



**STAFF REPORT AND RECOMMENDATION
TO THE HEARING EXAMINER**

Report Date: November 17, 2023
Report Submitted By: *KW* Karen A. Witherspoon, AICP
Senior Project Planner
File Number: LP22-00002 (Hearing Number 23-1-001 – Docket Item 1)
Project Name: Sunfisher Subdivision
Type of Action: Type III – Subdivision application (Formal Long Plat)

A. SUMMARY OF PROPOSED ACTION

The proposed action for a Type III – Subdivision application (Formal Long Plat) to create a thirty-six (36) lot subdivision named “Sunfisher Subdivision” to include the construction of roughly 2,200 linear feet of new private road with stormwater facilities serving the proposed lots. All thirty-six lots are proposed to be served by water connections from Lewis County Water-Sewer District #3 and will have individual septic systems. The two parcels total 13.89 acres in size and are currently vacant. Road construction will include approximately 8,200 cubic yards of grading.

B. GENERAL INFORMATION

Owner/Applicant: Packwood Land Company (Chris Murphy)
1117 Broadway Ste. 500
Tacoma, WA 98402-3508
chris@washintonwaterfronts.com

Consultant: Olympic Engineering (Chris Merritt)
P.O. Box 12690
Olympia, WA 98508
chris@olyeng.com

Surveyor: Bracy & Thomas Land Surveyors
1520 Irving St SW, Ste. B
Tumwater, WA 98512
kim@bracythomas.com
bruce@bracythomas.com

Tax Parcel Numbers: 035185001000 & 035185002000

Location:	No address assigned. Site is approximately 2,300 feet northeast of the intersection of Blakely Road and US Highway 12 in Packwood, WA
Square Footage/Acreage:	approximately 13.89 acres (both parcels)
Zoning Classification:	Small Town Mixed Use (STMU)
Comp. Plan Designation:	Small Community - Local Area of More Intense Rural Development (LAMIRD – Type I)
Sewage Disposal:	new individual septic systems (all 36 lots)
Water Supply:	Lewis County Water Sewer District #3 (Packwood) – all 36 lots

C. HISTORY/BACKGROUND

The Type III – Subdivision application, preliminary plat drawing, lot closure notes, SEPA Checklist, Soil Evaluation - Method II application, Critical Aquifer Recharge Report, and Geotechnical Report were submitted on May 18, 2022.

(Exhibit 1 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/sunfisher-subdivision-36-lots-lp22-00002-type-iii-application/> located under the Subheading “Application Documents” for a total of seven document files on the webpage).

The application packet was determined to be complete for processing on June 15, 2022 (Exhibit 2). The Notice of Application was issued and published in *The Chronicle* on August 11, 2022 (Exhibit 3).

Lewis County is Lead Agency for the SEPA review. The SEPA checklist was reviewed, and a DNS was issued and published in *The Chronicle* on August 11, 2022 (Exhibit 4). The SEPA Threshold determination and Notice of Application for Type III – Subdivision application (Formal Long Plat) documents were mailed to the surrounding property owners within 500 feet of the parcel on August 5, 2022 (Exhibit 5). Notice of the DNS and Type III – Subdivision application (Formal Long Plat) documents were posted on-site by county staff on August 10, 2022 (Exhibit 6).

No members of the public provided comments letters. There were seven (7) agency/departments comment letters submitted during the comment period (Exhibit 7 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/sunfisher-subdivision-36-lots-lp22-00002-type-iii-application/> located under the Subheading “Public Comments Submitted During SEPA and Notice of Application”. No appeals were filed and the SEPA Threshold Determination was retained. The SEPA Threshold Determination is final.

On October 6, 2022, the applicant was notified of the comments and provided an opportunity to respond to the comments (Exhibit 8). The applicant provided responses to the comments and submitted revised documents on March 3, 2023, March 10, 2023, August 22, 2023, August 30, 2023, September 19, 2023, and October 11, 2023 (Exhibit 9 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/sunfisher-subdivision-36-lots-lp22-00002-type-iii-application/> located under the Subheading “Applicant Response to Comments” for a total of eleven (11) documents. Follow up request letters from the County for additional information and corrections to the Critical Area Report and Preliminary Plat Drawing were issued on June 30, 2023, August 29, 2023, and October 3, 2023 (Exhibit 10). The 3rd revised critical area report was accepted as final on October 3, 2023, and the Revised Preliminary Plat Drawing was submitted October 11, 2023 (Exhibit 9 – Critical Area Report 2023-09-19 and Revised Preliminary Plat Drawing). A Land Development Review (LDR22-0033) for critical areas and resources lands was approved on October 16, 2023 (Exhibit 11).

On October 26, 2023, the applicant was notified by the Hearing Examiner’s Office of the scheduled public hearing date (Exhibit 12).

D. PUBLIC HEARING NOTICE

A notice of public hearing was published on October 31, 2023, in *The Chronicle* (Exhibit 13). Additionally, notice of the public hearing was mailed to property owners within 500 feet of the subject property and to the applicant on October 30, 2023 (Exhibit 14). The public hearing notice was posted by County staff at the property’s physical location on October 24, 2023 (Exhibit 15).

E. AGENCIES CONTACTED

Lewis County Environmental Health Division – Septic
Lewis County Environmental Health Division – Water
Lewis County Public Works Department
Lewis County Building Official/Fire Marshal
Lewis County Assessor’s Office
Lewis County Water Sewer District #3 (LCWSD#3)
Lewis County Fire District #10
White Pass School District #303
Lewis County Conservation District
Lewis County Public Utility District
Washington State Department of Ecology (ECY)
Washington State Department of Natural Resources (DNR)
Washington State Department of Transportation (WSDOT)
Washington State Department of Fish & Wildlife (WDFW)
Southwest Washington Clean Air Agency (SWCAA)
US Army Corps of Engineers (USACE)
Cowlitz Indian Tribe
Confederated Tribes of the Chehalis
Washington State Department of Archaeology and Historic Preservation (DAHP)

F. NATURAL ENVIRONMENT (LCC Chapter 17.38 – Critical Areas; LCC Chapter 17.25 – Shoreline Management; and LCC Chapter 15.35 – Flood Damage Prevention)

Topography:

The proposed parcel is relatively flat, except in the western corner which has some slopes of 20%-25% within the existing drainage swale. The site is at an elevation approximately 10 to 12 feet above the elevation of the Cowlitz River which is located approximately 1,200 feet northwest of the site at its closest point. The western 325 feet of the project is located within mapped severe risk and moderate risk channel migration zones (CMZ). A geotechnical engineering report by Quality Geo NW, PLLC was submitted and provided analysis of the potential CMZ areas (Exhibit 1 – Geotechnical Report). The report determined the site is actually low risk CMZ which is not regulated, and Lewis County staff concurs with the report analysis.

Surface Water:

There is a seasonal drainage located on the western portion of the project area. Seasonal drainages are not classified as stream requiring a critical areas stream buffer. However, Lewis County Code (LCC) Section 16.05.330(3) does require seasonal drainage to establish an easement extending 15 feet landward from the ordinary high water mark. The seasonal drainage and the 15-foot easement located on the landward side of the ordinary high water mark is shown on the Revised Preliminary Plat Drawing submitted on October 11, 2023 (Exhibit 9 – Revised Preliminary Plat Drawing).

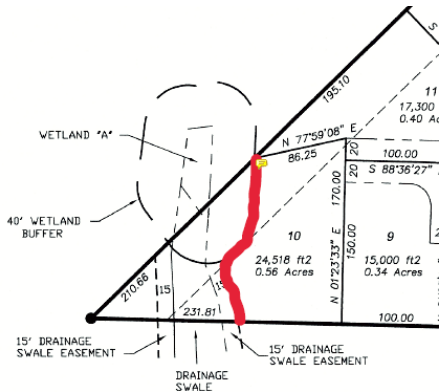
The County GIS layer does not indicate there are mapped wetlands and mapped hydric soils within the boundaries of the proposed subdivision, but during the SEPA and Notice of Application comment period, comments from Ecology staff indicate the nearby off site wetland appeared to be connected to the seasonal drainage and should be investigated to determine if wetland exist onsite. As the GIS layer is the initial tools used to determine if wetland might be present. The applicant submitted an initial critical area report from Environmental Design dated December 5, 2022 (Exhibit 9 – Critical Area Report). Ecology Staff and County staff reviewed the report and determined a site visit was needed to adequately review the findings.

A site visit with the applicant's consultant and Ecology staff on August 1, 2023 determined there is a wetland located off site to the west of the proposed subdivision, and the 40-foot wetland buffer is located in the western portion of the proposed subdivision within the area of the seasonal drainage and other development setbacks on Lot 10 (see drawing below). The Final Critical Area Report from Environmental Design, LLC dated August 22, 2023; Revised on September 19, 2023, was accepted as final by Ecology and Lewis County on October 3, 2023 (Exhibit 9 – Critical Area Report 2023-09-19). ***The following conditions of approval should be included in the preliminary decision document:***

- ***The final plat drawing shall include the location of the seasonal drainage, the 15-foot easement for the seasonal drainage, the location of the wetland and the location of the 40-foot wetland buffer.***

- *The applicant/property owners shall permanently flag the locations of the wetland buffer and the seasonal drainage 15-foot setback onsite prior to any ground disturbance to prevent inadvertent clearing during construction.*
- *The applicant/property owners shall install a split rail fence with buffer signage at the eastern edge of the wetland buffer and drainage setback to prevent future encroachment from whoever buys lot 10.*

(Proposed Lot 10 location of seasonal drainage, wetland A and wetland buffer)



Vegetation:

The natural vegetation areas on the parcels include field grass areas with roughly five acres of tree and brush cover in the southwestern portion of the project area. The tree cover consists of red alder, big leaf maple, cotton wood, Douglas fir, cedar and hemlock. According to the SEPA Checklist the trees within the 4.6-acre forested area will be selectively removed as needed to construction the improvements and homesites. Vegetation to be removed in the remaining areas consists mostly of grass (Exhibit 1 – SEPA Checklist). The SEPA Checklist also indicates “It is anticipated that trees within the existing forested area will be retained to the maximum extent practicable and that individual lots will be landscaped. The proposed open space strip adjacent to the US Hwy 12 right-of-way is proposed to be landscaped as well.” *The following conditions of approval should be included in the preliminary decision document:*

- *The vegetation located within proposed Lot 10 lying west of the eastern edge of the 40-foot wetland buffer and the easternmost edge of the 15-foot drainage swale easement shall be retained on site and noted as retained on the final plat drawing.*
- *The following statements shall be listed on the Final Plat drawing as “Conditions of Development”:*
 - *The vegetation located within proposed Lot 10 lying west of the eastern edge of the 40-foot wetland buffer and the easternmost edge of the 15-foot drainage swale easement shall be retained on site.*

Wildlife:

The project area does not include any mapped threatened or endangered priority species habitat areas shown on the Priority Habitat Species Map produced by the Washington State Fish and Wildlife (WDFW) Department. The WDFW habitat layer of the GIS system was consulted by staff and notice of the SEPA Threshold Determination and the Type III – Subdivision application (Formal Long Plat) documents were sent to WDFW for review. No comments, recommended conditions or recommended corrections to the project were issued by WDFW.

