

Lewis County Shoreline Master Program Application Narrative (Revised)

Prepared for

Cowlitz Timber Trails Association

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Prepared by

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ACRONYMS

ARL	Agricultural Resource Lands
CSA	Compromise and Settlement Agreement
JARPA	Joint Aquatic Resources Permit Application
LID	Low Impact Development
OHWM	ordinary high water mark
RV	Recreational vehicle
SCUP	Shoreline Conditional Use Permit
SEPA	State Environmental Policy Act
SMA	Shoreline Management Act
SMP	Shoreline Master Program
WDFW	Washington Department of Fish and Wildlife
WDNR	Washington Department of Natural Resources

1. INTRODUCTION

1.1 Background

History and Purpose

Cowlitz Timber Trails Association (CTTA) is a private membership recreational vehicle (RV) campground located at 1988 Spencer Rd., Salkum, WA on the north bank of the Cowlitz River in Lewis County. The Lewis County Shoreline Jurisdiction, pursuant to the Shoreline Management Act (SMA), extends 200 feet inland (landward) from the Cowlitz River ordinary high water mark (OHWM), and the Rural Conservancy Shoreline Buffer extends 150 feet inland from the Cowlitz River [see Table 4-1 Shoreline Buffers, Lewis County Shoreline Master Program (SMP)]. CTTA has approximately 258 lots within or partially within the 200-foot SMP jurisdiction area and 210 lots within the 150-foot buffer. The 150-foot buffer area is approximately 21 acres in size measured along the approximately 6,110 linear feet of the developed portion of the shoreline (see Figure 1).

CTTA began developing member lots in the lower camp area along the Cowlitz River as early as the 1960s. Many structures were constructed before the SMA was in place, and many were constructed as exempt from the SMA due to the individual low cost. Later, some of the structures were constructed under the approval of a Compromise and Settlement Agreement (CSA) signed in 1999 (see Appendix A). That agreement allowed for individual SMP permits to be processed for each separate member lot. The CSA expired in June 2011, and Lewis County has indicated that individual Shoreline applications for development on member lots are not preferred under the new SMP adopted in 2017.

CTTA has prepared this Shoreline Conditional Use Permit (SCUP) and Variance application to accomplish three things: (1) Confirm through the SMP approval that compliant structures built on member lots not previously approved under the SMP may continue in their present locations, (2) Approve a maximum allowed build-out of member lots within the SMP jurisdiction area as described here-in, and (3) Approve mitigation to compensate for impacts from the development.

CTTA is also requesting through this application that the SCUP and Variance application be renewed every eight (8) years, with year one starting January 1 the year after approval of this application.

Site Information Sources and Limitations

- OHWM - The Cowlitz River flow is controlled by the Mayfield Dam, and previous OHWM delineations were based on gage readings at USGS gage station 14238000 per the 1999 CSA. The new OHWM used for this application was established in coordination with the Department of Ecology utilizing field observations during a site visit on December 19, 2018 and confirmed following the procedures in Ecology's Publication no. 16-06-029 in a subsequent site visit by wetland and biological resources scientists on March 5, 2019. The location of the SMP jurisdiction is measured 200 feet landward of the mapped OHWM and was used to determine which CTTA lots are within and partially within the SMP jurisdiction.
- Roads – The mapped location of the CTTA roads was provided to CTTA from GPS data collection during a separate project on the site. This application uses these road line features as approximate locations to provide context to locate CTTA Blocks and Lots. They do not represent road width.

- **Lots** – The mapped location of the CTTA lot boundaries is the result of a combination of sources. CTTA provided not to scale lot location drawings used for context, and Parametrix collected lot corner locations using a tablet-based data collector. Lot corners were later modified by ground truthing and comparison to lot dimension data in CTTA’s lot inventory where data points had less accuracy due to the extensive tree canopy. The lot boundaries are not surveyed and are approximate representations of the actual boundaries. Lot sizes are based on CTTA’s lot inventory dimensions, not on the approximate mapping.
- **River Access** – CTTA members have access to an existing undeveloped boat launch area, located at the end of Cowlitz Drive. The area is flat, primarily covered in river rocks, and is generally clear of vegetation. There is no built infrastructure for the boat launch, except for a post with a garbage and spill prevention kit attached to it. Members drive in this area to launch river boats, and also access this area to sit along the river or stand and fish.
- **Structures** – Structure dimensions and sizes are based on CTTA inventory data combined with records from County permitting data, provided by CTTA.
- **Natural Resources** – Parametrix wetland and biological scientists conducted a natural resources inventory on December 18, 2019 and March 5, 2019 and prepared a Wetland Delineation and Shoreline Ecological Characterization that also serve as documentation for the Critical Areas Ordinance assessments, provided in Appendix B.

1.2 Future Development Proposal

1.2.1 Lot Development

Structures, Grading, and Fill

This application proposes that members be allowed to construct structures up to 30% coverage of the total lot size or 1,652 square feet, whichever is less. Members would also be allowed to lay gravel up to 2 inches deep covering up to 20% of the remaining lot area or 800 square feet, whichever is less. For example, a 3,000 square foot lot would be allowed to construct 900 square feet (30%) of permanent structure coverage and 420 square feet of gravel coverage, while a 6,000 square foot lot would be allowed to construct up to 1,652 square feet of structures and 800 square feet of gravel coverage. The larger lot would be capped at 1,652 square feet of structures and 800 square feet of gravel instead of allowing the full 30% structure and remaining 20% gravel. The capped structure total is based on a scenario where a lot builds each of the maximum sized structure types allowed in the SMP area within the CTTA guidelines. Structure types and sizes previously allowed in the SMP area by CTTA were used to generate the cap for square footage. Table 1 in Appendix C provides structure data per member lot and indicates known existing structures, the maximum build-out for each lot, and remaining buildable space balance for each lot. CTTA proposes the following guidelines for future development:

- Lots with existing structures exceeding that lot’s maximum allowed coverage, are allowed to retain existing structures (as long as they are not indicated as non-compliant structures) but cannot expand the structures or build new structures. If existing structures are demolished due to damage or any other reason, they may not be reconstructed if the reconstruction would result in coverage over the allowed amount.

- If any structures are completely contained within another structure (e.g. an entry porch that is within the footprint of an RV roof/cover), only the size of the covering structure would be counted against the total lot coverage.
- The lot coverage maximums apply to lots both entirely within and partially within the 200-foot SMP jurisdiction area.
- Adjacent lots allotted to the same member are considered to be one lot for the purposes of total structure and lot square footage. If in the future the lot users change, lots can be tracked as individual again.
- No tree removal for the purpose of adding structures or gravel to a lot is allowed.
- Gravel installation areas must be approved by CTTA, not exceed the total area allowed, and not exceed a depth of 2 inches. Existing gravel areas will be allowed to remain.
- No grading other than that needed to directly construct structure poles or footings is allowed, and all existing contours must remain the same.

Table 1 provides a cumulative summary of existing and proposed structures and gravel areas within and/or partially within the SMP Jurisdiction.

Table 1. Summary of Existing and Proposed Structure Coverage

Location	Existing Structure Footprint (acres)	Approximate Lot Area (acres)	Proposed New Structure Footprint (acres)	Proposed Final Structure Footprint (acres)	Proposed Final Total Gravel Footprint (acres) ¹
Lots Partially within SMP	0.55	6.41	1.39	1.74	0.74
Lots Fully within SMP	2.37	20.65	3.06	5.64	2.52
Total	2.92	27.05	4.46	7.38	3.26

Development Administration

Members must apply to CTTA before the construction of any structures within the SMP jurisdiction. Proposals that would not require a Lewis County building permit would be reviewed only by CTTA to determine if it is allowed on the lot based on lot coverage and any other applicable CTTA requirements. If it does require a building permit, CTTA would review for internal requirements and lot coverage and then the member would apply for planning review and the building permit with Lewis County. No additional SMP review would be required. Individual members are responsible for Lewis County planning review and building and trade permit fees, inspections, and compliance.

