



Staff Report & SEPA DNS

Morgan Bank Stabilization & Restoration Staff Report & SEPA Determination of Non-Significance

Land Use Application Nos.:	SSD-22-001 (Shoreline Substantial Development Permit) SCU-22-001 (Shoreline Conditional Use Permit) SEP-22-009 (SEPA)
Applicant & Owner:	Carla Morgan 412 Island Aire Drive Woodland, WA 98674
Site Location:	412 Island Aire Drive Woodland, WA 98674
Parcel & Size:	64515016, 0.24 Acres (10,454 SF)
Zoning Designation:	Low Density Residential 6 (6,000 SF Minimum) Residential SED
Date Application Received:	July 26, 2022
Notice of Application & Likely DNS issued:	Original: August 19, 2022 Updated: May 8, 2023
Comment Period & SEPA Appeal Period Ended:	Written: May 22nd, 2023 for Written Comments Testimony: End of Hearing (June 2 nd , 2023)
Public Hearing Date:	June 2nd, 2022, 10:00 AM
Staff Report Date:	May 25 th , 2023
Staff Recommendation:	Approve with Conditions

I. DESCRIPTION OF PROPOSAL

The applicant is proposing a restoration and bank stabilization project following the unpermitted construction of three new concrete block retaining walls in the spring and summer of 2022. The applicant is also proposing the repair of a pre-existing bulkhead that runs along the original waterline, construction of a path permitting access to the shoreline from their home, and the redecking/repair of an existing residential pier/dock.

Prior to the unpermitted construction in 2022, the site was generally stable but had low ecological function due to the non-native vegetation present.

The violation created an unstable condition and removed the little existing ecological function by removing the vegetation. While temporary erosion control measures have been put in place, the slope has continued to degrade due to the temporary nature of the erosion control measures and the length of time the measures have been kept in place.

The applicant is proposing to remove and demolish the three partially constructed concrete block retaining walls and replace them with a series of tiered vegetated walls to serve as long-term shoreline stabilization. The applicant intends to minimize the number of walls ultimately placed to maximize the planting area and minimize further impacts to the property.

Additionally, the applicant is proposing the redecking of the existing residential pier/dock on the site, construction of a private path providing access to the shoreline, and the repair of the pre-existing concrete bulkhead along the waterline.

Based on City and County records, the existing concrete bulkhead, which runs adjacent to the original waterline, was likely constructed in 1961 with the single-family residence and it likely required maintenance prior to the unpermitted construction, however based on the current state of the site, there is a concern that replacement might ultimately be required. While repair of the bulkhead is covered within this application, replacement of the bulkhead may require further permitting from the City of Woodland and/or other agencies as discussed below.

II. LOCATION OF PROPOSED DEVELOPMENT

The site is located at 412 Island Aire Drive in Woodland, WA, and is located within Clark County. Island Aire Drive is a private street.

The lot in question is a total of 0.24 Acres (10,454 SF). An existing Single-Family Home, as well as a small dock and an existing retaining wall at the waterline is present on the site. The property is located within the City of Woodland Shoreline Jurisdiction and has a Residential Shoreline Environmental Designation.

Adjacent Uses:

North: Horseshoe Lake
South: Island Aire Drive
East: Existing Single-Family Home
West: Existing Single-Family Home

III. REVIEW AUTHORITY

Per WMC 19.08.030, Shoreline Substantial Development Permits shall be approved, approved with conditions, or denied by the Hearing Examiner after an open record pre-decision hearing.

Per WMC 19.08.030, Shoreline Conditional Use Permits shall be approved, approved with conditions, denied by the Hearing Examiner after an open record pre-decision hearing.

IV. FINDINGS

Per Woodland Municipal Code (WMC) 19.08.030, for all matters for which the planning commission or hearing examiner is the reviewing or decision making authority, the community development director shall prepare the staff report by the Community Development Department.

Streets and Sidewalks | WMC 17.44.210 & WMC 12

Finding 1: No street and/or sidewalk modification(s) are proposed as a part of this proposal and no street improvements will be required as indicated by engineering review.

Finding 2: No work is proposed within the Right-of-Way associated with this project. A standard condition has been added noting that any work, whether planned or not, that requires work in the Right-of-Way will require a Right-of-Way permit. (*See Condition 1*)

Conclusion: As conditioned, the project can comply with this standard.

Water and Sewage | WMC 13

Finding 3: The property in question is currently connected to City water service and will not require any new water connections, as proposed.

Finding 4: The property in question is currently connected to a private septic system, and proposed development will not trigger any new sewer connections.

Finding 5: Water and sewer main extensions are not applicable to this proposal.

Conclusion: The proposal can comply with the development standards.

Erosion Control Ordinance | WMC 15.10

Finding 6: The applicant has provided a temporary erosion and sediment control (TESC) plan that has been reviewed by Ryan Walters and approved for implementation.

Finding 7: Applicant is responsible for ensuring compliance with WMC Chapter 15.10 and following all Best Management Practices to prevent erosion along the shoreline. (See Condition 2)

Conclusion: As conditioned, the project can comply with this standard.

Stormwater Management | WMC 15.12

Finding 8: Per WMC 15.12.030(B)(1), WMC chapter 15.12 is applicable to any development activity that proposes the addition of more than two thousand feet of impervious surface.

Finding 9: Construction (or completion) of the new vegetated retaining walls will not result in the addition of over 2,000 SF of impervious surface to the lot as proposed. WMC chapter 15.12 is not applicable to this development, however the City still requires the applicant to follow best management practices (BMPs) to ensure the responsible management of stormwater on the property during construction and following completion of development. (See Condition 3)

Conclusion: As conditioned, the proposal can comply with these standards.

Shorelines Substantial Development Permit | SMP Section 8.8

SMP Section 8.8:

- A. *An SSDP shall be required for projects occurring within the City's shoreline jurisdiction pursuant to the requirements and procedures contained in WAC 173-27 (Shoreline Management Permit and Enforcement Procedures); except for those projects described in Section 3.2, Exemptions from a Shoreline Substantial Development Permit:*
- B. *Upon the review of materials submitted by an applicant the City may, at its discretion, require peer review be completed by a consultant chosen by the City, at the sole expense of the applicant.*
- C. *Time requirements for SSDPs are as follows (See WAC 173-27-090 for complete language.):*
 - a. *Construction activities shall commence, or where no construction activities are involved, the use or activity shall commence within two (2) years of the effective date of an SSDP.*
 - b. *The period for commencement of construction or use may be extended once for a one (1)-year period if a request based on*

reasonable factors is filed before expiration date and notice of the proposed extension is given to parties of record.

- c. The authorization to conduct certain development activities (see WAC 173-27090) shall terminate five (5) years after the effective date of an SSDP.*
- d. The authorization period to conduct development activities may be extended once for a one (1)-year period if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record and the department.*
- e. The time periods in Subsections C.1 and C.3, above, do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.*

D. Appeals to the Shorelines Hearings Board shall be consistent with RCW 90.58.140. Construction pursuant to a shoreline permit may not begin or be authorized until twenty-one (21) days from the date the permit decision was filed with Ecology.

Finding 10: This application meets the standards of SMP Section 8.8.A, and does not meet the definition and standards to be considered exempt under SMP Section 3.2 and WAC 173-27-040(2).

Finding 11: The City has reviewed all materials submitted by the applicant and has been in contact with partner agencies. The City reserves the right to utilize SMP Section 8.8.B to seek professional peer review at the applicant's expense. (*See Condition 4*)

Finding 12: Per SMP Section 8.8.C.1, construction activities shall commence within two (2) years of the effective date of the SSDP. (*See Condition 5*)

Finding 13: Per SMP Section 8.8.C.2, The period for commencement of construction or use may be extended once for a one (1)-year period if a request based on reasonable factors is filed prior to the expiration date and notice is provided to parties of record.

Conclusion: As proposed, the project can comply with this standard.

Approval Criteria | SMP Section 8.6.3

Finding 14: In order to improve any development within shoreline jurisdiction, the City must find that a proposal is consistent with the following criteria in addition to the requirements of WMC Title 17 Zoning:

SMP Section 8.6.3.A: All use regulations of this program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, particularly the preference for water-oriented uses. If a non-water-orientated use is approved, the decision maker shall enter specific findings documenting why water-oriented uses are not feasible.

Finding 15: Proposed development is located within the Residential Shoreline Environmental Designation (SED) and the property has a residential use. The project is required to meet all regulations and standards appropriate for the residential SED as outlined within SMP Section 5.3.2.

Finding 16: The proposal is for the restoration of vegetation following the unpermitted construction of a series of concrete block retaining walls that will be removed as a part of this project. Previously, block retaining walls were constructed along the shoreline following without building or shorelines permits, leading to extensive disturbance of the shoreline environment and clearing of vegetation present. Project is required to be compliant with SMP Section 8.12.B regarding unauthorized Critical Area alterations and enforcement as well as SMP Section 6.6 regarding vegetation conservation.

SMP Section 8.6.3.B: All bulk and dimensional regulations of this program appropriate to the SED and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shorelines variance.

Finding 17: Proposed vegetated retaining walls have been determined to be 'new hard structural stabilization' and would be required to meet the standards of SMP Section 7.3.1.

SMP Section 8.6.3.C: All policies of this program appropriate to the SED and the type of use or developmental activity proposed shall be considered and compliance demonstrated, subject to liberal construction to give full effect to the objectives and purposes for which they have been enacted.

Finding 18: Staff finds that as conditioned, compliance can be demonstrated with relevant policies of the City of Woodland Shoreline Management Program as demonstrated within this report.

Conclusion: As conditioned, the proposal can comply with these standards.

Shorelines Conditional Use Permit (SCUP) | SMP Section 8.9

SMP Section 8.9: The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of this Program.

A. *A SCUP is required for uses and development that are not classified in the Program and for those uses and modifications as indicated in Table 7-1 of this Program. In authorizing a conditional use, the City or Ecology may attach special conditions to the permit to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this Program.*

Finding 19: This application meets the standards of SMP Section 8.9.A, and does not meet the definition and standards to be considered exempt under SMP Section 3.2 and WAC 173-27-040(2).

Additional Approval Criteria | SMP Section 8.9.B

SMP Section 8.9.B outlines additional approval criteria for SCUP applications.

SMP Section 8.9.B.1: That the proposed use is consistent with the policies, regulations, and standards of RCW 90.58.020 and this program.

Finding 20: The proposed restoration project can be consistent with the policies, regulations, and standards of RCW 90.58.020 and this program as conditioned.

SMP Section 8.9.b.2: That the proposed use will not interfere with the normal public use of public shorelines.

Finding 21: The property in question is a private, residential lot with an existing single-family residence. Public use of the shorelines has not historically present, and per SMP Section 6.5.A.1, public access to the shoreline is not required as a stipulation for this permit. This criterion is not applicable.

SMP Section 8.9.B.3: 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.

Finding 22: Proposed use of the site is as an existing single-family residence and is consistent with the surrounding single-family residential uses.

Finding 23: Proposed vegetated wall system and replanting of the Riparian Habitat Area with native vegetation will restore the property and be consistent with surrounding properties.

SMP Section 8.9.B.4: That the proposed use will cause no significant and adverse effects on the shoreline environment in which it is located.

Finding 24: The unpermitted installation of the three block retaining walls has caused environmental degradation of the shoreline environment along Horseshoe Lake through the removal of vegetation, and the proposed removal of two existing trees.

Finding 25: Removal of those block retaining walls will cause further temporary bank destabilization, as demonstrated by the provided geotechnical memo(s). Which will necessitate stabilization to prevent long-term degradation of the shoreline and potential impacts to the existing single family home on the site.

Finding 26: The proposed restoration project as conditioned will ensure that revegetation efforts intended to return the shoreline to its previous state succeed and that the existing property is preserved for the applicant.

SMP Section 8.9.B.5: That the public interest suffers no substantial detrimental effect.

Finding 27: The proposed vegetated wall system and restoration project as conditioned will improve the shoreline environment for which it is proposed which should improve the public interest by restoring shoreline vegetation and bank stability.

Conclusion: As proposed, the project can comply with these standards.

Violation and Penalties | SMP Section 8.12.2

Finding 28: The City was made aware that modifications were being enacted within the City's Shoreline Jurisdiction on July 7th, 2022. Staff confirmed that permits had not been approved for the development activities present at the subject site, specifically the construction of block stone walls and vegetation removal activities that had been partially completed.

Recognizing the violation of the Shoreline Master Program, Woodland Municipal Code, and International Building Code for construction without building permits, staff issued a

Stop Work Order on July 7th, 2022 and began working with the applicant to address the violation(s) through the code enforcement process as described within this section.

SMP Section 8.12.2.A.1: Every person violating any of the provisions of this Program or the Shoreline Management Act of 1971 shall be punishable under conviction by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment, and each day's violation shall constitute a separate punishable offense.

Finding 29: At this time, the city is not seeking criminal charges because the owner is working cooperatively to resolve the violation through the code enforcement process.

Finding 30: Applicant has been actively working to resolve the existing violations since they were made aware of the violation. The applicant has considered multiple options to bring their property into compliance and been in communication with City staff and representatives with the Washington State Department of Ecology throughout the process. The intention was not continued noncompliance, and as such continued financial penalties are not reasonable beyond that required by code.

SMP Section 8.12.2.A.2: The City Attorney may bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the Shorelines of the State within the City's Jurisdiction which are in conflict with the provisions and programs of this program or the Shorelines Management Act of 1971, and to otherwise enforce provisions of this Section and the Shorelines Management Act of 1971.

Finding 31: The applicant has complied with the stop work order written on July 7th, 2022, and has complied with staff instruction following their violation. Staff has not required the use of legal injunction, declaration, or other actions to ensure compliance up to this point, however the City reserves the right to implement SMP Section 8.12.2.A.2 should the applicant fail to comply with these efforts in the future.

SMP Section 8.12.2.A.3: Any person subject to the regulatory program of this Program who violates any provision of this Master Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public and private property arising from such violation including the cost of restoring the affected area to its condition prior to such violation.

Finding 32: The applicant is liable for all costs, fines, fees, and other repercussions stemming from their violation of the City of Woodland SMP, including responsibility for the cost of restoration of the area to meet its prior condition. Should they fail to complete the required work, the City may pursue legal options in order to compel

compliance, or to provide the City with financial compensation for any work completed by the City to bring the property into compliance. (See Condition 6)

SMP Section 8.12.2.B.1: When a critical area or buffer has been altered in violation of this Program, the City shall have the authority to issue a stop work order to cease all ongoing development work and order restoration, rehabilitation, or replacement at the owner's or responsible parties' expense.

Finding 33: The City issued a stop work order at the property in question on July 7th, 2022, and informed the applicant of the permitting requirements to move forward with any future work.

Finding 34: Applicant has been informed they are responsible for restoring the shoreline environment in which construction has been completed. The applicant has sought out the services of Northern Resource Consulting, INC, an environmental consulting firm, to address the violation and provide restoration of the shoreline environment.

SMP Section 8.12.2.B.2: Restoration plan required. No work on site shall be allowed until a restoration plan has been prepared and approved by the City in accordance with this Program and Appendix B.

Finding 35: A preliminary restoration plan has been provided by Northern Resource Consulting, Inc in October of 2022. The draft mitigation plan is generally consistent with the requirements of the Woodland Shoreline Master Program, however was completed prior to the modifications made to the proposed plans. A revised, final mitigation plan will be required to be submitted to the City prior to implementation reflecting the modified planting plan proposed as a part of the resubmitted plan. That plan shall meet the approval of the Department of Ecology and Fish and Wildlife prior to implementation. (See Condition 7)

SMP Section 8.12.2.B.3.a Minimum Performance Standards for unauthorized alterations to critical aquifer recharge areas, frequently flooded areas, wetlands habitat conservation areas, or associated buffers, the following shall be required at a minimum in accordance with an approved restoration plan:

I. *Historic functional and structural values, water quality, habitat, and soils shall be restored;*

Finding 36: The applicant is required to ensure that soils used for any required fill and backfill matches historic and existing soils. The Applicant is required to ensure water quality is not negatively impacted by this restoration project. (See Condition 8)

II. *Critical areas and buffers shall be replanted with native vegetation, types, sizes, and densities as historically found on the site;*

Finding 37: Prior to disturbance, the subject critical area and buffer was planted with a mix of non-native blackberry, clover, and grasses providing a low level of ecological benefit and stabilization of the slope. Several black cottonwood trees were present on the site, including one right along the Ordinary High Water Mark (OHWM) of Horseshoe Lake that had deteriorated and was actively damaging the existing retaining wall.

Finding 38: The applicant proposes to mitigate the removal of one black cottonwood with the planting of three black cottonwood trees on the property, and the mitigation of the removal of one western red cedar with the planting of three western red cedars in the Riparian Habitat Area.

In addition to the planting of the black cottonwood tree, the applicant further proposes to plant a mix of native plantings along the terraced slope. The utilization of native plantings to replace primarily non-native ground cover will improve ecological functions within the critical area and mitigate the original and expected impacts associated with the project.

