



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

Report Date: November 18, 2024
Report Submitted By: *KW* Karen A. Witherspoon, AICP
Senior Project Planner
File Number: LP24-00001 (Hearing Number 24-1-002)
Project Name: Riverside 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 nine (9) lot cluster subdivision named “Riverside Subdivision” to include the construction of roughly 800 linear feet of new gated private road with stormwater facilities and emergency vehicle turnaround serving the proposed lots. All nine lots are proposed to be served by water connections from a new Group B Public Water System and will have individual septic systems. The parcel is 12.80 acres in size. Road construction will include approximately 1,900 cubic yards of grading.

B. GENERAL INFORMATION

Owner/Applicant: Merrlawski Investments LLC (Chris Merritt)
P.O. Box 562
Packwood, WA 98361
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: 035067002003
Location: 107 Riverside Drive in Packwood, WA
Square Footage/Acreage: Approximately 12.80 acres
Zoning Classification: Rural Residential Center – One Acre (RRC-R1)

Comp. Plan Designation: Residential Settlement - Local Area of More Intense Rural Development (LAMIRD – Type I)
Sewage Disposal: New individual septic systems (all 9 lots)
Water Supply: New Group B Public Water System – all 9 lots

C. HISTORY/BACKGROUND

The Type III – Subdivision application, preliminary plat drawing, lot closure notes, Environmental (SEPA) Checklist, Soil Evaluation (SE) applications (eight SE applications), Project Narrative, Project Cover Letter, JARPA Form, Flood Permit application, CMZ Analysis Report, Wetland Report, Hydrogeo Assessment Report, well water report, and Geotechnical Report were submitted on March 26, 2024, and application fees were paid on March 27, 2024.

(Exhibit 1 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/> located under the Subheading “Application Documents” for a total of twenty-three document files on the webpage).

The application packet was determined to be complete for processing on April 22, 2024 (Exhibit 2). The Notice of Application was issued and published in *The Chronicle* on May 16, 2024 (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 May 16, 2024 (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 May 14, 2024 (Exhibit 5). Notice of the DNS and Type III – Subdivision application (Formal Long Plat) documents were posted on-site by county staff on May 14, 2024 (Exhibit 6).

No members of the public provided comments letters. The agency/department initial comment letters were submitted during the comment period (Exhibit 7 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/> located under the Subheading “Public Comments Submitted During SEPA and Notice of Application” (thirteen pages). No appeals were filed and the SEPA Threshold Determination was retained. The SEPA Threshold Determination is final.

On July 19, 2024, 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 response documents on July 30, 2024. (Exhibit 9 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/> located under the Subheading “Applicant Response to Comments” one document titled “LP24-00001 Applicants 1st Response Letter 072924”). The documents were reviewed by County Staff (Review 2) and

a follow up letter from the County was issued to the applicant on October 7, 2024 (Exhibit 10). A Land Development Review (LDR24-0016) for critical areas and resources lands was approved on October 7, 2024 (Exhibit 11).

The applicant provided Review 2 response documents on October 16, 2024, October 22, 2024, and November 1, 2024, with a request the comments be addressed and resolved as part of the staff report rather than as a full Review 3 – for a total of eight documents under the Subheading “Applicant Response to Comments”

Exhibit 12 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/>

On October 17, 2024, the applicant was notified by the Hearing Examiner’s Office of the scheduled public hearing date (Exhibit 13).

D. PUBLIC HEARING NOTICE

A notice of public hearing was published in *The East County Journal* on October 23, 2024 (Exhibit 14). Additionally, notice of the public hearing was mailed to property owners within 500 feet of the subject property and to the applicant on October 18, 2024 (Exhibit 15). The public hearing notice was posted by County staff at the property’s physical location on October 22, 2024 (Exhibit 16).

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 Fire District #10
White Pass School District #303
Lewis County Conservation District
Lewis County Public Utility District
Lewis County Transit
Lower Columbia Fish Recovery Board
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)
Washington State Department of Archaeology and Historic Preservation (DAHP)
Southwest Washington Clean Air Agency (SWCAA)
US Army Corps of Engineers (USACE)
Cowlitz Indian Tribe
Confederated Tribes of the Chehalis
Quinault Indian Tribe
Nisqually Indian Tribe

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 for an elevation drop along Cannon Road at the northwesterly boundary of the parcel. At the highest, the elevation drop along Cannon Road is approximately twelve feet. The entire proposed subdivision is located within the mapped moderate risk and severe risk channel migration zones (CMZ). A CMZ Analysis Report and a Geotechnical Engineering Report, both by Quality Geo NW, PLLC, were submitted and provided analysis of the potential CMZ areas (Exhibit 1 – CMZ Report and Geotechnical Report). The reports determined the site is actually low risk CMZ, which is not regulated, and Lewis County staff concurs with the report analysis.

Surface Water:

According to the Quality Geo NW, PLLC Geo Hazard Report (Exhibit 1 – Geotechnical Report):

There are two historical farm ditches on the property that are non-functioning. According to the client, these ditches are reported to have been installed in the 1960's and have been derelict since agricultural operations ceased on the property. One ditch originates from the center of the northeastern property boundary and extends southeast to the Cowlitz River. The other channel runs along the southern property boundary. Neither show signs of active water flow within them.

The County GIS layer does not indicate there are any seasonal drainages on the parcel. Farm ditches are typically man-made and are not classified as stream requiring a critical areas stream buffer.

The County GIS layer does not indicate there are mapped wetlands and mapped hydric soils within the boundaries of the proposed subdivision, but a portion of the proposed subdivision is located within the shoreline jurisdiction. The applicant submitted a Critical Areas and Shoreline Assessment Report prepared by Land Services Northwest (Exhibit 1 – Wetland Report). The report findings indicate that three regulated features were found on and offsite. Wetland A and B exist on and offsite respectively. A portion of the Cowlitz River is also found just offsite to the southeast. No other streams were found onsite or within 315 ft of the subject property.

The applicant's project narrative (Exhibit 1 – Project Narrative) indicates the Cowlitz River (Type S water) borders the parcel to the south/southeast and it has a 150-foot buffer per Table 4-1 in the 2021 SMP. There is an off-site wetland located northeasterly of the northeast property corner and a small isolated on-site wetland associated with an old farm

drainage ditch is located just inside the north/east property line. Both wetlands were evaluated by Land Services Northwest and were rated as Category III with 110-foot buffers. The buffer associated with the on-site wetland encroaches onto proposed Lot 3. The buffer associated with the off-site wetland is located entirely off-site. No work or development is proposed within any critical areas and/or their associated buffers. A proposed easement across the eastern portion of proposed Lot 3 will provide for a community open space area along the Cowlitz River. This community open space area encompasses the entire stream buffer of the Cowlitz River, all of the 200-foot shoreline jurisdiction, and the entirety of an existing Department of Natural Resources Forestry Riparian Easement. This open space easement area encompasses approximately 20% of the overall parcel area.

The following conditions of approval should be included in the preliminary decision document:

- ***The final plat drawing shall include the location of the wetland and the location of the 110-foot wetland buffer.***
- ***The applicant/property owners shall permanently flag the locations of the wetland buffer onsite prior to any ground disturbance to prevent inadvertent clearing during construction. The wetland buffer permanent flagging shall be maintained by the property owners.***

Vegetation:

According to the application narrative (Exhibit 1) site vegetation in the western three-quarters of the parcel consists of pasture grass and scotch broom. The eastern one-quarter is forested. Three Douglas fir trees, several small alder trees, and some underlying brush were recently removed to install access to the well site. Only pasture grass and scotch broom will need to be removed to construct the proposed private roadway and utility improvements. The invasive scotch broom will be removed from the entirety of the site and any invasive plant species found in the wetland buffer area will be hand-removed. The subject parcel is undeveloped but was used as farmland from the 1960's through approximately the early 1990's.

