Date: June 29, 2016

To: Lewis County Planning Commission

From: Fred Evander, Senior Long Range Planner, Lewis County

RE: **PUBLIC HEARING – ANDERSON REZONE APPLICATION – MSC15-0086**

Attachments: A. Rezone Application (9 pages)
B. Zoning Map for Subject Property (1 Page)
C. Zoning Map for Subject Property and Adjacent Lots (1 Page)

The purpose of this staff report is to introduce a Comprehensive Plan amendment and rezone request for a 40 acre parcel at 149 Bowman Road (Parcel 02257-002-000).

SUMMARY OF REQUEST

This request was submitted by Fred Anderson and seeks two separate amendments:

- Comprehensive Plan Revision – Change of Forest Resource Land designation to Rural designation.
- Zoning Code Update – Change of Forest Resource Land zone to Rural Development District – One Dwelling Unit per Five Acres (RDD-5).

CRITERIA TO EVALUATE REQUEST

The relevant criteria to evaluate this request are provided within the Lewis County Comprehensive Plan and county zoning code. Both the policies in the Comprehensive Plan and the zoning code provide the general criteria for the overall designation of forest resource lands. These criteria are reproduced below:

Comprehensive Plan Criteria (for Forest Land)

Table 4.3 Washington State Private Forest Land Grades

Species	Growth Potential*	Land Grade**
Douglas Fir	136 feet and over	1
	118-135 feet	2
	99-117 feet	3
	84-98 feet	4
	Under 84 feet	5
Western Hemlock	136 feet and over	1
	116-135 feet	2
	98-115 feet	3
	83-97 feet	4
	68-82 feet	5
	Under 68 feet	6
Red Alder	117 feet and over	6
	Under 117 feet	7

*On a fifty year basis **Land Grade 1 = highest; Land Grade 7 = lowest

Forestlands are classified as follows:

A. Forestlands of Long Term Commercial Significance: A predominance of forest land grade 2 and forest land grade 3 with a minimum block size of 5,000 contiguous acres shall be required for designation as forest land of long-term commercial significance. In addition, all federally owned lands managed for their forest resources are included.

B. Forestlands of Local Importance: Are forestlands with the general attributes of Forestlands of Long Term Commercial Significance, except that they are smaller than the required minimum 5,000 contiguous acres. Forestlands of Local Importance are only designated by an "Opt In" process and must generally be a minimum of 20 acres to be considered. Landowners petitioning to opt in, must commit that the property will remain in that designation for a minimum of 10 years.

Zoning Code Criteria (for Designation of Forest Resource Lands)

17.30.430 Designation.

Lands of Lewis County meeting the classification criteria for forest resource lands are hereby designated as forest resource lands in the following categories:

1. Forest Land of Long-Term Commercial Significance. Primary forest lands are those forest lands meeting the classification criteria within the minimum blocks of 5,000 contiguous acres and all federally owned lands managed for their forest resources.

2. Forest Land of Local Importance. Forest lands of local importance are those forest lands meeting the criteria of LCC 17.30.420(1), (3), (4), (6) and (7) which fall outside a 5,000-contiguous-acre block and meet the following criteria:

   (a) Formal Designation ("Opt-In"). Forest lands of local importance shall only be designated by the board of county commissioners upon a petition for such designation by the landowner pursuant to the requirements of LCC 17.30.560(2).

   (b) Minimum Acreage. Forest lands of local importance shall have a minimum parcel size of 20 acres. However, smaller parcel sizes shall be permitted for designation upon a showing of profitability in the form of a report from a qualified forester to provide a factual basis for designation as a forest land of local importance.

   (c) Minimum Period for Commitment to Designation. The landowner petitioning for designation as a forest land of local importance shall be required to commit the property to remain in that designation for 10 years. The designation may be renewed by the landowner at the end of the 10-year period; provided, that renewal of the designation shall not be considered an amendment to the zoning regulations.

   (d) Current Forest Land Use. The property is in open space or forest land classification pursuant to Chapter 84.33 or 84.34 RCW. [Ord. 1197 §2, 2007; Ord. 1179C §1, 2003; Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1151 § 4.2, 1996]

Beyond these criteria, the Forest Resource Land zone additionally has a minimum lot size of 80 acres for Forest Land of Long-Term Commercial Significance (as stated in 17.30.490(2)).

RELEVANT CONDITIONS RELATED TO THE PROPERTY

Staff note the following conditions that are relevant to the criteria for this application:

- The entire Forest Resource Land Zone/ Forest Comprehensive Plan designation (in that area) is 82,010.4 acres. The forest land grade on the property is 2.
- The entire 82,010.4 block is considered an area of Forest Land of Long-Term Commercial Significance per 17.30.430(1) and requires a 5,000 minimum block size.
- The minimum lot area for the subdivision of primary forest lands, or Forest Lands of Long-Term Commercial Significance is 80 acres (per LCC 17.30.490(1)).
- The subject parcel is 40 acres, a size smaller than the 80 acre minimum lot size required for Forest Lands of Long-Term Commercial Significance, and the property is bound on two sides by the Rural Development District.
- The parcel is only partially covered by trees (roughly 23 acres), though the entire site is classified as forest land under current use taxation designations.
- Timber-related uses bound the north and west sides of the parcel. These adjacent forest uses make it unlikely other property owners will request a rezone in the area. Port Blakely owns the 240 acre parcel directly northwest of the site, and the 10 acre parcel directly west of the property. Timber Services Inc. owns the 40 acre parcel directly to the north of the property, and the 40 acres north of that property.
- Residential uses bound the south and east sides of the site. The neighboring residences are zoned as RDD-5, and are within the Boistfort Valley Water Service area, though the homes are not currently served with water lines. The subject site is served by the same public road as the adjacent residences.

