



## Community Development

125 NW Chehalis Ave  
Chehalis WA 98532

April 11, 2025

MALLEIS, JOSEPH & SHELLY  
PO BOX 642  
PACKWOOD, WA 98361

**RE: Development Review Application # MSR24-0462**  
**Parcel #: 011033012001**  
**Denial Letter**

Joseph and Shelly,

On February 12, 2025, your attorney, Eric G Carlson, submitted a letter to Lewis County Community Development in response to a letter from Community Development to you dated November 14, 2024. In Community Development's letter, several violations of Lewis County Code and the Shoreline Master Program were identified which required correction. Final notice was given in that letter including the required removal of your unpermitted RV sites, stair access to Butter Creek, unpermitted gravel placement above and below the stairs, submittal of a new site plan for the unpermitted structures, and a restoration plan prepared by a Qualified Professional to restore the site from any unpermitted uses and activities.

To date, these items have not been submitted and proof of correction has not been received. Your Master Site Review is **denied**. The previous correspondence detailing your reasons for denial are attached.

Any unpermitted development is required to be removed and the site restored to its original state. Compliance will be tracked through your code enforcement case (CE24-00056). You can contact Code Enforcement to discuss the status of your case with them.

Denials can be appealed to the Hearings Examiner in accordance with LCC 17.05.160 and LCC 2.25.140.

Sincerely,

Preston Pinkston, Planner

Cc: David Bailey, Chief Civil Deputy Prosecuting Attorney  
Mindy Brooks, Community Development Director  
Eric G. Carlson, P.S.

Attached: MSR24-0462 Pending Letter (sent June 21, 2024)  
MSR24-0462 Response Letter (sent November 14, 2024)



November 14, 2024

MALLEIS, JOSEPH & SHELLEY  
PO BOX 642  
PACKWOOD, WA 98361

**RE: Development Review Application # MSR24-0462**  
**Parcel #: 011033012001**  
**Response to September 19, 2024 Letter from Eric G. Carlson, P.S.**

Joseph and Shelly,

This letter is to respond to the letter received on September 19, 2024 from your attorney Eric G. Carlson. That letter was itself a response to a letter sent to you in regards to Master Site Review (MSR) MSR24-0462 (attached). Your application is for after the fact permitting of 3 RV sites, staircase access, fill and grade, and one unpermitted structure. The previous letter sent to you denied the RV sites, staircase access and fill and grade on the lots and required the submittal of an updated site plan and Restoration Plan prepared by a qualified professional to restore the area to its original state. In the letter submitted by your attorney, a request for more information on each of the violations was made. This letter is a response, and each item below addresses that letter in order. For brevity, I will not summarize what was stated or asked by your attorney and instead just provide my response.

**RV Site Response** – As previously stated, the combined lots owned by the Malleis' does not meet the minimum acreage required for an RV Park in Lewis County Code (LCC) 17.144.040(1). A Variance would not be applicable as the site is not denied a reasonable use per LCC 17.162.010(b) use as it has an existing house, shop and septic system. RV Parks are also non-water oriented recreational developments which require a 150' setback from the ordinary high watermark (OHWM) per Table 4-1: Shoreline Buffers in the Lewis County Shoreline Master Program (SMP). The current sites do not meet the setback requirements because they are approximately 70 to 90' from the OHWM, which is far less than the required minimum 150'. Proposals that are unable to meet the buffer setbacks within the Shoreline Jurisdiction are required to obtain a Shoreline Variance. A Shoreline Variance would not be applicable in this case as SMP 7.04.03.B states that "Uses that are specifically prohibited may not be authorized". As this use is not permitted based on the codes above, a Shoreline Variance would also not be granted.

**Stair Response** - As stairs are not a primary use in any section of the SMP, they are only permitted as accessory or appurtenant to an approved primary use, definitions below. SMP 5.14 does not list access as an accessory or appurtenant use to a single family residence. Water Access is addressed in Section 5.07 of the SMP which applies to in-water/overwater structures. Stairs are accessory to a permitted primary access use such as a dock, moorage, etc. but are not appurtenant to a single family residence. Additionally, SMP Section 4.04.02.D.1.b requires accessory uses be located outside of shoreline buffers unless subsections 1 or 2 are met, which this proposal does not satisfy. The original project only addressed one staircase access. In reviewing the file of the site to prepare this letter, a second stair access and a trail connecting them was noticed that was not included with the original documents (aerial attached). That access and trail is also required to be removed.

Accessory Structure or Use – A structure or use incidental, related, and clearly subordinate to the principal structure or use of a lot or main building. An accessory structure or use is only located on the same lot as the permitted principal use.

Appurtenance – A building, structure, or development necessarily connected to the use and enjoyment of a single-family residence that is located landward of the OHWM and of the perimeter of any wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed 250 cubic yards (except to construct a conventional drainfield) and which does not involve placement of fill in any wetland or waterward of the OHWM. Refer to WAC 173-27-040(2)(g).

**Fill Response** – SMP 6.03, SMP 6.03.02 A,C,F(3). These citations are directly applicable to our original statement that the placement of the gravel was not the minimal extent necessary for the residence and shop and that the speculative placement of this fill for an unapproved RV Park is not compliant with the SMP.

**Structure Response** – See attached aerial image with the structure circled. Also attached are previously approved site plans which do not show the unpermitted structure. As this structure is located within 200' of the OHWM it requires compliance with the SMP and at a minimum requires a Shoreline Exemption. It may also require a Building Permit depending on the use or if it exceeds 200 SF.

Your MSR continues to be on hold until the above issues are resolved. To bring this property into compliance the following items are required:

- Remove the unpermitted RV sites, stairs, and gravel placed above and below the stairs.



- Submit an updated site plan for the unpermitted structure identified in the attachments or remove it.
- Submit a Restoration Plan prepared by a qualified professional to restore the area to its original state.

If these items are not submitted **within 90 days of the date of this letter**, your application will automatically lapse per Chapter 17.05.070(B)(1) Lewis County Code and will be denied. Denials can be appealed to the Hearings Examiner in accordance with LCC 17.05.160 and LCC 2.25.140. This is a final notice, no additional extensions will be granted on this MSR unless needed for the preparation of a Restoration Plan. If you would prefer that we deny the application before the 90 day period so you may begin the appeal process, please make that request in writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Pinkston', with a stylized, cursive script.

Preston Pinkston, Planner

Cc: David Bailey, Chief Civil Deputy Prosecuting Attorney  
Mindy Brooks, Community Development Director  
Eric G. Carlson, P.S.

Attached: MSR24-0462 Pending Letter (sent June 21, 2024)  
Stair Access Aerial  
Unpermitted Structure Aerial

# Unpermitted Stairs and Trail



11/14/2024, 3:00:34 PM

1:564

## Roads

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

0 25 50 100 ft  
NAD 1983 StatePlane Washington South FIPS 4602 Feet



Lewis County does not guarantee the accuracy of the information shown on this map and is not responsible for any use or misuse by others regarding this material. It is provided for general informational purposes only. This map does not meet legal, engineering, or survey standards. Please practice due diligence and consult with licensed experts before making decisions.

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# Unpermitted Structures



11/14/2024, 3:06:20 PM

1:564

## Roads

State

County

City

Private

USFS

Out of County

Other

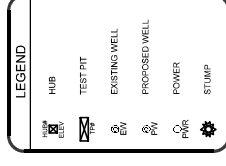
Parcels

0 25 50 100 ft  
NAD 1983 StatePlane Washington South FIPS 4602 Feet



Lewis County does not guarantee the accuracy of the information shown on this map and is not responsible for any use or misuse by others regarding this material. It is provided for general informational purposes only. This map does not meet legal, engineering, or survey standards. Please practice due diligence and consult with licensed experts before making decisions.

**Environmental Design, LLC.**  
*Septic Design • Wetlands • Mapping*  
901 L Street  
Centralia, Wa. 98531  
(360) 219-3343



# SITE PLAN

PROPERTY LINES SHOWN AS PER  
RECORDED DOCUMENT AFN: 35766676

THE PROPERTY LINES IN THIS MAP ARE APPROXIMATE AND ARE NOT INTENDED TO BE USED AS A SURVEY.

CLIENT NAME: JOSEPH MALLEIS

MAILING ADDRESS: 710 N 68TH STREET  
SEATTLE, WA 98103

PHONE NUMBER: 206.571.3871

SITE ADDRESS: 113 SHAWNEE TRAIL, WHITE PASS

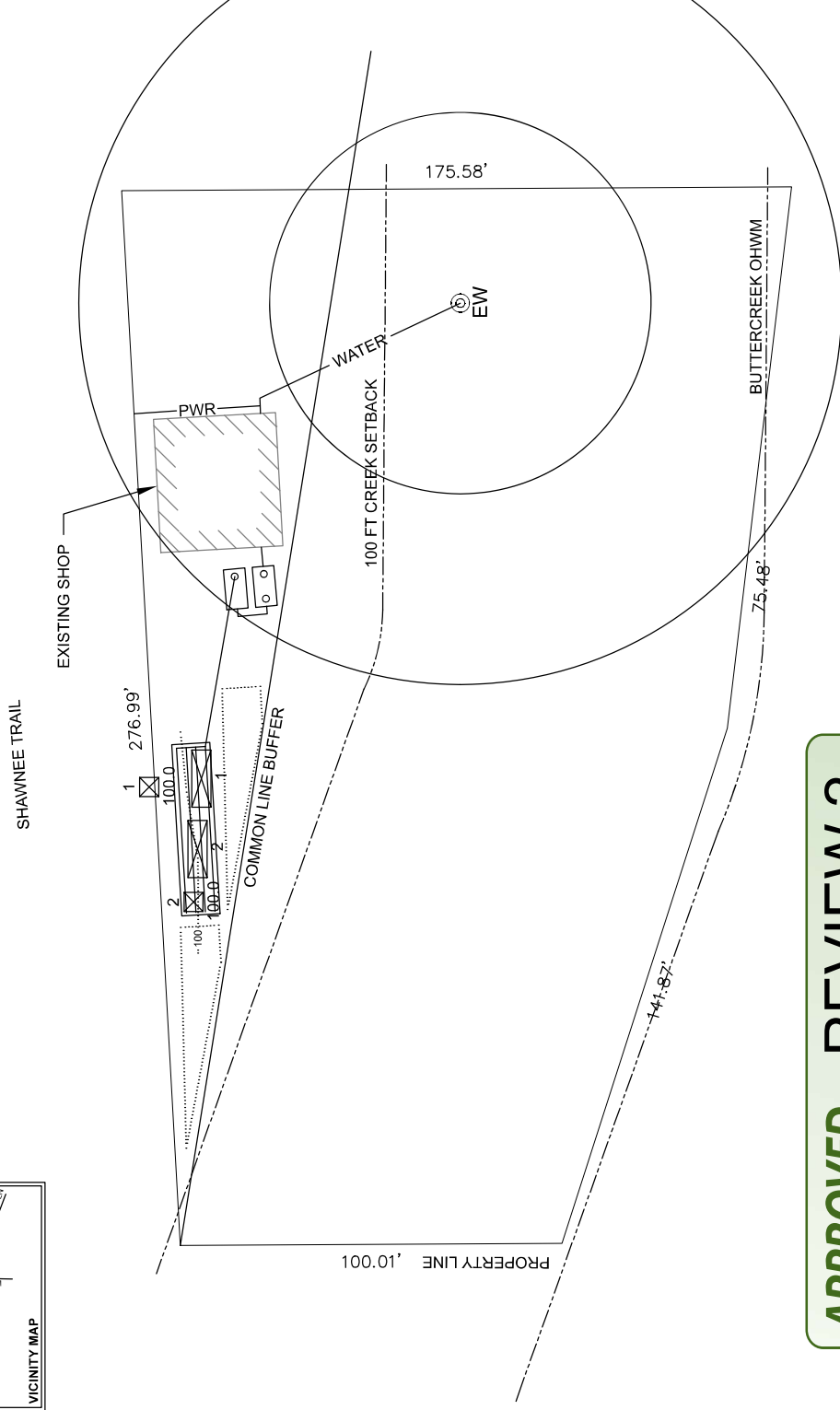
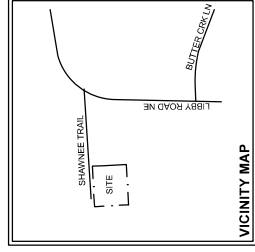
PARCEL NUMBER: 011033012001