¹ There is no existing inventory of gravel footprints currently at the site.

As development occurs on member lots, CTTA management would be responsible for maintaining an accurate accounting of structures, structure sizes, and new gravel areas for each lot. This lot and structure inventory would be provided to Lewis County and the Department of Ecology on an annual basis, with year one beginning on January 1 of the year of approval of this application. The specific month of submittal can be determined at a later date.

CTTA is also requesting through this application that the SCUP and Variance application be renewed every eight (8) years, with year one starting January 1 the year after approval of this application. That renewal process would include a summary of development over the preceding eight years to verify compliance with this application approval and would with the renewal approval, the proposed development herein would be approved for an additional eight years.

1.2.2 Mitigation

CTTA proposes to mitigate for existing and future development within the SMP jurisdiction in several locations and has selected all of the available areas within the SMP jurisdiction that are not development locations and are in a condition that would benefit from restoration (see Figure 2). The goal is to provide a restoration total area that is approximately equal to the total build-out area of structures within the SMP and to provide a net benefit in these areas to achieve no net loss of ecological functions as required by the SMP in Section 4.03 Environmental Impacts and Mitigation. The primary mitigation activities include:

- Removal of debris/constructed items below OHWM.
- Removal of non-native and invasive plant and installation of native plants below OHWM.
- Installation of native plants in a portion of the park/restroom areas to replace current lawn areas.

The total area of proposed restoration is 6.87 acres. The actual future total of structure and gravel coverage within the SMP jurisdiction on the lots that are only *partially* within the SMP is unknown, because the exact location of structures and gravel on those lots is unknown. The total full build-out of structures and gravel on lots *fully* within the SMP is 8.16 acres, which is 1.25 acres more than the proposed mitigation areas.

CTTA is proposing the full amount of mitigation possible on areas within the SMP that could benefit from restoration. To mitigate for the remaining 1.25 acres, CTTA proposes to add an additional 1.25 acres of protected buffer area to the expanded SMP buffer described below, in the buffer averaging section.

Complete details of the mitigation plan are included in Appendix D.

1.2.3 SMP Buffer Averaging

As part of the proposal to continue existing development and gain approval for future development within the SMP and the 150-foot buffer, CTTA proposes to utilize buffer averaging. Per Lewis County SMP Section 4.04.02.B.4, new non-water-oriented development in the 150-foot buffer is not allowed. The proposed development (camping sites with permanent structures) are considered non-water-oriented development, so are not allowed within the buffer. The SMP offers buffer reduction options at SMP Section 4.04.02.C. with Section C.1 Buffer Averaging allowing reduction of the width of a portion of buffer by increasing the width of another portion of the buffer in compliance with LCC 17.35A.612 for

wetlands and LCC 17.35A.681 for aquatic habitat. Strict application of this standard would allow a reduction of the 150-foot buffer down to 112.5 feet. With a buffer of 112.5 feet approximately 110 member lots would be at least half or wholly within the buffer. Many of these member lots contain existing development, and current CTTA bylaws provide for the construction of specific types and sizes of associated structures on these lots.

CTTA is proposing a 0-foot SMP/CAO Aquatic Resources Buffer within the campground developed area with a 15-foot building setback from the OHWM for new structures. Because this reduction is greater than the maximum allowed 25% reduction of the 150-foot standard SMP buffer (LCC 17.35A.681(3)(b)), a variance request is required. The variance criteria is addressed in Section 2.2 of this application.

This section describes the proposed buffer averaging. The developed area along the shoreline measures approximately 6,150 linear feet along the OHWM. Thus, the area of the 150-foot buffer is approximately 21 acres. Because the lots and many structures are adjacent to the OHWM, CTTA proposes a 0-foot buffer within the development area with a 15-foot setback from the OHWM for new structures. Thus, 21 acres of expanded aquatic buffer is necessary for buffer averaging.

CTTA owns approximately 6,115 linear feet of shoreline to the east and northeast of the development area on four adjacent tax lots (PIN 28128, 28126, 28127, and 28127.1). An expanded buffer on these properties equal to the reduced buffer in the development area would require an additional 151 feet of buffer beyond the already required 150-foot aquatic buffer.

As described above in Section 1.2.2, CTTA is proposing to provide an additional 1.25 acres of protected area as part of its mitigation approach. This equals an additional 9 feet of width to the 6,115-foot-long buffer area, so the full expanded proposed buffer would be 160 feet wide. The proposed aquatic buffer with the reduced area and expanded area is shown on Figure 3.

CTTA currently maintains a portion of a trail system within the expanded buffer area as shown on Figure 4. The portion of the trail system that would be located in the new expanded buffer area would be closed to all uses except for walking and non-motorized bike riding. CTTA would provide an expanded buffer area management agreement to be accepted by Lewis County and/or the Department of Ecology. Compliance with LCC 17.35.A.681 is described in Section 2.1 of this application.

2. SMP COMPLIANCE

The proposed project is consistent with applicable County codes and regulations as described below.

2.1 Lewis County Shoreline Master Program (SMP)

CHAPTER 4, GENERAL POLICIES AND REGULATIONS

4.02 ARCHAEOLOGICAL AND HISTORIC RESOURCES

Response: Construction of new structures would not include excavation or grading other than the minimum necessary to install poles, anchors, and footings for structures. It is anticipated that these amounts would be less than 3 cubic yards for any structure, which would limit the potential for disturbance or inadvertent discovery of archaeological or historic resources. In the event any artifacts are uncovered during any construction activity all construction would stop and the County and the Department of Archaeology and Historic Preservation (DAHP) and affected tribes would be contacted.

4.03 ENVIRONMENTAL IMPACTS AND MITIGATION

Response: CTTA is proposing mitigation for past and future development within the SMP jurisdiction following the mitigation sequence required in 4.03.02.B as follows:

1. CTTA is not avoiding the action of development because it would prefer to continue as a membership RV park and campground at its current location. However, CTTA is avoiding future potential impacts by limiting development to 30% lot coverage or a maximum of 1,652 square feet per lot, whichever is less.
2. Impacts would be minimized through the maximum coverage allowed for structures, trees cannot be removed for the purpose of adding a structure, and grading is only allowed to be the minimum necessary for safe structure design.
3. A mitigation plan is proposed to restore ecological conditions within approximately 6.87 acres of the site in SMP jurisdiction and to provide protection to an additional 1.25 acres on another section of the property.
4. Rather than one large impact at once, the CTTA site would experience gradual growth and instead would provide the proposed mitigation in full before impacts have occurred, thus providing greater benefit over time.
5. A mitigation plan is proposed to restore ecological conditions within approximately 6.87 acres of the site in SMP jurisdiction.
6. Mitigation actions would be monitored by CTTA or it's consultant for a period of five years to ensure success of plantings.

4.04 CRITICAL AREAS AND SHORELINE VEGETATION CONSERVATION

4.04.02.A Critical Areas Ordinance Adoption and Modified

Response: Section A describes which Critical Areas Ordinance regulations apply with the SMP jurisdiction. These regulations do not require a response.

4.04.02.B Shoreline Buffers

Response: Section B describes how shoreline buffers are established, measured, and implemented and do not require direct responses. Subsection 4 states that new uses and development that are non-water-oriented uses generally are not authorized in shoreline buffers, but that some may be authorized through buffer averaging or through issuance of a shoreline variance. This application request authorization of non-water-oriented recreation development within the 150-foot shoreline buffer through a Variance and proposing buffer averaging as addressed in Section C, below.

4.04.02.C Buffer Width Reduction Options

Response: CTTA proposes through a Variance request to utilize buffer averaging following the requirements of LCC 17.35A.681 reducing the full width of the 150-foot buffer in the area of lot development to 0 feet (retaining a 15-foot building setback from the OHWM). An equal area of land owned by CTTA would be protected under a shoreline buffer management agreement acceptable to the Department of Ecology and Lewis County as part of this buffer averaging approach. See the response to Section LCC 17.35A.681 in Appendix E for the full response.

4.04.02.D General Buffer Regulations

Response: This section contains regulations stating which types of uses and activities are allowed within the buffer. As described above, the existing and proposed expansion of structures for non-water-oriented recreation is not one of the generally allowed uses and does not include any uses or activities discussed in Section D. No specific responses to these standards are applicable.

4.04.02.E Vegetation Conservation Standards

4.04.02.E.1 Shoreline buffers protect the ecological functions of the shoreline, help to reduce the impacts of land uses on the water body or aquatic resource, and provide a transition between aquatic and upland areas.

Response: The proposed continuance and addition of small structures within the shoreline buffer combined with the mitigation plan and the expansion of an equal size of buffer on CTTA property would ensure that impacts from land uses are mitigated and would result in no net loss of ecological functions in the shoreline.

4.04.02.E.2 Authorized uses shall be designed to avoid removing existing native vegetation to the maximum extent feasible within shoreline and critical areas buffers consistent with safe construction practices, and other provisions of this section. Any impacts to existing native vegetation must follow the mitigation sequence in SMP Section 4.03 above and comply with any applicable critical area regulations, as modified in SMP Section 4.04.02(A) above.

Response: No native vegetation is proposed to be removed with this application.

4.04.02.E.3 Removal of vegetation within shoreline and critical areas buffers shall require a critical area report and/or a mitigation plan in coordination with the requirements of the applicable critical areas regulations. The Shoreline Administrator may require a critical area report for CAO-exempt activities if necessary to document compliance with the provisions in the SMP.

Response: No native vegetation is proposed to be removed with this application; however, a mitigation plan is provided meeting the applicable critical areas regulations.

4.04.02.E.4 Removal of native vegetation from shoreline buffers must be compensated at a minimum 1:1 ratio, which the Shoreline Administrator may increase if necessary to assure no net loss of shoreline ecological functions. Increases may be necessary to compensate for temporal losses, uncertainty of performance, and differences in ecological functions and values.

Response: No native vegetation is proposed to be removed with this application; however, a mitigation plan is provided meeting the applicable critical areas regulations and providing a 1:1 ratio of mitigation area for the total area of potential structures and gravel areas within the SMP jurisdiction (see Appendix D). It should be noted, that lot areas are already largely clear of vegetation such that placing new structures would not result in the removal of native shrubs or trees.

4.04.02.E.5 Mitigation ratios shall be based on a scientifically valid measure of habitat function, value, and area. Critical area reports shall include a description of how the proposal complies with the mitigation sequence in SMP Section 4.03 and how mitigation areas will be monitored and maintained to ensure no net loss of shoreline ecological functions.

Response: The mitigation plan is based on an evaluation of site conditions and habitats and contains instructions for planting and monitoring and maintenance for five years. The response to Section 4.03 in this application describes how the project complies with mitigation sequencing.

4.04.02.E.6. Vegetation conservation standards shall not apply retroactively to existing, legally established uses and developments. Existing, lawfully established landscaping and gardens within shoreline buffers may be maintained in their existing condition. In the context of this regulation, maintenance includes, but is not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning, and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas.

Response: It is noted that vegetation conservation standards do not apply retroactively such that existing legally established uses such as landscaping and gardens can be maintained in the SMP jurisdiction.

4.04.02.E.7. Clearing of invasive, noxious non-native vegetation in shoreline buffers is allowed by hand labor or with light equipment. Removal of noxious weeds as listed by the State in Chapter 16-750 WAC is allowed in a manner consistent with State Noxious Weed Control Board regulations. Native vegetation shall be promptly reestablished in the disturbed area.

Response: It is noted that clearing of invasive, noxious non-native vegetation is allowed with hand labor or light equipment and that native vegetation shall be promptly established. This is consistent with the mitigation plan (see Appendix D).

4.04.02.E.8. In shoreline buffers, pruning shall comply with the National Arborist Association pruning standards, unless the tree is a hazard tree as defined in LCC 17.35A.238. Trees that are felled in shoreline buffers should be left in place.

Response: No pruning of trees is proposed. It is noted that pruning must comply with the National Arborist Association pruning standards, unless the tree is a hazard tree and that felled trees should be retained in the SMP jurisdiction area.

4.04.02.E.9. In those instances where the management of vegetation required by this Section conflicts with provisions in State, Federal or other flood hazard agency documents that govern licensed or

certified flood hazard reduction measures, the requirements of the SMP will not apply. The applicant shall submit documentation of conflicting provisions with a shoreline permit application and shall comply with all other provisions of the SMP that are not strictly prohibited by certifying or licensing agencies.

Response: It is noted that state, federal, or other vegetation management requirements would apply if there is a conflict with SMP standards. No conflicting provisions are raised in this application.

4.04.02.F.1-3 Revegetation

1. Surfaces that are cleared of vegetation in shoreline or critical area buffers, aside from normal maintenance described in SMP Section 4.04.02(E)(6), and are not developed must be replanted within one year. Replanted areas shall be planted and maintained such that within three years the vegetation cover is at least 90% reestablished.

2. Vegetation shall be planted in similar quantities and species to what existed previously on the site to achieve no net loss of ecological function. Disturbed ornamental landscapes, including grass, may be replaced with similar species, unless mitigation is necessary to address project impacts.

3. Native plants are preferred for all revegetation. Non-native species on the County's list of invasive species shall not be allowed.

Response: No areas that would not be developed with structures and are not already cleared would be cleared as a result of the development portion of this proposal, so no areas would be subject to the revegetation requirements. Areas that would be cleared of non-native vegetation for the purposes of ecological restoration would be revegetated with native species as described in the mitigation plan (see Appendix D).

4.04.02.G.1-2 Aquatic Vegetation Control

1. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including WDFW requirements such as the Aquatic Plants and Fish Pamphlet, which serves as the Hydraulic Project Approval (HPA) for some types of aquatic weed or plant control and removal.

2. The application of herbicides or pesticides in lakes, canals, wetlands, or ditches requires a permit from Ecology and may require preparation of a SEPA checklist for review by other agencies. The applicator must have a pesticide applicator license from the Washington State Department of Agriculture.

Response: No aquatic vegetation control or modifications are proposed with this application.

4.05 FLOOD HAZARD MANAGEMENT

4.05.02.A. All proposed flood hazard management measures shall comply with the County's Comprehensive Flood Hazard Management Plan.

Response: This proposal does not include a flood hazard management measure.

4.05.02.B. Development in floodplains shall not increase flood hazards.

Response: See the accompanying Floodplain Development Permit (Appendix F) for demonstration that the proposed development would not increase flood hazards.

4.05.02.C. No Development is allowed within the SMP flood course or floodway in shoreline jurisdiction, unless a hydraulics and hydrology study shows that it is:

1. Not in an SMP flood course or floodway; or

Response: The proposed development is not in a mapped SMP flood course or floodway. See the accompanying Floodplain Development Permit for demonstration.

2. Will not impact the pre-project base flood elevations, floodway elevations, or floodway data widths.

Response: There is no pre-project base flood elevation, and no development is proposed within the floodway.

4.05.02.D. Within the CMZ, SMP flood course or floodway, new development or uses, included subdivision of land, shall not be established when it would be reasonably foreseeable that the development or use would require new structural flood hazard reduction measures.

Response: The proposed development is not within the CMZ, SMP flood course, or floodway.

4.05.02.E. New development within floodways, the SMP flood course, and the CMZ shall not interfere with the process of channel migration or cause a net loss of ecological functions. If existing CMZ studies are not available for an area of known channel migration, a site analysis may be required to ensure that development does not interfere with the process of channel migration. Areas of known channel migration are shown in the SMP Map Folio Figure 28 in the Shoreline Inventory and Characterization.

Response: The proposed development is not within the mapped CMZ areas.

4.05.02.F. Development in the CMZ, SMP flood course and floodways...

Response: The proposed development is not within the CMZ, SMP flood course, or floodway.

4.05.02.G. New structural flood hazard management measures may be permitted if consistent with applicable provisions in SMP Chapter 6: Shoreline Modification Policies & Regulations.

Response: No new flood hazard management measures are proposed.

4.05.02.H. New publicly-funded structure flood hazard management measures...

Response: No new flood hazard management measures are proposed.

4.05.02.I. Removal of gravel for flood management purposes shall be permitted only after a biological and geomorphological study demonstrates that the extraction: ...

Response: The proposed development would not remove gravel for flood management.

4.06 PUBLIC ACCESS

Response: The proposed use is a private campground and per SMP Section 4.04.02.A and SMP Section 5.13 does not require public access to be provided.

4.07 WATER QUALITY

4.07.02.A. All development in shoreline jurisdiction shall comply with the appropriate requirements of the SMP and the latest edition of the Stormwater Management Manual as prepared by Ecology.

Response: All individual structures proposed for the site are below the minimum threshold limits within the Western Washington Stormwater Management Manual of 2,000 square feet of

structure or 7,000 square feet of ground disturbance. Individual structures currently on the site do not utilize a stormwater collection and conveyance system; instead, stormwater runs off structure surfaces and infiltrates in place. Site occupancy is limited and is not year-round, limiting the potential exposure of pollutants to stormwater. This application requests that individual lots be subject to the stormwater requirements as they develop because not all lots are certain to fully develop to their approved maximum coverage. Thus, no Construction Stormwater Pollution Prevention Plan, on-site management, or runoff treatment would be required.

4.07.02.B. Septic systems should be located as far landward of the OHWM and flood course as feasible. Where the systems cannot be located outside of a shoreline or critical area buffer, the system may be sited in accordance with the requirements in 4.04.02(D).

Response: No septic drainage systems are proposed with this application. Underground double-walled refuse tanks are allowed by CTTA for each lot and are monitored and pumped out regularly according to manufacturer and health department requirements.

4.07.02.C. Uses in Critical Aquifer Recharge Areas shall meet the applicable requirements in LCC 17.35 or 17.35A.

Response: The proposed continued use as an RV campground meets the applicable requirements in LCC 17.35A as described in the responses to the Critical Areas Ordinance sections, above. No new use types are proposed.

4.07.02.D. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or be discharged onto the land in shoreline jurisdiction. Potentially harmful materials should be stored outside of shoreline jurisdiction if feasible, and shall be maintained in safe and leak-proof containers.

Response: Potentially harmful materials are not regularly used as part of the continuance of the RV campground use beyond that typically used for camping activities, including stove operation and vehicle operation. No harmful materials are allowed to enter waterbodies or wetlands and would be stored in safe leakproof containers per CTTA requirements.

4.07.02.E. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within 25 feet of a water body, except by a qualified professional in accordance with State and Federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. EPA shall not be applied within 60 feet for ground applications or within 300 feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with State and Federal law.

Response: This application does not propose to utilize or store herbicides, fungicides, fertilizers, or pesticides, except as instructed and by professional users for the control of noxious, invasive species as part of the mitigation and restoration plan in accordance with all applicable State and Federal laws.

CHAPTER 5, SPECIFIC SHORELINE USE POLICIES AND REGULATIONS

5.02 GENERAL SHORELINE USE

5.02.02.A. Use and development standards shall not apply retroactively to existing, legally established structures, or uses and developments in place at the time of the adopting of the SMP update. Existing

structures, uses and development, including residential appurtenances, may be maintained, repaired, and operated within shoreline jurisdiction and the shoreline buffers established in the SMP.

Response: Development at CTTA within the SMP jurisdiction and 150-foot buffer area began approximately in the 1960s and it is difficult to determine with certainty all of the structures that were legally established versus those that were constructed without permits prior to the SMP original adoption or update. The general location of the lots was established over time and continued development of these lots is not considered a new use.

5.02.02.B. Development shall comply with the most restrictive bulk and dimensional requirements in LCC Title 17 or SMP Section 5.04.

Response: The CTTA development is on tax lots zoned Agricultural Resource Lands (ARL). Bulk and dimensional standards are described in LCC 17.30.490 and .500. The density and minimum lot area standards do not apply to an RV park. The setback standards require a 150-foot setback from all property lines, except for any structures that do not require building permits. The existing permitted structures on the site are within 150 feet of the riverfront property line. This application does not propose a different setback, but a continuance of the existing allowed setback.

SMP Section 5.04 does not change density or lot coverage standards, but it does include standards for structure heights. None of the proposed structures would exceed 35 feet in height, per SMP Table 5-2. No views of the shoreline would be obstructed from any residences or public areas.

5.03 ALLOWED SHORELINE USES

Response: SMP Table 5-1 indicates permitted, conditional, and prohibited uses for each shoreline environment designation. The existing and proposed use is not specifically identified; however, it is closest to a non-water-oriented recreation use or a residential use, both of which are permitted in the Rural Conservancy shoreline environment.

5.04 DEVELOPMENT STANDARDS

5.04.01.A. Density and maximum lot coverage of residential uses allowed in the shoreline jurisdiction shall be in accordance with the underlying zoning requirements of the LCC.

Response: The SMP does not establish density or lot coverage standards, and the site is within the ARL zone, which does not specify density or lot coverage standards for RV parks; however, as part of this application, CTTA proposes to establish a maximum 30% or 1,652 square foot lot coverage standard (whichever is less) within the SMP jurisdiction area.

5.04.02.A. To limit the obstruction of views from public property or residences, the SMP Table 5-2: Shoreline Height Regulations sets the maximum height for new or expanded buildings or structures above average grade level in shoreline jurisdiction.

Response: SMP Table 5-2 establishes the maximum height for structures within the Rural Conservancy shoreline environment as 35 feet. No existing structures exceed 35 feet and no potential future build out structures would exceed 35 feet.

5.04.02.B. The following structures are exempt from the shoreline height standard requirements: dams, shipping cranes or other freight moving equipment, power or light poles, bridges, chimneys, tanks,

towers, cupolas, steeples, flagpoles, smokestacks, silos, elevators, fire or parapet walls, open railings, and/or similar necessary building appurtenances. These structures may exceed the shoreline height limit provided all other requirements of the County are met and no usable floor space above the shoreline height limit is added.

Response: None of the proposed structures are requesting exemption from the height standards.

5.04.02.C. View Corridor Review Process

1. Applicants for new or expanded buildings or structures exceeding 35 feet in height above average grade level shall address impacts to views from substantial numbers of residences and public areas as follows:

- a. Site design shall provide for view corridors between buildings using building separation, building setbacks, upper story setbacks, pitched roofs, and other mitigation.*
- b. To determine appropriate view corridor location, the Shoreline Administrator shall review shoreline public access plans, location of State- or Federal-designated scenic highways, government-prepared view studies, SEPA documents, or applicant-prepared studies.*
- c. The maximum width of a view corridor shall not exceed 25% of the lot width.*

Response: The view corridor review process is not applicable as no new structures would exceed 35 feet.

5.05 AGRICULTURE

Response: No agriculture uses are proposed with this application. This section does not apply.

5.05 AQUACULTURE

Response: No aquaculture uses are proposed with this application. This section does not apply.

5.07 BOATING AND WATER ACCESS FACILITIES

Response: No boating or water access facility changes or uses are proposed with this application. This section does not apply.

5.08 COMMERCIAL DEVELOPMENT

Response: No commercial development uses are proposed with this application. This section does not apply.

5.09 FOREST PRACTICES

Response: No forest practices uses are proposed with this application. This section does not apply.

5.10 INDUSTRIAL DEVELOPMENT

Response: No industrial development uses are proposed with this application. This section does not apply.

5.11 MINING

Response: No mining uses are proposed with this application. This section does not apply.

5.12 PARKING

5.12.02.A. Parking facilities are allowed only as accessories to authorized shoreline uses. Stand-alone parking facilities not supporting an authorized primary use are prohibited in shoreline jurisdiction.

Response: Parking as accessory to each member lot is allowed within SMP jurisdiction. No stand-alone parking facilities are proposed.

5.12.02.B. Parking facilities in shoreline jurisdiction shall be located upland from the principal use or structure being served, except in the following cases:

- 1. When parking facilities are within or beneath the structure and adequately screened.*
- 2. Where the existing configuration of a commercial or industrial building has parking situated between the structure and the shoreline. No expansion of the parking area towards the water shall be allowed.*
- 3. When parking to address specific Americans with Disabilities Act requirements is required and cannot be placed in another location.*

Response: There are no designated parking locations within each lot in the SMP. This means that parking can occur generally within each lot and cannot feasibly be restricted to landward portions of the lots.

5.12.02.C. Exterior parking facilities shall be designed and landscaped to minimize adverse impacts to adjacent and abutting properties in shoreline jurisdiction.

Response: There are no adjacent or abutting properties in SMP jurisdiction that provide views or or are adjacent to any CTTA lots or parking areas within the lots.

5.12.02.D. Existing parking areas that are of a non-paved surface, such as gravel, may be paved provided such facilities comply with all applicable water quality, stormwater, landscaping, and other applicable requirements and regulations. Paved parking areas shall be designed to incorporate LID practices, such as permeable surfaces and bioswales, to the extent feasible.

Response: This proposal does not request to pave any existing parking areas.

5.13 RECREATIONAL DEVELOPMENT

5.13.02.A. Recreational uses and facilities proposed within the shoreline jurisdiction shall be primarily designed to promote access, enjoyment, and use of the water and Shorelines of the State. Non-water-related recreational uses shall predominantly be located outside of the shoreline jurisdiction.

Response: As an RV membership campground, CTTA is a recreational use that promotes access and enjoyment of the natural forested area along the Cowlitz River. However, it is not considered to be a water-oriented-use within the SMP definitions. Thus, this regulation states that non-water-related recreational uses shall predominantly be located outside of the SMP jurisdiction. As an existing use, CTTA proposes to continue providing access for its members to recreate along the Cowlitz River and to build structures accessory to the RV park use in its current location. It proposes to limit the impact of this development by restricting lots to only

develop up to 30% lot coverage, not to remove trees for the purposes of new structures, and to restore impacted areas within the SMP.

5.13.02.B. Where recreation facilities include overwater structures designed for public access to shorelines, such as public viewing or fishing platforms, the structures shall comply with the relevant requirements of SMP Section 5.07.

Response: No overwater structures are proposed.

5.13.02.C. Where applicable, an applicant shall submit plans that demonstrate the BMPs and methods to be used to prevent chemical applications and resultant leachate from entering adjacent waterbodies.

Response: Potentially harmful materials are not regularly used as part of the continuance of the RV campground use beyond that typically used for camping activities, including stove and vehicle operation. No harmful materials are allowed entry to waterbodies or wetlands and are stored in safe leakproof containers per CTTA requirements.

5.13.02.D. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences, and signs, to minimize impacts to neighbors and prevent the overflow of pedestrians onto adjacent private properties.

Response: The CTTA member lots within the SMP jurisdiction are not visible from any adjacent properties and exist within a very forested area. Additionally, public access to the facility is provided, so no additional screening or buffer strips or fences are proposed.

5.13.02.E. Wildlife viewing structures and permeable trails or raised boardwalks are allowed within shoreline and wetland buffers in accordance with the mitigation sequence in SMP Section 4.03 and the critical area regulations in SMP Section 4.04.

Response: No new wildlife viewing structures or permeable trails or boardwalks are proposed.

5.13.02.F. Trails shall be planted or landscaped to provide a visual buffer for adjoining dissimilar uses or scenic areas. The Shoreline Administrator may condition proposals to:

- 1. Select species that are suitable for the local climate and have minimal demands for water, minimal vulnerability to pests, and minimal demands for fertilizers; and*
- 2. Incorporate native species.*

Response: No new trails are proposed.

5.13.02.G. Recreational development proposals shall include facilities for water supply, wastewater, and garbage disposal in conformance with County standards.

Response: No changes to existing water supply, wastewater treatment, or garbage disposal are proposed.

5.13.02.H. Recreational development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.

Response: CTTA proposes to mitigate for existing and future development within the SMP jurisdiction in several locations and has selected all available areas within the SMP jurisdiction that are not existing or future development locations and are in a condition that would benefit from restoration (see Figure 2). The goal is to provide a restoration total area that is approximately equal to the total build-out area of structures within the SMP and to provide a

net benefit in these areas to achieve no net loss of ecological functions. The primary mitigation activities include:

- Removal of debris/constructed items below OHWM.
- Removal of non-native and invasive plants and installation of native plants below OHWM.
- Installation of native plants in a portion of the park/restroom areas to replace current lawn areas with the SMP jurisdiction.

The total area of proposed restoration is 6.87 acres. The future total of structure and gravel coverage within the SMP jurisdiction on the lots that are *partially* within the SMP is unknown, because the exact location of structures and gravel on those lots is unknown. The total full build-out of structures and gravel on lots *fully* within the SMP is 8.16 acres, which is 1.25 acres more than the proposed mitigation areas.

CTTA is proposing the full amount of mitigation possible on areas within the SMP that could benefit from restoration. To mitigate for the remaining 1.25 acres, CTTA proposes to add an additional 1.25 acres of protected buffer area to the expanded SMP buffer described below, in the buffer averaging section.

Complete details of the mitigation plan are included in Appendix D.

5.14 RESIDENTIAL DEVELOPMENT

Response: None of the proposed structures are residential structures. Lots have maximum durations based on site characteristics per the County Health Code, and none are occupied year-round. RVs are the only allowed location for sleeping or other habitation and are a recreation use. Thus, the residential regulations do not apply.

5.15 SIGNS

Response: No new signs are proposed as part of this application. This section does not apply.

5.16 TRANSPORTATION FACILITIES

Response: No transportation uses are proposed with this application. This section does not apply.

5.17 UTILITIES

Response: No new utility uses are proposed with this application at this time. This section does not apply.

