

LEWIS COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

2025 NE Kresky Avenue
Chehalis, WA 98532-2626

(360) 740-1146
FAX: (360) 740-1245

APPLICATION FOR AMENDMENT

Rezone or Amendment to Zoning Regulations

Fee: \$2,500*

Comprehensive Plan Amendment

*more than 10 hours of staff
review for rezone request

Resource land Opt-in Application

will require an additional
hourly fee @ \$100/hour.

Applications Accepted September 1 through December 31

All other additional costs
assessed at actual cost.

SUBMITTAL REQUIREMENTS:

Completed application form

Legal Description (for site specific amendments)

Three site maps, no larger than 11" x 17", clearly labeled, and reproducible in black and white, showing the following features:

- a. property boundaries showing existing land use designation and zoning.
- b. property boundaries showing the proposed land use designation and zoning.
- c. all natural and built features (such as roads, streams, buildings, slopes, fences, etc.) as well as adjacent properties and their uses.

Application Fee

For office use only
Permit Tech TAYAL

RECEIVED
DEC 29 2017
BY: _____

Rec'd
12/29/17

PLEASE TYPE OR PRINT

1. Applicant (see page 5 if more than one applicant):

Name Richard P Smith

Address PO Box 1000, Battle Ground WA 98604

Telephone Cell (360) 600-3782 Work (360) 687-0388

E-Mail rich@ppavingplus.com

2. Contact Person (if other than the applicant):

Name _____

Address _____

Telephone Home(_____) _____ Work(_____) _____

E-Mail _____

3. Assessors Tax Parcels: 012523002000 & 012509002002

4. **Location of property:**

Quarter Section _____, Section 27, Township 111 North, Range 02 W

Location (road name/city): 0 SR 506 Toledo WA 98591

Is the property within an Urban Growth Area? Yes _____ No _____ If yes, which jurisdiction? _____

5. **Total acreage of the parcel(s):** 66.7

6. **Signatures:**

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

Signature Date

Signature Date

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

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

1. The properties on the west and east side of the parcels are currently zone agricultural resource lands. The property to the north (other side SR 506) are currently zoned RDD-20.

The Cowlitz River borders the south boundary of the parcel

2. The surrounding lands should not be affected by this zone change.

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

1. The current zone is agricultural resource lands (ARL).

2. Our request is to change to Mineral Resource Lands (MRL) in order to obtain rock from the site.

3. There are two current MRL sites operating within site distance of our property.

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

Lack of mineral resources in the area.

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

The access point to I-5 is ideal to serve the Centralia/Chehalis areas.

Lack of mineral resources in the area.

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

Not applicable

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

Lack of mineral resources in the area.

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

1. Jobs would be added to the county

2. The tax revenue would increase due to the sales activity

3. There will be very little impact to the public.

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

We are excited to coincide with the State's high priority to increase mineral resources.

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

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

Chapter: _____ Page: _____ Section: _____

ADDITIONAL APPLICANTS PAGE

Please have every party who wishes to join this application provide the following information and sign below. You may attach additional sheets if necessary.

Applicant:
Name

Gene and Angela Watson

Address

949 Wildwood Rd. Curtis, WA. 98538

Telephone/E-Mail

Home 360-245-3966 Work 360-520-6690 E Mail: watsongabba@gmail.com

Tax Parcel(s): _____

Applicant:

Name

Address

Telephone/E-Mail

Home() _____ Work() _____ E Mail: _____

Tax Parcel(s): _____

Applicant:

Name

Address

Telephone/E-Mail

Home() _____ Work() _____ E Mail: _____

Tax Parcel(s): _____

Applicant:

Name

Address

Telephone/E-Mail

Home() _____ Work() _____ E Mail: _____

Tax Parcel(s): _____

Applicant:

Name

Address



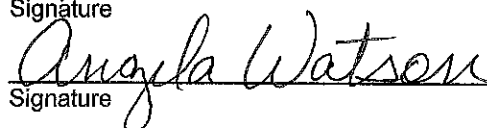
Telephone/E-Mail

Home() _____ Work() _____ E Mail: _____

Tax Parcel(s): _____

Signatures:

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

	<u>12-29-17</u>
Signature	Date
	<u>3/22/18</u>
Signature	Date
	<u>3/22/18.</u>
Signature	Date

Signature Date

Signature Date

Signature Date

Commitment Letter

SUPPORTING DOCUMENTATION



PRECISION PAVING PLUS LLC

PO Box 1000 | Battle Ground WA 98604

9330 NE Vancouver Mall Dr Suite 202 | Vancouver WA 98662

(360) 687-0388

www.PrecisionPavingPlus.com

WA License PRECIPP855DC | OR CCB 206371

July 9, 2019

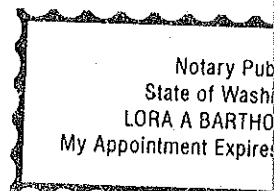
To Whom it may concern:

Our company is seeking to acquire a parcel along SR506 east of the Town of Vader, Lewis County Parcel Number 012523002000, Section 27 Township 11N Range 02W PTN E2 GOV LOT 2 & PT E2 W2 NE4 LY SLY HWY. Our company will voluntarily commit the subject property to the designation for a period until full utilization of the mineral resource potential occurs.

If any concerns or questions, please contact me at office 360 687 0388, or cell 360 600 3782.

Best Regards,

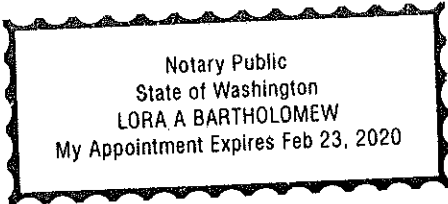
Richard P Smith



WASHINGTON SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT
RCW 42.45.140

State of Washington }
County of Clark } ss.

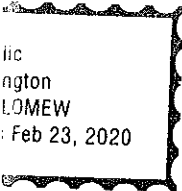
This record was acknowledged before me on 07/10/2019
Date
by Richard P. Smith
Name(s) of Individual(s)



Lora A. Bartholomew
Signature of Notarizing Officer
Notary Public
Title (Such as "Notary Public")

Place Notary Seal and/or Stamp Above

My commission expires: 02/23/2020



OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Letter on behalf of Precision Paving Plus, LLC
Document Date: 07/10/2019 Number of Pages: 1
Signer(s) Other Than Named Above: N/A

Previous Project Correspondence



Community Development

2025 NE Kresky Avenue
Chehalis WA 98532

May 8, 2019

Richard P. Smith
Precision Paving Plus LLC
P.O. Box 1000
Battle Ground, WA 98604

RE: Review of materials submitted April 15, 2019 for zone change application
for Parcels 012523002000 and 012509002002

Dear Mr. Smith:

The Lewis County Department of Community Development is continuing to review the application you submitted on December 29, 2017 to rezone parcels 012523002000 and 012523002002 from Agricultural Resource Land to Mineral Resource Land.

On February 18, 2018, the county sent you a letter stating that the SEPA Checklist you provided with the application provided incomplete answers describing the potential impact to the environment that could result from new uses allowed through the rezone. As of the date of this letter, the county has not received the SEPA Checklist.

When the Planning Commission held workshops in February, March, and April of 2018 to identify proposed rezones for that year's docket, you requested the county to place your application on hold until the 2019 docket. You made this request so that you could provide additional information to clarify your request. In accordance, with Lewis County Code (LCC) 17.05.070(2), the county granted you a 90-day extension to prepare and submit these items for your application.

On January 15, 2019, the county sent you a second letter inquiring on the status of your project and the need to complete the application to place it on the Planning Commission's 2019 docket. Again, the county granted you a 90-day extension to submit information to complete your application.

