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**MEMORANDUM**

Date: June 8, 2022  
To: Lee Napier, Director  
From: Mindy Brooks, Senior Long Range Planner  
**Subject: POLICY INTERPRETATION – SB 5275, Retail/Food Service Building Size in LAMIRDs**

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This Policy Interpretation is intended to explain how Lewis County will implement the amendments to [RCW 36.70A.070\(5\)\(d\)\(i\)\(C\)](#), as approved by the Washington State Legislature in 2022 via [SB 5275](#). SB 5275 amends the RCW to limit the size of buildings for retail and food service uses within mixed use zones.

**BACKGROUND**

LCC 17.142, Land Use Standards, includes standards for new development and redevelopment of commercial uses within mixed use zones. Mixed use zones in Lewis County are Type I LAMIRDs as defined by [WAC 365-196-425\(6\)](#). Per LCC 17.142.080, commercial and industrial buildings which would include retail and food service uses, as they are a type of commercial use, are allowed in Type I LAMIRDs and can be permitted in buildings up to and between 5,000 and 20,000 square feet in size, depending on the zoning designation. Per LCC 17.142.120, home based businesses are a type of commercial use that may involve retail and food services, are allowed in Type I LAMIRDs and can be permitted in buildings up to and between 5,000 and 10,000 square feet.

SB 5275 was introduced in the Washington State legislative session in 2022. The bill added new language to RCW 36.70A.070(5)(d)(i)(C) that limits the size of buildings for retail and food service uses. The limits are summarized as:

1. Retail or food service uses can occupy an existing building, or redeveloped building, as long as the structure was previously used for retail or food service and the use will occupy the same footprint as the original footprint or less than 5,000 square feet, whichever is greater.
2. A new building for retail or food services must not exceed 2,500 square feet.
3. The use of an existing building larger than 2,500 square feet cannot be changed from a non-retail/food service use to a retail/food service use.

The bill passed the Senate on January 26, 2022 and the House on March 4, 2022. It was signed into law by the Governor on March 30, 2022. The effective date is June 9, 2022.

**PROPOSED POLICY**

Effective on June 9, 2022, [RCW 36.70A.070\(5\)\(d\)\(i\)\(C\)](#) will be controlling instead of the Land Use Standards in [Chapter 17.142, Land Use Standards](#), of the Lewis County Code (LCC) related to retail and food service uses within Type I LAMIRDs until such time as the Lewis County Board of County Commissioners has approved amendments to Title 17 LCC comply with SB 5275.

RCW 36.70A.070(5)(d)(i) states:

(C) Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

- (I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and
- (II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

Retail and food service uses is a broad category. RCW 36.70A.030, Definitions, does not include a definition of retail or food service. The Webster Dictionary definition of retail is the sale of goods to the public for consumption or use, not resale. Food service is not defined by the Webster Dictionary, but commonly includes restaurants, cafeterias and catering operations. Lewis County interprets the state intent of retail and food service uses to include those listed in [Chapter 17.42](#), Table 1, LCC:

Commercial/Industrial:

- A. Home-based business
- C. Standalone retail, sales or professional
- D. Recreation service retail
- E. Restaurant
- F. Convenience grocery or fuel
- G. Clustered Tourist Uses

Resource:

- D. Agricultural retail uses listed in [17.30.610-17.30.630 LCC](#)

**NEXT STEPS AND SCHEDULE**

Lewis County Community Development staff will review the LCC to document all code sections relate to allowed building size for retail or food service uses within mixed-use zones in Type I LAMIRDs. Any code sections that allow building sizes greater than what is allowed per RCW 36.70A.070(5)(d)(i)(C) will be noted. Staff will present a code amendment package that complies with SB 5275 to the Lewis County Planning Commission for consideration. The Planning Commission will hold a duly noticed public hearing before deciding to recommend the amendments to the Board of County Commissioners for adoption. The Planning Commission’s 2022 Docket is currently full with no room to add workshops and hearings. It is anticipated that a code amendment package to implement SB 5275 will be part of the Planning Commission’s 2023 Docket. Until that time, this policy is controlling.

XX Approved

\_\_\_\_\_ Disapproved

*Lee Napier*

Lee Napier Director

6-2-2022

Date