area | PSUP | PSUP | PSUP |
| III | Forestry uses listed in LCC [17.30.450](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.450)(1) and (2)Forest resource accessory use, mills, log yardsA. Temporary (less than 1 year/portable)B. Permanent (fixed installation or more than 1 year) | PPP/SUP over 20 acres | PPP/SUP over 20 acres | PPP/SUP over 20 acres |
| I | Agricultural uses as listed in LCC in LCC [17.30.610](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.610),[17.30.620](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html#17.30.620) and 17.30.630\*\* | P | P | P |
| KEY: | P = Permitted Use | SUP = Special Use Permit |
|   | A = Administrative Review | RMP = Rural Master Plan |
|   | X = Prohibited | MPR = Master Planned Resort (county and state planning requirements) |
|   |   | MIP = Major Industrial Park (county and state planning requirements) |
| \* [Section 2] Exempt Activities: Facilities used for personal or limited activities - no charge or cover costs. |
| \*\* The following agricultural uses require special use permits through the hearing examiner: |
|   | • Agricultural processing facilities.• Commercial greenhouse operations.• Wholesale nurseries.• Watershed management facilities, including, but not limited to, diversion devices, impoundments, private dams for flood control, fire control, stock watering, and private hydroelectric generating facilities.• Storage and application of agricultural waste.• Disposal of farm-generated solid waste and application of biosolids.• Regulated treatment of wastewater.• Composting managed according to an approved nutrient management plan in conduction with the local conservation district and NRCS standards and all applicable environmental, solid waste, access, and health regulations.• Confined animal feeding operations.• Storage of explosives, fuels, and chemicals used for agriculture and forestry, subject to all local, state, and federal regulations.• Private aircraft landing fields, heliports.• Agricultural storage and processing. |

## Chapter 17.80AIRPORT OBSTRUCTION ZONING (RA)

Sections:

[17.80.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.010)    Short title.

[17.80.020](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.020)    Definitions.

[17.80.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.030)    Airport zones.

[17.80.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.040)    Airport zone height limitations.

[17.80.050](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.050)    Use restrictions.

[17.80.060](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.060)    Nonconforming uses.

[17.80.070](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.070)    Permits - Future uses.

[17.80.080](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.080)    Permits - Existing uses.

[17.80.090](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.090)    Permits - Nonconforming uses abandoned or destroyed.

[17.80.100](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.100)    Variances.

[17.80.110](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.110)    Obstruction marking and lighting.

[17.80.120](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.120)    Special use permit.

[17.80.130](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.130)    Fees.

[17.80.140](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.140)    Appeals - Procedure.

[17.80.150](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.150)    Appeal from the examiner.

[17.80.160](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.160)    Hearing notice.

[17.80.170](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.170)    Recessed hearings.

[17.80.180](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.180)    Enforcement.

[17.80.190](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.190)    Violation - Penalties.

[17.80.200](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.200)    Conflicting regulations.

### 17.80.010 Short title.

This chapter shall be known and may be cited as the airport obstruction zoning chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 1, 1993]

### 17.80.020 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words and phrases shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion.

(1) “Airport” means the Packwood Airport, Ed Carlson Memorial Airport, or Chehalis/Centralia Airport.

(2) “Airport elevation” means the highest point of an airport’s usable landing area measured in feet from sea level.

(a) For the Packwood Airport this elevation is 1,053 feet above mean sea level.

(b) For the Ed Carlson Memorial Field Airport, this elevation is 375 feet above mean sea level.

(c) For the Chehalis-Centralia Airport, this elevation is 174 feet above mean sea level.

(3) “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in LCC [17.80.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.040). The perimeter of the approach surface coincides with the perimeter of the approach zone.

(4) “Approach, transitional, horizontal, and conical zones” are set forth in LCC [17.80.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.030).

(5) “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a given slope for a certain distance.

(a) For the Packwood Airport, this slope is 20:1 for a horizontal distance of 4,000 feet.

(b) For the Ed Carlson Memorial Field and Chehalis-Centralia airports, this slope is 34:1 for a horizontal distance of 4,000 feet.

(6) “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(7) “Height”, for the purpose of determining the height limits in all zones set forth in this chapter and shown on the approach and clear zone map, shall be mean sea level elevation unless otherwise specified.

(8) “Horizontal surface” means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone.

(a) For the Packwood Airport, this horizontal plane is 1,203 feet above mean sea level.

(b) For the Ed Carlson Memorial Field Airport, this horizontal plane is 525 feet above mean sea level.

(c) For the Chehalis-Centralia Airport, this plane is 324 feet above mean sea level.

(9) “Larger than utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft. This definition shall only apply to the Chehalis-Centralia Airport.

(10) “Nonconforming use” means any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

(11) “Nonprecision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. This definition shall only apply to the Chehalis-Centralia Airport.

(12) “Obstruction” means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in LCC [17.80.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.040).

(13) “Person” means an individual, firm, copartnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district.

(14) “Primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in LCC [17.80.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.030). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(15) “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

(16) “Structure” means an object, including a mobile object, constructed or installed by persons, including but without limitation buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

(17) “Transitional surfaces” means those surfaces that extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

(18) “Tree” means any object of natural growth.