ANALYSIS OF THE REZONE REQUEST

Given the presence of over 80,000 contiguous acres of forest land located adjacent to the parcel and the improbability of adjacent properties requesting a rezone, changing the designation of the parcel within the Comprehensive Plan and rezoning the 40 acre parcel will do little to affect the long-term commercial significance of the adjacent forest resource land. The presence of neighboring residential development, the location of a Group A water system service area near the parcel, and the presence of a home on the site make a redesignation of the parcel appropriate.

CONCLUSION

Based on these factors, staff recommends that the Planning Commission hold a public hearing on the Comprehensive Plan amendment and rezone application, and ultimately approve the application by Fred Anderson to rezone 149 Bowman Road (Parcel 02257-002-000), unless additional details are provided that would warrant a reconsideration of the application.

MSC15-0086

LEWIS COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
2025 NE Kresky Avenue
Chehalis, WA 98532-2626
(360) 740-1146
FAX: (360) 740-1245

APPLICATION FOR AMENDMENT

- [x] **Rezone or Amendment to Zoning Regulations** **Fee: $2,500***
- [ ] **Comprehensive Plan Amendment**
- [ ] **Resource land Opt-in Application**
- [ ] **ARL relief errors LLC 17.30.600(3) only (no fee)**

*more than 10 hours of staff review for rezone request will require an additional hourly fee @ $100/hour. All other additional costs assessed at actual cost.

Applications Accepted September 1 through December 31

SUBMITTAL REQUIREMENTS:

- [x] Completed application form
- [x] Legal Description (for site specific amendments)
- [x] Three site maps, no larger than 11" x 17", clearly labeled, and reproducible in black and white, showing the following features:
  a. property boundaries showing existing land use designation and zoning.
  b. property boundaries showing the proposed land use designation and zoning.
  c. all natural and built features (such as roads, streams, buildings, slopes, fences, etc.) as well as adjacent properties and their uses.
- [ ] Application Fee

For office use only
Permit Tech _____

PLEASE TYPE OR PRINT

1. **Applicant (see page 5 if more than one applicant):**
   Name: The Anderson Trust 11/13/1998 Fred L Anderson
   Address: 149 Bowman Rd
   Telephone: Home(360) 740-6087 Work(____)
   E-Mail: FDANDERSON@MSN.COM

2. **Contact Person (if other than the applicant):**
   Name: _____
   Address: _____
   Telephone: Home(____)_____ Work(____)_____
   E-Mail: _____

3. **Assessors Tax Parcels:** 022257002000

4. **Location of property:**
   Quarter Section _____, Section 22 Township 14 North, Range 03 W S2 W2 SE4
   Location (road name/city): BOWMAN ROAD CHEHALIS
   Is the property within an Urban Growth Area? Yes_____ No X **If yes, which jurisdiction?**_____

5. **Total acreage of the parcel(s):** 40

6. **Signatures:**
   I/We the undersigned, do hereby affirm and certify, under penalty of perjury, that I am/We are the owner(s) under contract of the described property, and that all statements contained in, or attached to, this application are in all respects true and accurate to the best of our knowledge.
   Signature _____ Date 09/24/2015
   Signature _____ Date _____

PLEASE ANSWER THE FOLLOWING QUESTIONS, ATTACH AN ADDITIONAL SHEET IF NECESSARY

A. Identify the land uses surrounding the property affected, and describe how the proposed change would affect those surrounding land uses:

Residential area surrounding parcel is all zoned 1 home per 5 acres. Commercial timber land that borders property is zoned 1 home per 80 acres. Subject property should be included in the residential zoning of 1 home per 5 acres.

B. Explain why the existing land use/zoning designation is not appropriate:

Surrounding area is one home per 5 acres and 1 home per 80 acres. By allowing subject parcel to be in the 1 home per 5 acres it would allow up to 7 more homes - which the infrastructure that is currently there could handle 7 more homes. However topography of land will most likely only allow for about 3 more homes.

C. How have the conditions changed so that the proposed designation is more appropriate than the existing designation?

To include a 40 acre parcel into the same zoing as commercial timber land does not make sense when the surrounding residential parcels are all zoned 1 home per 5 acres.

D. Explain why additional land of the proposed designation is needed in Lewis County, and why it is needed at the location proposed:

There is a need for nice dry 5 acre home sites in the ~~Anda~~ Adna area.