PERMIT NUMBER:

DRAFTED BY: BJR

JOB NUMBER: 2023-09-01  
DATE: 02.09.2023

PAGE 1 OF 1



**APPROVED** REVIEW 2

By Preston Pinkston at 11:42 am, May 08, 2023



lone cedar tree marks far end corner

~~common buffer line~~

green box 32x35

**BUILDING AREA**

Distance: 60.1 Feet

drain field

Distance: 153.8 Feet

Butler creek 150' setback

One parcel, BLA22-0007

RECEIVED

**By Preston Pinkston at 9:54 am, Jun 16, 2022**

**APPROVED**

By Preston Pinkston at 12:10 pm, Aug 08, 2022

60ft

46.634192 -121.667209 Degrees



## Community Development

2025 NE Kresky Avenue  
Chehalis WA 98532

June 21, 2024

MALLEIS, JOSEPH & SHELLY  
PO BOX 642  
PACKWOOD, WA 98361

**RE: Development Review Application # MSR24-0462**  
**Project: Ground leveling / fill, tree / dead tree removal, install RV sites,**  
**restoration of "historical pathway" to Butter Creek**  
**Parcel #: 011033012001**

Joseph and Shelly Malleis,

The initial review of your master site review is complete. Based on the information submitted, portions of the above referenced application are **denied**. The denial of each portion of your application that cannot be approved is presented in more detail below.

The proposed establishment of three recreational vehicle (RV) sites to be used for commercial use meets the criteria of an RV Park per Lewis County Code (LCC) 17.144.010. Per LCC 17.144.040(1), a RV Park is required to be on a lot, or multiple lots under the same ownership, of at least two and a half acres. Parcel numbers 011033012001 and 011033012002 combined are approximately 1.45 acres which does not meet the minimum lot size requirements for an RV Park and your proposal cannot continue to be processed.

The stair access to Butter Creek is not compliant with the Lewis County Shoreline Master Program (SMP) which is required for all uses within 200' of Butter Creek at the location of your residence. Access facilities like your stairs are an accessory use associated with water dependent facilities such as stairs leading down to a dock or boating facility. The SMP does not guarantee access to water resources for single family residences. Your stairs are not associated with a water dependent use and cannot be processed. In your application you state that this is a historic access that was made up of strategically placed boulders during the construction of the revetment along Butter Creek. This does not create a permitted access that can be maintained as it was not a design component of the revetment itself. Additionally, your improvements made to the unpermitted access go beyond the scope of repair and maintenance activity which would not be permitted either.

The ground leveling and fill that was done on the property is also not compliant with the SMP. Fill and grade is permitted in the Shoreline Jurisdiction to the minimum extent necessary for a permitted use. The extent of work done on your site was not the minimum necessary for your permitted shop, septic system or residence. Based on the pictures in the

code enforcement file and your own Airbnb advertisement (Exhibit A), the fill and grading on this site was done to accommodate commercial use of the RV hookups. As the RV hookups cannot be permitted, the fill and grade is also not compliant with the SMP and cannot continue to be processed.

It also appears that an unpermitted structure has been placed on the lot without permits. The structure is within 200' of the ordinary high-water mark which requires compliance with the SMP. Depending on the use and location of the structure you may be able to have it permitted after the fact.

Your application will be placed on hold. To resolve the issues above and bring this property into compliance the following items are required:

- Remove the unpermitted RV sites, stairs, and gravel placed above and below the stairs.
- Submit an updated site plan for the unpermitted structure identified in the attachments or remove it.
- Submit a Restoration Plan prepared by a qualified professional to restore the area to its original state.

This is not a complete list of items necessary for compliance with the County Code and Shoreline Master Program. Depending on what is submitted, additional permits and reports may be required.

If these items are not submitted **within 90 days of the date of this letter**, your application will automatically lapse per Chapter 17.05.070(B)(1) Lewis County Code and will not be processed. As your proposal was initially brought forward to resolve a code enforcement case and it is not in compliance with County Code, your case will be forwarded back to code enforcement to resolve CE24-00056 if a restoration plan is not submitted.

Please contact me directly at 360-740-1389, if you are unclear as to how to proceed with resolution.

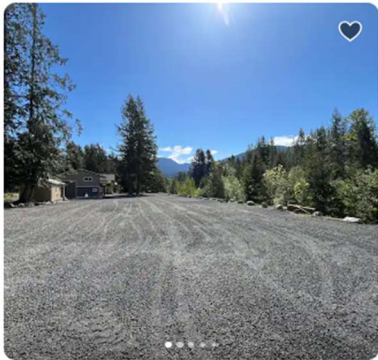
Sincerely,

A handwritten signature in black ink, appearing to read 'P. Pinkston', with a stylized flourish at the end.

Preston Pinkston  
Planner

Attached: Screenshots of your Airbnb Advertisement

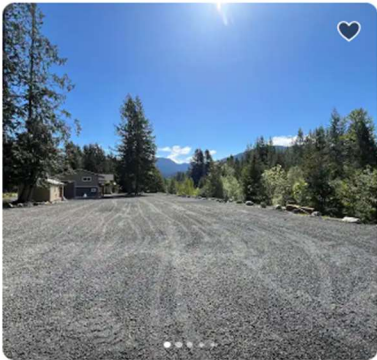
3 places within map area



Campsite in Packwood  
New! - Butter Creek Retreat RV Site 1  
★ New  
\$65 night · [\\$74 total](#)



Campsite in Packwood  
New! - Butter Creek Retreat RV Site 3  
★ New  
\$65 night · [\\$74 total](#)




Campsite in Packwood  
New! - Butter Creek Retreat RV Site 2  
★ New  
\$65 night · [\\$74 total](#)

New! - Butter Creek Retreat RV Site 1

[Share](#) [Save](#)



Campsite in Packwood, Washington  
6 guests · 0 baths  
★ New

 Hosted by Shelly  
1 month hosting

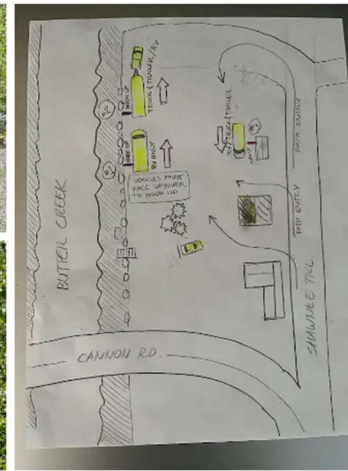
\$65 night

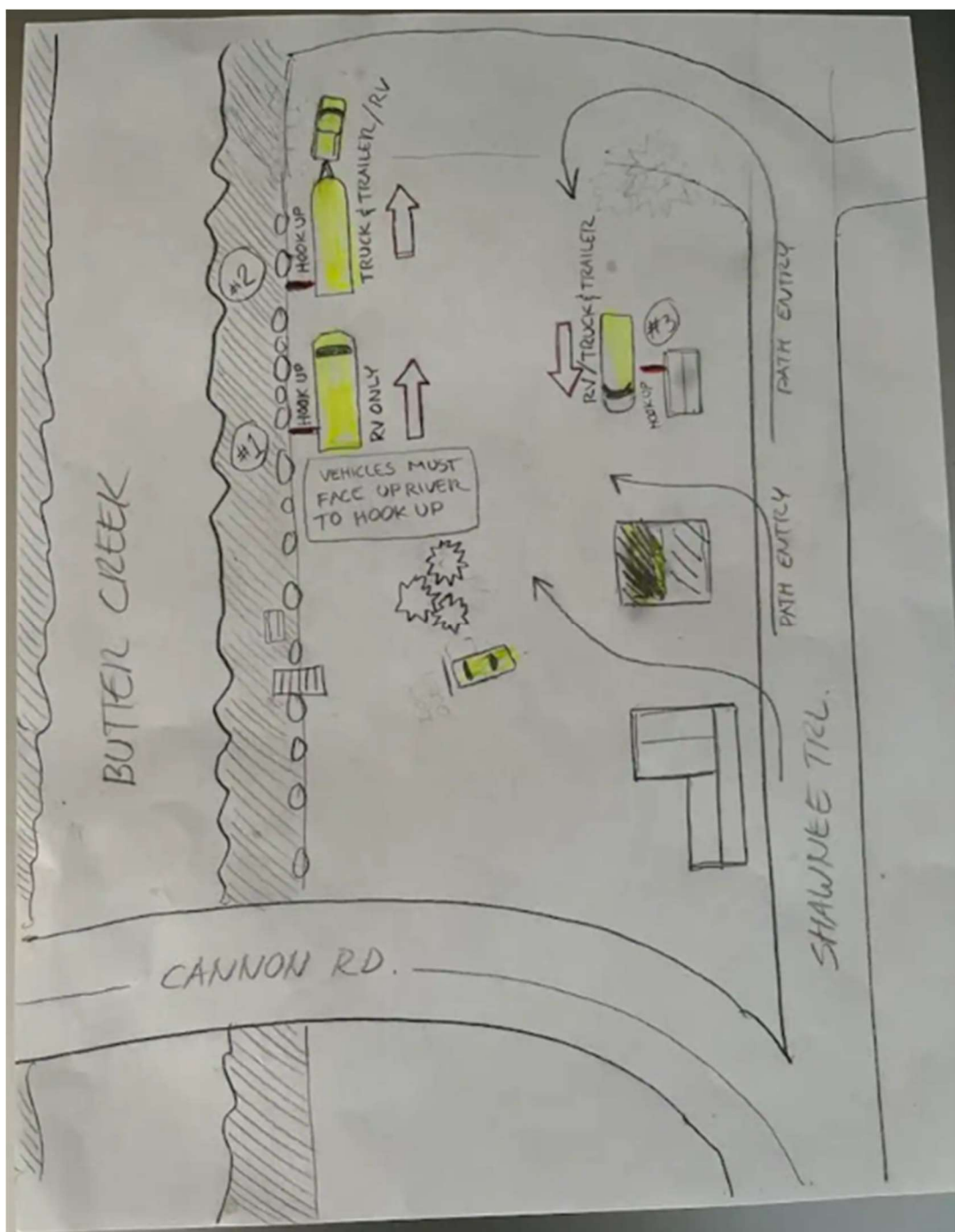
CHECK-IN 7/17/2024	CHECKOUT 7/18/2024
GUESTS 1 guest	