At the conclusion of that 90-day deadline, April 15, 2019, you submitted three items to the Lewis County Department of Community Development for review:

- A. Field Report prepared by Pacific Testing and Inspection, Inc.
- B. Channel Migration and Avulsion Study prepared by Insight Geologic, Inc.
- C. Wetland Report prepared by Environmental Design, LLC

The submittals did not include the revised SEPA Checklist requested within our February 18, 2018 letter to you. The county has yet to receive this item as of the date of this letter.

However, county staff did review the three submitted reports and noted the following comments on the Field Report and the Channel Migration and Avulsion Study:

Field Report

Lewis County Code (LCC) 17.30.850 outlines the procedures for designating the two subject parcels as a mineral resource land. Subsection (1) states that the petition must meet one of the three criteria under LCC 17.30.720 for approval. This section reads:

- (1) Existing Permitted Surface Mining Operations. The contiguous ownership of existing permitted mining operations (including dormant operations) operating under authority of Chapter 78.44 RCW, the Washington State Surface Mining Act, where the remaining operation has extractive minerals valued in excess of \$1,000,000.
- (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.

- (3) Mines of Local Importance. Mines not otherwise meeting the criteria noted above certified by a qualified geologist as having significant economic importance either due to their location or nature, quantity, or quality of mined product.

Because current uses on the two parcels do not include an existing mine, the designation request does not meet the classification criteria under Subsections (1) and (3) above. Therefore, the application for designation must be consistent with the criteria under Subsection (2).

Given the requirement to meet the criteria under Subsection (2), the Pacific Testing and Inspection, Inc. report will need amendment to address the following issues:

1. The report does not identify the parcel or parcels where the tests occurred; it simply states, "Vader Hwy. 506 Pit." Please have the report amended to verify that the tests occurred on the subject properties.
2. Assuming Mr. Michael Staten, P.E. is a qualified geologist, the report needs to state the site has extractive materials having a probable value in excess of \$1,000,000 for gravel, sand, coal, and other minerals.
3. Finally, please include a map and calculations demonstrating the parcels for reclassification can meet the criteria under (2)(b) above.

Channel Migration and Avulsion Study

The report prepared by Insight Geologic, Inc. only addresses conditions on Tax Parcel 012509002002. Please clarify why the report omits any discussion of Tax Parcel 012509002000 which you also are petitioning to designate as Mineral Resource Land.

If you wish to include Tax Parcel 012509002000 in the designation, the report needs to provide additional analysis relating to channel migration and avulsion on it.

In addition, while the report concludes that there should be no impact to domestic wells as mining operations penetrate the surface aquifer, it does not address the connectivity issues related to the Cowlitz River and any resulting water quality impacts to threatened salmonid species. The report needs to address this issue given the potential for subsurface transfer of pollutants from the site to the river.

Please revise this report to address these concerns.

Revised SEPA Checklist

In the February 8, 2018 letter to you from Mr. Fred Evander, the county requested a revised State Environmental Policy Act (SEPA) Checklist. The SEPA Checklist you submitted fails to describe how a change in zoning and the uses allowed under that zone would potentially impact the natural and human environment.

The county acknowledges you have not designed a specific project associated with the proposed rezone at this time. However, you need to generally discuss how new land uses allowed under Mineral Resource Lands could alter the environment on the property and the surrounding area. You may find it useful to examine Lewis County Code Section 17.30.750, which describes the primary uses allowed on the Mineral Resource Lands.

To assist you in this task, the county asks you to give more complete answers to the SEPA Checklist sections listed below. The numbers correspond to those sections on the SEPA Checklist that you submitted back on December 29, 2017.