(19) “Utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(20) “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 2, 1993]

### 17.80.030 Airport overlay maps.

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Packwood, Ed Carlson Memorial Field, and Chehalis-Centralia airports.

(1) For the Packwood and Ed Carlson Memorial Field airports, such zones are shown on the airport approach and clear zone map, which is adopted by reference as part of this chapter.

(2) For the Chehalis-Centralia Airport, such zones are shown on the Chehalis-Centralia Airport Imaginary Surfaces Drawing, prepared in conjunction with the Airport Master Plan (2000), Map 85 at 17.200.030 which is adopted by reference as part of this chapter.

An area located in more than one of the zones is considered to be only in the zone with the more restrictive height limitation.

**17.80.035 Airport zones.**

The various zones are hereby established and defined as follows:

(1) Approach Zone.

(a) Packwood Approach Zone. For the Packwood Airport, the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide for Runway 1/19. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(b) Ed Carlson Approach Zone. For the Ed Carlson Memorial Field Airport, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide for Runway 5/23. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(c) Chehalis-Centralia Larger than Utility Approach Zone. For the Chehalis-Centralia Airport, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(2) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(3) Horizontal Zone.

(a) For the Packwood and Ed Carlson Memorial Field airports, the horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(b) For the Chehalis-Centralia Airport, the horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(4) Conical Zone.

(a) For the Packwood Airport, the conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at 20:1 therefrom for a horizontal distance of 4,000 feet. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 §3, 1993]

(b) For the Ed Carlson Memorial Field and Chehalis-Centralia airports, the conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at 34:1 therefrom for a horizontal distance of 4,000 feet.

**17.80.040** **Airport zone height limitations**

(1) General. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(a) Approach Zone.

(i) For the Packwood Airport, slopes 20 feet outward for each foot upward (20:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(ii) For the Ed Carlson Memorial Airport, slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(iii) For the Chehalis-Centralia Airport larger than utility approach zone, slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(b) Transitional Zones. Slopes seven feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation.

(c) Horizontal Zone. Established at 150 feet above the airport elevation.

(i) For the Packwood Airport, at a height of 1.203 feet above mean sea level.

(ii) For the Ed Carlson Memorial Field Airport, at a height of 525 feet above mean sea level.

(iii) For the Chehalis-Centralia Airport, at a height of 324 feet above mean sea level.

(d) Conical Zone.

(i) For the Packwood Airport, slopes 20 feet outward for each foot upward (20:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 4, 1993]

(ii) For the Ed Carlson Memorial Field and Chehalis-Centralia Airports, slopes 34 feet outward for each foot upward (34:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

### 17.80.050 Use restrictions.

(1) Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Uses within the mapped areas shall be consistent with RCW [36.70A.547](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.547) to discourage the siting of incompatible uses adjacent to public aviation airports.

(a) The mapped area is the minimum area necessary to protect general airport activities.

(b) Incompatible uses shall include residential uses, places of public assembly, and medical facilities involving the care of people or animals. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 5, 1993]

### 17.80.060 Nonconforming uses.

(1) Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter, and is diligently prosecuted. However, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Administrator under the procedures specified in LCC [17.80.070](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.070) through [17.80.130](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.130). No permit shall be granted that would permit a nonconforming tree to become higher or a nonconforming structure to be made or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when application for a permit is made.

(2) Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 6, 1993]

### 17.80.070 Permits - future uses.

(1) Except as specifically provided in subsections (2) and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with LCC [17.80.100](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1780.html#17.80.100).

(2) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones;

(3) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones;

(4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

### 17.80.080 Permits - Existing uses.

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

### 17.80.090 Permits –Nonconforming uses abandoned or destroyed.

Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

**17.80.100 Variances.** Variances from the standards of this chapter shall be processed in accordance with LCC 17.162.010.

### 17.80.110 Obstruction marking and lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner’s expense, such markings and lights as may be necessary. If deemed proper by the planning commission, this condition may be modified to require the owner to permit the airport owner, at its own expense, to install, operate, and maintain the necessary markings and lights. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

### 17.80.120 Special use permit.

Any proposed use located in an approach zone shall be treated as a Type III special use application, per LCC 17.05.

**Chapter 17.120
MASTER PLANS–RURAL AREA USES**

Sections:

[17.120.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17120.html#17.120.010)    Purpose.

[17.120.020](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17120.html#17.120.020)    Application.

[17.120.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17120.html#17.120.030)    Complete application–vesting.

[17.120.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17120.html#17.120.040)    Process.

**17.120.010 Purpose.**

The purpose of the master plan process is to identify a means of planning development for an entire property as a prerequisite for development on any portion of the property.

**17.120.020 Application.**

A master plan for rural area uses shall be processed as a Type III application. Where the division of land is sought as part of the application, the applicant may submit a binding site plan for the proposal, instead of a master plan, so long as the site plan addresses the requirements included within this chapter. The application must be signed by the owners of at least 50 percent of the property subject to the plan.

