

TECHNICAL MEMORANDUM

Date:	November 24, 2025
To:	Mindy Brooks, Community Development Director Natalie Kamieniecki, Senior Long-Range Planner
From:	Nell Lund, Sr. Ecologist, Facet Kyle Cotchett, Environmental Planner, Facet Dan Nickel, Principal of Planning, Facet
Project Name:	Lewis County Comprehensive Plan Periodic Update
Facet Number:	2309.025200

2025 Periodic Comprehensive Plan Update – Draft Critical Areas Ordinance Memorandum

Project Description and Background

The Growth Management Act (GMA) requires all cities and counties in Washington to adopt regulations protecting “critical areas”. Regulated critical areas include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The intention of these regulations is to preserve the natural environment, wildlife habitats, and sources of fresh drinking water, while also encouraging public safety by limiting development in areas prone to natural hazards.

The Washington State Growth Management Act (GMA) requires Lewis County to update its Comprehensive Plans and implementing development regulations every 10 years (RCW 36.70A.130). As part of that update, the County is required to evaluate and, if needed, revise its Critical Areas Ordinance (CAO). The most recent periodic update was in 2017, which was adopted June 25, 2018 and effective July 1, 2018.

Lewis County adopted its 2045 periodic update in September of this year and is in the process of completing the periodic review of its CAO. The proposed changes to the CAO seek to align with the best available science and to update the code for clarity and efficiency.

SUMMARY OF CRITICAL AREA ORDINANCE CHANGES

As required by the Washington State GMA, the review of the Best Available Science (BAS) was compiled to support Lewis County’s CAO update, a component of comprehensive updates to the land use and development code. BAS means the current and best available information that follows a valid scientific process as specified in WAC 365-195-900 through WAC 365-195-900. In addition to BAS, County and Facet staff worked together to review and update the code for clarity and efficiency. Following the BAS

review, Gap Analysis, and review for clarity, the final Critical Area Ordinance recommendations are described below.

Overarching changes applicable to multiple sections

Across the CAO, it has been found that there are outdated references to State agency guidance documents and mapping resources. It has been found that there is a need for clarity of requirements, procedures, and allowances under this code. Additionally, some sections have been reorganized or wholly relocated for consistency and comprehension.

Purpose

In its current form, the CAO does not include a section stating the purpose of this chapter. This update includes the addition of a purpose section. It states the chapter's intent is to align with State laws and the County's Comprehensive plan, which seek to preserve the County's ecological resources through no net loss principles and use of best available science.

Activities that do not require a Lewis County Permit

Previously this section referenced redirected readers to Article II. The activities listed in LCC 17.38.130 were relocated here to avoid confusion and bring exemptions closer to the front of the critical areas ordinance. Additionally, some activities were included and others clarified. The changes consist of allowances for utility projects and inclusion of hazard tree removal provisions under emergency actions.

Mitigation Monitoring

Minor clarifications to monitoring periods as well as the inclusion of the ability to waive monitoring requirements for small scale mitigation projects.

Wetlands (LCC 17.38.200-.330)

Changes have been made to better align with the Department of Ecology guidance for wetland regulations. This includes clarifications for legally established buffers and buffer averaging allowances, as well as the inclusion of vegetated buffer assumptions, which is the basis for Ecology's recommended buffer widths.

Fish and Wildlife Habitat Conservation Areas (LCC 17.38.400-.510)

The chapters that pertain to Fish and Wildlife Habitat Conservation Areas (FWHCAs) underwent changes for reorganization and consistency with Washington Department of Fish and Wildlife (WDFW) guidance for regulating riparian management zones. Additionally, this article now addresses habitat corridors, which serve to preserve habitat connections. Streams formerly had their own sub article under LCC 17.38.465-480. Those stream regulations were re-located to the front of the FWHCA article in LCC 17.38.420 and .430 for comprehension and consistency with other articles. In accordance with the WDFW, buffers for Type Np and Ns waters were increased from 75 feet to the minimum recommendation of 100 feet to provide adequate water quality protection from pollutants and habitat-related factors. Since this is the minimum recommendation, allowances for buffer reductions have been

removed. To continue to allow flexibility, buffer averaging allowances were kept, but clarified and codified within the FWHCA in alignment with the allowances in the wetland section. Previously, buffer averaging allowances in the FWHCA article referenced the buffer averaging allowances in the wetland article.

Geologically Hazardous Areas (LCC 17.38.600-.720)

A minor edit to this article's purpose statement has been made to address geologically hazardous areas connections and potential impacts to salmonids and aquatic life. No significant changes were made to the geologically hazardous areas article.

Critical Aquifer Recharge Areas (LCC 17.38.600-.720)

Minor changes made upon request from the Washington State Department of Health (DOH). This included updates to the Category I classification and CARA standards. The change to the Category I designation was made to align with DOH standard protection areas. Due to conflicts with stormwater operations and ecology guidelines adopted by the County, new language bans certain classes and subclasses of underground injections wells rather than outright banning all underground injection wells within Category I and II CARAs. Exceptions for medical facilities were made to the prohibition of facilities that store, process, or dispose of radioactive substances as they typically deal with modest amounts of this material.

Nonconforming activities (LCC 17.38.1000)

Minor edits to include roads and trails, utilities, or other infrastructure to nonconformance allowances for clarity.

Land division (LCC 17.38.1020)

New language has been added to clarify the inability to subdivide land fully encumbered by wetlands, streams, aquatic habitats and/or their related buffers. Additionally, language has been added to detail requirements for subdividing land partially encumbered by these features.