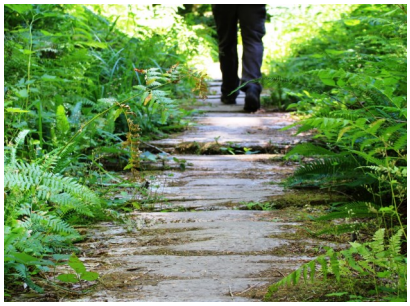
SHORELINE MASTER PROGRAM NARRATIVE

September 8, 2023



Lewis River Townhomes

Woodland, Washington

Prepared for

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Lewis River Townhomes – Sterling Design
City of Woodland Shoreline Master Program Narrative
Shoreline Substantial Development Permit
September 8, 2023

Project Details

The following is a narrative providing project details and compliance with the City of Woodland Shoreline Master Program (SMP), adopted June 2021. The applicant, Sterling Design, is applying for all necessary permits for the proposed construction of 39 townhomes on Cowlitz County parcel numbers 5009301 and 50492. The project area is located in Woodland, Washington, within a portion of Section 19, Township 5 North, and Range 1 East, of the Willamette Meridian. The project is located within 200 feet of the ordinary high water mark (OHWM) of the Lewis River (Type S, Shoreline) and is in shoreline environmental designation (SED) High Intensity. The proposal will require a Shoreline Substantial Development Permit (SSDP).

Project History

Ecological Land Services, Inc. mapped the OHWM of the Lewis River along parcel numbers 5009301 and 50492 in 2019 on behalf of the applicant, for the purpose of designing the project around critical areas and associated buffers. The project is within Reach W-07, Lewis River. According to Table B-4 in Section 9.4 of Appendix B of the SMP, the Riparian Habitat Area (RHA) width is 150 feet. Review of historic aerial imagery dating back to 1955 shows the section of the Lewis River in the vicinity of the site has been altered by manmade processes and the addition of structures and is no longer in a natural state. The Lewis River was realigned in 1940 to accommodate construction of the Woodland Airport and Interstate-5 (I-5) and manmade processes such as deposition of fill, riverbank armoring, and channel deepening occurred to support this realignment. Large concrete inclusions are present in the vicinity of the onsite shoreline and the embankments appear heavily disturbed, which further supports that manmade processes have altered the shoreline. Around the year 2007, permits were acquired and additional fill was placed onsite to support future development, further decreasing the functionality of the shoreline. If approved by the City of Woodland (City), the RHA in the vicinity of the site shall be considered functionally isolated at the ordinary high water mark (OHWM) of the Lewis River according to *WMC 15.08.730(D)(11).*

The site lies within zone AE of the Federal Emergency Management Agency (FEMA) Flood Map Special Flood Hazard Areas (FEMA, 2015). This designation states that the site has a one percent chance of flooding each year, and the onsite location of the OHWM corresponds with the regulatory floodway boundary. FEMA considers areas in the special hazards zone AE as having a high risk of flooding. The project engineer will provide information regarding flood protection measures and project design compliance with the City of Woodland Municipal Code (*WMC*) *Chapter 14.40, Flood Damage Prevention (1996)*.

Lewis River is designated as a Type S (shoreline) by the Department of Natural Resources (DNR) and is considered a shoreline of statewide significance and as such is subject to shoreline regulations determined by the SMP (City of Woodland, 2021). Shoreline jurisdiction extends for 200 feet from the ordinary high-water mark (OHWM) of the Lewis River. However, because of the degraded state of the shoreline and the implementation of manmade structures, the shoreline is

no longer in a natural state. If approved by the City, the FEMA designated regulatory floodway shall be considered the shoreline buffer, which is located in the vicinity of the OHWM of the Lewis River.

Project Description

The project proposes constructing 39 townhomes onsite, as well as paved roads and stormwater management facilities. There will be seven individual buildings consisting of 4-6 townhome units each. Two stormwater detention and treatment facilities will be located onsite to convey and detain stormwater runoff generated from new impervious surfaces. After onsite management, stormwater will be released to natural flow routes downgrade of the development. The Tract B stormwater facility will also be held as an open space/preservation area to contain pedestrian trails in the future. Each of the 39 townhomes will have a designated private parking area in front of the unit and no additional parking is proposed. A paved private road that accesses the development via Sandalwood Road will provide residents with access to the townhomes. Utility and flood easements are present along the north end of the private access road. The private road will be a minimum of 26 feet wide to ensure safe maneuvering area for emergency vehicles, in compliance with *WMC Chapter 16.22.210 Streets*.

The applicant is proposing a voluntary 50-foot RHA from the OHWM of Lewis River. The proposed 50-foot RHA shall be enhanced through the removal of invasive vegetation and the installation of native plantings, as a means of providing an overall ecological lift, minimizing project impacts. This area will be enhanced, protected, monitored, and maintained, ensuring no net loss of ecological function. Table 1 summarizes the RHA enhancement. For more information regarding critical areas and onsite enhancement, refer to the *Critical Areas Report for Lewis River Townhomes* completed by ELS on September 6, 2023 (ELS, 2023).

Table 1. Summary of Proposed Voluntary Enhancement Plan

Area	Enhancement Activities
Lewis River Voluntary 50-foot RHA	▪ Remove invasive vegetation ▪ Plant native woody vegetation in the voluntary RHA ▪ Install restrictive signage along RHA

SMP Narrative Layout

Only applicable sections of the SMP are included in this narrative, with some sections having text with strikethrough, so the numbering was still clear. SMP language is followed by the ELS response inside the box, and font is *italicized.*

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5. SHORELINE ENVIRONMENT DESIGNATIONS

5.3 Shoreline Environment Designations

5.3.1 High-Intensity

Management Policies

A. Priority should be given to water-dependent, water-related, and water-enjoyment uses in that order of preference. Non-water-oriented uses within shoreline jurisdiction are appropriate on sites where there is no direct access to the shoreline because of an intervening property or public right-of-way precluding a water-dependent use from occurring there.

