

RZ19-00001 - Jorgensen Timber LLC

Planning Commission Public Hearing Report

Summary

Jorgensen Timber LLC is requesting amendments to the Comprehensive Plan and the zoning map with the future intent of applying for a special use permit to establish a surface mine/rock quarry.

Considering the goals and policies of the Comprehensive Plan, the Planning Commission will need to determine whether this site specific change in the future land use and zoning map will be an appropriate use of the land, compatible with other nearby land uses, and not create a negative effect on public infrastructure.

The actual design of the project, if the proposed changes in land use classification receive approval, will require another application for a special use permit to establish a surface mine (rock quarry) consistent with LCC 17.142.200. The Lewis County Hearing Examiner considers Type III special use permits.

General Overview

Proposed Comprehensive Plan & Code Changes

- Change the Comprehensive Plan future land use map for parcels 014997000000 and 015001001000 from Other Rural Lands on Rural Lands Map (Map LU-2) to Mineral Resource Land (Map LU-3).
- Site specific rezone in land use classification from Rural Development District 20 acre (RDD-20) to Mineral Resource Land (MRL) on approximately 80 acres.

Processes for Comprehensive Plan & Code Changes

"Opt-In" Process for Designating Mineral Resource Lands

- The process for designating the subject parcels to Mineral Resource Land falls under LCC 17.30.850, Process for Petitioning for Designation as a Mineral Resource Land ("Opt-In"). This change will amend the future land use map (Map LU-3).

The "opt-in" provision allows property owner(s) to request the voluntary designation of property as mineral resource land by providing written notification to the county.

A site-specific change in the future land use map is a Type V amendment to the comprehensive plan and processed consistent with Chapter 17.05.040, Table 17.05-2.

Lewis County shall approve applications for designation of mineral resource land upon meeting the following criteria:

General Overview

(a) The property meets the classification criteria for mineral resource lands set forth in LCC 17.30.720; and

(b) The property owner, as part of the application, provides a notarized statement that he or she will voluntarily commit the subject property to the designation for a period until full utilization of the mineral resource potential occurs.

Staff analysis: The applicant has provided a notarized statement that they will voluntarily commit the subject property to the designation for a period until full utilization of the mineral resource potential occurs.

Classification as Mineral Resource Land

- LCC 17.30.720 governs the classification of mineral resource lands within the county.
- The following criteria classify mineral resource lands in Lewis County:

“(2) Areas Containing Mineral Deposits the Significance of Which Cannot Be Evaluated from Available Data.

(a) Areas where a qualified geologist can demonstrate a high likelihood for occurrence of mineral deposits. A qualified geologist shall provide adequate evidence, for the above, in the form of a report and any associated maps that would provide evidence of mineral resources sufficient to meet the following criteria:

(i) The site has extractive materials having a probable value in excess of \$500,000 for valuable metallic substances and \$1,000,000 for gravel, sand, coal, and other minerals; and

(ii) The site has the potential for economically viable production of extractive materials for the foreseeable future;

(b) Greater than 50 percent of the linear frontage of the perimeter of any proposed designated lands shall abut parcels that are equal to or greater than two and one-half acres in size. Abutting parcels with industrial or wholesale uses are exempt from this parcel size calculation but shall be included in the calculation of total linear frontage; and

(c) The site is outside any designated urban growth area at the time of application for redesignation

General Overview

Staff analysis: Based on the Geologic Assessment, prepared by Perteet, this site has an estimated \$10 million worth of minerals.

The total perimeter of the proposed site is approximately 7,910 feet. The perimeter abutting parcels less than 2.5 acres is approximately 340 feet. That is less than 5% of the perimeter abutting land less than 2.5 acres.

The proposed site is outside of a designated urban growth area.

Zoning Map Change/Site Specific Rezones

- This action will amend the zoning map. Provided the county approves the proposed future land use map and "Opt-In" amendments, the official zoning map will reflect the change under LCC 17.200, Maps.
- Site specific rezones are a Type V permit application under LCC Table 17.05-2. The notice of application was distributed in accordance to LCC 17.05 on January 28, 2020. The Planning Commission will accept written comments for the rezone application until the Public Hearing, tentatively scheduled for June 9, 2020.

Other Related County Code Sections

- LCC Chapter 17.05, General Provisions [Process for processing land use applications]
- LCC Chapter 17.12, Public participation [Public Participation Program]

General Location

- The site location is approximately 2.7 miles northwest of Winlock situated off Salmi Road located off Hale Road. The project site is near the community of Evaline. Exhibit 1 contains maps showing the location.

State Environmental Policy Act (SEPA) Review

SEPA Determination

- A SEPA Determination of Nonsignificance (DNS) was issued on March 17, 2020 after utilizing the optional DNS process in WAC 197-11-355 for combining the land use notice and SEPA distribution. The end of the SEPA comment period for this non-project action was February 12, 2020. This process is allowed per LCC 17.05.110 for project permits, which a site-specific rezone authorized by a comprehensive plan is by definition in LCC 17.10.160.