Sensitive Areas:

A review of the County GIS mapping layers determines the project area is located within Flood Zone A (100-year floodplain), critical aquifer recharge areas, volcanic hazard areas, and designated airport zones of visual approach and transitional (Exhibit 16). An existing Group B water supply well (Packwood Lumber Co) is located east of the property across US Hwy 12.

A Critical Aquifer Recharge Area Report by Insight Geologic, Inc. was submitted and provided analysis of any potential impacts from the proposed development (Exhibit 1 – Critical Aquifer Recharge Area Report). The report analyzed the potential nitrate loading from the proposed septic systems and concluded the proposed project does not appear to present potential adverse effects to the regional groundwater quality or quantity in the area from nitrate contributions. The Soil Evaluation - Method II Analysis by Jim Henry Design Services, Inc was submitted and provided additional analysis for the protection of the critical aquifer recharge area (Exhibit 1 – Soil Evaluation – Method II Analysis). Lewis County staff concurs with the analysis provided in both of the reports.

The proposed subdivision is located outside of the shoreline jurisdictional area, landslide hazardous areas, erosion hazardous areas, and mapped areas of high arsenic levels. As previously mentioned, there are mapped CMZ areas and mapped steep slopes in the western corner of the subject parcel.

G. NEIGHBORHOOD CHARACTERISTICS (LCC Chapter 17.30 – Resource Lands)

The proposed subdivision is roughly 13.89 acres in size and is adjacent to, and within 1,320 feet of lands zoned as Mineral Resource Land (MRL). Lands adjacent to the MRL zoning require a 50-foot building setback, which is shown on the Revised Preliminary Plat Drawing on lots 10 through 19. The land use zoning of the proposed subdivision is Small Town Mixed Use (STMU). *The following conditions of approval should be included in the preliminary decision document:*

- *The final plat drawing shall include the 50-foot building setback on lots 10 through 19.*

The adjoining lands on the north and south are zoned Small Town Mixed Use (STMU), to the northwest are zoned "Mine" which is Mineral Resource Land (MRL), and to the east lying across US Hwy 12 are zoned STMU and Small Town Industrial (STI). A new private

road will be constructed to access US Hwy 12 serving all 36 lots. A secondary emergency access will also access onto US Hwy 12.

The surrounding development consists of existing rural residential development to the north, west and south, a former commercial lumber yard is located across US Hwy 12 to the east, and a former mining operation is located to the northwest. A screen shot of the GIS layer of the 2021 aerial photos of the development site and surrounding area is incorporated by reference into the record (Exhibit 17). A screen shot of the GIS layer for zoning is incorporated by reference into the record (Exhibit 18).

H. TRANSPORTATION PLANS

The proposed subdivision has one (1) primary access point to US Hwy 12 and one emergency access point to US Hwy 12. The Washington State Department of Transportation (WSDOT) has jurisdiction for access decisions for US Hwy 12 and has issued the access permits for the two locations (Exhibit 9 – WSDOT Permit AP61353S & WSDOT Permit AP61354S).

Lewis County Public Works and the Lewis County Building Official/Fire Marshal have jurisdiction for the private road decision within the proposed subdivision. The revised preliminary plat map (Exhibit 9 – Revised Preliminary Plat Drawing) depicts the new private road providing access to proposed Lots 1 through 36 within the development. The proposed private road is shown within a 60-foot-wide access easement serving the development from the primary access point on US Hwy 12, then changing into a 40-foot wide access easement looping to serve all of the lots within the development. At the western side of the development a spur private road located within a 40-foot-wide access easement serves proposed lots 7 through 12. Initially the comments from Public Works and the County Engineer indicated the entire road would need to be designed to public road standards and the looping segment of the road would need to have a 60-foot wide right-of-way, and that a secondary access to US Hwy 12 would need to be provided (Exhibit 19 – Initial Review Internal Reviewer Comments). However, the applicants are proposing a gated entry into the development and the County Engineer's second review (Exhibit 20 – Review 2 Internal Reviewer Comments) indicated the private roads are, as proposed, conceptually approved. The Revised Preliminary Plat drawing identifies the secondary emergency access to US Hwy 12 as a 20-foot wide access easement, consistent with the initial Public Works comments. Further analysis of consistency with the subdivision codes will be reviewed in this report.

The physical road construction of the new private road will require the submittal of a Road Review application, Stormwater Review application and a Grading application meeting the rural road standard as required by LCC 12.60 and LCC 15.45 (Stormwater Management). Lewis County Fire District #10 submitted a signed adequate facilities memo stating they have the capacity and are willing to serve the development, and no requests for modification were included (Exhibit 21 – submitted Adequate Facilities Memos).

I. ADEQUATE PUBLIC FACILITIES AND SERVICES (LCC Chapter 17.130)

Potable Water: The application materials (Exhibit 1 – Type III Subdivision Application) indicate all 36 proposed lots will be served by Lewis County Water Sewer District #3 – Packwood, a Group A Public Water System. Further analysis of consistency with the subdivision codes will be reviewed in this report.

Wastewater Disposal: The application materials (Exhibit 1 – Type III Subdivision Application and the Soil Evaluation Method II Analysis) indicate all 36 proposed lots will be serviced by individual septic systems. Lewis County Public Health & Social Services stated the new septic systems need to be designed by a professional engineer or licensed septic designer and the lot layout is okay for septic use (Exhibit 19 – Initial Review Internal Reviewer Comments).

Fire/Emergency Services: Adequate facilities memos from the Lewis County Sheriff's Office dated August 9, 2022, and Lewis County Fire District #10 dated April 20, 2023, were submitted to Community Development (Exhibit 21). Each agency indicated they have the capacity and are willing to serve the proposed development without the need for modifications or dedications.

School District: An adequate facilities memo from the White Pass School District #303 dated November 30, 2022, was submitted to Community Development (Exhibit 21). The school district indicated they have the capacity and are willing to serve the proposed development without the need for modifications or dedications.

Solid Waste: An adequate facilities memo dated August 4, 2022, from LeMay Inc. for refuse disposal service was submitted to Community Development (Exhibit 21). The service indicated they have the capacity and are willing to serve the proposed development without the need for modifications or dedications.

Transportation: The two proposed access approaches from US Hwy 12 are under the jurisdiction of Washington State Department of Transportation. The private road layout and construction is under the jurisdiction of Lewis County Public Works and the Lewis County Building Official /Fire Marshal. See Section H. Transportation Plan above in this staff report for detailed information.

Stormwater: Lewis County Public Works comments (Exhibit 19 and Exhibit 20) stated a stormwater permit is required. The design and construction of the stormwater facilities will need to be consistent with LCC Chapter 15.45 (Stormwater Management). During the comment period the Washington State Department of Ecology (ECY) submitted comments (Exhibit 7) indicating the development will require a Construction Stormwater General Permit (CSWGP) in addition to the County's Stormwater Permit, and that erosion control measures are required to be in place prior to any ground disturbance.

J. STATE ENVIRONMENTAL POLICY ACT (SEPA) – LCC Chapter 17.110

The SEPA checklist was reviewed, and a DNS was issued and published in *The Chronicle* on August 11, 2022 (Exhibit 4). The review included the entire proposal and all proposed improvements such as the future grading for site development, and the new private road and stormwater facilities construction.

The SEPA Threshold determination and Type III Subdivision application (Formal Long Plat) were mailed to the surrounding property owners within 500 feet of the parcel on August 5, 2022 (Exhibit 5). Notice of the DNS and Notice of Application were posted on-site by county staff on August 10, 2022 (Exhibit 6). No members of the public provided comments letters. There were seven (7) agency/department comment letters submitted during the comment period (Exhibit 7 –

<https://lewiscountywa.gov/departments/community-development/current-planning-applications/sunfisher-subdivision-36-lots-lp22-00002-type-iii-application/> located under the Subheading “Public Comments Submitted During SEPA and Notice of Application”.

Comments received from the Washington State Department of Archeology & Historic Preservation (DAHP) recommended a professional archaeological survey of the project area be conducted prior to ground disturbing activities, and consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues (Exhibit 7 – DAHP Comment Letter). The project applicants completed the cultural resource survey. On March 10, 2023, DAHP provided a concurrence letter indicating the cultural resource survey had been accepted, and indicated no further archaeological work is needed prior to ground disturbing activities. DAHP did however recommend that a standard Inadvertent Discovery Plan is followed in case eligible historic features, or precontact period (Native American) archaeology is uncovered during project activities (Exhibit 9 – DAHP Concurrence Letter). *The following statements shall be listed on the Final Plat drawing as "Conditions of Development":*

- *In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100 foot buffer) must stop and the following actions taken: 1) Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; 2) Take reasonable steps to ensure the confidentiality of the discovery site; and 3) Take reasonable steps to restrict access to the site of discovery.*
- *The project proponents will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation (DAHP). The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural materials and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.*
- *If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps will be followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.*

No appeals were filed and the SEPA Threshold Determination was retained. The SEPA Threshold Determination is final.

K. COMPREHENSIVE PLAN

The property currently has a comprehensive plan designation of Small Community – LAMIRD – Type I. Policies in the Land Use Element of the Comprehensive Plan recognize the importance of ensuring that a variety of rural residential housing options are available and compatible with the rural character of Lewis County. Public water provided by Lewis County Water Sewer District #3 (LCWSD#3) and individual on-site septic systems are consistent with rural character of the Packwood LAMIRD Type I and the historical development of the area. Service providers including water systems, fire districts and school districts determine adequate services and facilities needed to serve a subdivision. As discussed in Section I of this report, adequate facilities memos have been provided.

As discussed above, the proposed development is consistent with Policy Rural 3.1, Policy Rural 3.2, Policy Rural 3.3, Policy Rural 5.1, Policy Rural 5.2, Policy Rural 5.3 and Policy Rural 5.4 of the Lewis County Comprehensive Plan. The policies are listed below for reference:

Policy Rural 3.1: Ensure that rural public facilities and services are provided at levels that are consistent with the preservation of rural character and in the historical and typical manner that is found in rural Lewis County. Use development regulations to ensure that water, wastewater treatment and other services are consistent with established standards.