B. Non-water-oriented uses on sites adjacent to the water should provide public benefit in the form of ecological enhancement or public access in compliance with the provisions of this Program.

C. No net loss of shoreline ecological functions should result due to development of a site. Where unavoidable impacts to ecological functions occur, appropriate mitigation should be provided in accordance with this Program. Where applicable, development should include environmental cleanup and restoration of the shoreline in accordance with relevant state and federal law.

D. Where feasible as described by this Program, visual and/or physical public access should be provided. The proposed footpath will provide physical public access to the shoreline.

E. Aesthetic objectives of this Program should be in character with high intensity development and include height limits, screening, and other standards consistent with the primary purpose of accommodating high intensity uses.

F. Full utilization of existing urban and extensively altered areas should be achieved before further expansion of intensive development is allowed.

Designation Criteria

The High-Intensity SED is given to shoreline areas within Woodland and the city's urban growth areas if they currently support or are planned for high intensity water-oriented uses related to commerce or transportation.

The site is within SED High Intensity.

~~5.3.3 Urban Conservancy~~

Does not apply. The SED of the project area is High-Intensity.

~~5.3.4 Aquatic~~

Does not apply. The SED of the project area is High-Intensity.

~~5.3.5 Recreation~~

Does not apply. The SED of the project area is High-Intensity.

5.4 Shorelines of Statewide Significance

A. Every project located on a SSWS shall demonstrate consistency with the following priorities, in order of preference, in all permit review, in addition to compliance with other criteria provided by this Program:

The proposed project is located within Shoreline Jurisdiction of the Lewis River, a Shoreline of Statewide Significance (SWSS).

1. Recognize and protect the statewide interest over local interest.

a. Solicit comments and opinions from groups and individuals representing statewide interests by circulating amendments to the Program, and any proposed amendments affecting SSWS, to state agencies, affected tribes, adjacent jurisdictions, citizen's advisory committees and local officials, and statewide interest groups.

b. Recognize and take into account state agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.

c. Solicit comments, opinions, and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.

These regulations will be followed through the appropriate state and local shoreline rules and procedures.

2. Preserve the natural character of the shoreline.

a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.

b. Restore, enhance, and/or redevelop those areas where intensive development or uses already exist in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

c. Protect and preserve existing diversity of native vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.

The shoreline has been historically impacted by permitted manmade structures and activities and is in a degraded state with reduced habitat functionality. Although the natural character of the shoreline will be enhanced, it is currently degraded and should not be considered in a natural state. Additional damage to the shoreline ecology due to manmade intrusions is being minimized through enhancing a voluntary 50-foot RHA via invasive species removal and installation of native plant species to lift ecological function. The site is surrounded by existing development and falls under high intensity SED. Additionally, this site was historically used for dredge material placement and has low habitat availability and impacted water quality and quantity functions due to those placements.

3. Support actions that result in long-term over short-term benefit.

a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

b. Protect resources and values of SSWS for future generations by modifying or prohibiting development that would irretrievably damage shoreline resources.

c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.

The proposal will ensure long-term benefits by providing housing for families in the City of Woodland where there is a demand for this type of proposal. Resources and values of the SSWS will be protected for future generations by enhancing and maintaining a voluntary 50-foot RHA and protecting it with restrictive signage. Aesthetics have been considered and the project has been designed to follow the WMC and this SMP.

4. Protect the resources and ecological function of the shoreline:

a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values, and water quality.

Impact minimization was taken into consideration during the project design process. The project has been designed to minimize erosion and protect the shoreline in perpetuity. The aesthetics of the townhomes will follow the WMC to minimize impacts to aesthetic values. Impacts to drainage and water quality functions will be minimized through the construction of two stormwater retention and treatment facilities. After onsite management, stormwater will be released to natural flow routes downgrade of the development.

b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing, and habitat areas and migratory routes.

The shoreline is in a degraded state due to historic manmade structures and activities. As such, impacts will be minimized by removing invasive vegetation and installing native vegetation within a voluntary 50-foot RHA of the OHWM of the Lewis River. This area will be enhanced, protected, and maintained. There are no mapped or observed nesting or rearing areas in or near the proposed work area. There will be no impacts below the OHWM.

c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human use.

The proposal has designated space for the potential future development of a pedestrian trail, which will allow limited public access in the shoreline, while prohibiting public access in the enhancement area and enhancing the natural condition of the shoreline.

d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.

No gravel mining is proposed. Shoreline materials along the bank near the OHWM will remain undisturbed. Development encroaches within approximately 60 feet of the OHWM and will not affect gravel bars or beach sands.

~~e. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of currently degraded wetland areas.~~

Does not apply. There are no wetlands onsite.

5. Increase public access to publicly owned areas of the shoreline.

a. Retain and enhance public access to the shoreline including passive enjoyment, recreation, fishing, and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.

b. Give priority to developing a system of linear access consisting of paths and trails along the shoreline areas, providing connections across current barriers.

c. Provide multi-purpose non-motorized trail facilities also serving the mobility impaired wherever feasible.