E. If the property is in the rural area (outside of an Urban Growth Area), demonstrate with appropriate data, how the rural density standards have been met:

To apply the zoning of 1 home per 5 acres to the ~~sub~~ subject will still protect the rural character of the area and is still a low density development.

F. Explain why the change is needed. What issue or problem is resolved by the proposed change?

For the ~~sub~~ subject property which is only 40 acres to be lumped in with commercial timber parcels and zoned 1 home per 80 acres does not make sense. Home should be zoned along with the surrounding residential parcels as 1 home per 5 acres. This would allow for much more consistancy in the zoning for this area.

G. How would the proposed change serve the interests of not only the applicant, but the public as a whole?

This change would allow the owner (myself) to have the freedom to divide the ~~sub~~ subject property at their discretion. It would help the ~~pub~~ public by having the possibility of having nice building parcels in the Adna area.

H. Explain how the proposed rezone or amendment fulfills the goals of the Washington State Growth Management Act (RCW 36.70A.020):

By including the subject ~~to~~ parcel in the residential zoning of 1 home per 5 acres - Lewis County will still be in compliance of the Growth Management Act.

I. Explain how the proposed rezone or amendment is consistent with the policies of the Lewis County Comprehensive Plan, including any policies of an applicable town or city (if the area is in the unincorporated area of an Urban Growth Area). Be sure to review all comprehensive plan chapters:

The subjects current zoning I believe was an oversight when including it with the same zoning as the commercial timber land that is adjacent to the property. The re-zoning of 1 home per 5 acres would fix this oversight.

J. TEXT AMENDMENTS ONLY: Most, but not necessarily all, text amendments are legislative changes; they can be processed only with the consent of the Lewis County Board of Commissioners. If a text amendment is proposed, identify the chapter and page number of the text to be changed, and provide the exact wording changes proposed.

Chapter:_____ Page:_____ Section:_____

Exhibit "A" Legal Description

3031448
Page: 1 of 1
11/25/97 10:38A
Lewis Co, WA
D $8.00

Filed for Record at Request of:

AFTER RECORDING MAIL TO:

QUIT CLAIM DEED

The Grantor, KATHERINE L. ANDERSON, a single woman, for and in consideration of love and affection conveys and quit claims to FRED L. ANDERSON, her Brother, a married man, the following described real estate situated in the County of Lewis, State of Washington, including any interest therein which grantor may hereafter acquire.

The Southwest quarter of the Southeast quarter all in Section 22, Township 14 North, Range 3 West of the Willamette Meridian, Lewis County, Washington, containing 40 Acres, more or less.

22257-2

Dated this 24 day of October, 1997.

Katherine L. Anderson (Seal)

STATE OF WASHINGTON)
) ss.
COUNTY OF LEWIS)

I certify that I know or have satisfactory evidence that KATHERINE L. ANDERSON is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal this 24 day of October, 1997.

Karisa Hill

NOTARY PUBLIC in and for the State of Washington residing at Chehalis.
MY commission expires 3-29-01.