All critical areas and buffers must be replanted with native vegetation similar in type, size, and density to that typically found on site. While the applicant is proposing the replacement of non-native shrubs and ground cover with native ground cover of a similar type, the utilization of native plantings will provide more substantial ecological benefits to the surrounding area while complying with the SMP which required vegetation planted within shorelines to be native. A condition has been added that final restoration plan identify the native plants to be utilized for this purpose. (See Condition 7)

III. Historic functions and values shall be replicated.

Finding 39: Historic functions and values shall be replicated and improved as a part of the restoration of the shoreline vegetation and area. Applicant will be replacing removed, primarily non-native blackberry plantings with a wider variety of native plantings along the shoreline. This is expected to replicate, and eventually exceed, historic functions and values of the present riparian habitat.

Conclusion: As conditioned, the project can comply with these standards.

Boating Facilities | SMP Section 7.2.3

Finding 40: Applicant has proposed re-decking the existing dock on their property, and must comply with the requirements of SMP Section 7.2.3.E regarding docks and bouys

accessory to four (4) or fewer single-family residences. Redecking the existing dock will meet this standard.

SMP Section 7.2.3.E.1: A new moorage structure (dock or bouy) to serve a single-family residence may be allowed only when a lot does not have access to a shared structure and there is no homeowner's association or other corporate entity capable of constructing a shared structure.

Finding 41: No new dock is proposed as a part of this project.

Finding 42: No shared structure is available and there is no homeowner's association capable of constructing a shared structure.

SMP Section 7.2.3.E.2: Prior to approving a new residential dock, an applicant shall demonstrate a mooring bouy is not feasible to provide moorage.

Finding 43: Dock is currently present, and the applicant proposes the re-decking of the existing dock. A mooring bouy would not be feasible based on the presence of the existing dock.

SMP Section 7.2.3.E.3: When feasible, new residential development of two or more dwellings with now accessory docks shall provide joint use or community dock facilities to reduce ecological impacts of new over-water facilities.

Finding 44: Proposed development is an ecological restoration project with proposed renovation of existing dock to better protect the shoreline. No new home(s) are proposed, nor are any new docks proposed, so SMP Section 7.2.3.E.3 is not applicable.

SMP Section 7.2.3.E.4: Docks shall meet the following standards:

- a) *Docks shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length of docks accessory to residential use/development shall be no greater than that required for safety and practicality for the residential use. Maximum length for residential docks shall be limited to either sixty (60) feet measured from the OHWM, or the length necessary to provide a minimum of six feet of water depth. The maximum width for residential docks shall be limited to six (6) feet.*
- b) *New or extended covered moorage is prohibited.*
- c) *Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term.*
- d) *Floats shall be constructed and attached so that they do not ground out on the substrate. Float stops, tubs, or similar structures may be used. A minimum of one (1) foot of elevation above the substrate is required.*

- e) *Pile spacing shall be the maximum feasible to minimize shading and avoid a 'wall' effect that would block or baffle wave patterns, currents, litteral drift, or movement of aquatic lifeforms, or result in structure damage from driftwood impact or entrapment.*
- f) *Piling diameter shall be sized to use the minimum necessary while meeting the structural requirements of expected loads.*
- g) *Grating, or clear translucent material, shall cover the entire surface area of the pier and ramp and all portions of float tubs or other material that provides buoyancy. The open area of grating shall have a minimum of sixty (60) percent open space, or as otherwise required by state or federal agencies during permit review, unless determined to be infeasible due to specific site or project considerations.*
- h) *Docks shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to, or upon , a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County auditor and a copy filed alongside the shoreline permit application.*

Finding 45: The applicant is proposing the redecking of an existing residential dock that is twelve (12) feet in length by eight (8) foot in width. The twelve feet in length meets the City's standard for a residential dock, however the width of eight (8) feet is two (2) feet wider than permitted under the Woodland SMP subsection 7.2.E.4.

The dock is pre-existing, and as such is considered a pre-existing non-conforming use under the Woodland SMP. Woodland SMP Chapter 3.3 regulates nonconforming use and development, and subsection 3.3.K (1-4) regulates pre-existing legal residential structures. Subsection 3.3.K.1 specifically states the following:

Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following, shall be considered a conforming structure: Setback, buffers, or yards; area; bulk; height; or density.

While Woodland SMP subsection 3.3.K.2 states the following:

The City shall allow maintenance and repair, redevelopment, expansion, or change with the class of occupancy, of the residential structure if it is consistent with this Program, including requirements for no net loss of shoreline ecological functions. For example, vertical or anterior expansions that do not intrude farther into a required buffer and which are consistent with the maximum height allowed by this Program and underlying zoning may be allowed. Lateral expansions may also be allowed provided they only extend into lawfully disturbed or altered areas.

Replacing the residential dock is permitted under these subsections as a pre-existing non-conforming single family residential structure. The applicant is proposing the repair of the dock, matching its original height and dimensions, and it is generally consistent with the rest of the program as written.

Conclusion: As proposed, the project can comply with this standard.

Shoreline Modification Regulations | SMP Chapter 7.3

Finding 46: All shoreline modifications must comply with the following general provisions:

SMP Section 7.3(A): Structural modifications may be permitted only where there is a demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

Finding 47: The existing block retaining walls were placed in violation of the City of Woodland's Shoreline Management Program.

The placement of the four block retaining walls potentially impacted the shoreline environment and led to the damage to the shoreline further through cumulative impacts on the section of the shoreline in question.

The proposal is to replace the partially completed stone block retaining walls with a vegetated retaining wall system to provide the stabilization necessary to mitigate and enhance the shoreline environment present on site through the planting of native species and to prevent continued degradation of the shoreline present. Furthermore, the applicant has provided several geotechnical memos supporting the proposed development and noting that continued degradation of the shoreline along the property has the potential to damage the existing residential structures. Staff agrees that the proposed vegetated bank stabilization should prevent further bank destabilization and restore some ecological function on the bank.

SMP Section 7.3(B): Preference shall be given to shoreline modifications that have a lesser impact on ecological functions.

Finding 48: The applicant is proposing the replacement of non-compliant stone block retaining walls with a bioengineered vegetated wall system in a similar configuration.

The proposed vegetated wall system will impacts to the existing ecological functions on site compared to the stone block retaining walls. This is consistent with this section of the Woodland SMP.

SMP Section 7.3(C): Modifications shall be designed to incorporate all feasible measures to protect ecologic shorelines functions and ecosystem-wide processes.

Finding 49: The applicant is replacing existing noncompliant shoreline stabilization measures with a bioengineered, vegetative measure intended to protect ecologic shorelines functions. This design incorporates measures to protect ecological shoreline functions and ecosystem wide processes. This meets the City’s standards.

Conclusion: As proposed, the project can comply with this standard.

Shoreline Stabilization | SMP Chapter 7.3.1

Finding 50: The applicant is proposing the placement of a maximum of five (5) tiered vegetated walls to serve as shoreline stabilization. The applicant intends to minimize the number of walls ultimately placed in order to maximize the planting area and minimize potential further impacts to the property. This is classified as hard shoreline stabilization under the Woodland Shoreline Master Program. In order for any shoreline stabilization project to be permitted, the applicant must demonstrate compliance with subsection 7.3.1 of the Woodland Shoreline Master Program/

SMP Section 7.3.1(A): Proposals for new or modified shoreline stabilization shall demonstrate that proposed structures are the minimum size necessary.

Finding 51: Applicant has proposed the replacement of 4 unpermitted and partially constructed block retaining walls with a maximum of 5 vegetated retaining walls. Applicant intends to minimize the number of retaining walls constructed in order to minimize further degradation of the shoreline environment based on actual conditions following removal of the pre-existing, partially constructed walls.

SMP Section 7.3.1(B): Compliance with the following criteria shall be documented through geotechnical analysis by a qualified professional. Geotechnical reports pursuant to this Section shall address the necessity for shoreline stabilization by estimating timeframes and rates of erosion and shall report on the urgency associated with the specific situation.

1. *New lots created by subdivision shall demonstrate that new shoreline stabilization will not be necessary, for the life of the development, in order for reasonable development to occur.*
2. *Development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure (see Chapter 8 of Appendix B, Critical Areas Regulations).*
3. *Development that would require new shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas, shall not be allowed.*
4. *Hard armoring solutions shall be authorized only*

Finding 52: The proposed development generally meets the above criteria:

1. Not Applicable: The applicant is not proposing the subdivision of any real property and no new lots will be created as a result of this application;
2. Met: The development is intended to mitigate the effect(s) of previous, unpermitted work constructed along the shoreline. As demonstrated by the geotechnical memo(s) provided, removal of the stone block retaining walls without providing adequate stabilization in replacement would likely cause further efforts to stabilize the property in the future. By permitting the use of a vegetated wall system in replacement of the stone block walls, applicant is minimizing environmental harm while providing native vegetation to be predominant.
3. Met: The unpermitted stone block retaining walls currently in place likely has caused negative impacts to adjacent and down-current properties and shoreline areas. The utilization of vegetated walls will mitigate against continued impacts to surrounding properties and shoreline environments.
4. Not Applicable: The applicant is not proposing hard armoring as a part of this application.

The proposed development generally meets these standards as outlined above.

SMP Section 7.3.1(C): Shoreline stabilization shall be designed and constructed to avoid or minimize stream channel direction modification, realignment, and straightening or to result in increased channelization of normal stream flows or impacts to sediment transport.

Finding 53: The applicant has designed the proposed shoreline stabilization to minimize the potential need for future modifications to the existing bank.

SMP Section 7.3.1(D): Compliance with the following criteria shall be documented through geotechnical analysis by a qualified professional. Geotechnical reports pursuant to this Section shall address the necessity for shoreline stabilization by

estimating timeframes and rates of erosion and shall report on the urgency associated with the specific situation.

- 1. No action (allow the shoreline to retreat naturally).*
- 2. Non-structural methods such as increased building setbacks, relocating structures, and/or other methods to avoid the need of stabilization.*
- 3. Stabilization constructed of soft structural protection and bioengineering, including, but not limited to, beach nourishment, protective berms, or vegetative stabilization.*
- 4. Soft structural stabilization, as described above, in combination with hard structure stabilization, as described below, constructed as a protective measure.*
- 5. Hard structure stabilization constructed of artificial materials such as, but not limited to, riprap or concrete.*

Finding 54: The applicant is proposing a combination of soft, vegetative stabilization practices combined with minimal use of plastics and other ‘hard’ materials.

Finding 55: No action is not an option due to the code violation and pending enforcement case, while removal of the block retaining walls would likely lead to increased concerns over the stability of the associated property and neighboring properties without placement of some kind of slope stability measure.

Finding 56: The residence on the site is pre-existing, and relocation is not financially or physically feasible. The residence is already located as close to the property boundary as permitted under the Woodland Municipal Code and relocating the structure is not feasible without a variance from the Woodland Municipal Code.

Finding 57: As discussed in the geotechnical memos, there are several concerns associated with placement of softer stabilization measures along the slope of the shoreline in this location.

First, due to the partial installation of the block retaining walls, and the subsequent period throughout the permitting process, sloughing and erosion has occurred that if left unsupported may risk damage to the existing single-family home. Furthermore, purely soft structural stabilization measures would not address the existing stone block retaining wall which has been deforming (tilting and bucking and/or tilting) into the Ordinary High Water Line (OHWL) of Horseshoe Lake due to the lateral load placed upon it by the slope above it.

The applicant has proposed utilizing FlexMSE vegetated retaining walls in order to address these concerns in a manner that prioritizes restoring the shoreline and maintaining slope stability along the shoreline. While the FlexMSE product includes limited artificial materials, it can address the issues brought up by the geotechnical

memo and while also promoting a softer form of stabilization than provided by block walls. The FlexMSE qualifies as being soft structural stabilization being utilized in combination with hard structure stabilization and is preferable to a purely structural solution to these problems.

SMP Section 7.3.1(E): New structural shoreline stabilization measures to protect an existing primary structure, including residences, are only allowed when there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents or waves rather than from upland conditions. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems by relocating drainage away from the shoreline edge before considering structural shoreline stabilization. Considerations shall include the feasibility of reconstruction and/or relocation of the structure if it is cost effective in relation to any new or expanded erosion control structures. All new erosion control structures shall not result in a net loss of shoreline ecological functions.

Finding 58: Applicant is applying for new structural shoreline stabilization measures to protect an existing single-family residence, as well as the restoration of the shoreline. While there is no proof of current or wave erosion, the site itself has experienced extensive sloughing and erosion due to the extended period of inactivity and the partially constructed block retaining walls. But, the geotechnical memo(s) provided evidence that stabilization of the property is required to prevent continued degradation of the lakeside property potentially damaging the foundation and structure of the existing single family home. Though self-inflicted, there is a legitimate concern about the ongoing stability of the slope that warrants action.

SMP Section 7.3.1(F) New shoreline structural stabilization may be permitted in support of a water dependent development when all of the conditions below are met as demonstrated in a geotechnical report by a qualified professional:

- 1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.*
- 2. There is a need to protect primary structures from damage due to erosion.*
- 3. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.*
- 4. The stabilization structure will not result in a net loss of shoreline ecological functions.*

Finding 59: The applicant is not proposing new water dependent development on the site. As such, these requirements are not applicable.

SMP Section 7.3.1(G) New shoreline structural stabilization may be permitted in support of a new non-water-dependent development (including single-family residences) when all of the conditions below are met as demonstrated in a geotechnical report by a qualified professional:

- 1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.*
- 2. There is a need to protect primary structures from damage due to erosion caused by natural processes, such as currents or waves.*
- 3. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.*
- 4. The stabilization structure will not result in a net loss of shoreline ecological functions.*

Finding 60: The applicant is proposing the removal of the partially constructed stone block retaining walls and the placement of bio-engineered retaining walls serves as the primary development itself. This should protect the existing single-family home.

The erosion has been partially caused by upland conditions, including the loss of vegetation and disturbance due to the unpermitted work done by the applicant, however it has been worsened by sitting for extended periods through the permitting process reliant on temporary erosion control measures. To revegetate the site and provide a better vegetative cover, the slope will require stabilization.

The primary single-family home may ultimately be at risk if the slope continues to destabilize, especially should the existing retaining wall ultimately buckle from the load placed against it. The buckling of the existing retaining wall would likely lead to rapid loss of dry land, and further stabilization measures are required in order to secure the retaining wall and to ensure the rapid loss of sediment does not ultimately risk the existing single-family home on the property.

SMP Section 7.3.1(H) New shoreline structural stabilization may be permitted to protect ecological restoration or hazardous substance remediation projects when the conditions below are met as demonstrated in a geotechnical report by a qualified professional:

- 1. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.*
- 2. The stabilization structure will not result in a net loss of shoreline ecological functions.*

Finding 61: Applicant is proposing a small-scale ecological restoration project in order to mitigate the damage done to the shoreline environment from the unpermitted construction of block retaining walls within the shoreline. Mitigation requires the planting of native plants along the shoreline.

Finding 62: As noted within the geotechnical memos and planting plan provided alongside the application, the FlexMSE vegetated wall system will allow a majority of the shoreline to be returned to a vegetative state following the unpermitted removal of vegetation associated with the unpermitted installation of the original block retaining walls. Previous vegetation consisted of limited native plantings, and was primarily invasive blackberry, ivy, and other plantings. The vegetated walls will permit the planting of native species throughout the shoreline, including Salmon berry, thimble berry, sword fern and others. This will provide considerably more ecological function than the previous site and will not result in a net loss of shoreline ecological function.

SMP Section 7.3.1(I) The construction of a shoreline stabilization structure, either “soft” or “hard” for the purpose of creating dry land is prohibited.

Finding 63: No new shoreline stabilization measure proposed will create dry land. Applicant is proposing the replacement of the existing bulkhead and retaining wall that, per their narrative may currently be waterward of the OHWL, and the repair and capping may create dry land. This is addressed below.

SMP Section 7.3.1(J) Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses or structures from erosion caused by current or wave action.

Finding 64: Existing retaining wall, as demonstrated within the geotechnical memo, carries a high lateral load, and removal may cause the slope to become increasingly unsupported potentially putting the existing property at risk. Furthermore, based on the City’s records and the Clark County database, the existing retaining wall has been in place since prior to 1990, and likely since the construction of the property in approximately 1961, and removal will expose loose sediments to currents and wave action for the first time since then, likely leading to increased levels of erosion.

SMP Section 7.3.1(K) Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

Finding 65: The applicant is proposing to repair an existing concrete bulkhead as a part of this project. According to applicant's narrative and geotechnical report, this existing retaining wall may be waterward of the OHWM. Replacement of the existing bulkhead is not address within this application, and may require further shoreline and environmental permitting. Furthermore, any in water work will require Hydraulic Project Approval from the Washington State Department of Fish & Wildlife. *(See Condition #9)*

Based on Clark County records, the single-family home the currently stands on the property was first constructed in 1961, and City permitting records indicate that the noted gazebo on the property was constructed in 1986 and a reroofing permit was applied for and completed in 1991. While the original building permit and/or Certificate of Occupancy is not present in the City's files, this documentation and the County's record serves as evidence that the existing bulkhead was installed prior to January 1st, 1991 and may be replaced at its location in order to ensure that the mitigation measures put in place can thrive and not be impacted by potential rapid erosion due to unsupported slopes as described within the geotechnical memo. While a Temporary Erosion and Sediment Control (TESC) has been put in place, per the provided geotechnical memo(s), permanent slope stabilization is required to prevent long term erosion issues. *(See Attachment A – Historical Building Permits)*

SMP Section 7.3.1(L) Replacement must result in no net loss of ecological functions. For purposes of this Subsection regarding standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.

Finding 66: The proposed repair of the bulkhead will not cause loss of ecological functions. A condition of approval has been recommended that the applicant will provide building plans demonstrating that the repaired retaining wall shall not exceed the height, width, or size of the existing bulkhead. *(See Condition # 14)*

SMP Section 7.3.1(M) A publicly financed or subsidized shoreline stabilization project shall provide public access subject to the provisions in Section 6.5 of this SMP. Where feasible, such structural stabilization shall incorporate ecological restoration. See Section 6.5, Public Access, for additional information.

Finding 67: Proposed development is not publicly funded or subsidized. This criterion is not applicable.

SMP Section 7.3.1(N) Bioengineered projects shall be designed by a qualified professional in accordance with the most current, accurate, and complete scientific and technical information available, and shall incorporate a variety of

native plants, unless native species are demonstrated infeasible for the particular site.

Finding 68: Proposed vegetated wall system has been reviewed and approved by several environmental groups and is recognized as a low impact development and qualifies for LEED credits.

Conclusion: As conditioned, proposed development can comply with these standards.

Shoreline Habitat and Ecological Enhancement Projects | SMP Chapter 7.3.5

Finding 69: Shoreline habitat and ecological enhancement projects are those in which public and/or private parties engage to establish, restore, or enhance habitat.

Finding 70: The Woodland Shoreline Management Program requires long-term maintenance and monitoring to be included in restoration or enhancement projects. A condition of approval has been added requiring a 3-year monitoring plan with 80% survival rates for all plantings has been added and a 100% ground coverage requirement has been recommended. *(See Conditions # 7a and #7b)*

Finding 71: Applicant, and subsequent owners of the property in question, are required to maintain and monitor the results of this restoration project.

Finding 72: SMP Chapter 7.3.5(B) requires shoreline restoration and enhancement projects to be designed using scientific and technical information and implemented using best management practices.

Finding 73: Applicant has retained Brian Lee Perleberg with Northern Resource Consulting, Inc to consult on the project and prepare all environmental documentation required. Northern Resource Consulting, Inc is an environmental consulting firm based out of Longview, WA. Documents provided were compiled by qualified experts in their field utilizing scientific and technical information.

Finding 74: SMP Chapter 7.3.5(C) provides the applicable standards of approval for shoreline restoration and enhancement projects:

SMP Section 7.3.5(C)(1): Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;

Finding 75: Proposed shoreline restoration will return the property to a more natural state, and will not adversely impact spawning, nesting, or breeding of fish, or any wildlife habitat conservation areas.

SMP Section 7.3.5(C)(2): Water quality will not be degraded;

Finding 76: The planting of native plants along the terraced shorelines will improve shoreline stability and stormwater functions and improve water quality from the current state.

Finding 77: The proposed shoreline restoration project will not impact water quality negatively outside of potential temporary impacts associated with the removal of the existing stone block walls causing potential sediment to enter the waterway. Applicant is expected to maintain proper erosion control measures to ensure that any potential erosion is minimized. (See Condition 2)

SMP Section 7.3.5(C)(3): Flood storage capacity will not be degraded;

Finding 78: The revegetation of the affected area is expected to return the area to the same flood storage capacity as before.

SMP Section 7.3.5(C)(4): Streamflow will not be reduced;

Finding 79: The implementation of the proposed habitat and ecological enhancement project will not impact streamflow.

SMP Section 7.3.5(C)(5) Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and

Finding 80: Proposed habitat enhancement will serve to mitigate for previous impacts to critical areas by providing increased vegetation within the shoreline buffer as well as the planting of new trees to mitigate against the removal of two existing trees at a ratio of 3 new trees to one removed tree. All plantings will be native species. A condition of approval has been added that the applicant include the location of the trees proposed be added to a final site plan and submitted to the City prior to implementation. (See Condition #7)

SMP Section 7.3.5(C)(6): The project will not interfere with the normal public use of the navigable waters of the State.

Finding 81: The project will have no negative impact on the normal public use of the navigable waters of the state.

The only impact will be the rehabilitation of an existing dock that has been in place for over ten years. This rehabilitation will provide the property owner, and potential other visitors to the private residence, greater access to the shoreline and waterway.

Conclusion: As conditioned, this project can comply with the City of Woodland Shoreline Management Program.

Critical Areas Regulation | SMP Appendix B & WMC Chapter 15.08

Finding 82: The subject site is located in reach W-06 per the City's shoreline environmental designation map, and per Table B-4 (Reach-Based Riparian Habitat Areas for Shoreline Waters) and is subject to a 25-foot from the OHWM Riparian Habitat Area.

Several impacts to the RHA have been identified, primarily due to the vegetation clearing and ground disturbance associated with the construction of several stone block walls within the 25-foot habitat area. This unpermitted construction has been partially completed, and avoidance is not possible. The applicant has proposed the utilization of bioengineered structures in order to minimize future impacts within the RHA and provide additional native vegetation plantings throughout the site.

Finding 83: The applicant provided a preliminary mitigation planting plan prepared by Northern Resource Consulting, Inc ("NRC"). The author is not listed within the plan, nor is the author's qualifications given, however based on communication with the applicant it is assumed that the author is Brian Lee Perleberg, a senior biologist with NRC who has served as the applicant's environmental consultant.

The provided report furthermore does not identify the 25 foot RHA along the Horseshoe Lake Shoreline, or quantify the exact impacts present. A condition of approval has been added requiring a revised Critical Areas Report be submitted. *(Condition #7)*

Finally, the plan provided appears to reference the Cowlitz County Code rather than the Woodland Municipal Code and Shoreline Program. The City of Woodland has an individual Shoreline Master Program, including Critical Area provisions, that is generally consistent with Cowlitz County. The required final report should be modified to be consistent with the City's code and shoreline program.

A condition of approval has been added that a final, modified mitigation plan be provided prior to implementation of the planting plan that addresses the following concerns:

1. The report's author should be identified, and their respective qualifications should be provided;
2. The Riparian Habitat Area (RHA) shall be identified, and the approximate impacts be calculated; and
3. The City of Woodland Municipal Code (WMC) and Woodland Shoreline Program should be utilized in the final report.
4. The final mitigation plan shall include a monitoring plan for a period through 2028 or for a period of at least three (3) years from the initial planting, and have a survival rate of at least 80% and an 80% ground coverage at the end of that monitoring period.
5. An initial planting will be required to document the planting is complete. Monitoring reports for each year will be required annually starting from the date that initial planting report. If any of the annual planting reports are missed, in 2028, at the end of the monitoring period, if it is found that there has not been an 80% survival rate of the initial plantings, replanting will be required and an additional monitoring period of at least 3-years shall be required until such time as the goals of the mitigation plan can be shown to have been met.
6. A conservation covenant for the habitat conservation area shall be recorded within one year of the completion of the planting. The recorded covenant may be submitted with the first monitoring report. *(See Conditions #7 and #10)*

Finding 84: The provided mitigation plan is generally consistent with WMC Chapter 15.08 and Appendix B of the Woodland Shoreline Master Program. The plan includes stated goals and objectives. The plan hopes to achieve at least 80% vegetation cover, and is aiming for a survival rate of 80%.

The plan also includes a monitoring program to be conducted by NRC as well as contingency plan should the initial plantings fail to meet the standards as listed in the report. *(See Condition #7)*

Finding 85: Potential impact(s) to the RHA include the demolition/removal of the unpermitted stone block retaining walls, and the installation of the vegetated stabilization measures (FlexMSE). The purpose of the replacement is to

implement minimization of potential long term impacts and to implement mitigation for previous impacts by planting native vegetation that will improve the functions of the habitat area.

The proposed mitigation would be considered a water-dependent use per the Woodland Shoreline Master Program as the mitigation of Riparian Habitat Areas necessitates works being completed adjacent to waterways that have been stabilized at a minimum. The proposed vegetative stabilization structures are accessory to the replanting and mitigation project, and required to ensure that the riparian habitat functions are restored to the same level as was present prior to disturbance.

Finding 86: Per subsection 9.4.D.6.b of Appendix B of the Shoreline Master Program, Uses, developments and activities accessory to water-dependent uses should be located outside any applicable standard, reach-based or reduced shoreline buffer unless at least one of the following is met:

- i. Proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose and the elements are supportive of the water-dependent use and have no other utility (e.g., a road to a boat launch facility); or
- ii. The applicant's lot/site has topographical constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer).

The proposed construction of several vegetated retaining walls is accessory to a shoreline restoration project, and is required to ensure the habitat's historic ecological values are maintain and long-term impacts are minimized. Continued shoreline instability would likely risk the mitigations measure ability to thrive long term, as demonstrated within the provided geotechnical memo(s) provided. This meets the criteria within subsection 9.4.D.6.b(i) as written.

Conclusion: As conditioned, this project can comply with the City of Woodland Shoreline Management Program.

Building | WMC 14 & IBC

The city has adopted the 2018 edition of the International Building Code (IBC), however the 2021 editions of the codes will be in effect by July 1st, 2023. Building permits must be fully complete by July 1st, 2023 to be vested.

Finding 87: Required building permits must be obtained prior to commencement of any additional work. Stamped engineering drawings and calculations will be required prior to building permit review as necessary under IBC. (See condition # 10)

Conclusion: As conditioned, the proposal can comply with Building Code.

SEPA Comments:

Finding 88: The Washington State Department of Ecology provided two comment letters associated with this project. The first, dated September 14th, 2022, included comments on solid waste management, water quality/watershed resources, and Shorelands & Environmental Assistance. This letter was in response to the first plan set provided and did not reflect the modifications made to the plans.

The second comment letter, dated provided included comments regarding solid waste management and water quality and watershed resources. Specifically:

- Derek Rockett with Ecology's Solid Waste Management noted that the applicant may be removing a structure that contains treated wood, and requests that the applicant refer to a Department of Ecology publication for suggested best management practices. Rockett further noted that other material may be considered solid waste and permitting may be required from the local health department prior to filling. All removed debris and dredged materials must be disposed of at an approved site.
- Brian Johnson, with Ecology's Water Quality/Watershed Resources unit noted that erosion control measures must be in place prior to any clearing, grading, or construction and must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains. That lead to waters of the state. Additionally, any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control and WAC-173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.
- Ecology also noted that projects that require a Construction stormwater general permit from the department of ecology include:

- Clearing, grading, and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the state;
- Clearing, grading, and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the state;
- Any size construction activity discharging stormwater to waters of the State that Ecology:
 - Determines to be a significant contributor of pollutants to waters of the State of Washington; and/or
 - Reasonably expects to cause a violation of any water quality standard.

A condition of approval has been added that the applicant is responsible for complying with the updated comments provided by the department of Ecology. (See Condition # 11)

Preliminary Staff Recommendation | WMC 19.10.030

Finding 89: City Staff recommends that the hearing examiner approve the applications for a Shoreline Substantial Development Permit and Shoreline Conditional Use permit for the Department of Ecology review. This recommendation has been made based on the findings and conclusions listed above, and any approval would be contingent on Ecology’s final approval. Following the City’s decision, the Washington State Department of Ecology has thirty (30) days to either approve, approve with conditions, or deny the final Shoreline Conditional Use Permit. (See Condition # 12)

Finding 90: Construction associated with the subject permits shall not begin prior to twenty-one (21) days following the effective date of all associated permits. (See Condition # 13)

Conclusion: The preliminary site plan can be approved with conditions

V. ENVIRONMENTAL REVIEW

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This Determination of Non-significance (DNS) is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

VI. RECOMMENDATION

Per WMC 19.08.030, staff recommends that above applications for the Shoreline Substantial Development Permit and the Shoreline Conditional Use Permit be **APPROVED WITH CONDITIONS** by the City of Woodland's Hearing Examiner based on the criteria and standards outlined in Woodland Municipal Code (WMC). See Section VII for conditions of approval.

VII. CONDITIONS OF APPROVAL

1. A Right-of-Way permit is required for any work in the Right-of-Way.
2. The applicant shall install and maintain erosion control measures compliant with best management practices and WMC Chapter 15.10.
3. The applicant is responsible for maintaining best management practices (BMPs) for stormwater management during construction and following completion of the development per WMC Chapter 15.12 and the 1992 Stormwater Manual for the Puget Sound Basin.
4. The applicant shall reimburse the City for any professional peer review provided as a part of this application, if applicable.
5. The applicant shall commence construction activities within two (2) years of the effective date of the Shoreline Substantial Development Permit unless an extension is requested and granted per SMP 8.8.C.2.
6. The applicant is liable for all costs, fines, fees, and other repercussions stemming from their violation of the City of Woodland SMP, including costs associated with the restoration of the area to meet its prior condition.
7. The applicant shall provide the city with a final restoration and mitigation plan reflecting the modifications made to the planting plan proposed as a part of the resubmitted plan prior to implementation of the proposed construction. Final restoration plan shall include the location of the trees intended to be planted in the Riparian Habitat Area.
 - a. Applicant shall provide a final restoration and mitigation plan demonstrating that three new cottonwood trees (or approved alternative) will be planted for every

- tree removed. Final site plan submitted alongside the restoration and mitigation plan shall identify the location these trees will be planted.
- b. Final mitigation planting plan should be provided including the following modifications:
 - i. Final report should reflect modified plan(s);
 - ii. The report's author should be identified and their qualifications provided;
 - iii. The Riparian Habitat Area should be identified and approximate impacts calculated;
 - iv. The report should reflect the City of Woodland's municipal code and shoreline program rather than the Cowlitz County Code.
 - c. The final mitigation plan shall include a monitoring plan for a period through 2028 or for a period of at least three (3) years from the initial planting, and have a survival rate of at least 80% and an 80% ground coverage at the end of that monitoring period.
 - d. An initial planting will be required to document the planting is complete. Monitoring reports for each year will be required annually starting from the date that initial planting report. If any of the annual planting reports are missed, in 2028, at the end of the monitoring period, if it is found that there has not been an 80% survival rate of the initial plantings, replanting will be required and an additional monitoring period of at least 3-years shall be required until such time as the goals of the mitigation plan can be shown to have been met.
 - e. A conservation covenant for the habitat conservation area shall be recorded within one year of the completion of the planting. The recorded covenant may be submitted with the first monitoring report.
8. All soils utilized for any required fill and backfill must match historic and existing soils. The applicant is responsible for ensuring that water quality is not negatively impacted by this restoration project.
9. If it is determined that the bulkhead must be replaced and/or in-water work will be required, additional review as a shoreline permit may be required depending on scope of work.
- a. If it is determined that the bulkhead must be replaced and/or that in-water work will be required, the approval of Hydraulic Permit Approval (HPA) will be required from the Washington State Department of Fish and Wildlife. The HPA will be required prior to undertaking any work on the bulkhead.
 - b. In-water work for the bulkhead will require review under SEPA. A SEPA checklist may be completed with the city or it may be completed with a state agency with jurisdiction, but it is not covered by the SEPA processed with SSD-22-001 and SCUP-22-001.

- c. Review and approval for the removal/replacement of the bulkhead shall be approved as necessary, by the Department of Ecology prior to commencement of work on the bulkhead.
10. Required building permits must be obtained prior to commencement of any additional work. Stamped engineering drawings and calculations will be required prior to building permit review as necessary under IBC.
11. It is the applicant's responsibility to make any relevant revisions and/or acquire any relevant permits based on provided comments from the Department of Ecology.
12. Work shall not begin until the Washington State Department of Ecology has approved the final Shoreline Conditional Use Permit and this approval has been provided to the applicant.
13. Construction associated with the subject permits shall not begin prior to twenty-one (21) days following the effective date of all associated permits.
14. Final, engineered building plans for the replacement of the existing bulkhead shall demonstrate that its dimensions will not be changed.
15. Applicant shall submit for building permit(s) and building plan review, and provide as-built drawings once the relocation is complete to lukaczerd@ci.woodland.wa.us.
16. Payment shall be made to the City for any outstanding Professional Consulting Services per WMC 19.02.120.

VI. APPEAL PROCEDURE

As per WMC 19.08.020 and 19.08.030, Shoreline Substantial Development Permits and Shoreline Conditional Use Permits may be appealed to the Shorelines Hearings Board within twenty-one (21) days of decision issuance from the Washington State Department of Ecology.

Staff Contact: David Lukaczer, Associate Planner
City of Woodland
P.O. Box 9
230 Davidson Ave
Woodland, WA 98661
lukaczerd@ci.woodland.wa.us

VII. NEXT STEPS

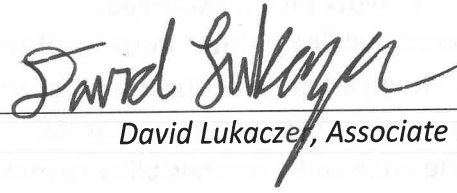
If there is no appeal to the decision, the applicant may move forward to develop the site.

- Submit final civil documents addressing the conditions above.
- Submit building, grading, and sign permits online: www.ci.woodland.wa.us/documents/
 - a. Contact Elissa Brentano, Permit Technician, for assistance: 360-225-7299.

- b. Pay any outstanding professional consulting services per Woodland Municipal Code, Ordinance 1097.

Date: 5/25/2023

Signature: _____



David Lukacz, Associate Planner

- cc: Applicant
- Parties of Record
- File
- Website
- Mayor
- City Administrator

ATTACHMENTS

- A. Historical Building Permits
- B. Site Plan
- C. Restoration Plan
- D. Geotechnical Memo dated 12/17/2022
- E. Geotechnical Memo dated 10/18/2022
- F. Ecology Letter dated 9/14/2022
- G. Ecology Letter dated 5/22/2023

Attachment A
Historical Permits

**COWLITZ COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
MASTER APPLICATION**

(Print in Ink or Type — DO NOT Use Pencil!)

For Office Use Only	
Permit/Case No. <u>10155</u>	
Date <u>10/15/92</u>	By <u>MBG</u>
Control # <u>92-10-1901</u>	

Applicant COLUMBIA RUFFIN CONTRACTING INC Mailing Address 10702 ME Hwy 99
 City Vancouver State WA Zip 98686 Daytime Phone (206) 573-3431
 Property Owner Anna Schultz Mailing Address 412 Island Aire Dr
 City Woodlawn State WA Zip 98674 Daytime Phone ()
 Contact Person Ben Johnson Title President / Columbia Ruffin Daytime Phone (206) 573-3431
 Contractor COLUMBIA RUFFIN CONTRACTING INC License No. CUMMAC1958E Phone (206) 573-3431
 Contractor's Address 10702 ME Hwy 99 City Vancouver State WA Zip 98686
 Lending Institution N/A Address _____ Phone _____

If a payment/performance bond is issued for 50% or more of the total amount of the construction project on behalf of the prime contractor for the protection of the owner, complete the following (this bond generally pertains to major commercial, industrial and multi-family residential projects):

Name of Firm _____ Address _____ Phone () _____

Project Address 412 Island Aire Dr City Woodlawn

Subdivision/DLC/Short Plat _____ Lot: _____ Block _____ Auditor's Fee No. _____
 Parcel No. 59999 Section _____ Township _____ Range _____ Tax Lot No. _____ Acres _____

Occupancy Group _____ Total Sq. Ft. _____ Type Const. _____ No. of Stories _____ No. of Bedrooms _____
 Water Supply _____ Sewage Disposal _____ Type of Heat _____ Fair Market Value of Project \$200K

Is there or has there been any filling, grading or excavating associated with the project site? Yes _____ No _____ Quantity _____ cy
 If yes, applicant shall submit a completed filling/grading/excavating supplement with this master application.

TYPE OF APPLICATION
(Check Applicable Space)

Septic _____ Residential Commercial _____ Industrial _____ Fire/Safety _____ Environmental _____ Planning _____ Other _____

Describe Project and Specific Use (If mobile home, state whether single-wide or double-wide; new or used; manufacturer, serial no. and dimensions):
REMOVE EXISTING RUFFIN AND REPLACE

NOTICE: Separate permits and approvals may be required for this project. Every permit issued by the Administrative Authority under the provisions of Cowlitz County Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Issuance of a permit does not authorize any work in public right-of-way or on utility easements. All provisions of laws and ordinances governing the type project shall be complied with whether specified herein or not. The granting of a permit or an approval does not presume to give authority to violate or cancel the provisions of any other federal, state or local laws regulating construction, the performance of construction, and/or operation of the project. I hereby certify that I have read and examined this application and know the same to be true and correct, and if any of the information provided is incorrect, the permit or approval may be revoked.

APPLICANT'S SIGNATURE [Signature] DATE 10/8/92

DO NOT WRITE BELOW THIS LINE — FOR OFFICE USE ONLY

Address Assigned 412 Island Aire Dr Date 10/9/92 By MBG

Soil Test Date _____ By _____ Zoning Z-1 Comp Plan PES Floodplain No Shoreline EXEMPT

	FEE	CODE	FEE	CODE	FEE	CODE
Soil Test	_____	_____	_____	_____	_____	_____
Septic Permit	_____	_____	<u>450</u>	_____	_____	_____
Septic Renewal	_____	_____	_____	_____	_____	_____
Septic Repair	_____	_____	_____	_____	_____	_____
Septic Design-A	_____	_____	_____	_____	_____	_____
Septic Design-C	_____	_____	_____	_____	_____	_____
Building Permit	<u>4700</u>	_____	_____	_____	TOTAL FEES 1	<u>5150</u>
Plan Review	_____	_____	_____	_____	TOTAL FEES 2	_____
Plumbing/Mech.	_____	_____	_____	_____	TOTAL FEES 3	_____
Mobile Home	_____	_____	_____	_____	Receipt 1	_____ Date _____
Woodstove	_____	_____	_____	_____	Receipt 2	_____ Date _____
	_____	_____	_____	_____	Receipt 3	_____ Date _____

DEPARTMENT REVIEWS APPROVED DENIED COMMENTS DATE BY

1. Water Availability	<input checked="" type="checkbox"/>				<u>10/9/92</u>	<u>MBG</u>
2. Planning	<input checked="" type="checkbox"/>					
3. Environmental	<input checked="" type="checkbox"/>					
4. Fire/Life Safety	<input checked="" type="checkbox"/>					
5. Septic/Sewer	<input checked="" type="checkbox"/>					
6. Building	<input checked="" type="checkbox"/>				<u>10/12/92</u>	<u>[Signature]</u>

INCORPORATED

APPLICANT M. TROTTER Date _____ By _____
Plan Check NO. _____
ADDRESS P.O. Box 958 TELEPHONE _____
CITY WOODLAND STATE WA ZIP 98674
PROPERTY OWNER SAME TELEPHONE _____
MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____

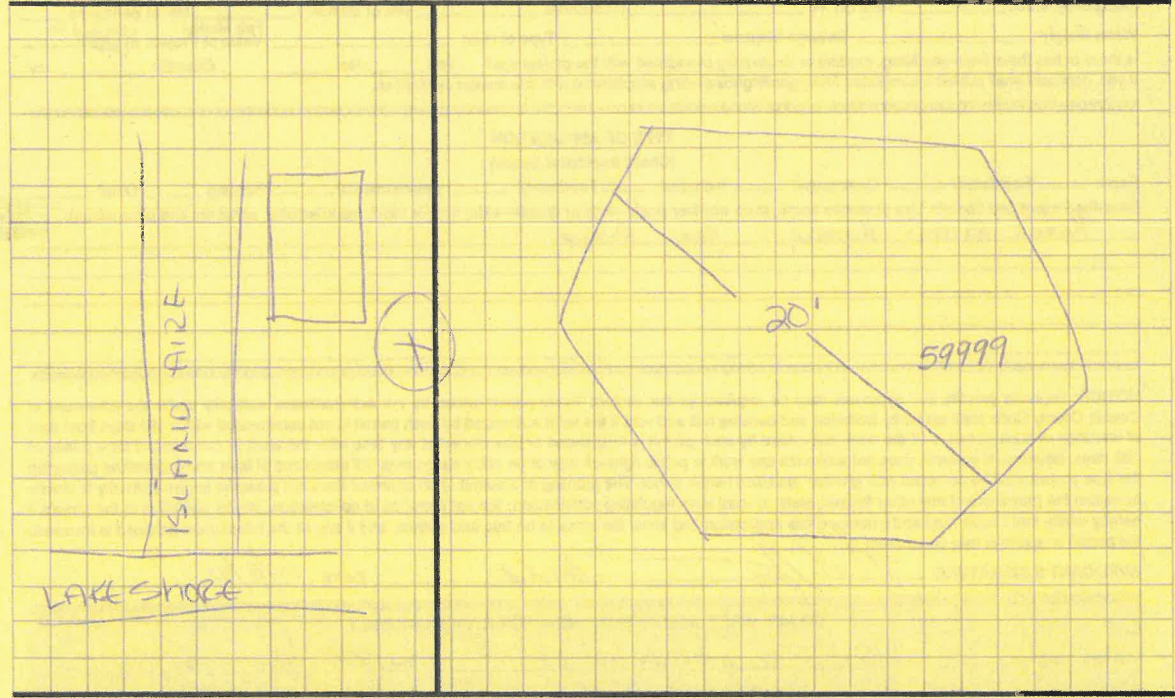
PROJECT ADDRESS NO. 412 STREET ISLAND AIRE DRIVE CITY WOOD.
SUBDIVISION _____ LOT _____ BLOCK _____
SECTION _____ TOWNSHIP _____ RANGE _____ TAX LOT NO. _____
PARCEL NO. 500 ACRES _____ AUDITORS FEE NO. _____

DESCRIBE PROJECT GAZEBO

NO. OF BDRMS. _____
WATER SUPPLIED BY: _____ Private _____ Public _____ Existing _____ New _____
SEWAGE DISPOSED BY: _____ Private _____ Public _____ Existing _____ New _____
BUILDER 59999 CONTRACTORS LICENSE NO. _____
TYPE OF HEATING _____ FAIR MARKET VALUE OF PROJECT \$3,500.00

VICINITY SKETCH

SITE PLAN



The above information and attachments are true and correct to the best of my knowledge and if any additions are required my application will not be processed until I forward it.

Date 11-06-86 Applicants Signature [Signature]

PLEASE NOTE BACK OF CARD FOR BUILDING INSPECTION REQUIREMENTS

MINIMUM SPECIFICATIONS

- 1) 1985 EDITION OF UNIFORM BLDG CODE
- 2) CALL FOR FINAL INSPECTION

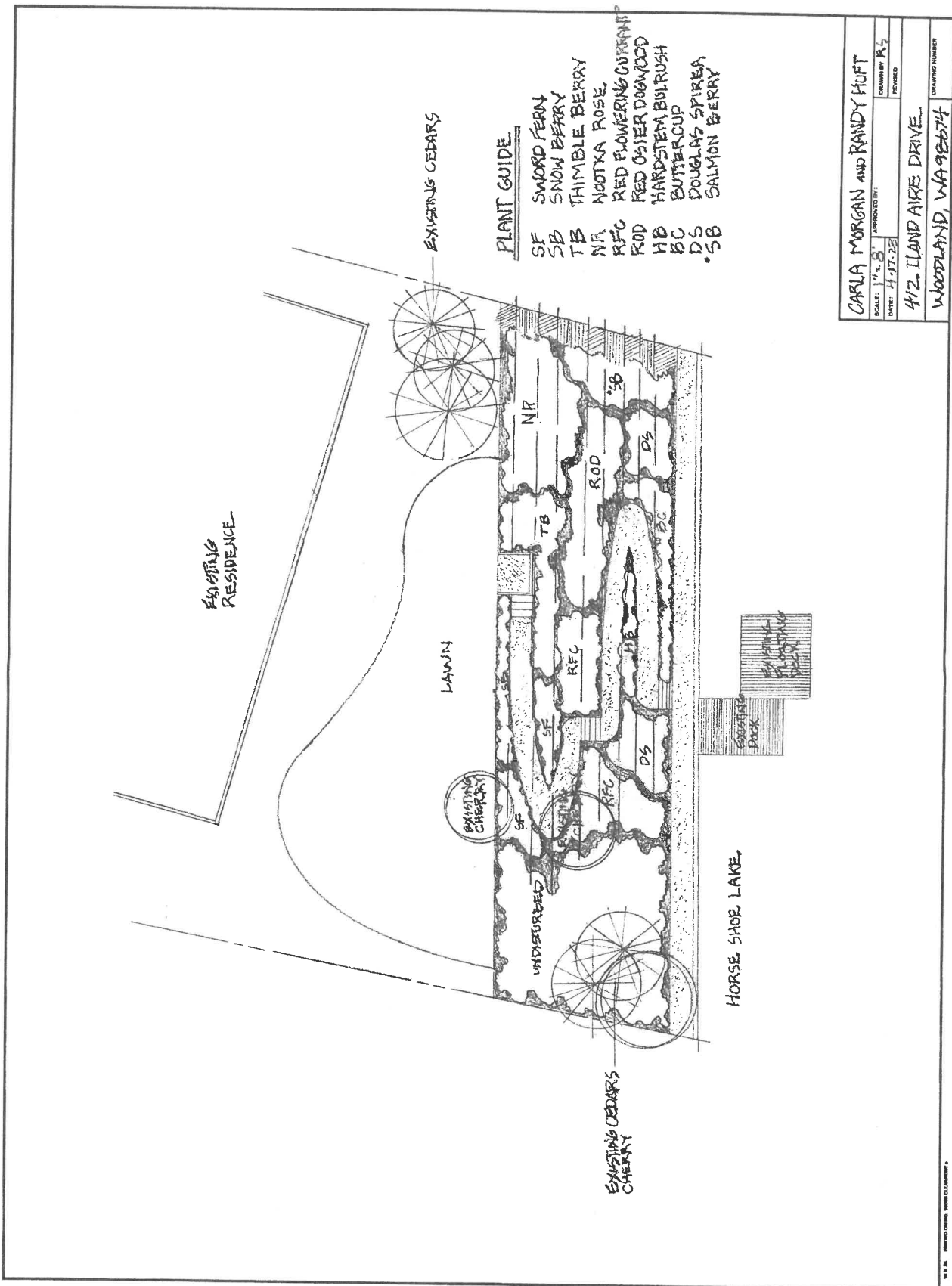
Date 11/2/86 Permit Approved By L. WHITTAKER

	PERMIT FEES	CODE	BY	Zoning _____	Comp Plan _____	Flood Plain _____
Soil Evaluation				Type of Occupancy: Existing _____	Proposed _____	
Final Inspection				Address stake will be placed: Date: _____	By: _____	Date: _____
Transfer				Address Assigned: _____		
Building	<u>47.00</u>			Soil Test Date _____	Re-test _____	
Plan Check				SPECIAL NOTES:		
Plmb/Mech						
Mobile Home						
Other	<u>state</u>	<u>1.50</u>				
TOTAL	<u>47.00</u>					

1. Receipt No. _____ Date _____
2. Receipt No. _____ Date _____
3. Receipt No. _____ Date _____
FINAL inspection approval soil: Date _____ By _____
FINAL inspection approval bldg: Date _____ By _____

Attachment B

Site Plan



PLANT GUIDE

- SF SWORD FERN
- SB SNOW BERRY
- TB THIMBLE BERRY
- NR NOOTKA ROSE
- RFC RED FLOWERING CURRANT
- ROD RED OSTER DOCKWOOD
- HB HARDSTEM BULRUSH
- BC BUTTERCUP
- DS DOUGLAS SPIREA
- SB SALMON BERRY

CARLA MORGAN AND RANDY HUFT	
SCALE: 1/4" = 5'	APPROVED BY: R.S.
DATE: 4-17-22	REVISION:
412. ILAND AIRES DRIVE	
WOODLAND, WA 98074	
DRAWING NUMBER:	

Attachment C
Restoration Plan

DRAFT Mitigation Planting Plan for Bank

City of Woodland, Washington and Washington Department of Ecology

Carla Morgan and Randy Huft.
412 Island Aire Drive, Woodland, Washington 98674
Property Identification No. 64515016
Clark County, Washington
Jurisdiction: City of Woodland

Property Owner
Carla Morgan and Randy Huft

City of Woodland
Travis Goddard
Community Development Director
Office Phone: (360) 225-7299
Cell Phone: (360) 218-9147

City of Woodland
David Lukaczer
Associative Planner:
Office Phone: (360) 225-7299

October 28, 2022

Revision B

Northern Resource Consulting, Inc.
ENVIRONMENTAL SERVICES
1339 Commerce Avenue, Suite 309B
Longview, Washington 98632

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1.2 SCOPE OF WORK	3
1.3 EXISTING CONDITIONS.....	3
1.3.1 SENSITIVE AREAS	4
2.0 REVEGETATION AND PLANTING AND PROTECTION PLAN.....	5
3.0 CONSTRUCTION SEQUENCE, TIMING, DURATION	5
3.1 GRADING AND EXCAVATION DETAILS	5
3.2 MONITORING PROGRAM.....	6
3.3 ADAPTIVE MANAGEMENT.....	6

1.0 Project overview

Carla Morgan and Randy Huft have started construction of building a block terraced wall adjacent to Horseshoe Lake along north end of their property 412 Island Aire Drive in Woodland, Washington. City of Woodland Planning Department notified applicants that the work was in violation of shoreline code and would need to seek and shoreline permit from City of Woodland Planning Department. Additionally a Planting Plan is required to meet City of Woodland, Washington SMP Compliance and Washington State Department Ecology review and implementation of City of Woodland SMP. Applicant hired Northern Resource Consulting to prepare a plan for SMP compliance and Erosion control including a SEPA/JARPA and any connected resource studies necessary.