Policy Rural 3.2: Coordinate the review of rural development with rural water systems, fire districts, and school districts. This coordination is intended to assure that new uses have adequate facilities in place concurrent with development or are able to develop adequate mitigation agreements when upgrades are necessary to meet current standards. County development regulations will identify the levels of rural services that must be available or provided to meet concurrency requirements.

Policy Rural 3.3: Ensure that lots within new land divisions are appropriately sized and configured for private wells and wastewater treatment facilities (when those facilities will be used).

Policy Rural 5.1: View the existing small unincorporated communities as key social, cultural, service and employment centers for the surrounding rural lands, both historically and currently, and consider the communities as an essential component of Lewis County's rural character.

Policy Rural 5.2: View the existing small unincorporated communities as key population centers in Lewis County, and work to focus development in the areas at a size, scale and intensity that is compatible with the rural character and the historic development of the community.

Policy Rural 5.3: Actively promote the economic development of existing small communities to ensure that the settlements can continue to provide goods and services and offer employment opportunities to local residents.

Policy Rural 5.4: Allow a variety of uses within small communities, so long as the infrastructure within the community has the capability to handle the demands of the growth and the development is consistent with rural character.

L. PUBLIC CONCERNS

No members of the public provided comments letters. There were seven (7) agency/department comment letters submitted during the comment period (Exhibit 7 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/sunfisher-subdivision-36-lots-lp22-00002-type-iii-application/> located under the Subheading “Public Comments Submitted During SEPA and Notice of Application”.

No additional public comments have been received related to the Type III – Subdivision application – Formal Long Plat public hearing notice at the time of writing this staff report. Items from the comment letters that the County has the ability to address through the permit process are addressed in this report.

M. STATUTES/CODES/FINDINGS

At the date of complete application, the project permit was located within a zoned area of unincorporated Lewis County and located outside of an Urban Growth Area (UGA). The zoning district for this property is Small Town Mixed Use (STMU). LCC Section 17.42.017 Table 1 – minimum lot size summary indicates that in the STMU zoning district, there is no zoning minimum lot size requirement for STMU. Zoning minimum lot size is determined by health code and available utilities. As reviewed and conditioned in this staff report, the subdivision is in conformity with the applicable zoning ordinance and other land use controls which exist at the time of complete application, as required by RCW 58.17.195.

The hearing examiner’s preliminary plat decision shall be based upon compliance with the applicable criteria in LCC Chapters 15.35, 16.05, 17.05, 17.25, 17.30, 17.38, 17.42, 17.45, 17.110, 17.130, 17.145 and 17.150 and RCW 58.17.

A. LCC Chapter 16.05 Subdivision

LCC Section 16.05.050 Preliminary plat – Application.

A preliminary plat application shall be processed as a Type III application per Chapter 17.05 LCC.

Staff Response: The Type III Subdivision application (Formal Long Plat) was submitted on May 18, 2022. The application packet was determined to be a complete application to begin processing on June 15, 2022. The application shall be reviewed for compliance as shown below in this staff report.

LCC Section 16.05.080 Processing.

Upon receipt of a complete preliminary plat application the administrator shall affix a file number and date of receipt to the application and promptly forward copies of the plat with a request for comment.

Staff Response: File number LP22-00002 was assigned to the application and the Notice of Application was forwarded on August 11, 2022, to the appropriate departments, government agencies, tribal agencies and the public for an opportunity to comment.

LCC Section 16.05.090 Recommendations of other agencies.

(1) Each of the departments, municipalities, districts, public officials, utility companies, or other public agencies shall forward to the administrator written reports of its comments and recommendations.

Staff Response: The departments, agencies, utilities and districts that had comments and/or recommendations have provided written reports of its comments and/or recommendations.

(2) County Engineer - Public Works Division. The public works division shall submit a report on:

- (a) The improvements required under the provisions of this chapter;
- (b) Any easements that may be required;
- (c) The effect of subdivision development on drainage in the general area, and the adequacy of the plan for handling drainage and stormwater runoff submitted by the subdivider;
- (d) Effects of the proposed subdivision on other public improvements under the jurisdiction of the county engineer/public works division;
- (e) The accuracy of the technical information submitted;
- (f) The adequacy of lot arrangement and dimensions for providing driveway access to buildings on such lots from an approved street;
- (g) The adequacy of any proposed public and private roadways;
- (h) The adequacy of transit stops, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

Staff Response: The County Engineer's Report and Public Works Division comments were submitted August 29, 2022, September 7, 2022, and June 29, 2023 (Exhibit 19 & Exhibit 20). Physical improvements for the proposed private road and fire access turnarounds for all dead end roads and stormwater facilities are required. Additional easements may be necessary on the final plat drawing to accommodate the location of the turnaround and stormwater drainage facilities. Corrections are needed to the final plat drawing. The access for the entire subdivision is limited to the approved approaches to US Hwy 12 as permitted by WSDOT (primary access and secondary emergency access). The need for sidewalks, transit stops, and other planning features were reviewed and determined to not be required for rural subdivisions in this area of the County for transportation level of services demands. The following conditions of approval should be included in the preliminary decision document:

- *The physical construction of the private roads and the emergency vehicle turnaround will require the submittal of a road review application, stormwater design review application, grading permit application, engineered civil plan set and engineered stormwater drainage report. Turnaround design consistent with LCC Section 12.60.310 shall be provided for all dead-end roads. All application documents (Road Review, Stormwater Design Review, Grading Permit, engineered civil plan set and engineered stormwater drainage report) shall be submitted to the Community Development Department for processing and preliminary approval prior to any ground disturbance.*
- *The final design of the private road and associated turnaround shall meet Lewis County Private Road standards in LCC Chapter 12.60 and the International Fire Code and final design of the stormwater facilities shall meet standards in LCC Chapter 15.45. Final approval of the constructed road and turnaround, the stormwater facilities and grading activities are required from Lewis County Public Works and the Lewis County Building Official/Fire Marshal prior to review and recording of the final plat drawing.*
- *The final approval of the Grading permit is required prior to review and recording of the final plat drawing.*
- *In accordance with LCC Section 16.05.290(3) a property owner's association shall be established and provide provisions for the maintenance and repair of the private road.*
- *The engineered road plan civil set shall show either the hammerhead extended to the lot line of proposed Lot 10 or the access driveway from the edge of the hammerhead to the lot line of proposed Lot 10 shall be constructed prior to final approval of the grading permit and final plat approval.*
- *The final plat drawing shall include all items listed in and conform to LCC Section 16.05.240 Standard Format and LCC Section 16.05.250 Surveys.*
- *The final plat drawing shall include the original legal description and the proposed legal description for each lot.*
- *All written data as identified in LCC Section 16.05.240(2) shall be included on the face of the final plat drawing.*
- *The revised lot closure notes for each lot shall be submitted to the Community Development Department with the final plat drawing application packet for final plat review.*
- *All lot corners of the individual lots shall be monumented in the field by the surveyor and noted on the final plat drawing for the final plat review.*
- *The following statements shall be listed on the Final Plat drawing as "Conditions of Development":*
 - *No direct access from Lots 1, 2, 3, 23, 24, and 25 to US Hwy 12 will be allowed, except as provided in the WSDOT Access Permits AP61353S & AP61354S.*

(3) Lewis County Environmental Health Section. The environmental health section shall submit a report on:

- (a) Adequacy of the proposed method of sewage disposal;

- (b) Adequacy of the proposed method of domestic water supply, and incorporating the determination of potability by the building official;
- (c) The adequacy of lot arrangement and dimensions for obtaining any necessary sewage permits;
- (d) Other matters related to the proposed subdivision which may affect public health.

*Staff Response: Lewis County Public Health & Social Services (Environmental Health Section) provided written reports on water and septic adequacy (Exhibit 19 and Exhibit 20). The subdivision was issued preliminary approval for water and septic review and a list of conditions were provided that will need to be met prior to final plat approval and recording. The proposed lot sizes and layout were determined to meet LCC Chapter 8.40 On-Site Sewage Systems for lots utilizing individual septic systems and community water connections (Group A Public Water System). As reviewed and conditioned in this staff report, these criteria are met. **The following conditions of approval should be included in the preliminary decision document:***

- *Final water system expansion construction of the Group A Public Water System must be completed, including but not limited to installation of all system components; water lines to all properties, establishment of easements, installation of service meters, and water improvements.*
- *The final plat drawing shall show the location of all water line easements and water service meter connection locations.*
- *The water system expansion project completion must be approved (final as-built approval) by LCWSD#3 and the Washington State Department of Health.*
- *A water connection for each lot must be ensured through the purchase and fees as determined by LCWSD#3.*
- *The following statements shall be listed on the Final Plat drawing as "Conditions of Development":*
 - *Per LCC Section 8.40.310, Lots 1 through 36 shall be provided with water from the approved public water supply (LCWSD#3) designed and constructed to serve LP22-00002 Sunfisher Subdivision.*
 - *Lots 1 through 36 will each require a designed/engineered on-site sewage disposal system.*

- (4) Lewis County Building Official. The county building official shall submit a report on:
- (a) The adequacy of lot arrangement and dimensions for securing necessary building permits;
 - (b) Compliance with Chapter 15.15 LCC as now or hereafter amended;
 - (c) Compliance with the Chapter 15.35 LCC as now or hereafter amended;
 - (d) The availability of potable water.

Staff Response: See LCC Section 16.05.090(5) below.

- (5) Lewis County Fire Marshal. The county fire marshal shall submit a report on:
- (a) The adequacy of access for emergency vehicles;

- (b) Adequacy of the water supply for fire protection purposes;
- (c) Fire hydrant location and adequacy;
- (d) Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the construction phase of the subdivision.

Staff Response: The Lewis County Building Official /Fire Marshal provided comments and recommendations for LCC Sections 16.05.090(4) & (5) on September 7, 2022 and on June 29, 2023 (Exhibit 19 and Exhibit 20). The proposed lots need to identify the buildable area by showing the yard and frontage setbacks on the final plat drawing. Since there are sixteen or more proposed lots within this project, the private roads are required to be paved construction consistent with the rural road standards listed in LCC 12.60.

*The constructed potable water connections and water availability will need to be verified prior to final plat drawing recording. Fire hydrants are required, and fire suppression availability will need to be verified prior to final plat drawing recording. All lots are required to have their own address, and the proposed private road shall be named through application process with the Permit Center. **The following conditions of approval should be included in the preliminary decision document:***

- *Proposed lots shall show buildable areas with the required setbacks per LCC Section 16.05.300 on the final plat drawing.*
- *Per RCW 58.17.280, the private roads shall be named, and each proposed lot shall have its own approved address that shall be shown on the final plat drawing (contact the Community Development Permit Center for the address and road naming information). Once the road names and address numbers have been assigned for each lot, the surveyor will need to show the road names and the addresses on the final plat drawing.*
- *Gates located on the private road will need to meet the minimum requirements of LCC Section 12.60.270.*
- *Knox Boxes keyed per Lewis County Fire District #10's specifications are required at each gate.*
- *The location of the private road gates shall be shown on the final plat drawing.*
- *The location of fire hydrants shall be shown on the final plat drawing.*
- *All private roads within the subdivision shall be paved consistent with LCC Chapter 12.60 Rural Road Standards.*
- *The engineered road plan civil set shall include the location of the waterlines and fire hydrants.*
- *The fire hydrants shall be installed prior to final plat approval.*
- *The septic soil perk holes/ test pit locations from the Soil Evaluation Method II Analysis shall be shown on the final plat drawing.*

(6) The Administrator. After receiving the comments from the departments or agencies, the administrator shall submit a report to the hearing examiner regarding the conformance of the proposed subdivision to the requirements of this chapter.