State Environmental Policy Act (SEPA) Review

- Comments Received**
- The end of the SEPA comment period for this non-project action was February 12, 2020.
 - The county received four comments. See Exhibit 2.
-

Existing Site Characteristics

- Site Ownership**
- Jorgensen Timber LLC
-

- Site Area**
- The two parcels comprise 79.72 acres total
-

- Comprehensive Plan Designation**
- Other Rural Land (Non-resource)
-

- Zoning Designation**
- Rural Development District 20 acre (RDD-20)
-

- Assigned Assessor Land Use Code**
- 88 - Designated Forest Land
-

- Surrounding Land Uses**
- East: surface mine (Good Quarry, Johnson Pit), rural residence
 - West: forest land, rural residence
 - North: forest land
 - South: forest land, rural residence
-

- Mineral Extraction in Rural Zoning**
- Current zoning (RDD-20) does allow the extraction of mineral resources as an allowed use with an approved Type III Special Use Permit per LCC 17.42.
-

- Zoning for Surrounding Parcels**
- The surrounding zoning to the subject parcels is RDD-20. Within a half mile, there is a mixture of RDD-5, RDD-20, Forest Resource Land, and Mineral Resource Land. Exhibit 3 shows a map of the surrounding zoning.
-

Existing Site Characteristics

Site Access & Roadways

At the time of the project specific review, more information will be provided on the number of trips per day and the routes taken when mining. The following is general information about the surrounding roads and potential route options.

Salmi Road, local road

- Project access road
- 1,791.86 feet long (.34 miles), starting from Hale Road W

Hale Road W, collector

- Salmi Road located one mile down Hale Road W off Tennessee Road
- Public Works uses the Pavement Condition Index (PCI), which uses a Paving Surface Condition (PSC) scale of 0 to 100, 100 being the best. The PCI is used to evaluate distresses and their severity using calculations. For Hale Road W, the average PSC is 100, which indicates the road is in great condition in that section of road.

Tennessee Road, collector

- From Tennessee Road, other local collectors that could potentially be used to access Hwy 603 include; Hale Road E, Schoolhouse Road or Pleasant Valley Rd to the north or Nelson Road to the south.
- From Hale Road W going south, the average PSC is 97

Highway 603, arterial

- About 1-2 miles of Hwy 603 has the potential to be used to gain access to Interstate 5, depending on route
- The average PSC of 87.5.

Avery Road W, collector

- Common access from Hwy 603 to Interstate 5
- The average PSC is 96.3 from Hwy 603 to Interstate 5

On-Site Critical Areas

Topography

- Most of the property is generally flat
 - Some steep slopes are 22% to 35% near the drainages in the northwest corner.
-

Existing Site Characteristics

Streams and Wetlands

- There are four mapped streams, which are classified as Type Np (non-fish bearing). There is a 75' buffer per the Lewis County Critical Area Ordinance. There is also a mapped wetland beyond the northwest boundary. These features all drain to Stearns Creek, which is approximately one mile to the east-northeast of the subject parcels. See Exhibit 4 showing critical areas maps.

Current Status of Countywide Supply of Sand and Gravel Minerals

- A 2015 WDNR report states that at the current yearly per capita usage and total permitted aggregate supply, "Lewis County has a maximum of 45 years (until 2060) of accessible aggregate." However, this situation may change if there is an unexpected need for aggregate resources, such as the construction of flood retention structures.

Potential Land Use Impacts

Impacts to Adjacent Land Uses

- Surface mining operations may result in off-site impacts, including:
 - Noise from machinery and blasting
 - Vibrations from blasting
 - Dust carried by wind
 - Ground water contamination or alteration
 - Aesthetic changes – vegetation removal, significant landscape alternation, increased commercial activities

Impacts to Transportation

- Increased traffic due to the export of materials
- Heavy loads or equipment on roadway

Impacts to Public Services

- Potential increase to fire and emergency response services
- Potential increase to law enforcement protection
- Mining operation will need on-site public water supply to accommodate employees and maintain dust control

Growth Management Act (GMA) & Comprehensive Plan Analysis

GMA Provisions

- RCW 36.70A.050 and WAC 365-190-070 require counties to designate mineral resource lands.

