

Lewis County Community Development Staff Report: Findings, Conclusions and Recommendations for: Shoreline Substantial Development Permit, Shoreline Conditional Use Permit and Shoreline Variance Request (SHD19-0009)

Project Applicant: Cowlitz Timber Trails Associations [CTTA] (Scott Christian)

Project Consultant: Parametrix (Jennifer Hughes)

Project Description: CTTA is a private membership recreational vehicle (RV) campground that began in the 1960s. CTTA has approximately 258 campsite lots within or partially within the 200-foot shoreline jurisdiction of the Cowlitz River. Of the 258 campsite lots in the shoreline jurisdiction, 210 of those are within the 150-foot shoreline buffer. This proposal is for the continued build-out of these 258 existing individual camping lots for construction activities on the individual camping lots of 30% coverage or 1,652 square feet whichever is less and the placement of gravel on individual camping lots of up to 20% or 800 square feet whichever is less. The project proposes a full variance reduction of the 150-foot shoreline buffer to a 0-foot shoreline buffer within the campground developed area with a 15-foot building setback from the ordinary high water mark for new structures. The project as proposed requires approvals of Shoreline Substantial Development, Shoreline Conditional Use, Shoreline Variance and Flood Development permits. No expansion or increase in the number of individual camping lots is proposed.

CTTA has submitted this programmatic shoreline project application with the intent to accomplish three things:

1. Confirm through the SMP approval that compliant structures built on member campsite lots not previously approved under the SMP may continue in their present locations
2. Approve a maximum allowed build-out of member campsite 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 programmatic shoreline application the SMP approval for substantial development, conditional use and variance be administratively renewed every eight (8) years, with year one starting January 1st the year after final approval of the application by the Washington State Department of Ecology (Ecology). The proposed renewal process would include a summary of development over the preceding eight years to verify compliance with this programmatic shoreline application approval, and would with the renewal of the permit authorize the continuation of the proposed development herein for additional eight-year cycles.

Project Location: The project is located at 1988 Spencer Road, Salkum, WA on tax parcel numbers 028071001000, 028070000000, 028072000000, 028140000000, 028128000000, 028127000000, 028127001000 and 028126000000 (CTTA also owns parcels 028129000000 and 028074001000 but they are located outside of shoreline jurisdiction) in Lewis County, WA – Sections 22, 26 & 27, Township 12N, Range 01E, WM. Shoreline application file number SHD19-0009.

Project Parcel Number: 028071001000, 028070000000, 028072000000, 028140000000, 028128000000, 028127000000, 028127001000 and 028126000000

Shoreline Stream: Cowlitz River

Shoreline Environment: Rural Conservancy

Comprehensive Plan Designation: Resource Lands and Other Rural Lands (non-resource)

Zoning Classification: All parcels are Agricultural Resource Lands (ARL) and except parcel 028071001000 is Rural Development District 10 Acre (RDD-10)

Background Information:

The programmatic shoreline application was submitted on September 13, 2018 and was initially determined complete on October 23, 2019 for the purpose of beginning the internal review. During the internal review it was determined a Shoreline Variance would also be required (Staff Exhibit 1). The initial application documents were discarded and replaced with new application materials on March 26, 2020 and March 27, 2020 including the shoreline variance request materials which include the SEPA Checklist, JARPA, Application Narrative and Appendix A through Appendix G. (Staff Exhibit 2 – <https://lewiscountywa.gov/departments/community-development/current-planning-applications/cowlitz-timber-trails-association/> under the Subheading “Application Documents”) NOTE: Most of the appendices files on the webpage are in multiple parts for ease of downloading from the webpage.

A preliminary Land Development Review (LDR19-0067) for critical areas and resource lands was approved on November 20, 2019 and modified to list the Shoreline Variance Request on March 31, 2020 (Staff Exhibit 3). The following **Condition of Approval** should be included on the shoreline permit:

- The applicant/ property owner shall comply with the conditions of development identified in the Land Development Review file number LDR19-0067 as corrected on March 31, 2020 (Staff Exhibit 3). If there is a conflict between

and the LDR conditions of approval and another permit's conditions of approval, the more restrictive conditions of approval shall apply.

Lewis County is SEPA Lead Agency for this proposal. A Determination of Non-Significance (DNS) was issued for the project on May 26, 2020 providing a 30-day comment period. (Staff Exhibit 4). Ecology provided comments during the SEPA review (Staff Exhibit 5). The SEPA appeal period ended on July 2, 2020 at 4 pm. No appeals were filed, the threshold determination was retained, and the SEPA review process is complete for this project.

The proposed programmatic shoreline project was reviewed under the Lewis County 2017 Shoreline Master Program (SMP) and other applicable Lewis County Codes (LCC) in effect at the time of complete application. The Shoreline Notice of Application was published on May 26, 2020 providing a 30-day comment period (Staff Exhibit 6), and the Shoreline Notice of Public Hearing was published on January 12, 2021 meeting the minimum 15-day noticing requirements (Staff Exhibit 7). The application requirements, notice requirements and hearing notice requirements of Chapter 7 of the SMP have been met. The applicable provisions of the SMP and staff's findings for compliance with the provisions are listed below.

History of the site and the Shoreline Management Act:

The applicant provided as part of the Application Narrative in Staff Exhibit 2 (pages 1-1 through 1-5) the history of the CTTA site and the purpose of this shoreline application. The CTTA is a private membership recreational vehicle (RV) campground on ten parcels (eight in the shoreline jurisdiction) comprised of approximately 487.44 acres. The CTTA began developing membership camping lots in the lower camp area along the Cowlitz River in the early 1960s. The Washington State Shoreline Management Act was established in 1971 and the first Lewis County Shoreline Master Program and county code was adopted on June 24, 1974. Many of the structure on the camping lots were established prior to the adoption of the county code regulations. In 1999, the CTTA, Lewis County and Ecology entered into Compromise and Settlement Agreement (CSA) (Staff Exhibit 2, Appendix A of the application documents) which expired in June 2011. The agreement authorized individual shoreline review on each individual member's camping lot. In 2017, the County adopted a new Shoreline Master Program (SMP) and county code provisions to be consistent with the revisions of the Washington State Shoreline Management Act (SMA). With the adoption of the Lewis County 2017 SMP the entire CTTA campground within the shoreline would need to be reviewed rather than individual member's camping lots.

CTTA's Proposal for Compliance with the Lewis County 2017 SMP:

The CTTA has compiled maps of the individual camping lots and a detailed fourteen page spreadsheet providing structure data for individual member camping lots of known

existing structures, the maximum buildout per camping lot, remaining buildable space balance for each camping lot and if the camping lot is currently in non-compliant status (Staff Exhibit 2, Appendix C, Table 1). As part of this programmatic shoreline application, the CTTA proposes the following guidelines for future development, which shall be listed as **Conditions of Approval** on the programmatic shoreline permit:

- Camping lots with existing structures exceeding the currently proposed camping lot's maximum allowed coverage, are allowed to retain existing structures (as long as they are not already indicated as non-compliant structures on Table 1 of Appendix C, Staff Exhibit 2) 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 camping lot 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 camping lot coverage.
- The camping lot coverage maximums apply to camping lots both entirely within and partially within the 200-foot SMP jurisdiction area.
- Adjacent camping lots allotted to the same member are considered to be one camping lot for the purposes of total structure and camping lot square footage. If in the future the camping lot users change, camping lots can be tracked as individual again.
- No tree removal for the purpose of adding structures or gravel to a camping lot is allowed.
- Gravel installation areas within a camping lot 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 within a camping lot, and all existing contours must remain the same.

