



STAFF REPORT AND RECOMMENDATION TO THE HEARING EXAMINER

Report Date: November 25, 2025
Report Submitted By: Preston Pinkston
Planner
File Number: APL25-0001 MASTER SITE REVIEW DENIAL APPEAL
HEARING
Project Name: Malleis Master Site Review Denial

A. SUMMARY OF PROPOSED ACTION

Master Site Review (MSR) Denial Appeal Hearing:

The proposed after the fact permitting for, ground leveling/fill, tree/dead tree removal, install RV sites, restoration of historical pathway to Butter Creek requires compliance with the Lewis County Code (LCC) and the Shoreline Master Program (SMP). A MSR with the project description above was submitted on June 5, 2024. Per LCC 17.05.040 Table 17.05-2, MSRs are a Type I Permit. Type I Permit decisions are made Administratively and require no public notice per LCC 17.05.040 Table 17.05-1.

The proposed action for the MSR Denial Appeal Hearing is the review and decision regarding the denial that was issued on April 11, 2025 (Exhibit 1). This denial was timely appealed on April 21, 2025 by Mr. and Mrs. Malleis, through their Attorney Mr. Carlson (Exhibit 2).

LCC 17.05.040 Table 17.05-1 lists appeals of Type I decisions to the Hearing Examiner as specified in LCC 2.25.130.

LCC 2.25.090 also provides in pertinent part:

"The examiner shall hear, make a record of, and decide matters provided in this chapter or other county code sections and ordinances. (1) These duties for board matters include, but are not limited to, adjudication or review of all land use decisions..."

As provided in the code sections above aggrieved parties may appeal the issuance of a MSR Denial to the Hearing Examiner and the Hearing Examiner has jurisdiction to review and decide the MSR appeal.

B. GENERAL INFORMATION

Owner:	Joe and Shelly Malleis PO Box 462 Packwood, WA 98361
Applicant:	Same as Owner
MSR Appellants:	Same as Owner
Tax Parcel Numbers:	011033-012-002, 011033-012-001
Location:	113 Shawnee Trail Packwood, WA 98361
Square Footage/Acreage:	Approximately 1.61 Acres
Zoning Classification:	Rural Residential Center 1 Acre (RRC-R1)
Comp. Plan Designation:	LAMIRD
Sewage Disposal:	On-site septic system
Water Supply:	Well

C. BACKGROUND

On May 22, 2025, an anonymous complaint of a potential code violation located at 113 Shawnee Trail, Packwood was submitted to Code Enforcement (Exhibit 3). On May 29, 2025, while investigating the complaint, Code Enforcement Staff made contact with Mrs. Malleis and advised that she should submit a MSR application for the unpermitted work (Exhibit 4). On June 5, 2024 a MSR application was applied for by Joe and Shelly Malleis (applicant) for "ground leveling/fill, tree/dead tree

removal, install RV sites, restoration of historical pathway to Butter Creek". On June 21, 2024, a letter was sent to the applicant informing them that portions of the proposal, including RV sites, stairs to Butter Creek and, ground leveling and fill were denied (Exhibit 5). The same later also informed the applicant that removal of the unpermitted uses, and restoration of the site was required.

On September 21, 2024 Community Development received a letter from Mr. Carlson disagreeing with the County's interpretation of the codes and requesting additional explanation and code citations (Exhibit 6). On November 14, 2024 a letter was sent to the applicant and their attorney providing additional information on the nature of the violations and why the proposed development did not meet the applicable sections of Lewis County Code (LCC) and the Shoreline Management Program (SMP) (Exhibit 7). That letter included aerial imagery highlighting the unpermitted structures and staircases on site in addition to the common line buffer established for shoreline setbacks in previous MSR approvals. The same letter also gave final notice for any corrective action and directed the applicant on the process to appeal the County's decision should they choose.

On February 12, 2025, Community Development received another letter from Mr. Carlson, again disagreeing with the County's interpretation of the relevant codes (Exhibit 8). On April 11, 2025, a Denial of MSR24-0462 was issued by Preston Pinkston, Planner, Lewis County Community Development (Exhibit 1).

On April 21, 2025 the applicant submitted an appeal of the denial (Exhibit 9). As previously stated, the appeal was timely and forwarded to the Hearing Examiner on April 22, 2025 (Exhibit 2).

On September 22, 2025, in preparation for the appeal hearing, County Staff asked the Washington State Department of Ecology to review the appellants code interpretations and appeal documents to confirm the county's interpretation. Initial correspondence and Ecology response are Exhibit 10. On October 1, 2025, the applicant submitted another MSR application (Exhibit 11) for an unpermitted fence within 150 feet of Butter Creek and an unpermitted Accessory Dwelling Unit in the previously permitted shop. The MSR is an attempt to bring those two uses into compliance with LCC and the SMP. The new MSR is on hold pending the outcome of this Appeal.

D. LEWIS COUNTY CODE

The three unpermitted recreational vehicle sites used for transient accommodation requires compliance with LCC 17.144 Recreation Vehicles and Campgrounds per LCC 17.144.010 Purpose and applicability which states "This chapter establishes a permitting process for recreational vehicle parks and campgrounds that create two or more camping sites for the purposes of transient accommodations". As shown in Exhibit 3, the three individual sites were listed on Airbnb for rent which establishes the transient use of the sites requiring the proposal to be compliant with LCC 17.144. This part of the application was

denied based on the total acreage of both parcels owned by the applicants being less than the minimum 2.5 acre requirement in LCC 17.144.040(1).

It is the County's position that a Variance from these standards cannot be granted under the LCC as it would be a grant of a special privilege under LCC 17.162.010(1)(a) and the property has not been denied a reasonable use as it has a residence, septic and shop permitted and established on the property per LCC 17.162.010(1)(b).

E. SHORELINE

Several violations of the SMP have been identified and detailed in the letters previously mentioned and outlined below:

- (1) Recreational vehicle sites – Recreational vehicle parks are non-water oriented recreational developments which have a 150-foot setback from the Ordinary High Watermark (OHWM) per SMP Table 4-1: Shoreline Buffers. All three current recreational vehicle sites are located within 150 feet of the OHWM (Exhibit 12). A Shoreline Variance would not be applicable to this proposal as the use is also prohibited as previously stated per LCC 17.144.010(1).
- (2) Stairs - The two unpermitted staircase accesses to Butter Creek (Exhibit 13) are not associated with a permitted water dependent use and staircases themselves are not listed as primary use in any section of the SMP. Staircases and other accesses are permitted as accessory or appurtenant to a primary use. The residential section of the SMP, Section 5.14, does not list shoreline access as an accessory or appurtenant use to a single-family residence. Additionally, SMP Section 4.04.02.D.1.b requires that all accessory uses be located outside of the shoreline buffers unless subsections 1 or 2 are met. These subsections cannot be met as there is no primary water dependent use or development on the lot and the lot is not located on legally established public lands.
- (3) Fill and Grade - The fill and grading on the property exceeded the minimum amount necessary for the construction of the shop and septic repair and instead was for the creation of the recreational vehicle sites.

In 2022 the applicants submitted a MSR application for the construction of a 32x35 shop (Exhibit 14). After obtaining a Boundary Line Adjustment to consolidate several parcels which now make up the subject parcel, a common line buffer was established as depicted on the approved site plan. The approved shop is approximately 60 feet from the top of the revetment, but gravel was placed between the shop and the revetment as seen on the aerial imagery (Exhibit 16). In 2023 the applicants submitted another MSR (Exhibit 15) for a new septic system to serve the previously approved shop. As evident by the approved site plan and the aerial imagery, the fill that was placed between

the common line setback and the top of the revetment exceeds the area necessary for the septic system installation which met the common line setback at the time of approval. The gravel placed between the common line setback and the top of the revetment was not permitted and is also a violation of SMP Sections 6.03.02.A, C, and F.3.

- (4) Vegetation removal - As stated in the MSR application trees were removed from the Shoreline Jurisdiction without the appropriate permits. Hazard trees can be felled as to alleviate dangers associated with dead trees but are required to stay where felled per SMP 4.04.02.E.8. The vegetation removal can be seen on aerial imagery submitted as Exhibit 16.
- (5) Unpermitted structures - Two structures, identified in Exhibit 17 were placed or erected without permits within 200 feet of the OHWM of Butter Creek which requires compliance with the SMP as established in SMP Section 1.06. At a minimum the structures require an approved MSR and shoreline permit provided that they meet the minimum setback from the OHWM of Butter Creek.

F. CONCLUSIONS

The recreational vehicle sites are not compliant with LCC or the SMP and are required to be removed. The staircases are not accessory to water-dependent use and do not meet the required buffer setbacks and need to be removed. The fill material and grading done on the property was done within the shoreline buffer and exceeds the amount necessary for the permitted shop and septic system which both meet the shoreline common line buffer setback established in the applicants approved MSRs in 2022 and 2023; the gravel needs to be removed. Trees and other vegetation were removed from the property within the shoreline jurisdiction without permits. Two unpermitted structures were placed or erected within the shoreline jurisdiction and require permitting.

G. RECOMMENDATIONS

Staff recommend that the denial of MSR24-0462 be retained, the RV sites, staircase accesses and fill be removed and the site restored with a restoration plan prepared by a qualified professional. Additionally, the unpermitted structures need to be permitted through a new MSR and Shoreline Permitting processes or be removed; it is not guaranteed that the structures will be approved. It is recommended that the appeal be dismissed.