Checklist Sections:

6. The Checklist should state that you are requesting the rezone to occur in 2019 or 2020.
7. State whether your future intent for rezoning the site to Mineral Resource Land, such as eventually establishing a sand and gravel mine.
8. List the additional studies conducted to date.
11. Provide detail describing the area you are requesting the rezone for, including the scope and size of all proposed future uses for the site.
13. Environmental Elements
 - b) Critical area information shows steep slopes along southern edge of property next to the river; note percent of that slope.
 - c) Note the following soils on the property: Cloquato Silt, Ledow Sand, and Newberg fine sandy loam. NRCS classifies these as prime farmland soils.
 - e) Future land uses allowed under the Mineral Resource Land designation will allow the excavation of material from the subject parcels. Address to what extent this could happen given the size and shape of the parcels.
 - f) Address the likelihood of erosion resulting from allowed future uses as opposed to current ones.
 - h) Discuss potential measures future uses might take to control erosion.

14. Air

- a) Discuss what potential air omissions might occur from future uses allowed through a change to Mineral Resource Land designation.

15. Water

- a)(5) Include in the checklist a map showing the 100-year floodplain in relationship to the two parcels.
- c) Discuss how future land uses resulting from the new Mineral Resource Land designation could create stormwater runoff, how it could enter surface waters, and how drainage patterns may change

17. Animals

- b) List the presence of Chinook and coho in the Cowlitz River as endangered

19. Environmental Health

- b) Generally, discuss what changes in noise may occur with a change from Agricultural Resource Land to Mineral Resource Land; anticipated noise levels; and general measures to reduce or control noise.

20. Land and Shoreline

- g) The shoreline designation is Rural/Urban Conservancy
- h) Note and describe the following critical areas on the subject parcels: FEMA Flood Areas; steep slopes along southern boundary of parcels; required stream buffers; critical aquifer recharge area; and liquefaction susceptibility.
- l) Provide a general discussion about the compatibility of the proposed change in resource designation with existing land uses in the area.

22. Aesthetics

- b & c Describe how views in the surrounding area generally may change as a result of the parcels as Mineral Resource Lands and how future uses might reduce or control aesthetic impacts.

26. Transportation

- f) Include a general discussion about transportation impacts from increased traffic related to future land uses associated with the Mineral Resource Land designation, including potential impacts to Highway 506.

- h) Discuss general measures to reduce or control transportation impacts resulting from a change from Agricultural Resource Land to Mineral Resource Land.

Supplemental Sheet for Nonproject Actions

Provide a more thorough analysis for items 1, 4, 5, and 6.

Please note that until you submit a SEPA Checklist with complete answers to the sections listed above, the county is unable to begin review of your application.


In Conclusion

Once the county receives the revisions to the Field Report, the Channel Migration and Avulsion Study, and the SEPA Checklist as described in this letter, the county can issue a Determination of Completeness under LCC 17.05.070.

Per LCC 17.05.070(2), the county deems this extension as your final opportunity to submit information for this application. If you are unable to provide the information to the county within 90 days of the date of this letter, the application shall lapse.

Please feel free to contact me if you have further questions about the contents of this letter.

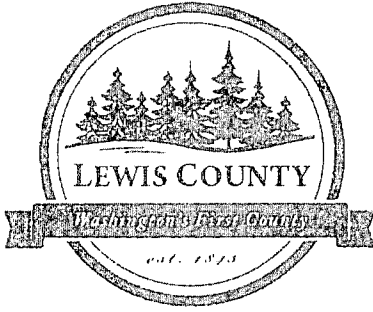
Sincerely,



Lee Napier, Director

Attachments:

- Copy of letter to Mr. Richard P. Smith dated February 8, 2018
- Copy of letter to Mr. Richard P. Smith dated January 15, 2019



Community Development

2025 NE Kresky Avenue
Chehalis WA 98532

February 8, 2018

Richard P. Smith
PO Box 1000
Battle Ground, WA 98604

RE: Application for Amendment for Lewis County Parcels 012523002000 and 012509002002

