

## **Forest Resource Land - Allowed Uses and Development Updated February 16, 2023**

The parcels of land that are the subject of the Ordinance 1343 rezone request are currently zoned Forest Resource Land (FRL) of long term commercial significance. This memo, produced by Community Development staff, provides an overview of the allowed uses and potential development that could occur under the existing FRL zoning.

### **Background**

In 2010, Ordinance 1219 changed the designation land from FRL of long term commercial significant to FRL of local significance. The difference between the two designations is that the minimum size a property can be subdivided to is 80 acre lots in FRL of long term significance and 20 acre lots in FRL of local significance.

Ordinance 1219 was appealed; however, the Growth Board did not issue a stay of the rezone while the appeal was processed. Between 2010 and 2012, the land was legally divided into 20 acre lots. In 2012, the Growth Board found that the rezone did not meet the requirements of the Growth Management Act and directed Lewis County to reinstate the designation to FRL of long term commercial significance.

Because the 20 acre lots were created legally while the land was temporarily designated FRL of local significance, they are legal substandard lots.

### **Allowed Uses**

[Lewis County Code 17.30.420](#) states the uses allowed on land designated FRL of long term commercial significance.

Primary uses allowed are:

1. Growing and harvesting of timber, forest products, and associated management activities.
2. Removal, harvesting, wholesaling, and retailing of vegetation from forest lands including, but not limited to, fuel wood, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.
3. Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, fur-bearing animals, honeybees, etc. and structures accessory to farming and animal husbandry.
4. Rural governmental services.
5. Extraction and processing of rock, gravel, coal, oil, gas, mineral, and geothermal resources.

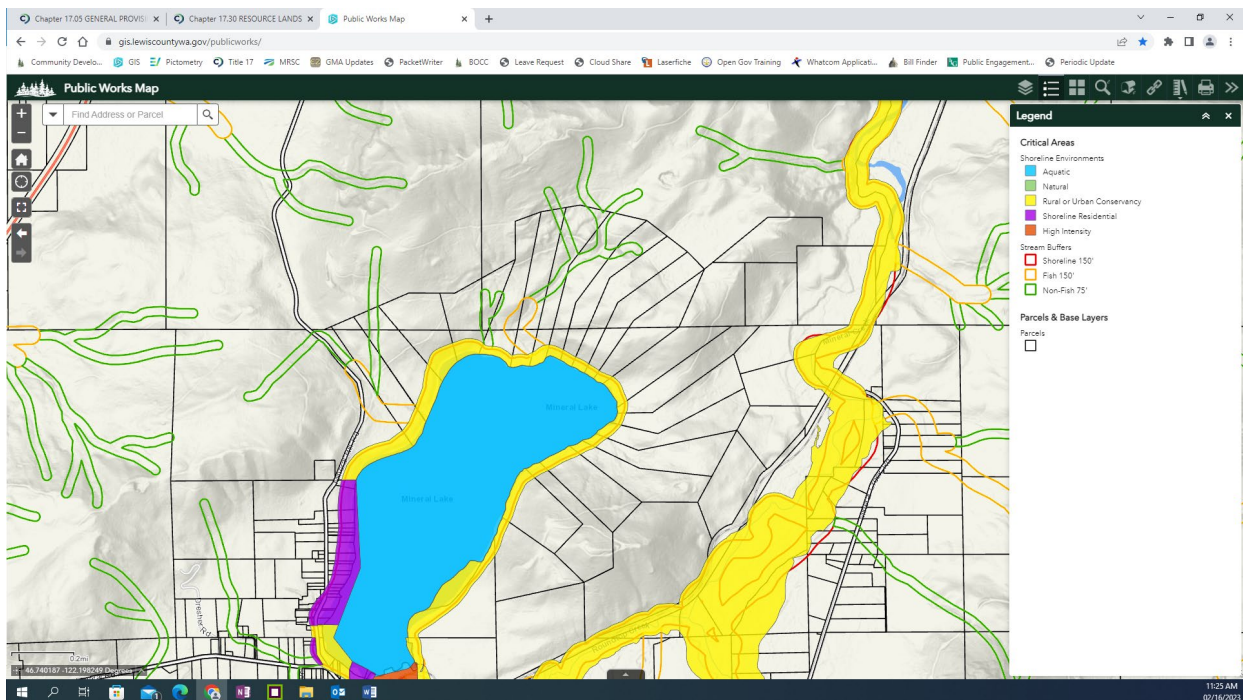
Accessory uses allowed are:

1. One single-family dwelling unit or mobile home per lot, parcel, or tract.
2. One accessory dwelling unit in conjunction with a single-family dwelling or mobile home. Kitchen facilities may not be provided in accessory dwelling units.
3. Storage of explosives, fuels, and chemicals used for agriculture and forestry subject to all applicable local, state, and federal regulations.
4. Forestry, environmental, and natural resource research;
5. Dispersed recreation and recreation facilities such as primitive campsites, trails, trailheads, snowparks, warming huts for climbers and cross-country skiers, recreational vehicle parks, boat launches, and accessory uses.
6. Aircraft landing fields, heliports.
7. Watershed management facilities, including but not limited to diversion devices, impoundments, dams for flood control, fire control, and stock watering.