H. EXHIBITS

- Exhibit 1: MSR24-0462 Denial
- Exhibit 2: APL25-0001 Transmittal Letter
- Exhibit 3: CE24-00056 Intake Form
- Exhibit 4: CE24-00056 Comment from Stanley Langland regarding site investigation
- Exhibit 5: MSR24-0462 June 21, 2024 Pending Letter
- Exhibit 6: September 19, 2024 Response to Pending Letter from applicant's attorney
- Exhibit 7: November 14, 2024 County response to September 19, 2024 letter
- Exhibit 8: February 12, 2025 Response to County from applicant's attorney
- Exhibit 9: APL25-0001 Application
- Exhibit 10: Washington State Department of Ecology Email
- Exhibit 11: MSR25-0688 Application
- Exhibit 12: Approximate 150' Setback from OHWM and location of unpermitted RV sites
- Exhibit 13: Unpermitted stair locations
- Exhibit 14: MSR22-0347 Review 1 Approval
- Exhibit 15: MSR22-0347 Review 2 Approval
- Exhibit 16: Common Line Buffer and disturbed area with 2021 and 2024 aerial imagery
- Exhibit 17: Unpermitted structures



Community Development

125 NW Chehalis Ave.
Chehalis, WA 98532

Exhibit 1

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 & 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,

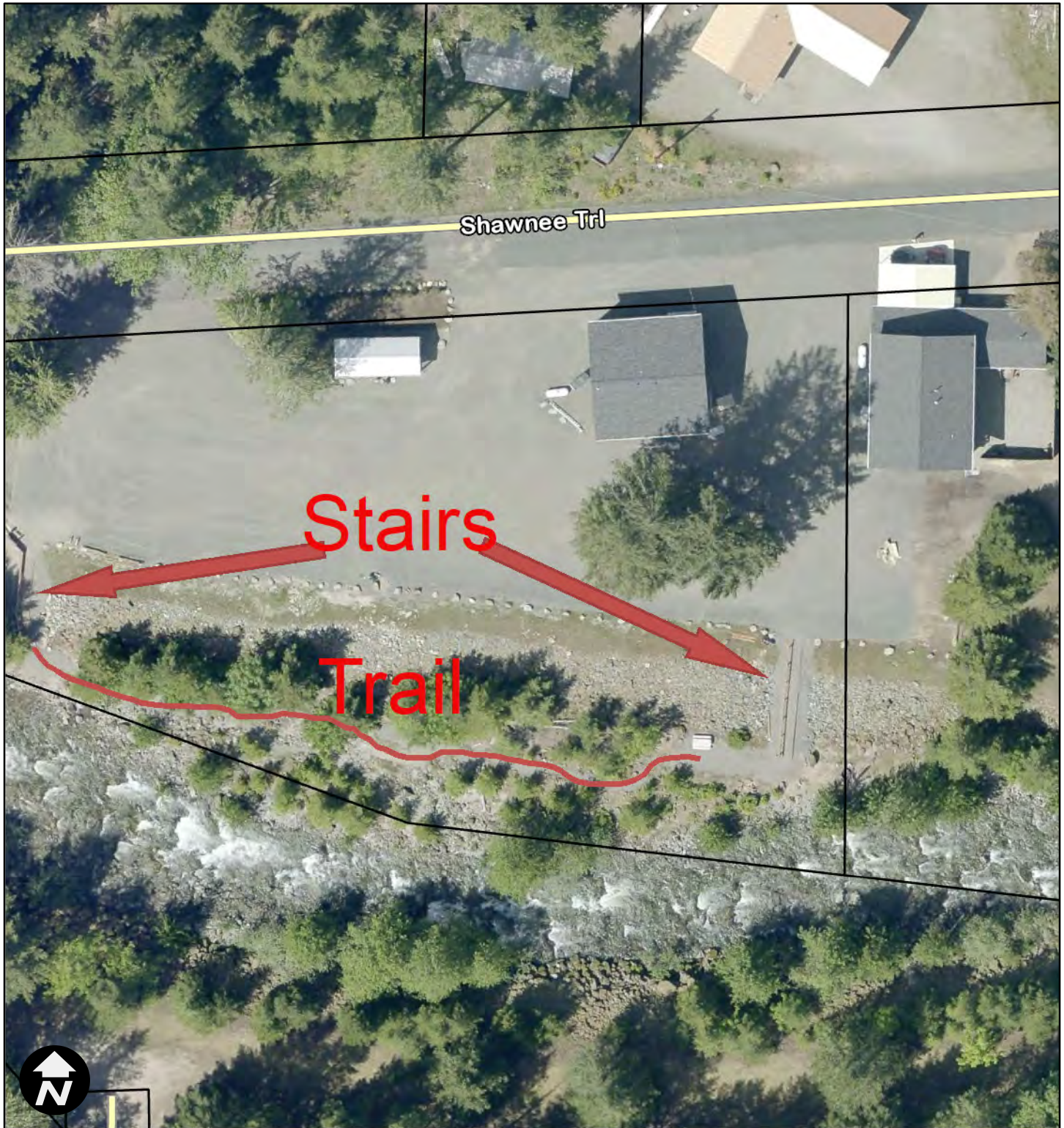
A handwritten signature in black ink, appearing to read 'P. Pinkston', with a stylized flourish at the end.

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 | | 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.



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

MALLING 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

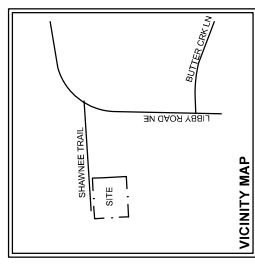
PERMIT NUMBER:

DRAFTED BY: BJR

REVIEWED BY: BJR

JOB NUMBER: 2022-147

DATE: 02.09.2023



SHAWNEE TRAIL

EXISTING SHOP

1 276.99'

2 100.0'

2 100.0'

1 100.0'

COMMON LINE BUFFER



WATER

100 FT CREEK SETBACK

175.58'

EW

BUTTERCREEK OHWM

75.48'

141.87'

PROPERTY LINE 10.00'

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

+

-

▼

shawnee

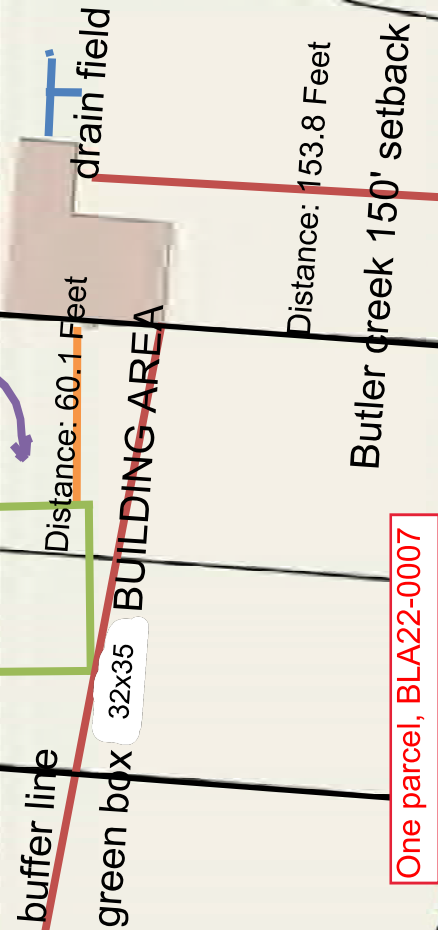
X

Q

lone cedar tree marks far end corner

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.

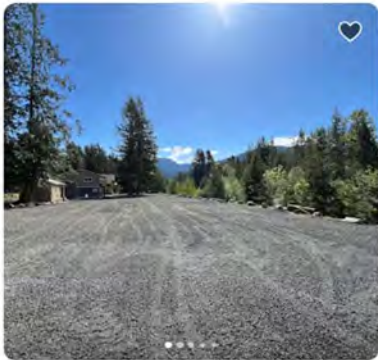
Sincerely,

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

Preston Pinkston
Planner

Attached: Screenshots of your Airbnb Advertisement

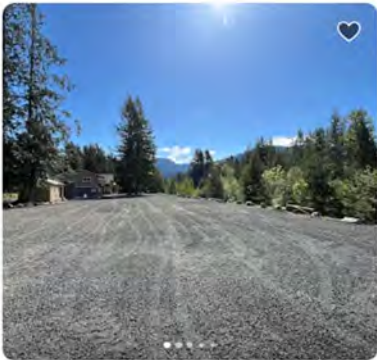
3 places within map area



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](#)



Show all photos

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



Unpermitted structure

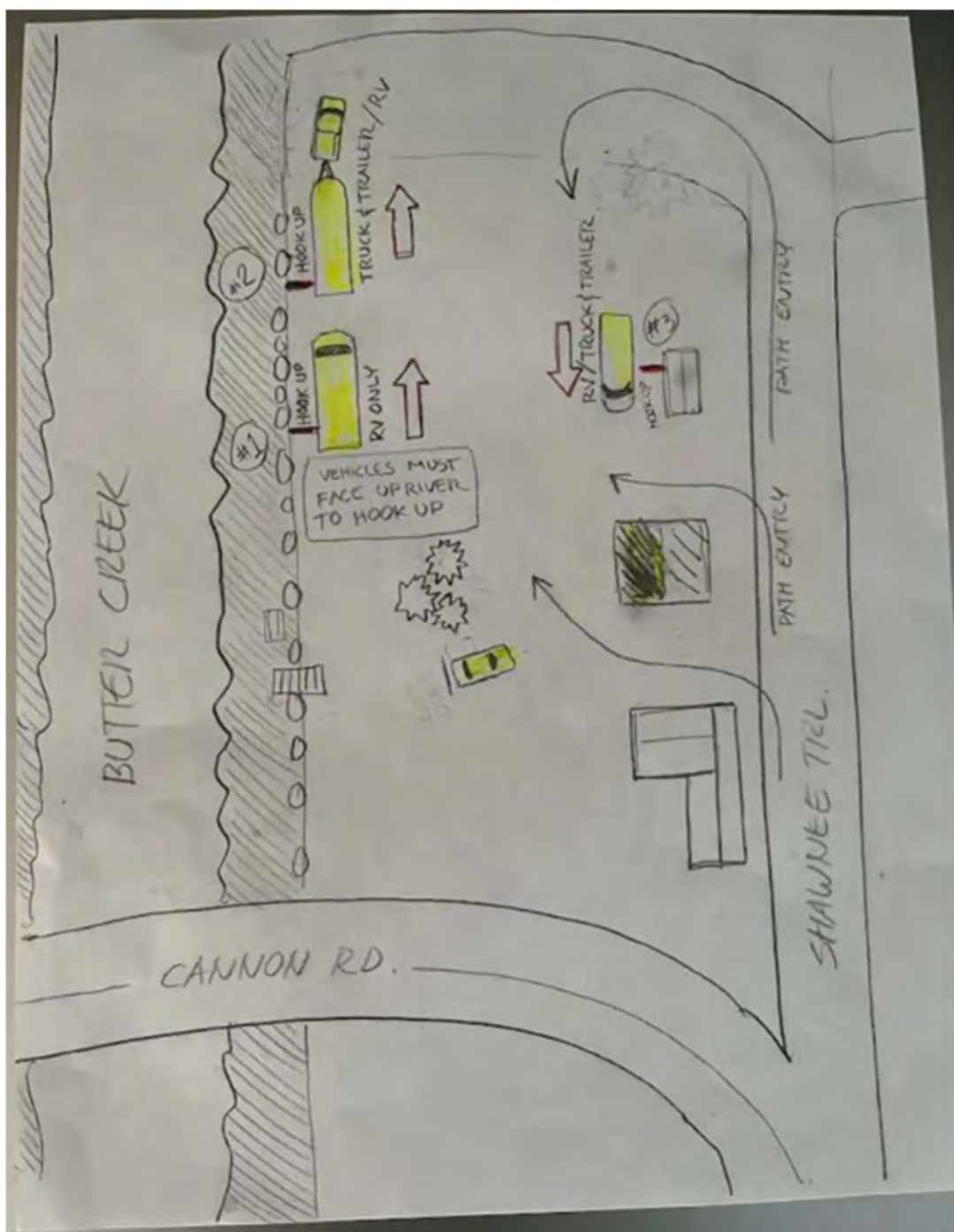




Exhibit 2

Community Development

125 NW Chehalis Ave
Chehalis WA 98532

April 22, 2025

Mark Scheibmeir
PO Box 939
Chehalis, WA 98532

RE: Transmittal Letter – Administrative Appeal for Denial of MSR24-0462 (Appeal File APL25-0001)

Dear Mr. Scheibmeir:

Enclosed is the signed and completed administrative appeal filing submitted by Joe and Shelly Malleis, represented by Eric G. Carlson, P.S. The appeal is of the County's administrative determination that the development in Master Site Review (MSR) MSR24-0462 was not compliant with Lewis County Code (LCC) and the Lewis County Shoreline Master Program. MSRs are a Type I Permit which can be appealed within 10 days of administrative decision pursuant to LCC 17.05.160. MSR24-0462 was denied on April 11, 2025. The appeal was applied for on April 21, 2025 prior to the appeal deadline. The appeal was timely.

Sincerely,

Preston Pinkston
Planner

Enclosure

<https://lewiscountywa.gov/departments/community-development/current-planning-applications/apl25-0001/>

**LEWIS COUNTY COMPLAINT &
CODE ENFORCEMENT FORM**

Exhibit 3

Date: 05/22/2024

Staff intake: Rae

Reporting Party: ☐ County Employee ☐ Citizen ☐ Other ☒ Anonymous

R/P requests updates: No

R/P requests anonymity because they fear retribution or bodily harm: No

COMPLAINT INFORMATION

Type of Complaint: BUILDING
Alleged Violator: MALLEIS, JOSEPH A
Site Address: 113 Shawnee Trl, Packwood
Tax Parcel No.: 011033012001
Legal Description: Section 10 Township 13N Range 09E Pt SE4 NW4 Being Parcel A BLA
3576676
Comm. Dist. 3
Property Owner: MALLEIS, JOSEPH A
Mailing Address: PO BOX 642
City/State/Zip: PACKWOOD, WA 98361
Urgency Expressed by R/P: 2(Medium)
Nature of Complaint: Fill & Grade(Gravel & Stairs)/ Shoreline

Site Inspection by: Date & Time:

If complaint constitutes a violation of county code complete violation information and forward to code enforcement for data entry and issuance of complaint file number.

CODE VIOLATION INFORMATION

Type of Violation: BUILDING
Nature of Violation: FILL AND GRADE
Complaint Verified: No
Public Health Issue: No
Complaint File No: CE24-00056
Forwarded To: Brian Date Forwarded: 05/22/2024

Findings:

☐ R/P Updated Closed ☐ Database Updated ☒ Further Action Required ☐ File

Malleis, Joseph

CE24-00056

113 Shawnee TRL, Packwood

Date Closed

Reason

Comments for: CE24-00056, Type: BUILDING, SubType: FILL AND GRADE, Version: 2010

New Comment **Existing Comments**

Existing Comments

Date	Identifier	User ID	Type	Comment
08/12/2025	CodeInspection	KPeckham	UserComment	Mailing NOV 08/12/2025 via certified mail to :
08/08/2025	CodeInspection	Spadgett	UserComment	I am sending an NOV for unpermitted ADU and fence in th
07/31/2025	CodeInspection	Spadgett	UserComment	On 07-31-2025 I did a drive by of this location and have att
12/20/2024	CodeInspection	slangland	UserComment	Site observations 12/19/24. A new fence has been installe
11/14/2024	CodeInspection	PPinkston	UserComment	Letter sent to applicants in response to letter from attorney.
10/15/2024	CodeInspection	slangland	UserComment	Preston stated the property owners have retained an attorn
09/11/2024	CodeInspection	slangland	UserComment	Site observations 9/10/24. No changes observed.
08/06/2024	CodeInspection	slangland	UserComment	Site observations 8/2/24. I don't see that anything has bee
07/24/2024	CodeInspection	slangland	UserComment	Owners have until late September to have MSR approved
06/25/2024	CodeInspection	slangland	UserComment	MSR application on hold pending removal of RV sites and
06/18/2024	CodeInspection	slangland	UserComment	A new MSR application was submitted
05/30/2024	CodeInspection	slangland	UserComment	Site visit 5/29/24. I spoke with Shelly Malleis who allowed
05/22/2024	CodeInspection	rlsison	UserComment	RP called and reported that there has been clearing of the

Spell Check

Selected Comment

☐ **Display on Web**

Site visit 5/29/24. I spoke with Shelly Malleis who allowed me to take photos on the property. There is a large (approximately 770 square yard) area covered with gravel, mostly on the northerly lot 011033012001. This gravel does not appear in the 2021 aerial photo.

The gravel continues to the upper bank edge next to butter creek. There was also fresh gravel placed over the large moss-covered rocks covering the bank to create a base for a wood stairway down to the creek. And there is an area of gravel possibly for use as a walking trail next to the creek at the bottom of the stairway.. Shelly agreed that these large rocks were not a natural feature but were likely placed there at some point for erosion control.

Shelly was very cooperative and stated she is interested in permitting as necessary. She stated she did not have records showing the amount of gravel brought in. I provided her the number for permitting and advised she will likely need to begin with another MSR. I provided her my card and a summary of code LCC 17.38.020 (3) as a reference regarding the critical area concern.

I added an aerial map to the case which shows the large area of gravel shaded in red. This is approximately 770 square yards in size. At 3" depth this would equal approximately 192 cubic yards. This location is mapped as shoreline.

The orange triangle is the approximate location of the stairway.

The blue oval is the approximate location of the gravelled trail.

Although there has been recent development on these parcels. I did not see permitting in the system for this work.

Click comment from list to view comment.

Update

Remove

Exit



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.

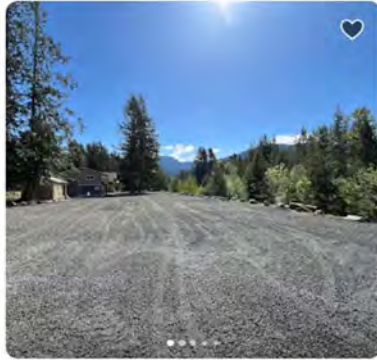
Sincerely,

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



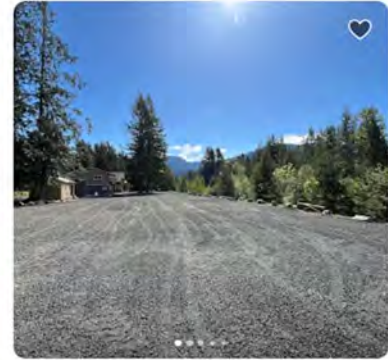
Campsite in Packwood
New! - Butter Creek Retreat RV Site 1
\$65 night · [\\$74 total](#)

★ New



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

★ New



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

★ New

New! - Butter Creek Retreat RV Site 1

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



[Show all photos](#)

Campsite in Packwood, Washington

6 guests · 0 baths

★ New



Hosted by Shelly
1 month hosting

\$65 night

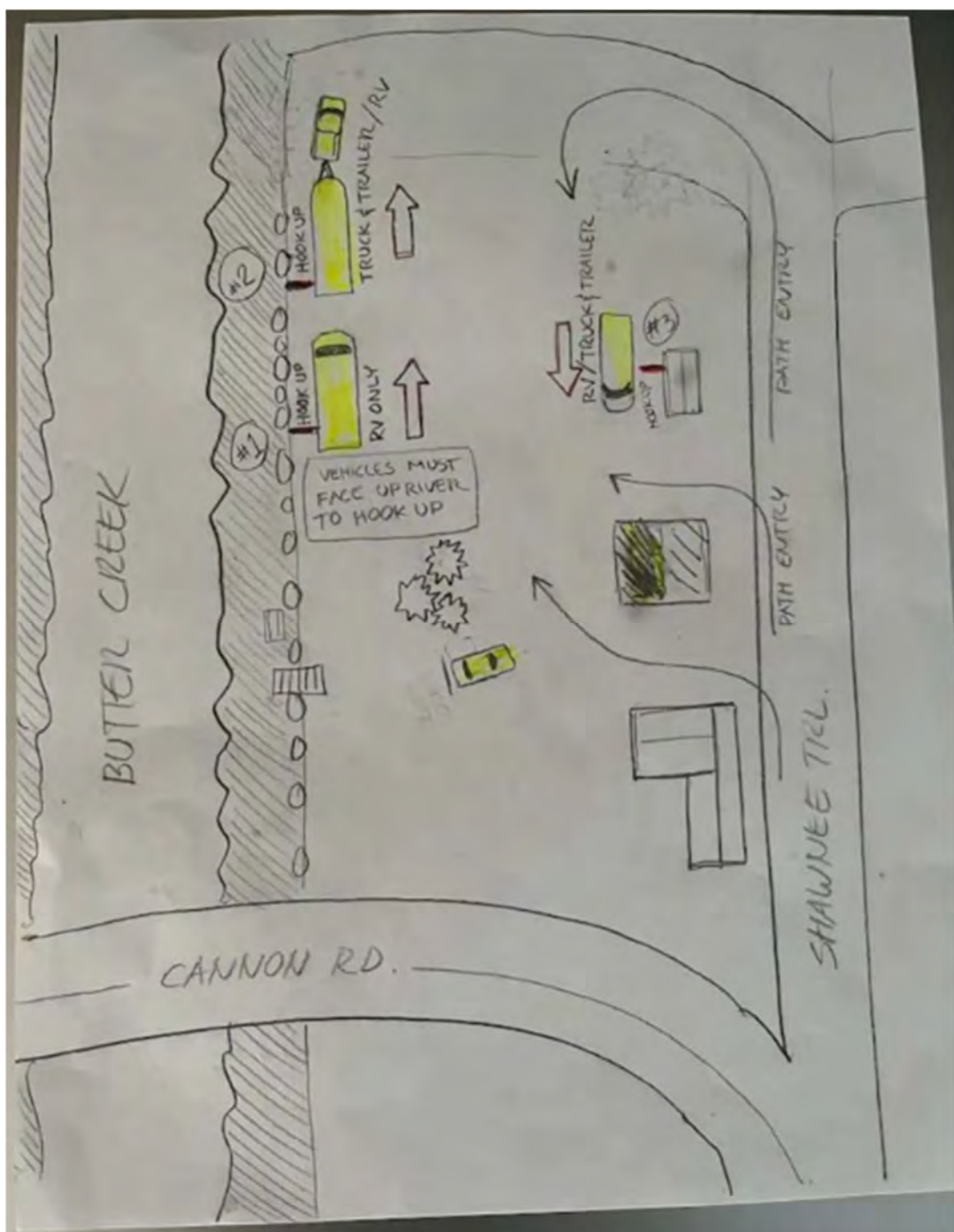
CHECK-IN 7/17/2024	CHECKOUT 7/18/2024
GUESTS 1 guest	