The CTTA has proposed an administrative process to implement and monitor this programmatic shoreline permit and future renewals of this shoreline permit. The proposed administrative process was modified by Lewis County with consultation with Ecology to include more details. It is important to note, under the programmatic review, the shoreline conditional use and shoreline variance request would not have an expiration date as long as the project as a whole is in compliance with the programmatic shoreline permit (SHD19-0009). Only the shoreline substantial development permit portion of the review would need to be reviewed and approved during each eight-year cycle to continue development meeting the programmatic shoreline permit parameters. The following shall be listed as **Conditions of Approval** on the programmatic shoreline permit (SHD19-0009):

- Members must first apply to CTTA before the construction of any structures or placement of gravel on any camping lots within the SMP jurisdiction.
 - Proposals that are confirmed to be exempt from Lewis County permitting and would not require a building permit would be reviewed only by CTTA to determine if the construction is allowed on the camping lot based on camping lot coverage and any other applicable CTTA requirements. Other permits such as flood development permit or holding tank permit would still require those county permits.
 - If the proposal does require a building permit or other County permitting, CTTA would first review for internal requirements and camping lot coverage and then would provide the member with a CTTA authorization form to be included with the member's application to the Lewis County for a Master Site Review (MSR) and subsequent building permit and/or any other required County permits. No additional SMP review would be required for individual camping lots. Individual members are responsible for Lewis County Master Site Review (MSR) application, building review, health review, flood development permit, any permit fees, inspections, and compliance.
 - Any new structures constructed outside of the programmatic shoreline permit (SHD19-0009) parameters without County authorization must be removed within 30 days and are considered to be violations of the programmatic shoreline permit conditions.
- As development occurs on member camping lots, CTTA management would be responsible for maintaining an accurate accounting of all structures, structure sizes, any camping lots in non-compliant status, any camping lots that have been brought into compliant status, and new gravel areas for each camping lot. This camping lot and structure inventory (annual report of summary of development) shall be provided to Lewis County Community Development and Ecology on an annual basis, with year one beginning on January 1 of the year after the approval of this application. Failure of CTTA management to provide the annual report to Lewis County Community Development and Ecology could result in the programmatic shoreline permit (SHD19-0009) being rescinded/revoked.
- The shoreline substantial development permit portion of the programmatic shoreline permit (SHD19-0009) shall be administratively renewable through a normal shoreline substantial development permit review every eight (8) years, with year one starting January 1 the year after approval of this application. The shoreline conditional use and shoreline variance request approvals would not have an expiration date as long as the project as a whole is in compliance with the programmatic shoreline permit (SHD19-0009).
 - CTTA would submit a JARPA application for a request for renewal of the substantial development permit portion of (SHD19-0009) and would include a summary of development over the preceding eight years to

verify compliance with the programmatic shoreline approval (SHD19-0009).

- Lewis County Community Development would review the submitted request to renew the shoreline substantial development portion of the programmatic permit through the normal administrative shoreline substantial development permit review process and consult with Ecology to determine if the CTTA project is in compliance with the issued programmatic shoreline permit (SHD19-0009).
- If the CTTA project is found to be in compliance with permit conditions, the shoreline substantial development permit would be renewed for eight (8) years through the issuance of a new substantial development permit that is dependent on and connect to the programmatic shoreline permit (SHD19-0009).
- If the administrative shoreline substantial development permit review and consultation with Ecology indicates the CTTA project is not in compliance with the programmatic shoreline permit approval (SHD19-0009), the new shoreline substantial development permit would be denied, and the CTTA would be subject to enforcement and penalties under SMP 7.08, including but not limited to rescission/ revocation of the programmatic shoreline permit (SHD19-0009).

The CTTA has proposed remedies to address the non-compliant structures listed in Staff Exhibit 2, Appendix G – Non-compliant Structure Proposal, which shall be listed as **Conditions of Approval** on the shoreline permit:

- CTTA shall ensure no development will be allowed unless the member's camping lot compliance meets the criteria of the programmatic shoreline permit (SHD19-0009).
- CTTA shall ensure no sale or transfer of a camping lot can take place unless the member's camping lot meets compliance and the criteria of the programmatic shoreline permit (SHD19-0009).
- Members of the CTTA listed as having a non-compliant camping lot shall bring the non-compliant camping lot into compliance with the programmatic shoreline permit (SHD19-0009) before the first requested renewal date of the programmatic shoreline permit (1st eight year cycle).
- Failure of members to meet the parameters of the programmatic shoreline permit (SHD19-0009) by the first renewal date could lead CTTA management to issue fines and/or suspension of membership, and/or action leading up to termination of membership. Additionally this failure is considered to be "not in compliance with the programmatic shoreline permit conditions" which could result in the denial of the future shoreline substantial development permits and the revocation of the programmatic shoreline permit (SHD19-0009).

2017 Lewis County Shoreline Master Program Findings:

SMP Chapter 1:

Applicability: The project is located within the Shoreline Jurisdiction of the Cowlitz River and/or its associated wetlands. The SMP applies to the project and as proposed, the project is required to meet the regulations of shoreline substantial development, shoreline conditional use and shoreline variance.

Shoreline Jurisdiction: Yes, Rural Conservancy Environment

Shoreline of Statewide Significance: Yes, the Cowlitz River is listed as Shoreline of Statewide Significance.

SMP Chapter 3:

Shoreline Environment Designations:

Rural Conservancy Management Policies:

1. Uses in the Rural Conservancy shoreline environment designation should include those that sustain the shoreline area's physical and biological resources and do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
2. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating and water access facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.
3. Agriculture, aquaculture, forest practices, and low-intensity residential development when consistent with provisions of the SMP are preferred uses.
4. Low-intensity, water-oriented commercial and industrial uses are limited to areas where those uses have located in the past or at sites that possess conditions and services to support the development.
5. Mining and related uses may be appropriate within the rural conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241(3)(h) and when located consistent with mineral resource lands designation criteria in accordance with RCW 36.70A.170 and WAC 365-190-070.
6. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.
7. Construction of new structural shoreline stabilization and flood control works should be allowed when the documented need exists to protect an existing primary structure or ecological functions. Mitigation may be necessary for such construction. New development should be designed and located to preclude the need for such work. Shoreline stabilization measures shall infringe on private property rights to the minimum extent necessary.

8. Proposed residential development should be designed to ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline.

Staff Response: The future development of the existing 258 recreational camping lots within or partially within the 200-foot shoreline jurisdiction of the Cowlitz River, including the 210 camping lots within the 150-foot shoreline buffer are within the Rural Conservancy Environment. As proposed and further conditioned in this report, the proposal would not substantially degrade ecological functions of the shoreline. There are no residential, commercial, industrial, agricultural, forest practices or mining related activities or uses proposed in this project. As conditioned in this report, the project is consistent with these policies.

SMP Chapter 4: **General Regulations:**

SMP 4.02 Archaeological and Historic Resources:

Regulations:

- A. Permits issued in areas documented to contain archaeological resources shall require a site inspection or evaluation by a professional archaeologist in coordination with affected tribes and DAHP prior to any ground disturbance. Failure to complete a site survey shall be considered a violation of the shoreline permit.
- B. Where a professional archaeologist has identified an area or site as having significant value, or where an area or site is listed in local, State, or Federal historical registers, the Shoreline Administrator may condition the development approval to preserve the features. Potential conditions may include measures to preserve or retrieve the resources, modify the site development plan to reduce impacts, or mitigate the impacts as authorized through the State Environmental Policy Act (SEPA), or other County, State, or Federal laws.
- C. The applicant shall stop work immediately and contact the County, the DAHP, and affected tribes if any archaeological resources are uncovered during work within shoreline jurisdiction.

Staff Response: There are no known or mapped archaeological or historic sites within or near the project area. Notice of the SEPA Threshold Determination and the Shoreline Notice of Application were submitted to Department of Archaeology and Historic Preservation (DAHP) and the potentially affected tribes on May 26, 2020 (Staff Exhibit 4 & 6). No comments, concerns or recommended conditions were submitted from DAHP or the potentially affected Tribes. As conditioned below these criteria have been met. The following **Conditions of Approval** shall be listed on the shoreline permit:

- In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100 foot

buffer) must stop and the following actions taken: 1) Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; 2) Take reasonable steps to ensure the confidentiality of the discovery site; and 3) Take reasonable steps to restrict access to the site of discovery.

- The project proponents will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation (DAHP). The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural materials, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.
- If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps will be followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

SMP 4.03 Environmental Impacts and Mitigation:

Regulations:

- A. The environmental impacts of development proposals shall be analyzed and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the SMP and other applicable regulations.
- B. Mitigation measures shall be considered and applied in the following sequence of steps, listed in order of priority:
 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reducing or eliminating the impact over time by preservation and maintenance operations;
 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- C. In determining appropriate mitigation measures applicable to development in shoreline jurisdiction, lower priority measures should be applied only where higher priority measures are determined to be infeasible or inapplicable.
- D. Mitigation shall not be required that exceeds what is necessary to assure the development will result in no net loss of ecological functions in shoreline jurisdiction.
- E. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace

the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation measures that have been identified within a watershed plan, and address limiting factors or other critical resource conservation needs in the shoreline jurisdiction may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.

Staff Response: CTTA is proposing mitigation for past and future development within the SMP jurisdiction following the mitigation sequence required in SMP 4.03.02.B. Since the 258 camping lots have been existing since at least the 1960s, avoidance of development within the shoreline for these camping lots is not feasible. CTTA is proposing to minimize the future disturbance by limiting development within the camping lots to 30% camping lot coverage or a maximum of 1,652 square feet per camping lot, whichever is less; prohibiting tree removal for lot development; limiting grading to be only the minimum necessary for safe structure design; and compensating for the impact by replacing and enhancing the shoreline environment. As conditioned in this report, the project is consistent with these regulations.