**17.120.030 Master Plan Required.**

**17.120.040 Process.**

Master plans must identify compliance with the comprehensive plan and detail the source and adequacy of water, wastewater treatment, fire control, transportation, storm water treatment, surface and ground water protection, critical areas and protection, and mitigation of adjacent properties from direct impacts from noise, fugitive dust, odor, and runoff.

(1) The hearings examiner shall review the master plan and make written findings on the following issues:

(a) The plan is consistent with and promotes the goals of the comprehensive plan and the implementing development regulations.

(b) Adequate provision is made for public services and facilities concurrent with the development.

(c) On site public services or facilities are limited to the project area and not available to spur growth outside the master plan area.

(d) Adequate provision is given adjacent properties from the impacts of noise, fugitive dust, odor, and runoff.

(e) Adequate protection is given critical areas, including surface and ground water.

(f) County standards are met as provided in Chapter [17.145](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17145.html%22%20%5Cl%20%2217.145) LCC.

(2) The hearings examiner may condition such master plan based on written recommendations in environmental documents, the comprehensive plan, and as otherwise necessary to comply with the requirements of this ordinance.

**Chapter 17.125
ESSENTIAL PUBLIC FACILITIES**

Sections:

[17.125.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17125.html#17.125.010)    Purpose.

[17.125.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17125.html#17.125.030)    Procedure.

**17.125.010 Purpose.**

The purpose of this chapter is to identify means of siting essential public facilities within the rural zones of Lewis County. Within incorporated IUGAs [UGA’s\*] city criteria shall prevail. [Ord. 1170B, 2000]

**17.125.030 Procedure.**

(1) Essential public facilities–major. All major essential facilities may be considered through a Type V comprehensive plan amendment and rezone per LCC Chapter 17.05. The sponsoring agency may request such an amendment. Areas of specific consideration shall include the need for the facility, the ability of the community to provide adequate public facilities and meet concurrency requirements, the impact on designated resource lands, and the ability of the community to adequately mitigate, or compensate, where appropriate, local residences significantly impacted by the project.

(2) When consistent with requirements in the comprehensive plan and zoning code, future development of essential public facilities may be considered as part of a Type III master plan submitted pursuant to Chapter [17.120](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17120.html%22%20%5Cl%20%2217.120) LCC.

(3) Essential public facilities–local. All facilities identified as essential public facilities–local shall be processed as a Type III application per LCC 17.05. [Ord. 1179, 2002; Ord. 1170B, 2000]

(a) Special conditions.

(i) The use is located in accordance with the criteria identified in a comprehensive plan adopted by the service provider.

(ii) If outside a UGA, the use can be accommodated without requiring urban services or promoting urban growth in rural areas.

**Chapter 17.155
NONCONFORMING USES AND PARCELS**

Sections:

[17.155.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17155.html#17.155.010)    Continuation.

[17.155.020](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17155.html#17.155.020)    Expansion of nonconforming use.

[17.155.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17155.html#17.155.030)    Zone district change - continuation.

[17.155.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17155.html#17.155.040)    Change to another nonconforming use.

[17.155.050](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17155.html#17.155.050)    Damage or destruction - rebuilding permitted.

[17.155.060](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17155.html#17.155.060)    Lots of record.

[17.155.065](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17155.html#17.155.065)    Nonconforming lots of record.

**17.155.010 Continuation.**

Except as otherwise provided in this chapter, the lawful use of any building or structure (whether or not covered by UBC or L&I), building, land, or premises, existing on the effective date of adoption or amendment of this ordinance, may be continued although such use does not conform to the provisions hereof. If such nonconforming use is discontinued for a period of 36 months or more, any future use of said building, land, or premises shall be consistent with the provisions of Title [17](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17.html#17). [Ord. 1170B, 2000]

**17.155.020 Expansion of nonconforming use.**

Nonconforming uses may be extended throughout any building or structure (whether or not covered by UBC or L&I) partially occupied by such use at the time of passage of this ordinance. The expansion of a nonconforming use by addition or enlargement shall be reviewed as a Type III application per LCC 17.05. The expansion must be on the lot of record as it existed at the time the use became nonconforming and the use shall not expand on adjacent lots. The expansion shall be approved if it is consistent with the applicable zoning regulations except the use restrictions and complies with Chapter [17.158](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17160.html%22%20%5Cl%20%2217.160) LCC. [Ord. 1170B, 2000]

**17.155.030 Zone district change - continuation.**

When a zone district is changed, existing nonconforming uses may be continued consistent with the provisions of this title. [Ord. 1170B, 2000]

**17.155.040 Change to another nonconforming use.**

The change of a nonconforming use to another type of a nonconforming use shall be processed as a Type III application per LCC 17,05. The change of nonconforming use shall be approved if it is consistent with the applicable zoning regulations, except the use restrictions, and complies with LCC 17.158, providing that such change does not require the provision of water and sewer utility services at a level greater than that currently available to the subject property, and that the new nonconforming use does not result in greater impacts upon surrounding properties than did the original nonconforming use. [Ord. 1170B, 2000]