CHAPTER 6, SHORELINE MODIFICATION POLICIES AND REGULATIONS

6.02 GENERAL SHORELINE MODIFICATIONS PROVISIONS

6.02.02.A. Structural shoreline modifications may be allowed if they are demonstrated to be necessary to support or protect a legally permitted shoreline structure or use that is in danger of loss or substantial damage or are necessary for mitigation or enhancement.

Response: There are no structural shoreline modifications proposed at this time. This standard does not apply.

6.02.02.B. Shoreline modifications shall be limited in number and extent.

Response: There are no specific shoreline modifications proposed with this application. No structures would be allowed to be constructed on the slope of the lots adjacent to the Cowlitz River. Minimal grading anticipated to be less than 3 cubic yards and the minimum necessary for placement of new structures for pole and footing installation may be necessary for future structure development. All soils displaced by building footings would be removed from the SMP jurisdiction and the surface would be returned to existing contours and surface cover (topsoil or gravel). No soil would be stockpiled on lots or left uncovered to prevent erosion potential.

6.02.02.C. The Shoreline Administrator shall base all decisions regarding shoreline modification on available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant.

Response: There are no specific shoreline modifications proposed at this time.

6.02.02.D. Shoreline modifications must be designed and located to ensure that they will not result in a net loss of shoreline ecological functions and will not have significant adverse impacts to shoreline uses, resources, and values provided for in RCW 90.58.020.

Response: There are no specific shoreline modifications proposed at this time.

6.02.02.E. Shoreline modifications and uses shall be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

Response: There are no specific shoreline modifications proposed at this time.

6.02.02.F. Shoreline modification standards shall not apply retroactively to existing, legally established shoreline modifications. Existing structures may be maintained, repaired, and operated within shoreline jurisdiction and within the shoreline buffers established in the SMP. Repair and replacement provisions in later sections of this chapter may apply to specific modifications.

Response: No changes are proposed to specific shoreline modification measures at this time.

6.02.02.G. All disturbed upland areas shall be restored and protected from erosion by using native vegetation or other means.

Response: There are no specific shoreline modifications proposed with this application. No structures would be allowed to be constructed on the slope of the lots adjacent to the Cowlitz River. Minimal grading anticipated to be less than 3 cubic yards and the minimum necessary for placement of new structures for pole and footing installation may be necessary for future structure development. All soils displaced by building footings would be removed from the SMP jurisdiction and the surface would be returned to existing contours and surface cover (topsoil, or gravel). No soil would be stockpiled on lots or left uncovered to prevent erosion potential.

6.02.02.H. All shoreline modifications are subject to the mitigation sequence in SMP Section 4.03, with appropriate mitigation required for unavoidable impacts to ecological functions. If critical areas in shoreline jurisdiction are impacted, the project is also subject to relevant requirements of SMP Section 4.04.

Response: There are no specific shoreline modifications proposed at this time.

6.03 CLEARING, GRADING, AND FILL

6.03.02.A. Clearing, grading, and the placement of fill shall be minimized to the extent feasible and only allowed when necessary to accommodate an approved shoreline use or development.

Response: Recreation use is an approved shoreline use within the Rural Conservancy environment designation and the ARL base zone. CTTA proposes to continue to allow the placement of gravel for lot access maintenance. The gravel is needed to reduce erosion that could be caused from entering and leaving the lots. The allowed area per lot is proposed to be 20% of the site area after subtracting the area allowed to be covered with structures, or 800 square feet, whichever is less, and the gravel can only be up to 2 inches deep. In addition to gravel placement, minimal grading on each lot is anticipated and would only be the least necessary for the placement of pole and footing installation for future structure development.

6.03.02.B. All clearing, grading, and the placement of fill shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

Response: There is no specific clearing or grading proposed with this application. The mitigation plan prepared to compensate for the placement of existing and future structures on the site would encompass mitigation for the minimal grading impacts associated with the installation of the structures. No grading or clearing outside of the structure development is proposed, and none would occur within channel migration zones.

CTTA proposes to continue to allow the placement of gravel for lot access maintenance, which would be considered fill. The gravel is needed to reduce erosion that could be caused from entering, parking on, and leaving the lots. The allowed area per lot is proposed to be 20% of the site area after subtracting the area allowed to be covered with structures, or 800 square feet, whichever is less, and the gravel can only be up to 2 inches deep. No trees are allowed to be removed for the purpose of adding gravel to a site.

Placement of fill is the minimum necessary and would not result in vegetation reduction, nor would it make ecological functions or ecosystem-wide processes, including channel migration, more vulnerable to damage.

6.03.02.C. Speculative clearing, grading, and the placement of fill are prohibited.

Response: No speculative clearing, grading, or fill are proposed. Potential minimal grading would only occur to support an approved planned structure.

6.03.03.D. When clearing, grading, or the placement of fill will cause adverse impacts to ecological functions, a mitigation plan, prepared by a qualified professional, must be completed consistent with the provisions of SMP Section 4.04.

Response: There is no specific clearing or grading proposed with this application. The mitigation plan prepared to compensate for the placement of existing and future structures on the site would encompass mitigation for the minimal grading impacts associated with the installation of the structures. No grading or clearing outside of the structure development is proposed.

CTTA proposes to continue to allow the placement of gravel for lot access maintenance, which would be considered fill. The gravel is needed to reduce erosion that could be caused by vehicles entering and leaving the lots. The allowed area per lot is proposed to be 20% of the site area after subtracting the area allowed to be covered with structures, or 800 square feet,

whichever is less, and the gravel can only be up to 2 inches deep. No trees are allowed to be removed for the purpose of adding gravel to a site.

The mitigation plan for the overall project includes restoration areas to compensate for the placement of structures and gravel and the permanent protection of 1.25 acres of undeveloped buffer area. See Appendix D and Sections 1.2.2 and 1.2.3 of this application.

6.03.03.E. Clearing, grading, and the placement of fill within wetlands, floodways, or CMZs, and/or the placement of fill waterward of the OHWM, is only allowed when: ...

Response: There would be no clearing, grading or placement of fill within wetlands, floodways, or channel migration zones or waterward of the OHWM. These standards do not apply.

6.04 DREDGING AND DREDGE MATERIAL DISPOSAL

Response: There is no dredging or disposal of dredge material proposed. These standards do not apply.

6.05 IN-WATER STRUCTURES

Response: There are no in-water structures proposed. These standards do not apply.

6.06 RESTORATION

6.06.02.A. The Lewis County Shoreline Restoration Plan, and the plans of the Lower Columbia Fish Recovery Board, the Chehalis Basin Lead Entity, and other salmon recovery lead entities, identify potential restoration priorities and projects in shoreline areas throughout the County. These plans may be used as a guide for shoreline restoration and enhancement projects.

Response: The Lewis County Shoreline Restoration Plan identifies the subwatershed area of the Lower Cowlitz River near CTTA as a high priority area for restoration (Figure 12 of the Lewis County Shoreline Restoration Plan) and indicates it has a Restoration Priority Level 2 for Riparian Habitat Enhancement Priorities in Figure 14 of the plan. The proposed project at CTTA includes upland riparian habitat improvement and channel margin enhancements below the OHWM, both of which would provide improved conditions for the Lower Cowlitz River at CTTA.

6.06.02.B. All shoreline restoration and enhancement projects shall be designed and implemented by qualified professionals using best available science (BAS) and BMPs.

Response: The proposed restoration plan has been prepared by professional wetland scientist Adam Merrill and landscape architect Jens Swenson whose experience is described below. CTTA would engage qualified professionals to implement the planting plan.

