

Board of County Commissioners Workshop



Community Development • 125 NW Chehalis Avenue, Chehalis, WA 98532 • Phone: (360) 740-1146

STAFF REPORT

Date: December 3, 2025
Staff: Natalie Kamieniecki, Senior Long-Range Planner
Attachments: Attachment A - Lewis County Code Amendments 17.38
Attachment B – Lewis County Code Amendments 17.10
Attachment C-Planning Commission Letter of Transmittal
Attachment D-Facet Memo to BOCC
Attachment E- [Lewis County Critical Areas Ordinance Gap Analysis](#) (online only)
Attachment F - [Lewis County Best Available Science](#) (online only)

BACKGROUND

As part of the Comprehensive Plan Periodic Update the Critical Areas Ordinance development regulations, Chapter 17.38, Critical Areas, and Chapter 17.10, Definitions, are being updated to address changes in state law and best available science.

Overall, the Critical Areas Ordinance requires minimal updates and revisions. Many of the changes are related to a larger code reorganization for clarity and consistency. The Critical Area Ordinance, Chapter 17.38, and Chapter 17.10 Definitions and related studies can be accessed here: <https://lewiscountywa.gov/departments/community-development/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/critical-areas-ordinance/> or hard copy upon request.

SUMMARY OF AMENDMENTS

1. **General:** Throughout the code, various sections have been updated for clarity, accuracy, and consistency with current Ecology manuals. These revisions are noted in the accompanying commentary. Key updates include a revised statement of authority and the addition of a purpose statement clarifying that the chapter is established pursuant to the Growth Management Act (GMA) and RCW 36.70A.172. Language has also been updated to better explain how mapping resources and available maps are used to determine whether further investigation is needed to identify the presence, location, extent, and characteristics of critical areas. Additionally, “no net loss” principles and consistency with best available science have been incorporated throughout the code where appropriate and are referenced in the commentary.

2. **Fish and Wildlife Habitat Conservation Areas Reorganization:** The Fish and Wildlife Habitat Conservation Areas sections have been reorganized largely consisting of moving the language within LCC 17.38.465-480 to LCC 17.38.420 and .430. This included a new table, Table 17.38-7, which holds stream buffer information formerly in Table 17.38-6
3. **Permit Exemptions Reorganization:** This section has been moved from Article II to its own section 17.38.060. Permit exemptions 'Activities that do not require a Lewis County permit' is not a new section or requirement. Additional considerations of note include vegetation management, minor and short term utility projects, and emergency actions including emergency removal of hazard trees.
4. **Critical Areas Report:** A critical areas assessment report is required to address geologically hazardous areas pursuant to LLC 17.38.610 and critical aquifer recharge areas pursuant to LCC 17.38.810. This is not a new requirement and is intended only to improve the clarity and readability of the code
5. **Mitigation sequencing:** Applies to critical areas and their buffers. Added flexibility in the mitigation timeline monitoring for small projects, by case-by-case consideration of monitoring requirements. Criteria for buffer width reduction and averaging have been updated to address best available science and no net loss requirements.
6. **Wetlands:** Updated to reference the current wetland classification system as set forth in the most recent Ecology publication referenced in LCC 17.38.230(1). Added home based business to use table 17.38-2, clarity that legally established buffers are vested if the buffer is equal to or greater than 50 percent of the current standard buffer width, new criteria for buffer averaging to ensure no net loss of buffer functions and values consistent with best available science, allows for the director to approve innovative mitigation projects consistent with best available science, and updates to designations of aquatic priority habitats in relationship to port or irrigation districts.
7. **Geologically Hazardous Areas:** Geotechnical review must include analysis of severe erosion that could lead to sedimentation transfer into wetland areas, a 25-foot buffer from top of steep slopes exceeding 35% is required only when wetland or buffer present on the slope.
8. **Fish and Wildlife Habitat:** WDFW consultation may be pursued through the third-party review provisions of 17.38.110 (2) for projects involving Threatened, Endangered, and Sensitive species, updated stream type as defined by WAC 222-16-030, clarify provisions for buffer corridor connectivity for streams and/or wetlands with a moderate to high habitat score.
9. **Aquifer recharge:** Updated "wellhead protection area" definition in 17.10.230 to read "Wellhead protection area" means the area (surface and subsurface) managed to protect ground-water-based

public water supplies. Protective areas associated with public drinking water sources established by water systems and approved or assigned by the state Department of Health.” Disallowance of certain injection wells within Category I aquifer due to the probability or potential magnitude of their adverse effects on groundwater, such as Industrial process water and disposal wells and Radioactive waste disposal.

10. **Land Divisions:** Provisions added to land divisions that specify land that is wholly located within a wetland and/or wetland buffer may not be subdivided. If partially within a wetland and/or wetland buffer, the proposal must demonstrate sufficient developable area to accommodate the allowed use(s) in that zone. This includes location of required facilities and site amenities outside of the critical area and its buffer. Signage and fencing requirements are clarified and reviewed during the subdivision approval process and based on site-specific conditions and recommendations outlined in the qualified professional’s critical areas report

NEXT STEPS

A public hearing before the Board of County Commissioners on the Critical Area Ordinance draft development regulations will take place on December 9 at 10:00am. Written testimony may be submitted starting on November 26 and ending on December 8 at 4:00pm by sending it to Natalie Kamieniecki at natalie.kamieniecki@lewiscountywa.gov or 351 NW North Street, Chehalis, WA 98532. Oral testimony may be provided at the hearing.

The public is invited to attend any Lewis County Board of County Commissioners (BOCC) meeting in person and also are available via Zoom. The Zoom link is on the agenda for each meeting on the agenda and calendar webpage <https://lewiscountywa.gov/offices/commissioners/agendas-calendar/>. The December 3 Board of County Commissioners meeting is a workshop; therefore, no testimony will be taken. Public Testimony will be taken at the public hearing scheduled for December 9.