## Exterior

Wifi · Washer · Dryer · Free parking on premises · Lake access





**ERIC G. CARLSON, P.S.**

**A PROFESSIONAL LAW CORPORATION**

605 SE Prospect Street

Chehalis, WA 98532

T: 360.269.5541 | E: ericgcarlson@gmail.com

February 12, 2025

LEWIS COUNTY  
COMMUNITY DEVELOPMENT  
PRESTON PINKSTON  
125 NW CHEHALIS AVE.  
CHEHALIS, WA 98532

RE: Development Review Application #MSR24-0462  
Parcel #: 011033012001  
Response to November 14, 2024 Letter from Preston Pinkston

Dear Mr. Pinkston:

This letter is in response to your November 14, 2024 letter. My response, on behalf of my clients, will follow the format and order of your letter.

**RE: RV Site Response**

The *Variance* citation of LCC 17.162.010(b). Specifically, there is no subsection “(b)” in the LCC 17.162.010 as of the legislation passed through December 10, 2024. **See Exhibit 1.**

Perhaps you are referring to LCC 17.162.010(1)(b)? Please clarify. If that is the case, then we disagree that because the property has an existing house, shop, and septic system, is not a basis upon which to extrapolate that to deprive the subject property of any RV sites is reasonable. In fact, it is just the opposite. Most all similar properties in this area along the river are used for camping, hosting friends and families, and to enjoy the river and the greater outdoors. My clients and their families have camped on this property for decades.

In your November 14, 2024 letter you did not make any mention of a 150’ setback from the ordinary high-water mark (OHWM). In fact, the only problem with any RV sites mentioned in the November letter was with regard to LCC 17.144.010 (two-and-a-half-acre requirement).

With regard to the alleged 150’ setback requirement, the Lewis County Shoreline Master Program (SMP) defines Water-Oriented Use as:

**Water-Oriented Use** – Any combination of water-dependent, water-related, or water-enjoyment uses that serves as an all-encompassing definition for

priority uses under the SMA.

The SMP defines Water-Enjoyment Use as:

**Water-Enjoyment Use** – A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

The SMP defines Water-Related Use as:

**Water-Related Use**- A use or portion of a use, which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- A. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- B. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive or more convenient. Examples include manufactures of ship parts large enough that transportation becomes a significant factor in the products costs, professional services serving primarily water-dependent uses and storage of water-transported foods. Examples of water-related uses *may* include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

As such, there is not a 150' setback requirement per table 4-1 of the SMP. In fact, table 4-1 provides:

1. **Utilities.** There is no setback requirement for utilities that are non-water-oriented structures in the Shoreline Residential Category.
2. **Reductions in the shoreline buffer from the OHWM.** Reductions in the shoreline buffer from the OHWM may be authorized according to the standards in the SMP Section 4.04.02(C).

3. **Buffer Width Reduction Options.** (b) Shall be designed to ensure no net loss of shoreline ecological functions occurs when the reduction is utilized.

**Section 5.03 of SMP – Allowed Shoreline Uses.** Table 5-1 establishes the uses and development allowed or prohibited in each shoreline environment designation. Specifically, conditional use is allowed for the category of “other” utilities in the Residential Shoreline Category.

Moreover, **Note #13 states – Home-based businesses, as established by LCC 17.142.110** “Home-based businesses are incidental and accessory to a residential use. Use the “Residential” category to determine whether they are allowed in a particular shoreline environment designation.”

This means that any RV sites for my client’s home-based business are categorized in the *Residential* category in the SMP.

### ***Summary Regarding RV Site Response***

The 150’ setback requirement upon which you rely in your November 2024 letter does not apply to this application for the reasons and definitions cited and explained above.

Not only does the 150’ setback not apply to this case, but the SMP states there is no setback requirement for utilities that are non-water-oriented structures. Moreover, the SMP provides, and in fact encourages the use of the shoreline for water-oriented use – which by anyone’s understanding includes camping next to a creek, river, or lake. Those are water-related and water-enjoyment uses.

Therefore, a 150’ setback does not apply – and a full reading of the SMP actually states the opposite in this case for any RV utility-site hookups. This would mean a variance would be possible.

At this time, my clients have decided they will not proceed with the portion of the special use permit regarding the two additional RV hookups. There are no permit requirements for one RV hookup use at a time. However, since the SMP allows for the utility hookup as explained above, they are not required to remove the existing RV hookups.

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### **RE: Stair Response**

Stairs to the river are a primary use as defined in SMP Section 5.07 “recreational floats.” Moreover, it is illogical to assume nobody along Butter Creek wants to go down the water’s edge to either play in the water, or float in the creek (during summer), or take a walk along the water’s edge.

In your November response, you cite “docks, moorage, etc.” but you leave out the SMP language that does apply to this situation, which is “recreational floats.”

Further, table 4-1 of the SMP provides there is no buffer, 0 feet, for Boating and Water Access Facilities for the Residential Shoreline Category. Stairs down the steep bank to the river are therefore allowed by the SMP.

Also, your citation of SMP 4.04.02D.1.b is to “General Buffer Regulations”, and does not include the exceptions to the rule. Specifically, the SMP, as stated above, allows for a “0” fee buffer for the Residential Shoreline category. Frankly speaking, how else is anyone going to get down to the river without stairs? Would you prefer they climb up and down over the vegetation and dirt – eroding the bank with every trip? It doesn’t make any practical sense.

Please remember, table 4-1 states there is a “0” feet buffer for water-dependent use in the Residential Shoreline category. The SMP defines a *Water-Dependent Use* as follows:

A use or a portion of a use, which cannot exist in any other location and is dependent on the water due to the intrinsic nature of its operation. Examples of water-dependent uses *may* include moorage structures (including those associated with residential properties), ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

Note, the SMP’s use of the word *may*. Stairs are easily included in this list of examples – just as stairs would be part of a dock.

Again, subsections 1 and 2 of the SMP 4.04.02.D.1.b do not apply because of the stairs are on the *Residential Shoreline* category.

### ***Summary Regarding Stair Response***

The SMP provides that stairs are within a “0” feet buffer zone because they are within the Residential Shoreline category, and are a *water-dependent use*, which also allows stairs. And a water-dependent use includes, by the SMP definitions, *Water-Enjoyment Use*. And, one can’t enjoy the water without getting to it.

Therefore, the stairs are in compliance with the SMP.

\*\*\* \*\*

### **RE: Fill Response**

In your June 21, 2024 letter, you stated my clients “exceeded the minimal amount

necessary” based on “pictures in the code enforcement file” and their “Airbnb advertisement.” Then, in your November 14, 2024 letter, you added the placement was “speculative.” That is correct – you have speculated. There has been no such “fill” as you alleged. You have based your assumptions on pictures that do not support your contention.

All the “fill” was for the septic system and the foundation of the structures. There was never any “fill” of the grade of the property. As such, my clients will not be removing any of the 1 inch or so of gravel on their property – which otherwise would be a muddy mess.

Further, you have continued to ignore the fact this property has had gravel on it for decades, which my clients can prove with pictures from over the decades during summer campouts, etc.

### ***Summary Regarding Fill Response***

My clients have not filled the grade of the property as you have alleged and are prepared to prove this. Your allegations are based on pictures and assumptions that are not correct.

\*\*\* \*\*

### **RE: Structures Response**

The aerial image you reference is an open-air carport. The aerial image only shows a roof. My clients are reviewing this newly-identified potential issue and will respond, if appropriate, with a separate permit application and any, if applicable, SMP compliance analysis.

\*\*\* \*\*

**Survey of adjacent properties.** As one can imagine, my clients have looked around the local area to see how their property compares with others. They have noticed some shocking examples of other properties that seem to have been treated differently and do not comply with the SMP as my clients’ property does (as explained above).

These examples include:

1. 217 Crescent Beach Drive: Fence is running right along the riverbank; propane tank located inside yard, right next to the fence.
2. Airbnb - 225 Crescent Beach Drive. Hot tub clearly within close proximity of the riverbank, and in violation of setback requirements.
3. Airbnb - Cowlitz Cabin: Tiny house is located within aprx 20 feet of riverbank. Appears on “wheels” but clearly is a permanent structure, with decking. See posting for further details. This tiny house has permanent septic, water and



electrical hookups, which make it a permanent structure.

4. Airbnb – Tatoosh Rivers: Tiny house is located 10-15 feet from the riverbank. This is “on wheels” but is clearly a permanent structure. See posting for further details. This tiny house has permanent septic, water and electrical hookups, which make it a permanent structure.
5. Airbnb Link:  
[https://www.airbnb.com/rooms/1337222267960783751?check\\_in=2025-02-07&check\\_out=2025-02-09&guests=1&adults=2&s=67&unique\\_share\\_id=e02e7fd0-2920-4469-8d45-fda83d9d19d4](https://www.airbnb.com/rooms/1337222267960783751?check_in=2025-02-07&check_out=2025-02-09&guests=1&adults=2&s=67&unique_share_id=e02e7fd0-2920-4469-8d45-fda83d9d19d4)
6. Peters Inn – 3 full RV hookup sites: Peters Inn property is 1.0 acre, although renting and advertising 3 full hookups; violation of LCC re Density.
7. Hipcamp properties: a) 118 Rainbow Lane; b) Tatoosh Timbers, c) Private RV parking near Mt Rainier; all 3 listing are 1.0 acre or less, but within their posting, they are advertising more than one RV hookup site. The owners of Tatoosh Timbers were told by the county that it’s not considered an “RV park” if the 2nd hookup doesn’t include a septic dump; all postings are in violation of LCC re Density; see Hipcamp postings for further details.