1.1 Site Description

The property consist of a 4 bedroom 3 bath 3,513 soft single family resident home on a 10,454 SF lot with a northern property border of adjacent to Horseshoe Lake. The residential property consist of a mowed landscaped lawn with a few bushes and several large diameter western red cedar trees, black cottonwood, oak tree, cherry tree near the Northeast end of property a gazebo also lies on the eastern end of the property and will be removed during project. An existing 12 foot by 10 foot Floating dock is on site as well as a dilapidated Fixed Dock 12 foot by 8 foot. A preexisting block wall is located at the edge of the property transitions into the lake identified as the Ordinary High Water Mark. The baseline conditions of the slope were foxglove, bracken fern, and below ordinary high water it's a rocky or pebbly substrate.

1.2 SCOPE OF WORK

The project consists of construction of four terraced block walls 100 feet in length with a total width of 30 feet along the north end of the property line adjacent to Horseshoe Lake (Figure 1). Currently there is an existing block wall where the applicant plans to add 18 inches vertically to this block wall. A railroad tie planter or revetment existed along with 4-6 truckloads of garbage the shoreline is a place of deposition for garbage and plastic debris originating from lake users. It is anticipated that the majority of the work will occur during the drier summer months when anticipated rainfall should be minimal. All environmental BMP's will be installed prior to any work activities.

CONSTRUCTION PHASE SCHEDULE

Phase I. Remove existing gazebo (completed), remove brush consisting of ferns, and English ivy along the shoreline to expose soil for pouring the footings (Completed), pour concrete and install rebar guide system to stack block wall in a terrace format (75-80% Complete), remove western red cedar mid-slope that has multiple trunks (Not Complete), remove black cottonwood trees 10-inch diameter growing from existing block wall locations at Ordinary High Water Mark (Not Complete), install straw wattles per TESC Plan (Not Complete), remove existing stars going down west property line (Completed), preserve all trees on-site including the ones clumped on eastern property line (Complete).

Phase II. October 2022 Finish installation of block wall (20-25%), backfill between terrace with 3-way topsoil mix between terraces planters (not complete), install alternating stars from top of slope down to water line (not complete), re-deck the existing fixed dock platforms size 12 ft. by 10 ft. (not complete) and Install plants along the planter terrace slope consisting of a mix of native and non-native plants which require minimal watering (not completed). Remove all erosion control materials.

1.3 Existing Conditions

The property surrounding the project site is relatively flat within the project area with a sudden drop off at the shoreline existing block wall edge. Horseshoe Lake is located adjacent to north end of the property. Annual average precipitation in Woodland, Washington is approximately 61 inches, with the bulk of precipitation occurring in November – January as rain. The soil within the project limits is classified as Pilchuck fine sand loam 0 to 8% slope based on information provided by the NRCS Web Soil Survey (Map 5).

1.3.1 Sensitive Areas

The project takes place directly adjacent to Horseshoe Lake and possibly flood fringe wetlands associated with the shoreline below the existing block wall. Where abutments tie into the shoreline considered sensitive areas that may require delineation by a qualified professional to ensure the contractor crew is aware of these sensitive locations. High visibility safety fence will be used to protect sensitive areas including clumps of existing trees.

2.0 Revegetation and Planting Protection Plan

A protection plan describing activities that will be used to mitigate any impacts from the current proposal and restore any habitat that was degraded prior to the current proposed land use activity. Activities are to be conducted in accordance with CCC 19.15.170(C), Mitigation Sequencing. The protection plan at a minimum must include, but is not limited to:

- i. **Enhancement of functions within the RHA through intensive, appropriate native vegetation and soil amendments as approved by the qualified professional. A detailed planting plan is required;**

The mitigation planting plan will include native vegetation planting we believe the best approach to use all native plants and orient the plants based on terrace distance from water based on species water-dependent (Lowest Terrace) and native plants that are more arid or tolerant of dryness (highest terrace).

Lowest terrace closest to the Horse Shoe Lake:

1. Hardstem Bulrush (*Scirpus acutus*) 3-foot apart
2. Water Parsley (*Oenanthe sarmentose*) 3-foot apart (size: 10 cubic inch)
3. Buttercup (*Ranunculus spp.*) 3-foot apart (size: 10 cubic inch)
4. Douglas Spirea (*Spiraea douglasii*) 8-foot apart (bare root)
5. Western Water Hemlock (*Cicuta douglasii*) 3-foot apart (size: 10 cubic inch)
6. Purple Loosestrife (*Lythrum salicaria*) 3-foot apart (size: 10 cubic inch)

Middle Terrace:

1. Red Flowering Currant (*Ribes sanguineum*) 6-foot apart (1-gallon)
2. Lady fern (*Athyrium filix-femina*) 3-foot apart (size: 10 cubic inch)
3. Red-osier Dogwood (*Cornus Stolonifera*) 3-foot apart (bare root)
4. Bracken fern (*Pteridium aquilinum*) 3-foot apart (size: 10 cubic inch)
5. Pacific ninebark (*Physocarpus capitatus*) 4-foot apart (bare root)
6. Salmonberry (*Ribes spectabilis*) 4-foot apart (bare root)

Top Terrace

1. Nootka Rose (*Rosa nutkana*) 3-foot apart (bare root)
2. Snowberry (*Symphoricarpes allius*) 3-foot apart (bare root)
3. Sword fern (*Polystichum munitum*) 3-foot apart (size: 10 cubic inch)
4. Thimbleberry (*Rubus parviflorus*) 3-foot apart (bare root)
5. White bog orchid (*Platanthera dilatata*) 3-foot apart (size: 10 cubic inch)
6. Ladies tresses (*Spiranthes romanzoffana*) 3-foot apart (size: 10 cubic inch)
7. Western Red Cedar (*Thuja plicata*) 1-gallon (3 clumped together)
8. Black Cottonwood (*Populus balsamitere*) 5-gallon (3 clumped together)

- ii. **A construction and monitoring plan and financial assurance must be provided as described in CCC 19.15.170(F)(2)(g), (F)(2)(i) and (J)(2), respectively; and**

A monitoring plan will be implemented for the mitigation plantings administered by the applicant by NRC. At present time the applicant sees no benefit in financial insurances for completion of the planting along with maintenance and monitoring.

- iii. **A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.**

A monitoring and maintenance program is required as a part of the mitigation plan to continue protecting habitat after project completion.

3.0 Construction sequence, timing, duration

Plant installation shall occur in the spring (April / May 2023).

- Achieve 80% survival and replace any native plants that neglect to grow.
- Duration of planting and replacement will occur from 2023 to 2028.
- Performance Standards (80% vegetation cover) and less than 10% weed species.

3.1 Grading and excavation details

No grading or excavation is necessary besides finishing the block wall and importation of 3-way soil mix into the planting terraces.

3.2 Monitoring Program

Should plants not meet survivorship, they will be replaced by the same species. Spring planting will be favored for increased survival. Monitoring reports will be provided to the City of Woodland once per calendar year one, after planting, and year three demonstrating survival and growth.

3.3 Adaptive Management

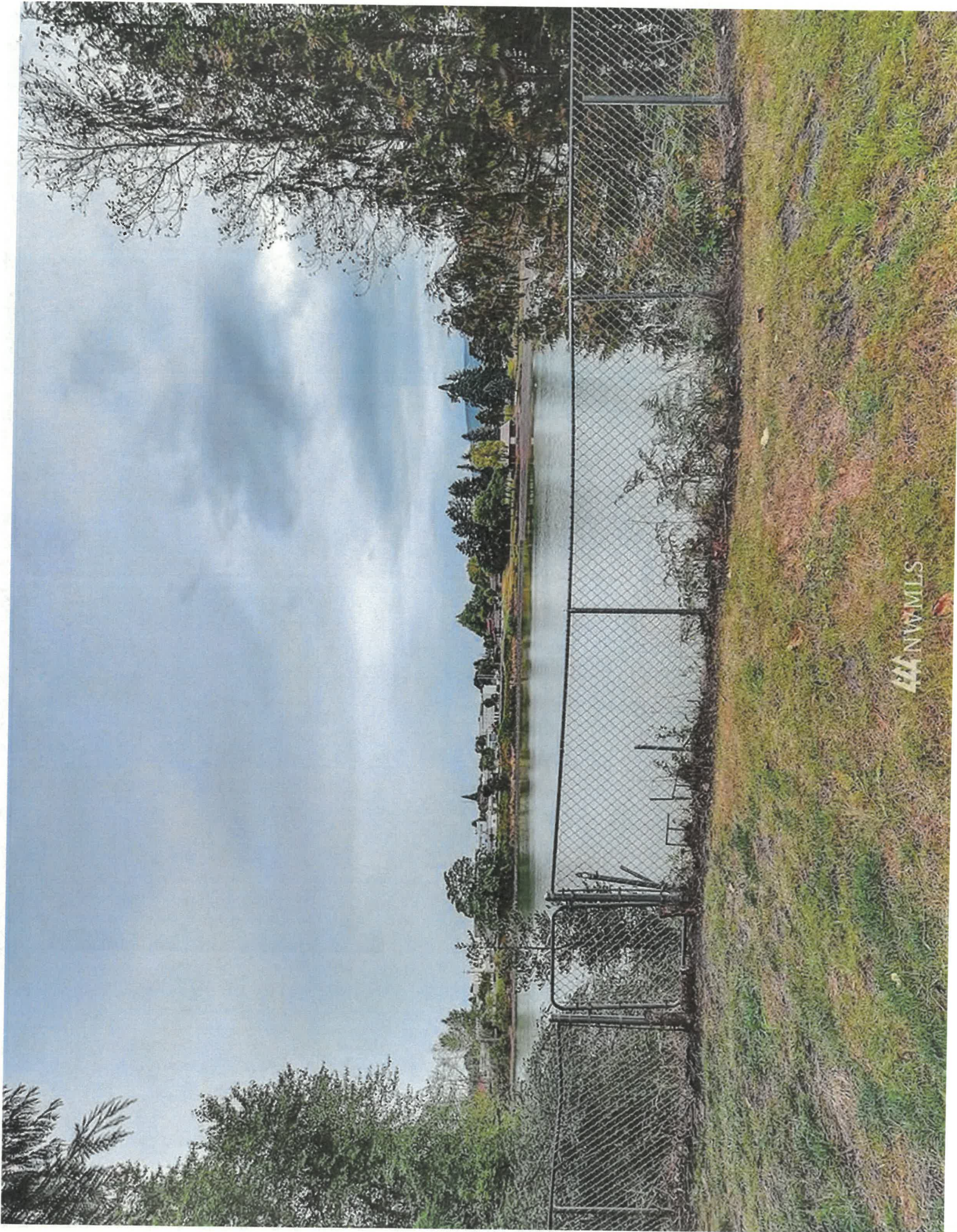
Not all contingencies can be anticipated. Therefore, the contingency plan is flexible so that modification can be made if the mitigation plan does not achieve desired results. Specific contingency actions will be developed and implemented based on feasible solutions.

Contingency may include the following:

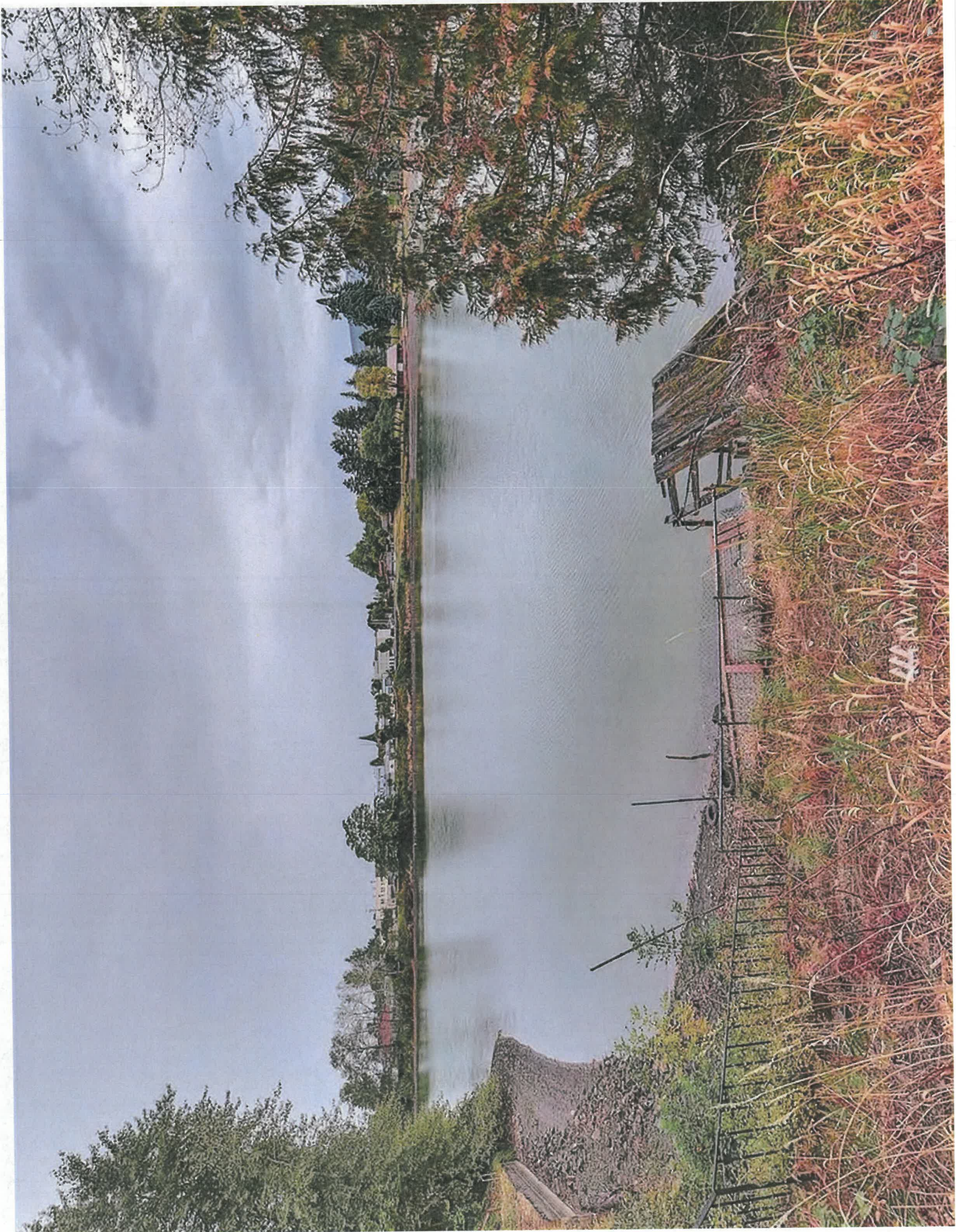
- Additional planting to correct excessive mortality.
- Plant at higher densities to offset mortality.
- Pull by hand yellow iris and reed canary grass without any herbicide being applied to bank.

**SITE PHOTOGRAPHS EXISTING CONDITIONS
BEFORE ANY CONSTRUCTION**

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44 NWMLS

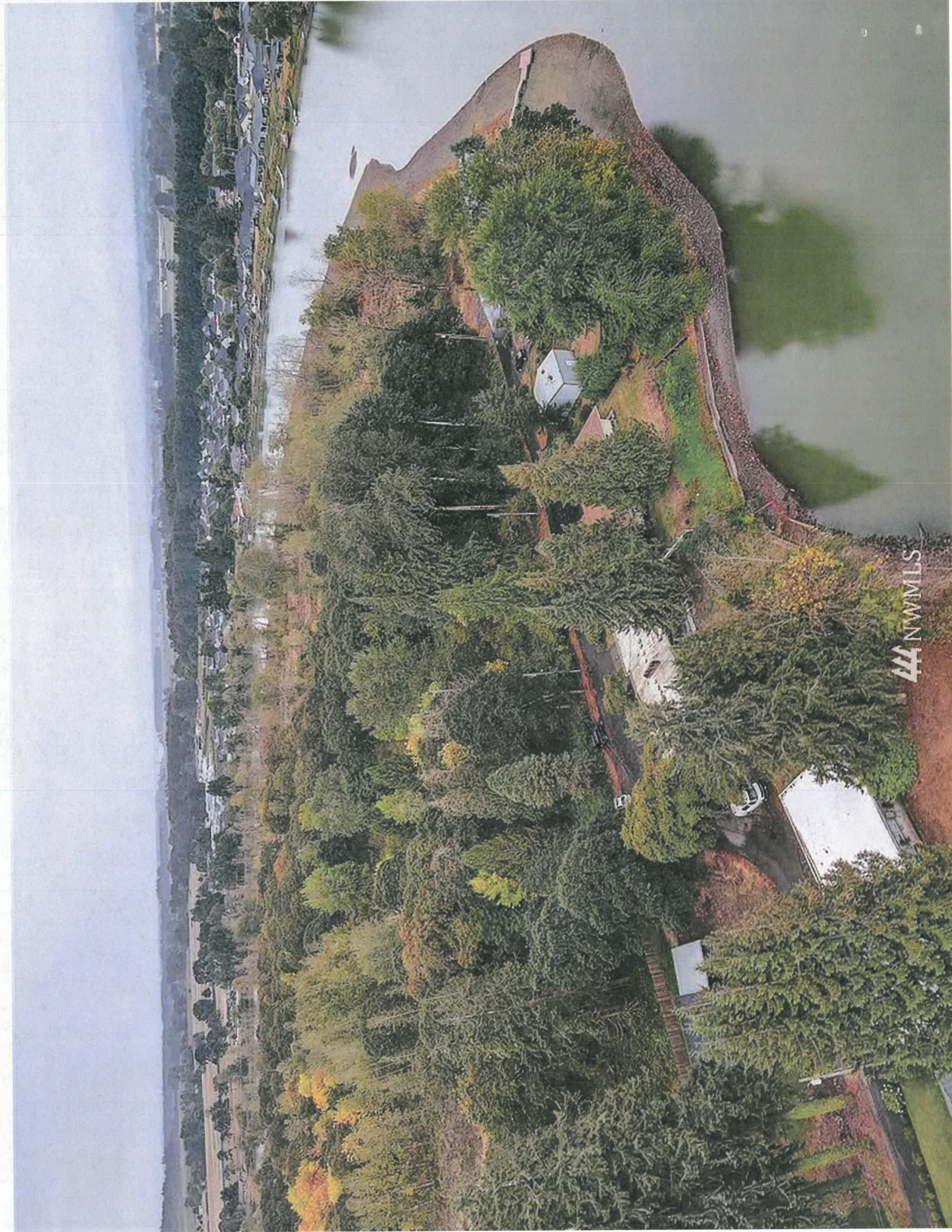




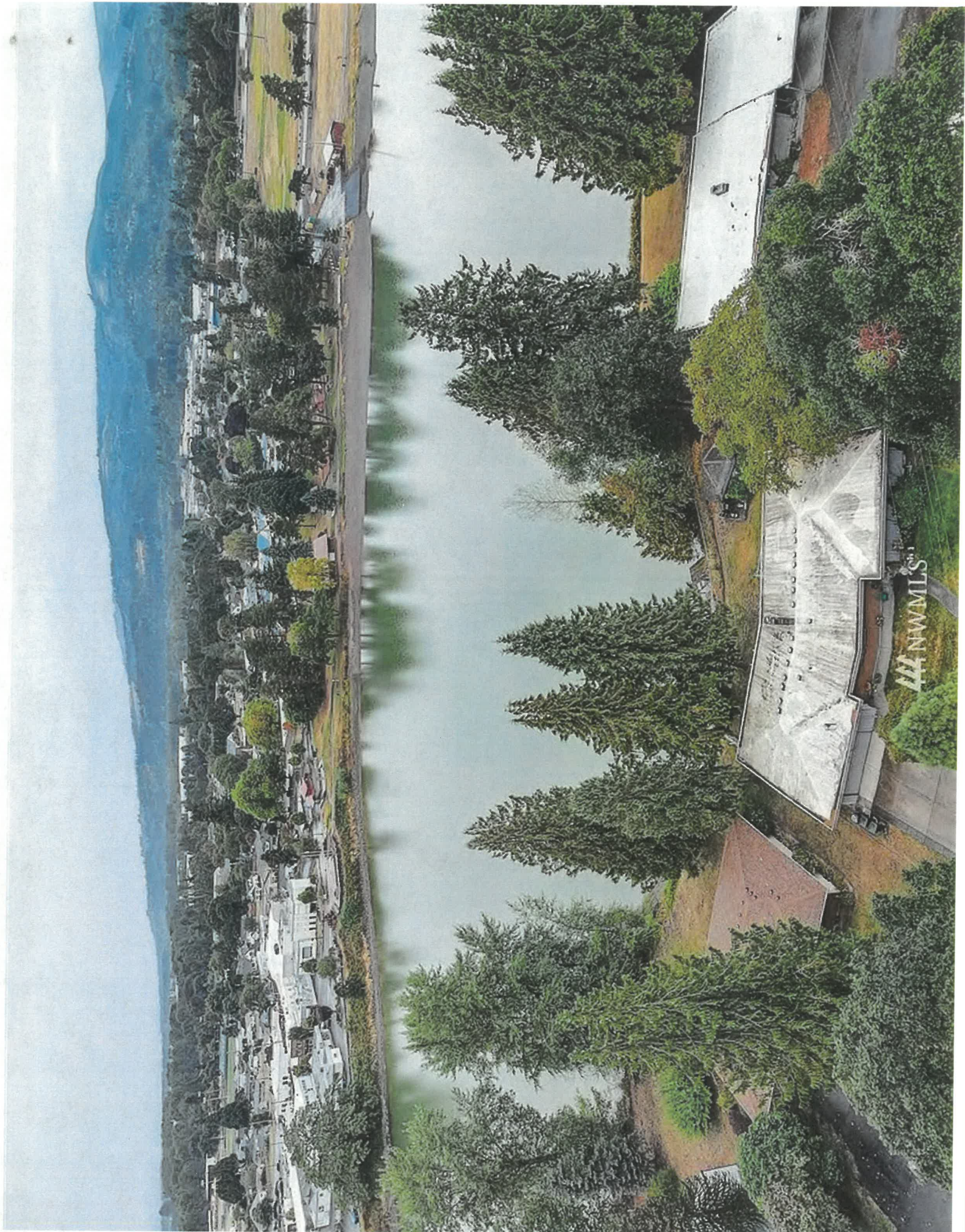
WWW.NWMLS

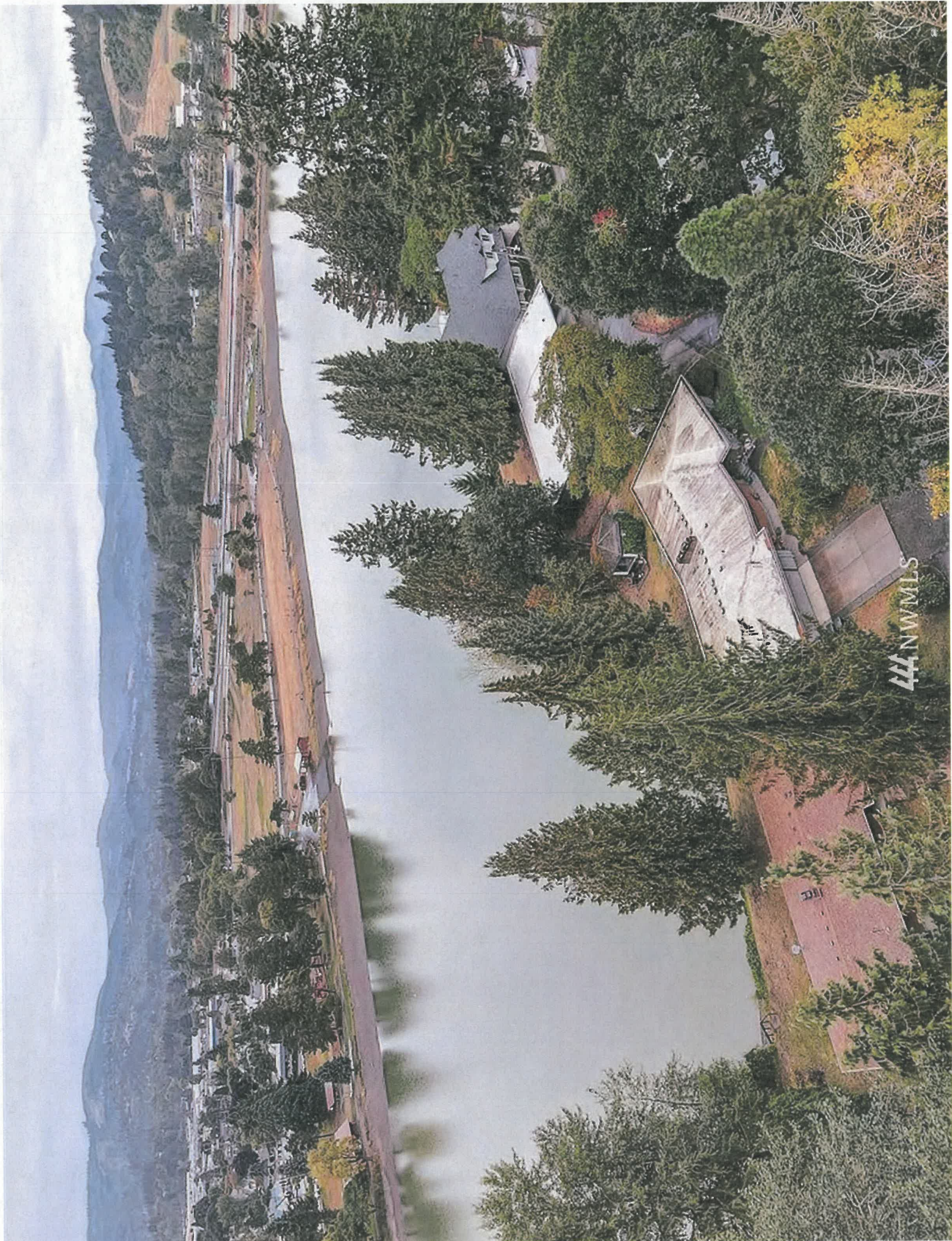


AAA INW MILLS



44 NWMLS





STANWALS

PHOTOGRAPHS AFTER CONSTRUCTION
July 2022

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Environmental Services
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Longview, Washington 98632
Phone (360) 414-5239



Site Photographs of Shoreline after Block Wall Construction 2022



Site Photographs of Shoreline after Block Wall Construction 2022



Site Photographs of Shoreline after Block Wall Construction 2022



Site Photographs of Shoreline after Block Wall Construction 2022

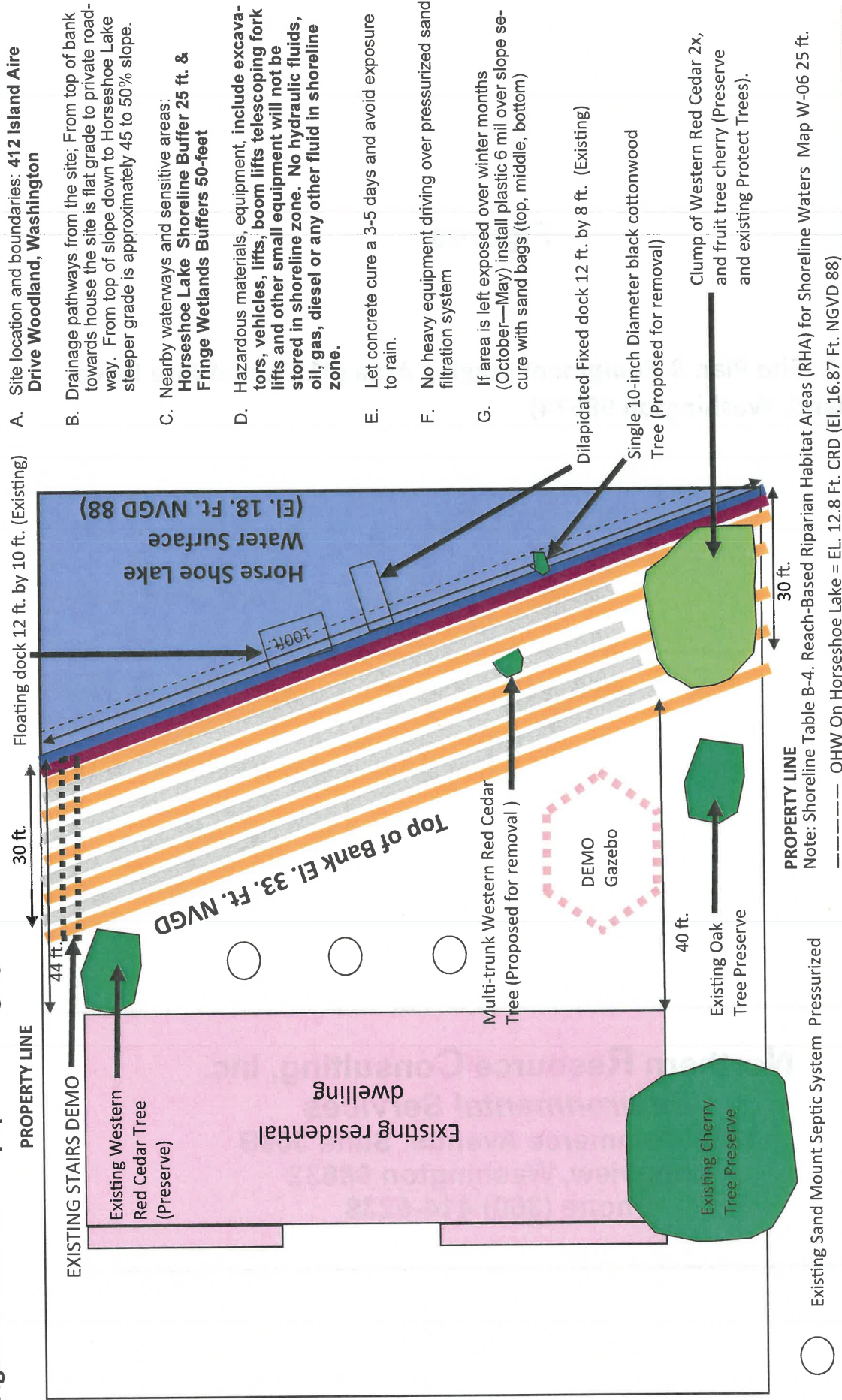


Figures

**Figure 1. Site Plan & Equipment Staging Area (412 Island Aire Drive
Woodland, Washington 98674)**

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Longview, Washington 98632
Phone (360) 414-5239

Figure 1. Site Plan & Equipment Staging Area (412 Island Aire Drive Woodland, Washington 98674)



A. Site location and boundaries: 412 Island Aire Drive Woodland, Washington

B. Drainage pathways from the site; From top of bank towards house the site is flat grade to private roadway. From top of slope down to Horseshoe Lake steeper grade is approximately 45 to 50% slope.

C. Nearby waterways and sensitive areas: Horseshoe Lake Shoreline Buffer 25 ft. & Fringe Wetlands Buffers 50-feet

D. Hazardous materials, equipment, include excavators, vehicles, lifts, boom lifts telescoping fork lifts and other equipment will not be stored in shoreline zone. No hydraulic fluids, oil, gas, diesel or any other fluid in shoreline zone.

E. Let concrete cure a 3-5 days and avoid exposure to rain.

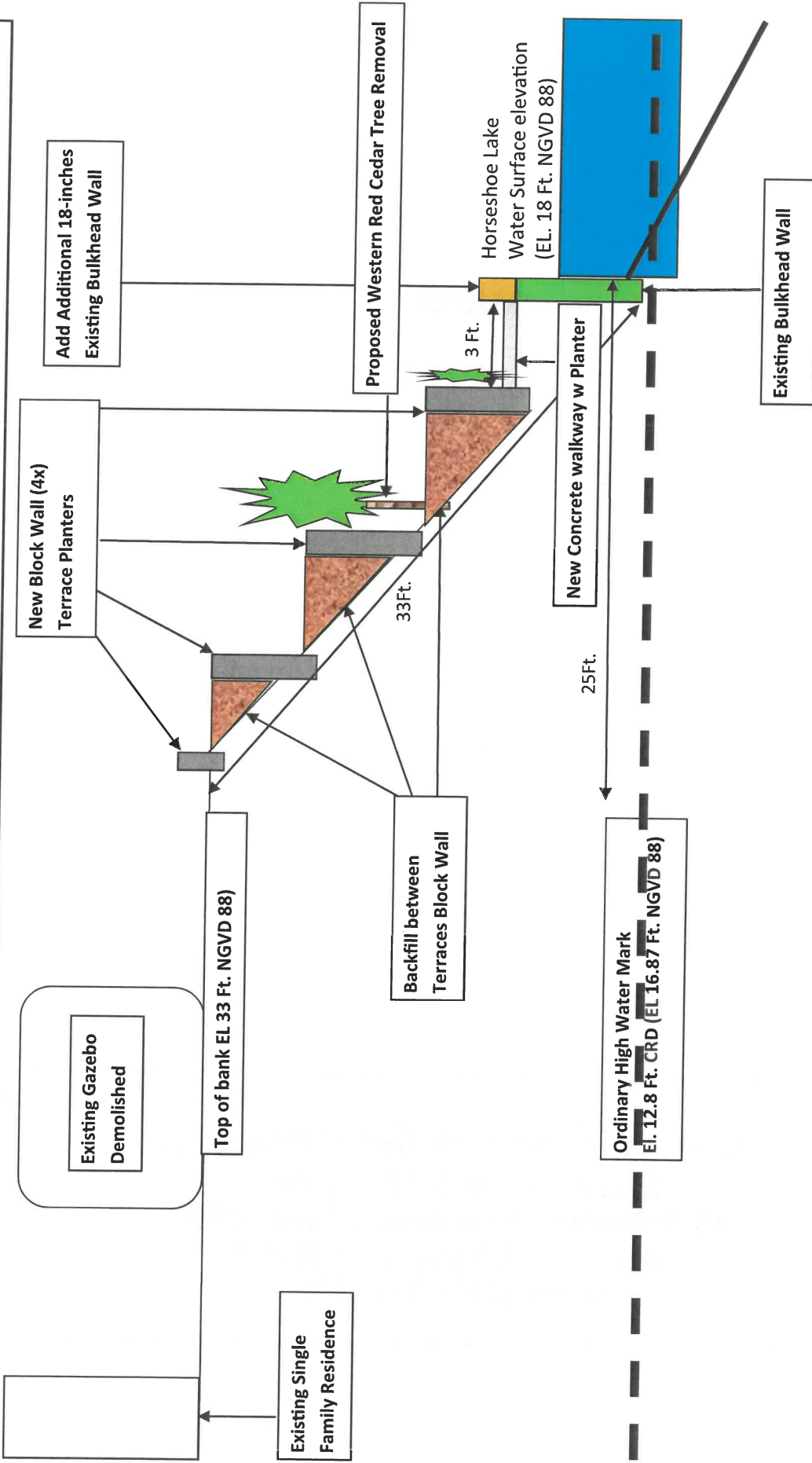
F. No heavy equipment driving over pressurized sand filtration system