According to the SEPA Checklist approximately 2.67-acres of proposed Lot 3 will be a community open space easement area where native vegetation retention will be encouraged. Approximately 1.78-acres of this open space area is within a Washington State Department of Natural Resources (DNR) "Forestry Riparian Easement", generally encompassing the 150-ft stream buffer area adjacent to the Cowlitz River, which requires this area to remain forested.

The applicant has proposed a 25-foot vegetation retention easement along Cannon Road as a visual buffer and sound buffer for the development. The easement is shown on the preliminary plat drawing (Exhibit 1 – Preliminary Plat Drawing)

The following conditions of approval should be included in the preliminary decision document:

- ***The proposed 2.67-acre Community Open Space Easement area shall be identified on the final plat drawing.***
- ***The vegetation located within 110-foot wetland buffer and within the 150-foot stream buffer 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 110-foot wetland buffer and within the 150-foot stream buffer shall be retained on site. The wetland buffer permanent flagging shall be maintained by the property owners.***

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 portions of the project area is located within Flood Zone A (100-year floodplain), mapped CMZ, critical aquifer recharge areas, and volcanic hazard areas (Exhibit 17). An existing Group A water supply well (High Valley Country Club) is located west 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 – Hydrogeo Assessment). 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. Lewis County staff concurs with the analysis provided in the report.

The proposed subdivision is located outside of the landslide hazardous areas, steep slope areas, erosion hazardous areas, mapped areas of high arsenic levels and mapped Packwood Airport Zones.

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

The proposed subdivision is roughly 12.80 acres in size and is within 1,320 feet of lands zoned as Forest Resource Land (FRL). The land use zoning of the proposed subdivision is Rural Residential Center – Residential 1 Acre (RRC-R1).

The adjoining lands on the north, south and west are zoned Rural Residential Center – Residential 1 Acre (RRC-R1), to the east and southeast are zoned Rural Development District – 10 acre (RDD-10). A new private road will be constructed to access Riverside Drive serving all 9 lots. The proposed subdivision also abuts Cannon Road in the northwest but will not access Cannon Road due to topography. The surrounding development consists of existing rural residential development to the north, west and south, an undeveloped parcel to the northeast, and the Cowlitz River to the southeast.

A screen shot of the GIS layer of the 2024 aerial photos of the development site and surrounding area is incorporated by reference into the record (Exhibit 18). A screen shot of the GIS layer for zoning is incorporated by reference into the record (Exhibit 19).

H. TRANSPORTATION PLANS

The proposed subdivision has one access point to Riverside Drive, a county road. Lewis County Public Works has the review authority for approach permits onto county roads. Lewis County Public Works and the Lewis County Building Official/Fire Marshal have jurisdiction for the private road construction decisions within the proposed subdivision.

The initial review comments (Exhibit 8) from the Lewis County Fire Marshal indicated the project should be redesigned to show primary access from Cannon Road rather than Riverside Drive and include a secondary access from Riverside Drive. The applicant responded to the initial review comments (Exhibit 9) requesting additional review and modification to the proposed requirements. The Review 2 internal reviewer comments (Exhibit 10) determined after review of the response documents, the access to Riverside Drive is acceptable for the only access point and no additional access to Cannon Road will be required. Further analysis of consistency with the subdivision codes will be reviewed in this report.

The initial review comments (Exhibit 8) from Lewis County Engineer indicated the project should be redesigned to include improvements to the unmaintained county road portion of Riverside Drive as follows:

The existing County Road, Riverside Drive, to the point where it connects with the new private road, will need to be improved to meet current county road standards of two 11'

wide paved lanes with 1' paved shoulders. The section shall consist of 0.4' of HMA class 3/8" PG 58H-22 over 0.3' of crushed surfacing top course over 1.0' of crushed surfacing base course. Proposed private road will need to be designed in accordance with LCC 12.60 private roads serving 5-10 lots. To maintain the characteristics defined in LCC 12.60.270(1) of "allow[ing] more control, security, and sense of identity when public roads are not needed for public circulation," this shall be a gated private development. The gate shall be located beyond the County ROW and meet the requirements of LCC 12.60.670.

The applicant will need a modification of existing approach permit based on the proposed land division.

The applicant responded to the initial review comments (Exhibit 9) requesting additional review and modification to the proposed requirements. The Review 2 County Engineer's comments (Exhibit 10) determined after review of the response documents, he would retract his previous requirement of upgrading Riverside Drive to current county road standards, and the remainder of his comment would stand. The Review 2 comments including the retraction (shown as strikeout font) are shown below:

~~*The existing County Road, Riverside Drive, to the point where it connects with the new private road, will need to be improved to meet current county road standards of two 11' wide paved lanes with 1' paved shoulders. The section shall consist of 0.4' of HMA class 3/8" PG 58H-22 over 0.3' of crushed surfacing top course over 1.0' of crushed surfacing base course. (Retracted portion of comments)*~~

Proposed private road will need to be designed in accordance with LCC 12.60 private roads serving 5-10 lots. To maintain the characteristics defined in LCC 12.60.270(1) of "allow[ing] more control, security, and sense of identity when public roads are not needed for public circulation," this shall be a gated private development. The gate shall be located beyond the County ROW and meet the requirements of LCC 12.60.670.

The applicant will need a modification of existing approach permit based on the proposed land division.

The County Engineer's initial review comments (Exhibit 8) also raised concerns related to stormwater and apparent un-permitted road construction:

Stormwater will need to be addressed in accordance with LCC 15.45 for the onsite improvements and the improvements to Riverside Drive. An unpermitted road appears to have been constructed on site beyond the limits of approved road approach, RA23-00367, that has disturbed existing drainage patterns and redirected stormwater onto County ROW. This will need to be addressed by restoring the pre-existing flow paths.

The applicant responded to the initial review comments (Exhibit 9) requesting additional review and modification to the proposed requirements. The Review 2 County Engineer's comments (Exhibit 10) stated after review of the response documents, "The land division survey map requirements include: the location of existing structures, fences, buildings and

improvements. The road and culverts are not shown, and there is no reference to them or other approved permits associated with them in the application. My comments stand as is.”

The applicant provided Review 2 response documents on October 16, 2024, October 22, 2024, and November 1, 2024, with the request that the comments be addressed and resolved as part of the staff report rather than as a full Review 3 (Exhibit 12 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/> located under the Subheading “Applicant Response to Comments” (eight additional documents).

To identify the location of the existing driveway within the private road access easement, County Staff has modified the submitted drawing with yellow and orange highlight (Exhibit 20 – Highlighted single page of Revised Preliminary Plat Drawing – showing driveway and access easement locations). The drawing also depicts the installed drainage culverts within the driveway.

The County Engineer completed his review of all of the applicant’s additional documents submitted after Review 2 (Exhibit 12 – eight documents Review 2 responses) and has determined the culverts were not un-permitted road construction. The County Engineer modified his report memo (Exhibit 21) which is now dated November 7, 2024. The County Engineer’s revised comments from the memo related to stormwater are as follows:

Stormwater will need to be addressed in accordance with LCC 15.45 for the proposed onsite improvements and the existing driveway that will be converted to a private roadway.

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; no requests for access modification were listed on the adequate facilities memo (Exhibit 22 – submitted Adequate Facilities Memos).

Further analysis of consistency with the subdivision codes will be reviewed in this report.