Hipcamp links:

- a) [https://www.hipcamp.com/en-US/land/washington-cowlitz-river-by-mount-rainier-j29hz971?share\\_id=1jwbc889m97&utm\\_medium=share&utm\\_source=share\\_content](https://www.hipcamp.com/en-US/land/washington-cowlitz-river-by-mount-rainier-j29hz971?share_id=1jwbc889m97&utm_medium=share&utm_source=share_content)
- b) [https://www.hipcamp.com/en-US/land/washington-tatoosh-timbers-rv-flat-lot-06yhlx0r?share\\_id=1ww0nfyh3&utm\\_medium=share&utm\\_source=share\\_content](https://www.hipcamp.com/en-US/land/washington-tatoosh-timbers-rv-flat-lot-06yhlx0r?share_id=1ww0nfyh3&utm_medium=share&utm_source=share_content)
- c) [https://www.hipcamp.com/en-US/land/washington-private-rv-parking-near-mt-rainier57h8jqd?share\\_id=23ml9j3k17w&utm\\_medium=share&utm\\_source=share\\_content](https://www.hipcamp.com/en-US/land/washington-private-rv-parking-near-mt-rainier57h8jqd?share_id=23ml9j3k17w&utm_medium=share&utm_source=share_content)

\*\*\* \*\*

It does not appear to my clients the above examples comply with the SMP or fit within any exceptions as does my clients’ property.



**RE: Restoration Plan**

For reasons previously stated, my clients do not believe there is anything to restore to any original state. Also, my clients object to the ill-defined term “original.” Many years ago, Lewis County altered the flow of Butter Creek and placed walls of large rocks along the creek to force the creek to stay in a particular riverbed. It is impossible for my clients to restore the portion of the river bank area along their parcel to the original state of the creek prior to Lewis County placing piles of rock along the bank. Moreover, Lewis County’s work went beyond and exceeded the scope of the permit, which resulted in Lewis County not being entitled to the additional federal funds reimbursement.

Nevertheless, it is my client’s position there is nothing to “restore” to an original state. Moreover, the SMP allows and provides for stairs, as explained above.

For this reason, my clients believe there is no requirement to submit a Restoration Plan

***CONCLUSION***

**The 150’ setback requirement does not apply.** Your November letter has added new responses with regard to a 150’ setback which does not apply for the reasons stated above. My clients look forward to your response related to the analysis and citations in this letter that refute any 150’ setback requirement.

**Stairs are allowed.** The SMP allows for stair access to the river.

**No fill.** There has been no fill of the property beyond “what was “necessary” of gravel over the area, which they have had in place for many decades.

**Survey of Existing Properties.** My clients have surveyed the area and found many examples of actual and real violations of LCC and the SMP, which is in contrast to their own property, which they believe is not in violation of relevant codes and law, as provided above.

**Restoration Plan.** There is nothing to restore to an original state, which is ill-defined. Moreover, the SMP allows for stairs access, so it follows there is no legal basis to require any restoration to the “original” state when the original state was previously destroyed by Lewis County’s unpermitted placement of a steep rock wall along Butter Creek.

\*\*\* \*\*

I look forward to receiving your response to this letter to confirm my clients' understanding and application of the relevant Lewis County Code and the SMP.

Sincerely,

ERIC G. CARLSON, P.S.



Eric G. Carlson  
Attorney at Law

By email: [Preston.pinkston@lewiscountywa.gov](mailto:Preston.pinkston@lewiscountywa.gov)

By USPS: Lewis Cnty. Community Development 125 NW Chehalis Ave, Chehalis, WA 98532

cc: Clients



November 14, 2024

MALLEIS, JOSEPH & SHELLY  
PO BOX 642  
PACKWOOD, WA 98361

**RE: Development Review Application # MSR24-0462**  
**Parcel #: 011033012001**  
**Response to September 19, 2024 Letter from Eric G. Carlson, P.S.**

Joseph and Shelly,

This letter is to respond to the letter received on September 19, 2024 from your attorney Eric G. Carlson. That letter was itself a response to a letter sent to you in regards to Master Site Review (MSR) MSR24-0462 (attached). Your application is for after the fact permitting of 3 RV sites, staircase access, fill and grade, and one unpermitted structure. The previous letter sent to you denied the RV sites, staircase access and fill and grade on the lots and required the submittal of an updated site plan and Restoration Plan prepared by a qualified professional to restore the area to its original state. In the letter submitted by your attorney, a request for more information on each of the violations was made. This letter is a response, and each item below addresses that letter in order. For brevity, I will not summarize what was stated or asked by your attorney and instead just provide my response.

**RV Site Response** – As previously stated, the combined lots owned by the Malleis' does not meet the minimum acreage required for an RV Park in Lewis County Code (LCC) 17.144.040(1). A Variance would not be applicable as the site is not denied a reasonable use per LCC 17.162.010(b) use as it has an existing house, shop and septic system. RV Parks are also non-water oriented recreational developments which require a 150' setback from the ordinary high watermark (OHWM) per Table 4-1: Shoreline Buffers in the Lewis County Shoreline Master Program (SMP). The current sites do not meet the setback requirements because they are approximately 70 to 90' from the OHWM, which is far less than the required minimum 150'. Proposals that are unable to meet the buffer setbacks within the Shoreline Jurisdiction are required to obtain a Shoreline Variance. A Shoreline Variance would not be applicable in this case as SMP 7.04.03.B states that "Uses that are specifically prohibited may not be authorized". As this use is not permitted based on the codes above, a Shoreline Variance would also not be granted.

**Stair Response** - As stairs are not a primary use in any section of the SMP, they are only permitted as accessory or appurtenant to an approved primary use, definitions below. SMP 5.14 does not list access as an accessory or appurtenant use to a single family residence. Water Access is addressed in Section 5.07 of the SMP which applies to in-water/overwater structures. Stairs are accessory to a permitted primary access use such as a dock, moorage, etc. but are not appurtenant to a single family residence. Additionally, SMP Section 4.04.02.D.1.b requires accessory uses be located outside of shoreline buffers unless subsections 1 or 2 are met, which this proposal does not satisfy. The original project only addressed one staircase access. In reviewing the file of the site to prepare this letter, a second stair access and a trail connecting them was noticed that was not included with the original documents (aerial attached). That access and trail is also required to be removed.

Accessory Structure or Use – A structure or use incidental, related, and clearly subordinate to the principal structure or use of a lot or main building. An accessory structure or use is only located on the same lot as the permitted principal use.

Appurtenance – A building, structure, or development necessarily connected to the use and enjoyment of a single-family residence that is located landward of the OHWM and of the perimeter of any wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed 250 cubic yards (except to construct a conventional drainfield) and which does not involve placement of fill in any wetland or waterward of the OHWM. Refer to WAC 173-27-040(2)(g).

**Fill Response** – SMP 6.03, SMP 6.03.02 A,C,F(3). These citations are directly applicable to our original statement that the placement of the gravel was not the minimal extent necessary for the residence and shop and that the speculative placement of this fill for an unapproved RV Park is not compliant with the SMP.

**Structure Response** – See attached aerial image with the structure circled. Also attached are previously approved site plans which do not show the unpermitted structure. As this structure is located within 200' of the OHWM it requires compliance with the SMP and at a minimum requires a Shoreline Exemption. It may also require a Building Permit depending on the use or if it exceeds 200 SF.

Your MSR continues to be on hold until the above issues are resolved. To bring this property into compliance the following items are required:

- Remove the unpermitted RV sites, stairs, and gravel placed above and below the stairs.

- Submit an updated site plan for the unpermitted structure identified in the attachments or remove it.
- Submit a Restoration Plan prepared by a qualified professional to restore the area to its original state.

If these items are not submitted **within 90 days of the date of this letter**, your application will automatically lapse per Chapter 17.05.070(B)(1) Lewis County Code and will be denied. Denials can be appealed to the Hearings Examiner in accordance with LCC 17.05.160 and LCC 2.25.140. This is a final notice, no additional extensions will be granted on this MSR unless needed for the preparation of a Restoration Plan. If you would prefer that we deny the application before the 90 day period so you may begin the appeal process, please make that request in writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Pinkston', with a stylized flourish at the end.