G. If area is left exposed over winter months (October—May) install plastic 6 mil over slope se-cure with sand bags (top, middle, bottom)

Client: Carla Morgan and Randy Huft
 Unauthorized Work in Critical Area and Shoreline Zone
 Date: 07/19/2022
 Map: TESC Plan
 Location: Woodland, Washington
 Address: 412 Island Aire Drive
 Parcel No. 64515016

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 Longview, WA 98632
 Phone: (360) 414-5239
 Fax: (360) 414-4021

Figure 2. Cross-section Terrace Bank Planter 412 Island Aire Driver Woodland, WA 98674



Applicant: Carla Morgan and Randy Huft
 Location: 412 Island Aire Drive Woodland, Washington 98674
 JARPA Cross-section of New Block Terrace Wall along Shoreline
 Date: July 26, 2022

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MAPS

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Map 2. Satellite Image (Google Earth)



Applicant: Carla Morgan and Randy Huft
JARPA City of Woodland
Location: 412 Island Aire Drive,
Woodland WA
Page 2 of 7
Date: July 25, 2022

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Map 3. National Wetland Inventory Map



412 Island Aire Drive, Woodland



July 15, 2022

- Wetlands**
- Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Applicant: Carla Morgan and Randy Huft
JARPA City of Woodland
Location: 412 Island Aire Drive,
Woodland WA
Page 3 of 7
Date: July 25, 2022

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Map 4. FEMA FIRMette

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

122°45'1"W 45°54'10"N



- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, AE
 - With BFE or Depth Zone AE, AH, AV, VE, AR
 - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard: Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee: See Notes, Zone X
 - Area with Flood Risk due to Levee Zone D
- OTHER AREAS**
 - NO SCREEN Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone D
- GENERAL STRUCTURES**
 - Chunnel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- OTHER FEATURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - 2/24/2019 at 6:05:32 PM
 - subarea transect Baseline
 - Profile Baseline
 - Hydrographic Feature
- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

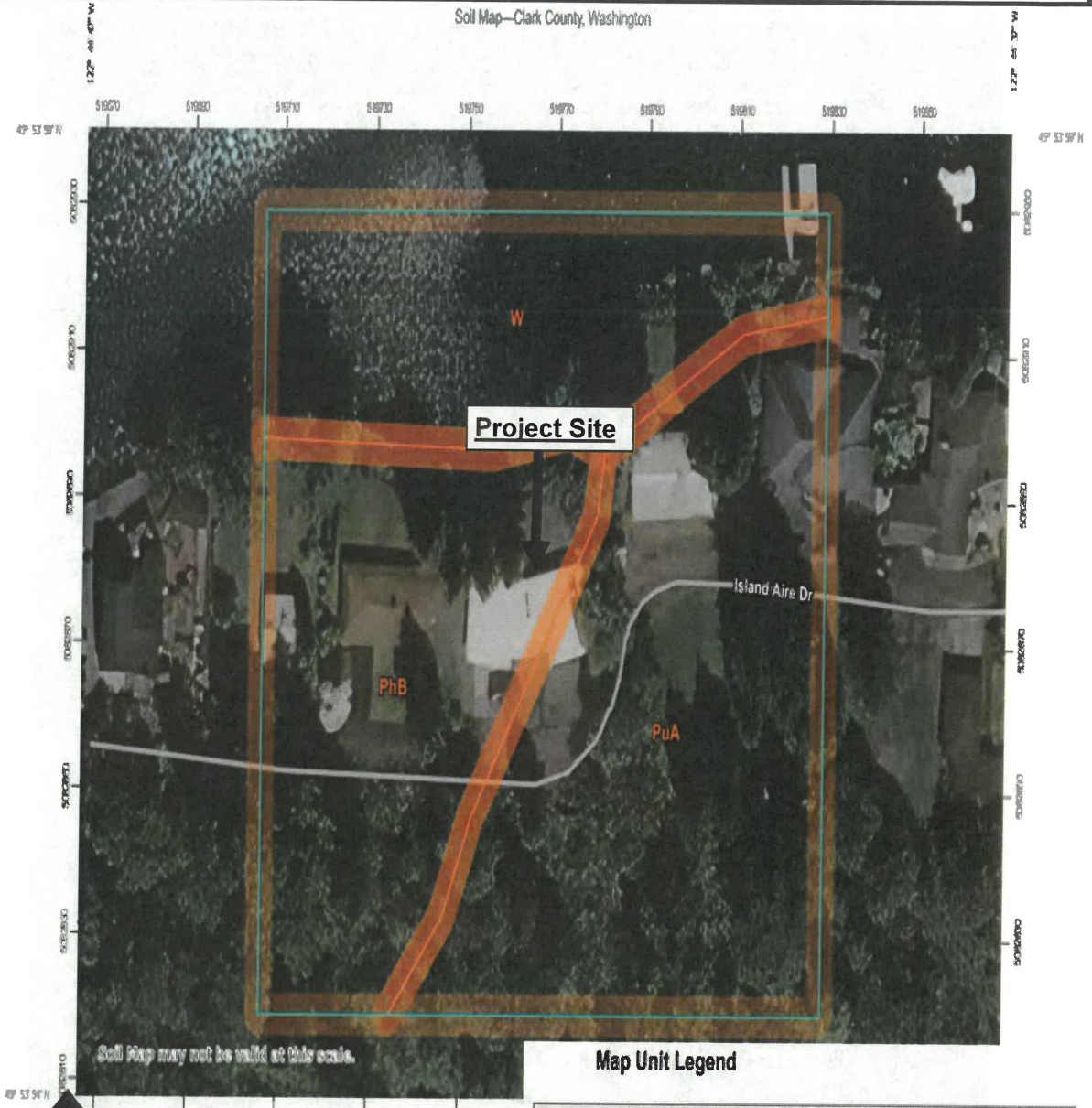
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/15/2022 at 6:25 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmoderized areas cannot be used for regulatory purposes.

Applicant: Carla Morgan and Randy Huft
JARPA City of Woodland
Location: 412 Island Aire Drive,
Woodland WA
Page 4 of 7
Date: July 25, 2022

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Fax: (360)414-4021

Map 5. USDA Soil Survey



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
PhB	Pitchuck fine sand, 0 to 8 percent slopes	1.1	31.3%
PuA	Puyallup fine sandy loam, 0 to 3 percent slopes	1.5	43.8%
W	Water	0.8	25.0%
Totals for Area of Interest		3.4	100.0%

NORTH

Applicant: Carla Morgan and Randy Huft
 JARPA City of Woodland
 Location: 412 Island Aire Drive,
 Woodland WA
 Page 5 of 7
 Date: July 25, 2022

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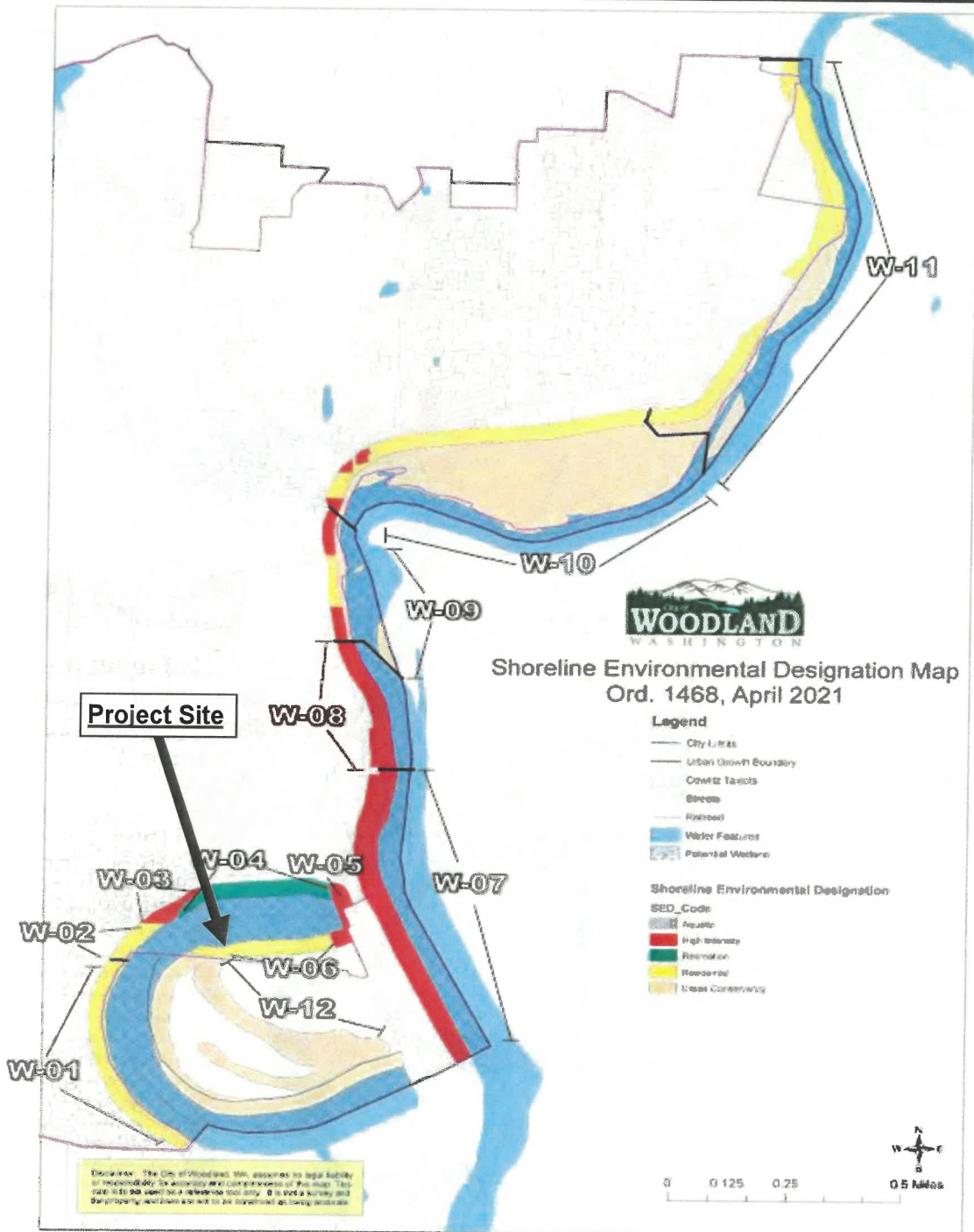
Map 6. Clark County Tax Parcel



Applicant: Carla Morgan and Randy Huft
JARPA City of Woodland
Location: 412 Island Aire Drive,
Woodland WA
Page 6 of 7
Date: July 25, 2022

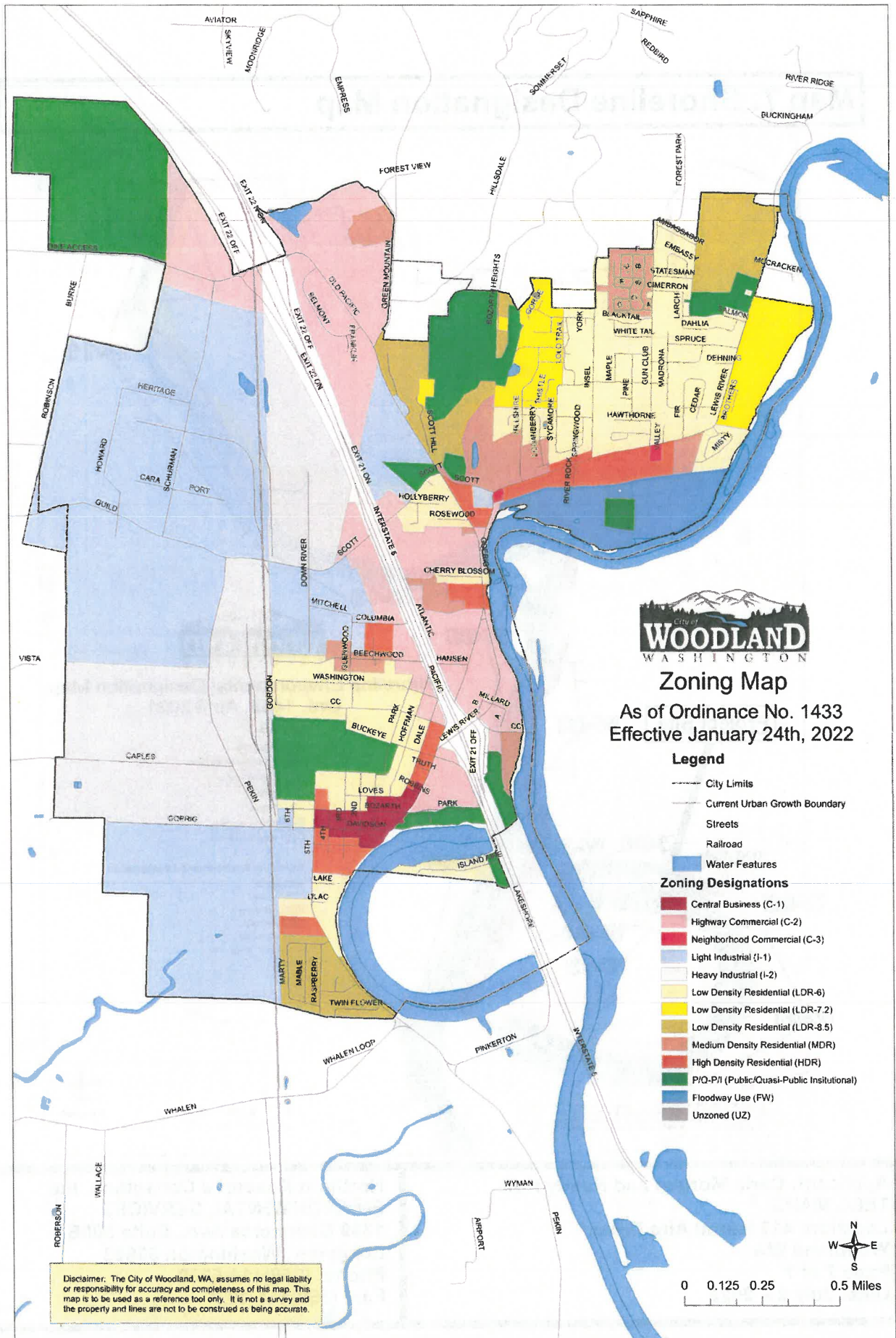
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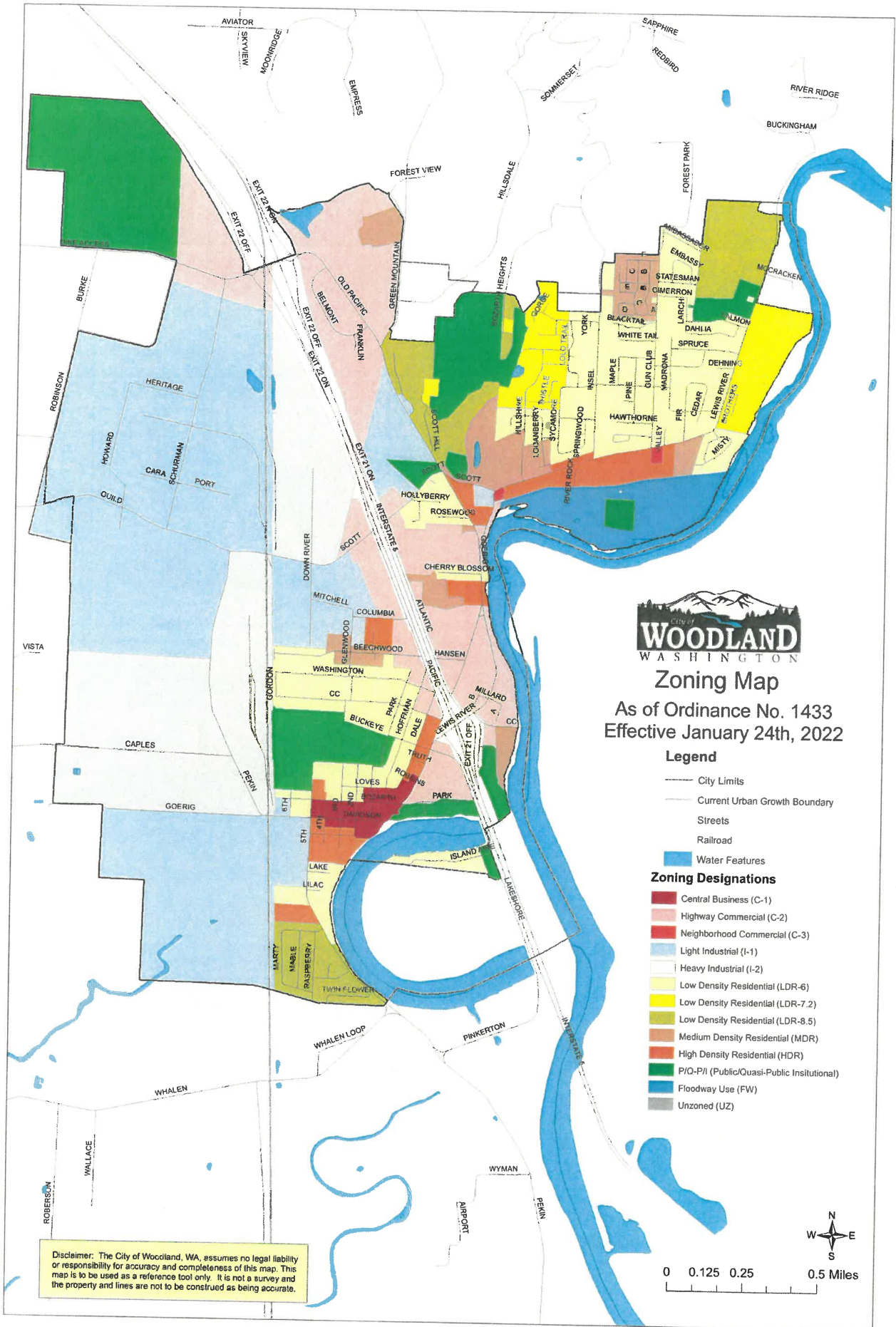
Map 7. Shoreline Designation Map



