

BEFORE THE LEWIS COUNTY HEARINGS EXAMINER

IN RE:) HEARING NO. LP25-00001
COLUMBIA CREEK HEIGHTS)
SUBDIVISION.) FINDINGS OF FACT,
AND DECISION

APPLICANTS: Ivan Evdokimov and Alexander Shikhanov
P.O. Box 1409
Bellevue, Washington 98009-1409

REPRESENTATIVES:

Surveyor: Chris Butler
Butler Surveying, Inc.
P.O. Box 149
Chehalis, Washington 98532

Project Manager: Zachary Wirkkala
RB Engineering
P.O. Box 923
Chehalis, Washington 98532

SUMMARY OF REQUEST:

The Applicants request preliminary approval of a subdivision containing 5 lots on 5.88 acres, with associated improvements.

LOCATION OF PROPOSAL:

134-63 Grizzly Road, Packwood, Washington. Tax Parcel No. 035048028000.

SUMMARY OF DECISION:

The proposed subdivision is **approved** subject to recommended conditions.

BACKGROUND

The Applicants proposes a relatively small (5 lot) subdivision on 5.88 acres located off of Grizzly Road east of Packwood. The application is generally unremarkable with the exception of some early-on questions regarding the manner in which each lot would be accessed by a road,

*Findings of Fact, Conclusions
of Law and Decision - 1*

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1 as adjoining property owners expressed concern over the use of their properties' roads to gain
2 access to these lots. All such concerns have been resolved by an agreement that this subdivision
3 will rely solely upon Adventure Lane, including a spur extension, for access to the 5 lots. There
4 do not appear to be any other issues or controversies relating to the application, and there is no
5 public opposition to its approval. County Staff recommends approval of the proposed
6 subdivision subject to several conditions.

7 **PUBLIC HEARING**

8 The public commenced at approximately 9:00 a.m. on Friday, July 28, 2026. The hearing
9 occurred remotely utilizing the Zoom platform with the County serving as the host. The County
10 appeared through Karen Witherspoon, Senior Planner. The Applicants appeared through several
11 of its representatives including Zachary Wirkkala, Project Manager, and Chris Butler, Project
12 Surveyor. No members of the public were present. Testimony was received from Ms.
13 Witherspoon on behalf of the County and from Mr. Wirkkala on behalf of the Applicants. A
14 verbatim recording was made of the public hearing and all testimony was taken under oath.

15 Documents considered at the time of the hearing were the following:

- 16 Exhibit 1 Application packet consisting of thirteen document files on the county website –
17 project page under the Subheading “Application Documents” for thirteen
18 document files:
[https://lewiscountywa.gov/departments/community-development/current-
planning-applications/lp25-00001-sep25-0032/](https://lewiscountywa.gov/departments/community-development/current-planning-applications/lp25-00001-sep25-0032/)
- 19 Exhibit 2 Letter to applicant – Determination of Complete Application as of January 6,
2026
- 20 Exhibit 3 Affidavit of publication of Notice of Application, January 20, 2026
- 21 Exhibit 4 Affidavit of publication of SEPA DNS, January 20, 2026
- 22 Exhibit 5 Affidavit of Mailing – SEPA Threshold Determination and Notice of Application
to applicant and 500-foot property owners – dated January 16, 2026
- 23 Exhibit 6 Affidavit of posting of SEPA Determination and Notice of Application, January
15, 2026
- 24 Exhibit 7 All comments submitted during SEPA & NOA comment period –
[https://lewiscountywa.gov/departments/community-development/current-
planning-applications/lp25-00001-sep25-0032/](https://lewiscountywa.gov/departments/community-development/current-planning-applications/lp25-00001-sep25-0032/) located under the Subheading
“Public Comments Submitted During SEPA and Notice of Application” (eleven
pages)

