

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

AN ORDINANCE OF THE COUNTY OF)
LEWIS ADOPTING AMENDMENTS TO) ORDINANCE NO. 1197
TITLE 17 OF THE LEWIS COUNTY CODE)

WHEREAS, the Board of County Commissioners received recommendations from the Planning Commission concerning amendments to the Lewis County development regulations; and

WHEREAS, the Lewis County Planning Commission and Board of County Commissioners has held public hearings and work sessions; and

WHEREAS, the Board of County Commissioners has reviewed the record and recommendations of the Planning Commission and the environmental determination made, together with such recommendations; NOW THEREFORE

BE IT ORDAINED by the Board of Lewis County Commissioners that:

1. Lewis County adopts the additions and changes to Ch. 17.200.020(19a), (19b) and (19c) of the Lewis County Code Zoning Maps as shown in Exhibits A through C attached hereto and incorporated herein by this reference, and amends all other maps in LCC Ch. 17.200 to reflect changes made necessary by the adoption and approval of these amendments.
2. Lewis County adopts the following amendments to Ch. 17.30 as set forth in Exhibit D attached hereto and incorporated herein by this reference.
3. Lewis County adopts the following amendments to Ch. 17.40 as set forth in Exhibit E attached hereto and incorporated herein by this reference.

4. Lewis County adopts the following amendments to Ch. 17.42 as set forth in Exhibit F attached hereto and incorporated herein by this reference.

5. Lewis County adopts the following amendments to Ch. 17.105 as set forth in Exhibit G attached hereto and incorporated herein by this reference.

6. Lewis County adopts the following amendments to Ch. 17.107 as set forth in Exhibit H attached hereto and incorporated herein by this reference.

7. Lewis County adopts and incorporates for its findings, hereunder, and as an expression of important principles in the state mandated GMA program, the record before the Planning Commission, and the findings within the Letter of Transmittal, dated October 2, 2007, included hereto at Attachment A.

8. Lewis County adopts the Determination of Nonsignificance and existing SEPA documents arising from comprehensive plan and development regulations amendments proceedings, included hereto at Attachment B, dated September 17, 2007.

9. Lewis County adopts zoning for all parcels removed from agricultural designation by reason of this ordinance as follows: All such lands shall be zoned entirely as the abutting land where three-quarters or more of the boundary of the abutting land is a single zone. Where less than three-quarters of the abutting land is a single zone, the parcels removed shall be rezoned equitably with the adjoining zone, as shown on the attached maps Attachments C, D, and E.

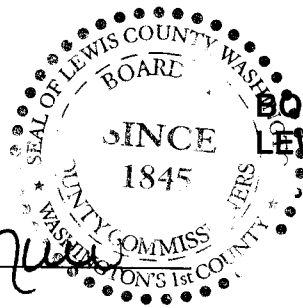
10. This Ordinance amends, repeals or supercedes only the referenced provisions of Title 17 LCC and Ordinance Nos. 1179 and 1179A-P, the remainder of which shall remain in full force and effect.

11. If any portion of the materials adopted herein is found invalid by a Board or Court of competent jurisdiction, the remainder of the provisions shall remain in full force and effect. Further, if such invalidated portion repeals any existing rule or regulation, the replaced rule or regulation shall be reinstated until modified or replaced by the County Commissioners

12. The effective date of this Ordinance shall be the date of adoption.

PASSED IN REGULAR SESSION THIS 5th day of November 2007, after a public hearing was held October 29th and 30th, 2007, pursuant to Notice published on the 10th day of October 2007 in both *The Chronicle* and the *East County Journal*.

ATTEST:



BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Karri Munn
Clerk of the Board

[Signature]
Chairman

APPROVED AS TO FORM:
Michael Golden, Prosecuting Attorney

Absent
Member

Andrew S Lane
By: Special Deputy

[Signature]
Member

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
COUNTY OF LEWIS } ss

The undersigned, on oath state that he/she is an authorized representative of The East County Journal, a weekly newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in Morton, Lewis County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper.

The notice in the exact form annexed, was published in regular issues of The East County Journal which was regularly distributed to its subscribers during the below stated period.
The annexed notice, a

Notice of Adoption, Ordinance
Number 1197

was published on Nov. 21, 2007

The amount of the fee charged for the foregoing publication is the sum of \$ 19.44

Louisa Bank

Subscribed and sworn to before me this 21st day of Nov, 2007

Bernice B. Justice
Notary Public in and for the
State of Washington
Residing in Centralia
Oralaska



NOTICE OF ADOPTION
by the
LEWIS COUNTY
BOARD OF COUNTY
COMMISSIONERS
NOTICE IS HEREBY GIVEN that the LEWIS COUNTY, Washington, BOARD OF COUNTY COMMISSIONERS did adopt Ordinance Number 1197, amending the Lewis County Comprehensive Plan and Lewis County Code relating to Agricultural Resource Lands.
ADOPTED IN OPEN SESSION
November 5, 2007.
The complete text of the adopted Ordinance and maps are available at:
Lewis County web site WWW.co.lewis.wa.us
and Lewis County Community Development
2025 NE Kresky Ave.
Chehalis, WA 98532
(360) 740-1146
(Published in The East County Journal November 21, 2007)

AFFIDAVIT OF PUBLICATION

02-104

STATE OF WASHINGTON }
COUNTY OF LEWIS } SS

Jeanne Rudeen, says that she is the legal clerk of

The Chronicle

a daily newspaper, which has been established, published in the English language, and circulated continuously as a daily newspaper in the City of Centralia, and in said County and State, and of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said Chronicle was on the 7th day of July 1941, approved as a legal newspaper by the Superior Court of said Lewis County.

And that the attached is a true copy and was published in regular issues (and not in supplement form) of said newspaper as Legal # 1156,

once each day for a period of 1

~~consecutive~~ day,

commencing on the

14th day of November, 2007

and ending on the

14th day of November, 2007, and both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of

\$ 63.⁵⁰.

Jeanne Rudeen

Subscribed and sworn to before me this

15th day of November, 2007.

Anita S Freeborn

Notary Public in and for the State of Washington, residing at

CENTRALIA WA 98531

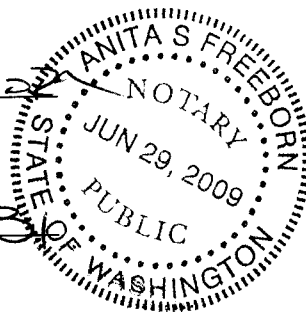
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Lewis County Community Development
2025 NE Kresky Ave.
Chehalis, WA 98532
(360) 740-1146
L#1156 Nov. 14, 2007



Scanned

ML-11334

07-127

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
COUNTY OF LEWIS } ss

The undersigned, on oath state that he/she is an authorized representative of The East County Journal, a weekly newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in Morton, Lewis County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper.

The notice in the exact form annexed, was published in regular issues of The East County Journal which was regularly distributed to its subscribers during the below stated period.
The annexed notice, a

Notice of Adoption, Ordinance
Number 1197

was published on Nov. 21, 2007

The amount of the fee charged for the foregoing publication is the sum of \$ 19.00

Subscribed and sworn to before me this 21st day of Nov, 2007



Laissa Brink

Renae C. Justice
Notary Public in and for the
State of Washington
Residing in Centralia
Amalaska

NOTICE OF ADOPTION
by the
LEWIS COUNTY
BOARD OF COUNTY
COMMISSIONERS

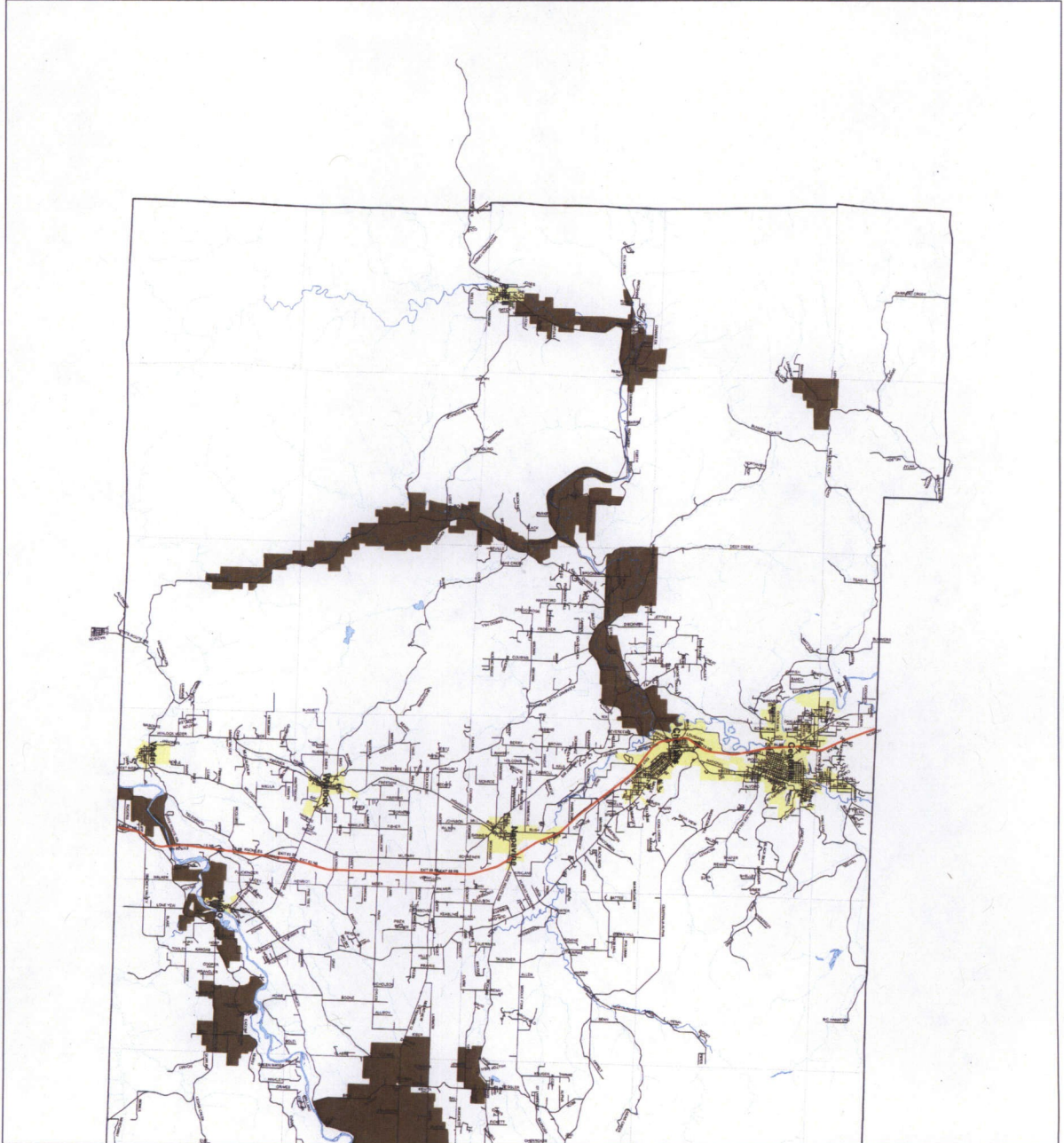
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Scanned

Lewis County, Washington
Official Zoning Map
**AGRICULTURAL
RESOURCE
LANDS**



Legend

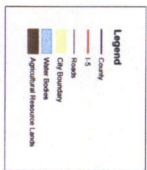
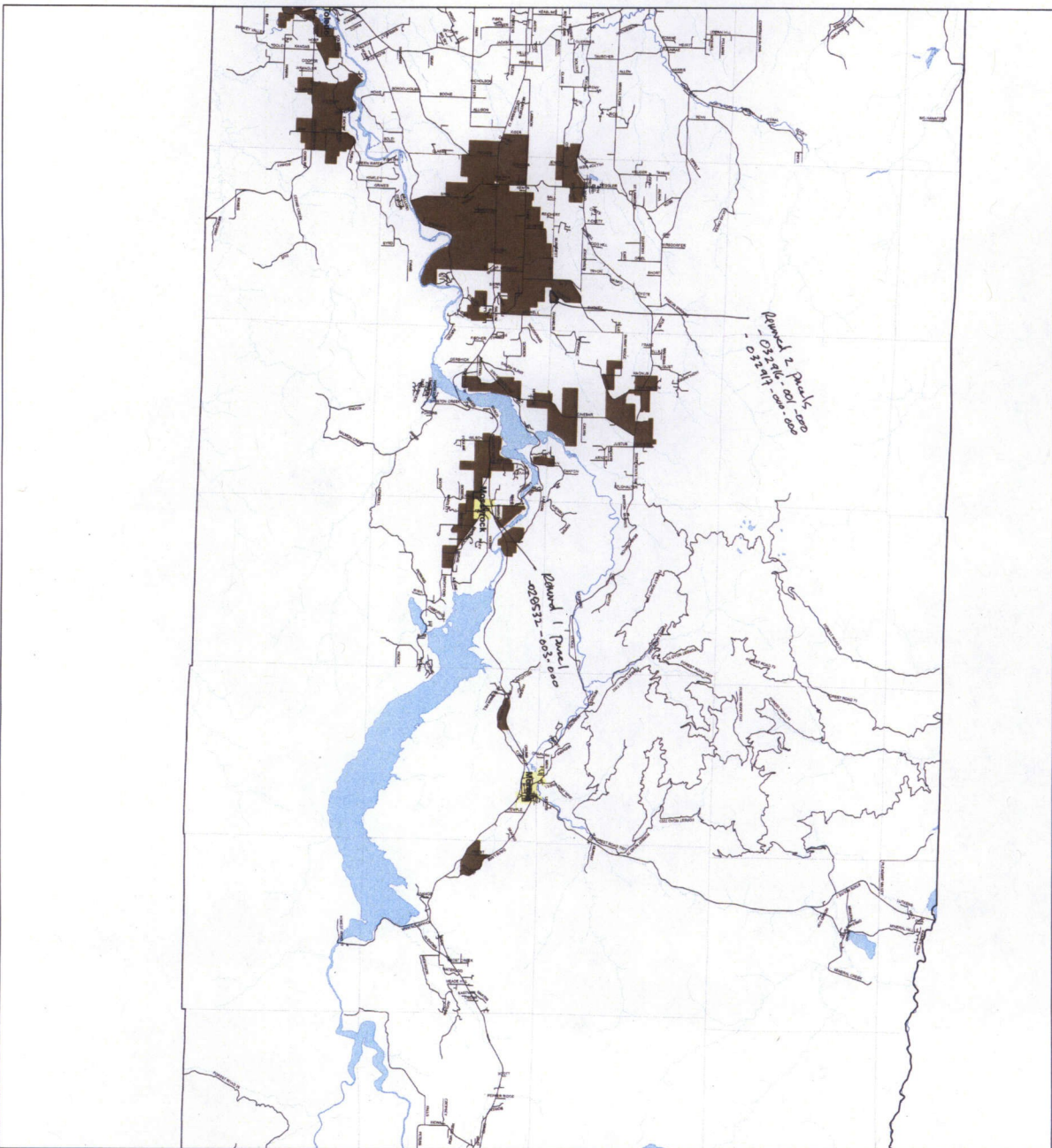
- County
- State
- City Boundary
- Water Bodies
- Agricultural Resource Lands

Lewis County, Washington
Agricultural Resource Lands
Chairman: *[Signature]*
Member: *[Signature]*
Adopted: *[Signature]* 07

This map was compiled by BHC Consultants. Soils data used in mapping is based on 2006 NRCS Soils Mapping. The accuracy of the map is not guaranteed for informational purposes only. Any possible discrepancies should be brought to the attention of Lewis County Information Services.

Projection: Lambert Conformal Conic
Datum: 1983 North American Datum
U.S.G.S. State Plane Zone 5228

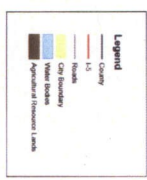
Lewis County, Washington
Official Zoning Map
AGRICULTURAL
RESOURCE
LANDS



Lewis County, Washington
Arlene S. Smith
Chairman
Adopted: S. Smith

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Projection: Lambert Conformal Conic
Datum: 1983 North American Datum
U.S.G.S. State Plane Zone 9628

Lewis County, Washington
Official Zoning Map
**AGRICULTURAL
RESOURCE
LANDS**



Lewis County Washington
 Approved: *[Signature]*
 Chairman
 Adopted: 5 Nov 07
 Member: *[Signature]*
 Member

This map was compiled by BIC Consultants. Soils data used in mapping is based on 2006 NRCS Soils mapping. The accuracy of the map has not been verified, and should be used as a guide only. Any errors or possible discrepancies should be brought to the attention of Lewis County Information Services.

Projection: Lambert Conformal Conic
 Datum: 1983 North American Datum
 U.S.G.S. State Plane Zone 5028

Ordinance 1197

Exhibit D

Chapter 17.30 Lewis County Code

DRAFT AMENDMENTS TO LEWIS COUNTY CODE PROVISIONS REGULATING AGRICULTURE

Note: Includes Changes Directed by Planning Commission on 10/2/07

Chapter 17.30

RESOURCE LANDS

Sections:

- Article I. General Provisions
- 17.30.010 Authority and title.
- 17.30.020 Purpose and goals.
- 17.30.030 Policy.
- 17.30.040 Interpretation.
- 17.30.050 Duration.
- 17.30.060 Judicial review.

- Article II. Definitions
- 17.30.070 Administrator.
- 17.30.080 Agricultural land -
Agricultural resource
land.
- 17.30.085 Animal Unit
- 17.30.090 Best management
practices.
- 17.30.100 Biosolids.
- 17.30.105 Confined Animal Feeding
Operations
- 17.30.110 Clustering.
- 17.30.120 Economic viability.
- 17.30.130 Farm employee.
- 17.30.140 Forest land - Forest
resource land.
- 17.30.150 Geologist.
- 17.30.160 Growing season.
- 17.30.170 Home-based industries.
- ~~17.30.180 Immediate family
members.~~
- 17.30.190 Large lot subdivision.
- 17.30.200 Long-term commercial
significance.
- 17.30.210 Mineral resource lands.
- 17.30.220 Minerals.
- 17.30.230 Qualified forester ~~Primary
agricultural crops.~~

- 17.30.240 Urban governmental
services ~~Qualified
forester.~~
- ~~17.30.250 Urban governmental
services.~~
- ~~17.30.260~~250 Urban growth ~~Urban
growth.~~
- ~~17.30.270~~260 Urban growth area
(UGA).
- ~~Urban growth area (UGA).~~
- ~~17.30.280~~270 Wetlands delineation.

- Article III. General Requirements
- 17.30.290 Applicability.
- 17.30.300 Relationship to other
regulations.
- 17.30.310 Exemptions.
- 17.30.320 Application requirements
General.
- 17.30.330 Designation of the
administrator.
- 17.30.340 Appeals.
- 17.30.350 Penalties and
enforcement.
- 17.30.360 Nonconforming activities.
- 17.30.370 Variances.
- 17.30.380 Nonregulatory incentives.
- 17.30.390 SEPA.
- 17.30.400 Judicial or legislative
modification.
- 17.30.410 Cost recovery.

- Article IV. Forest Resource Lands
- 17.30.420 Classification.
- 17.30.430 Designation.
- 17.30.440 Uses.
- 17.30.450 Primary uses.
- 17.30.460 Accessory uses.
- 17.30.470 Incidental uses.
- 17.30.480 Essential public facilities.
- 17.30.490 Maximum density and
minimum lot area.
- 17.30.500 Setbacks.
- 17.30.510 Water supply.

DRAFT AMENDMENTS TO LEWIS COUNTY CODE PROVISIONS REGULATING AGRICULTURE

Note: Includes Changes Directed by Planning Commission on 10/2/07

17.30.520	Access.		designated commercial
17.30.530	Surveys.		farmland (“Opt-out”).
17.30.540	Notification of forest practices - Conflict mitigation.	17.30.700	Process for petitioning for designation as a farmland of local importance (“Opt-in”).
17.30.550	Application process for exclusion from designation as a forest resource land (“Opt-out”).	17.30.710	Nonregulatory incentives.
			Article VI. Mineral Resource Lands
17.30.560	Process for petitioning for designation as a forest land of local importance (“Opt-in”).	17.30.720	Classification.
		17.30.730	Designation.
		17.30.740	Maps and inventory.
		17.30.750	Primary uses.
		17.30.760	Accessory uses.
		17.30.770	Incidental uses.
		17.30.780	Essential public facilities.
		17.30.790	Standards for existing permits.
		17.30.800	Lot size/density.
		17.30.810	Setbacks - Buffers.
		17.30.820	Preferential right to manage resources- “Right-to-mine”.
		17.30.830	Mining use notices.
		17.30.840	Process for petitioning for exclusion from designation as a mineral resource land (“Opt-out”).
		17.30.850	Process for petitioning for designation as a mineral resource land (“Opt-in”).
			Article I. General Provisions
			17.30.010 Authority and title.
			This chapter is established pursuant to RCW 36.70A.060 and shall be known as the “Lewis County Resource Lands Ordinance.” [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.1, 1996]
			17.30.020 Purpose and goals.
			(1) The purpose of this chapter is to identify and conserve long-term
17.30.570	<u>Article V. Agricultural Resource Lands</u> <u>Farmland of Local Importance Classification.</u>		
17.30.580	<u>Maps and inventory Identification.</u>		
17.30.590	<u>Use Exceptions in ARL Designation.</u>		
17.30.600	<u>Relief from Errors in ARL Designation Maps and inventory.</u>		
17.30.60510	—Uses.		
17.30.61020	—Primary uses.		
17.30.62030	—Accessory uses.		
17.30.63040	—Incidental uses.		
17.30.64050	—Essential public facilities.		
17.30.65060	—Maximum density and minimum lot area.		
17.30.66070	Setbacks.		
17.30.67080	Process for petitioning for designation as a farmland of local importance (“Opt-in”). —Notification of agricultural activities— Conflict mitigation.		
17.30.68090	Nonregulatory incentives. —Application process for exclusion from		

DRAFT AMENDMENTS TO LEWIS COUNTY CODE PROVISIONS REGULATING AGRICULTURE

Note: Includes Changes Directed by Planning Commission on 10/2/07

commercially significant forest, agricultural, and mineral resource lands designated pursuant to this chapter as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990) by supplementing the development regulations contained in various ordinances of Lewis County and other applicable state and federal laws by providing additional controls and measures to conserve resource lands and protect human health and safety. This chapter is adopted under the authority of Chapters 36.70A and 36.70 RCW.

~~(2) This chapter is premised on a perceived community vision that calls for minimum resource lands designations and protection standards, consistent with the requirements of Chapter 36.70A RCW.~~

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

17.30.030 Policy.

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

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

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

(4) Mitigation Priorities.

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

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

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

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

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

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

(5) Mitigation Application.

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

(b) The priorities in subsection (4) of this section shall not be used to deny a permit for activities specifically authorized

on resource lands or buffers where reasonable non-resource land alternatives are unavailable.

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

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

17.30.040 Interpretation.

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

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

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

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

17.30.050 Duration.

The development regulations for resource lands, as set forth in this chapter, shall be reviewed during consideration of the implementing regulations for the Lewis County Comprehensive Plan, adopted pursuant to Chapter 36.70A RCW. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.5, 1996]

17.30.060 Judicial review.

Judicial review of any decision made hereunder shall be appealable pursuant to the Land Use Appeals Act, Chapter 36.70C RCW. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.7, 1996]

Article II. Definitions

17.30.070 Administrator.

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

17.30.080 Agricultural land-Agricultural resource land.

"Agricultural land" or "agricultural resource land" means land primarily devoted to the commercial production of aquaculture, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.085 Animal Unit

"Animal Unit" means 1,000 pounds of live weight.

17.30.090 Best management practices.

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

(1) Maximize the economic return;

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

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

(4) Take into account site-specific conditions, including, but not limited to, soil, climate, topography, operator's skills and abilities, and owner and/or operator's

DRAFT AMENDMENTS TO LEWIS COUNTY CODE PROVISIONS REGULATING AGRICULTURE

Note: Includes Changes Directed by Planning Commission on 10/2/07

goals. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.100 Biosolids.

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

17.30.105 Confined Animal Feeding Operations

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

17.30.110 Clustering.

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

17.30.120 Economic viability.

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

17.30.130 Farm employee.

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

17.30.140 Forest land - Forest resource land.

“Forest land” or “forest resource land” means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.150 Geologist.

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

17.30.160 Growing season.

“Growing season” means the growing season for the soils meeting the land

capability criteria set forth in the Lewis County Comprehensive Plan.—LCC 17.30.580(1). Also, the portion of the year when soil temperatures are above biologic zero at 50 cm (19.7"). [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996] and shall be as identified in the map unit descriptions contained in the soil survey of Lewis County Area. Washington, USDA, Soil Conservation Service, May, 1987. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.170 Home-based industries.

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

17.30.190 Large lot subdivision.

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

17.30.200 Long-term commercial significance.

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

17.30.210 Mineral resource lands.

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

17.30.220 Minerals.

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

~~**17.30.230 Primary agricultural crops.**~~

~~The "primary agricultural crops" for long term commercially significant agriculture in Lewis County may include, but are not limited to, peas, sweet corn, blueberries, strawberries, small grains, bulbs, horticultural activities such as greenhouses and nurseries, silage/pasture/hay, and Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]~~

~~**17.30.23040 Qualified forester.**~~

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

~~**17.30.24050 Urban governmental services.**~~

~~"Urban governmental services" means those governmental services historically and typically delivered by cities, including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated~~

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with urban areas and normally not associated with nonurban areas. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.25060 Urban growth.

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

17.30.26070 Urban growth area (UGA).

“Urban growth area (UGA)” means those areas designated for urban growth by Lewis County pursuant to RCW 36.70A.110. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.27080 Wetlands delineation.

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

17.30.280 (reserved)

Article III. General Requirements

17.30.290 Applicability.

This chapter classifies and designates resource lands in Lewis County and establishes regulations for the protection of resource lands, human health, and safety. Lewis County shall not grant any permit, license, or other development approval to alter the condition of any land, water, or

vegetation, or to construct or to alter any structure or improvement, nor shall any person alter the condition of any land, water, or vegetation, or construct or alter any structure or improvement, for any development proposal regulated by this chapter, except in compliance with the provisions of this chapter. Failure to comply with the provisions of this chapter shall be considered a violation and subject to enforcement procedures. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.1, 1996]

17.30.300 Relationship to other regulations.

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

17.30.310 Exemptions.

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

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

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

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conversion of any resource lands to other than resource land uses;

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

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

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

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

(7) Any projects currently under review and "vested" as that term is used in RCW 19.27.095 and 58.17.033 by local, state, or federal agencies prior to official adoption of the ordinance codified in this chapter are exempt from this chapter and will be grandfathered under previous resource lands protection measures; provided, however, "vested properties" shall include any property acquired for development purposes where the following qualifications have been met: (a) the purchase includes lands designated as resource lands pursuant to this chapter; (b) the purchaser can demonstrate through some objective means that the property was acquired for present development purposes (e.g., more than generalized intent, such as a feasibility

study, nature of purchaser's business, or other facts or data); and (c) the earnest money agreement is complete and binding on both parties within 90 days prior to the effective date of the ordinance codified in this chapter; and provided further, such additional vested rights shall be in effect only for the subdivision of such property in fact completed (final plat recorded) within 18 months of the effective date of the ordinance codified in this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.3, 1996]

17.30.320 Application requirements - General.

This chapter is an overlay similar to Chapter 43.21C RCW. No separate "application" or permit is required. The criteria and requirements of this section must be addressed, however, in connection with all land use or development permits issued by Lewis County. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.4, 1996]

17.30.330 Designation of the administrator.

The planning director of the Lewis County department community development or his or her designee shall be responsible for applying the provisions and requirements of this chapter.* [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.5, 1996]

17.30.340 Appeals.

(1) Any decision of the administrator in the administration of this chapter may be appealed by the applicant to the hearing examiner. The decision shall be based on the record at the time the decision was issued.

(2) Appeals shall be filed in writing in duplicate with the hearing examiner within 10 calendar days of the date of the action being appealed. The appeal must specify the

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code section under which error is alleged and state facts from the record to demonstrate prima facie violation of the section in question.

(3) Upon the filing of an appeal, the hearing examiner shall set the time and place at which the matter will be considered. At least 10 calendar days notice of such time and place, together with one copy of the written appeal, shall be given to the appellant. The appeal shall follow the requirements for a closed record appeal in Chapter 2.25 LCC.

(4) The hearing examiner may reverse or affirm wholly or in part the decision of the administrator. The hearing examiner may also remand if it appears that new or supplemental information may change the result reached. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.6, 1996]

17.30.350 Penalties and enforcement.

(1) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter. Any such person or other such party who violates such provision of this chapter shall be subject to the enforcement provisions of Ch. 17.07 LCC.

(2) A notice of violation and order for the penalty may be issued by the administrator or designee when there is a finding by such official that a violation of this chapter has occurred or is occurring.

(a) The administrator shall issue such notice and order in writing to the person(s) creating, causing, participating in, or allowing the violation pursuant to LCC 120.040.

(3) The office of the Lewis County prosecuting attorney may bring such additional injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter, and county

and state laws, and the costs of such action shall be taxed by the prosecuting attorney against the person committing the violation.

In the enforcement of this chapter the prosecuting attorney may accept assurance of discontinuance of any act or practice deemed in violation thereof from any person engaging in, or who has engaged in, such act or practice. A violation of such assurance shall for purposes of prosecuting constitute and serve as prima facie proof of violation of this chapter. Acceptance of such assurance does not relieve a party from compliance with this chapter or state law. With respect to court actions filed pursuant to this chapter, any such assurance shall be in writing and be filed with and subject to the approval of the superior court. [Ord. 1192, 2006; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.7, 1996]

17.30.360 Nonconforming activities.

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, may continue subject to the following:

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

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

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increase that footprint by more than 25 percent;

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

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

17.30.370 Variances.

(1) If an applicant for a proposal demonstrates to the satisfaction of the administrator that application of the standards of this chapter would constitute an extraordinary hardship to the applicant, a variance to such standards shall be granted if the applicant also demonstrates all the following to the satisfaction of the administrator:

(a) That no commercially viable use with less impact on the resource lands is possible which would not pose an extraordinary hardship on the applicant;

(b) That there is no commercially viable alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use

with less adverse impacts to the resource land and its related buffer;

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

(d) That disturbance of resource lands has been minimized by locating any necessary alteration in a related buffer to the extent possible;

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

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

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

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

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

(j) That the need for a variance is not the result of deliberate actions by the applicant or prior owners after the effective date of the ordinance.

(2) Notice of a variance request shall be given in conjunction with the notice of any permit application; provided, that if such permit application does not require a public hearing, the variance request shall be scheduled for hearing before the administrator upon the same notice as provided for other public hearings required

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by county subdivision ordinance. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.9, 1996]

17.30.380 Nonregulatory incentives.

The following nonregulatory incentives shall apply to all resource lands:

(1) Assessment Relief.

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

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

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

(2) Open Space. Subject to the criteria established by law, any person who owns a resource land area as identified by this chapter may apply for current use assessment pursuant to Chapter 84.34 RCW. The Open Space Tax Act allows Lewis County to designate lands, which should be taxed at their "current use value." The county has programs for agricultural lands, small forest lands less than 20 acres in size, and other open spaces. Lewis County has adopted a public benefit rating system, which classifies properties on the basis of their relative importance of natural and cultural resources, the availability of public access, and the presence of a "conservation easement." These features are given a point value, and the total point value determines

the property tax reduction. Lands with an important habitat or species would commonly qualify for this voluntary program. Applications are approved by the board of county commissioners following a public hearing.

(3) Conservation Easement.

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

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

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

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

(4) Development Rights Transfer and Acquisition. Lewis County shall adopt a development rights transfer and/or acquisition program pertaining to

development rights on designated resource lands by September, 1998. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.10, 1996]

17.30.390 SEPA.

This chapter is a written policy of Lewis County enforceable through the State Environmental Policy Act, Chapter 43.21C RCW and specifically RCW 43.21C.065. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.11, 1996]

17.30.400 Judicial or legislative modification.

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

17.30.410 Cost recovery.

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

Article IV. Forest Resource Lands

17.30.420 Classification.

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

(1) Private Forest Land Grades of the Washington State Department of Revenue (WAC 458-40-530).

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

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

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

Washington State Private Forest Land Grades

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

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

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

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

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

(3) Property Tax Classification. Property in the block is assessed or eligible to be assessed as open space or forest land pursuant to Chapter 84.33 or 84.34 RCW.

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

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

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

(7) History of Land Development Permits Issued Nearby. For Lewis County, this means that recent residential development is an indicator of a pattern or direction of growth that may be encroaching on the forest land. The above criteria are applied throughout unincorporated Lewis County to designate those forest lands of long-term commercial significance. Those lands that currently meet the criteria are shown on map entitled Lewis County Forest

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Lands, March 1996. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.1, 1996]

17.30.430 Designation.

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

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

(2) Forest Land of Local Importance. Forest lands of local importance are those forest lands meeting the criteria of LCC 17.30.420 (1), (3), (4), (6) and (7) which fall outside a 5,000-contiguous-acre block and meet the following criteria:

(a) Formal Designation ("Opt-In"). Forest lands of local importance shall only be designated by the board of county commissioners upon a petition for such designation by the landowner pursuant to the requirements of LCC 17.30.560(2).

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

(c) Minimum Period for Commitment to Designation. The landowner petitioning for designation as a forest land of local importance shall be required to commit the property to remain in that designation for 10 years. The designation may be renewed by the landowner at the end of the 10-year period, provided that renewal of the

designation shall not be considered an amendment to the zoning regulations.

(d) Current Forest Land Use. The property is in open space or forest land classification pursuant to Chapter 84.33 or 84.34 RCW. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.2, 1996]

17.30.440 Uses.

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

17.30.450 Primary uses.

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

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

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

(4) Extraction and processing of rock, gravel, coal, oil, gas, mineral, and geothermal resources. [Ord. 1179C §1,

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2003; Ord. 1170B, 2000; Ord. 1157, 1998;
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17.30.460 Accessory uses.

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

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

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

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

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

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

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

(7) Aircraft landing fields, heliports;

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

17.30.470 Incidental uses.

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

(1) Required Elements.

(a) The use will not adversely affect the overall productivity of the forest nor affect more than five percent of the prime soils (15 percent as provided below in LCC 17.30.490 (3)) on any forest resource lands (including all contiguous tracts or parcels in common ownership) on the date this chapter is effective.

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

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

(2) Uses Allowed as Incidental Activities.

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

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

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

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

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

17.30.480 Essential public facilities.

[Reserved]

[Ord. 1179M, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(D), 1996]

17.30.490 Maximum density and minimum lot area.

The minimum lot area for any new subdivision, short subdivision, large lot subdivision or exempt segregation of property shall be as follows, except for parcels to be used for uses and activities provided under LCC 17.30.440 through 17.30.480:

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

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

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

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

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

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

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

(e) The plat shall contain the covenants in LCC 17.30.540.

[Ord. 1179M, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1176, 2000; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.4, 1996]

17.30.500 Setbacks.

(1) Within Lands Adjacent to or Abutting Primary Forest Resource Lands. All structures shall maintain a minimum setback of 150 feet from property lines, except for structures not requiring building permits, and 200 feet for all wells, and uses and activities provided under LCC 17.30.440 through 17.30.480; provided, however, the administrator may reduce the structure's setback where:

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

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

(2) Within Land Adjacent to or Abutting Forest Resource Lands of Local Importance. All structures shall maintain a minimum setback of one hundred and fifty (150) feet from property lines, except for structures not requiring building permits, and one hundred feet for all well, and uses and activities provided under LCC 17.30.440 through 17.30.480; provided, however, that the 150-foot resource lands setback shall not be required where:

(a) The owner of lands adjacent to or abutting forest lands of local importance records a forestry easement for the benefit of the abutting forest resource lands of local importance, granting a right to all normal and customary forestry practices in accordance with best management practices.

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[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(A), 1996; Ord. 1151A, 1997]

17.30.510 Water supply.

[Reserved]

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

17.30.520 Access.

No permit from Lewis County shall imply any permanent vehicular access to residential properties across non-owned land. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(C), 1996]

17.30.530 Surveys.

Land surveys or other boundary line determinations shall be required in conjunction with the issuance of a building permit on property subject to the setback requirements set forth in LCC 17.30.500 to demonstrate compliance with the required setback. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(D), 1996]

**17.30.540 Notification of forest practices
- Conflict mitigation.**

(1) Continued forest management by definition requires the eventual harvesting of the trees, site preparation, and replanting. It is important that people choosing to live within or adjacent to commercial forest land be aware of the inevitability of forest practices and understand the necessary management activities that are required to harvest and sustain a future commercial forest crop. The following language indicating proximity, within 500 feet, to designated forest land shall be required on all final plats, short plats, and binding site plans approved by Lewis County.

(2) In addition, at the time of building permit issuance, applicants shall be required

to sign and record with the County Auditor a statement acknowledging that their property is located within 500 feet of designated forest land and subject to customary forest practices.

(3) The following language shall be required for both plats and building permits:

NOTICE AND COVENANT: The subject property is within or near land designated for commercial forest management and subject to a variety of activities that may not be compatible with residential development for certain periods of limited duration. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, herbicides, and associated management activities. When performed in accordance with county, state, and federal law, these forest management activities are not subject to legal action or public nuisance.

(4) Where the approval is a plat pursuant to LCC 17.30.490(3), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(E), 1996]

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

Repealed. [Ord. 1179, 2002]

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

An “Opt-in” provision is provided for the voluntary designation of properties as forest land of local importance by the property owner(s) upon the timely written

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notification to the administrator of their desire for such designation. Such application for designation shall be processed as an amendment to the Comprehensive Plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter 17.12 LCC.

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

(a) The property meets the classification criteria set forth for forest lands of local importance in LCC 17.30.430(2); and

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

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

(a) Administrator's Action. The administrator shall determine if the application is complete. If additional information is necessary, the application shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.

(b) Planning Review and Recommendation. The Lewis County Planning Commission shall hold a public hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall

consist of publication of a legal notice in a newspaper of general circulation in Lewis County. Notice shall state the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.

(c) Following the Planning Commission hearing, the Planning Commission shall make a recommendation. The administrator shall forward the recommendation to the Board of County Commissioners within 5 working days of the Planning Commission recommendation. The administrator shall also provide the applicant written notice of the Planning Commission recommendation.

(d) The Board Decision. The Board of County Commissioners shall make a final decision following the receipt of the recommendation of the Planning Commission. The Board shall hold a public hearing on the matter. The Board shall make written findings for its decision and such findings shall be available to the public upon request. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.8, 1996]

Article V. Agricultural Resource Lands

~~17.30.570 Classification.~~

~~Agricultural resource lands of Lewis County are classified according to the following: Land Capability Classification System of the U.S. Department of Agriculture Handbook No. 210. This system of classification and identification for long-term commercially significant agricultural resource lands is~~

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based upon identified prime farmland derived from the land capability classification system of the United States Department of Agriculture Handbook No. 210. The classes of agricultural lands are based upon consideration of growing capacity, productivity, and soil composition. In further defining categories of agricultural lands of long term commercial significance, the reference standard is the use of the classification of prime and unique farmland

soils as mapped by the Natural Resource Conservation Service (NRCS), USDA.

(1) Prime Farm Lands of Long Term Commercial Significance. For Lewis County prime agricultural soils in land capability Classes I, IIe, IIw, IIIs, IIIe, IIIw, IVe, and Vw are used for this designation. Prime farmland soils commonly get an adequate and dependable supply of moisture from precipitation and/or irrigation. These soils are identified as follows:

Map-Unit #	Prime Farmland Soil Description	Land-Capability
1	Alvor silty clay loam	IIIw
21	Boistfort clay loam, 0-8% slopes	IIIe
42	Centralia loam, 0-8% slopes	IIe
45	Centralia Variant loam, 0-8% slopes	IIe
47	Chehalis silt loam	IIw
48	Chehalis silty clay	IIw
49	Cinebar silt loam, 0-8% slopes	IIe
61	Cloquato silt loam	IIw
84	Doty silt loam	IIe

Map-Unit #	Prime Farmland Soil Description	Land-Capability
86	Ferteg silt loam, 0-8% slopes	IIe
89	Galvin silt loam, 0-8% slopes	IIIw
91	Glenoma very cindery loam	IIe
116	Klaber silt loam	IIIw
117	Klaber Variant silty clay loam	IIIw
118	Lacamas silt loam, 0-3% slopes	IIIw
119	Lacamas silt loam, 3-8% slopes	IIIw
130	Melbourne loam, 0-8% slopes	IIe
133	Mossyrock silt loam	I
135	National cindery sandy loam, 0-8% slopes	IIIe
136	Nesika loam, 2-5% slopes	IIe
145	Newaukum gravelly silt	IIIe

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	loam, 5-15% slopes	
148	Newberg fine sandy loam	Hw
152	Olequa silt loam, 0-5% slopes	He
155	Olympic silty clay loam, 0-8% slopes	He
167	Prather silty clay loam, 0-5% slopes	Hw
170	Puget silt loam	Hw
171	Puyallup fine sandy loam	Hw
172	Reed silty clay loam	IIIw
173	Reed silty clay loam, channeled (if drained and protected from flooding)	Vw
187	Salkum silty clay loam, 0-5% slopes	He
191	Sauvola, silty clay loam, 0-8% slopes	He
193	Seamman silty clay loam, 0-5% slopes	IIIw
204	Schooley silt loam	IIIw
205	Semiahmoomuck (if drained)	Vw
206	Siler fine sandy loam	Hw
207	Siler silt loam	Hw
240	Wilkeson loam, 0-8% slopes	He
242	Winston loam, 0-8% slopes	IVe
243	Winston gravelly loam, 0-8% slopes	IIIe
244	Winston gravelly loam, 8-15% slopes	IIIe

(2) Unique Farmlands. Unique farmlands were considered, but not designated.

(3) Farmlands of Local Significance. In Lewis County many of the floodplains of the major rivers are farmed extensively and provide a critical mass in supporting local agriculture industry, even though not always on prime farm soils. [Ord. 1179C, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.1, 1996]

17.30.580 Identification. In mapping of long-term commercially significant agricultural resource lands growing capacity, productivity, economic viability, proximity to populated areas, and the possibility of

more intense uses of the land as indicated by one or more of the following are considered:

(1) Growing Capacity and Productivity.

(a) Land Capability. Soils shall be in Capability Classes I, II, and IIIe. Soils with limitations in the following areas shall not be considered for purposes of identification:

(i) Moderately steep slopes (greater than eight percent);

(ii) High susceptibility to water or wind erosion or severe adverse effects of erosion;

(iii) Frequent overflow accompanied by serious crop damage;

(iv) Very slow permeability of the subsoil;

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~~(v) Wetness or some continuing waterlogging after drainage;~~

~~(vi) Shallow depths to bedrock, hardpan, fragipan, or claypan that limit the rooting zone and water storage;~~

~~(vii) Low moisture holding capacity;~~

~~(viii) Low fertility not easily corrected;~~

~~(ix) Moderate climatic limitations.~~

~~(b) Availability of Water. Sufficient irrigation capability, including precipitation and water rights, to grow the primary agricultural crops produced in Lewis County.~~

~~(2) Predominant Parcel Size. Predominant parcel sizes of 20 acres or larger, which provide (in combination with soil type) the economic conditions to manage agricultural land for long-term commercial significance. However, parcels of less than 20 acres can be commercially significant in the long term if they meet the Consolidated Farm Services Agency, USDA definition of "commercial" agriculture.~~

~~(3) Tax Status. Property enrolled in the open space agricultural tax program may be an indicator that the existing land use is commercial agriculture.~~

~~(4) Availability of Public Facilities and Services. The extension of public facilities and services conducive to the conversion of agricultural land is not provided. Lands within this designation will be located outside interim urban growth areas as defined by the incorporated cities and towns and Lewis County.~~

~~(5) Relationship or Proximity to Urban Growth Areas. Designated agricultural resource lands shall be located outside adopted interim urban growth areas or areas characterized by urban development and not near enough to such areas to develop~~

~~potential conflicts with agricultural activities.~~

~~(6) Land Use Settlement Patterns and Their Compatibility with Agricultural Practices. Residential development should be minimal. Predominant uses are compatible with agricultural uses. Compatible land uses within and adjacent to designated agricultural resource land include, but are not limited to, forestry, mining, parks and preserves, and open space.~~

~~(7) Intensity of Nearby Land Uses. Residential development should be minimal and at rural densities (an average of one dwelling unit per five acres) and no greater than rural density.~~

~~(8) History of Land Development Permits Issued Nearby. Regulated subdivision activity has not occurred adjacent to or nearby.~~

~~(9) Floodplain Limitations Under Alternative Uses. Use of the property for nonagricultural related activities is limited because it is in the 100-year floodplain.~~

~~(10) Proximity of Markets. Local or regional markets are available. The property has road, rail, or air transportation routes to markets.~~

~~(11) Agricultural Diversity. A diversity of agricultural activities exists or the area is capable of supporting a diversity of agricultural activities. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.2, 1996]~~

~~**17.30.590 Designation.** Lands of Lewis County meeting the classification and identification criteria for agricultural resource lands are:~~

~~(1) Class A Farmland of Long Term Commercial Significance. Farmland of long-term commercial significance shall be those areas having the following characteristics:~~

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~~(a) Not subject to frequent overflow during the growing season accompanied by serious crop damage; and~~

~~(b) Has prime farmland soil or soils as identified in LCC 17.30.580(1)(a); and~~

~~(c) Has sufficient irrigation capability; and~~

~~(d) Is primarily devoted to commercial agricultural productions; and~~

~~(e) Has a minimum parcel size of 20 acres; and~~

~~(f) Is not located within an adopted urban growth area.~~

~~(2) Class B Farmlands of Long Term Commercial Significance. Flood hazard areas associated with Type I and Type II streams provide pasture, forage, hay, crop, and other essential agricultural activities and shall be designated as lands of long term commercial significance where:~~

~~(a) More than 100 yards wide;~~

~~(b) Larger than 20 contiguous acres; and~~

~~(c) Not within an urban growth boundary.~~

(3) 17.30.570 Farmland of Local Importance.

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

The designation of farmlands of local importance is applied to those agricultural lands voluntarily nominated by the landowner which are not designated

commercial farmland and meet the following criteria:

(a) Formal Designation ("Opt-In"). Farmlands of local importance shall only be designated by the board of county commissioners upon a voluntary petition for such designation by the landowner pursuant to the requirements of LCC 17.30.700. Such applications shall be processed as an amendment to the County Comprehensive Plan and development regulations.

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

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

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

17.30.600580 Maps and inventory.

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

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and in the database of the Lewis County Geographic Information System.

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

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

17.30.590 Use Exceptions in ARL

(1) This section is intended to provide relief for property owners in ARL where prime soils, as listed in the comprehensive plan do not underlie the entire parcel. The special use process (17.115 LLC) for “residential, recreational, and other non-resource uses” shall be used to determine if, and under what conditions, such uses shall be permitted.

17.30.600 Relief from Errors in ARL Designation

(1) Property owners who believe a parcel has been included in agricultural resource land in error may request redesignation of that parcel pursuant to the comprehensive plan amendment provisions of LCC 17.165.040.

(2) Property owners who claim a parcel was included in agricultural resource land in error due to incorrect mapping of prime soils, as listed in the land use element of the comprehensive plan, shall provide a written report by a certified soils scientist documenting the actual soils conditions on

the parcel. The application fee for a comprehensive plan amendment set by LCC 17.165.020 shall be waived for property owners submitting a request for redesignation under this subsection (2).

17.30.605610 Uses.

The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of agricultural lands, and discourage incompatible uses. All primary and accessory uses shall be entitled to protection under the protective provisions of LCC 17.30.680. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5, 1996]

17.30.610620 Primary uses.

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

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

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

(4) Growing and harvesting of timber.

[Ord. 1179M, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(A), 1996]

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17.30.62030 Accessory uses.

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

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

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

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

(4) Private aircraft landing fields, heliports;

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

(6) Storage and application of agricultural waste;

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

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

(9) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall

not otherwise convert more than one acre of agricultural land to nonagricultural uses (RCW 36.70A.177)

[Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(B), 1996]

17.30.63040 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 non crop related agricultural uses, including residential, farm and shop buildings, and associated yards, parking and staging areas, drives and roads, are not considered prime farm lands for purposes of this section.

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

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

(2) Uses Allowed as Incidental Activities.

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

(b) Saw mills, shake and shingle mills, 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,

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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. 1179M, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(C), 1996]

17.30.64050 Essential public facilities.

[Reserved]

[Ord. 1179M, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(D), 1996]

17.30.65060 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 17.30.650:

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

(a) The total density of residential development on the entire contiguous ownership, including existing dwellings, is not more than one unit per ~~10 acres, for resource lands, one unit per 20 acres, for wetlands and areas mapped with hydric soils and steep slopes and flood hazard areas.~~

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

(c) Development of the subdivision~~The project~~ 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; provided, however, that lands with prime soils ~~lands~~ previously converted to non-crop related agricultural uses, including residential, farm and shop buildings and associated yards, parking and staging areas, drives and roads may be subdivided; ~~are not considered prime farm lands for purposes of this section.~~

(d) The plat shall set aside the balance of the prime farm lands in a designated agricultural tract.

(e) The plat shall contain the covenants and protections in LCC 17.30.680.

