Board of County Commissioners Public Hearing

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

STAFF REPORT

Date: November 6, 2026

Staff: Natalie Kamieniecki, Sr. Long Range Planner

Regarding: **Ordinance 1385, Family Burial Grounds**

Attachments: A – Recommended Changes to Definitions

REQUESTED ACTION

Based on Lewis County Prosecuting Attorney review, please consider a motion to incorporate the definitional changes as highlighted in gray in Attachment A into Ordinance 1385, Family Burial Grounds, prior to considering adoption of the ordinance on Tuesday, November 10.

BACKGROUND

During the 2025 legislative session, the Washington State Legislature adopted Substitute House Bill (SHB) 2239, which amended Chapter 68.32 RCW to authorize the establishment of family burial grounds on private property under specified conditions. The legislation became effective on June 11, 2026, and establishes standards governing the location, use, and recording of family burial grounds. Prior to this legislative change, Lewis County had prohibited family burial grounds. The Board of County Commissioners enacted a 6-month moratorium on family burial grounds on June 16, 2026 to allow staff time to prepare and proposed an implementing ordinance.

Following a duly noticed public hearing, Lewis County Planning Commission recommended amendments to Lewis County Code Chapter 16, Subdivisions, and Chapter 17, Land Use and Development Regulations, to implement the new state requirements regarding family burial grounds, including adopting a local process to approve family burial grounds though the standard Master Site Review process and recording with the Auditor's Office.

SUMMARY OF CHANGES

The Lewis County Prosecuting Attorney's Office provided comments to Community Development on November 6, 2026. Staff have reviewed those comments and are recommending changes to recommended definitions to better align with the state statutes, as highlighted in gray in Attachment A.

Commentary

ATTACHMENT A – LEWIS COUNTY CODE – FAMILY BURIAL GROUNDS

The proposed definition updates clarify and modernize terminology related to burial and cremation facilities while distinguishing between commercial and private burial uses. Existing definitions for cemetery are revised for consistency with state law and to clearly exclude family burial grounds. New definitions for ~~animal crematorium~~, crematorium, columbaria, mausoleum, and family burial ground ~~establish clear distinctions between human and animal cremation facilities~~ identify the components of cemetery facilities, and define the limited, noncommercial nature of family burial grounds. These updates improve regulatory clarity, reduce ambiguity, and provide a consistent framework for administering the new family burial ground provisions.

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

Chapter 17.10
DEFINITIONS

~~17.10.010 "A" definitions~~

~~"Animal crematorium" means a building or facility containing one or more cremation chambers or retorts used for the cremation of animal remains, including companion animals, livestock, and other animals.~~

17.10.030. "C" definitions.

"Cemetery" means a place used and dedicated for burial of deceased humans with one or a combination of the following elements: (a) burial plot or plots for earth interments; (b) mausoleum for crypt interments; (c) columbarium for permanent cinerary interments. The term does not include a family burial ground as defined in this code.

"Columbarium" means a structure, room, or other space in a building or structure containing niches for permanent placement of human remains (1) in a place used, or intended to be used, and dedicated, for cemetery purposes, or (2) on a family burial ground established pursuant to chapter 68.74 RCW.

"Crematorium" means a building ~~or facility~~ containing one or more cremation chambers or retorts used for the cremation of human remains.

17.10.060. "F" definitions.

~~"Family burial ground" mean a privately owned, noncommercial burial area established on private property for the interment of family members, descendants, and other persons authorized under Chapter 68 RCW. A family burial ground is not a commercial cemetery or funeral establishment and shall not involve the sale of burial rights, burial plots or burial services to the public.~~

"Family burial ground" means an area of privately owned land that is designated pursuant to chapter 68.74 RCW for the interment of human remains, and in which interments may be, but are not required to be, restricted to a group of persons who are related to each other by birth, marriage, or adoption. "Family burial ground" includes any mausoleums or columbaria constructed on a family burial ground. A family burial ground is not a commercial cemetery or funeral establishment and shall not involve the sale of burial rights, burial plots or burial services.

17.10.130. "M" definitions.

~~"Mausoleum" means a permanent above-ground structure designed and intended for the entombment of human remains within one or more crypts~~

"Mausoleum" means a structure or building for the entombment of human remains in crypts (1) in a place used, or intended to be used, and dedicated, for cemetery purposes, or (2) on a family burial ground established pursuant to chapter 68.74 RCW.