The proposal is located on privately owned property, however, space for the potential future development of a pedestrian trail has been dedicated, which will allow public enjoyment of the shoreline, while prohibiting public access in the enhancement area and enhancing the natural condition of the shoreline.

~~6. Increase recreational opportunities for the public on the shoreline.~~

~~a. Plan for and encourage development of facilities for water-oriented recreational use of the shoreline.~~

Does not apply. No water-oriented uses are proposed.

6. GENERAL SHORELINE REGULATIONS

6.1 No Net Loss of Ecological Function

A. All shorelines use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in a manner that maintains shoreline ecological functions, in accordance with the mitigation sequencing provisions of this Program.

The shoreline buffer will be enhanced from the OHWM, landward 50 feet, through the removal of invasive vegetation and the installation of native vegetation. This will provide forage and refuge opportunities for wildlife, provide water quality functions through slowing surface water runoff and promoting infiltration, and will result in an overall ecological lift of the degraded shoreline.

B. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food web support, and water quality maintenance.

Protection of fish and wildlife habitat and food web support will be achieved through the enhanced RHA. Water quality protection will be achieved through the enhanced RHA and the project's stormwater design. Installed native vegetation will provide habitat for insects as well as detritus input for macroinvertebrate growth, resulting in additional food sources for juvenile salmonids.

C. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

There will be no changes to water flow, erosion, or accretion, as the majority of development will take place on level ground that has been historically filled. New impervious surfaces will impact infiltration and groundwater recharge and discharge, but the stormwater facilities will reduce these impacts by managing stormwater onsite, then releasing it to natural flow routes downgrade of the development. Sediment delivery, transport, and storage will be minimally impacted, as silt fencing will help reduce sediment from construction activities from impacting the voluntary RHA and Lewis River. Large woody debris recruitment, organic matter input, and nutrient and pathogen removal will be minimally impacted as development activities will be located in an area that has been historically filled, and no woody vegetation will be removed during construction. Stream channel formation/maintenance will not be impacted, as all development will be located outside of the stream channel and landward of the floodway.

~~D. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.~~

Does not apply. This project has no in-water work components.

E. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:

1. Avoid the adverse impact altogether by not taking a certain action or parts of an action or by moving the action.
2. Minimize adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
3. Rectify the adverse impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the action.
5. Compensate for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans may be authorized.
6. Monitor the adverse impact and take appropriate corrective measures.

The preferred mitigation sequencing of first avoidance, then minimization, and finally compensation for project impacts was taken into consideration during the project design process. The shoreline and RHA are in a degraded state due to historic manmade structural improvements. Impacts to the RHA will be completely avoided by locating all proposed construction activities outside of critical areas and their associated buffers. Potential indirect impacts will be minimized by proposing a voluntary 50-foot RHA and enhancing it by installing native vegetation and removing invasive vegetation. The RHA enhancement will provide an overall ecological lift for the RHA when compared to

current conditions. Signs will be placed at the edge of the RHA, one per lot, that state "Riparian Habitat Area beyond this sign, alteration is prohibited. Please contact the City of Woodland for information". Best management practices (BMPs) will be utilized during construction to minimize impacts to the RHA. These BMPs include installing silt fencing along construction limits, having a water truck available to reduce dust blowing during construction, storing heavy equipment in an upland area away from the RHA, fueling equipment offsite to prevent any fuel from being discharged into the river, work being completed during daytime hours to prevent nighttime noise disturbance, and having a spill kit onsite to contain any unintended fuel spills.

F. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in this Program and the Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

All reasonable efforts have been taken to provide sufficient mitigation to ensure no net loss of ecological functions.

6.2 Archaeological, Cultural, and Historic Resources

A. If historic, cultural, or archaeological sites or artifacts are discovered in the process of development, work shall be stopped immediately in accordance with provisions of federal, state, and local laws; the site secured; and the find reported as soon as possible to the City. The property owner also shall notify the Washington Department of Archaeology and Historic Preservation and affected tribes. Tribal contacts will be provided by the City. The City may require a site investigation by a qualified professional and may require avoidance or conservation of the resources in coordination with appropriate agencies. All shoreline permits shall contain a special provision notifying permittees of this requirement. Failure to comply with this requirement shall be considered a violation of the shoreline permit and shall subject the permittee to legal action as specified in Section 8.12, Enforcement, of this Program.

No archaeological, cultural, or historic resources are expected to be found, as the site was used for dredge material placement in the past and also shows signs of being actively managed as observed by the mostly bare ground onsite and lack of vegetation likely due to plowing, mowing and tilling. If archaeological, cultural, or historic resources are found during construction, work will immediately stop, and the resource(s) or artifact(s) will be reported to the City.

B. Prior to approval of development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist in coordination with affected tribes. Conditions of approval may require preservation or conservation of cultural resources as provided by applicable federal, state, and local statutes. All permits issued for development in areas known to be archaeologically significant shall provide for monitoring of any development activity for previously unidentified cultural resources.

A cultural resources report will be completed if required by the City. No known archaeological, cultural, or historic resources are located within the work area. If archaeological, cultural, or historic resources are found during construction, work will immediately stop, and the resource(s) or artifact(s) will be reported to the City.

6.3 Critical Areas Protection

Critical Areas Regulations that apply in shoreline jurisdiction are found in Appendix B of this program.

6.3.1 Applicable Critical Areas

For purposes of this Program, the following critical areas, as defined in Chapter 2 and Appendix B, will be protected under this Program: Wetlands, Critical Aquifer Recharge Areas, Frequently Flooded Areas, Geologically Hazardous Areas, and Fish and Wildlife Habitat Conservation Areas.