- 1 Exhibit 8 Letter to applicant requesting additional information based on comments
received – dated March 18, 2026
- 2 Exhibit 9 Responses from applicant regarding initial comment letters – received April 24,
2026, for a total of two (2) document files under the Subheading “Applicant
3 Response to Comments”
[https://lewiscountywa.gov/departments/community-development/current-
4 planning-applications/lp25-00001-sep25-0032/](https://lewiscountywa.gov/departments/community-development/current-planning-applications/lp25-00001-sep25-0032/)
- 5 Exhibit 10 Review 2 letter by Public Health & Social Services – Water, dated June 1, 2026
- 6 Exhibit 11 Letter to applicant from Hearing Examiner setting time and date of virtual public
hearing, letter dated June 22, 2026
- 7 Exhibit 12 Affidavit of Publication of Type III Subdivision Public Hearing Notice, June 16,
2026
- 8 Exhibit 13 Affidavit of Mailing – Notice of Public Hearing to applicant and 500-foot
property owners – dated June 15, 2026
- 9 Exhibit 14 Affidavit of Posting – Notice of Public Hearing by County Staff - dated June 16,
2026
- 10 Exhibit 15 Screenshot of County GIS layer showing topographic lines (2 pages)
- 11 Exhibit 16 Screenshots of the County GIS layer showing mapped steep slopes and mapped
erosion hazard areas (2 pages)
- 12 Exhibit 17 Screenshots of the County GIS layer showing mapped critical aquifer recharge
area (CARA)
- 13 Exhibit 18 Screenshot of the County GIS layer showing mapped volcanic hazard area
- 14 Exhibit 19 Screenshot of the County GIS layer showing the 2024 aerial photos of the
development site and surrounding area (3 pages)
- 15 Exhibit 20 Screenshot of the County GIS layer showing current zoning designations of the
parcel and surrounding area
- 16 Exhibit 21 Screenshot of the County GIS layer showing 1-mile zoning of Land Designated
Long-Term Resource

17 No additional documents were submitted during the hearing.

18 The hearing commenced with the testimony of Ms. Witherspoon, Senior Planner and
19 author of the County Staff Report. Ms. Witherspoon's testimony relied heavily upon her written
20 Staff Report. As explained in that Report, the project is a fairly simple subdivision proposing the
21 subdivision of 5.88 acres into 5 rural residential lots and referred to as "Columbia Creek
22 Heights". The project site has a zoning designation of Rural Residential Center - 1 Acre
23 (RRC-D) which has a minimum lot size requirement of 1 acre. The site has a land use
24 designation of Rural Small Communities - Local Area of More Intense Rural Development
25 (LAMIRD - Type 1) in the County's Comprehensive Plan.

1 Ms. Witherspoon explained that the project will rely upon potable water provided by the
2 Timberline Village Group A public water system, while wastewater will be managed through
3 individual septic systems. The Lewis County Health Department has provided preliminary
4 approval of the proposed septic design. Adequate Facilities Memos have been provided by the
5 Lewis County Sheriff's Office, Lewis County Fire District 10, White Pass School District #303,
6 and the LeMay, Inc., declaring that there are adequate services available for fire/emergencies,
7 schools and solid waste. The project has undergone SEPA review resulting in a SEPA
8 Determination of Nonsignificance (DNS) issued on January 20, 2026.

9 Ms. Witherspoon then explained that the project's only significant issues were with its
10 road access. Its proposed road system encountered two separate issues: (1) whether access to
11 lots could be gained from roads other than the development's internal roads; and (2) the required
12 road standards the project's internal roads would be subject to. As to the first road issue,
13 adjoining property owners were concerned that the project might propose to use surrounding
14 roads to gain access to some of the lots. This concern was resolved by the Applicants making
15 clear that all 5 lots would be accessed by an internal road ("Adventure Lane") and not by other,
16 existing roads. More specifically, proposed Lots 1 and 2 will be accessed directly by Adventure
17 Lane, while Lots 3, 4 and 5 will be served by a secondary spur road off of Adventure Lane. Both
18 Adventure Lane and the spur road will be private roads and maintained by the lot owners. The
19 second road issue involved the question of what road standards the project's private road would
20 be required to achieve. This required a calculation of the total number of lots - both within this
21 subdivision and on surrounding properties - that would ultimately be accessed by the private
22 road. County Staff initially calculated the road needing to be constructed to road standards for a
23 road servicing 5-10 lots, but a more detailed analysis concluded that Adventure Lane will
24 eventually serve more than 10 lots and, therefore, the Applicants must construct Adventure Lane
25 consistent with County private road standards for road serving more than 10 lots.

*Findings of Fact, Conclusions
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1 Ms. Witherspoon concluded her testimony by noting that the project otherwise satisfies
2 all County requirements for subdivision and recommended the project's approval subject to the
3 conditions set forth in the Staff Report.

4 Following Ms. Witherspoon's testimony the Applicants appeared through Zachary
5 Wirkkala of RB Engineering. Mr. Wirkkala agreed with the County's presentation and with its
6 proposed conditions subject to a few comments or minor revisions:

7 • The Staff Report states that the Applicants must "reconstruct/expand"
8 approximately 1,900 linear feet of private road (Adventure Lane) but the first 800 feet of the
9 road is already constructed consistent with the required road standards. Thus, it is only the
10 remaining 1,100 feet that require construction.

11 • In the proposed conditions for private road/stormwater/grading permit and
12 construction, Conditions 10 and 11 suggest that the project will require fire hydrants, but it is
13 agreed that no hydrants will be required. Mr. Wirkkala noted that these conditions are
14 commonly included but simply wished to confirm that hydrants would not be required for this
15 project. Ms. Witherspoon agreed.