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

Potable Water: The application materials (Exhibit 1 – LP24-00001 Application) indicate all 9 proposed lots will be served by a new Group B Public Water System. Further analysis of consistency with the subdivision codes will be reviewed in this report.

Wastewater Disposal: The application materials (Exhibit 1 – LP24-00001 Application and the Soil Evaluation Applications) indicate all 9 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 with an approved water system (Exhibit 7 – All initial comment letters).

Fire/Emergency Services: An adequate facilities memo from the Lewis County Sheriff's Office dated May 14, 2024, was submitted to Community Development (Exhibit 22) stating the agency has the capacity and is willing to serve the proposed development without the need for modifications, dedications, or conditions of development.

An adequate facilities memo from Lewis County Fire District #10 dated May 9, 2024, was submitted to Community Development (Exhibit 22) stating the agency has the capacity and are willing to serve the proposed development if the following conditions of development are provided: "a 2½ inch quick fill stand pipe be put close to well for water supply for fire, also well to have backup generator – if not Dist. 10 will not guarantee response without these in place."

The applicant submitted a response document (Exhibit 9) requesting the term "Fire Flow" not be used and that a back-up generator not be included as a requirement of preliminary plat approval. The County responded on October 7, 2024 (Exhibit 10) that the term "fire flow" would be replaced with the term "fire suppression" as part of the Group B Public Water System design and the remaining initial review comments would be retained. This Review 2 response was coordinated with Public Health, the Lewis County Fire Marshal and the Fire Chief for Lewis County Fire District #10.

The applicant provided Review 2 response documents on October 16, 2024, October 22, 2024, and November 1, 2024, with a request that the comments be addressed and resolved as part of the staff report rather than as a Review 3 (Exhibit 12 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/> located under the Subheading "Applicant Response to Comments" (eight additional documents).

The Lewis County Fire Marshal, Public Health & Social Services staff and the fire chief for Lewis County Fire District #10 reviewed the applicant's Review 2 response documents from Exhibit 12 and have the following comments related to fire suppression needs and the interconnection with the Group B Public Water System.

On November 5, 2024, Public Health provided comments on water for fire suppression in response to the Applicant's Review 2 response documents (Exhibit 23). Considering the technical justification provided by the applicant, a drafting system may be designed to meet Group B water system standards. However, any fire suppression equipment needs to be designed in conjunction with the needs of the local fire protection authority. Under LCC 8.55.040(47), the local fire protection authority sets the standards for fire suppression equipment, provided that the water system otherwise meets minimum design standards in LCC 8.55 for protection of public health. Given its potential to be extremely problematic, use of a drafting system should be done only at the discretion of the local fire protection

authority. In summary, the fire suppression storage system must deliver water in a way that meets the local fire district's equipment standards per LCC 8.55.150(6)(a) and should be designed in conjunction with the local fire district. A water meter should be installed at the storage reservoir fill port to document fire suppression use and assess for any Water Right requirements.

On November 8, 2024, Lewis County Fire District #10 provided comments (Exhibit 24) on water for fire suppression in response to the Applicant's Review 2 response documents. LCFD#10. In summary, LCFD#10 comments are:

We are not asking a lot but we do want all the water supplies for the community and the district to be on the same page going forward. This also gives this small community water when we lose power for sometimes 6-7 days, wouldn't this be a thought to a developer. This is where district 10 stands on this subject. It's not just riverside development that we have asked to do this, as we are working with timberline area and their water company to do the same.

The district requires at a minimum, that a 2 ½ inch quick fill standpipe be installed in a location that LCFD#10 can get to, for water access for the trucks. The system will need to have pressurized flow from the reservoir to the filling hydrant (the 2 ½ inch quick fill standpipe) and a backup generator in place.

On November 8, 2024, Lewis County Fire Marshal provided comments (Exhibit 25) on water for fire suppression in response to the Applicant's Review 2 response documents. The comments related to fire flow and LCFD#10 are as follows: fire suppression storage tank and Fire Department Connection (FDC) are required for LCFD#10. A plan will need to be agreed on between LCFD#10 and developer to provide access/connection to water for purposes of firefighting and that is consistent with Public Health & Social Services requirements for Group B Public Water Systems.

The following conditions of approval should be included in the preliminary decision document:

- ***The fire suppression storage system must deliver water in a way that meets the local fire district's equipment standards per LCC 8.55.150(6)(a) and shall be designed in conjunction with the local fire district.***
- ***It is recommended that a water meter be installed at the storage reservoir fill port to document fire suppression use and assess for any Water Right requirements.***
- ***Fire suppression storage tank and Fire Department Connection (FDC) are required for LCFD#10.***
- ***Prior to final plat approval, a plan shall be agreed on between LCFD#10 and the developer to provide access/connection to water for purposes of***

firefighting and the plan shall be consistent with Public Health & Social Services requirements for Group B Public Water Systems. The subdivider shall provide documentation of the agreement to the administrator to meet the requirements of subdivision final approval.

School District: An adequate facilities memo from the White Pass School District #303 dated June 12, 2024, was submitted to Community Development (Exhibit 22). The school district indicated they have the capacity and are willing to serve the proposed development without the need for modifications, dedications, or condition of development.

Solid Waste: An adequate facilities memo dated May 10, 2024, from LeMay Inc. for refuse disposal service was submitted to Community Development (Exhibit 22). The service indicated they have the capacity and are willing to serve the proposed development without the need for modifications, dedications, or conditions of development.

Transportation: The proposed access approach to Riverside Drive is under the jurisdiction of Lewis County Public Works. 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 7, Exhibit 10, and Exhibit 21) 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).

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 May 16, 2024 (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 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 May 14, 2024 (Exhibit 5). Notice of the DNS and Type III – Subdivision application (Formal Long Plat) documents were posted on-site by county staff on May 14, 2024 (Exhibit 6).

No members of the public provided comments letters. The agency/department initial comment letters were submitted during the comment period (Exhibit 7 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/> located under the Subheading “Public Comments Submitted During SEPA and Notice of Application” (thirteen pages). No appeals were filed and the SEPA Threshold Determination was retained. The SEPA Threshold Determination is final.

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 Residential Settlement – 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 a new Group B Public Water System 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 what adequate services and facilities are needed to serve a subdivision. As discussed in Section I of this report, adequate facilities memos have been provided and conditions are proposed.

The proposed development is consistent with Policy Rural 1.5, Policy Rural 3.1, Policy Rural 3.2, Policy Rural 3.3, Policy Rural 5.1, Policy Rural 5.2, and Policy Rural 8.2 of the Lewis County Comprehensive Plan. The policies are listed below for reference:

Policy Rural 1.5: Encourage rural clustering, both at smaller scales (such as farm clusters) and larger scales, as a means of balancing growth and the protection of natural resources.

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 ensure 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.

Rural Policy 8.2: Permit the continued development of existing rural residential settlements at a size, scale and intensity similar to current development.

L. PUBLIC CONCERNS

No members of the public provided comments letters. The agency/department initial comment letters were submitted during the comment period (Exhibit 7 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/> 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 Rural Residential Center – One Acre (RRC-R1). LCC Section 17.42.017 Table 1 – minimum lot size summary indicates that in the RRC-R1 zoning district, the zoning minimum lot size requirement for RRC-R1 is one acre. However, LCC 17.95.050(3) states:

"Designation criteria. The maximum density and minimum lot size shall be set to reflect the historic development pattern to ensure infilling is accomplished at the same or similar density. (3) For areas designated one unit per acre, the maximum density shall be one unit per gross acre. Such areas shall be designated "RRC-R1" on the official zoning map."

