

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

APPROVE AMEDMENTS TO CHAPTER 17.30, RESOURCE LANDS,	)	
OF THE LEWIS COUNTY CODE	)	
	)	ORDINANCE 1336
	)	

WHEREAS, Lewis County is required by RCW 36.70A.130 to periodically review and evaluate its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the Washington State Growth Management Act; and

WHEREAS, RCW 36.170A.130(2)(a) requires that amendments to comprehensive land use plans not be made more than once per year except adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, including amendments to development regulations that are consistent with a comprehensive plan adopted under RCW 36.70A; and

WHEREAS, the Lewis County Comprehensive Plan (Ordinance 1287) was adopted in 2017 by the Board of County Commissioners and is consistent with RCW 06.70A, Growth Management; and

WHEREAS, as provided for by RCW 36.70A.130, the Lewis County Planning Commission elected to conduct a periodic review and update of Title 17, Land Use and Development Regulations, of the Lewis County Code (LCC); and

WHEREAS, the code amendments shown in Exhibits A are consistent with RCW 36.70A.130(1)(d) and the Lewis County Comprehensive Plan policies as described in Exhibit B, Further Findings of Fact; and

WHEREAS, staff provided notice for a public hearing on the proposed code amendments in the manner prescribed in Chapter 17.05 and 17.12 LCC on March 8, 2022; and

WHEREAS, on March 22, 2022, the Lewis County Planning Commission held a public hearing on the proposed code amendments shown in Exhibit A; and

WHEREAS, following the public hearing, the Planning Commission deliberated and determined that the proposed amendments met the intent and requirements of the Growth Management Act, were consistent with the Lewis County Comprehensive Plan and were in accordance with the public interest; and

WHEREAS, on August 30, 2022, the BOCC passed Res. 22-XXX to hold a public hearing on Ordinance 1336 and directed the Clerk of the Board to provide notice of the hearing; and

WHEREAS, the Lewis County BOCC held a duly noticed public hearing on the proposed amendments to Chapter 17.30 LCC on September 20, 2022; and

WHEREAS, the Lewis County Board of County Commissioners finds that the proposed amendments to Chapter 17.30, Resource Lands, LCC best serves the residents of Lewis County.

NOW THEREFORE BE IT RESOLVED the Board of County Commissioners hereby adopts the amendments to the Chapter 17.30, Resource Lands, LCC as shown in Exhibits A; and

NOW THEREFORE BE IT FURTHER RESOLVED the Board of County Commissioners hereby adopts Exhibit B as further findings of fact.

PASSED IN REGULAR SESSION THIS _____ DAY OF MONTH, 2022.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Civil Deputy Prosecuting Attorney

Lyndsey R. Pollock, DVM, Chair

ATTEST:

Sean Swope, Vice Chair

Rieva Lester, Clerk of the Board

F. Lee Grose, Commissioner

Exhibit A – AMENDMENTS TO LEWIS COUNTY CODE 17.30, RESOURCE LANDS

Code text to be removed is shown with a ~~strike through~~ and code text to be added is shown with an underline.

CHAPTER 17.30, RESOURCE LANDS

Article I. General Provisions

[No change]

Article II. Reserved

[No change]

Article III. General Requirements

17.30.290 Applicability.

[No change]

17.30.300 Relationship to other regulations.

[No change]

17.30.310 Exemptions.

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

- (1) Existing and ongoing agricultural activities on lands designated as resource lands on the effective date of the ordinance codified in this chapter;
- (2) Normal and routine maintenance and operation of existing irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, landscape amenities, farm ponds, fish ponds, manure lagoons, and animal water ponds; provided, that such activities do not involve conversion of any resource lands to other than resource land uses;
- (3) Maintenance, operation, repair, or replacement of utility facilities and associated rights-of-way, including but not limited to reasonable access roads, and construction of utility facilities reasonably necessary;
- (4) Passive recreational uses, sport fishing or hunting, scientific or educational review, or similar minimal-impact, nondevelopment activities;
- (5) Site investigative work required by a city, county, state, or federal agency in conjunction with the preparation of a land use application submittal such as surveys, soil logs, percolation tests, and

other related activities. In any such activity, resource lands are avoided where possible and minimized where necessary, and disbursed to the extent possible;