16 • Also within the conditions for private roads, proposed Condition 3 requires that
17 the new private road be constructed to the "11-28 lot rural road standards". Mr. Wirkkala
18 confirmed that the Applicants understand that the road will need to be built to this standard but
19 noted that there are places along the roadway where existing conditions make full compliance
20 with these standards problematic. Mr. Wirkkala hoped that the Applicants would be granted
21 some flexibility with application of these standards so as to accommodate site conditions. Ms.
22 Witherspoon responded by acknowledging that the Applicants will be free to seek variances
23 from these standards, with any request subject to approval by Public Works.

24 • Mr. Wirkkala concluded his comments by noting that proposed Condition No. 7
25 in the private road conditions requires the developer to establish a property owner's association

1 for the maintenance and repair of the private road. Mr. Wirkkala pointed out that the project
2 involves only 5 lots, and that a property owner's association for such a small development is
3 cumbersome and inefficient. Ms. Witherspoon concurs. An appropriate alternative would be to
4 require the developer to record a road maintenance agreement binding upon all proposed lots and
5 approved by Lewis County.

6 The application is straightforward, has no significant controversies and is supported by
7 County Staff. There is no public opposition. I concur with the Staff that the application should
8 be approved subject to the proposed conditions as modified by the Applicants.

9 I therefore make the following:

10 **FINDINGS OF FACT**

11 1. Any Findings of Fact contained in the foregoing Background or Public Hearing
12 Sections are incorporated herein by reference and adopted by the Hearing Examiner as his own
13 Findings of Fact.

14 **General Findings.**

15 2. The Applicants seek preliminary plat approval to subdivide 5.88 acres into 5 rural
16 residential lots with a private road system and stormwater facilities. Maps identifying the
17 location of the project site are included in Exhibit 1.

18 3. The site gradually slopes from south to north but is relatively flat in the area of
19 proposed houses. Portions of the parcel contained steep slopes and mapped erosion hazardous
20 areas. A Geotechnical Report, and amendment, were submitted and confirm the general
21 suitability for development on the proposed lots (Exhibit 1- Geotechnical Report).

22 4. The site has a zoning designation of Rural Residential Center - 1 Acre (RRC-D).
23 Adjoining lands to the north, south, east and west all have the same zoning designation.
24
25

1 5. The site has a land use designation of Rural Small Community - Local Area of
2 More Intense Rural Development (LAMIRD - Type 1) in the County Comprehensive Plan.
3 Again, this land use designation is shared by surrounding properties.

4 6. There is currently limited vehicle access to the project site. The project proposes
5 the construction of a new private road, "Adventure Lane", connecting to Grizzly Road, a public
6 road, and extending easterly through the project site. A proposed new private spur road will
7 extend access from Adventure Lane and serve the easterly 3 lots (Lots 3, 4 and 5). The project
8 will not gain access from any other nearby public or private roads.

9 7. The site is currently undeveloped. Surrounding properties are a mix of developed
10 and undeveloped rural residential parcels ranging in size from one-quarter acre to 5 acres. The
11 site is a short distance south of US Highway 12 which leads west to Packwood.

12 8. There are no known streams, wetlands or channel migration zones on or near the
13 project site.

14 9. The site is wooded and primarily contains Douglas Firs along with small shrubs.
15 A portion was previously cleared by previous logging activity. Some vegetation removal will be
16 required to extend and widen Adventure Lane.

17 10. The project is within a mapped Spotted Owl habitat area but WDFW has
18 responded that a Spotted Owl Survey is not required.

19 11. The project is located within a mapped critical aquifer recharge area and a
20 volcanic hazard area. These conditions are addressed in the proposed conditions of approval.

21 12. The site is located outside of any landslide hazardous area, channel migration
22 zone, mapped wetland and hydric soils, shoreline areas, frequently flooded areas, streams and
23 buffers, and outside of any high arsenic levels or the mapped Packwood airport zone.

1 13. The site is within 1,320 feet of land zoned as Forest Resource Land. Any lands
2 adjacent to Forest Resource Land must have appropriate building setbacks. The project has been
3 conditioned on this requirement.

4 Findings Relating to Adequate Public Facilities and Services, Chapter 17.130 LCC.

5 14. The project will be served by water from the Timberland Village Water System, a
6 Group A public water system.

7 15. All 5 lots will be served by individual septic systems. Lewis County Public
8 Health & Social Services requires that these systems be designed by a professional engineer or
9 licensed septic designer.

10 16. An Adequate Facilities Memo has been provided by the Lewis County Sheriff's
11 Office and by Lewis County Fire District No. 10, each indicating that they have the capacity and
12 are willing to serve the proposed development without the need for modifications or dedications.

13 17. An Adequate Facilities Memo has been provided by the White Pass School
14 District No. 303 indicating that it has the capacity and is willing to serve the proposed
15 development without the need for modifications, dedications, or conditions of development.

16 18. LeMay, Inc. has provided an Adequate Facilities Memo for solid waste handling,
17 indicating that it has the capacity and is willing to serve the proposed development without the
18 need for modifications, dedications or covenants.

19 19. A Stormwater Permit will be required. The design and construction of
20 stormwater facilities will need to be consistent with LCC Chapter 15.45. The Department of
21 Ecology may require a Construction Stormwater General Permit (CSWGP) in addition to the
22 County Stormwater Permit. Erosion Control measures will be required during construction.

23 20. As noted in previous Findings, the project will be provided vehicular access via
24 Adventure Lane, a private road. Adventure Lane will connect to Grizzly Road, a public road,
25 which then connects to US Highway 12. Adventure Lane was initially proposed to be

1 constructed to private road standards for roads servicing 5 to 10 private lots, but has since been
2 revised to require compliance with road standards for private roads servicing 11 to 28 lots. This
3 is due to the increased number of approved subdivide lots from this and surrounding subdivisions
4 relying upon Adventure Lane. Lots 1 and 2 will be accessed directly from Adventure Lane,
5 while Lots 3, 4 and 5 will be accessed via a spur road, extending easterly from Adventure Lane.
6 None of the lots will be provided access from surrounding private roads, including Red Cedar
7 Lane.

8 21. The private road will be required to meet all private road standards as well as all
9 applicable stormwater standards. Construction of Adventure Lane and the proposed spur will
10 require the submittal of a road review application, stormwater review application, and a grading
11 application meeting rural road standards.

12 22. In summary, the project has demonstrated adequate public facilities and services
13 pursuant to Chapter 17.130 LCC.

14 Findings Relating to SEPA and to Public Notice.

15 23. The County, as Lead Agency, issued a SEPA Determination of Nonsignificance
16 (DNS) on January 20, 2026. The SEPA DNS and Notice of Application for Subdivision were
17 mailed to surrounding property owners within 500 feet, posted onsite and published in The
18 Chronicle. Two members of the public responded and expressed concerns about the project's
19 proposed road system. These concerns have been addressed and resolved through revisions to
20 the Site Plan.

21 24. No appeals of the SEPA DNS and the Threshold Determination has been retained.

22 25. Notice of the public hearing before the Hearing Examiner was published in The
23 Chronicle on June 16, 2026, mailed to property owners within 500 feet and to the Applicant on
24 June 15, 2026, and posted by County Staff at the site on June 16, 2026.

1 Findings Relating to Consistency with the Lewis County Comprehensive Plan.

2 26. As earlier noted, the property has a land use designation of Small Community -
3 LAMIRD - Type 1 in the County Comprehensive Plan. The proposed use is consistent with this
4 land use designation.

5 27. The Staff Report, at pages 10 and 11, undertakes an analysis of the project's
6 consistency with the County Comprehensive Plan. Staff finds that the project, as conditioned, is
7 consistent with Policy RL 3.1, RL 3.2, and RL 3.3. The Hearing Examiner concurs.

8 Findings Relating to Compliance with the Lewis County Subdivision Ordinance, Chapter
9 16.05 LCC.

10 28. Pursuant to LCC 16.05.090, each County Department, other affected agencies and
11 utilities shall provide written reports for comments and recommendations regarding the
12 application.

13 29. The County has received comments from the County's Engineer and Public
14 Works Division regarding road requirements, all of which have been incorporated into
15 conditions of project approval.

16 30. The County has received comments from the Lewis County Environmental Health
17 Section regarding requirements for water and septic. All requirements have been incorporated
18 into conditions of project approval.

19 31. The Lewis County Building Official has provided comments on the adequacy of
20 lot arrangement and dimensions; compliance with Chapter 15.15 LCC; compliance with Chapter
21 15.35 LCC and the availability of potable water. All of the Building Official's recommendations
22 have been incorporated into project conditions.

23 32. The Lewis County Fire Marshal has provided comments and recommendations
24 with respect to setbacks, building areas and road requirements as well as required fire hydrants
25

1 and fire suppression means. All of these requirements have been imposed as conditions of
2 project approval.

3 33. The County Staff Report serves as the administration's report and incorporates
4 comments and recommendations from various other agencies including the Department of
5 Ecology. All additional agency comment has been reviewed and incorporated as conditions of
6 project approval.