SMP 4.04 Critical Areas and Shoreline Vegetation Conservation:

Regulations:

- A. Critical Areas Ordinance Adopted and Modified.
 - 1. Whether or not a shoreline permit or written statement of exemption is required, the provisions of this section shall apply to all uses, alterations, or developments within shoreline jurisdiction or shoreline buffers. All shoreline uses and activities shall be located, designed, constructed, and managed to protect the ecological functions and ecosystem wide processes provided by critical areas and shoreline vegetation.

Staff Response: As conditioned in this report, the project meets these regulations.

- B. Shoreline Buffers.
 - 1. The required critical area buffers for Type S streams, as established in LCC 17.35A.680 and modified by SMP Table 4-1: Shoreline Buffers, shall be considered shoreline buffers.
 - 3. The buffers for all other critical areas shall be established in accordance with the standards of LCC Chapters 17.35 or 17.35A, except as modified by SMP Section 4.04.02(A).
 - 4. New uses and development that are not water-dependent, water-related, or water-enjoyment, accessory to water-dependent, water-related, or water-enjoyment uses or development, or that do not facilitate public access to waters of the State generally will not be authorized in shoreline buffers. Some

- uses or developments not meeting the criteria above may be authorized through buffer averaging or through issuance of a shoreline variance.
5. SMP Table 4-1: Shoreline Buffers establishes shoreline buffers by shoreline environment designation.
 9. Building setbacks of 15 feet are required from the landward edge of the shoreline buffer in accordance with LCC 17.35A.574(4). Building setbacks are used to protect the shoreline buffer from disturbance during construction and from the impacts related to use of a structure. Where no shoreline buffer is required in Table 4-1, no building setback shall be required.

Staff Response: SMP Table 4-1 lists Recreational Development – Non-water-oriented structures and uses having a 150-foot shoreline buffer within the Rural Conservancy Environment. CTTA has requested a shoreline variance as identified in SMP 4.04.02.B.4 above and is proposing buffer averaging to continue the development of the existing camping lots located within the 150-foot shoreline buffer. The proposed buffer averaging is shown on Figure 3 and Figure 4 of the applicant's Application Narrative (Staff Exhibit 2, Application Narrative) and would expand the 150-foot buffer an additional 160 feet in width (for a total of a 310-foot shoreline buffer) along the river frontage of the southeast parcels – parcel number 028128000000, 028127000000, 028127001000 and 028126000000).

A shoreline mitigation plan is proposed to restore ecological conditions within approximately 6.87 acres of the project site within the SMP jurisdiction in five restoration areas as identified in Staff Exhibit 2, Application Narrative, Figure 2 and in Staff Exhibit 2, Appendix D – Mitigation Plan, Figure 2 and the Restoration Plan Sheets 1 & 2. Mitigation actions will be monitored by CTTA or its consultants for a period of five years to ensure success of plantings as outlined in Staff Exhibit 2, Appendix D – Shoreline Mitigation Plan.

The applicant's wetland delineation and shoreline ecological characterization report in Staff Exhibit 2, Appendix B discusses the potential wetland buffer mitigation for the existing camping lots in Block 12, Lots 68, 69 and 70, which are entirely located within the buffer of Wetland A. Three wetlands were identified and delineated (Wetland A, B and C) in the applicant's report. Wetland A's buffer is the only area of potential disturbance, all other wetlands and wetland buffers are avoided.

The existing and potential future development of camping lots 68, 69 and 70 in Block 12 would have a total disturbance of 7,356 square feet (Staff Exhibit 2, Appendix B). These three camping lots are partially forested but contain existing structures such as RV covers and storage sheds. LCC 17.35A.620(3) specifies buffer mitigation ratios for Category II wetlands at 1.5:1 (mitigation area: impact area). CTTA proposes to restore 11,034 square feet of degraded Wetland A buffer in an area north of Cedar Road (Staff Exhibit 2, Appendix B, Figure 3 – Wetland A Buffer Impact and Mitigation Areas).

As conditioned below these criteria have been met. The following **Conditions of Approval** shall be listed on the shoreline permit:

- Prior to any future development on camping lots 68, 69 or 70 of Block 12, the CTTA will submit to Lewis County Community Development the required final wetland buffer mitigation plan consistent with LCC 17.35A.622 and the full mitigation will be completed prior to development of any of these three camping lots. The final mitigation plan will be reviewed by Lewis County Community Development with consultation with Ecology for consistency with LCC 17.35A.622.

C. Buffer Width Reduction Options.

Staff Response: The applicant proposes a mix of buffer averaging and restoration to mitigate for the continued development of the existing camping lots within the 150-foot shoreline buffer, along with a request for shoreline buffer variance. The buffer averaging provision only allow for a 25% reduction in the shoreline buffer, and a shoreline variance would be required for further reduction to the shoreline buffer width.

Lewis County SMP Section 4.04.02.B.4, indicates new non-water-oriented development is not typically authorized within the 150-foot shoreline buffer. The proposed development (camping sites with permanent structures) are considered non-water-oriented development. The SMP offers several shoreline buffer reduction options at SMP Section 4.04.02.C.

Buffer Averaging (SMP 4.04.02.C.1) allows reduction of the width of a portion of the shoreline buffer by increasing the width of another portion of the shoreline 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 camping lots would remain at least half or wholly within the shoreline buffer. Many of these member camping lots contain existing development, and current CTTA bylaws provide for the construction of specific types and sizes of associated structures on these camping lots.

CTTA is requesting a 0-foot Shoreline Buffer within the existing RV 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 shoreline variance request is required.

The developed area along the shoreline measures approximately 6,150 linear feet along the OHWM. The area of the 150-foot buffer along the 6,150 linear foot is approximately 21.18 acres. Because the camping lots and many structures are adjacent to the OHWM at the top of the bank, CTTA proposes a 0-foot buffer within the development area with a 15-foot setback from the OHWM for new structures. To offset this impact, an additional 21.18 acres of expanded shoreline buffer is necessary for buffer averaging.

CTTA owns an additional approximately 6,115 linear feet of shoreline to the east and northeast of the development area on four parcels (parcel numbers 028128000000, 028127000000, 028127001000 and 028126000000). An expanded shoreline buffer on these parcels equal to the reduced shoreline buffer in the development area would require an additional 151 feet of shoreline buffer beyond the already required 150-foot shoreline buffer (approximately 21.19 acres). The expanded buffer mitigation shall be permanent and recorded in the County Auditor's records on the four parcel listed above as a conservation easement for permit mitigation (SHD19-0009).

Additionally, CTTA is proposing to provide another 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 shoreline buffer area, so the full expanded proposed shoreline buffer would be 160 feet wide for a total of a 310-foot shoreline buffer (totaling 22.45 acres of expanded buffer). The proposed shoreline buffer with the reduced area and expanded area is shown on Staff Exhibit 2, Application Narrative, Figure 3 and Figure 4. In exchange for the reduction of 21.18 acres of shoreline buffer in the existing development area, the proposal is to expand the shoreline buffer in the undeveloped area by 22.45 acres.

CTTA currently maintains a portion of a trail system within the expanded buffer area as shown on Staff Exhibit 2, Application Narrative, 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 proposes to provide an expanded buffer area management agreement to be accepted by Lewis County and/or Ecology.

As previously mention, the CTTA also proposes to restore 6.87 acres of shoreline buffer in the five locations as identified in Staff Exhibit 2, Appendix D – Shoreline Mitigation Plan. With the 6.87 acres restoration areas and the 22.45 acres of expanded shoreline buffer, CTTA will provide 29.32 acres of shoreline buffer protections for the reduction of the 21.18 acres of shoreline buffer.

As conditioned below these criteria have been met. The following **Conditions of Approval** shall be listed on the shoreline permit:

- Prior to future development of any of the 258 camping lots within the shoreline jurisdiction, the portion of the trail system that would be located in the new expanded shoreline buffer area shall be closed to all uses except for walking and non-motorized bike riding. CTTA shall provide an expanded shoreline buffer area management agreement to be accepted by Lewis County Community Development and Ecology.
- Prior to future development of any of the 258 camping lots within the shoreline jurisdiction, CTTA shall record in the Lewis County Auditor's records an expanded shoreline buffer area permanent conservation easement on parcels 028128000000, 028127000000, 028127001000 and 028126000000 for permit mitigation (SHD19-0009). A copy of the recorded conservation easement shall be provided to Lewis County Community Development and Ecology.
- Prior to future development of any of the 258 camping lots within the shoreline jurisdiction, CTTA shall complete the 6.87 acres of restoration as identified in Staff Exhibit 2, Appendix D – Shoreline Mitigation Plan.
- CTTA shall provide monitoring reports to Lewis County Community Development and Ecology as outlined in Staff Exhibit 2, Appendix D – Shoreline Mitigation Plan.

D. General Buffer Regulations.

Staff 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 this section. The project as proposed requires a Shoreline Variance.

E. Vegetation Conservation Standards.

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.
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.
3. Removal of vegetation within shoreline and critical area buffers shall require a critical area report and/or a mitigation plan in coordination with the requirements of the applicable critical area 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.