Adam Merrill

Adam has over fourteen years of experience in natural resource management in the Pacific Northwest, with a focus on science-based land use planning. He has managed and supported a diverse set of interdisciplinary projects involving environmental permitting and compliance, aquatic habitat and watershed restoration, and community land use planning. He has performed hundreds of wetlands delineations and assessments and has successfully assisted clients with obtaining Corps Section 404 permits, Ecology 401 water quality certifications, and development permits from local agencies. He has also authored NEPA/SEPA compliance documents, SMP regulations, and critical areas regulations.

Jens Swenson

Jens is a landscape architect experienced in sustainable site design, transportation planning, transit facility design, public outreach, construction administration, and project management for city, county, and state level projects. He has provided landscape design and planning for parks, play grounds, parking lots, streetscapes, trails, transit facilities, and low-impact development (LID) stormwater management. Jens also has broad experienced with wetland, riparian, and estuarine restoration and mitigation projects.

6.06.02.C. Shoreline restoration and enhancement projects shall protect the integrity of onsite and adjacent natural resources, including aquatic and terrestrial habitats, processes, and properties.

Response: The restoration activities include removal of non-native invasive species and planting of habitat appropriate native species to restore ecological functions in the upland and below OHWM restoration areas. No adverse alteration of natural resources or habitats would occur.

6.06.02.D. Shoreline restoration and enhancement projects shall demonstrate that no significant adverse change to river current, sediment transport, or water quality will result from the project.

Response: No in-water excavation or fill is proposed with this application, such that no changes to the river current, sediment transport, or water quality would occur.

6.06.02.E. Restoration and enhancement projects shall be designed, maintained, and monitored to ensure long-term success. Measures to ensure the success of the project shall be identified by a qualified professional in any plan or details submitted for the project. Monitoring periods should generally not be less than three years.

Response: The proposed restoration plan includes a five-year maintenance and monitoring period.

6.06.02.F. Shoreline restoration and enhancement efforts shall not significantly interfere with the normal public use of the navigable waters of the State without appropriate mitigation. For projects on State-owned aquatic lands, project proponents must coordinate with the WDNR to ensure the project will be appropriately located, prior to the solicitation of permits from regulatory agencies.

Response: A portion of the proposed restoration planting would occur below the OHWM, but would not affect or eliminate any areas of normal public use of the navigable waters of the State. Parametrix coordinated with the Washington Department of Fish and Wildlife (WDFW) and the Washington Department of Natural Resources (WDNR) to determine if there were any concerns or permits needed for the planting. Scott Bromer of WDFW reported on 7/3/2019 that there are no WDFW permits required, and they would provide any comments via the SEPA review; however, they have no concerns. Rick Schwartz, Land Manager for WDNR, stated in a call on 7/3/2019 that because CTTA is not proposing any in-water work and the area is in a flow-controlled area, he doesn't predict much in the way of water level fluctuation. He indicated that there are no authorizations needed from WDNR and no easements are necessary.

6.06.02.G. Shoreline restoration and ecological enhancement projects are permitted in all shoreline environment designations and may include shoreline modification actions such as clearing, shoreline stabilization, dredging or filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

Response: The proposed mitigation work would restore shoreline ecological habitats. The proposal does not include shoreline modifications.

6.06.02.H. Review of restoration projects shall occur as follows:

- 1. Projects that qualify as streamlined fish enhancement projects per RCW 77.55.181 shall be reviewed by the Department of Fish and Wildlife, and not be considered under this section.*
- 2. Restoration projects that are not subject to RCW 77.55.181 shall be reviewed under this section. Certain projects may be exempt from the requirement for a Shoreline Substantial Development per RCW 90.58.147.*

Response: The restoration component of this project is for mitigation of impacts within the SMP jurisdiction, not as solely a restoration project. It is not subject to RCW 77.55.181 and is not exempt from Shoreline review.

6.06.02.I. In accordance with RCW 90.58.580, a shoreline substantial development permit may not be required for development within an UGA that takes place on land that is brought under shoreline jurisdiction due to a shoreline restoration project. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of Ecology.

Response: The proposed development is not within the SMP jurisdiction as a result of any restoration action. This standard does not apply.

6.07 SHORELINE STABILIZATION

Response: The proposed development does not include any new shoreline stabilization measures.

6.08 STRUCTURAL FLOOD HAZARD REDUCTION MEASURES

Response: The proposed development does not include any new structural flood hazard reduction measures.

CHAPTER 7, SHORELINE ADMINISTRATION

7.04 SHORELINE PERMITS AND APPROVALS

7.04.02 Shoreline Conditional Use Permits

A. The criteria in WAC 173-27-140 and WAC 173-27-160 shall constitute the minimum criteria for review and approval of a shoreline conditional use permit. Additional criteria may be considered when deemed necessary by the Shoreline Administrator in accordance with WAC 173-27-210.

WAC 173-27-140 Review criteria for all development.

(1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

Response: See the discussion of project compliance with all applicable sections of the Lewis County SMP, which is consistent with the SMA as approved by the Department of Ecology, above.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number

of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

Response: As described above, no structures more than 35 feet above grade are proposed.

WAC 173-27-160 Review criteria for conditional use permits.

The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

Response: See the discussion of project compliance with all applicable sections of the Lewis County SMP, which is consistent with the RCW 90.58.020 as approved by the Department of Ecology, above.

(b) That the proposed use will not interfere with the normal public use of public shorelines;

Response: The proposed use is a continuance of an approved private RV campground on Agricultural Resource Lands adjacent to the Cowlitz River. There is no change in use proposed and no portion of the proposed development would change how or where the public currently accesses or uses public shorelines.

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

Response: The proposed use is a continuance of an approved private RV campground on Agricultural Resource Lands adjacent to the Cowlitz River. There is no change in use proposed and no expansion of the overall area where the RV development or activities occurs is proposed. The land in the vicinity is zoned for agricultural, rural, and forest uses, with similar uses planned for in the Comprehensive Plan. As such, continuance of the CTTA use is compatible with uses in the area.

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

Response: The proposed development includes the construction of small structures accessory to RV camping limited to a maximum structure coverage for each lot of 30% or 1,652 square feet, whichever is less and the installation of gravel for lot access to prevent erosion up to 20% of the remaining site area or 800 square feet, whichever is less. The construction of future structures would not include removal of any trees or clearing and grading of the land beyond the minimum needed to install the structures. Overall, the full build-out proposal would result in a total of approximately 27% of the area within the SMP jurisdiction being within structure coverage. As the site is heavily forested, and no trees would be removed for the purposes of building new structures, very little actual adverse impacts to the ecology of the SMP area would occur. As mitigation to ensure no net loss, CTTA is proposing 6.87 acres of riparian upland and

channel margin native plant restoration. Also see the discussion of the restoration plan and no net loss, above.

(e) That the public interest suffers no substantial detrimental effect.