7 34. County Staff concludes that, as conditioned, the requirements of LCC 16.05.090
8 for recommendations of other agencies has been fully satisfied. The Hearing Examiner concurs.

9 35. Pursuant to LCC 16.05.120(1)(a), the Hearing Examiner shall determine whether
10 the Preliminary Plat application conforms with the adopted Comprehensive Plan, planning
11 standards and specifications, as well as other policies and standards of the County.

12 36. The Staff finds that the project is consistent with the adopted Comprehensive Plan
13 as earlier noted and that the proposed Preliminary Plat conforms with all other planning
14 standards and specifications as described in other Findings. The Hearing Examiner concurs.

15 37. LCC 16.05.120(1)(b) requires the Hearing Examiner to ensure that appropriate
16 provisions are made for public health, safety and general welfare and for such open spaces,
17 drainage ways, streets or roads, alleys or other public ways, transit stops, potable water supplies,
18 sanitary waste, parks and recreation, playgrounds, schools and schoolgrounds, and all other
19 relevant items, including sidewalks and other planning features that assure safe walking
20 conditions for students who walk to and from school. The Hearing Examiner shall also ensure
21 that the public use and interest will be served by the platting and the subdivision and any
22 dedications associated with it.

23 38. The Staff Report, commencing at page 20, finds that as conditioned, the
24 subdivision complies with all Development Regulations and subdivision design standards for
25 public health, safety, general welfare, open spaces, stormwater, roads, potable water supplies and

1 sanitary waste requirements. Staff also finds that the application has been designed or
2 conditioned in compliance with County Development Regulations and relevant Comprehensive
3 Plan provisions, all of which were adopted to serve public health, safety and general welfare.

4 39. Staff further notes that the proposed subdivision will provide additional public
5 benefit through new residential structures which, in turn, encourage development fulfilling the
6 County's goals and policies set forth in its Comprehensive Plan. All affected agencies have
7 submitted Adequate Facilities Memos indicating each has the capacity and willingness to serve
8 this development without the need for modifications or dedications. The County Engineer and
9 the County Building Official/Fire Marshal confirm that the subdivision makes adequate
10 provision for roads and drainage facilities. Lewis County Public Health & Social Services
11 confirms that the subdivision makes appropriate provision for water and septic. LCWSD #10
12 confirms that the project will have adequate water service. County Staff finds that all criteria
13 have been met. The Hearing Examiner concurs.

14 40. The Staff Report, commencing at page 21, analyzes the project's compliance with
15 all of the requirements of Chapter 16.05 including LCC 16.05.150-.400. Staff finds that each
16 requirement set forth in Chapter 16.05 LCC has been satisfied subject to the recommended
17 conditions. The Hearing Examiner has reviewed each of these Findings and adopts them as his
18 own Findings of Fact.

19 Findings Relating to Compliance with the General Provisions of Chapter 17.05 LCC.

20 41. The Staff Report, commencing at page 28, contains Findings relating to the
21 project's compliance with the general provisions for subdivision approval found in Chapter 17.05
22 LCC. Staff finds that all requirements of this chapter have been met. The Hearing Examiner
23 concurs.

1 Finding Relating to the Supplemental Requirements of Chapter 17.145 LCC.

2 42. LCC 17.145.020 establishes required setbacks for this development. The County
3 Building Official/Fire Marshal finds that all lots must meet these required setbacks. This
4 requirement has been imposed as a condition of approval. As conditioned, the project complies
5 with Chapter 17.145 LCC.

6 Findings Relating to the Special Conditions for Rural Area Development Set Forth in
7 Chapter 17.150 LCC.

8 43. Chapter 17.150 LCC is intended to protect rural character and prevent rural
9 sprawl and also to avoid the need for urban services in rural areas.

10 44. Pursuant to LCC 17.150.020(1)(a), the proposed use must be found to be
11 consistent with the uses authorized in RCW 36.70A.070(5)(d)(i-iii) as well as Chapter 17.42
12 LCC and the Lewis County Comprehensive Plan.

13 45. The Staff finds that the project site's inclusion within the LAMIRD -
14 Type 1 area is evidence that it is consistent with the uses authorized in RCW 36.70A.070 as well
15 as Chapter 17.42 LCC and the Lewis County Comprehensive Plan. The Hearing Examiner
16 concurs.

17 46. LCC 17.150.020(1)(b) requires that public facilities and services supplying this
18 development are sized and located in a manner consistent with the Lewis County Comprehensive
19 Plan, Countywide planning policies and the Growth Management Act. Staff finds that the
20 project is consistent with all of these requirements and that the proposed development will not
21 require expansion of any existing services, and that this requirement has been met. The Hearing
22 Examiner concurs.