When there is a conflict between Table 1 (the chart) and the zoning text LCC Section 17.42.015 applies to resolve the conflicts. *LCC 17.42.015 Conflicts. Where conflicts between the text and the zoning summary chart exist, the chart shall prevail.* Based on the chart, the minimum lot size is one acre and the subdivision is reviewed as a Clustered Subdivision. As reviewed and conditioned in this staff report, the cluster 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, 16.18, 17.05, 17.25, 17.30, 17.38, 17.42, 17.95, 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 March 26, 2024. The application packet was determined to be a complete application to begin processing on April 22, 2024. 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 LP24-00001 was assigned to the application and the Notice of Application was forwarded on May 16, 2024, 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 initial review comments, Review 2 comments and response to Applicant's Review 2 Response were submitted July 16, 2024, July 18, 2024, and November 7, 2024 (Exhibit 7, Exhibit 10, & Exhibit 21). 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 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 designed to the 5-10 lot rural road standards consistent with LCC 12.60. 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 proposed onsite stormwater improvements and the existing driveway stormwater improvements that will be converted to a private roadway 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.*
- The applicant shall apply to modify the existing road approach (RA23-00367).*

- *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 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.*
- *All standard "Warnings" shall be identified on the final plat drawing, including but not limited to:*
 - "WARNING: Lewis County has no responsibility to build, improve, maintain, or otherwise service the private road contained within or providing access to the property described in this plat."*
- *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.*
- *Add road file #373371 to Crescent Drive, to be shown as "Crescent Drive #373371" on final plat drawing.*
- *Add road file #73430 to Riverside Drive to be shown as "Riverside Drive #73430" on final plat drawing.*
- *Add the road file number to Silver Tip Lane on the final plat drawing.*
- *Label the land division type and the associated file number on the face of the final plat drawing in all standard locations (Riverside Subdivision LP24-00001).*
- *This parcel does not appear to be located in the noted Section 2, please verify. This is noted in the Auditor's index both pages and in the original legal description. Please correct all locations of the final plat drawing.*
- *On the final plat drawing, move the dimensions along the Northerly line of lot 1 for clarity.*

(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 7 and Exhibit 10) as well as additional responses to requests from the applicant related to the fire suppression aspects of the proposed water supply system (Exhibit 23). The subdivision will be served by a drilled well, ID# BPH997. The well site location was initially approved as WS23-00049. The proposed Group B Water System Design documents were submitted as WA24-00002 for initial review on April 10, 2024. Submittals include a draft SCA covenant and preliminary plat map showing the well's SCA. These submittals are sufficient for preliminary approval.

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 public water supply (new Group B Public Water System).

Public Health's comments in Exhibit 23 state that considering the applicant's technical justification provided related to the fire equipment and connections to water systems, a drafting system could be designed to meet Group B public water system standards. Specifically, the water system must be able to meet domestic demand and fill the reservoir while maintaining 20 PSI pressure throughout the distribution system; and the system must be protected from cross connection with stagnant water in the reservoir. However, the fire suppression storage equipment must be designed to meet the standards of the local fire authority per LCC 8.55.150(6)(a). Therefore, the fire suppression storage delivery system should meet the local fire district's equipment standards. In summary, the fire suppression storage system must deliver water in a way that meets the local fire district's equipment standards per LCC 8.55.150(6)(a) and should be designed in conjunction with the local fire district. A water meter should be installed at the storage reservoir fill port to document fire suppression use and assess for any Water Right requirements.

*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:***

- ***Prior to Final Plat Approval, the proposed Group B Water Supply that will serve Lots 1 through 9 must be designed and constructed consistent with LCC 8.55 and must be approved by Lewis County Public Health & Social Services. Final construction must be certified by the design engineer and all conditions of approval completed including but not limited to installation of all system components; water lines to all properties, establishment of easements, installation of service meters, ongoing management by an approved Satellite Management Agency, and any well/pumphouse improvements under LCC 8.55.***

- *Prior to Final Plat Approval, the proposed Group B Water Supply must be designed so that the fire suppression storage system shall deliver water in a way that meets the local fire district's (LCFD10) equipment standards per LCC 8.55.150(6)(a) and shall be designed in conjunction with the local fire district.*
- *Prior to Final Plat Approval, it is recommended that a water meter should be installed at the storage reservoir fill port to document fire suppression use and assess for any Water Right requirements.*
- *Prior to Final Plat Approval, Signed Water Availability Notices (WANs) must be submitted for Lots 1 through 9, from the approved Group B water supply indicating the system is in substantial compliance with LCC 8.55 and is adequate/approved to serve each connection.*
- *All Sanitary Control Area Covenants must be shown on the Final Plat drawing and the Auditor File Numbers (AFNs) referenced accordingly on the Final Plat drawing.*
- *The septic soil perk holes/ test pit locations from the Soil Evaluations shall be shown on the final plat drawing.*
- *The final plat drawing shall show the location of all water line easements and water service meter connection locations.*
- *The following statements shall be listed on the Final Plat drawing as "Conditions of Development":*
 - *Per LCC Section 8.40.310, Lots 1 through 9 shall be provided water from the approved public water supply designed and constructed to serve LP24-00001 Riverside.*
 - *Lots 1 through 9 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 July 18, 2024, and on October 4, 2024 (Exhibit 7 and Exhibit 10), and additionally on November 8, 2024 (Exhibit 25). The proposed lots shall identify the buildable area by showing the yard and frontage setbacks on the final plat drawing. The constructed potable water connections and water availability will need to be verified prior to final plat drawing recording. Fire suppression storage tank and Fire Department Connection (FDC) are required for LCFD#10 and the installation will need to be verified prior to final plat drawing recording. A plan will need to be agreed on between LCFD#10 and developer to provide access/connection to water for purposes of firefighting and that is consistent with Public Health & Social Services requirements for Group B Public Water Systems. 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.***
- ***The gate 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 gate shall be shown on the final plat drawing.***
- ***The constructed private road shall be elevated to or above the Base Flood Elevation (BFE) prior to recording the final plat.***
- ***The location of fire suppression storage tank and hydrant standpipe shall be shown on the final plat drawing.***
- ***The engineered road plan civil set shall include the location of the waterlines and fire suppression features.***

- ***The fire suppression features shall be installed prior to final plat approval.***

(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. The Land Development Review (LDR24-0016) for critical areas and resources lands was approved on October 7, 2024, with twelve Conditions of Development (Exhibit 11). Those twelve 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.

A building permit for one single-family residence file number B24-00158, septic permit file number S24-00439, road approach file number RA23-00367 and Master Site Review file number MSR24-0201 have been issued on the parent parcel in a location that should be consistent with proposed lot 9 after the Final Plat is recorded. The approved site plan for MSR24-0201 is included as an exhibit (Exhibit 26). The final plat drawing needs to show the location of the proposed and constructed structures and septic system to verify all items will be within the proposed lot lines and required setbacks of proposed Lot 9.