Incidental uses are also allowed. Those are uses that are incidental to the primary use of the land and include things like saw mills, temporary housing for work crews, treatment of waste water, etc.

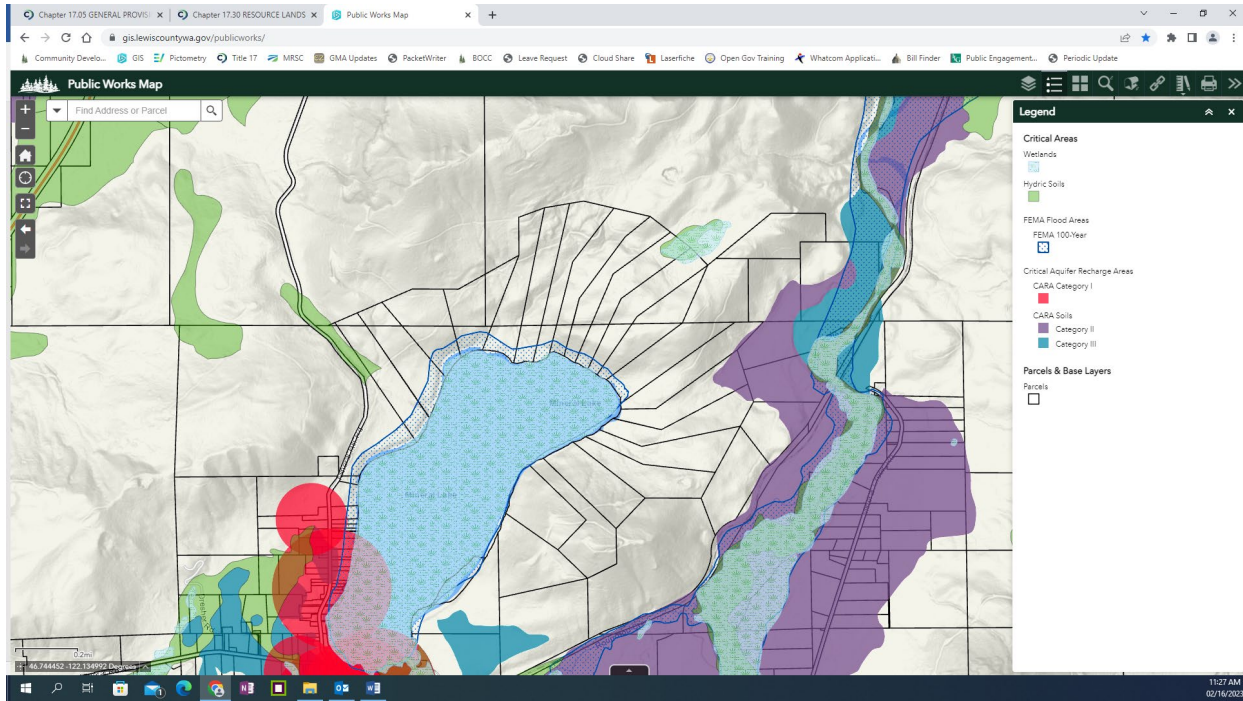
### Shoreline Management and Critical Areas

Lewis County has a Shoreline Management Program and Critical Areas Ordinance that apply to the site. Map 1 shows the shoreline areas and Map 2 and 3 shows the critical areas on the site.