23 47. LCC 17.150.020(2) prohibits urban growth in all rural area developments except
24 as otherwise allowed under the Growth Management Act. Staff finds that the proposed
25 development is consistent with other rural residential development and the rural land uses

1 allowed in the RCC-D zoning district and that the development is therefore allowed under the
2 Growth Management Act. The Hearing Examiner concurs.

3 48. Pursuant to 17.150.020(2)(b) the Hearing Examiner must find that the project
4 makes adequate provision to assure that the development is limited to rural development and
5 rural governmental services, and that the project does not, directly or in concert with other
6 growth in the area affected, create a demand for urban governmental services or establish a form
7 of urban growth prohibited outside urban growth areas. Staff has reviewed this requirement and
8 finds that the project will rely solely on rural services commonly found in the County and,
9 conversely, will not create a demand for urban governmental services or establish any form of
10 urban growth. Staff therefore finds that the project, as conditioned, is consistent with LCC
11 17.150.020(2). The Hearing Examiner concurs.

12 49. LCC 17.150.030 requires that rural development take place at levels which are
13 consistent with the preservation of rural character as defined by the County Comprehensive Plan.
14 Staff finds that this proposed development is consistent with allowed development in the RRC-D
15 zoning designation and is otherwise consistent with the Lewis County Comprehensive Plan and
16 its definition of rural character. Staff therefore finds that this requirement has been met. The
17 Hearing Examiner concurs.

18 50. LCC 17.150.030(1)(b) requires that rural development rely on existing facilities
19 for school and fire. The proposed project satisfies this requirement.

20 51. LCC 17.150.030(1)(c) requires that the proposed development use existing small
21 town and crossroad commercial facilities to meet its local commercial needs. This project will
22 rely upon the Packwood community for its commercial needs. This requirement is therefore met.

23 52. LCC 17.150.030(1)(d) requires that the proposed development minimize impacts
24 to the overall productivity of designated long term resource lands within a one mile radius. As
25 noted earlier, the project is near long term resource uses including land designated as Forest

1 Resource Lands, as well as lands designated as Mineral Resource Lands. Nonetheless, the
2 project, as designed and conditioned, will minimize any impacts to the overall productivity or
3 designation of these long term resource lands. The Hearing Examiner concurs.

4 53. Staff recommends approval of the proposed subdivision subject to the conditions
5 set forth in the Staff Report.

6 54. The Applicant notes that proposed Condition No. 7 within the "Private
7 Road/Stormwater/Grading Permit and Construction" conditions requires the establishment of a
8 property owner's association for the maintenance and repair of the private road. The Applicants
9 recommend, and County Staff concurs, that this condition should be modified to instead require
10 that the Applicants shall be required to record a Road Maintenance Agreement consistent with all
11 requirements of LCC 16.05.360(1).

12 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

13 **CONCLUSIONS OF LAW**

14 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

15 2. Any Conclusions of Law contained in the foregoing Background Section, Public
16 Hearing Section or Findings of Fact are incorporated herein by reference and adopted by the
17 Hearing Examiner as his Conclusions of Law.

18 3. The requirements of SEPA have been met.

19 4. All notice requirements have been met.

20 5. Appropriate provisions are made for the public health, safety and general welfare,
21 for open spaces, drainage ways, streets, alleys and other public ways, water supplies, sanitary
22 waste, parks, playgrounds, sites for schools and schoolgrounds, fire protection and other public
23 facilities.

24 6. After considering all of the relevant facts, including the physical characteristics of
25 the site, the public interest will be served by the subdivision and dedication.

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7. The project, as conditioned, is consistent with the Lewis County Comprehensive Plan and with the site's land use designation of Small Community - LAMIRD - Type 1.

8. The project, as conditioned, complies with all requirements of Chapter 16.05 LCC for subdivision approval.

9. The project, as conditioned, complies with all requirements of Chapter 17.05 LCC.

10. The project, as conditioned, complies with all requirements of Chapter 17.145 LCC.

11. The project, as conditioned, complies with all requirements of Chapter 17.150 LCC.

12. The project, as conditioned, complies with all requirements of Chapter 58.17 RCW.

13. The project should be approved subject to the conditions set forth in the Staff Report as modified in the Findings of Fact.

DECISION

The Applicant's request for preliminary approval of subdivision containing 5 lots on 5.88 acres, with associated improvements, shall be **approved** subject to the following conditions:

Water Final Plat Conditions:

1. Prior to final plat approval, legal and physical water availability for each proposed lot shall be confirmed through the Timberline Village Group A public water system.

2. Prior to final plat approval, domestic potable water service for all lots shall be provided by the approved public water system.