[Ord. 1179M, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1176, 2000; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 §5.6, 1996]

17.30.66070 Setbacks.

(1) For All Non-Farm-Related Development Within Agricultural Resource Areas or on Lands Adjacent to or Abutting Agricultural Resource Lands. All structures shall maintain a minimum setback of 100 feet and all wells shall be set back 200 feet from designated agricultural tracts or any tracts used for agricultural purposes within

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the past five years, except for structures, uses, and activities provided under LCC 17.30.610 through 17.30.650; provided, however, the administrator may reduce the setback where:

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

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

~~17.30.680 Notification of agricultural activities Conflict mitigation.~~

~~(1) It is important that people choosing to live within or adjacent to agricultural land be aware of the inevitability of agricultural activities and understand the necessary activities that are required to sustain agricultural use of the land. The following language indicating proximity, within 1,320 feet, to designated agricultural land shall be required on all final plats, short plats, large lot subdivisions, and binding site plans or building permits approved by Lewis County within the agricultural resource areas.~~

~~(2) In addition, at the time of building permit issuance, applicants shall be required to sign and record with the County Auditor a statement acknowledging that their property is located within 1,320 feet of designated agricultural area and that if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has~~

~~a substantial adverse effect on the public health and safety.~~

~~(3) The language required is as follows:~~

~~NOTICE AND COVENANT: The subject property is within or near land designated for long term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry, and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right to Farm Ordinance No. 1119).~~

~~(4) Where the approval is a plat pursuant to LCC 17.30.660(1), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.7(B), 1996]~~

~~17.30.690 Application process for exclusion from designated commercial farmland ("Opt-out").~~

~~Repealed. [Ord. 1179, 2002]~~

~~17.30.670700 Process for petitioning for designation as a farmland of local importance ("Opt-in").~~

~~An "Opt-in" provision is provided for the voluntary designation of properties as~~

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farm land of local importance by the property owner(s) upon the timely written notification to the administrator of their desire for such designation. Such application for designation shall be processed as an amendment to the Comprehensive Plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter 17.12 LCC.

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

(a) The property meets the classification criteria set forth for farm lands of local importance in LCC 17.30.590(3)570; and

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

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

(a) Administrator's Action. The administrator shall determine if the application is complete. If additional information is necessary, the application shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.

(b) Planning Review and Recommendation. The Lewis County Planning Commission shall hold a public

hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall consist of publication of a legal notice in a newspaper of general circulation in Lewis County. Notice shall state the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.

(c) Following the Planning Commission hearing, the Planning Commission shall make a recommendation. The administrator shall forward the recommendation to the Board of County Commissioners within 5 working days of the Planning Commission recommendation. The administrator shall also provide the applicant written notice of the Planning Commission recommendation.

(d) The Board Decision. The Board of County Commissioners shall make a final decision following the receipt of the recommendation of the Planning Commission. The Board shall hold a public hearing on the matter. The Board shall make written findings for its decision and such findings shall be available to the public upon request. [Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.10, 1996]

17.30.680710 Nonregulatory incentives.

(1) Assessment Relief.

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

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

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

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

Article VI. Mineral Resource Lands

17.30.720 Classification.

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

(1) Existing Permitted Surface Mining Operations. The contiguous ownership of existing permitted mining operations (including dormant operations) operating under authority of Chapter 78.44 RCW, the Washington State Surface Mining Act, where the remaining operation has extractive minerals valued in excess of \$1,000,000.

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

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

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

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

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

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

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

17.30.730 Designation.

(1) Lands of Lewis County meeting the classification criteria set forth in LCC 17.30.720(1) are designated as mineral

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resource lands of long-term commercial significance. Other lands may be designated pursuant to LCC 17.30.850 within 90 days of the effective date of the ordinance codified in this chapter upon a finding of meeting the classification criteria set forth in LCC 17.30.720(1) by the board of county commissioners.

Lands which have been erroneously designated as mineral resource lands of long-term commercial significance may petition for exclusion from that designation through the process set forth for such exclusion in LCC 17.30.840.

(2) Other lands of Lewis County meeting the classification criteria set forth in LCC 17.30.720(2) or (3) are eligible for designation as mineral resource lands of long-term commercial significance subject to approval of a redesignation application pursuant to LCC 17.30.850.

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

17.30.740 Maps and inventory.

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

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

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

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

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

17.30.750 Primary uses.

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

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

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

(4) Existing surface mining operations, operating under the authority of the Washington State Surface Mining Act, Chapter 78.44 RCW.

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(5) Mining-related activities and structures.

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

17.30.760 Accessory uses.

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

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

(2) Home occupations associated only with the dwelling;

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

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

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

17.30.770 Incidental uses.

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

(1) Required Elements.

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

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

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

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

(2) Uses Allowed as Incidental Activities.

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

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

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

(d) Permanent saw mills, shake and shingle mills, plywood mills, green veneer plants, particle board plants and other products

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from wood residues, chippers, pole yards, log sorting and storage, buildings for debarking, and drying kilns and equipment.

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

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

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

17.30.780 Essential public facilities.

Essential public or regulated facilities, such as roads, bridges, pipelines, and other utility transmission facilities, are facilities which by their nature are commonly located outside of urban areas and may need large areas of accessible land. Such areas are permitted where:

(1) Identified in the comprehensive plan of a public agency or regulated utility.

(2) The potential impact on mineral lands is specifically considered in the siting process. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(D), 1996]

17.30.790 Standards for existing permits.

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

17.30.800 Lot size/density.

Prior to full utilization of a designated mineral resource land's mineral resource

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

17.30.810 Setbacks - Buffers.

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

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

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

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

17.30.820 Preferential right to manage resources - "Right-to-mine".

(1) Applicability. Within designated Mineral resource lands in Lewis County, there is established a preferential right to mine.

(2) Description of Preferential Rights.

(a) No resource use or any of its appurtenances shall be, be adjudged to be, or

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become a nuisance, public or private, by any changed conditions in or about the locality thereof after the same has been in operation for more than one year, when such operation was not a nuisance at the time the operation began; provided, that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such operation or its appurtenances.

(b) A resource operation shall not be found to be a public or private nuisance if the operation conforms to local, state, and federal law.

(c) This chapter shall supersede any and all ordinances, or portions of ordinances, as the case may be, of the county now in effect or hereafter adopted that would otherwise make the operation of any such resource operation or its appurtenances a nuisance; provided, however, that the provisions of this subsection shall not apply whenever a nuisance results from the neglect or improper operation of any such resource operation or any of its appurtenances. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(D), 1996]

17.30.830 Mining use notices.

(1) For Properties Designated Mineral Resource Land Pursuant to the Application of the Property Owner under LCC 17.30.850. Within two weeks of designation as mineral resource land, pursuant to LCC 17.30.850, the property owner(s) of said land shall submit to the administrator, or the administrator may thereafter submit, for recording with the county auditor a written notice of designation. This notice shall be in a form authorized by the administrator and shall include the following:

(a) The legal description of the property subject to the designation.

(b) The sixteenth section or sections in which lie the following:

(i) The designated property; and

(ii) Any other property within one-quarter (1/4) mile of the boundary of the designated property.

(c) The following statement:

The property described herein is adjacent to or within 1/4 mile of land managed for commercial mining. Mining operations may be carried out now or in the future. Lewis County has established designated Mineral Resource Land that sets as a priority the use of these lands for mining and allows commercial forest management and agriculture. The normal and usual practices associated with said operations when performed in accordance with county, state, and federal law, shall not be subject to legal action as a public or private nuisance.

(2) For Properties Designated Mineral Resource Land Pursuant to LCC 17.30.730(1). Within four months of the effective date of the ordinance codified in this chapter, the administrator shall submit to the county auditor for recording a written notice of all designated mineral resource lands. This notice shall be in a form similar to subsection (1) of this section.

The administrator shall execute and acknowledge the notice, and no affected property owner shall be charged a fee for recording the notice.

(3) For All Properties Within One-Quarter Mile of Designated Mineral Resource Land. All plats, short plats, binding site plans, and building permits issued by Lewis County after the effective date of the ordinance codified in this chapter for development activities on any property designated as mineral resource land or within one-quarter mile thereof, shall contain a notice as specified in subsection (1)(c) of this section; which shall be recorded with the Lewis County Auditor. With any plat approval, the notice shall be a covenant running with the land, binding all lots within the subdivision. [Ord. 1179C §1,

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2003; Ord. 1170B, 2000; Ord. 1157, 1998;
Ord. 1151 § 6.5(E), 1996]

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

Repealed. [Ord. 1179C §1, 2003]

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

An “Opt-in” provision is provided for the voluntary designation of properties as mineral resource land by the property owner(s) upon the provision of written notification to the administrator of their desire for such designation. Such application for designation shall be processed as an amendment to the Comprehensive Plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter 17.12 LCC.

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

(a) The property meets the classification criteria for mineral resource lands set forth in LCC 17.30.720; and

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

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

(a) Administrator's Action. The administrator shall determine if the application is complete. If additional information is necessary, the application

shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.

(b) Planning Commission Review and Recommendation. The Lewis County planning commission shall hold a public hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall consist of publication of a legal notice in a newspaper of general circulation stating the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.

Following the planning commission hearing, the planning commission shall make a recommendation. The administrator shall forward the recommendation to the board of county commissioners within 15 working days of the planning commission recommendation. The administrator shall also provide the applicant written notice of the planning commission recommendation.

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

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Ordinance 1197

Exhibit E

Chapter 17.40 Lewis County Code

Chapter 17.40

RIGHT TO FARM

Sections:

- 17.40.010 Title.
- 17.40.020 Purpose.
- 17.40.030 Definitions.
- 17.40.040 Policy on agricultural nuisances.
- 17.40.050 Recommended practices.

17.40.010 Title.

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

17.40.020 Purpose.

It is the purpose of this chapter to promote and protect agriculture and farm forestry in the Agricultural Resource Lands (ARL), Forest Resource Lands (FRL), and Rural Development District (RDD) zones and its dependent rural communities through the enhancement, protection and perpetuation of the ability of the private sector—farmers to produce food and fiber—conduct farming and forestry in accordance with RCW 7.48.305. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 2, 1991]

(1) Where non-resource land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in natural resource land improvements to the detriment of adjacent natural resource land uses and the economic viability of the County's resource industry as a whole. It is the purpose and intent of this Chapter to reduce the loss of its

natural resource lands by limiting and defining the circumstances under which natural resource lands management operations may be considered a nuisance. This Chapter is not to be construed as in any way modifying or abridging County, State or Federal laws; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.

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

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

(4) The following language indicating proximity, within 1,320 feet, to designated agricultural land shall be required on all final plats, short plats, large lot subdivisions, and binding site plans or building permits approved by Lewis County within the agricultural resource areas.

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(2) In addition, at the time of building permit issuance, applicants shall be required to sign and record with the County Auditor a statement acknowledging that their property is located within 1,320 feet of designated agricultural area and that if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

(3) The language required is as follows:

NOTICE AND COVENANT: The subject property is within or near land designated for long-term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry, and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right-to-Farm Ordinance No. 1119).

(5) Where the approval is a plat pursuant to LCC 17.30.660(1), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.7(B), 1996]

17.40.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm and timber products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; smoke; operation of machinery and pumps; movement; including but not limited to use of current county roads and ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways and similar features and maintenance of stream banks and watercourses; and conversion from one agricultural activity to another.

(2) "Farm" means the land, buildings, manure lagoons, ponds, freshwater culturing and growing facilities, and machinery used in commercial production of farm products.

(3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquaculture or other agricultural commodities.

(4) "Farm product" means those plants and animals (and the products thereof) useful to human beings which are produced

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on farms and include, but are not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including breeding, grazing and feed lots, fruits, vegetables, flowers, seeds, grasses, nursery products, trees and forest products including Christmas trees and timber, freshwater fish and fish products, rabbits, apiaries, equine and similar products, or any other product which incorporates the use of food, feed, fiber or fur.

(5) "Generally accepted agricultural and management practices" or "best management practices" means sound, economically feasible farming techniques and practices as defined and/or recommended by the American Society of Agronomy, United States Department of Agriculture Soil Conservation Service, Washington State Cooperative Extension Service, and other professional or industrial agricultural organizations.

(6) "Person" means an individual, firm, copartnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 3, 1991]

17.40.040 Policy on agricultural nuisances.

No agricultural activity, operation, facility or appurtenances thereof, shall be or become a nuisance as defined in chapter 1.22 LCC, regardless of past or future changes in the surrounding area's land use or zoning designation, when conducted or maintained for commercial purposes, and in a manner consistent with current Best Management Practices, not superseding local, State or Federal regulations and involving uses allowed

under the Agriculture Resource Land (ARL) and Rural Development District (RDD) zones.

17.40.050 Disclosure.

(1) The statement set forth in Subsection (2) ("Disclosure") shall be used under the following circumstances and in the following manners:

(a) Lewis County shall mail a copy of the Disclosure, with an explanatory informational attachment to all landowners whose parcel(s) lie within an area or within 500 feet of an area designated as a natural resource land beginning in the year 1999 and every 3 years thereafter; provided that no liability shall attach to Lewis County for any actions or omissions under this Subsection.

(b) Upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means, the seller shall be required to record with the County Auditor a statement containing the language set forth in Subsection (2) in conjunction with the deed conveying the real property; provided, however, that the real property is located within 1 mile of the Agriculture Resource Land (ARL) or Rural Development District (RDD) zones in compliance with RCW 64.06.022 and RCW 7.48.305 the Washington right to farm act.

(c) The following shall constitute the disclosure required by this Section: "It is important that people choosing to live within or adjacent to agricultural land be aware of the inevitability of agricultural activities and understand the necessary activities that are required to sustain agricultural use of the land. The following language indicating proximity, within 1,320 feet, to designated agricultural land shall be required on all

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final plats, short plats, large lot subdivisions, and binding site plans or building permits approved by Lewis County within the agricultural resource areas.

(2) In addition, at the time of building permit issuance, applicants shall be required to sign and record with the County Auditor a statement acknowledging that their property is located within 1,320 feet of designated agricultural area and that if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

(3) The language required is as follows:

NOTICE AND COVENANT: The subject property is within or near land designated for long-term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry, and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their

heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right-to-Farm Ordinance No. 1119).

(4) Where the approval is a plat pursuant to LCC 17.30.660(1), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.7(B), 1996]

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

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

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

17.40.050 Recommended practices.

(1) To minimize possible adverse environmental effects, those engaged in agricultural activities shall apply chemical products in accordance with all label instructions and shall abide by all applicable state and federal laws and regulations as well as with generally accepted agricultural and management practices.

(2) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to generally accepted agricultural and management practices, recognizing that those practices may be subject to varying conditions including, but not limited to, geographic location, weather, soil types and conditions, type of crop or livestock, and management systems. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 5, 1991]

Ordinance 1197

Exhibit F

Chapter 17.42 Lewis County Code

RURAL ZONES

Chapter 17.42

RURAL AREA ZONING SUMMARY

Sections:

- 17.42.010 Purpose.
- 17.42.020 Conflicts.
- 17.42.030 General conditions.
- 17.42.040 Land use summary –
Local areas of more
intensive rural
development.
- 17.42.050 Land use summary –
Rural lands.

17.42.010 Purpose.

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

17.42.015 Conflicts.

Where there are conflicts between the text and the zoning summary charts below at LCC 17.42.030 and 17.42.040, said charts shall prevail. [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. 1179, 2002]

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

See, Table 1, below. [Ord. 1179, 2002]

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TABLE 1: Rural Area Land Use – LAMIRDS Zoning Summary

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/Shoreline Residential
I II	Sales service (non-resource use)	P - to 10,000 a2 SUP- >10,000a2	X	P - related to industrial or resource use	P - < 5,000a2 (small scale)	P – to 10,000 a2 per use	X
I II	Retail sales (non-resource use)	P – to 10,000 a2 SUP- >10,000a2	X	P - related to industrial or resource use	P- < 5,000a2 (primarily serve local)	P – to 10,000 a2 per use	X
I	Professional services (includes offices) (non-resource use)	P	X	P	P- < 5,000 a2	P	X
II n/a	Essential public facilities – Local Major	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP 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); Restaurants (150 seats)	P P P P	P P X X	X X X X	P P X X	P P P P	P P X 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/ac.	P	P	X	P on existing lots	X	X
I II	Retirement, boarding, convalescent home (not State licensed) 6 persons (in addition owner's family) > 6 persons	P SUP	P SUP	X X	P on existing lots SUP	X SUP	P SUP
II	Group Homes (applies to all State-licensed facilities)	SUP	SUP	X	X	X	SUP
II	Animal Kennels	SUP	X	SUP	SUP	SUP	X

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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 Crossroad 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 5,000ft ²	X	P to 20,000ft ² SUP >20,000 ft ²	X	SUP- to 10,000ft ²	X
II	Storage, transportation & handling of goods	SUP- to 5,000ft ²	X	P to 20,000ft ² (via Tier I) SUP >20,000 ft ²	X	SUP- to 10,000ft ²	X
II	Shoreline uses from (SMP) Shoreline Master Program – Permit exempt Shoreline permit also required for non-exempt activity within 200 ft of shoreline	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)
I	On-site treatment/ storage of hazardous waste	P – accessory	P- accessory	P – accessory	P - accessory	P – accessory	P - accessory

KEY P = Permitted Use SUP = Special Use Permit
A = Administrative Review X = Prohibited
n/a = not applicable

DRAFT AMENDMENTS TO LEWIS COUNTY CODE PROVISIONS REGULATING AGRICULTURE

Note: Includes Changes Directed by Planning Commission on 10/2/07

17.42.40 Rural Area Land Use Zoning Summary

See, Table 2, below. [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 use	P P	P P	P P
III	Clustering: -Location: No more than 24 new cluster subdivision units in any ½ mile radius; provided such limit does not apply where there is a physical barrier visually separating the facilities -Size: [Most rural developments are 6 due to water right limitations] Cluster Subdivision—up to 6 Cluster Subdivision >6	P SUP	P SUP	P SUP
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. Number: Up to two per subarea; 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	Essential Public Facilities	SUP	SUP	SUP
n/a	Local Regional	Amend CP	Amend CP	Amend CP
I	Home-Based Business (cottage industries) A. In an existing residence or associated outbuilding, by the occupant and 2 FTE employee(s), for a total of 3, where there is no outward manifestation of the business other than a small sign, or vehicles used off site for business purposes. Overnight parking of vehicles and offsite okay.	P	P	P
II	B. Businesses which have up to 5 FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 sq.ft.	A	A	A
III	C. Uses permitted through the special use permit process. Such uses may be up to 10,000 sq.ft. and may have up to 10 FTE on site. Special use -- no more than 10 per subarea in planning.	SUP	SUP	SUP

DRAFT AMENDMENTS TO LEWIS COUNTY CODE PROVISIONS REGULATING AGRICULTURE

Note: Includes Changes Directed by Planning Commission on 10/2/07

Tier	Use	R 1-5	R 1-10	R 1-20
III	Isolated Small Business (Non-Resource) 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. -Number: No more than 20 per subarea	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. -Number: No more than 20 per subarea	SUP	SUP	SUP
Section I				
III	A. Bed and breakfast -Location: existing or new residential construction -Size: up to 10 rooms for rent Number: 2 new per subarea outside identified recreation area	P	P	P
III	B. Motels/Inns, up to 30 rooms -Location: arterial or state highway -Size: 5 acres or less -Number: 2 new units per subarea outside identified recreation areas	SUP	SUP	X
III	C. Country Inn -Location: Recreation areas -Size: 10-acre minimum lot size -Number: Two per subarea outside recreation area (no more than five total per subarea)	X	SUP	SUP
III	D. Food service establishments, up to 50 seats -Location: arterial or state highway -Size: 5 acres or less -Number: 2 per subarea outside identified recreation areas	SUP	SUP	X
III	E. Recreation service retail not to exceed 5,000 sf; (Boat shop, boat & tackle shop, camping supplies, limited grocery and sundries, including storage) -Location: State highway or direct access to recreation area -Size: 2 acres or less, not to exceed 5,000 sq. ft. per building -Number: 4 new per subarea outside identified recreation areas	A	A	A
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 Over 100 sites and/or more than 40 acres	SUP RMP MPR	SUP RMP MPR	SUP RMP MPR
III	G. RV parks -Location: recreation areas or 2 miles from St. hwy -Size: Up to 100 sites and/or up to 10 acres Over 100 sites and/or up to 40 acres Over 100 sites and/or more than 40 acres	SUP RMP MPR	SUP RMP MPR	SUP RMP MPR
III	H. Convenience grocery or fuels -Location: on state highway or arterial -Size: one acre or less developed portion -Number: 2 new per subarea outside recreation areas (Permitted as accessory use to "E" above.)	P	P	P
II	I. Shoreline permitted/conditional uses per Shoreline Master Program and critical area requirements -SMA-exempt activities must be consistent with shoreline master program	A	A	A
II	SMA non-exempt activities -Residential uses must comply with zoning limits	Substantial Dev. permit	Substantial Dev. permit	Substantial dev. permit
III	J. 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. H above	A	A	A

DRAFT AMENDMENTS TO LEWIS COUNTY CODE PROVISIONS REGULATING AGRICULTURE

Note: Includes Changes Directed by Planning Commission on 10/2/07

Tier	Use	R 1-5	R 1-10	R 1-20
III	K. Rural Resorts (replaces Stand-alone Resorts) -Location: recreation areas -Size: < 75,000 sq. ft. developed floor area and/or 15 acres impervious surface -Number: Two per subarea outside recreation areas (limit of five)	SUP	SUP	SUP
IV	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 non-exempt commercial sport facilities (e.g. including but not limited to soccer, baseball, track and field)	SUP	SUP	SUP
I	Isolated commercial events (no permit facilities required) (e.g. soccer tournament)	P	P	P
II	D. New, outdoor pistol, rifle, skeet, and other related facilities	X	SUP	SUP
II	Indoor pistol, rifle, skeet, and other related facilities	A	A	A
II	E. New golf courses, driving ranges, and related facilities	SUP	SUP	SUP
IV	200 acres or less >200 acres -accessory uses must meet rural criteria	MPR	MPR	MPR
II	F. Special Purpose Subdivisions (such as Water Ski lakes, air parks, and equestrian subdivisions) -Location: In special subdivisions; requires subdivision approval	A	A	A
Section 3				
I	Animal Hospital/Boarding	P	P	P
II	New private Aviation Facilities, 9 or fewer permanently-based aircraft, or a private aviation subdivision	SUP	SUP	SUP
II	New public Aviation Facilities, 10 or more permanently-based aircraft (see LCC 17.115.30(6)(7)) [Essential Public Facility]	SUP	SUP	SUP
II	Expansion of existing, lawful Nonconforming Use			
	A. Only on developed legal lot	A	A	A
II	B. Nonconforming uses may be changed to new nonconforming use, but new use must meet current critical area, road, stormwater, well, and septic criteria	SUP	SUP	SUP
	Mineral Resource Use			
I	Below DNR threshold	P	P	P
II	New or expansion of existing approved mine area	SUP	SUP	SUP
I	Forestry Uses as listed in LCC 17.30.450 (1)(2)	P	P	P
II	Forest Resource Accessory Use, mills, log yards A. Temporary (less than 1 year/portable) B. Permanent (fixed installation or more than 1 year)	P/SUP over 20 acres	P/SUP over 20 acres	P/SUP over 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 SUP = Special Use Permit
 A = Administrative Review RMP = Rural Master Plan
 X = Prohibited MPR = Master Planned Resort (County and State planning requirements)
 MIP = Major Industrial Park (County and State planning requirements)

* [Section 2]Exempt Activities: Facilities used for personal or limited activities – no charge or cover costs.

** The following agricultural uses require special use permits through the Hearings 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 conjunction 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 applicable local, state, and federal regulations.
- Private aircraft landing fields, heliports.
- Storage and application of agricultural waste.
- Agricultural storage and processing.

Ordinance 1197

Exhibit G

Chapter 17.105 Lewis County Code

~~Chapter 17.105~~

~~RURAL AGRICULTURAL DISTRICT~~

~~Sections:~~

- ~~17.105.010 — Purpose.~~
- ~~17.105.020 — Process.~~
- ~~17.105.030 — Application.~~
- ~~17.105.040 — Review process.~~

~~17.105.010 — Purpose.~~

~~The Rural Agricultural District is an overlay district in which property owners who wish to protect large unbroken tracts of land may create a zone which limits minimum lot size to very large tracts. [Ord. 1170B, 2000]~~

~~17.105.020 — Process.~~

~~The applicants for such a zone shall petition the planning commission for a map amendment to create a Rural Agricultural District. The request shall be processed as a map amendment pursuant to Chapter 17.165 LCC. [Ord. 1170B, 2000]~~

~~17.105.030 — Application.~~

~~(1) The application shall contain a map of the area to be included in the district and a list of all property owners of record by name and address.~~

~~(2) The application shall be accepted for review if signed by the owners of two-thirds of the property within the proposed zone. [Ord. 1170B, 2000]~~

~~17.105.040 — Review process.~~

~~(1) The application shall be processed by the Planning Commission and County Commissioners as a map amendment to this title.~~

~~(2) Notice of the hearing shall be published and mailed to all property owners of record within the district.~~

~~(3) The minimum area for the zone shall be 80 acres.~~

~~(4) The density and minimum lot size for the zone shall be specified in the petition and shall be one unit per 20 acres, 40 acres, or 80 acres as specified in the petition.~~

~~(5) If the map amendment is approved:~~

~~(a) Uses shall be limited to agricultural or timber resource, as specified on the map.~~

~~(b) No parcel may be created smaller than the minimum lot size, except as may be specifically approved through the review process.~~

~~(c) No use other than agriculture or timber resource shall be permitted, except as included in the petition and approved by the planning commission and board of county commissioners through the map amendment process.~~

~~(d) The special conditions of each map amendment approved under this chapter shall be included as a new section in this chapter. [Ord. 1170B, 2000]~~

Ordinance 1197

Exhibit H

Chapter 17.107 Lewis County Code

Chapter 17.107
AGRICULTURE AND FOREST
PROTECTION OVERLAY DISTRICT

Sections:

17.107.010 Purpose.

17.107.020 Development standards.

17.107.010 Purpose.

The purpose of this district is to provide protection for agriculture and forestry activities in Rural District outside resource lands, where conflict may arise between agriculture and forestry activity and other forms of development. The purpose of the district is to protect and encourage the preservation of larger farms and farm wood lots. [Ord. 1179, 2002]

17.107.020 Development standards.

Within the agricultural and forest protection overlay district, the following additional standards shall apply:

(1) A preferred use within such overlay zone is agriculture and timber management and production. Where an agricultural or timber use is consistent with an approved farm plan or local best management practices, such use shall be specifically considered a permitted use under this zone and protected by this overlay.

(2) Any new development approved in or adjacent to the overlay district shall include the limitation that no well intended for potable water supply shall be constructed within 100 feet of a property line boundary of any property which has been or may be used for commercial agriculture. This is to preclude potential conflict between potable water supplies and label requirements for use of fertilizers, pesticides, and herbicides, and requirements for animal waste management.

(3) Any new development within the agriculture and forest protection overlay

district shall contain a specific covenant that provides:

The owner(s) of any lot covered by this covenant, their heirs, successors, and assigns do hereby grant to adjacent property owners (whether abutting or across rights of way, streams or wetlands) the right to continued agriculture and forest activities in accordance with approved farm plans, or local best management practices where farm plans are not in place, and also where a special use permit is in place, as supplemented by the requirements of the special use permit.

(4) The owner(s), successors, and assigns of any lot covered by the covenant do agree to make no claim based on the potential consequences of agriculture and forest management and harvest activities conducted in accordance with the terms of the covenant.

(5) The overlay provisions shall apply to the following properties:

(a) Residential R1-5 District those properties identified under an agriculture or timber tax designation, and

(b) Residential R1-10 and R1-20 Districts all properties.

[Ord. 1179, 2002]

Ordinance 1197

Attachment A

Planning Commission Letter of Transmittal

LETTER OF TRANSMITTAL

To: Lewis County Board of County Commissioners

From: Lewis County Planning Commission

Date: October 2, 2007

Subject: Transmittal to the BOCC: Findings and Conclusions regarding proposed revisions to the Lewis County Comprehensive Plan related to Agricultural Resource Lands (ARL) designations and policies, and revisions to Lewis County Code (LCC) Chapters 17.30 (Resource Lands), 17.40 (Right to Farm), 17.42 (Rural Area Zoning), 17.105 (Rural Agriculture District), 17.107 (Agriculture and Forest Protection Overlay District), and 17.200 (Maps)

Dear Commissioners:

The Lewis County Planning Commission has completed its review and public hearings on various revisions to the Lewis County Comprehensive Plan related to Agricultural Resource Lands (ARL) designations and policies, and revisions to Lewis County Code (LCC) Chapters 17.30 (Resource Lands), 17.40 (Right to Farm), 17.42 (Rural Area Zoning), 17.105 (Rural Agriculture District), 17.107 (Agriculture and Forest Protection Overlay District), and 17.200 (Maps).

These proposed revisions have been presented by County staff and consultants to the Planning Commission in a series of workshop sessions and public hearings. During the review process, a significant number of discussion papers, maps, memos, and other materials were prepared and reviewed during the Planning Commission meetings starting in March 2007. This process considered work done by the County in 2006. In addition, oral and written public comments were submitted and have been considered by the Planning Commission.

The proposed revisions to the Comprehensive Plan and County Code relate to the designation and conservation of agricultural resource lands of long-term commercial significance ("ARL") under the Growth Management Act ("GMA"). The proposed amendments are in response to the Western Washington Growth Management Hearings Board's ("GMHB") February 13, 2004 "Order Finding Noncompliance and Imposing Invalidity," the Supreme Court's August 10, 2006 order reversing the GMHB in part, and

the GMHB's subsequent June 8, 2007 Order Finding Noncompliance, Imposing a Determination of Invalidity and Setting New Schedule for Compliance.¹

Revisions to the Comprehensive Plan involve the addition of policies in the Natural Resource Lands Sub-Element. These policies update the Existing Conditions of agriculture in the County, update the Agricultural Lands Classifications section with the Natural Resource Conservation Service revised soils classification data, and identify the County's ARL designation criteria, which are based on the requirements of WAC 365-190-050. The ARL designation criteria are relocated from the County Code to the Comprehensive Plan because designation of future land use is a policy decision, rather than a regulatory decision. The implementation of ARL designations through zoning and use restrictions is made through the County Code.

Revisions to the County Code primarily involve changes to Chapter 17.30 (Resource Lands) to provide clarifying definitions, move designation criteria to the Comprehensive Plan, provide for use exceptions on ARL parcels with limited prime soils, provide a mechanism for reconsideration of ARL designations if an error can be shown, and modify allowed accessory uses to be consistent with the GMA. Chapter 17.40 (Right to Farm) has been clarified, Chapter 17.42 (Rural Area Zoning Summary) has been revised to clarify that agricultural uses are permitted in rural zones. Also, Chapters 17.105 (Rural Agriculture District) and 17.107 (Agriculture and Forest Protection Overlay District) have been deleted.

As Chairman of the Lewis County Planning Commission, I am transmitting herewith the findings and recommendations of the Commission on the above elements.

FINDINGS OF FACT

1. Revisions to the Lewis County Comprehensive Plan related to Agricultural Resource Lands (ARL) designations and policies, and revisions to Lewis County Code (LCC) Chapters 17.30 (Resource Lands), 17.40 (Right to Farm), 17.42 (Rural Area Zoning), 17.105 (Rural Agriculture District), 17.107 (Agriculture and Forest Protection Overlay District), and 17.200 (Maps) as proposed have been formulated and reviewed by the Lewis County Department of Community Development and consultants as necessary to address the conservation of agricultural resource lands of long-term commercial significance, and to maintain and enhance the agricultural industry in Lewis County, to be consistent with state standards, and court and GMHB decisions, and the Lewis County Comprehensive Plan and Development regulations.
2. Lewis County is geographically and economically diverse. Weighing the WAC designation criteria identically throughout the County does not rationally evaluate

¹ The GMHB cases at issue are *Panesko v. Lewis County*, WWGMHB 00-2-0031c, and *Butler v. Lewis County*, WWGMHB 99-2-0027c. The GMHB has coordinated these two cases as they share relevant subject matter.

the long-term significance of all lands in Lewis County for the commercial production of agriculture.

3. Considering the WAC designation criteria area-by-area throughout the County allows the weighting of considerations that is most appropriate for specific areas of the County.
4. Designation criteria and their application are policy decisions that should be included in the Comprehensive Plan, rather than the County Code. Zoning, development, and use regulations are the implementing controls appropriate for inclusion in the County Code.
5. Historically, many farmers in Lewis County have had to maintain a second job in order to provide sufficient food and shelter for their families.
6. The 2002 Census of Agriculture shows the relative significance of agriculture in Lewis County compared with other counties. Following table is based on "Table 1 – County Summary Highlights: 2002" from the Census and indicates the market value of agricultural products sold in 2002, the total farm production expenses, and the calculated net earnings per acre for several counties:

County	Market Value (\$1,000)	Total Farm Production Expenses (\$1,000)	Average Net Earnings per Acre (based on Census "Land in farms data") (\$)
Lewis	89,450	73,507	122
Chelan	169,406	133,713	319
Clark	54,409	53,160	18
King	120,055	99,321	496
Pierce	94,170	74,550	343
Skagit	217,384	168,073	433
Snohomish	126,947	116,078	158
Thurston	114,675	100,136	195
Whatcom	287,660	215,332	489
Yakima	843,871	725,281	71

7. The number of processors of agricultural commodities has decreased over the years, and they have relocated further from Lewis County.
8. Agricultural operations dependent upon irrigation are becoming more difficult to sustain as water rights are sold and water rights in the basins become over-allocated.
9. Soils dependent upon drainage for agricultural production are increasingly less viable for agricultural uses as wetland regulatory programs discourage construction of drainage ditches.
10. Hay is a default crop that is planted to prevent fallow land from returning to weeds and trees.
11. Hay that is produced in Lewis County is not high quality hay.
12. Parcels of at least 20 acres in size are necessary for commercial agricultural operations unless the agricultural use is organic farming or a similar activity.
13. Agricultural operations that are not soils dependent can be protected and allowed to grow through appropriate zoning regulations.
14. Agricultural operations such as poultry production are not dependent upon soils types and can be located almost anywhere there is water and relatively flat ground.
15. Agricultural operations such as Christmas tree production are not soils dependent as these trees will grow in almost any of the soils found in Lewis County.
16. Small agricultural operations can be accommodated in Lewis County through zoning code amendments that permit the use and protect it from nuisance claims.
17. Economic growth and development is a priority of Lewis County. ARL designation criteria relating to economic considerations should be weighed more heavily in areas of the County where economic growth and development is to be encouraged.
18. The Toledo airport has been targeted for future expansion which would be inconsistent with long-term agricultural use of the expansion area.
19. Lewis County's ARL designation process is under an order of noncompliance and determination of invalidity from the Western Washington Growth Management Hearings Board. The proposed amendments are intended to resolve noncompliance and invalidity.

20. Pursuant to Chapter 17.12 LCC, the Lewis County Planning Commission held duly noticed public workshop sessions and public hearings to receive testimony regarding the proposed amendments.
21. The Lewis County responsible SEPA official issued a Determination of Nonsignificance on the proposed amendments on September 17, 2007.
22. The process for identifying and designating proposed ARLs is as follows:
 - a. Identify prime soils using Natural Resources Conservation Service soils data;
 - b. Exclude urban growth areas, federal lands, forest lands of long-term commercial significance, and Limited Areas of More Intensive Rural Development;
 - c. Review remaining lands mapped with prime soils on an area-by-area basis in public workshops and using computer-aided maps. Computer-aided map overlays included soils, topography, aerial photographs, floodplains, and parcel size. Additional maps were viewed as needed to determine parcel values, availability of public facilities, ownership and current tax use;
 - d. Consideration of devotion to agriculture (i.e., is the land currently being used or capable of being used for commercial agriculture); and
 - e. Consideration of the combined effects of proximity to population areas and the possibility of more intense uses of the land as indicated by the following WAC 365-190-050 criteria:
 - i. Availability of public facilities;
 - ii. Tax status;
 - iii. Availability of public services;
 - iv. Relationship or proximity to urban growth areas;
 - v. Predominant parcel size;
 - vi. Land use settlement patterns;
 - vii. Intensity of nearby uses;
 - viii. History of land development permits issued nearby;
 - ix. Land values under alternative uses; and
 - x. Proximity of markets.
23. The Planning Commission reviewed various map and aerial photograph overlays to determine the location of prime soils and devotion to agriculture to consider the WAC criteria in an area-by-area process. This area-by-area review allowed the Planning Commission to consider the geographic and economic diversity throughout the County, and to apply a flexible consideration of the WAC criteria

to best reflect the characteristics of each area reviewed.

In some areas, predominant parcel sizes of less than 20 acres (i.e., parcelization) weighed more heavily because these lands either were used or could be used for rural residential use (e.g., rural estates, hobby farms, etc.) without commercial agricultural uses. In areas with Class I soils, the quality of the soil was weighed more heavily because this high-quality agricultural soils has no growing limitations. Areas adjacent to or near urban growth area boundaries were generally considered less suitable for ARL because of potential conflicts between farming activities and urban uses. This was particularly true of lands near Centralia, Chehalis, Napavine, Winlock, and Toledo. However, in areas where Class I soils were adjacent to urban growth area boundaries and limited growth was anticipated, the soil quality was more heavily weighed.

The availability of public facilities was heavily weighed in areas where rail, natural gas, and access to I-5 were available, as these areas provide the County with the opportunity for needed economic development. Public facilities were much more of a factor in the western portion of the County than in the east. Similarly, land values under alternative uses was also a significant factor in areas more likely to be desirable for economic development, which also proved to be more of a factor in the western portion of the County than in the east.

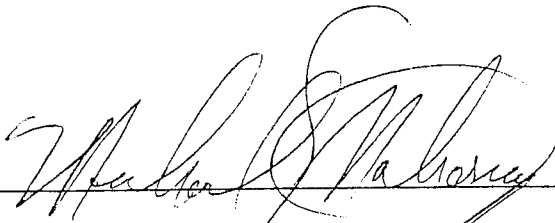
24. The Planning Commission's area-by-area review, consideration, and application of the WAC designation criteria is captured in maps and analysis of eighteen areas. These maps and analysis are attached hereto and incorporated by this reference as findings of the Planning Commission.
25. The complete document of proposed revisions to the Comprehensive Plan and County Code is attached and is in strike-through and underline format.

Because of the above described facts and findings, the Planning Commission adopts and herewith transmits the following conclusion to the Lewis County Board of County Commissioners.

CONCLUSION:

Now therefore in light of the above Findings of Fact, the Lewis County Planning Commission concludes that proposed revisions to the Lewis County Comprehensive Plan related to Agricultural Resource Lands (ARL) designations and policies, and revisions to Lewis County Code (LCC) Chapters 17.30 (Resource Lands), 17.40 (Right to Farm), 17.42 (Rural Area Zoning), 17.105 (Rural Agriculture District), 17.107 (Agriculture and

Forest Protection Overlay District), and 17.200 (Maps), attached hereto, be recommended for approval by the Board of County Commissioners (BOCC) and as Chair of the Planning Commission, has directed me as the duly authorized party to transmit this recommendation to the BOCC on October 2, 2007.

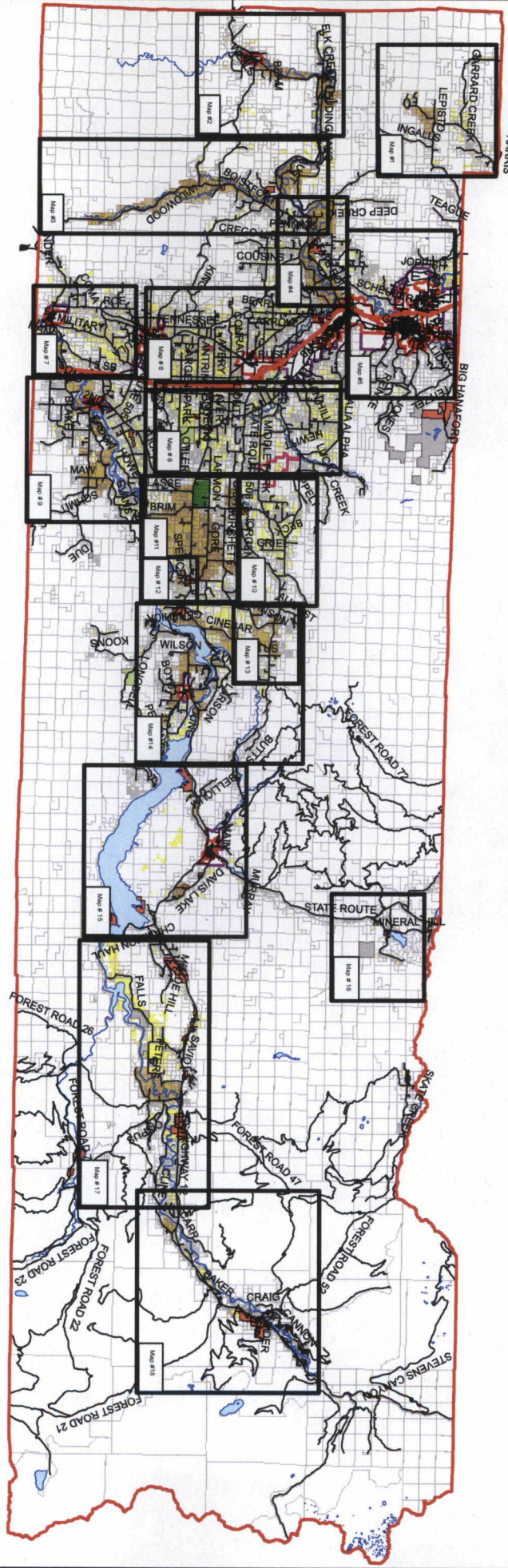
 Oct 2, 2007

Michael Mahoney, Vice-Chairman Lewis County Planning Commission

DRAFT
September 20, 2007

Area-by-area Analysis of
ARL Criteria Application
Key Map of Areas Studied

Exhibit # 97



B/C Consultants
1200
206-505-3400 phone
206-505-3409 fax
www.bccconsultants.com



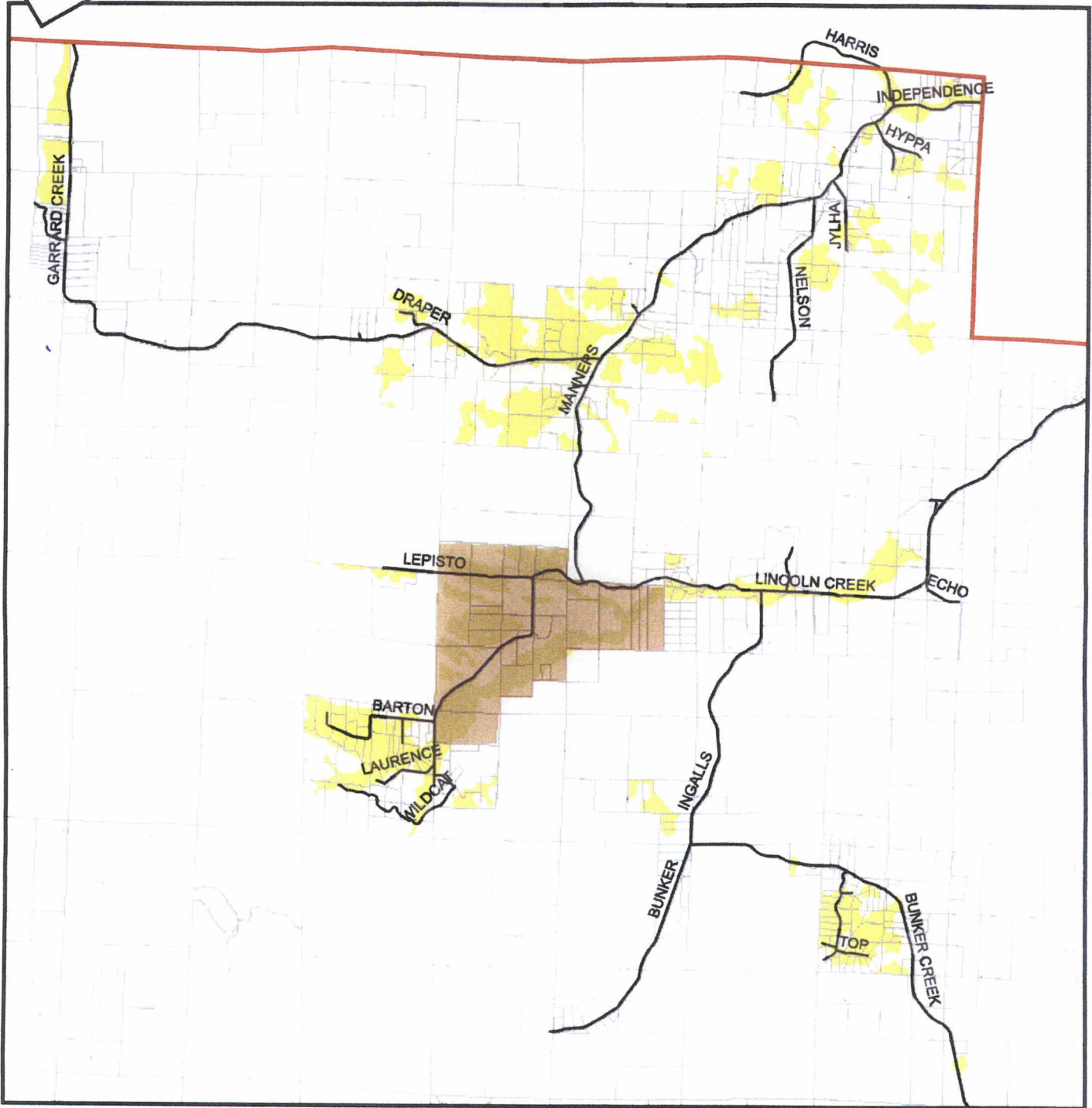
Legend

	ARL Criteria Application Area
	County Boundary
	Major Road
	Water
	Unshaded Area
	Shaded Area
	ARL Criteria Application Area
	ARL Criteria Application Area
	ARL Criteria Application Area

DRAFT
September 20, 2007

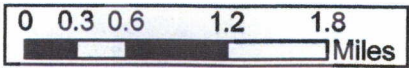
Area-by-area Analysis of
ARL Criteria Application
Map # 1

Exhibit # 96



BHC Consultants
720 Third Avenue, Suite 1200
Seattle, WA 98104
206-505-3400 phone
206-505-3406 fax
www.bhcconsultants.com

Approved 10/2/07

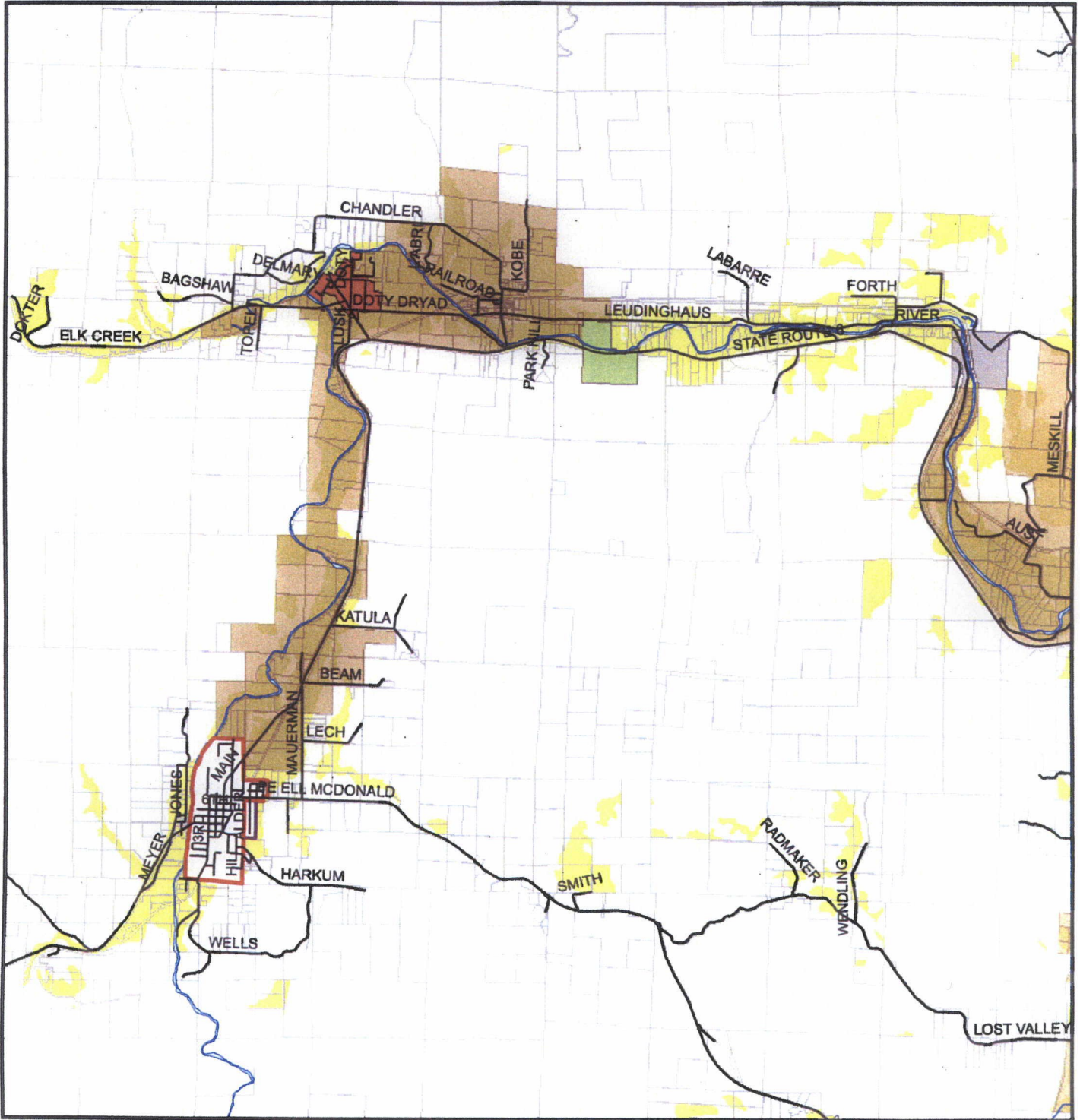


Legend	
[Red Line]	I-5
[Black Line]	Roads
[Red Outline]	City Boundary
[Blue Outline]	UGA
[Blue Polygon]	Water Bodies
[Yellow Polygon]	Areas of further study for ARL
[Brown Polygon]	Proposed ARL
[Red Polygon]	Cardinal_Glass
[Green Polygon]	LAMIRDS
[Light Green Polygon]	Mineral_Resource
[Light Blue Polygon]	Park
[Light Yellow Polygon]	Panels
[Yellow Polygon]	Prime Soils Areas