The proposed project is within a Fish and Wildlife Habitat Conservation Area, the 100-year floodplain, and the regulated floodway.

6.3.2 General Provisions

A. Shoreline uses, activities, developments, and their associated structures and equipment shall be located, designed, and operated to protect the ecological processes and functions of critical areas.

The development was set as far landward as possible from the OHWM to allow for the multi-family housing while still protecting the currently degraded functions of the inner RHA and shoreline buffer.

B. New and expanded development proposals shall integrate protection of wetlands, fish and wildlife habitat, and flood hazard reduction with other stream management provisions, such as retention of channel migration zones, to ensure no net loss of ecological functions.

The landward 50 feet from the OHWM of the Lewis River will be enhanced through the removal of invasive vegetation and the installation of native vegetation. This will provide forage and refuge opportunities for wildlife and will achieve no net loss of ecological function. The RHA will be enhanced, maintained, monitored, and protected.

C. Critical areas within the shoreline jurisdiction shall be regulated for any use, development, or activity as provided in accordance with this Program and Appendix whether or not a permit or Shoreline Letter of Exemption is required.

The proposed project is regulated by the WMC and the Woodland SMP and all proper permits will be approved prior to any ground disturbing activities.

D. If provisions of Appendix B and other parts of this Program conflict, the provisions most protective of ecological resources shall apply, as determined by the City.

The provisions most protective of ecological resources shall apply.

E. Unless otherwise stated, critical area buffers shall be protected and regulated in accordance with this Program and Appendix B.

The project is within Reach W-07, Lewis River. According to Table B-4 in Section 9.4 of Appendix B of the SMP, the RHA width is 150 feet. Review of historic aerial imagery dating back to 1955 shows the section of the Lewis River in the vicinity of the site has been altered by manmade processes and the addition of structures and is no longer in a natural state. The Lewis River was realigned in 1940 to accommodate construction of the Woodland Airport and Interstate-5 (I-5) and manmade processes such as deposition of fill, riverbank armoring, and channel deepening occurred to support this realignment. Large concrete

inclusions are present in the vicinity of the onsite shoreline and the embankments appear heavily disturbed, which further supports that manmade processes have altered the shoreline. Around the year 2007, permits were acquired, and additional fill was placed onsite to support future development, further decreasing the functionality of the shoreline. If approved by the City of Woodland (City), the RHA in the vicinity of the site shall be considered functionally isolated at the OHWM of the Lewis River according to WMC 15.08.730(D)(11). Lewis River is designated as a Type S by the Department of Natural Resources (DNR) and is considered a shoreline of statewide significance and as such is subject to shoreline regulations determined by the SMP (City of Woodland, 2021). Shoreline jurisdiction extends for 200 feet from the ordinary high-water mark (OHWM) of the Lewis River. However, because of the degraded state of the shoreline and the implementation of manmade structures, the shoreline is no longer in a natural state. If approved by the City, the FEMA designated regulatory floodway shall be considered the shoreline buffer, which is located in the vicinity of the OHWM of the Lewis River. The applicant is proposing a voluntary 50-foot RHA from the OHWM of Lewis River. The proposed 50-foot RHA shall be enhanced through the removal of invasive vegetation and the installation of native plantings, as a means of providing an overall ecological lift and minimizing impacts. This area will be enhanced, protected, monitored, and maintained, ensuring no net loss of ecological function.

~~F. These provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 3.1, Applicability. Critical area buffers that are located outside of shoreline jurisdiction shall be regulated by the Critical Area Regulations found in 15.08 WMC.~~

Does not apply. The proposal does not extend shoreline jurisdiction beyond the limits specified in this Program.

6.4 Flood Prevention and Flood Damage Minimization

This Program addresses flooding in two different ways. This Section includes flood hazard reduction measures, including flood control works, intended to avoid increasing hazards and minimize damage. Appendix B incorporates flood hazard protections by adopting Chapter 14.40, Flood Damage Prevention within the Critical Areas Regulations.

A. Development or uses in floodplains shall avoid significantly or cumulatively increasing flood hazards and shall be consistent with WMC 14.40, Flood Damage Prevention (1996).

The project engineer will provide a narrative regarding project design consistency with WMC 14.40, Flood Damage Prevention (1996).

B. New residential, commercial, or industrial development and uses, including subdivision of land, within shoreline jurisdiction are prohibited if it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures in the channel migration zone or floodway over the life of the development.

The proposal will not require structural flood hazard reduction measures as no work will be completed in the channel migration zone or floodway of the Lewis River.

C. The following uses and activities may be authorized in floodways or channel migration zones when otherwise permitted by this Program:

1. Actions and development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
2. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
3. Mining when conducted in a manner consistent with the SED and with Subsection 7.2.9 of this Program.
4. Bridges, utility lines, water-dependent public utilities, and other public utility and transportation structures where no other feasible alternative exists, or where the alternative would result in unreasonable and disproportionate costs. Were such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.
5. Repair and maintenance of an existing legally established use, provided flood hazards to other uses are not increased and that the activity does not cause significant ecological impacts that cannot be mitigated.
6. Development where structures exist that prevent active channel movement and flooding.
7. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited, and that the new development includes appropriate protection of ecological functions.
8. Measures to reduce shoreline erosion, if it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of impacts to ecological functions associated with the river or stream.

The proposed project area is not located in a channel migration zone or floodway.