3. Prior to final plat approval, (Decommission Fluoride Well) the applicant shall submit a completed decommissioned well report/log for Well BPD930, completed by a Washington-licensed well driller in accordance with Chapter 173-160 WAC.

1 4. Prior to final plat approval, (Irrigation-Only Wells): Wells BQT429 (Lot 3
2 irrigation well) and BQT461 (Lot 1 irrigation well) may remain only as private
3 irrigation/non-potable wells for the lots on which they are located. These wells shall not be
4 used for domestic, potable, shared, or public water supply purposes and shall not be
5 connected to interior plumbing fixtures or to the public water system. This restriction shall be
6 stated on the face of the plat. The wells and irrigation outlets shall be permanently labeled
7 **"NON-POTABLE WATER – DO NOT DRINK"**. These restrictions remain in effect unless
8 the wells are properly decommissioned or otherwise approved by Lewis County and/or
9 applicable state agencies.

10 5. Prior to final plat approval, final water supply protection zone (WSPZ) covenants
11 for Wells BQT429 and BQT461 shall be reviewed and approved by Environmental Health
12 pursuant to LCC 8.40.310(2)(b) and recorded. The covenants and final plat notes shall
13 identify the wells by tag number and location and protect the 100-foot WSPZ. Well recorded
14 covenant Auditor's File Numbers shall be shown on the face of the plat.

15 6. Prior to final plat approval, the applicant shall provide documentation to
16 Environmental Health that the public water purveyor (Thurston PUD) has appropriate
17 backflow prevention/cross-connection on the public water service connections to Lot 1 and
18 Lot 3. The irrigation wells shall remain physically separated from the public water system.

19 Private Road/Stormwater/Grading Permit and Construction Conditions:

20 1. All erosion control measures shall be in place prior to any ground disturbance.

21 2. Future road construction and building construction shall follow the
22 recommendations identified in the StrataDesign Geotechnical Report and Amendment.

23 3. The physical construction of the private roads and the emergency vehicle
24 turnaround will require the submittal of a road review application, stormwater design review
25 application, grading permit application, engineered civil plan set and engineered stormwater
26 drainage report designed to the 11-28 lot rural road standards consistent with LCC 12.60.
27 Turnaround design consistent with LCC Section 12.60.310 shall be provided for all dead-end
28 roads. All application documents (Road Review, Stormwater Design Review, Grading
29 Permit, engineered civil plan set and engineered stormwater drainage report) shall be
30 submitted to the Community Development Department for processing and preliminary
31 approval prior to any ground disturbance.

32 4. Maximum grade for private roads is 12% without written permission from the
33 Fire Marshal, Doyle Sandford. Private roads and driveways exceeding 150 feet in length
34 shall include Emergency Vehicle Fire Apparatus turnaround as detailed in LCC 12.60.
35 Turnaround easement shall be provided, and turnarounds shall be constructed prior to final
36 plat submittal.

1 5. The final design of the private road and associated turnaround shall meet Lewis
2 County Private Road standards in LCC Chapter 12.60 and the International Fire Code and
3 final design of the proposed onsite stormwater improvements and the existing driveway
4 stormwater improvements that will be converted to a private roadway shall meet standards in
5 LCC Chapter 15.45. Final approval of the constructed road and turnaround, the stormwater
6 facilities and grading activities are required by Lewis County Public Works and the Lewis
7 County Building Official/Fire Marshal prior to review and recording of the final plat
8 drawing.

9 6. The final approval of the Grading permit is required prior to review and recording
10 of the final plat drawing.

11 7. The Applicant shall be required to establish and record a Road Maintenance
12 Agreement consistent with all requirements of LCC 16.05.360(1).

13 8. The engineered road plan civil set shall include the location of the waterlines and
14 fire suppression features.

15 9. The fire suppression features shall be installed prior to final plat approval.

16 10. Fire Flow Sizing. Water distribution mains on which fire hydrants shall be sized
17 to the standards specified in the current Insurance Service Office's Guide for Determination
18 of Fire Flow.

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

24 12. Each lot shall have lot markers made of wood with lettering of lot and block
25 numbers and located to be visible from the road and to be in place prior to final plat approval.

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

21 Final Plat Drawing Conditions:

22 1. The conditions of development are listed on page 1 and also on page 2 of the
23 updated preliminary plat drawing. Please remove the duplicate set from page 2 of the
24 drawing.

25 2. The final plat drawing shall identify the permit number, approval date and
location of the Road Approach permit to Grizzly Road.

1 3. The final plat drawing shall include all items listed in and conform to LCC
2 Section 16.05.240 Standard Format and LCC Section 16.05.250 Surveys.