Dear Mr. Smith,

Thank you for your submittal of an application and supporting documentation to redesignate and rezone Parcels Numbers 012523002000 and 012509002002 from Agricultural Resource Land to Mineral Resource Land. As we discussed on the phone on February 6, 2018, two items will be required before we can further review the application:

1. **A revised SEPA Checklist** that includes a complete description of your proposal (see Question 11 on page 2). This description should likely only pertain to the change of the Comprehensive Plan and zoning designations on the site from Agricultural Resource Land to Mineral Resource Land – as details about the specific mining operation do not appear to be included within the current checklist. The subsequent Special Use Application to mine the site will require further environmental review under SEPA, and the Lewis County Critical Areas Ordinance.
2. **A notarized statement** that you will voluntarily commit the subject property to the designation for a period until full utilization of the mineral resource potential occurs (see LCC 17.30.850(1)(b)). A form to use for the statement is attached.

With these things, Lewis County will be prepared to move forward with Planning Commission review of the proposal. The Lewis County Planning Commission will conduct an initial review of the proposal on February 27, 2018, and will then conduct a public hearing on the proposal – potentially on March 27, 2018. The sooner you provide the relevant information, the better we can assure that the Planning Commission meets that timeframe.

Following that public hearing, we will then fold the redesignation and rezone proposal into the larger Comprehensive Plan Update. We hope to have a public hearing on the Comprehensive Plan Update in April or May of 2018.

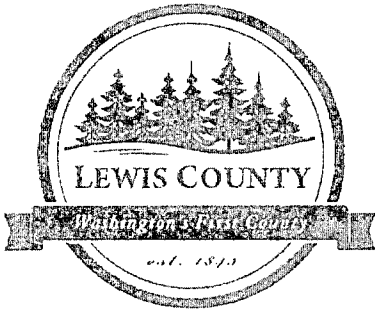
If the redesignation and rezone proposal is approved, you will be required to submit a special use permit to mine the area. You will also be required to receive any necessary approvals needed for that application. Details about some of the requirements for Special Use Mining Permits are available at Lewis County Code Chapter 17.158.030(10). As noted above, a State Environmental Policy Act review detailing specific impacts from the mining operation will additionally be required as part of that proposal.

If you have any questions about the process for this application moving forward, please let me know. You can contact me by phone at (360) 740-1389 or by email at fred.evander@lewiscountywa.gov.

Sincerely,

A handwritten signature in black ink that reads "Fred Evander". The signature is written in a cursive, flowing style.

Fred Evander
Long Range Planner



Community Development

2025 NE Kresky Avenue
Chehalis WA 98532

January 15, 2019

Richard P. Smith
PO Box 1000
Battle Ground, WA 98604

**RE: Application for Amendment
Lewis County Parcels 012523002000 and 012509002002**

Dear Mr. Smith,

The purpose of this letter is to inform you that your application for a Comprehensive Plan amendment and rezone will lapse in accordance with 17.05.070(2) if additional information regarding your proposal is not provided within 90 days.

At the start of 2018, the Lewis County Planning Commission began their review of your amendment proposal. However, on March 28, 2018, you requested that the Commission place the review on hold until 2019 to allow you to prepare additional information in regards to your request. The Commission determined that it would restart their consideration of the proposal, as part of its 2019 Comprehensive Plan and rezone considerations, once you provided the additional information. The requested information was supposed to be submitted by the end of 2018 to be included on the 2019 docket.

Since we have not received the necessary information, we will not be able to consider the proposal as part of the 2019 Comprehensive Plan and rezone amendments. If the information is not provided within 90 days, we will consider your application to have exceeded the period in 17.05.070(a) and to have lapsed per the Lewis County Code.

If you have any questions about this letter or anything else, please give me a call. You can reach me at (360) 740-1389 or by email at fred.evander@lewiscountywa.gov.

Thanks,

A handwritten signature in black ink, appearing to read "Fred Evander", written in a cursive style.

Fred Evander