~~D. Removal of materials for flood management purposes shall be consistent with an adopted flood hazard reduction plan and is allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution, except when the removal is part of a U.S. Army Corps of Engineers dredging activity.~~

Does not apply. Materials for flood management purposes will not be removed.

~~E. Channel Migration Zones:~~

Does not apply. The site is not within a channel migration zone.

~~F. Flood Control Works:~~

Does not apply.

G. Information Required. In addition to any information required as part of a critical areas assessment per Appendix B, the City shall require the applicant to provide the following information as part of an application for development within a flood hazard area. The City may also request additional information listed in WMC Chapter 14.40, Flood Damage Prevention (1996).

1. Flood hazard area characteristics up- and downstream or up- and down-current from the project area;

Upstream of the project area, flood hazards consist of 1 percent annual chance flood hazards. Downstream of the project area, flood hazards consist of 1 percent annual chance flood hazards and 0.2 percent annual chance flood hazards.

2. Existing shoreline stabilization and flood protection works within the area;

A levee exists along the western boundary of the site. The project is located outside of the maintained levee. No other shoreline stabilization or flood protection works exist in the area.

3. Physical, geological, and soil characteristics of the area;

According to the National Resources Conservation Service (NRCS), soils onsite consist of Newberg fine sandy loam, 0 to 3 percent slopes (141) and Pilchuck loamy fine sand, 0 to 8 percent slopes (160). The site is on dredged material and sits at a higher elevation than surrounding areas.

4. Biological resources and predicted impact to fish, vegetation, and animal habitat associated with shoreline ecological systems;

The proposed project will have no direct impacts on biological resources, as all development activities will be located outside of the vegetated portion of the riparian habitat. The proposed building area has limited habitat availability as it has been historically filled with dredged material and remains open and vegetated with pasture grasses only. Pasture grasses will be removed as part of site preparation, but no native woody vegetation will be removed, and the vegetated portion of the RHA will be enhanced to provide an ecological lift to the RHA. Indirect impacts will consist of increased runoff from new impervious surfaces and increased foot traffic from increased human presence. Construction of the stormwater retention and treatment facilities will abate increased runoff, as stormwater will be managed onsite before being released to natural flow routes downgrade of the development. Noise levels are already high due to existing surrounding land uses and I-5 to the west, so noise levels aren't expected to increase above existing ambient noise. Constructing a pedestrian trail and placing restrictive signage along the boundary will allow the public to enjoy the shoreline, while decreasing impacts to the RHA enhancement area.

5. Predicted impact upon adjacent area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and

Surrounding land uses consist of CC Street and an RV park to the north, a water treatment plant and I-5 to the west, an airport to the south, and the Lewis River to the east. Impacts to adjacent properties will be nominal, consisting primarily of increased traffic. Adjacent shoreline and water use may increase due to increased human presence. However, installation of the trail and restrictive signage will encourage the public to stay on designated trails, limiting impacts to natural shoreline processes.

6. Analysis of alternative flood protection measures, both structural and nonstructural.

If applicable, the project engineer will provide a narrative addressing flood protection measures within the project design.

6.5 Public Access

A. Applicability:

1. Public access shall be required in the following circumstances:

a. The use or development is a public project or is on public lands; or

b. The project is a water-enjoyment, water-related, or non-water-oriented use or development; or

c. The project is a residential development of more than four (4) dwelling units; or

d. The project is a subdivision of land into more than four (4) parcels; or

e. The project is a private water-dependent or water-related use or development and one of the following conditions exists:

i. The project increases or creates demand for public access; or

ii. The project impacts or interferes with existing access by blocking access or discouraging use of existing access; or

iii. The project impacts or interferes with public use of waters subject to the Public Trust Doctrine.

The project is a residential development of more than four dwelling units. Therefore, the project is required to provide public access. Access will be provided by constructing a pedestrian trail onsite. Due to the slope of the shoreline, water access will not be provided and will be limited to the trail.

2. Public access to the shoreline shall not be required for the following:

a. Activities qualifying for a SLE, and no other shoreline permit is required; or

b. New single-family residential development of four (4) or fewer units.

Does not apply. The project is a residential development of more than four dwelling units. Therefore, the project is required to provide public access.

3. Physical public access shall not be required where the new or expanded use or development is physically separated from the shoreline by another property or public right of-way.

Does not apply. The project is a residential development of more than four dwelling units. Therefore, the project is required to provide public access.

4. The City may approve alternatives to on-site, physical access to the shoreline if the applicant can demonstrate with substantial evidence that at least one of the following conditions exist:

a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any reasonable means.

b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.

c. The cost of providing the access, easement, or an alternative amenity, is unreasonably disproportionate to the total long-term cost of the proposed development.

d. Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, would result from public access on-site.

e. Significant undue and unavoidable conflict between access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; and/or

f. More effective public access can be provided off-site by focusing public access improvements at sites identified in the City's public access planning process conducted per WAC 173-26-221(4)(c).

Does not apply. The project is a residential development of more than four dwelling units. Therefore, the project is required to provide public access.

5. To be approved for alternative public access as described, the applicant shall demonstrate that all feasible alternatives have been considered, including, but not limited to, regulating access through allowed hours of use, maintaining access gate, and/or separating uses and activities with fences, terracing, hedges, etc.

Does not apply. The project is a residential development of more than four dwelling units. Therefore, the project is required to provide public access.

B. Public Access Standards

1. When public access is required and provided on-site, it shall be:

a. Located and designed to be compatible with the natural shoreline character, to avoid adverse impacts to shoreline ecological functions, and to ensure public safety.