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.
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.

Staff Response: The proposed continuance and addition of small accessory 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. No native vegetation is proposed to be removed, but a mitigation plan has been developed to restore ecological functions within the shoreline. The existing camping lots are clear of vegetation such that placing new accessory structures will not result in the removal of native shrubs and trees. The mitigation plan (Staff Exhibit 2, Appendix D) provides for the clearing and removal of invasive and noxious non-native vegetation in the shoreline buffer and is consistent with these criteria. As conditioned in this report, these criteria have been met.

F. 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.

Staff Response: The project does not propose to clear areas of native vegetation, and only proposes development in already established camping lots. 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 (Staff Exhibit 2, Appendix D). As conditioned in this staff report, these criteria have been met.

SMP 4.05 Flood Hazard Management:

Regulations:

- A. All proposed flood hazard management measures shall comply with the County's Comprehensive Flood Hazard Management Plan.
- B. Development in floodplains shall not increase flood hazards.
- C. No development is allowed within the SMP flood course or floodway in shoreline jurisdiction, unless a hydraulics and hydrology study (H & H Study) shows that it is:
 1. Not in the SMP flood course or floodway; or
 2. will not impact the pre-project base flood elevation, floodway elevations, or floodway data widths.
- D. Within the CMZ, SMP flood course or floodway, new development or uses, including 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.
- 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.
- F. Development in the CMZ, SMP flood course, and floodways, is limited to:
 1. Actions that protect or restore ecosystem-wide processes or ecological functions;
 2. Forest practices in compliance with the FPA;
 3. Existing and ongoing agricultural practices, provided no new restrictions to channel movement occur;
 4. Mining uses conducted consistent with the shoreline environment designation and the provisions of WAC 173-26-241(3)(h);
 5. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in an unreasonable and disproportionate cost;
 6. Repair and maintenance of an existing legal use, provided that the repair and maintenance does not cause significant ecological impacts or increase flood hazards to other uses;
 7. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions;
 8. Development in UGAs, as defined in Chapter 36.70A RCW, where existing structures prevent active channel movement and flooding; or
 9. Measures to reduce shoreline erosion, if it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, the measure does not interfere with fluvial hydrological and geomorphological

processes normally acting in natural conditions, and the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

- G. New structural flood hazard management measures may be permitted if consistent with the applicable provisions in SMP Chapter 6: Shoreline Modification Policies & Regulations.
- H. New publicly-funded structural flood hazard management measures, including dikes and levees, shall dedicate and improve public access except in those instances as listed in SMP Section 4.06.02(B).
- I. Removal of gravel for flood management purposes shall be permitted only after a biological and geomorphological study demonstrates that the extraction:
 - 1. Provides a long-term benefit to flood hazard management;
 - 2. Does not result in a net loss of ecological functions; and
 - 3. It is part of a comprehensive flood management solution.

Staff Response: Portions of the project are located in the mapped 100-year floodplain. The applicant has submitted a flood development permit (FD19-00056) and a flood development compliance report (Staff Exhibit 2 – Appendix F) for a general review of the proposed development. The project is not located in any mapped floodway or Channel Migration Zone (CMZ). No shoreline stabilization or flood control devices are proposed as part of this application. Additionally, no gravel removal within the floodplain is proposed as part of this application. As conditioned below these criteria have been met. The following **Conditions of Approval** shall be listed on the shoreline permit:

- Individual members with camping lots located within the 100-year floodplain shall submit a flood development permit application and comply with LCC 15.35.

SMP 4.06 Public Access:

Regulations:

- A. Shoreline public access shall be required for the following shoreline developments and uses:
 - 1. Shoreline recreation in accordance with SMP Section 5.13;
 - 2. New structural public flood hazard reduction measures, such as dikes and levees;
 - 3. Shoreline development by public entities, including the County, port districts, State agencies, and public utility districts;
 - 4. New marinas when water-enjoyment uses are associated with the marina; and
 - 5. All other development and use types that are required to incorporate shoreline public access as identified in the SMP, or other State or Federal requirements.

- B. Shoreline public access is not required when any of the following conditions are present:
1. The subdivision of land into four or fewer parcels;
 2. A development consisting of a building containing four or fewer dwelling units;
 3. Unavoidable health or safety hazards to the public exist that cannot be prevented by any feasible means;
 4. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 5. Significant environmental impacts will result from the public access that cannot be mitigated;
 6. Significant undue and unavoidable conflict between any access provisions and the proposed or adjacent uses would occur and cannot be mitigated;
 7. The cost of providing the access, easement, or amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 8. Legal limitations preclude public access;
 9. The subject site is separated from the shoreline waterbody by intervening public or private improvements such as roads, railroads, existing structures, and/or other similar improvements, and public access is not desirable or feasible; or
 10. Adequate public access already exists along the subject shoreline and there are no gaps or enhancements that need to be addressed;
- C. In addressing SMP Section 4.06.02(B) above, the applicant must demonstrate that all feasible alternatives to allow public access have been exhausted, including:
1. Regulating access by such means as limiting hours of use to daylight hours;
 2. Separating uses by such means as fences, terracing, landscaping, signage, etc.;
 3. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system; or
 4. Where physical access is not feasible, visual access shall be provided instead.
- D. A determination that no physical or visual public access is feasible must be supported by the Shoreline Administrator within the findings in the underlying permit.
- E. Public access shall be designed to achieve no net loss of ecological functions. Where impacts are identified, mitigation shall be required.
- F. Physical public access shall be designed to connect to existing public rights-of-way or existing or future public access points on adjacent or abutting properties. Appropriate design and safety standards should be utilized in the design of the access.
- G. Public access facilities shall be compatible with adjacent private properties using vegetative buffering or other techniques to define the separation between public and private space.

- H. Where there is an irreconcilable conflict between water-dependent shoreline uses, physical public access, and maintenance of views from adjacent properties, water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- I. Public access easements or tracts and relevant permit conditions shall be recorded as a separate document or on the face of a plat or short plat. Recording with the Lewis County Auditor shall occur prior to or at the time of permit approval.
- J. The applicant shall construct, install, and maintain approved signs that indicate the public's right to access the shoreline and the hours of operation for the shoreline access. These signs shall be placed in conspicuous locations at public access sites. Where public access is prohibited, property owners may install signs subject to size and location restrictions found in SMP Section 5.15 that indicate that no public access is permitted.
- K. Required public access sites must be fully developed and available for public use at the time of occupancy or use of the development.
- L. The County may not vacate any road, street, or alley abutting a body of water except as provided under RCW 35.79.035.

Staff Response: The proposed project is for the continued buildout of an existing private membership recreational vehicle (RV) campground on agricultural resource lands and rural lands adjacent to the Cowlitz River. There are no changes in use proposed and no expansion of the overall area where the RV development or activities currently occur. The proposed development would not change any existing public access to the Cowlitz River or any existing public shoreline access. As proposed, the project has been reviewed and determined that public access is not required.

SMP 4.07 Water Quality:

Regulations:

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

- 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.

Staff Response: As conditioned in the Land Development Review (LDR19-0067) as revised on March 31, 2020 (Staff Exhibit 3) the project is required to obtain all other local, state and federal permits and approvals.

The project does not include a septic system, but does include the potential future placement of holding tanks on individual camping lots for wastewater. The application materials state all existing holding tanks are double-walled refuse tanks and are monitored and pumped out regularly according to manufacturer and health department requirements. All 258 camping lots within or partially within the shoreline jurisdiction are also within a mapped critical aquifer recharge area.

Uses in Critical Aquifer Recharge Areas shall meet the applicable requirements in LCC 17.35 or 17.35A. Non-agricultural projects in the shoreline jurisdiction follow LCC 17.35A. The following code sections relate to the protection of critical aquifer recharge areas specific to this project: LCC 17.35A.105, LCC 17.35A.880(1) – LCC 17.35A.880(3) and LCC 17.35A.880(4)(b). Note: Lewis County revised its critical area ordinances in 2018 to create LCC Chapter 17.38. The Shoreline Master Program, adopted in 2017, explicitly incorporated the prior critical area ordinances as part of the Shoreline Master Program (SMP 4.04.02). Therefore, the superseded chapters LCC 17.35 and LCC 17.35A remain applicable as part of the Shoreline analysis.

Underground tanks are listed in Table 2 of LCC 17.35A.880 as High Intensity Uses in mapped critical aquifer recharge areas and are allowed subject to the standards of LCC Chapter 17.35A. The application materials indicate underground double-walled refuse tanks are allowed by CTTA for each camping lot and are monitored and pumped out regularly according to manufacturer and health department requirements (Staff Exhibit 2, Appendix E – Compliance with Critical Area Regulations). There is not a specific proposal for the installation of holding tanks, but does include the potential for new holding tanks for overall SMP and Critical Area Ordinance approvals. A request from an individual member to install a holding tank on a camping lot shall require a health department review and approval prior to installation.

