

**LEWIS COUNTY
PERMIT FOR 2021 SHORELINE MASTER PROGRAM**

Lewis County Application: SHD24-0002
Date Application Received: June 27, 2024
Date of Public Hearing: January 9, 2024
Date Permit Issued: January 10, 2025

Approved Denied

Type of Action(s):

Substantial Development Permit
 Conditional Use Permit
 Variance Permit

Pursuant to RCW 90.58, a permit is hereby granted to:

Big Foot Cabins LLC
4810 235th St E
Spanaway, WA 98387
Phone: 253-222-7754
Email: dooger14@aol.com

to undertake the following development:

The applicant has requested a shoreline variance to reduce the 150-foot shoreline buffer of Big Creek to construct a single-family residence with associated utilities and new gravel driveway. The variance request is to reduce the 150-foot shoreline buffer to 36 feet for the residence and 81 feet for the septic drainfield. A No Net Loss of Ecological Function Report and Mitigation Plan has been prepared for the reduced setback from Big Creek. The proposed use (single-family residence and associated utilities) is authorized through a letter of shoreline exemption (WAC 173-27-040(2)(g)).

The project is located at 110 Mountain View Dr N, Ashford, WA on tax parcel number 011030034000 in Lewis County, WA - Section 36, Township 15N, Range 06E, WM. Shoreline application file number SHD24-0002.

The project is located within the Shoreline Jurisdiction of Big Creek and/or its associated wetlands. Lewis County's 2021 Shoreline Master Program designates the project area as Shoreline Residential Environment. The project is located in the Rural Residential Center - 2 Acre (RRC-R2) County zoning district.

Pursuant to the findings and conclusions in the staff report presented to the Lewis County Hearing Examiner and the evidence presented during the public hearing, this permit shall be undertaken with the following terms and conditions:

1. The applicant/ property owner shall comply with the conditions of development identified in the Master Site Review file number MSR24-0439. If there is a conflict

- between the MSR conditions of approval and another permit's conditions of approval, the more restrictive conditions of approval shall apply.
2. The applicant/ property owner shall comply with the conditions of development identified in the Letter of Shoreline Exemption file number SHE24-0020. If there is a conflict between the Shoreline Exemption's conditions of approval and another permit's conditions of approval, the more restrictive conditions of approval shall apply.
 3. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100 foot buffer) must stop and the following actions taken: 1) Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; 2) Take reasonable steps to ensure the confidentiality of the discovery site; and 3) Take reasonable steps to restrict access to the site of discovery.
 4. The project proponents will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation (DAHP). The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural materials, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.
 5. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps will be followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.
 6. No vegetation removal or ground disturbance is authorized in the area between the ordinary high water mark and the northern line of the 36-foot shoreline buffer.
 7. Temporary construction fencing to identify the construction limits shall be installed on the northern line of the 36-foot shoreline buffer prior to any ground disturbance.
 8. Ground disturbance is limited to that necessary for implementation of project elements.
 9. The construction staging area and materials stockpile area shall be landward of the northern line of the 36-foot shoreline buffer.
 10. The mitigation plantings within the 36-foot shoreline buffer shall be planted prior to final inspection of the building permit for the single-family residence. The mitigation plantings compensating for the removal of vegetation in the development site shall be provided at a 1:1 ratio.
 11. The property owner shall ensure at least a 90% continuing survival rate of the mitigation plantings, and replant any of the trees and/or shrubs that do not survive the initial planting.
 12. Future development shall be limited as shown on the shoreline variance request site plan (Staff Exhibit 1 - Application Documents; Site Plan).
 13. The applicant shall obtain all other required local, state and federal permits and approvals.
 14. The temporary erosion and sedimentation control measures will be implemented at the beginning of the construction process. The written temporary erosion and sedimentation control plan, including BMPs, shall be submitted to and approved by the shoreline administrator prior to issuance of the building permit for the single-family residence.
 15. BMPs will include covering of exposed soils, managing runoff, and revegetating temporary disturbed soils as soon as possible following the onset of construction.
 16. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or be discharged onto the land in shoreline jurisdiction, including any ditch, swale or other non-impervious surfaced area where migration to the aquifer is a reasonable likelihood. Potentially harmful materials should be stored outside of shoreline jurisdiction if feasible, and shall be maintained in safe and leak-proof containers.

17. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within 25 feet of a water body, except by a qualified professional in accordance with State and Federal laws. Further, pesticides subject to the final ruling in *Washington Toxics Coalition, et al., v. EPA* shall not be applied within 60 feet for ground applications or within 300 feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with State and Federal law.
18. All outdoor lighting shall be hooded and shielded to prevent glare as seen by adjacent properties, vehicles on public roadways and to minimize potential effects on wildlife.
19. New or expanded buildings in the shoreline jurisdiction have a maximum height limit of 35 feet above average grade level.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-27-130 OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c) AND UNTIL THE REQUIRED CONDITIONS OF APPROVAL HAVE BEEN MET AS OUTLINED ABOVE.

PERMIT AUTHORIZATION SHALL TERMINATE WITHIN FIVE (5) YEARS AFTER THE APPROVAL OF THE PERMIT BY THE LOCAL GOVERNMENT: PROVIDED THAT LOCAL GOVERNMENT MAY AUTHORIZE A SINGLE EXTENSION BEFORE THE END OF THE TIME LIMIT, WITH PRIOR NOTICE TO PARTIES OF RECORD AND THE DEPARTMENT OF ECOLOGY, FOR UP TO ONE YEAR BASED ON REASONABLE FACTORS AS DEFINED IN WAC 173-27-090.

LEWIS COUNTY HEARING EXAMINER

 Mark Scheibmeir
 Hearing Examiner
 Lewis County, Washington

1/10/2025

 Date:

APPEALS OF DECISIONS:

Any person aggrieved by the granting or denying of a shoreline substantial development permit, conditional use permit, or variance, or by the rescinding of a permit in accordance with the provision of the SMP, may seek review from the State Shorelines Hearings Board. A request for review may be done by filing a petition for review with the State Shorelines Hearings Board within 21 days of the date of filing of the final decision, as defined by RCW 90.58.140(6) and by concurrently filing copies of such request with the County

Clerk, Ecology and the Attorney General's office. State Shorelines Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC.