

Board of County Commissioners

Public Hearing



Community Development • 2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146

STAFF REPORT

Date: April 21, 2022

Staff: Mindy Brooks, Senior Long Range Planner

Regarding: Ordinance 1333 - Proposed amendments to Chapter 17, Land Use and Development Regulations

Lewis County Community Development is proposing amendments to Chapter 17.10.030, Definitions, 17.15, Urban Growth Areas – Cities, 17.30, Resource Lands, 17.42, Land Use Summary, and 17.142, and Land Use standards, of the Lewis County Code. The amendments are grouped into topics:

1. Composting
2. Data Collection and Research
3. Minimum Lot Sizes
4. Code Violations

Each topic is addressed below with background information, including whom (if anyone) requested the amendments, and a summary of the issues and recommendations. Public comments received to date on the proposed amendments are available on the [Community Development webpage](#). The full code amendments are published separately as exhibits to Ordinance 1333.

Other than the specific code sections being amended, all other Lewis County Code (LCC) sections still apply to any proposed use or development. For example, allowing composting facilities in Rural Area Industrial (RAI) zoning district does not exempt that use and development from [Chapter 17.25, Shoreline Management](#), or [17.38, Critical Areas](#) LCC; nor does that allowance exempt the use and development from SEPA. All sections of LCC and any other applicable state and federal rules must be met.

1. COMPOSTING

Background

Community Development received a request from Sitts & Hill Engineers, Inc. on behalf of Meridian Hill Composting, Inc. to allow composting facilities in Regional Area Industrial (RAI) zones. Currently, composting facilities are allowed in the Rural Development Districts (RDD) and Agricultural Resources Lands (ARL) but not allowed in industrial zones. Staff recognize that composting facilities are consistent with other types of industrial activities permitted in RAI, as well as Small Town Industrial (STI) zones. In addition, proposed state legislation may soon require local jurisdictions to allow more alternatives to reduce the amount of recyclable waste in landfills.

Summary of Issues and Recommendations

- A. **Issue:** Facilities that produce compost for commercial sale are only permitted in Rural Development District (RDD) zones with a Special Use Permit or as an incidental use in ARL zones. The facilities have more similarities with the types of development that are permitted in RAI and STI versus the RDD zones.

Recommendation: Allow composting facilities as a use in RAI and STI zones. In RAI zones composting facilities should be allowed without any additional land use permits. A Master Site Review and SEPA would still be required. In STI zones the facilities should be permitted with a Type II Administrative Approval Permit because STI zones are likely to be in closer proximity to residential parcels when located in a Local Area of More Intense Rural Development (LAMIRD) and therefore deserve more scrutiny. If the facility is greater than 20,000sf, then it would require a Special Use Permit. (See Ordinance 1333 Exhibit D.) All other requirements of LCC must be met; as well as all state requirements related to composting facilities.

- B. **Issue:** Lewis County Code does not currently define what a Composting Facility is, except that it is a separate use from other solid waste facilities in LCC 17.42.020; this has created confusion.

Recommendation: Add a definition in LCC that properly defines what types of facilities are consider to be composting, separate from other solid waste facilities. (See Ordinance 1333 Exhibit A.)

- C. **Issue:** Composting facilities, like other industrial uses, could create visual, noise and odor nuisances to the public.

Recommendation: Establish design standards that would limit the potential nuisances. The standards proposed would require composting facilities to construct a perimeter screen that would provide a noise and sight buffer to neighboring parcels. It is likely that most composting facilities will exceed the minimum threshold exemptions for SEPA (4,000sf) and stormwater (5,000sf) which will add additional noticing and nuisance controls for proposed facilities. All composting facilities, regardless of size or which zone the facility will be located in, will be required to meet the proposed standards. (See Ordinance 1333 Exhibit E.)

2. DATA COLLECTION AND RESEARCH

Background

Scout Clean Energy requested a code amendment to allow installation of a metrological (met) tower for weather research purposes. In other counties, data collection and research is often exempt from land use codes, when the equipment does not interfere with the primary use of the land.

Summary of Issues and Recommendations

- A. **Issue:** Chapter 17.30.460, 17.30.620 and 17.30.770 LCC currently allow research as an accessory or incidental use in Resource Lands if the research is directly connected with the primary forestry, agricultural or mineral use. However, data collection and research that is not directly connected to the primary use is not addressed in Chapter 17.30 and therefore, not allowed.

Recommendation: Allow temporary equipment for data collection and research that is not directly connected to the primary use of the resource land. Chapters 17.25, Shoreline Management, and 17.38, Critical Areas, must still be met. A building permit pursuant to Title 15 may also be required. (See Ordinance 1333 Exhibit C.)

- B. **Issue:** The request was made for a met tower to collect wind speeds related to energy production. Allowing the data collection should not be consider tacit approval of future wind energy production, which Lewis County does not currently permit.

Recommendation: Include a statement that the exemption does not commit Lewis County or any other agency to proceed with subsequent proposals or applications. (See Ordinance 1333 Exhibit C.)

3. MINIMUM LOT SIZES

Background

Each zone in LCC Chapter 17 describes uses allowed and the requirements associated with subdividing land. For example, LCC 17.100.015, states that parcels zoned RDD-5 can be subdivide to a density of one dwelling unit per five acres; therefore, the minimum lot size is five acres. Each zone has a similar standards.

Summary of Issues and Recommendations

- A. **Issue:** The minimum lots sizes are dispersed throughout LCC Chapter 17 and it is difficult for people to find the information quickly and easily.

Recommendation: Add a table that consolidates and summarizes the minimum lot size requirements in one location in the zoning code. Note, no changes to the minimum lot size requirements are proposed. (See Ordinance 1333 Exhibit D.)

4. CODE VIOLATIONS

Background

There are three options that cities can chose from for how to administer county and city codes within an urban growth area (UGA). Typically, there is a mix of both county and city codes

implemented in a UGA until such time as the city annexes. City of Chehalis raised a concern regarding the clarity about the county authority to enforce LCC within the UGA.

Summary of Issues and Recommendations

- B. **Issue:** Lewis County has the authority to enforce LCC within the unincorporated UGA of cities; however, that authority was not explicitly stated in LCC Chapter 17.

Recommendation: Add an amendment that clarifies when a violation of LCC occurs in the UGA, the county can utilize the typical enforcement tools to address the violation. In practice this already occurs. The new language codifies enforcement. (See Ordinance 1333 Exhibit B.)

A duly notice public hearing was held on March 22, 2022 before the Lewis County Planning Commission. Following the hearing, the Planning Commission voted to recommend that the Board of County Commissioners approved the code amendments found in Ordinance 1333. The Planning Commission transmittal letter was signed on March 23, 2022.

Two of the code amendment packages – composting facilities and data collection and research – required SEPA review for non-project actions. A determination of no significant impact was issued for both packages on April 5, 2022. SEP22-0011 and SEP22-0012 are available on the Community Development webpage, under Comprehensive Plan and Development Regulation Amendments. Public comments submitted on the determination area also available on the webpage.

<https://lewiscountywa.gov/departments/community-development/rezones/comprehensive-plan-and-development-regulation-amendments/>