Holding tanks are considered to be an underground tank and are required to comply with both the low intensity use standards for all uses (LCC

17.35A.880(1)(a)-(c)) and the specific high intensity use standards for underground tanks (LCC 17.35A.880(4)(b)).

The application materials state 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. The application materials also state no harmful materials are allowed to enter waterbodies or wetlands and would be stored in safe leak-proof containers per CTTA requirements. The 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.

Specific code sections from LCC 17.35A (*shown in italics*):

LCC 17.35A.105 Best management practices (BMPs) - Aquifer recharge areas section.

"Best management practices (BMPs)," for the aquifer recharge areas section, means physical, structural, and/or managerial practices that when used singly, or in combination, prevent or reduce the adverse environmental impacts to or pollution of ground water. Such practices may include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, to prevent or reduce pollution of ground water. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, leaks, sludge, or water disposal, or drainage for raw material storage.

LCC 17.35A.880 Protection.

(1) Low Intensity Uses. Low intensity uses shall be all uses not defined as high intensity uses in subsection (2) of this section.

Any development on aquifer sensitive soils shall:

(a) Prohibit buried tanks of any petroleum or hazardous material unless the tank is double-wall protected;

(b) Prohibit the discharge of petroleum or hazardous materials to any ditch, swale, or other non-impervious surfaced area where migration to the aquifer is a reasonable likelihood; and

(c) Require oil-water separators for any impervious surface areas 5,000 square feet or larger.

(2) High Intensity Uses. High intensity uses shall have the same protective standards as low intensity standards and shall comply with additional requirements where specifically listed below, where using hazardous materials in excess of small quantity generator status, and shall comply with requirements identified on the registered label or material safety data sheets.

(3) High Intensity Uses. The uses in Table 2 shall be reviewed as high intensity uses within any aquifer recharge area regardless of the size. In addition, high intensity uses shall consist of any use where any petroleum or hazardous wastes as defined in Chapter 123-303 WAC are used or stored in excess of limits identified in Lewis County health department health regulations consistent with Chapter 123-303 WAC, as a risk to ground water quality.

(4) Additional Protection for Specified High Intensity Uses. The following protection standards shall apply to aquifer recharge area review and approval of uses or activities by the administrator set forth in LCC 17.35A.870 within aquifer recharge areas. Certain uses and activities conducted within some aquifer sensitivity categories, as identified in Table 2 of this chapter, will require the submission of a technical assessment to the administrator. The submission of additional information may also be required for some of the uses and activities identified within this subsection.

LCC 17.35A.880(4)(b) Underground Storage Tanks and Vaults. Underground storage tanks and vaults used for the storage of petroleum products, wastewater, or hazardous substances or dangerous wastes as defined in Chapter 173-303 WAC, or any other substances, solids, or liquids in quantities identified by the Lewis County health department environmental health section, consistent with Chapter 173-303 WAC, as a risk to ground water quality, shall conform to Chapter 173-360 WAC and be accompanied by a design and management plan prepared by a qualified professional to assure that the facility is designed, constructed and operated so as to:

(i) Prevent release, corrosion, or structural failure for the operational life of the tank or vault;

(ii) Be cathodically protected against corrosion, constructed of noncorrosive material, or steel clad with a noncorrosive material, or designed in a manner to prevent the release or threatened release of any stored substance;

(iii) Use material in the construction or lining of the tank which is compatible with the substance to be stored;

(iv) Provide for release detection method(s); and

(v) Provide a written spill response plan, when requested, and give immediate spill notification to the Lewis County health department environmental health section.

As conditioned below these criteria have been met. The following are required to be listed as **Conditions of Approval** for the shoreline permit:

- The applicant shall obtain all other required local, state and federal permits and approvals.
- The temporary erosion and sedimentation control measures will be implemented at the beginning of the construction process, including restoration.
- BMPs will include covering of exposed soils, managing runoff, and revegetating temporary disturbed soils as soon as possible following the onset of construction.
- A request from an individual member to install a holding tank on a camping lot shall require a health department review and approval prior to installation.
- Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or be discharged onto the land in shoreline jurisdiction, including any ditch, swale or other non-impervious surfaced area where migration to the aquifer is a reasonable likelihood. Potentially harmful materials should be stored outside of shoreline jurisdiction if feasible, and shall be maintained in safe and leak-proof containers.
- 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.

SMP Chapter 5:
Specific Shoreline Use Regulations:

SMP 5.02 General Shoreline Use:

Regulations:

- 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 adoption of the SMP update. Existing structures, uses and developments, including residential appurtenances, may be maintained, repaired, and operated within shoreline jurisdiction and the shoreline buffers established in the SMP.
- B. Development shall comply with the most restrictive bulk and dimensional requirements in LCC Title 17 or SMP Section 5.04.
- C. Accessory uses, such as parking, stormwater management facilities, and utilities shall be located outside of shoreline and critical area buffers, and associated building setbacks, unless authorized in SMP Section 4.04.02(D).
- D. Shoreline uses and developments shall be designed to complement the setting of the property and minimize glare. Shoreline applicants shall demonstrate efforts to minimize potential impacts to the extent feasible.

Staff Response: Development at CTTA within the SMP jurisdiction and 150-foot buffer area began approximately in the early 1960s. Many structures were constructed prior to the adoption of the first Lewis County SMP (June 24, 1974), other were constructed after the adoption of the SMP, and many during the Settlement Agreement between 1999 and 2012, and a few between 2012 and November 7, 2017 when the current SMP was adopted. The location of the camping lots were established in the early 1960s and continued development of these camping lots is not considered a new use, but the new structures and gravel development are required to be reviewed. As conditioned in this staff report, the proposed project meets the general shoreline use regulations.

SMP 5.03 Allowed Shoreline Uses:

Staff Response: As shown in SMP Table 5-1 of the Lewis County Shoreline Master Program; RV campgrounds are not listed as a specific use, however non-water-oriented recreational development is listed as a permitted use the Rural Conservancy Environment. After consultation with Ecology and reviewing the history of the existing use and the unique proposal of a full build-out of the existing use over rolling eight year permit approval periods, it was determined a shoreline conditional use would be required for this proposal in addition to the permitted shoreline substantial development. The project would be reviewed under a programmatic shoreline permit. CTTA agreed to submit the project as a shoreline substantial development and shoreline conditional use permit.

SMP 5.04 Development Standards:

Density and Lot Coverage:

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

Staff Response: The existing and proposed use is not residential, it is recreational. However, the applicant is proposing a maximum lot coverage for new structures on each camping lot of 30% or 1,652 square feet, whichever is less, within the shoreline jurisdiction. Additionally, the proposal includes new gravel areas up to two inches deep covering up to 20% of the remaining lot area or 800 square feet of gravel area, whichever is less. As conditioned in this staff report, this criteria is met.

Shoreline Height:

- 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.
- 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.

Staff Response: The Rural Conservancy Environment limits new or expanded buildings to a maximum height limit of 35 feet above average grade level. No existing or proposed buildings or structures exceed that height limit. As conditioned below these criteria have been met. The following **Conditions of Approval** shall be listed on the shoreline permit:

- New or expanded buildings in the shoreline jurisdiction have a maximum height limit of 35 feet above average grade level.

SMP 5.12 Parking:

Regulations:

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

Staff Response: No stand-alone parking facilities are proposed as part of this application. Parking is accessory to the use of each existing recreational camping lot within the development. Carports and RV Covers are some of the existing development with the camping lots. The applicant has proposed new gravel installation within existing camping lots that must be approved by CTTA, not exceeding the total area allowed, and not exceeding a depth of two inches. According to the applicant's documents, the existing gravel areas within the camping lots 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. As conditioned in this staff report, these criteria have been met.

SMP 5.13 Recreational Development:

Regulations:

- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- G. Recreational development proposals shall include facilities for water supply, wastewater, and garbage disposal in conformance with County standards.
- H. Recreational development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.

Staff Response: As a private 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. 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 camping lots to only develop up to 30% camping lot coverage, not to remove trees for the purposes of new structures, to restore 6.87 acres of impacted areas within the SMP and provide an expanded shoreline buffer of 22.45 acres outside of the already developed area of the existing camping lots.

No changes to existing water supply, wastewater treatment, or garbage disposal are proposed. 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, approximately 6.87 acres (Staff Exhibit 2, Application Narrative, Figure 2). CTTA's goal is to provide a restoration total area that is approximately equal to the total remaining 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 within the 6.87 acres of restoration areas 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.

By establishing the proposed maximum camping lot coverage and gravel installation areas for camping lots fully and partially within the existing 150-foot

shoreline buffer, the total full build-out of structures and gravel on camping lots is 9.27 acres according to Staff Exhibit 2, Appendix C, Table 1 which includes the existing development within those camping lots. The remaining build-out of structures and gravel installation of those same camping lots is 6.34 acres.