DRAFT
September 28, 2007

Area-by-area Analysis of
ARL Criteria Application
Map # 2

Exhibit # 95



BHC
CONSULTANTS

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Approved 10/2/07



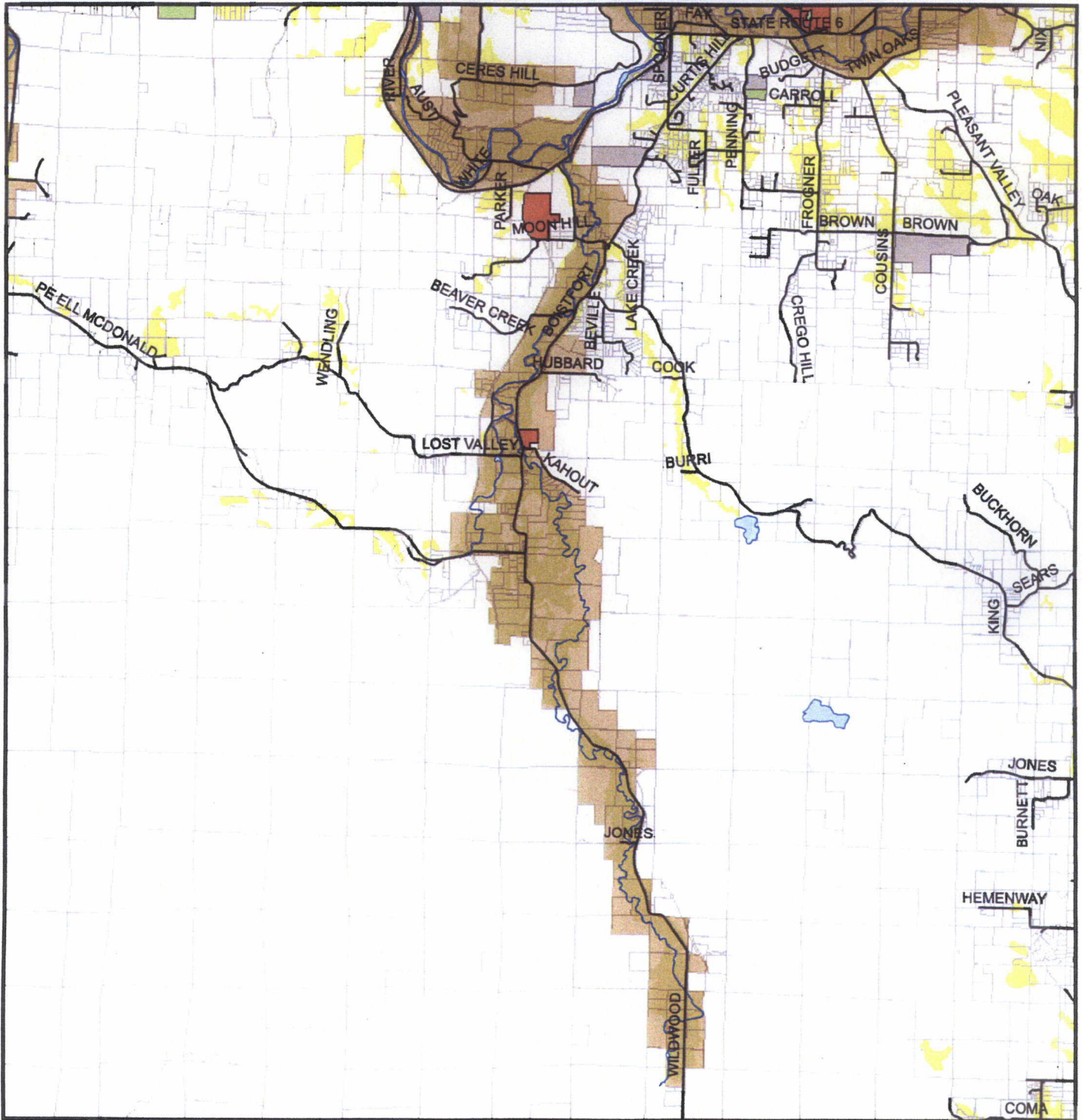
Legend

- 1-5
- Roads
- City Boundary
- USA
- Water Bodies
- Overhead
- Areas of further study for ARL
- Proposed ARL
- Central_Glass
- LA/MS/DC
- Mineral Resource
- Park
- Parcels
- Prime Soils Areas

DRAFT
September 28, 2007

Area-by-area Analysis of
ARL Criteria Application
Map #3

Exhibit # 94

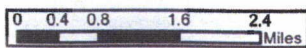


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Approved 10/2/07



Mike

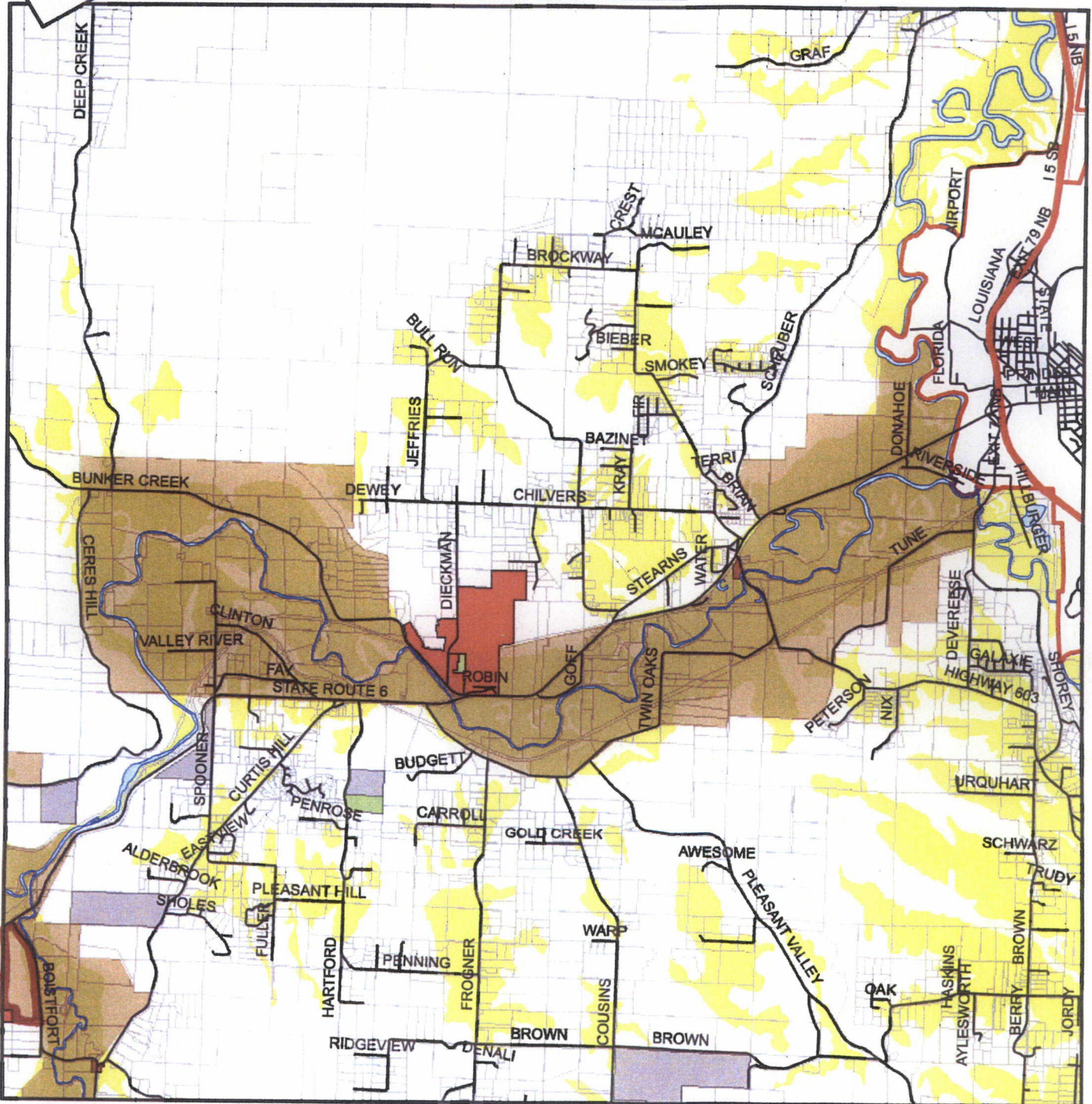
Legend

- 1-6
- Roads
- City Boundary
- CA
- Water Bodies
- Wetland
- Areas of further study for ARL
- Proposed ARL
- Carlinville_Glass
- LAMIR Co
- Mineral_Reserve
- Park
- Perchle
- Prime Soil Area

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September 20, 2007

Area-by-area Analysis of ARL Criteria Application Map # 4

Exhibit # 93



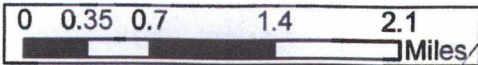
out of ARL



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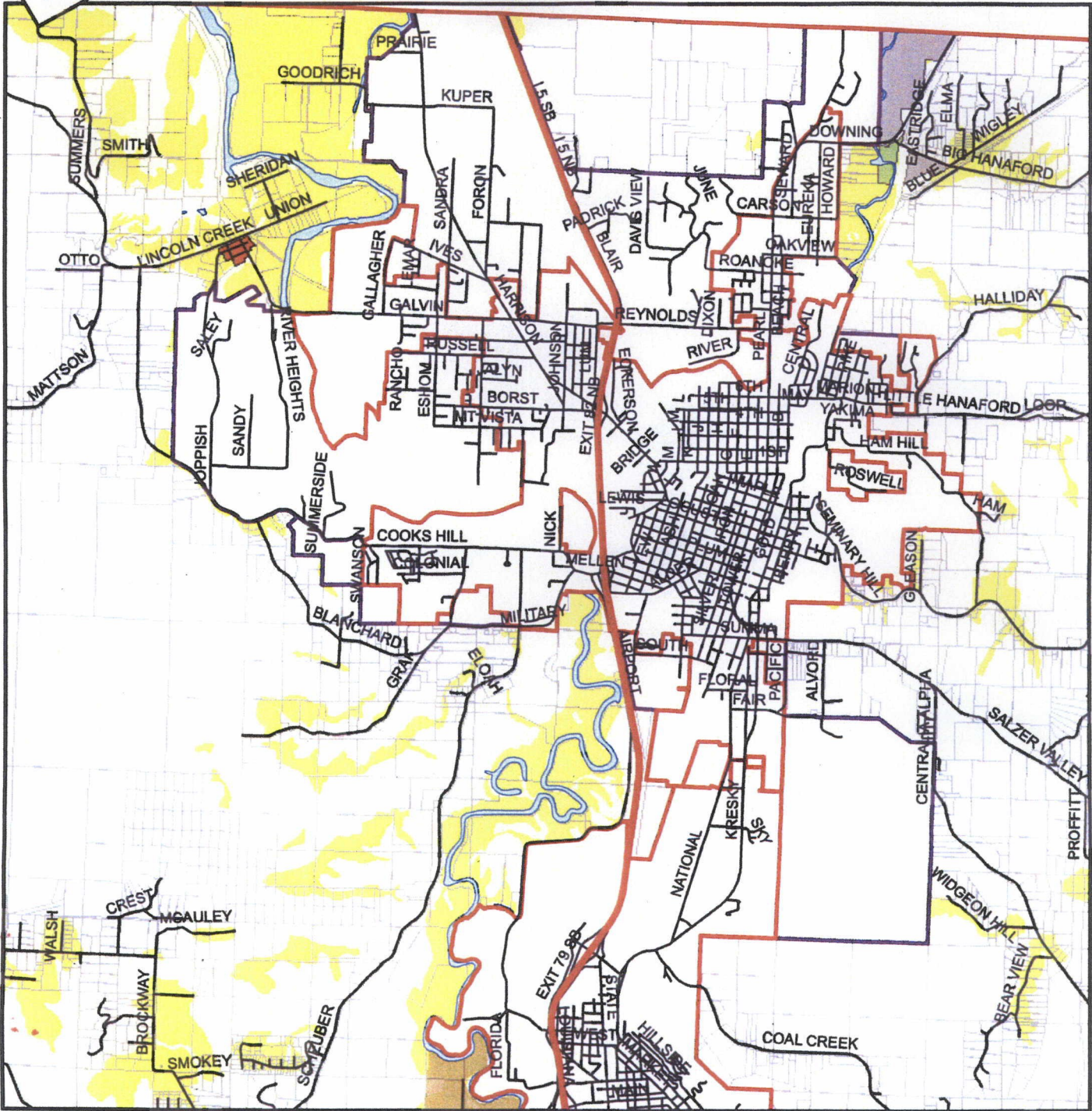


Legend	
	Roads
	City Boundary
	USA
	Water Bodies
	Wetlands
	Areas of further study for ARL
	Proposed ARL
	Cardinal Class
	LAM/RCA
	Mineral Resource
	Park
	Parcels
	Prime Soils Areas

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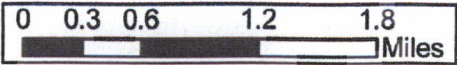
Area-by-area Analysis of ARL Criteria Application Map # 5

Exhibit # 92



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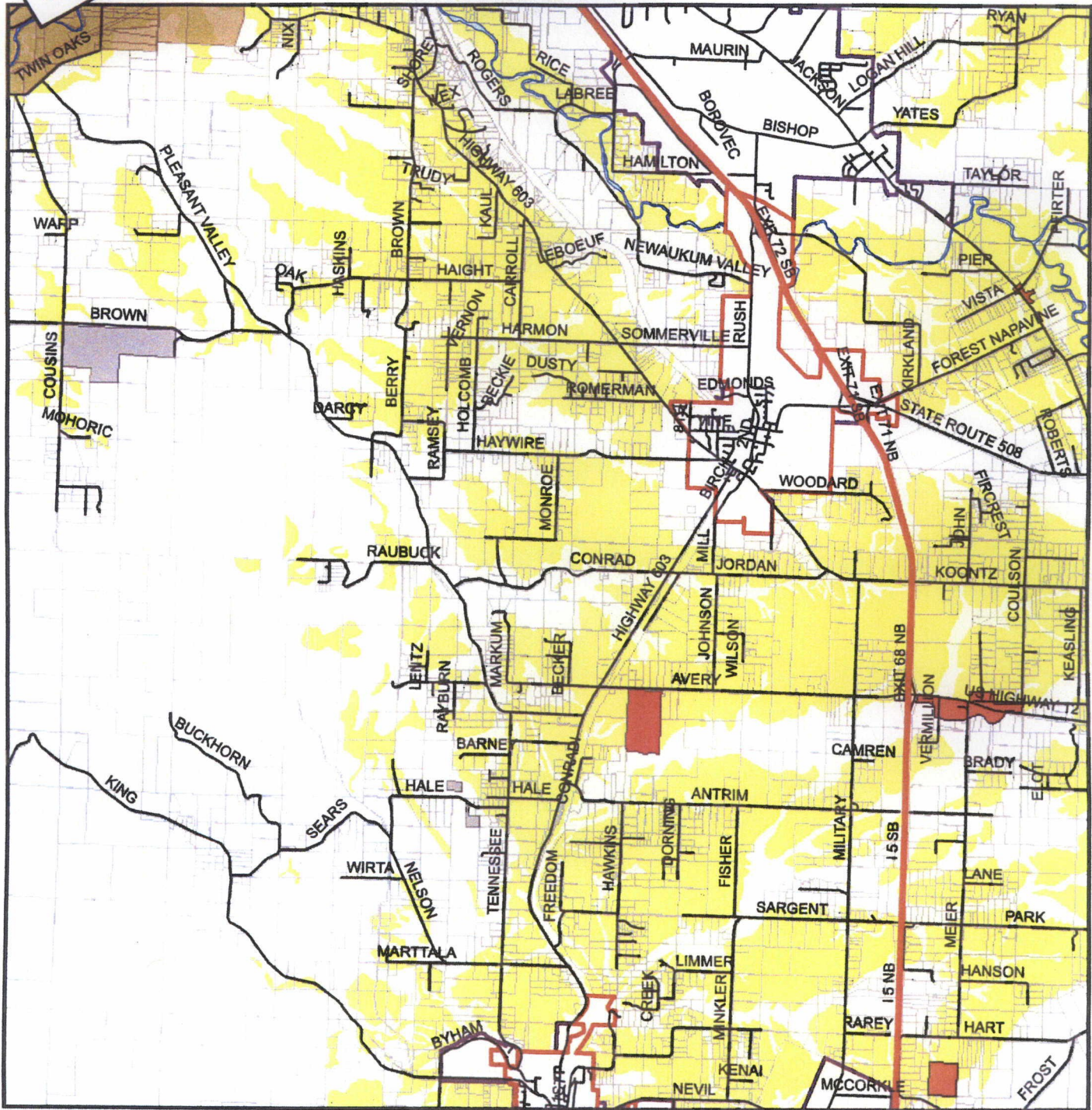
Legend

- IS
- Roads
- City_Boundary
- JGA
- Water Bodies
- Driftfield
- Areas of further study for ARL
- Proposed ARL
- Cardinal_Cross
- LAMIR De
- Mineral_Reservoir
- Park
- Parcels
- Prime Soils Area

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Area-by-area Analysis of ARL Criteria Application Map # 6

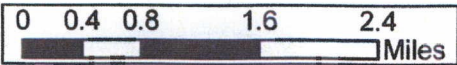
Exhibit # 90



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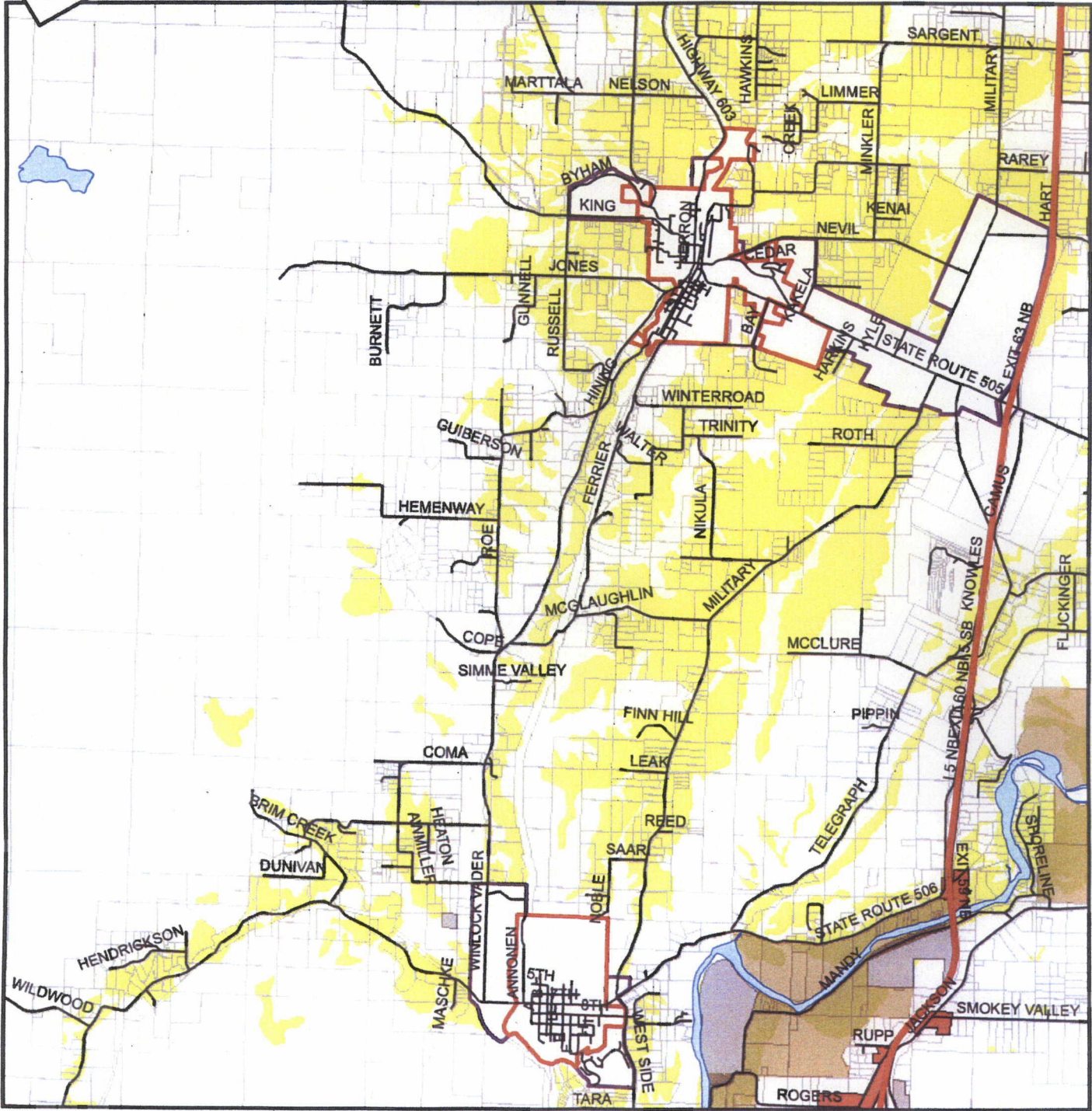


Legend	
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[Black line]	Roads
[Red outline]	City_Boundary
[Blue outline]	UGA
[Blue area]	Water Bodies
[Red outline]	Shrubby
[Yellow area]	Areas of further study for ARL
[Red area]	Specific ARL
[Green area]	Carriway Class
[Grey area]	LAM IRDs
[Light green area]	Mineral_Resource
[Light blue area]	Park
[Thin black lines]	Parcels
[Dark green area]	Prime Soils Areas

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Area-by-area Analysis of
ARL Criteria Application
Map # 7

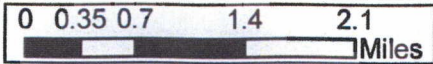
Exhibit # 91



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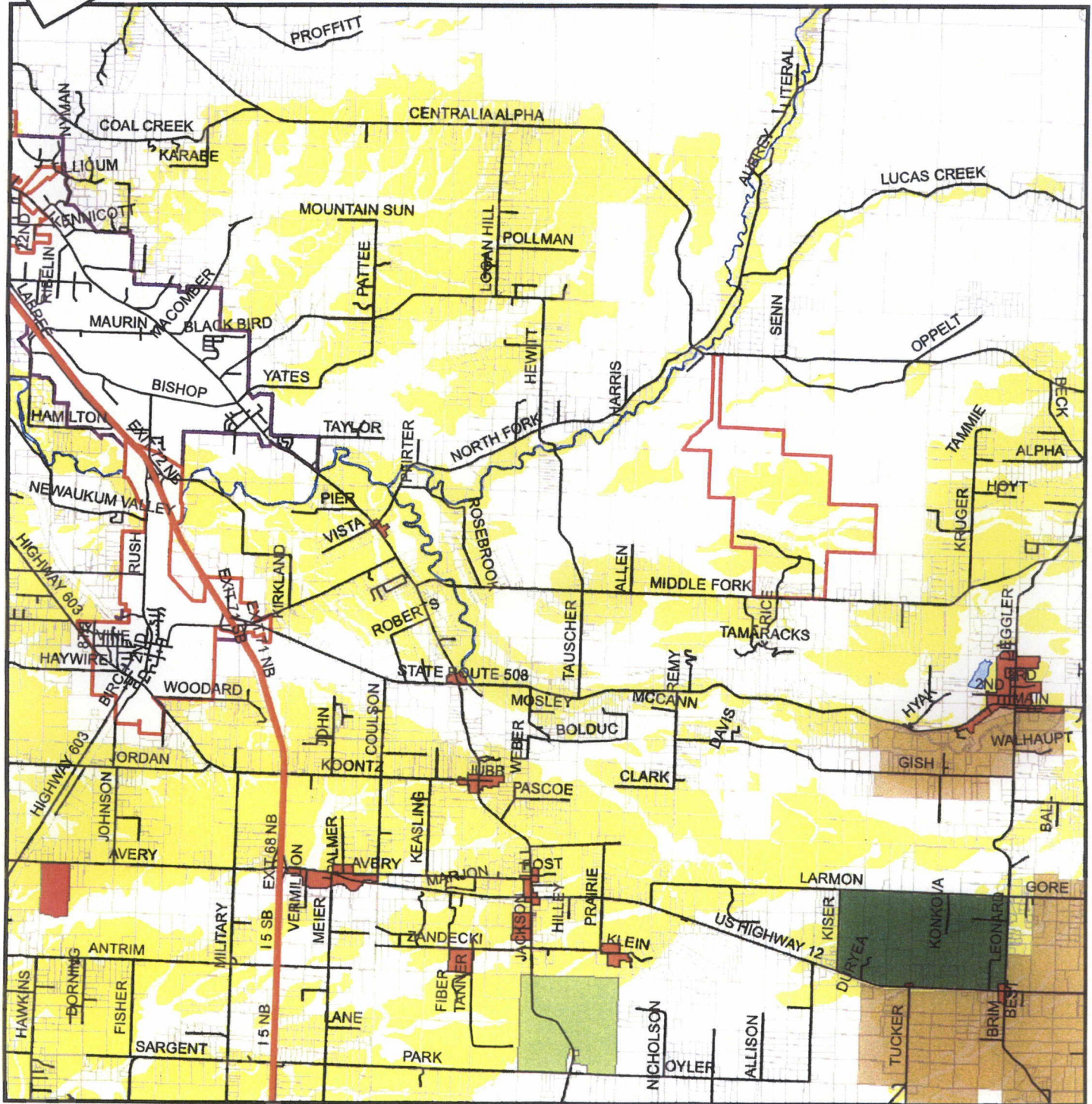


Legend	
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[Symbol]	Roads
[Symbol]	City Boundary
[Symbol]	UGA
[Symbol]	Visitor Bodes
[Symbol]	Blockfield
[Symbol]	Areas of further study for ARL
[Symbol]	Proposed ARL
[Symbol]	Cardinal_Class
[Symbol]	LAMIRs
[Symbol]	Mineral_Resource
[Symbol]	Parks
[Symbol]	Partels
[Symbol]	Prime Soils Areas

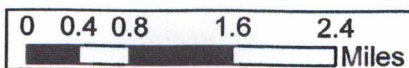
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Area-by-area Analysis of ARL Criteria Application Map # 8

Exhibit # 89



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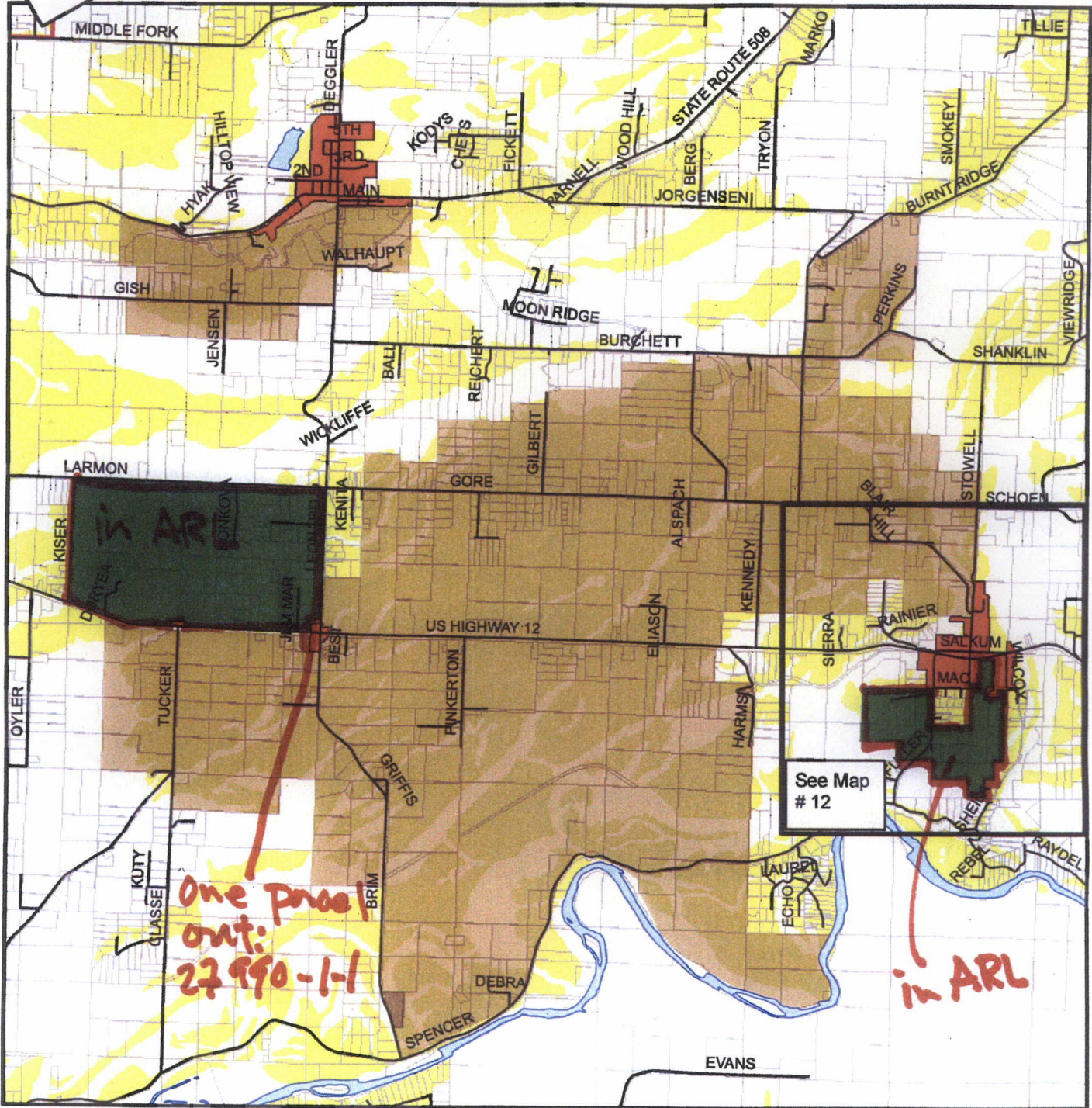
Legend

- I-5
- Roads
- City Boundary
- UGA
- Water Bodies
- Blotchfield
- Areas of further study for ARL
- Proposed ARL
- Cardinal Glass
- LAMIRDS
- Mineral Resource
- Park
- Parcels
- Prime Soils Area

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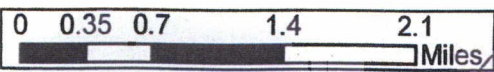
**Area-by-area Analysis of
ARL Criteria Application
Map # 11**

Exhibit # 85



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Legend

- Prime Soils Areas
- Proposed ARL
- Capital Class
- Mineral Resource
- Park
- Parcels
- Water Bodies
- City Boundary
- Roads
- ARL
- Areas of further study for ARL
- EIRs

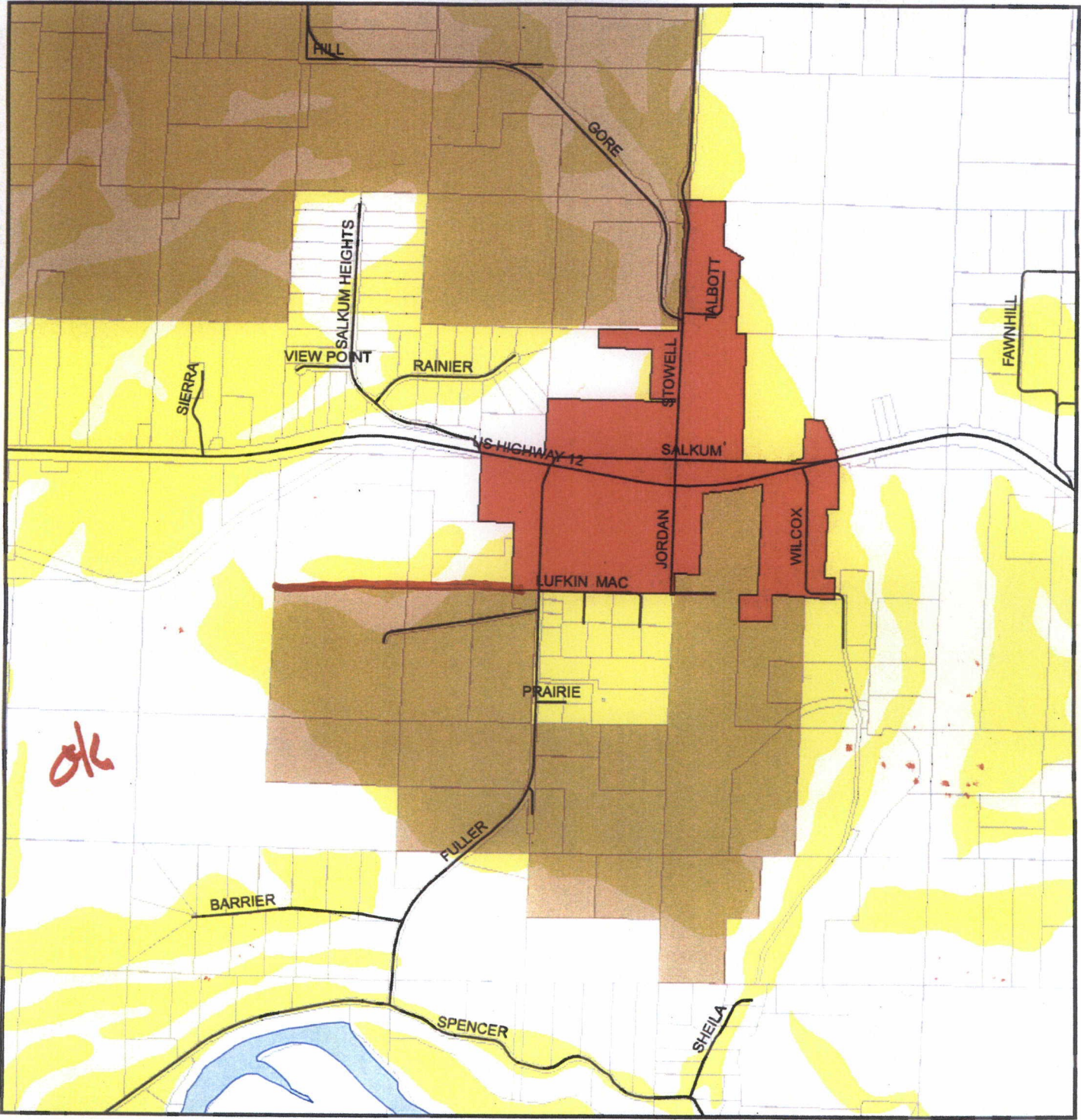
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Area-by-area Analysis of
ARL Criteria Application
Map # 12

Exhibit # 06

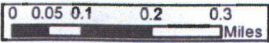


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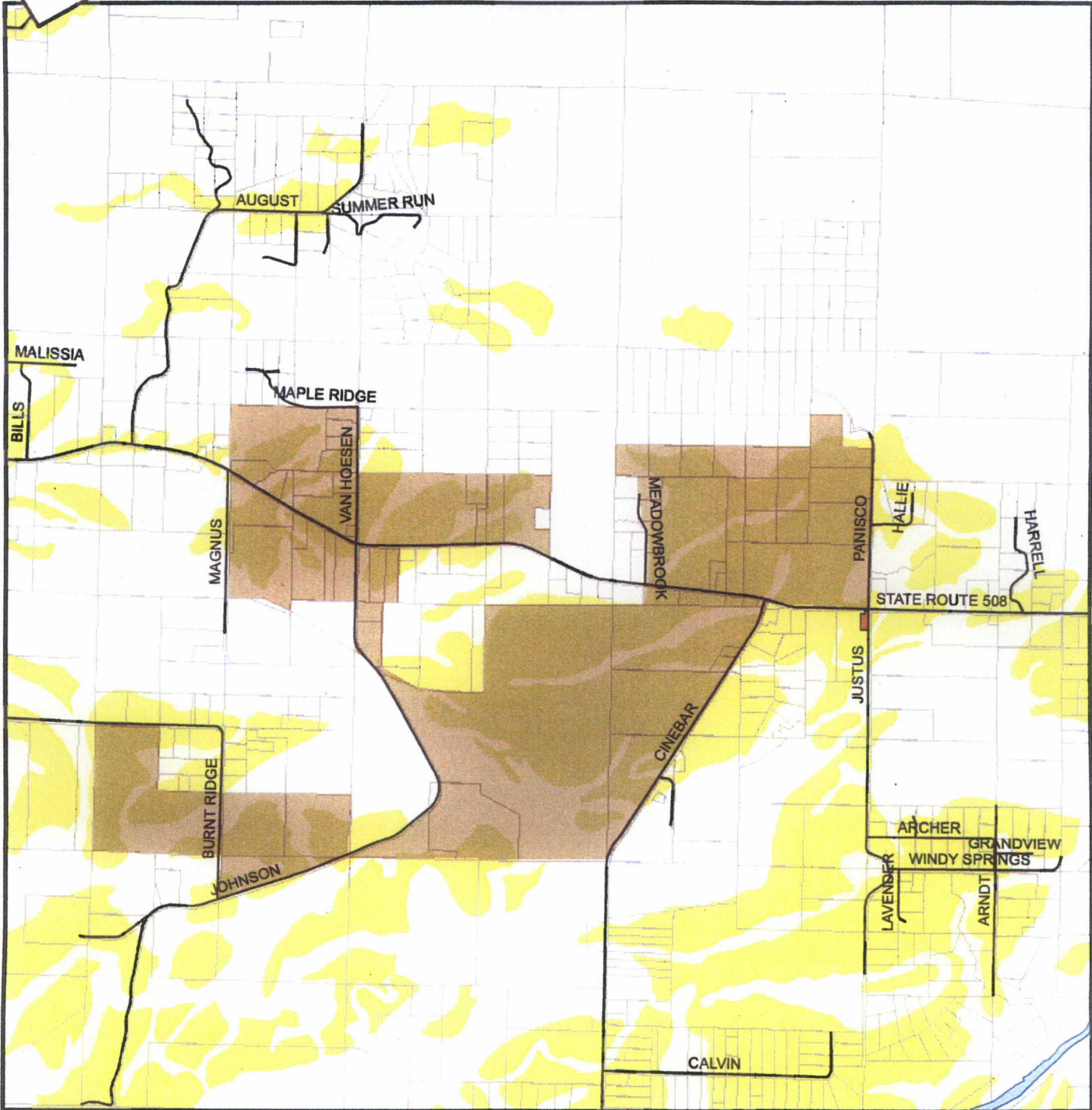
Legend

- Prime Soils Areas
- Areas of further study for ARL
- Proposed ARL
- Cardinal_Glass
- AMRDs
- Mineral_Resource
- Park
- Parcels
- Water Bodies
- Wetland
- RGA
- City_Boundary
- Roads
- I-5

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Area-by-area Analysis of ARL Criteria Application Map # 13

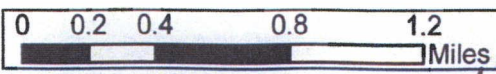
Exhibit # 84



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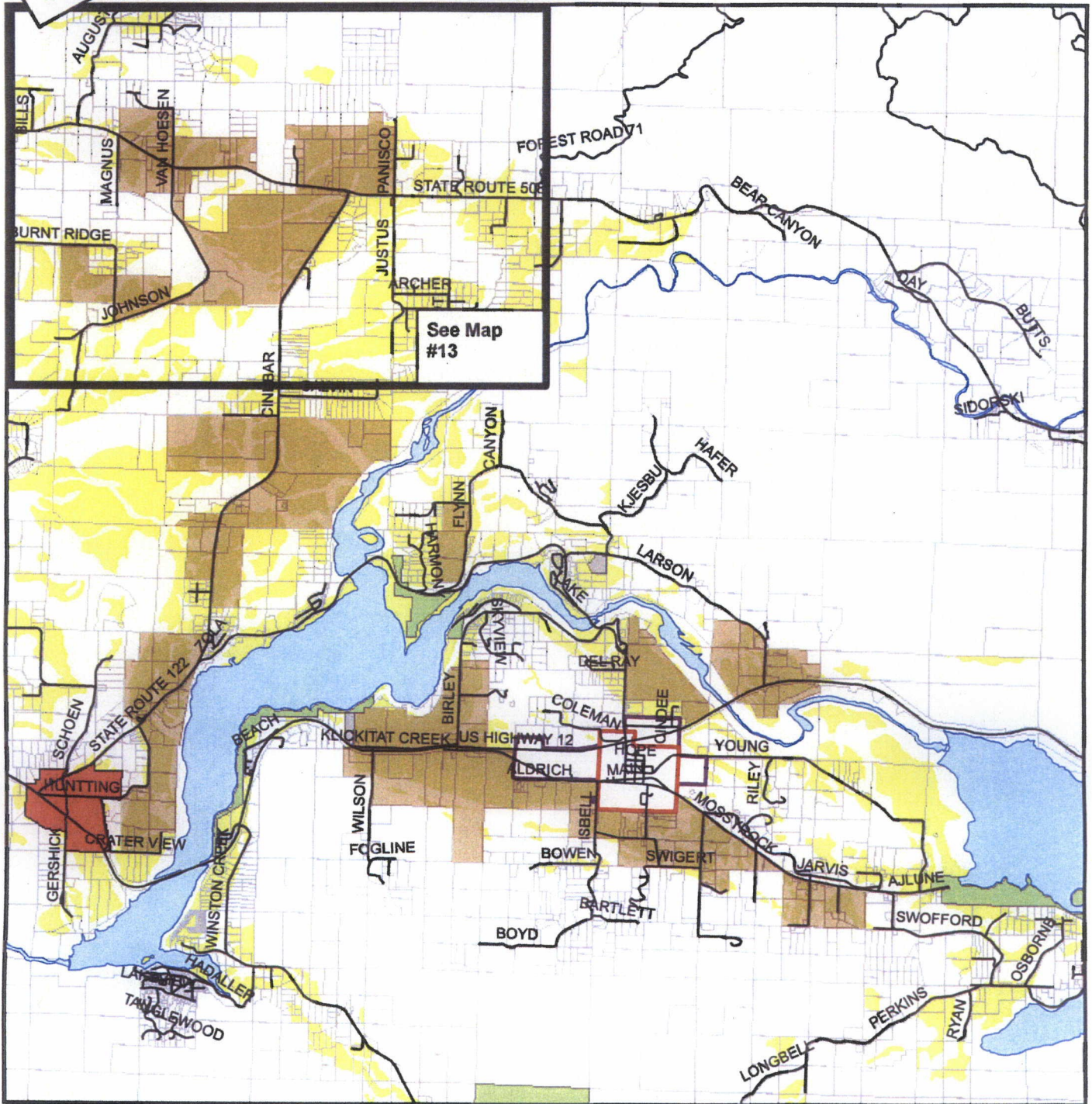
Legend	
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[Black line]	Roads
[Blue outline]	City Boundary
[Blue square]	JICA
[Blue square]	Water Bodies
[Blue square]	Birchfield
[Yellow square]	Areas of further study for ARL
[Brown square]	Proposed ARL
[Red square]	Cardinal Class
[Green square]	AMRDs
[Blue square]	Mineral Resource
[Green square]	Park
[Black outline]	Parcels
[Green square]	Prime Soils Area

C. [Signature]

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**Area-by-area Analysis of
ARL Criteria Application
Map # 14**

Exhibit # 83

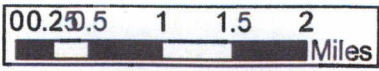


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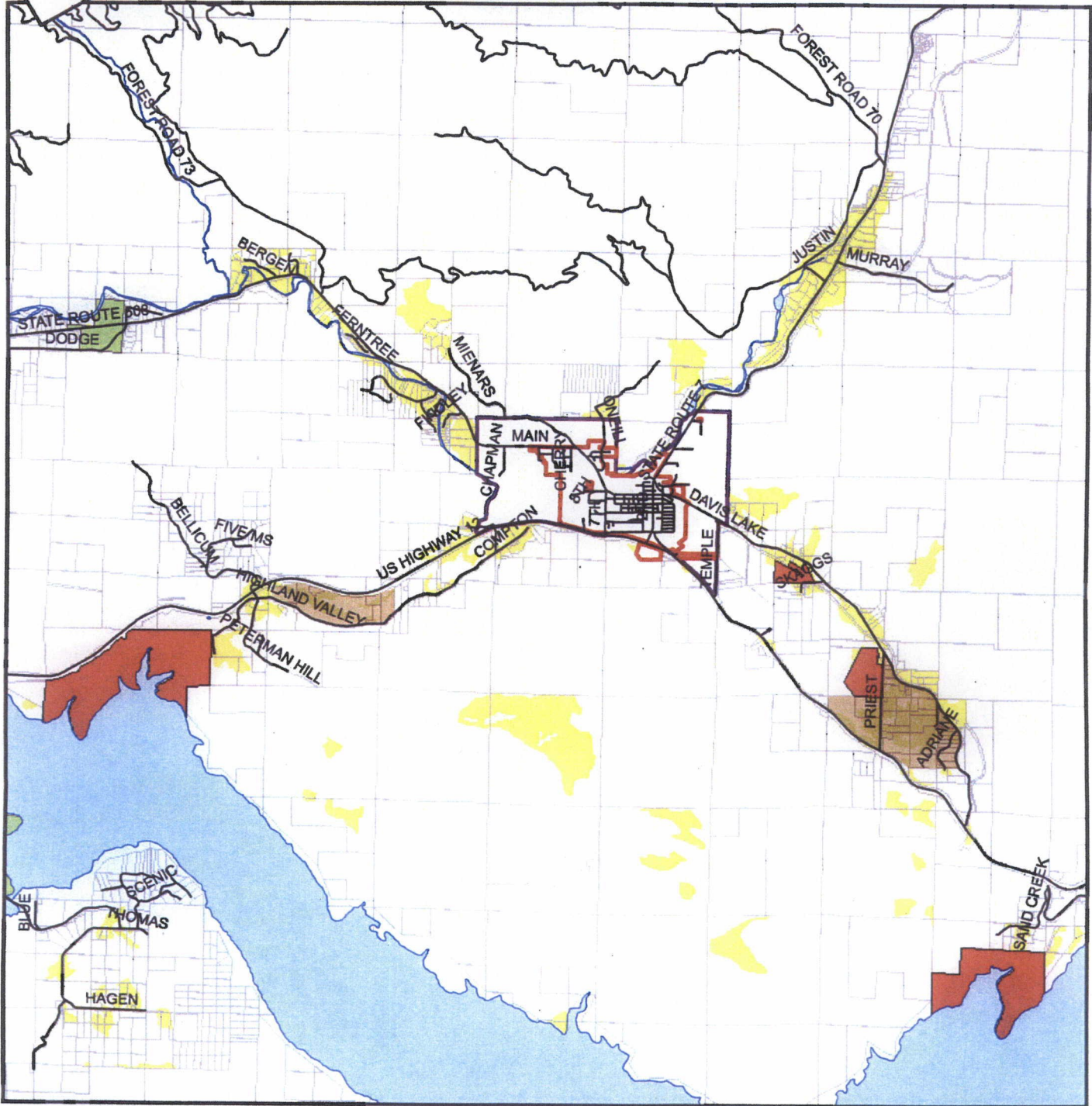


Legend	
[Red square]	ARS
[Black line]	Roads
[Red outline]	City_Boundary
[Blue outline]	JGA
[Blue fill]	Water Bodies
[Yellow fill]	Areas of further study for ARL
[Brown fill]	Proposed ARL
[Red fill]	Cardinal_ARL
[Red outline]	LAMRDs
[Blue outline]	Mineral_Resource
[Green fill]	Park
[Thin black line]	Parcels
[Green fill]	Prime Soils Areas

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**Area-by-area Analysis of
ARL Criteria Application
Map # 15**