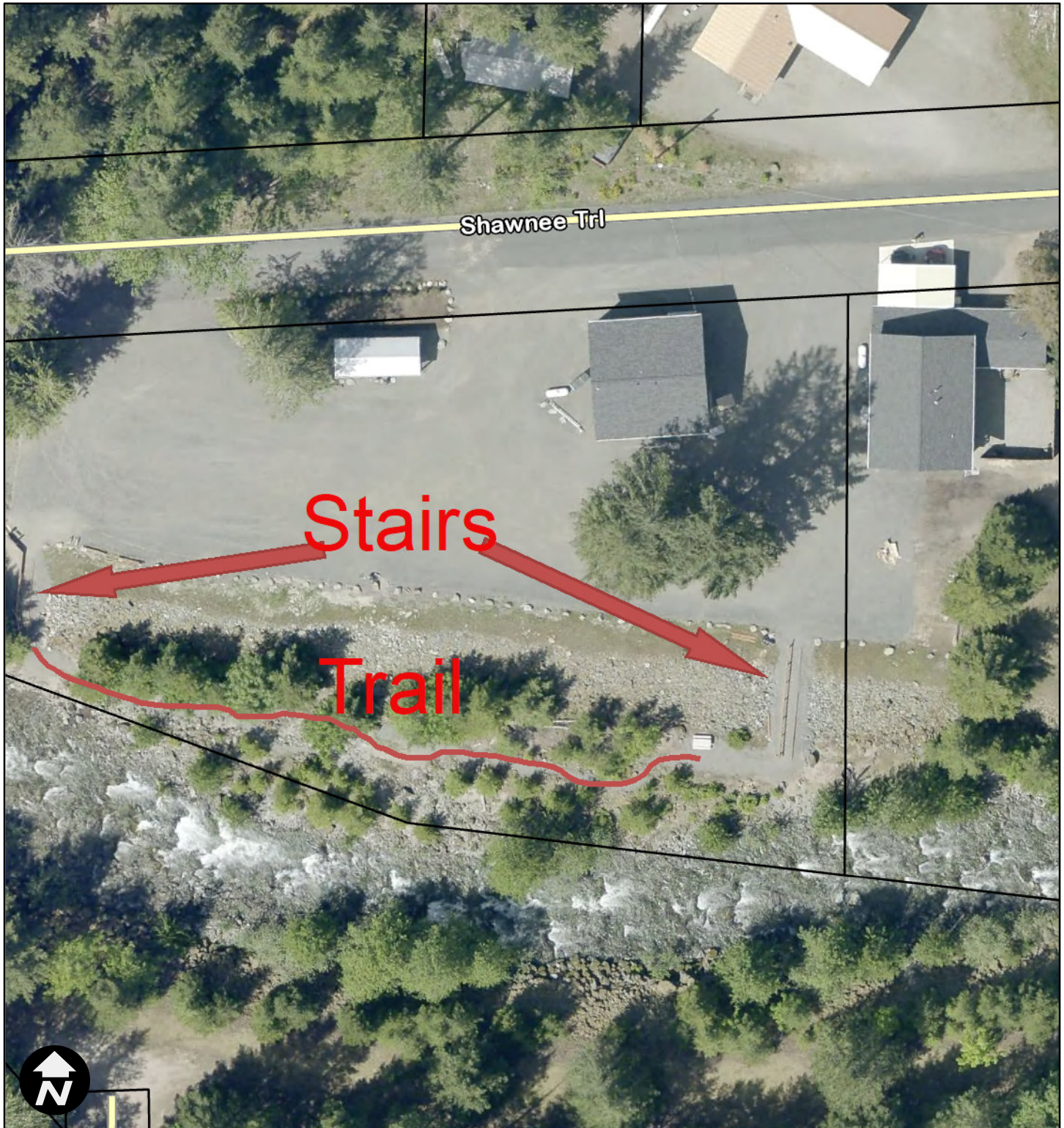
Preston Pinkston, Planner

Cc: David Bailey, Chief Civil Deputy Prosecuting Attorney  
Mindy Brooks, Community Development Director  
Eric G. Carlson, P.S.

Attached: MSR24-0462 Pending Letter (sent June 21, 2024)  
Stair Access Aerial  
Unpermitted Structure Aerial



# Unpermitted Stairs and Trail



11/14/2024, 3:00:34 PM

1:564

## Roads

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

0 25 50 100 ft  
NAD 1983 StatePlane Washington South FIPS 4602 Feet



Lewis County does not guarantee the accuracy of the information shown on this map and is not responsible for any use or misuse by others regarding this material. It is provided for general informational purposes only. This map does not meet legal, engineering, or survey standards. Please practice due diligence and consult with licensed experts before making decisions.

© Lewis County GIS | 2024 Imagery © Pictometry & Lewis County



# Unpermitted Structures



11/14/2024, 3:06:20 PM

1:564

## Roads

State

County

City

Private

USFS

Out of County

Other

Parcels

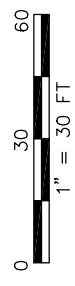
0 25 50 100 ft  
NAD 1983 StatePlane Washington South FIPS 4602 Feet



Lewis County does not guarantee the accuracy of the information shown on this map and is not responsible for any use or misuse by others regarding this material. It is provided for general informational purposes only. This map does not meet legal, engineering, or survey standards. Please practice due diligence and consult with licensed experts before making decisions.



LEGEND	
	HUB
	TEST PIT
	EXISTING WELL
	PROPOSED WELL
	POWER
	STUMP

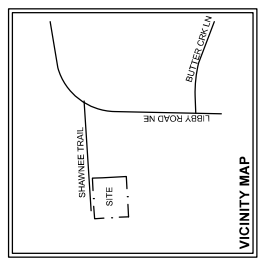


# SITE PLAN

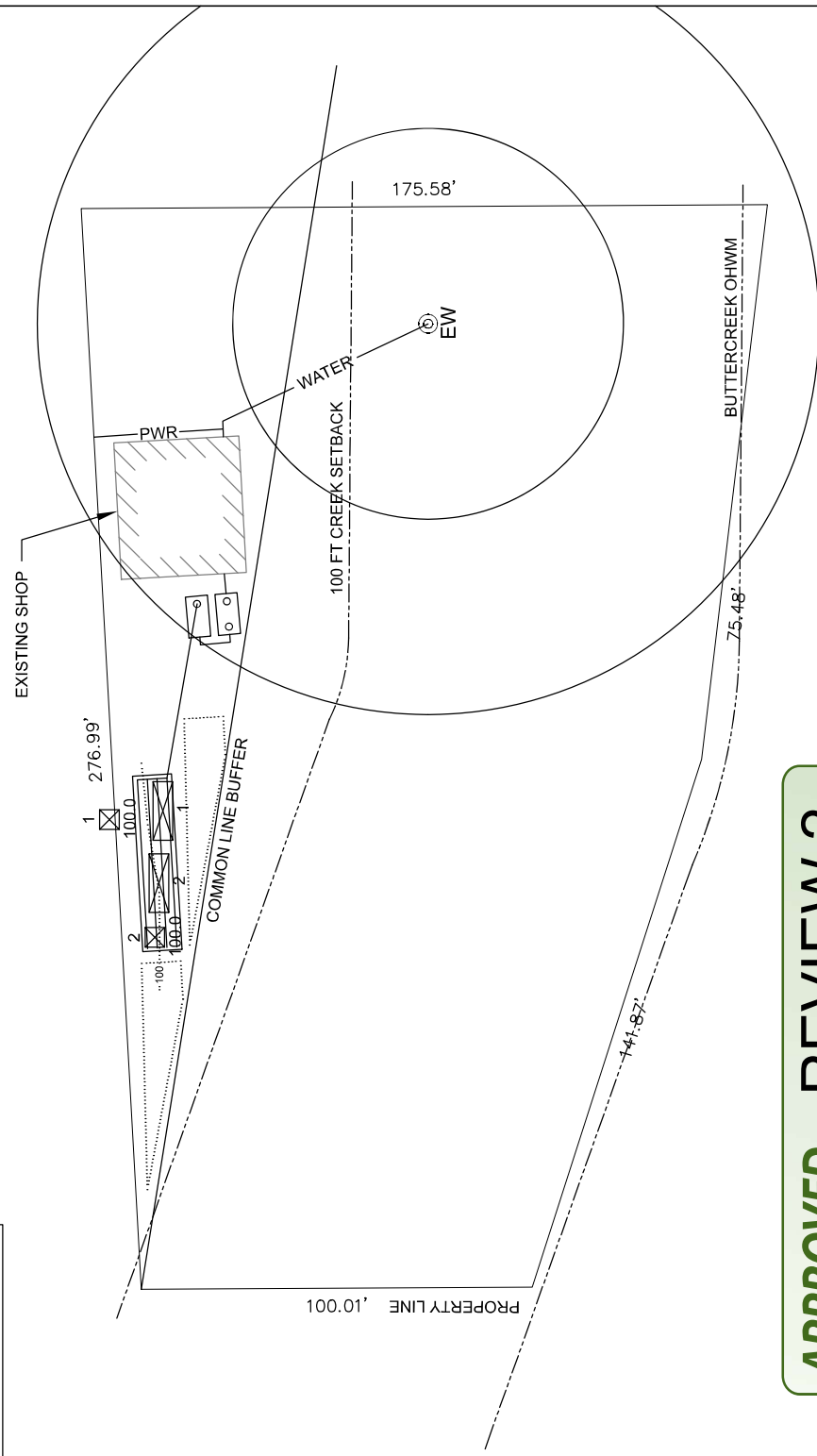
PROPERTY LINES SHOWN AS PER  
RECORDED DOCUMENT AFN: 3576676

THE PROPERTY LINES IN THIS MAP ARE  
APPROXIMATE AND ARE NOT INTENDED  
TO BE USED AS A SURVEY.

CLIENT NAME: JOSEPH MALLEIS	
MAILING ADDRESS: 710 N 68TH STREET SEATTLE, WA 98103	
PHONE NUMBER: 206.571.3871	
SITE ADDRESS: 113 SHAWNEE TRAIL, WHITE PASS	
PARCEL NUMBER: 011033012001 S-T-R: 10-13N-09E	
PERMIT NUMBER:	
DRAFTED BY: BJR	JOB NUMBER: 2022-147
REVIEWED BY: BJR	DATE: 02.09.2023
PAGE 1 OF 1	



SHAWNEE TRAIL



**APPROVED REVIEW 2**  
By Preston Pinkston at 11:42 am, May 08, 2023



+

-

▼

shawnee

X

Q

lone cedar tree marks far end corner

common buffer line

green box 32x35

BUILDING AREA

Distance: 60.1 Feet

Distance: 29 FT

drain field

Distance: 153.8 Feet

Butler creek 150' setback

One parcel, BLA22-0007

**APPROVED**

By Preston Pinkston at 12:10 pm, Aug 08, 2022

**RECEIVED**

By Preston Pinkston at 9:54 am, Jun 16, 2022

60ft

46.634192 -121.667209 Degrees

<https://gis.lewiscountywa.gov/webmap/>



## Community Development

2025 NE Kresky Avenue  
Chehalis WA 98532

June 21, 2024

MALLEIS, JOSEPH & SHELLY  
PO BOX 642  
PACKWOOD, WA 98361

**RE: Development Review Application # MSR24-0462**  
**Project: Ground leveling / fill, tree / dead tree removal, install RV sites,**  
**restoration of "historical pathway" to Butter Creek**  
**Parcel #: 011033012001**

Joseph and Shelly Malleis,

The initial review of your master site review is complete. Based on the information submitted, portions of the above referenced application are **denied**. The denial of each portion of your application that cannot be approved is presented in more detail below.

The proposed establishment of three recreational vehicle (RV) sites to be used for commercial use meets the criteria of an RV Park per Lewis County Code (LCC) 17.144.010. Per LCC 17.144.040(1), a RV Park is required to be on a lot, or multiple lots under the same ownership, of at least two and a half acres. Parcel numbers 011033012001 and 011033012002 combined are approximately 1.45 acres which does not meet the minimum lot size requirements for an RV Park and your proposal cannot continue to be processed.

The stair access to Butter Creek is not compliant with the Lewis County Shoreline Master Program (SMP) which is required for all uses within 200' of Butter Creek at the location of your residence. Access facilities like your stairs are an accessory use associated with water dependent facilities such as stairs leading down to a dock or boating facility. The SMP does not guarantee access to water resources for single family residences. Your stairs are not associated with a water dependent use and cannot be processed. In your application you state that this is a historic access that was made up of strategically placed boulders during the construction of the revetment along Butter Creek. This does not create a permitted access that can be maintained as it was not a design component of the revetment itself. Additionally, your improvements made to the unpermitted access go beyond the scope of repair and maintenance activity which would not be permitted either.