**17.155.050 Damage or destruction - rebuilding permitted.**

If a nonconforming use or physical feature of a building or structure or group of buildings or structures on one site is damaged or destroyed by any means, that use shall be permitted to be rebuilt equal to the square footage of damaged or destroyed building(s), and for the same use and location on the site. Any such rebuilding shall meet current building codes in Title [15](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty15/LewisCounty15.html#15) LCC in effect at the time of the application for reconstruction. Rebuilding shall be timely if application for development is filed within 36 months of such damage. [Ord. 1170B, 2000]

**17.155.060 Lots of record.**

Lots of record shall be as defined in LCC [16.02.050](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty16/LewisCounty1602.html#16.02.050). [Ord. 1170B, 2000]

**17.155.065 Nonconforming lots of record.**

Any permitted use or structure is allowed on legal lots of record which do not meet the minimum lot size or width requirements of the zone, provided that setback requirements and all other applicable requirements conform to Lewis County regulations. [Ord. 1253, 2014]

**Chapter 17.158
SPECIAL USE PERMITS (COMBINATION OF 17.115 AND 17.160)**

Sections:

[17.158.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17115.html%22%20%5Cl%20%2217.115.010)    Purpose.

17.158.012 Special Use Permits

[17.158.020](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17115.html%22%20%5Cl%20%2217.115.020)    General criteria.

17.158.024 Special use criteria

[17.158.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17115.html%22%20%5Cl%20%2217.115.030)    Special uses.

[17.158.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17115.html%22%20%5Cl%20%2217.115.040)    Revisions to special use permits

**17.158.010 Purpose.**

Special use permits may be allowed as set forth in this chapter. Special use permits shall be reviewed as a Type III application.

**17.158.012 Special use permits.**

Special use permits shall run with the land and be binding on all parties with an interest in the land to which the permit attaches. [Ord. 1170B, 2000]

**17.158.020 General criteria.**

The county adopts the following criteria as general criteria which shall be required as part of every special use permit issued by the County.

(1) The maximum environmental noise levels established by Chapter [173-60](http://www.codepublishing.com/cgi-bin/wac.pl?cite=173-60" \t "_blank) WAC and incorporated herein by reference, together with any adjustments authorized therein.

(2) The air quality standards adopted by the Southwest Washington Air Pollution Control authority and any SWAPCA permit issued for a project.

(3) The terms of any permit issued for a project by a resource agency, including Washington State Department of Fish and Wildlife, HPA, water quality permit, Chapter [90.48](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=90.48" \t "_blank) RCW, shoreline permit, Chapter [90.58](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=90.58" \t "_blank) RCW, or permit issued by the U.S. Army Corps of Engineers.

(4) Conditions imposed in any final environmental determination, Mitigated Determination of Nonsignificance or Final Environmental Impact Statement under Chapter [43.21C](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=43.21C" \t "_blank) RCW.

**17.158.024 Special use criteria.**

Beyond the general criteria noted above, the hearing examiner shall ensure that any specific standards of the use district defining the special use are fulfilled, and shall find adequate evidence showing that the proposed special use at the proposed location:

(1) Will be harmonious and in accordance with the general and specific objectives of the Lewis County comprehensive plan and zoning regulations.

(2) Will be adequately served by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and waste disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(3) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

(4) Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.

(5) Will have vehicular approaches to the property designed as to not create an interference with traffic on surrounding public streets.

(6) Will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of major importance. [Ord. 1170B, 2000]

(7) Will ensure adequate protection is given critical areas, including surface and ground water consistent with the critical areas requirements of Chapter [17.35](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1735.html%22%20%5Cl%20%2217.35) or 17.35A LCC.

The hearings examiner may condition such special use permit based on written recommendations in environmental documents, and as otherwise necessary to comply with the requirements of this chapter, the County Comprehensive Plan, development regulations, and environmental regulations.

**17.158.030 Special uses.**

The following special uses shall be reviewed as provided in this chapter:

(1) Group homes and other state-licensed residential care facilities. The hearings examiner shall make a written finding that all terms of the state license which govern location and physical development of the facility are met by the application.

(2) Rural resorts as identified in Tables 1 and 2, LCC [17.42.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html%22%20%5Cl%20%2217.42.030) and [17.42.040](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html%22%20%5Cl%20%2217.42.040).

(a) Special Conditions.

(i) Uses which propose development on more than 40 acres must be processed as a master plan pursuant to Chapter [17.120](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17120.html%22%20%5Cl%20%2217.120) LCC.

(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(3) Recreation and camping facilities subject to a special use permit such as mining camps, river camps, and hunting and hiking camps which provide necessary facilities to permit use and enjoyment of the Lewis County out of doors.

(a) Special Conditions.

(i) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(4) Sports facilities and clubs including golf courses, playing fields for outdoor sports and other facilities, as identified in Tables 1 & 2, LCC [17.42.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html%22%20%5Cl%20%2217.42.030) and -.040:

(a) Special conditions:

(i) Uses which are larger than 40 acres must be processed as a master plan pursuant to Chapter [17.120](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17120.html%22%20%5Cl%20%2217.120) LCC.