Exhibit # 81

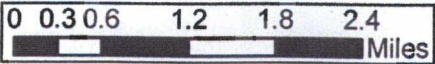


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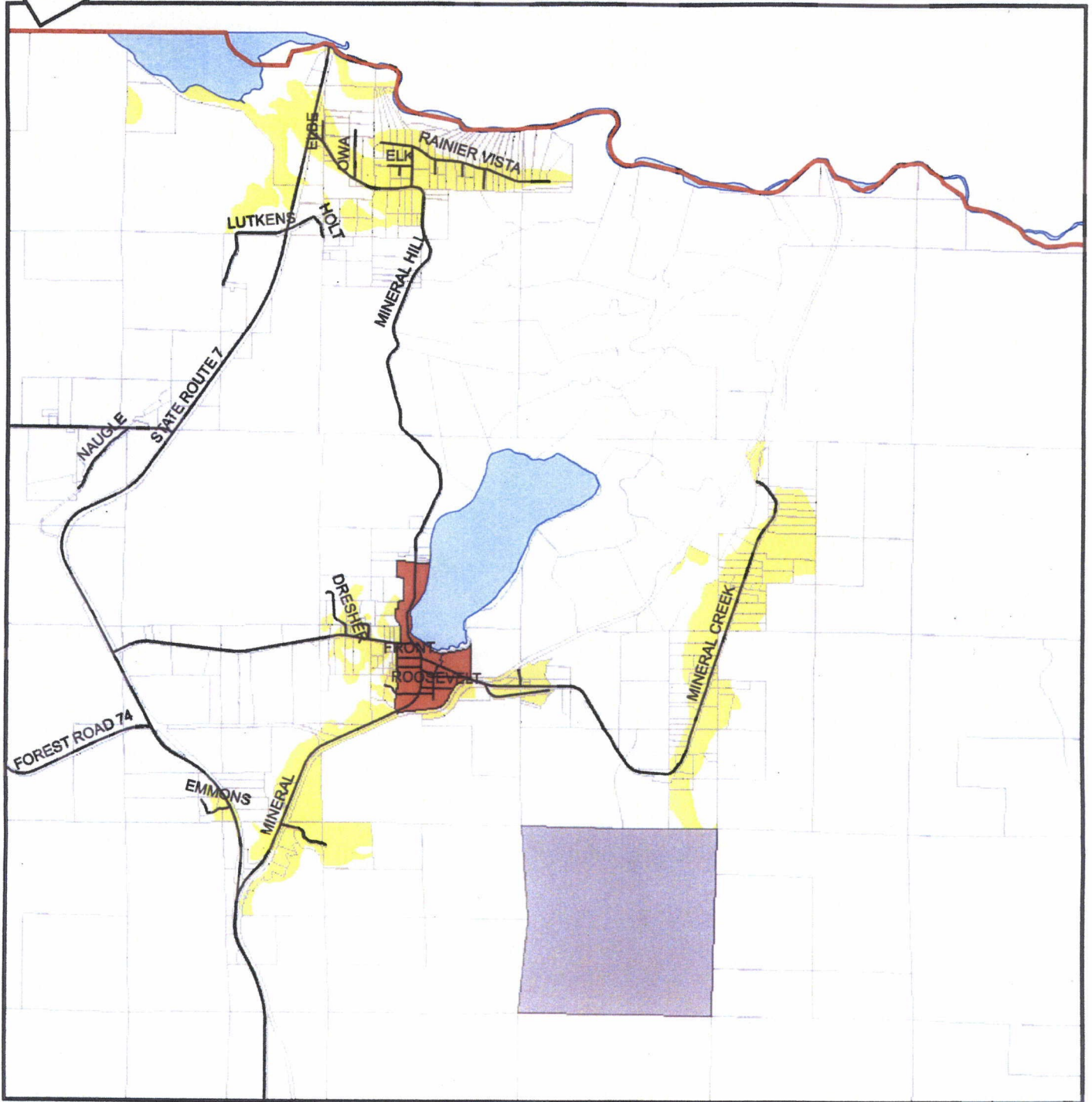
Legend

- US
- Roads
- City Boundary
- UGA
- Water Bodies
- Slopefield
- Areas of further study for ARL
- Proposed ARL
- Cardinal Class
- LAMRDs
- Mineral Resource
- Park
- Parcels
- Prime Soils Areas

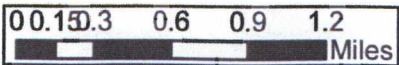
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Area-by-area Analysis of
ARL Criteria Application
Map # 16

Exhibit # 82



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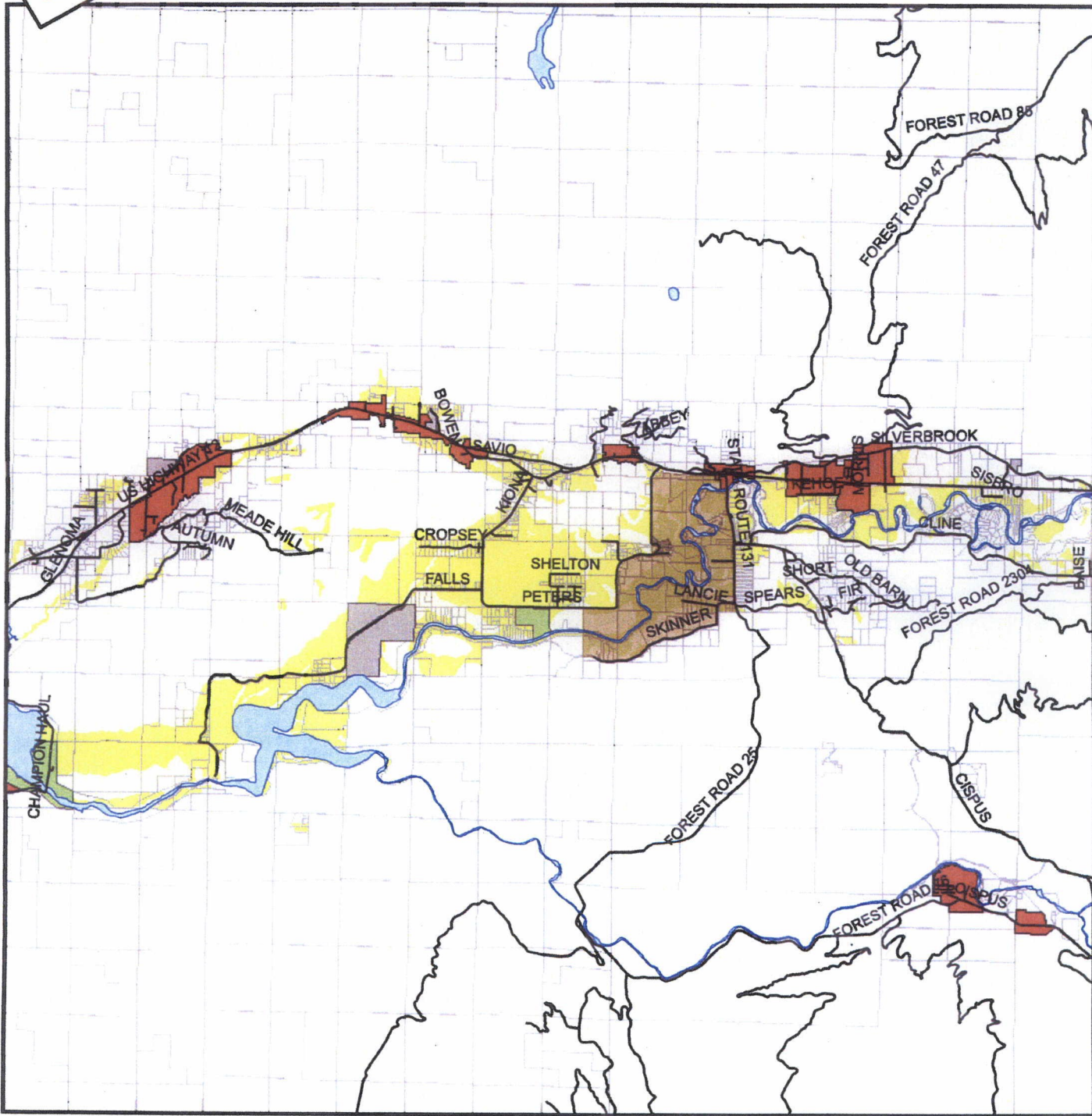
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[Signature]

Legend	
[Red Box]	I-5
[Black Line]	Roads
[Red Line]	City_Boundary
[Blue Line]	UGA
[Blue Box]	Water Bodies
[Red Box]	Orchfield
[Red Box]	Areas of further study for ARL
[Red Box]	Proposed ARL
[Red Box]	Cardinal_Glass
[Red Box]	LAM/IR/De
[Red Box]	Mineral_Resource
[Green Box]	Park
[Green Box]	Parcels
[Green Box]	Prime Soils Areas

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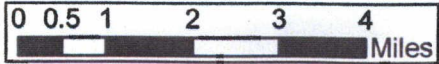
Area-by-area Analysis of
ARL Criteria Application
Map # 17

Exhibit # 80



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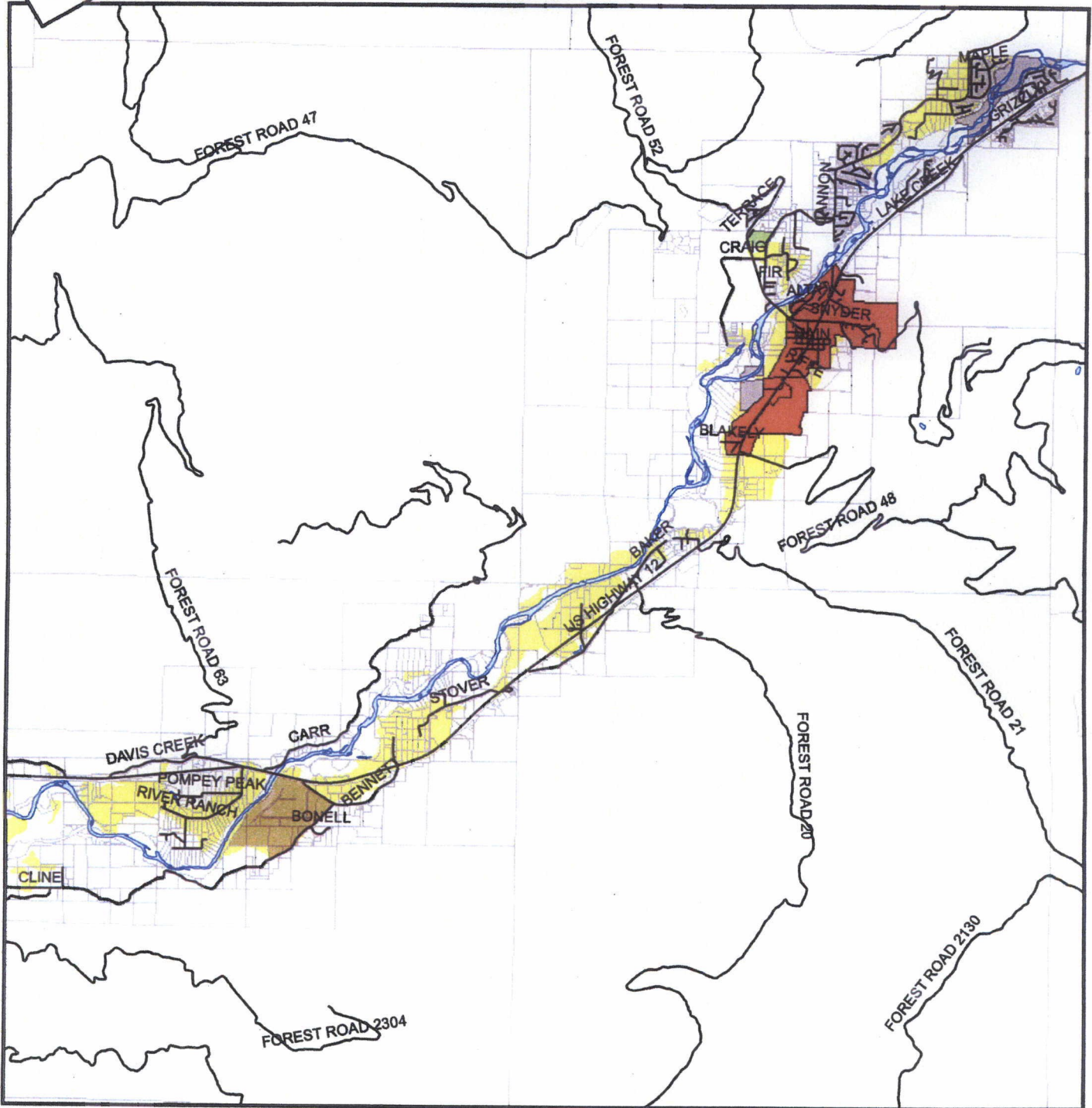


Legend	
[Red Box]	I-5
[Black Line]	Roads
[Red Line]	City Boundary
[Blue Line]	UGA
[Blue Area]	Water Bodies
[Green Area]	Birchfield
[Dark Green Area]	Areas of further study for ARL
[Light Green Area]	Proposed ARL
[Yellow Area]	Cardinal Class
[Light Blue Area]	LAMROs
[Light Green Area]	Mineral Resource
[Light Green Area]	Park
[Thin Black Line]	Parcels
[Yellow Area]	Preme Soils Area

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Area-by-area Analysis of
ARL Criteria Application
Map # 18

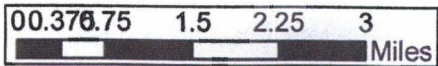
Exhibit # 79



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Legend

- 1-5
- Roads
- City_Boundary
- CAG
- Water Bodies
- Driftfield
- Areas of further study for ARL
- Proposed ARL
- Cardinal_Class
- LAMIRs
- Mineral_Resource
- Park
- Parcels
- Prime Soils Areas

SUMMARY OF APPLICATION OF WAC ARL CRITERIA
Draft for 9/25/07 Planning Commission Meeting

AREA # 1 (see Ex. 96)

General comments:

Northwestern part of County, including Lincoln Creek area. The northern part of this area includes prime soils in the vicinity of the intersection of Independence, Manners, and Garrard Creek Roads.

The southern part of this area includes prime soils in the vicinity of the intersection of Manners, Lincoln Creek, and Lepisto Roads.

Map overlays viewed:

Soils	X	
Topography	X	
Aerial photography	X	
Flood plain	_____	
Parcel size	X	
Other:		
Current Use (Ex. 28)	X	

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows much of the northern area in timber, with some cleared areas. Many, if not all, of the cleared areas are in large lot, single-family development, as indicated by current use tax status.

In contrast to the northern area, much of the southern area is in active agricultural use.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows much of the northern area is in mining or timber tax status. Some parcels are in agricultural open space. Many parcels are not in the open space tax program. The southern area includes parcels in

		mining/timber tax status and a number of parcels in agricultural open space.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that Area 1 is far from existing UGAs.
5	Predominant parcel size	Exhibit 26 shows there is a lot of parcelization in the northern area, with many parcels less than 20 acres. The southern area proposed for ARL includes more 20-acre or larger parcels.
6	Land use settlement patterns and their compatibility with agricultural practices	There is some lower-density, rural residential development.
7	Intensity of nearby land uses	Nearby uses are generally rural residential or resource in nature.
8	History of land development permits issued nearby	No significant permitting activity was identified.
9	Land values under alternative uses	Not considered a determinative criterion in this area.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL - Parcels located in the southern portion of Area 1 are of long-term commercial significance for agriculture. This area is in active agriculture, with predominant parcel sizes greater than 20 acres.

Not ARL - Parcels located in the northern portion of Area 1 are not of long-term commercial significance due to use being more suitable for timber production or of minimal resource value; and predominant parcel sizes being less than 20 acres.

AREA # 2 (see Ex. 95)

General comments:

Far western part of County, including the Doty and Pe Ell areas. Prime soils (and SR-6) follow the Chehalis River.

Map overlays viewed:

Soils X
Topography X
Aerial photography X
Flood plain _____
Parcel size X
Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows much of the area proposed for ARL is currently in active agriculture. Some areas between the State Park and eastward to the mineral resource lands owned by the State and the Lewis County Road Department, where the river and SR 6 turn south, are heavily parcelized in predominantly less than 10-acre parcels.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows the majority of this area is in the agricultural open space tax program. Many parcels are not in the open space tax program.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that Area 2 is far from existing UGAs.
5	Predominant parcel size	Exhibit 26 shows there is some parcelization, but a number of the smaller (less than 20-acre) parcels are in agricultural use. Parcels towards the west end of Elk Creek and Dokter Roads, and east of the State Park are predominantly less than 20 acres (many less than 10, with a number less than 5 acres). Overall, the remainder of Area 2 is in predominant parcel sizes of 20 acres or larger.

6	Land use settlement patterns and their compatibility with agricultural practices	There is some lower-density, rural residential development.
7	Intensity of nearby land uses	Nearby uses are generally rural residential or resource in nature.
8	History of land development permits issued nearby	No significant permitting activity was identified.
9	Land values under alternative uses	Not considered a determinative criterion in this area.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL - The majority of parcels with prime soils located in Area 2 are of long-term commercial significance for agriculture. This area is in active agriculture, with predominant parcel sizes greater than 20 acres.

Not ARL - Parcels located at the west end of Elk Creek and Dokter Roads and east of the State Park are not of long-term commercial significance due to greater parcelization (many parcels are less than 10 acres, with a number of parcels being less than 5 acres – see Ex. 26).

AREA # 3 (see Ex. 94)

General comments:

Western end of the County, known as the Boistfort Valley. Prime soils follow the valley. This area includes a significant concentration of Class I soils.

Map overlays viewed:

Soils X
Topography X
Aerial photography X
Flood plain _____
Parcel size X
Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows much of the area proposed for ARL is currently in active agriculture.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available. Domestic water is also available (see Ex. 30).
2	Tax status	Exhibit 28 shows the majority of this area is in the agricultural open space tax program. Many parcels are not in the open space tax program.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that Area 3 is far from existing UGAs.
5	Predominant parcel size	Exhibit 26 shows there is limited parcelization. The majority of the land is in parcels of 20 acres or more.
6	Land use settlement patterns and their compatibility with agricultural practices	There is some lower-density, rural residential development.
7	Intensity of nearby land uses	Nearby uses are generally rural residential or resource in nature.
8	History of land development permits issued nearby	No significant permitting activity was identified.
9	Land values under alternative uses	Not considered a determinative criterion in this area.
10	Proximity of markets	Not considered a determinative criterion in

		much of Lewis County.
--	--	-----------------------

Planning Commission Recommendation

ARL - The majority of parcels with prime soils located in Area 3 are of long-term commercial significance for agriculture. This area is in active agriculture, with predominant parcel sizes greater than 20 acres. In addition, Area 3 has a large concentration of Class I soils.

AREA # 4 (see Ex. 93)

General comments:

West of Chehalis generally along SR-6, between Ceres Hill Road and including Adna.

Map overlays viewed:

Soils X
Topography X
Aerial photography X
Flood plain _____
Parcel size X
Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows much of the area with contiguous prime soils and that is proposed for ARL is currently in active agriculture. There are also areas with isolated spots of prime soils that are being farmed.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows the majority of this area is in the agricultural open space tax program.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that the eastern margin of Area 4 is adjacent to the Chehalis UGA. The Chehalis River and its floodplain separates Area 4 from the Chehalis UGA.
5	Predominant parcel size	Exhibit 26 shows the majority of this area is in parcels of 20 acres or more, with a significant number of parcels between 10-20 acres.
6	Land use settlement patterns and their compatibility with agricultural practices	The Adna LAMIRD is adjacent to some of the prime soils and active agriculture in Area 4. There is also some rural residential development in this area. The river separates Area 4 from the Chehalis UGA boundary.
7	Intensity of nearby land uses	Nearby uses are generally rural residential or resource in nature.

8	History of land development permits issued nearby	No significant permitting activity was identified.
9	Land values under alternative uses	Not considered a determinative criterion in this area.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL - The majority of parcels with prime soils located along the river in Area 4 are of long-term commercial significance for agriculture. This area is in active agriculture, with predominant parcel sizes greater than 20 acres.

Not ARL - Parcels that have isolated occurrences of prime soils in Area 4 tend to consist of smaller parcels (in areas of predominant parcel size less than 20 acres). These areas are not considered to be of long-term commercial significance.

AREA # 5 (see Ex. 92)

General comments:

Area 5 includes Centralia and the unincorporated areas east and west of Centralia. There is a large pocket of prime soils along the river in the vicinity of Goodrich Road, adjacent to the Lewis-Thurston County line.

Map overlays viewed:

Soils	X
Topography	X
Aerial photography	X
Flood plain	X
Parcel size	X
Other:	
Current Use (Ex. 28)	X

Devotion to agriculture (used or capable of being used for commercial agriculture)

The largest parcels in the area of prime soils are owned by governmental bodies. Centralia owns a 237-acre parcel; the Port of Centralia owns a 72-acre parcel. Aerial photography shows some of the remaining areas in open fields. However, much of the open areas are in small parcels and appear to be simply large lot rural residential development.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows some of this area is in the agricultural open space tax program. However, many of the parcels in this tax program are smaller parcels. (See Ex. 26)
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that all of Area 5 is adjacent to or very near the Centralia UGA.
5	Predominant parcel size	Exhibit 26 shows a few parcels larger than 20 acres, but many more parcels are less than 20 acres.
6	Land use settlement patterns and their compatibility with agricultural practices	There is a lot of parcelization in Area 5, reflecting subdivision development to provide single-family housing for the Centralia area. Much of this development is of a density greater than currently allowed in rural Lewis County.

7	Intensity of nearby land uses	Nearby uses range from rural residential to urban-level development. (See Ex. 26) Also, the City of Centralia property is being developed for recreational uses, as a condition of the property gift to the City.
8	History of land development permits issued nearby	No significant permitting activity was identified.
9	Land values under alternative uses	Not considered a determinative criterion in this area.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

Not ARL - Land within Area 5 is not considered of long-term commercial significance due to the limited prime soils outside of UGAs and predominant parcel sizes being less than 20 acres, with the exception of two of the largest parcels being in municipal ownership. Also, the proximity of the Centralia UGA and pre-existing residential subdivision make this area unsuitable for long-term commercial agriculture. (Note that there is some overlapping between Areas 4 and 5. There is a small area shown in Area 5 that is proposed for ARL designation. This small area is also included in Area 4 and is discussed in that analysis.)

AREA # 6 (see Ex. 90)

General comments:

Area 6 includes portions of the Chehalis UGA, all of Napavine's UGA, and a small portion of Winlock's UGA. Area 6 generally follows I-5, but most of the land area included is west of I-5. This area includes a significant amount of prime soils, but is also subject to significant economic development potential due to its proximity to and access to I-5.

Map overlays viewed:

Soils	X
Topography	X
Aerial photography	X
Flood plain	—
Parcel size	X
Other:	
Current Use (Ex. 28)	X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a number of parcels have open fields that appear to be used for pasture land or growing hay. There is also significant parcelization in Area 6, with many large-lot, rural residences.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available. There is existing rail lines along Highway 603. An urban-level water line is provided from Winlock to the Cardinal Glass plant at Hwy 603 and Avery Road (although there are conditions on extending this water line). There is a natural gas pipeline along I-5. The public roads within Area 6 provide easy access to I-5.
2	Tax status	Exhibit 28 shows some parcels of this area are in the agricultural open space tax program and some parcels are in the timber tax program. However, many parcels are not in either open space tax program. (See Ex. 26)
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that all of Area 6 is

		adjacent to or very near the UGAs of Chehalis, Napavine, and Winlock. Napavine officials have commented regarding their need to expand the Napavine UGA (which is currently coterminous with the city limits) to include portions of this area to accommodate planned-for growth.
5	Predominant parcel size	Exhibit 26 shows a mix of parcel sizes, with no clear predominant parcel size. Some areas include several parcels that are 20 or more acres. Also distributed throughout Area 6 are many subdivided parcels of 10-acres or less, and 5-acres or less.
6	Land use settlement patterns and their compatibility with agricultural practices	The occurrence of residential subdivisions and proximity to existing urban areas creates an issue of compatibility with agricultural practices.
7	Intensity of nearby land uses	Nearby uses range from rural residential or resource to urban-level development. (See Ex. 26) Residential and commercial/industrial development within nearby UGAs will be at urban levels.
8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Due to its proximity to I-5, three UGAs, and recent commercial/industrial development activity, land values under alternative uses is presumed to be great, and a significant consideration. Ex. 29 shows a predominance of parcels valued at more than the \$2,500 per acre threshold value for agricultural use.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

Not ARL - Land within Area 6 is not considered of long-term commercial significance due to the availability of public facilities, the proximity to the Chehalis, Napavine, and Winlock UGAs, the sporadic parcelization,

development patterns including both settlement and intensity of use, and land values under alternative uses.

AREA # 7 (see Ex. 91)

General comments:

Area 7 includes the lands along and west of I-5 between the Winlock UGA and the County line to the south, and includes the Vader UGA. This area includes prime soils, primarily between Military and Winlock-Vader Roads. The area is also subject to significant economic development potential due to its proximity to and access to I-5.

Map overlays viewed:

Soils X
Topography X
Aerial photography X
Flood plain —
Parcel size X
Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a mix of open fields that appear to be used for pasture land or growing hay and heavily forested areas in timber production. There is also significant parcelization in Area 7, with many large-lot, rural residences.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available. There is existing rail lines along the western portion of Area 7. There is a natural gas pipeline along I-5. The public roads within Area 7 provide easy access to I-5.
2	Tax status	Exhibit 28 shows some parcels of this area are in the agricultural open space tax program, but many more parcels are in the timber tax program. Many parcels are not in either open space tax program, suggesting rural residential use with no commercial resource activity. (See Ex. 26)
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that all of Area 7 is adjacent to or very near the UGAs of Winlock and Vader.
5	Predominant parcel size	Exhibit 26 shows a mix of parcel sizes. Some areas include several parcels that are 20 or more acres. Also distributed

		throughout Area 7 are many subdivided parcels of 10-acres or less, and 5-acres or less.
6	Land use settlement patterns and their compatibility with agricultural practices	The occurrence of residential subdivisions and proximity to existing urban areas creates an issue of compatibility with agricultural practices.
7	Intensity of nearby land uses	Nearby uses range from rural residential or resource to urban-level development. (See Ex. 26) Residential and commercial/industrial development within nearby UGAs will be at urban levels.
8	History of land development permits issued nearby	With the exception of the recent Winlock UGA expansion, no significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Due to its proximity to I-5, two UGAs, and potential for commercial/industrial development activity, land values under alternative uses is presumed to be great, and a significant consideration. Ex. 29 shows a predominance of parcels valued at more than the \$2,500 per acre threshold value for agricultural use.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

Not ARL - Land within Area 7 is not considered of long-term commercial significance due to the availability of public facilities, the proximity to the Winlock and Vader UGAs, the sporadic parcelization, development patterns including both settlement and intensity of use, and land values under alternative uses.

AREA # 8 (see Ex. 89)

General comments:

Area 8 includes the lands along and east of I-5 between just south of US-12 and Centralia-Alpha Road, and in the vicinity of the Napavine and Chehalis UGAs, and also includes the proposed Birchfield Fully Contained Community. This area includes prime soils, mostly in the vicinity of Centralia-Alpha Road, and much parcelization throughout the area. The area is also subject to significant economic development potential due to its proximity to and access to I-5.

Map overlays viewed:

Soils X
 Topography X
 Aerial photography X
 Flood plain —
 Parcel size X
 Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a mix of open fields and heavy timber. There are rolling hills with some steep slopes (in the vicinity of Hewitt Road), which may make a conversion from timber production to agriculture expensive. There is also significant parcelization in Area 8, with many rural residences.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available. There is a natural gas pipeline along I-5. The public roads within Area 8 provide easy access to I-5.
2	Tax status	Exhibit 28 shows that many of the parcels in the open space tax program are in the timber program, with fewer parcels in the agricultural open space program. Many parcels are not in either open space tax program, suggesting rural residential use with no commercial resource activity. (See Ex. 26)
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that all of Area 8 is adjacent to or very near the UGAs of Napavine and Chehalis.

5	Predominant parcel size	Exhibit 26 shows a mix of parcel sizes. Some areas include several parcels that are 20 or more acres. Also distributed throughout Area 8 are many subdivided parcels of 10-acres or less, and 5-acres or less. The smaller parcels reflect the residential development that has occurred in the area.
6	Land use settlement patterns and their compatibility with agricultural practices	The occurrence of residential subdivisions and proximity to existing urban areas creates an issue of compatibility with agricultural practices.
7	Intensity of nearby land uses	Nearby uses range from rural residential or resource to urban-level development. (See Ex. 26) Residential and commercial/industrial development within nearby UGAs will be at urban levels.
8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Due to its proximity to I-5, two UGAs, and potential for commercial/industrial development activity, land values under alternative uses is presumed to be great, and a significant consideration. Ex. 29 shows a predominance of parcels valued at more than the \$2,500 per acre threshold value for agricultural use.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

Not ARL - Land within Area 8 is not considered of long-term commercial significance due to the availability of public facilities, the proximity to the Winlock and Vader UGAs, the sporadic parcelization, development patterns including both settlement and intensity of use, and land values under alternative uses.

AREA # 9 (see Ex. 88)

General comments:

Area 9 includes the lands along and east of I-5 between Hart Road and south of the Cowlitz River, and eastward to Templeton and Classe Roads. It includes the Toledo UGA. This area includes prime soils in the vicinity of the Winlock-Vader Airport and Jackson and Spencer Roads, as well as south and east of Toledo along the south side of the Cowlitz River. There is much parcelization throughout the area. The area is also subject to significant economic development potential due to its proximity to and access to I-5.

Map overlays viewed:

Soils	X
Topography	X
Aerial photography	X
Flood plain	—
Parcel size	X
Other:	
Current Use (Ex. 28)	X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a mix of open fields and heavy timber. There are some existing agricultural uses in the area, particularly south of the Cowlitz River. There is also significant parcelization in Area 9, with many rural residences.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available. There is a natural gas pipeline along I-5. The public roads within Area 9 provide easy access to I-5. The Winlock-Vader Airport is an essential public facility under GMA and the County is considering expanding the airport (Ex. ____).
2	Tax status	Exhibit 28 shows that many of the parcels in the open space tax program are in the agricultural open space program.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows that portions of Area 9 are adjacent to or very near the Toledo UGA. Toledo officials commented that the City needs to expand its UGA to provide residential employment capacity for its

		allocated population.
5	Predominant parcel size	Exhibit 26 shows a mix of parcel sizes. Some areas include several parcels that are 20 or more acres. Also distributed throughout Area 9 are many subdivided parcels. The smaller parcels reflect the residential development that has occurred in the area.
6	Land use settlement patterns and their compatibility with agricultural practices	The occurrence of residential subdivisions and proximity to existing urban areas creates an issue of compatibility with agricultural practices.
7	Intensity of nearby land uses	Nearby uses range from rural residential or resource to urban-level development. (See Ex. 26) Residential and commercial/industrial development within nearby UGAs will be at urban levels. The uses south of the Cowlitz River are less intensive.
8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Due to its proximity to I-5, the Toledo UGA, the Winlock-Vader Airport, and potential for commercial/industrial development activity, land values under alternative uses is presumed to be great, and a significant consideration. Ex. 29 shows a predominance of parcels valued at more than the \$2,500 per acre threshold value for agricultural use.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL – Land southwest of Toledo is in large parcels and contains prime soils and active agriculture. This is of long-term commercial significance. Also, lands south and east of Toledo and south of the Cowlitz River contain predominantly larger parcels and active agriculture. These lands are also of long-term commercial significance.

Not ARL - Land within Area 9 in the vicinity of Jackson and Spencer Roads, and the Winlock-Vader Airport is not considered of long-term commercial

significance due to the proximity to the Toledo UGA, the sporadic parcelization, the existing Airport that is an essential public facility, development patterns including both settlement and intensity of use, and land values under alternative uses.

AREA # 10 (see Ex. 87)

General comments:

Area 10 includes the lands east of the proposed Birchfield Fully Contained Community to SR-508, and north of Jorgensen Road and the Onalaska LAMIRD. The area is known as the Alpha Prairie. This area includes prime soils along the south side of SR-508 and in the vicinity of Centralia-Alpha Road. There is much parcelization throughout the area. The area also includes a significant amount of timber lands.

Map overlays viewed:

Soils	X
Topography	X
Aerial photography	X
Flood plain	—
Parcel size	X
Other:	
Current Use (Ex. 28)	X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a mix of open fields and heavy timber. There are some existing agricultural uses in the area. There is also significant parcelization in Area 10, with many rural residences.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows that the majority of the parcels in the open space tax program are in the timber program. Many parcels are not in the open space tax program and are in large-lot, rural residential use. Few parcels are in agricultural open space.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows no UGAs in the immediate vicinity, although the proposed Birchfield FCC is just west of Area 10.
5	Predominant parcel size	Exhibit 26 shows significant parcelization, with many parcels between 5-10 acres and less than 5 acres. The parcelization reflects the residential development that has occurred in the area.
6	Land use settlement patterns and their compatibility with agricultural practices	The occurrence of residential subdivisions creates an issue of compatibility with

		agricultural practices.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource. (See Ex. 26)
8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Ex. 29 shows a predominance of parcels valued at more than the \$2,500 per acre threshold value for agricultural use.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

Not ARL - Land within Area 10 is not considered of long-term commercial significance due to the lack of existing agricultural uses and the predominance of timber resource uses, the intense parcelization, development patterns, and land values under alternative uses.

AREA # 11 (see Ex. 85)

General comments:

Area 11 includes the lands north of the Cowlitz River, generally east Tucker and Kiser Roads, south of SR-508, and west of Jorgensen Road. This area includes a significant amount of prime soils. There is some parcelization throughout the area. The area also includes timber lands.

Map overlays viewed:

Soils X
 Topography X
 Aerial photography X
 Flood plain —
 Parcel size X
 Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a significant amount of cultivated and open fields, along with heavy timber. There are existing agricultural uses in the area. There is also some parcelization in Area 11, with a number of rural residences.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows that the majority of the parcels are in the agricultural open space tax program.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows no UGAs in the immediate vicinity of Area 11.
5	Predominant parcel size	Exhibit 26 shows a significant portion of Area 11 has a predominant parcel size of 20 acres or more. There is also some parcelization with smaller lots. The area between Kiser and Leonard Roads has significant parcelization, with a number of lots 5 acres or smaller.
6	Land use settlement patterns and their compatibility with agricultural practices	Much of the area is in resource production or large-lot, rural residential use.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource. (See Ex. 26)
8	History of land development permits issued nearby	No significant permitting activity was

		noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Ex. 29 shows a predominance of parcels valued at less than the \$2,500 per acre threshold value for agricultural use.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL – Much of the lands on prime soils in Area 11 are considered of long-term commercial significance due to existing agricultural uses, large predominant parcel sizes and land values under alternative uses.

Not ARL - Land within Area 11 that are not considered of long-term commercial significance are mostly along SR-508 and are excluded due to parcels size and the lack of existing agricultural uses.

AREA # 12 (see Ex. 86)

General comments:

Area 12 includes the lands around Salkum. This area includes a pocket of Class I prime soils. There is some parcelization throughout the area. The area also includes limited timber lands.

Map overlays viewed:

Soils X
 Topography X
 Aerial photography X
 Flood plain
 Parcel size X
 Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a significant amount of cultivated and open fields, along with some timber. There are existing agricultural uses in the area. There is also some parcelization in Area 12, with a number of rural residences.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows that the majority of the parcels are in the agricultural open space tax program.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows no UGAs in the immediate vicinity of Area 12. The Salkum LAMIRD is at the center of this area.
5	Predominant parcel size	Exhibit 26 shows a significant portion of Area 12 has a predominant parcel size of 20 acres or more. There is also some parcelization with smaller lots. The area south of Lufkin Ln./Mac Dr., and between Jordan and Fuller Roads is in small, residential parcels (less than 5 acres).
6	Land use settlement patterns and their compatibility with agricultural practices	Much of the area is in resource production or rural residential use.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource. (See Ex. 26)

8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Ex. 29 shows a predominance of parcels valued at more than the \$2,500 per acre threshold value for agricultural use.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL - The majority of the parcels with prime soils south of the Salkum LAMIRD are of long-term commercial significance for agriculture. This area is in active agriculture, with predominant parcel sizes greater than 20 acres and a significant occurrence of Class 1 soils.

Not ARL – The area west of Salkum along US-12 parcelized with many parcels being less than 15 acres (many parcels are less than 10 acres, with a number of parcels being less than 5 acres – see Ex. 26).

AREA # 13 (see Ex. 84)

General comments:

Area 13 includes the lands around Cinebar. This area includes a mix of timber and agricultural uses, with some large parcels in each use. There is some parcelization throughout the area.

Map overlays viewed:

Soils X
Topography X
Aerial photography X
Flood plain —
Parcel size X
Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a significant mix of cultivated and open fields, and timber. There are existing agricultural and timber uses in the area. There is also some parcelization in Area 13, with a number of rural residences.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows a mix of agricultural and timber open space tax status in Area 13.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows no UGAs in the immediate vicinity of Area 13.
5	Predominant parcel size	Exhibit 26 shows a large portion of Area 13 has a predominant parcel size of 20 acres or more. There is also some parcelization with smaller lots.
6	Land use settlement patterns and their compatibility with agricultural practices	Much of the area is in resource production or rural residential use.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource. (See Ex. 26)
8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Ex. 29 shows a mix of land values. Larger parcels tend to be valued at less than the

		\$2,500 per acre threshold value for agricultural use; smaller parcels at greater than \$2,500.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL – Larger parcels with significant amounts of prime soils are considered to be of long-term commercial significance for agriculture. This includes several parcels west of Cinebar Road and in the vicinity of SR-508.

Not ARL – Areas where predominant parcel size is less than 20 acres and where prime soils occur on only a small part of these parcels are not considered to be of long-term commercial significance. In addition to parcel size, land values under alternative uses is a consideration.

AREA # 14 (see Ex. 83)

General comments:

Area 14 includes the lands around Mossyrock. This area includes a significant amount of Class I prime soils and active agricultural uses. There is some parcelization throughout the area.

Map overlays viewed:

Soils X
Topography X
Aerial photography X
Flood plain —
Parcel size X
Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows a significant amount of cultivated and open fields.
There are existing agricultural uses in the area.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows a predominance of land in agricultural open space tax status, with some parcels in the timber tax program in Area 14.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows the area is immediately adjacent to the Mossyrock UGA. However, Mossyrock is not anticipated to experience significant growth in the current planning horizon.
5	Predominant parcel size	Exhibit 26 shows a large portion of Area 14 that has Class I soils has a predominant parcel size of 20 acres or more. There is also some parcelization with smaller lots.
6	Land use settlement patterns and their compatibility with agricultural practices	Much of the area is in resource production or rural residential use. The Mossyrock UGA contains urban-level development.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource, with urban-level development within the Mossyrock UGA. (See Ex. 26)

8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Ex. 29 shows predominant land values of more than the \$2,500 per acre threshold value for agricultural use.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL – Larger parcels with significant amounts of Class I prime soils are considered to be of long-term commercial significance for agriculture, notwithstanding the proximity to the Mossyrock UGA.

AREA # 15 (see Ex. 81)

General comments:

Area 15 includes the lands around Morton. This area includes a limited amount of prime soils, but includes some active agricultural uses. There is also significant timber production in the area.

Map overlays viewed:

Soils	X	
Topography	X	
Aerial photography	X	
Flood plain		—
Parcel size	X	
Other:		
Current Use (Ex. 28)		X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows some cultivated and open fields, and forested areas. There are existing agricultural and timber uses in the area.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows a mix of parcels in agricultural and timber open space tax status.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows the area is adjacent to or in the vicinity of the Morton UGA, although there are limited prime soils adjacent to the UGA.
5	Predominant parcel size	Exhibit 26 shows a parcel sizes of 20 acres or greater along US-12, west of Morton. The area east of Morton along US-12 includes a mix of large and small parcels. There is also some parcelization with smaller lots.
6	Land use settlement patterns and their compatibility with agricultural practices	Much of the area is in resource production or rural residential use. The Morton UGA contains urban-level development.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource, with urban-level development within the Morton UGA. (See Ex. 26)

8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Ex. 29 shows a mix of land values, with smaller parcels predominantly valued at more than the \$2,500 per acre threshold value for agricultural use, while larger parcels are valued at less than \$2,500 per acre.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL – Two areas within Area 15 are considered to be of long-term commercial significance for agriculture due to existing agricultural uses and the presence of prime soils. An area west of Morton between US-12 and Highland Valley Road includes a large existing farm and east of Morton along US-12 between Priest and Adriane Roads. There is existing pastureland hay production in this area.

AREA # 16 (see Ex. 82)

General comments:

Area 16 includes the lands around Mineral Lake. This area includes a very limited amount of prime soils. There is also significant timber production in the area.

Map overlays viewed:

Soils X
 Topography X
 Aerial photography X
 Flood plain —
 Parcel size X
 Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows no discernable agricultural activities. Much of the area is in forest use.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows the majority of parcels in timber open space tax status, with a number of parcels in single-family residential use.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows the area is not in the vicinity of a UGA.
5	Predominant parcel size	Exhibit 26 shows a parcel sizes of 20 acres or greater along Mineral Road, where some prime soils are located. However, in other areas of prime soils, parcel sizes are much smaller, with many parcels being less than 5 acres due to much parcelization.
6	Land use settlement patterns and their compatibility with agricultural practices	Much of the area is in timber production or rural residential use.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource. (See Ex. 26)
8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.

9	Land values under alternative uses	Ex. 29 shows a mix of land values, with smaller parcels predominantly valued at more than the \$2,500 per acre threshold value for agricultural use, while larger parcels are valued at less than \$2,500 per acre.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

Not ARL – Area 16 is not considered to be of long-term commercial significance for agriculture due to the very limited prime soils, lack of existing agricultural uses, the prevalence of timber lands, and parcelization.

AREA # 17 (see Ex. 80)

General comments:

Area 17 includes the lands from the eastern terminus of Riffe Lake to just east of Silverbrook. This area includes a significant amount of prime soils along the river. There is also significant timber production in the area.

Map overlays viewed:

Soils X
Topography X
Aerial photography X
Flood plain X
Parcel size X
Other:
 Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows much of Area 17 in timber use, with limited current agricultural use. There are very steep slopes near Riffe Lake, making portions of Area 17 not capable of being used for agriculture. One area along SR-131, south of US-12 has existing agriculture, visible in aerial photographs as open fields. Planning Commission discussions reveal that some of these fields are used as seasonal pastureland, requiring removal of animals prior to flooding. Also, very wet conditions prevent the operation of harvesters in some fields, thus eliminating the opportunity to grow hay.

Much of this area is also subject to seasonal flooding. The nature of this flooding is dynamic – it consists of moving floodwater, which washes away unprotected topsoil.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows the majority of parcels in timber open space tax status. Parcels along SR-131 are in agricultural open space tax status.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows the area is not in the vicinity of a UGA.
5	Predominant parcel size	Exhibit 26 shows a predominant parcel sizes of 20 acres or greater in much of Area 17. However, there are also pockets of

		small-lot parcelization to accommodate rural residential development.
6	Land use settlement patterns and their compatibility with agricultural practices	Much of the area is in timber or agricultural production, with the remaining property in rural residential use.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource. (See Ex. 26)
8	History of land development permits issued nearby	No significant permitting activity was noted. It is presumed that the existing moratorium and determination of invalidity has prevented subdivision permitting.
9	Land values under alternative uses	Ex. 29 shows a mix of land values, with smaller parcels predominantly valued at more than the \$2,500 per acre threshold value for agricultural use, while larger parcels are valued at less than \$2,500 per acre.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL – One area of existing agricultural use, along SR-131, is considered to be of long-term commercial significance for agriculture due to prime soils and large parcels.

Not ARL – Other parcels with prime soils are considered not to be of long-term commercial significance due to the effect of flooding on unprotected topsoil, the prevalence of timber lands, and lack of evidence of capability of being used for agriculture.

AREA # 18 (see Ex. 70)

General comments:

Area 18 includes the lands along US-12 from FR-63 to just east of Packwood. This area includes a some prime soils along the south side of the river. There is also significant timber production in the area.

Map overlays viewed:

Soils X
Topography X
Aerial photography X
Flood plain X
Parcel size X
Other:
Current Use (Ex. 28) X

Devotion to agriculture (used or capable of being used for commercial agriculture)

Aerial photography shows much of Area 18 in timber use, with limited current agricultural use. The topographic map shows a very narrow valley floor, surrounded by steep slopes (mostly timbered). There is one significant existing agricultural use west of Bennett Road. Other areas with prime soils are highly parcelized.

As with Area 17, much of Area 18 is also subject to seasonal flooding. The nature of this flooding is dynamic – it consists of moving floodwater, which washes away unprotected topsoil.

Application of WAC Criteria

	Criteria	Comments
1	The availability of public facilities	Electrical power is available.
2	Tax status	Exhibit 28 shows the majority of parcels in timber open space tax status, with one noticeable exception being the property west of Bennett Road, which is in agricultural tax status.
3	The availability of public services	Not considered a determinative criterion.
4	Relationship or proximity to urban growth areas	Exhibit 25 shows the area is not in the vicinity of a UGA.
5	Predominant parcel size	Exhibit 26 shows a predominant parcel sizes of 20 acres or greater in much of Area 18, with a significant amount of smaller parcels 5 acres or less.
6	Land use settlement patterns and their compatibility with agricultural practices	Much of the area is in timber production,

		with one area in agricultural use (west of Bennett Road) and the remaining property in rural residential use.
7	Intensity of nearby land uses	Nearby uses range from rural residential to resource. (See Ex. 26)
8	History of land development permits issued nearby	No significant permitting activity was noted.
9	Land values under alternative uses	Ex. 29 shows a mix of land values, with smaller parcels predominantly valued at more than the \$2,500 per acre threshold value for agricultural use, while larger parcels are valued at less than \$2,500 per acre.
10	Proximity of markets	Not considered a determinative criterion in much of Lewis County.

Planning Commission Recommendation

ARL – One area of existing agricultural use, west of Bennett Road, is considered to be of long-term commercial significance for agriculture due to prime soils and large parcels.

Not ARL – Other parcels with prime soils are considered not to be of long-term commercial significance due to the effect of flooding on unprotected topsoil, the prevalence of timber lands, and lack of evidence of capability of being used for commercial agriculture.

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Chapter 17.30

RESOURCE LANDS

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- ~~17.30.250 Urban governmental
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- ~~17.30.260~~250 Urban growth Urban
growth.
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17.30.520	Access.		designated commercial farmland (“Opt-out”).
17.30.530	Surveys.		
17.30.540	Notification of forest practices - Conflict mitigation.	17.30.700	Process for petitioning for designation as a farmland of local importance (“Opt-in”).
17.30.550	Application process for exclusion from designation as a forest resource land (“Opt-out”).	17.30.710	Nonregulatory incentives.
			Article VI. Mineral Resource Lands
17.30.560	Process for petitioning for designation as a forest land of local importance (“Opt-in”).	17.30.720	Classification.
		17.30.730	Designation.
		17.30.740	Maps and inventory.
		17.30.750	Primary uses.
		17.30.760	Accessory uses.
		17.30.770	Incidental uses.
		17.30.780	Essential public facilities.
		17.30.790	Standards for existing permits.
		17.30.800	Lot size/density.
		17.30.810	Setbacks - Buffers.
		17.30.820	Preferential right to manage resources- “Right-to-mine”.
		17.30.830	Mining use notices.
		17.30.840	Process for petitioning for exclusion from designation as a mineral resource land (“Opt-out”).
		17.30.850	Process for petitioning for designation as a mineral resource land (“Opt-in”).
			Article I. General Provisions
			17.30.010 Authority and title.
			This chapter is established pursuant to RCW 36.70A.060 and shall be known as the “Lewis County Resource Lands Ordinance.” [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.1, 1996]
			17.30.020 Purpose and goals.
			(1) The purpose of this chapter is to identify and conserve long-term
17.30.570	Article V. Agricultural Resource Lands <u>Farmland of Local Importance</u> Classification.		
17.30.580	<u>Maps and inventory</u> Identification.		
17.30.590	<u>Use Exceptions in ARL</u> Designation.		
17.30.600	<u>Relief from Errors in ARL Designation</u> Maps and inventory.		
17.30.605 10	—Uses.		
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17.30.640 50	—Essential public facilities.		
17.30.650 60	—Maximum density and minimum lot area.		
17.30.660 70	Setbacks.		
17.30.670 80	<u>Process for petitioning for designation as a farmland of local importance (“Opt-in”).</u> — Notification of agricultural activities— Conflict mitigation.		
17.30.680 90	<u>Nonregulatory incentives.</u> — Application process for exclusion from		

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commercially significant forest, agricultural, and mineral resource lands designated pursuant to this chapter as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990) by supplementing the development regulations contained in various ordinances of Lewis County and other applicable state and federal laws by providing additional controls and measures to conserve resource lands and protect human health and safety. This chapter is adopted under the authority of Chapters 36.70A and 36.70 RCW.

~~(2) This chapter is premised on a perceived community vision that calls for minimum resource lands designations and protection standards, consistent with the requirements of Chapter 36.70A RCW.~~

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

17.30.030 Policy.

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

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

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

(4) Mitigation Priorities.

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

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

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

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

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

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

(5) Mitigation Application.

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

(b) The priorities in subsection (4) of this section shall not be used to deny a permit for activities specifically authorized

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on resource lands or buffers where reasonable non-resource land alternatives are unavailable.

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

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

17.30.040 Interpretation.

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

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

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

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

17.30.050 Duration.

The development regulations for resource lands, as set forth in this chapter, shall be reviewed during consideration of the implementing regulations for the Lewis County Comprehensive Plan, adopted pursuant to Chapter 36.70A RCW. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.5, 1996]

17.30.060 Judicial review.

Judicial review of any decision made hereunder shall be appealable pursuant to the Land Use Appeals Act, Chapter 36.70C RCW. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 1.7, 1996]

Article II. Definitions

17.30.070 Administrator.

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

17.30.080 Agricultural land-Agricultural resource land.

"Agricultural land" or "agricultural resource land" means land primarily devoted to the commercial production of aquaculture, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.085 Animal Unit

"Animal Unit" means 1,000 pounds of live weight.

17.30.090 Best management practices.

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

(1) Maximize the economic return;

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

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

(4) Take into account site-specific conditions, including, but not limited to, soil, climate, topography, operator's skills and abilities, and owner and/or operator's

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goals. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.100 Biosolids.

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

17.30.105 Confined Animal Feeding Operations

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

17.30.110 Clustering.

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

17.30.120 Economic viability.

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

17.30.130 Farm employee.

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

17.30.140 Forest land - Forest resource land.

“Forest land” or “forest resource land” means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.150 Geologist.

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

17.30.160 Growing season.

“Growing season” means the growing season for the soils meeting the land

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capability criteria set forth in the Lewis County Comprehensive Plan.—LCC 17.30.580(1). Also, the portion of the year when soil temperatures are above biologic zero at 50 cm (19.7"). [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996] and shall be as identified in the map unit descriptions contained in the soil survey of Lewis County Area. Washington, USDA, Soil Conservation Service, May, 1987. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.170 Home-based industries.