The ground leveling and fill that was done on the property is also not compliant with the SMP. Fill and grade is permitted in the Shoreline Jurisdiction to the minimum extent necessary for a permitted use. The extent of work done on your site was not the minimum necessary for your permitted shop, septic system or residence. Based on the pictures in the

code enforcement file and your own Airbnb advertisement (Exhibit A), the fill and grading on this site was done to accommodate commercial use of the RV hookups. As the RV hookups cannot be permitted, the fill and grade is also not compliant with the SMP and cannot continue to be processed.

It also appears that an unpermitted structure has been placed on the lot without permits. The structure is within 200' of the ordinary high-water mark which requires compliance with the SMP. Depending on the use and location of the structure you may be able to have it permitted after the fact.

Your application will be placed on hold. To resolve the issues above and bring this property into compliance the following items are required:

- Remove the unpermitted RV sites, stairs, and gravel placed above and below the stairs.
- Submit an updated site plan for the unpermitted structure identified in the attachments or remove it.
- Submit a Restoration Plan prepared by a qualified professional to restore the area to its original state.

This is not a complete list of items necessary for compliance with the County Code and Shoreline Master Program. Depending on what is submitted, additional permits and reports may be required.

If these items are not submitted **within 90 days of the date of this letter**, your application will automatically lapse per Chapter 17.05.070(B)(1) Lewis County Code and will not be processed. As your proposal was initially brought forward to resolve a code enforcement case and it is not in compliance with County Code, your case will be forwarded back to code enforcement to resolve CE24-00056 if a restoration plan is not submitted.

Please contact me directly at 360-740-1389, if you are unclear as to how to proceed with resolution.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Pinkston', with a stylized flourish at the end.

Preston Pinkston  
Planner

Attached: Screenshots of your Airbnb Advertisement

**ERIC G. CARLSON, P.S.**

**A PROFESSIONAL LAW CORPORATION**

605 SE Prospect Street

Chehalis, WA 98532

T: 360.269.5541 | E: ericgcarlson@gmail.com

September 19, 2024

LEWIS COUNTY  
COMMUNITY DEVELOPMENT  
PRESTON PINKSTON  
125 NW CHEHALIS AVE.  
CHEHALIS, WA 98532

RE: Development Review Application #MSR24-0462  
Parcel #: 011033012001

Dear Mr. Pinkston:

I represent Joseph and Shelly Malleis. This letter is to respond to your letter dated June 21, 2024 regarding your office's initial review of their development review application. My clients are not in agreement with your office's initial review as there are a number of mistakes of fact.

***Recreational Vehicle (RV) Sites***

The proposal is for two RV sites with hookups is an extremely small affair. The proposed two sites meet all the setback requirements of Lewis County Code. Therefore, we would like to know if you believe Chapter 17.155 Nonconforming Uses and Parcels and/or Chapter 17.158 Special Use Permits apply to this project. The problem with the current code is there does not seem to be any obvious solution to extremely small projects that involve only one or two hookups.

If there is not an obvious code to apply to this very small project, then we would ask for the department to enter a variance for these two hookups. The reason is LCC 17.144.040(2) provides that a maximum density per acre is 15 camping sites. That means if there were 15 camping sites on one acre, each site would have approximately 2,904 square feet, if equally divided. Of course, that assumes the total real property is greater than 2.5 acres. In that example, there could be a maximum of 37.5 camping sites. That is a lot.

In this case, if we assumed there was a total of 2.5 acres, but the project was slated to be only where it is proposed now – then there would be up to 21.75 camping sites on the 1.45 acre. Obviously, that is an absurd result, but nevertheless, that is what the LCC 17.144.040 would allow under its current language.

Here, the proposed project is for two camping sites on 1.45 acres. That means each camping site enjoys 31,581 square feet, as contemplated by the code. Therefore, it seems more than reasonable to issue a special use permit / variance for these two camping sites.

### ***Stair Access to Butter Creek***

We disagree with the department's characterization of the history of the Army Corps of Engineers revetment project many years ago.

In your letter you state that the stair access to Butter Creek is not compliant with the Lewis County Shoreline Master Program (SMP). However, you did not cite the relevant sections and or specific language that would apply to this project. Without a specific citation and a more detailed analysis, we are unable to determine if in fact we are in agreement with your analysis. Therefore, please provide us with the specific language and / or relevant section parts of the SMP upon which you base your determination.

### ***Ground Leveling and Fill***

We disagree with the departments assessment that any "ground leveling and fill" is not compliant with the SMP. Again, your letter does not reference any specific language and / or relevant section parts regarding ground leveling and / or fill. Please provide specific citations and references to the SMP you believe applies.

Moreover, it is not factually correct to say that the extent of the work done on the site was not the minimum necessary for the permitted shop, septic system, or residence. In your letter you state you base this assumption on pictures in the code enforcement file and the Airbnb advertisement. Pictures do not show the ground has been at the same grade for decades and the gravel that is over the dirt is less than ½ inch deep. This gravel is to prevent the dirt from being muddy. To be sure, there was no fill of the grade. Approximately 90% of the gravel/fill was used for the permitted septic system for the house and shop.

Therefore, the department's assessment of the grade being filled by gravel from pictures results in a great misunderstanding of the facts. Once again, please provide specific citations to the SMP upon which you base your analysis.

### ***Alleged Unpermitted Structure***

We are not aware of any unpermitted structure on the lot without permits. As noted above, please provide specific citation to the SMP upon which you base your analysis regarding the 200' ordinary high-water mark. We need to be able to follow your analysis precisely in order to know if we are agreement, or if there are other misunderstood facts in your file. If there are misunderstood facts, then we will work to do our best to help correct them.

### ***Application Status***

This letter is our timely response pursuant to LCC 17.05.070(2). As explained above, we need additional information from the department and we believe the department does not have a

correct understanding of certain facts. As soon as we have the specific citations and references, together with the correct facts, we believe this matter will be quickly resolved.

***Requested Extension***

Finally, pursuant to LCC 17.05.070(2)(b), we request an extension to provide the required information given we need to have more specific information from the department (as explained above) in order to respond appropriately. We believe an extension of three (3) months is appropriate given we will be waiting to receive information from the department prior to being able to respond in kind.

\*\*\* \*\*

Finally, please direct all future communications to my office directly. I prefer to use email for letters. You may reach me directly at 360.269.5541.

Thank you very much for your assistance.

Sincerely,

ERIC G. CARLSON, P.S.



Eric G. Carlson  
Attorney at Law

By email: Preston.pinkston@lewiscountywa.gov

By USPS: Lewis Cnty. Community Development 125 NW Chehalis Ave, Chehalis, WA 98532

cc: Clients



## Community Development

2025 NE Kresky Avenue  
Chehalis WA 98532

June 21, 2024

MALLEIS, JOSEPH & SHELLY  
PO BOX 642  
PACKWOOD, WA 98361

**RE: Development Review Application # MSR24-0462**  
**Project: Ground leveling / fill, tree / dead tree removal, install RV sites,**  
**restoration of "historical pathway" to Butter Creek**  
**Parcel #: 011033012001**

Joseph and Shelly Malleis,

The initial review of your master site review is complete. Based on the information submitted, portions of the above referenced application are **denied**. The denial of each portion of your application that cannot be approved is presented in more detail below.

The proposed establishment of three recreational vehicle (RV) sites to be used for commercial use meets the criteria of an RV Park per Lewis County Code (LCC) 17.144.010. Per LCC 17.144.040(1), a RV Park is required to be on a lot, or multiple lots under the same ownership, of at least two and a half acres. Parcel numbers 011033012001 and 011033012002 combined are approximately 1.45 acres which does not meet the minimum lot size requirements for an RV Park and your proposal cannot continue to be processed.

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The ground leveling and fill that was done on the property is also not compliant with the SMP. Fill and grade is permitted in the Shoreline Jurisdiction to the minimum extent necessary for a permitted use. The extent of work done on your site was not the minimum necessary for your permitted shop, septic system or residence. Based on the pictures in the



code enforcement file and your own Airbnb advertisement (Exhibit A), the fill and grading on this site was done to accommodate commercial use of the RV hookups. As the RV hookups cannot be permitted, the fill and grade is also not compliant with the SMP and cannot continue to be processed.

It also appears that an unpermitted structure has been placed on the lot without permits. The structure is within 200' of the ordinary high-water mark which requires compliance with the SMP. Depending on the use and location of the structure you may be able to have it permitted after the fact.

Your application will be placed on hold. To resolve the issues above and bring this property into compliance the following items are required:

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- Submit a Restoration Plan prepared by a qualified professional to restore the area to its original state.

This is not a complete list of items necessary for compliance with the County Code and Shoreline Master Program. Depending on what is submitted, additional permits and reports may be required.

If these items are not submitted **within 90 days of the date of this letter**, your application will automatically lapse per Chapter 17.05.070(B)(1) Lewis County Code and will not be processed. As your proposal was initially brought forward to resolve a code enforcement case and it is not in compliance with County Code, your case will be forwarded back to code enforcement to resolve CE24-00056 if a restoration plan is not submitted.

Please contact me directly at 360-740-1389, if you are unclear as to how to proceed with resolution.

Sincerely,

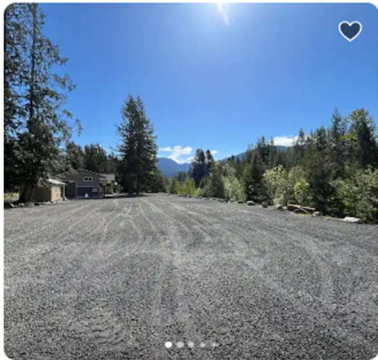
A handwritten signature in black ink, appearing to read 'P. Pinkston', with a stylized flourish at the end.

