

ORDINANCE 1283

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**AN ORDINANCE OF THE COUNTY OF LEWIS, AMENDING)
THE STANDARDS FOR CLUSTERED SUBDIVISIONS,) ORDINANCE 1283
DUPLEXES, AND ACCESSORY DWELLING UNITS IN LEWIS)
COUNTY CODE CHAPTERS 16.04, 16.05, 16.10, 17.30, 17.42,)
17.45, 17.55, 17.95, 17.100, 17.102, 17.150, 17.158, AND 17.160;)
ADDING A NEW CHAPTER 16.18; AND INCLUDING A NEW)
SECTION 17.30.623)**

WHEREAS, the Growth Management Act seeks to “encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage the preservation of the housing stock” (see RCW 36.70A.020(4)); and

WHEREAS, under the Growth Management Act, the allowance of a variety of housing types within Urban Growth Areas is relatively straightforward, but the provision of alternative housing types in rural areas is more complicated; and

WHEREAS, the Growth Management Act allows counties to permit a variety of residential densities and housing types in rural areas and resource lands, so long as:

- In designated rural lands, the units are consistent with rural character of the land (RCW 36.70A.070(5)); and
- In designated resource lands, the housing preserves the long-term viability of the resource use; and

WHEREAS, to better address the Growth Management Act’s goal of a range of housing densities, types, and prices, the Lewis County Planning Commission considered a variety of methods to promote alternative housing options; and

WHEREAS, the options considered included the allowance of additional accessory dwelling units and the increased encouragement of clustered housing developments; and

WHEREAS, the Lewis County Planning Commission held workshops on draft changes to the clustered subdivision, duplex and accessory dwelling unit standards at their meetings of August 8, September 26, and October 10, 2017; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the code changes on October 24, 2017; and

WHEREAS, following the hearing, the Planning Commission voted unanimously to transmit the changes to the Lewis County Board of County of Commissioners (BOCC); and

WHEREAS, the Lewis County Community Development Department sent a 60-day Notice of Intent to Adopt Amendment to the Washington State Department of Commerce on September 27, 2017; and

WHEREAS, Lewis County Community Development Department completed a State Environmental Policy Act review of the proposed regulations and did not identify any potential significant adverse impacts associated with the amendments; and

WHEREAS, on December 4, 2016, the Lewis County BOCC conducted a duly noticed public hearing on the revised standards for clustered subdivisions, duplexes, and accessory dwelling units; and

WHEREAS, following the public hearing, the Lewis County BOCC found that the proposed changes to the document met the needs of area residents, preserved rural character and the viability of lands of long-term commercial significance, and were in accordance with the public interest;

NOW THEREFORE BE IT RESOLVED that the Lewis County Board of County Commissioners do hereby amend portions of Titles 16 and 17 of the Lewis County Code as follows, effective immediately:

SECTION 1. Section 16.04.087 is amended as follows:

16.04.087 Cluster development.

“Cluster development” is a residential development alternative where structures are arranged in closely related groups rather than spreading ~~houses~~ uniformly over an entire tract. Building will take place at high densities in certain areas ~~and to preserve natural features are preserved~~ in others. Cluster developments are based on the concept of density transfer where the overall density is within acceptable limits but the individual density of clusters ~~and open space may be~~ is higher or lower than average. [Ord. 1169, §1,II,L, 2000]

SECTION 2. Section 16.05.400 is amended as follows:

Article VII: Modification and Appeals Clustered Subdivisions

16.05.400 Exemption in case of Standards for clustered and planned unit development.

(1) Clustered subdivisions shall meet the standards in LCC 16.18.

(2) The review process for clustered subdivisions shall be the same as for a preliminary and final plats and shall be recorded the same as a subdivision plat.

(3) The standards and requirements of this chapter may be modified by the board, upon the recommendation of the hearing examiner in the case of cluster development or planned unit development. The review process shall be the same as for a preliminary and final plat and shall be recorded the same as a subdivision plat.

~~Cluster and planned unit development are also subject to the following provisions:~~

~~(1) Special Requirements.~~

(a) Areas and facilities of joint use shall be retained in title by the developers or deeded to an organization;

(b) All building permits shall be issued in conformance with an approved site plan for the development. Minor deviations from the approved site plan may be reviewed as a Type I application. Major deviations which would alter the size or scale of the development, or significantly affect one of the findings or conditions of the approval, shall be reviewed as a Type IV application.

(24) ~~Final Site Plan. Every final site plan~~ Clustered subdivisions shall have the same standard format as that required for final plats in LCC 16.05.240. [Ord. 1269 §3, 2016; Ord. 1169, §1,III,NN, 2000]

SECTION 3. Section 16.10.460 is amended as follows:

16.10.460 Clustering.

The county encourages the clustering of residential and commercial lots. The net size of individual lots may be reduced so long as the gross land area of the land to be subdivided meets the requirements of the Lewis County comprehensive plan. All land reserved as open space shall be so stated on the face of the short plat map and shall be subject to covenants consistent with comprehensive plan guidelines. This open space may be dedicated to the public pursuant to LCC ~~16.05.380~~ or to the short subdivision lot owner's association. [Ord. 1269 §4, 2016; Ord. 1169, §1,IV,AA, 2000]

SECTION 4. New Chapter 16.18 is added as follows:

16.18.010 Clustered development encouraged.

(1) Clustered development is encouraged to: preserve the open feel of Lewis County's rural lands; promote the long-term protection of resource lands; limit the impacts from development on hydrologic patterns, critical areas and habitat; reduce the number of public road access points; and promote more cost-effective and service-efficient development on rural and resource lands.

(a) Clustered developments are allowed in:

(i) Portions of Urban Growth Areas that allow residences and are regulated by Lewis County.

(ii) LAMIRDs and rural lands where residences are allowed.

(iii) Agricultural resource lands.

(b) The minimum lot size for clustered lots shall be determined by the health and septic standards of the County. Provided that, in the agricultural resource land zone, the maximum size of smaller,

clustered lots may not exceed two (2) acres in size, unless otherwise required by LCC Chapter 8.40. All relevant public health setbacks must be addressed as part of a clustered development.

(c) Where a cluster program is chosen:

(i) Clustered subdivisions may only occur through the subdivision or short subdivision process (per LCC 16.05 or 16.10).

(ii) Clustered building lots shall occur at the same base density as the underlying zoning (i.e. a 20 acre lot with five acre minimum lot sizes may be developed with three small lots and one larger lot), unless bonus densities are used (per 16.18.030).

A. Areas of a site that are devoted to critical areas, roads or stormwater facilities shall not influence the calculation of density.

B. When a development is proposed across two separate zones, the total number of lots that are allowed may include the development capacity of each area. In these instances, the development may transfer the capacity from one zone (on one portion of the site) to another, provided that the transfer does not occur from a rural zone to a resource land zone, or a zone of higher allowed density to a zone of less.

C. No more than eight units may be located in any single cluster when a development is proposed on agricultural resource land. At least 1,320 feet of agricultural land must be present between the clusters on an agricultural resource land development site.

D. No more than twenty units may be located in any single cluster when a development is proposed within a rural land zone. At least 600 feet, or a clearly defined visual break created by vegetation or topography, shall be provided between the clusters on rural lands.

(iii) Building lots shall be sited and designed to limit impacts to valuable or unique natural features, including critical areas and prime agricultural soils, and shall be compatible with the physical constraints of the site to the fullest extent possible.

(iv) Setbacks shall be required as follows:

A. The underlying zoning setbacks shall be required from the exterior boundaries of the development cluster. No internal setbacks shall be required, except as required by the International Building Code or International Residential Code and any applicable critical area standards.

B. Where a clustered development is proposed adjacent to a site with a resource land designation, the smaller lots and the development site on the larger remainder parcel shall meet the setbacks specified in:

I. 17.30.500 for Forest Resource Land.

II. 17.30.660 for Agricultural Resource Land.

III. 17.30.810 for Mineral Resource Land.

C. When the cluster is proposed on agricultural resource land within the agricultural resource land zone, the setback in 17.30.660 shall be measured from the edge of the cluster of the smaller lots, and the home site on the larger remainder parcel, to the nearest adjacent parcel that: is not part of the development site; and is designated for resource use.

(v) All roads within and that provide access to the development shall conform to Public Works road standards for public and private roads.

(vi) Standards for the larger lot to be created through the clustered subdivision process are presented in 16.18.020.

16.18.020 Large Remainder Parcel.

For the purposes of this chapter, a large lot created through the clustered subdivision process shall be subject to the following provisions:

(1) The lot must be identified with a separate lot number.

(2) The lot must contain a developable site that can accommodate features such as an appropriate access point, a building site and adequate water and septic locations.

(3) The lot must be configured to contain, to the greatest degree feasible, a contiguous area of open space, agricultural area or resource land that is shaped so as to promote the protection of critical areas, habitat, or the long-term use of the area as resource land. Larger remainder lots may not be narrow strips of land that are interspersed between residential uses.

(4) Roads, utilities, and other development impacts should be sited in a manner that limits long-term impacts to the large remainder lot, especially when the area is meant to be utilized to retain critical areas, habitat, or a resource use.

(4)(5) The lot may not be further subdivided for residential use once the full density of the development has been reached, unless the Comprehensive Plan and/or zoning code is amended consistent with the Growth Management Act to permit additional density.

16.18.030 Density Bonus.

(1) A density bonus may be allowed for a clustered development when the development places a large portion of the larger remainder parcel within a natural resource or open space easement that will not be developed with additional homesites in the future. The density bonus shall be calculated as follows:

(a) Where at least fifty (50) percent of the size of the original development parcel is set aside within the easement, a bonus density of twenty-five (25) percent of the total allowed units may be permitted. For example, a development with four allowed units, shall be allowed to develop five total housing units.

(b) Where at least seventy-five (75) percent of the size of the original parcel is set aside within the easement, the development shall be allowed to construct an additional fifty (50) percent of the allowed units.

(2) No density bonus shall be allowed for developments on agricultural resource lands.

(3) Calculation of the density bonus shall be based entirely on the size of the easement on the larger remainder parcel. Where easements cross multiple properties, only the amount of land on the larger remainder parcel shall be included in the calculation of the bonus density.

16.18.040 Performance Standards.

Clustered developments shall:

(1) Be designed to preserve large areas of resource land, critical areas, and lands that promote rural character or resource land use.

(2) Locate the development cluster away from resource lands and critical areas, and provide adequate buffers between clusters, resource lands and critical areas.

(3) Limit the size and density of the built area to prevent the need for urban levels of service.

(4) If in resource lands, be designed to promote continued, long-term successful commercial use of such lands.

SECTION 5. Section 17.30.620 is amended as follows:

17.30.620 Accessory uses directly connected with agricultural activity.

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 ex/isting 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](#));
- (10) Family day care and home businesses. [Ord. 1269 §14, 2016; 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]

SECTION 6. Section 17.30.623 is added as follows:

17.30.623 Accessory uses not directly connected with agriculture activity.

Uses allowed outright where not directly connected with and in the aid of an agricultural activity

- (1) An accessory dwelling unit, subject to the standards in 17.102, when the unit is not located outside the general area already developed for buildings and residential uses, and does not otherwise convert more than one acre of prime agricultural soils on agriculturally zoned land to nonagricultural use.