Exterior

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



Unpermitted structure



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

125 NW Chehalis Ave.
Chehalis WA 98532

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,

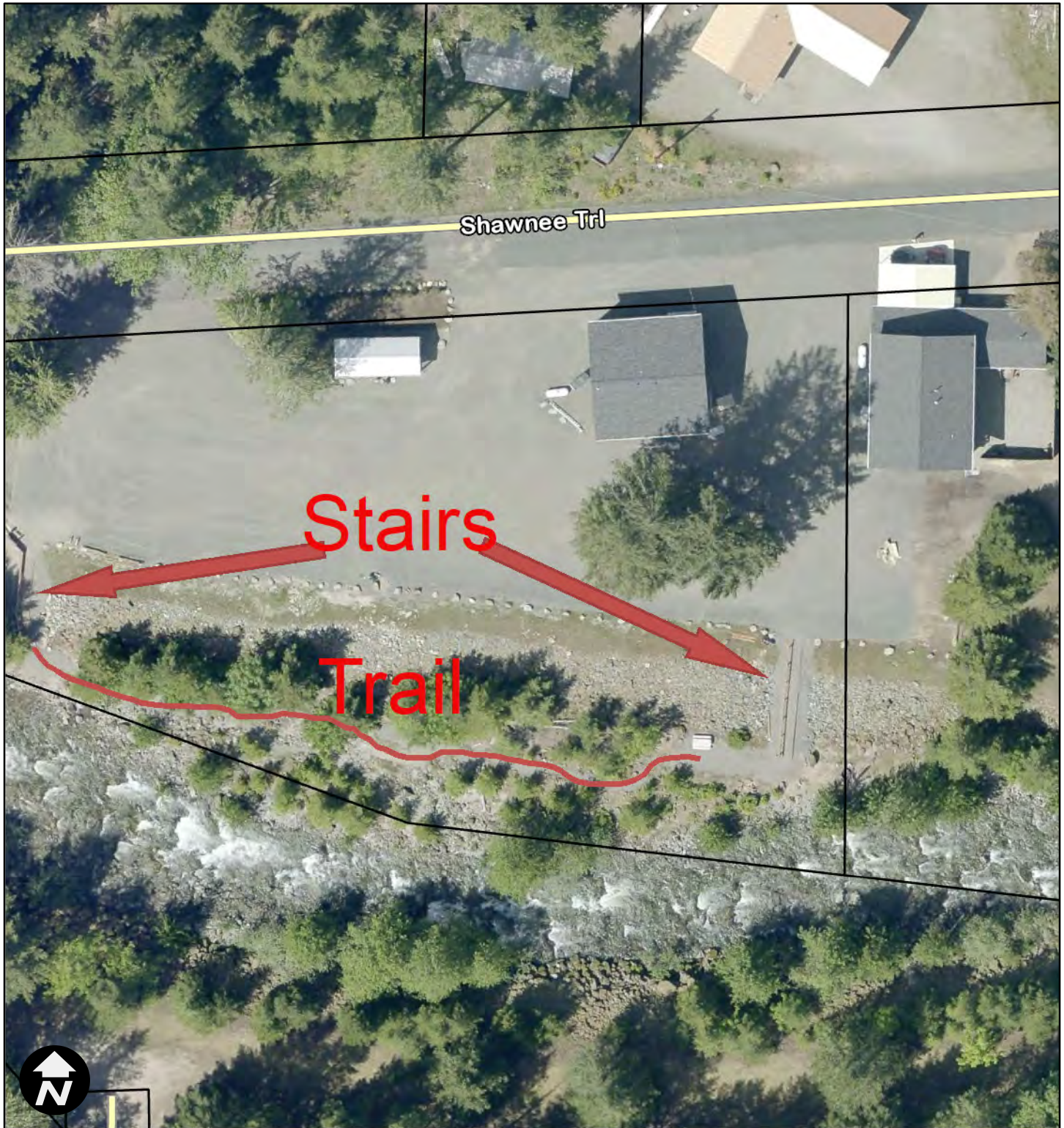
A handwritten signature in black ink, appearing to read 'P. Pinkston', with a stylized flourish at the end.

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

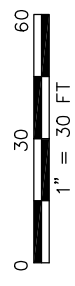
0 25 50 100 ft
NAD 1983 StatePlane Washington South FIPS 4602 Feet



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

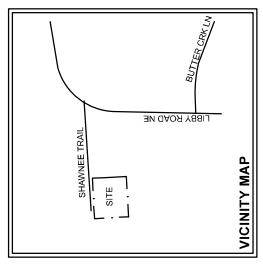


SITE PLAN

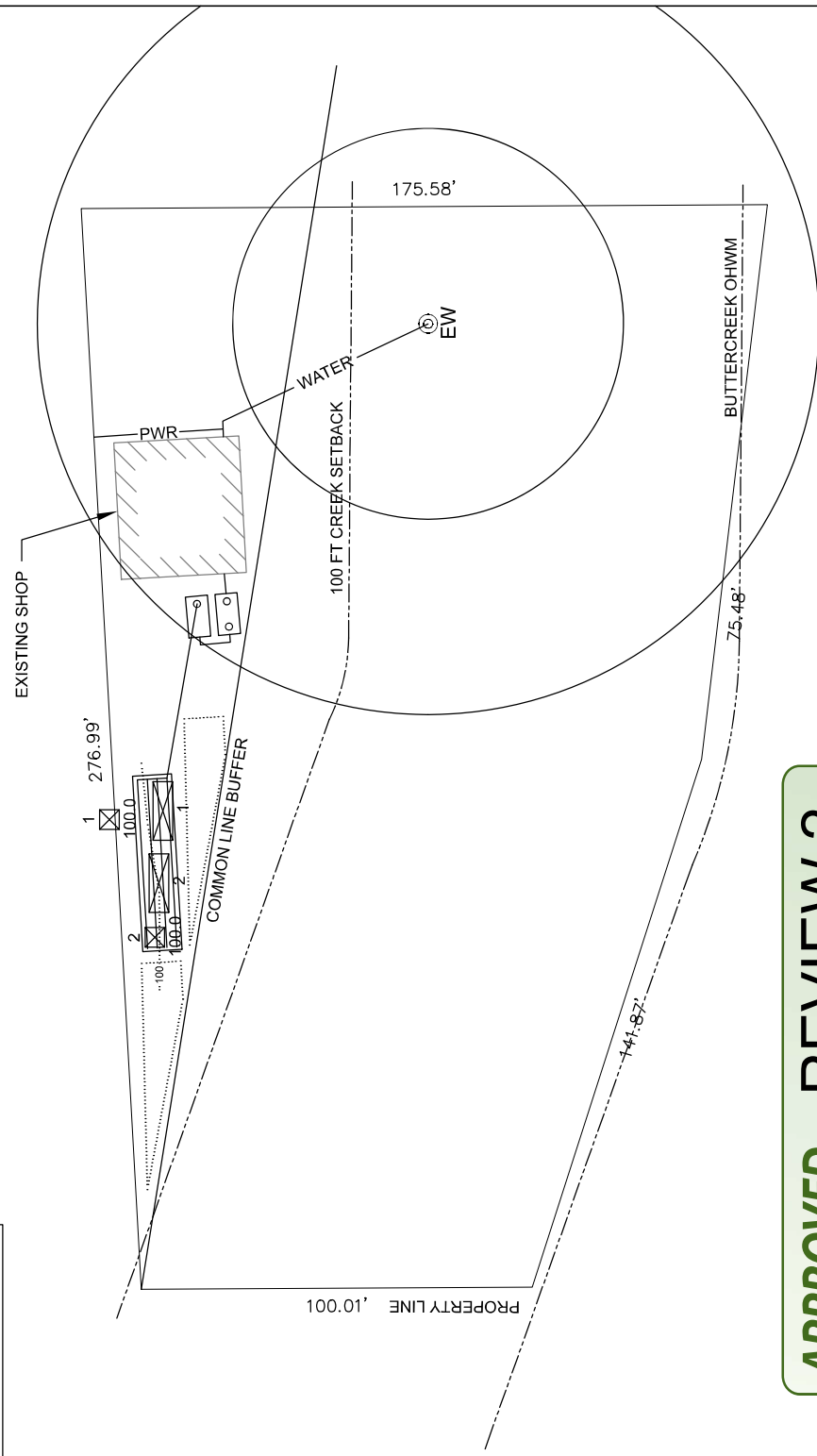
PROPERTY LINES SHOWN AS PER
RECORDED DOCUMENT AFN: 3576676

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

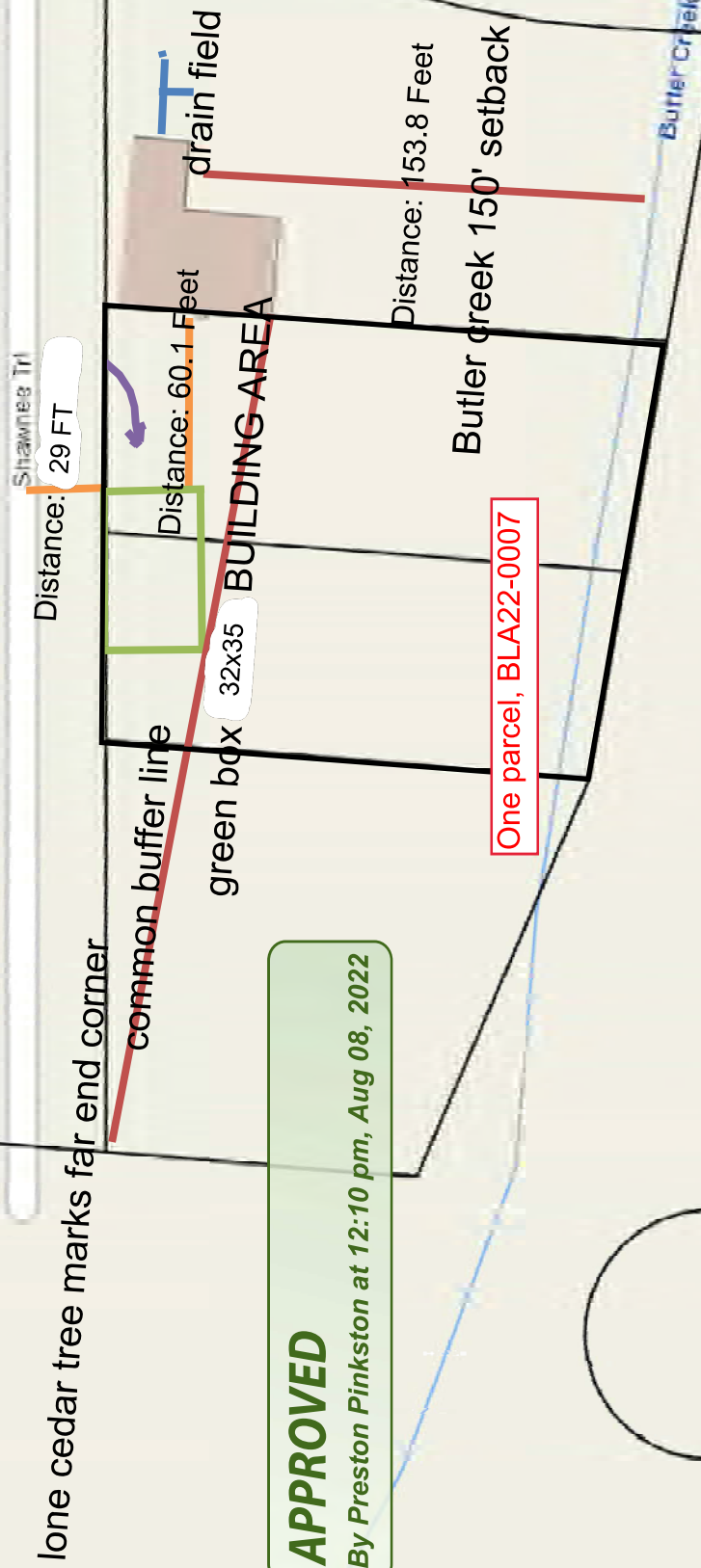
CLIENT NAME: JOSEPH MALLEIS	
MAILING ADDRESS: 710 N 68TH STREET SEATTLE, WA 98103	
PHONE NUMBER: 206.571.3871	
SITE ADDRESS: 113 SHAWNEE TRAIL, WHITE PASS	
PARCEL NUMBER: 011033012001 S-T-R: 10-13N-09E	
PERMIT NUMBER:	
DRAFTED BY: BJR	JOB NUMBER: 2022-147
REVIEWED BY: BJR	DATE: 02.09.2023
PAGE 1 OF 1	



SHAWNEE TRAIL



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



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



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

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.