Public access will be provided by the construction of a pedestrian trail. The trail will avoid adverse impacts to shoreline ecological functions and ensure public safety by providing a designated area for public enjoyment, with restrictive signage to prohibit encroachment into RHA enhancement areas and areas where the bank slope could be hazardous.

b. Allowed to encroach into the shoreline buffer when necessary to provide physical and or visual access to the water's edge when otherwise consistent with this Program and Appendix B, Critical Areas Regulations.

The trail will encroach into the shoreline buffer to provide visual access to the water's edge.

c. Connected to the nearest public street and shall include improvements that conform to the requirements of the ADA when feasible or required by law.

The trail will be accessed by a trailhead located at Tract B (ELS 2023, Critical Areas Report, Figure 3) which connects to Sandalwood Road. The trail will conform to applicable ADA requirements when feasible or required by law.

d. Fully developed and available for public use prior to final occupancy when required for public land, commercial, port, or industrial use/development.

Public access will be available for public use prior to final occupancy when required.

e. Clearly identified by signage installed and maintained in easily visible locations indicating the public's right of access, hours of access, and other information as needed to control or limit access according to conditions of approval.

Signage will be placed at the trailhead and along the trail in clearly visible locations indicating required information, which will limit access according to conditions of approval.

f. Recorded by easement and permit conditions on the deed of title and/or the face of a short or long plat. Recordation shall occur at the time of final plat approval or prior to final occupancy.

The trail will be recorded by easement and permit conditions on the deed of title, prior to final occupancy.

g. Consistent with all relevant constitutional and other legal limitations on regulation of private property.

The trail will be consistent with all relevant legal limitations.

2. Off-site or Alternative Public Access:

a. When public access is provided off-site, its location, design, and access type shall be consistent with the standards of Subsection B.1 of this Section and Woodland's Parks and Recreation Plan (2007) or the City's adopted Shoreline Public Access Plan.

b. When public access is allowed off-site, an applicant may elect to make a payment into the jurisdiction's Shoreline Public Access Fund in lieu of developing the access directly.

Does not apply. Public access will be provided onsite.

3. Public access requirements for a single-family residential development of greater than four (4) parcels but less than ten (10) parcels can be met by providing community access to the shoreline or to a common waterfront lot/tract for noncommercial recreation use by the property owners.

Does not apply. The project proposes 39 lots.

6.6 Vegetation Conservation

A. Unless otherwise specified, all shoreline uses, and development shall comply with the setback and buffer provisions of this Program included in Table 7-1 and Appendix B Table B-4, Critical Areas Regulations, to protect and maintain shoreline vegetation.

B. Vegetation clearing in shoreline jurisdiction shall be limited to the minimum necessary to accommodate approved shoreline development.

C. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of ecological functions as set forth in Section 6.1. Mitigation plans shall be approved and implemented before initiation of other permitted activities unless a phased schedule that ensures completion prior to occupancy has been approved.

D. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with applicable laws and standards.

The proposed project will protect and maintain shoreline vegetation, as all development activities will be located outside of the degraded vegetated portion of the riparian habitat. The proposed building area has been historically filled with dredged material and remains open and vegetated with pasture grasses only. Pasture grasses will be removed as part of

site preparation, but no native woody vegetation will be removed, and the vegetated portion of the degraded RHA will be enhanced, maintained, monitored, and protected, to provide an ecological lift to the RHA. Aquatic weed control is not necessary.

6.7 Water Quality and Quantity

A. All shoreline development shall comply with the applicable requirements of the City's Comprehensive Stormwater Plan, Comprehensive Plan, and best management practices to prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions and/or a significant impact to aesthetic qualities or recreational opportunities.

All applicable City laws and plans will be adhered to. The project proposes to construct two stormwater detention and treatment facilities to ensure impacts to water quality and quantity are minimized, resulting in no net loss to ecological functions or significant impacts to aesthetic qualities and recreational opportunities.

B. Stormwater management structures including ponds, basins, and vaults shall be located outside of shoreline jurisdiction and fish and wildlife habitat buffers identified in Appendix B, Table B-4 where possible. Low impact development facilities (which do not substantially change the character of the shoreline) such as vegetation filter strips, grass-lined swales, and vegetated bioretention and infiltration facilities, are encouraged in association with development allowed in shoreline jurisdiction.

All development will be located landward of the regulatory floodway. The majority of the site is located within shoreline jurisdiction and location of stormwater structures outside of shoreline jurisdiction is not feasible. The stormwater structures will be located outside of fish and wildlife habitat buffers and will follow all applicable City laws and plans.

~~C. Aerial application of pesticides, herbicides and fertilizers within shoreline jurisdiction is prohibited unless as part of a public agency program for control of noxious species or specific pests, for quarantine or public health purposes, or for a crisis exemption.~~

Does not apply. There will be no aerial applications of pesticides, herbicides, or fertilizers as a result of this project.

D. Sewage management. To avoid water quality degradation, sewer service is subject to the requirements outlined below.

1. Any existing septic system or other on-site system that fails or malfunctions will be required to connect to an existing municipal sewer service system if feasible or make system corrections approved by the Cowlitz County Environmental Health Unit.
2. Any new development, business, single-family or multi-family unit will be required to connect to an existing municipal sewer service system if feasible, or install an on-site septic system approved by Cowlitz County Environmental Health Unit.

Project sewage needs will be satisfied by connecting to an existing municipal sewer system.

7. SHORELINE USE AND MODIFICATION REGULATIONS

7.1 Shoreline Use, Modification, and Standards Tables

A. Table 7-1 Shoreline Use, Modification, Setbacks, and Heights, shall be used to determine which uses may be permitted, approved with a conditional use permit, or prohibited in each SED.