Preston Pinkston  
Planner

Attached: Screenshots of your Airbnb Advertisement



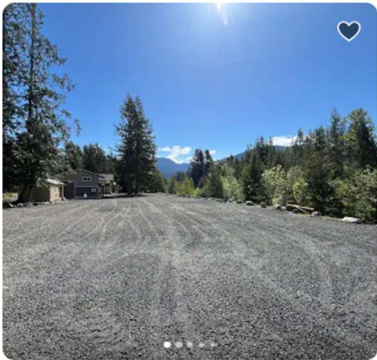
3 places within map area



Campsite in Packwood  
New! - Butter Creek Retreat RV Site 1  
★ New  
\$65 night · [\\$74 total](#)



Campsite in Packwood  
New! - Butter Creek Retreat RV Site 3  
★ New  
\$65 night · [\\$74 total](#)



Campsite in Packwood  
New! - Butter Creek Retreat RV Site 2  
★ New  
\$65 night · [\\$74 total](#)

New! - Butter Creek Retreat RV Site 1

[Share](#) [Save](#)



Campsite in Packwood, Washington  
6 guests · 0 baths  
★ New

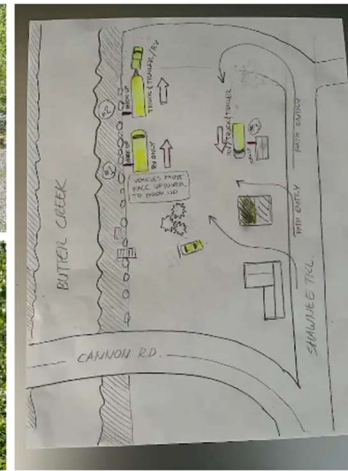
Hosted by Shelly  
1 month hosting

\$65 night

CHECK-IN 7/17/2024	CHECKOUT 7/18/2024
GUESTS 1 guest	

## Exterior

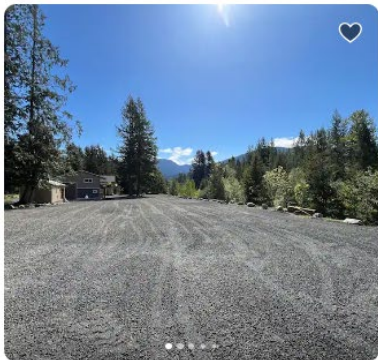
Wifi · Washer · Dryer · Free parking on premises · Lake access



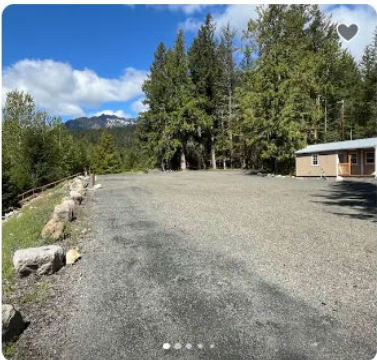




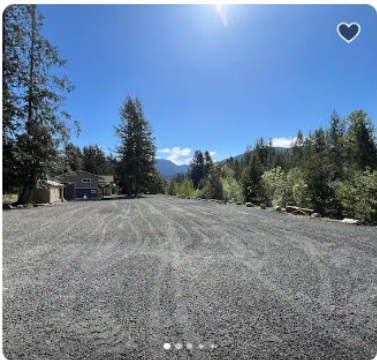
3 places within map area



Campsite in Packwood  
New! - Butter Creek Retreat RV Site 1  
★ New  
\$65 night · [\\$74 total](#)



Campsite in Packwood  
New! - Butter Creek Retreat RV Site 3  
★ New  
\$65 night · [\\$74 total](#)



Campsite in Packwood  
New! - Butter Creek Retreat RV Site 2  
★ New  
\$65 night · [\\$74 total](#)

New! - Butter Creek Retreat RV Site 1

[Share](#) [Save](#)



Campsite in Packwood, Washington  
6 guests · 0 baths  
★ New

Hosted by Shelly  
1 month hosting

\$65 night

CHECK-IN 7/17/2024	CHECKOUT 7/18/2024
GUESTS 1 guest	

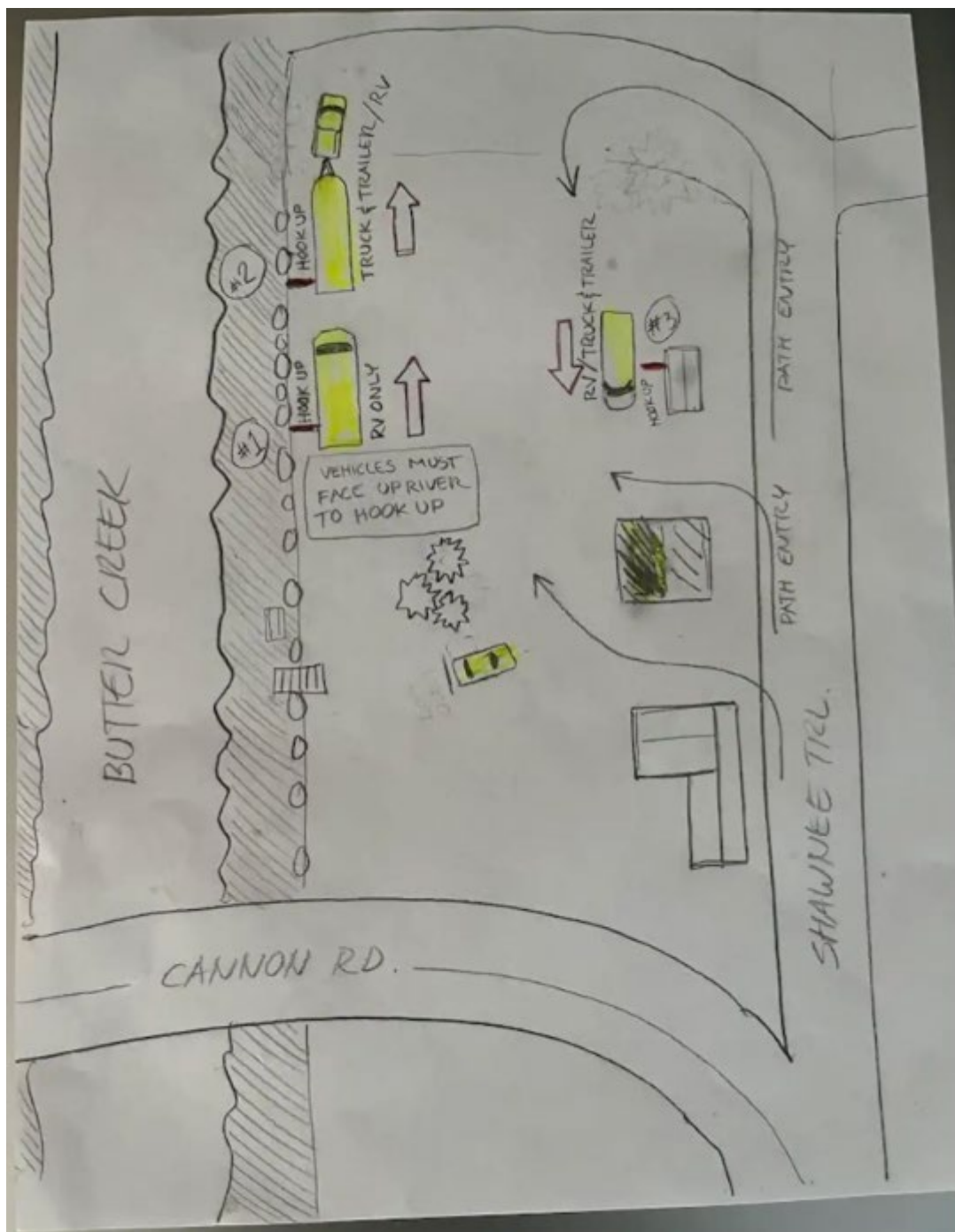


## Exterior

Wifi · Washer · Dryer · Free parking on premises · Lake access







# Lewis County Community Development

2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146 • www.lewiscountywa.gov

## Master Site Plan Application, including attachments

For a complete Master Site Reivew application, you will need:

- Completed 'Master Site Plan Application' - Please see and review all Attachments & Exhibits

- Site plan that includes all items listed on the 'Site Plan Requirements' handout (attached)

- Associated fees (\$200 or \$50 depending on the project)

ground leveling/fill, tree/dead tree removal, install RV sites, restoration of

Full Project Description: "historical pathway" to Butter Creek

Tax Parcel Number (s): 011033012001-011033012002

Site Address: 110 Shawnee Trl, PO Box 642, Packwood WA 98361

Owner's Name: Joe Malleis

Owner's Address: 110 Shawnee Trl, PO Box 642, Packwood WA 98361

Owner's Phone Number: 206-200-5141 Owner's Email: outrun1@msn.com

### Applicant Information:

Name: Joe & Shelly Malleis

Mailing Address: PO Box 642, Packwood WA 98361

Phone Number: 206-200-5141 E-mail: outrun1@msn.com

### Acknowledgment

I understand that County regulations require owner permission for County personnel to enter private property to conduct permit processing, review, and inspections. I also understand that my failure to grant permission to enter may result in denial or withdrawal of a permit or approval. By my signature below, permission is granted for representatives of the Community Development, Environmental Services, and Public Works Department to enter and remain on and about the property for the sole purpose of processing such permits and performing required inspections or reviews.

I/We certify that all plans, specifications and other submissions required in support of this application conform to the requirements of all federal, state, and local codes and applicable laws and ordinances; and I certify that I am either the current legal owner of this property or their authorized representative. With this document, I take full responsibility for the lawful action that this document allows.

I certify that I have read and understand the limitations and conditions of Lewis County Code and agree to comply with all conditions of approval. I understand that any permits issued by Lewis County, consistent with the attached site plan, are valid ONLY if construction is in according to this plan and all other conditions of the permit are followed. By my signature below, I affirm that all the information and documents provided with this application are true and accurate to the best of my knowledge.

Signature:



Date:

6-4-2024

Check one: ☒ Owner

☐ Authorized Agent

# Lewis County Community Development

2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146 • [www.lewiscountywa.gov](http://www.lewiscountywa.gov)

## SITE PLAN REQUIREMENTS

This checklist is intended to give a general idea of the information required for a site plan. The application should NOT be submitted unless all points below are addressed. The checklist must be submitted with the application. Submit multiple maps if necessary. Additional information may be requested. Any additional information which the applicant feels will assist in evaluating the proposal is encouraged.

Minimum size is 8.5x11-Maximum size is 11x17

STAFF    APPLICANT

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | North arrow   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Vicinity map with location and name of all roads surrounding the property   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | All property lines (if the parcel is large, provide a close up)   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Setbacks from property lines for all proposed structures if an accurate scale is not provided   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location and identification of all existing and proposed structures with dimensions.<br>Examples include, but are not limited to: houses, sheds, barns, fences, culverts, bridges, retaining walls, and decks     |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Distance from other structures if within 10 feet  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Test holes, septic tanks, septic lines, drainfields, and reserve areas  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Wells, well circles with a 100-foot radius, water lines, etc. and all utility easements   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Distance between existing and proposed septic systems, wells, and buildings   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location of all existing or proposed driveways and dimensions, easements, access roads etc. If there is an access easement, please provide a copy   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location and identification of any known critical areas on site. Examples include, but are not limited to: wetlands, streams or other surface waters, steep slopes, etc.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location of any known or proposed stormwater facilities   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location, depth, and extent of any clearing, grading and filling  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | For all projects other than a single family dwelling, a description of the proposed use is required. Examples include, but are not limited to: personal storage, commercial uses, agricultural uses, garage, etc. |

7 LOADS OF GRAVEL USED FOR  
INFILL OF NEW SHOP/SEPTIC  
AND DRIVEWAYS



2023

SHAWNEE

DRAIN FIELD

PERMITTED  
23

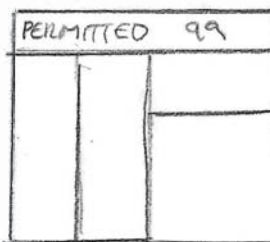
SEPTIC  
TANKS

PERMITTED  
ELCT. 23

PERMITTED HOOK UPS

PERMITTED  
22

NEW  
SHOP



PATHWAY RESTORED  
AFTER ACCIDENT

WELL

150'±  
SETBACK

ROCK BANK

SEASONAL  
PICNIC  
BENCH

ROCK BANK

3 WHEEL BARRELS  
OF FILL

CANYON RD.