SECTION 7. Section 17.30.630 is amended as follows:

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.~~

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

~~(eb) The use is sited to avoid prime lands and otherwise to minimize impact on farmlands of long-term commercial significance to promote successful agriculture for the long-term on the remaining balance of the parcel. The location of the incidental use, for example, may be sited on soils that are less suitable for agriculture, may be contiguous to a road or other land use that is less conducive to farming, or may be sited to avoid the need to put other infrastructure across an area desirable for agriculture.~~

(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. 1269 §14, 2016; Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(C), 1996. Formerly 17.30.640]

SECTION 8. Section 17.30.650 is amended as follows:

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](#) through [17.30.630](#):

(1) Development Standards - Division of Land for Sale or Lease. The minimum lot area for the subdivision of agricultural resource lands shall be 20 acres; provided, however, that a clustered 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;~~
- (a) The proposal is consistent with the standards in LCC 16.18 and the standards for incidental residential use consistent with LCC 17.30.630.
- ~~(bd) The plat shall sets aside the balance of the prime farmlands in a designated agricultural tract, or a lot appropriate for long-term agricultural use;~~
- ~~(ce) The plat shall contains the note included in LCC [17.30.370](#). [Ord. 1269 §14, 2016; 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]~~

SECTION 9. Chapter 17.42 – Rural Area Zoning Summary is amended as follows:

**Chapter 17.42
RURAL AREA ZONING SUMMARY**

Sections:

- [17.42.010](#) Purpose.
- [17.42.015](#) Conflicts.
- [17.42.020](#) General conditions.
- [17.42.030](#) Land use summary - Local areas of more intensive rural development.
- [17.42.040](#) Rural area land use zoning summary.

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. 1269 §29, 2016; 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](#) and [17.42.040](#), said charts shall prevail. [Ord. 1269 §29, 2016; 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. 1269 §29, 2016; 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. 1271 §9, 2017; Ord. 1269 §29, 2016; Ord. 1267 §1, 2016; 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 Crossroads Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
I II	Sales service (nonresource use)	P - to 10,000 ft. ² SUP - >10,000 ft. ²	X	P - related to industrial or resource use	P - < 5,000 ft. ² (small scale)	P - to 10,000 ft. ² per use	X
I II	Retail sales (nonresource use)	P - to 10,000 ft. ² SUP - >10,000 ft. ²	X	P - related to industrial or resource use	P - < 5,000 ft. ² (primarily serve local)	P - to 10,000 ft. ² per use	X
I	Professional services (includes offices) (nonresource use)	P	X	P	P - < 5,000 ft. ²	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); Motels (100 units);	P P	P X	X X	P X	P P	P X

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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 Crossroads Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
	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	<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u> (associated with existing residential uses)	<u>X</u>	<u>P</u>
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, shelters, boarding, grooming and hospitals	A	X	P	P/A ¹	P	X

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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 Crossroads Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
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 5,000 ft ²	X	P to 20,000 ft ² SUP >20,000 ft ²	X	SUP - to 10,000 ft ²	X

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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 Crossroads Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
II	Storage, transportation and handling of goods	SUP - to 5,000 ft ²	X	P to 20,000 ft ² (via Tier I) SUP >20,000 ft ²	X	SUP - to 10,000 ft ²	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 nonexempt 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
II	Type 1 marijuana processing	X	X	SUP	X	X	X
II	Type 2 marijuana processing	X	X	SUP	X	X	X
II	Marijuana production	X	X	SUP	X	X	X
II	Marijuana retailers	SUP	X	X	SUP	SUP	X

KEY P = Permitted Use

SUP = Special Use Permit

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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 Crossroads Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/ Shoreline Residential
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A = Administrative Review

X = Prohibited

n/a = not applicable

1. Animal kennels, shelters, boarding, grooming and hospitals are permitted outright in the majority of crossroads commercial areas. When an application is submitted for the Galvin and Dorn's Corner crossroads commercial areas, the proposal requires an administrative approval to ensure that notice is provided to nearby landowners.

17.42.040 Rural area land use zoning summary.

See Table 2 of this section. [Ord. 1271 §10, 2017; Ord. 1269 §29, 2016; Ord. 1267 §2, 2016; 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 unit Additional accessory Dwelling Unit use	P P	P P	P P
I	Duplex	P (10 acre minimum lot size)	P (20 acre minimum lot size)	P (40 acre minimum lot size)
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	P SUP	P SUP	P SUP

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
	Size: [Most rural developments are 6 due to water right limitations] Cluster Subdivision – up to 6 Cluster Subdivision >6			
I	Cemeteries	P	P	P
I	Churches: 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
I	Community centers, grange halls, buildings of public assembly 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	P SUP	P SUP	P SUP
II	Utilities, roads, support facilities; and public facilities, public services, including parks	A	A	A
II	Type 1 marijuana processing	SUP	SUP	SUP
II	Marijuana production	SUP	SUP	SUP

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
	Essential public facilities			
II	Local	SUP	SUP	SUP
n/a	Regional	Amend CP	Amend CP	Amend CP
I	Home-based business (cottage industries)	P	P	P

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
	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.			
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	A	A	A

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
	(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			
III	F. Campgrounds and recreation facilities -Location: Recreation areas -Size: Up to 100 sites and/or up to 10 acres Over 100 sites and/or up to 40 acres	SUP RMP	SUP RMP	SUP RMP
IV	Over 100 sites and/or more than 40 acres	MPR	MPR	MPR
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 acres Over 100 sites and/or up to 40 acres	SUP RMP	SUP RMP	SUP RMP
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 nonexempt 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)	SUP	SUP	SUP

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
IV	-Location: recreation areas -Size: < 75,000 sq. ft. developed floor area and/or 15 acres impervious surface Larger projects	MPR	MPR	MPR
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
II	B. Motor sports up to 20 acres developed	X	SUP	SUP
IV	Larger facilities	MPR	MPR	MPR
II	C. New or nonexempt 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
II	E. New golf courses, driving ranges, and related facilities 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 kennels, shelters, boarding, grooming and hospitals	P	P	P
II	New private aviation facilities, 9 or fewer permanently based aircraft, or a private aviation subdivision	SUP	SUP	SUP

Table 2: Rural Area Land Use Zoning Summary

Tier	Use	R 1-5	R 1-10	R 1-20
II	New public aviation facilities, 10 or more permanently based aircraft (see LCC 17.158.030 (6))	SUP	SUP	SUP
I	Mineral resource use			
II	Below DNR threshold	P	P	P
	New or expansion of existing approved mine area	SUP	SUP	SUP
I	Forestry uses listed in LCC 17.30.450 (1) and (2)	P	P	P
II	Forest resource accessory use, mills, log yards	P	P	P
	A. Temporary (less than 1 year/portable)	P/SUP over	P/SUP over	P/SUP over
	B. Permanent (fixed installation or more than 1 year)	20 acres	20 acres	20 acres
I	Agricultural uses as listed in LCC 17.30.610 , 17.30.620 and 17.30.630 **	P	P	P

KEY: P = Permitted Use

A = Administrative Review

X = Prohibited

SUP = Special Use Permit

RMP = Rural Master Plan

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.