*** **

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
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
- 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
- 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

*** **

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

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

cc: Clients



Lewis County

Community Development

125 NW Chehalis Ave, Chehalis, WA 98532
Phone: (360) 740-1146 • www.lewiscountywa.gov

APPEAL OF TYPE I OR II ADMINISTRATIVE DECISION

After an administrative decision is made by Lewis County, the public has the right to appeal based on the Lewis County Code. The appeal information is listed on the written administrative decision made.

After submitting the petition to appeal, the request will be forwarded to the Lewis County Hearing Examiner. Unless the petition is dismissed, the Hearing Examiner will hold a hearing in accordance with Lewis County Code 2.25.

The following items are required to be submitted for the Appeal of Administrative Decision application to begin the process:

STAFF

APPLICANT

☐
☒

'Appeal of Administrative Decision' form

☐
☒

Copy of written decision being appealed

☐
☒

Application Fees

Appeal fee:	\$900
Administrative Fee:	\$50
Legal publication fee:	\$500
Hearing Examiner fee:	\$1,515.00

☐
☐

Other: _____

For Official Use Only:

Date Received: 04/21/2025

Application Number: APL25-0001

Associated Permits: MSR24-0462

Permit Technician: Katie Johnson

Date forwarded to Hearing Examiner: 04 / 22 / 2025

Copy sent to Appeals Coordinator: 04 / 21 / 2025 Original sent to Preston Pinkston

Lewis County Community Development

125 NW Chehalis Ave, Chehalis, WA 98532 Phone: (360) 740-1146 • www.lewiscountywa.gov

Decision Information

Name of Applicant/Owner: Joe and Shelly Malleis
Address: 110 Shawnee Trail, PO Box 642, Packwood WA 98361
Tax Parcel Number: 011033012001 Application Number (if applicable): MSR24-0462
Phone Number: 206-200-5141; 206-769-4088 Email: outrun1@msn.com; smalleis2012@gmail.com

Appeal Information

Specific identification of decision being appealed:

- ☐ SEPA Determination
(Appeal authorized per LCC 17.110.130)
- ☒ Type I Administrative Decision as identified in LCC 17.05.040(2) Table 17.05-2
(Appeal authorized per LCC 17.05.040(2) Table 17.05-1)
- ☐ Type II Administrative Decision as identified in LCC 17.05.040(2) Table 17.05-2
(Appeal authorized per LCC 17.05.040(2) Table 17.05-1)

Specific grounds for petition, concise statement of the factual reason for the appeal, and identification of the policies, statutes, codes or regulations that the petitioner claims are violated (*attach additional sheets if necessary*): Lewis County Dept of Planning erred in its findings/denial of the above-referenced MSR application. See attached letter, Exhibit "A," dated February 12, 2025, which outlines the applicants' compliance to the Lewis County Code regarding: 1) Fill Response; 2) Stair Response; 3) RV Site Response; and 4) Structure Response. Also attached as Exhibit "B" is the Dept's letter of Denial, dated April 11, 2025. Attached as Exhibit "C" is the applicants' letter to the Dept., dated September 19, 2024.

Petitioner Information (*attach additional sheets if necessary*)

Name and address of Petitioner
Joe and Shelly Malleis
110 Shawnee Trail, PO Box 642
Packwood WA 98361

Attorney for Petitioner (if applicable):
Eric G. Carlson
605 SE Prospect Street
Chehalis, WA 98532

Daytime Telephone: 206-200-5141

Daytime Telephone: 360-269-5541

Email: smalleis2012@gmail.com

Email: ericgcarlson@gmail.com

Joe Malleis/Shelly Malleis
Signature of Petitioner

Eric G. Carlson
Signature of Attorney - WSBA #56842

EXHIBIT A

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.

*** **

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
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
- 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
- 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

*** **

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

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

cc: Clients

EXHIBIT B



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)



Community Development

125 NW Chehalis Ave.
Chesham WA 98532

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,

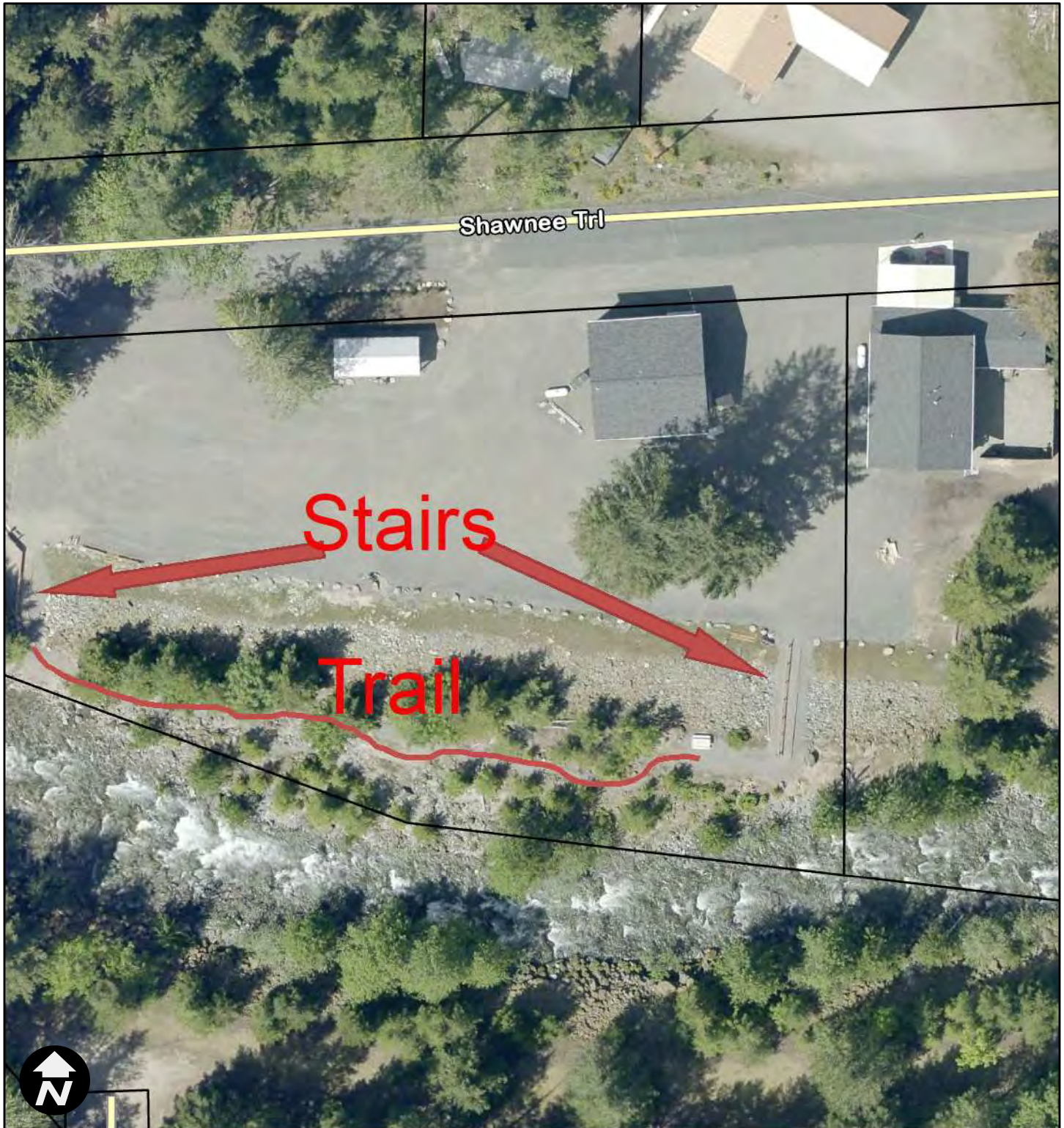
A handwritten signature in black ink, appearing to read 'P. Pinkston', with a stylized, cursive script.

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 | | 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

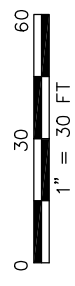
0 25 50 100 ft
NAD 1983 StatePlane Washington South FIPS 4602 Feet