Staff Response: This staff report is the administrator's report to the Hearing Examiner regarding the conformance of the proposed subdivision with the requirements of this chapter. Review of the proposed subdivision will continue below. During the comment period, the Washington State Department of Ecology (ECY) submitted comments (Exhibit 7) indicating the development will require a Construction Stormwater General Permit (CSWGP) in addition to the County's Stormwater Permit, and that erosion control measures are required to be in place prior to any ground disturbance. The Land Development Review (LDR22-0033) for critical areas and resources lands was approved on October 16, 2023, with eleven Conditions of Development (Exhibit 11). Those eleven Conditions of Development will need to be shown on the final plat drawing as amended by the conditions of approval. LCC Section 16.05.140 – Preliminary Plat Approval – lists requirements for the subdivider related to the time between preliminary approval and the final plat review and should be listed as conditions of the preliminary plat decision. The following conditions of approval should be included in the preliminary decision document:

- The applicant shall apply with the Washington State Department of Ecology (ECY) for a Construction Stormwater General Permit (CSWGP) in addition to the County's Stormwater Permit. Documentation of compliance with this condition shall be submitted by the applicant to the Community Development Department prior to any ground disturbing activities.*
- All erosion control measures shall be in place prior to any ground disturbance.*
- The final plat drawing shall be reviewed by department staff for correction of typographical and clerical errors, consistency with the preliminary plat approval conditions and for consistency with the Conditions of Approval of the other issued permits prior to the Administrator's signature and the recording of the final plat drawing.*
- The final plat drawing shall be drawn, signed and stamped by a Washington State licensed Professional Land Surveyor and be consistent with state and local recording requirements.*
- The applicant shall submit a complete final plat application, fees and final plat drawing for review and recording within five (5) years of the date of the Hearing Examiner's preliminary plat approval. The final plat drawing shall be prepared in accordance with LCC Section 16.05.240, LCC Section 16.05.250 and the Administrator shall verify compliance with LCC Section 16.05.190 and that the final plat drawing meets all requirements of preliminary plat approval including incorporating any modifications or conditions required by the preliminary plat approval. If the final plat drawing is not recorded within five (5) years from the date of the Hearing Examiner's preliminary plat approval, the preliminary plat decision shall be void.*
- The approval of a preliminary plat shall not imply the approval to convey lots. Transferring of lots depicted on a preliminary plat shall not occur until a final plat has been recorded.*
- Approval of the preliminary plat by the Hearing Examiner shall provide notice to the subdivider that he/she may proceed to develop the*

subdivision's facilities and required improvements, subject to the preliminary plat Conditions of Approval.

- *Facilities and required improvements must be developed in strict accordance with the standards established by LCC Chapter 16.05 and imposed by the Hearing Examiner.*
- *Any improvement work requiring review and approval by the county engineer/public works department shall not commence until the preliminary plat has been approved by the Hearing Examiner and until the improvement plans have been checked for accuracy and approved by the county engineer/public works department. As the improvement work is undertaken, the subdivider shall arrange all the inspections required by the county engineer/public works department. No stage of construction shall proceed until the preceding stage has been inspected and approved.*
- *Once a preliminary plat has been approved, no alterations other than as provided in the conditions of approval shall be made without receiving additional approvals from the Lewis County Hearing Examiner. Minor or major adjustments may be applied for by the plat applicant in accordance with LCC Section 16.05.140(6).*
- *The eleven (11) Conditions of Development from LDR22-0033 (listed here unless modified by other conditions of approval) shall be shown on the Final Plat drawing as "Conditions of Development".*
 - *The applicant shall meet the minimum requirements of LCC Chapter 15.45, erosion and sediment control.*
 - *The applicant shall obtain all other required local, state and federal permits and approvals.*
 - *This land division is located in Flood Zone A, 100-year floodplain. Development in these areas shall be consistent with the Lewis County Flood Damage Prevention Ordinance (LCC Chapter 15.35).*
 - *All development shall conform to the requirements of the Small Town Mixed Use (STMU) Zoning District per LCC Chapter 17.45.*
 - *This land division is located within WRIA 26 Cowlitz.*
 - *Portions of this land division are located in a mapped Channel Migration Zone (CMZ) of Severe or Moderate. Quality Geo NW submitted a geotechnical report dated January 31, 2022, to evaluate the CMZ hazard related to the proposed land division consistent with the Lewis County Flood Damage Prevention Ordinance (LCC Chapter 15.35) and Lewis County Critical Area LCC Chapter 17.38.*
 - *This land division is located in a mapped aquifer recharge area. Future development activity shall conform to the aquifer recharge areas element of the Lewis County Critical Areas, LCC Chapter 17.38.*
 - *This land division is located within the Packwood airport's visual approach obstruction zone and the transitional obstruction zone. Future development will require a pre-construction determination from the FAA and may also require an Airport Obstruction Zone permit from Lewis County. Any use which may affect this zone shall be approved by the airport officials before commencing.*

- ***NOTICE: The subject property is within or near land designated for long-term commercially significant resource land in which natural resource activities are permitted and encouraged, including a variety of activities that may not be compatible with residential or other types of development for certain periods extending beyond the normal workday and/or work week. In addition to other activities, these may include noise, dust, smoke, visual impacts, and odors. Application may be made for mining-related activities, including mining extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. When performed in accordance with best management practices, these resource utilization activities are to be expected and shall not be subject to legal action or public nuisance.***
- ***The subject property is adjacent to designated Mineral Resource Land. Mineral Resource Land zoning setbacks apply to the proposal. All structures shall maintain a minimum setback of 50' from property lines shared with the Mineral Resource Land as shown on the Final Plat Drawing.***
- ***This land division is located within the mapped volcanic hazard area.***

As conditioned, these criteria have been met.

LCC Section 16.05.100 Hearing examiner hearing date.

Following the receipt of an application completed in compliance with the requirements of this article, the administrator shall set the date for public hearing before the Lewis County hearing examiner. Said hearing shall be held in accordance with Chapter 2.25 LCC. Any public notice and appeal period for an environmental review subject to Chapter 17.110 LCC shall be issued and expire prior to the public hearing.

Staff Response: *This application is scheduled for public hearing with the County Hearing Examiner on January 12, 2024, at 9:00 am for Docket Item 1. The environmental review for this project is final and the appeal period expired prior to the public hearing as required by this criterion.*

LCC Section 16.05.120 Public hearings.

(1) Scope and Continuance.

(a) The hearing examiner shall consider the preliminary plat application for conformance to any adopted comprehensive plan, planning standards, and specifications, including Article VI of this chapter and other policies and standards of the county.

Staff Response: *As reviewed above in Section K of this report, the project is consistent with the adopted comprehensive plan. Article VI of LCC Chapter 16.05 contains the development and subdivision design standards listed in LCC Sections 16.05.270 through LCC Section 16.05.390, which will be reviewed in detail below. As reviewed and conditioned in this report, the proposed Sunfisher Subdivision meets this criterion.*

(b) The hearing examiner shall additionally ensure that:

- (i) Appropriate provisions are made for public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant items, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
- (ii) The public use and interest will be served by the platting of the subdivision and any dedications associated with the subdivision.

Staff Response: As required by state law, the County's preliminary plat approval criteria is substantially similar to state subdivision mandates found in RCW 58.17.110(2), which reads as follows:

"A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication."

The subdivision chapter (LCC Chapter 16.05) of the Lewis County Code is part of the entire subdivision title (LCC Title 16) of the Lewis County Code. LCC Section 16.05.020 identifies the purpose statement of the subdivision chapter as "The purpose of this chapter is to regulate the division of land into five or more lots in compliance with RCW 58.17.030 as amended" and the purpose for the LCC Title 16 "Subdivisions" is listed as "The provisions contained in this title are necessary to regulate the subdivision of land in accordance with Chapter 58.17 RCW and the Lewis County comprehensive plan, and to promote the public health, safety, and general welfare of Lewis County." As reviewed and conditioned in this report, the subdivision complies with the development regulations and subdivision design standards for public health, safety, general welfare, open spaces, stormwater, roads, potable water supplies and sanitary wastes. The application has been designed or conditioned in compliance with County development regulations and relevant comprehensive plan provisions, which were all adopted to serve public health, safety and general welfare.

The new subdivision will provide public benefits, including new residential structures and encouraging development fulfilling the County's goals and policies set forth in the Comprehensive Plan. White Pass School District, Lewis County Fire District #10, Lewis County Sheriff's Office and LeMay, Inc. submitted adequate facilities memos indicating each district/entity has the capacity and is willing to serve this development without the need for modifications or dedications (Exhibit 21 – adequate facilities memos). The County Engineer's Report and the County Building Official/ Fire Marshal's comments listed in the initial internal review comments and review 2 internal review comments documents (Exhibit 19 and Exhibit 20) indicated with the recommended conditions of approval, the subdivision makes appropriate provisions for roads and drainage facilities. The reports and responses from Lewis County Public Health & Social Services also listed in the initial internal review comments and review 2 internal review comments documents (Exhibit 19 and Exhibit 20) indicated with the recommended conditions of approval, the subdivision

makes appropriate provisions for water and septic. LCWSD#3 has reviewed the proposed development and water service plans. These criteria have been met.

(c) If the examiner finds that the proposed subdivision and dedication make appropriate provisions and that the public use and interest will be served, then the examiner shall approve the proposed subdivision. Dedication of land to any public body and/or provision of public improvements to serve the subdivision may be required as a condition of subdivision approval.

Staff Response: Based on the submitted materials, reviews from other departments and agencies, review of the submitted comments, and as reviewed and conditioned in this report, there is justification to find the proposed subdivision makes the appropriate provisions for County and State regulations, and the public use and interest are served. No dedication of public land is included in the proposed subdivision. The appropriate provisions have been recommended as conditions of approval for infrastructure improvements. This criterion has been met.

LCC Section 16.05.150 Preparation of preliminary plats.

The preparation of every preliminary plat shall be made by or under the direction of a land surveyor or engineer licensed by the state of Washington.