SECTION 10: Section 17.45.060, Development standards in Small Towns – Mixed Use/Commercial (STMU), is amended as follows:

17.45.060 Development standards.

The following provisions shall apply to all uses within this district:

~~(1) Commercial uses. Permitted uses shall be limited so that no single occupancy exceeds 10,000 square feet. Larger occupancy may be approved through a special use permit process.~~

~~(2) Gateway communities. Small towns designated as gateway communities allow all commercial uses identified above and motels, conference, tourist service facilities, and may exceed the 10,000 square foot limitation where: (a) fire, water, waste disposal, and transportation facilities can adequately serve the facility, and (b) the facility can be screened from existing residential development to mitigate impacts on existing residential developments. Projects exceeding the 10,000 square foot limit shall proceed through a special use permit approval.~~

~~(3) Gateway communities may plan an area for a variety of gateway activities through a master plan. The same standards shall apply for development within the master plan as for special use.~~

(14) There shall be no storage or handling of hazardous, explosive, highly flammable materials which would cause fire, explosion or safety hazards, except the storage and dispensing of petroleum in service stations, and agricultural chemicals in accordance with liability requirements.

(25) There shall be no production of noise at any property line of any use in this district in excess of state noise guidelines at the boundary of the Mixed Use/Commercial zone.

(36) There shall be no emission of dust, dirt, odors, smoke, or toxic gases and fumes in excess of Southwest Washington Clean Air Agency (SWCAA) SWAPCA* guidelines.

(47) The supplemental requirements of Chapter [17.145](#) LCC shall be met. [Ord. 1179, 2002; Ord. 1170B, 2000]

~~*[Note: SWAPCA has been redesignated as Southwest Washington Clean Air Agency (SWCAA)].~~

SECTION 11: Section 17.55.040, Development standards in Small Towns – Industrial (STI), is amended as follows:

17.55.040 Development standards.

The following provisions shall apply to all uses within this district:

~~(1) For nonresource-based industries, individual uses shall not exceed 50,000 square feet per location.~~

~~(2) Uses in excess of 20,000 square feet shall be reviewed through a special use permit. See LCC 17.115.030(17B).~~

~~(13) The point of compliance for noise guidelines under WAC [173-60](#), together with any adjustment authorized therein, shall be the property line of the contiguous parcel on which the source of noise is located.~~

~~(24) There shall be no emission of- dust, dirt, odors, smoke, or toxic gases and fumes in excess of Southwest Washington Clean Air Agency (SWCAA)SWAPCA* guidelines.~~

~~(35) The supplemental requirements of Chapter [17.145](#) LCC shall be met. [Ord. 1170B, 2000]~~

~~*[Note: SWAPCA has been redesignated as Southwest Washington Clean Air Agency (SWCAA)].~~

SECTION 12: Section 17.95.020, Permitted uses in Rural Residential Centers (RRC), is amended as follows:

17.95.020 Permitted uses.

The uses shown in Table 2 at LCC 17.42.040 shall be allowed within this district.

The following uses shall be allowed within this district:

~~(1) One single-family dwelling per lot.~~

~~(2) Noncommercial neighborhood parks and public recreation facilities.~~

~~(3) Public facilities and public services.~~

~~(4) Public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.~~

~~(5) Churches, educational and religious training institutions, summer camps and cemeteries.~~

~~(6) Bed and breakfast lodgings.~~

~~(7) Retirement, boarding and convalescent homes.~~

~~(8) Community clubs and recreation centers.~~

~~(9) Utilities.~~

~~(10) Similar uses typically found in residential neighborhoods and approved by the administrator.~~

~~(11) Within shoreline areas all uses authorized under the Lewis County shoreline master program for the particular shoreline designation shall be considered permitted uses within this zone and shall be processed as required by the shoreline master program. [Ord. 1170B, 2000]~~

SECTION 13: Section 17.95.030, Accessory uses in Rural Residential Centers (RRC), is amended as follows:

17.95.030 Accessory uses.

As defined at LCC 17.10.007, Accessory uses are considered part of the permitted uses.

~~The following accessory uses shall be allowed in this district:~~

~~(1) Home occupations pursuant to Chapter 17.160 LCC.~~

~~(2) Other accessory uses incidental to the primary permitted use.~~

~~(3) A temporary second dwelling pursuant to Chapter 17.160 LCC. [Ord. 1170B, 2000]~~

SECTION 14. Section 17.100.060 is amended as follows:

17.100.060 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

~~(1) The base residential density shall be one unit per five (R1-5), one unit per ten (R1-10), and/or one unit per 20 (R1-20) acres, which are mapped in accordance with criteria from the Comprehensive Plan. Also see Zoning Maps for specific sites density allowances. Minimum lot standards shall be consistent with County Health and Social Services Department requirements.~~

~~(2) Clustering is shall be encouraged in rural lands per LCC Chapter 16.18. to reduce the number of entrances onto public roads, and to reduce the disturbed areas resulting from rural area development and promote more cost-effective and service-efficient use of rural lands. Larger residual parcels in any clustered development may be used for any resource use, one residential lot, and/or any recreational, agricultural, or non-industrial/commercial use, consistent with County development standards and regulations. See LCC 17.115.030(10)* for specific requirements for clustered subdivisions having more than six units.~~

~~(a) Minimum lot size shall be determined by health and septic standards of the County. In residential districts, cluster developments require reserve areas and setbacks for all activities shall be 2X (double) the minimums from wetlands, streams, and steep slopes, including drain field standards as set forth in Ch. 8.40 LCC, on-site sewage regulations.~~

(b) Where a cluster program is chosen:

~~(i) Clustered building lots may be only created through the subdivision or short subdivision process.~~

~~(ii) Building lots should be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical constraints of the site.~~

~~(iii) Where practical, the majority of building sites should be arranged in a cluster or concentrated pattern to be compatible with physical site features, allow for the efficient conversion of the “reserve tract” to other uses in the future.~~