The following conditions of approval should be included in the preliminary decision document:

- ***All erosion control measures shall be in place prior to any ground disturbance.***
- ***The final plat drawing shall show the location of the proposed and constructed structures and septic system on proposed lot 9 to verify all items are within the proposed lot lines and required setbacks.***
- ***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 permits issued 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 twelve (12) Conditions of Development from LDR24-0016 (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, the 100 year flood plain; Flood Zone B, the 500 year flood plain; and in Flood Zone C, typically areas of minimal flooding. Development in Flood Zone A shall be consistent with the Lewis County Flood Damage Prevention Ordinance LCC Chapter 15.35.*
- *Portions of this land division are located in the floodway. Development in that zone shall comply with the Lewis County Flood Damage Prevention Ordinance, LCC 15.35 and the Shoreline Master Program, LCC Chapter 17.25.*
- *Portions of this land division are located within the jurisdiction of the Shoreline Management Act. Activities and development in this jurisdiction shall comply with the Lewis County Shoreline Master Program, LCC Chapter 17.25.*
- *All development shall conform to the requirements of the Rural Residential Center (RRC-R1), One Residence per 1 Acre, Zoning District per LCC Chapter 17.95. Lots 1, 2, 5, 6, 7 & 8 are authorized to be smaller than the minimum lot size through the clustering provisions pursuant to LCC Chapter 16.18.*
- *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 Risk and Moderate Risk. Quality Geo NW submitted a CMZ Evaluation Report dated November 6, 2023 & Revised on December 7, 2023, 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. The land division was determined to be in the low risk CMZ.*
- *This land division contains identified and delineated wetlands as identified on the Final Plat Map and in the Critical Area & Shoreline Assessment Report by Land Services Northwest dated November 13, 2023. Future development shall be consistent with 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.*
- *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. 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.

- *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 December 13, 2024, at 9:00 am as the only item on the Docket. 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 Riverside 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 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 22 – adequate facilities memos). Lewis County Fire District #10 submitted adequate facilities memo indicating it has the capacity and is willing to serve this development with a request for accommodation (Exhibit 22 – adequate facilities memos) and response comments to the Applicant's Response 2 documents (Exhibit 24). The County Engineer's Report and the County Building Official/ Fire Marshal's comments listed in the initial internal review comments, Review 2 internal review comment documents (Exhibit 7 and Exhibit 10) and the responses to the Applicant's Response 2 documents (Exhibit 21 and Exhibit 25) 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 are also listed in the initial internal review comments and review 2 internal review comments documents (Exhibit 7 and Exhibit 10) and Public Health response (Exhibit 23) to the Applicant's supplements response documents (Exhibit 12) indicated with the

recommended conditions of approval, the subdivision makes appropriate provisions for water and septic. As conditioned, 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: Riverside Drive is a public road. The subdivision entrance is 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 road within the subdivision is a gated private road 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 private road 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 gate is 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. 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 Analysis documents (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 a new Group B Public Water System. The septic soil perk holes/ test pit locations from the Soil Evaluation Analysis documents 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 on the Revised Preliminary Plat drawing received on October 16, 2024 (Exhibit 12), 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: None of the proposed lots have reverse road frontage along two opposite boundaries. As proposed, this criterion has 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. None of the proposed lots include any access features crossing unusual features as provided in LCC 16.05.330(2) and (3). 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 wetland buffer and stream buffer are shown on the revised preliminary plat drawing (Exhibit 12). 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 a new Group B Public Water System. Lewis County Public Health & Social Services reviewed the Group B Public Water System Plan for the proposed subdivision and has granted water review preliminary approval (Exhibit 7). 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, the Lewis County Building Official/ Fire Marshal, and Lewis County Public Health & Social Services staff have reviewed the proposed development for fire protection standards (Exhibit 7, Exhibit 10, Exhibit 23, Exhibit 24 and Exhibit 25). The project will utilize connections to a new Group B Public Water System. Fire hydrants are not required. However, Lewis County Fire District #10 indicated in the adequate facilities memo (Exhibit 22) that at a minimum a standpipe and backup generator are required to meet the adequate facilities provisions for fire service and fire protection. The proposed subdivision is nine (9), and a secondary emergency ingress-egress route is not required. 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 7, Exhibit 10 and Exhibit 21) 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 7, Exhibit 10 and Exhibit 23) 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: Portions of the proposed subdivision are located within a special flood hazard area (SFHA) identified as flood zone A4, the 100-year floodplain on FIRM panel 530102 0360 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 for each proposed lot. The project area topography is generally flat and the lots are clustered to provide each of the nine lots

buildable area outside of the mapped flood zone A4. The boundary of the SFHA has been identified on the preliminary plat drawing. All construction located within the SFHA is required to meet or exceed the elevation requirements of LCC Chapter 15.35, and the access road shall be elevated to or above the base flood elevation data. The well site for the new Group B Public Water System is located within the mapped SFHA, as there was no feasible alternative. Recorded drainage easements already exist on the project and are shown on the preliminary plat drawing. The following conditions of approval should be included in the preliminary decision document:

- *The base flood elevation from FIRM 530102 0360 B dated December 15, 1981, for all 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 within the Special Flood Hazard Area (SFHA) 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 require a dedication of land for public use. The applicant has proposed an easement for a "community open space area" which will assist in the protection of the shoreline buffer and the existing "forestry riparian easement" which generally encompasses the 150-foot Cowlitz River stream buffer. As previously reviewed and conditioned in this report, the wetland buffer and the shoreline buffer located in proposed lot 3 are protected from vegetation removal. The "community open space area" easement does also include the location of the Group B Water System wellsite and well site access. 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.

LCC Section 16.05.400 Standards for clustered development.

(1) Clustered subdivisions shall meet the standards in Chapter 16.18 LCC.

(2) The review process for clustered subdivisions shall be the same as for preliminary and final plats.

(3) The standards and requirements of this chapter may be modified by the board, upon the recommendation of the hearing examiner.

(4) Clustered subdivisions shall have the same standard format as that required for final plats in LCC 16.05.240.

Staff Response: The proposed subdivision is a clustered subdivision and will be reviewed for compliance with subsection B. LCC Chapter 16.18 Clustered Development below in this staff report. The other standard items for preliminary and final plat and the standard format for final plats in LCC Section 16.05.240 have been reviewed and previously conditioned in this report. As conditioned, these criteria have been met.

B. LCC Chapter 16.18 Clustered Development

LCC Section 16.18.010 Clustered development encouraged.

(1) Clustered development is encouraged to: preserve the open feel of Lewis County's rural lands; promote the long-term protection of resource lands; limit the impacts from development on hydrologic patterns, critical areas and habitat; reduce the number of public road access points; and promote more cost-effective and service-efficient development on rural and resource lands.

(a) Clustered developments are allowed in:

(i) Portions of urban growth areas that allow residences and are regulated by Lewis County.

(ii) LAMIRDs and rural lands where residences are allowed.

(iii) Agricultural resource lands.

Staff Response: The proposed subdivision is located in a LAMIRD where residences are allowed. Clustered development is allowed in the RRC-R1 zone designation. This criterion has been met.

(b) The minimum lot size for clustered lots shall be determined by the health and septic standards of the county; provided, that, in the agricultural resource land zone, the maximum size of smaller, clustered lots may not exceed two acres in size, unless otherwise required by Chapter 8.40 LCC. All relevant public health setbacks must be addressed as part of a clustered development.

Staff Response: The proposed subdivision is not located in the Agricultural Resource Land (ARL) zone and the two acre size limit on the clustered lots does not apply. The proposed lot sizes have been reviewed by Lewis County Public Health & Social Services (Exhibit 7, Exhibit 10 and Exhibit 23) for health and septic standards, and relevant public health setbacks. The proposed lots meet the required standards and setbacks. As conditioned, these criteria are met.

(c) Where a cluster program is chosen:

(i) Clustered subdivisions may only occur through the subdivision or short subdivision process (per Chapter 16.05 or 16.10 LCC).

Staff Response: The proposed clustered development is occurring through the subdivision process. As proposed, this criterion is met.

(ii) Clustered building lots shall occur at the same base density as the underlying zoning (i.e., a 20-acre lot with five-acre minimum lot sizes may be developed with three small lots and one larger lot), unless bonus densities are used (per LCC 16.18.030).