Comprehensive Plan: Land Use Element

Natural Resource Land Goals and Policies

- NR Goal 1: Maintain agricultural uses, commercial timber production, and mineral resource extraction as fundamental components of the character of the county.
 - Policy NR 1.1: View agricultural, timber, and mineral resource lands as an essential feature of Lewis County's identity, contributing to local employment and the retention of natural character
 - Policy NR 1.2: Strive to promote the economic viability of natural resource industries.
- NR Goal 2: Designate lands that are suitable for long-term natural resource use as resource land.
 - Policy NR 2 C.2: Allow the designation of new mineral resource lands as part of a land use application process.
 - Policy NR C.3: Continue to review the latest information regarding the availability of mineral resources in Lewis County and conduct updates to the mineral resource land designations when necessary.
- NR Goal 3: Ensure that county policies support property owners that seek to utilize natural resource lands.
 - Policy NR 3.1: Continue to protect the interests of landowners who want to utilize the natural resources on their property.
 - Policy NR 3.2: Ensure land use activities within or adjacent to natural resource lands are sited and designed to minimize conflicts with the management of the resources and/or other activities on the land.
 - Policy NR 3.3: Ensure that new incompatible land uses are appropriately buffered from existing agricultural, forestry, or mineral resource lands.
 - Policy NR 3.4: Minimize the possibility that resource management activities, performed in accordance with county, state, and federal laws, are subject to legal action as public nuisances.

Growth Management Act (GMA) & Comprehensive Plan Analysis

- NR Goal 5.0: Ensure resource activities protect the environment.
 - Policy NR 5.1 Work to ensure that agriculture (including ranching), forestry and mineral resource activities are conducted in a manner that minimizes their adverse impacts on water quality, habitat, and other environmentally sensitive areas.
 - Policy NR 5.2 Cooperate with appropriate agencies to confirm that mineral extraction sites are restored in a manner consistent with Washington State and Lewis County laws and regulations.

Staff analysis: Based on the application submitted and a review of the Lewis County Comprehensive Plan, the site specific rezone is consistent with the above policies for Natural Resource Lands in the Land Use Element. This proposal is encouraging the long term significance of the extraction of mineral resources contributing to local employment and the retention of natural character. The project will be required to comply with all other local, state, and federal regulations, including, but not limited to, WA State Department of Natural Resources for the mining operation and reclamation.

Natural Environment Goals and Policies

- NE Goal 1.0: Preserve the natural and scenic beauty of Lewis County, and minimize the impact of development on the county's environmental resources.
 - Policy NE 1.2: Locate new development in areas that have minimal environmental constraints (e.g., soils, steep slopes, bedrock, water table, and flood prone lands).
 - Policy NE 1.4: Encourage the preservation of natural buffers along the county's rivers, lakes and streams.
- NE Goal 2.0: Improve the air quality in Lewis County.
 - Policy NE 2.1: Require activities that produce air pollutants and odors to comply with adopted air quality standards.
- NE Goal 3.0: Preserve and enhance the quality of water in Lewis County.
 - Policy NE 3.3: Encourage developments that are located near surface waters to minimize their impact on

Growth Management Act (GMA) & Comprehensive Plan Analysis

water supplies through increased setbacks, buffering and other mitigation techniques.

- NE Goal 4.0: Maintain the quality of the county's environmentally sensitive critical areas.
 - Policy NE 2.1: Consider the water quality goals and policies (listed above) as key components of the management of aquifer recharge areas.
 - (Objective 4C: Protect aquifer recharge areas to help ensure a long term, high quality supply of water for Lewis County residents.)

Staff analysis: The approval of a special use permit for a surface mine will require meeting the goals and policies of the Natural Environment goals and policies.

Comprehensive Plan: Economic Development Element

- ED Goal 2.0: Promote a diverse range of jobs in a variety of sector.
 - Policy ED 2.1 Strive to create jobs in sectors such as industry, tourism, recreation, agriculture, natural resources, and retailing.
 - Policy ED 2.2 Target business sectors that provide family wage jobs and match the skills mix of the existing workforce.
 - Policy ED 2.3 Target basic industry sectors that export their goods and services outside the county and attract new dollars into the community.
 - Policy ED 2.4 Facilitate the continued operation of resource-based industries such as agriculture, forestry, mineral extraction, and energy production.
 - ED Goal 3.0: Target certain industry sectors as high priorities for economic development.
 - Policy ED 3.1 Support economic development activities that pursue industries, businesses, and jobs that are well-suited for Lewis County.
 - ED Goal 4.0: Encourage vital natural resource industries in Lewis County.
 - Policy ED 4 A3: Encourage the development of value-added resource industries.
-

Growth Management Act (GMA) & Comprehensive Plan Analysis

- Policy ED 4 D1: Allow mineral-related land uses on forest and mineral resource lands, and in other appropriate locations.

Staff analysis: Based on the application submitted and a review of the Lewis County Comprehensive Plan, the site specific rezone is consistent with the above policies for Economic Development. The proposal is estimated to employ 4-10 people and have approximately \$10 million dollars in materials to extract.