BUTTER CREEK



# Untitled Map

Write a description for your map.

## Legend

 110 Shawnee Trail

Google Earth

Image © 2024 Airbus



100 ft

 110 Shawnee Trail



## **History of 110 Shawnee Trail, Packwood WA 98361**

Ruth Malleis, Joe Malleis' aunt, bought the 110 Shawnee Trail property sometime in the 1960's. The property was passed onto Joe Malleis, through a quit claim deed through her estate, in approximately 1995. Joe Malleis has owned the property ever since.

### **Butter Creek**

Butter creek had major flooding in 1995; here is some interesting information I located on this flood:

**“Summary:** As a result of the late 1995 winter storms, flood waters and flowing rocks damaged various portions of the existing revetment and embankment along approximately 2,100 linear feet (lf) of Butter Creek. FEMA prepared Category D DSR 49007 in the amount of \$182,790 to provide permanent restoration of the channel banks using select fill and riprap. During the course of the construction, the subgrantee **increased the scope of work to extend the repair effort an additional 5,900 linear feet along undamaged sections of the banks, made slight modifications to the repair method, and excavated 60,000 cy of material from the channel bottom.** This additional work was performed without prior approval from FEMA or environmental review. During the final inspection of the project, it was concluded that the performance of the additional work constituted an improved project. Additionally, it was found that the subgrantee did not obtain necessary permits as would be required for permanent work, and that they did not take appropriate precautions to protect the environment. Because the improved project had been performed without FEMA or State approval, and without necessary environmental reviews, the Regional Director concluded that all funding associated with this project was ineligible

The second appeal again asserts that the work performed was restoration rather than an improvement, and that the project should be eligible for a Categorical Exclusion as the scope of work restored the site to its pre-disaster design. The State again recommends that the subgrantee's appeal be denied.

### **Issues:**

1. Does the completed scope of work constitute an improved project?
2. Is the improved project eligible for funding?

### **Findings:**

1. Yes. The subgrantee significantly expanded the scope of work beyond that identified in the original DSR. These significant modifications are considered improvements to the scope of work of DSR 49007.

2. No. The subgrantee's failure to notify the State or FEMA of the proposed improvements prevented FEMA from completing the necessary NEPA requirements for the project. FEMA cannot fund any portion of the work”

**Source:** <https://www.fema.gov/appeal/butter-creek>

### **MSR Application**

This MSR application is for (1) ground leveling/fill & grade, (2) tree/dead tree removal, (3) the install of RV sites, and (4) Restoration of historical pathway to Butter Creek. Work for these four (4) proposed items already has been completed. Many items listed on the “*Site Plan Requirements*” document are already part of Lewis County’s records, and are not duplicated here.

#### **1 – Ground leveling/fill & grade**

- (a) The Malleis building at 113 Shawnee Trail, Packwood WA was approved and permitted in approximately September, 2022. It was finalized sometime in 2023; The permit and final are already part of Lewis County’s records.
- (b) The septic install was approved in May 2023 and the permit was issued in June, 2023. The approval and permit are already part of Lewis County’s records.
- (c) Approximately seven (7) truckloads of pit run gravel\* was brought it to:
  - i. Backfill after the construction of the building at 113 Shawnee Trail; and
  - ii. Backfill after installation of the septic system at 113 Shawnee Trail.

**\*Note:** Decades ago, and after some tree removal, several truckloads of pit run were brought in to backfill and level areas left indented after tree removal. This note is to illustrate that no new material other than what already existed decades ago was used in reference to section (c) above.

#### **2 – Tree/Dead Tree Removal**

- (a) Prior to the construction of the Malleis building at 113 Shawnee Trail, it was necessary for tree removal for accommodation purposes.
- (b) Prior to the installation of the septic system for the Malleis building at 113 Shawnee Trail, it was necessary for tree removal for accommodation purposes.
- (c) Several trees located on both parcels (011033012001-011033012002) of the Malleis property had died, were hazardous and unsafe if left standing, so they were removed.

#### **3 – Installation of RV sites**

- (a) As shown in the pictures attached hereto as “**Exhibit A**” are two RV sites; these sites provide water and electricity.

(b) The electrical work for the RV sites was permitted and finalized. The electrical work was performed by Quail Electric, under permit no. 4080028E.

#### **4 – Restoration of Historical Pathway to Butter Creek**

Some decades ago, and possibly around the time of the county's restoration of Butter Creek in 1995-1996 (after the storms of '95), a "makeshift" pathway from parcel #011033012001 was created that led from the ground level of the property to Butter Creek.

**(Important Note:** The Malleis property originally consisted of four (4) parcels, but were combined, with the assistance of Butler Surveyors, prior to constructing the building at 113 Shawnee Trail).

This pathway was made up of "strategically placed" boulders/rock material and over the years, became more defined due to usage. This pathway was used and enjoyed for decades by the Malleis family.

Attached as "**Exhibit B**" is a hand-drawn sketch of the land layout prior to the recent modifications and a 2013 print-off from the Lewis County GIS mapping website, which is submitted to show the approximate location of the Malleis "historical" pathway.

In March of 2023, a vehicle accident occurred on the Malleis property; this accident occurred around approx. 3:00 am. Jeff Hill, a Packwood resident, (perhaps former resident), drove down Cannon Road at a speed of approximately 50-60 mph, flew through the guardrail located at Cannon Rd and Shawnee Trail and landed his vehicle on the backside of the residence at 110. Mr. Hill then drove his vehicle westbound and made a left turn, driving directly into Butter Creek. Joe and Shelly Malleis immediately phoned 911 and rescue workers were dispatched. Jeff Hill and his wife were taken to the hospital with substantial injuries.

The Lewis County Sheriff arrived to investigate and McKenzie Towing, located in Morton, was dispatched and arrived on the Malleis property for the purpose of retrieving Jeff Hill's vehicle. While doing so, and as represented by the attached pictures, ("**Exhibit C**"), the tow truck driver pulled Mr. Hill's vehicle directly up the riverbank - at the same location of the "historical" pathway to Butter Creek. In addition, McKenzie Towing damaged the cover of the well-head. McKenzie Towing Did Not first obtain permission from the Malleises to use their property to retrieve Mr. Hill's vehicle. McKenzie Towing could have used the "other side" of the riverbank to extract Mr. Hill's car. It was clear that the towing company chose to use the Malleis property and the pathway location because it was the "path of least resistance" in extracting Mr. Hill's vehicle.

These two events (Mr. Hill driving down the riverbank into the creek and extraction of his car), led to the complete destruction of the pathway to Butter Creek that had existed for many decades. The incident left a "dirt slide" as shown in the aerial view, attached here as "**Exhibit D**".

When funds became available to the Malleises, they began the work of "restoring" their historical pathway and replaced it with "*like kind*" but improved its safety. The pathway was

restored using wood framing and gravel. Approximately one (1) wheelbarrow full of gravel was placed at the foot of the stairway, and one (1) wheelbarrow of gravel was thinly spread around the picnic table area and mixed in with the existing rocky-sandy ground. Attached as "**Exhibit E**" are photos of the stairway, which includes the picnic area. During this restoration, no rocks/boulders were moved or removed, nor was there any clearing of the riverbank (other than a few small dead trees). The pathway/stairs are not a "permanent" structure: They are not secured with concrete, stakes, pilings or any other material used for permanent structures. The same can be said about the original pathway, as it was naturally made and was not, by definition, a "permanent" structure. Many other Packwood locals have created "makeshift" or "manmade" stairways to the creeks and rivers; the only difference here is that the Malleises "restored" what once existed for many decades – but improved its safety. The Malleis' "historical" pathway existed for decades until the vehicle accident involving Mr. Hill and his wife in March, 2023 destroyed it.

In addition to Mrs. Malleis, the Malleises have a senior canine with a disability. Murphy, who is nine (9), was required earlier this year to have enucleation surgery performed and is left with only one eye. Mrs. Malleis suffers from herniated discs that make walking at times a difficult task, thus having a safe pathway to the creek is crucial.

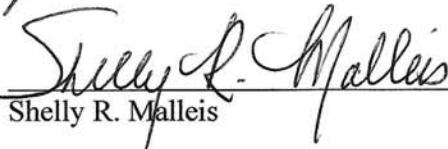
In closing, I'd like to point out that Butter Creek and its riverbank have flourished over many decades during ownership of the property by the Malleises. The trees, shrubs and wildflowers that currently exist grew "on their own accord" by way of seeds distributed through wind and other natural sources. I'd also like to add that we treasure and love our property; we have always taken great care to preserve its natural state and not to jeopardize its well-being.

Dated this 5<sup>th</sup> day of June, 2024

By:

  
Joe A. Malleis

By:

  
Shelly R. Malleis



## **EXHIBIT A**









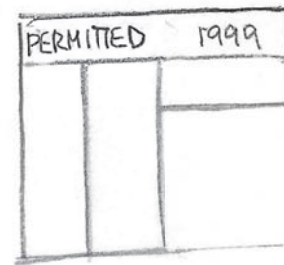
**EXHIBIT B**





2013

SHAWNEE



SEPTIC

WELL

HISTORICAL  
PATH ABOUT 20" WIDE

SEASONAL  
PICNIC  
BENCH

FLAT AREA

ROCKS LAID FLAT  
TO ALLOW PATH TO CREEK  
SINCE '65 BUT DESTROYED  
BY RECENT ACCIDENT

BUTTER CREEK

CANYON RD.

## Lewis County GIS Web Map



5/31/2024, 8:31:48 AM

1:282

0 12.5 25 50 ft

NAD 1983 StatePlane Washington South FIPS 4602 Feet



Lewis County does not guarantee the accuracy of the information shown on this map and is not responsible for any use or misuse by others regarding this material. It is provided for general informational purposes only. This map does not meet legal, engineering, or survey standards. Please practice due diligence and consult with licensed experts before making decisions.

2013 Imagery © Pictometry & Lewis County

**EXHIBIT C**























**EXHIBIT D**

## Untitled Map

Write a description for your map.

### Legend

110 Shawnee Trail

110 Shawnee Trail

Google Earth

Image © 2024 Airbus

N

100 ft



**EXHIBIT E**