Staff Response: The preliminary plat drawing was submitted by Bruce Studeman, PLS with Bracy & Thomas Lands Surveyors, a Washington State licensed professional land surveyor. This criterion has been met.

LCC Section 16.05.170 Subdivision design and minimum standards.

Every subdivision shall conform with the design standards articulated in Article VI of this chapter.

Staff Response: Article VI of this chapter contains the development and subdivision design standards listed in LCC Section 16.05.270 through LCC Section 16.05.390 reviewed below in this report. As reviewed and conditioned in this report, the criterion has been met.

LCC Section 16.05.270 Access.

Access to the subdivision entrance shall be by public road.

Staff Response: US Hwy 12 is a public road. The main entrance and the secondary emergency entrance are from a public road. This criterion has been met.

LCC Section 16.05.280 Public roads - Design and construction standards.

All subdivision streets and roads to become part of the county public road system shall conform to the Lewis County road standards for urban and rural design or any variance granted thereto, as approved by the hearing examiner, in effect at the time any preliminary plat of the subdivision is submitted for approval.

Staff Response: The proposed roads within the subdivision are gated private roads that will be constructed to Lewis County Road Standards for rural design per LCC Chapter 12.60. As conditioned in this report, this criterion is met.

LCC Section 16.05.290 Private roads.

Private roads shall be allowed in subdivisions when the following criteria are met:

- (1) Location. The road location is approved by the county engineer.
- (2) Construction Specifications. The private roads shall be constructed to no less than those standards for private roads contained in the Lewis County road standards for urban and rural design, as approved by the board by ordinance or resolution, in effect at the time any preliminary plat is submitted for approval.
- (3) Ownership. Private roads within subdivisions shall be owned by a property owner's association and provisions shall be established for their maintenance and repair as specified in LCC 16.05.360.

Staff Response: The County Engineer has reviewed the proposed location and has required conditions of approval that the private road design and construction meet LCC Chapter 12.60 and that the future maintenance and repair of the private road will require recorded covenant meeting LCC Section 16.05.360 prior to final plat approval. The proposed gates are required to meet LCC Section 12.60.270, as previously conditioned. As conditioned in this report, this criterion has been met.

LCC Section 16.05.300 Design - Lots.

- (1) Access. Each lot shall be provided with satisfactory access by means of a public road connecting to an existing public road or by some other legally sufficient right of access which is permanent and inseparable from the lot. Existing forest service roads are not considered suitable access for subdivision purposes unless this provision is waived by the Hearing Examiner upon the recommendation of the forest supervisor of the appropriate national forest.

Staff Response: The access does not utilize a forest service road. The access easement for the private road is included as permanent and inseparable from the proposed subdivision's parcels. As previously conditioned in this report, the access to proposed lot 10 will need to be constructed or the construction of the hammerhead turnaround will need to be extended to the lot line of proposed lot 10 prior to final plat approval. The issued road approach permits from WSDOT provide legally sufficient right of access to the subdivision. This criterion has been met.

- (2) Design. Each lot shall be designed to provide an identifiable feasible building site taken as a rectangle of not less than 1,200 square feet with the narrowest dimension of not less than 16 feet and, if required, an identifiable feasible drainfield area and well location.

Staff Response: As conditioned above in this staff report by the Lewis County Building Official/Fire Marshal, the required setbacks for each lot shall be shown on the final plat drawing. Reviewing the setback requirements, critical area buffers and proposed lot sizes, each proposed lot will exceed the minimum square and dimension requirements for buildable area identified in this criterion. The proposed drainfield locations have been identified in the Soil Evaluation Method II Analysis document (Exhibit 1) and the project will not utilize any individual wells. The water source will be provided through water meters, water lines and connections to the Lewis County Water Sewer District #3 (LCWSD#3 – Packwood). The septic soil perk holes/ test pit locations from the Soil

Evaluation Method II Analysis need to be shown on the final plat drawing. As previously conditioned in this report, this criterion has been met.

- (3) Size. The minimum area of each lot shall be determined as follows:
 - (a) When served by sanitary sewers and community or public water supply the minimum lot size shall be 6,000 square feet;
 - (b) When served by individual septic tanks and drain fields and/or individual water supply, minimum lot sizes shall meet the requirements of the sewage disposal rules and regulations of the Lewis County board of health;
 - (c) When other methods of sewage disposal are used such as a community septic system, minimum lot sizes shall be as recommended by the Lewis County board of health or the Washington State Department of Health. If off-lot location of the community drain field is approved and if there is a public water supply then the minimum lot size provided in subsection(3)(a) of this section can be used.

Staff Response: Public Health & Social Services have reviewed the proposed subdivision for water and septic systems and found the proposed lots meet the requirements for individual on-site sewage disposal with public water supply in LCC Chapter 8.40. As conditioned in this staff report, this criterion has been met.

- (4) Width. The minimum width for each lot as measured between the midpoints of the side lot lines shall be 60 feet.

Staff Response: All of the proposed lots exceed the minimum width of 60 feet. This criterion has been met.

- (5) Frontage. A minimum road frontage of 30 feet shall be required for each lot.

Staff Response: All proposed lots shown within the Revised Preliminary Plat drawing received on October 11, 2023, exceed the minimum road frontage of 30 feet. This criterion has been met.

- (6) Reverse Frontage Lots. No residential lot shall have road frontage along two opposite boundaries unless topographical features or the need to provide separation of lots from traffic arterials, commercial activities, or industrial activities justify the designing of reverse frontage lots. For such lots a strip of land not less than 10 feet wide in addition to any other minimum dimension required herein shall be provided along the lot line adjoining such arterials or other disadvantageous use across which there shall be no right of vehicular access.

Staff Response: Proposed lots 1, 2, 3, 23, 24, & 25 have reverse road frontage along two opposite boundaries. These lots are adjacent to US Hwy 12 and the looping portion of the new private road. The Revised Preliminary Plat drawing (Exhibit 9 – Revised Preliminary Plat drawing) identifies a strip of land adjacent to US Hwy 12 to be used as "open space". This strip of land needs to be identified as a no access easement within proposed lots 1, 2, 3, 23, 24 & 25, not as a separate parcel between these lots and US Hwy 12. As previously conditioned, a note shall be placed on the final plat drawing stating "No direct access from Lots 1, 2, 3, 23, 24, and 25 to US Hwy 12 will be allowed, except

as provided in the WSDOT Access Permits AP61353S & AP61354S." The following should be included in the preliminary decision document:

- *The final plat drawing shall be corrected to identify the 20-foot wide "open space" strip of land as a 20-foot wide "no access easement" within proposed lots 1, 2, 3, 23, 24, & 25, and not as a separate tract of land as currently shown on the revised preliminary plat drawing. The main entrance and the secondary emergency entrance should not be included in the "no access easement".*

As conditioned, these criteria have been met.

(7) Design. All lots shall be of compact design; lot lines shall be straight lines except insofar as they may follow the radius of a road curve and may form a three-, four-, or five-sided figure. No easement for access or unusual features as provided in LCC 16.05.330(2) and (3) shall be permitted to bisect a lot.

Staff Response: The proposed lots are compact in design and feature straight lines except in the location of the road curves. Lot 10 does include the seasonal drainage in the western portion of the lot but does not include any access features crossing the drainage. The buildable area of proposed Lot 10 does not require a crossing to access the proposed development area and is therefore not bisected by the seasonal drainage. As previously conditioned, these criteria have been met.

(8) Markers. Each lot shall have lot markers made of wood with lettering of lot and block numbers and located to be visible from the road and to be in place prior to final plat approval.

Staff Response: This criterion shall be included as a condition of approval, absent the inapplicable reference to block numbers. As conditioned, this criterion is met.

LCC Section 16.05.310 Design - Blocks.

Staff Response: The subdivision does not include multiple blocks or block designations. These criteria do not apply.

LCC Section 16.05.320 Setbacks.

The designed provision for any building site within a subdivision shall be in compliance with the requirements of Chapters 15.15 and 17.145 LCC as now or hereafter amended.

Staff Response: The Lewis County Building Official/ Fire Marshal recommended conditions of approval for the proposed lots to show buildable area and the required setbacks for each lot on the final plat drawing. LCC Chapter 15.15 and LCC Chapter 17.45 identify the front, side and rear yard setbacks required for lots in addition to any critical area buffers and other required building setbacks. As conditioned, this criterion is met.

LCC Section 16.05.330 Easements.

(1) Public Utilities. The subdivider shall submit a letter to the administrator from each of the proposed service utilities informing the administrator that the proposed utility

construction is adequate and satisfies the needs of both the subdivider and the utility and is adequate to meet the requirements of the subdivision. The letter shall inform the administrator as to the general construction plan agreed upon between the subdivider and the utility.

(2) Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines shall be of such width as is adequate for the purpose, including any necessary maintenance roads.

(3) Watercourses. Where a subdivision is traversed by a watercourse, drainage way, waste way, channel, or stream, there may be required a stormwater easement or drainage right-of-way extending 15 feet landward from the ordinary high water mark and conforming substantially to the line of such watercourse, drainage way, waste way, channel, or stream.

*Staff Response: Notification of the project was sent to Lewis County PUD during the Notice of Application, the SEPA comment period and the Notice of Hearing comment period. No comments were submitted by Lewis County PUD. The subdivision does not include high voltage transmission line facilities within the boundary of the proposed subdivision. The location of the seasonal drainage, the 50-foot MRL zone building setbacks, and wetland buffer are shown on the revised preliminary plat drawing (Exhibit 9). The stormwater facilities for the proposed private road will be located within an easement and said easement will be shown on the final plat drawing, as previously conditioned. Prior to final plat approval, the utility lines serving the proposed lots will need to be installed and utility easements provided on the final plat drawing. **The following condition of approval should be included in the preliminary decision document:***

- ***All utility easements necessary to provide electrical and telephone service to the proposed lots shall be shown on the final plat drawing.***

As conditioned, these criteria have been met.

LCC Section 16.05.340 Design and construction standards - Utility installations.

(1) Public Water Supply. For connection to existing Group A public water systems, installation shall be to the design and construction standards of the supplying utility. For newly created Group A water systems and Group B water systems, installation shall meet Lewis County and Department of Health standards and specifications.

(2) Sanitary Sewers. Installation of sanitary sewers shall be to the design and construction standards of the supplying utility.

(3) Electrical Power, Telephone, Cable Television, and/or Natural Gas. Electrical power and telephone cable shall be provided to each lot. Natural gas and television cable may be required where feasible. Installation shall be to the standards of the supplying utility. Undergrounding shall be required except where determined by the supplying utility not to be feasible.

