

LEWIS COUNTY PLANNING COMMISSION

Frank Corbin, Chair

LETTER OF TRANSMITTAL

To: Lewis County Board of County Commissioners

From: Lewis County Planning Commission

Date: November 17, 2025

Subject: **Transmittal to the BOCC – Amendment to Lewis County Code, Chapters 17.10 Definitions, 17.38 Critical Areas**

Dear Commissioners:

The purpose of this report is to transmit to the Board of County Commissioners (BOCC) draft amendments to the Lewis County Code, Chapter 17.38 – Critical Areas. The draft amendments are found in the October 8 and November 10, 2025 Planning Commission Staff Reports and Attachments available online at <https://lewiscountywa.gov/departments/community-development/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/planning-commission-materials/>

Overview

The proposed amendments to Chapter 17.38 update, clarify, and reorganize the Critical Areas Ordinance (CAO) while retaining the County's overall regulatory approach. Substantive changes are limited; most revisions focus on improving clarity, aligning with Best Available Science, and responding to requests from Public Works and the State Department of Health. Several sections are relocated to improve code organization, which may give the appearance of extensive changes.

Key Topic Areas

1. Critical Area Reports and Mitigation Sequencing

This section clarifies when critical area reports are required, including for geologically hazardous areas and critical aquifer recharge areas, and allows the administrator to waive non-applicable submittal requirements. It specifies that mitigation sequencing applies to all critical areas and their buffers and provides flexibility for mitigation monitoring, including case-by-case adjustments and reduced requirements for small projects when appropriate. It also strengthens standards for buffer mitigation, buffer averaging, and replacement of lost buffer functions, while allowing for innovative mitigation where supported by Best Available Science.

2. **Wetland Buffers, Assessments, and Slopes**

Updates in this section include revised requirements for wetland assessments and delineations, including a five-year validity period, as well as new provisions for home-based businesses when wetlands are present. The section clarifies assumptions regarding vegetated buffer conditions, refines criteria for reduced buffers on functionally disconnected wetlands, and clarifies perimeters for vesting of legally established buffers. It incorporates Best Available Science supporting recognition of slope-related constraints on wetland buffers relocated to Geologically Hazardous Areas section.

3. **Fish & Wildlife Habitat Conservation Areas and Stream Buffers**

This topic relocates and reorganizes stream classification and buffer standards for improved clarity without substantial policy changes. It clarifies buffer width reduction and averaging procedures and updates citations to current Ecology guidance. The code clarifies Washington Department of Fish and Wildlife consultation conducted at the administrator's discretion, for projects occurring in areas of known or likely habitat for important or threatened species. Provisions are added to address aquatic habitat areas maintained by port districts, irrigation districts, or companies. The section clarifies applicable standards while recognizing natural processes and maintaining protection of stream habitats.

4. **Activities Allowed Without a Critical Areas Permit**

This section consolidates and relocates all allowed activities into a new, more user-friendly section. It provides clearer references to applicable mapping resources and jurisdictional permit requirements, improving usability and consistency. This section clarifies removal of hazardous trees, vegetation management and emergency removal.

5. **Geologically Hazardous Areas**

This section is updated to consider natural processes and ensuring the protection of stream habitats when correlated with geologically hazardous areas. It also clarifies that reductions to the standard 50-foot setback may be considered but cannot be reduced to less than 25 feet when, in limited circumstances, wetlands or wetland buffers are present on steep slopes of 35 percent or greater.

6. **Critical Aquifer Recharge Areas**

Updates include new prohibitions on certain injection wells in CARA I and II based on State Department of Health recommendations, as well as an updated definition of "wellhead protection area."

7. **Land Division and Buffer**

This section adds standards to ensure that subdivided lots contain adequate developable area outside critical areas and their buffers and prohibits subdivision of land located entirely within critical areas or their buffers. It also requires fencing and signage for critical area tracts as appropriate based on the development and recommended by the qualified professional.

8. **Nonconforming Activities**

Provisions are updated to add that existing roads, trails, utilities, and other infrastructure may continue, subject to applicable nonconforming use standards.

9. **Code Reorganization and Minor Clarifications**

Numerous sections of the code are renumbered or relocated for greater clarity and ease of navigation. Minor wording refinements improve readability and reflect current terminology and state rules. Overall, the proposed updates include very few substantive changes; the Critical Areas Ordinance remains in good condition, and the revisions primarily support clarity, alignment with current science, and consistency throughout the chapter.

A motion was approved recommending that the Board of County Commissioners approve the proposed amendments to LCC 17.38.0102 (1) (b) and LCC 17.38.465(4), as presented.

Findings of Fact

The Planning Commission has the authority to provide recommendations to the Board of County Commissioners pursuant to RCW 36.70A and is required to review plans and regulations consistent with state law and the local enabling statutes governing county planning commissions. Chapter 17.12 of the Lewis County Code establishes the duties and responsibilities of the Planning Commission. The Planning Commission finds that the proposed amendments to the Critical Areas Ordinance have been evaluated in accordance with these authorities and that the amendments meet the approval criteria set forth in LCC 17.12.110, together with the following substantive amendments:

Recommendation

Based on the above findings, the Lewis County Planning Commission recommends that the Board of County Commissioners pass an ordinance that adopts the proposed changes to Chapters 17.10, Definitions, and Chapter 17.38, Critical Areas, as shown the October 8, 2025 Staff report with the following changes:

Aquatic Habitat: New subsection, 17.38.465 (4), has been added to the code to clarify the applicability of aquatic habitat regulations. The following is a revised version of the proposed new section:

- 17.38.465 (4) "Aquatic habitat does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ~~ditches~~ features that lie within the boundaries of and are maintained by a port district or an irrigation district or company. A pre-existing DNR mapped stream cannot be automatically declassified as aquatic habitat as a result of a Port District or Irrigation District purchasing property with preexisting drainage features or altered stream conditions."

Land Divisions – Fencing and Signage

Critical area tracts or easements created through the subdivision process shall incorporate appropriate signage and/or fencing. The type of fencing and the spacing of signage will be

described in the critical areas report and approved by the Administrator as part of the standard subdivision review process. The specific type, amount, and placement of fencing and signage will be determined based on site-specific conditions, allowing the code to remain flexible and responsive to individual development proposals and their specific impacts. The proposed clarification on fencing for subdivisions reads as follows:

- LCC 17.38.0102 (1) (b) Easements or Tracts. Prior to the final approval of any land division, the part of the critical area and required buffer that is located on the site shall be protected by clearly indicating showing the boundary of the critical area and its buffer with appropriate fencing and signage and placing a restriction on the use of the area. Type of signage, and/or where necessary fencing, to be considered within the subdivision review based on recommendations in the critical areas report and site-specific conditions. Critical areas may be:

Being duly authorized to transmit the recommendations on behalf of the Lewis County Planning Commission, I hereby respectfully submit the documents to the Lewis County Board of County Commissioners.

Submitted by Frank L Corbin Date 11-17-25
Frank Corbin, Chair
Lewis County Planning Commission