KARISA HILL
NOTARY PUBLIC
COMMISSION EXPIRES 3-29-01
STATE OF WASHINGTON

Excise Tax Paid
Lewis County Treasurer
Date 11-25-97

Unofficial Record

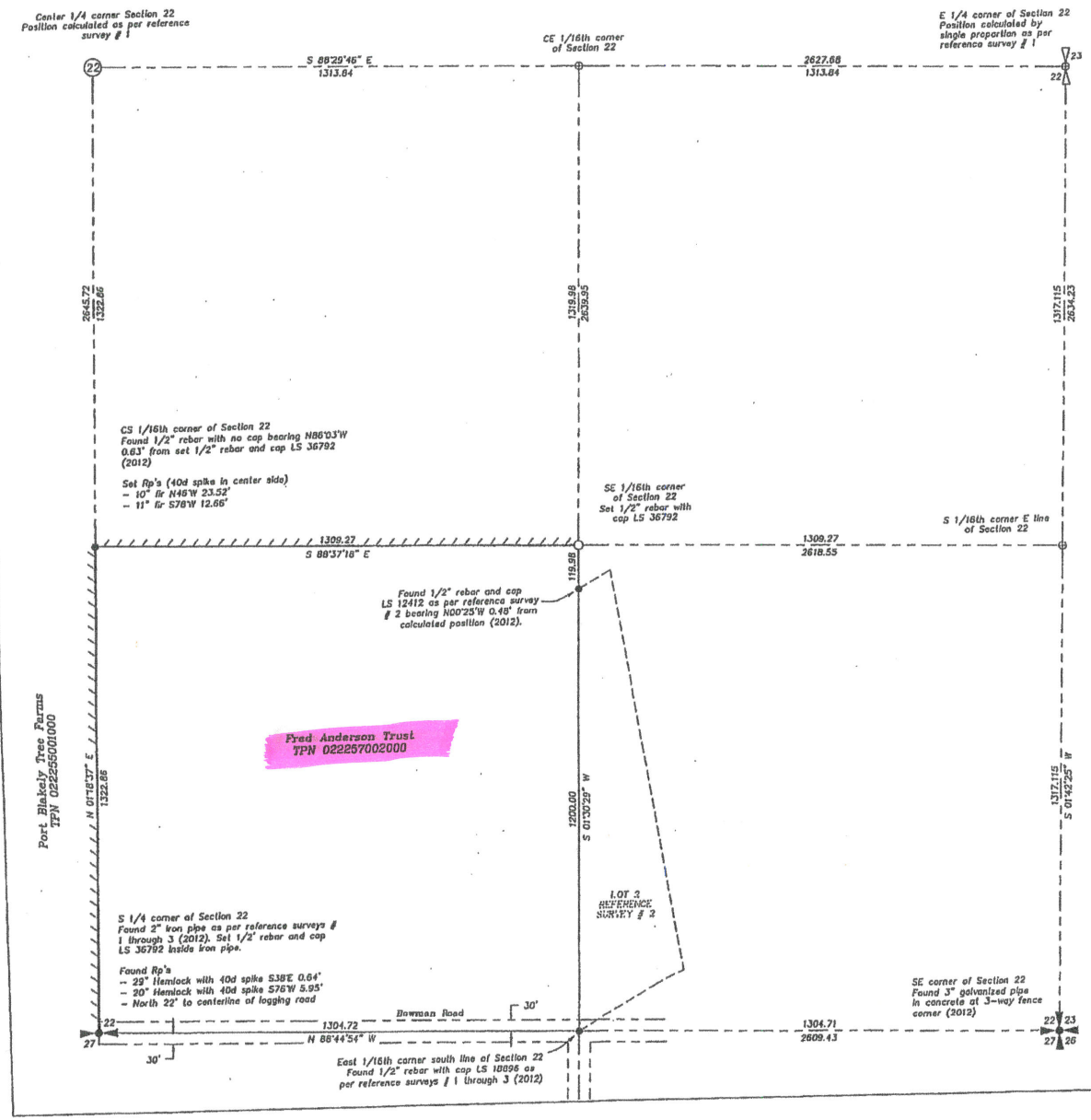
3382009

3382009 B: 28 P: 237 SUR
07/19/2012 11:42:20 am Valid
Surv Fee: Auditor/Recorder Pages: 1 Fees: 122.00
Lewis County, Washington

REVIEWED FOR APPLICABLE TAXES
APPROVED FOR RECORDING
LEWIS COUNTY TREASURER
BY ____ DATE 7/19/12

REVIEWED FOR CODE COMPLIANCE
WITH RECORDING FORMAT
LEWIS COUNTY CODE 2.09.3
BY ____ DATE 7/19/12

A portion of the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 14 North, Range 3 West, W.M. in Lewis County, Washington



N

SCALE: 1"=200 FEET
0 100 200 400

Basis of Bearings: Record of Survey as recorded in Book 10 of Surveys at Page 228, Records of Lewis County, Washington.

- ○ Set 1/2" rebar and cap LS 36792
- ● Found corner as noted
- ⊕ Calculated position

Reference Survey:
1) E.A. Butler, PLS 18896, Book 10, Page 228 (1992)
2) C.E. Whitten, PLS 12412, Book 15, Page 214 (1997)
3) K.B. Schinnak, PLS 35153, Book 18, Page 109 (1999)

Method of Survey: Closed loop field traverse using a Topcon GTS-220 (00°00'05") total station. This survey meets or exceeds precision requirements as set forth in WAC 332-130-090.

Record of Survey Descriptions:

Port Blakely Tree Farms – TPN 022255001000: The east line of the East Half of the Southeast Quarter of the Southwest Quarter of Section 22, Township 14 North, Range 2 West, W.M. in Lewis County, Washington.

Fred Anderson Trust – TPN 022257002000: The west and north lines of the Southwest Quarter of the Southeast Quarter of Section 22, Township 14 North, Range 3 West, W.M. in Lewis County, Washington.

Certificate Number: 3382009

Auditor's Certificate

Filed for record this 19th day of July, 2012
at 11:42 A.M. in Book 28 of Surveys at Page 237
At the request of Butler Surveying, Incorporated

Gary E. Zandell
County Auditor DG

Surveyor's Certificate

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of Port Blakely Tree Farms and the Fred Anderson Trust in July of 2012.