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
	POR
	STUMP

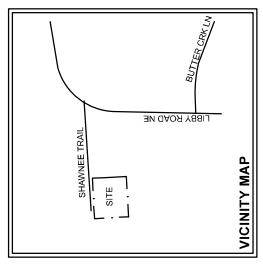


SITE PLAN

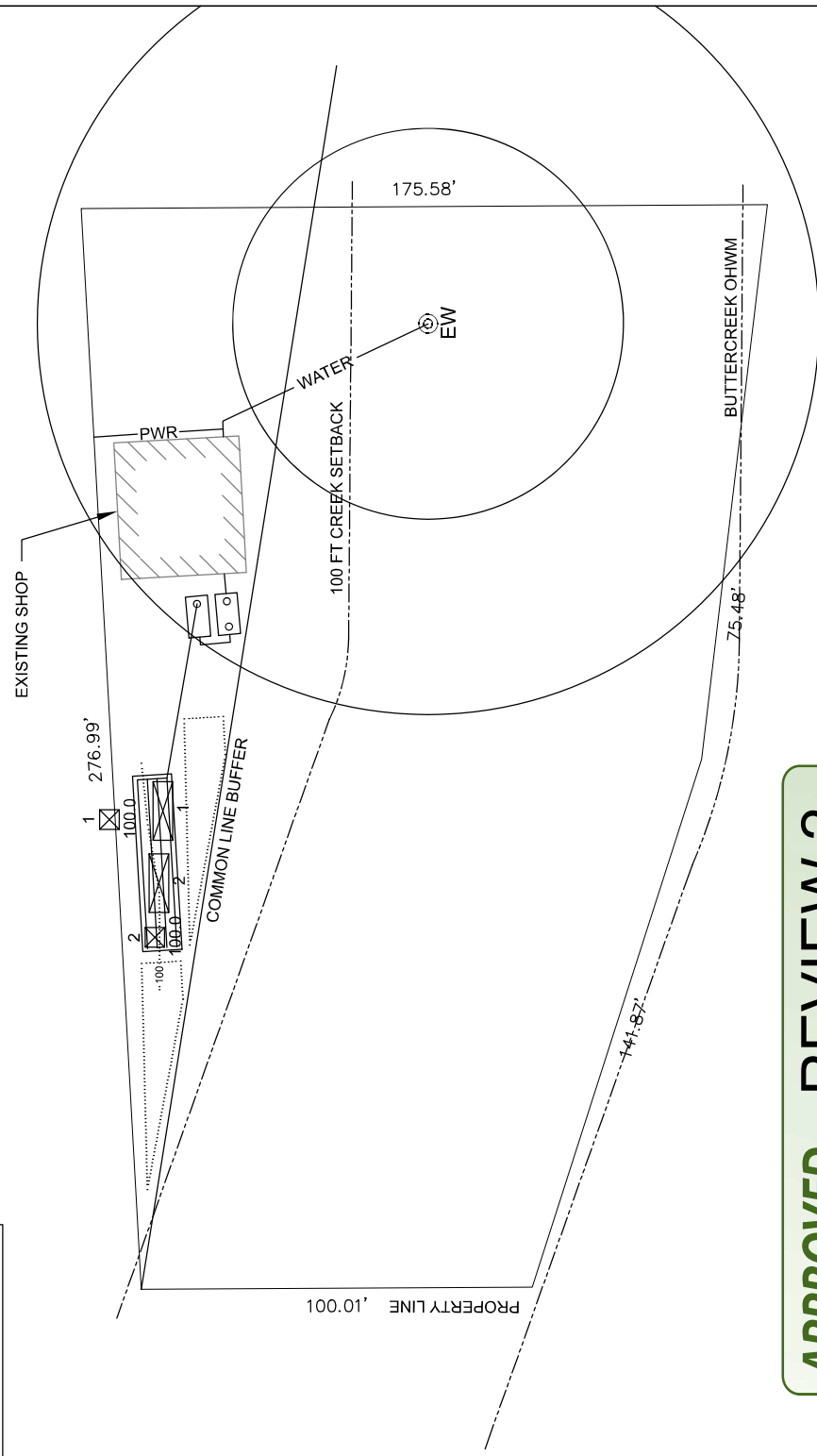
PROPERTY LINES SHOWN AS PER
RECORDED DOCUMENT AFN: 3576676

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

+

-

▼

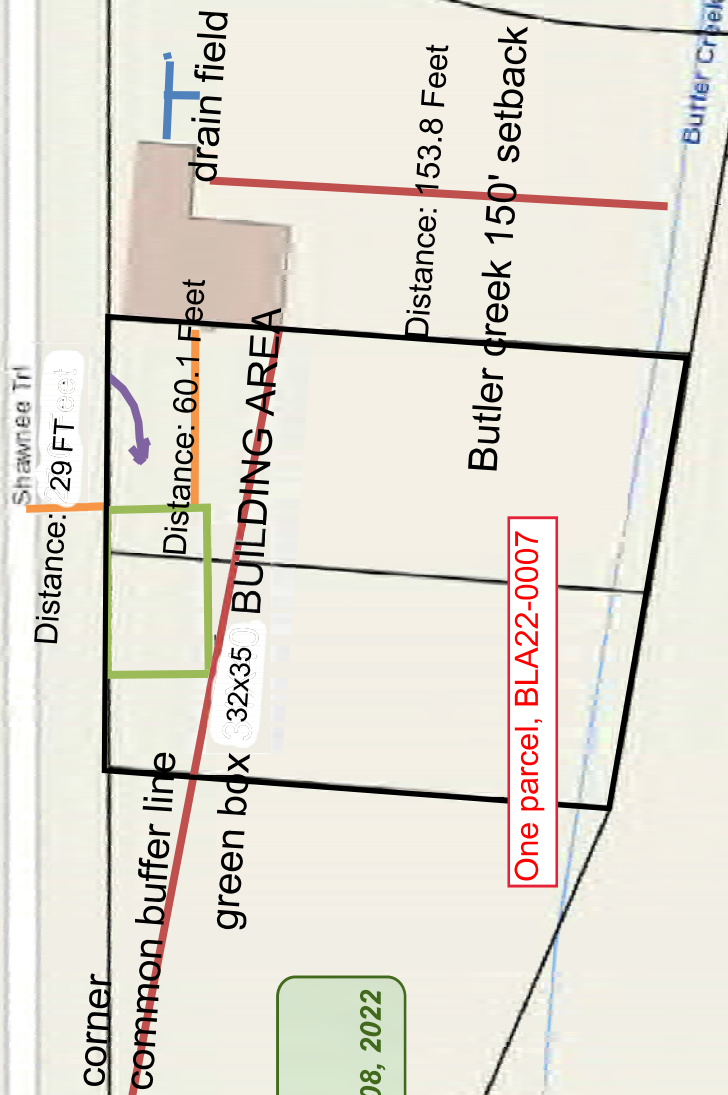
shawnee

X

Q

lone cedar tree marks far end corner

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/>

EXHIBIT C

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.

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.

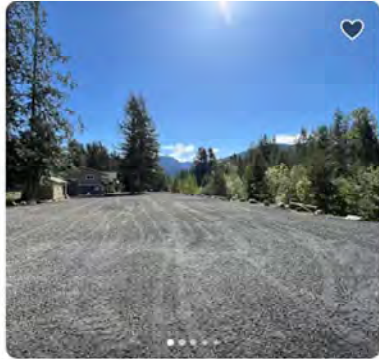
Sincerely,

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

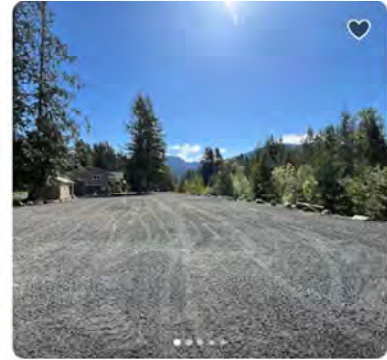
3 places within map area



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



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



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

New! - Butter Creek Retreat RV Site 1

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



[Show all photos](#)

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





From: [Meyer, Zachary \(ECY\)](#)
To: [Preston Pinkston](#)
Cc: [Sandercock, Maria \(ECY\)](#); [Cencula, Luke \(ECY\)](#)
Subject: RE: Shoreline Violations and Code Interpretations
Date: Tuesday, September 23, 2025 11:05:15 AM
Attachments: [Malleis Code Interpretations.pdf](#)
[APL25-0001 Appeal Application.pdf](#)
[Summary Judgment Denial.pdf](#)
[5. MEMO RE MALLEIS APPEAL 9.5.25 \(egg\).pdf](#)

Hi Preston,

Butter Creek is a shoreline of the state as defined in RCW 90.58, multiple WACs (WAC 173-18, WAC 173-22, WAC 173-26), and the Lewis County Shoreline Master Program (SMP).

WAC 173-18-250 specifically designates Butter Creek (Beginning at Gifford Pinchot National Forest boundary at (Sec.3, T13N, R9E) downstream to mouth at Cowlitz River (Sec.10 of same township) as a shoreline of the state and thus subject to RCW 90.58 Shoreline Management Act and Lewis County Shoreline Master Program. Per WAC 173-18-040 “Streams in Western Washington from the point at which the stream reaches a mean annual flow of twenty cubic feet per second down to the mouth of said stream or river: Provided, that the stream falls at said point, within the jurisdiction of chapter [90.58](#) RCW.”

WAC 173-22-040 designates shorelands (and thus areas where the SMP applies) for streams to be:

“The shoreland area shall include the greater of:

- (a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;
- (b) Those flood plains which extend landward two hundred feet as measured on a horizontal plane from the floodway: Provided, that local government may, at its discretion, include all or a larger portion of the one hundred-year flood plain within the associated shorelands. Designation of this shoreland area shall be in accordance with chapter [173-26](#) WAC, the state master program. If the applicable master program does not designate the shoreland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;”

Shorelines and shorelands are also specifically defined in RCW 90.58 and WAC 173-26.

Additionally, the Lewis County SMP (2021) also specifically designates this area of Butter Creek as a shoreline of the state and subject to shoreline regulations as noted in

Appendix 2 of the SMP. This is also further outlined in the inventory and characterization that was part of the documentation for the comprehensive update that began in 2012.

The fact that previous shoreline exemptions were issued onsite/nearby (which are a type of authorization under the Lewis County SMP) further demonstrates this area is within shoreline jurisdiction.

Please let me know if there are any questions or you would like additional information on the fact that Butter Creek and its shorelands are subject to RCW 90.58 Shoreline Management Act and thus the requirements of the Lewis County Shoreline Master Program.

Ecology is also available to weigh in on other aspects of the proposal if needed, this is a very straightforward violation. As currently existing onsite per the provided photos and recent aerial imagery, there are unauthorized developments including vegetation removal and gravel placement (fill) within the shoreline buffer of Butter Creek (a shoreline of the state) which would require Ecology approval through a variance to retain. The proposal would likely not meet the requirements of approval outlined in the Lewis County SMP and WAC 173-27-170. The unauthorized development within shoreline jurisdiction constitutes a violation for Ecology under RCW 90.58 Shoreline Management Act and may be subject to fines of \$1000 a day should the violation not be resolved at the local level. Please keep Ecology apprised on the outcome of this situation. While Ecology generally defers to local governments to resolve shoreline violations, Ecology also has authority to enforce violations of the Shoreline Management Act as outlined in RCW 90.58.

Zach Meyer, PWS
Shorelands Technical and Regulatory Lead
Shorelands & Environmental Assistance Program
Washington State Department of Ecology
Southwest Regional Office, Lacey, WA
360-481-9885



From: Preston Pinkston <Preston.Pinkston@lewiscountywa.gov>

Sent: Monday, September 22, 2025 9:38 AM

To: Meyer, Zachary (ECY) <ZMEY461@ECY.WA.GOV>

Subject: Shoreline Violations and Code Interpretations

External Email

Hi Zach,

Attached are the documents for the shoreline violations at 113 Shawnee Trail in Packwood, parcel 011033012001. The appeal application contains the MSR record of denial and some of their code arguments. Attached is also some of their other code interpretations argued during the MSR before we denied it. They asked for summary judgment which was denied (attached). The last document attached is their current argument that the SMA, SMP, SEPA and NEPA do not apply to this site, we obviously do not agree with this interpretation.

Let me know if you have any questions,

Preston Pinkston

Planner
Lewis County Community Development
125 NW Chehalis Ave
Chehalis, WA 98532
360-740-1389

External Email - Remember to think before you click!

This message may contain links with malware, viruses, etc. Please ensure the message is legitimate before opening it.