When only looking at the camping lots that are fully within the 150-foot existing shoreline buffer, the full build-out of structures and gravel installation is 6.8 acres, and the remaining build-out of structures and gravel installation is 4.22 acres.

CTTA is proposing the full amount of mitigation possible on areas within the SMP that could benefit from restoration (6.87 acres in five restoration areas). As conditioned in this report, the project is in compliance with these criteria.

SMP Chapter 6: **Shoreline Modification Regulations:**

SMP 6.01 Shoreline Modification Table:

Staff Response: Table 6-1 of the SMP lists clearing and grading activities, the placement of fill landward of the OHWM, and restoration activities as permitted uses in the rural conservancy environment. These activities will be reviewed below.

SMP 6.02 Shoreline Modification Provisions:

Regulations:

- 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.
- B. Shoreline modifications shall be limited in number and extent.
- 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.
- 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.
- E. Shoreline modifications and uses shall be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- 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.

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

Staff Response: The project includes shoreline modifications for the continued development of the existing camping lots and the proposed shoreline restoration areas. The application materials propose to prohibit tree removal within the camping lots for the purpose of adding new structures or gravel to the camping lot, and to limit grading to the minimum necessary to directly construct structure poles or footings. Gravel is limited to a depth not exceeding two inches and up to 20% of the camping lot area, not to exceed 800 square feet, whichever is less. The shoreline modifications are designed to minimize the disturbance to the shoreline. No structures would be allowed to be constructed on the slope of the parcels adjacent to the Cowlitz River. 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. As conditioned in this staff report, the project meets these regulations.

SMP 6.03 Clearing, Grading and Fill:

Regulations:

- 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.
- 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.
- C. Speculative clearing, grading, and the placement of fill are prohibited.
- 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.
- 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:
 - 1. Due consideration has been given to the site specific conditions;
 - 2. All impacts have been mitigated;
 - 3. All required State and Federal permits, and necessary approvals from WDNR for State-owned aquatic lands, have been obtained; and
 - 4. The shoreline use or development is one of the following:
 - a. A water-dependent use or public access to the shoreline;
 - b. The cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

- c. The disposal of dredged material considered suitable under, and conducted in accordance with, the WDNR's Dredged Material Management Program and the United States Army Corps of Engineers' (USACE) Dredged Material Management Office. See also SMP Section 6.04;
 - d. The expansion or alteration of transportation facilities of statewide significance that are currently located in the shoreline, where alternatives to fill are infeasible;
 - e. Ecological enhancement, restoration or mitigation, when consistent with an approved plan; or
 - f. The protection of historic or cultural resources when fill is the most feasible method to avoid continued degradation, disturbance, or erosion of a site. Such fill must be coordinated with any affected tribes and comply with applicable provisions of SMP Section 4.02.
- F. Upland clearing, grading and the placement of fill outside of wetlands, floodways, and CMZs is permitted provided it:
- 1. Is the minimum necessary to implement the approved use or modification;
 - 2. Does not significantly change the topography of the landscape in a manner that affects hydrology or increases the risk of slope failure, consistent with the applicable provisions of SMP Section 4.04; and
 - 3. Is conducted outside required shoreline buffers, unless specifically authorized by the SMP, or is necessary to provide protection to historic or cultural resources.
- G. Grading, the placement of fill, and beach nourishment shall be designed to blend physically and visually with the existing topography whenever feasible, so as not to interfere with lawful access and enjoyment of scenery.
- H. Clearing, grading, and the placement of fill shall not be located where shoreline stabilization will be necessary to protect the materials placed or removed, except when part of an approved plan for the protection of historic or cultural resources, or as part of an approved environmental cleanup plan or project.
- I. Cut and fill slopes shall generally be sloped no steeper than one foot vertical for every two feet horizontal (1:2) unless a specific engineering analysis has been provided that demonstrates the stability of a steeper slope.
- J. A temporary erosion and sediment control plan, including BMPs, consistent with the County's stormwater manual, shall be submitted to and approved by the Shoreline Administrator prior to commencement of all clearing, grading, and fill activities.
- K. To prevent a loss of flood storage, compensatory storage shall be provided commensurate with the amount of fill placed in the floodway per SMP Section 4.05.
- L. The placement of fill on State-owned aquatic lands must comply with WDNR and WDFW standards and regulations.

Staff Response: The application materials propose to prohibit tree removal within the camping lots for the purpose of adding new structures or gravel to the

camping lot, and to limit grading to the minimum necessary to directly construct structure poles or footings. Gravel is limited to a depth not exceeding two inches and up to 20% of the camping lot area, not to exceed 800 square feet, whichever is less. These shoreline modifications are designed to minimize the disturbance to the shoreline.

Recreational use is a permitted shoreline use within the Rural Conservancy environment designation and in the RDD-10 land use zone. The ARL land use zone does not allow for new recreational vehicle (RV) campgrounds. The existing CTTA recreational vehicle (RV) campground is a non-conforming use in the ARL land use zone. The proposed project is for the continued buildout of an existing private membership recreational vehicle (RV) campground on agricultural resource lands and rural lands adjacent to the Cowlitz River. There are no changes in use proposed and no expansion of the overall area where the RV development or activities currently occur. The continuation of a non-conforming zoning use is authorized under LCC 17.155.010 without any additional zoning permits.

CTTA proposes to continue to allow the placement of gravel for camping lot access maintenance. The gravel is needed to reduce erosion that could be caused from entering and leaving the camping lots. The allowed area per camping 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 camping lot is anticipated and would only be the least necessary for the placement of pole and footing installation for future structure development.

There is no specific clearing or grading proposed with this application. The mitigation plan (Staff Exhibit 2, Appendix D) 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. As conditioned in this staff report, the project meets these regulations.

SMP 6.06 Restoration:

Regulations:

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

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

Staff Response: The proposed project at CTTA includes upland riparian habitat improvement and riverbank channel enhancements below the OHWM, both of which would provide improved conditions for the Lower Cowlitz River at CTTA. 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 are proposed. 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.

The application materials (Staff Exhibit 2, Application Narrative) indicates:

“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 Brummer 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.”

During the SEPA review process, WDFW and WDNR were contacted. Neither agency had any comments or concerns about the project. As conditioned in this staff report, the project will meet these regulations.

SMP Chapter 7:
Shoreline Administration:

SMP 7.02 Permit Processing – General:

Shoreline Administrator

- A. The Shoreline Administrator shall be responsible for the administration of the permit system in accordance with the requirements of the SMA and regulations adopted as part of the SMP as it pertains to the County. This shall include, but not be limited to, determinations of whether a development is exempt or requires a shoreline substantial development permit, conditional use permit, or variance.
- B. The Shoreline Administrator shall ensure that administrative provisions are in place so that SMP permit procedures and enforcement are conducted in a manner consistent with relevant constitutional limitations on regulation of private property.
- C. Administrative Interpretations
 - 1. The Shoreline Administrator shall have authority to interpret this SMP when such interpretation is clearly consistent with the goals and policies of the SMP and the SMA.
 - 2. As part of this process, the Shoreline Administrator shall consult with Ecology to insure that formal written interpretations are consistent with the purpose and intent of the SMA and Chapter 173-26 WAC.
 - 3. Formal interpretations shall be kept on file by the County and shall be available for public review, and shall periodically be incorporated into the SMP during required update processes.

- D. The Shoreline Administrator shall review every application that is submitted and determine if the application is complete based upon the information required by this section.
- E. The Shoreline Administrator may recommend conditions to the Hearing Examiner for the approval of permits as necessary to ensure consistency of the project with the SMA and the SMP.

Staff Response: The application packet and supplemental materials have been reviewed. This staff report provides recommended conditions to the Hearing Examiner for the approval of permits to ensure consistency of the project with both the SMA and the County's SMP. As conditioned in this report, the project will meet these regulations.

SMP 7.02.02 Provisions Applicable to all Shoreline Permits

- A. Unless specifically exempted by statute (see RCW 90.58.355), all proposed uses and development occurring within shoreline jurisdiction must conform to the development standards in the LCC, Chapter 90.58 RCW, the SMA, and this SMP, whether or not a permit is required.
- B. No authorization to undertake a use or development on Shorelines of the State shall be granted by the County, unless, upon review, the use or development is determined to be consistent with the policy and provisions of the SMP.
- C. Applications for shoreline substantial development permits, conditional use permits, and variances shall be processed in accordance with the provisions of this SMP.
- D. The applicant shall meet all of the review criteria for all development found in WAC 173-27-140.
- E. A shoreline substantial development shall not be undertaken within the County unless a shoreline substantial development permit has been obtained, the appeal period has been completed, and any appeals have been resolved.
- F. All purchasers or transferees of property shall comply with the provisions of the SMA, the SMP, and any shoreline substantial development permit, conditional use permit, variance, permit revision, or letter of exemption.