(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(iii) As to pistol, rifle, skeet, and other shooting facilities which encourage education and training in the safe use of lawful firearms, the application shall include noise and range safety evaluation for property within one half mile of the proposed range. The hearing examiner must specifically find that the range does not pose a safety hazard to any resident within the study area.

(5) Private aviation facilities (facilities providing landing surface and takeoff for aircraft or heliports used by nine or fewer aircraft).

(a) Special conditions.

(i) All landing strips shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off patters is minimized. They shall be located so that traffic shall not constitute nuisance to neighboring uses. The hearing examiner shall find, in writing, that the applicant has secured easements and other rights necessary to implement runway protection zones and other safety regulations required by the FAA consistent with the proposed aviation use.

(ii) The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights.

(iii) New private use landing strips and heliports shall be allowed in a rural or resource zone by a special use permit, with standards set forth in FAA regulations in effect on the date of application\* and subject to the same notice requirements of subsection (6)(v) of this section.

(iv) For purposes of this section, an ultra-light aircraft for personal use does not require a permit under this section and shall be considered an accessory use for any residential site in excess of five acres.

(6) Public aviation facilities (facilities providing landing surface and takeoff for 10 or more general aviation aircraft) (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the hearing examiner)

(a) Special conditions.

(i) The minimum lot size shall be 60 acres.

(ii) The centerline of any such landing area shall not be located within 500 feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a special use permit application, shall be acceptable.

(iii) The field shall comply with the standards set forth in FAA regulations in effect on the date of application\*.

(iv) Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent state and county codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft.

(v) Notification of special use permit application hearing shall go, by first class mail, to residents within 1,000 feet from any point on a proposed aircraft landing area.

This notification requirement is in addition to all other notification requirements for special use permit applications found in LCC Chapter [17.05](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1705.html%22%20%5Cl%20%2217.05.100), and those appropriate notification requirements of this chapter. Notice of hearing shall be published in the newspaper of record and in the newspaper of widest circulation in the area affected.

(vi) In addition to the requirements for a special use permit, the requirements of RCW [36.70.547](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70.547" \t "_blank) shall be met.

(vii) Such facilities shall be located on parcels where the aircraft allowed are at least 500 feet off of the ground prior to crossing a property line on takeoff or landing.

(viii) No residential structure shall be closer than 1,000 feet to the proposed air facility,

(ix) No place of public assembly shall be located within one half mile of the end of any such facility.

(x) The hearing examiner shall find, in writing, that the applicant has secured easements and other rights necessary to implement runway protection zones and other safety regulations required by the FAA consistent with the proposed aviation use.

(7) Home based businesses and isolated small businesses that require a special use permit.

(a) Special conditions.

(i) Any new facilities shall be located more than 200 feet from lands designated as critical areas, and shall be required to identify and take steps to protect resource activities where such activities occur nearby.

(ii) All home occupation facilities must be located on property contiguous to the parcel upon which the owner or manager resides.

(iii) A permit granted under this section is applicable to the facilities approved, so long as all criteria for home based industries are met. Where an owner desires to move and to move the business as a home based industry, a new permit will be required for the new location.

(iv) The cumulative effect of similar uses in the neighborhood must be identified to assure that the land is capable of accommodating the use without creating the need for new services or facilities which are not rural in nature.

 (8) Cluster subdivisions greater than six units.

(a) Special conditions.

(i) Must be on properties 40 acres and larger.

(ii) No more than 24 cluster subdivision units in any 1/2-mile radius, except where separated by a visual geographic barrier.

(iii) The hearing examiner shall examine the existing and proposed development within a one-mile radius of the perimeter of the proposed site to protect rural character and shall:

(A) Determine the nature of existing development and availability of adequate facilities.

(B) Determine the likelihood of probably future cluster development.

(C) Determine the cumulative effect of such existing and probable future development.

(iv) The hearing examiner shall identify necessary conditions, including caps or specific limitations to assure that urban development defined in RCW [36.70A.030](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.030" \t "_blank)(17) as prohibited outside urban growth areas by RCW [36.70A.110](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.110" \t "_blank) does not occur, and that the rural character identified in the comprehensive plan and RCW [36.70A.030](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.030" \t "_blank)(16) and RCW [36.70A.070](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.070" \t "_blank)(5)(b) is protected, and to achieve the specific requirements of RCW[36.70A.070](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.070" \t "_blank)(5)(c).

(9)(A) Small towns–mixed use/commercial buildings in excess of 10,000 sq.ft. Projects in small towns–mixed use/commercial exceeding 10,000 square feet.

(B) Small towns–industrial uses in excess of 20,000 sq.ft. Projects in small towns-industrial exceeding 20,000 square feet.

(a) Special conditions.

(i) The facility contains uses of a type and scale found in small towns.

(ii) That off-street parking is sized to accommodate the intended uses.

(iii) That the adequacy and rural facility tests of Chapters [17.130](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17130.html%22%20%5Cl%20%2217.130) and [17.150](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17150.html%22%20%5Cl%20%2217.150) LCC are met.

(10) Recreational vehicle park. A recreational vehicle park is a facility for the short- or long-term use of recreational vehicles, as distinguished from mobile homes or camp sites approved under other sections of this Code.