Applicant: Carla Morgan and Randy Huft
TESC MAPS
 Location: 412 Island Aire Drive,
 Woodland WA
 Page 7 of 7
 Date: July 25, 2022

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Zoning Map

As of Ordinance No. 1433
Effective January 24th, 2022

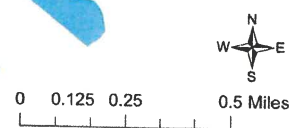
Legend

- City Limits
- Current Urban Growth Boundary
- Streets
- Railroad
- Water Features

Zoning Designations

- Central Business (C-1)
- Highway Commercial (C-2)
- Neighborhood Commercial (C-3)
- Light Industrial (I-1)
- Heavy Industrial (I-2)
- Low Density Residential (LDR-6)
- Low Density Residential (LDR-7.2)
- Low Density Residential (LDR-8.5)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- P/Q-P/I (Public/Quasi-Public Institutional)
- Floodway Use (FW)
- Unzoned (UZ)

Disclaimer: The City of Woodland, WA, assumes no legal liability or responsibility for accuracy and completeness of this map. This map is to be used as a reference tool only. It is not a survey and the property and lines are not to be construed as being accurate.



Attachment D

Geotechnical Memo dated 12/17/2022

December 17, 2022

Carla Morgan
412 Island Aire Drive
Woodland, WA 98674
carlamorgan8@yahoo.com

Subject: **Proposed Landscape Retaining Walls**
412 Island Aire Drive
Woodland, WA 98674



Strata Design, LLC (STRATA) recently completed a geotechnical site evaluation for the above-referenced project. At that time (October 2022), the 4-tier, segmental block, retaining wall project was approximately 75 percent complete before being issued a stop-work order due to a lack of appropriate permits.

STRATA believes that the project will aid with stabilizing the now unsupported slope along the shoreline of Horseshoe Lake (see Photo 1, attached). We believe the improvements as planned will help prevent future sloughing and erosion along the shoreline slope. They will also help laterally secure the current CMU block wall the rests within the ordinary high water level of the Lake. The CMU wall is slowly deforming (tilting or buckling) under the lateral load of the slope.

As the wall is constructed, it has removed the loose, organic debris and other foreign matter that has historically been placed over the original slope grade. We recommend the remaining woody debris also be removed when the wall continues to completion.

As alluded to in our previous letter (October 18, 2022), we believe the project also provides an opportunity to install vegetation along the slope. This will promote slope stabilization, erosion protection, and offer improved habitat along the shoreline.

STRATA recommends that we be retained to provide occasional site inspections during the construction based on the geotechnical recommendations and design criteria provided. Please contact our office should you have questions or comments on these findings and conclusions.

Direction of Photograph:

Description: abundance of loose soil and woody debris in existing slope face



Project: 22-0807

October 2022



RETAINING WALL CONSTRUCTION
412 ISLAND AIRE DRIVE
WOODLAND, WA

Attachment E

Geotechnical Memo dated 10/18/2022

October 18, 2022

Carla Morgan
412 Island Aire Drive
Woodland, WA 98674
carlamorgan8@yahoo.com

Subject: **Geotechnical Evaluation of Block Retaining Wall Construction**
412 Island Aire Drive
Woodland, WA 98674
STRATA No. 22-0807

At your request, Strata Design, LLC (STRATA) has completed a geotechnical site evaluation for the above-referenced project. Our efforts included a subsurface investigation and reconnaissance of the retaining wall site. This letter outlines our observations of the 80 percent (approximate) complete, 4-tier, masonry block retaining wall that was recently constructed to shore up (stabilize) the unsupported slope that exists up from the shoreline of Horseshoe Lake (see Photo 1, attached). The primary purpose of the improvements was to prevent further sloughing and erosional forces along the existing slope, and remove some undocumented, weak and loose, organic debris and other foreign matter that was historically sidecast (or placed) along the slope grade.

The attached Figure 1 shows a generalized plan view layout of the retaining walls with topographic contours. The elevation profile is from 16 feet (MSL) to 32 feet, over a length of 35 feet, measured perpendicular to Horseshoe Lake. The lowest of the walls is about 3 feet (estimate) above the ordinary high water elevation of Horseshoe Lake. Each of the three tiers is about 4 feet in vertical height, and battered at about 10 degrees off vertical. An existing (decades old) masonry wall exists along the waters edge of Horseshoe Lake (Photo 2). This existing wall is planned to be retained. The old wall consists of standard masonry blocks, mortared together and filled with grout. The old wall, which is partially below water level, appears to be stable overall, with the exception of some minor tilting and a few blocks that have dislodged from tree root growth forces. The current project plan includes tying the top of the old wall using poured-in-place reinforced concrete flatwork, with rebar doweled into the top of the old wall.

As evidenced in the photographs attached, the wall contractor constructed most of the four-tier block walls to a point whereupon the project was issued a stop work order by the City of Woodland. We understand this was due to the absence of proper building and/or shorelines permit(s). On September 23rd, 2022, we visited the site and used a Hand Auger (HA), at three representative locations within the backfill zone of the wall. On occasion we encountered soft soils in the backfill behind the wall, and in the native subgrades below the wall. We recommend all remaining soft soil areas encountered be mitigated by compaction and/or replacing it with structural fill. We did not observe groundwater or seepage

associated with the wall areas, or in the auger holes, or by visual inspection elsewhere. As shown in Photo 3, some areas along the subject slope contain excessive amounts of organic matter (branches, limbs, etc).

In general, the lateral and bearing loads posed by the relatively short walls are low, however we recommend that the bottom of each subsequent tier footing be embedded such that the base of the footing does not encroach within a 45-degree line drawn up from the base of the underlying wall tier footing. The subgrade footing for the blocks should be placed on non-yielding, firm subgrade that can consist of imported crushed rock, no greater than ¾" minus gradation.

We recommend that vegetation planting is planned along each of the terraces, which should aid with longer term slope stabilization and erosion protection. We also recommend permanent ground cover/vegetation on the exposed soils behind and below the walls. Any roof drains near the east side of the house, should not be directed into the area of the walls. We do not recommend that irrigation lines be placed along the walls.

In conclusion, based on our observations at the site, we believe the wall construction will serve the purpose of stabilizing the slope that had been subject to erosion and sloughing. For the remaining wall construction, we recommend removal of organic laden and soft soil where present on the top of the slope grade, and utilizing imported, free-draining crushed rock for backfill behind the wall (and below the footing). The crushed rock should be no greater than 1-inch, and should be compacted in no more than 10-inch lifts with mechanical, vibratory equipment (jumping jack, etc). Free-draining material should have less than 2 percent passing the No. 200 sieve (washed analysis). Examples of materials that would satisfy this requirement include open-graded, angular ¾ to ¼ inch, 1½ to ¾ inch, or 3- to 1-inch crushed rock.

STRATA recommends that we be retained to provide occasional site inspections during the construction based on the geotechnical recommendations and design criteria provided. Please contact us for further discussions should you have questions or comments on these findings and conclusions.






Sincerely,
Strata Design



Randall S. Goode, PE
Expires 6/30/2023

Attachments: Figure 1 and Photographs

Site Plan
412 Island Aire Dr, Woodland WA

- Legend**
-  Site Location
 -  Contours 5ft
 -  Contours 1ft
 -  Parcel
 -  Roads

STRATA DESIGN

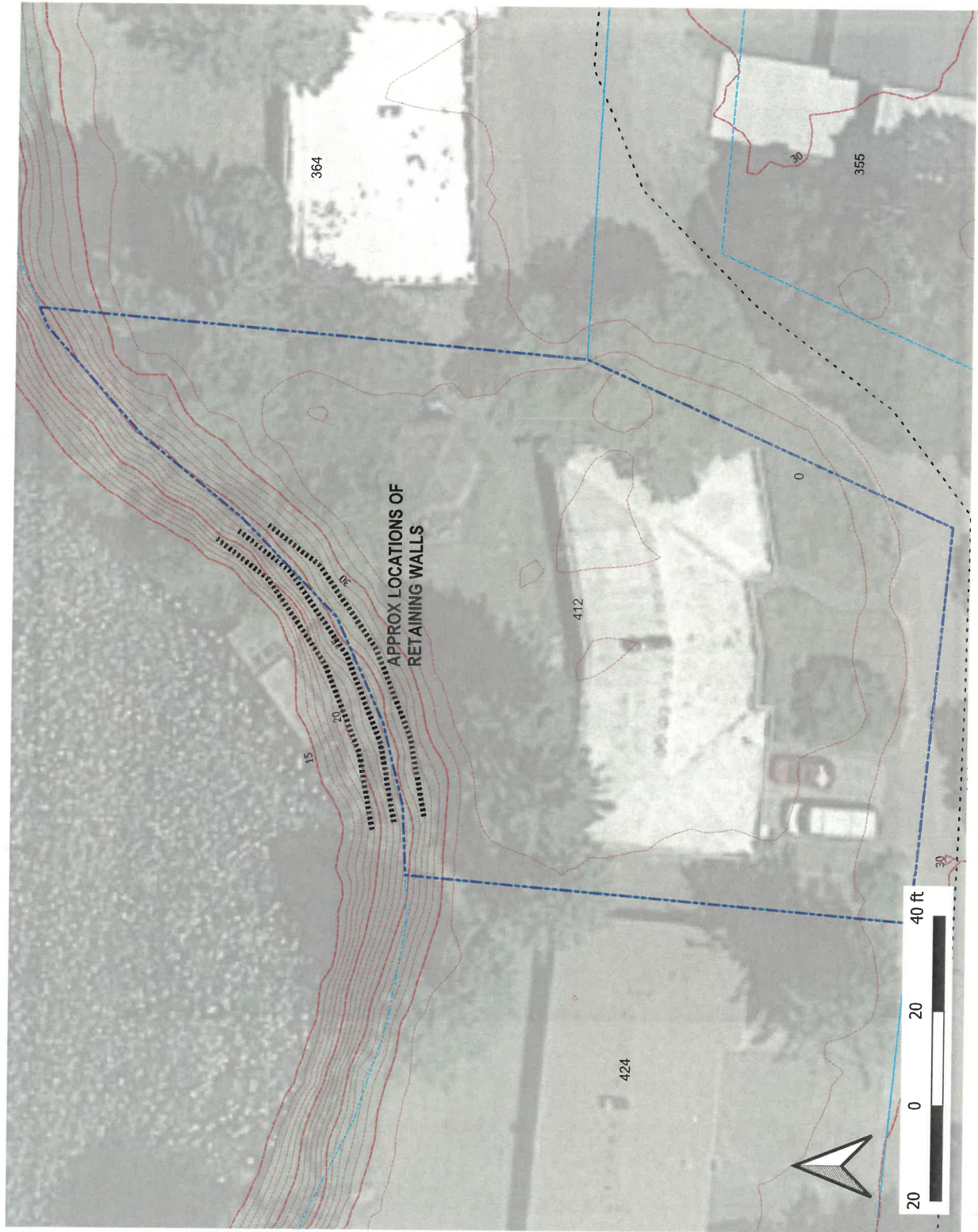
2-Foot Contours Intervals derived from 2019 (WA-DNR)

Job #22-0807
 September 1, 2022

Aerial base map from Google Earth

Lot lines shown are from GIS and should be considered approximated

Figure 2



Direction of Photograph:
NE

Description of Photograph: Looking at Overall Site and partially completed 4-tier wall system.



Project: 22-0807

October 2022



RETAINING WALL CONSTRUCTION
412 ISLAND AIRE DRIVE
WOODLAND, WA

Photo
1

Direction of Photograph:
SW

Description: Show wall in construction and existing grade of slope



Project: 22-0807

October 2022



RETAINING WALL CONSTRUCTION
412 ISLAND AIRE DRIVE
WOODLAND, WA

Photo
2

Direction of Photograph:

Description: □□ows abundance of weak, organic and debris-laden existing soil along slope



Project: 22-0807

October 2022



RETAINING WALL CONSTRUCTION
412 ISLAND AIRE DRIVE
WOODLAND, WA

Photo

3

Attachment F

Ecology Letter dated 9/14/2022



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

September 14, 2022

David Lukaczer, Associate Planner
City of Woodland
Department of Community Development
230 Davidson Avenue
Woodland, WA 98674

Dear David Lukaczer:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the 412 Island Aire Retaining Wall Project (SEP-22-009) as proposed by Carla Morgan. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE: Meghan Tait, (360) 210-2783

Thank you for providing the Department of Ecology (Ecology) the opportunity to review the proposed block terraced walls, stairs, bulkhead increase, and concrete walkway development at 412 Island Aire Drive in Woodland.

The proposed terracing and concrete walkway within the shoreline buffer appear to trigger a shoreline variance and must be approved by the City of Woodland and Ecology. For approval, it must satisfy the criteria for granting shoreline variances in WAC 173-27-170, comply with the Shoreline Management Act, and the City of Woodland Shoreline Master Program (SMP). The proposed increase in shoreline armoring needs to be consistent with the shoreline stabilization section 7.3.1 of the City of Woodland SMP, which requires a geotechnical report to justify the need for an increase in size. In cases where shoreline variance or conditional use approvals are required, we encourage consultation with Ecology staff, as early as possible, so that agreements about what can be approved may be reached in advance of the local decision, ensuring consistency with Ecology's review and subsequent decision.

For questions, technical assistance, and to coordinate on project review, please contact Ecology's Wetlands/Shorelands Specialist Meghan Tait via the email, meghan.tait@ecy.wa.gov, or phone number, 360-210-2783.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

The applicant proposes to remove a structure(s) that may contain treated wood. Please refer to Ecology's publication "Focus on Treated Wood Exclusion," available at: [Focus on Treated Wood](#), for suggested best management practices and disposal requirements for treated wood. All grading and filling of land must utilize only clean fill. All other materials may be

considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris and dredged material resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
Brian Johnson (360) 624-5741**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
 - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

David Lukcazer
September 14, 2022
Page 3

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application>. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202204223)

cc: Meghan Tait, SEA
Derek Rockett, SWM
Brian Johnson, WQ

Attachment G

Ecology Letter dated 5/22/2023



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

May 22, 2023

David Lukaczer, Associate Planner
City of Woodland
Community Development Department
PO Box 9
Woodland, WA 98674

Dear David Lukaczer:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the 412 Island Aire Project (SEP-22-009) located at 412 Island Aire Drive as proposed by Carla Morgan. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

The applicant proposes to remove a structure(s) that may contain treated wood. Please refer to Ecology's publication "Focus on Treated Wood Exclusion," available at: [Focus on Treated Wood](#), for suggested best management practices and disposal requirements for treated wood. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris and dredged material resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
Brian Johnson (360) 624-5741**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
 - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Evan Wood at evan.wood@ecy.wa.gov, or by phone at (360) 706-4599.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application>. Construction site operators must apply for a permit at least 60 days prior to

David Lukaczer
May 22, 2023
Page 3

discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(JKT:202302158)

cc: Derek Rockett, SWM
Brian Johnson, WQ