(A) Areas of a site that are devoted to critical areas, roads or stormwater facilities shall not influence the calculation of density.

(B) When a development is proposed across two separate zones, the total number of lots that are allowed may include the development capacity of each area. In these instances, the development may transfer the capacity from one zone (on one portion of the site) to another; provided that the transfer does not occur from a rural zone to a resource land zone, or a zone of higher allowed density to a zone of less.

(C) No more than eight units may be located in any single cluster when a development is proposed on agricultural resource land. At least 1,320 feet of agricultural land must be present between the clusters on an agricultural resource land development site.

(D) No more than 20 units may be located in any single cluster when a development is proposed within a rural land zone. At least 600 feet, or a clearly defined visual break created by vegetation or topography, shall be provided between the clusters on rural lands.

Staff Response: LCC Section 16.04.087 defines cluster development as "a residential development alternative where structures are arranged in closely related groups rather than spreading uniformly over an entire tract. Building will take place at high densities in certain areas to preserve natural features in others. Cluster developments are based on the concept of density transfer where the overall density is within acceptable limits but the individual density of clusters is higher than average" and LCC Section 17.10.030(C) defines clustering as "the placement of dwellings and accessory buildings in a pattern of development, which reduces impervious surface area, lowers cost of development and maintenance, and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions".

The clustered subdivision application is being reviewed and processed through LCC 16.05 Subdivisions. The base density for this subdivision requires one (1) acre per residential lot in the RRC-R1 zoning district. The subject parcel is 12.80 acres in size, which will allow for twelve (12) residential lots at the base density - fractional lots are not authorized (12.80 acres divided by 1 acre equals 12.80 or 12 lots when fractional lots are removed). The clustering provisions then allow for clustering the development into smaller lots and leaving a larger remainder lot with one buildable area.

The applicant has not requested bonus density be applied to this proposed subdivision and is not requesting full density build-out of 12 lots. The area of the project that is devoted to private roads, critical areas, water systems, stormwater facilities are not removed from the base density calculation and do not influence the density calculation. The proposed subdivision is only located within one LAMIRD zone district (RRC-R1) and is not located in the ARL zone district. The proposed development only contains one cluster of 8 units (Lots 1, 2, and 4 through 9) and lot 3 is the ninth lot (the larger remainder lot) within the subdivision. The residential base density is not exceeded as proposed. As reviewed and conditioned in this report, these criteria have been met.

(iii) Building lots shall be sited and designed to limit impacts to valuable or unique natural features, including critical areas and prime agricultural soils, and shall be compatible with the physical constraints of the site to the fullest extent possible.

Staff Response: The building lots are shown on the proposed subdivision drawing and have been designed to provide building area outside of critical area resources and their buffers. Lot 3, the larger lot for the clustered development contains the wetland, wetland buffer, shoreline jurisdiction, the shoreline buffer, and the applicant's proposed community open space area easement. The majority of the currently mapped 100-year flood plain is located in proposed Lot 3, with a small portion in Lots 2 and 9. All of the proposed nine (9) lots contain buildable area outside of the critical area buffers, except for the Critical Aquifer Recharge Area (CARA) and Volcanic Hazard Areas. However, residential development is allowable within the mapped CARA and a study has been provided (Exhibit 1 – Hydrogeo Assessment). Residential development is also allowed within the mapped Volcanic Hazard Area and as previously reviewed and conditioned a notice statement of the hazard areas are to be included on the final plat drawing as a condition of development. The building lots are compatible with the physical constraints of the site to the fullest extent possible. As reviewed and conditioned in this report, these criteria have been met.

(iv) Setbacks shall be required as follows:

(A) The underlying zoning setbacks shall be required from the exterior boundaries of the development cluster. No internal setbacks shall be required, except as required by the International Building Code or International Residential Code and any applicable critical area standards.

Staff Response: The Building Official/ Fire Marshal has stated the proposed lots shall meet the International Building Code and International Residential Code for future construction and setbacks. As previously reviewed and conditioned in this report, the setbacks for the exterior boundaries and internal setbacks have been established. As conditioned, this criterion has been met.

(B) Where a clustered development is proposed adjacent to a site with a resource land designation, the smaller lots and the development site on the larger remainder parcel shall meet the setbacks specified in:

- (I) LCC 17.30.500 for forest resource land.
- (II) LCC 17.30.660 for agricultural resource land.
- (III) LCC 17.30.810 for mineral resource land.

Staff Response: The proposed subdivision is not located adjacent to land with a resource designation (forest, agricultural or mineral). No resource setbacks are required. This criterion does not apply.

(C) When the cluster is proposed on agricultural resource land within the agricultural resource land zone, the setback in LCC 17.30.660 shall be measured from the edge of the cluster of the smaller lots, and the home site on the larger remainder parcel, to the nearest adjacent parcel that: is not part of the development site; and is designated for resource use.

Staff Response: The proposed subdivision is not located on land within the Agricultural Resource Land (ARL) zone. No agricultural setback is required. This criterion does not apply.

(v) All roads within and that provide access to the development shall conform to public works road standards for public and private roads.

Staff Response: As previously reviewed and conditioned, the new private road off Riverside Drive shall conform to the Lewis County Road Standards in LCC Chapter 12.60. As previously conditioned, this criterion is met.

(vi) Standards for the larger lot to be created through the clustered subdivision process are presented in LCC 16.18.020.

Staff Response: The larger lot for clustered subdivision will be reviewed for compliance with LCC Section 16.18.020 below.

LCC Section 16.18.020 Large remainder parcel.

For the purposes of this chapter, a larger lot created through the clustered subdivision process shall be subject to the following provisions:

- (1) The lot must be identified with a separate lot number.
- (2) The lot must contain a developable site that can accommodate features such as an appropriate access point, a building site and adequate water and septic locations.

(3) The lot must be configured to contain, to the greatest degree feasible, a contiguous area of open space, agricultural area or resource land that is shaped so as to promote the protection of critical areas, habitat, or the long-term use of the area as resource land. Larger remainder lots may not be narrow strips of land that are interspersed between residential uses.

(4) Roads, utilities, and other development impacts should be sited in a manner that limits long-term impacts to the large remainder lot, especially when the area is meant to be utilized to retain critical areas, habitat, or a resource use.

(5) The lot may not be further subdivided for residential use once the full density of the development has been reached, unless the comprehensive plan and/or zoning code is amended consistent with the Growth Management Act to permit additional density.

Staff Response: Proposed Lot 3 is 6.08 acres in size and is the large remainder parcel of this cluster subdivision; it has been assigned a separate lot number. Lot 3 has been designed to contain a developable area to accommodate a future single family residence, area for septic and water lines. Lot 3 includes the existing driveway access point (the future private road access point), the location of the Group B Water System well site and the well site access road. Most of the critical areas (wetland and shoreline and their buffers) are located in proposed Lot 3. The applicant has proposed a Community Open Space Area Easement of approximately 2.67 acres to be located within proposed Lot 3 which is shaped to promote the protection of the critical area buffers. As designed, the roads, utilities, and other development impacts are sited in a manner that limits any long-term impacts to the large remainder lot (Lot 3). The full residential density for zoning has not been reached, but due to the critical area, shoreline and septic area constraints it is unlikely additional lot subdivision will take place. As conditioned, these criteria have been met.

LCC Section 16.18.030 Density bonus.

(1) A density bonus may be allowed for a clustered development when the development places a large portion of the larger remainder parcel within a natural resource or open space easement that will not be developed with additional home sites in the future. The density bonus shall be calculated as follows:

(a) Where at least 50 percent of the size of the original development parcel is set aside within the easement, a bonus density of 25 percent of the total allowed units may be permitted. For example, a development with four allowed units shall be allowed to develop five total housing units.