~~(iv) Driveways shall access internal roads and arterial access shall be limited to 500 foot separation.~~

~~(v) Common access to clustered building lots should be provided by short length roads or loop roads. In addition, interior streets shall be designed to allow access to the “reserve tract” for the purpose of use consistent with the comprehensive plan and this title.~~

~~(c) Any proposed cluster in excess of six units shall be processed as a special use permit.~~

~~(d) Consideration in the development of any cluster should include:~~

~~(i) Careful location of designated open space to preserve large areas of open space.~~

~~(ii) Location of the cluster away from resource lands or provision of adequate buffers between clusters and resource lands.~~

~~(iii) Limitations on the size and density of the built area to prevent the need for urban levels of service. [Ord. 1179, 2002; Ord. 1170B, 2000]~~

~~*[Note: scrivener’s error in referenced section corrected on codification]~~

SECTION 15. Section 17.100.070 is amended as follows:

~~17.100.070 Reserve tract.~~

~~For the purposes of this section, “reserve tract” is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, open space, recreational facilities, or utilities. All “reserve tracts” created through the subdivision process shall be subject to the following provisions:~~

~~(1) After a site is initially subdivided pursuant to this section, the “reserve tract” may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party. Once full density has been reached, the reserve tract may not be further subdivided for residential use until such time as the comprehensive plan is amended consistent with the Growth Management Act.~~

(2) The “reserve tract” may be considered as a building lot; provided that such lot is included in the overall density calculation of the original parcel of record.

(3) The “reserve tract” may not be further subdivided unless the subarea comprehensive plan and zoning have been updated as part of the normal process. [Ord. 1170B, 2000]

SECTION 16. Section 17.100.110 is amended as follows:

~~17.100.110 Rural airport overlay requirements.~~

~~(1) Purpose. The purpose of the airport overlay requirements is to provide setbacks and building limitations in the vicinity of rural airports identified by the County on zoning maps as essential public facilities (including the Ed Carlson Memorial Field), to protect flight operations at the airport consistent with adopted master plans.~~

~~(2) Lateral setbacks. No buildings intended for use for multifamily and clustered residential purposes or places of public assembly shall be constructed within 500 feet of the centerline or end of the paved runway. This prohibition shall not apply to single-family residences, buildings intended for agricultural purposes, or accessory buildings to residential uses such as garages, shops, and similar structures, or all other uses allowed under Rural Development District zoning which do not constitute places of public assembly.~~

~~(3) Approach surface setbacks. Within such zones, no structures shall be constructed within 500 feet of the end of the runway. The prohibition shall not apply to buildings intended for agricultural purposes or accessory buildings to residential uses such as garages shops and similar structures constructed from 500 feet to 1,000 feet from the end of the runway. (See maps for reserved areas.)~~

~~(4) Clustering. The rural development zone permits clustering, and all land within either the designated lateral or approach surface setbacks shall be considered for determining overall density allocable to any property~~

~~(5) Notice and consent to air operations. Any new division of land, or use of land, approved pursuant to Title 16 LCC within 1,000 feet of the boundaries of the airport property shall contain the following provision which shall be recorded on the face of the plat or instrument of title:~~

~~NOTICE: This property is located within 1,000 feet of an operating airport. The development approved for this site was approved with the condition that the owner consents to the use of the airport, in accordance with the approved master plan and laws governing the operation of aircraft, and shall make no claim against the airport owners, its operators, or the operators of aircraft using the airport by reason of noise or overflight of aircraft using the airport in accordance with such plan and governing laws. This condition touches and concerns the land, runs with the land, and shall be binding on all successors in interest. Property owners located within 1,000 feet of the boundaries of the Ed Carlson Memorial Field will be notified in writing of any changes being proposed to the airport's 1995 master plan.~~

[Ord. 1179, 2002; Ord. 1175 § 2, 2000; Ord. 1170B, 2000]

SECTION 17. Section 17.100.120 is amended as follows:

~~17.100.120 Density bonus for cultural and historic sites.~~

~~(1) Purpose. The purpose of this section is to provide incentives for the owners of property on which cultural or historic sites or structures are located to provide the opportunity for public and/or research access to the areas.~~

~~(2) Density Bonus. Where the owner of a property on which a cultural or historic structure or site is located designates the property for cultural or historic preservation and/or research, the owner shall be given a density credit equal to 2 times the density assigned to the property set aside. (A five-acre parcel would be assigned two units in the RDD, a 2.5-acre site or less would be assigned 1 unit.) The allowed density bonus shall be written on the recorded instrument. Such bonus is a recognized property right which may be transferred by deed. The density bonus so transferred may be used on any property within the Rural Development District, consistent with the other requirements of that zone. Thus the owner of a 40-acre parcel, who acquired one or more of such rights would be entitled to develop on the 40-acre parcel, the 8 units assigned to the 40-acre parcel, and additional units acquired by reason of the density transfer provisions. The limit on the number of units so transferred shall be the limits of the property to which the density is otherwise transferred to meet the other requirements of Title 17 LCC.~~

~~(3) Designation. Designation may be accomplished for purposes of this section through dedication to a public agency, the recording of a covenant and easement protecting the site and assuring public and/or research access to the site. Before recording, any designation must be approved by the Administrator, in writing, to receive the benefits of this section. The site may be segregated by the short plat process if less than 5 acres, and the simple large lot process if over five acres but less than 20 acres, and such division of land shall be exempt from all public health or improvement requirements of Title 16 LCC (operation of any structure for public use or access would be subject to health, sanitary, and fire regulations and appropriate building codes).~~

~~(4) Eligibility. The Administrator shall determine that sites proposed for designation shall be listed on a state, federal, or locally recognized list of historic or culturally important areas or structures. For new sites, the property must be approved as eligible for inclusion on such lists by the controlling authority. The controlling authority of the list must also approve the size and nature of access granted as appropriate to the site before the designation is approved.~~

~~(5) Limitation on authority. Designation under this section may only be requested by the owner of the property on which the site is located, and this section does not create any new criteria or rules governing the identification or use of such sites on private property. The sole purpose of this section is to encourage the set aside of such sites, where the owners choose to take advantage of this provision. [Ord. 1170B, 2000]~~

SECTION 18. Chapter 17.102 is amended as follows:

Chapter 17.102
FAMILY MEMBER UNITS AND ACCESSORY DWELLING UNITS

Sections:

- [17.102.010](#) Purpose.
- [17.102.020](#) Applicability.
- [17.102.030](#) Definitions.
- [17.102.040](#) Implementation - Separate units.
- [17.102.050](#) Implementation – accessory dwelling units.
- [17.102.060](#) Enforcement.