Staff Response: The proposed subdivision will be served by connecting to an existing Group A Public Water System (Lewis County Water Sewer District #3 – LCWSD#3). An email from LCWSD#3 (Ed Mullins) indicated the water utility plan for the proposed subdivision meets the water district's construction standards and has been granted

preliminary approval by the water district, the Washington State Department of Health and Lewis County Public Health & Social Services (Exhibit 21). The proposed subdivision will be served by individual engineer's designed on-site septic systems, not public sanitary sewer lines. As previously conditioned, prior to final plat approval, the utility lines for electrical power and telephone cable serving the proposed lots will need to be installed and utility easements provided on the final plat drawing. Utilities lines shall be underground unless the supplying utility determines it is not feasible and requires overhead installation. The following condition of approval should be included in the preliminary decision document:

- Utilities lines for electrical power and telephone cable shall be underground unless the supplying utility determines it is not feasible and requires overhead installation.*
- The subdivider shall submit a letter to the administrator from each of the proposed service utilities informing the administrator that the utility construction and installation is adequate and satisfies the needs of both the subdivider and the utility provider and is adequate to meet the requirements of the subdivision approval.*

As conditioned, these criteria have been met.

LCC Section 16.05.350 Fire protection standards.

(1) When Required. The installation of fire hydrants and the sizing of water lines for fire flow shall be required for all subdivisions which either create a new Group A public water supply or connect to an existing Group A system.

(2) Fire Flow Sizing. Water distribution mains on which fire hydrants shall be located shall be sized to the standards specified in a current Insurance Service Office's Guide for Determination of Fire Flow.

(3) Hydrants. When hydrants are required, the spacing between hydrants shall be determined by the appropriate fire protection agency except in those instances where that agency fails to make such a determination in which case said spacing shall be that specified by a current Washington State Chapter, American Public Works Association Standards and Specifications.

(4) Ingress - Egress. For subdivisions of 20 units or more, at least two ingress-egress routes may be required by the county fire marshal or fire protection agency.

Staff Response: Lewis County Fire District #10 and the Lewis County Building Official/ Fire Marshal have reviewed the proposed development. The project is utilizing connections to an existing Group A Public Water System. Fire hydrants are required. The applicant submitted a draft civil plan set dated April 14, 2022, that identifies five (5) proposed fire hydrants along the private road (Exhibit 9 – Civil Plans). Exhibit 22 is an excerpt of the fire hydrant requirements within LCWSD#3 adopted Water System Plan, which provides the standards for fire hydrants utilizing LCWSD#3 water for fire protection. The email from LCWSD#3 (Ed Mullins) indicates the water system design (including the proposed fire hydrants) has been approved by the district for construction (Exhibit 20). The proposed subdivision is for thirty-six (36) lots, and a secondary emergency ingress-egress route is shown on the revised preliminary plat drawing (Exhibit 9 – Revised Preliminary Plat drawing). As previously conditioned, these criteria have been met.

LCC Section 16.05.360 Maintenance agreements.

(1) When Maintenance Agreements Required. Maintenance agreements, in a form approved by the administrator, shall be required for all subdivisions which have private roads, common areas, recreation areas, or utility systems, any of which are jointly owned. These agreements shall be accompanied by a certificate from a private attorney assuring perpetual maintenance of the appropriate property or improvements and shall be submitted prior to final plat approval.

(2) Minimum Contents and Requirements. All maintenance agreements shall at a minimum provide for the following:

(a) Membership of lot owners in a property owner's association established for the maintenance and repair of the appropriate property or improvements;

(b) An equitable means of assessment for maintenance or necessary improvement costs;

(c) Ownership of all improvements; and

(d) Any other matters necessary to guarantee a workable organization.

(3) Encumbrance. Maintenance agreements shall be of record in the office of the Lewis County auditor and shall be referenced by identifying notation on the final plat.

Staff Response: Lewis County Public Works provided comments (Exhibit 19 and Exhibit 20) the proposed new private road will need road maintenance and repair agreements recorded with the Lewis County Auditor's office and referenced on the final plat drawing. Lewis County Public Health & Social Services provided comments (Exhibit 19 and Exhibit 20) that water line easements and water meter locations will need to be shown on the final plat drawing. Additionally, LCC Chapter 15.45 requires constructed stormwater facilities to have recorded stormwater maintenance covenant, and the Auditor's File Number (AFN) will need to be referenced on the final plat drawing prior to recording. The following conditions of approval should be included in the preliminary decision document:

- *The constructed private roads and stormwater facilities shall have a recorded road maintenance agreements and recorded stormwater maintenance covenant, and the recorded Auditor's File Number (AFN) of each shall be referenced on the final plat drawing prior to final plat approval and recording.*

As conditioned, this criterion has been met.

LCC Section 16.05.370 Flood protection.

Any subdivision which falls within an area of special flood hazard (100-year frequency floodplain) as identified by the Federal Emergency Management Agency shall comply with all the requirements of the National Flood Insurance Program and Chapter 15.35 LCC.

LCC Section 15.35.230 Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage. Subdivisions within special flood hazard areas shall be clustered on the highest portion of the property to avoid flood hazards. Land that is located partially within a special flood hazard area may be divided; provided, that each resulting lot has sufficient buildable area and access to the lot is provided outside of the special flood hazard area. All plats and short plats will clearly show the

boundary of the flood hazard area including any floodway together with a restriction on development within the hazard area;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water system source treatment and storage located outside the special flood hazard area, except where there is no feasible alternative. If allowed, such facilities shall be constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided, or is not available from another authoritative source, the data shall be generated by the applicant as a condition of permitting.

Staff Response: *The proposed subdivision is located entirely within an area of special flood hazard identified as flood zone A4, the 100-year floodplain on FIRM panel 530102 0370 B dated December 15, 1981. The base flood elevation data is listed on the FIRM panel and shall be included on the final plat drawing. The project area topography is flat, but is at an elevation 10 to 12 feet above the elevation of the Cowlitz River. All construction is required to meet or exceed the elevation requirements of LCC Chapter 15.35. The following conditions of approval should be included in the preliminary decision document:*

- ***The applicants shall apply for a flood development permit at the time of submittal of the road, stormwater and grading permit applications.***
- ***The base flood elevation from FIRM 530102 0370 B dated December 15, 1981 for the parcels within the proposed subdivision shall be shown on the final plat drawing.***
- ***All public utilities and facilities shall be constructed to minimize flood damage.***
- ***The following statements shall be listed on the Final Plat drawing as "Conditions of Development":***
 - ***All future development and buildings shall obtain flood development permits and have their own Pre and Post Elevation Certificates.***

As conditioned, these criteria have been met.

LCC Section 16.05.380 Dedications of land for public uses and open space.

(1) Necessity of Dedications - Public Uses. The burden of proof for the necessity of reservations for public uses shall rest with the agency or individuals deeming it necessary.

(2) When Required. The Hearing Examiner may require that suitable land be reserved for such public uses as parks, playgrounds, recreation areas, fire stations, schools, or utility facilities, and the preservation of natural features and amenities where such reservations would be appropriate. Such lands shall remain undeveloped for the period of time set by the Hearing Examiner to permit the affected agency to purchase the land.

(3) General Requirements. Each required reservation shall be suitable in size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned. The area shall be shown and marked on the final plat as being reserved for the intended purpose.

Staff Response: *The proposed subdivision does not include dedications of land for public use. As previously reviewed and conditioned in this report, the seasonal drainage and wetland buffer located in proposed lot 10 are protected from access and vegetation*

removal. No road access is needed or authorized since the area is to be protected from encroachment. As previously conditioned, these criteria have been met.

LCC Section 16.05.390 Nonresidential subdivisions.

Staff Response: This subdivision is for residential use. This criterion does not apply.

LCC Section 16.05.400 Standards for clustered development.

Staff Response: This subdivision does not include clustered development. This criterion does not apply.

B. LCC Chapter 17.05 General Provisions

LCC Section 17.05.040 Project permit application type:

(1) Project permit applications are categorized as one of five types described below. Tables 17.05-1 and 17.05-2 specify various permits that fall within the categories and the methods for processing the various project permits. Type III applications are quasi-judicial actions that require an open record hearing and decision before the hearing examiner.

Staff Response: The Type III – Subdivision application (Formal Long Plat) was submitted for this project (Exhibit 1). A public hearing before the hearing examiner is scheduled for January 12, 2024, at 9:00 am as docket item 1 on the agenda. In accordance with LCC Section 16.05.130, every decision made by the hearing examiner under this chapter to approve or disapprove a preliminary plat shall be in writing and shall include findings of fact and conclusions to support the decision. This criterion has been met.

(2) Table 17.05-1 Permit Review Type – Process Chart and Table 17.05-2 Process Required for Different Permit Types

Staff Response: As listed in Table 17.05-2, Type III – Notice Period is at least 15 days before an open record public hearing; mailed notice is required; notice posted on road frontages is required; and notice published in the newspaper of record is required. The table also indicates, the public hearing is conducted by the Hearing Examiner; a decision is issued by the Hearing Examiner; and the appeal process is to the appropriate court as defined in LCC Section 2.25.140 and RCW 36.70C. The process required for a subdivision is the Type III process under the rules in effect on June 15, 2022, when this application was determined to be a complete application for processing. As identified above in Section D of the staff report all public notice requirements have been met, and the appropriate application type has been submitted. This criterion has been met.

LCC Section 17.05.140 Duration of Decisions

(1)(b) Preliminary approval of land divisions shall be valid for the period specified in RCW 58.17.140, after which it shall expire. Prior to expiration, a complete application for final plat approval meeting all the legal requirements and conditions of approval shall be made.

Staff Response: RCW 58.17.140 (3)(a) authorizes a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. The duration of the decision for this Type III Subdivision application is five (5) years from the date of preliminary plat approval since review by the Hearing Examiner will be after January 1, 2015. As previously conditioned in this report, this criterion has been met.

C. LCC Chapter 17.145 Supplemental Requirements

LCC Section 17.145.020 Required Setbacks.

(1) Residential setbacks include: Front from private easement – 0 feet; Side from property line – 5 feet; Rear from property line – 15 feet. Buildings are also required to be located outside of any easements and critical area buffers.

Staff Response: The Lewis County Building Official/Fire Marshal stated all lots are required to meet the setbacks and a previous condition in this staff report stated the setbacks shall be shown on the final plat drawing. As conditioned, this criterion is met.

D. LCC Chapter 17.150 Special Conditions – Rural Area Development

LCC Section 17.150.010 – Purpose.

The purpose of this chapter is to protect rural character, prevent rural area sprawl and avoid the need for urban services in rural areas.

Staff Response: The review for consistency with LCC 17.150 is listed below.

LCC Section 17.150.020 – Special Conditions.

(1) Rural Areas of More Intensive Development. Any permit issued in a rural area of more intensive development shall meet the following conditions:

(a) The proposed use is consistent with the uses authorized in RCW 36.70A.070(5)(d)(i) through (iii), Chapter 17.42 LCC and the Lewis County comprehensive plan.