Christopher M. Butler, PLS 36792 — 7-16-12 date

BUTLER SURVEYING INC.
476 NW CHEHALIS AVENUE
P.O. BOX 149, CHEHALIS, WA 98532
360/748-8803

Drawn Cassie Cash	Date 7-10-2012
Checked CB ✓	Job No. 12-76
Scale 1" = 200'	Sheet 1 of 1

CHRISTOPHER M. BUTLER
STATE OF WASHINGTON
36792
REGISTERED
PROFESSIONAL LAND SURVEYOR
7-16-12

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Carl R. Vance, Auditor / County Clerk / Clerk of the Board, Lewis County, Washington

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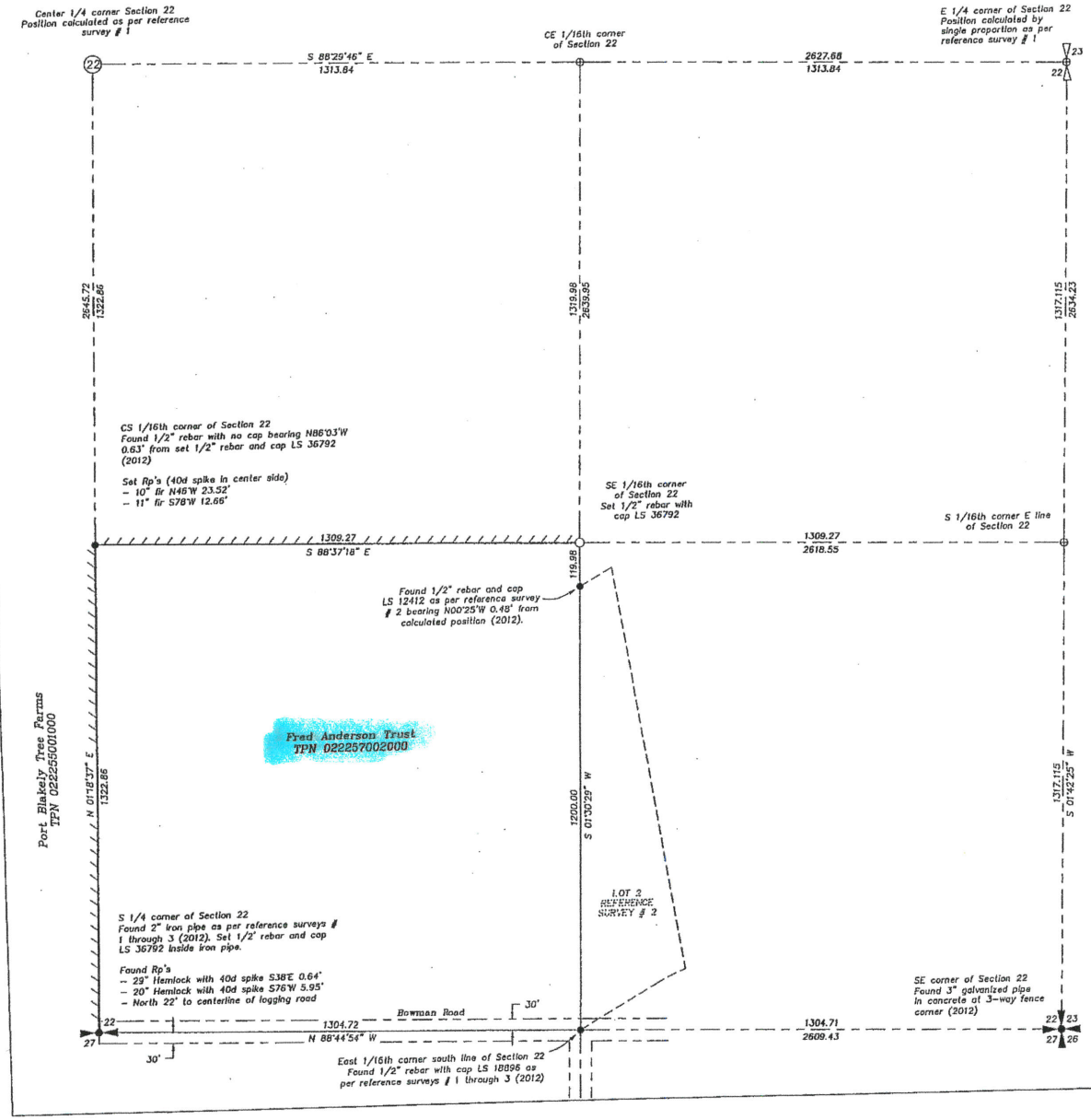

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Drawn Cassie Cash	Date 7-10-2012
Checked CB ✓	Job No. 12-76
Scale 1" = 200'	Sheet 1 of 1