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

17.30.190 Large lot subdivision.

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

17.30.200 Long-term commercial significance.

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

17.30.210 Mineral resource lands.

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

17.30.220 Minerals.

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

~~17.30.230 Primary agricultural crops.~~

~~The “primary agricultural crops” for long term commercially significant agriculture in Lewis County may include, but are not limited to, peas, sweet corn, blueberries, strawberries, small grains, bulbs, horticultural activities such as greenhouses and nurseries, silage/pasture/hay, and Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]~~

17.30.23040 Qualified forester.

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

17.30.24050 Urban governmental services.

“Urban governmental services” means those governmental services historically and typically delivered by cities, including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated

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with urban areas and normally not associated with nonurban areas. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.25060 Urban growth.

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

17.30.26070 Urban growth area (UGA).

“Urban growth area (UGA)” means those areas designated for urban growth by Lewis County pursuant to RCW 36.70A.110. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 2, 1996]

17.30.27080 Wetlands delineation.

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

17.30.280 (reserved)

Article III. General Requirements

17.30.290 Applicability.

This chapter classifies and designates resource lands in Lewis County and establishes regulations for the protection of resource lands, human health, and safety. Lewis County shall not grant any permit, license, or other development approval to alter the condition of any land, water, or

vegetation, or to construct or to alter any structure or improvement, nor shall any person alter the condition of any land, water, or vegetation, or construct or alter any structure or improvement, for any development proposal regulated by this chapter, except in compliance with the provisions of this chapter. Failure to comply with the provisions of this chapter shall be considered a violation and subject to enforcement procedures. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.1, 1996]

17.30.300 Relationship to other regulations.

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

17.30.310 Exemptions.

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

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

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

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conversion of any resource lands to other than resource land uses;

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

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

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

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

(7) Any projects currently under review and "vested" as that term is used in RCW 19.27.095 and 58.17.033 by local, state, or federal agencies prior to official adoption of the ordinance codified in this chapter are exempt from this chapter and will be grandfathered under previous resource lands protection measures; provided, however, "vested properties" shall include any property acquired for development purposes where the following qualifications have been met: (a) the purchase includes lands designated as resource lands pursuant to this chapter; (b) the purchaser can demonstrate through some objective means that the property was acquired for present development purposes (e.g., more than generalized intent, such as a feasibility

study, nature of purchaser's business, or other facts or data); and (c) the earnest money agreement is complete and binding on both parties within 90 days prior to the effective date of the ordinance codified in this chapter; and provided further, such additional vested rights shall be in effect only for the subdivision of such property in fact completed (final plat recorded) within 18 months of the effective date of the ordinance codified in this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.3, 1996]

17.30.320 Application requirements - General.

This chapter is an overlay similar to Chapter 43.21C RCW. No separate "application" or permit is required. The criteria and requirements of this section must be addressed, however, in connection with all land use or development permits issued by Lewis County. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.4, 1996]

17.30.330 Designation of the administrator.

The planning director of the Lewis County department community development or his or her designee shall be responsible for applying the provisions and requirements of this chapter.* [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.5, 1996]

17.30.340 Appeals.

(1) Any decision of the administrator in the administration of this chapter may be appealed by the applicant to the hearing examiner. The decision shall be based on the record at the time the decision was issued.

(2) Appeals shall be filed in writing in duplicate with the hearing examiner within 10 calendar days of the date of the action being appealed. The appeal must specify the

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code section under which error is alleged and state facts from the record to demonstrate prima facie violation of the section in question.

(3) Upon the filing of an appeal, the hearing examiner shall set the time and place at which the matter will be considered. At least 10 calendar days notice of such time and place, together with one copy of the written appeal, shall be given to the appellant. The appeal shall follow the requirements for a closed record appeal in Chapter 2.25 LCC.

(4) The hearing examiner may reverse or affirm wholly or in part the decision of the administrator. The hearing examiner may also remand if it appears that new or supplemental information may change the result reached. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.6, 1996]

17.30.350 Penalties and enforcement.

(1) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter. Any such person or other such party who violates such provision of this chapter shall be subject to the enforcement provisions of Ch. 17.07 LCC.

(2) A notice of violation and order for the penalty may be issued by the administrator or designee when there is a finding by such official that a violation of this chapter has occurred or is occurring.

(a) The administrator shall issue such notice and order in writing to the person(s) creating, causing, participating in, or allowing the violation pursuant to LCC 120.040.

(3) The office of the Lewis County prosecuting attorney may bring such additional injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter, and county

and state laws, and the costs of such action shall be taxed by the prosecuting attorney against the person committing the violation.

In the enforcement of this chapter the prosecuting attorney may accept assurance of discontinuance of any act or practice deemed in violation thereof from any person engaging in, or who has engaged in, such act or practice. A violation of such assurance shall for purposes of prosecuting constitute and serve as prima facie proof of violation of this chapter. Acceptance of such assurance does not relieve a party from compliance with this chapter or state law. With respect to court actions filed pursuant to this chapter, any such assurance shall be in writing and be filed with and subject to the approval of the superior court. [Ord. 1192, 2006; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.7, 1996]

17.30.360 Nonconforming activities.

An established use or existing structure that was lawfully permitted prior to adoption of the ordinance codified in this chapter, but which is not in compliance with this chapter, may continue subject to the following:

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

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

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increase that footprint by more than 25 percent;

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

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

17.30.370 Variances.

(1) If an applicant for a proposal demonstrates to the satisfaction of the administrator that application of the standards of this chapter would constitute an extraordinary hardship to the applicant, a variance to such standards shall be granted if the applicant also demonstrates all the following to the satisfaction of the administrator:

(a) That no commercially viable use with less impact on the resource lands is possible which would not pose an extraordinary hardship on the applicant;

(b) That there is no commercially viable alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use

with less adverse impacts to the resource land and its related buffer;

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

(d) That disturbance of resource lands has been minimized by locating any necessary alteration in a related buffer to the extent possible;

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

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

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

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

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

(j) That the need for a variance is not the result of deliberate actions by the applicant or prior owners after the effective date of the ordinance.

(2) Notice of a variance request shall be given in conjunction with the notice of any permit application; provided, that if such permit application does not require a public hearing, the variance request shall be scheduled for hearing before the administrator upon the same notice as provided for other public hearings required

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by county subdivision ordinance. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.9, 1996]

17.30.380 Nonregulatory incentives.

The following nonregulatory incentives shall apply to all resource lands:

(1) Assessment Relief.

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

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

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

(2) Open Space. Subject to the criteria established by law, any person who owns a resource land area as identified by this chapter may apply for current use assessment pursuant to Chapter 84.34 RCW. The Open Space Tax Act allows Lewis County to designate lands, which should be taxed at their "current use value." The county has programs for agricultural lands, small forest lands less than 20 acres in size, and other open spaces. Lewis County has adopted a public benefit rating system, which classifies properties on the basis of their relative importance of natural and cultural resources, the availability of public access, and the presence of a "conservation easement." These features are given a point value, and the total point value determines

the property tax reduction. Lands with an important habitat or species would commonly qualify for this voluntary program. Applications are approved by the board of county commissioners following a public hearing.

(3) Conservation Easement.

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

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

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

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

(4) Development Rights Transfer and Acquisition. Lewis County shall adopt a development rights transfer and/or acquisition program pertaining to

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development rights on designated resource lands by September, 1998. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.10, 1996]

17.30.390 SEPA.

This chapter is a written policy of Lewis County enforceable through the State Environmental Policy Act, Chapter 43.21C RCW and specifically RCW 43.21C.065. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.11, 1996]

17.30.400 Judicial or legislative modification.

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

17.30.410 Cost recovery.

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

Article IV. Forest Resource Lands

17.30.420 Classification.

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

(1) Private Forest Land Grades of the Washington State Department of Revenue (WAC 458-40-530).

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

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

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

Washington State Private Forest Land Grades

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

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

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

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

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

(3) Property Tax Classification. Property in the block is assessed or eligible to be assessed as open space or forest land pursuant to Chapter 84.33 or 84.34 RCW.

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

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

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

(7) History of Land Development Permits Issued Nearby. For Lewis County, this means that recent residential development is an indicator of a pattern or direction of growth that may be encroaching on the forest land. The above criteria are applied throughout unincorporated Lewis County to designate those forest lands of long-term commercial significance. Those lands that currently meet the criteria are shown on map entitled Lewis County Forest

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Lands, March 1996. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.1, 1996]

17.30.430 Designation.

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

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

(2) Forest Land of Local Importance. Forest lands of local importance are those forest lands meeting the criteria of LCC 17.30.420 (1), (3), (4), (6) and (7) which fall outside a 5,000-contiguous-acre block and meet the following criteria:

(a) Formal Designation ("Opt-In"). Forest lands of local importance shall only be designated by the board of county commissioners upon a petition for such designation by the landowner pursuant to the requirements of LCC 17.30.560(2).

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

(c) Minimum Period for Commitment to Designation. The landowner petitioning for designation as a forest land of local importance shall be required to commit the property to remain in that designation for 10 years. The designation may be renewed by the landowner at the end of the 10-year period, provided that renewal of the

designation shall not be considered an amendment to the zoning regulations.

(d) Current Forest Land Use. The property is in open space or forest land classification pursuant to Chapter 84.33 or 84.34 RCW. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.2, 1996]

17.30.440 Uses.

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

17.30.450 Primary uses.

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

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

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

(4) Extraction and processing of rock, gravel, coal, oil, gas, mineral, and geothermal resources. [Ord. 1179C §1,

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2003; Ord. 1170B, 2000; Ord. 1157, 1998;
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17.30.460 Accessory uses.

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

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

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

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

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

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

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

(7) Aircraft landing fields, heliports;

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

17.30.470 Incidental uses.

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

(1) Required Elements.

(a) The use will not adversely affect the overall productivity of the forest nor affect more than five percent of the prime soils (15 percent as provided below in LCC 17.30.490 (3)) on any forest resource lands (including all contiguous tracts or parcels in common ownership) on the date this chapter is effective.

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

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

(2) Uses Allowed as Incidental Activities.

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

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

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

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

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

17.30.480 Essential public facilities.

[Reserved]

[Ord. 1179M, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.3(D), 1996]

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17.30.490 Maximum density and minimum lot area.

The minimum lot area for any new subdivision, short subdivision, large lot subdivision or exempt segregation of property shall be as follows, except for parcels to be used for uses and activities provided under LCC 17.30.440 through 17.30.480:

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

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

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

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

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

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

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

(e) The plat shall contain the covenants in LCC 17.30.540.

[Ord. 1179M, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1176, 2000; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.4, 1996]

17.30.500 Setbacks.

(1) Within Lands Adjacent to or Abutting Primary Forest Resource Lands. All structures shall maintain a minimum setback of 150 feet from property lines, except for structures not requiring building permits, and 200 feet for all wells, and uses and activities provided under LCC 17.30.440 through 17.30.480; provided, however, the administrator may reduce the structure's setback where:

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

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

(2) Within Land Adjacent to or Abutting Forest Resource Lands of Local Importance. All structures shall maintain a minimum setback of one hundred and fifty (150) feet from property lines, except for structures not requiring building permits, and one hundred feet for all well, and uses and activities provided under LCC 17.30.440 through 17.30.480; provided, however, that the 150-foot resource lands setback shall not be required where:

(a) The owner of lands adjacent to or abutting forest lands of local importance records a forestry easement for the benefit of the abutting forest resource lands of local importance, granting a right to all normal and customary forestry practices in accordance with best management practices.

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[Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(A), 1996; Ord. 1151A, 1997]

17.30.510 Water supply.

[Reserved]

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

17.30.520 Access.

No permit from Lewis County shall imply any permanent vehicular access to residential properties across non-owned land. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(C), 1996]

17.30.530 Surveys.

Land surveys or other boundary line determinations shall be required in conjunction with the issuance of a building permit on property subject to the setback requirements set forth in LCC 17.30.500 to demonstrate compliance with the required setback. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(D), 1996]

17.30.540 Notification of forest practices - Conflict mitigation.

(1) Continued forest management by definition requires the eventual harvesting of the trees, site preparation, and replanting. It is important that people choosing to live within or adjacent to commercial forest land be aware of the inevitability of forest practices and understand the necessary management activities that are required to harvest and sustain a future commercial forest crop. The following language indicating proximity, within 500 feet, to designated forest land shall be required on all final plats, short plats, and binding site plans approved by Lewis County.

(2) In addition, at the time of building permit issuance, applicants shall be required

to sign and record with the County Auditor a statement acknowledging that their property is located within 500 feet of designated forest land and subject to customary forest practices.

(3) The following language shall be required for both plats and building permits:

NOTICE AND COVENANT: The subject property is within or near land designated for commercial forest management and subject to a variety of activities that may not be compatible with residential development for certain periods of limited duration. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, herbicides, and associated management activities. When performed in accordance with county, state, and federal law, these forest management activities are not subject to legal action or public nuisance.

(4) Where the approval is a plat pursuant to LCC 17.30.490(3), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.5(E), 1996]

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

Repealed. [Ord. 1179, 2002]

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

An “Opt-in” provision is provided for the voluntary designation of properties as forest land of local importance by the property owner(s) upon the timely written

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notification to the administrator of their desire for such designation. Such application for designation shall be processed as an amendment to the Comprehensive Plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter 17.12 LCC.

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

(a) The property meets the classification criteria set forth for forest lands of local importance in LCC 17.30.430(2); and

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

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

(a) Administrator's Action. The administrator shall determine if the application is complete. If additional information is necessary, the application shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.

(b) Planning Review and Recommendation. The Lewis County Planning Commission shall hold a public hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall

consist of publication of a legal notice in a newspaper of general circulation in Lewis County. Notice shall state the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.

(c) Following the Planning Commission hearing, the Planning Commission shall make a recommendation. The administrator shall forward the recommendation to the Board of County Commissioners within 5 working days of the Planning Commission recommendation. The administrator shall also provide the applicant written notice of the Planning Commission recommendation.

(d) The Board Decision. The Board of County Commissioners shall make a final decision following the receipt of the recommendation of the Planning Commission. The Board shall hold a public hearing on the matter. The Board shall make written findings for its decision and such findings shall be available to the public upon request. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 3.8, 1996]

Article V. Agricultural Resource Lands

17.30.570 Classification.

~~Agricultural resource lands of Lewis County are classified according to the following: Land Capability Classification System of the U.S. Department of Agriculture Handbook No. 210. This system of classification and identification for long term commercially significant agricultural resource lands is~~

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based upon identified prime farmland derived from the land capability classification system of the United States Department of Agriculture Handbook No. 210. The classes of agricultural lands are based upon consideration of growing capacity, productivity, and soil composition. In further defining categories of agricultural lands of long term commercial significance, the reference standard is the use of the classification of prime and unique farmland

soils as mapped by the Natural Resource Conservation Service (NRCS), USDA.

(1) Prime Farm Lands of Long Term Commercial Significance. For Lewis County prime agricultural soils in land capability Classes I, IIe, IIw, IIs, IIIe, IIIw, IVe, and Vw are used for this designation. Prime farmland soils commonly get an adequate and dependable supply of moisture from precipitation and/or irrigation. These soils are identified as follows:

Map-Unit #	Prime Farmland Soil Description	Land-Capability
1	Alvor silty clay loam	IIIw
21	Boistfort clay loam, 0-8% slopes	IIIe
42	Centralia loam, 0-8% slopes	IIe
45	Centralia Variant loam, 0-8% slopes	IIe
47	Chehalis silt loam	IIw
48	Chehalis silty clay	IIw
49	Cinebar silt loam, 0-8% slopes	Iie
61	Cloquato silt loam	IIw
84	Doty silt loam	IIs

Map-Unit #	Prime Farmland Soil Description	Land-Capability
86	Ferteg silt loam, 0-8% slopes	IIe
89	Galvin silt loam, 0-8% slopes	IIIw
91	Glenoma very cindery loam	IIs
116	Klaber silt loam	IIIw
117	Klaber Variant silty clay loam	IIIw
118	Lacamas silt loam, 0-3% slopes	IIIw
119	Lacamas silt loam, 3-8% slopes	IIIw
130	Melbourne loam, 0-8% slopes	IIe
133	Mossyrock silt loam	I
135	National cindery sandy loam, 0-8% slopes	IIIe
136	Nesika loam, 2-5% slopes	IIe
145	Newaukum gravelly silt	IIIe

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	loam, 5-15% slopes	
148	Newberg fine sandy loam	Hw
152	Olequa silt loam, 0-5% slopes	He
155	Olympic silty clay loam, 0-8% slopes	He
167	Prather silty clay loam, 0-5% slopes	Hw
170	Puget silt loam	Hw
171	Puyallup fine sandy loam	Hw
172	Reed silty clay loam	IIIw
173	Reed silty clay loam, channeled (if drained and protected from flooding)	Vw
187	Salkum silty clay loam, 0-5% slopes	He
191	Sauvola, silty clay loam, 0-8% slopes	He
193	Seamman silty clay loam, 0-5% slopes	IIIw
204	Schooley silt loam	IIIw
205	Semiahmoomuck (if drained)	Vw
206	Siler fine sandy loam	Hw
207	Siler silt loam	Hw
240	Wilkeson loam, 0-8% slopes	He
242	Winston loam, 0-8% slopes	IVe
243	Winston gravelly loam, 0-8% slopes	IIIe
244	Winston gravelly loam, 8-15% slopes	IIIe

(2) Unique Farmlands. Unique farmlands were considered, but not designated.

(3) Farmlands of Local Significance. In Lewis County many of the floodplains of the major rivers are farmed extensively and provide a critical mass in supporting local agriculture industry, even though not always on prime farm soils. [Ord. 1179C, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.1, 1996]

17.30.580 Identification. In mapping of long-term commercially significant agricultural resource lands growing capacity, productivity, economic viability, proximity to populated areas, and the possibility of

more intense uses of the land as indicated by one or more of the following are considered:

(1) Growing Capacity and Productivity.

(a) Land Capability. Soils shall be in Capability Classes I, II, and IIIe. Soils with limitations in the following areas shall not be considered for purposes of identification:

(i) Moderately steep slopes (greater than eight percent);

(ii) High susceptibility to water or wind erosion or severe adverse effects of erosion;

(iii) Frequent overflow accompanied by serious crop damage;

(iv) Very slow permeability of the subsoil;

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~~(v) Wetness or some continuing waterlogging after drainage;~~

~~(vi) Shallow depths to bedrock, hardpan, fragipan, or claypan that limit the rooting zone and water storage;~~

~~(vii) Low moisture holding capacity;~~

~~(viii) Low fertility not easily corrected;~~

~~(ix) Moderate climatic limitations.~~

~~(b) Availability of Water. Sufficient irrigation capability, including precipitation and water rights, to grow the primary agricultural crops produced in Lewis County.~~

~~(2) Predominant Parcel Size. Predominant parcel sizes of 20 acres or larger, which provide (in combination with soil type) the economic conditions to manage agricultural land for long term commercial significance. However, parcels of less than 20 acres can be commercially significant in the long term if they meet the Consolidated Farm Services Agency, USDA definition of "commercial" agriculture.~~

~~(3) Tax Status. Property enrolled in the open space agricultural tax program may be an indicator that the existing land use is commercial agriculture.~~

~~(4) Availability of Public Facilities and Services. The extension of public facilities and services conducive to the conversion of agricultural land is not provided. Lands within this designation will be located outside interim urban growth areas as defined by the incorporated cities and towns and Lewis County.~~

~~(5) Relationship or Proximity to Urban Growth Areas. Designated agricultural resource lands shall be located outside adopted interim urban growth areas or areas characterized by urban development and not near enough to such areas to develop~~

~~potential conflicts with agricultural activities.~~

~~(6) Land Use Settlement Patterns and Their Compatibility with Agricultural Practices. Residential development should be minimal. Predominant uses are compatible with agricultural uses. Compatible land uses within and adjacent to designated agricultural resource land include, but are not limited to, forestry, mining, parks and preserves, and open space.~~

~~(7) Intensity of Nearby Land Uses. Residential development should be minimal and at rural densities (an average of one dwelling unit per five acres) and no greater than rural density.~~

~~(8) History of Land Development Permits Issued Nearby. Regulated subdivision activity has not occurred adjacent to or nearby.~~

~~(9) Floodplain Limitations Under Alternative Uses. Use of the property for nonagricultural related activities is limited because it is in the 100-year floodplain.~~

~~(10) Proximity of Markets. Local or regional markets are available. The property has road, rail, or air transportation routes to markets.~~

~~(11) Agricultural Diversity. A diversity of agricultural activities exists or the area is capable of supporting a diversity of agricultural activities. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.2, 1996]~~

~~**17.30.590 Designation.** Lands of Lewis County meeting the classification and identification criteria for agricultural resource lands are:~~

~~(1) Class A Farmland of Long Term Commercial Significance. Farmland of long-term commercial significance shall be those areas having the following characteristics:~~

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~~(a) Not subject to frequent overflow during the growing season accompanied by serious crop damage; and~~

~~(b) Has prime farmland soil or soils as identified in LCC 17.30.580(1)(a); and~~

~~(c) Has sufficient irrigation capability; and~~

~~(d) Is primarily devoted to commercial agricultural productions; and~~

~~(e) Has a minimum parcel size of 20 acres; and~~

~~(f) Is not located within an adopted urban growth area.~~

~~(2) Class B Farmlands of Long Term Commercial Significance. Flood hazard areas associated with Type I and Type II streams provide pasture, forage, hay, crop, and other essential agricultural activities and shall be designated as lands of long term commercial significance where:~~

~~(a) More than 100 yards wide;~~

~~(b) Larger than 20 contiguous acres; and~~

~~(c) Not within an urban growth boundary.~~

~~(3) **17.30.570 Farmland of Local Importance.**~~

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

The designation of farmlands of local importance is applied to those agricultural lands voluntarily nominated by the landowner which are not designated

commercial farmland and meet the following criteria:

(a) Formal Designation (“Opt-In”). Farmlands of local importance shall only be designated by the board of county commissioners upon a voluntary petition for such designation by the landowner pursuant to the requirements of LCC 17.30.700. Such applications shall be processed as an amendment to the County Comprehensive Plan and development regulations.

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

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

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

17.30.600580 Maps and inventory.

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

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and in the database of the Lewis County Geographic Information System.

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

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

17.30.590 Use Exceptions in ARL

(1) This section is intended to provide relief for property owners in ARL where prime soils, as listed in the comprehensive plan do not underlie the entire parcel. The special use process (17.115 LLC) for “residential, recreational, and other non-resource uses” shall be used to determine if, and under what conditions, such uses shall be permitted.

17.30.600 Relief from Errors in ARL Designation

(1) Property owners who believe a parcel has been included in agricultural resource land in error may request redesignation of that parcel pursuant to the comprehensive plan amendment provisions of LCC 17.165.040.

(2) Property owners who claim a parcel was included in agricultural resource land in error due to incorrect mapping of prime soils, as listed in the land use element of the comprehensive plan, shall provide a written report by a certified soils scientist documenting the actual soils conditions on

the parcel. The application fee for a comprehensive plan amendment set by LCC 17.165.020 shall be waived for property owners submitting a request for redesignation under this subsection (2).

17.30.605610 Uses.

The intent and purpose of this section is to maintain and enhance resource-based industries, encourage the conservation of agricultural lands, and discourage incompatible uses. All primary and accessory uses shall be entitled to protection under the protective provisions of LCC 17.30.680. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5, 1996]

17.30.610620 Primary uses.

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

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

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

(4) Growing and harvesting of timber.

[Ord. 1179M, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(A), 1996]

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17.30.62030 Accessory uses.

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

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

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

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

(4) Private aircraft landing fields, heliports;

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

(6) Storage and application of agricultural waste;

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

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

(9) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall

not otherwise convert more than one acre of agricultural land to nonagricultural uses (RCW 36.70A.177)

[Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(B), 1996]

17.30.63040 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 non crop related agricultural uses, including residential, farm and shop buildings, and associated yards, parking and staging areas, drives and roads, are not considered prime farm lands for purposes of this section.

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

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

(2) Uses Allowed as Incidental Activities.

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

(b) Saw mills, shake and shingle mills, 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,

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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. 1179M, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(C), 1996]

17.30.64050 Essential public facilities.

[Reserved]

[Ord. 1179M, 2007; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.5(D), 1996]

17.30.65060 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 17.30.650:

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

(a) The total density of residential development on the entire contiguous ownership, including existing dwellings, is not more than one unit per ~~10 acres, for resource lands, one unit per 20 acres, for wetlands and areas mapped with hydric soils and steep slopes and flood hazard areas.~~

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

(c) Development of the subdivision~~The project~~ 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; provided, however, that lands with prime soils ~~lands~~ previously converted to non-crop related agricultural uses, including residential, farm and shop buildings and associated yards, parking and staging areas, drives and roads may be subdivided, ~~are not considered prime farm lands for purposes of this section.~~

(d) The plat shall set aside the balance of the prime farm lands in a designated agricultural tract.

(e) The plat shall contain the covenants and protections in LCC 17.30.680.

[Ord. 1179M, 2007; Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1176, 2000; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 §5.6, 1996]

17.30.66070 Setbacks.

(1) For All Non-Farm-Related Development Within Agricultural Resource Areas or on Lands Adjacent to or Abutting Agricultural Resource Lands. All structures shall maintain a minimum setback of 100 feet and all wells shall be set back 200 feet from designated agricultural tracts or any tracts used for agricultural purposes within

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the past five years, except for structures, uses, and activities provided under LCC 17.30.610 through 17.30.650; provided, however, the administrator may reduce the setback where:

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

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

~~17.30.680~~ **Notification of agricultural activities** ~~Conflict mitigation.~~

~~(1) It is important that people choosing to live within or adjacent to agricultural land be aware of the inevitability of agricultural activities and understand the necessary activities that are required to sustain agricultural use of the land. The following language indicating proximity, within 1,320 feet, to designated agricultural land shall be required on all final plats, short plats, large lot subdivisions, and binding site plans or building permits approved by Lewis County within the agricultural resource areas.~~

~~(2) In addition, at the time of building permit issuance, applicants shall be required to sign and record with the County Auditor a statement acknowledging that their property is located within 1,320 feet of designated agricultural area and that if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has~~

~~a substantial adverse effect on the public health and safety.~~

~~(3) The language required is as follows:~~

~~NOTICE AND COVENANT: The subject property is within or near land designated for long term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry, and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right to Farm Ordinance No. 1119).~~

~~(4) Where the approval is a plat pursuant to LCC 17.30.660(1), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.7(B), 1996]~~

~~17.30.690~~ **Application process for exclusion from designated commercial farmland (“Opt-out”).**

~~Repealed. [Ord. 1179, 2002]~~

~~17.30.670~~ **700 Process for petitioning for designation as a farmland of local importance (“Opt-in”).**

~~An “Opt-in” provision is provided for the voluntary designation of properties as~~

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farm land of local importance by the property owner(s) upon the timely written notification to the administrator of their desire for such designation. Such application for designation shall be processed as an amendment to the Comprehensive Plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter 17.12 LCC.

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

(a) The property meets the classification criteria set forth for farm lands of local importance in LCC 17.30.590(3)570; and

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

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

(a) Administrator's Action. The administrator shall determine if the application is complete. If additional information is necessary, the application shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.

(b) Planning Review and Recommendation. The Lewis County Planning Commission shall hold a public

hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall consist of publication of a legal notice in a newspaper of general circulation in Lewis County. Notice shall state the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.

(c) Following the Planning Commission hearing, the Planning Commission shall make a recommendation. The administrator shall forward the recommendation to the Board of County Commissioners within 5 working days of the Planning Commission recommendation. The administrator shall also provide the applicant written notice of the Planning Commission recommendation.

(d) The Board Decision. The Board of County Commissioners shall make a final decision following the receipt of the recommendation of the Planning Commission. The Board shall hold a public hearing on the matter. The Board shall make written findings for its decision and such findings shall be available to the public upon request. [Ord. 1179C §1, 2003; Ord. 1179, 2002; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.10, 1996]

17.30.680740 Nonregulatory incentives.

(1) Assessment Relief.

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

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

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

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

Article VI. Mineral Resource Lands

17.30.720 Classification.

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

(1) Existing Permitted Surface Mining Operations. The contiguous ownership of existing permitted mining operations (including dormant operations) operating under authority of Chapter 78.44 RCW, the Washington State Surface Mining Act, where the remaining operation has extractive minerals valued in excess of \$1,000,000.

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

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

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

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

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

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

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

17.30.730 Designation.

(1) Lands of Lewis County meeting the classification criteria set forth in LCC 17.30.720(1) are designated as mineral

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resource lands of long-term commercial significance. Other lands may be designated pursuant to LCC 17.30.850 within 90 days of the effective date of the ordinance codified in this chapter upon a finding of meeting the classification criteria set forth in LCC 17.30.720(1) by the board of county commissioners.

Lands which have been erroneously designated as mineral resource lands of long-term commercial significance may petition for exclusion from that designation through the process set forth for such exclusion in LCC 17.30.840.

(2) Other lands of Lewis County meeting the classification criteria set forth in LCC 17.30.720(2) or (3) are eligible for designation as mineral resource lands of long-term commercial significance subject to approval of a redesignation application pursuant to LCC 17.30.850.

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

17.30.740 Maps and inventory.

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

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

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

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

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

17.30.750 Primary uses.

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

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

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

(4) Existing surface mining operations, operating under the authority of the Washington State Surface Mining Act, Chapter 78.44 RCW.

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(5) Mining-related activities and structures.

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

17.30.760 Accessory uses.

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

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

(2) Home occupations associated only with the dwelling;

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

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

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

17.30.770 Incidental uses.

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

(1) Required Elements.

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

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

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

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

(2) Uses Allowed as Incidental Activities.

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

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

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

(d) Permanent saw mills, shake and shingle mills, plywood mills, green veneer plants, particle board plants and other products

from wood residues, chippers, pole yards, log sorting and storage, buildings for debarking, and drying kilns and equipment.

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

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

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

17.30.780 Essential public facilities.

Essential public or regulated facilities, such as roads, bridges, pipelines, and other utility transmission facilities, are facilities which by their nature are commonly located outside of urban areas and may need large areas of accessible land. Such areas are permitted where:

(1) Identified in the comprehensive plan of a public agency or regulated utility.

(2) The potential impact on mineral lands is specifically considered in the siting process. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.4(D), 1996]

17.30.790 Standards for existing permits.

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

17.30.800 Lot size/density.

Prior to full utilization of a designated mineral resource land's mineral resource

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

17.30.810 Setbacks - Buffers.

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

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

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

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

17.30.820 Preferential right to manage resources - "Right-to-mine".

(1) Applicability. Within designated Mineral resource lands in Lewis County, there is established a preferential right to mine.

(2) Description of Preferential Rights.

(a) No resource use or any of its appurtenances shall be, be adjudged to be, or

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become a nuisance, public or private, by any changed conditions in or about the locality thereof after the same has been in operation for more than one year, when such operation was not a nuisance at the time the operation began; provided, that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such operation or its appurtenances.

(b) A resource operation shall not be found to be a public or private nuisance if the operation conforms to local, state, and federal law.

(c) This chapter shall supersede any and all ordinances, or portions of ordinances, as the case may be, of the county now in effect or hereafter adopted that would otherwise make the operation of any such resource operation or its appurtenances a nuisance; provided, however, that the provisions of this subsection shall not apply whenever a nuisance results from the neglect or improper operation of any such resource operation or any of its appurtenances. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 6.5(D), 1996]

17.30.830 Mining use notices.

(1) For Properties Designated Mineral Resource Land Pursuant to the Application of the Property Owner under LCC 17.30.850. Within two weeks of designation as mineral resource land, pursuant to LCC 17.30.850, the property owner(s) of said land shall submit to the administrator, or the administrator may thereafter submit, for recording with the county auditor a written notice of designation. This notice shall be in a form authorized by the administrator and shall include the following:

(a) The legal description of the property subject to the designation.

(b) The sixteenth section or sections in which lie the following:

(i) The designated property; and

(ii) Any other property within one-quarter (1/4) mile of the boundary of the designated property.

(c) The following statement:

The property described herein is adjacent to or within 1/4 mile of land managed for commercial mining. Mining operations may be carried out now or in the future. Lewis County has established designated Mineral Resource Land that sets as a priority the use of these lands for mining and allows commercial forest management and agriculture. The normal and usual practices associated with said operations when performed in accordance with county, state, and federal law, shall not be subject to legal action as a public or private nuisance.

(2) For Properties Designated Mineral Resource Land Pursuant to LCC 17.30.730(1). Within four months of the effective date of the ordinance codified in this chapter, the administrator shall submit to the county auditor for recording a written notice of all designated mineral resource lands. This notice shall be in a form similar to subsection (1) of this section.

The administrator shall execute and acknowledge the notice, and no affected property owner shall be charged a fee for recording the notice.

(3) For All Properties Within One-Quarter Mile of Designated Mineral Resource Land. All plats, short plats, binding site plans, and building permits issued by Lewis County after the effective date of the ordinance codified in this chapter for development activities on any property designated as mineral resource land or within one-quarter mile thereof, shall contain a notice as specified in subsection (1)(c) of this section; which shall be recorded with the Lewis County Auditor. With any plat approval, the notice shall be a covenant running with the land, binding all lots within the subdivision. [Ord. 1179C §1,

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2003; Ord. 1170B, 2000; Ord. 1157, 1998;
Ord. 1151 § 6.5(E), 1996]

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

Repealed. [Ord. 1179C §1, 2003]

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

An “Opt-in” provision is provided for the voluntary designation of properties as mineral resource land by the property owner(s) upon the provision of written notification to the administrator of their desire for such designation. Such application for designation shall be processed as an amendment to the Comprehensive Plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter 17.12 LCC.

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

(a) The property meets the classification criteria for mineral resource lands set forth in LCC 17.30.720; and

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

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

(a) Administrator's Action. The administrator shall determine if the application is complete. If additional information is necessary, the application

shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.

(b) Planning Commission Review and Recommendation. The Lewis County planning commission shall hold a public hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall consist of publication of a legal notice in a newspaper of general circulation stating the description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.

Following the planning commission hearing, the planning commission shall make a recommendation. The administrator shall forward the recommendation to the board of county commissioners within 15 working days of the planning commission recommendation. The administrator shall also provide the applicant written notice of the planning commission recommendation.

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

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Chapter 17.40

RIGHT TO FARM

Sections:

- 17.40.010 Title.
- 17.40.020 Purpose.
- 17.40.030 Definitions.
- 17.40.040 Policy on agricultural nuisances.
- 17.40.050 Recommended practices.

17.40.010 Title.

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

17.40.020 Purpose.

It is the purpose of this chapter to promote and protect agriculture and farm forestry in the Agricultural Resource Lands (ARL), Forest Resource Lands (FRL), and Rural Development District (RDD) zones and its dependent rural communities through the enhancement, protection and perpetuation of the ability of the private sector—farmers to produce food and fiber—conduct farming and forestry in accordance with RCW 7.48.305. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 2, 1991]

(1) Where non-resource land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in natural resource land improvements to the detriment of adjacent natural resource land uses and the economic viability of the County's resource industry as a whole. It is the purpose and intent of this Chapter to reduce the loss of its

natural resource lands by limiting and defining the circumstances under which natural resource lands management operations may be considered a nuisance. This Chapter is not to be construed as in any way modifying or abridging County, State or Federal laws; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.

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

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

(4) The following language indicating proximity, within 1,320 feet, to designated agricultural land shall be required on all final plats, short plats, large lot subdivisions, and binding site plans or building permits approved by Lewis County within the agricultural resource areas.

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(2) In addition, at the time of building permit issuance, applicants shall be required to sign and record with the County Auditor a statement acknowledging that their property is located within 1,320 feet of designated agricultural area and that if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

(3) The language required is as follows:

NOTICE AND COVENANT: The subject property is within or near land designated for long-term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry, and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right-to-Farm Ordinance No. 1119).

(5) Where the approval is a plat pursuant to LCC 17.30.660(1), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.7(B), 1996]

17.40.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm and timber products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; smoke; operation of machinery and pumps; movement; including but not limited to use of current county roads and ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways and similar features and maintenance of stream banks and watercourses; and conversion from one agricultural activity to another.

(2) "Farm" means the land, buildings, manure lagoons, ponds, freshwater culturing and growing facilities, and machinery used in commercial production of farm products.

(3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquaculture or other agricultural commodities.

(4) "Farm product" means those plants and animals (and the products thereof) useful to human beings which are produced

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on farms and include, but are not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including breeding, grazing and feed lots, fruits, vegetables, flowers, seeds, grasses, nursery products, trees and forest products including Christmas trees and timber, freshwater fish and fish products, rabbits, apiaries, equine and similar products, or any other product which incorporates the use of food, feed, fiber or fur.

(5) "Generally accepted agricultural and management practices" or "best management practices" means sound, economically feasible farming techniques and practices as defined and/or recommended by the American Society of Agronomy, United States Department of Agriculture Soil Conservation Service, Washington State Cooperative Extension Service, and other professional or industrial agricultural organizations.

(6) "Person" means an individual, firm, copartnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 3, 1991]

17.40.040 Policy on agricultural nuisances.

No agricultural activity, operation, facility or appurtenances thereof, shall be or become a nuisance as defined in chapter 1.22 LCC, regardless of past or future changes in the surrounding area's land use or zoning designation, when conducted or maintained for commercial purposes, and in a manner consistent with current Best Management Practices, not superseding local, State or Federal regulations and involving uses allowed

under the Agriculture Resource Land (ARL) and Rural Development District (RDD) zones.

17.40.050 Disclosure.

(1) The statement set forth in Subsection (2) ("Disclosure") shall be used under the following circumstances and in the following manners:

(a) Lewis County shall mail a copy of the Disclosure, with an explanatory informational attachment to all landowners whose parcel(s) lie within an area or within 500 feet of an area designated as a natural resource land beginning in the year 1999 and every 3 years thereafter; provided that no liability shall attach to Lewis County for any actions or omissions under this Subsection.

(b) Upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means, the seller shall be required to record with the County Auditor a statement containing the language set forth in Subsection (2) in conjunction with the deed conveying the real property; provided, however, that the real property is located within 1 mile of the Agriculture Resource Land (ARL) or Rural Development District (RDD) zones in compliance with RCW 64.06.022 and RCW 7.48.305 the Washington right to farm act.

(c) The following shall constitute the disclosure required by this Section: "It is important that people choosing to live within or adjacent to agricultural land be aware of the inevitability of agricultural activities and understand the necessary activities that are required to sustain agricultural use of the land. The following language indicating proximity, within 1,320 feet, to designated agricultural land shall be required on all

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final plats, short plats, large lot subdivisions, and binding site plans or building permits approved by Lewis County within the agricultural resource areas.

(2) In addition, at the time of building permit issuance, applicants shall be required to sign and record with the County Auditor a statement acknowledging that their property is located within 1,320 feet of designated agricultural area and that if consistent with good and generally accepted agricultural and management practices and established prior to surrounding activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

(3) The language required is as follows:

NOTICE AND COVENANT: The subject property is within or near land designated for long-term commercially significant agricultural activities and subject to a variety of activities that may not be compatible with residential development for certain periods extending beyond the normal workday and/or work week. In addition to other activities these may include noise, dust, smoke, visual impacts, and odors resulting from harvesting, planting, application of fertilizers, pesticides, animal husbandry, and associated agricultural activities. When performed in accordance with best management practices, these agricultural activities are to be expected, consented to by the developers of this property, their

heirs, successors, and assigns, and shall not be subject to legal action or public nuisance (Refer to the Lewis County Right-to-Farm Ordinance No. 1119).

(4) Where the approval is a plat pursuant to LCC 17.30.660(1), the notice shall be a covenant running with the land binding all lots within the subdivision. [Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 5.7(B), 1996]

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

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

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

17.40.050 Recommended practices.

(1) To minimize possible adverse environmental effects, those engaged in agricultural activities shall apply chemical products in accordance with all label instructions and shall abide by all applicable state and federal laws and regulations as well as with generally accepted agricultural and management practices.

(2) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to generally accepted agricultural and management practices, recognizing that those practices may be subject to varying conditions including, but not limited to, geographic location, weather, soil types and conditions, type of crop or livestock, and management systems. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1119 § 5, 1991]

RURAL ZONES

Chapter 17.42

RURAL AREA ZONING SUMMARY

Sections:

- 17.42.010 Purpose.
- 17.42.020 Conflicts.
- 17.42.030 General conditions.
- 17.42.040 Land use summary –
Local areas of more
intensive rural
development.
- 17.42.050 Land use summary –
Rural lands.

17.42.010 Purpose.

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

17.42.015 Conflicts.

Where there are conflicts between the text and the zoning summary charts below at LCC 17.42.030 and 17.42.040, said charts shall prevail. [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. 1179, 2002]

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

See, Table 1, below. [Ord. 1179, 2002]

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TABLE 1: Rural Area Land Use – LAMIRDS Zoning Summary

Use Tier	Uses of Rural Area Lands	17.45 Small Town Mixed Use	17.50 Small Town Residential	17.55 Small Town Industrial	17.60 Crossroad Commercial	17.65 Freeway Commercial	17.95 Rural Residential Center/Shoreline Residential
I II	Sales service (non-resource use)	P - to 10,000 sq ft SUP- >10,000sq ft	X	P - related to industrial or resource use	P - < 5,000sq ft (small scale)	P – to 10,000 sq ft per use	X
I II	Retail sales (non-resource use)	P – to 10,000 sq ft SUP- >10,000sq ft	X	P - related to industrial or resource use	P- < 5,000sq ft (primarily serve local)	P – to 10,000 sq ft per use	X
I	Professional services (includes offices) (non-resource use)	P	X	P	P- < 5,000 sq ft	P	X
II n/a	Essential public facilities – Local Major	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP Amend CP	SUP 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); Restaurants (150 seats)	P P P P	P P X X	X X X X	P P X X	P P P P	P P X 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/ac.	P	P	X	P on existing lots	X	X
I II	Retirement, boarding, convalescent home (not State licensed) 6 persons (in addition owner's family) > 6 persons	P SUP	P SUP	X X	P on existing lots SUP	X SUP	P SUP
II	Group Homes (applies to all State-licensed facilities)	SUP	SUP	X	X	X	SUP
II	Animal Kennels	SUP	X	SUP	SUP	SUP	X

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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 Crossroad 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 sq ft.	A	A	A	A	A	X
II	C. Uses permitted through the special use permit process, Up to 10,000 sq ft with up to 10 nonresident FTE on site.	SUP	SUP	SUP	SUP	SUP	X
II	Manufacturing, assembly, and process of goods	SUP- to 5,000sqft	X	P to 20,000sqft SUP >20,000 sqft	X	SUP- to 10,000sqft	X
II	Storage, transportation & handling of goods	SUP- to 5,000sqft	X	P to 20,000sqft (via Tier I) SUP >20,000 sqft	X	SUP- to 10,000sqft	X
II	Shoreline uses from (SMP) Shoreline Master Program – Permit exempt Shoreline permit also required for non-exempt activity within 200 ft of shoreline	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)
I	On-site treatment/ storage of hazardous waste	P – accessory	P- accessory	P – accessory	P - accessory	P – accessory	P - accessory

KEY P = Permitted Use SUP = Special Use Permit
 A = Administrative Review X = Prohibited
 n/a = not applicable

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17.42.40 Rural Area Land Use Zoning Summary

See, Table 2, below. [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	P	P	P
	Additional accessory use	P	P	P
III	Clustering: -Location: No more than 24 new cluster subdivision units in any ½ mile radius; provided such limit does not apply where there is a physical barrier visually separating the facilities -Size: [Most rural developments are 6 due to water right limitations] Cluster Subdivision—up to 6 Cluster Subdivision >6	P SUP	P SUP	P SUP
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. Number: Up to two per subarea; 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	Essential Public Facilities			
n/a	Local	SUP	SUP	SUP
	Regional	Amend CP	Amend CP	Amend CP
I	Home-Based Business (cottage industries) A. In an existing residence or associated outbuilding, by the occupant and 2 FTE employee(s), for a total of 3, where there is no outward manifestation of the business other than a small sign, or vehicles used off site for business purposes. Overnight parking of vehicles and offsite okay.	P	P	P
II	B. Businesses which have up to 5 FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 sq.ft.	A	A	A
III	C. Uses permitted through the special use permit process. Such uses may be up to 10,000 sq.ft. and may have up to 10 FTE on site. Special use – no more than 10 per subarea in planning.	SUP	SUP	SUP

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Tier	Use	R I-5	R I-10	R I-20
III	Isolated Small Business (Non-Resource) 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. -Number: No more than 20 per subarea	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. -Number: No more than 20 per subarea	SUP	SUP	SUP
Section I				
III	A. Bed and breakfast -Location: existing or new residential construction -Size: up to 10 rooms for rent Number: 2 new per subarea outside identified recreation area	P	P	P
III	B. Motels/Inns, up to 30 rooms -Location: arterial or state highway -Size: 5 acres or less -Number: 2 new units per subarea outside identified recreation areas	SUP	SUP	X
III	C. Country Inn -Location: Recreation areas -Size: 10-acre minimum lot size -Number: Two per subarea outside recreation area (no more than five total per subarea)	X	SUP	SUP
III	D. Food service establishments, up to 50 seats -Location: arterial or state highway -Size: 5 acres or less -Number: 2 per subarea outside identified recreation areas	SUP	SUP	X
III	E. Recreation service retail not to exceed 5,000 sf; (Boat shop, boat & tackle shop, camping supplies, limited grocery and sundries, including storage) -Location: State highway or direct access to recreation area -Size: 2 acres or less, not to exceed 5,000 sq. ft. per building -Number: 4 new per subarea outside identified recreation areas	A	A	A
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 MPR	SUP RMP MPR	SUP RMP MPR
IV	Over 100 sites and/or more than 40 acres			
III	G. RV parks -Location: recreation areas or 2 miles from St. hwy -Size: Up to 100 sites and/or up to 10 acres Over 100 sites and/or up to 40 acres	SUP RMP MPR	SUP RMP MPR	SUP RMP MPR
IV	Over 100 sites and/or more than 40 acres			
III	H. Convenience grocery or fuels -Location: on state highway or arterial -Size: one acre or less developed portion -Number: 2 new per subarea outside recreation areas (Permitted as accessory use to "E" above.)	P	P	P
II	I. Shoreline permitted/conditional uses per Shoreline Master Program and critical area requirements -SMA-exempt activities must be consistent with shoreline master program	A	A	A
II	SMA non-exempt activities -Residential uses must comply with zoning limits	Substantial Dev. permit	Substantial Dev. permit	Substantial dev. permit
III	J. 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, H above	A	A	A

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Tier	Use	R 1-5	R 1-10	R 1-20
III	K. Rural Resorts (replaces Stand-alone Resorts) -Location: recreation areas -Size: < 75,000 sq. ft. developed floor area and/or 15 acres impervious surface -Number: Two per subarea outside recreation areas (limit of five)	SUP	SUP	SUP
IV	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 non-exempt commercial sport facilities (e.g. including but not limited to soccer, baseball, track and field)	SUP	SUP	SUP
I	Isolated commercial events (no permit facilities required) (e.g. soccer tournament)	P	P	P
II	D. New, outdoor pistol, rifle, skeet, and other related facilities	X	SUP	SUP
II	Indoor pistol, rifle, skeet, and other related facilities	A	A	A
II	E. New golf courses, driving ranges, and related facilities	SUP	SUP	SUP
IV	200 acres or less >200 acres -accessory uses must meet rural criteria	MPR	MPR	MPR
II	F. Special Purpose Subdivisions (such as Water Ski lakes, air parks, and equestrian subdivisions) -Location: In special subdivisions; requires subdivision approval	A	A	A
Section 3				
I	Animal Hospital/Boarding	P	P	P
II	New private Aviation Facilities, 9 or fewer permanently-based aircraft, or a private aviation subdivision	SUP	SUP	SUP
II	New public Aviation Facilities, 10 or more permanently-based aircraft (see LCC 17.115.30(6)(7)) [Essential Public Facility]	SUP	SUP	SUP
II	Expansion of existing, lawful Nonconforming Use			
	A. Only on developed legal lot	A	A	A
II	B. Nonconforming uses may be changed to new nonconforming use, but new use must meet current critical area, road, stormwater, well, and septic criteria	SUP	SUP	SUP
	Mineral Resource Use			
I	Below DNR threshold	P	P	P
II	New or expansion of existing approved mine area	SUP	SUP	SUP
	Forestry Uses as listed in LCC 17.30.450 (1)(2)	P	P	P
II	Forest Resource Accessory Use, mills, log yards	P/SUP over 20 acres	P/SUP over 20 acres	P/SUP over 20 acres
	A. Temporary (less than 1 year/portable)			
	B. Permanent (fixed installation or more than 1 year)			
I	Agricultural Uses as listed in LCC 17.30.610, 17.30.620, and 17.30.630**	P	P	P

KEY: P = Permitted Use SUP = Special Use Permit
 A = Administrative Review RMP = Rural Master Plan
 X = Prohibited MPR = Master Planned Resort (County and State planning requirements)
 MIP = Major Industrial Park (County and State planning requirements)

* [Section 2]Exempt Activities: Facilities used for personal or limited activities – no charge or cover costs.

** The following agricultural uses require special use permits through the Hearings 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 conjunction 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 applicable local, state, and federal regulations.
- Private aircraft landing fields, heliports.
- Storage and application of agricultural waste.
- Agricultural storage and processing.

Chapter 17.105

RURAL AGRICULTURAL DISTRICT

Sections:

- 17.105.010 — Purpose.
- 17.105.020 — Process.
- 17.105.030 — Application.
- 17.105.040 — Review process.

17.105.010 — Purpose.

~~The Rural Agricultural District is an overlay district in which property owners who wish to protect large unbroken tracts of land may create a zone which limits minimum lot size to very large tracts. [Ord. 1170B, 2000]~~

17.105.020 — Process.