(a) Special conditions.

(i) Recreational vehicle parks shall conform to the requirements of the recreational vehicle park ordinance set forth in Title [16](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty16/LewisCounty16.html%22%20%5Cl%20%2216) of this Code. Per Tables 1 & 2, at LCC [17.42.030](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1742.html%22%20%5Cl%20%2217.42.030) and .040, RV Parks up to 100 sites or up to 10 acres are processed through a Special Use Permit; those over 100 sites and up to 40 acres go through a Rural Master Plan process, and those having more than 100 sites and larger than 40 acres go through as a Master Plan Resort.

(11) Creation of new surface mining areas or the expansion of the surface mining areas.

(a) Applicability. This section applies to the creation of new surface mining areas or the expansion of lawfully permitted activities beyond the approved DNR reclamation plan area in effect on July 26, 1999; provided, however, this does not cover any mining activity which is less than three acres in size and less than 5,000 yards per year.

(b) Mine development standards. All permits issued pursuant to this section shall require the following minimum standards. The hearing examiner may increase buffers and mitigation where good cause is shown.

(i) Setbacks/Screening.

(A) A fifty (50) foot setback from the mine property and from all abutting property, consistent with and subject to the reduction provisions of Section [17.30.810](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1730.html%22%20%5Cl%20%2217.30.810) LCC, shall be maintained for areas of direct cut or fill connected with resource extraction operations. For mining operations, setbacks may be increased when necessary to protect lateral support of abutting properties or public rights of way.

(B) A twenty-five (25) foot screen within the fifty (50) foot setback on the mine property, consisting of site obscuring vegetation, berms, or other methods to conceal the mine from public rights of way or property used for residential purposes as approved by Lewis County shall be maintained.

(C) Any direct extraction operation areas within a public utility right of way shall be subject to the written conditions of approval from the affected utility, which shall be incorporated into the permit.

(D) A two hundred (200) foot setback shall be maintained between any mining activity and any existing structure occupied for sleeping or eating purposes but not including accessory structures such as barns or out buildings, existing at the date of application.

(ii) Road use–In order to assure maintenance and development of adequate county roadways, owners of surface mining operations may be required to enter into a haul route agreement with the County Engineer upon adoption and implementation of a Haul Route Agreement Program. The haul route agreement shall address impacts immediately attributable to project use.

(iii) Traffic safety–The operator may be required to install traffic improvement, control, and warning signs to assure adequate access and traffic safety.

(iv) Noise/Bright lights

(A) No development or activity shall exceed the maximum environmental noise levels established by Chapter [173-60](http://www.codepublishing.com/cgi-bin/wac.pl?cite=173-60" \t "_blank) WAC.

(B) Bright lights shall be shaded or shielded from adjoining residential properties.

(v) Surface mining operation with critical aquifer recharge areas–The purpose of this section is to protect critical aquifer recharge areas as required by RCW [36.70A.060](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70A.060" \t "_blank)(2). Any surface mining operation within a critical aquifer recharge area (as designated in Chapter [17.35](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty1735.html%22%20%5Cl%20%2217.35)A LCC) shall meet the following standards:

(A) Fuel tanks and oil drums shall be double containment construction and protected by bermed areas having adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Fuel nozzles shall not contain locking devices. Fuel storage shall be above ground. Fueling of mobile equipment shall be located at least twenty feet above the seasonal high ground water level or within lined and bermed areas with adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Where the nature of the operation is such that the machinery cannot be moved for fueling, or the aquifer is less than twenty (20) feet from the surface, the Hearings Examiner may approve an alternative fueling plan which accomplishes aquifer protection.

(B) All operations shall maintain a fuels/hazardous waste management plan maintained by the operator and available on the site at all times.

(C) Surface mines shall not use any noxious, toxic, flammable, compactable, or combustible materials not specifically authorized by Lewis County Department of Health for backfill or reclamation. Non-contaminated process water used for gravel washing shall be routed to settling ponds to minimize off-site discharges. A general permit from the Department of Ecology for process and storm water discharge may substitute for these requirements.

(D) On-site truck and equipment wash runoff shall be routed to retention facilities equipped with an oil-water separator prior to its release to settling ponds.

(E) Use of chemicals, petroleum or hazardous products, and disposal of such products, in concrete or asphalt plant operations within critical aquifer recharge areas shall meet all the standards set forth in Chapters [90.48](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=90.48" \t "_blank) RCW and [173.303](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=173.303" \t "_blank) WAC.

(vi) Public safety–Owners of surface mines shall ensure their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that ground vibrations comply with all state laws about peak particle velocity, air pressure, and other state requirements, including but not limited to Chapter 9 of the Blasting Guidance Manual identified below. All fly-rock shall be contained within the site. All activities shall comply with the standards set forth in official guidelines, including but not limited to Office of Surface Mining U.S. Department of Interior, Blasting Guidance Manual, 1987 ed., Explosives: WAC [296-52-493](http://www.codepublishing.com/cgi-bin/wac.pl?cite=296-52-493" \t "_blank), Part F.

(vii) Surface water permit–WDOE NPDES Sand and Gravel General Permit or individual permit, as appropriate, shall be a condition of approval and incorporated herein by reference.