- (6) Maintenance, operation, reconstruction of or addition to existing roads, streets, and driveways; provided, that reconstruction of any such facilities does not extend outside the previously disturbed area;
- (7) Any projects currently under review and “vested” as that term is used in RCW 19.27.095 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; and
- (8) Temporary equipment for basic data collection and research, if all of the following are met:
 - (a) The equipment does not detract from the overall productivity of the primary use;
 - (b) The equipment is used strictly for information gathering or as a part of a study leading to a proposal that has not yet been approved;
 - (c) The equipment is removed within at least 10 years of erection; and
 - (d) All disturbance areas are restored to the original condition.

This exemption does not commit Lewis County or any other agencies to proceed with subsequent proposals or applications. This exemption does not include towers and equipment used by airports or the Washington Department of Transportation. Any equipment remaining place for more than 10 years shall be considered permanent and will not be considered exempt under this section.

17.30.360 Nonconforming activities.

[No change]

17.30.370 Notification of proximity to natural resource lands – Conflict mitigation.

[No change]

17.30.380 Nonregulatory incentives.

Ordinance 1336

[No change]

17.30.390 SEPA.

[No change]

17.30.400 Judicial or legislative modification.

[No change]

17.30.410 Cost recovery.

[No change]

Article IV. Forest Resource Lands.

[No change]

Article V. Agricultural Resources Lands.

[No change]

Article VI. Minder Resource Lands.

[No change]

Exhibit A – FURTHER FINDINGS OF FACT

Lewis County Code 17.30, Resource Lands Amendments

1. Land Use – Rural Element
 - a. Policy 2.1, Promote the development of a vital rural economy in Lewis County with jobs in agriculture, mining, timber production, home occupations, small businesses, and a variety of other industries. Data collection and research can support many economic development opportunities associated with rural industries and promote job creation.
2. Land Use – Resource Lands
 - b. Policy 4.3, Allow additional land use activities on resource lands, including small business and agritourism ventures, so long as the uses do not jeopardize the long-term viability of the resource use or occur in a manner inconsistent with rural character. Data collection and research can support many economic development opportunities, including small business, and promote job creation.
 - c. Policy 5.1, Work to ensure that agriculture (including ranching), forestry and mineral resource activities are conducted in a manner that minimizes their adverse impacts on water quality, habitat, and other environmentally sensitive areas. Data collection and research will allow property owners to monitor impacts on water quality, habitat and other environmental features and functions.
3. Land Use – Natural Environment
 - d. Policy 2.2, Encourage the use of alternative, cleaner burning fuels and other sources of energy. Data collection and research may aid in the establishment of new alternative energy production.
 - e. Objective 4A, Reduce risk to life and property from hazards associated with development in geologically hazardous areas. Objective 4B, Seek to retain the function and values of wetlands in Lewis County. Objective 4C, Protect aquifer recharge areas to help ensure a long term, high quality supply of water for Lewis County residents. Objective 4D, Protect life and property from flood hazards. Data collection and research may provide information that help protect environmental resources and reduce the risk to life and property from hazards such as flooding, landslides and wildfire.
4. Economic Development
 - f. Policy 2.1, Strive to create jobs in sectors such as industry, tourism, recreation, agriculture, natural resources, and retailing. Data collection and research will support new rural job opportunities and revenue in Lewis County.
 - g. Policy 2.4, Facilitate the continued operation of resource-based industries such as agriculture, forestry, mineral extraction, and energy production. Data collection and research will support resource-based industries.
 - h. Policy 3.1, Support economic development activities that pursue industries, businesses, and jobs that are well-suited for Lewis County. Data collection and research will support economic development related to agricultural, forestry and natural resource industries that exist in Lewis County.
 - i. Policy 5.1, Support the creation of new energy generation facilities, and the establishment of businesses that harness the power of renewable natural resources. Data collection and research may support creation of new alternative energy production.