17.102.010 Purpose.

The purpose of this section is to encourage rural families to remain in Lewis County ~~and continue the multiple generational patterns of historic land use and development,~~ to assist in the economic use of the existing housing stock, ~~to advance and preserve farming as a way of life,~~ and to promote affordable housing. ~~Provisions of this section provide property owners who held large tracts of undivided land prior to the adoption and implementation of zoning regulations, options for continuation of a historical tradition of land succession and farming in rural Lewis County.~~ [Ord. 1179B §2, 2003; Ord. 1179, 2002]

17.102.020 Applicability.

Rural districts (RDD zones) outside LAMIRDs.

~~(1) Separate Residential Units. Where the intent is to convey property to qualified family members where farming is an ongoing activity or where the land is suitable for farming activities and where there is a benefit from protection of a portion of the land for fanning activities.~~

~~(2) Accessory Dwelling Units. This chapter applies to accessory dwelling units, or Where a dwelling units that are is created clearly accessory to at the primary residential use, but where no subdivision of the land is intended or will be permitted.~~

~~(a) This chapter is not intended to be used as a means to allow future divisions of property under LCC 16.02.070.~~

~~(b) All future divisions of a property that occur where an accessory dwelling unit has been constructed must meet the minimum public health standards, as well as the lot size standards of the underlying zone and/or the applicable requirements of Title 16. [Ord. 1179B §2, 2003; Ord. 1179, 2002]~~

17.102.030 Definitions.

~~(1) "Family members" shall include only grandmothers, grandfathers, mother, father, sons, daughters, stepsons, stepdaughters, whether natural or adopted, for families on the property in question on the effective date of this ordinance.~~

(2) "Disability" means a situation where the owner of the designated property is prevented from full-time employment by reason of a physical or mental condition certified by a medical doctor.

(3) "Family emergency" means a situation where the owner of the designated property is involuntarily required to move from the property, due to health, requirements of a current employer, or involuntary termination of current employment. (County shall require proof of notice of requirements forcing involuntary action.) [Ord. 1179, 2002]

17.102.040 Implementation – separate units.

Where the number of family members exceeds allowable density, a bonus density may be allowed under cluster subdivision provided that:

(1) The overall density does not exceed one unit per five acres and the unit cannot be transferred or sold for a period of five years, except for death, disability, or family emergency; and

(2) The proposed subdivision provides an opportunity for a family member to reside on or adjacent to a farm or parcel suitable for farming, protecting the farm or farmable land from inappropriate, nonfarm uses. The administrator shall include findings consistent with this provision when approving any density bonus and subdivision under provisions of this section; and

(3) As applicable to cluster subdivisions of six or more lots, all such requests for bonus density shall be reviewed under the criteria of LCC 17.115.030(10); and

(4) This provision is only applicable to land in common ownership as of April 4, 2002; and

(5) The "parcel" eligible for bonus density under terms of this provision shall be the entire property in common ownership on April 4, 2002, as that property may be divided hereafter; and

(6) All divisions made after April 4, 2002 shall be considered in any requirements for bonus density; and

(7) The provisions of this section shall apply to the RDD 1-10 and RDD 1-20 zones only.

(8) The provisions of this section concerning family member units shall terminate on July 1, 2015. [Ord. 1179B §2, 2003; Ord. 1179, 2002]

17.102.050 Implementation – Allowance of accessory dwelling units.

(1) Accessory dwelling units will be allowed in Lewis County to provide affordable low income housing under the following conditions: to property owners. This would provide options for property owners who may have family members in need of low income housing or some minimal assistance care.

(a) There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family structure.

(b) The accessory dwelling unit shall share the same primary access to the property as the principle use.

(c) The accessory dwelling unit shall conform to the International Building Residential Code, Department of Labor and Industries standards, and/or all other applicable codes and ordinances.

(d) Where applicable, the accessory dwelling unit and existing residence on the property shall meet the lot size and setback requirements for water and septic systems in accordance with LCC 8.40 and 8.55, as well as other relevant codes.

(e) No more than one family shall occupy the accessory dwelling unit.

(f) The accessory dwelling unit shall not contain no more than two bedrooms and the habitable total floor area for the accessory dwelling unit shall in no case not exceed 800 1,296 square feet, nor be less than 300 square feet, (to show that it is clearly accessory to the primary use).

(g) An accessory dwelling unit must be attached to or created within a new or existing primary single-family structure or associated accessory building, and may not be a separate, stand-alone unit. (2) The approval of a building permit for an accessory dwelling unit shall include a condition that states Prior to final approval of any structure for an accessory dwelling unit, the property owner shall file a covenant to run with the land, that the accessory dwelling unit shall not be a cause for the future subdivision of the property, unless such subdivision is in compliance with all subdivision, zoning and other applicable development regulations in effect on the date of the application for the subdivision approval. [Ord. 1179B §2, 2003; Ord. 1179, 2002]

17.102.060 Enforcement.

(1) The restriction referenced above shall be recorded on the face of the plat of any lot created by the density bonus granted herein, including the date of the implementation and termination of the restriction.

(2) Property may be transferred to other qualifying family members without invoking the covenant.

(3) Any property transferred in violation of the covenant shall be liable for an assessment of a fee equal to 10 percent of the sale price or assessed value of the property, whichever is higher. The fee shall be assessed to the seller of the property. [Ord. 1179, 2002]

SECTION 19. Chapter 17.150 is amended as follows:

Chapter 17.150 SPECIAL CONDITIONS - RURAL AREA DEVELOPMENT

Sections:

- [17.150.010](#) Purpose.
- [17.150.020](#) Special conditions.
- [17.150.030](#) Urban growth prohibited.