Staff Response: As conditioned in this report, the project will meet these regulations.

SMP 7.02.03 Application Requirements

Applications for shoreline permits or letters of exemptions shall be made on forms provided by the Shoreline Administrator. An applicant for a shoreline substantial development permit, who wishes to request a shoreline conditional use permit or variance, shall submit the shoreline conditional use permit or variance application(s) and the shoreline substantial development permit application simultaneously. Applications shall be substantially consistent with the information required by WAC 173-27-180 and

include any additional submittals deemed necessary by the Shoreline Administrator for proper review of the proposal.

Staff Response: The application form requirements have been met. The JARPA application was submitted for the appropriate applications (Staff Exhibit 2).

SMP 7.03 Application – Notices:

The following is applicable for the notice requirements of all notices related to actions under the SMP:

- A. Within 14 days from making a determination of complete application, the Shoreline Administrator shall provide public notice of the application. Notice of environmental review under SEPA (Chapter 43.21C RCW) may be combined with the application notice.
- B. The public notice shall include:
 - 1. The date the application was made and the date the application was determined to be complete;
 - 2. A description of the proposed project action and a list of the project permits included in the subject application;
 - 3. The identification of other permits not included in the subject application, if known;
 - 4. The identification of existing environmental documents that evaluate the proposed project and where such documents may be reviewed;
 - 5. A statement of the public comment period, which shall be at least 30 days;
 - 6. The date, time, and place of the public hearing, if any;
 - 7. A statement of preliminary determination, if one has been made; and
 - 8. Any other information determined appropriate by the Shoreline Administrator.
- C. The Shoreline Administrator shall provide notice by at least one of the following noticing methods:
 - 1. Mailing the notice to the most recent real property owners within 300 feet of the property boundary of the subject proposal as shown by the records of the Lewis County Assessor;
 - 2. Posting the notice in a conspicuous manner on the property upon which the project is to be undertaken; or
 - 3. Publishing the notice in the local newspaper.
 - 4. Any other manner deemed appropriate by the Shoreline Administrator to accomplish the objectives of reasonable notice to adjacent landowners and the public.
- D. The notification system shall also provide notice to all agencies with jurisdiction in the proposal per Chapter 43.21C RCW and to all other agencies that request in writing any such notice.
- E. The Shoreline Administrator shall give notice of the application no less than 30 days prior to permit issuance.

- F. When a public hearing is required, public notice shall be given at least 15 days before the public hearing. The notice shall include a statement that a person desiring to present his/her views may do so orally or in writing at the public hearing, or may submit written comments prior to the public hearing which will be provided to the Hearing Examiner.
- G. The public notice shall also state that a person interested in the Hearing Examiner action on an application for a permit may notify the Shoreline Administrator of his/her interest in writing within 30 days of the last date of publication of the notice. Such notification to the Shoreline Administrator or the submission of views to the Hearing Examiner shall entitle said persons to a copy of the action taken on the application.

Staff Response: Notice of complete application (Staff Exhibit 1), shoreline notice of application (Staff Exhibit 6) and shoreline notice of public hearing (Staff Exhibit 7) were all issued meeting the notice requirements for this project.

SMP 7.04 Shoreline Permits and Approvals:

SMP 7.04.01 Shoreline Substantial Development Permits

- A. An applicant shall meet all of the review criteria for a shoreline substantial development permit listed in WAC 173-27-150.
- B. A shoreline substantial development permit shall be granted by the Shoreline Administrator without a public hearing unless the Shoreline Administrator determines that the proposed development is one of broad public significance and requires a public hearing before the Hearing Examiner.
- C. If a public hearing is required, the Hearing Examiner shall grant a shoreline substantial development permit with conditions after the Shoreline Administrator completes a recommendation to the examiner that may contain conditions for the approval of permits as necessary to assure consistency of the proposal with the above criteria.

Staff Response: As reviewed and conditioned above, the shoreline substantial development permit portion of the project will meet these criteria. Since a shoreline conditional use permit is also required, the entire project will be issued through the public hearing process and as a programmatic shoreline permit.

SMP 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.
- B. Uses that are not classified or set forth in the SMP 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 SMP.

- C. Uses that are specifically prohibited may not be authorized.
- D. The Hearing Examiner may attach conditions to the approval of permits as necessary to assure consistency of the proposal with the above criteria.
- E. The decision of the Hearing Examiner shall be the final decision of the County. Ecology shall be the final authority authorizing a shoreline conditional use permit consistent with WAC 173-27-200.

Staff Response: The WAC for conditional use permit review criteria is provided below. The application materials have provided an analysis of how the project is consistent with the review criteria for a conditional use permit (Staff Exhibit 2 – Project Narrative pages 2-16, 2-17 and 2-18).

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;

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

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

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

(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.

(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.

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

As reviewed and conditioned in this staff report, the shoreline conditional use permit portion of the project will meet these criteria.

SMP 7.04.03 Shoreline Variances

- A. The criteria in WAC 173-27-140 and WAC 173-27-170 shall constitute the minimum criteria for review and approval of a shoreline variance. Additional criteria may be considered when deemed necessary by the Shoreline Administrator in accordance with WAC 173-27-210.
- B. Uses that are specifically prohibited may not be authorized.
- C. The Hearing Examiner may attach conditions to the approval of the variance as necessary to assure consistency of the proposal with the above criteria.
- D. The decision of the Hearing Examiner shall be the final decision of the County. Ecology shall be the final authority authorizing a shoreline variance consistent with WAC 173-27-200.

Staff Response: The WAC for shoreline variance request review criteria is provided below. The application materials have provided an analysis of how the project is consistent with the review criteria for a conditional use permit (Staff Exhibit 2 – Project Narrative pages 2-19, 2-20, 2-21 and 2-22).

***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;

(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;

(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;

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

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

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

(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.

(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.

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

Strict application of the SMP buffer reduction criteria would only authorize a reduction of the 150-foot shoreline buffer to a 112.5-foot shoreline buffer and would then preclude development on nearly 110 existing camping lots. The SMP does allow shoreline variance requests to further reduce or eliminate the shoreline buffer. The 110 existing camping lots are located between the top of bank on the OHWM of the Cowlitz River and internal circulations roads. The location of the existing internal circulation roads parallel the Cowlitz River and the small camping lots are perpendicular to the Cowlitz River (Staff Exhibit 2, Application Narrative, Figure 1).

The shoreline variance request does not affect the type of structure or design elements that would be allowed on the other camping lots within the CTTA campground. Many of the camping lots are already partially developed with storage shed and RV Covers. As previously discussed, an inventory of non-compliant structures was provided as part of the application packet (Staff Exhibit 2, Appendix C, Table 1) and the non-complaint camping lots will be brought into compliance during the first eight years of the programmatic shoreline permit (SHD19-0009). The shoreline variance request does not request a variance to any prohibited uses, as recreational use is permitted in the Rural Conservancy Environment. As reviewed and conditioned in this staff report, the shoreline variance portion of the project will meet these criteria.

SMP 7.05 Public Hearings and Decisions:

SMP 7.05.01 Burden of Proof For Development Conformance

- A. The burden of proving that the proposed development is consistent with the criteria set forth in the SMP, as well as the requirements of the SMA shall be on the applicant.

Staff Response: The JARPA application, Application Narrative and Appendix A through Appendix G submitted by the applicant in March 2020 (Staff Exhibit 2) provide the applicant's burden of proof statements. This criterion has been met.

SMP 7.05.02 Public Hearing Process

- A. The Hearing Examiner shall hold a single open record public hearing for each application that requires a public hearing. This open record hearing shall combine any hearings for a shoreline conditional use permit or variance, and each substantial development permit where the conditions of SMP Section 7.04.01(A) are met. The Hearing Examiner will make the final decision on the proposal at a closed record hearing.
- B. If, for any reason, testimony on a matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the Hearing Examiner may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required.
- C. When the Hearing Examiner renders the final decision, the Hearing Examiner shall make and enter written findings from the record and conclusions thereof, which support the decision. The findings and conclusions shall set forth the manner in which the decision is consistent with the criteria set forth in the SMA and County regulations.

Staff Response: The open record hearing before the Lewis County Hearing Examiner is scheduled for March 12, 2021 at 9:00 am. Once the decision is issued, it will be transmitted to Ecology in the appropriate format meeting these criteria.

Staff Report Conclusions:

After review of the programmatic shoreline permit application, its drawings, site plans, designs, reports, studies and mitigation plans, the following are staff conclusions regarding the proposed project.

The programmatic project complies with the State Environmental Policy Act, the Lewis County Code (LCC) Chapter 17.35A and 17.38 (Critical Areas), the applicable provisions of the 2017 Lewis County Shoreline Master Program, RCW 90.58 and WAC 173-27.