CHRISTOPHER M. BUTLER
STATE OF WASHINGTON
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REGISTERED PROFESSIONAL LAND SURVEYOR
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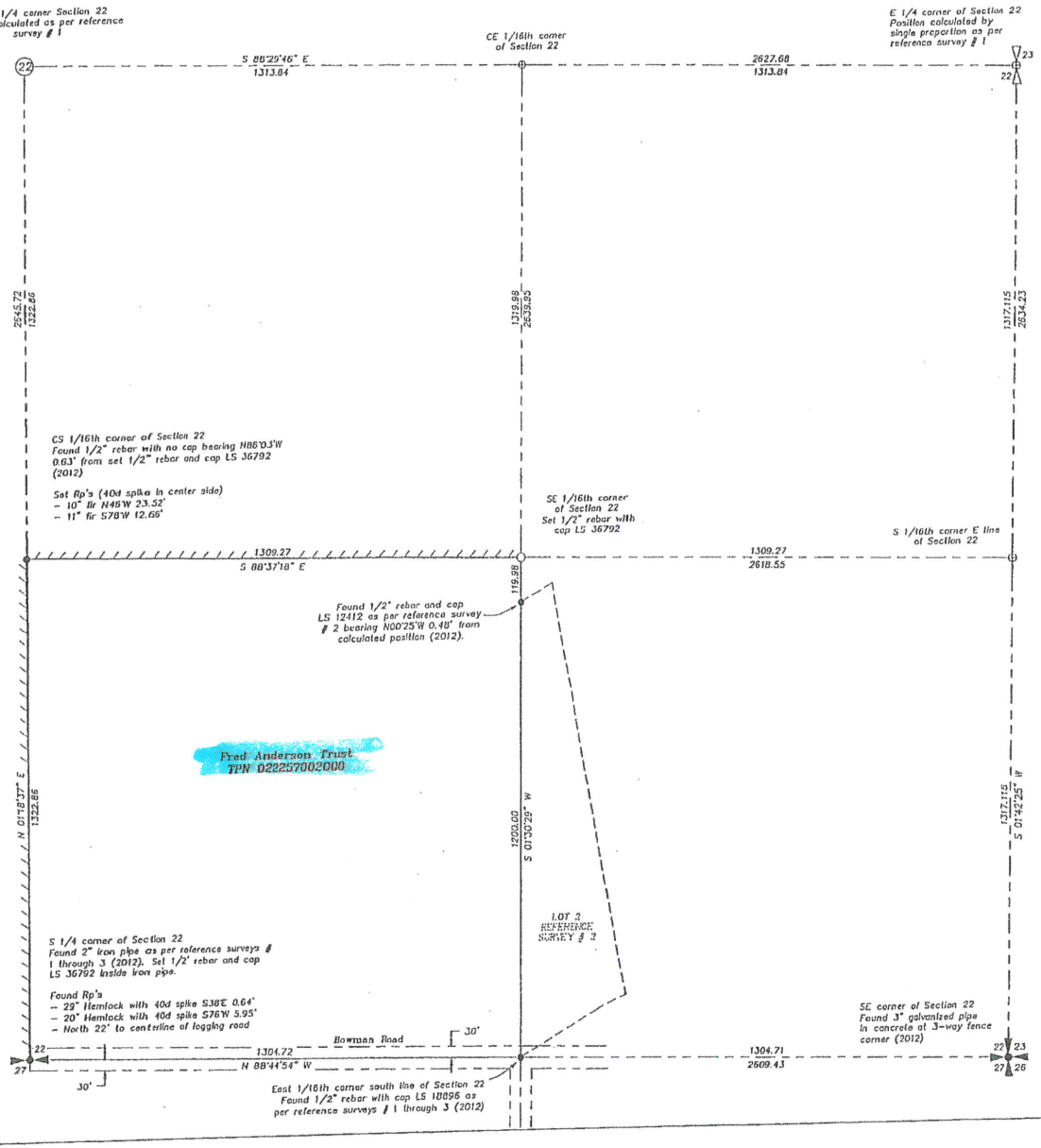