Lewis County Community Development

125 NW Chehalis Ave, Chehalis, WA 98532 • Phone: (360) 740-1146 • www.lewiscountywa.gov

Master Site Plan Application

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

- Completed 'Master Site Plan Application'
- Site plan that includes all items listed on the 'Site Plan Requirements' handout (attached)
- Associated fees: \$450 Master Site Review / \$150 Minor Review Fee (Fee Includes \$50 Administrative Fee)

Full Project Description: Obtain Ltr of occupancy for ADU; obtain shoreline exemption or variance for 

Tax Parcel Number (s): 011033012001, 011033012002

Site Address: 110, 113 Shawnee Trl, Packwood WA 98361

Owner's Name: Joe & Shelly Malleis

Owner's Address: 110 Shawnee Trail, box 642, Packwood WA 98361

Owner's Phone Number: 206-200-5141 Owner's Email: smalleis2012@gmail.com

Applicant Information:

Name: Joe and Shelly Malleis

Mailing Address: PO Box 642, Packwood WA 98361

Phone Number: 206-200-5141; 206-769-4088 E-mail: smalleis2012@gmail.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: Joe and Shelly Malleis Digitally signed by Joe and Shelly Malleis
Date: 2025.09.12 07:54:59 -07'00'

Date: September 12 2025

Check one: ☒ Owner ☐ Authorized Agent

Lewis County Community Development

125 NW Chehalis Ave, Chehalis, WA 98532 • Phone: (360) 740-1146 • www.lewiscountywa.gov

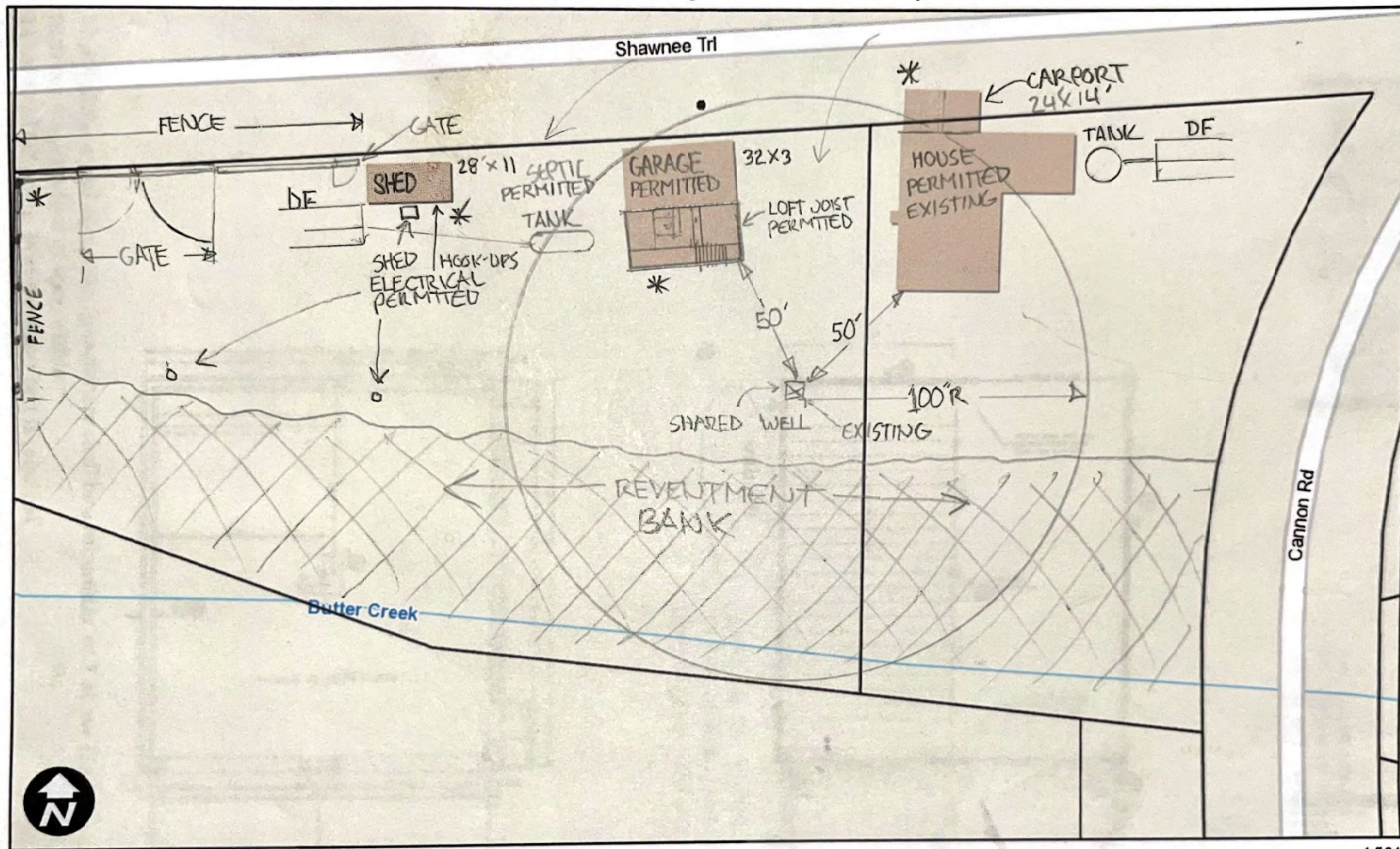
SITE PLAN REQUIREMENTS

Pursuant to Lewis County Code 17.05.060(2), when a site plan is required all of the following shall be included. Additional information may be required per the application checklist. Additional information may be requested. Any additional information that will assist in evaluating the proposal is encouraged.

Minimum size is 8.5x11-Maximum size is 11x17

- ☒ All site plans and maps shall be drawn to scale and shall include a scale bar and north arrow. Site plan on aerial photo / map will not be accepted.
- ☒ A label identifying the permit application name. Examples include, but are not limited to Master Site Plan, Boundary Line Adjustment, Special Use Permit, Septic Permit, etc.
- ☒ Property boundary lines, parcel number(s) and street address.
- ☒ Location and width of all existing public roads, private roads, ingress, egress, or easements within or adjacent to the property.
- ☒ Location of all existing and proposed driveways.
- ☒ Location and footprint of all existing and proposed structures, with dimensions.
- ☒ All existing and proposed structures labeled with the existing or proposed use. Examples include, but are not limited to, house, deck, garage, barn, shed, fence, culvert, retaining wall, etc. Note – If the structure is a shop, please include specific uses, which might include personal storage, detached bedroom, agricultural processing, homebased business, etc.
- ☐ Number of bedrooms in each existing and proposed structure.
- ☒ Distance between existing and proposed structures and property boundaries.
- ☒ Distance between all existing and proposed structures, if within ten (10) feet.
- ☒ Location of all existing wells and sanitary control areas, septic systems and reserve areas, water lines, and other utility lines.
- ☒ Location of all existing and proposed stormwater facilities. - **NA**

Lewis County GIS Web Map



8/24/2025, 11:50:50 AM

1:564

□ 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

Exhibit 12



11/19/2025, 2:58:38 PM

1:564

Documents

Plats

BLAM

Surveys

Large Lot Sub

Short Plat

Condominium

Other

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.

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

Exhibit 13



11/19/2025, 3:01:52 PM

1:564

Documents

Plats

BLAM

Surveys

Large Lot Sub

Short Plat

Condominium

Other

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.

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

Lewis County Master Site Review



Community Development • 2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146

Step 1 Site Analysis Status: **APPROVED**

Parcel Number(s): 011033012001

Master Site Review #: MSR22-0347

Applicant's Name: MALLEIS, JOSEPH A

Review #: 1

Project Proposal: 32x35 shop

Previous Project Reviewed: Parcel A of BLA22-0007

Associated Planning Permits: SHE22-0032, RS21-00005

Zoning: Rural Residential Center (RRC-R1)

Conditions of Approval

- 1 Any change in the project from the current proposal requires further review.
- 2 All other required local, state, and federal permits are required to be obtained by the applicant including all permits listed on page two of this Master Site Review.

The recommendations and requirements in the following reports may be conditions of development:

None

The current proposal is in compliance with the Critical Area Ordinance. If the project changes from the current scope, a review of the following critical areas may be required.

- Wetlands Review – due to the site's proximity to mapped wetlands or hydric soils.
- Shoreline review – as a result of the proximity of the site to shoreline jurisdiction, as identified in the Shoreline Master Program.
- Geologically Hazardous Areas Review – due to the proximity of the site to steep slopes, erosion hazard areas and/or historic landslide areas.
- Volcanic Hazard Areas Review
- Critical Aquifer Recharge Areas Review – due to the proximity of the site to a mapped critical aquifer recharge area.
- Floodplain Development Review – due to the proximity of the site to a 100-year floodplain (Flood Zone A)

Final Planning Approval

Review Approved by:  Date: 08/08/2022

Review Completed By: Preston Pinkston, Planner

Step 2: Site Permitting

Required applications for the proposal described (more applications/information may be required after further review):

Community Development

☐ Address

Public Health and Social Services

☐ Well Site Inspection

Public Works

☐ Road Approach

☒ **None, the proposal can submit the building permitting requirements**

Step 3: Development Permitting

Required applications for the proposal described (more applications/information may be required after further review):

Water

- ☐ Well Log for Individual Well
- ☐ Water Availability Notification
- ☐ Municipal WAN
- ☐ Two Party/Shared Well
- ☐ Group B Well
- ☐ Arsenic Testing

Sewage Disposal

- ☐ Septic Permit
- ☐ Septic Connection/Reconnection
- ☐ Sewer Availability

Other

☒ **Flood Development Permit**

**Pre/Post Elevation Certificate may be required*

- ☐ Airport Obstruction Zone Permit
- ☐ Fill and Grade

Building

☒ **Building or Placement Permit**

- ☐ Building (Change of Use)
- ☐ Improvements Necessary for Fire Access
- ☐ Demolition Permit
- ☐ Energy Code Compliance

****Building may require engineering depending on plans***

WRIA: 26 Cowlitz

**If the well is drilled after January 19, 2018 and you are located in the Chehalis (23), Nisqually (11) or Deschutes Water Basin(13), a \$500 fee and covenant restricting water usage may apply*

lone cedar tree marks far end corner

Distance: 29 FT

Distance: 60.1 Feet

green box 32x35

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

Lewis County Community Development

2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146 • Fax: (360) 740-1245

Master Site Plan Application

MSR 22-0347

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

- Completed 'Master Site Plan Application'
- Site plan that includes all items listed on the 'Site Plan Requirements' handout (attached)
- Associated fees (\$200 or \$50 depending on the project)

Full Project Description: construction of new shop with RV space and storage.

Tax Parcel Number (s): 011033012001

Site Address:

Owner's Name: Joe and Shelly Malleis

Owner's Address: 710 N 68th ST Seattle WA

Owner's Phone Number: 206-571-3871

Owner's Email:

Applicant Information:

Name: Ben Boylan

Mailing Address: PO BOX 619 Packwood WA 98361

Phone Number: 253-459-3834

E-mail: ben@fgbuildgroup.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.