(b) Where at least 75 percent of the size of the original parcel is set aside within the easement, the development shall be allowed to construct an additional 50 percent of the allowed units.

Staff Response: The applicant has not requested or proposed bonus density. These criteria are not applicable.

(2) No density bonus shall be allowed for developments on agricultural resource lands.

Staff Response: The subdivision is not located on agricultural Resource Lands (ARL) zoning and bonus density has not been requested. This criterion does not apply.

(3) Calculation of the density bonus shall be based entirely on the size of the easement on the larger remainder parcel. Where easements cross multiple properties, only the amount of land on the larger remainder parcel shall be included in the calculation of the bonus density.

Staff Response: Bonus density has not been applied for or requested by the applicant. This criterion does not apply.

LCC Section 16.18.040 Performance standards.

Clustered developments shall:

- (1) Be designed to preserve large areas of resource land, critical areas, and lands that promote rural character or resource land use.
- (2) Locate the development cluster away from resource lands and critical areas, and provide adequate buffers between clusters, resource lands and critical areas.
- (3) Limit the size and density of the built area to prevent the need for urban levels of service.
- (4) If in resource lands, be designed to promote continued, long-term successful commercial use of such lands.

Staff Response: The subdivision is a clustered development that is designed to preserve a large area of land for critical area protection within a Community Open Space Area Easement. The design of the development cluster is located to the west, away from the critical areas and buffers. As conditioned, the development area will be approximately 54% of the total original parcel size and prevents the need for urban level services. The subdivision is not located within resource lands (Agricultural, Forestry or Mineral). As reviewed and conditioned in this report, these criteria are met.

C. 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 December 13, 2024, at 9:00 am and is the only item on the agenda docket. 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 April 22, 2024, 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.

D. 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.

E. 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 17.95 for the RRC 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, unless the retail space is for an essential rural retail service and the designated limited area is located at least 10 miles from an existing urban growth area, then the retail space must not exceed the footprint of the previously occupied space or 10,000 square feet, whichever is greater; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use, unless the new retail space is for an essential rural retail service and the designated limited area is located at least 10 miles from an existing urban growth area, then the new retail space must not exceed 10,000 square feet;

For the purposes of this subsection (5)(d), "essential rural retail services" means services including grocery, pharmacy, hardware, automotive parts, and similar uses that sell or provide products necessary for health and safety, such as food, medication, sanitation supplies, and products to maintain habitability and mobility;

(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](#)(35). 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](#)(35). 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 12.80 acres and will create nine (9) new residential lots. The development density of the proposed subdivision is less than one residential unit per acre of land (also shown as 1.42 acres per one residential unit). The intensity of the use is compatible with other rural residential and rural land uses in the Rural Residential Center – Residential 1 Acre (RRC-R1) zoning district and meets the . 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 a new Group B Public Water System. The 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 RRC-R1 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 nine (9) additional rural residential development sites in the Packwood area utilizing one primary access point onto Riverside Drive. The proposed subdivision is not located adjacent to land designated for long-term resource use but is located within a quarter mile of land designated for long-term resource use. The lands are designated as Forest (Forest Resource Lands) and are located roughly 900 feet north of the development. These areas are mainly comprised of the Gifford Pinchot National Forest (Exhibit 27). The immediate area consists of rural residential and rural commercial uses. 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 a clustered development. The RRC-R1 zoning district allows for the maximum density to be one residential unit per gross acre of land. The proposed subdivision has a density of less than one residential unit per gross acre of land and does not exceed the underlying zoning density. As reviewed above in this staff report, the development can be accommodated with fire, school and other rural public services without the need to create new facilities to serve the development. Group B Public Water Systems are considered rural services. No new commercial development is proposed as part of this development. These criteria are met.

(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 Merrlawski Investments LLC (landowners) file number LP24-00001, 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. Prior to Final Plat Approval, the proposed Group B Water Supply that will serve Lots 1 through 9 must be designed and constructed consistent with LCC 8.55 and must be approved by Lewis County Public Health & Social Services. Final construction must be certified by the design engineer and all conditions of approval completed including but not limited to installation of all system components; water lines to all properties, establishment of easements, installation of service meters, ongoing management by an approved Satellite Management Agency, and any well/pumphouse improvements under LCC 8.55.
2. Prior to Final Plat Approval, the proposed Group B Water Supply must be designed so that the fire suppression storage system shall deliver water in a way that meets the local fire district's (LCFD10) equipment standards per LCC 8.55.150(6)(a) and shall be designed in conjunction with the local fire district.

3. Prior to Final Plat Approval, it is recommended that a water meter should be installed at the storage reservoir fill port to document fire suppression use and assess for any Water Right requirements.
4. Prior to Final Plat Approval, Signed Water Availability Notices (WANs) must be submitted for Lots 1 through 9, from the approved Group B water supply indicating the system is in substantial compliance with LCC 8.55 and is adequate/approved to serve each connection.

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 designed to the 5-10 lot rural road standards consistent with LCC 12.60. 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. 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 proposed onsite stormwater improvements and the existing driveway stormwater improvements that will be converted to a private roadway 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.
4. The final approval of the Grading permit is required prior to review and recording of the final plat drawing.
5. 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.
6. The applicant shall apply to modify the existing road approach (RA23-00367).
7. The gate 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. All public utilities and facilities shall be constructed to minimize flood damage.
10. The constructed private road shall be elevated to or above the Base Flood Elevation (BFE) prior to recording the final plat.
11. The fire suppression storage system must deliver water in a way that meets the local fire district's equipment standards per LCC 8.55.150(6)(a) and shall be designed in conjunction with the local fire district.
12. It is recommended that a water meter be installed at the storage reservoir fill port to document fire suppression use and assess for any Water Right requirements.
13. Fire suppression storage tank and Fire Department Connection (FDC) are required for LCFD#10.
14. The engineered road plan civil set shall include the location of the waterlines and fire suppression features.
15. The fire suppression features shall be installed prior to final plat approval.
16. 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.
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.
18. The applicant/property owners shall permanently flag the locations of the wetland buffer onsite prior to any ground disturbance to prevent inadvertent clearing during construction. The wetland buffer permanent flagging shall be maintained by the property owners.
19. The vegetation located within 110-foot wetland buffer and within the 150-foot stream buffer shall be retained on site.

Final Plat Drawing Conditions:

1. The final plat drawing shall include the location of the wetland and the location of the 110-foot wetland buffer.
2. The proposed 2.67-acre Community Open Space Easement area shall be identified on the final plat drawing.

3. 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.
4. The final plat drawing shall include the original legal description, and the proposed legal description for each lot.
5. All written data as identified in LCC Section 16.05.240(2) shall be included on the face of the final plat drawing.
6. 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.
7. Add road file #373371 to Crescent Drive, to be shown as "Crescent Drive #373371" on final plat drawing.
8. Add road file #73430 to Riverside Drive to be shown as "Riverside Drive #73430" on final plat drawing.
9. Add the road file number to Silver Tip Lane on the final plat drawing.
10. Label the land division type and the associated file number on the face of the final plat drawing in all standard locations (Riverside Subdivision LP24-00001).
11. This parcel does not appear to be located in the noted Section 2, please verify. This is noted in the Auditor's index both pages and in the original legal description. Please correct all locations of the final plat drawing.
12. On the final plat drawing, move the dimensions along the Northerly line of lot 1 for clarity.
13. All Sanitary Control Area Covenants must be shown on the Final Plat drawing and the Auditor File Numbers (AFNs) referenced accordingly on the Final Plat drawing.
14. The septic soil perk holes/ test pit locations from the Soil Evaluations shall be shown on the final plat drawing.
15. The final plat drawing shall show the location of all water line easements and water service meter connection locations.
16. Proposed lots shall show buildable areas with the required setbacks per LCC Section 16.05.300 on the final plat drawing.
17. 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.