(viii) Hours of operation–Regular hours of operation shall be between the hours of six-thirty (6:30) o’clock AM and seven (7) o’clock PM; blasting shall only occur during the time period between ten (10) o’clock AM and four (4) o’clock PM. Prior to any blast, twenty-four (24) hour notice shall be given to all property owners or residences within five hundred (500) feet of any mine property line. If a blast does not occur as scheduled in a notification, twenty-four (24) hour renotification shall be required. The Hearings Examiner may inquire into the proposed hours of operation and set additional limits when deemed necessary to protect quiet enjoyment of neighboring residential properties. The Hearing Examiner may include provisions for exceptions from established regular hours of operation. Extended hours may be requested and approved under conditions set by the hearings examiner, particularly for work on public works contracts where an emergency may require work outside regular hours.

(c) Exceptions--This permit process shall not be applicable to mines regulated under federal mining laws.

(12) Auctioneering Facilities. Auctioneering facilities to serve the equipment needs of the transportation, industrial and agricultural industries (including the local and regional markets) are permitted as a special use. These facilities are deemed to be consistent with the rural character and development patterns of Lewis County as long as the following conditions are met:

(a) Site Characteristics.

(i) The site shall be at least 80 gross acres but shall not exceed 240 gross acres.

(ii) The building area on the site shall not exceed 80,000 gross square feet.

(iii) The site shall be located within one mile measured horizontally from a major transportation corridor.

(b) Services. The use does not require urban services.

(c) Preservation of Rural Areas.

(i) Critical areas on the site shall be preserved with their buffers.

(ii) No critical areas variances shall be granted except as needed to provide access and/or necessary utilities to the site.

(d) Off-Site Impacts. The special use shall adequately mitigate potential off-site impacts, including, but not limited to, parking, noise, lighting, fumes and dust. [Ord. 1210 §1 (Exh. 1, Att. C), 2009; Ord. 1179B Ex. B, 2003; Ord. 1170B, 2000]

\*[Codifier’s Note: FAA regulations referenced are FAR Title 14, Part 157, Section 157.3, and as thereafter amended.]

 [Ord. 1179, 2002; 1170B, 2000]

**17.158.040 Revisions to special use permits.**

Revisions to special use permits may be processed as a Type I application; provided that the proposed changes are within the scope and intent of the original permit. “Within the scope and intent of the original permit” shall means the following:

(1) Lot coverage and height may be increased a maximum of 10 percent from the provisions of the original permit; provided that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further that any revisions authorized under this paragraph shall not exceed height, lot coverage, setback, or any other requirements of the regulations for the area in which the project is located.

(2) Landscaping may be added to a project without necessitating an application for a new permit; provided that the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the regulations for the area in which the project is located.

(3) The use authorized pursuant to the original permit is not changed.

(4) No additional over-water construction will be involved for shoreline conditional use permits.

(5) No substantial increase in adverse environmental impacts will be caused by the project revision. [Ord. 1170B, 2000]

Revisions beyond the scope and intent of the original permit shall be processed as a Type III application.

**Chapter 17.160
PROCEDURES FOR ADMINISTRATIVE APPROVALS AND ADMINISTRATIVE REDUCTIONS**

Sections:

[17.160.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17160.html#17.160.010)    Process for administrative approval and administrative reduction.

[17.160.050](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17160.html#17.160.050)    Conditions for administrative approval uses.

**17.160.010 Process for administrative approval and administrative reduction.**

An application for an administrative approval and administrative reduction shall be processed as a Type II application.

**17.160.050 Conditions for certain administrative approval uses.**

(1) Home occupation.

(a) No more than two persons, other than family residing on the premises, shall be engaged in such occupation.

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding four square feet in area, nonilluminated and mounted on the property; except day care facilities with 10 children or less may use yard areas for recreation.

(d) No traffic shall be generated by such home occupations in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard.

(e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lots, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

(2) Temporary second dwelling.

(a) A temporary second dwelling unit of no more than 1,248 square feet in area, in the form of a manufactured home, a fully serviced travel trailer or motor home, to provide:

(i) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders or disabilities, or risks of such disorders or disabilities, require daily supervision and care where such care is provided by members of the family who reside on the property; or

(ii) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs daily supervision and care as described in (a) above.

(b) Approval Requirements: Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

(i) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.

(ii) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (i) above.

(iii) The temporary home shall also be approved by the Lewis County Health Officer as a medical hardship placement.

(iv) When daily supervision and care is no longer necessary, this approval shall automatically lapse, without further notice, and the temporary home shall be immediately removed or converted to a conforming use.

(v) The permit shall be valid for one year. The permittee may apply for renewal on a yearly basis; provided that supporting documentation from a licensed medical doctor is furnished by the permittee affirming that the circumstances supporting the original permit remain in effect, and that the permit continues to satisfy standards established by the Lewis County Health Officer for medical hardship placements.

(vi) A covenant shall be filed that restricts lease, sale or transfer of the property while the temporary dwelling is in place.

(vii) The use will not be hazardous or disturbing to existing or future neighboring uses.