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CHRISTOPHER M. BUTLER
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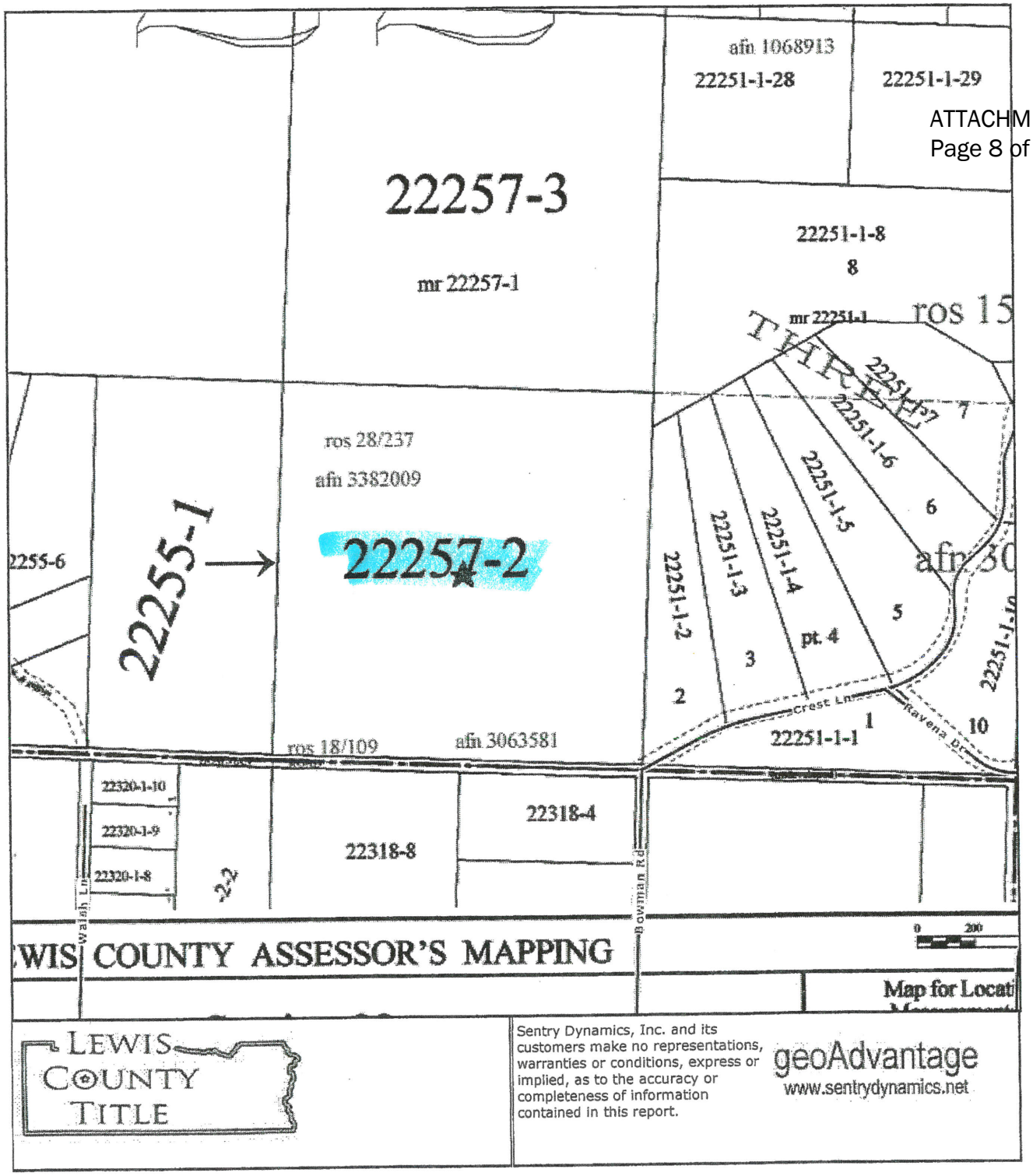
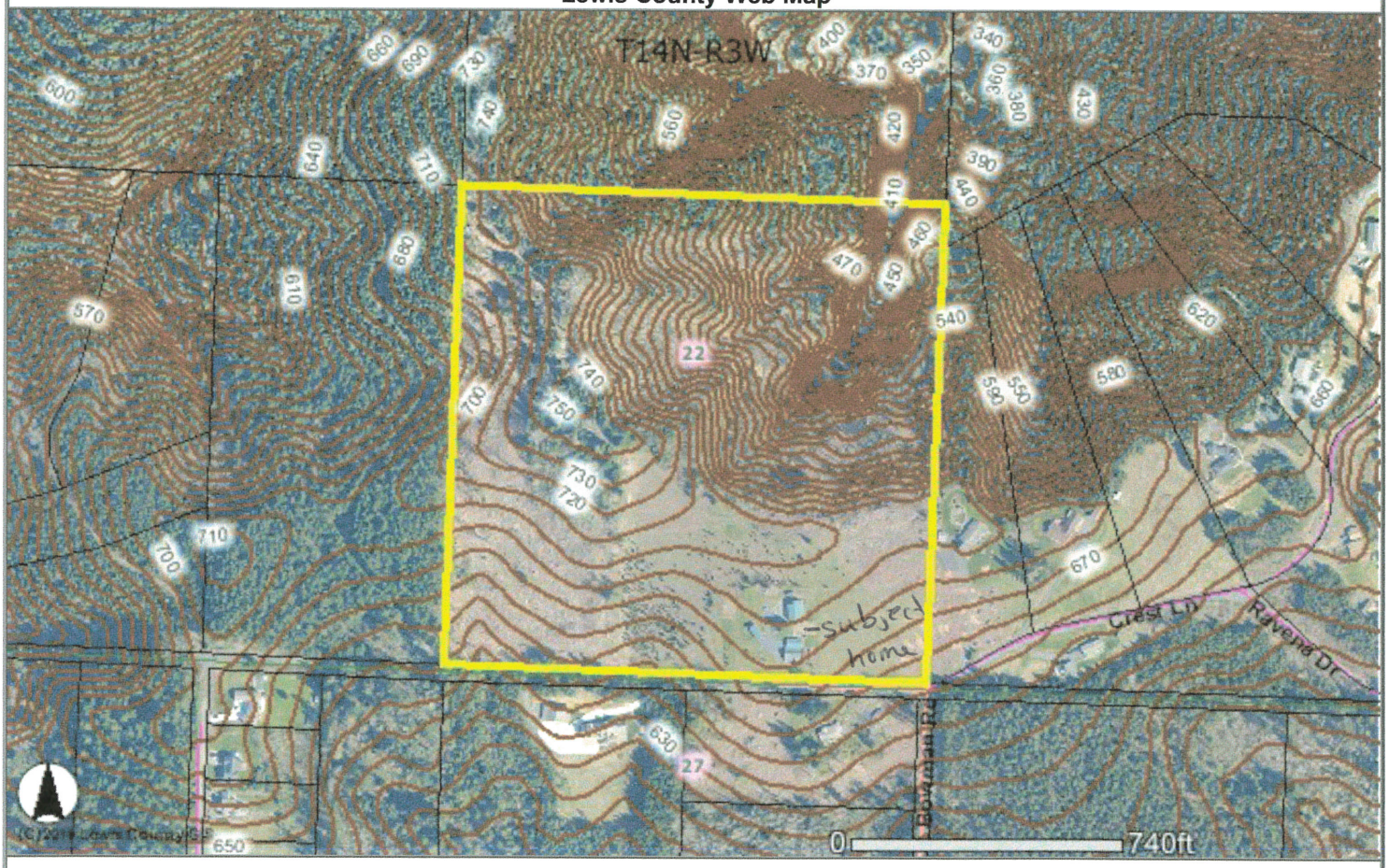