18. The location of the private road gate shall be shown on the final plat drawing.
19. The location of fire suppression storage tank and hydrant standpipe shall be shown on the final plat drawing.
20. The final plat drawing shall show the location of the proposed and constructed structures and septic system on proposed lot 9 to verify all items are within the proposed lot lines and required setbacks.
21. 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.
22. All utility easements necessary to provide electrical and telephone service to the proposed lots shall be shown on the final plat drawing.
23. 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.
24. The base flood elevation from FIRM 530102 0360 B dated December 15, 1981, for all parcels within the proposed subdivision shall be shown on the final plat drawing.
25. All standard "Warnings" shall be identified on the final plat drawing, including but not limited to:

"WARNING: Lewis County has no responsibility to build, improve, maintain, or otherwise service the private road contained within or providing access to the property described in this plat."

26. The following statements shall be listed on the Final Plat drawing as "**Conditions of Development**":
 1. The vegetation located within 110-foot wetland buffer and within the 150-foot stream buffer shall be retained on site. The wetland buffer permanent flagging shall be maintained by the property owners.
 2. The applicant shall meet the minimum requirements of LCC Chapter 15.45, erosion and sediment control.
 3. The applicant shall obtain all other required local, state and federal permits and approvals.
 4. This land division is located in Flood Zone A, the 100 year flood plain; Flood Zone B, the 500 year flood plain; and in Flood Zone C, typically areas of

- minimal flooding. Development in Flood Zone A shall be consistent with the Lewis County Flood Damage Prevention Ordinance LCC Chapter 15.35.
5. All future development and buildings within the Special Flood Hazard Area (SFHA) shall obtain flood development permits and have their own Pre and Post Elevation Certificates.
 6. Portions of this land division are located in the floodway. Development in that zone shall comply with the Lewis County Flood Damage Prevention Ordinance, LCC 15.35 and the Shoreline Master Program, LCC Chapter 17.25.
 7. Portions of this land division are located within the jurisdiction of the Shoreline Management Act. Activities and development in this jurisdiction shall comply with the Lewis County Shoreline Master Program, LCC Chapter 17.25.
 8. All development shall conform to the requirements of the Rural Residential Center (RRC-R1), One Residence per 1 Acre, Zoning District per LCC Chapter 17.95. Lots 1, 2, 5, 6, 7 & 8 are authorized to be smaller than the minimum lot size through the clustering provisions pursuant to LCC Chapter 16.18.
 9. This land division is located within WRIA 26 Cowlitz.
 10. Portions of this land division are located in a mapped Channel Migration Zone (CMZ) of Severe Risk and Moderate Risk. Quality Geo NW submitted a CMZ Evaluation Report dated November 6, 2023 & Revised on December 7, 2023, 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. The land division was determined to be in the low risk CMZ.
 11. This land division contains identified and delineated wetlands as identified on the Final Plat Map and in the Critical Area & Shoreline Assessment Report by Land Services Northwest dated November 13, 2023. Future development shall be consistent with LCC Chapter 17.38.
 12. 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.
 13. 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. 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.
 14. This land division is located within the mapped volcanic hazard area.
 15. Per LCC Section 8.40.310, Lots 1 through 9 shall be provided water from the approved public water supply designed and constructed to serve LP24-00001 Riverside.
 16. Lots 1 through 9 will each require a designed/engineered on-site sewage disposal system.

Documentation Conditions:

1. 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.
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. Prior to final plat approval, a plan shall be agreed on between LCFD#10 and the developer to provide access/connection to water for purposes of firefighting and the plan shall be consistent with Public Health & Social Services requirements for Group B Public Water Systems. The subdivider shall provide documentation of the agreement to the administrator to meet the requirements of subdivision final approval.

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 permits issued prior to the Administrator’s signature and the recording of the final plat drawing.

P. EXHIBITS

- Exhibit 1 Application packet consisting of twenty-three document files on the county website – project page under the Subheading “Application Documents”: <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/>
- Exhibit 2 Letter to applicant – Determination of Complete Application as of April 22, 2024
- Exhibit 3 Affidavit of publication of Notice of Application, May 16, 2024
- Exhibit 4 Affidavit of publication of SEPA DNS, May 16, 2024
- Exhibit 5 Affidavit of Mailing – SEPA Threshold Determination and Notice of Application to applicant and 500-foot property owners – dated May 14, 2024
- Exhibit 6 Affidavit of posting of SEPA Determination and Notice of Application, May 14, 2024
- Exhibit 7 All comments submitted during SEPA & NOA comment period – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/> 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 July 19, 2024
- Exhibit 9 Responses from applicant regarding initial comment letters – received July 30, 2024, for a total of one (1) document titled “LP24-00001 Applicants 1st Response Letter 072924” under the Subheading “Applicant Response to Comments”
<https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/>
- Exhibit 10 County letter to applicant with Review 2 follow up requests for additional information dated October 7, 2024
- Exhibit 11 Land Development Review (LDR24-0016) for critical areas and resources lands – approved October 7, 2024
- Exhibit 12 Responses from applicant regarding Review 2 comment letter – received October 16, 2024, October 22, 2024, and November 1, 2024 with a request the comments be addressed and resolved as part of the staff report rather

than a Review 3 - for a total of eight documents under the Subheading "Applicant Response to Comments"

<https://lewiscountywa.gov/departments/community-development/current-planning-applications/riverside-subdivision-lp24-00001-sep24-0010/>

- Exhibit 13 Letter to applicant from Hearing Examiner setting time and date of virtual public hearing, letter dated October 17, 2024
- Exhibit 14 Affidavit of Publication of Type III Subdivision Public Hearing Notice, October 23, 2024
- Exhibit 15 Affidavit of Mailing – Notice of Public Hearing to applicant and 500-foot property owners – dated October 18, 2024
- Exhibit 16 Affidavit of Posting – Notice of Public Hearing by County Staff - dated October 22, 2024
- Exhibit 17 Screen shots of the County GIS layer showing mapped 100-year flood plain, critical aquifer recharge areas, mapped volcanic hazard areas, and mapped channel migration zones (CMZs) within the boundaries of the proposed project site (8 pages)
- Exhibit 18 Screen shot of the County GIS layer showing the 2024 aerial photos of the development site and surrounding area
- Exhibit 19 Screen shot of the County GIS layer showing current zoning designations of the parcel and surrounding area
- Exhibit 20 Highlighted single page of Revised Preliminary Plat Drawing – showing driveway and access easement locations
- Exhibit 21 Lewis County Engineer’s response to Applicant’s 2nd submittal – dated November 7, 2024
- Exhibit 22 All Adequate Facilities Providers memos
- Exhibit 23 Lewis County Public Health & Social Services response – water supply for fire suppression – dated November 5, 2024
- Exhibit 24 Fire Chief LCFD#10 response to Applicant’s 2nd submittal – dated November 8, 2024
- Exhibit 25 Lewis County Building Official /Fire Marshal response to Applicant’s 2nd submittal – dated November 8, 2024
- Exhibit 26 Approved site plan for MSR24-0201 – location of the development proposed on proposed Lot 9 of Riverside Subdivision
- Exhibit 27 Screen shot of the County GIS layer showing 1-mile zoning of Land Designated Long-Term Resource