Comprehensive Plan: Transportation Element

- T Goal 20.0: Ensure adequate transportation facilities are offered concurrent with development
 - Policy T 20.1: Maintain a LOS (D) on county roadways that is consistent with current county road standards and the goals and policies of the Comprehensive Plan.
 - Policy T 20.4: Prohibit projects that cannot meet the concurrency requirements of RCW 36.70A.060(B).

Staff analysis: The approval of a special use permit for a surface mine will require transportation concurrency.

Next Steps

Planning Commission Recommendation

- After completion of the public hearing, the Planning Commission may hold additional workshops to consider the proposal.
- Once members have adequately considered the proposal, the Planning Commission will then adopt a recommendation for action by the Board of County Commissioners. The recommendations may be one of the following:
 - Approve the proposal as presented by the applicant and staff
 - Approve the proposal with modifications
 - Request a new proposal from the applicant
 - Deny the proposal

Board of County Commissioner Action

- Upon receipt and consideration of the Planning Commission recommendation, the Board may hold one or more workshops to consider the matter.
-

-
- If the Board feels that the planning commission did not effectively consider certain items, the board may elect to hold a formal public hearing on the issue or remand the issue back to the planning commission.
 - If no further review is deemed necessary, the board may approve the proposal by ordinance or deny the proposal.
-

Attachments

Planning Commission Decision Chart

Exhibits

Exhibit 1 – Site Maps

Exhibit 3 – Zoning Map

Exhibit 2 – Public Comments

Exhibit 4 – Critical Areas Map

Planning Commission Decision Chart

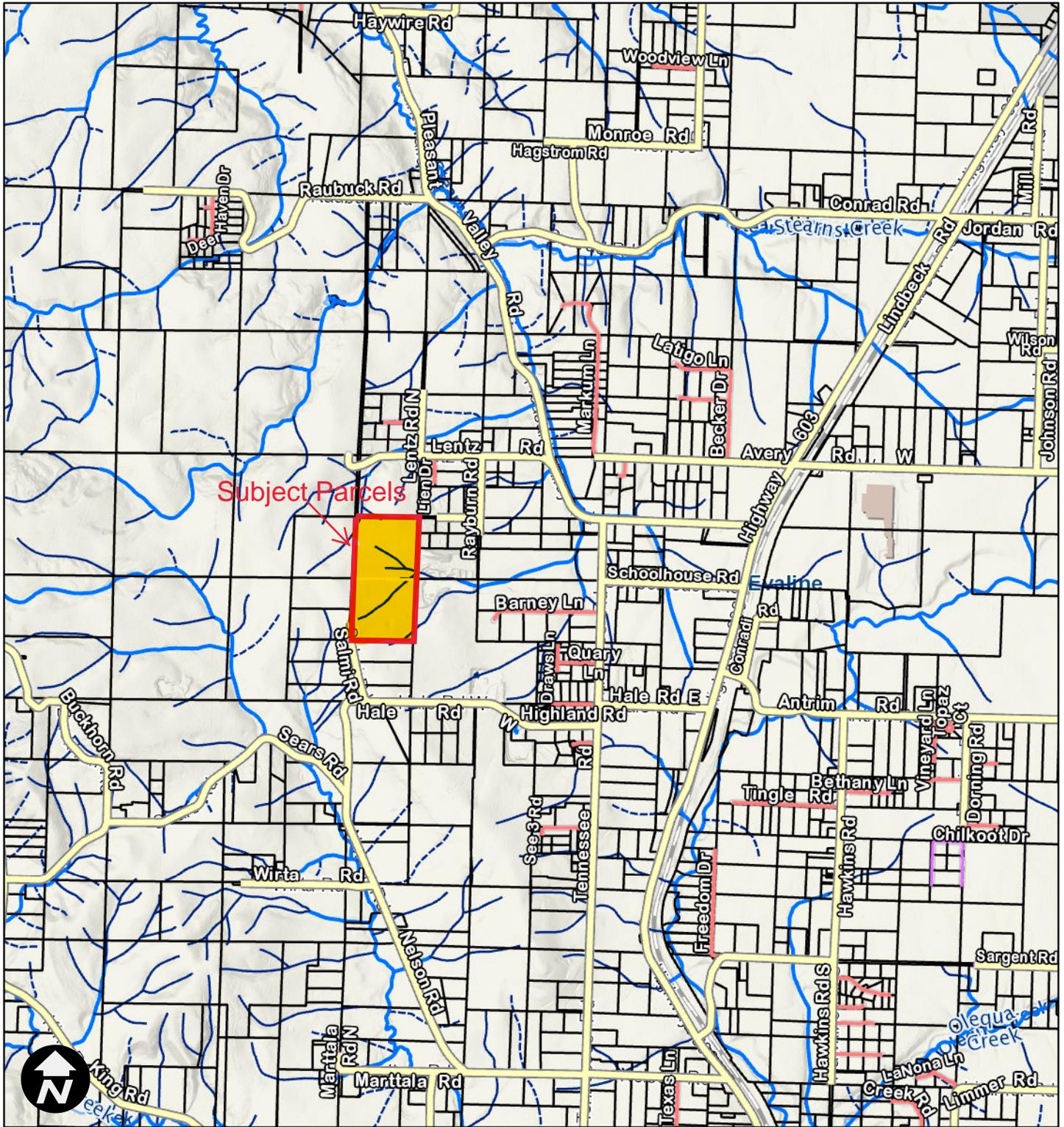
Findings		
	YES	NO
The rezoning is consistent with Lewis County Adopted Plans		
The rezoning is consistent with the county-wide planning policies, Growth Management Act (GMA), and other state or federal law or Washington Administrative Code		
The rezoning does not further impact public health, safety, welfare		
There are circumstances that justify the rezoning		
The rezoning is consistent with the neighborhood characteristics		
The rezoning would result in consistent regulations for each property with the same zoning designation countywide		
The rezoning aligns with the zone districts purpose and intent		