According to Table 7-1, this multi-family construction project is considered permitted within its High Intensity SED.

B. All new uses and development activities proposed for jurisdictional shoreline areas must comply with all provisions of the Woodland Municipal Code, as determined by the City.

All development activities for this project will comply with the WMC. For more information regarding project design, critical areas, and enhancement, refer to the Critical Areas Report for Lewis River Townhomes completed by ELS on September 6, 2023 (ELS, 2023).

~~C. Any new uses or modifications not defined in Table 7-1 shall be reviewed through a Shoreline Conditional Use Permit (SCUP).~~

Does not apply. This project is considered permitted according to Table 7-1.

D. Setbacks shall be measured on a horizontal plane landward from the required feature described in Table 7-1 below.

According to Table 7-1, a 10-foot building setback is required in addition to the voluntary 50-foot RHA. All required setbacks will be adhered to.

7.2 Shoreline Use Regulations

7.2.11 Residential

A. Single-family residential uses shall be permitted on all shorelines except the Aquatic environment, and shall be located, designed, and used in accordance with applicable policies and regulations of this Program and the SMA.

Does not apply. The project proposes the construction of a multi-family development consisting of 39 townhomes within 7 buildings. The townhomes will be located, designed, and used in accordance with this Program and the SMA.

B. New residential development shall comply with the shoreline buffer provisions established in Section 9.4 of Appendix B.

The project is within Reach W-07, Lewis River. According to Table B-4 in Section 9.4 of Appendix B of the SMP, the RHA width is 150 feet. Review of historic aerial imagery dating back to 1955 shows the section of the Lewis River in the vicinity of the site has been altered by manmade processes and the addition of structures and is no longer in a natural state. The applicant is proposing a voluntary 50-foot RHA from the OHWM of Lewis River. The proposed 50-foot RHA shall be enhanced through the removal of invasive vegetation and the installation of native plantings, as a means of providing an overall ecological lift. This area will be enhanced, protected, monitored, and maintained, ensuring no net loss of ecological function. For more information regarding RHA modifications, refer to the Critical Areas Report for Lewis River Townhomes completed by ELS on September 6, 2023 (ELS, 2023).

C. Redevelopment or expansion of existing residential structures shall also conform to the provisions in Section 3.3 of this SMP.

Does not apply. The project proposes the construction of new residential structures and does not propose to redevelop or expand existing residential structures.

D. All new residential uses and development, including subdivisions, short plats, accessory uses and structures:

1. Shall be designed such that no shoreline stabilization measures are necessary.
2. Shall be located and designed to minimize view obstructions to and from the shoreline from other properties.
3. Shall be prohibited in, over, or floating on the water
4. Shall be prohibited in floodways and channel migration zones.

The project will require no new shoreline stabilization measures and will not obstruct the shoreline view from other properties. No construction will take place in, over, or on top of the water. The project is not located in a channel migration zone. A portion of the site is located within a floodway; however, all construction activities will be located outside of this area.

E. New residential lots shall be configured such that structural flood hazard reduction and shoreline stabilization measures are not now and will not be required during the life of the development or use.

No structural flood hazard reduction or shoreline stabilization measures are or will be required for the development.

F. New residential lots shall be configured such that siting and construction are feasible while achieving no net loss of ecological functions.

All development activities will be located outside of the vegetated portion of the degraded RHA. The proposed building area has been historically filled with dredged material and remains open and vegetated with pasture grasses only. Pasture grasses will be removed as part of site preparation, but no native woody vegetation will be removed. Construction will achieve no net loss of ecological functions, as the applicant is proposing a voluntary 50-foot RHA which will be enhanced, maintained, monitored, and protected, achieving an ecological lift.

G. Where housing developments are proposed in locations that would interrupt existing shoreline views, primary structures shall provide for reasonable view corridors. The City may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

The project will construct a trail along the shoreline to increase shoreline views. There will also be view corridors located between the buildings. There are no existing views from buildings or residences that will be interrupted. Views of the river in this area are from I-5 and a water treatment plant.

7.2.12. **Transportation and Parking**

A. Roads, Railroads and Bridges

1. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside of the shoreline jurisdiction wherever possible unless location outside of shoreline jurisdiction is demonstrated to be infeasible.

A paved private road that accesses the development via Sandalwood Road will provide residents with access to the townhomes. A portion of this road will be located within shoreline jurisdiction, as locating development outside of shoreline jurisdiction is not feasible due to the majority of the site being located within 200 feet of the OHWM of the Lewis River.

2. When transportation facilities are demonstrated to be necessary in shoreline jurisdiction or if no other feasible location exists the applicant shall demonstrate that new or expanded facilities are designed to:

a. Minimize impacts to critical areas and associated buffers and to minimize alterations to the natural or existing topography to the extent feasible; and

b. Avoid or minimize the need for shoreline stabilization.

The majority of the site is located within shoreline jurisdiction, but the shoreline is degraded and functionally isolated by manmade structures and activities. The private road will be located as far west as possible, landward of the OHWM. The private road is proposed outside of the voluntary RHA and on the landward side of the proposed development. Shoreline stabilization will not be needed.

~~3. New transportation crossings over streams shall be avoided, but where necessary shall utilize bridges rather than culverts to the extent feasible.~~

Does not apply. There will be no stream crossings.