Prior notification of the date of inspections will take place is: ☐ Required ☒ Not Required

() (Must provide phone number where applicant/representative can be reached)

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: 5-19-22

Check one: ☐ Owner ☒ Authorized Agent



Community Development

2025 NE Kresky Avenue
Chehalis WA 98532

June 16, 2022

MALLEIS, JOSEPH A
710 NORTH 68TH ST
SEATTLE, WA 98103

RE: Development Review Application # MSR22-0347
Project: Shop – 32x35 shop
Parcel #: 011033012001

Dear Applicant:

The initial review of your master site review is complete. The above referenced application is placed on hold pending resolution of the following issues:

- The Joint Aquatic Resources Permit Application form (JARPA) is required due to the proposals location within a Shoreline Jurisdiction. Based on the information submitted, the proposal appears to meet the criteria for an exemption per WAC 173-27-040(2)(g).

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. If your review is pending additional applications for permits, the applications can be found online at:

<https://lewiscountywa.gov/departments/community-development/permit-applications-and-handouts/>

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

Sincerely,

Preston Pinkston
Planner

Lewis County Master Site Review



Community Development • 2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146

Step 1 Site Analysis Status: **APPROVED**

Parcel Number(s): 011033012001

Master Site Review #: MSR22-0347

Applicant's Name: MALLEIS, JOSEPH A

Review #: 2

Project Proposal: Septic installation

Previous Project Reviewed: (Review 1, B22-00673, FD22-00061, RS21-00005, SHE22-0032) 32x35 shop; (BLA22-

Associated Planning Permits: SHE23-0011

Zoning: Rural Residential Center (RRC-R1)

Conditions of Approval

- 1 Any change in the project from the current proposal requires further review.
- 2 All other required local, state, and federal permits are required to be obtained by the applicant including all permits listed on page two of this Master Site Review.

The recommendations and requirements in the following reports may be conditions of development:

None

The current proposal is in compliance with the Critical Area Ordinance. If the project changes from the current scope, a review of the following critical areas may be required.

- Wetlands Review – due to the site's proximity to mapped wetlands or hydric soils.
- Shoreline review – as a result of the proximity of the site to shoreline jurisdiction, as identified in the Shoreline Master Program.
- Geologically Hazardous Areas Review – due to the proximity of the site to steep slopes, erosion hazard areas and/or historic landslide areas.
- Volcanic Hazard Areas Review
- Critical Aquifer Recharge Areas Review – due to the proximity of the site to a mapped critical aquifer recharge area.
- Floodplain Development Review – due to the proximity of the site to a 100-year floodplain (Flood Zone A)

Final Planning Approval

Review Approved by:  Date: 05/08/2023

Review Completed By: Preston Pinkston, Planner

Step 2: Site Permitting

Required applications for the proposal described (more applications/information may be required after further review):

Community Development

☐ Address

Public Health and Social Services

☐ Well Site Inspection

Public Works

☐ Road Approach

☒ **None, the proposal can submit the building permitting requirements**

Step 3: Development Permitting

Required applications for the proposal described (more applications/information may be required after further review):

Water

- ☐ Well Log for Individual Well
- ☐ Water Availability Notification
- ☐ Municipal WAN
- ☐ Two Party/Shared Well
- ☐ Group B Well
- ☐ Arsenic Testing

Sewage Disposal

- ☒ **Septic Permit**
- ☐ Septic Connection/Reconnection
- ☐ Sewer Availability

Other

- ☒ **Flood Development Permit**
**Pre/Post Elevation Certificate may be required*
- ☐ Airport Obstruction Zone Permit
- ☐ Fill and Grade

Building

- ☐ Building or Placement Permit
- ☐ Building (Change of Use)
- ☐ Improvements Necessary for Fire Access
- ☐ Demolition Permit
- ☐ Energy Code Compliance

****Building may require engineering depending on plans***

WRIA: 26 Cowlitz

**If the well is drilled after January 19, 2018 and you are located in the Chehalis (23), Nisqually (11) or Deschutes Water Basin(13), a \$500 fee and covenant restricting water usage may apply*



LEGEND	
	HUB
	TEST PIT
	EXISTING WELL
	PROPOSED WELL
	POWER
	STUMP

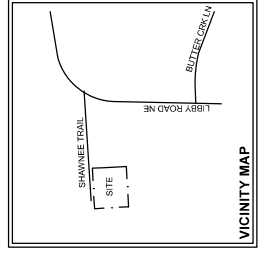


SITE PLAN

PROPERTY LINES SHOWN AS PER
RECORDED DOCUMENT AFN: 3576676

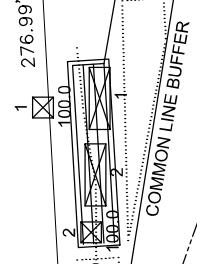
THE PROPERTY LINES IN THIS MAP ARE
APPROXIMATE AND ARE NOT INTENDED
TO BE USED AS A SURVEY.

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

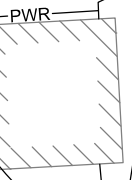


SHAWNEE TRAIL

EXISTING SHOP



COMMON LINE BUFFER



PWR

PROPERTY LINE 10.01'

100 FT CREEK SETBACK

WATER

EW

175.58'

141.87'

BUTTERCREEK OHWM

75.48'

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

Lewis County Community Development

2025 NE Kresky Ave, Chehalis, WA 98532 • Phone: (360) 740-1146 • Fax: (360) 740-1245

Master Site Plan Application

MSR 22-0347

Review 2

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

- Completed 'Master Site Plan Application'
- Site plan that includes all items listed on the 'Site Plan Requirements' handout (attached)
- Associated fees (\$200 or \$50 depending on the project)

Update to Septic Location

Full Project Description: construction of new shop with RV space and storage.

Tax Parcel Number (s): 011033012001

Site Address:

Owner's Name: Joe and Shelly Malleis

Owner's Address: 710 N 68th ST Seattle WA

Owner's Phone Number: 206-571-3871

Owner's Email:

Applicant Information:

Name: Ben Boylan

Mailing Address: PO BOX 619 Packwood WA 98361

Phone Number: 253-459-3834

E-mail: ben@fgbuildgroup.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.

Prior notification of the date of inspections will take place is: ☐ Required ☒ Not Required

() (Must provide phone number where applicant/representative can be reached)

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: 5-19-22

Check one: ☐ Owner ☒ Authorized Agent



Community Development

2025 NE Kresky Avenue
Chehalis WA 98532

April 13, 2023

MALLEIS, JOSEPH A
710 NORTH 68TH ST
SEATTLE, WA 98103

RE: Development Review Application # MSR22-0347 Review 2
Project: Septic
Parcel #: 011033012001

Dear Applicant:

The initial review of your master site review is complete. The above referenced application is placed on hold pending resolution of the following issues:

- The Joint Aquatic Resources Permit Application form (JARPA) is required due to the proposals location within a Shoreline Jurisdiction. Based on the information submitted, the proposal appears to meet the criteria for an exemption per WAC 173-27-040(2)(g).

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. If your review is pending additional applications for permits, the applications can be found online at:

<https://lewiscountywa.gov/departments/community-development/permit-applications-and-handouts/>

Please contact me directly at 360-740-2602, if you are unclear as to how to proceed with resolution.

Sincerely,

Angela Strauss
Assistant Planner



2021 Aerial Imagery

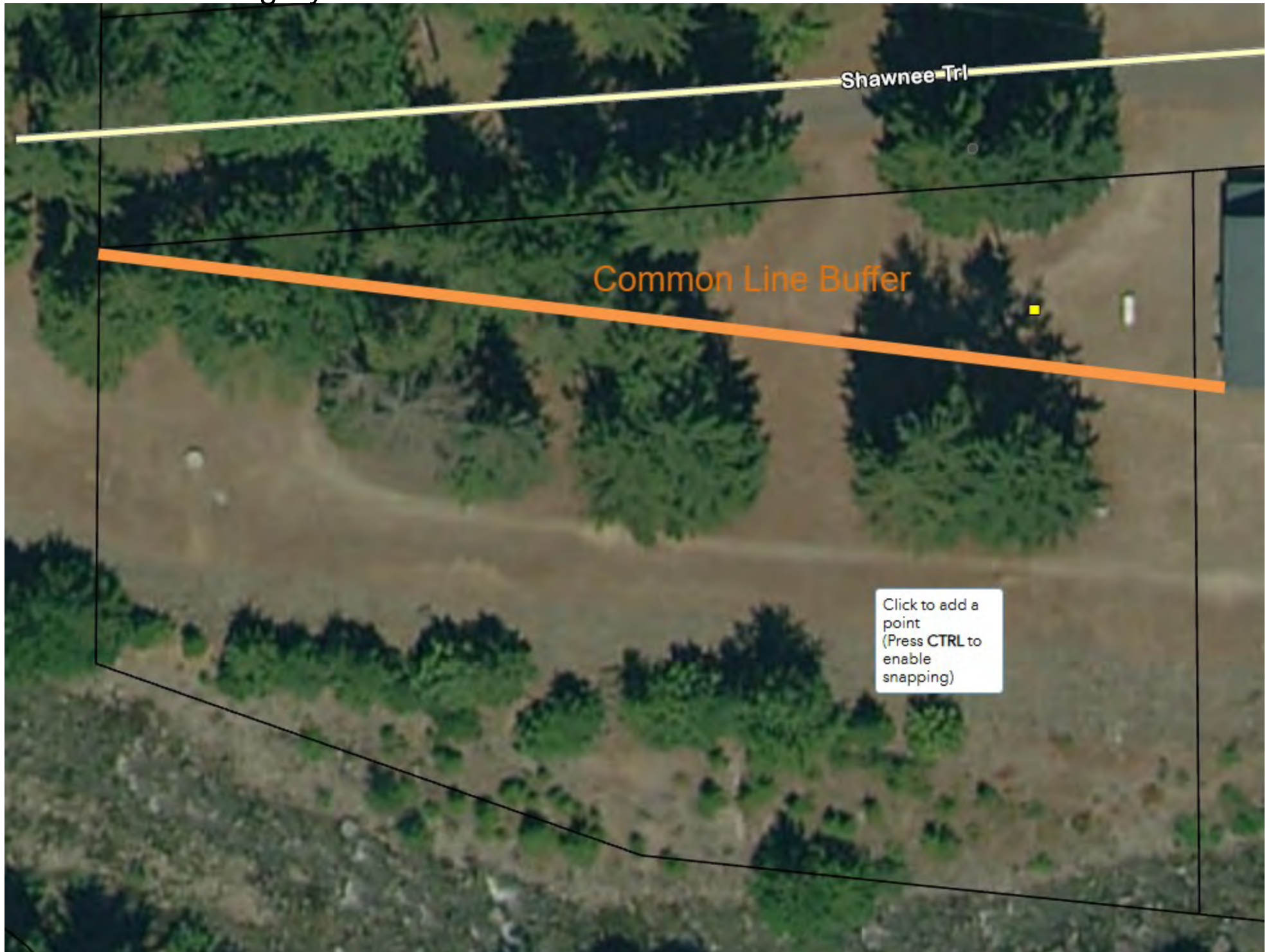


Exhibit 17



11/19/2025, 3:59:44 PM

1:564

Documents

Plats

BLAM

Surveys

Large Lot Sub

Short Plat

Condominium

Other

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.

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