LEWIS COUNTY TITLE

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

geoAdvantage
www.sentrydynamics.net

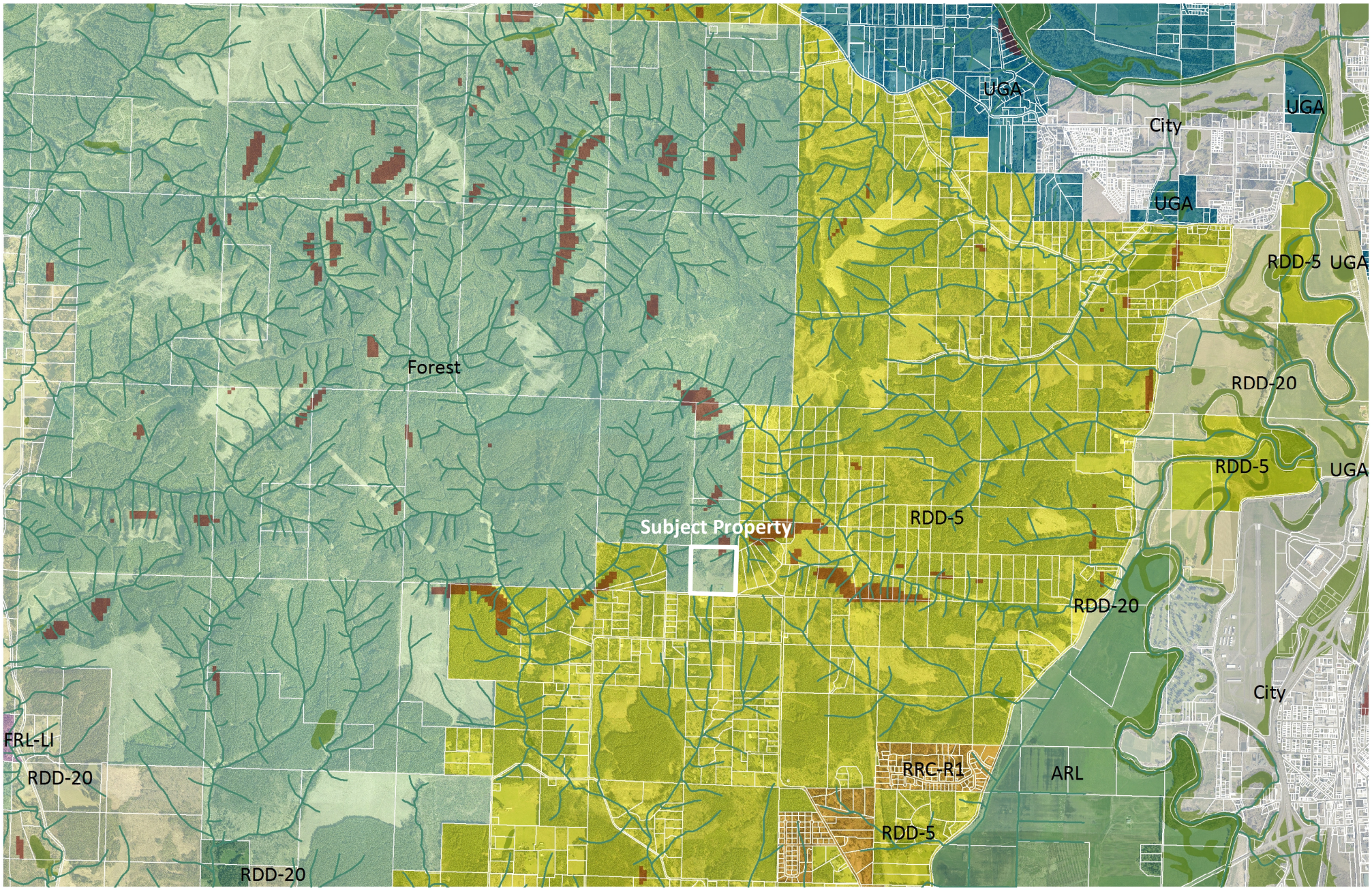
Lewis County Web Map



topography map 10' per line

ATTACHMENT A
Page 9 of 9

ANDERSON COMPREHENSIVE PLAN MAP CHANGE/ REZONE



Legend

Streams | Slopes Greater than 30 Percent | Wetlands

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