Shoreline Permit Recommendation:

The staff recommendation is the Hearing Examiner approve the shoreline substantial development permit, shoreline conditional use permit and shoreline variance request (programmatic shoreline permit SHD19-0009) with appropriate conditions citing specific regulations from the above referenced master program provisions and forward the local approval to the Washington State Department of Ecology with the recommendation of final approval. **The following are recommended permit development terms and conditions (Conditions of Approval):**

1. The applicant/ property owner shall comply with the conditions of development identified in the Land Development Review file number LDR19-0067 as corrected

on March 31, 2020 (Staff Exhibit 3). If there is a conflict between and the LDR conditions of approval and another permit's conditions of approval, the more restrictive conditions of approval shall apply.

2. Camping lots with existing structures exceeding the currently proposed camping lot's maximum allowed coverage, are allowed to retain existing structures (as long as they are not already indicated as non-compliant structures on Table 1 of Appendix C, Staff Exhibit 2) 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 camping lot coverage over the allowed amount.
3. 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 camping lot coverage.
4. The camping lot coverage maximums apply to camping lots both entirely within and partially within the 200-foot SMP jurisdiction area.
5. Adjacent camping lots allotted to the same member are considered to be one camping lot for the purposes of total structure and camping lot square footage. If in the future the camping lot users change, camping lots can be tracked as individual again.
6. No tree removal for the purpose of adding structures or gravel to a camping lot is allowed.
7. Gravel installation areas within a camping lot 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.
8. No grading other than that needed to directly construct structure poles or footings is allowed within a camping lot, and all existing contours must remain the same.
9. Members must first apply to CTTA before the construction of any structures or placement of gravel on any camping lots within the SMP jurisdiction.
 - a. Proposals that are confirmed to be exempt from Lewis County permitting and would not require a building permit would be reviewed only by CTTA to determine if the construction is allowed on the camping lot based on camping lot coverage and any other applicable CTTA requirements. Other permits such as flood development permit or holding tank permit would still require those county permits.
 - b. If the proposal does require a building permit or other County permitting, CTTA would first review for internal requirements and camping lot coverage and then would provide the member with a CTTA authorization form to be included with the member's application to the Lewis County for a Master Site Review (MSR) and subsequent building permit and/or any other required County permits. No additional SMP review would be required for individual camping lots. Individual members are responsible for Lewis

County Master Site Review (MSR) application, building review, health review, flood development permit, any permit fees, inspections, and compliance.

- c. Any new structures constructed outside of the programmatic shoreline permit (SHD19-0009) parameters without County authorization must be removed within 30 days and are considered to be violations of the programmatic shoreline permit conditions.
10. As development occurs on member camping lots, CTTA management would be responsible for maintaining an accurate accounting of all structures, structure sizes, any camping lots in non-compliant status, any camping lots that have been brought into compliant status, and new gravel areas for each camping lot. This camping lot and structure inventory (annual report of summary of development) shall be provided to Lewis County Community Development and Ecology on an annual basis, with year one beginning on January 1 of the year after the approval of this application. Failure of CTTA management to provide the annual report to Lewis County Community Development and Ecology could result in the programmatic shoreline permit (SHD19-0009) being rescinded/ revoked.
 11. The shoreline substantial development permit portion of the programmatic shoreline permit (SHD19-0009) shall be administratively renewable through a normal shoreline substantial development permit review every eight (8) years, with year one starting January 1 the year after approval of this application. The shoreline conditional use and shoreline variance request approvals would not have an expiration date as long as the project as a whole is in compliance with the programmatic shoreline permit (SHD19-0009).
 - a. CTTA would submit a JARPA application for a request for renewal of the substantial development permit portion of (SHD19-0009) and would include a summary of development over the preceding eight years to verify compliance with the programmatic shoreline approval (SHD19-0009).
 - b. Lewis County Community Development would review the submitted request to renew the shoreline substantial development portion of the programmatic permit through the normal administrative shoreline substantial development permit review process and consult with Ecology to determine if the CTTA project is in compliance with the issued programmatic shoreline permit (SHD19-0009).
 - c. If the CTTA project is found to be in compliance with permit conditions, the shoreline substantial development permit would be renewed for eight (8) years through the issuance of a new substantial development permit that is dependent on and connect to the programmatic shoreline permit (SHD19-0009).
 - d. If the administrative shoreline substantial development permit review and consultation with Ecology indicates the CTTA project is not in compliance

with the programmatic shoreline permit approval (SHD19-0009), the new shoreline substantial development permit would be denied, and the CTTA would be subject to enforcement and penalties under SMP 7.08, including but not limited to recension/ revocation of the programmatic shoreline permit (SHD19-0009).

12. CTTA shall ensure no development will be allowed unless the member's camping lot compliance meets the criteria of the programmatic shoreline permit (SHD19-0009).
13. CTTA shall ensure no sale or transfer of a camping lot can take place unless the member's camping lot meets compliance and the criteria of the programmatic shoreline permit (SHD19-0009).
14. Members of the CTTA listed as having a non-compliant camping lot shall bring the non-compliant camping lot into compliance with the programmatic shoreline permit (SHD19-0009) before the first requested renewal date of the programmatic shoreline permit (1st eight year cycle).
15. Failure of members to meet the parameters of the programmatic shoreline permit (SHD19-0009) by the first renewal date could lead CTTA management to issue fines and/or suspension of membership, and/or action leading up to termination of membership. Additionally this failure is considered to be "not in compliance with the programmatic shoreline permit conditions" which could result in the denial of the future shoreline substantial development permits and the revocation of the programmatic shoreline permit (SHD19-0009).
16. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100 foot buffer) must stop and the following actions taken: 1) Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; 2) Take reasonable steps to ensure the confidentiality of the discovery site; and 3) Take reasonable steps to restrict access to the site of discovery.
17. The project proponents will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation (DAHP). The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural materials, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.
18. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps will be followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.
19. Prior to any future development on camping lots 68, 69 or 70 of Block 12, the CTTA will submit to Lewis County Community Development the required final wetland buffer mitigation plan consistent with LCC 17.35A.622 and the full mitigation will be completed prior to development of any of these three camping

lots. The final mitigation plan will be reviewed by Lewis County Community Development with consultation with Ecology for consistency with LCC 17.35A.622.

20. Prior to future development of any of the 258 camping lots within the shoreline jurisdiction, the portion of the trail system that would be located in the new expanded shoreline buffer area shall be closed to all uses except for walking and non-motorized bike riding. CTTA shall provide an expanded shoreline buffer area management agreement to be accepted by Lewis County Community Development and Ecology.
21. Prior to future development of any of the 258 camping lots within the shoreline jurisdiction, CTTA shall record in the Lewis County Auditor's records an expanded shoreline buffer area permanent conservation easement on parcels 028128000000, 028127000000, 028127001000 and 028126000000 for permit mitigation (SHD19-0009). A copy of the recorded conservation easement shall be provided to Lewis County Community Development and Ecology.
22. Prior to future development of any of the 258 camping lots within the shoreline jurisdiction, CTTA shall complete the 6.87 acres of restoration as identified in Staff Exhibit 2, Appendix D – Shoreline Mitigation Plan.
23. CTTA shall provide monitoring reports to Lewis County Community Development and Ecology as outlined in Staff Exhibit 2, Appendix D – Shoreline Mitigation Plan.
24. Individual members with camping lots located within the 100-year floodplain shall submit a flood development permit application and comply with LCC 15.35.
25. The applicant shall obtain all other required local, state and federal permits and approvals.
26. The temporary erosion and sedimentation control measures will be implemented at the beginning of the construction process, including restoration.
27. BMPs will include covering of exposed soils, managing runoff, and revegetating temporary disturbed soils as soon as possible following the onset of construction.
28. A request from an individual member to install a holding tank on a camping lot shall require a health department review and approval prior to installation.
29. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or be discharged onto the land in shoreline jurisdiction, including any ditch, swale or other non-impervious surfaced area where migration to the aquifer is a reasonable likelihood. Potentially harmful materials should be stored outside of shoreline jurisdiction if feasible, and shall be maintained in safe and leak-proof containers.
30. 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.
31. New or expanded buildings in the shoreline jurisdiction have a maximum height limit of 35 feet above average grade level.

Staff Report Exhibit List:

- Staff Exhibit 1: Complete application letter and request for additional information
- Staff Exhibit 2: Subheading – “Application Documents” which include the SEPA Checklist, JARPA, Application Narrative and Appendix A through Appendix G: <https://lewiscountywa.gov/departments/community-development/current-planning-applications/cowlitz-timber-trails-association/>
- Staff Exhibit 3: Land Development Review (LDR19-0067)
- Staff Exhibit 4: SEPA Threshold Determination
- Staff Exhibit 5: Comments from Department of Ecology
- Staff Exhibit 6: Shoreline Notice of Application
- Staff Exhibit 7: Shoreline Notice of Public Hearing