Recommendation
<p>Based on the above findings, the Planning Commission adopts <u>ONE</u> of the following recommendations for action by the Board of County Commissioners:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Approve the proposal as presented by the applicant and staff <input type="checkbox"/> Approve the proposal with modifications <input type="checkbox"/> Request a new proposal from the applicant <input type="checkbox"/> Deny the proposal

Exhibit 1

Site Map

Lewis County



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Search Results: Parcels

Override 1

Roads

- █ State
- █ County
- █ City

- █ Private
- █ USFS
- █ Out of County
- █ Other
- Parcels

Watercourse

- █ S, F
- █ N
- █ U, X

Waterbody

- █ S, F

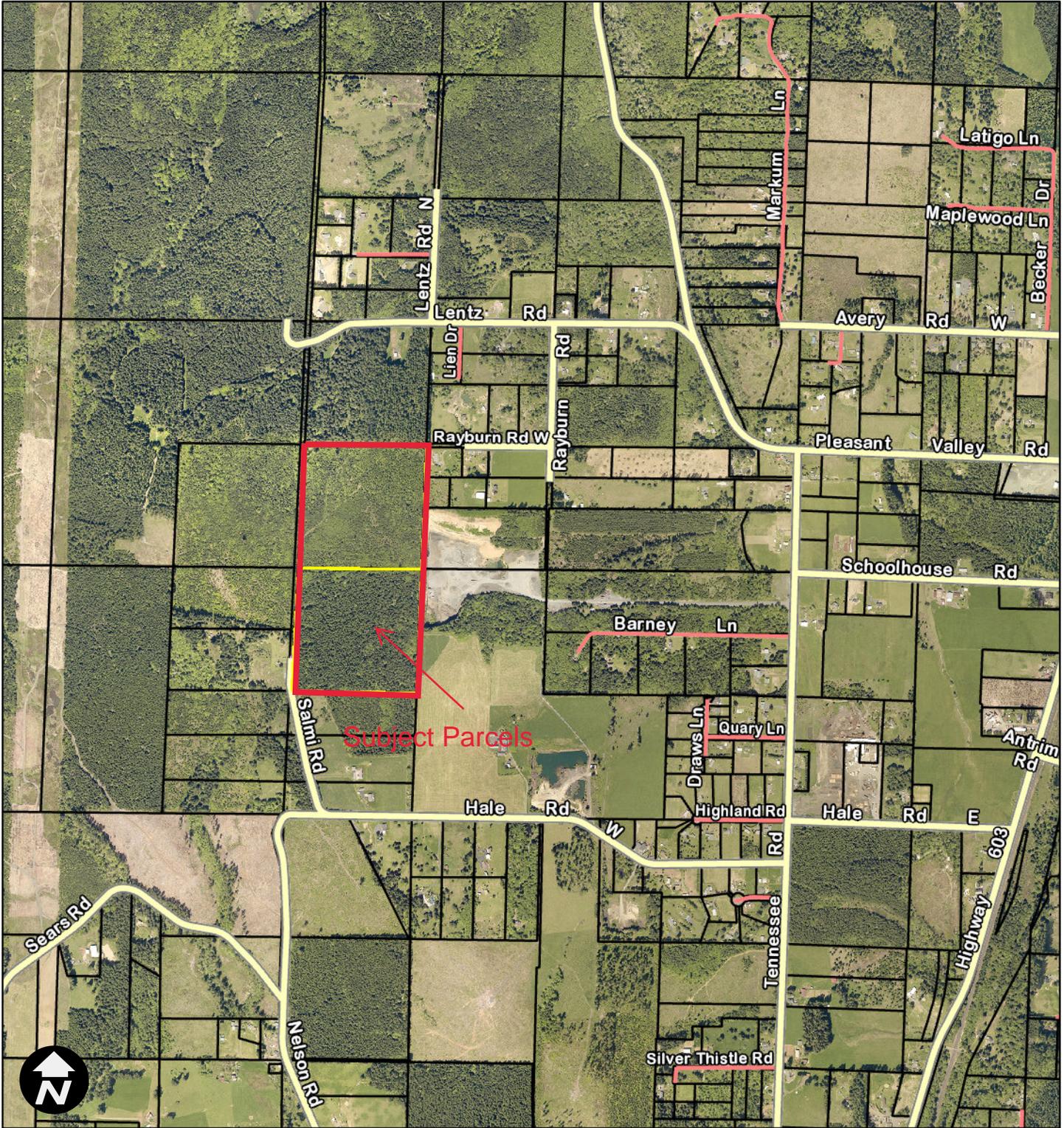
- N
- X

0 1,600 3,200 6,400 ft
NAD 1983 StatePlane Washington South FIPS 4602 Feet



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Lewis County



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Search Results: Parcels

Override 1

Roads

State

County

- City
- Private
- USFS
- Out of County
- Other
- Parcels

0 800 1,600 3,200 ft
NAD 1983 StatePlane Washington South FIPS 4602 Feet



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Exhibit 2

Public Comments



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 12, 2020

Brianna Teitzel, Planner
Lewis County
Community Development
2025 Northeast Kresky Avenue
Chehalis, WA 98531

Dear Brianna Teitzel:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Jorgensen Surface Mine Operation Project (RZ19-00001, SEP19-0037) as proposed by Jorgensen Timber LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SEPA/ENVIRONMENTAL REVIEW SECTION:
Morgan Dorner, Southwest SEPA/Environmental Review Coordinator
(360) 407-6313 / swrosepacoordinator@ecy.wa.gov

The Department of Ecology is an agency with expertise on water quality, which applies to this environmental review. Ecology is also a likely an “agency with jurisdiction”. Consequently, we have a legal obligation to help ensure that the SEPA review is done in compliance with the rules and statute as well as provide a meaningful analysis for all agency decision-makers.

The SEPA rules require that agencies “make certain that the proposal that is the subject of environmental review is properly defined.” WAC 197-11-060(3). This often means that proposals could be subject to different permitting decisions or approvals by an agency but there is only one SEPA process that includes an environmental analysis of the whole proposal.

This proposal was defined by Lewis County as a “site specific rezone and comprehensive plan change”. It was unclear whether the County was only reviewing the non-project actions or the overall project. The SEPA checklist details the project related actions, but only lists local approvals as necessary for the proposed project.