~~The applicants for such a zone shall petition the planning commission for a map amendment to create a Rural Agricultural District. The request shall be processed as a map amendment pursuant to Chapter 17.165 LCC. [Ord. 1170B, 2000]~~

17.105.030 — Application.

~~(1) The application shall contain a map of the area to be included in the district and a list of all property owners of record by name and address.~~

~~(2) The application shall be accepted for review if signed by the owners of two-thirds of the property within the proposed zone. [Ord. 1170B, 2000]~~

17.105.040 — Review process.

~~(1) The application shall be processed by the Planning Commission and County Commissioners as a map amendment to this title.~~

~~(2) Notice of the hearing shall be published and mailed to all property owners of record within the district.~~

~~(3) The minimum area for the zone shall be 80 acres.~~

~~(4) The density and minimum lot size for the zone shall be specified in the petition and shall be one unit per 20 acres, 40 acres, or 80 acres as specified in the petition.~~

~~(5) If the map amendment is approved:~~

~~(a) Uses shall be limited to agricultural or timber resource, as specified on the map.~~

~~(b) No parcel may be created smaller than the minimum lot size, except as may be specifically approved through the review process.~~

~~(c) No use other than agriculture or timber resource shall be permitted, except as included in the petition and approved by the planning commission and board of county commissioners through the map amendment process.~~

~~(d) The special conditions of each map amendment approved under this chapter shall be included as a new section in this chapter. [Ord. 1170B, 2000]~~

Chapter 17.107
AGRICULTURE AND FOREST
PROTECTION OVERLAY DISTRICT

Sections:

17.107.010 Purpose.

17.107.020 Development standards.

17.107.010 Purpose.

The purpose of this district is to provide protection for agriculture and forestry activities in Rural District outside resource lands, where conflict may arise between agriculture and forestry activity and other forms of development. The purpose of the district is to protect and encourage the preservation of larger farms and farm wood lots. [Ord. 1179, 2002]

17.107.020 Development standards.

Within the agricultural and forest protection overlay district, the following additional standards shall apply:

(1) A preferred use within such overlay zone is agriculture and timber management and production. Where an agricultural or timber use is consistent with an approved farm plan or local best management practices, such use shall be specifically considered a permitted use under this zone and protected by this overlay.

(2) Any new development approved in or adjacent to the overlay district shall include the limitation that no well intended for potable water supply shall be constructed within 100 feet of a property line boundary of any property which has been or may be used for commercial agriculture. This is to preclude potential conflict between potable water supplies and label requirements for use of fertilizers, pesticides, and herbicides, and requirements for animal waste management.

(3) Any new development within the agriculture and forest protection overlay

district shall contain a specific covenant that provides:

The owner(s) of any lot covered by this covenant, their heirs, successors, and assigns do hereby grant to adjacent property owners (whether abutting or across rights of way, streams or wetlands) the right to continued agriculture and forest activities in accordance with approved farm plans, or local best management practices where farm plans are not in place, and also where a special use permit is in place, as supplemented by the requirements of the special use permit.

(4) The owner(s), successors, and assigns of any lot covered by the covenant do agree to make no claim based on the potential consequences of agriculture and forest management and harvest activities conducted in accordance with the terms of the covenant.

(5) The overlay provisions shall apply to the following properties:

(a) Residential R1-5 District those properties identified under an agriculture or timber tax designation, and

(b) Residential R1-10 and R1-20 Districts all properties.

[Ord. 1179, 2002]

4. LAND USE ELEMENT

Introduction

Purpose

The purpose of this element is to provide a broad, general direction for land use policy in Lewis County in accordance with Section 36.70A.070 of the Growth Management Act (GMA). It represents the county's policy plan for growth over the next twenty years. The land use element implements many of the goals and objectives in the other plan elements through suggested land use designations and other action recommendations.

The land use element supports the GMA goals. It is based on a vision of Lewis County that concentrates growth in urban areas and rural areas of more intense development, but recognizes the need for economic diversity in the county. Natural resource industries are encouraged, as are protections to private property rights. Following the adoption of this plan, changes will be made to the County's development regulations and permitting processes in order to insure consistency with the provisions of this element.

Growth Management Act Requirements

The land use element of the comprehensive plan was prepared in accordance with RCW 36.70A.070 of the Growth Management Act. It establishes Lewis County's policies regarding growth and development over the next twenty years. The Washington Growth Management Act (GMA) requires that the following be addressed by the land use element:

- Population densities, building intensities and estimates of population growth (see also Chapter 3: Demographics and Economics, and Chapter 5: Housing);
- Location of urban growth areas; and
- The proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses.

Lewis County has also opted to include a Rural Element within the Land Use Chapter. This element includes an identification of major issues pertaining to rural development, the projected dispersal of rural population growth, and rural development goals and guidelines.

Existing Conditions

General Context

Lewis County, located in the southwest part of Washington State, touches eight other Washington counties. To the north are Grays Harbor, Thurston, and Pierce; east is Yakima; south is Skamania, Cowlitz, and Wahkiakum; and west is Pacific County. Its boundaries are

purely political creations except for that portion of the northern boundary that briefly parallels the Nisqually River, and all of the eastern boundary which tracks along the crest of the Cascade Mountains.

Lewis is the largest county in western Washington; it covers 2,452 square miles and measures about 90 miles (east to west) by 25 miles (north to south). The topography varies widely, from the broad, relatively flat and low-lying western section of the county to the Cascade Mountains to the east. Roughly three-fourths of the county is rugged, mountainous and forested. The remainder is given over to, or suitable for, agriculture and is characterized by low rolling hills interspersed with rivers and tributaries. Significant rivers include the Cowlitz, Chehalis, and Newaukum. The major population centers of Chehalis and Centralia, in the western central region of the county, are located on the flood plains of the Chehalis River and its tributaries, including the Skookumchuck and Newaukum rivers. Beneath the surface of the land in Lewis County are limited quantities of mineral deposits, but there are significant amounts of coal in some areas.

The county contains portions of the Snoqualmie and Gifford Pinchot National Forests and Mt. Rainier National Park. Approximately one-third of Lewis County is designated as national forest. The mountainous eastern portion of the county tends to protect the western areas from icy temperatures; the Pacific Ocean to the west also serves as a moderating influence on the weather. Consequently, the climate of the more heavily populated areas is generally moderate with warm dry summers, long rainy winters, and few extremes.

Existing Land Use¹

Over three-quarters of the land in Lewis County is committed to federal, state, and private resource land uses. This includes 38% in federal and state ownership, primarily for timber and recreational uses. Another 37%, which is privately owned resource lands, is primarily large tracts of property devoted to mineral, agricultural and forestry uses. Only 1% of the land lies within urban areas, with much of that committed to right-of-ways and public uses, or constrained by critical areas. An additional 1% of the land is classified as a "Rural Area of More Intense Development", which includes small towns in unincorporated areas, crossroads, and commercial and subdivision enclaves. 23% of the land is considered remote rural, much of which is characterized by steep slopes, wetlands and hydric soils. As a result, it is important to note that over 98% of Lewis County is open space or remote rural areas and less than 2% is available for urban or more intense rural development.

¹ See Appendix for Figures 4.1a, 4.1b, and 4.1c, all entitled "Existing Land Use."

<i>Resource Lands</i>

Based On Information Provided By Lewis County GIS

*Includes Master Planned Communities, Major Industrial Developments

For planning purposes, existing land use data was generated by the Lewis County Geographic Information Services based upon maps prepared by the Washington State Department of Natural Resources. These land use categories are grouped into the various classifications outlined below and illustrated on Figures 4.2 a, b and c.

Mine: Sites of mineral resources located on scattered sites throughout the County.

Commercial Agriculture: Land currently used for the production of commercial crops and related activities.

Suburban Residential/Small Town: Areas of primarily residential development outside of incorporated areas. Residential uses are primarily single-family homes on large lots.

Urban Area: Areas within incorporated cities and towns which consist of a full range of residential, commercial, service, industrial and public uses. This category also includes some areas outside of incorporated cities and towns which are characterized by existing urban development.

Rural Commercial: Areas outside of incorporated cities characterized by non-residential uses including commercial and industrial uses.

Commercial Timberlands: Privately held land used for commercial forestry uses.

Rural Timbered: Lands in rural areas predominantly timbered.

Rural Open: Lands in rural areas predominantly field or open space.

URBAN GROWTH AREAS SUB-ELEMENT

Introduction

Urban growth refers to growth that makes intensive use of land for the location of buildings, structures, impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. Urban growth in Lewis County will include the incorporated cities and associated UGAs, industrial UGAs, and master planned communities.

"Urban growth areas" mean those areas designated by a county pursuant to RCW 36.70A.110.

"Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically 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. The following facilities in Lewis County are considered "urban governmental services": (1) Municipal public water and sanitary sewer systems of the nine cities and towns, master planned communities, and planned industrial areas; and (2) Lewis Public Transportation Benefit Area ("Twin Transit").

Growth Management Act Requirements

The Growth Management Act (GMA) includes the following goals that directly relate to urban land use:

- (1) Urban Growth – Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce Sprawl – Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation – Encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (5) Economic Development – Encourage economic development throughout the State, and promote economic opportunities for all citizens.
- (12) Public Facilities and Services – Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the

development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Urban Growth Areas Designation²

Cities

Each city within Lewis County is included within an Urban Growth Area (UGA), together with appropriate additional lands to meet community needs over the next 20 years. Information necessary for the establishment of the UGAs was derived from the Planned Growth Committee and the City Comprehensive Plans. The Lewis County Planning Commission has reviewed the prospective UGA for each city and has recommended changes where appropriate.

Planned Communities

In addition to the designated UGA boundaries that are associated with the incorporated cities and town, Lewis County has also identified one proposed planned community, Birchfield (fully contained community) as “a proposed” planned community UGA pursuant to RCW 36.70A.350. See Figure 4.12 for location. Proposed planned communities will be required to complete master plans within five years to vest this designation permanently. Development regulations shall provide an appropriate master planning process to address development criteria, preservation of large industrial sites, adequate public facilities (including sewer, water, and transportation), and adequate buffers and environmental protection.

Major Industrial Developments

Lewis County has designated two Major Industrial Development areas that are not associated with the UGAs of the incorporated cities and towns. The Centralia Steam Plant 1000-acre site is designated a Major Industrial Development Area pursuant to RCW 36.70A.367. The second designated Industrial Development Area is a thousand acre site located at the intersection of I-5 and US-12, between Meier Road and Military Road. Development regulations shall provide an appropriate master planning process to address development criteria, preservation of large industrial sites, adequate public facilities (including sewer, water, and transportation), and adequate buffers and environmental protection. See Figures 4.14 and 4.15.

In addition to the Centralia Steam Plant Industrial Urban Growth Area, 2000 adjoining acres have been designated as an Industrial Land Bank Reserve, pursuant to HB 3099, to meet projected 50-year needs.³

The county should provide specific language in connection with the I-5/Highway 12 intersection area to assure coordination with and protection of agricultural activities. The site does contain agricultural lands and agricultural and industrial uses are both compatible and good neighbors.

The Major Industrial Development areas require significant up-front planning, addressing an entire thousand acre site. As an alternative, property owners may use the provisions of RCW 36.70A.365 to locate a new industrial development consistent with those standards within such

² See Appendix for Figures 4.2a and 4.2b, both entitled “Urban Growth Areas.”

³ See Lewis County Industrial Needs Analysis prepared for the Lewis County Economic Development Council, November 1997, by E.D. Hovee and Company and the Prime Industrial Lands Analysis, Donna Batch, February 1999.

proposed Major Industrial Development area. The major industrial facility siting may be more appropriate to the size, scale, and pace of anticipated industrial development for those areas.

Phased Growth

In order to promote the cost effective provision of services and to avoid sprawl, short-term and long-term planning areas have been identified to help consolidate development around existing utilities.

Short-Term Planning Areas (STPAs) are served by, or will have plans and funding to be served by, adequate public facilities and services, including sewer and water service, within a ten year period.

Long-Term Planning Areas (LTPAs) include areas that have unresolved service issues within the identified 20-year UGA that may require additional planning or funding. Portions of the LTPAs may be changed to STPAs through the rezone process when adequate facilities to support urban densities are planned and funded for construction. Until such change is made, development in LTPAs shall be at low density (typically R1-5) unless designated for long-term commercial or industrial uses.

Urban Area Designations

Each of the nine incorporated cities and towns in Lewis County (Centralia, Chehalis, Morton, Mossyrock, Napavine, Pe Ell, Toledo, Vader and Winlock) has adopted its own comprehensive plan and future land use map. The Lewis County Comprehensive Plan adopts by reference each of these jurisdiction's future land use map and future land use designations.

Figures 4.2a and 4.2b show the designated Urban Growth Areas.

The following pages summarize each of the cities' / towns' designations for future land use⁴.

City of Centralia

The following information was taken from the City of Centralia Comprehensive Plan Final Environmental Impact Statement, dated November 30, 1998.

Existing Land Use

The City of Centralia currently consists of 3,772 acres (5.9 square miles). Twenty percent of these acres are listed as vacant in a 1995 inventory (7% single family, 5% multi-family, 3% industrial, and 4% commercial).

⁴ Each of the jurisdiction's land needs assessments, service assumptions, capital facilities analyses, are incorporated herein by reference.

Future Land Use⁵

Within the City of Centralia there is currently a surplus of land designated for multi-family residential use. The preferred alternative UGA would substantially increase the percentage of residential use within the City for low density residential, of which there is currently a deficit of acres. Residential density for the new development area will average 8.6 units per acre.

Future land use will focus on economic growth, with less emphasis on residential growth. The initial strategy is to add more industrial and commercial land use to the plan.

Urban Growth Area

The City of Centralia is projecting a year 2015 population of 15,533⁶, which requires an urban growth area of 6033 acres. This was calculated as follows:

Overall Acres for Residential Use at 4/acre av	1255 ⁷ acres
Adjustment for roads, storm and buffers @ 40%	502 acres
Subtotal - Residential acreage (including 25% MF)	1757 acres
Commercial acreage - City ⁸	188 acres
Industrial lands - mineral ⁹	469 acres
Industrial lands	361 acres
Public service lands, schools, parks, city facilities, ¹⁰ non-street ROWs	800 acres
Green belts/critical areas, including buffers ¹¹	1910 acres
Subtotal	5485 acres
Lands within the UGA not available for redevelopment within the Plan period - 20 years @ 10%	548 acres
Total UGA Area¹²	6,033 acres

⁵ See Appendix for Figure 4.3, entitled "Centralia Future Land Use Map."

⁶ The County's assessment of need is derived from the same base data used by Centralia in developing its Comprehensive Plan. The numbers are somewhat different by reason of different formats, but are considered substantially equivalent due to overall accuracy of assumptions (see Centralia Comprehensive Plan, LU 9-35)

⁷ Includes 171 acres added by County to maintain logical service areas and include developed lands.

⁸ The City is under served by commercial and current commercial areas are hemmed in. The County recommends the City study the north Harrison area for the addition of residential and commercial lands.

⁹ The mineral resource lands north of town will have industrial uses accessory to mining which should be on City sewer and water. Also, the north Centralia industrial access "freight mobility" road is best located in this area.

¹⁰ The County added the high school to the UGA as the area is characterized by urban growth and served by sewer and water. The County also included lands which the City identified as ROW, but which included other public facilities, particularly railroad yards and rights of way.

¹¹ Centralia Critical Areas Ordinance protects critical areas from development. A large part of the UGA is in wetlands and flood plains due to the confluence of the Chehalis and Skookumchuck Rivers and associated waterways within the City limits.

¹² The City Plan looks at 4800 acres for the UGA. When the County adds the 200 acres appropriated for logical service boundaries, the 469-acre north city industrial area already characterized by mineral extraction, between the railroad and the freeway, and the additional 548 acres added because the City overestimated the efficiency of redevelopment of underdeveloped lands and lands in existing

In December 2000, the urban growth boundary was increased to include a small area on Cooks Hill and a heavily developed area along West Harrison Road leading to the City's new sewer plant. The change increased the acreage by 395 acres and the 2015 population was adjusted by 2,367, reflecting a shift of a majority of projected County growth to urban areas.

City of Chehalis

Existing Land Use

The City of Chehalis City limits contain 2,895 acres (4.52 square miles). There are 560 acres of Planned Unit Development in the City of Chehalis, consisting of schools, parks, the courthouse complex, the civic center, a portion of the fairgrounds, an extension of Providence Centralia Hospital, a senior facility, a wastewater treatment plant, a community services facility, several churches, a mobile home park, and a juvenile detention center.

The Central Business District is approximately 50 acres. Industrial land within the city is grouped for the most part along I-5. The City of Chehalis currently has a predominantly single family character.

The 1995 population of the City of Chehalis was 6,910 persons.

Future Land Use¹³

The future land use designations for the City of Chehalis will change slightly from their existing designations. Appropriate land use designations will be adopted by the City when it implements its development regulations.

Urban Growth Area

The City of Chehalis urban growth area is set at approximately 2,464 acres and is designated to contain 314.3 net developable acres of commercial land, 368 net developable acres of industrial land, and 83.4 net developable acres of single family residential land. Critical areas or right-of-way comprise about 618 acres, and about 1080.8 acres contain existing developments.¹⁴

In December 2000, the urban growth boundary was expanded to include the Jackson Highway area, approximately 480 acres, and the identified 2015 population was increased by 630.

neighborhoods and near rail yards, wetlands, slope and buffers, the County estimate compares directly with the 4800 acres in the City Plan.

¹³ See Appendix for Figure 4.4, entitled "Chehalis Future Land Use Map."

¹⁴ Additional detail provide by City of Chehalis Community Services Department, March 22, 1999

City of Morton

The City of Morton Comprehensive Plan and Environmental Impact Statement was adopted on June 23, 1997.

Existing Land Use

The existing City of Morton limits contain 486 acres (.759 square miles). The City provides a base of operation for services critical to Eastern Lewis County, supporting the Morton Elementary School, Junior High and High School, Centralia College East County Center and Employment Security. The community is mostly residential, with 262 households. Morton contains a commercial Business district consisting of Main Street and State Route 7. Three operating mills are located in the vicinity.

Tourism is a growing industry in the City of Morton, with a number of new restaurants along US-12. Recent residential growth has taken place along SR 508 north and west of the city. According to an analysis of vacant land performed in 1994, only 6 acres of vacant lands are generally available for residential uses. Of current vacant industrial lands, only two parcels were large enough to serve as anything more than as cottage industry. Likewise, 36% of the land designated vacant commercial had actually been improved in some way.

Future Land Use¹⁵

Future land use allocations are not available for the City of Morton.

Urban Growth Area

The City of Morton is planning for a plan population of 1869 people, creating the need for up to 935 residential units by the year 2015.¹⁶ An urban growth area of 1511 acres is required to support this population, which is based on the following calculations:

¹⁵ See Appendix for Figure 4.5, entitled "Morton Future Land Use Map."

¹⁶ The County's assessment of need is derived from the same base data used by Morton in developing its Comprehensive Plan. The County used the same assumptions as the City in developing the land needs analysis. Numbers differ somewhat due to differing formats, the County GIS acreage calculations, and the inclusion of critical area calculations in the unincorporated UGA which were not included in the City plan.

Land need for residential development	233 acres
Land for ROW, setbacks and buffers @ 40%	93 acres
Subtotal - residential land	326 acres
Market factor @ 25%	81 acres
Total residential lands	407 acres
Industrial lands	100 acres
Commercial lands	100 acres
Critical areas and buffers ¹⁷	600 acres
Public spaces, including parks and schools	48 acres
Subtotal	1255 acres
Lands not available for development @ 20% ¹⁸	257 acres
Overall UGA	1511 acres

City of Mossyrock

The City of Mossyrock Growth Management Directory, was adopted in 1996.

Existing Land Use

The 1995 population of the City of Mossyrock was estimated at 535 persons. The City serves as a local commercial center for surrounding rural homes and agricultural activities, as well as a stopping point for travelers. There are currently two clusters of retail services which total 7.1 acres: the city's downtown commercial center, along State Street, and the travelers market area at the intersection of US 12 and SR 122. Agriculture is maintained as an important tradition, with 60 acres of active farming land within the city limits. The three 1930's brick school buildings on Williams Street serve a student population of over 660, acting as a focal point of educational and community activities for the city and the surrounding area. Vacant land with development constraints actually makes up over a quarter of the total land area. Residential use is the next most predominant land use, comprising of 68.9 acres (22.2% of total land).

Future Land Use¹⁹

Estimated population for the City of Mossyrock in the horizon year of 2016 is estimated to be 900 people. The City envisions maintaining its two active retail areas, preserving and adding to

¹⁷ The residential areas designated along the river west of town, a substantial portion of the eastern industrial properties, and a large portion of the eastern UGA are affected by critical areas, wetlands and steep slopes. The areas are within the overall area served by the City or planned to be served by the City with urban services and are likely to retain logical boundaries. City critical area regulations provide protection for the critical areas and such lands are not likely to develop.

¹⁸ The lands not likely to develop category is higher in Morton due to inefficiencies attributable to existing irregularly shaped properties which abut or are directly affected by critical areas and buffers.

¹⁹ See Appendix for Figure 4.6, entitled "Mossyrock Future Land Use Map."

its base of open space and agricultural land, and maintaining neighborhoods with diverse housing options.

In order to regulate the impacts or effects of future activities on land, the City has set up two Land Development Districts, with specific rules/performance standards. The Neighborhood District is structured to provide single family and duplex homes, schools, churches, parks, agricultural activities, manufactured homes and apartments, home businesses, professional offices and bed and breakfast establishments. The density for this district will be no more than five dwelling units per acre for single-family residences, and 25 dwelling units per acre for apartments. The Market District provides for shopping and service uses, including retail sales and services, small equipment sales and repair, offices, public buildings, motels, recreational vehicle parks, and light industry. Minimum density is set at a lot size of 2,500 square feet. The City plans to ensure future open space by recommending against development of land on a slope of greater than 15 percent.

Urban Growth Area

Available land supply within the existing city limits capable of supporting development is estimated at 18 acres. The anticipated number of acres needed to support future growth is 79 acres, requiring a total of 61 new developable acres beyond the city limits to be added to the urban growth area.

The designated urban growth area contains approximately 256 acres and includes those areas already characterized by urban development that receive city utilities. Areas included in the UGA are parcels west of Isabel Road, between US12 and Mossyrock Road, and to the north of the city, along Damron Road. Existing land uses are 140 acres of residential land, 68 acres of agricultural land, 9 acres of commercial land, and 40 acres classified as public facilities.

City of Napavine

The following information was taken from the City of Napavine Comprehensive Plan and Final Environmental Impact Statement dated May, 1997.

Existing Land Use

The City of Napavine is currently home for 960 people and is comprised of 957 acres. Residential uses make up 45% of the city land use (37% single family, 7% mobile home, 1% multi-family), using 314 acres of land. There are 59 acres of commercial land (9% of total), 38 acres of industrial land (6% of total). Vacant lands make up a large portion of the total acreage (14% residential, 17% commercial, and 3% industrial). However, most of these parcels are scattered lots, or contain lands with environmental constraints such as wetlands or steep slope areas. As a result, there is actually limited development potential within the current city limits.

Future Land Use²⁰

The land use designations for the preferred alternative include 660 acres for single family residential and 163 acres for multi-family residential; 105 acres for city center commercial and 187 for UGA commercial; and 107 acres of industrial land.

²⁰ See Appendix for Figure 4.7, entitled "Napavine Future Land Use Map."

Urban Growth Area

The City of Napavine is planning for 2063 people in year 2015.²¹ An urban growth area of 1453 acres is required to support this population, which is based on the following calculations:

Overall Acres for Residential Use at 4/acre av	257 acres
Adjustment for roads, storm and buffers @ 40%	103 acres
Subtotal - Residential acreage	360 acres
Adjustment for market factor @ 25%	90 acres
Commercial acreage - City	77 acres
Commercial acreage - freeway ²²	85 acres
Industrial lands	77 acres
Public service lands, schools, parks, city facilities	185 acres
Green belts/critical areas ²³	284 acres
Subtotal - Land need for urban uses	1158
Lands within UGA not available for redevelopment during plan period @ 15%	173 acres
Lands added including 508 interchange	122 acres
Total UGA Area	1453 acres

Town of Pe Ell

The Town of Pe Ell adopted its Comprehensive Plan in June, 1997.

Existing Land Use

A detailed land use inventory was conducted for the Town in 1995. The existing Pe Ell town limits consist of 384 acres. The predominant land use is single family residential homes on lots of less than one acre. Almost one third of the Town's land falls under this category. Additionally, low density residential land, categorized by single family residences on properties of one acre or more, comprises another 17%. No multi-family housing currently exists in the Town, and the overall residential density is about two units per acre.

Agriculture/Pasture/Forest/Natural Area is the second highest category of land use, using 26.8% of the town's land area. The Public/Community category refers to all property used for

²¹ The County's assessment of need is derived from the same base data used by Napavine in developing its Comprehensive Plan. The numbers are somewhat different by reason of different formats, but are considered substantially equivalent due to overall accuracy of assumptions. (See Napavine Comprehensive Plan, pp 70-75 for more details).

²² The City's commercial core has shifted to the freeway to reflect the reality that to compete commercially, the City must have better access to the freeway. The industrial core remains at the old Town.

²³ Napavine uses transfer of development rights to encourage growth outside the flood plain areas and to protect critical areas.

government purposes as well as private institutional land uses, such as churches and cemeteries. This category comprises 37.8 acres, with the Pe Ell School accounting for 19 of those acres. Just over 11% of total acreage was classified as vacant land. The smallest land use classification was Commercial/Industrial, at 1.5%. All land in this category was, however, exclusively commercial land, concentrated mostly along Main Street.

Future Land Use²⁴

The bulk of future development will be the addition of single-family residences. No designation of additional low-density residential land is planned. The plan will not specifically designate a site for multi-family development, because while the housing element calls for some "assisted rental" units, the projected need for designated land will be small, and not necessarily multi-family apartments.

Critical areas pose some restrictions on development. The existence of the flood plain along the Chehalis River and Stowe Creek and agricultural parcels, will ensure that adequate open space is provided within the Town limits. Additional commercial and industrial growth within the Town is desired, and a modest amount of commercial growth is expected. This will occur on three downtown sites, and potentially along the Ocean Beach Highway on the north side of town. Sufficient land is also set aside for public/community use as Pe Ell is the only town in western Lewis County and thus a logical site for future community/government land use.

Urban Growth Area

An urban growth area of 25.28 acres was designated to provide sufficient land for the Town's population growth. The Town of Pe Ell's population projections forecast an increase of approximately 139 new residents by the year 2015. The existing Town limits contain approximately 64 lots that will be available for residential development within the planning horizon. To provide adequate residential land supply, the urban growth area must include land for an additional 28 lots. The proposed urban growth area contains the properties east of the town limits, south of Pe Ell Avenue, along both sides of Alder Street. This area contains approximately 13 acres of single-family residential land, 8 acres of agricultural land open to development, and 4 acres of land dedicated to public facilities.

City of Toledo

The City of Toledo Comprehensive Plan was adopted February 13, 1997.

Existing Land Use

The Toledo city limits currently encompass 195.5 acres of land. The most recent land use inventory was conducted in 1994. Residential areas make up 60.7 acres, almost one-third of the land used in the community, and consist primarily of single-family homes, although there are also a small number of duplexes and apartments. Single-family housing densities generally range from 4.4 to 7.3 dwellings per acre. Public rights-of-way (both developed and non-developed) covers 48.7 acres (25% of total area), and 25.2 acres (13%) of city land is used for public buildings, facilities, and parks.

²⁴ See Appendix for Figure 4.8, entitled "Pe Ell Future Land Use Map."

The City of Toledo contains 6 acres of commercial land (3% of total area), concentrated mostly in the downtown and along Kellogg Way and 5th Street. School and churches take 9%, and non-urban uses (such as agriculture) use 5% of the total area. Vacant land, at 28 acres, makes up 14% of total area. However most of this land consists of steep slopes, drainage areas, creek bed, and wetlands, which could only be developed at a significant financial cost or environmental impact. The majority of this land, as well as the 10 acres of agricultural land, will be encouraged to remain as open space, as this is integral to the rural development patterns of the City. Thus, net developable acreage with the City of Toledo is limited to 1.5 acres.

Future Land Use²⁵

The City of Toledo has grouped all future land uses (including commercial, public facilities, parks, single family and multi-family) under two designations: commercial and residential. Commercial land use will remain at 6 acres, while 189 acres of land will be designated residential. Future residential densities for the Toledo Urban Growth Area are 5.5 dwelling units per acre for single-family homes, 11 units per acre for duplex, and 25 units per acre for apartments.

Urban Growth Area

Given the estimated need for 142 new housing units, it is predicted that 25 net acres will be needed to accommodate future residential growth. To support the increased residential land, an increase in commercial, semi-public and parks/public facilities land uses is expected, and is predicted to follow the current land use ratios. Thus, the total amount of land area beyond current city limits required to accommodate future growth in the Toledo Urban Growth Area is 50.4 acres.

The proposed Urban Growth Area has been set at 150.8 acres, all of which is designated residential.

City of Vader

The City of Vader Comprehensive Plan and Environmental Impact Statement was adopted on June 16, 1996.

Existing Land Use

According to the 1995 Housing Needs Analysis, there are 185 houses in the City of Vader.

Future Land Use²⁶

The recommended density for future residential development is 4 units per acre. The City will identify and designate a Single Family area, as well as Multi-Family areas that have adequate water, sewer and fire protection, and are within 800 feet of a Public School or existing or new city park. The City of Vader will also designate a Commercial/Industrial area, up to 15% of the city planning area each.

²⁵ See Appendix for Figure 4.9, entitled "Toledo Future Land Use Map."

²⁶ See Appendix for Figure 4.10, entitled "Vader Future Land Use Map."

Estimated commercial and industrial lands needed is 15% each of total land area needed to support residential growth. Public facility land needs were estimated at 36% of total land needed to support residential growth.

Urban Growth Area

The population for the City of Vader was forecast to be 800 persons in the year 2015. The County has established a UGA for Vader of 766 acres that includes 594 acres within the existing City limits and 172 acres outside of the City limits.

City of Winlock

The City of Winlock Comprehensive Plan was adopted on June 30, 1998.

Existing Land Use

The total amount of land inventoried within the city limits of Winlock is 433 acres. Winlock is a mostly residential community, with residential uses occupying 35% of the land within the city limits (150.03 acres). Of this total, single family accounts for 83%, mobile homes for 13%, multi-family for 2%, and mobile home park for 2%.

There are a variety of commercial services offered in the City of Winlock, comprising 15 acres, or 4% of all uses. These include retail and wholesale trades, professional businesses, restaurants, service outlets and repair facilities. Industrial land makes up 3% and includes four major manufacturing industries. Forest/timber uses comprise 25 acres, and agricultural uses take up another 43 acres.

The land use inventory found 148 acres of vacant land, of which 132 acres were developable. Agricultural land within the city limits was included as developable. Only two acres of vacant commercial land exist, although there are a number of vacant buildings in the downtown core that, with rehabilitation, could accommodate commercial uses.

Future Land Use²⁷

Up until 1990, Winlock had historically both gained and lost population at a very slow rate. The City's 1990 population was 1,027. Population forecasts for the year 2015 range between 1,530 - 1,727 persons. The City of Winlock has felt the pressure of increasing development in the past few years due to its proximity to I-5, Chehalis, and Kelso, and the availability of vacant land. A Destination Resort is planned at the intersection of I-5 and SR-505, which would place it on the main access to the City of Winlock. The Ed Carlson Memorial Field is also under plans to expand from a small, recreation airport, to a commercial use facility.

Urban Growth Area

The City of Winlock has designated an urban growth area totaling 275 acres. Some of this land is outside the current city limits but is already receiving city services or were logical extensions of the City's boundaries. Some of this land included residences which were already on, or needed, city sewer service. Other land was included due to its location and access to main transportation routes.

²⁷ See Appendix for Figure 4.11, entitled "Winlock Future Land Use Map."

While the Winlock comprehensive plan breaks out each area of the UGA in description, it does not clearly tally specific acreage for each land use.

Birchfield Fully Contained Community – Proposed UGA²⁸

The proposed Birchfield Fully Contained Community (FCC) is located on a 1,200- acre site northwest of the town of Onalaska, immediately north of the middle fork road. The Birchfield FCC is within the service area boundaries of Lewis County Water/Sewer District #5 and is served by the Birchfield Water System. It is proposed to include:

- single family residences
- multi-family housing
- manufactured home community
- neighborhood convenience commercial activities
- business park
- bed & breakfast operation
- winery/vineyard
- golf course with club house and restaurant
- open space/parks areas

Lewis County has identified this FCC as a proposed UGA, which requires the application for, and approval as a FCC within five years of the adoption of the Comprehensive Plan or the proposed UGA status is terminated. During the application review process the developer will address the provision of necessary public facilities and services to serve the FCC and will identify measures necessary to mitigate any adverse environmental effects.

Designation as a proposed UGA vests no specific rights for development. It is included in the comprehensive plan to advise the public that a proposal is being considered for the area. Compliance with all provision of 17.20.050 must be achieved for the designation to become final.

Master Planned Resorts

Lewis County is within a one-half day drive of more than 3 million people, from Vancouver, BC to Eugene, Oregon. Lewis County also hosts a wide variety of recreational pursuits, from golf, fishing, and summer recreation, to skiing, mountain climbing, and a host of winter sports,

²⁸ See Appendix for Figure 4.12, entitled "Birchfield Master Planned Community."

attracted to the natural features and amenities within the County, including mountains, lakes, rivers, and large tracts of open space.

Facilities which are designed to attract significant groups of people may be located to encourage use of more than one of the natural features to enable year-round as well as seasonal activities. Because of topography, environmental, public facility, and transportation issues, the best location for large resort facilities may be not in direct proximity with the significant natural feature, but rather where such amenities can be readily accessed. As such, major planned resorts will be permitted on the appropriate lands of the Gateway Subarea (serving Mt. St. Helens, White Pass, and the national parks and forests of East County) or on or within two miles of the major lakes or rivers in the Central Subarea (serving the Cowlitz River and the Riffe and Mayfield Lakes area).

A master planned resort would be appropriate in the lands abutting Highway 12, providing a boost to the equestrian economy and supporting agriculture products and services. Such facilities should have direct access to Highway 12 and concentrate most physical development within $\frac{1}{4}$ mile of Highway 12 and have no more than 5% of the total site area in impervious, non equestrian-related facilities.

In addition, there is certainly room for a single, more regional facility, which has direct access to I-5 or Highway 12 and is within a one-hour drive of all of the County's parks and recreation facilities. Such a central regional master planned resort provides access to the widest variety of vacationers, and would likewise be considered promoting all of the significant amenities proximate to the County, including Mt. Rainier, Mt. St Helens, White Pass, the Cascade Crest, national parks and forests, and the Cowlitz and Chehalis River systems, which provide world-class fishing.

Urban Growth Areas Goals, Objectives and Policies

LU GOAL Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Objective LU 1 Define the areas currently characterized by urban or urbanizing growth.

Policy LU 1.1 Sufficient area should be included in the urban growth areas to accommodate the County's adopted 20-year population forecast and to allow for market choice and location preferences.

Policy LU 1.2 Areas designated for urban growth (including commercial, industrial, residential, public facilities, etc.) should be determined by preferred development patterns, residential densities, and the financial and technical capacity of the community to provide urban level governmental services.

Policy LU 1.3 Once established, urban growth area amendments should occur no more than once per year, consistent with the Comprehensive Plan amendment process.

Policy LU 1.4 Allowance should be made for greenbelt and open space areas, fish and wildlife habitat, migration routes and other environmentally sensitive areas when determining land requirements for urban growth areas.

Objective LU 2 Develop a framework to focus development in Urban Growth Areas.

Policy LU 2.1 Whenever possible, new development should be encouraged to locate in incorporated communities or urban growth areas, where services and public facilities are already present.

Policy LU 2.2 Development should be located within designated urban growth areas in the following priority:

1. Areas already characterized by urban growth that have existing public facilities and service capacities to serve such development; and
2. Areas already characterized by urban growth that are not presently served by existing public facilities or services but for which facilities and services will be provided by either public or private sources.

Policy LU 2.3 Infill development and higher density zoning with small lot sizes should be encouraged where services have already been provided and sufficient capacity exists before there is expansion beyond current corporate boundaries into the adopted urban growth areas.

Policy LU 2.4 Urban growth should occur within urban growth areas only and not be permitted outside of an adopted urban growth area except for new fully contained communities; master planned resorts, industrial reserve areas (IRAs), crossroads communities and rural town centers.

LU GOAL Ensure that as the Urban Growth Areas are developed there is coordination between land development and public infrastructure investments.

Objective LU 3 All jurisdictions shall work toward establishing coordinated county-wide minimum urban development design standards.

Policy LU 3.1 Establish an inter-local agreement between the County and cities for better coordination of land use planning and development.

- Within the inter-local agreement, establish common development standards, coordinated land use planning, urban service boundary areas and service area amendment processes.

Policy LU 3.2 Before development occurs require utility, capital facilities and transportation levels of service standards are appropriate to service the new growth.

Objective LU 4 Work to strengthen existing centers through public policy and by focusing public investment.

Policy LU 4.1 Enhance existing centers or nodes of development, by focusing infrastructure expenditures in these areas.

Policy LU 4.2 Encourage clustered or crossroads development over strip development patterns.

Objective LU 5 Maintain the I-5 corridor as an attractive gateway to Lewis County.

Policy LU 5.1 The County and those Cities whose UGA boundaries adjoin the I-5 and U.S. Highway corridors shall work with WSDOT to develop minimum landscape standards for interchanges along the Interstate and U.S. Highways.

Policy LU 5.2 Structures and outdoor storage areas should be screened with landscaping to provide a visual buffer from I-5.

LU GOAL Provide an adequate, convenient supply of goods and services within urban designations to both the citizens of Lewis County and the traveling public.

Objective LU 6 Develop guidelines to allow commercial development in appropriate locations.

- Policy LU 6.1** New commercial developments may be designed, where practicable, to facilitate access and circulation by transit, car/van pools, pedestrians, bicyclists, and other alternative modes of transportation.
- Policy LU 6.2** The pattern and scale of commercial centers should be suitable for their location and the population they will serve.
- Policy LU 6.3** Commercial development should be encouraged in areas where adequate facilities and services are available or can be provided concurrent with development.
- Policy LU 6.4** Land use conflicts between commercial uses and other uses should be minimized through proper location and appropriate design to the degree practicable.
- Policy LU 6.5** The site should be able to accommodate the proposed commercial development and not negatively impact nearby agriculture, forestry, aquaculture, mineral deposits, or other natural resource uses.
- Policy LU 6.6** Sites of historical significance should be preserved in Lewis County.
- Policy LU 6.7** Opportunities for tourism and public and private recreation should be encouraged in Lewis County. The beneficial and adverse impacts on opportunities for recreation and tourist activities should be considered in land use plans and practice.
- LU GOAL** Retain Lewis County's existing and traditional industrial development as well as expand and diversify its industrial base.
- Objective LU 7** Encourage industrial development of all types while mitigating negative impacts on surrounding areas.
- Policy LU 7.1** The adverse impacts of an industrial development on adjacent land uses should be minimized through the use of appropriate landscaping, screening, buffers, graduated land use intensity, and other similar methods.
- Policy LU 7.2** The master planning of new industrial areas should include such features as open space, landscaping, integrated signage and traffic control, and overall management and maintenance through covenants or other property management techniques.
- Policy LU 7.3** New industrial sites should be located and designed to facilitate safe access and circulation and reduce traffic impediments.
- Policy LU 7.4** New residential uses should be discouraged from locating near active extractive or other type of industrial site unless the residential developer provides adequate buffer from the industrial use.

- Policy LU 7.5** Industrial development within urban areas should have appropriate access to the regional transportation network; or direct access to a major arterial, provided that the development mitigates any significant adverse impacts on the transportation systems of the surrounding areas.
- Policy LU 7.6** Industrial development should occur with minimal environmental impacts.
- Policy LU 7.7** Home-based industries should be allowed within the UGA areas.
- Objective LU 8** Assure an adequate supply of prime industrial sites to meet market demands for industrial development over the planning horizon.
- Policy LU 8.1** Designate and preserve sites for industrial use at locations that will be accessible from roadways of arterial classification or higher, potentially served with utilities, and free of major environmental constraints such as unsuitable soils, floodplains and wetlands.
- Policy LU 8.2** In cooperation with local jurisdictions, maintain an adequate supply of prime industrial land within designated urban growth areas, based on the average absorption rates of the last five years plus an appropriate market factor.
- Policy LU 8.3** Allow for the designation of Major Industrial Developments/Major Industrial Developments - Master Planned Locations at certain specified locations outside of designated Urban Growth Areas pursuant with RCW 36.70A.365 and RCW 36.70A.367.
- LU GOAL** To ensure that there is sufficient land available for transition to urban growth beyond the 20-year planning horizon.
- Objective LU 9** Allow for the designation of Urban Reserve Areas (URAs) adjacent to urban growth areas in order to preserve the opportunity for an orderly and efficient transition from rural to urban land uses.

- Policy LU 9.1** Considerations shall be given to the following in the establishment and location of URA's:
- a. The efficiency with which the proposed reserve can be provided with urban services in the future;
 - b. the unique land needs of specific urban activities assessed from a regional perspective;
 - c. the provision of green spaces between communities;
 - d. the efficiencies with which the proposed reserve can be urbanized;
 - e. the proximity of jobs and housing to each other;
 - f. the balance of growth opportunities throughout the region so that costs and benefits can be shared;
 - g. the impact on the regional transportation system; and,
 - h. the protection of designated agricultural and forest resource lands from nearby urbanization.

- Policy LU 9.2** Considerations shall be given to the following in the establishment of and location of short-term and long-term boundaries within UGAs:
- a. Short Term planning areas are served by, or will have plans and funding to be served by, adequate public facilities and services, including sewer and water service, within a ten year period.
 - b. Long-Term Planning Areas (LTPAs) include areas that have unresolved service issues within the identified 20-year UGA that may require additional planning or funding. Portions of the LTPAs may be changed to STPAs through the rezone process when adequate facilities to support urban densities are planned and funded for construction. Until such change is made, development in LTPAs shall be at low density (typically R1-5) unless designated for long-term commercial or industrial uses.
 - c. Portions of certain Long Term planning areas may be converted to Short Term planning areas through a rezone process when adequate facilities to support urban densities are planned and funded for construction.

Major Policy Issues

Major policy issues associated with the proposed comprehensive plan include the Adoption of Urban Growth Areas and execution of inter-local agreements between Lewis County and each of the incorporated cities and towns. Both the 1991 plan and the proposed plan designate urban areas. However, the proposed plan provides for greater refinement of the definition of urban area both in boundary delineation and in providing for specific areas outside of designated UGAs where urban character development is acceptable. While the existing 1991 plan policies provide for clustering as a development pattern appropriate for urban areas, the proposed plan policies emphasize infill development in the designated urban areas. The proposed plan policies provide for the designation of Urban Reserve Areas (URAs).

Anticipated Impacts of proposed plan policy

The anticipated impacts of the proposed plan policy are that the incorporated cities and towns will be better able to plan for growth and serve newly developing areas within their respective urban growth areas. In addition, land use planning on a longer-term horizon will be achieved through consideration of designated URAs and designated lands for industrial development outside of UGAs where appropriate.

Implementation Strategies

- Develop and implement inter-local agreements with each of the cities and towns to guide development in the unincorporated portions of designated urban growth areas.
- Facilitate the specific planned developments outside of designated urban growth areas as identified in the proposed plan.
- Identify URAs, or areas that may be appropriate for future urban development beyond the 20-year planning horizon.

RURAL AREAS SUB-ELEMENT

Introduction

Lewis County is predominantly a rural county. While the term rural is hard to define, rural lands under the Growth Management Act (GMA) are those areas not intended for urban level development nor set aside for their importance to the agriculture, forest and mining industries.

Purpose

The main purpose of the Rural element is to describe the existing character of Lewis County's rural lands. In concert with the description of existing conditions, this section also contains a description of the rural land development categories that capture the variety of unique rural settlement conditions that exist in Lewis County outside of the designated urban areas.

Growth Management Act Requirements

All counties planning under the GMA are required to include an element that identifies and addresses the development of rural lands. In describing what is meant by "rural" the Act simply says that rural lands are "those not designated for urban growth, agriculture, forest, or mineral resources." The GMA also includes the following goals that relate directly to rural land use.

(2) Reduce Sprawl – Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(8) Natural resource industries – Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation – Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment – Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(12) Public facilities and services – Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service below locally established minimum standards.

Further guidance comes from the statutory discussion of urban and rural growth:
The Legislature defined "urban growth" as:

. . . 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, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. . . ." RCW 36.70A.030(17).

The legislature also made provision for rural development and uses, which were not urban and expressed that difference in a number of provisions dealing with rural areas, including definitions of:

"rural character" RCW 36.70A.030(14)

"rural development" RCW 36.70A.030(15).

A specific definition of "rural governmental services" or "rural services" is provided to clarify that they 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 normally not associated with urban areas."

A differentiation between "rural services" and "urban services" which focused specifically on intensity of uses "historically and typically delivered at an intensity usually found in rural areas" vs. those "at an intensity historically and typically provided in cities" Compare RCW 36.70A.030(16) [rural] with RCW 36.70A.030 (19) [urban].

Importantly, the Legislature also recognized that rural area development, "shall provide for a variety of rural densities, uses, essential public facilities and rural governmental services," were appropriate in rural areas, RCW36.70A.070(5)(b) and that "a pattern of rural more intensive rural development as provided in RCW 36.70A.070(5)(d) is not urban growth." RCW 36.70A.030(17)

Lewis County shall develop its rural element based upon the historic intensity of activity usually found in the rural areas, including areas of more intense rural development, and shall provide for controls to assure that uses in rural areas do not cause or give rise to the need for governmental services at levels historically and typically found in cities.

A key concept is "existing development." GMA requires certain decisions to be based on development "existing" on the date GMA became effective in Lewis County. RCW 36.70A.070(5)(d)(v). That date is July 1, 1993 for Lewis County.

Rural Area Development - General Provisions

Lands outside the Urban Growth Areas are considered either resource lands, RCW 36.70A.170, or rural lands, RCW 36.70A.070(5). Rural area development shall be governed by the provisions of RCW 36.70A.070(5) and the guidelines set forth below:

In all rural areas, resource use, and particularly agricultural and timber uses and accessory uses are encouraged. This is true even if the property is not designated as lands for long-term commercial resource use. New mineral resource use must be located where unreasonable impacts to residential uses are avoided.

In addition, home occupations or home-based industries are an essential component of the County economy and will be permitted in all areas.

Finally, the historic dispersal of population of Lewis County, the limited non-resource private lands, and the need to encourage a strong economic base warrant additional areas of more

intense activity where (1) the area is already developed or directly associated with such lands, (2) limited public facilities already exist, (3) means can be identified to avoid intrusion of more intense activities into undeveloped areas, (4) means can be identified to protect ground and surface water, and (5) means can be found to protect resource lands and activities.

Rural Area Development Definitions²⁹

"Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan. Lewis County adopts the following narrative guidelines to identify and protect the rural character of the County.

(a) *In which open space, the natural landscape, and vegetation predominate over the built environment.* RCW 36.70A.030(14)(a). Lewis County looks to historic patterns of development to maintain diversity and opportunity. The goal of this plan is to preserve open space through clustering, protection of critical areas, large tracts of woodland property, and through rural activities such as farming, tourism, logging, home occupations and local services. The agricultural and forest protection district was developed to encourage the maintenance of large tracts.

(b) *That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas.* RCW 36.70A.030(14)(b). Lewis County rural areas, including small towns, crossroads commercial areas, freeway commercial areas, home occupations, and home based industries, have provided a degree of economic opportunity and a variety of necessary services throughout the rural areas. The goal of this plan is to maintain and enhance that historic pattern, while avoiding the extension of costly urban governmental services or sprawl which would interfere with long-term resource use and conservation, or critical area protections. Size, scale, including intensity, and other limitations identify the limits of rural activity consistent with traditional and historic intensity and demand on public services and facilities.

(c) *That provide visual landscapes that are traditionally found in rural areas and communities.* RCW 36.70A.030(14)(c). Visual landscapes range from the wholly undeveloped wilderness areas associated with federal lands, to farm and forest lands outside designated resource lands, to clusters of activity and development and a variety of businesses reflecting the efforts of residents to live and work in rural areas. The County plan respects the mixed views of traditional landscapes and makes provision to retain a variety of such landscapes consistent with the County's rural character

(d) *That are compatible with the use of the land by wildlife and for fish and wildlife habitat.* RCW 36.70A.030(14)(d). The County has developed a critical area ordinance and is adopting critical area goals and policies to protect critical areas, including fish and wildlife habitat, where they may be potentially impacted by development. The adoption of rules for large lot subdivisions, and the application of additional standards for uses and special uses provide both consideration and tools to assure compatibility.

(e) *That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.* RCW 36.70A.030(14)(e). The conversion of undeveloped lands in this plan is

²⁹See RCW 36.70A.030(14).

intended to occur primarily in proximity to other areas of development to take advantage of existing public facilities and services, or on a scattered basis in situations that require minimal extension of public facilities or services. The adoption of lot of record requirements, standards for new development, logical outer boundaries for limited areas of more intensive rural development, and limitations on size and location of rural uses minimize and contain rural uses consistent with the needs of a viable rural economy.

(f) *That generally do not require the extension of urban governmental services.* RCW 36.70A.030(14)(f). The County plan prohibits the extension of the urban services, defined below, outside of the urban growth area, except where already in existence, or where necessary and available to resolve existing or imminent health hazards. The rural area development contemplated in this plan is to be accomplished by rural governmental services as defined below, which permits the County to take advantage of a significant base of existing facilities and services already available in the rural areas.