Staff Response: The proposed subdivision is located within an existing "Limited Area of More Intensive Rural Development – LAMIRD Type I" that was created and authorized in compliance with RCW 36.70A.070 on the date Lewis County was originally required to plan under the Growth Management Act (Final zoning adopted July 26, 1999). The proposed use of the subdivision is residential and is an authorized use in RCW 36.70A.070(5)(d)(i) through (iii), LCC Chapter 17.42 for the STMU zoning district and within the adopted Lewis County comprehensive plan. For reference, RCW 36.70A.070(5)(d)(i) through (iii) authorizes the following:

(5)(d)(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW [36.70A.030\(23\)](#). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW [36.70A.030\(23\)](#). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

This criterion has been met.

(b) The public facilities and services that supply the development are sized and located in a manner that is consistent with the Lewis County comprehensive plan, countywide planning policies and Growth Management Act.

Staff Response: *As previously stated above, the service providers have submitted completed adequate facilities memos for the public facilities and services that are serving the proposed development (Section I of this staff report). The project is consistent with the Lewis County comprehensive plan and policies (Section K of this staff report). None of the service providers require expansion of their services area to provide service to this proposed development. This criterion has been met.*

(c) No boundary change is required for the area of more intensive rural development. Where a boundary change is required, no change shall be allowed without an amendment of the comprehensive plan consistent with the requirements of RCW 36.70A.070(5)(d)(i) through (v).

Staff Response: A boundary change to the Limited Area of More Intensive Rural Development (LAMIRD Type I) is not required for this proposed development. This criterion has been met.

(2) All Rural Area Uses. Any permit issued in rural areas shall meet the following conditions:

(a) Urban growth is prohibited in all rural area developments, except as otherwise allowed in Chapter 36.70A RCW, the Growth Management Act.

Staff Response: Urban Growth is defined in RCW 36.70A as "growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170."

The proposed subdivision contains 13.89 acres and will create thirty-six (36) new residential lots. The development density of the proposed subdivision is approximately 2.6 residential units per acre of land. The intensity of the use is compatible with other rural residential and rural land uses in the Small Town Mixed Use (STMU) zoning district. This criterion has been met.

(b) To accomplish this objective, the review authority (either the administrator or hearing examiner, depending on the permit) shall find that:

(i) The project makes adequate provision to assure that the development is limited to rural development and rural governmental services.

(ii) The project does not, directly or in concert with growth likely in the area affected, create a demand for urban governmental services or establish a form of "urban growth" that is prohibited outside urban growth areas.

Staff Response: As stated previously in the report, water will be provided through connections to an existing Group A Public Water System (LCWSD#3 – Packwood). The LCWSD#3 water system is a rural utility service similar to other rural utility services commonly found throughout Lewis County. The proposed development will utilize individual septic systems, which limit the density and intensity of the project use to the rural standards. Adequate facilities memos were signed and submitted by Fire District #10, Lewis County Sheriff's Office, the White Pass School District and the refuse disposal provider. The proposal does not meet the definition of urban growth listed above. As conditioned, the project is consistent with LCC Subsection 17.150.020(2).

LCC Section 17.150.030 – Special Characteristics.

(1) Special Characteristics of Rural Development.

(a) Rural development refers to development outside of urban growth areas and outside designated long-term agricultural forest and mineral resource lands. Rural development can consist of a variety of residential, commercial and industrial uses and densities, including clustered residential development, at levels which are consistent with the preservation of rural character as defined in the Lewis County comprehensive plan.

Staff Response: The proposed use is a residential development located outside of the urban growth areas and outside of lands designated as long-term agricultural, forest or mineral resource lands. As previously conditioned in this report, the STMU zoning district is consistent with the Lewis County comprehensive plan and the definition of rural character. This criterion has been met.

(b) Rural development in Lewis County typically relies on existing facilities for school and fire, though existing facilities may be upgraded or expanded.

Staff Response: As previously stated above, the service providers have submitted completed adequate facilities memos for the public facilities and services that are serving the proposed development (Section I of this staff report). This criterion has been met.

(c) Rural development commonly uses existing small towns and crossroad commercial facilities to meet local commercial needs.

Staff Response: No commercial uses are part of this subdivision application. The additional residential lots created by this subdivision would be served by existing commercial development. This criterion has been met.

(d) Rural residential development typically minimizes any impacts to the overall productivity of designated long-term resource lands within a one-mile radius of the proposed development.

Staff Response: The proposed residential subdivision will provide for thirty-six (36) additional rural residential development sites in the Packwood area utilizing one primary access point onto US Hwy 12, and one secondary emergency access point onto US Hwy 12. Ten of the proposed lots (Lots 10 – 19) are adjacent to lands designated long-term resource lands (Mineral). However, the mineral site is no longer used as an active mining site and currently has a rural residential homesite. The required 50-foot building setback is shown on the revised preliminary plat drawing and is previously conditioned to be shown on the final plat drawing. The subdivision, as designed and conditioned, minimizes any impacts to the overall productivity of designated long-term resource lands within a one-mile radius of the proposed development. As reviewed and conditioned in this report, this criterion has been met.

(e) Clustered developments are considered appropriate for rural development if:

- (i) The overall density of the land does not exceed the underlying zoning of the parcel (unless bonus densities are awarded);
- (ii) The development can be accommodated with fire, school, and other rural public facilities without the need to relocate or create a new facility to serve the newly developing area; and
- (iii) The development can be served by commercial facilities in existing crossroad commercial areas and small towns and does not establish a new commercial center for the county.

Staff Response: This project is not a clustered development. These criteria do not apply.

(f) Industrial and commercial uses are appropriate forms of rural development if consistent with the requirements in RCW 36.70A.070(5)(d) and the descriptions of rural character in Lewis County comprehensive plan.

Staff Response: No industrial or commercial uses are proposed as part of this subdivision application. This criterion does not apply.

N. CONCLUSIONS

With the conditions of approval recommended below, the Type III – Subdivision application (Formal Long Plat) meets the intent of all applicable requirements under LCC Chapter 16.05, LCC Title 17 and RCW 58.17. The conditions related to access to a public road, the adequacy of the internal road system, method of proposed sewage treatment, stormwater drainage, critical area protections and water supply to the proposed project are the minimum necessary to provide for public safety, adequate access and public health pursuant to LCC Section 16.05.120 and RCW 58.17.110.

With the conditions proposed below, the Type III – Subdivision application (Formal Long Plat) will comply with the goals and objectives of the Lewis County Comprehensive Plan and will comply with the requirements of the Lewis County Code and other official land use controls of Lewis County.

O. RECOMMENDATIONS

Staff recommends the Hearing Examiner issue **preliminary plat approval** of the Type III – Subdivision application (Formal Long Plat) from Packwood Land Company (landowners) file number LP22-00002, subject to the following conditions below. *Note: the conditions that follow have been reordered from the manner in which they appear in the staff report above to be more understandable.*

Water Final Plat Conditions:

1. Final water system expansion construction of the Group A Public Water System must be completed, including but not limited to installation of all system components; water lines to all properties, establishment of easements, installation of service meters, and water improvements.
2. The water system expansion project completion must be approved (final as-built approval) by LCWSD#3 and the Washington State Department of Health.

3. A water connection for each lot must be ensured through the purchase and fees as determined by LCWSD#3.

Private Road/Stormwater/Grading Permit and Construction Conditions:

1. All erosion control measures shall be in place prior to any ground disturbance.
2. The physical construction of the private roads and the emergency vehicle turnaround will require the submittal of a road review application, stormwater design review application, grading permit application, engineered civil plan set and engineered stormwater drainage report. Turnaround design consistent with LCC Section 12.60.310 shall be provided for all dead-end roads. All application documents (Road Review, Stormwater Design Review, Grading Permit, engineered civil plan set and engineered stormwater drainage report) shall be submitted to the Community Development Department for processing and preliminary approval prior to any ground disturbance.
3. All private roads within the subdivision shall be paved consistent with LCC Chapter 12.60 Rural Road Standards.
4. The final design of the private road and associated turnaround shall meet Lewis County Private Road standards in LCC Chapter 12.60 and the International Fire Code and final design of the stormwater facilities shall meet standards in LCC Chapter 15.45. Final approval of the constructed road and turnaround, the stormwater facilities and grading activities are required from Lewis County Public Works and the Lewis County Building Official /Fire Marshal prior to review and recording of the final plat drawing.
5. The final approval of the Grading permit is required prior to review and recording of the final plat drawing.
6. In accordance with LCC Section 16.05.290(3) a property owner's association shall be established and provide provisions for the maintenance and repair of the private road.
7. Gates located on the private road will need to meet the minimum requirements of LCC Section 12.60.270.
8. Knox Boxes keyed per Lewis County Fire District #10's specifications are required at each gate.
9. The engineered road plan civil set shall include the location of the waterlines and fire hydrants.
10. The engineered road plan civil set shall show either the hammerhead extended to the lot line of proposed Lot 10 or the access driveway from the edge of the hammerhead to the lot line of proposed Lot 10 shall be constructed prior to final approval of the grading permit and final plat approval.
11. The fire hydrants shall be installed prior to final plat approval.
12. The applicants shall apply for a flood development permit at the time of submittal of the road, stormwater and grading permit applications.
13. All public utilities and facilities shall be constructed to minimize flood damage.
14. The applicant/property owners shall permanently flag the locations of the wetland buffer and the seasonal drainage 15-foot setback onsite prior to ground disturbance to prevent inadvertent clearing during construction.
15. The applicant/property owners shall install a split rail fence with buffer signage at the eastern edge of the wetland buffer and drainage setback to prevent future encroachment from whoever buys lot 10.
16. Each lot shall have lot markers made of wood with lettering of lot numbers and located to be visible from the road and to be in place prior to final plat approval.

17. Utilities lines for electrical power and telephone cable shall be underground unless the supplying utility determines it is not feasible and requires overhead installation.