17.150.010 Purpose.

The purpose of this chapter is to ~~assure the protection of~~protect rural character, ~~and the prevention of~~ rural area sprawl ~~and the avoid creation of~~ the need for urban services in rural areas. [Ord. 1170B, 2000]

17.150.020 Special conditions.

(1) Rural areas of more intensive development. Any permit issued in a rural area of more intensive development ~~shall be subject to the~~ shall meet following conditions:

(a) ~~The proposed use is requested is~~ consistent with the uses authorized in RCW [36.70A.070](#)(5)(d)(i-iii), LCC 17.42 and the Lewis County Comprehensive Plan. -

(b) ~~The~~ Public facilities and public services ~~services that supply the development may be sized to serve the uses approved in (a) above, but shall not be sized to serve anticipated new development outside the designated area of more intense development. (This limitation does not apply to regional school and fire districts which serve a wider area, or existing water companies within existing service areas.)~~

(c) ~~No new water facility, waste water facility, or storm water facility shall be sized to serve or extended to serve beyond the boundaries of the area of more intense development.~~

(d) ~~New public facilities and public services shall be limited to that necessary to serve the special use or master plan area and shall not be made available to uses outside the approved area.~~ are sized and located in a manner that is consistent with the Lewis County Comprehensive Plan, Countywide Planning Policies and Growth Management Act.

(e) ~~No boundary change shall be made~~ is required for the area of more intensive rural development. Where a boundary change is required, no change shall be allowed without an amendment of the comprehensive plan consistent with the requirements of RCW [36.70A.070](#)(5)(d)(i-v).

(2) All rural area uses. ~~General guidelines and constraints on rural area growth.~~ Any permit issued in rural areas shall meet the following conditions:

(a) ~~A principal component of the Lewis County comprehensive plan is that significant portions of the Rural Development District will be limited in development potential due to critical areas, such as steep slopes, flood hazard areas, wetlands, tight soils, severely limiting septic approval, and very low population demand, as evidenced by Table 4.3 of the comprehensive plan (Dispersal of Rural Population Growth).~~

(b) ~~To assure protection of rural character, the county shall map, monitor, and maintain records of population growth and new residential development in each of the specified districts.~~

~~(c) Where the development activity exceeds the projected annual growth rate in an identified subarea by 20 percent for three years, or where the total units within the district exceeds 80 percent of the specified units, the county shall conduct a rural area review of the subarea in question to determine if additional controls are required to limit development to rural development as defined in RCW 36.70A.030 as required by RCW 36.70A.070. The review shall be processed by the planning commission and county commissioners as a development regulation amendment, and the county shall consider the reason and nature of changing conditions and recommend changes necessary to respond to changing conditions and to preserve rural character and assure that urban growth or rural area sprawl will continue to be barred from the area.~~

~~(d) Until the county has completed its review of the district in question:~~

~~(i) No applications will be accepted for cluster development in Rural Development Districts or areas of more intense rural development in the area under review.~~

~~(ii) No application will be accepted for a new business in excess of home occupancy or home based industry, or commercial uses in excess of 5,000 square feet in the areas under review, outside resource lands or designated small town or rural industrial sites.~~

~~(iii) No application will be accepted for a tourist service area or Rural Area Industrial use which requires a master plan under Chapter 17.120 LCC in the area under review. [Ord. 1170B, 2000]~~

17.150.030 Urban growth prohibited.

~~(1) Purpose: The purpose of this section is to identify and define the criteria for distinguishing between rural development in rural areas and urban growth which is prohibited.~~

~~(2) Special conditions:~~

~~(a) Urban growth is prohibited in all rural area developments, except as otherwise allowed in RCW 36.70A, the Growth Management Act. including areas of more intense rural development authorized in RCW 36.70A.070(5) and all other areas outside UGAs, urban growth is prohibited.~~

~~(b) To accomplish this objective, the review authority (either the Administrator or hearing examiner, depending on the permit) shall find, as a condition of approval of any development outside urban growth areas that:~~

~~(i) The project makes adequate provision to assure that the development is limited to rural development and rural governmental services.~~

~~(ii) That ~~the~~ project does not, directly or in concert with growth likely in the area affected, create a demand for urban governmental services or establish ~~create a form of~~ "urban growth" that is prohibited outside urban growth areas.~~

17.150.030 Special characteristics.

~~(3) Special considerations~~characteristics of rural development:

~~(a) Rural development refers to development outside the~~ of urban growth areas and outside designated long-term agricultural forest and mineral resource lands. Rural development can consist of a variety of residential, commercial and industrial-uses and densities, including clustered residential development, at levels which are consistent with the preservation of rural character as defined in the Lewis County Comprehensive Plan, ~~and the requirements of the rural element.~~

~~Rural development does not refer to agricultural or forest activities that may be conducted in rural areas.~~

~~(b)~~ Rural development in Lewis County typically relies on existing facilities for school and fire, though existing facilities may be upgraded or expanded; ~~and,~~

(c) Rural development commonly uses existing small towns and cross-road commercial facilities to meet local commercial needs.

(d) Rural residential development typically minimizes any impacts to the overall productivity of designated long-term resource lands within a one mile radius of the proposed development.

~~(e) Outside areas of more intense rural development, rural residential development must be measured looking at the entire parcel and as a whole does not have total impervious surface greater than 10% of the overall property, and does not exceed 20% on any given parcel. Within small towns and crossroads commercial areas, the impervious surface criteria shall be that generally found in the specific LAMIRD for similar uses.~~

~~(d) Rural residential development does not adversely affect the overall productivity of resource industries located on designated long-term resource lands within a one mile radius of the development in question.~~

~~(e) Rural governmental services or rural services include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and not normally associated with urban areas. In rural infill areas, including small towns and industrial areas, public services and facilities may be that required to serve the proposed need, but limited as provided by RCW 36.70A.070(5)(a)(i-iv).~~

~~(f) In assessing the nature of rural development, the review authority (either the Administrator or hearing examiner, depending on the permit) shall use the facilities and services available in the three small towns or cross road commercial areas closest to the development pre-existing at the time of development, to determine "typical" services available in that rural area.~~

(ge) Clustered developments are considered appropriate for rural development if:

(i) ~~The overall density of the land in the development and surrounding section does not exceed one unit per five acres gross density~~the underlying zoning of the parcel (unless bonus densities are awarded),

(ii) ~~The development can be accommodated with fire, school, and other rural public facilities without the need to relocate or create a new facility to serve the newly developing area, and~~

(iii) The development can be served by commercial facilities within in existing cross-road commercial areas and small towns and does not create establish a new commercial center for the communitycounty.