3 4. The final plat drawing shall include the original legal description, and the
4 proposed legal description for each lot.

5 5. All written data as identified in LCC Section 16.05.240(2) shall be included on
6 the face of the final plat drawing.

7 6. All lot corners of the individual lots shall be monumented in the field by the
8 surveyor and noted on the final plat drawing for the final plat review.

9 7. Label the land division type and the associated file number on the face of the final
10 plat drawing in all standard locations (Plat of Columbia Creek Heights LP25-00001).

11 8. Prior to final plat approval, the final plat shall show the location of the water
12 meters, distribution lines, and any easements required to maintain the water distribution
13 system.

14 9. Proposed lots shall show buildable areas with the required setbacks per LCC
15 Section 16.05.300 on the final plat drawing.

16 10. Per RCW 58.17.280, the main private road has been named "Adventure Lane"
17 and each proposed lot shall have its own approved address that shall be shown on the final
18 plat drawing. The new private road serving lots 3, 4, & 5 shall be named. Once the road
19 names and address numbers have been assigned for each lot, the surveyor will need to show
20 the road names and the addresses on the final plat drawing.

21 11. The final plat drawing shall be drawn, signed and stamped by a Washington State
22 licensed Professional Land Surveyor and be consistent with state and local recording
23 requirements.

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

 13. 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.

 14. The following additional statements shall be listed on the Final Plat drawing as
"Conditions of Development" on sheet 1 of 3 of the final plat drawing:

1 • 12. Existing on-site wells are not approved for domestic potable use and
2 shall not be used for domestic, potable, shared, or public water supply purposes and shall
not be connected to interior plumbing fixtures or to the public water system.

3 • 13. Groundwater use from the existing wells is limited to one combined
4 permit-exempt groundwater withdrawal of up to one-half acre of lawn or noncommercial
5 garden irrigation for the entire project. Any irrigation exceeding Ecology's permit-
exempt allowance may require a water right permit or other approval from the
Washington State Department of Ecology.

6 • 14. NOTICE: The subject property is within or near land designated for
7 long-term commercially significant resource land in which natural resource activities are
8 permitted and encouraged, including a variety of activities that may not be compatible
9 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.

10 • 15. The lots within this subdivision shall not utilize Red Cedar Lane
11 (private) for access.

12 Documentation Conditions:

13 1. The applicant shall submit a complete final plat application, fees and final plat
14 drawing for review and recording within five (5) years of the date of the Hearing Examiner's
15 preliminary plat approval. The final plat drawing shall be prepared in accordance with LCC
16 Section 16.05.240, LCC Section 16.05.250 and the Administrator shall verify compliance
17 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.

18 2. The subdivider shall submit a letter to the administrator from each of the proposed
19 service utilities informing the administrator that the utility construction and installation is
20 adequate and satisfies the needs of both the subdivider and the utility provider and is
adequate to meet the requirements of the subdivision approval.

21 General Conditions:

22 1. The approval of a preliminary plat shall not imply the approval to convey lots.
23 Transferring of lots depicted on a preliminary plat shall not occur until a final plat has been
24 recorded.
25

1 2. Approval of the preliminary plat by the Hearing Examiner shall provide notice to
2 the subdivider that he/she may proceed to develop the subdivision's facilities and required
3 improvements, subject to the preliminary plat Conditions of Approval.

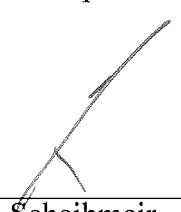
4 3. Facilities and required improvements must be developed in strict accordance with
5 the standards established by LCC Chapter 16.05 and imposed by the Hearing Examiner.

6 4. Any improvement work requiring review and approval by the county
7 engineer/public works department shall not commence until the preliminary plat has been
8 approved by the Hearing Examiner and until the improvement plans have been checked for
9 accuracy and approved by the county engineer/public works department. As the improvement
10 work is undertaken, the subdivider shall arrange all the inspections required by the county
11 engineer/public works department. No stage of construction shall proceed until the preceding
12 stage has been inspected and approved.

13 5. Once a preliminary plat has been approved, no alterations other than as provided
14 in the conditions of approval shall be made without receiving additional approvals from the
15 Lewis County Hearing Examiner. Minor or major adjustments may be applied for by the plat
16 applicant in accordance with LCC Section 16.05.140(6).

17 6. The final plat drawing shall be reviewed by department staff for correction of
18 typographical and clerical errors, consistency with the preliminary plat approval conditions
19 and for consistency with the Conditions of Approval of the other permits issued prior to the
20 Administrator's signature and the recording of the final plat drawing.

21 DATED this 8th day of September, 2026.

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Mark C. Scheibmeir
Lewis County Hearing Examiner