(viii) Evidence of adequate off-street parking space shall be provided.

(ix) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.

(c) Penalties: False statements or false supporting documentation submitted with the application or failure to comply with any of the approval requirements shall be cause for revocation of the permit and may result in criminal prosecution. [Ord. 1253, 2014; Ord. 1170B, 2000]

**Chapter 17.162
PROCEDURES FOR VARIANCES**

Sections:

[17.162.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17160.html%22%20%5Cl%20%2217.160.010)    Variances

**17.162.010 Variances.**

Variances shall be processed as a Type III application per LCC Chapter 17.05. Variances may be granted that are in harmony with the general purposes and intent of this title; provided that no variance shall be granted which authorizes a use which is not permitted by the underlying zoning.

(1) Conditions for Variances from General Zoning Regulations

Before any variance may be granted, it shall be shown that the following circumstances are found to apply:

(a) That any variance granted shall not constitute a grant of special privilege, be based upon reasons of hardship caused by previous actions of the property owner, nor be granted for pecuniary reasons alone.

(b) Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surrounding, the strict application of this title is found to cause a hardship and deprive the subject property of a reasonable use or improvement generally allowed in the zone classification. Aesthetic considerations or design preferences without reference to restrictions based upon the physical characteristics of the property do not constitute sufficient hardship under this section.

(c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity. [Ord. 1179, 2002; Ord. 1170B, 2000]

(2) Conditions for Airport Variances

(a) Variances shall be required for any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed within an airport overlay zone established in LCC 17.80, 17.85 or 17.90.

(b) Application for a variance request shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace.

(c) Standards of Review. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the relief granted will not create a hazard to air navigation and will not be contrary to the public interest, but will do substantial justice, and will be in accordance within the spirit of this chapter.

(5) Conditions of Approval. Any variance granted may be subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purposes of this chapter.

(6) Review of Variance Request by Airport Board. No application for a variance to the requirements of this chapter may be considered by the hearing examiner unless a copy of the application has been furnished to the respective airport board for advice as to the aeronautical effects of the variance. If the airport board does not respond within 15 days after receipt, the hearing examiner may act on his/her own to grant or deny said application. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1129 § 8, 1993]

**Chapter 17.200
MAPS**

Sections:

[17.200.010](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17200.html#17.200.010)    Purpose.

[17.200.020](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty17/LewisCounty17200.html#17.200.020)    Interpretation and conflict between zoning boundaries

17.200.030  List of adopted maps.

**17.200.010 Purpose.**

The purpose of this chapter is to identify the maps which are incorporated into the Lewis County development regulations which delineate zoning districts. Where a conflict exists between the map and the text, the text shall prevail. The zoning districts may be refined from time to time by adoption of amendments (rezones) to the zoning map, in accordance with this text and Chapters[36.70](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70) and [36.70](http://www.codepublishing.com/cgi-bin/rcw.pl?cite=36.70)A RCW and Chapter [1.05](http://www.codepublishing.com/WA/LewisCounty/html/LewisCounty01/LewisCounty0105.html#1.05) LCC. Regardless of copies, the official zoning map shall be located in the board of county commissioners (BOCC) office. The community development department shall be the final authority as to the current boundaries of the zoning districts. [Ord. 1223 §1 (Exh. A), 2011; Ord. 1179, 2002; Ord. 1170B, 2000]

**17.200.020 Interpretation and conflict between zoning boundaries**

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for development. In the event that uncertainty is deemed to exist on the official Lewis County zoning map, zoning district boundaries shall be on section lines; lot lines; the center lines of highways, streets, alleys, railroad rights of way or such lines extended; municipal corporation lines; natural boundary lines, such as streams and topography; the ordinary high water mark (OHWM) of lakes and streams subject to Shoreline Management Program jurisdiction; or other lines to be determined by the use of scales shown on said map. Where a zoning district line purposely divides a land parcel, such parcel shall be subject to the procedures and requirements of the respective districts as applied. In the event that districts are overlaid by Shoreline Management Program designation(s), the most restrictive regulations of either the Shoreline Management Program or the official Lewis County Zoning Ordinance shall apply. [Ord. 1170B, 2000]

**17.200.030 List of adopted maps.**

(1) Official Lewis County Zoning Map

(2) Other maps as referenced within this title.

[Ord. 1241 (Att. B), 2012; Ord. 1238 (Att. A), 2012; Ord. 1230 §2 (Att. B), 2011; Ord. 1228 §2 (Exh. A), 2011; Ord. 1223 §1 (Exh. A), 2011; Ord. 1219 §§2-5, 2010; Ord. 1210 §§2, 3, 2009; Ord. 1207 §1, 2009; Ord. 1205 §1, 2009; Ord. 1203 §1, 2008; Ord. 1201 §1, 2008; Ord. 1198 §1, 2007; Ord. 1197 §1, 2007; Ord. 1179N §§1, 2, 2007; Ord. 1179I §§1-3, 2004; Ord. 1179H §2, 2004; Ord. 1179E §1, 2003; Ord. 1179B §3, 2003; Ord. 1179, 2002; 1170B, 2000]