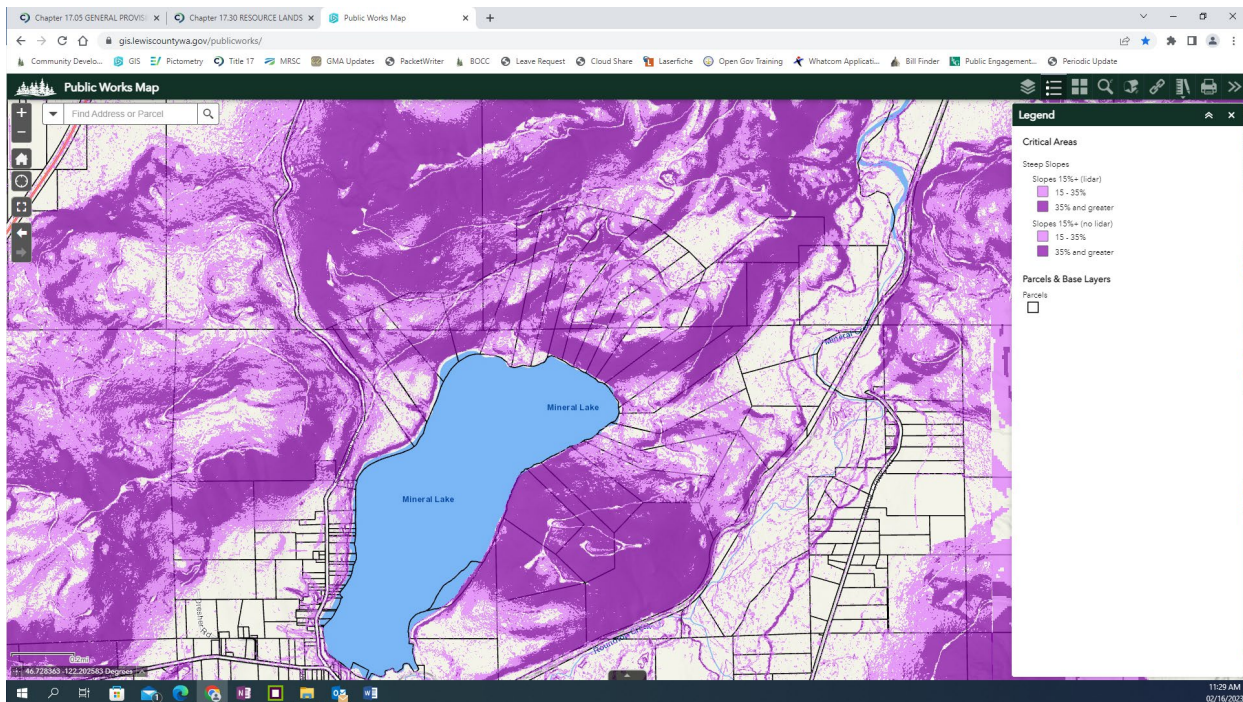


Map 1: Shoreline Environments and Stream Buffers

# Ordinance 1343 – Supporting Materials



Map 2: Wetlands, Flood Area and Aquifer Recharge Areas



Map 3: Steep Slopes

The presence of shoreline environments, stream buffers and other critical areas does not preclude development. In general development can occur based on mitigation sequencing which includes:

1. A mitigation report prepared by a qualified professional. This may be a wetland delineation or geotechnical report.
2. A mitigation plan that demonstrates that the development has made all reasonable efforts to first avoid impacts entirely, then to minimize and reduce impacts, and then to compensate for unavoidable adverse impacts by replacing or enhancing similar resources or environments.

It is costly to impact resources or environments and then have to compensate for the impacts; therefore, it is anticipated that any property owner or developer will first attempt to avoid the mapped shorelines, stream buffers and critical areas on the site.

### **Timber Harvest**

The existing zoning of FRL also allows for timber harvest. The timber is a primary industry in Lewis County. Below is a break down on the FRL land in Lewis County:

FRL zoned parcels = 4,036

FRL acres = 1,111,482

FRL acres in forestry use = 742,394 (66.8% of total)

FRL acres vacant/no use = 355,479 (32% of total)

FRL acres in agricultural use = 4,028 (0.4% of total)

FRL acres single family residential use = 3,765 (0.3% of total)

YMCA site = 500 acres (0.05% of total)

The site is also divided into 20-acre lots. The land was divided by Forecastle between 2010 and 2012, likely to be sold as individual lots to private property owners. It is possible that individual property owners could use the land for timber harvest.

YMCA could also use the land for timber harvest because MPR is an overlay and the underlying zoning designation still applies. The YMCA application indicated that a portion of the land outside of the camp development could be used for timber harvest.

### **Potential Development**

For this evaluation, staff looked at the option of developing a single family house on each legal lot.

Under common law, each lot is guaranteed an "easement by necessity" even if there is no direct access to a public road. Therefore, it is assumed that even though nearly all of the lots do not have direct access to a public road, easements must be granted and each lot would be able to obtain access.

It is also assumed for this evaluation, that each lot would be able to obtain a well permit and has sufficient space to have an on-site septic system.



## Ordinance 1343 – Supporting Materials

There are 24 lots that front the lake. It is assumed that each lot could be developed with a three bedroom house (note, there is no size limitation on residential development in Lewis County). The most intense use of housing is assumed to be short term rental (note, there are no regulations on short term rentals in Lewis County). Typically, short term rentals maximize the number of people who can stay in the house, so it is assumed that each room could sleep up to four people resulting in 12 people per house. It is assumed that the average length of stay is four nights/three days, resulting in 24 people per lot per week. At 24 lots, that is 576 people per week during peak tourism season, which is Memorial Day to Labor Day.

Of the 24 lots, 12 do not have easy access to the lake due to steep slopes (see Map 3). It is assumed that the other 12 lots do have access to the lake and each could install a personal dock.

Staff assume that this is the most intense development that could be allowed under the existing zoning designations and regulations. What could actually be developed would depend on individual site conditions and the ability to meet local and state regulations.