(g) *That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.* RCW 36.70A.030(14)(g). The County critical areas ordinance protects critical areas, including flood hazard, wetland, and stream areas. Siting considerations for identified areas of more intense rural area development (and particularly small towns, crossroads commercial, freeway commercial, and criteria for resort area development) all considered the suitability of the site for more intense activity, with potential for impact to critical areas being a disqualifying consideration. The plan as organized is designed to be consistent with the protection of surface water flows and surface and groundwater recharge and discharge.

"Adequate Facilities." The term "adequate facilities" includes several concepts in rural lands:

(a) For transportation facilities defined in RCW 36.70A.070(6)(a)(iii)(B) as "locally owned arterials and transit routes" and defined in RCW 36.70A.070(6)(a)(iii)(C) as "state-owned transportation facilities" concurrency standards shall be set in the comprehensive plan and provisions of RCW 36.70A.070(6)(b) shall apply.

(b) For all other public facilities and services required to serve development, the requirement shall be for "adequate" services and facilities to be available to serve the development. The County adopts existing state and county regulations for adequate facilities, including water and septic standards identified by the State Department of Health and the County Health Department; water right and well standards administered by the Department of Ecology; and road, flood hazard, and storm water standards as administered by the County Department of Public Works.

(c) A determination of transportation concurrency and adequate facilities as provided herein shall be sufficient to satisfy the development standards and requirements of Lewis County for purposes of GMA. Other standards or conditions may be imposed to meet specific ordinance or project circumstances.

"Development" refers to the alteration of property to serve a purpose other than the on site production of farm, forest, or mineral resources. Development may include both surface and subsurface improvements, and is most often characterized by one or more of the following: a combination of fill; underground utilities, including power and or water; and/or the

construction of structures to serve one or more purposes. Property which has been improved by development is considered "developed property."

"Existing Development." For purposes of RCW 36.70A.070 (5)(d)(iv), the development of an area or use was "existing" if it was in place or in use prior to July 1, 1993.

"Redevelopment" refers to the use of developed property for new or different uses or purposes. Redevelopment permits land or buildings previously developed to be used in a different manner to serve the changing needs of the owners and local residents. Redevelopment may involve a change in use and shall be of a size, scale, including intensity, and nature consistent with rural character patterns described in this plan and county development regulations.

"Foster" means to promote the growth or development of; encourage.

"Natural resources" include forestlands, water, agricultural lands, and mineral deposits. Mineral deposits include sand and gravel in dry and river deposits, hard rock, precious minerals (including gold and silver), base metals (including lead), coal, oil, and natural gas. New or expanded activities to commercially extract natural resources, except agricultural or timber resources, shall be processed by a special use permit. Some of the resource lands are further designated lands of "long-term commercial significance" pursuant to RCW 36.70A.170. Lewis County has an abundance of natural resources.

"Predominate" or "predominant" being most frequent [In development the comprehensive plan maps a pattern was *predominant* if it ranged from roughly 2/3 to 3/4 of the field.]

"Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A. 170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas. Lewis County rural development activities are identified in the following section.

"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 include small public water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services commonly do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4). Specific rural governmental services include fire districts, school districts presently located outside UGAs, and public or private water systems. Individual water or waste systems for industrial use, fire flow, or National Pollution Discharge Elimination System ("NPDES") or waste discharge under Chapter 90.48 RCW shall not be considered "urban governmental services." The existing water service districts and sewer districts and companies which have historically served Lewis County rural areas are considered "rural" services for purposes of this plan. Sewer districts outside UGAs are not permitted to expand boundaries except to address environmental issues.

"Uses" in rural areas are viewed in the context of commercial, industrial, residential, or resource activity and not a specific business. Land that may have a business supporting logging activity,

which changes in response to economic circumstances to a general retail activity, is land that remains in "use" for commercial purposes. Thus, the use of the land has not changed, while the specific business on the site may well change through time.

Economic Development Policy Statement

Economic Development is Goal Five of the GMA. Through its comprehensive plan and development regulations the County is to provide a program to "encourage economic development . . . consistent with adopted comprehensive plans," and to "promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons" and to "encourage growth in areas experiencing insufficient economic growth," such plans to be "within the capacities of the state's natural resources, public services, and public facilities." Lewis County adopts and endorses the policy and philosophy of House Bill 1395, signed March, 2002.

Lewis County has encountered severe economic dislocation for more than a decade, resulting from changes in timber and agriculture, including the closing of several mills and the movement of major canning facilities east of the mountains. The impact of the changes have been hardest felt outside the UGAs and in the rural areas of the County.

Lewis County rural areas have a disproportionate share of unemployed and disadvantaged persons, with unemployment nearly double the state rate, and with average wages falling from average to well below the average rate for workers state wide.

Lewis County rural areas have experienced a reduction in job opportunities due to the loss of timber jobs, with current harvest levels less than 25% of that experienced in the 60s through the 80s, with harvest levels not likely to return during any foreseeable planning period. Lewis County has not identified any reliable substitute industry to take the place of the jobs lost in rural Lewis County and rural Lewis County is an area experiencing economic decline.

To counter the trends and to promote economic opportunity for all citizens of Lewis County and especially for those in the rural areas of the county, Lewis County has adopted a multi part program:

1. Limited areas of more intensive rural development, and particularly the small towns, have historically supported much greater levels and intensity of economic activity than exists today. The goal of this plan is to provide, within the logical outer boundaries, and within the capacity of rural public facilities, the ability to replace the old economic activity with new activity that will serve to reduce unemployment and provide economic opportunity. The ability to provide new uses to replace the old and the ability to shift from one business to another as conditions change, are all central to the accomplishment of this goal. To this end, development regulations shall provide for industrial and commercial development in small towns consistent with the size and intensity of previously existing uses to replace historic economic opportunity. Logical outer boundaries will contain the uses and prevent sprawl into undeveloped rural areas.
2. Rural Lewis County citizens are dependent on home occupations and isolated small businesses to a much greater degree than the urban residents. Home occupations and isolated small businesses provide family income essential to promote the ability to live and work in rural areas and maintain a rural way of life. They are also essential to

- providing job opportunities for rural residents without having to commute long distances or move to urban areas. It is not the policy of Lewis County, nor the policy of GMA as expressed through the countywide planning policies, to require Lewis County's rural residents to commute long distances or move to urban areas to find employment. Historically, rural residents were able to find employment opportunities in small businesses close to home, within 10-15 miles or less. Continued reliance on small businesses in rural areas to achieve the economic goals of GMA is the policy of Lewis County, and will reduce the need for even more expensive transportation infrastructure.
3. Farming has also seen significant dislocation and unemployment due to (a) the loss of production facilities and associated contracts as canning facilities have closed, (b) the shift in dairies from smaller to larger farms and the relocation of many of the larger herds to eastern Washington and other states; (c) the inability to secure water for many of the new agriculture activities that could grow with additional water, including poultry and nurseries; and (d) the general distance from production facilities and markets that make it difficult to economically shift to new crops. These factors all serve to provide a serious long-term recession/depression in the agricultural community. The farms do exist, but the farm economy is under serious challenge. To provide economic opportunity to those who have committed their lives and their wealth to the preservation of the land, the County shall encourage (a) on farm housing for family members, as keeping family members on the farm is one of the best ways to assured a continuation of the family farm and farm economy in Lewis County, (b) the ability to achieve on farm non farm income which is developed with barns and sheds and roads and was the center of the farming business, and (c) the ability to use a portion of the farm for non farm economic activity that supports the economic value of the farm. This is essential to preserving the farms in rural Lewis County by making it easier for the farmer to secure loans to remain in agriculture and to recover a significant portion of the investment in the land through non farm means, while retaining the predominant portion of the farm for agriculture and timber activities (many of the Lewis County farms are both farms and managed woodlots). Such a program is essential if Lewis County is to provide economic opportunity in lands previously farmed, but presently difficult if not impossible to farm economically (a return to land, labor, and capital) given the current structural changes in the agriculture economy. (There is presently much more land available than the market can support in commercial farming. As such, much previously farmed ground now grows hay that barely covers taxes or it is fallow or reverting to weeds).
 4. Lewis County is both a destination for recreation activities as well as offering tourist attractions for people traveling through Lewis County to reach other attractions, such as Mt. Rainier National Park and Mt. St. Helens National Volcanic Monument. In addition, Highway 12 provides one of a relatively few east-west highways crossing the Cascade Mountains. Tourist and recreation facilities provide an opportunity for the rural residents to provide services to and derive economic opportunity to the traveling public. Opportunity to provide such facilities and services in the rural areas, consistent with rural levels of intensity, and the ability of the facilities to operate with adequate rural facilities and services, is another key to assuring adequate economic opportunity to the rural residents of this County, both in the jobs created in rural areas and the opportunity for small business to support the ability to live and work in rural areas.

5. Larger economic centers in rural areas are preserved through the designation of rural industrial centers, which exist on developed lots and may intensify and change on the designated areas to preserve existing jobs, both for the present, and as the economy may change in the future. The comprehensive plan shall specifically designate areas of existing larger rural industrial activity as rural industrial centers. Provision shall be made to assure adequate services and facilities exist to serve any increase or change in existing uses and avoid encroachment on surrounding undeveloped lands.
6. New large-scale activities in the rural areas shall be reviewed through provisions for fully contained communities, major industrial projects, master planned resorts, and industrial land banks, including the identification of both criteria and potential locations for such uses. RCW 36.70A.360, 362, 365, 367.

Major Issues

Issues pertaining to rural area development:

1. Rural character:

Lewis County rural character includes private property rights and the responsibility to use and maintain property in a reasonable manner. Problems are solved on a local basis by locals directly impacted by the situation.

Lewis County rural character is defined by relatively low-density houses and businesses and large areas of timberlands, where people can live and work and play and not simply be a bedroom community.

Lewis County rural character includes resource industries such as agriculture, forestry, and mining in rural areas in which deference is expected to noises or smells that are typical of the resource industries operated in compliance with state and local regulations, and where applicable, state and local permits.

Lewis County rural character includes independent, self-reliant people guided by common sense, not political correctness or governmental intrusion.

Lewis County rural character includes extended families that are receptive to change and use many different approaches to making a living.

Lewis County rural character includes many types and sizes of businesses scattered throughout the rural area.

2. Rural lifestyles and economies – Historically a significant portion of employment and economic activity in Lewis County has been dependent on jobs located outside of urban growth areas. Resource-based employment in agricultural, mining, timber production, and home occupations, small businesses, and industries are critical to the overall success of the Lewis County economy. The agriculture industry locally is dependent upon on farm, non farm income and off farm employment to support agriculture. The County

development regulations shall provide for opportunity to accomplish such activities outside UGAs, while limiting urban utilities and facilities to urban areas.

3. Lewis County has a tradition of family farms and intergenerational family compounds. The practice among many families has been to invest family resources in farmlands and to pass the lands to one or more of the next generation, who continue to use the family property as circumstances warrant.

Lewis County intends to encourage this trend to keep the knowledgeable farm family on the land and to encourage the ability to live and work in rural areas.

Rules about clustering development shall protect against excessive use or environmental impact.

4. The rural based economy and lifestyles authorized in Lewis County must comply with shoreline, critical area, and SEPA based rules and regulations designed to protect the environment, and fish and wildlife habitat. This is accomplished through the permit process, requirements for concurrency identified below, and the limitation of "more intense" activities in the rural areas to specific geographic locations where size or impact may be an issue, or to a limited size where home occupations or home based industries are involved. Mitigation through SEPA shall be required to avoid or reduce impacts and projects may be rejected where major impacts identified in environmental documents cannot be acceptably mitigated.
5. Activities in rural areas must be served by adequate water and "on site" waste treatment, except where existing rural sewer service is available. Public water supplies may be used where available as Boistfort, Packwood, Randle, Onalaska, and similar systems have historically served the rural areas and are considered "rural." Adequate facilities are defined in state and county health codes.
6. Rural area development as identified for more intense activity shall not occur (a) within identified floodways identified in Lewis County Code Chapter 15.35 or (b) within critical areas in a manner inconsistent with the provisions of Lewis County Code Chapter 17.35.
7. Development regulations shall be developed to identify how the criteria is to be accomplished under differing circumstances and to provide specific limitations as required by RCW 36.70A.070(5)(d)(i-v).
8. Except as provided above, new rural area development shall be limited to residential development at a variety of densities from one-unit-per-five-acres to one-unit-per-20-acres, and a variety of uses consistent with the size, scale, including intensity, and frequency appropriate to the rural setting. Clustering is encouraged to promote efficient and cost-effective land use and maintain the open appearance of lands, even where rural development is occurring.
9. Legal lots of record as defined in Chapter 16.02 LCC are buildable lots where health and development standards are met.

10. Public facilities and services in the rural areas of Lewis County will be provided to support existing and new development at levels that are consistent with the preservation of rural character and that are historically and typically delivered at an intensity usually found in rural Lewis County. Such facilities and services are "rural governmental services" as defined in RCW 36.70A.030(16). Development regulations will provide for adequate water, septic, and other facilities consistent with established standards and provisions of law.

Transportation concurrency is addressed in the Transportation Element and provides the required levels of service, consistent with rural Lewis County's character and which allows citizens to live and work there. The development regulations address transportation issues at the permit level and provide for mitigation through the SEPA process.

Future Rural Area Population

Lewis County expects a growth in the County areas of approximately [8,119 per Table 3.3] people through 2015 outside planned urban growth areas. Dispersal of populations is dependent upon the economy and available facilities, but may generally fall as follows:

Table 4.2: Dispersal of Rural Population Growth [1]

	People*	Units**	Development of Existing Lots of Record (including 5-acre tracts)	New Development in Areas of More Intense Development	Rural Areas	Annual Growth 1995-2015
Gateway areas, including tourist, resort, and resource activities (Packwood, Mineral, Randle/Silverbrook)	500	200	60% 120 units	30% 60 units	10% 20 units	10u/yr
Mid county areas, including the lake and river areas and the mid valley regions of Onalaska, Salkum, Glenoma, and Mary's Corner	3500	1500	75% 1125 units	20% 300 units	5% 75 units	75u/yr
South county - Cowlitz drainage below the dams	2000	850	80% 680 units	10% 85 units	10% 85 units	45u/yr
North/West county - East/West of I-5, north of Newaukum	3000	1300	60% 780 units	20% 260 units	20% 260 units	65u/yr
Total	9000	3850	2705 units	705 units	440 units	195 u/yr

*Permanent residents, does not include recreation population or second homes.

**Rounded for reference.

[1] New census data by tract will be available after the first of the year. As the numbers are for overall reference purposes, no change is suggested for this year. The County will consider updated trends, when available, as part of its 2002 update.

Lewis County expects development within existing rural area developed areas or existing lots of record of 705 units, new development within areas of more intense development of 2705 units, and rural area development of 440 units. In addition, Lewis County has a growing second home recreation/retirement home building activity that is not related to new population. This activity is principally focused in the gateway communities and lake/river resort areas. The second homes provide access to resort and recreation areas and are important to the tax base and economic well-being of the communities which serve them. The County expects the second homes to constitute an additional 500 homes during the planning period in the areas identified.

Comparison of Land Requirements with Available Supply

Lewis County includes approximately 1.55 million acres, of which 1,250,000, or approximately 80% of the land area, is in large block ownerships that are likely to remain in their current undeveloped or relatively undeveloped state. These lands include federal and state timberlands, forests and parks, timber and agricultural resource lands, wetlands, stream areas, and floodways. An additional 22,954 acres are in urban growth areas. Of the 360,000 acres remaining, limited areas of more intense development are less than 3%. 9,073 acres and the balance are divided into a variety of rural densities (see Table 4.1

The developed rural areas will have a variety of densities and authorized rural areas of more intense development. The planned mix of uses outside the urban areas, maintaining the overwhelming majority of County lands in park, resource, and larger tracts, while efficiently using the remainder of rural lands to preserve and enhance the historic pattern of rural life and economic opportunity as provided in this plan reflects the "rural character" of Lewis County lands.

Rural Area Designations

Economically, Lewis County is predominantly rural, resource, or park, with less than 5% of the County in urban or more intense rural uses. The goal of this plan is to identify rural area development goals and policies that will permit the County to retain the rural character previously defined. Lewis County has a history of rural and resource based economic activity that has included logging, agriculture, and mining. As a result, much of the economic activity has been centered in small communities outside the incorporated cities of the County. Rural area property owners have engaged in a wide variety of activities out of their homes or through the small communities and such activities have been central to the economy, custom, and culture of the County. The County's comprehensive plan is designed to assure that such activities will continue to be a vital part of the community economy with the flexibility to adapt to the changing economy.

Small communities have historically supported mills and associated resource-based activities with an employment base that was nearly double what it is today. The goal of this comprehensive plan is to regain by 2015 at least 50% of the wage lost since 1970, both in urban and rural areas of the County.

The GMA objective in rural areas is to achieve a variety of densities and uses. Lewis County has identified a variety of densities and uses that have historically and traditionally been found in the rural areas. The County achieves the variety of densities and uses through a combination of classifications in the rural areas.

The GMA speaks of limited areas of more intensive rural development (“LAMIRDs”), which were identified by the Legislature in RCW 36.70A.070(5)(d) in the 1996 amendments to GMA.

Lewis County uses the statutory LAMIRD criteria in addressing the variety of uses and densities in rural areas. LAMIRDs are identified in three categories – type (i), type (ii), and type (iii) – and the County uses the types to differentiate rural area development.

I. Type (i) LAMIRDs are:

Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, . . .

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

A type (i) LAMIRD must be confined within a logical outer boundary with both the area and intensity of use being measured by development in existence as of July 1, 1993, the pertinent date GMA took effect in Lewis County.

Type (i) LAMIRDs recognize areas of existing economic and residential activity and, therefore, within logical outer boundaries are exempt from requirements to

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

RCW 36.70A.070(5)(c)(ii)(iii).

In Lewis County type (i) LAMIRDs include:

A. Small towns - the most intensely developed rural use areas in terms of lots; variety of densities; and size, variety, and intensity of uses: Small towns have traditionally been a center of service and the hub of employment for the more rural areas. Small towns have schools, fire, and rural utilities, including water, power, and in one case, a small rural sewer system. Small towns serve an essential function in defining both the character of the community and providing a location for the more intense uses in the rural areas. Small towns meet the criteria for a type (i) LAMIRD (which may include type (ii) and (iii) uses) and may have a combination of more than one use, including commercial, residential, tourist, and industrial uses. Small towns are defined as a specific zone and small-town scale activities are confined to the designated small town areas.

B. Crossroad Commercial areas: Crossroad commercial areas serve the retail and commercial needs of local residents. Crossroad commercial uses may also serve the needs of the traveling public. Crossroad commercial areas are type (i) LAMIRDs, but may include type (ii) and (iii) uses. Crossroad commercial areas are defined as a specific zone and the crossroad commercial activities are typically smaller than in small towns and limited to the crossroad commercial district as mapped. Given the size of Lewis County, the crossroad commercial areas are essential to serve the rural public areas and support the ability to live and work in rural areas.

C. Freeway Commercial areas: Freeway commercial areas are likewise essential to serve the neighboring community and also serve the retail and commercial needs of the traveling public, and include uses that serve local commercial and retail needs, and industrial uses. The size and intensity of the freeway uses is larger than the standard crossroad commercial area, and are characterized as a combination of type (i), type (ii), and type (iii) LAMIRDs. Industrial uses within a freeway commercial site are limited to the existing developed area as mapped. Freeway commercial areas are a specific zone and the freeway commercial activities are limited to the freeway commercial zone. Freeway commercial zones also provide essential services to the traveling public, including emergency services.

I. Rural Residential uses: Type (i) LAMIRDs

1. Rural small town residential: The most intense densities are found in the small towns in which new residential development may occur within existing lots of record, and new developments in residential zones at 4 units per acre may be achieved where water and septic or rural sewer service are available. (Type (i) LAMIRDs)
2. Rural residential centers: Existing platted areas where lots have been developed, with logical boundaries and limited infill areas where water and capability of waste disposal provide for lots from 2-units-per-acre to one-unit-per-two-acres consistent with the prevailing patterns of development. (Type (i) residential and (ii) shoreline residential developments, LAMIRDs.)

II. Under GMA a Type (ii) LAMIRD is

The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development.

RCW 36.70A.070(5)(d)(ii).

Type (ii) LAMIRDs recognize the ability of existing recreational or tourist facilities to grow and for new uses to be developed. Given the economic goal to promote tourist services as a partial replacement for lost resource jobs, type (ii) LAMIRDs are important to the ability to live and work in rural areas of the County. Scale and intensity limits are identified to distinguish rural uses from uses requiring approval as planned resorts, and to assure such uses do not contribute to sprawl. Type (ii) LAMIRDs in Lewis County area:

Rural Tourist and Recreational Facilities: These facilities are designed to provide recreational opportunities and are dependent upon their rural location, or serve the needs of the traveling public. The uses are type (ii) LAMIRDs and are not limited to a specific zone, but may be in any of the rural zones.

Type (ii) LAMIRDs may be located within the boundaries of a type (i) LAMIRD consistent with type (i) development criteria. Type (ii) LAMIRDs in Lewis County include:

1. Convenience grocery and fuel development (other than well, drainfields, and stormwater) to be located on up to two acres. Must be on a state highway or arterial.
2. Roadside restaurant less than 50 seats (may include lounge), up to two acres or less total development. Must be on a state highway or arterial.
3. Small scale tourist service specialty shops— fishing, boating, camping, hunting, two acres or less total development, on a state highway or arterial, or a direct access road to the recreational area.
4. Gift or craft shop, selling crafts and similar items on up to two acres. Must be on a state highway, arterial, or direct access road to the recreation areas, unless a permitted use in the RDD zone.
5. Bed and breakfast facilities, 10 units or less.
6. Motels, 30 units or fewer, must be on an arterial or state highway.
7. Shoreline-related tourist service uses— uses consistent with the shoreline master program, provided they do not require urban services and are consistent with density limitations identified in the zoning ordinance and for which a shoreline substantial development permit is required.
8. RV parks and campgrounds--development regulations shall identify limits in terms of use, location, and density to assure that the development of type (ii) uses is consistent with rural character.

III. Type (iii) LAMIRDs

Type (iii) LAMIRDs address the intensification of development on lots containing isolated nonresidential uses, or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural populations and nonresidential uses, but do provide job opportunities for rural residents.

Type (iii) LAMIRDs reflect the eclectic nature of rural economic activity, as home occupations, isolated small businesses, and the existing rural industrial sites are all essential to foster the ability to live and work in rural Lewis County, consistent with the other attributes of rural character.

Flexibility, ease of entry, and ability to change with the times are the hallmarks of rural small business. Size, scale, and intensity limits balancing the rural nature of the activity with the need to assure economic viability are all addressed.

Type (iii) LAMIRDs may be constructed on rural lands, consistent with development regulations that assure rural character is protected, and may also be constructed within the boundaries of type (i) LAMIRDs consistent with the LAMIRD guidelines.

Rural business and isolated small business uses. Cottage industries and isolated small businesses are commonly found in rural Lewis County and are central to the ability to live and work in rural areas. Such uses provide vital sources of non farm income to the residents of the Lewis County farms and rural areas. This use is authorized by a type (iii) LAMIRD and is not limited to a specific zone, but may be used in any of the rural zones.

1. Type (iii) LAMIRDs are recognized in two categories:
 - a. Cottage industries are those industries associated with the home property and use by residents of the home.
 - b. Isolated small-scale businesses are businesses that are not associated with the home, but are limited in size, scale, including intensity, and location consistent with Lewis County's history and tradition of rural area development.
2. Business types found in "a" and "b" above include, but are not limited to crafts; personal and professional services; engine and equipment repair; food products and services; construction, landscape, septic services; equipment preparation and repair services, and storage and transport services serving the area resource uses.
3. Rural business and isolated small scale business shall be considered under three classifications:
 - a. "Permitted uses," include:
 - i. Those uses in an existing residence, or existing associated outbuildings, by the occupant (home occupation) or owner (isolated small business) and two (2) on site FTE employee(s), where there is no outward manifestation of the business other than a small sign, or vehicles used off site for business purposes. No specific County review or approval is required.
 - ii. Businesses which have up to five (5) FTE working on site, in addition to the owners and their family, and may include new structures up to 5,000 square feet. Such uses may be associated with a residence or an isolated small business not associated with a residence.
 - b. Uses permitted through the special use permit process. Such uses may be up to 10,000_sq. ft, and may have up to ten (10) FTE on site.
 - c. Existing Rural Industrial Areas or Uses, larger than "a"- "b" above, that are important to the rural economy will be mapped as lawful uses. Such uses are limited in expansion to the existing developed lots or area with an identified logical outer boundary as a type (i) LAMIRD. Development regulations shall identify criteria to assure that the uses and intensity of such businesses remain consistent with the rural character.

IV. Rural Densities and Uses

GMA provides that rural elements shall provide for

a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses.

RCW 36.70A.070(5)(b).

In establishing such densities and uses Lewis County shall consider the pattern of development reflected in local circumstances. In order to achieve the variety of densities and uses in rural areas, Lewis County shall rely on using the existing rural development pattern as evidenced in the guidelines for type (i), (ii), and (iii) LAMIRDs above, and in a base set of land use densities reflecting the rural nature and character of the County.

Rural residential uses: rural residential uses range from the many farms throughout the County to smaller homes. Recreational homes, retirement communities, shoreline communities, and family compounds all are part of the County heritage. The variety of rural densities is achieved through a hierarchy of zones that emphasize use of existing facilities and developed areas, and that are designed to protect the rural character of Lewis County.

1. Residential 1 unit per five acres where there is adequate access, and the ability to achieve septic approval and water permit development at this scale, including intensity, consistent with development regulations in Lewis County Code Title 16. Such designation shall be in areas that can be served by rural facilities and services and do not give rise to need for urban facilities and services.
2. Residential one unit per 10 acres, where development limitations, such as critical areas, warrant lower densities.
3. Residential one unit per 20 acres or larger where significant development limitations, such as critical areas, warrant a much lower density.
4. Cluster development, consistent with rural size and scale, including intensity, may be used to further protect rural character. Density bonuses in connection with cluster development may be used where an incentive is warranted to encourage the protection of particular features or areas of importance, consistent with overall rural area guidelines.

To accomplish its rural area goals, Development Regulations:

- A. Shall provide for the identification and protection of large tracts in the rural areas by local petition. Development regulations shall permit protection of large blocks or tracts of land through an overlay zone, limiting development to one unit per 20 acres or one unit per 40 acres as specified in the petition. Such zone shall be not less than 80 acres in size and shall require the petition or concurrence of two-thirds of the property owners and two-thirds of the acreage to be applicable.
- B. Shall provide for home-based occupations and small industries in the rural areas. Development regulations will identify limitations on sizes and uses to assure that the

uses are consistent with historic patterns and emerging trends and compatible with neighboring uses. As a general matter, for non-resource related activities, stand alone buildings for home occupations and home-based industries should not exceed 5,000 square feet without special approval to assure that the on-site activity or off-site impacts will not intrude on neighbors or encourage inappropriate urban growth.

- C. Shall provide for small businesses and industries to locate on or near old mill sites or other lands formerly used for resource-related activities. Local infrastructure is already in place to serve the former uses and such reuse of previously developed sites will permit the County to gain back some of the lost economy without spreading such growth inappropriately to new, undeveloped rural areas.:
- D. Shall provide for most commercial uses serving rural areas to locate in or near the previously developed small towns or crossroads commercial areas, to meet the community needs for goods and services without having to travel to urban areas and to provide the core support for tourist and rural recreational activities. Limited tourist, rural industrial, and traditional rural uses shall be provided for in rural areas with limits on size and location consistent with "rural character." RCW 36.70A.030(14).
- E. Shall provide for coordination with the rural water systems, fire districts, and school districts to update their current plans, to identify areas of existing capacity and needed upgrades to accommodate reuse of previously used properties and encourage the redevelopment of a sound rural economy. The purpose of such planning is to assure that new uses will have adequate facilities in place prior to locating or will be able to develop adequate mitigation agreements where upgrades are necessary to meet current standards. County development regulations will identify different levels of rural services which must be available or provided to meet concurrency requirements.
- F. Shall provide for the use of smaller rural water systems in the rural areas, rather than individual wells, where available to protect and preserve the quality and quantity of water in the rural areas. The Chehalis basin is currently a closed basin due to both water quantity and water quality. The local water systems are better able to secure and preserve water rights than are individual permit holders, and are better able to assure quality water delivery to the individual home, both for public health and for environmental protection.
- G. Shall provide for the use of rural area lands not designated for agricultural and timber uses and suitable for rural area development to support rural recreational activities. Such activity both aids the local economy and provides significant opportunities for the citizens of the County and the state to enjoy the physical beauty of Lewis County. Development regulations should provide for:
 - 1. Stand alone small resorts such as Cispus Learning Center, and shoreline-related resort and recreational facilities such as presently exist on Riffe Lake and Mayfield Lake.
 - 2. Recreation facilities 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.

3. Equestrian and golf centers which provide recreational opportunities and associated uses, but consistent with rural intensity and use.
 4. Pistol, rifle, skeet, and other shooting facilities which encourage education and training in the safe use of lawful firearms. Development regulations shall provide siting criteria for new or expanded facilities that shall be protective of public safety (including noise and other environmental risks).
 5. General aviation facilities, including private airstrips and airparks incorporated into commercial or residential developments or associated with appropriate rural areas of more intense development. Development regulations shall provide siting criteria for new or expanded facilities that shall be protective of public safety (including noise and other aviation risks).
 6. Other similar uses which promote the use and enjoyment of our rural areas and which are similar in size, scale, including intensity, and impact with the uses identified.
 7. Development regulations shall identify standards and conditions necessary to accomplish the identified activities in a manner consistent with County critical area and shoreline rules and regulations and in a manner protective of the environment and the peaceful enjoyment of nearby properties which are entitled to be free of activities which may constitute a nuisance.
- H. Shall provide for the designation of Rural Gateway Communities to focus tourist-associated commercial activities in the vicinity of major recreational areas, including Mount Rainier and Mt. St. Helens.
1. Location of Rural Gateway Communities shall be determined by the following characteristics:
 - A. Having established commercial and other businesses catering to tourists and the local surrounding community;
 - B. Located near major recreational facilities and opportunities; and
 - C. Having immediate access onto state routes or major arterials.
 - D. The boundaries of Rural Gateway Communities should reflect the existing service or impact area and should not be expanded into new lands designated for long-term commercially significant resource use under this comprehensive plan.
 - E. Commercial development in continuous strips shall be discouraged.
 2. The primary purpose of Rural Gateway Communities is to provide commercial services to accommodate the needs of visitors and tourists. These services include:
 - A. Housing accommodations for tourists, visitors, and workers and their families;
 - B. Commercial uses serving tourists, visitors, and residents;
 - C. Outdoor recreational facilities and uses;

- D. Facilities and services necessary to support tourism-related uses;
 - E. Cultural facilities including theaters, galleries, arts and craft centers, and interpretive centers; and
 - F. Transportation facilities necessary to link tourism with surrounding recreational opportunities.
3. Rural Gateway Communities should provide commercial services to meet everyday needs of the surrounding residents.
 4. The communities of Packwood, Randle, Mineral, and the ultimate connection of SR - 504 Highway 12 are Rural Gateway Communities.
 5. The overall residential density may be higher within a Rural Gateway Community than the surrounding rural area. Density calculations will not include land devoted to overnight lodging or commercial purposes.
 6. The density of overnight lodging may be higher within a Rural Gateway Community than the surrounding rural area.
 7. Development regulations shall identify size criteria to distinguish rural resort projects from master planned resorts, which must be processed under RCW 36.70A.360.

Rural Area Development - Guidelines

The guidelines set forth below provide the framework for identifying a variety of rural area uses and activities.

- A. Areas of More Intense Rural Development (RCW 36.70A.070(5)).
Rural areas in Lewis County are those lands that are not within a UGA, and not within designated timber, mineral, or agricultural lands of long-term significance. Within the rural lands, the County recognizes several categories of uses considered for more intense rural area development under the criteria and guidelines of RCW 36.70A.070(5): Unincorporated Small Towns, Crossroads Commercial Areas, Rural Freeway Interchange Commercial Areas, existing rural industrial areas (the Curtis Railyard and the Ed Carlson Memorial Field), Shoreline Areas, Tourist Use Areas, and areas of existing intense development (Rural Residential Centers).

1. Small Towns - Unincorporated

The small towns in unincorporated Lewis County are Adna, Doty, Glenoma, Mineral, Onalaska, Packwood, Randle/Silverbrook, Salkum, and Silvercreek. The RDW Mill area is added to the Randle Silverbrook small town and the Kiona area was added adjacent to the Glenoma small town.

Nature of the small towns: each of these towns was developed in a historic pattern of small lots surrounding a central commercial, industrial, or market feature. The small towns have existing

infrastructure which may include fire protection, water systems, school facilities, and other public buildings and services which serve not only the small town but also provide basic needs and services for the surrounding community.

Physical limits of the small towns: The areas designated for development within small towns shall be confined to areas of historic development or areas immediately affected by development with small allowances to create regular boundaries and efficient service areas, consistent with logical outer boundaries identified as provided in RCW 36.70A.070(5)(d)(iv).

Lewis County identified two classes of small towns – Category I and Category II.

Category I small towns are or were centers of mill activity and have land available for industrial redevelopment. The Category I small towns are Packwood, Randle/Silverbrook, Mineral, and Onalaska. Category I small towns may have separate residential and mixed use zones and shall provide a specific industrial zone to promote rural industrial development or redevelopment consistent with the limits of public facilities at rural levels of service.

Category II small towns provide a central focal point for an area in the County, typically including commercial, personal, and professional services, community centers, schools, and fire and other public services. The Category II small towns are Adna, Cispus, Doty, Glenoma, Salkum, and Silvercreek. The Category II small towns have existing facilities and services, but typically not the infrastructure to support larger industrial uses found in the Category I small towns. Category II small towns typically develop in a mixed-use pattern.

Uses within small towns may be commercial, residential, or industrial, so long as the infrastructure within the community has the capability to handle the demands of the development at rural levels of intensity and services as provided in RCW 36.70A.030(16). Urban development is prohibited.

Residential uses shall be based upon historic lots and lot sizes, and should average not more than 4 units per acre, single-family detached.

Commercial uses should not be larger than 10,000 square feet for non-resource uses, without a special use permit.

Industrial uses shall generally not be larger than 20,000 square feet without a special use permit, per location, for non-resource based uses in Category I small towns, and 5,000 square feet per location in Category II small towns.

2. Crossroads Commercial Area

Crossroads Commercial areas provide residential, commercial, and industrial opportunities that are important to Lewis County and its economy. Crossroads Commercial areas are found at major intersections where local commercial service needs are met. New uses within the Crossroads Commercial areas may include commercial, residential, and industrial, but residential shall be limited to the area of current development. Commercial shall not exceed 10,000 square feet per building and 5,000 square feet per use. Areas must meet the criteria of RCW 36.70A.070(5) and shall include areas directly affected by existing development as shown on the County maps.

The County has eleven (11) such areas: Boistfort, Cinebar, Curtis, Dorn's Corner, Ethel, ForestGalvin, Intersection of Leonard Rd. & US Hwy 12, Intersection of Hwy 6 and Hwy 603, Mary's Corner, and "Stinky Corners."

3. Rural Freeway Interchange Commercial Areas

Lewis County is in transition with reduced reliance on resource industries, including agriculture and timber, and a growing economic dependence on transportation-related and other activities that include the traveling public. Rural Freeway Interchange Commercial Areas provide appropriate areas already impacted by and convenient to major transportation facilities to accommodate this shift. The areas shall meet the criteria of RCW 36.70A.070(5)(i)(ii)(iii) concerning location in areas of existing development or affected by existing development and services, as shown on County maps.

Rural areas in Lewis County are bisected by I-5 and five arterial overpass/on-off ramp intersections. Historically these areas have provided a convenient location for vehicle service and service to the traveling public, as well as hubs that have provided locations for numerous small businesses. The intersections continue to provide a convenient location for commercial and small industrial activities in the County. The areas around the intersections can be further developed without extending or overstressing existing facilities, or limiting the productivity or use of the County's long-term resource lands. The areas identified below provide a logical and reasonable location for additional tourist and commercial services, and rural small businesses at a scale, including intensity, larger than crossroad commercial areas. Development regulations shall identify criteria for siting such uses and for assuring that the development of such areas will not result in the intrusion of new development beyond the areas presently impacted or affected by the interchange, or interchange-oriented development.

The Rural Freeway Interchange Commercial areas are as mapped, and include areas impacted by existing more intense development or conveniently located to cost-effectively serve growing community needs. None of the areas identified are necessary for resource use and all provide a key element in providing a growing diversified economy in Lewis County.

- I-5/SR 505, Toledo-Winlock overpass - west side
- I-5/US 12/Military Road to Olequa Creek
- I-5/Hwy 506 (Cowlitz Crossing)
- I-5/Jackson Highway South

(Rural Freeway Interchange Commercial areas are potential sites for a major truck stop. Such use is considered a major industrial development per RCW 36.70A.365 and would be processed accordingly.)

4. Rural Areas of More Intense Development - Industry

Curtis Railyard: The Curtis Railyard is an historic log and mill site located westerly of I-5. Use of the site predates GMA. The Railyard has an existing rail siding and water from the Boistfort Water District. The Curtis Railyard serves a need for large rail-oriented or resource parcels that do not require municipal sewer. The site has been changed from a UGA to a rural industrial area of more intensive use to avoid creating a demand for sewer in the area. Development regulations shall limit the Curtis Railyard to resource and rail related large lot uses which

cannot be served in the UGA. A master plan process shall be created to enforce these rules. The boundaries shall conform to RCW 36.70A.070(5)(d)(iv). An alternative approach is to designate the site for potential major industrial development under RCW 36.70A.365. Such designation would be processed through Chapter 17.10 LCC.

Ed Carlson Memorial Field: Ed Carlson Memorial Field is a municipally-owned airport. Use of the site predates GMA. The general aviation facility is outside city UGAs. The public interest is best served by retaining the use of the airport and its ability to grow. The facility is an existing essential public facility under GMA. The County shall adopt rules designed to avoid conflict with residential uses.

Additional Sites: The County identified the additional areas of Klein Bicycle, Williams Industrial, Ramsey Industrial Park, Taylor Drilling, Baer industrial site, Morton log yard industrial site, PLS log yard industrial site, TransAlta industrial site, PSE Natural Gas Storage site, and Larman Road Industrial Site, which are mapped and are limited to existing lots.

5. Shoreline Areas

Lewis County has several lakes and rivers that have existing developments serving recreational and retirement populations and which are considered areas in which more intense rural area development may occur. Existing developments were platted into small residential lots along or in the vicinity of the shorelines to take advantage of recreation and view amenities. Development occurred prior to Lewis County's date for growth management. The areas considered to have adequate school, water, and other public services to permit continued enjoyment of the shorelines of the County without causing sprawl or impact to resource lands. Significant shoreline areas are:

Mayfield Lake, Mineral Lake, Scanewa Lake, Carlisle Lake and Riffe Lake; as well as land along the Cowlitz, Nisqually, Chehalis, and Cispus Rivers.

The following areas have been specifically designated under this section: Lake Mayfield Estates area, Mt. View Dr. Addition area, Lake Mayfield Park area, all of which were mapped to conform to logical outer boundaries under RCW 36.70A.070(5)(d)(iv).

Shoreline areas will not be permitted to extend into areas of prime farm land, commercial timber tracts, or areas of operating mineral lands.

6. Tourist Use Areas

Lewis County considers a stand alone resort such as White Pass Ski Area, Sun Mountain Lodge, or Skamania Lodge to be an appropriate use within rural areas and such uses may include commercial recreational facilities designed to serve the tourist population. Sun Mountain Lodge and Skamania Lodge are destination resorts located in the Methow Valley and Columbia Gorge, respectively. They typify the type of nonresidential resort development that the County would process through a master planned resort program. Chapter 17.20 LCC. Both facilities have several hundred units, resort dining facilities, and extensive outdoor recreation facilities. The County considers the Cispus Learning Center, located in Cispus Valley, to be the type and size of tourist use approvable through special use permit process, as its size and intensity of use are "rural" and appropriate for Lewis County rural areas without the master planning requirements of a master planned resort. Such uses would be processed under the standards of

Chapter 17.115 LCC. Development regulations will identify specific size, character, and facility criteria through a permit process to distinguish which uses should be permitted through the local permitting process and which must be authorized under RCW 36.70A.360, which require more elaborate planning requirements.

The lake areas provide a good recreational resource for the central county area and resort and recreation opportunities are encouraged where adequate public facilities can be provided cost effectively and significant environmental consequences avoided. Three areas have been identified through hydro licensing processes as appropriate areas for park and recreational activity. Development requires specific review or approval through special use or master plan depending upon the size and nature of the proposed project. The specific areas are mapped: Ch. 17.200 LCC, Maps 86 (West End of Riffe Lake), 87 (East End of Riffe Lake), and 88 (E. End Riffe Lake - 108 Bridge Area).

7. Rural Residential Centers (greater than R 1-5 density)

The rural residential centers are comprised of existing rural residential areas at existing densities of greater than one unit per five acres, which are not urban or likely to develop into urban areas during the planning period. These include: Big Creek/Paradise Estates area, Brockway Road area, Curtis Hill area, Harmony area, High Valley Park area, Mayfield Village, Newaukum Hill area, Goat Rocks, and Timberline Village area, as well as other small non-conforming areas located throughout the County. Boundaries are to conform to the logical outer boundary requirement of RCW 36.70A.070(5)(d).

Rural Development District

Density criteria for a variety of densities in rural areas

Lands outside of the rural areas of more intense development defined above shall be Rural Development District Zoning designations in the RDD shall include a range in land use densities of one unit per five acres to one-unit-per-20-acres for overall new residential development. In rural lands existing lots of record, regardless of size, shall be legal lots for uses as set forth in development regulations. Existing lots of record are defined at LCC 16.02.050. Many of the large parcels in Lewis County consist of a wide variety of different soil types and potential uses, including various mixtures of timber lands, agricultural lands, and lands which are not particularly productive for either, but which have been and can be used for other rural development. "Rural character" in Lewis County can best be protected through the use of clustering, where limited number of parcels are placed in those areas most suitable for development, leaving large tracts of properties available for large lot uses. Development regulations shall provide mechanisms for encouraging clustered development and to protect large parcels from unnecessary division. Development regulations shall also identify allowed uses, including resource uses and accessory uses, but should limit large-scale commercial, industrial, or non-residential activities not related to resource uses. Rural Development District areas may include areas identified by cities as potential urban reserve for non-residential uses. The County development regulations may provide a very low density for such areas to preserve future municipal choices.

The first zone identified for use in the rural areas was a rural 1 unit to 20 acres designation. The lands so zoned are in areas known to have potentially significant limitations due to soils, steep slopes, lack of access, or local water availability issues. Uses in the R 1-20 zone may be limited in

size and scale, including intensity, in many areas. Some uses, including those which benefit from the remote or less developed lands, e.g. camps, recreation uses, and rifle ranges, would be expected to locate in the zone precisely due to the lack of development. Development regulations shall provide that adequate facilities, critical area protection, and protection of resource lands and resource uses be built into any project review for lands in this zone.

The second zone identified for use in the rural areas was 1 unit per 10 acres. The district permits a limited degree of rural area development at truly rural levels of intensity. Uses in the R 1-10 zone reflect normal state of rural activities, including residential use, home occupations, and isolated small businesses, and a variety of smaller business activities permitted and limited as set forth in the land use plan. The focus is to assure that the permitted activities are consistent with the historic practices and intensities and suited to meet the needs of those who choose to live and work in rural areas, are compatible with overall rural character, and residents recognize limitations on the availability of rural area services and avoid the need for urban levels of service that cannot and will not be provided outside UGAs, except to meet recognized health emergency situation as authorized by law.

The third zone identified for use in the rural areas is residential one unit per five acres. This zone is located in areas that show a pattern of large lot residential development, and are typically near population centers such as the UGAs and the small towns. The residential unit 1-5 zone permits residential uses and a variety of uses, including home occupations, isolated small businesses, and additional uses commonly found in rural areas. Some activities have been limited due to the projected intensity of development or proximity to more developed areas. Size and scale, including intensity, limits were in concert with historic practices.

Lots of record less than five acres are considered legal lots for development purposes in all rural zones if they meet the requirements of the County regulations for "lots of record." LCC 16.02.050.

Designation criteria for a variety of densities in rural areas

In establishing a variety of densities and uses in rural Lewis County, the county should consider a number of criteria reflecting rural character in Lewis County.

1. The first consideration is to let the land speak for itself. Thus, matters such as critical areas and constraints on water and septic shall be considered.
2. A second consideration is self-designation. That is, land which is by the owner's action included in forest open space tax designations, agriculture open space tax designation, or open space open space tax designation, as evidence of an intent to retain lands in larger tracts. Under state laws, 20-acre parcels and larger are the predominant pattern for such tax designated lands.
3. A third consideration is the pattern of development as evidenced by a number of factors:
 - a. Development patterns evidenced by parcel size and availability of rural facilities and services.
 - b. Population density evidencing cost and efficiency of providing public services.
 - c. Assessed value as evidence of availability of rural facilities and pressure for infill.

- d. Likelihood of conflict or change due to development patterns or conflicts, including protection of resource uses and the ability of cities to manage long-term growth boundaries.
4. Future land use maps should be based on designations in larger blocks, reflecting logical boundaries and not individual parcels.
5. The future land use plan should minimize isolated islands.
6. No one factor is determinative of the future land use pattern, but land capability, self designation, and proximity to rural facilities shall be given substantial weight.

Reference maps and preferred alternatives for rural land use determinations

- Critical areas (see Appendix for Figure 4.16a)
- Resource lands (see Appendix for Figure 4.16b)
- Agriculture and forestry open space tax (see Appendix for Figures 4.16c(1)(2) and (3))
- Population density (see Appendix for Figure 4.16d)
- Assessed values (see Appendix for Figures 4.16e(1)(2) and (3))
- Community facilities (see Appendix for Figures 4.16f(1)(2) and (3))
- Highways and arterials (see Appendix for Figures 4.16g(1)(2) and (3))
- Future Land Use Map - Rural Lands (see Appendix for Figures 4.17a, 4.17b and 4.17c)

Agricultural and forest protection overlay

~~The county shall identify an agricultural and forest protection overlay district, which specifically provides that farm and forest activities within districts covered by the overlay shall include limitations on development activities that may adversely affect the ability to continue agricultural and forestry operations.~~

General measures to govern rural area development

1. Containing or otherwise controlling rural development.

Rural development occurs on lands outside urban growth areas and designated resource lands.

More intense rural area development is limited to areas in which development had already occurred, and the area is predominantly characterized by human, non-resource activity and not critical area habitat for fish or wildlife, or resource activity. The areas and uses confined within logical outer boundaries. RCW 36.70A.070(5)(d)(iv).

The overall rural area development outside UGAs and areas of more intense development more consistent with the guidelines of this plan preserves the historic character of the County, promotes efficient use of utilities and facilities, and provides a reasonable base for the redevelopment of economic resources and jobs in rural areas without risk of material change in the overall character of the County.

A variety of uses, including development, redevelopment, and change of use are all essential to foster the ability to live and work in rural Lewis County and to replace the activities that are in

decline. Rural development is contained and controlled by several factors: (1) Type (i) LAMIRDs are confined within logical outer boundaries and limited rural town-scale services consistent with rural facilities and services, (2) outside of Type (i) LAMIRDs the variety of densities and uses reflect historic trends and levels of activities and uses controlled by development regulation to assure the elements of rural character and limits on rural development.

2. Assure visual compatibility

The nature of rural Lewis County is large areas of farm and forest lands and national parks and wilderness areas, excluding resource lands, punctuated by small clusters of human development activity, including small towns, crossroads commercial areas, home-based industries, rural industrial and commercial centers, and clusters of residential or recreational uses. This characteristic is more a function of the mountain and valley geography of the County than a pattern of tracts of a certain size. Visual compatibility recognizes both the rural economic activities and the more pastoral scenes. Limited areas of more intensive rural development are constrained within logical outer boundaries, with size and intensity limits consistent with historic practices and the need to foster the ability to live and work in rural areas. Outside the limited areas of more intensive rural development a variety of densities from residential 1-5 to a large tract agricultural protection zone provides a regulatory overlay that reflects current development patterns.

3. Reduce the inappropriate conversion of land into sprawling low density development in the rural area

In Lewis County, areas of more intense low-density development are confined to areas where human activity predominates over habitat or resource activities within logical outer boundaries. Logical outer boundaries are defined by development existing as of July 1, 1993, but may include undeveloped lands so long as the area is predominantly defined by the built environment and may include considerations of "natural neighborhoods and communities;" physical boundaries, including roads, land forms, or bodies of water; the prevention of abnormally irregular boundaries; and the ability to provide public facilities and services that do not permit low density sprawl. Other rural area activities are limited in size and scale, including intensity, to limit the total extent of the development. Segregation or development of land shall be accomplished in compliance with the applicable comprehensive plan and development regulations. Lot of record requirements, large lot subdivision requirements imposing standards on rural development, clustering of rural development consistent with rural guidelines, and restrictions on size, location, and on occasion number of rural area uses, will be effective in reducing historic unregulated patterns of rural development.

4. Protect critical areas and surface water and ground water resources

The County has adopted critical area regulations, a shoreline regulation, and is subject to well head protection, Clean Water Act, and Chapter 90.48 protections for both ground and surface water. Any permit issued in rural areas must consider the impacts, as applicable under the referenced regulations. Critical area regulations are subject to a best available science review as part of the RCW 36.70A.130 updates.

5. **Protect against conflicts with the use of agricultural, forest and mineral resource lands**

The principal source of conflict with resource lands in Lewis County is access to necessary public lands and public roads for resource purposes. Public access to public lands for resource use and recreation is a highest priority of the County.