If Lewis County interprets this proposal as a non-project action, then it should be understood that the optional DNS (ODNS) process under WAC 197-11-355 is not appropriate for non-project proposals such as code amendments and other legislative decisions

**WATER QUALITY/INDUSTRIAL OPERATIONS UNIT:
Jessica McConnell, Sand & Gravel Permit Manager**

The Goods Quarry - Tennessee Rd and Good Crushing, Inc. - Hale Rd facilities have Sand and Gravel General Permit (Permit) coverage (WAG501479 and WAG501492, respectively) with the Department of Ecology. Both facilities are approved to conduct Other Crushed and Broken Stone Mining and Quarrying (NAICS 212319). Expansion of these sites will require one of the existing permits to be modified to include all 141.8 proposed acres before the other permit can be terminated. The Site Management Plan will need to be updated as site conditions change.

Due to the presence of four ephemeral streams that transect the expansion area, Ecology would like to encourage diligent compliance with Special Condition S8 of the Permit and take measures to prevent the commingling of stream run-on and stormwater that falls in the quarry. Furthermore, careful consideration regarding selection and implementation of erosion and sediment control Best Management Practices (BMPs) is imperative. Discharges to wetlands and/or other surface waters of the state are subject to effluent limits outlined in Special Condition S2 of the Permit and the Surface Water Quality Standards (WAC 173-201A).

For technical assistance, contact Jessica McConnell, Sand and Gravel General Permit Manager, in Ecology's Water Quality Program at jessica.mcconnell@ecy.wa.gov or by phone at (360) 690-4796.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
Chris Montague-Breakwell (360) 407-6364**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or

sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.

- a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

You may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(MLD: 202000451)

cc: Morgan Dorer, SWRO/SEPA
Jessica McConnell, WQ/IOU
Chris Montague-Breakwell, WQ/WRU



Lewis County Department of Public Works

Josh S. Metcalf, PE, Director
Tim D. Fife, PE, County Engineer

TO: Brianna Teitzel, Associate Planner

RE: SEP19-0037, Jens Jorgensen, Jorgensen Timber LLC, Initial Review, 1/24/2020
Due Date: 2/12/2020

Access Review:

N/A

Reviewed by: Greg Snelson Date: 1-27-20

Road/Utilities Review:

Any future mining business will have to upgrade the roadway for heavy load traffic.