Response: There is no detrimental effect to the public interest for four reasons:

- The proposed use is a continuance of an approved private RV campground on Agricultural Resource Lands adjacent to the Cowlitz River. The increased area and number of structures would be mitigated such that there would be no net loss of ecological functions.
- The land in the vicinity is zoned for agricultural, rural, and forest uses, with similar uses planned for in the Comprehensive Plan. As such, continuance of the CTTA use is compatible with uses in the area.
- There is no proposed change in how or where the public currently accesses or uses public shorelines.
- Expanded natural resource protection on CTTA property to the northeast equal to the area of the developed shoreline would be provided as part of buffer averaging, so there would be no loss of protected area by allowing non-water-oriented uses within the standard shoreline buffer area.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Response: As an existing developed recreation area along the shoreline within the Rural Conservancy Shoreline Environment Designation, there are few, if any, areas with similar circumstances nearby. However, because mitigation for ecological impacts and buffer averaging with additional permanent shoreline protection is proposed, there are no cumulative net impacts anticipated. The use includes temporary and periodic use by lot members with RVs and small storage structures, and no additional clearing or tree removal is proposed. No substantial adverse effects to the shoreline environment would occur.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

Response: The RV campground is a non-water-oriented recreational use, but is not specifically and clearly described, such that the Department of Ecology and Lewis County decided a Shoreline Conditional Use Permit was appropriate. This application has demonstrated compliance and consistency with the Lewis County SMP in the sections above.

(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

Response: The RV campground is a non-water-oriented recreational use and is not specifically prohibited in the Lewis County SMP.

2.2 Variance

CTTA is proposing a 0-foot SMP/CAO Aquatic Resources Buffer within the campground developed area with a 15-foot building setback from the OHWM for new structures. Because this reduction is greater than the maximum allowed 25% reduction of the 150-foot standard SMP buffer (LCC 17.35A.681(3)(b)), a variance request is required. This section provides responses to the applicable criteria from WAC 173-27-170 (as required by SMP section 7.04.03.A) for variances within the SMP.

WAC 173-27-170 Review criteria for variance permits.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW [90.58.020](#).

(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW [90.58.020](#). In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW [90.58.030](#) (2)(c), and/or landward of any wetland as defined in RCW [90.58.030](#) (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

Response: Strict application of this standard would allow a reduction of the 150-foot buffer down to 112.5 feet (rather than 0-feet as proposed). With a buffer of 112.5 feet approximately 110 member lots would be at least half or wholly within the buffer. Many of these member lots contain existing development, and current CTTA bylaws provide for the construction of specific types and sizes of associated structures on these lots. Being half or fully within the SMP/Aquatic Resources Buffer prevents the development of non-water-oriented uses, such that no new recreation accessory structures would be possible anywhere within these 110 member lots, effectively precluding the reasonable use of these lots. Reasonable use here is interpreted as a similar level, purpose, and intensity of use afforded to the member lots also within the 200-foot SMP jurisdiction area that are used for temporary and intermittent residential recreation/camping areas near the Cowlitz River. This interpretation also considers the history of this use at this location since approximately 1960.

This variance criterion is being applied at the member-lot unit of analysis because of the unique history of the site and the past precedent set by years of application of the SMP and building standards at the member lot level by Lewis County. If buffer averaging to the proposed 0-foot buffer (with a 15-foot building setback) is approved, reasonable use of these lots will continue to be possible, and will be limited by the proposed structure and gravel coverage maximums per lot.

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the

application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

Response: The 110 member lots that would be prevented from development by strict application of the buffer averaging standard are located primarily on the river side of CTTA internal circulation road, Riverview Road. Thus, they are located between the OWHM of the Cowlitz River and an established road, meaning they cannot be relocated. The remainder of the affected lots are on the north side of Riverview Road. Further, the lots in this area of the CTTA grounds are bordered by the river to the south and wetlands and a forested steep slope to the north. These conditions provide no areas outside of the SMP buffer for these member lots to construct recreation accessory structures.

(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

Response: The variance request does not affect the types of structures or designs that would be allowed within the member lots, but requests to continue to allow an existing development pattern by reducing the SMP buffer to reflect existing conditions. As many of the lots in the SMP jurisdiction area are already developed with storage sheds, decks, porches and RV covers, any new structures developed under this proposal would be compatible with the existing authorize uses and with planned uses. The buffer would be expanded within CTTA property through buffer averaging.

The proposed development would be compensated with mitigation as described in the mitigation plan. The plan compensates for the placement of existing and future structures within SMP jurisdiction to achieve no net loss. See Appendix D and Sections 1.2.2 and 1.2.3 of this application.

CTTA is aware that some member lots contain structures that were built without approval or not meeting the standards of the previous Settlement Agreement. An inventory of non-compliant structures is provided as part of the structures inventory with this application (see Appendix C). CTTA proposes to enforce through their own actions that (a) no new structures can be built or approved until identified unauthorized development that is not compliant with the previous settlement agreement or in violation of current code enforcement issues is removed or corrected, and (b) that all such non-compliant structures be removed before the first renewal application for this SCUP and Variance (eight years from this approval). In addition, CTTA already does not allow the sale of member lots unless these same conditions are met. These actions further demonstrate that the proposed development is consistent with authorized and planned uses.

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

Response: The proposed buffer averaging is necessary because existing RV camping lots and infrastructure are present within the 150-foot buffer and users of the lots intend to add small accessory structures for the use and enjoyment of the lots within the 150-foot buffer. The existing lots are currently used for temporary location of RVs, and many have small accessory structures. Existing roads and utilities associated with the lots are currently maintained within the buffer.

The variance would not grant special privileges to CTTA members; rather, it would facilitate compliance with the SMP and Critical Areas Ordinance requirements for individual member lots. This is similar to any non-water-oriented use with physical site constraints where an applicant would also need to request a variance to buffer standards to allow reasonable use.

(e) That the variance requested is the minimum necessary to afford relief; and

Response: The request for the variance is due to the size, orientation, and use of the existing member lots adjacent to the Cowlitz River and within the 200 foot SMP area. Because of the location of existing roadways parallel to the river with lots perpendicular to the river and the typical size of RVs, there is no room within the lots to construct RV Covers or small accessory structures that is outside of the 150 foot buffer or further away from the Cowlitz River. The proposed buffer averaging for individual member lots is the minimum necessary to continue the allowance of a reasonable amount of development for these lots.

(f) That the public interest will suffer no substantial detrimental effect.

Response: There is no detrimental effect to the public interest for four reasons:

- The proposed use is a continuance of an approved private RV campground on Agricultural Resource Lands adjacent to the Cowlitz River. The increased area and number of structures would be mitigated such that there would be no net loss of ecological functions.
- The land in the vicinity is zoned for agricultural, rural, and forest uses, with similar uses planned for in the Comprehensive Plan. As such, continuance of the CTTA use is compatible with uses in the area.
- There is no proposed change in how or where the public currently accesses or uses public shorelines.
- Expanded natural resource protection on CTTA property to the northeast equal to the area of the developed shoreline would be provided as part of buffer averaging, so there would be no loss of protected area by allowing non-water-oriented uses within the standard shoreline buffer area.

(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW [90.58.030](#) (2)(c), or within any wetland as defined in RCW [90.58.030](#) (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

Response: The proposed use would be located landward of the OHWM. This section does not apply.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW [90.58.020](#) and shall not cause substantial adverse effects to the shoreline environment.

Response: The proposed action would be designed and conducted in a manner that is consistent with the policies of RCW 90.58.020. Structures out of compliance with the Settlement Agreement would be inventoried and corrected before additional permits are issued.

(5) Variances from the use regulations of the master program are prohibited.

Response: Recreation and residential uses are permitted uses within the Rural/Urban Shoreline Environment Designation per Table 5-1 in the Lewis County SMP. A variance for a prohibited use is not requested.

3. FIGURES

Appendix A

Compromise and Settlement Agreement

Appendix B

Wetland Delineation and Shoreline Ecological Characterization

Appendix C

Lot Structure Data and Lot/Block Location Map

Appendix D

Mitigation Plan

Appendix E

Critical Areas Ordinance Compliance

Appendix F

Floodplain Development Compliance

Appendix G

Non-Complaint Structures Proposal