~~4. Requirements for bridge and culvert installation crossing all streams shall be consistent with the Washington Department of Fish and Wildlife's site-specific Hydraulic Project Approval standards.~~

Does not apply. No bridges will be constructed, and any culverts installed will not cross any streams.

5. All excavation materials and soils exposed to erosion by all phases of road, bridge and culvert work shall be stabilized and protected by seeding, mulching or other effective means, both during and after construction.

The project will adhere to BMPs including installing silt fencing along construction limits, storing heavy equipment in an upland area away from the RHA, and seeding and mulching during and after construction.

~~6. Private access roads or driveways providing ingress and egress for individual single-family residences, or lots shall be limited to the minimum width allowed by the fire code.~~

Does not apply. The project proposes to construct 7 buildings comprising 39 townhomes, making it a multi-family development. All applicable fire codes will be adhered to.

~~7. Bridges shall provide the maximum length of clear spans feasible with pier supports to produce the minimum amount of deflection feasible.~~

Does not apply. No bridges will be constructed.

B. Non-Motorized Facilities

1. Non-motorized facilities, such as trails, shall comply with provisions for public access that are part of this Program.

The proposed trail will comply with the public access provisions of this program. For more details, refer to Section 6.5 of this narrative.

2. New or expanded non-motorized transportation facilities shall be located outside of critical areas and their associated buffers. With demonstration that the trail cannot be located outside of the buffer, the trail can be located in the outer 25 percent of the critical area buffer. The following trail types are exceptions and may locate closer to the OHWM:

a. Soft-surface trails (mulch, or dirt), not wider than three (3) feet constructed for public access to shoreline areas.

i. This exception does not apply to Critical Area buffers for Category I, II, or III Wetlands.

ii. Trail construction and maintenance shall minimize removal of vegetation (trees, shrubs, etc.) avoid important wildlife habitat, and shall not result in a net loss of ecological functions.

iii. This exception does not apply to trail parking, shelters, bathrooms, and any similar related structures.

iv. All provisions of Appendix B, Critical Area Regulations must be met.

The proposed trail will be located within the voluntary 50-foot RHA and is required by the SMP for public access to the shoreline. If the trail is located in the inner 75 percent of the RHA, it will consist of a soft surface not wider than 3 feet and will adhere to all provisions of Appendix B of this Program.

3. Elevated walkways shall be utilized where feasible to cross wetlands and streams if a trail is not feasible outside of the critical area and associated buffer.

Does not apply. No wetlands or streams will be crossed.

C. Parking facilities are not a preferred use and shall be allowed only where necessary to support an authorized use. Parking facilities accessory to a permitted use shall be:

1. Set back as far as possible from the OHWM and outside shoreline jurisdiction where feasible;

2. Located outside of critical areas and associated buffers where feasible; and

3. Located on the landward side of the proposed development or use.

As the majority of the site is within shoreline jurisdiction, locating parking facilities outside of shoreline jurisdiction is not feasible. Each townhome will have a designated parking area in front of the unit, with no additional parking proposed. Parking is proposed outside of the voluntary RHA and on the landward side of the proposed development.

D. Facility lighting must be designed and operated to avoid illuminating nearby properties or public areas; prevent glare on adjacent properties, public areas, or roadways to avoid infringing on the use and enjoyment of such areas; and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas, and screening. Lighting must be directed away from critical areas unless necessary for public health and safety.

Facility lighting will be designed and operated to be consistent with this Program. Lighting will be directed away from critical areas unless necessary for public health and safety.

7.3 Shoreline Modification Regulations

7.3.3 Fill and Excavation

A. Fill may be placed in flood hazard areas only when otherwise allowed by the frequently flooded areas regulations in this Program (Chapter 7 in Appendix B) and where it is demonstrated in a hydrogeological report prepared by a qualified professional that adverse impacts to hydrogeologic processes will be avoided.

The project engineer will provide a narrative regarding project design consistency with Appendix B, Chapter 7 of this Program and WMC 14.40, Flood Damage Prevention (1996).

B. Fill below or waterward of the OHWM for any use except ecological restoration requires a SCUP. Fill may be placed below the OHWM only when it is demonstrated that the fill is necessary to:

1. Accomplish an aquatic habitat restoration plan.
2. Support a mitigation action, environmental restoration, beach nourishment or other enhancement project.
3. Correct the adverse results of past shoreline modification that have disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat.
4. Support a water-dependent use.
5. Serve as part of a public access proposal.
6. Support cleanup of contaminated sediments as part of an interagency environmental clean-up plan or permitted under MTCA or CERCLA.
7. Expand or alter transportation facilities of statewide significance currently located on the shoreline only when demonstrated that alternatives to fill are not feasible.

Does not apply. Fill will not be placed waterward of the OHWM.

C. Fill is restricted in wetlands or fish and wildlife habitat conservation areas in accordance with the critical areas standards in this Program and Appendix B, Chapters 5 and 6.

Chapter 5 of Appendix B of this program does not apply, as there are no wetlands onsite. Chapter 6 of Appendix B of this program does not apply, as there are no Critical Aquifer Recharge Areas onsite. The proposal will adhere to critical areas standards in this Program.

D. Excavation of previously deposited dredge spoils above the OHWM may be permitted if the spoils site is part of a dredge materials management plan and the spoils were not originally placed as part of a beach nourishment or other shoreline restoration project.

The proposed building area has been historically filled with dredged material that was not associated with beach nourishment or other shoreline restoration projects.

E. Excavation below the OHWM is considered dredging and is subject to provisions in Subsection 7.3.4, Dredging and Dredge Material Disposal.

Does not apply. Excavation will not take place below the OHWM.