Reviewed by: Garry Scott Date: 1/27/2020

*Road Maintenance &
Fleet Services*
476 West Main St.
Chehalis, WA 98532
O 360.740.3380
F 360.740.2741

*Administration, Engineering, Utilities,
Real Estate Services & Traffic*
2025 NE Kresky Ave.
Chehalis, WA 98532
O 360.740.1123
F 360.740.1479

Solid Waste Services
Post Office Box 180
Centralia, WA 98531
O 360.740.1451
F 360.330.7805

Traffic Review:

No Comments

Reviewed by: Jack Niehuser Date: 1/30/20

Stormwater Review:

None

Reviewed by: Betsy Dillin Date: 2/3/2020

Survey Review:

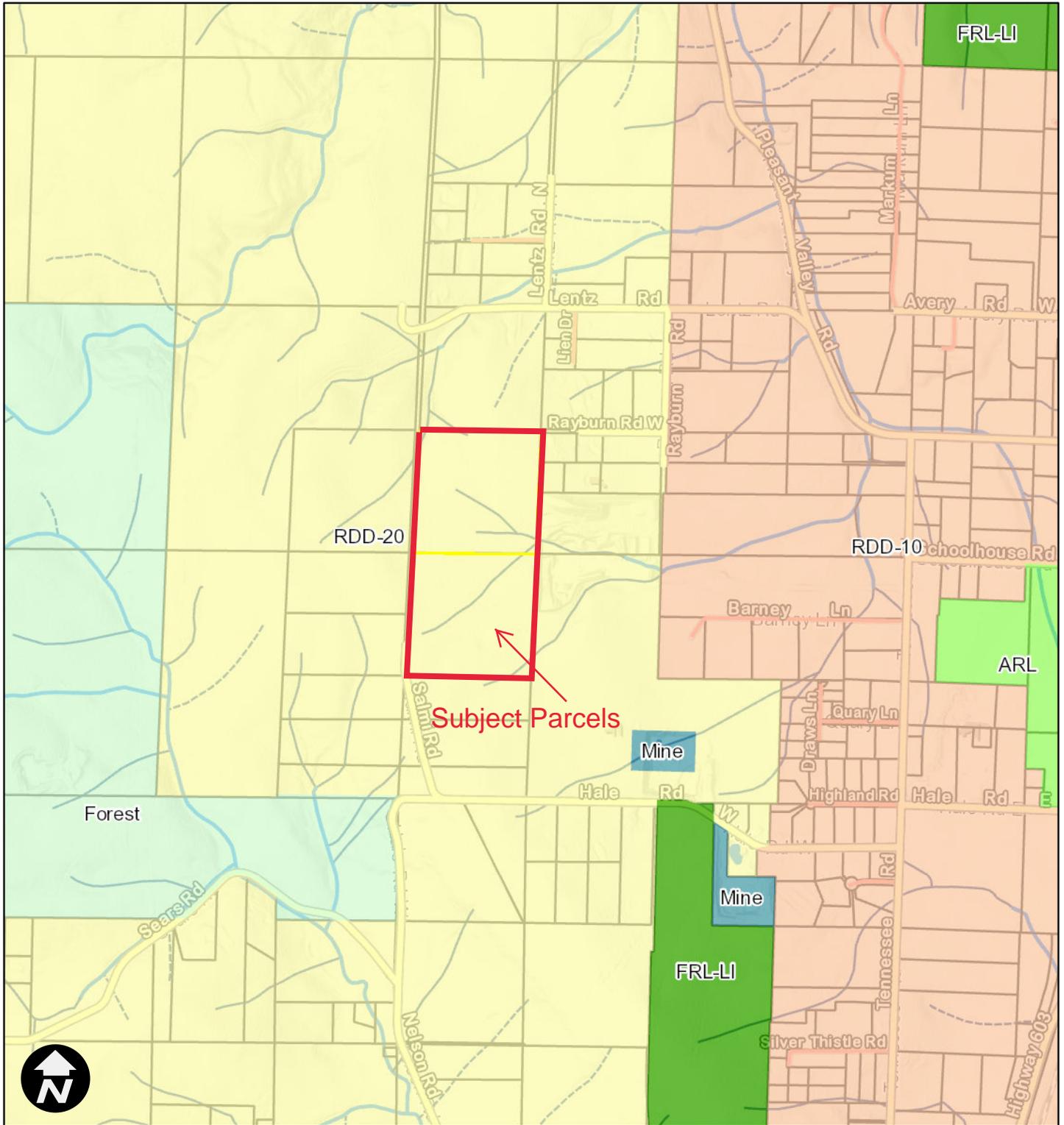
Public and private survey monuments are required to be maintained or reset as stipulated by WAC 332-120.