(f) Industrial and commercial uses are appropriate forms of rural development if consistent with the requirements in 36.70A(5)(d) and the descriptions of rural character in Lewis County Comprehensive Plan. Upgrade of existing public facilities and services which does not require relocation is consistent with rural area development.(h) ~~Urban growth refers to that 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 land for the production of food or other agricultural products or fiber or the extraction of mineral resources, rural uses, rural development, and natural resource land designated pursuant to RCW 36.70A.170. A pattern of more intense rural development as defined in RCW 36.70A.070(5)(d) is not urban growth.~~

(i) ~~Urban governmental services include those services and public facilities at an intensity historically found and typically provided in the incorporated cities of Lewis County, 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 rural areas.~~

(j) ~~In Lewis County, the per capita capacity of city-owned facilities and services in Centralia, Chehalis, and Morton provide a guideline of urban levels of intensity. Services in Toledo, Winlock, Napavine, Mossyrock, and Pe Ell are more commonly at lower levels of service which range from levels comparable to the larger cities to levels commonly found in the large designated small towns. Such services may be considered, but are not determinative on the issue of urban governmental services.~~

(k) ~~Indicia of urban growth include, but are not limited to, the following outside areas of more intense rural development: the extension of publicly owned sewer or water facilities by an incorporated municipality in Lewis County outside an urban growth boundary; overall residential densities of four units per acre or the development of more than 20% impervious surface of the total property developed; the development of a storm water control system operated by a municipal corporation outside an identified urban growth boundary; the creation of a need, either directly with~~

the project or in concert with other development pending or likely to occur within 10 years for a new school site, fire station site, or commercial area to serve the development in the area.

~~(l) Indicia of urban growth in areas of more intense development would be the creation of a need for a publicly owned wastewater treatment facility. Public facilities, services, and utilities of a size and scale commonly found in the small towns designated in the comprehensive plan, or needed under modern codes to serve businesses or industries commonly found in the small towns or existing rural industrial sites designated in the comprehensive plan, are not considered urban. [Ord. 1170B, 2000]~~

SECTION 20. Section 17.158.030 is amended as follows:

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 hearing 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](#) and [17.42.040](#).

(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](#) 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. 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 and 2, LCC [17.42.030](#) and [17.42.040](#).

(a) Special Conditions.

(i) Uses which are larger than 40 acres must be processed as a master plan pursuant to Chapter [17.120](#) 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 patterns 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)(a)(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 Chapter [17.05](#) LCC, 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](#) 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 one-half 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 probable 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(17) as prohibited outside urban growth areas by RCW 36.70A.110 does not occur, and that the rural character identified in the comprehensive plan and RCW 36.70A.030(16) and RCW 36.70A.070(5)(b) is protected, and to achieve the specific requirements of RCW 36.70A.070(5)(c).~~

~~(89) (a) Small Towns - Mixed Use/Commercial Buildings in Excess of 10,000 Square Feet. Projects in small towns - mixed use/commercial exceeding 10,000 square feet.~~

~~(b) Small Towns - Industrial Uses in Excess of 20,000 Square Feet. Projects in small towns - industrial exceeding 20,000 square feet.~~

~~(i) Special Conditions.~~

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

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

(C) That the adequacy and rural facility tests of Chapters [17.130](#) and [17.150](#) LCC are met.

(940) 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. Recreational vehicle parks shall conform to the requirements of the recreational vehicle park ordinance set forth in LCC Title [16](#). Per Tables 1 and 2, at LCC [17.42.030](#) and [17.42.040](#), 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.

(1044) Creation of New Surface Mining Areas or the Expansion of the Surface Mining Areas.

(a) Applicability. This subsection 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 50-foot setback from the mine property and from all abutting property, consistent with and subject to the reduction provisions of LCC [17.30.810](#), 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 25-foot screen within the 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 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 outbuildings, 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](#) WAC.

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

(v) Surface Mining Operation within Critical Aquifer Recharge Areas. The purpose of this subsection is to protect critical aquifer recharge areas as required by RCW [36.70A.060](#)(2). Any surface mining operation within a critical aquifer recharge area (as designated in Chapter [17.35A](#) 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 20 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 20 feet from the surface, the hearing 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. Noncontaminated 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 stormwater 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](#) RCW and [173-303](#) 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](#), 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 6:30 a.m. and 7:00 p.m.; blasting shall only occur during the time period between 10:00 a.m. and 4:00 p.m. Prior to any blast, 24-hour notice shall be given to all property owners or residences within 500 feet of any mine property line. If a blast does not occur as scheduled in a notification, 24-hour renotification shall be required. The hearing 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 hearing 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.

(~~1142~~) 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. 1269 §39, 2016]

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

SECTION 21. Section 17.160.050 is amended as follows:

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 title 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 subsection (2)(a) of this section.~~

~~(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 subsection (2)(b)(i) of this section.~~

~~(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. 1269 §40, 2016; Ord. 1253, 2014; Ord. 1170B, 2000]~~

SECTION 22. All provisions of the Lewis County Code not specifically addressed herein shall remain in full force and effect.

SECTION 23. If any part of this ordinance is found to be invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain valid and continue in full force and effect.

SECTION 24. This ordinance is in the public interest and shall be effective on December 11, 2017.

PASSED IN REGULAR SESSION THIS _____ DAY OF DECEMBER, 2017.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Eric Eisenberg, Deputy Prosecuting Attorney

Gary Stamper, Chair

ATTEST:

Edna J. Fund, Vice Chair

Rieva Lester, Clerk of the Board

Robert C. Jackson, Commissioner