A second source of conflict in resource lands are incompatible uses which may choose to locate in, adjacent to, or where it may be adversely affected by resource land use. Outside UGAs, small towns, and crossroads commercial areas, development regulations shall provide limitations on new development that shall prevent unnecessary or inappropriate conflict. Such tools may include covenants to accept best management practices, easements to permit dust and noise associated with resource activity within or abutting resource lands for certain uses, and other regulations which prevent rural area development from interfering with resource based activities in or near resource lands.

IMPLEMENTATION PLAN

Identify through development regulations the standards and criteria for different uses to accomplish the steps above.

Development regulations will provide mechanisms to encourage protection and resource use of farmland and open fields, including incentives based on permit protections.

Clustering regulations will provide mechanisms to protect rural character, habitat, and resource values.

Rural Areas Goals, Objectives and Policies

- R GOAL** Maintain the rural character of Lewis County.
- Objective R 1** Ensure that growth in the County is focused so that the remainder of the County can remain predominantly rural.
- Policy R 1.1** Rural development, outside of defined urban growth areas, should be encouraged in a pattern and density that supports the surrounding and prevailing land use pattern, and that does not create urban demands for services for the County taxpayers to support.
- Policy R 1.2** Rural development should be encouraged to occur at a density of not more than one dwelling unit per 5 acres.
- Policy R 1.3** Densities must remain sufficiently low so as to avoid conflicts between new residential development and county residents that have allowable home-based occupations and industries.
- Policy R 1.4** Rural area residents should expect the level of public services, such as water systems, emergency services, road improvements will be limited as distance increases from the urban areas.
- R GOAL** Allow residents in remote parts of the County to live as they choose as long they do not infringe upon the rights of neighboring property owners or cause environmental degradation.
- Objective R 2** Maintain areas where an independent and private lifestyle can be sustained.
- Policy R 2.1** Low-density residential development, local service establishments, and home based businesses should be allowed in Rural Development District areas.
- Policy R 2.2** Establish a minimum lot size that will make feasible individual wells and septic systems on each parcel, without unduly affecting nearby properties' wells and septic systems. This lot size may vary depending on water availability and soil suitability for septic systems in each area.

- R GOAL** Allow for industrial uses in the rural area that are primarily dependent on the natural resources derived from the rural area.
- R Objective 3** Allow industries such as warehousing, manufacturing and distribution in areas beyond urban growth areas where appropriate.
- Policy R 3.1** Allow industries to locate in rural areas proximate to transportation corridors such as Federal and State Highways or railroads.
- Policy R 3.2** Ensure that any rural location chosen for an industrial use is served by or can be served with necessary infrastructure, (for example: community wells and septic systems).

Major Policy Issues

The primary difference between the proposed plan and the Existing 1991 plan is that the proposed Plan contains policy and an outline for development standards that distinguishes between different classifications of rural area and appropriate development for each. It distinguishes between rural areas of more intensive development and rural development district. This policy shift recognizes that there are some areas of the County where it is appropriate to promote slightly higher densities and that rural development should be encouraged in these areas where infrastructure is either available or more easily developed/expanded. The proposed plan policies specify that industrial uses may be allowed in rural areas where appropriate to foster and maintain the ability to live and work in rural areas. The proposed plan policies also state that minimum lot sizes in rural areas should take into consideration the requirements of individual wells and septic systems and that rural development should occur at a density of not more than 1 unit per 5 acres.

Anticipated Impacts of proposed plan policy

The anticipated impacts of the proposed plan policy are that development in the rural areas will be directed to the rural areas of more intensive development. The rural development district areas will see less development and at lower densities than they have in recent history. The proposed policy will influence the development of public and/or community infrastructure systems to serve development in the rural areas of more intensive development. Sprawl development patterns will be reduced in the rural areas.

Implementation Strategies

- Adopt development regulations for the rural areas consistent with comprehensive plan policy.
- The county will coordinate with agencies/communities/private utilities planning for the provision of infrastructure to serve development in rural areas of more intensive development.

NATURAL RESOURCE LANDS SUB-ELEMENT

Introduction

The economic health and stability of Lewis County have long been dependent on the products reaped from agricultural, forest and mineral resource lands. The Growth Management Act, (GMA) recognizes their importance by requiring counties to “classify, designate and conserve” them as “resource lands of long-term commercial significance.” The law recognizes the vital role these resources play in our lives and seeks to avoid their irrevocable loss.

Purpose

The purpose of this sub-element is to document and support the importance of each natural resource land type. It also establishes a reference point for future evaluation.

GMA Requirements

The GMA contains the following goals that directly relate to Natural Resource Lands.

- (2) **Reduce Sprawl** - Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (8) **Natural Resource Industries** - Maintain and enhance natural resource-based industries, including productive timber, agricultural, and mining industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- (9) **Open Space and Recreation** - Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands, and discourage incompatible uses.

To meet these goals, the Comprehensive Plan must designate and ~~protect~~ conserve Lewis County’s agricultural, forest and mineral lands of long-term commercial significance. This excludes commercially significant lands already characterized by or needed for, urban growth (RCW 36.70A.170(1)).

Lewis County’s definition of natural resource lands is guided by the “Minimum Guidelines to Classify Agricultural, Forest, Mineral Lands and Critical Areas” (hereafter called Minimum Guidelines) established by the state Department of Community, Trade and Economic Development (WAC 365-190). Each resource land is defined below according to the Minimum Guidelines.

Agricultural/Agricultural Resource Lands are those lands primarily devoted to the commercial production of aquaculture, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

Forest Land/Forest Resource Lands are those areas primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

Mineral Resource Lands are those lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

As an interim step toward meeting the GMA mandate for resource lands, the Lewis County Board of County Commissioners adopted the Lewis County Interim Resource Lands Ordinance No. 1151. This ordinance classifies and designates resource lands in Lewis County and establishes regulations for the protection of resource lands.

Existing Conditions

Lewis County covers 2,449 square miles in Southwest Washington. It includes portions of the Mt. Baker-Snoqualmie and Gifford Pinchot National Forests, including several wilderness areas and portions of the Mount Saint Helens National Volcanic Monument and the Mount Rainier National Park. Approximately one third of the county is included in the national forests.

According to the U.S. Department of Agriculture's 2002 Census of Agriculture, Lewis County also contains approximately 60,000~~63,000~~ acres of cultivated farmland total cropland, of which only approximately 40,000 acres is harvested.

Agricultural Lands³⁰

Farming was established as an industry in the Lewis County area sometime prior to 1820 to support the Hudson Bay Company operations. By the mid 19th century, the Cowlitz Farm covered 3,572 acres of which 1,500 were cultivated. Oats, wheat, barley and potatoes were grown in addition to a large dairy, horses, cattle and sheep. The majority of farmland in Lewis County is currently in hay or pasture for livestock. The farmgate value of agricultural production in Lewis County was approximately \$62 million in 1992. This annual income is generated on 1067 farms, over half of which are operated by part time farmers with another occupation.

Crops

Numerous crops have been grown in Lewis County since the early 1800's. In addition to oats, wheat, barley and potatoes; crops grown include: hops, berries, peas, green beans, clover, turf grass, rhubarb, and pumpkins.

Nursery products are an expanding industry in both quantity and variety. Approximately 3,000 acres of Christmas trees are grown in the county on farms ranging from several hundred acres to small plots used as supplemental income. Vegetable seeds, bedding plants and flowering bulbs and other flower products are grown.

Dairy, Poultry and Livestock Production

Dairy, poultry and livestock production was established in Lewis County in the late 1800's. West and Dobb opened a pork packing plant in Chehalis and cattle, hogs and turkeys were

³⁰ See Appendix for Figures 4.18a, 4.18b, and 4.18c, all entitled "Agricultural Resource Lands."

raised in Eastern Lewis County. In the early 1900's egg and poultry production began to rival timber production as a dominant industry in the area. Today, Lewis County ranks first in the state in the number of broiler chickens produced. Many former dairy farms have converted to broiler production.

In the 1890's creameries were built in Chehalis, Mossyrock, Boistfort, Centralia and Winlock. By 1925, dairy products and poultry were the county's dominant market crops. While Lewis County ranks sixth in the state in the numbers of milk cows, the number of dairies has decreased greatly over the last several years due to increasing production costs, milk prices and increasing environmental restrictions, particularly on manure handling. Cow numbers have remained stable as the industry consolidates.

Challenges to Agriculture in Lewis County

Constraints that limit agricultural prosperity in Lewis County include climate, location, labor and water. Unpredictable rain in spring and fall can cause a short growing season and difficulties with harvest. A location midway between Seattle and Portland offers marketing flexibility, however the Puyallup Valley, with their proximity to Seattle, can compete more favorably with perishable products. Few water rights adequate for crop irrigation exist in Lewis County, and without irrigation, few high value crops can be grown. As the population of Lewis County grows, complaints against farming activities continue to rise. Complaints include smell, dust, noise, slow moving vehicles and mud on the roadways.

Agricultural Lands Classifications

Lewis County has adopted follows the Land Capability Classification System of the U.S. Department of Agriculture Handbook No. 210 and its successor guidebooks as its classification system. The classes of agricultural lands are based upon consideration of growing capacity, productivity, and soil composition. In further defining categories of agricultural lands of long-term commercial significance, the reference standard is the use of the classification of prime and unique farmland soils as mapped by the Natural Resource Conservation Service (NRCS), USDA. Exhibits 14.4(1)a through c depict the potential Class A Farmlands of Long Term Commercial Significance. For Lewis County, prime agricultural soils in Classes 1, 2e, 3e, 3s and 3w are considered prime soils suitable for consideration as agricultural lands of long-term commercial significance. These soils are identified as follows:

<u>Soil Name</u>	<u>Classification</u>	<u>Soil Name</u>	<u>Classification</u>
<u>Doty silt loam</u>	<u>1</u>	<u>Benham cindery sandy loam</u>	<u>3e</u>
<u>Mossyrock silt loam</u>	<u>1</u>	<u>Domell sandy loam</u>	<u>3e</u>
<u>Boisfort clay loam</u>	<u>2e</u>	<u>Xerorthents, spoils</u>	<u>3e</u>
<u>Centralia loam</u>	<u>2e</u>	<u>Newaukum gravely silt loam</u>	<u>3e</u>
<u>Centralia variant loam</u>	<u>2e</u>	<u>Winston gravely loam</u>	<u>3e</u>
<u>Cinebar silt loam</u>	<u>2e</u>	<u>Greenwater loamy sand</u>	<u>3s</u>
<u>Cispus cindery sandy loam</u>	<u>2e</u>	<u>Indianola loamy sand</u>	<u>3s</u>
<u>Ferteg silt loam</u>	<u>2e</u>	<u>Nisqually loamy sand</u>	<u>3s</u>

<u>Melbourne loam</u>	<u>2e</u>	<u>Chehalis silt loam</u>	<u>3w</u>
<u>National cindery sandy loam</u>	<u>2e</u>	<u>Chehalis silt clay</u>	<u>3w</u>
<u>Nesika loam</u>	<u>2e</u>	<u>Cloquato silt loam</u>	<u>3w</u>
<u>Olequa silt loam</u>	<u>2e</u>	<u>Newberg fine sandy loam</u>	<u>3w</u>
<u>Olympic silty clay loam</u>	<u>2e</u>	<u>Prather silty clay loam</u>	<u>3w</u>
<u>Salkum silty clay loam</u>	<u>2e</u>	<u>Puyallup fine sandy loam</u>	<u>3w</u>
<u>Wilkeson loam</u>	<u>2e</u>	<u>Sauvola silty clay loam</u>	<u>3w</u>
<u>Winston gravelly loam</u>	<u>2e</u>	<u>Siler fine sandy loam</u>	<u>3w</u>
<u>Winston loam</u>	<u>2e</u>	<u>Siler silt loam</u>	<u>3w</u>

Forest Lands³¹

Lewis County became known during the 1800's for both the quality and quantity of its timber products. In addition to logging and milling, the production of shingles, railroad ties, doors, cupboards and furniture became large industries. In addition to wood, the forested lands of Lewis County produce numerous other products including cascara bark and foxglove (both used in pharmaceuticals), floral greens, wild huckleberry, salal, sword fern, tree seeds (collected for nurseries), and mushrooms.

The predominant tree species growing in Lewis County is Douglas Fir. Most of Lewis County is composed of land grade 2 and land grade 3. See Table 4.3 for Washington State private forest land grades.

Table 4.3 Washington State Private Forest Land Grades

Species	Growth Potential*	Land Grade**
Douglas Fir	136 feet and over	1
	118-135 feet	2
	99-117 feet	3
	84-98 feet	4
	Under 84 feet	5
Western Hemlock	136 feet and over	1
	116-135 feet	2
	98-115 feet	3
	83-97 feet	4
	68-82 feet	5
	Under 68 feet	6

³¹ See Appendix for Figures 4.19a, 4.19b, and 4.19c, all entitled "Forest Resource Lands."

Red Alder	117 feet and over	6
	Under 117 feet	7

*On a fifty year basis

**Land Grade 1 = highest; Land Grade 7 = lowest

Forestlands are classified as follows:

- A. **Forestlands of Long Term Commercial Significance:** A predominance of forest land grade 2 and forest land grade 3 with a minimum block size of 5,000 contiguous acres shall be required for designation as forest land of long-term commercial significance. In addition, all federally owned lands managed for their forest resources are included.
- B. **Forestlands of Local Importance:** Are forestlands with the general attributes of Forestlands of Long Term Commercial Significance, except that they are smaller than the required minimum 5,000 contiguous acres. Forestlands of Local Importance are only designated by an "Opt In" process and must generally be a minimum of 20 acres to be considered. Landowners petitioning to opt in, must commit that the property will remain in that designation for a minimum of 10 years.

Mineral Lands³²

Mineral resource lands in Lewis County include coal, brick (clay), cinnabar ore, gold, silver, copper, iron, graphite and arsenic. Of these, coal, cinnabar ore and arsenic mines were established in Lewis County. Additionally, clay for brick making and shale for paving is present in significant quantities in the Chehalis area. Brick kilns operated in the County until the last one closed in 1975 because it could not meet air quality standards. Coal is currently mined, and the Centralia Mining Company (coal mine) is the largest single private employer in Lewis County.

Mineral resource lands are scattered throughout the county. Sites are clustered around Centralia, Adna and Curtis, Toledo, Mossyrock, Randle and Packwood. Most of the sites are less than 25 acres in size. The Interim Resource Lands Ordinance classifies Mineral Resources as follows:

- A. Existing permitted surface mining operations;
- B. Areas containing mineral deposits the significance of which cannot be evaluated from available data; and
- C. Mines of local importance

Only those existing permitted surface mining operations are designated as Mineral Resource Lands of Long-Term Commercial Significance by the Interim Natural Resources Ordinance. However, other mineral resource lands may be designated subject to a redesignation application process.

Mineral Resource Lands are shown in Figures 4.20 a through c.

³² See Appendix for Figures 4.20a, 4.20b, and 4.20c, all entitled "Mineral Resource Lands."

Natural Resource Lands Goals, Objectives and Policies

- NR GOAL** Maintain agricultural, commercial timber production, mineral resource extraction lands and their ancillary uses.
- Objective NR 1** Identify and ~~preserve~~ conserve resource lands supporting agriculture, forest, and mineral extractive industries.
- Policy NR 1.1** The Lewis County Resource Lands Ordinance will be revised to be consistent with the provisions of this plan.
- Policy NR 1.2** The County should protect the interests of land-owners who wish to continue the practice of management of natural resources.
- Policy NR 1.3** Designate agricultural lands of long-term commercial significance as follows:
1. Identify lands that are primarily devoted to the commercial production of agriculture;
 2. Identify lands that are classified as having prime agricultural soils of Classes 1, 2e, 3e, 3s and 3w by the National Resource Conservation Service (NRCS) that occupy a significant portion of the parcel;
 3. Consider the combined effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:
 - (a) The availability of public facilities;
 - (b) Tax status;
 - (c) The availability of public services;
 - (d) Relationship or proximity to urban growth areas;
 - (e) Predominant parcel size (20 acres is considered a suitable predominant parcel size for commercial agriculture);
 - (f) Land use settlement patterns and their compatibility with agricultural practices;
 - (g) Intensity of nearby land uses;
 - (h) History of land development permits issued nearby;
 - (i) Land values under alternative uses; and
 - (j) Proximity of markets.
- Policy NR 1.4** Resource use, particularly agricultural and timber uses and accessory uses, are encouraged in all rural areas.

- Policy NR 1.5 Conservation of lands based on soil characteristics does not maintain and enhance non-soil dependent agricultural activities, such as poultry production. Non-soil dependent agricultural activities should be maintained and enhanced through development regulations, rather than land use designations.
- Policy NR 1.6 Some parcels may contain both prime soils and soils that are poor or otherwise not suitable for agricultural purposes. Provisions should be made to allow land owners to redesignate that portion of the parcel containing soils that are poor or otherwise not suitable for agricultural purposes.
- Policy NR 1.7 The County recognizes that the USDA soils maps may contain mapping errors. Provisions should be made to allow landowners to request redesignation of such lands from agricultural resource lands to a more appropriate land use designation. Such provisions should require that the landowner demonstrate that the USDA soils map is in error for the landowner's parcel.
- Policy NR 1.83 The County encourages the multiple use of forestland. Multiple use management acknowledges the primary use and provides for other compatible uses. These uses may include air and water quality, fauna, flora and their habitats, viewsheds, watersheds and dispersed recreation.
- Policy NR 1.94 The County supports and encourages the maintenance of forest lands in timber and current use property tax classifications consistent with RCW 84.28 (Property Taxes – Reforestation Lands), 84.33 (Property Taxes – Timber and Forest Lands), and 84.34 (Property Taxes – Open Space, Agricultural, and Timber Lands – Current Use Assessment – Conservation Futures).
- Policy NR 1.105 The County discourages the establishment or expansion of special purpose taxing districts and local improvement districts in lands designated Natural Resource Land Use.
- Policy NR 1.116 The County endorses the concept of cooperative resource management as developed in the Washington State Timber, Fish, and Wildlife agreement, which is an agreement among industrial timber landowners, environmental groups, state resource agencies, Indian tribes, and counties for managing the state's public and private timberlands and public resources.
- Policy NR 1.127 Land Use activities within or adjacent to Natural Resource Land uses should be sited and designed to minimize conflicts with resource management and other activities on natural resource land.
- Policy NR 1.138 Resource management activities performed in accordance with county, state, and federal laws should not be subject to legal action as public nuisances.

- Policy NR 1.149** The maximum residential density on commercially significant agricultural resource lands is one unit per 20 acres.
- Policy NR 1.150** The maximum residential density on primary forest resource lands is one unit per 80 acres.
- Policy NR 1.161** The maximum residential density on designated mineral resource lands is one unit per 10 acres.
- Policy NR 1.172** Agriculture (including ranching), forestry and mineral resource related activities should be conducted in a manner that will minimize their adverse impacts on water quality, habitat, and other environmentally sensitive areas.
- Policy NR 1.183** Mineral extraction sites should be restored in a fashion consistent with Washington and Lewis County laws and regulations.
- Policy NR 1.1914** The County shall consider adopting “right-to-farm”, “right to forestry”, and “right-to-mine” ordinances to protect these land uses from nuisance lawsuits brought about by changing land use patterns.
- Policy NR 1.2015** It is the responsibility of any new incompatible land use to appropriately buffer itself from any existing forestry, agricultural, or mineral resource lands.

Major Policy Issues

The existing 1991 plan policy emphasizes the preservation of the interests of land owners involved in natural resource industry and provides for the protection of natural resource lands from adjacent incompatible land use. The proposed plan policy provides additional protection to designated natural resource land by incorporating by reference the 1998 natural resource land ordinance, provides for the identification as well as preservation of natural resource lands. In addition, proposed plan policy specifies maximum residential densities for development on designated natural resource lands. Proposed plan policies also state that natural resource related activities should minimize their adverse impacts on the natural environment.

Anticipated Impacts of Proposed Plan Policy

- Strengthen the County’s position in support of preservation of natural resource lands.
- Increase awareness of and implementation of sustainable use of natural resource lands.

Implementation Strategies

- To implement the 1998 Natural Resource Lands Ordinance updating it as necessary to ensure it is consistent with the Lewis County Comprehensive Plan as adopted.

NATURAL ENVIRONMENT SUB-ELEMENT

Introduction

The Natural Environment Sub-Element emphasizes the conservation and protection of the natural environment while preserving people's lives and property. Lewis County and the communities within it can and will continue to grow, but this growth must occur in a way which balances nature's needs with our own. By embracing a philosophy of sustainable land use management, the County can help prevent many environmental problems and avoid the long-term costs associated with correcting them.

Purpose

The purpose of this sub-element is to clarify the relationship between the natural environment and the built environment and to secure a balanced approach to future development. Sensitive areas such as wetlands, open spaces, and fish and wildlife habitat contain much of the natural wealth valued by County residents. Other sensitive areas, such as land prone to flooding and geologically hazardous areas are important because of the risk to lives and property posed by developing in them.

GMA Requirements

The GMA contains the following goals that directly relate to the Natural Environment.

- (3) **Reduce Sprawl** - Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (8) **Natural Resource Industries** - Maintain and enhance natural resource-based industries, including productive timber, agricultural, and mining industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- (9) **Open Space and Recreation** - Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands, and discourage incompatible land uses.
- (10) **Environment** - Protect the environment and enhance the state's high quality of life, including air and water quality, and availability of water.

Critical Areas

The GMA requires that local jurisdictions designate five critical areas and adopt development regulations that protect these areas (RCW 36.70A.170(1)(d)). The Washington Administrative Code (WAC) Chapter 365-190 identifies "Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands and Critical Areas" (hereafter referred to as "Minimum Guidelines"). Lewis County is required to consider the definitions found in the Minimum Guidelines when designating environmentally sensitive areas. Lewis County adopted an Interim Critical Areas Ordinance, No. 1150 on June 13, 1996. In addition, Lewis County has also adopted a Stormwater Management Ordinance (Ordinance No. 1161), and a Grading and Filling Ordinance (Ordinance No. 1146A).

The following descriptions summarize the definition of each critical area with some discussion of their functions and importance (this information is summary of information contained in Lewis County's Interim Critical Areas Ordinance No 1150):

Fish and Wildlife Habitat

Fish and wildlife habitat is defined as areas which meet the definition of a "Fish and Wildlife Habitat Critical Area" pursuant to WAC 365-190-080(5) and is essential for maintaining specifically listed species in suitable habitats. Lewis County maintains a fish and wildlife critical areas map which may be used as a general reference.

Shorelines

The state Shoreline Management Act of 1971 (SMA) defines shorelines as being within 200 feet of the ordinary high water mark or associated wetlands of all rivers with mean annual flow of 20 cubic feet per second (cfs) or more, or lakes of 20 acres in size or more. The SMA is based upon the philosophy that the shorelines of the state are among the most valuable and fragile of our natural resources and unrestricted development of this resource is not in the best public interest. Therefore, planning and management are necessary in order to prevent the harmful effects of uncoordinated and piecemeal development of the state's shorelines.

Lewis County adopted its Shoreline Master Program (SMP) in June, 1980. The SMP identifies rivers, streams and lakes that fall within the jurisdiction of the SMA. In addition the SMA defines "Shorelines of State-wide Significance". Definitions applicable to shorelines in Lewis County include natural rivers or segments thereof west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cfs, or more; lakes with a surface acreage of 1,000 or more acres measured at the ordinary high water mark; and associated wetlands. The Lewis County SMP identifies four rivers (Chehalis, Cispus, Cowlitz, and Nisqually), and three lakes (Riffe, Mayfield, and Alder) as having shorelines of statewide significance.

Wetlands

Wetlands are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate the conversion of wetlands.

Lewis County adopts the Washington State Wetlands Identification and Delineation Manual (publication #96-94), for use in the identification of wetland areas. Lewis County has established two classes of wetlands that are based upon the Department of Ecology's four-tiered rating system. *Class A Wetlands* are all wetlands scoring a Category I or Category II rating under the

DOE rating system. *Class B Wetlands* are all wetlands scoring a Category III or Category IV rating.

Frequently Flooded Areas

Frequently flooded areas are floodways and associated floodplains designated by FEMA on the area flood hazard maps for Lewis County.

Aquifer Recharge Areas

Aquifer recharge areas are areas which rainwater and other surface waters percolate downward through surface soil and underlying geologic formations are permeable enough to allow significant additions of water to an underlying aquifer that is a source of drinking water that is vulnerable to contamination, thus affecting the potability of the water.

Geologically Hazardous Areas

Geologically hazardous areas are areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

Parks and Recreation Facilities and Open Space Policies³³

Many of Lewis County's park and recreation opportunities are associated with the natural environment, particularly rivers, lakes and streams, and national forest lands. Figures 4.21a through 4.21c show the existing park and recreation facilities in Lewis County.

Lewis County recognizes five key goals for open space in the current plan which promote the overall county objectives in GMA. Open space may be derived from dedication and designation, such as parks or public areas; or may result from physical features incompatible with development, such as flood hazard areas and steep slopes; or may result from use patterns such as timber management or agricultural production. The five key open space areas in Lewis County are:

Park and recreation facilities, including national parks, national forests, and wilderness areas, state parks, city and county parks, power company recreational areas, and private parks and recreational areas.

- Resource lands, including designated timber lands and agricultural lands
- Hazard and critical areas, including steep slopes over 40%, flood hazard areas, and wetlands.
- Lands which shape the county urban centers, including steep slopes, river flood hazard areas, and resource lands.
- Lands which provide visual and physical corridors to protect the rural character of the county and provide physical habitat and corridors for wildlife, including steep slopes, designated farm lands, and flood hazard areas in urban and rural settings.

Park and Recreation Goals

³³ See Appendix for Figures 4.21a, 4.21b, and 4.21c, all entitled "Parks and Recreational Facilities."

The county park and recreation plan, adopted in 1995, provides the key guidelines for county park and recreational development. The plan is supplemented by the activities of the county park and recreation department. Key recreational goals of the county are:

Maintain and enhance existing parks, including joint ventures and adopt-a-park projects with the power utilities, small towns, and service clubs.

- Support state activities, including two new state parks near Packwood and Dodge Road.
- Support improvement of power company recreational proposals along Riffe and Mayfield Lakes as identified in Exhibit "R" to FEMA relicensing proposals which identify recreational opportunities and obligations of the power companies in the dam relicensing process.
- Promote public/private partnerships and opportunities for rural recreational activities.
- Support senior center activities, both existing and in new areas.
- Promote and support public and private efforts for trails, teen centers, activity fields, swimming opportunities, and firearm ranges.
- Acquire public lands for access to lakes and rivers.
- Identify revenue sources.

Open Space Goals

The County recognizes the importance of open space corridors linking regions of the county and providing physical and visual relief to the built environment. In Lewis County the character of rural Lewis County is derived from its association with large acreage of lands in both the eastern and western portions of the county which are either park, wilderness, or resource lands. Connecting these large blocks of land are corridors which flow to and through both the rural and urban areas, defining and separating the developed lands, defining the cities, and providing access and habitat for wildlife. The corridors follow the stream and river valleys and are comprised of steep slopes, agricultural resource land, and flood hazard areas. Unlike park and recreation areas, open space lands may be either public or private ownership and are often not generally available to public access. Privately owned lands in flood hazard areas (over 40,000 acres), and lands currently managed by Tacoma City Light under conservation easements (over 15,000 acres) are part of this later category.

Historic and Cultural Sites

Lewis County is the historic home of both the Cowlitz and Chehalis Indian Tribes and many of their important sites remain in Lewis County.

Prior to statehood, Lewis County was the center of much of the early west coast trading activity both with the British and the French, as well as early U.S. settlers. The county also has sites of historic and cultural importance. The state and federal governments have programs designed to identify and recognize historic and culturally significant sites in Lewis County. The county recognizes and supports that activity, particularly as it affects the rural areas of the county.

Too often, the identification or designation of a historic or culturally significant site is hampered by the fear that the owner of the site will be prejudiced in the use of the property by bringing such sites to public attention. The county should identify development incentives to encourage the identification and protection of listed historic and culturally significant sites.

The County shall maintain a current map of historic sites. Figures 4.23a, b, c, and d.

Natural Environment Goals, Objectives and Policies

- NE GOAL** Preserve the natural and scenic beauty of Lewis County, and minimize the impact of development on the County's environmental resources.
- Objective NE 1** Encourage development in areas with few environmental hazards in order to minimize both the loss of natural resources due to urbanization and the loss of capital investment and life due to natural disasters.
- Policy NE 1.1** The 1998 Lewis County Critical Areas Ordinance (Ordinance No. 1150) is included as an appendix to this plan.
- Policy NE 1.2** The 1998 Lewis County Shoreline Master Program is included as an appendix to this plan.
- Policy NE 1.3** The 1992 Lewis County Solid Waste Management Plan is included as an appendix to this plan.
- Policy NE 1.4** New development should be located in areas which have minimal environmental constraints (e.g., soils, steep slopes, bedrock, water table, flood prone areas).
- Policy NE 1.5** Residential development should be discouraged and/or mitigated within the 100-year flood plain and prohibited in the floodway or that area which includes the center of the channel of a creek, stream or river and that area which carries the majority of water during a flood.
- Policy NE 1.6** Increased storm water runoff from new development will not adversely impact other properties.
- Policy NE 1.7** Lewis County should be granted drainage easements for all major drainage ways.
- Objective NE 2** Improve the level of air quality in Lewis County.
- Policy NE 2.1** Encourage activities that produce air pollutants and odors to comply with adopted air quality standards for the county.
- Policy NE 2.2** Encourage the use of alternative cleaner burning fuels.
- Policy NE 2.3** Establish educational programs concerning the impacts of wood burning on the air quality of Lewis County and the need to limit use during periods of temperature inversions.
- Objective NE 3** Improve and maintain the quality and quantity of water in Lewis County.
- Policy NE 3.1** Encourage water management for improved water conservation, storage, and delivery of potable water in Lewis County, as well as for improved flood control.

- Policy NE 3.2** Encourage intensive livestock operations to locate in areas with less productive soils and low potential for ground and surface water contamination.
- Policy NE 3.3** Developments near surface waters should be encouraged to minimize their impact on water supplies through increased setbacks, buffering and other mitigation techniques.
- Policy NE 3.4** Protect the aquifer recharge areas to help ensure a long term, high quality supply of water for Lewis County residents.
- Policy NE 3.5** Encourage development in areas with few soil limitations for septic tank filter fields to help prevent the contamination of groundwater supplies.
- Policy NE 3.6** Promote Best Management Practices for avoiding potential groundwater pollution sources including on-site wastewater treatment by providing for proof of non-impact by real estate developers.
- Objective NE 4** Maintain the quality of the county's environmentally sensitive critical areas.
- Policy NE 4.1** Preserve hazardous areas (subject to geologic and flood hazards) as open space wherever possible.
- Policy NE 4.2** Encourage the preservation of natural buffers along the county's rivers, lakes and streams.
- Policy NE 4.3** Encourage the preservation of wetlands, open lands, and habitat areas for the benefit of the county's indigenous fish and wildlife and quality of life of county residents.
- Policy NE 4.4** Promote responsible, multiple uses of the land that minimize impacts to outdoor recreation, fish and wildlife habitats, and watersheds.
- Policy NE 4.5** Recreationalists shall be encouraged to safeguard plant and animal habitat. They shall be encouraged to pack out their trash and leave the area as clean as they find it.
- OBJECTIVE NE 5** Life and property should be protected from flood hazards, and the flood storage and transmission capacity of rivers and streams should be retained.
- Policy NE 5.1** The county should give priority to such land uses as forestry, agriculture, public recreation, or water dependent uses in area subject to flooding to minimize the hazards to life and property. Other developments in the flood plain should be of low priority and constructed to avoid damage from floods, including compensating design features.

Policy NE 5.2 The county should maintain storage and transmission capacity of floodplains by prohibiting filling of wetlands and discouraging filling elsewhere in the floodplain. Where filling is permitted the carrying capacity and storage of the streams shall be protected.

Policy NE 5.3 The county should prohibit encroachment in floodways except for the purpose of stabilizing channels against erosion in order to protect agricultural lands, public roads and bridges, existing public or private structures to achieve habitat enhancement.

OBJECTIVE NE 6 Stormwater management should be maintained as a major long-term utility service responsibility of local government.

Policy 6.1 Land se activities and septic tank effluent should not result in polluted stormwater runoff that results in degraded surface or ground water.

Policy 6.2 Existing and new development should minimize increases in total runoff quantity, maximizes on-site infiltration, should not increase peak stormwater runoff, and should avoid altering natural drainage systems to prevent flooding and water quality degradation.

Major Policy Issues

The proposed plan policies really will dramatically strengthen the county's position on protecting/preserving the natural environment. The existing 1991 plan had only one policy that really spoke to the natural environment and it relates to the behavior of individuals who are recreating in the county's open spaces.

Anticipated Impacts of proposed plan policy

The anticipated impacts of the proposed plan policy are to strengthen the County's position on environmental protection from what it was when the 1991 plan was written. The County policies as written emphasize a cooperative stewardship approach between public and private sector over a heavy-handed, top-down approach to enforcement of environmental protection. The County hopes to use education and position of partnership in support of sustainable economic development as its focus in achieving environmental protection. The policies also reference the existing ordinances which provide regulatory guidance for future development in the County.

Implementation Strategies

- The County will implement the Critical Areas Ordinance and Shoreline Management Program revising as necessary to assure consistency with the Comprehensive Plan as adopted.
- The County will develop and adopt development standards for development in the rural areas. This will include measures such as clustering to avoid critical areas.
- Work with the incorporated cities and towns to develop inter-local agreements governing development of unincorporated portions of designated urban growth areas to encourage

development that can be served by public/community infrastructure systems to lessen the impact on natural systems.

- The Lewis County Assessor and Board of Equalization shall take into account the restrictions that this plan and related development regulations may place on the use of private property when determining assessed valuation. Restrictions to be considered shall specifically include limitations on the use of property and reductions in buildable areas resulting from critical area regulations and land use restrictions based on density and use designations and the requirements of county development standards, including recommendations to demonstrate adequate water and septic to serve any proposed development. See RCW 84.40.030(1).
- The County will make provision for adequate staff to assure implementation, monitoring, and enforcement of plan and regulatory programs.

SL020880194

Ordinance 1197

Attachment B

Determination of Non-Significance

**LEWIS COUNTY – STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NONSIGNIFICANCE**

DETERMINATION OF NON-SIGNIFICANCE

LEAD AGENCY: Lewis County--Community Development Department

PROPOSER: Lewis County
Community Development Department
2025 NE Kresky Ave
Chehalis, WA 98532

DESCRIPTION OF PROPOSAL: Lewis County proposes to amend its zoning and comprehensive plan maps, comprehensive plan text, and development code to comply with orders of the Western Washington Growth Management Hearings Board in *Panesko, et al. v. Lewis County*, WWGMHB 00-2-0031c, and *Butler, et al. v. Lewis County*, WWGMHB 99-2-0027c. The most recent order, Order Finding Noncompliance, Imposing a Determination of Invalidity and Setting New Compliance Schedule, was issued June 8, 2007. The order directs Lewis County to bring the designation and regulation of agricultural resource lands (ARL) into compliance with the Growth Management Act. The comprehensive plan land use map and the zoning map amendments would establish new ARL based on new prime soils information from the federal National Resource Conservation Service, and designation criteria promulgated in WAC 365-190-050. The comprehensive plan text would be amended to include policies directing the ARL designation process. The Lewis County Code would be amended to address permitted uses in the ARL and Rural Development District (RDD) zones, strengthen the right to farm provisions, and eliminate overlay districts pertaining to farming.

LOCATION OF PROPOSAL: Lewis County

S/T/R: N/A

TAX PARCEL NUMBER: N/A

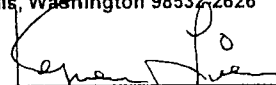
THRESHOLD DETERMINATION: Lewis County, acting as the SEPA lead agency for this proposal, has determined that it WILL NOT have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is open to the public on request at the Lewis County Community Development Department, 2025 NE Kresky Ave in Chehalis, WA during normal business hours.

This DNS is issued under WAC197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. There is no comment period for this DNS.

Responsible Official: Kernien Lien, Senior Planner
Lewis County Community Development
2025 NE Kresky Ave
Chehalis, Washington 98532-2626

Contact Person: Kernien Lien, Senior Planner
Lewis County Community Development
2025 NE Kresky Ave
Chehalis, Washington 98532-2626

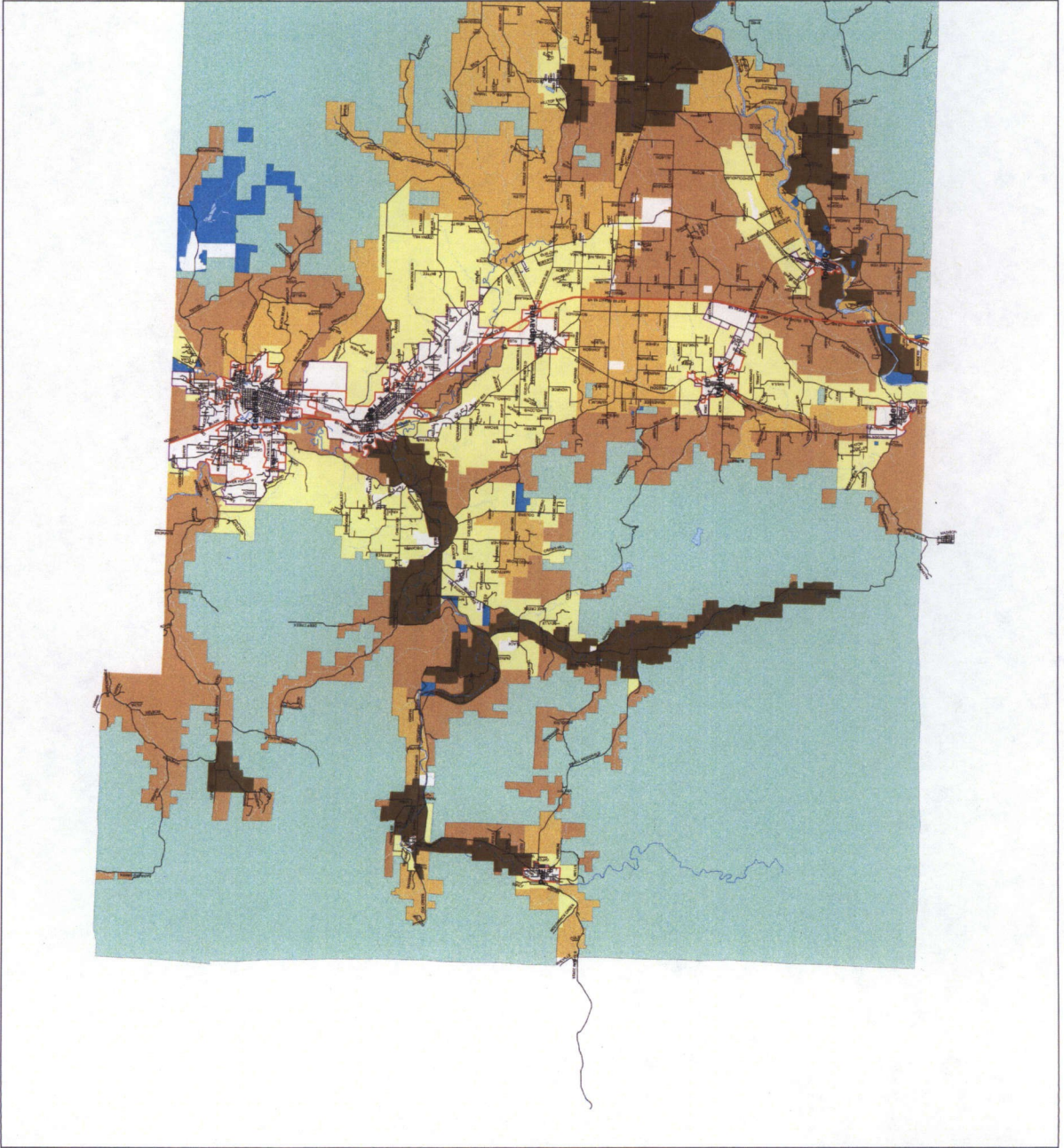
Date of Issue: September 17, 2007


Kernien Lien, Senior Planner

There is no comment period for this DNS.

This SEPA determination may be appealed to the Lewis County Hearings Examiner anytime from September 18, 2007 through October 3, 2007. Appellants should be prepared to make specific factual objections. Details regarding the appeal process may be obtained from the Responsible Official.

Official Zoning Map
 Lewis County, Washington
**Rural Zoning
 Exhibit #107a**



Lewis County Washington
 APR Linda
 Chairman

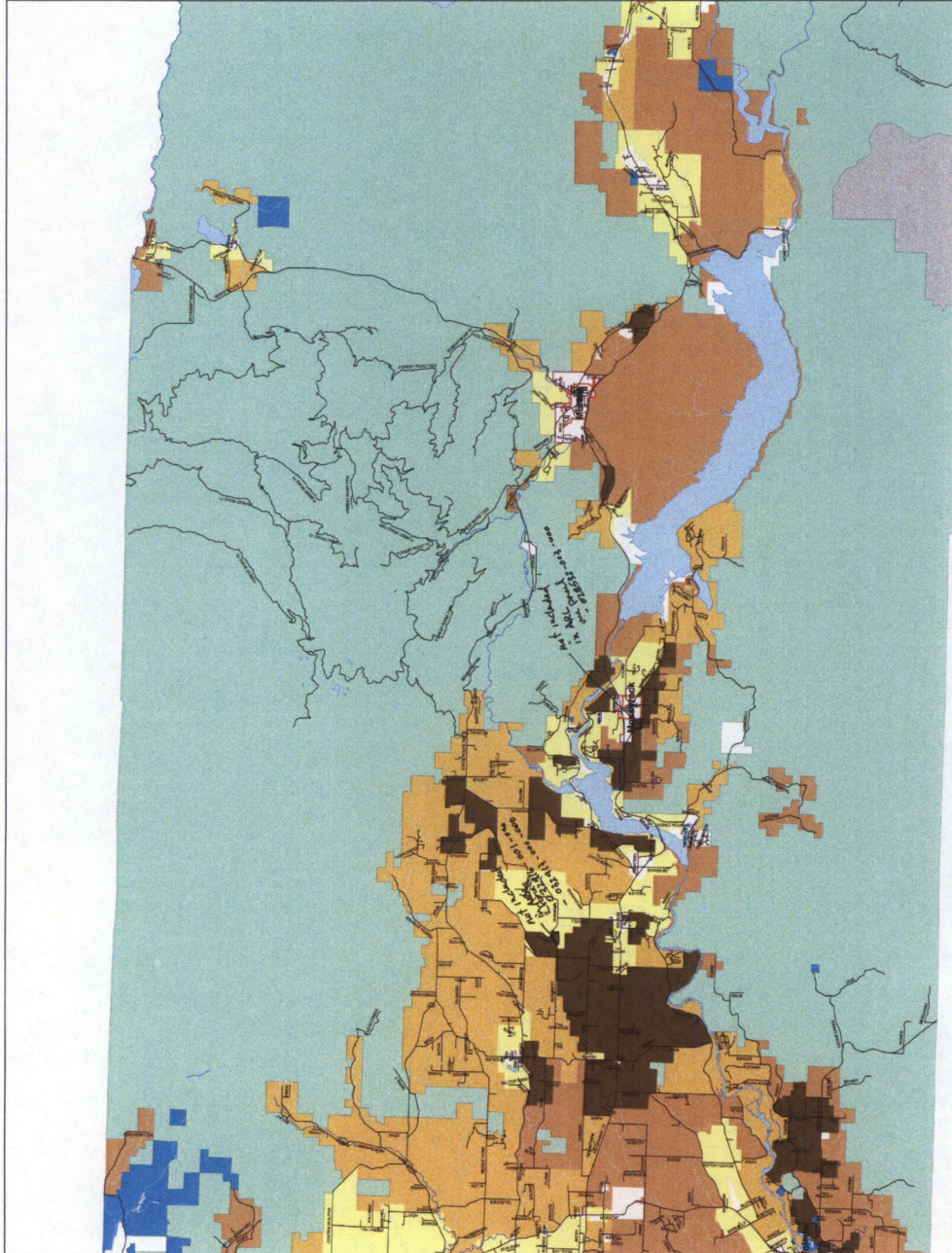
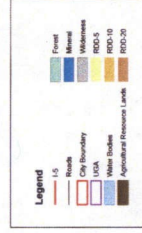
Adopted: 5 NOV 87

Member
 Member

This map was compiled by BHC Consultants. Scale data used in mapping is based on 2006 data. While every effort has been made to ensure the map has not been verified, and should be used for informational purposes only. Any possible discrepancies should be brought to the attention of Lewis County Information Services.

Projection: Lambert Conformal Conic
 Standard Parallels: 46° 00' 00" N
 U.S.G.S. State Plane Zone 502

**Official Zoning Map
Lewis County, Washington
Rural Zoning
Exhibit #107b**



Lewis County Washington
 ARL Laffin
 Chairman

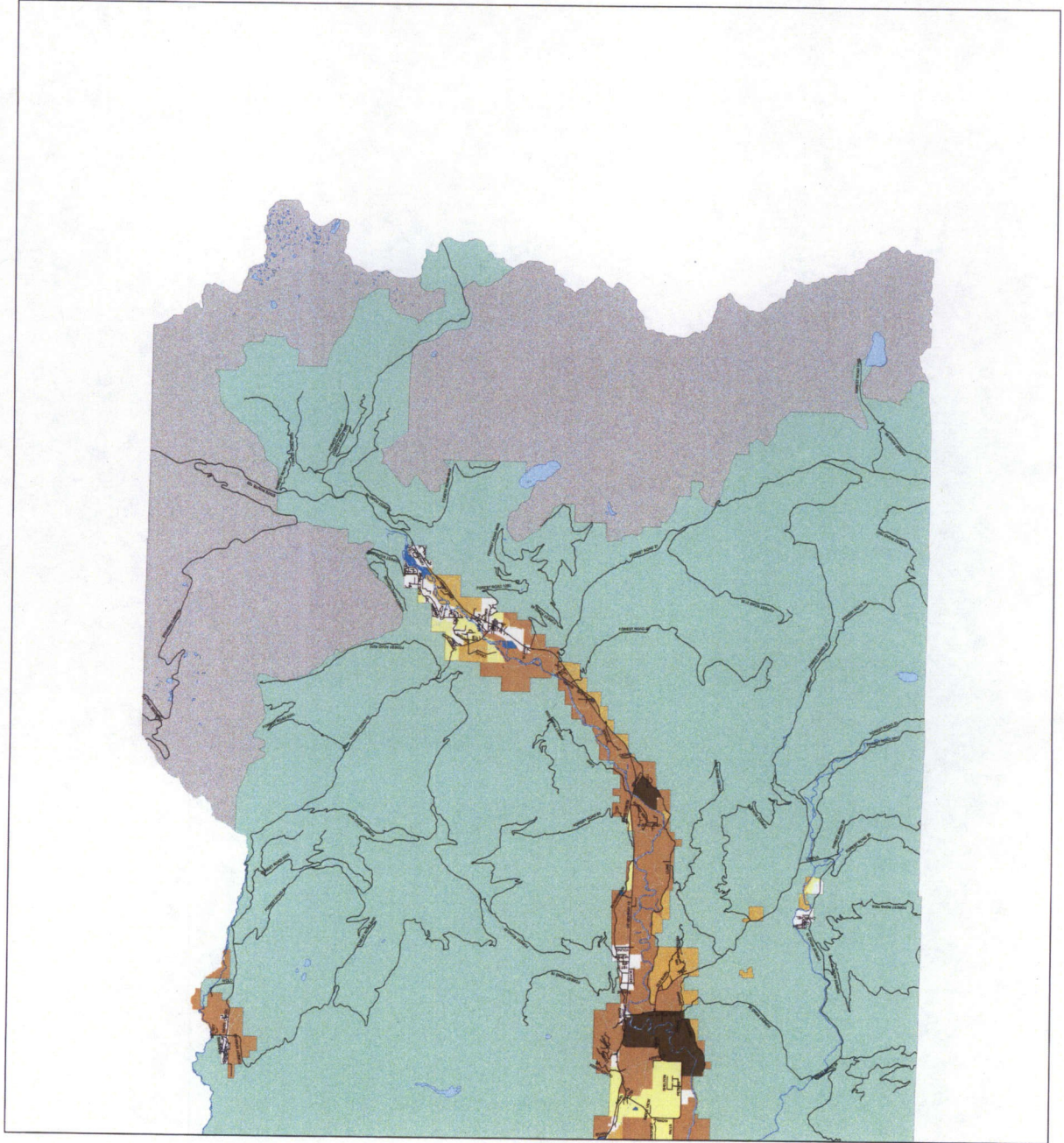
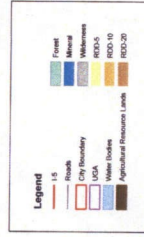
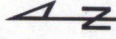
Adopted: 5 JUN 67

Member
 Member

This map was compiled by BHC Consultants, Inc. for Lewis County Washington. The accuracy of the map has not been verified, and should be used for informational purposes only. Any use of this map should be referred to the attention of Lewis County Information Services.

Projection: Lambert Conformal Conic
 Date: 1983
 U.S.G.S. State Plane Zone 9528

Official Zoning Map
 Lewis County, Washington
**Rural Zoning
 Exhibit #107c**



Lewis County, Washington

ARL Lyda
 Chairman

Member
 Member

Adopted: 5/14/07

This map was compiled by BHC Consultants, Inc. and based on mapping by BHC Consultants, Inc. based on 2006 NRCSS data. The map has not been verified, and should be used for informational purposes only. Any errors or omissions should be brought to the attention of Lewis County Information Services.
 Projection: Lambert Conformal Conic
 U.S.G.S. State Plane Zone 5028