Final Plat Drawing Conditions:

1. Per RCW 58.17.280, the private roads shall be named, and each proposed lot shall have its own approved address that shall be shown on the final plat drawing (contact the Community Development Permit Center for the address and road naming information). Once the road names and address numbers have been assigned for each lot, the surveyor will need to show the road names and the addresses on the final plat drawing.
2. The final plat drawing shall be corrected to identify the 20-foot wide "open space" strip of land as a 20-foot wide "no access easement" within proposed lots 1, 2, 3, 23, 24, & 25, and not as a separate tract of land as currently shown on the revised preliminary plat drawing. The main entrance and the secondary emergency entrance should not be included in the "no access easement".
3. The final plat drawing shall include the location of the seasonal drainage, the 15-foot easement for the seasonal drainage, the location of the wetland and the location of the 40-foot wetland buffer.
4. The vegetation located within proposed Lot 10 lying west of the eastern edge of the 40-foot wetland buffer and the easternmost edge of the 15-foot drainage swale easement shall be retained on site and noted as retained on the final plat drawing.
5. The base flood elevation from FIRM 530102 0370 B dated December 15, 1981 for the parcels within the proposed subdivision shall be shown on the final plat drawing.
6. The constructed private roads and stormwater facilities shall have a recorded road maintenance agreements and recorded stormwater maintenance covenant, and the recorded Auditor's File Number (AFN) of each shall be referenced on the final plat drawing prior to final plat approval and recording.
7. The final plat drawing shall include all items listed in and conform to LCC Section 16.05.240 Standard Format and LCC Section 16.05.250 Surveys.
8. The final plat drawing shall include the original legal description and the proposed legal description for each lot.
9. All written data as identified in LCC Section 16.05.240(2) shall be included on the face of the final plat drawing.
10. The revised lot closure notes for each lot shall be submitted to the Community Development Department with the final plat drawing application packet for the final plat review.
11. All lot corners of the individual lots shall be monumented in the field by the surveyor and noted on the final plat drawing for the final plat review.
12. The final plat drawing shall be drawn, signed and stamped by a Washington State licensed Professional Land Surveyor and be consistent with state and local recording requirements.
13. Proposed lots shall show buildable areas with the required setbacks per LCC Section 16.05.300 on the final plat drawing.
14. The final plat drawing shall include the 50-foot building setback on lots 10 through 19.
15. The final plat drawing shall show the location of all water line easements and water service meter connection locations.
16. The location of the private road gates shall be shown on the final plat drawing.

17. The septic soil perk holes/ test pit locations from the Soil Evaluation Method II Analysis shall be shown on the final plat drawing.
18. The location of fire hydrants shall be shown on the final plat drawing.
19. All utility easements necessary to provide electrical and telephone service to the proposed lots shall be shown on the final plat drawing.
20. The following statements shall be listed on the Final Plat drawing as "**Conditions of Development**":
 1. The vegetation located within proposed Lot 10 lying west of the eastern edge of the 40-foot wetland buffer and the easternmost edge of the 15-foot drainage swale easement shall be retained on site.
 2. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100 foot buffer) must stop and the following actions taken: 1) Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; 2) Take reasonable steps to ensure the confidentiality of the discovery site; and 3) Take reasonable steps to restrict access to the site of discovery.
 3. The project proponents will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation (DAHP). The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural materials and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.
 4. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps will be followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.
 5. No direct access from Lots 1, 2, 3, 23, 24, and 25 to US Hwy 12 will be allowed, except as provided in the WSDOT Access Permits AP61353S & AP61354S.
 6. Per LCC Section 8.40.310, Lots 1 through 36 shall be provided with water from the approved public water supply (LCWSD#3) designed and constructed to serve LP22-00002 Sunfisher Subdivision.
 7. Lots 1 through 36 will each require a designed/engineered on-site sewage disposal system.
 8. The applicant shall meet the minimum requirements of LCC Chapter 15.45, erosion and sediment control.
 9. The applicant shall obtain all other required local, state and federal permits and approvals.
 10. This land division is located in Flood Zone A, 100-year floodplain. Development in these areas shall be consistent with the Lewis County Flood Damage Prevention Ordinances (LCC Chapter 15.35).
 11. All future development and buildings shall obtain flood development permits and have their own Pre and Post Elevation Certificates.
 12. All development shall conform to the requirements of the Small Town Mixed Use (STMU) Zoning District per LCC Chapter 17.45.
 13. This land division is located within WRIA 26 Cowlitz.
 14. Portions of this land division are located in a mapped Channel Migration Zone (CMZ) of Severe or Moderate. Quality Geo NW submitted a geotechnical report dated January 31, 2022, to evaluate the CMZ hazard related to the proposed

land division consistent with the Lewis County Flood Damage Prevention Ordinance (LCC Chapter 15.35) and Lewis County Critical Area LCC Chapter 17.38.

15. This land division is located in a mapped aquifer recharge area. Future development activity shall conform to the aquifer recharge areas element of the Lewis County Critical Areas, LCC Chapter 17.38.
16. This land division is located within the Packwood airport's visual approach obstruction zone and the transitional obstruction zone. Future development will require a pre-construction determination from the FAA and may also require an Airport Obstruction Zone permit from Lewis County. Any use which may affect this zone shall be approved by the airport officials before commencing.
17. NOTICE: The subject property is within or near land designated for long-term commercially significant resource land in which natural resource activities are permitted and encouraged, including a variety of activities that may not be compatible with residential or other types of development for certain periods extending beyond the normal workday and/or work week. In addition to other activities, these may include noise, dust, smoke, visual impacts, and odors. Application may be made for mining-related activities, including mining extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. When performed in accordance with best management practices, these resource utilization activities are to be expected and shall not be subject to legal action or public nuisance.
18. The subject property is adjacent to designated Mineral Resource Land. Mineral Resource Land zoning setbacks apply to the proposal. All structures shall maintain a minimum setback of 50' from property lines shared with the Mineral Resource Land as shown on the Final Plat Drawing.
19. This land division is located within the mapped volcanic hazard area.

Documentation Conditions:

1. The applicant shall apply with the Washington State Department of Ecology (ECY) for a Construction Stormwater General Permit (CSWGP) in addition to the County's Stormwater Permit. Documentation of compliance with this condition shall be submitted by the applicant to the Community Development Department prior to any ground disturbing activities.
2. The subdivider shall submit a letter to the administrator from each of the proposed service utilities informing the administrator that the utility construction and installation is adequate and satisfies the needs of both the subdivider and the utility provider and is adequate to meet the requirements of the subdivision approval.
3. The applicant shall submit a complete final plat application, fees and final plat drawing for review and recording within five (5) years of the date of the Hearing Examiner's preliminary plat approval. The final plat drawing shall be prepared in accordance with LCC Section 16.05.240, LCC Section 16.05.250 and the Administrator shall verify compliance with LCC Section 16.05.190 and that the final plat drawing meets all requirements of preliminary plat approval including incorporating any modifications or conditions required by the preliminary plat approval. If the final plat drawing is not recorded within five (5) years from the date of the Hearing Examiner's preliminary plat approval, the preliminary plat approval shall be void.

General Conditions:

1. The approval of a preliminary plat shall not imply the approval to convey lots. Transferring of lots depicted on a preliminary plat shall not occur until a final plat has been recorded.
2. Approval of the preliminary plat by the Hearing Examiner shall provide notice to the subdivider that he/she may proceed to develop the subdivision's facilities and required improvements, subject to the preliminary plat Conditions of Approval.
3. Facilities and required improvements must be developed in strict accordance with the standards established by LCC Chapter 16.05 and imposed by the Hearing Examiner.
4. Any improvement work requiring review and approval by the county engineer/public works department shall not commence until the preliminary plat has been approved by the Hearing Examiner and until the improvement plans have been checked for accuracy and approved by the county engineer/public works department. As the improvement work is undertaken, the subdivider shall arrange all the inspections required by the county engineer/public works department. No stage of construction shall proceed until the preceding stage has been inspected and approved.
5. Once a preliminary plat has been approved, no alterations other than as provided in the conditions of approval shall be made without receiving additional approvals from the Lewis County Hearing Examiner. Minor or major adjustments may be applied for by the plat applicant in accordance with LCC Section 16.05.140(6).
6. The final plat drawing shall be reviewed by department staff for correction of typographical and clerical errors, consistency with the preliminary plat approval conditions and for consistency with the Conditions of Approval of the other issued permits prior to the Administrator's signature and the recording of the final plat drawing.

P. EXHIBITS

- Exhibit 1 Application packet consisting of seven document files on the county website – project page under the Subheading "Application Documents":
<https://lewiscountywa.gov/departments/community-development/current-planning-applications/sunfisher-subdivision-36-lots-lp22-00002-type-iii-application/>
- Exhibit 2 Letter to applicant – Determination of Complete Application dated June 15, 2022
- Exhibit 3 Affidavit of publication of Notice of Application, August 11, 2022
- Exhibit 4 Affidavit of publication of SEPA DNS, August 11, 2022
- Exhibit 5 Affidavit of Mailing – SEPA Threshold Determination and Notice of Application to applicant and 500-foot property owners – dated August 5, 2022
- Exhibit 6 Affidavit of posting of SEPA Determination and Notice of Application, August 10, 2022
- Exhibit 7 All comments submitted during SEPA & NOA comment period –
<https://lewiscountywa.gov/departments/community-development/current-planning-applications/sunfisher-subdivision-36-lots-lp22-00002-type-iii-application/> located under the Subheading "Public Comments Submitted During SEPA and Notice of Application"

- Exhibit 8 Letter to applicant requesting additional information based on comments received – dated October 6, 2022
- Exhibit 9 Responses from applicant regarding comment letters – received March 3, 2023; March 10, 2023; August 22, 2023; August 30, 2023; September 19, 2023 and October 11, 2023 for a total of eleven (11) documents under the Subheading “Applicant Response to Comments”
<https://lewiscountywa.gov/departments/community-development/current-planning-applications/sunfisher-subdivision-36-lots-lp22-00002-type-iii-application/>
- Exhibit 10 County follow up requests for additional information dated June 30, 2023, August 29, 2023 and October 3, 2023
- Exhibit 11 Land Development Review (LDR22-0033) for critical areas and resources lands – approved October 16, 2023
- Exhibit 12 Letter to applicant from Hearing Examiner setting time and date of virtual public hearing, letter dated October 26, 2023
- Exhibit 13 Affidavit of Publication of Type III Subdivision Public Hearing Notice, October 31, 2023
- Exhibit 14 Affidavit of Mailing – Notice of Public Hearing to applicant and 500-foot property owners – dated October 30, 2023
- Exhibit 15 Affidavit of Posting – Notice of Public Hearing by County Staff - dated October 24, 2023
- Exhibit 16 Screen shots of the County GIS layer showing mapped critical aquifer recharge areas, 100-year flood plain, mapped airport zones, mapped volcanic hazard areas, mapped steep slopes and mapped channel migration zones (CMZs) within the boundaries of the proposed project site (6 pages)
- Exhibit 17 Screen shot of the County GIS layer showing the 2021 aerial photos of the development site and surrounding area
- Exhibit 18 Screen shot of the County GIS layer showing current zoning designations of the parcel and surrounding area
- Exhibit 19 Initial Review – Internal Review Comments
- Exhibit 20 Review 2 – Internal Review Comments
- Exhibit 21 All Adequate Facilities Providers memos
- Exhibit 22 LCWSD#3 Adopted Water System Plan excerpt for fire hydrants