Reviewed by: Shawn Latimer Date: 1-28-20

Exhibit 3

Zoning Map

Lewis County



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Search Results: Parcels

Override 1

0 800 1,600 3,200 ft
NAD 1983 StatePlane Washington South FIPS 4602 Feet



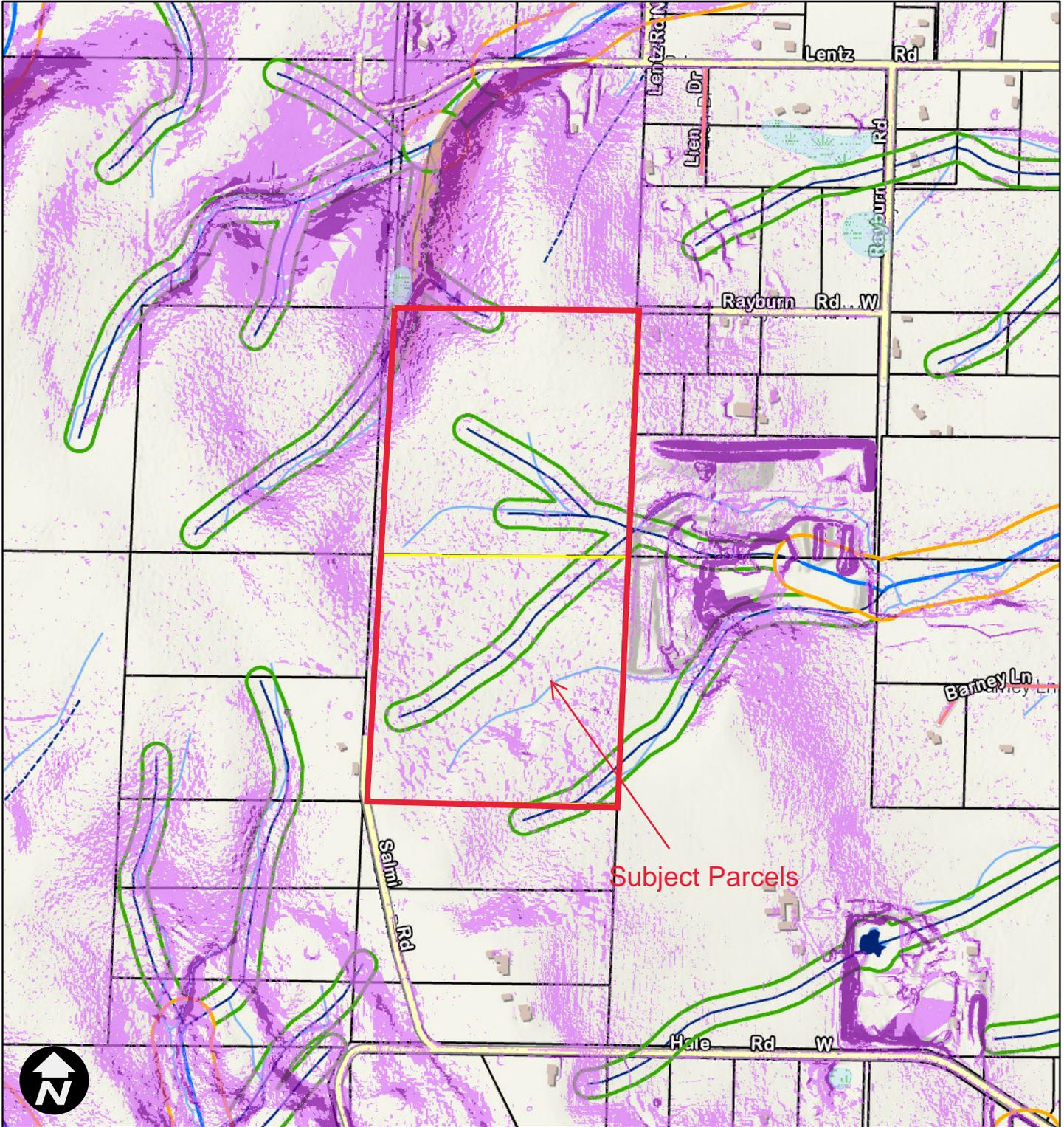
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Exhibit 4

Critical Area Map

Lewis County



8/18/2020, 7:53:34 AM

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- | | | |
|--------------------------------|-------------------------------|-----------------------------|
| Search Results: Parcels | Slopes 15%+ (no lidar) | Non-Fish 75' |
| Override 1 | 15 - 35% | Erosion Hazard Areas |
| Wetlands | 35% and greater | Severe |
| Slopes 15%+ (lidar) | Stream Buffers | Very severe |
| 15 - 35% | Shoreline 150' | |
| 35% and greater | Fish 150' | |

0 400 800 1,600 ft
NAD 1983 StatePlane Washington South FIPS 4602 Feet



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